



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE
Open Meeting Agenda

Date: Wednesday, April 15, 2020
Time: 9:00 am
Location: RDCK Board Room, 202 Lakeside Dr., Nelson, BC

Directors will have the opportunity to participate in the meeting electronically. Proceedings are open to the public.

Pages

1. **CALL TO ORDER**
2. **ADOPTION OF THE AGENDA**

RECOMMENDATION:

The agenda for the April 15, 2020 Rural Affairs Committee meeting be adopted as circulated.

RECOMMENDATION:

That for the April 15, 2020 Rural Affairs Committee meeting the Chair ask only for opposed votes instead of in favour and opposed as per *RDCK Procedure Bylaw No. 2576, 2019* Section 17 (3) to expedite the process.

3. **DELEGATIONS**
No Delegations.
4. **PLANNING & BUILDING**

- 4.1 **BUILDING BYLAW CONTRAVENTION - 1081764 B.C. Ltd. Inc. No. BC1081764**
File No.: 3135-20-B-786.05562.000
3305 Erickson Road
(1081764 B.C. Ltd. Inc. No. BC1081764)
Electoral Area B

15 - 21

The Committee Report dated October 11, 2019 from Brandon Vigne, Building Official, re:Building Bylaw Contravention (1081764 B.C. Ltd. Inc.

No. BC1081764), has been received.

Rural Affairs Committee - November 20, 2019

*That the following motion **be REFERRED** to the January 15, 2020 Rural Affairs Committee meeting:*

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the Community Charter by the Regional District Board relating to land at 3305 Erickson Road, Electoral Area B, legally described as Parcel A (See 1047661), District Lot 5617, Kootenay District except Part included in SRW Plan 15483, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

Rural Affairs Committee - January 15, 2020

*That the following motion **be REFERRED** to the February 19, 2020 Rural Affairs Committee meeting:*

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the Community Charter by the Regional District Board relating to land at 3305 Erickson Road, Electoral Area B, legally described as Parcel A (See 1047661), District Lot 5617, Kootenay District except Part included in SRW Plan 15483, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

Rural Affairs Committee - February 19, 2020

*That the following motion **be REFERRED** to the March 18, 2020 Rural Affairs Committee meeting:*

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the Community Charter by the Regional District Board relating to land at 3305 Erickson Road, Electoral Area B, legally described as Parcel A (See 1047661), District Lot 5617, Kootenay District except Part included in SRW Plan 15483, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

NOTE: Item was referred to the March 18, 2020 Rural Affairs Committee (RAC) meeting but was missed on the agenda. This item will be addressed

at the April 15, 2020 RAC meeting.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 3305 Erickson Road, Electoral Area B, legally described as Parcel A (See 1047661) District Lot 5617 Kootenay District, except Part included in SRW Plan 15483, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

4.2 BUILDING BYLAW CONTRAVENTION - TREMBLAY

22 - 26

File No.: 3135-20-E-707 .08234.075

4338 Blewett Road

(Ryan Tremblay)

Electoral Area E

The Committee Report dated January 22, 2020 from Lee Voykin, Building Official, re: Building Bylaw Contravention (Tremblay), has been received.

Rural Affairs Committee - March 18, 2020

*That the following motion **be REFERRED** to the April 15, 2020 Rural Affairs Committee meeting:*

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the Community Charter by the Regional District Board relating to land at 4338 Blewett Road, Electoral Area E, legally described as Lot A District Lot 6306 Kootenay District, Plan 16070, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of

the *Community Charter* by the Regional District Board relating to land at 4338 Blewett Road, Electoral Area E, legally described as Lot A District, Lot 6306 Kootenay District, Plan 16070, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

4.3 BUILDING BYLAW CONTRAVENTION - BIRK

27 - 32

File No.: 3135-20-G-707 .01328.050

109 Kalamalkoff Road

(Jamie and Selina Birk)

Electoral Area G

The Committee Report dated January 17, 2020 from Graeme Wood, Building Official, re: Building Bylaw Contravention (Birk), has been received.

The Consent Form dated February 9, 2020 from Jamie Birk and Selina Birk re: Consent to file a Notice in the Land Title Office on property legally described as Lot 1 District Lot 1237 Kootenay District Plan 5752, has been received.

Rural Affairs Committee - March 18, 2020

That the following motion be REFERRED to the April 15, 2020 Rural Affairs Committee meeting:

*That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 109 Kalamalkoff Road Electoral Area G, legally described as Lot 1 District Lot 1237 Kootenay District Plan 5752, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.*

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 109 Kalamalkoff Road Electoral Area G, legally described as Lot 1 District Lot 1237 Kootenay District Plan 5752, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

4.4 BUILDING BYLAW CONTRAVENTION - ROBSON & GOURLAY

33 - 38

File No.: 3135-20-G-707 .05656.100

4247 Ross Spur Road

(Stanley Robson and Lorinda Gourlay)

Electoral Area G

The Committee Report dated January 17, 2020 from Graeme Wood, Building Official, re: Building Bylaw Contravention (Robson & Gourlay), has been received.

Rural Affairs Committee - March 18, 2020

That the following motion be REFERRED to the April 15, 2020 Rural Affairs Committee meeting:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the Community Charter by the Regional District Board relating to land at 4247 Ross Spur Road, Electoral Area G, legally described as Lot 2 District 1237 Kootenay District Plan 11263, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 4247 Ross Spur Road, Electoral Area G, legally described as Lot 2, District 1237, Kootenay District Plan 11263, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

4.5 BUILDING BYLAW CONTRAVENTION - WEARING

39 - 44

File No.: 3135-20-H-707.09537.000 BP24230

3635 Toris Lane

(Douglas and Christine Wearing)

Electoral Area H

The Committee Report dated January 30, 2020 from Graeme, Building Official, re: Building Bylaw Contravention (Wearing), has been received.

Rural Affairs Committee - March 18, 2020

That the following motion be REFERRED to the April 15, 2020 Rural Affairs Committee meeting:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the Community Charter by the Regional District Board relating to land at 3635 Toris Lane, Electoral Area H, legally described as District Lot 9303 Kootenay District, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 3635 Toris Lane, Electoral Area H, legally described as District Lot 9303 Kootenay District, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

4.6 BUILDING BYLAW CONTRAVENTION - NEGRAEFF

45 - 50

File No.: 3135-20-I-709.09398.244

**2113 Cherry Lane
(Tamara Negraeff)
Electoral Area I**

The Committee Report dated January 9, 2020 from Lee Voykin, Building Official, re: Building Bylaw Contravention (Negraeff), has been received.

Rural Affairs Committee - March 18, 2020

That the following motion be REFERRED to the April 15, 2020 Rural Affairs Committee meeting:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the Community Charter by the Regional District Board relating to land at 2113 Cherry Lane, Electoral Area I, legally described as Lot B Plan NEP15280, District Lot 8640, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 2113 Cherry Lane, Electoral Area I, legally described as Lot B, Plan NEP15280, District Lot 8640, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

4.7 BUILDING BYLAW CONTRAVENTION - HALCYON
File No.: 3135-20-K-710.01000.474
5761 Highway
(Halcyon Point Development)
Electoral Area K

51 - 56

The Committee Report dated February 7, 2020 from Peter Southin, Building Official, re: Building Bylaw Contravention (Halcyon), has been received.

Rural Affairs Committee - March 18, 2020

That the following motion be REFERRED to the April 15, 2020 Rural Affairs Committee meeting:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the Community Charter by the Regional District Board relating to land at 5761 Highway, 23 Electoral Area K, legally described Lot 1, Plan Nep91134, District Lot 100 Kootenay Lake District & DL 2451, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 5761 Highway 23, Electoral Area K, legally described Lot 1, Plan Nep91134, District Lot 100 Kootenay Lake District & DL 2451, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on

normal working days during regular office hours.

4.8 BUILDING BYLAW CONTRAVENTION - TENSEN

File No.: 3135-20-K-710.00013.000

229 Robinson Road

(Harry and Debra Tensen)

Electoral Area K

The Committee Report dated February 6, 2020 from Peter Southin, Building Official, re: Building Bylaw Contravention (Tensen), has been received.

Rural Affairs Committee - March 18, 2020

That the following motion be REFERRED to the April 15, 2020 Rural Affairs Committee meeting:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the Community Charter by the Regional District Board relating to land at 229 Robinson Road, Electoral Area K, legally described as Township 69 Section 2 Kootenay Land District, Part E 1/2 of NE 1/4, EXC PCL's A & B (Ref PI707461I), and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 229 Robinson Road, Electoral Area K, legally described as Township 69 Section 2 Kootenay Land District, Part E 1/2 of NE 1/4, EXC PCL's A & B (Ref PI707461I), and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular.

4.9 BUILDING BYLAW - 2206 SOUTH SHEPPARD ROAD

57 - 58

File No.: 3135-20-E-707.02052.200

2206 South Sheppard Road

Electoral Area E

The Committee Report dated February 26, 2020 from Pam Guille, Bylaw Enforcement Officer, re: Building Bylaw - 2206 South Sheppard Road, has been received.

Rural Affairs Committee - March 18, 2020

*That the following motion **be REFERRED** to the April 15, 2020 Rural Affairs Committee meeting:*

That the Board rescind Resolution No. 633/17 directing staff to proceed with the injunctive process relating to land at 2206 South Sheppard Road, Electoral Area E, legally described as: Lot 2, District Lot 304, Kootenay District, Plan 12530 due to voluntary compliance being achieved.

RECOMMENDATION:

That it be recommended to the Board:

That the Board rescind Resolution No. 633/17 directing staff to proceed with the injunctive process relating to land at 2206 South Sheppard Road, Electoral Area E, legally described as Lot 2, District Lot 304, Kootenay District, Plan 12530 due to voluntary compliance being achieved.

4.10 APPLICATION FOR A TEMPORARY USE PERMIT - SMITH & BRYANS

59 - 95

File No.: T2001A-04985.000

5437 Cory Road

(Debbie Smith, Dean Bryans & Elizabeth Bryans)

Electoral Area A

The Committee Report dated April 1, 2020 from Eileen Senyk, Planner, re: Application for a Temporary Use Permit (Smith & Bryans), has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board refer the Temporary Use Permit T2001A from Dean Bryans and Debbie Smith for the property located at 5437 Cory Road, Wynndel and legally described as Lot 1, District Lot 4595, Kootenay District Plan 1585, Except Parcel A (See 1435071) (PID 015-849-601) to a public information meeting; AND FURTHER, the public meeting be held once the Province allows for public gatherings due to the 2019 Novel Coronavirus (COVID-19).

RECOMMENDATION:

That it be recommended to the Board:

That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area a Director Garry Jackman is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

4.11 NON-ADHERING RESIDENTIAL USE IN THE ALR - LEDUC

96 - 109

File No.: A1923B.04482.200/LEDUC/ALC00107

1571 Lakeview-Arrow Creek Road

(Scottie Leduc)

Electoral Area B

The Committee Report dated March 6, 2020 from Tamara Dale, Planner, re: Non-adhering Residential Use in the ALR (Leduc), has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board NOT SUPPORT application A1923B for the purposes of a non-adhering residential use as proposed by Scottie Leduc for property located at 1571 Lakeview-Arrow Creek Road, and legally described as Lot B District, Lot 4592, Kootenay Land District Plan EPP44690 (PID 029-529-832).

4.12 KOOTENAY LAKE DEVELOPMENT PERMIT AREA REVIEW

110 - 119

File No.: 10\5100\20\KOOTENAY LAKE DPA

Electoral Area A, D, E & F

The Committee Report dated March 31, 2020 from Dana Hawkins, Planner, re: Kootenay Lake Development Permit Review, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board DIRECT staff to undertake the Kootenay Lake Development Permit Review as described in the Committee Report – Kootenay Lake Development Permit Review dated March 31, 2020.

4.13 COMMUNITY HERITAGE REGISTER

120 - 207

File No.: 10\4970\30\2019 HERITAGE REGISTRY PROJECT

Electoral Area A, C, D, E, G, H, I, J & K.

The Committee Report dated March 31, 2020 from Dana Hawkins, Planner re: Community Heritage Register, has been received.

RECOMMENDATION:

That it be recommended to the Board:

THAT the report titled 'Community Heritage Register: Regional District of Central Kootenay' by Denise Cook Design, Elana Zysblat and Berdine Jonker dated April 6, 2020 BE RECEIVED for information;

AND THAT the Board of the Regional District of Central Kootenay, pursuant to Section 598 of the *Local Government Act* – Community Heritage Register that identifies real property considered by the local government to be heritage property hereby resolves that:

The Board of the Regional District of Central Kootenay supports the establishment of a Community Heritage Register as part of the heritage service in Electoral Areas A, C, D, E, G, H, I, J, K;

AND THAT the following list of heritage resources, identified as having heritage value, be included on the initial heritage register:

1. J. B. Fletcher General Store
2. Kp'itl'els
3. Idaho Peak Fire Lookout
4. Slocan Valley Rail Trail
5. Burton Historical Park and Campground;

AND THAT pursuant to Section 592 of the *Local Government Act*, the Regional District of Central Kootenay must give notice of this to the owner of the heritage property; and pursuant to Section 595 of the *Local Government Act*, the Regional District of Central Kootenay must give notice of this to the provincial heritage minister.

4.14 PLANNING PROCEDURES AND FEES BYLAW UPDATE
File No.: 10-5110-20-RDCK PROCEDURES AND FEES
All Electoral Areas

208 - 243

The Committee Report dated March 5, 2020 from Dana Hawkins, Planner, re: Planning Procedures and Fees Bylaw Update, has been received.

Rural Affairs Committee - March 18, 2020

That the following motion be REFERRED to the April 15, 2020 Rural Affairs Committee meeting:

THAT the Regional District of Central Kootenay Planning Procedures and Fees Amendment Bylaw No. 2682, 2020 being a bylaw to amend the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015 is hereby given THIRD reading by content.

RECOMMENDATION:

That it be recommended to the Board:

THAT the Regional District of Central Kootenay Planning Procedures and Fees Amendment Bylaw No. 2682, 2020 being a bylaw to amend the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015 is hereby given THIRD reading by content.

4.15 AGRICULTURE LAND RESERVE EXCLUSION POLICY
File No.: 10\5200\20\AG_AGRICULTURE_POLICY_REVIEW\PHASE2-2019
All Electoral Areas

244 - 262

The Committee Report dated April 1, 2020 from Dana Hawkins, Planner, re: Agriculture Land Reserve Exclusion Policy, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board DIRECT staff to draft an Agriculture Land Reserve (ALR) Exclusion Policy where the Rural Affairs Committee (RAC) shall review requests for property exclusion from ALR lands as part of the Official Community Plan review process or other relevant policy projects and that this draft policy be brought back for further consideration by the RAC and Board.

5. ENVIRONMENTAL SERVICES

- 5.1 COMMUNITY WORKS FUND APPLICATION – LISTER PARK REVITALIZATION PROJECT** 263 - 273
File No.: 1850-20-CW-215
Electoral Area B

The Committee Report dated March 31, 2020 from Tanji Zumpano, Water Services Liaison, re: Community Works Fund Application - Lister Park Revitalization Project, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Community Works Fund application submitted by the Lister Community Association for the Lister Park Revitalization Project in the total amount of \$142,486 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area B;

SUBJECT TO submission of all required RDCK and IH permit applications.

- 5.2 COMMUNITY WORKS FUND APPLICATION - NELSON & DISTRICT COMMUNITY COMPLEX ARENA LIGHTING CONVERSION PROJECT** 274 - 284
File No.: 1850-20-CW-216
Electoral Area E & F

The Committee Report dated March 23, 2020 from Tanji Zumpano, Water Services Liaison, re: Nelson & District Community Complex Arena Lighting Conversion Project, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the RDCK Community Works Fund application submitted for the Nelson & District Community Complex Arena Lighting Conversion Project in the total amount of \$40,000 be approved and that funds be disbursed from the following Community Works Funds:

Electoral Area E in the amount of \$20,000;
Electoral Area F in the amount of \$20,000.

- 5.3 COMMUNITY WORKS FUND APPLICATION - NELSON TENNIS CLUB MULTISPORT COMPLEX FACILITY CENTRE COMPLETION PROJECT** 285 - 297
File No.: 1850-20-CW-215
Electoral Area F

The Committee Report dated March 16, 2020 from Tanji Zumpano, Water Services Liaison, re: Nelson Tennis Club Multisport Complex Facility Centre Completion Project, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Community Works Fund application submitted by the Nelson Tennis Club for the Nelson Tennis Club Multisport Complex Facility Centre Completion Project in the total amount of \$20,000 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area F.

5.4 COMMUNITY WORKS FUND APPLICATION – WINLAW REGIONAL & NATURE PARK BOARDWALK REPLACEMENT PROJECT
File No.: 1850-20-CW-211
Electoral Area H

298 - 309

The Committee Report dated March 30, 2020 from Tanji Zumpano, Water Services Liaison, re: Community Works Fund Application - Winlaw Regional & Nature Park Boardwalk Replacement Project, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the RDCK Community Works Fund application submitted for the Winlaw Regional & Nature Park Boardwalk Replacement Project in the total amount of \$100,000 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area H.

5.5 REGIONAL DISTRICT OF CENTRAL KOOTENAY WATER BYLAW NO. 2712, 2020
File No.: 08-3200-10-2712
All Electoral Areas

310 - 365

The Committee Report dated March 25, 2020 from Jason McDiarmid, Utility Services Manager, re: Regional District of Central Kootenay Water Bylaw No. 2712, 2020, has been received.

RECOMMENDATION:

That it be recommended to the Board:

1.) THAT the Regional District of Central Kootenay Water Bylaw No. 2712, 2020 is hereby read the FIRST, SECOND, and THIRD time by content;

2.) THAT the Regional District of Central Kootenay Water Bylaw No. 2712, 2020 is hereby ADOPTED and the Chair and Secretary are authorized to sign same.

5.6 REGIONAL DISTRICT OF CENTRAL KOOTENAY UTILITIES RATES, FEES, AND CHARGES BYLAW NO. 2713, 2020
File No.: 08-3200-10-2713
All Electoral Areas

366 - 419

The Committee Report dated March 25, 2020 from Jason McDiarmid,

Utility Services Manager, re: Regional District of Central Kootenay Utility Rates, Fees and Charges Bylaw No. 2713, 2020, has been received.

RECOMMENDATION:

That it be recommended to the Board:

1.) THAT the Regional District of Central Kootenay Utility Rates, Fees, and Charges Bylaw No. 2713, 2020 is hereby read the FIRST, SECOND, and THIRD time by content;

2.) THAT the Regional District of Central Kootenay Utility Rates, Fees, and Charges Bylaw No. 2713, 2020 is hereby ADOPTED and the Chair and Secretary are authorized to sign same.

5.7 WATER BILL PAYMENT DEADLINE EXTENSION
File No.: 08-3200-10-2713
All Electoral Areas

420 - 423

The Committee Report dated April 6, 2020 from Jason McDiarmid, Utility Services Manager, re: Water Bill Payment Deadline Extension, has been received.

RECOMMENDATION:

That it be recommended to the Board:

THAT the RDCK water bill payment deadline identified in Regional District of Central Kootenay Utilities Rates, Fees and Charges Bylaw No. 2713, 2020, Sections 6 (2), 7 (7), 10 (3) and 10 (5) be extended until September 1st, 2020 due to 2019 Novel Coronavirus pandemic (COVID-19).

5.8 FOR INFORMATION: SUMMARY OF ADVERSE WATER SAMPLE RESULTS FROM JANUARY 1, 2020 TO MARCH 31, 2020
File No.: 5700-02

424 - 425

The Memorandum - Summary of Adverse Water Sample Results dated April 2, 2020 from Alexandra Divlakovski, Environmental Coordinator - Utility Services, has been received for information.

6. RURAL ADMINISTRATION

No Items.

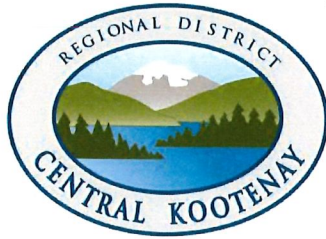
7. PUBLIC TIME

The Chair will call for questions from the public and members of the media at _____ a.m./p.m.

8. ADJOURNMENT

RECOMMENDATION:

The meeting be adjourned at _____



REGIONAL DISTRICT OF CENTRAL KOOTENAY Committee Report

Date of Report: October 11, 2019
Date & Type of Meeting: November 20, 2019 Rural Affairs Committee
Author: Brandon Vigne, Building Official
Subject: NOTICE ON TITLE REPORT
File: 3135-20-B-786.05562.000
Registered Owners: 1081764 B.C. Ltd. Inc. No. BC1081764
Civic Address: 3305 Erickson Road
Legal Description: Parcel A (see (1047661) District Lot 5617 Kootenay District except Part included in SRW Plan 15483
Zoning: 2316-AG1
ALR: Yes

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property as a consequence of a building bylaw contravention - Commencing construction without a valid building permit.

SECTION 2: BACKGROUND / ANALYSIS

Aug 29, 2018 Stop Work order posted on the construction of a building at the above noted address;
Oct 24, 2018 First stop work order letter sent;
Nov 21, 2018 A contractor from the site came into the Creston RDCK Building Office to ask direction on how to rectify the situation. The Building Official advised that a Record of Septic and construction drawings are required;
Jan 29, 2019 Second stop work order letter sent;
Sep 17, 2019 The Building Official visited the site and verified site bathrooms and shower rooms are fully functional;
Oct 15, 2019 No further contact; health and safety concerns unknown;



Photos taken September 17, 2019





SECTION 3: DETAILED ANALYSIS	
a. Financial Considerations – Cost and Resource Allocations:	
Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
In keeping with past practice, and further to Building Bylaw Section 22, the following estimate of penalties and costs are provided:	
Notice on Title Removal Fee	\$750.00
RDCK Building Permit Fee based on construction remaining or total construction in the case of a Stop Work Order	
Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit Fee) Minimum \$200.00	\$200.00
b. Legislative Considerations (Applicable Policies and/or Bylaws):	
<ol style="list-style-type: none"> 1. Section 57 Community Charter; 2. BC Building Code; 3. RDCK Policy No. 400-01-03 Action for Compliance – Notice on Title Procedures; 4. Building Bylaw Contravention – This contravenes RDCK Building Bylaw 2200, Section 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system or other work related to construction unless a building official has issued a valid and subsisting permit for the work. 	
c. Environmental Considerations:	
N/A	
d. Social Considerations:	
N/A	
e. Economic Considerations:	
N/A	
f. Communication Considerations:	
N/A	
g. Staffing/Departmental Workplan Considerations:	
N/A	
h. Board Strategic Plan/Priorities Considerations:	
N/A	
SECTION 4: OPTIONS & PROS / CONS	
<ol style="list-style-type: none"> 1. Do not accept recommendation as presented – the property will remain in contravention of the BC Building Code and RDCK Building Bylaw. 2. Accept recommendation as present – file Notice on Title. 	

SECTION 5: RECOMMENDATION(S)

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 3305 Erickson Road Electoral Area B, legally described as Parcel A (See 104766I) District Lot 5617 Kootenay District except Part included in SRW Plan 15483, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

Respectfully submitted,

Originally signed by John Southam.

Signature:

Name: Brandon Vigne, Building Official

CONCURRENCE

Initials:

General Manager of Development Services Originally signed by Sangita Sudan.

Chief Administrative Officer Originally signed by Stuart Horn.

Building Manager Originally signed by John Southam.



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
Telephone (250) 352-6665
BC Toll Free 1-800-268-7325

Web: www.rdck.ca
Email: info@rdck.bc.ca
Fax: (250) 352-9300

BY REGISTERED MAIL

Date October 24, 2019 File: 3135-20-B-786.05562.000

REGISTERED OWNERS:

1081764 BC LTD
3311 ERICKSON RD
CRESTON BC V0B 1G9

SUBJECT:

Bylaw contravention on property legally described as: Parcel A (see 1047661) District Lot 5617 Kootenay District except part included in SRW Plan 15483

CIVIC ADDRESS:

3305 Erickson Road

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting. The next meeting date is as follows:

Date:

November 20, 2019

Time:

Delegations will be received beginning at **9:00 am**. Please enter the Boardroom and be seated in the gallery seating to wait until your item is called to be dealt with by the Committee. **(Maximum 15 minutes for each delegation)**

Location:

RDCK Boardroom (*entrance at front of building*) 202 Lakeside Drive, Nelson, BC

At this time committee members will consider making a recommendation to the Regional District Board to direct the Secretary to file a Notice, in the Land Title Office under Section 57 of the *Community Charter*, against the above noted property.

Please advise in advance whether you and/or a representative, who may be legal council, will be present at the Rural Affairs Committee meeting by contacting the Administration Department at 250 352 8160 or by email alund@rdck.bc.ca no less than 3 business days prior to the meeting.

Should you prefer not to attend the RAC meeting and have no objection to the filing of the subject Notice, please sign and return the attached statement in the stamped, self-addressed envelope. All owners named on the statement must sign this statement. This will allow the secretary to proceed with filing of the Notice against your property in the Land Title Office. A copy of the Notice will be forwarded for your records.

A copy of the building official's report relative to your property is attached for your reference, as well as a copy of Section 57 of the *Community Charter*.

In order to avoid a Notice on Title, you must contact the building department to resolve concerns noted in the building official's report **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the writer at either 1-800-268-7325 or 250-352-8156.

Yours truly,

Building Official

Enclosures

CC: Electoral Area B Director

REGIONAL DISTRICT OF CENTRAL KOOTENAY

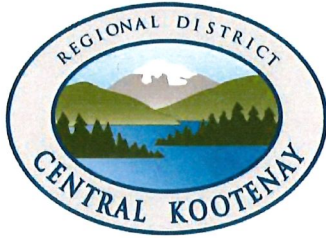
FILING OF SECTION 57 NOTICE

Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

We/I, **signing authority for 1081764 B.C. Ltd.**, hereby confirm that we/I have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the *Community Charter* against our/my property legally described as **Parcel A (see 1047661) District Lot 5617 Kootenay District except part included in SRW Plan 15483**

DATE

DATE



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: January 22, 2020
Date & Type of Meeting: March 18, 2020 Rural Affairs Committee
Author: Lee Voykin-Building Officials
Subject: NOTICE ON TITLE REPORT
File: 3135-20-E-707.08234.075
Registered Owners: Ryan Tremblay
Civic Address: 4338 Blewett Road
Legal Description: Lot A District Lot 6306 Kootenay District Plan 16070
Zoning: NO
ALR: YES

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property as a consequence of a building bylaw contravention – commencing construction prior to obtaining a valid building permit.

SECTION 2: BACKGROUND / ANALYSIS

October 3, 2016- Building Permit application received and started “in take” process

March 17, 2017- Building Official sent email to owner requesting payment and update on Building Permit.

February 14, 2018- No response from owner regarding payment and update. Building Official posted a Stop Work Order and a Do Not Occupy on owners structure, followed by a letter to the owner on Feb 15, 2018 due to building prior to a permit being issued.

March 26, 2018- Second infraction notice mailed to the owner.

April 3, 2018- owner called to inform us that he is working on getting his HPO and and he will no longer be working on the project.

May 31, 2018- Final infraction notice mailed to the owner.

June 20, 2018- Building official spoke with owner and owner is working up North and trying to write HPO.

November 27, 2018- owner called to say he is working in remote locations, studying and hopes to write the HPO by March 2019.

November 7, 2019- Final infraction notice mailed to the owner.

February 14, 2019- owner checked in again to let us know he will be writing the HPO by March 2019.

January 22, 2020- no further response from owner.



Picture taken February 14, 2018

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

In keeping with past practice, and further to Building Bylaw Section 22, the following estimate of penalties and costs are provided:

Notice on Title Removal Fee	\$750.00
RDCK Building Permit Fee based on construction remaining or total construction in the case of a Stop Work Order	
Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit Fee) Minimum \$200.00	\$200.00

b. Legislative Considerations (Applicable Policies and/or Bylaws):

1. Section 57 Community Charter;
2. BC Building Code;
3. RDCK Policy No. 400-01-03 Action for Compliance – Notice on Title Procedures;
4. Building Bylaw Contravention – This contravenes RDCK Building Bylaw 2200, Section 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system or other work related to construction unless a building official has issued a valid and subsisting permit for the work.

c. Environmental Considerations:

N/A

d. Social Considerations:

N/A
e. Economic Considerations:
N/A
f. Communication Considerations:
N/A
g. Staffing/Departmental Workplan Considerations:
N/A
h. Board Strategic Plan/Priorities Considerations:
N/A
SECTION 4: OPTIONS & PROS / CONS
<ol style="list-style-type: none"> 1. Do not accept recommendation as presented – the property will remain in contravention of the BC Building Code and RDCK Building Bylaw. 2. Accept recommendation as present – file Notice on Title.
SECTION 5: RECOMMENDATION(S)
<p>That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the <i>Community Charter</i> by the Regional District Board relating to land at 4338 Blewett Road, Electoral Area E, legally described as Lot A District Lot 6306 Kootenay District Plan 16070, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.</p>

Respectfully submitted,

Signature: Originally signed by
Lee Voykin.

Name: Lee Voykin, Building Official

CONCURRENCE		Initials:
General Manager of Development Services		Originally signed by Sangita Sudan.
Chief Administrative Officer		Originally signed by Stuart Horn.
Building Manager	Originally signed by John Southam.	



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
Telephone (250) 352-6665
BC Toll Free 1-800-268-7325

Web: www.rdck.ca
Email: info@rdck.bc.ca
Fax: (250) 352-9300

BY REGISTERED MAIL

January 22, 2020

File: 3135-20-E-707.08234.075

REGISTERED OWNERS:

Ryan Tremblay
2668 Davidson Road
Castlegar BC, V1N 4P9

SUBJECT:

Bylaw contravention on property legally described as:
Lot A District Lot 6306 Kootenay District Plan 16070

CIVIC ADDRESS:

4338 Blewett Road

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting. The next meeting date is as follows:

Date:

March 18, 2020

Time:

Delegations will be received beginning at **9:00 am**. Please enter the Boardroom and be seated in the gallery seating to wait until your item is called to be dealt with by the Committee. **(Maximum 15 minutes for each delegation-10 minute presentation, 5 minute question)**

Location:

RDCK Boardroom (*entrance at front of building*) 202 Lakeside Drive, Nelson, BC

At this time committee members will consider making a recommendation to the Regional District Board to direct the Corporate Officer to file a Notice, in the Land Title Office under Section 57 of the *Community Charter*, against the above noted property.

Please advise in advance whether you and/or a representative, who may be legal council, will be present at the Rural Affairs Committee meeting by contacting the Administration Department at 250 352 6665 or by email chopkyns@rdck.bc.ca no less than 3 business days prior to the meeting.

Should you prefer not to attend the RAC meeting and have no objection to the filing of the subject Notice, please sign and return the attached statement in the stamped, self-addressed envelope. All owners named on the statement must sign this statement. This will allow the Corporate Officer to proceed with filing of the Notice against your property in the Land Title Office. A copy of the Notice will be forwarded for your records.

A copy of the building official's report relative to your property is attached for your reference, as well as a copy of Section 57 of the *Community Charter*.

In order to avoid a Notice on Title, you must contact the building department to resolve concerns noted in the building official's report **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the writer at either 1-800-268-7325 or 250-352-8156.

Yours truly,

Building Official

Enclosures

CC: Electoral Area E Director

REGIONAL DISTRICT OF CENTRAL KOOTENAY

FILING OF SECTION 57 NOTICE

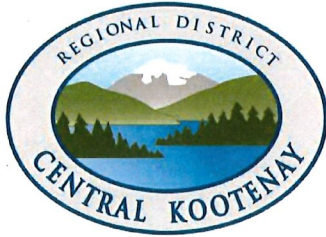
Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

We/I, **Ryan Tremblay** , hereby confirm that we/I have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the *Community Charter* against our/my property legally described as **Lot 1 District Lot 1237 Kootenay District Plan 5752**.

DATE

Ryan Tremblay

DATE



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: January 17, 2020
Date & Type of Meeting: March 18, 2020 Rural Affairs Committee
Author: Graeme Wood-Building Official
Subject: NOTICE ON TITLE REPORT
File: 3135-20-G-707.01328.050
Registered Owners: Jamie and Selina Birk
Civic Address: 109 Kalamalkoff Road
Legal Description: Lot 1 District Lot 1237 Kootenay District Plan 5752
Zoning: AG-2452
ALR: NO

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property as a consequence of a building bylaw contravention – commencing construction prior to obtaining a valid building permit.

SECTION 2: BACKGROUND / ANALYSIS

October 25, 2018- Notice of work not in compliance along with Building Official business card was left on site requesting that the owner apply for a building permit by Nov 8th, 2018 to avoid any further action.

October 26, 2018-BP application was received at the Regional District of Central Kootenay.

November 7, 2018- Building official requested P.Eng drawings of the post and beam design, as these were missing in the initial application intake.

Feb 14, 2019-Building official followed up with the registered owner, via email to remind him that we have not received the drawings.

Feb 21, 2019 The registered owner replied to the email, saying that he was informed by one of the RDCK building staff that engineering would need to be done if the walls are greater than 12 feet(his walls are 7 ft high). In addition, he was not happy that a follow up regarding the missing drawings was done 4 months after the initial email. Emails also stated that he is refusing to pay an engineer, he feels the RDCK should pay.

February 27, 2019-Building official followed up with an email indicating because the building was constructed prior to obtaining a building permit and of the post and beam design the RDCK would require engineered scope to cover the entire structure along with a sealed report/letter with design details and recommendations for correcting any deficiencies.

February 27, 2019-In addition to previous emailed noted Feb 27, 2019 the Building Official had a lengthy phone call with the owner with respect to the requirements and recommendations needed to continue building .

May 23, 2019- An email was received from the owner indicating that he would like to work together to resolve any issues to meet the by law requirements.

Jan 15, 2020- Building official followed up with registered owner, Jamie Birk, regarding status of drawings for the beam and post.

Jan 16, 2020-Registered owner, discussed the details of the building permit and the requirements needs to complete the permit and concluded that he would like to have a notice registered on his title.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

In keeping with past practice, and further to Building Bylaw Section 22, the following estimate of penalties and costs are provided:

Notice on Title Removal Fee	\$750.00
RDCK Building Permit Fee based on construction remaining or total construction in the case of a Stop Work Order	
Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit Fee) Minimum \$200.00	\$200.00

b. Legislative Considerations (Applicable Policies and/or Bylaws):

1. Section 57 Community Charter;
2. BC Building Code;
3. RDCK Policy No. 400-01-03 Action for Compliance – Notice on Title Procedures;
4. Building Bylaw Contravention – This contravenes RDCK Building Bylaw 2200, Section 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system or other work related to construction unless a building official has issued a valid and subsisting permit for the work.

c. Environmental Considerations:

N/A

d. Social Considerations:

N/A

e. Economic Considerations:

N/A

f. Communication Considerations:

N/A

g. Staffing/Departmental Workplan Considerations:

N/A

h. Board Strategic Plan/Priorities Considerations:

N/A

SECTION 4: OPTIONS & PROS / CONS

1. Do not accept recommendation as presented – the property will remain in contravention of the BC Building Code and RDCK Building Bylaw.

- 2. Accept recommendation as present – file Notice on Title.

SECTION 5: RECOMMENDATION(S)

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 109 Kalamalkoff Road Electoral Area G, legally described as Lot 1 District Lot 1237 Kootenay District Plan 5752, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

Respectfully submitted,

Originally signed by
Graeme Wood.

Signature:

Name: Graeme Wood, Building Official

CONCURRENCE

Initials:

General Manager of Development Services
Chief Administrative Officer
Building Manager

Originally signed John
Southam.

Originally signed by Sangita Sudan.
Originally signed by Stuart Horn.





Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
Telephone (250) 352-6665
BC Toll Free 1-800-268-7325

Web: www.rdck.ca
Email: info@rdck.bc.ca
Fax: (250) 352-9300

BY REGISTERED MAIL

January 17, 2020

File: 3135-20-G-707.01328.050

REGISTERED OWNERS:

Jamie and Selina Birk
PO Box 897
Salmo, BC V0G 1Z0

SUBJECT:

Bylaw contravention on property legally described as:
Lot 1 District Lot 1237 Kootenay District Plan 5752

CIVIC ADDRESS:

109 Kalamalkoff Road

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting. The next meeting date is as follows:

Date: **March 18, 2020**

Time: Delegations will be received beginning at **9:00 am**. Please enter the Boardroom and be seated in the gallery seating to wait until your item is called to be dealt with by the Committee. **(Maximum 15 minutes for each delegation-10 minute presentation, 5 minute question)**

Location: RDCK Boardroom (*entrance at front of building*) 202 Lakeside Drive, Nelson, BC

At this time committee members will consider making a recommendation to the Regional District Board to direct the Corporate Officer to file a Notice, in the Land Title Office under Section 57 of the *Community Charter*, against the above noted property.

Please advise in advance whether you and/or a representative, who may be legal council, will be present at the Rural Affairs Committee meeting by contacting the Administration Department at 250 352 6665 or by email chopkyns@rdck.bc.ca no less than 3 business days prior to the meeting.

Should you prefer not to attend the RAC meeting and have no objection to the filing of the subject Notice, please sign and return the attached statement in the stamped, self-addressed envelope. All owners named on the statement must sign this statement. This will allow the Corporate Officer to proceed with filing of the Notice against your property in the Land Title Office. A copy of the Notice will be forwarded for your records.

A copy of the building official's report relative to your property is attached for your reference, as well as a copy of Section 57 of the *Community Charter*.

In order to avoid a Notice on Title, you must contact the building department to resolve concerns noted in the building official's report **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the writer at either 1-800-268-7325 or 250-352-8156.

Yours truly,

Building Official

Enclosures

CC: Electoral Area G Director

REGIONAL DISTRICT OF CENTRAL KOOTENAY

FILING OF SECTION 57 NOTICE

Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

We/I, **Jamie Birk** and **_Selina Birk_**, hereby confirm that we/I have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the *Community Charter* against our/my property legally described as **Lot 1 District Lot 1237 Kootenay District Plan 5752**.

DATE

Jamie Birk

DATE

Selina Birk

REGIONAL DISTRICT OF CENTRAL KOOTENAY

FILING OF SECTION 57 NOTICE

Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

RECEIVED
FEB 11 2020
REGIONAL DISTRICT OF
CENTRAL KOOTENAY
NELSON, B.C.

We/I, **Jamie Birk** and **Selina Birk**, hereby confirm that we/I have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the *Community Charter* against our/my property legally described as **Lot 1 District Lot 1237 Kootenay District Plan 5752**.

Originally signed by
Jamie Birk.

Feb 9 /20

DATE

Jamie Birk

Originally signed by Selina Birk.

Feb 9 /20

DATE

Selina Birk



REGIONAL DISTRICT OF CENTRAL KOOTENAY Committee Report

Date of Report: January 17, 2020
Date & Type of Meeting: March 18, 2020 Rural Affairs Committee
Author: Graeme Wood -Building Official
Subject: NOTICE ON TITLE REPORT
File: 3135-20-G-707.05656.100
Registered Owners: Stanley Robson and Lorinda Gourlay
Civic Address: 4247 Ross Spur Road
Legal Description: Lot 2 District 1237 Kootenay District Plan 11263
Zoning: NO
ALR: NO

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property as a consequence of a building bylaw contravention – commencing construction prior to obtaining a valid building permit.

SECTION 2: BACKGROUND / ANALYSIS

Sept 12, 2019-RDCK received complaint from neighbour regarding a renovation without a permit.
Sept 18, 2019- Owner had purchased property with existing non-compliant structures and started renovations without a building permit. Stop work order was issued by the building official and letter sent to owner.

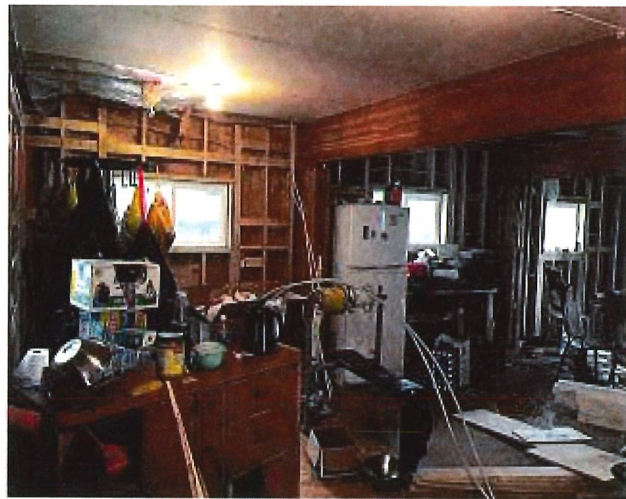
Sept 19, 2019- Owner of the property called to let RDCK know he will start the process of a Building Permit application and Structural Engineer.

November 26, 2019- Second stop work order letter sent to owner.

November 29, 2019- Owner called and said they did not want occupancy or anything to do with RDCK.

January 17, 2020 – no further response from owner

Pictures taken Sept 18, 2019





SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

In keeping with past practice, and further to Building Bylaw Section 22, the following estimate of penalties and costs are provided:

Notice on Title Removal Fee	\$750.00
RDCK Building Permit Fee based on construction remaining or total construction in the case of a Stop Work Order	
Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit Fee) Minimum \$200.00	\$200.00

b. Legislative Considerations (Applicable Policies and/or Bylaws):

1. Section 57 Community Charter;
2. BC Building Code;
3. RDCK Policy No. 400-01-03 Action for Compliance – Notice on Title Procedures;
4. Building Bylaw Contravention – This contravenes RDCK Building Bylaw 2200, Section 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system or other work related to construction unless a building official has issued a valid and subsisting permit for the work.

c. Environmental Considerations:

N/A

d. Social Considerations:

N/A

e. Economic Considerations:

N/A

f. Communication Considerations:

N/A

g. Staffing/Departmental Workplan Considerations:

N/A

h. Board Strategic Plan/Priorities Considerations:

N/A

SECTION 4: OPTIONS & PROS / CONS

1. Do not accept recommendation as presented – the property will remain in contravention of the BC Building Code and RDCK Building Bylaw.
2. Accept recommendation as present – file Notice on Title.

SECTION 5: RECOMMENDATION(S)

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 4247 Ross Spur Road, Electoral Area G, legally described as Lot 2 District 1237 Kootenay District Plan 11263, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

Respectfully submitted,

Originally signed by
Graeme Wood.

Signature:

Name: Graeme Wood, Building Official

CONCURRENCE

Initials:

General Manager of Development Services
Chief Administrative Officer
Building Manager

Originally signed by Sangita Sudan.
Originally signed by Stuart Horn.

Originally signed by
John Southam.



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
Telephone (250) 352-6665
BC Toll Free 1-800-268-7325

Web: www.rdck.ca
Email: info@rdck.bc.ca
Fax: (250) 352-9300

BY REGISTERED MAIL

January 17, 2020

File: 3135-20-G-707.05656.100

REGISTERED OWNERS:

Stanley Robson and Lorinda Gourlay
1430 Webster Road
Fruitvale, BC V0G 1L1

SUBJECT:

Bylaw contravention on property legally described as:
Lot 2 District 1237 Kootenay District Plan 11263

CIVIC ADDRESS:

4247 Ross Spur Road

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting. The next meeting date is as follows:

Date:

March 18, 2020

Time:

Delegations will be received beginning at **9:00 am**. Please enter the Boardroom and be seated in the gallery seating to wait until your item is called to be dealt with by the Committee. **(Maximum 15 minutes for each delegation-10 minute presentation, 5 minute question)**

Location:

RDCK Boardroom (*entrance at front of building*) 202 Lakeside Drive, Nelson, BC

At this time committee members will consider making a recommendation to the Regional District Board to direct the Corporate Officer to file a Notice, in the Land Title Office under Section 57 of the *Community Charter*, against the above noted property.

Please advise in advance whether you and/or a representative, who may be legal council, will be present at the Rural Affairs Committee meeting by contacting the Administration Department at 250 352 6665 or by email chopkyns@rdck.bc.ca no less than 3 business days prior to the meeting.

Should you prefer not to attend the RAC meeting and have no objection to the filing of the subject Notice, please sign and return the attached statement in the stamped, self-addressed envelope. All owners named on the statement must sign this statement. This will allow the Corporate Officer to proceed with filing of the Notice against your property in the Land Title Office. A copy of the Notice will be forwarded for your records.

A copy of the building official's report relative to your property is attached for your reference, as well as a copy of Section 57 of the *Community Charter*.

In order to avoid a Notice on Title, you must contact the building department to resolve concerns noted in the building official's report **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the writer at either 1-800-268-7325 or 250-352-8156.

Yours truly,

Building Official

Enclosures

CC: Electoral Area G Director

REGIONAL DISTRICT OF CENTRAL KOOTENAY

FILING OF SECTION 57 NOTICE

Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

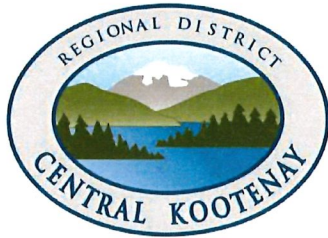
We/I, **Stanley Robson** and **Lorinda Gourlay**, hereby confirm that we/I have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the *Community Charter* against our/my property legally described as Lot 2 District 1237 Kootenay District Plan 11263.

DATE

Stanley Robson

DATE

Lorinda Gourlay



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: January 30, 2020
Date & Type of Meeting: March 18, 2020 Rural Affairs Committee
Author: Graeme Building/Plumbing Official
Subject: NOTICE ON TITLE REPORT
File: 3135-20-H-707.09537.000 BP24230
Registered Owners: Douglas and Christine Wearing
Civic Address: 3635 Toris Lane
Legal Description: District Lot 9303 Kootenay Land District
Zoning: No
ALR: No

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property as a consequence of a building bylaw contravention – Commencing construction without a valid building permit.

SECTION 2: BACKGROUND / ANALYSIS

November 30, 2017-Building Official was conducting an inspection of BP021306 at the same site and noticed another building on the property under construction without a permit.

December 5, 2017-Building Official contacted the owner of the property and requested that he apply for a permit.

December 20, 2017-Application received and intake started and remained in progress, as the application was missing plans.

February 14, 2018- Owners continued work on the building. Letter of Work Not in Compliance, bylaw specific to not having provided plans, was issued.

April 16, 2018-No plans received, Stop Work Order was issued and letter was mailed to the owner.

May 28, 2018-Still no plans received and sent a Bylaw Offence Notice 1031.

July 9, 2018- Owner contacted RDCK office and will pay fine and apply for permit.

July 9, 2018- Owner paid Bylaw Offence Notice Ticket No.1031.

Feb 14, 2019-Drawings received and Building Official to review.

Feb 25, 2019-After review of the drawings the Building official contacted the owner requesting floor plan and elevation drawings, as well as, sealed engineered details for the construction.

June 6, 2019-Building Official proceeded with a site visit to check on progress. The owner has been sick and hasn't continued work on the building. The owner informed the Building Official that he continues to work on the plans and drawings that have been previously requested.

January 22, 2020-Building Official contacted the owner to discuss the status of the drawings and the owner said he will submit the plans and engineering documents to finish the application process. The building official gave a deadline of Jan 30. 2020.

January 30, 2020-no further contact from owner.



SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

In keeping with past practice, and further to Building Bylaw Section 22, the following estimate of penalties and costs are provided:

Notice on Title Removal Fee	\$750.00
RDCK Building Permit Fee based on construction remaining or total construction in the case of a Stop Work Order	
Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit Fee) Minimum \$200.00	\$200.00

b. Legislative Considerations (Applicable Policies and/or Bylaws):

1. Section 57 Community Charter;
2. BC Building Code;
3. RDCK Policy No. 400-01-03 Action for Compliance – Notice on Title Procedures;
4. Building Bylaw Contravention – This contravenes RDCK Building Bylaw 2200, Section 6.1-No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system or other work related to construction unless a building official has issued a valid and subsisting permit for the work.

c. Environmental Considerations:

N/A

d. Social Considerations:

N/A

e. Economic Considerations:

N/A

f. Communication Considerations:

N/A

g. Staffing/Departmental Workplan Considerations:

N/A

h. Board Strategic Plan/Priorities Considerations:

N/A

SECTION 4: OPTIONS & PROS / CONS

1. Do not accept recommendation as presented – the property will remain in contravention of the BC Building Code and RDCK Building Bylaw.
2. Accept recommendation as present – file Notice on Title.

SECTION 5: RECOMMENDATION(S)

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 3635 Toris Lane Electoral Area H, legally described as District Lot 9303 Kootenay District, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

Respectfully submitted,

Originally signed by
Graeme Wood.

Signature:

Name: Graeme Wood, Building/Plumbing Official

CONCURRENCE

Initials:

General Manager of Development Services
Chief Administrative Officer
Building Manager
Originally signed John Southam.

Originally signed by Sangita Sudan.
Originally signed by Stuart Horn.



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
Telephone (250) 352-6665
BC Toll Free 1-800-268-7325

Web: www.rdck.ca
Email: info@rdck.bc.ca
Fax: (250) 352-9300

BY REGISTERED MAIL

January 30, 2020

File: 3135-20-H-707.09537.000 BP24230

REGISTERED OWNERS:

Douglas and Christine Wearing

SUBJECT:

Bylaw contravention on property legally described as:
District Lot 9303 Kootenay Land District

CIVIC ADDRESS:

3635 Toris Lane

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting. The next meeting date is as follows:

Date: March 18, 2020

Time: Delegations will be received beginning at **9:00 am**. Please enter the Boardroom and be seated in the gallery seating to wait until your item is called to be dealt with by the Committee. **(Maximum 15 minutes for each delegation-10 minutes presentation, 5 minutes question)**

Location: RDCK Boardroom (*entrance at front of building*) 202 Lakeside Drive, Nelson, BC

At this time committee members will consider making a recommendation to the Regional District Board to direct the Corporate Officer to file a Notice, in the Land Title Office under Section 57 of the *Community Charter*, against the above noted property.

Please advise in advance whether you and/or a representative, who may be legal council, will be present at the Rural Affairs Committee meeting by contacting the Administration Department at 250 352 6665 or by email chopkyns@rdck.bc.ca no less than 3 business days prior to the meeting.

Should you prefer not to attend the RAC meeting and have no objection to the filing of the subject Notice, please sign and return the attached statement in the stamped, self-addressed envelope. All owners named on the statement must sign this statement. This will allow the Corporate Officer to proceed with filing of the Notice against your property in the Land Title Office. A copy of the Notice will be forwarded for your records.

A copy of the building official's report relative to your property is attached for your reference, as well as a copy of Section 57 of the *Community Charter*.

In order to avoid a Notice on Title, you must contact the building department to resolve concerns noted in the building official's report **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the writer at either 1-800-268-7325 or 250-352-8156.

Yours truly,

Building Official

Enclosures

CC: Electoral Area H Director

REGIONAL DISTRICT OF CENTRAL KOOTENAY

FILING OF SECTION 57 NOTICE

Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

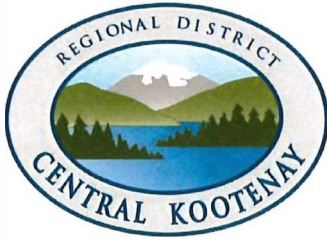
We/I, **Douglas Wearing** and **Christine Wearing**, hereby confirm that we/I have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the *Community Charter* against our/my property legally described as __ **District Lot 9303 Kootenay District**.

DATE

Douglas Wearing

DATE

Christine Wearing



REGIONAL DISTRICT OF CENTRAL KOOTENAY Committee Report

Date of Report: January 9, 2020
Date & Type of Meeting: February 19, 2020 Rural Affairs Committee
Author: Lee Voykin, Building/Plumbing Official
Subject: NOTICE ON TITLE REPORT
File: 3135-20-I-709.09398.244
Registered Owners: Tamara Negraeff
Civic Address: 2113 Cherry Lane
Legal Description: Lot B Plan NEP15280 District Lot 8640
Zoning: No
ALR: No

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property as a consequence of a building bylaw contravention – commencing construction prior to obtaining a valid building permit.

SECTION 2: BACKGROUND / ANALYSIS

August 5, 2019- Stop work order issued due to construction beginning without a building permit. A wood construction built around a trailer and too close to the water.

August 22, 2019- First stop work order letter sent to registered owner.

September 19, 2019- Second stop work order sent to registered owner.

September 26, 2019- Tam Negraeff called indicating that she received the letter and she will be applying for a building permit. She was informed that the application of the permit must be within 14 days of Sept 26, 2019 or RDCK will continue with the stop work process.

October 3, 2019- Tam Negraeff came in to the office to start the application process for a building permit and was informed that the land will have to be approved for zoning. The issue was referred to planning and Tam informed us that she will follow up with an email to the planning department.

January 8, 2020- No follow up or any further response from owner





SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

In keeping with past practice, and further to Building Bylaw Section 22, the following estimate of penalties and costs are provided:

Notice on Title Removal Fee	\$750.00
RDCK Building Permit Fee based on construction remaining or total construction in the case of a Stop Work Order	
Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit Fee) Minimum \$200.00	\$200.00

b. Legislative Considerations (Applicable Policies and/or Bylaws):

1. Section 57 Community Charter;
2. BC Building Code;
3. RDCK Policy No. 400-01-03 Action for Compliance – Notice on Title Procedures;
4. Building Bylaw Contravention – This contravenes RDCK Building Bylaw 2200, Section Section 6.1-No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system or other work related to construction unless a building official has issued a valid and subsisting permit for the work.

c. Environmental Considerations:

N/A

d. Social Considerations:

N/A

e. Economic Considerations:

N/A

f. Communication Considerations:

N/A

g. Staffing/Departmental Workplan Considerations:

N/A

h. Board Strategic Plan/Priorities Considerations:

N/A

SECTION 4: OPTIONS & PROS / CONS

1. Do not accept recommendation as presented – the property will remain in contravention of the BC Building Code and RDCK Building Bylaw.
2. Accept recommendation as present – file Notice on Title.

SECTION 5: RECOMMENDATION(S)

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 2113 Cherry Lane, Electoral Area I, legally described as Lot B Plan NEP15280 District Lot 8640, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

Respectfully submitted,

Originally signed by Lee
Voykin.

Signature:

Name: Lee Voykin, Building/Plumbing Official

CONCURRENCE

Initials:

General Manager of Development Services
 Chief Administrative Officer
 Building Manager, Originally signed John
 Southam.

Originally signed by Sangita Sudan.
 Originally signed by Stuart Horn.



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
Telephone (250) 352-6665
BC Toll Free 1-800-268-7325

Web: www.rdck.ca
Email: info@rdck.bc.ca
Fax: (250) 352-9300

BY REGISTERED MAIL January 9, 2020 File: 3135-20-i-709.09398.244

REGISTERED OWNERS: Tammy Negraeff
SUBJECT: Bylaw contravention on property legally described as:
Lot B Plan NEP15280 District Lot 8640
CIVIC ADDRESS: 2113 Cherry Lane

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting. The next meeting date is as follows:

Date: February 19, 2020
Time: Delegations will be received beginning at **9:00 am**. Please enter the Boardroom and be seated in the gallery seating to wait until your item is called to be dealt with by the Committee. **(Maximum 15 minutes for each delegation-10 minutes presentation, 5 minutes question)**
Location: RDCK Boardroom (*entrance at front of building*) 202 Lakeside Drive, Nelson, BC

At this time committee members will consider making a recommendation to the Regional District Board to direct the Corporate Officer to file a Notice, in the Land Title Office under Section 57 of the *Community Charter*, against the above noted property.

Please advise in advance whether you and/or a representative, who may be legal council, will be present at the Rural Affairs Committee meeting by contacting the Administration Department at 250 352 6665 or by email chopkyns@rdck.bc.ca no less than 3 business days prior to the meeting.

Should you prefer not to attend the RAC meeting and have no objection to the filing of the subject Notice, please sign and return the attached statement in the stamped, self-addressed envelope. All owners named on the statement must sign this statement. This will allow the Coporate Officer to proceed with filing of the Notice against your property in the Land Title Office. A copy of the Notice will be forwarded for your records.

A copy of the building official's report relative to your property is attached for your reference, as well as a copy of Section 57 of the *Community Charter*.

In order to avoid a Notice on Title, you must contact the building department to resolve concerns noted in the building official's report **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the writer at either 1-800-268-7325 or 250-352-8156.

Yours truly,

Building Official

Enclosures

CC: Electoral Area i Director

REGIONAL DISTRICT OF CENTRAL KOOTENAY

FILING OF SECTION 57 NOTICE

Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

We/I, **Tammy Negraeff**, hereby confirm that we/I have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the *Community Charter* against our/my property legally described as

_____.

DATE

Tammy Negraeff

DATE



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4

Telephone: (250) 352-6665

BC Toll Free: 1-800-268-7325

Web: www.rdck.ca

Email: info@rdck.bc.ca

Fax: (250) 352-9300

February 25, 2020

File: 3135-20-I-709.09398.244

Tamara Negraeff
2113 Cherry Lane
Castlegar, BC V1N 4T2

SUBJECT: Bylaw contravention on property legally described as Lot B Plan NEP15280
District Lot 8640
CIVIC ADDRESS: 2113 Cherry Lane

Please be advised the Rural Affairs Committee adopted the following recommendation at its meeting held February 19, 2020:

That the following motion be REFERRED to the March 18, 2020 Rural Affairs Committee meeting.

By copy of this letter, you are notified that this matter will be referred to the March 18, 2020 Rural Affairs Committee meeting. At this time committee members will consider making a recommendation to the Regional District Board to direct the Secretary to file a Notice, in the Land Title Office under Section 57 of the *Community Charter*, against the above noted property.

Please advise in advance whether you and/or a representative, who may be legal council, will be present at the Rural Affairs Committee meeting by contacting the Administration Department at 250 352 6665 or by email chopkyns@rdck.bc.ca no less than 3 business days prior to the meeting.

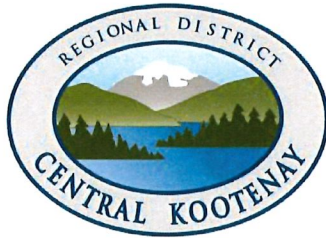
In order to avoid a Notice on Title, you must contact the building department to resolve concerns noted in the building official's report **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the writer at either 1-800-268-7325 or 250-352-8156.

Yours truly,

Originally signed by John Southam.

John Southam
Building Manager





REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: February 7, 2020
Date & Type of Meeting: March 18, 2020 Rural Affairs Committee
Author: Peter Southin, Building Official
Subject: NOTICE ON TITLE REPORT
File: 3135-20-K-710.01000.474
Registered Owners: Halcyon Point Development
Civic Address: 5761 Highway 23
Legal Description: Lot 1 Plan Nep91134 District Lot 100 Kootenay Lake District & DL 2451
Zoning: 1675-C6
ALR: No

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property as a consequence of a building bylaw contravention-commencing construction prior to obtaining a valid building permit.

SECTION 2: BACKGROUND / ANALYSIS

October 17, 2007 : A stop work order was placed on the construction of a building, retaining wall and a swimming Pool for commencing construction prior to obtaining a valid building permit by Mr. Peter Southin, Building/Plumbing official.

May 29, 2008 : An application was received from the registered owner of Halcyon Point Developments, Mr. Dale Tortorelli to construct a fence around a swimming pool. Permit # 2825 was issued August 18, 2008.

August 19, 2011 : An application to construct a Utility building was received from the registered owner, permit # 5649 was issued September 20, 2011.

September 2, 2011: Mr. Southin rejected a Final Inspection on permit # 2825 as the fence around the pool did not meet the requirements of the building bylaw.

November 15, 2012: A siting (footing) inspection was approved by Mr. Southin on permit # 5649

November 14, 2013: An application for a sundeck was received from the registered owner. Permit # 21197 was issued for a sundeck and to complete expired permit # 2825 for the fence February 28, 2014.

April 17, 2014 : A siting inspection was passed on permit # 21197 requesting further documentation/plans and review of the footings, proposed bracing and anchoring of structure by the Structural Engineer.

May 5, 2014: A stop work order was issued for construction proceeding in contravention of Building Bylaw 2200 and Zoning Bylaw 1675. Construction was not as per the accepted plans, plumbing had been installed and the building built higher than permitted for an accessory building.

September 30, 2014 : A failed Occupancy inspection detailing the pool fence requirements was emailed to the registered owner.

February 25, 2015 : An application was received from the registered owner to complete permits # 5649 and # 21197, permit # 22065 was issued March 04, 2015.

April 3, 2018 : Building permit # 22065 was renewed for 1 (one) year.

May 14, 2018 : Mr. Southin completed a framing inspection on permit # 22065 listing items that the builder must complete.

May 22, 2018 : Mr. Southin completed an insulation inspection listing previous items that the builder must complete.

March 18, 2019 : An expiry notice was sent to the registered owner, no response was received.

July 11, 2019 : A final expiry notice was sent to the registered owner.

July 20, 2019: An email was received from the registered owner stating that construction had been completed and that he would contact Mr. Southin when he returned to Canada from China.

July 22, 2019 : Mr. Southin responded requesting the owner contact Haley Pederson, Administrative Assistant in the Nakusp RDCK office regarding the expired permit. No further response was received.

July 31, 2019 : Mr. Southin performed an update inspection and took pictures on site (included in report) it was noted that some of the items listed on the inspection reports had not been completed.

February 5, 2020 : No further response has been received.



SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

In keeping with past practice, and further to Building Bylaw Section 22, the following estimate of penalties and costs are provided:

Notice on Title Removal Fee	\$750.00
RDCK Building Permit Fee based on construction remaining or total construction in the case of a Stop Work Order	
Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit Fee) Minimum \$200.00	\$200.00

b. Legislative Considerations (Applicable Policies and/or Bylaws):

1. Section 57 Community Charter;
2. BC Building Code;
3. RDCK Policy No. 400-01-03 Action for Compliance – Notice on Title Procedures;
4. Building Bylaw Contravention – This contravenes RDCK Building Bylaw 2200, Section 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system or other work related to construction unless a building official has issued a valid and subsisting permit for the work.

c. Environmental Considerations:

N/A

d. Social Considerations:

N/A

e. Economic Considerations:

N/A

f. Communication Considerations:

N/A

g. Staffing/Departmental Workplan Considerations:

N/A

h. Board Strategic Plan/Priorities Considerations:

N/A

SECTION 4: OPTIONS & PROS / CONS

1. Do not accept recommendation as presented – the property will remain in contravention of the BC Building Code and RDCK Building Bylaw.

2. Accept recommendation as present – file Notice on Title.

SECTION 5: RECOMMENDATION(S)

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 5761 Highway 23 Electoral Area K, legally described Lot 1 Plan Nep91134 District Lot 100 Kootenay Lake District & DL 2451, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

Respectfully submitted,

Signature: Originally signed by John Southam.

Name: Peter Southin, Building Official

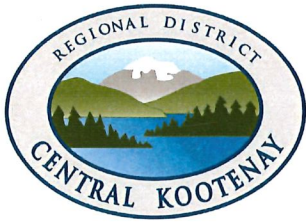
CONCURRENCE

Initials:

General Manager of Development Services
Chief Administrative Officer
Building Manager Originally signed by John Southam.

Originally signed by Sangita Sudan.
Originally signed by Stuart Horn.





Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
Telephone (250) 352-6665
BC Toll Free 1-800-268-7325

Web: www.rdck.ca
Email: info@rdck.bc.ca
Fax: (250) 352-9300

BY REGISTERED MAIL February 07, 2020

File: 3135-20-K-710.01000.474

REGISTERED OWNERS: Halcyon Point Development

SUBJECT: Bylaw contravention on property legally described as: Lot 1 Plan Nep91134 District Lot 100
Kootenay Lake District & DL 2451

CIVIC ADDRESS: 5761 Highway 23

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting. The next meeting date is as follows:

Date: **March 18, 2020**

Time: Delegations will be received beginning at **9:00 am**. Please enter the Boardroom and be seated in the gallery seating to wait until your item is called to be dealt with by the Committee. **(Maximum 15 minutes for each delegation 10 minutes presentation, 5 minutes question)**

Location: RDCK Boardroom (*entrance at front of building*) 202 Lakeside Drive, Nelson, BC

At this time committee members will consider making a recommendation to the Regional District Board to direct the Corporate Officer to file a Notice, in the Land Title Office under Section 57 of the *Community Charter*, against the above noted property.

Please advise in advance whether you and/or a representative, who may be legal council, will be present at the Rural Affairs Committee meeting by contacting the Administration Department at 250 352 6665 or by email chopkyns@rdck.bc.ca no less than 3 business days prior to the meeting.

Should you prefer not to attend the RAC meeting and have no objection to the filing of the subject Notice, please sign and return the attached statement in the stamped, self-addressed envelope. All owners named on the statement must sign this statement. This will allow the Corporate Officer to proceed with filing of the Notice against your property in the Land Title Office. A copy of the Notice will be forwarded for your records.

A copy of the building official's report relative to your property is attached for your reference, as well as a copy of Section 57 of the *Community Charter*.

In order to avoid a Notice on Title, you must contact the building department to resolve concerns noted in the building official's report **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the writer at either 1-800-268-7325 or 250-352-8156.

Yours truly,

Building Official

Enclosures

CC: Electoral Area K Director

REGIONAL DISTRICT OF CENTRAL KOOTENAY

FILING OF SECTION 57 NOTICE

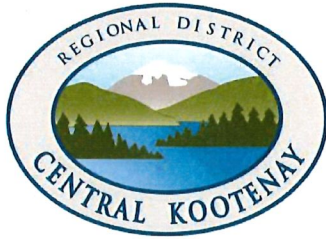
Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

We/I, **Halcyon Point Development**, hereby confirm that we/I have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the *Community Charter* against our/my property legally described as **Lot 1 Plan Nep91134 District Lot 100 Kootenay Lake District & DL 2451**.

DATE

Halcyon Point Development

DATE



REGIONAL DISTRICT OF CENTRAL KOOTENAY Committee Report

Date of Report: February 26, 2020
Date & Type of Meeting: March 18, 2020 Rural Affairs Committee
Author: Pamela Guille, Bylaw Enforcement
Subject: RE: 2206 SOUTH SHEPPARD ROAD, NELSON, BC – AREA E
 BUILDING BYLAW NO. 2200, 2010
File: 3135-20-E-707.02052.200 (BUILDING DEPARTMENT FILE)

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to provide the Regional Board with an update regarding Board resolution 633/17, a Board directed injunction for (3) three non-compliant dwellings on a property owned by Mr. Mathias Piuze, located at 2206 South Sheppard Road, Electoral Area E.

SECTION 2: BACKGROUND / ANALYSIS

On October 19, 2017 the Board resolved the following:

- 633/17 – “That the Board direct staff to proceed with the injunctive process relating to land at 2206 South Sheppard Road, Electoral Area E, legally described as: Lot 2, District Lot 304, Kootenay District, Plan 12530.”

December, 2019 – The RDCK had (3) three building permits totalling \$3,502.00 ready for payment and pick up by Mr. Mathias Piuze. Bylaw staff engaged Mr. Piuze and a monthly payment plan was worked out with Mr. John Southam, Building Manager.

December 9, 2019 – Mr. Mathias Piuze paid \$1,333.50 for Building Permit # 025426.

January 9, 2020 – Mr. Mathias Piuze paid \$1,100.00 for Building Permit # 25428.

February 7, 2020 – Mr. Mathias Piuze paid \$1,068.50 for Building Permit #25427.

- All documentation required to obtain the building permits was provided. Mr. Piuze has paid for all (3) three building permits. Voluntary compliance has been achieved with the building permit issuance requirements. Building staff are hopeful that the owner will now proceed with the inspection processes in a timely manner in accordance with the Building Bylaw No. 2200, 2010 requirements.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

No further costs involved. Voluntary Compliance Achieved.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

- BC Building Code

<ul style="list-style-type: none">• RDCK Building Bylaw No. 2200, 2010• BC Housing
c. Environmental Considerations:
N/A
e. Economic Considerations:
N/A
f. Communication Considerations:
N/A
g. Staffing/Departmental Workplan Considerations:
No further bylaw enforcement staff time is required.
h. Board Strategic Plan/Priorities Considerations:
Coordinated Service Delivery in conjunction with the Building Department.
SECTION 4: OPTIONS & PROS / CONS
SECTION 5: RECOMMENDATION(S)
1) That the Board rescind Resolution No. 633/17 directing staff to proceed with the injunctive process relating to land at 2206 South Sheppard Road, Electoral Area E, legally described as: Lot 2, District Lot 304, Kootenay District, Plan 12530 due to voluntary compliance being achieved.

Respectfully submitted,

Originally signed by Pamela Guille.

Signature:

Name: Pamela Guille, Bylaw Enforcement

CONCURRENCE

Initials:

Chief Administrative Officer

Originally signed by Stuart Horn.

General Manager of Development Services

Originally signed by Sangita Sudan.

Building Manager: Originally signed by John Southam.





REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: April 1, 2020
Date & Type of Meeting: April 15, 2020 Rural Affairs Committee
Author: Eileen Senyk
Subject: APPLICATION FOR A TEMPORARY USE PERMIT
File: T2001A-04985.000

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee to decide on advancing consideration of a Temporary Use Permit to public hearing or not. The applicant seeks to obtain a Temporary Use Permit to allow for tourist accommodation. The proposal is for an additional 2 cabins for Temporary Guest Accommodation, 3 dry dock (un-serviced) Recreational Vehicle (RV) sites and hosting of social events such as weddings and family re-unions on the property.

Staff is recommending that the application be referred to a Public Hearing

SECTION 2: BACKGROUND / ANALYSIS

GENERAL INFORMATION

Property Owner: Dean Bryans, Elizabeth Bryans, Debbie Smith

Property Location: 5437 Cory Road, Wynndel

Legal Description: Lot 1 District Lot 4595 Kootenay District Plan 1585, Except Parcel A (See 143507I) (PID 015-849-601)

Property Size: 1.7 hectares (4.28 acres)

SITE CONTEXT

The subject property is located on Cory Road in the un-incorporated community of Wynndel. There is a single family dwelling, a cabin, a shower facility, a cold storage facility and some storage buildings located on the property. The property is zoned Country Residential (R2).

Under the current R2 zone, given the size of the subject property (1.7 hectares), one cabin is permitted for Temporary Guest Accommodation. The cabin shown in the background of Figure 3 is a legitimate accessory use under the current zone.

The applicants have been using the subject property for commercial tourist accommodation, RV camping and for hosting events such as weddings and family reunions. In the fall of 2019, the RDCK Bylaw Enforcement department received a complaint, and found that the use was non-conforming with the R2 zone. The applicants wishes to legitimize the current use of the property. A Temporary Use Permit, if successful would enable the applicants to continue some of the current use on the property until a long term solution can be found.

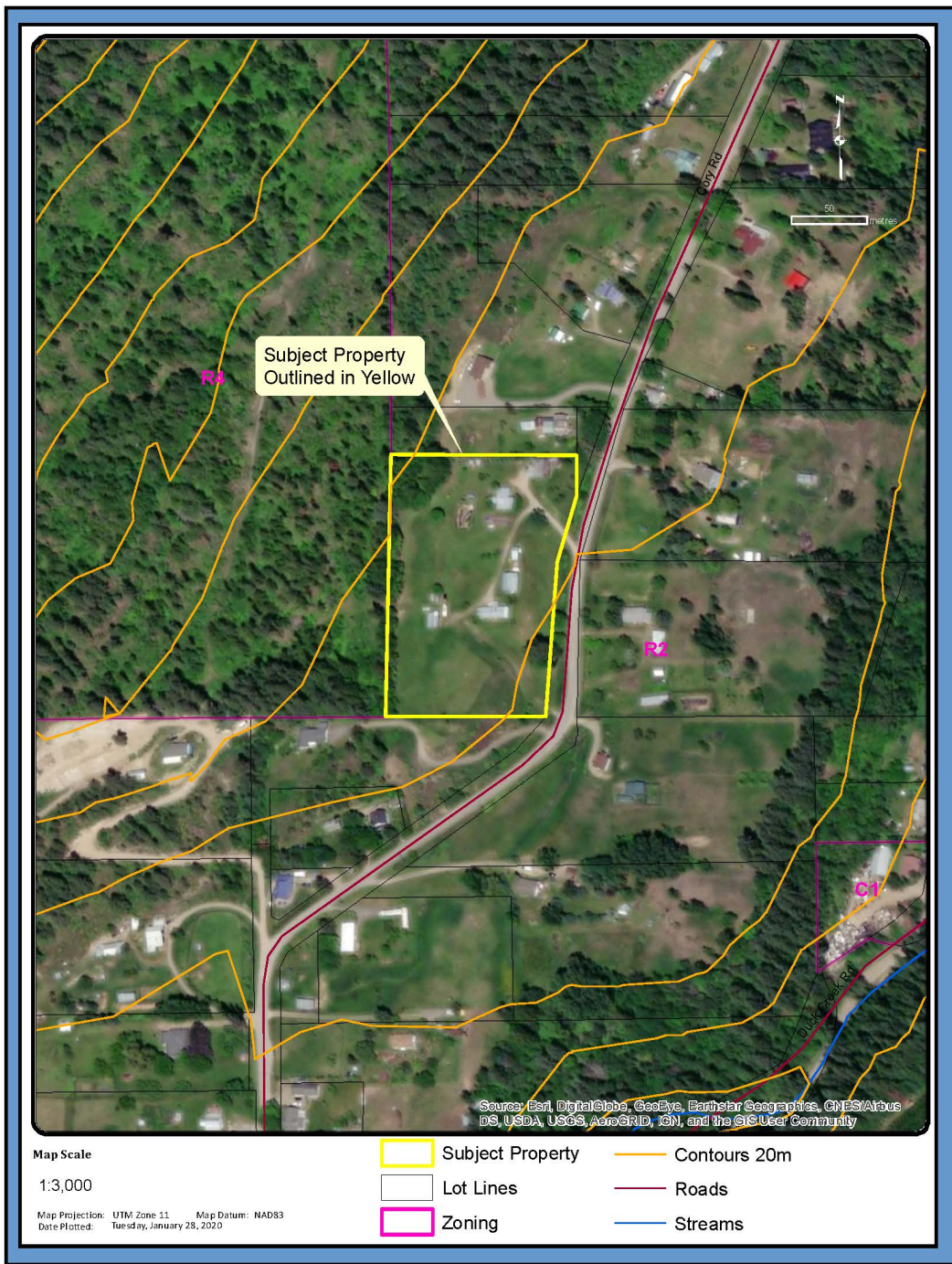


Figure 1: Overview of Subject Property

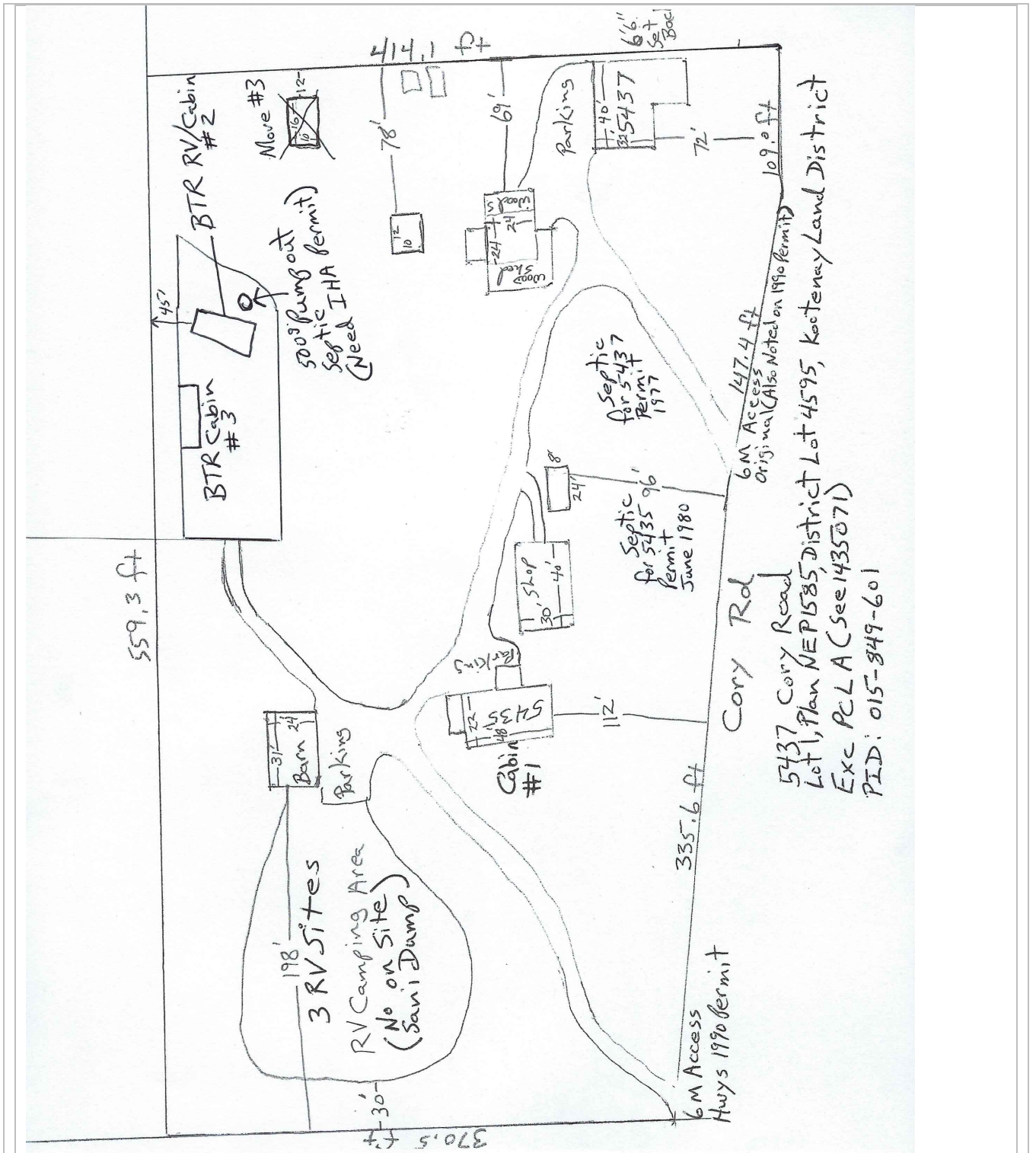


Figure 2: Site Plan Including Proposed RV Camping Areas



Figure 3: Cabin (background right), and Accessory Building (foreground left) Figure 2: Shower Facility



Figure 4: Upper bench where RV Sites are proposed



Figure 5: Entrance to property showing adjacent properties below

APPLICATION HISTORY

An application was originally made to amend the zoning from Country Residential (R2) to Tourist Commercial (C3). The community opposition to the referral was overwhelming, and most responses indicated that the C3 zone would open up too many uses such as pubs, restaurants, zoos and cannabis shops. While the current owner was not intending to use the property for any of these purposes, the neighboring property owners noted that the uses would be available to current or future owners over time. As a result, the application was withdrawn and an application was made for a Temporary Use Permit, in order to test the fit of the current use with the adjacent residential uses and to provide time for the applicant to devise a long term plan for the business.

SITE VISIT

A site visit was conducted by the author and Bylaw Enforcement Officer Tina Lockhart on February 6th, 2020. There were no guests on the property at the time. It was noted that given the topography of the area where the property is situated is higher than most of the surrounding properties which would make it difficult to screen. There are two driveways accessing the property. Several outbuildings were noted. The primary use is residential. The uses noted on the property are aligned with the R2 zone. The Notice of Development was on situated on site and met the specifications of the Planning Fees and Procedures bylaw.

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Financial Plan Amendment:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Debt Bylaw Required:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

Pursuant to RDCK Planning Fees and Procedures Bylaw No. 2457, 2015 the applicant has paid the \$1000 fee associated with the application.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

Should the application be successful, the RDCK will issue a Temporary Use Permit pursuant to Section 493 of the Local Government Act.

c. Environmental Considerations:

The applicants intend to use the property for tourist accommodation. The main concerns from an environmental perspective are sewage disposal and water supply. The Wynndel Irrigation District has provided a response indicating that the water system has adequate capacity, but that fees would be increased to accommodate the use. The Interior Health Authority has also provided a response, indicating that if sewerage records are not adequate to prove that the current sewerage system has capacity, then an assessment should be completed by a Registered Onsite Wastewater Practitioner or an Engineer.

d. Social Considerations:

There has been considerable opposition to the application from neighboring property owners related to the incompatibility of the proposed use with quiet residential nature of the community. Concerns

expressed by neighboring property owners can be found in Attachment B and are also summarized under communication considerations.

e. Economic Considerations:

The current business; ‘Blacktail Ridge’ has been a source of income for the applicants for several years. The business also works in conjunction with other businesses in the area and with other organizations such as the Creston Valley Arts Council, the East Shore Trail and Bike Association and the Nelson and Kootenay Lake Tourism Board of Directors. The RDCK received letters of support from all of the above. All of the organizations indicated that Blacktail Ridge is an important economic driver in the Wynndel area.

f. Communication Considerations:

The application was referred to 17 neighboring land owners within a 100 metre radius of the property. It was also referred to applicable government agencies. Responses are provided as Attachment B.

Concern	Details
Noise	Many people in the surrounding area purchased property due to the quiet nature of the area and the R2 zone. The community is very sensitive to noise.
Traffic on narrow road	Cory Road is narrow and there is no street lighting. Community members walk on it regularly with children and pets. Neighbors have expressed concerns that increased traffic will have a detrimental effect on the safety of residents. The Ministry of Transportation and Infrastructure (MoTI) provided the following response: [MoTI staff] were unable to locate in our files the previous access permit, as referenced on the applicant’s plan. Based on a drive-by site visit the applicant will need to apply for a new access permit for the commercial uses upon which time I will evaluate the safety of the accesses for the proposed uses. [MoTI staff] noticed that the southern-most access has poor sight lines and may be required to be improved, limited to right in/out, or otherwise.
Uses not compatible with residential	Several adjacent property owners expressed that RV camping is not compatible with the surrounding residential zone.
Septic concerns	The Interior Health Authority (IHA) advises that records only exist for the house. No documentation was located for the other existing on-site sewage disposal system nor the holding tank indicated on the site plan at this location.

	<p>IHA's recommendation is that the applicant provide documentation to support that the proposed use will not conflict with any existing or proposed on-site sewage disposal system and will not affect the daily design flow.</p> <p>Installation of a new holding tank requires an application for a holding tank construction permit.</p> <p>Neighbors have expressed concerns regarding septic capacity, especially considering that this property is geographically higher than the surrounding properties</p>
Oversight of operations	Neighboring property owners are concerned as to whether staff will be on site to oversee guests activities at all times.
Butchering services	Concern that commercial butchering services are being offered on site.
Fire protection	Neighboring property owners have expressed concern the threat of forest fires. Concern that campfires could get out of control.
Water availability	<p>Concern that Wynndel Improvement District does not have the capacity to provide water to a commercial venture.</p> <p>The Wynndel Improvement District provided a response stating that they do have capacity for the use, but that fees would increase accordingly.</p>
Emergency Evacuation	Neighbors have expressed concerns that guests leaving with trailers could complicate evacuation efforts in the case of an emergency.
Mis-alignment with OCP	Neighbors noted that this application does not align with a policy in the OCP that Commercial operations should be located along Highway 3A.

g. Staffing/Departmental Workplan Considerations:

If the Board proceeds with the proposal, notification will be circulated to neighbouring property owners and to the general public by way of newspaper advertisement and a Public Hearing held as per Planning Fees and Procedures Bylaw No. 2457, 2015.

h. Board Strategic Plan/Priorities Considerations:

Not applicable

DISCUSSION

The applicant is asking for a Temporary Use Permit for three cabins for Temporary Guest Accommodation, three campsites for dry dock Recreational Vehicles (no servicing) and to host gatherings.

General Residential Objectives in the OCP direct that residential development is compatible with neighboring properties. Community specific policies for Wynndel direct that properties be designated residential due to limited septic capabilities and community drainage concerns and that commercial development be directed toward Highway 3.

The subject property is 1.7 hectares in size. There is limited information available regarding existing septic systems or septic capacity. Increased water capacity is available through the Wynndel Improvement District. Neighboring property owners have expressed concerns regarding noise, traffic, safety, septic and water limitations (for detailed comments from neighbours, please see Attachment B – Referral Responses).

A temporary use permit may be an appropriate way to deal with this activity, which is why Staff proposed it to the proponents as an alternative to rezoning at this time. The specific advantages for this situation are that:

- There is no zone within the existing bylaw that accommodates the activity proposed by the applicants, and therefore the TUP can be customized to suit a proposal acceptable to the applicant and the local government.
- It permits the proponent to pursue their activity with limited delay, thereby allowing more time to work with the RDCK to research and draft an appropriate zone that could be considered here as a more permanent solution.
- The local government can approve it for a period of up to three years (and renew for an additional three years), which allows for a testing period, as opposed to a rezoning which is more permanent.
- The local government can condition their approval to address any mitigation that may be necessary, and take security if required

Staff note that there has been significant opposition to this proposal as seen in the referral responses as noted in Attachment B. However, we are recommending the application proceed to a public hearing to further investigate whether there is merit in further consideration of the application by the Board. Should this application proceed to a public hearing, Staff would include the results of that hearing and a recommendation in a possible future report to the Board.

SECTION 4: OPTIONS

Option One:

That the Board refer the Temporary Use Permit T2001A from Dean Bryans and Debbie Smith for the property located at 5437 Cory Road, Wynndel and legally described as Lot 1, District Lot 4595, Kootenay District Plan 1585, Except Parcel A (See 1435071) (PID 015-849-601) to a public information meeting; AND FURTHER, the public meeting be held once the Province allows for public gatherings due to the 2019 Novel Coronavirus (COVID-19).

AND FURTHER

That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area a Director Garry Jackman is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

This option would allow the RDCK to engage residents and stakeholders in a public forum to discuss the merits of and concerns with this project. In addition, it provides opportunity for the proponent to clarify aspects of their proposal and to consider mitigations to better address community concerns.

Given the current pandemic, local governments in B.C. are unable to hold public hearings, so the RDCK cannot at this time fulfill that legislative requirement. The public hearing must be done prior to consideration of the temporary use permit itself. Consequently, approval of this option queues this application up for a public hearing at a future unknown date. Once we are directed by the Province that in person gatherings of larger groups are once again possible, Staff would—subsequent to discussions with the applicant and the Area Director—select a date and provide notice of the public hearing in accordance with the legislative requirements.

Option Two:

THAT the Board give no further consideration to Temporary Use Permit T2001A to Dean Bryans and Debbie Smith for the property located at 5437 Cory Road, Wynndel and legally described as Lot 1 District Lot 4595 Kootenay District Plan 1585, Except Parcel A (See 1435071) (PID 015-849-601).

Selecting this option terminates this application. It communicates that the Board does not support the application in its current form, and that the proponents should consider revising their proposal at this location or relocate it to another more suitable property.

SECTION 5: RECOMMENDATION(S)

RECOMMENDATION NO. 1:

That the Board refer the Temporary Use Permit T2001A from Dean Bryans and Debbie Smith for the property located at 5437 Cory Road, Wynndel and legally described as Lot 1, District Lot 4595, Kootenay District Plan 1585, Except Parcel A (See 1435071) (PID 015-849-601) to a public information meeting; AND FURTHER, the public meeting be held once the Province allows for public gatherings due to the 2019 Novel Coronavirus (COVID-19).

RECOMMENDATION NO. 2:

That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area a Director Garry Jackman is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Respectfully submitted,
Signature:

Originally signed by Eileen Senyk.

Name: Eileen Senyk, Planner

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services
Chief Administrative Officer

Originally approved by Nelson Wight.
Originally approved by Sangita Sudan.
Originally approved by Stuart Horn.

ATTACHMENTS:

- Attachment A** – Bylaw Excerpts
- Attachment B** – Referral responses

18.0 COUNTRY RESIDENTIAL (R2)

Permitted Uses

1. Land, buildings and structures in the Country Residential (R2) zone shall be used for the following purposes only:
 - Dwellings:
 - One-family
 - Two-family
 - Horticulture
 - Accessory Uses:
 - Accessory Tourist Accommodation
 - Day Care Facility
 - Home Based Business
 - Horticulture
 - Keeping of Farm Animals
 - Sale of Site Grown Horticultural Produce
 - Accessory Dwelling
 - Temporary Guest Accommodation
 - Portable Sawmills (for processing of materials harvested on-site only)

Development Regulations

2. The minimum site area for each permitted use shall be one (1) hectare.
3. The minimum parcel size for a parcel subdivided for a relative under Section 946 of the *Local Government Act*, with the approval of the Interior Health Authority, shall be 0.8 hectares.
4. The maximum site coverage permitted shall be 50 percent of the lot area.
5. The keeping of farm animals shall comply with the requirements of Section 18.0 (77).
6. Buildings and structures in the case of a lot that may be further sub-divided shall be sited so as to facilitate further subdivision of the lot or adjacent lots.
7. An accessory building may be constructed on a lot prior to construction of a dwelling subject to the maximum size of 56 square metres.
8. The maximum height of any accessory building or structure shall not exceed 8 metres.
9. The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.
10. The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

Accessory Dwelling

11. Subject to compliance with the requirements of the Province for sewage disposal and water supply, one (1) accessory dwelling per lot is permitted as an accessory use to a single family dwelling subject to the following:
 - a. the minimum site area for the accessory dwelling shall be the same as for a two-family dwelling, depending on level of servicing;
 - b. a maximum gross floor area of 90 square meters (m²);
 - c. the accessory dwelling shall not be a vehicle; and/or
 - d. the accessory dwelling shall have a separate entrance and separate living, sleeping, sanitary and kitchen facilities from the single detached dwelling.
12. The minimum separation distance between an accessory dwelling, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
13. One (1) additional off-street parking space shall be provided for an accessory dwelling.
14. Accessory dwellings shall not be used as tourist accommodation.

Temporary Guest Accommodation

15. Subject to compliance with the requirements of the Province for sewage disposal and water supply, one (1) cabin per lot for the temporary accommodation of guests is permitted as an accessory use to a single family or two-family dwelling subject to the following:
 - a. the minimum site area for a cabin shall be 1.4 hectares (ha); and
 - b. the maximum gross floor area for a cabin shall not exceed 100 square metres (m²).
16. Subject to section 20.0 (12), a recreation vehicle may be used for temporary guest accommodation provided that no more than two (2) recreation vehicles shall be located on a lot at any one time. Recreation vehicles shall be required to be licensed and remain mobile consistent with the original design of the vehicle. A recreation vehicle that has its wheels or towing hitch removed, or is placed on footings or foundation, or includes additions such as porches, decks or a roof structure or in any way is altered or situated so as to be permanently affixed to the lot shall be considered a dwelling or guest cabin and must conform with the density provisions under section 20.0 (2) and (12).
17. The minimum separation distance between a guest cabin, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.

18. Each guest cabin or recreation vehicle that is used as temporary guest accommodation shall have sufficient site area to accommodate two (2) off-street parking spaces.



March 20, 2020

RDCK File #: T2001A
Our File #: NX2020-98494

Regional District of Central Kootenay
Box 590 Nelson BC V1L 5R4
MWheaton@rdck.bc.ca

Applicant: Dean Bryans, Elizabeth Bryans & Debbie Smith
Legal Address: Lot 1 District Lot 4595 Kootenay District Plan 1585, Except Parcel A
(See 1435071) (PID 015-849-601)
Site Location: 5437 Cory Road, Wynndel

Thank you for the opportunity to provide comment on the above referenced Temporary Use Permit application from the viewpoint of our policies and regulations governing onsite sewerage dispersal systems and water supply.

The proposal includes enabling the property to be used for the operation of a business consisting of 3 cabins for Temporary Guest Accommodation and 3 Recreational Vehicle Sites for camping.

This office recommends that the applicant provide documentation to support that the proposed uses will not conflict with any existing septic systems. If no such documentation is readily available, it is recommended that the applicant retain the services of an Authorized Person under the Sewerage System Regulation (BC Reg. 326/2004) to produce evidence that no such conflict will occur. The Sewerage System Standard Practice Manual Version 3 requires that an increase in daily design flow necessitates an “upgrade” to any current systems meaning that it must meet all current standards of the manual.

It appears that the proponents are suggesting the use of holding tanks to dispose of sewage for Cabin #2 and #3. The construction of a holding tank requires a Construction Permit, please visit [our public webpage](#) for further information.

If you have any questions, concerns or require additional explanation, please email HBE@InteriorHealth.ca or phone toll free at 1-855-744-6328, then choose the HBE option.

Sincerely,

Carol Leung
Environmental Health Officer – Environmental Assessment Program
Copy sent by email

WYNNDEL IRRIGATION DISTRICT

5127 A Wynndel Rd.
Wynndel B.C. V0B 2N2

Tel/Fax: 250-866-5312
email wynndelid@gmail.com

Office Hours Tuesday & Thursday 12:00pm – 4:00pm

March 19, 2020

To: RDCK

Wynndel Irrigation District (WID) is aware of the Amendment to Comprehensive Land use Bylaw No. 2315, 2013. The legal description of 5437 Cory Road, Wynndel, and Lot 1 District lot 4595 Kootenay District Plan 1585, Except Parcel A.

WID has no issue with this planned change, and has sufficient supply to provide water to this property with this proposed change. However there will be an increase in charges as the classification of the land will be changed, and the board will be passing a bylaw to include a category for Camping sites/RV sites, as we don't currently have one. At this time there is not a bylaw and therefore the WID is unable to quote exactly how much of an increase there will be to the water service charges. At this time the proposed increase will include water tolls for two cabins and additional charges under a new bylaw for 3-6 campsite/RV sites depending on what is approved.

If there are any questions please contact either Barry Timpany Chairman of the board, or myself Brittney Boehmer, Secretary.

Thank you



Barry Timpany
Chairman of the Board
Wynndel Irrigation District
bb

From: [Spalding, Juliet TRAN:EX](#)
To: [Mikaela Wheaton](#)
Cc: [Eileen Senyk](#)
Subject: RE: Temporary Use Permit, Agency Referral, RDCK File T2001A - Bryans & Smith
Date: Tuesday, March 31, 2020 4:20:12 PM

Hi Mikaela,

Thanks for the opportunity to review this request. Am I correct to assume that this permit is in lieu of a zone change previously submitted?

In any case, MOTI comments remain the same:

I was unable to locate in our files the previous access permit, as referenced on the applicant's plan. Based on a drive-by site visit the applicant will need to apply for a new access permit for the commercial uses upon which time I will evaluate the safety of the accesses for the proposed uses. I noticed that the southern-most access has poor sight lines and may be required to be improved, limited to right in/out, or otherwise.

Let me know if you have any questions or concerns.

Kind regards,
Juliet

Juliet Spalding
Development Officer
MOTI - West Kootenay District
310 Ward St. – Nelson, BC – V1L 5S4

[MOTI Permit Information and Online Application](#)
[MOTI Subdivision Information and Online Application](#)

From: Mikaela Wheaton <MWheaton@rdck.bc.ca>
Sent: March 11, 2020 9:01 AM
To: BC MOT WKD TRAN:EX <BCMOT.WKD@gov.bc.ca>; Garry Jackman <GJackman@rdck.bc.ca>; 'medhurstgina@gmail.com' <medhurstgina@gmail.com>; 'carolynvanr@yahoo.ca' <carolynvanr@yahoo.ca>; Nora Hannon <NHannon@rdck.bc.ca>; Interior Health - Referrals (hbe@interiorhealth.ca) <hbe@interiorhealth.ca>; 'wynndelid@gmail.com' <wynndelid@gmail.com>; Suzanne Nedham-McBriar <smcbriar@rdck.bc.ca>
Subject: Temporary Use Permit, Agency Referral, RDCK File T2001A - Bryans & Smith

Good Morning,

Attached is a referral package, as prepared by Planner, Eileen Senyk, for the above noted file. Please return your Agency's comments, if any, to me directly (please do not reply all) prior to [April](#) [nd](#)

2 , 2020.

Thank you,

Mikaela Wheaton

Planning Assistant

Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4

Phone: (250) 352-1536 **Fax:** (250) 352-9300

Web: <https://rdck.ca> **Friend us on** [Facebook](#)

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29 March 2020

To:

Eileen Senyk
 Planner, RDCK
 Box 590
 Lakeside Drive
 Nelson, BC
 V1L 5R4
 Work Tel: (250) 352-8190

Re: **Application for a Temporary Use Permit T2001A**

Dear Eileen,

It is with great disappointment we received a letter from the RDCK to inform us the Smith and Bryans have now applied for a 3-year temporary use permit to enable the applicant to “lawfully” continue conduct the Blacktail Ridge business. We do not see the logic in this process of applying for a temporary use permit when the first application for re-zoning was refused for the very same commercial activities. What will this lead to three years down the road? The site and location are simply unsuitable for the proposed business and this will not change at the end of three years.

Interestingly, looking at the current Blacktail Ridge website at <https://blacktailridge.wordpress.com/>, it appears as if it is business as usual. There is no indication that there have been any interruptions in the business. Our understanding was that they do not have a permit to operate.

We very strongly oppose this new 3-year “application for a temporary use permit” for all the reasons we previously outlined in our letter sent to you, dated 24 February 2020. We list them here again below:

- Owners operating (currently) without proper permits and not following regulations/by-laws;
- Commercial activities proposed, i.e. operating Blacktail Ridge, is not compatible with the current permitted uses of Country Residential (R2) zoning;
- Commercial activities proposed, i.e. operating Blacktail Ridge, is not compatible with the “**East Shore of Kootenay Lake Electoral A Comprehensive Land Use Bylaw No. 2315 (2013)**”;
- The request to operate 3 cabins and 3 un-serviced recreational vehicle camp sites on such a small parcel of land is inappropriate as it will result in:
 - Increased noise disturbance due to increase in number of people and recreational vehicles on-site at the same time;
 - Increased noise and debris due to the commercial nature of catering/hosting wedding and family reunions (outside of immediate families);
 - Increased risk of wildfire due to use of fireworks and unattended campfires;
 - Increase amount of garbage blowing off site impacting adjacent private properties and forest space.
- The Wynndel Irrigation is not set up to accommodate additional commercial use, especially during drier months, during which most of the business is conducted, and when water use is at its greatest;
- The road infrastructure (Cory Road) was designed to accommodate for rural living, not commercial activities and any increase in traffic volume will put residents at unwarranted risks:

- There are no sidewalks;
- The road is steep, winding, and has blind corners and hills;
- There is no regular traffic or law enforcement.
- Any traffic increase will jeopardize the current use of the road by residents:
 - Residents (with kids) walking, biking, dog walking;
 - Pre-schoolers and youth catching the school bus.
- There is no indication at this time that septic and wastewater has been appropriately set up for the current “unlawful” commercial business operating on the Smith and Bryans’ property. Further, there is no suggestion that septic and wastewater has been or will be addressed in this temporary use application.

We strongly urge the RDCK to deny this second application by the Smith and Bryans. Rejection of the application will avoid creating legal precedents and will guide future business proposals, submitted and accepted only in areas that are applicably zoned. This will safeguard all of us living on Cory Road, in Wynndel, and let us know that we can continue enjoying the rural atmosphere we have sought by choosing to purchase land here.

Sincerely,

Marc-Andre Beaucher & Gillian Cooper

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

CC:

Garry Jackman – RDCK, Director Area A
RDCK Building Services - Creston
Interior Health Authority – Healthy Built Environment, Nelson
Board of Directors, Wynndel Irrigation District
Jared Riel - Creston Fire Department (Fire Chief position vacant in Wynndel)
Meat Inspector – Interior Health Authority Meat Inspection Team

From: [Keith Brookfield](#)
To: [GRP_PlanDept](#)
Subject: File # T2001A
Date: Thursday, March 26, 2020 1:03:27 PM

March 24, 2020

Ms. Eileen Senyk
RDCK Planner
Box 590, 202 Lakeside Drive
Nelson, BC
V1L 5R4

Dear Ms. Senyk,

While we are very happy that rezoning will NOT be going ahead in our neighbourhood, we are more than disappointed that a new process needs to take place in order to determine whether a commercial development will still be allowed.

Here are some things we learnt during the rezoning application process that still apply.

1. The applicants have been operating a growing commercial venture in our neighbourhood for five years without proper approvals.
2. The applicants have been using their very old residential septic systems in order to service their various rental units.
3. We were misled. Initially, the applicants told us that they only wanted to "keep things as they are" but then introduced plans to greatly increase their operations.
4. The applicant's have referred us to their "friend", Gary Jackman, our area A representative, to get our questions answered. We do not believe that this is the proper process.
5. The applicant's website says that they have 5 acres of property but their application shows only 1.7 hectares (4.2 acres). Where is this extra property located? Recently completed surveys on at least two of the neighbouring properties have resulted in significant property line adjustments. As there are clear (and increasing) RDCK setback requirements, we suggest that the applicant's property be resurveyed and any encroachments/boundary disputes be resolved. We certainly recommend that RDCK officials conduct an extensive site visit to fully understand this issue and others like it.
6. Several Cory Road and area residents have shared with us their concerns. These include a likely reduction in property values, greater fire danger, further strain on our infrastructure, increased traffic and danger to pedestrians, students and drivers (2 school buses operate on Cory Rd. 5 days per week during the school year), greater confusion in the event of an emergency, a lack of trust in the thoroughness of the applicant's business and operational management plans, the use of an onsite meat locker and unlicensed custom meat cutting service, a reduction in the beauty of the Cory Road streetscape, an unwelcome departure from the official RDCK community land use plans, inadequate sewage disposal plans siting a limited capacity of even updated sewage disposal methods due to underground stream flows and limited space, increased late night noise, campfire smoke and policing issues, and a collective loss regarding the very reason so many moved to Cory Road in the first place - to enjoy a quiet, rural life

With the new application, and what we have learned through the rezoning application process, our concerns remain.

1. This operation would still be a commercial operation located in a non-commercial area. We do not want this.
2. The applicants have proven that they operate with little regard for the truth and the laws and bylaws that are in place to protect us all. As RDCK bylaws depend on neighbours reporting violations, we would all need to become whistle-blowers. We do not want this.
3. We feel that the applicant's sewage disposal plan, including 'dry camping', a 500 gallon holding tank and outdated residential septic fields, is hopelessly inadequate. The applicant's online promotion to 'dry' campers' indicates the use of the communal toilet and shower facilities which drain into a decades-old residential septic field (I.E. This is NOT dry camping). Regarding the holding tank, the operators, given their track record, may find some way to drain it onsite thus avoiding the hundreds in pump out fees each time it fills up. Perhaps even worse, the operators may

delay the pump out procedure until their tank overflows (this could happen any time of the day or night) thus creating a huge health hazard for everyone. In other words, our community's health could be left in their hands. Simple math tells us that 3 cabins (15 people or more) and 3 RV sites (15 people or more) and the operator's residence (2-5 people?) will easily overwhelm the systems. Add to that, the idea of having 50 or more guests for a wedding or family reunion, one can easily see that the dangers of septic overflow are all too real. We do not want this.

4. This new temporary land use process (for the applicants) has the same goal in mind - rezoning their property to tourism commercial in either 3 years or 6 years. As we have made it amply clear, we do not want this now or in the future, the new process means that we will once again have to consider this idea in 3 years and/or again in 6 years. We do not want this.

5. R2 land use bylaws allow for additional uses based, in part, on the size of the lot in question. Initially, R2 lots need to be at least 1 hectare. It appears that additional uses (there are 11 allowable uses listed in the bylaws) require either 1 or 1.4 extra hectares for each (?) If this is correct, the applicants will need an additional 1 hectare for the "Lodge", 2.8 more hectares for their cabins, and 3 hectares for their RV sites. If we add an additional hectare (or hectares) for the additional businesses operating from the property (ecotours, fishing/guiding, and custom meat cutting), the applicants need at least 8.8 hectares. They have only 1.7. We do not want anyone in our area to be allowed to exceed their designated land use density/capacity by a factor of 5.

6. The property (and the plans provided) do not show fences to keep potential guests off other people's private property. All commercial campsites we have stayed at are fully fenced and have a gate to keep campers in, and others out, overnight. With this in mind, are we now expected to fence our large property at great expense to keep non-residents out? We do not want this.

Once again, please encourage the applicants to move their operation to a much larger, commercially-zoned property somewhere else.

Sincerely,

Keith and Gail Brookfield

A large black rectangular redaction box covering the signature of Keith and Gail Brookfield.

Sent from my iPad

From: [Tracey Filewich](#)
To: [GRP_PlanDept](#)
Subject: T2001A Bryans and Smith
Date: Wednesday, March 11, 2020 4:37:32 PM

Hello again Eileen.

Since this new application is posted, I am assuming that the previous one was denied. Can you tell me why they are applying for a 3 year Temporary? What exactly does that mean? Also, what constitutes a "small venue?" In regards to that, do they have to be able to have parking for ALL vehicles on their property, or can it be on the roadway. Can they continue to run their small business on their property as they have been doing, without this application being granted?

Thank You for your time

Tracey Filewich
Aaron Grant



From: [Patricia E Lyons](#)
To: [GRP_PlanDept](#)
Subject: T2001A 5437 Cory Rd. Wynndel, BC
Date: Tuesday, March 17, 2020 9:28:25 AM

We adamantly say NO to this plan.

Sent from my iPad

From: [lorraine \[REDACTED\]](#)
[\[REDACTED\]@Wheaton](#)
Subject: T2001A
Date: Tuesday, March 17, 2020 7:25:30 AM

Good Morning,

Thanks for sending us the link for the referral package.

We would like to know what happens when, if approved, this temporary permit expires.
Will the owners automatically be issued another business permit?
Or will this same process occur again?

It looks to us that under this new permit business will continue on as usual for these business owners.

However, there is an additional stressor for the locals of Cory Road with the addition of a permit to hold weddings and family gatherings.

We are vehemently opposed to this addition to the permit, as well as the approval of this temporary permit.

The owners of this business hosted a wedding on the long weekend of August of 2019.
It was very loud and raucous and we got no sleep that night.
There were even possibly intoxicated guests racing their motorcycles up and down Cory Road at 3 in the morning.

This business has no meeting hall to host big events like this, and it would be more appropriate to hold these events in community halls.
For instance, there is a community hall in Wynndel which these people could rent out. The owners of this business could more appropriately host these events over there.

After looking at the plans that the main owner appears to have drawn up himself, it looks like every available suitable inch of this property will be utilized for this business.

It appears that the business will be operating almost as if their C3 approval had gone through.
As far as I know, Cory Road is still rated as R2, a quiet country residential neighbourhood.
Is this still correct?

The possible approval of this temporary permit T2001A has us even more concerned and worried than the rezoning to C3 did.

Among other things, we would still have an RV campground located right across the road from us, which we find unacceptable.
This business is located on a hill quite a distance above ours and surrounding properties.
Sound from this business radiates right down to us and other local property owners or renters. All of Cory Road is like a giant echo chamber in general.

We feel that this business should be located in a commercially zoned location instead of on Cory Road.
The owners could rent or lease or buy a property along the highway below Wynndel, for instance.
We are not opposed to the owners running their business elsewhere.

This business, in general, will not enhance or improve the local community in any way, shape or form.
The owners appear to have little or no concern for the peace and quiet and safety of their neighbours, and they seem to be the only beneficiaries, other than tourists, of their business.

Local Cory Road residents appear to be the ones being forced to cope with the negative consequences of the continued operation of this business.

Yours sincerely,

Lorraine and Pat Ouellet
Sent from my iPhone

The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, use and disclosure of personal information are subject to the provisions of FIPPA. Any submissions made are considered a public record for the purposes of this application. Only personal contact information will be removed. If you have any questions about the collection of your personal information, contact the Regional District Privacy Officer at 250.352.6665 (toll free 1.800.268.7325), info@rdck.bc.ca, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RESPONSE SUMMARY

PLANNING FILE NO.: T2001A APPLICANT: BRYANS & SMITH

1. The proposal is well explained with good description and maps.
2. The proposal is asking for much more dense development than allowed by zoning for R2.
3. A temporary permit is beyond current zoning.
Improvements would set the stage for a new rezoning application in three years.
4. We want the R2 zoning to remain in place for our life time.
5. The Byron and Smith's north property line, shared with Gary and Diane Yoshinaka is disputed.

Lynn W. Cochran 3/25/2020

Name:

Date:

Agency:

Title:

RETURN TO: EILEEN SENYK, PLANNER
DEVELOPMENT SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
plandept@rdck.bc.ca

To
 EILEEN SENYK,
 PLANNER/DEVELOPMENT SERVICES
 REGIONAL DISTRICT OF CENTRAL KOOTENAY
 BOX 590, 202 LAKESIDE DRIVE
 NELSON, BC V1L 5R

This letter is in response to the temporary use permit, RDCK file no. T2001A

There seems to be the need for clarification and answers to this application in regards to RDCK zoning bylaws.

- 1) R2 zoning 18.0 1, permitted uses allows for one family dwelling id. as 5437 Cory road and a 2nd family dwelling id. as 5435 Cory road. The 2nd family home was used as a second family dwelling in the past and now it is being used as a lodge for temporary guest accommodation. 18.0 2. states The minimum site area for each permitted use shall be one (1) hectare. As indicated by assessment BC total lot size is 1.7 hectares total, to me this 2nd home should not have been allowed under (R2) zoning as 2 hectors would be required. I do know that Cory road property's were rezoned in 2013 apx. So under the old zoning i am assuming that the 2nd family home was allowed and is grandfathered into (R2) zoning. If the change is allowed from 2nd family dwelling to guest cabin the minimum site area for a cabin changes again 18.0, 15 a. the minimum site area for a cabin shall be 1.4 hectares (ha). This puts total land area to 2.4 ha. Well over the lot size now of 1.7 ha. And grandfathering would not apply.
- 2) 18.0 10. The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres. As indicated on the applicants hand drawn property there are 6 accessory dwellings (i am including 5435 if allowed as a cabin) and total floor area totals 359.34 sq. Meters this leaves 40.66 sq. Meters left for the 2 recreation vehicles (cabins). A quick walk past the property showed 9 accessory buildings, i think an on site measurement by an impartial Nelson RDCK not local (possible conflict of interest) be conducted. If this temporary permit passes the 2 proposed RV's will have to fit in with the maximum floor space. 18.0 15, a.the minimum site area for a cabin shall be 1.4 hectares (ha); this shows an additional land area needed 2.8 hectors. With the first shortfall of .7 added to 2.8 increases to a 3.5 hector shortfall in land area.
- 3) 18.0 1. permitted uses, i do not see anywhere under accessory uses a campground. As indicated by the applicant (3 Recreational Vehicle Sites for camping). All be it it is a small campground but still a campground non the less. I do not see any provisions in uses allowing commercial gatherings being allowed (property to be rented for SMALL VENUE gatherings such as weddings and family re-unions). What is a small gathering 1, 20, 100, 1000, 10,000 people, this depends on a persons perspective of small. There is no infrastructure in place for any gatherings of any size and nothing indicated. Because neither of these proposals fall under the allowed uses they should not be allowed without any further discussion.
- 4) This application is asking for a 3 year temporary land use permit, as indicated the applicants have been operating for 5 years already with no regard for laws and regulations that have been put in place by various regulatory groups. Personally i feel this is the tip of the iceberg for non compliance for building, electrical, health, fire and safety regulations and should not be allowed.
- 5) Personally i do not think this would be good for the community and see no benefit for anyone else other than the operators. There is already a good supply of campgrounds (private and

government), motels, hotels and B&B's in the Creston and Yahk valley along with up and down the lake. The local residents have been putting up with this operation for years until someone complained about this operation and if it is to proceed it must be done properly to ensure the community spirit is in place. I thank you for allowing the locals to express there concerns or support for this project and my household does not support it.

Murray Tamas

[REDACTED]

Via Email

Calen & Dana Dodge


12 March 2020

Regional District of Central Kootenay
Box 590, 202 Lakeside Drive
Nelson, BC V1L 5R4

Attn: Eileen Senyk

Dear Ms. Senyk:

RE: RDCK PLANNING FILE T2001A, 5437 Cory Road

As the property owners of 5454 Cory Road, we were originally in agreement of a variance regarding the above noted property but not rezoning, as we were told everything would stay in an “as is” state, yet online you could see the plans for many changes, which we were not comfortable with. We were misled regarding this situation.

Now that this situation has changed to a “ temporary use permit” our concerns are still as follows:

- The proposed change is in contravention of the official land use plan for this area as commercial & business property is designated to be along the highway.
- Our road has no sidewalks or lighting, increased traffic adds safety concerns at the same time takes away enjoyment of peaceful daily walks with children and pets.
- Evacuation in the event of a natural disaster could be compromised with guests attempting to move their trailers, etc.
- The increase in water usage will reduce pressure and flow for the current residents
- The greater potential for undesirable activities that non residents could bring to our area.
- Inadequate fire suppression and emergency response plans in place.
- 3 year terms are undesired as there will be commercial activity in a residential only area for that term.
- The commercial activity might extend, then we have to do this headache all over again.
- Sewage runs down hill, and their increased flow could adversely affect all properties below them.

We originally purchased our property in a rural setting for the positive lifestyle we want to provide our children and are adamantly opposed to living close to a commercial enterprise of any sort. Please relieve us of the stress of these repeated land use applications

Yours truly,

Dana & Calen Dodge

From: [Gary](#)
To: [Eileen Senyk](#)
Subject: Opposition to Application T2001A
Date: Thursday, April 2, 2020 12:32:31 PM

Dear Eileen. First I would like to say that we are opposed to the application for a temporary use permit T2001A. I have talked to a few neighbors and heard what they have to say to you about this issue and everything seems to be covered thoroughly. So instead of going through it all again, I would like to tell you how this would affect us as direct neighbors.

I would like to start with how the world has changed since my last communication with you. The COVID-19 virus has changed everything. And what is unknown about it is a scary thought. We all hope it will end soon and hopefully it does. But who knows if it will and if it does, when or where the next virus will start. Do I have to worry, when I go out into my own backyard, that I will contact a stranger? As there is a lack of things for campers to do on the applicants property, going for a walk is something to do. And with the poor fencing, wandering onto our property is very likely. With the possibility of 24 people a day (6 units average 4 people) staying at the applicants property from May to September ... and as we like to work in the yard all summer, contacting many strangers on our property is very likely. Even without the scare of a virus, strangers wandering onto our property is something I do not look forward to.

The entrance road onto the applicants property is less than 100 feet from our house. Close enough that we can hear when it is being used. With nothing to do to keep campers entertained on the applicants property, and if not out for a walk, they will have to leave the property to do things. Also with no hookups, they will have to move their units to dump sewage or fill with water. The noise from the campers coming and going, dust off the road, and exhaust fumes are other problems that I do not look forward to.

Along with the noise of the vehicles, there is the general noise from a campsite that we will have to deal with. 24 people generate a lot of noise and with the possibility of half that number being children, who knows how loud it will get. Along with noise, a lot of people also create a lot of garbage. And if add in parties, who knows how much noise and garbage will multiply accordingly. With the warm weather we have here and lack of hookups on the applicants property, adding to the noise factor will be the running of generators to power air conditioners or recharge batteries.

There are so many things to consider, like walking to the mailbox on a narrow road with corners that opposing R V traffic have to wait to proceed one at a time. What about our pets? We have cats and a big friendly dog that loves people. Will they be safe? Theft, vandalism, other big city crimes in our rural area. What about the biggest threat of all... fire! As we know, carelessness causes a majority of fires. With many more people in the area, chances of this happening increase.

Property values will drop. We purchased this house as our retirement home and in June 2018, moved here. This will be our sixth home. Our previous houses sold quickly and we realized a profit on each. If this application is approved, I do not believe that would be the case here. I DO NOT want to live next to a R V park, and would never buy property next to one. I think a lot of people would agree. If you approve the application, then are we to become a community where everyone has one or two or twelve R V's parked in their yard? If you approve one, how can you not approve the next one?

As I sit here writing this letter, thoughts of how this will affect us, continually flow. It is increasingly frustrating, so I will try to end. The idea of taking something that is already there, putting as little into it as possible and then generating income from it is great. Is that not what they call the American dream? But this is Canada, and Canada, I believe is more about personal freedom. The freedom to go out into your own yard and enjoy it and feel safe and at home.

Thank you for your consideration.

Gary and Alice Yoshinaka

[REDACTED]

Sent from my iPad



Box 464 Creston BC V0B1G0

Blacktail Ridge Charters
5435 Cory Rd
Wynndel BC V0B2N1

Attention: Dean Bryan

Re: Charter for Robert Louie Sr. Documentary Film and Tourism Access

We were very pleased to meet with you to discuss the aforesaid project. We will require access to the Indigenous Historical Sites in order to document the Legends and Historical significance of each site.

We were sorry to hear that you are in a position with rezoning that may end your business. The documentary film will be distributed through the Ktunaxa Nation and the Columbia Basin as a whole. It will also be available through ecommerce as well as distributed throughout School Districts 8, 6 and 20 and the Yaqan Nukiy School.

Those that access the film and are drawn to return to the community and further their knowledge of their traditional heritage will need access to the Legendary Sites.

The current Legend Tours have a 50% Indigenous element and the culmination of the tours and the written history are priceless. We do realize that there are other charters from the north end of the lake but the distance and fuel surcharge to service the Creston and Lower Kootenay Band areas become cost and time prohibitive. As well your knowledge of the site locations has been collected firsthand through close association with Robert Louie.

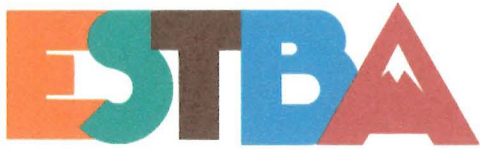
The production of this documentary is time sensitive and the continuation of the Legend Tours is the final stage in the artistic and cultural connection before the oral teachings are lost forever.

We strongly feel that the loss of Blacktail Ridge Charters would negatively impact the region as a whole not just the final step to the journey home Robert Louie as Cultural Carrier to his people hopes to establish through documenting their history. The Creston Valley Arts Council are also looking forward to booking a scenic plein air artists tour to enhance this years theme "Drawn With Nature".

We wish you good luck with your rezoning plans as we sincerely believe the loss of your business would create a huge void in the area tourism. The people that book these tours shop locally and bring economic enhancement through word of mouth many times over.

Sincerely

Creston Valley Arts Council



east shore trail & bike association
Box 123 Crawford Bay BC V0B 1E0
eastshoretrailandbike@gmail.com
www.estba.ca

January 20, 2020

To whom it may concern

Re: Blacktail Ridge Lodge zoning

The East Shore Trail and Bike Association (ESTBA) is a local non profit society that ensures effective monitoring, data collection and maintenance of the East Shore's authorized front and back-country trail network. Our mandate is to develop the East Shores physical and cultural infrastructure to accommodate the increased interest in outdoor recreation tourism.

As our East Shore communities look for ways to attract and educate visitors as well as provide opportunities for residents to be active, our natural assets are a true gift among so many. These unique assets are a positive way to sustainably invigorate social and economic development initiatives as well as encourage more folks to get outside.

With Kootenay Lake's East Shore already seeing increased visitor interest in the lake, mountains, parks and local culture, we at ESTBA have identified many opportunities for a broader spectrum of sustainable recreation activity.

The East Shore Trail and Bike Association recognizes Blacktail Ridge Lodge and it's operations as a key activity and opportunity for visitors and locals to access the area's most popular assets. Furthermore, we respect and recognize the great efforts Blacktail Ridge owners Dean and Debbie Bryans have made to build partnerships and engage with the entirety of Area A.

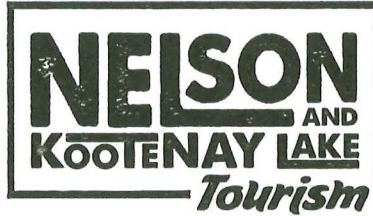
Their partnership with Legend Logos-Lake Eco Tours signals a new era of educational tourism opportunity with the Ktunaxa First Nation and provides an example of positive relationship building for us all.

The East Shore Trail and Bike Association fully supports the rezoning of Blacktail Ridge Lodge property to ensure their operations are able to continue to benefit the East Shore and Creston Valley.

Thank you for your consideration on this matter

Farley Cursons

[Redacted signature block]



February 25, 2020

RE: BLACKTAIL RIDGE LODGE & RV

Dean and Debbie Bryans
5437 Cory road, Wynndel BC, V0B 2N1
250-866-5785

RDCK: To Whom it May Concern

Nelson and Kootenay Lake Tourism (NKLT) is a Destination Marketing Organization (DMO) that works with and promotes tourism-related businesses in six communities along the shores of Kootenay Lake: Nelson, Balfour, Kaslo, Ainsworth Hot Springs, North Kootenay Lake, and East Shore of Kootenay Lake from Kootenay Bay to Wynndel.

The owners of Blacktail Ridge Lodge & RV are local residents who know the land and people intimately. Blacktail Ridge Lodge & RV has been in business for five years, servicing over 100 guests per year. Guests stay for a minimum of 2 nights, but most stay 4 to 7 days to enjoy all that Blacktail Ridge and the region has to offer: lodging, fishing, eco tours, scenery, and hiking. The Lodge is a single rental and accommodates up to eight guests at one time.

Nelson and Kootenay Lake Tourism represents Wynndel and its tourism operators and promotes them through their many marketing channels. Blacktail Ridge Lodge & RV is a wonderful resource for the region and well respected by locals and visitors.

We look forward to working with the RDCK and Blacktail Ridge Lodge & RV in the years to come.

Sincerely,

Dianna Ducs
Executive Director
Nelson Kootenay Lake Tourism

January 23, 2020

Re: Support letter for Blacktail Ridge

As owners of Legend Logos and the product of Legend Tours, we support Debbie and Dean Bryans' application to rezone the area for Blacktail Ridge Lodge to C3/Tourist Commercial. Blacktail Ridge Lodge and RV are a vital part of making the Charter Service (which is used for Legend Tours) viable. We have operated our own business in the Creston Valley for fifteen years and are well aware that it takes multiple revenue streams to stay in business.

We had a dream for the past decade to share the Yaqan Nukiy legends which are reflected in the geography with others. The Yaqan Nukiy, also known as the Flatbow Kootenay have lived in this territory for tens of thousands of years. Kootenay Lake is the best option for this but there was never a boat charter service at this end of the lake. When we heard of the Charter Service offered by Blacktail Ridge, we began collaborating with them to offer the Legend Tours. Not only have tourists participated in the Legend Tours, but we have had numerous Ktunaxa elders and younger people participate to learn the legends of the Yaqan Nukiy people. Also, many neighbors in the Creston Valley have taken the Legend Tour to learn more about the history of the valley they call home. This helps promote awareness and respect in this time of 'truth and reconciliation'.

With the success and responses we have had in our first couple of years, we had plans to document the tours and train young people for careers in tourism. Kootenay Rockies Tourism has encouraged businesses to look at tourism options that are action oriented. Within the next three years, we should be able to market internationally. This opportunity could bring many visitors to our area and act as a catalyst for expanding on Aboriginal Tourism.

Thank you for your consideration on this important matter.



Robert Louie
Elder & Community Historian



Dent




Regional District of Central Kootenay
Box 590
202 Lakeside Drive
Nelson B.C.
V1L 5R4
February 11, 2020

RE: APPLICATION FOR A LAND USE AMMENDMENT Z2002A

To whom it concern:

My wife and I are writing in response to the proposed amendment of property 5437 Cory Road, Wynndel – Lot 1 District Lot 4595 Kootenay District Plan 1585 from a Country Residential (R2) to Tourist Commercial (C3) by Debbie Smith, Dean Bryans & Elizabeth Bryans.

After much searching and numerous visits of rural residences with local real estate agents my wife and I moved from the hustle and bustle of Calgary Alberta to live in the peace and solitude of the Creston Valley. We purchased our new home, including a 5.1 parcel of land at the end of Cory Road complete with a million-dollar view. It was everything that we were looking for. The slow pace of life, the lack of people in your face, absence of traffic and knowing that it would not change made it an ideal purchase and location.

Needless to say, it came as quite a shock to both of us when we observed the sign stating that these landowners were applying for an amendment to their property that would pretty much put an end to what we were attempting to get away from.

Looking at the property in question today, I understand that the current owners have managed to abide by current zoning by-laws of only one (1) dwelling per piece of property by registering the second residence as an Airbnb. We have no issue with that, if it was done to the regulations.

Driving by the property this past summer, we could help but notice additional RV's and overnighers staying at the place making us both ask ourselves, "is that legal"? It didn't take long for our new neighbours to inform us that a 'noise complaint' had been registered with the regional district and that a district official had investigated the cause complaint. Identifying the zoning by-law violation, the official promptly shut down the operation.

Like most, if not all of our neighbours, we moved to Cory Road to enjoy the peace and quiet of a rural setting, one devoid of loud music, outdoor parties till all hours of the night, ATV's screaming up and down the road or unauthorized access onto private property, like ours.

For the many people including young families and seniors who get their exercise by taking daily walks along Cory Road, the additional traffic is not a pleasant thought. Cory Road has no sidewalks, crosswalks and wide road allowances. While the residents along Cory Road have been advised that rezoning would only be to maintain what already exists, the proposal on-line makes no mention of this and in fact, it calls for a doubling of current potential patrons. It also opens up the property for multiple additional uses down the road - something that the community would no longer have a say in.

It will increase traffic on an already narrow, winding, twisting road, potentially damaging the ecosystem of wildlife, local infrastructure i.e. unmetered water and roads, lower property values and introduce new challenges should wildfires or extreme weather ever darken our doorsteps.

We believe in the democratic process where the majority should rule, not the squeaky wheel gets the grease. This is not the setting for a commercial property being applied for and does not fit into the official community plan.

We urge the RDCK to please stick to the official community plan and encourage the applicants to move their business to an appropriately zoned area.

Thank you for your consideration,

Kelly & Donna Baltimore

[Redacted signature]

[REDACTED]
[REDACTED]
[REDACTED]



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: March 6, 2020
Date & Type of Meeting: April 15, 2020 Rural Affairs Committee
Author: **Tamara Dale, Planner**
Subject: NON-ADHERING RESIDENTIAL USE IN THE ALR - LEDUC
File: A1923B.04482.200/LEDUC/ALC00107

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee to consider a NON-ADHERING RESIDENTIAL USE within the Agricultural Land Reserve (ALR) which seeks to establish two single family dwellings and a manufactured home to accommodate farm help. The subject property is located at 1571 Lakeview Arrow Creek Road, in Electoral Area B.

Staff is recommending that this application not be supported because (a) the additional residence cannot be justified based on the agricultural activity on-site, pursuant to the advice of the Regional Agrologist; (b) it is not supported by Creston Valley Agricultural Advisory Committee for similar reasons; and (c) it has not been proven that there is an essential functional need for the additional residence which would outweigh the conflict with the ALC Act and ALR Use Regulation. Staff further contend that the non-agricultural investment for the proposed additional residence would be detrimental to the agricultural productivity of the land.

SECTION 2: BACKGROUND / ANALYSIS

General Information	
Property Owners:	Scottie Leduc, Robert Leduc, Jordan Leduc, Kristen Leduc, and Dayna Leduc
Property Address:	1571 Lakeview-Arrow Creek Road, Electoral Area B
Legal Description:	Lot B District Lot 4592 Kootenay Land District Plan EPP44690 (PID 029-529-832)
Property Size:	22.5 hectares
Zoning Designation:	Agriculture 2 (AG2) under Area B Comprehensive Land Use Bylaw No. 2316, 2013
OCP Designation:	Agriculture (AG) under Area B Comprehensive Land Use Bylaw No. 2316, 2013

Surrounding Land Use Zoning	
North	Agriculture 1 (AG1) and General Commercial (C1) – Land Use Agricultural
East	Agriculture 2 (AG2) and Country Residential (R2) – Land Use Residential
South	Agriculture 2 (AG2) – Land Use Agricultural
West	Agriculture 2 (AG2) – Land Use Agricultural

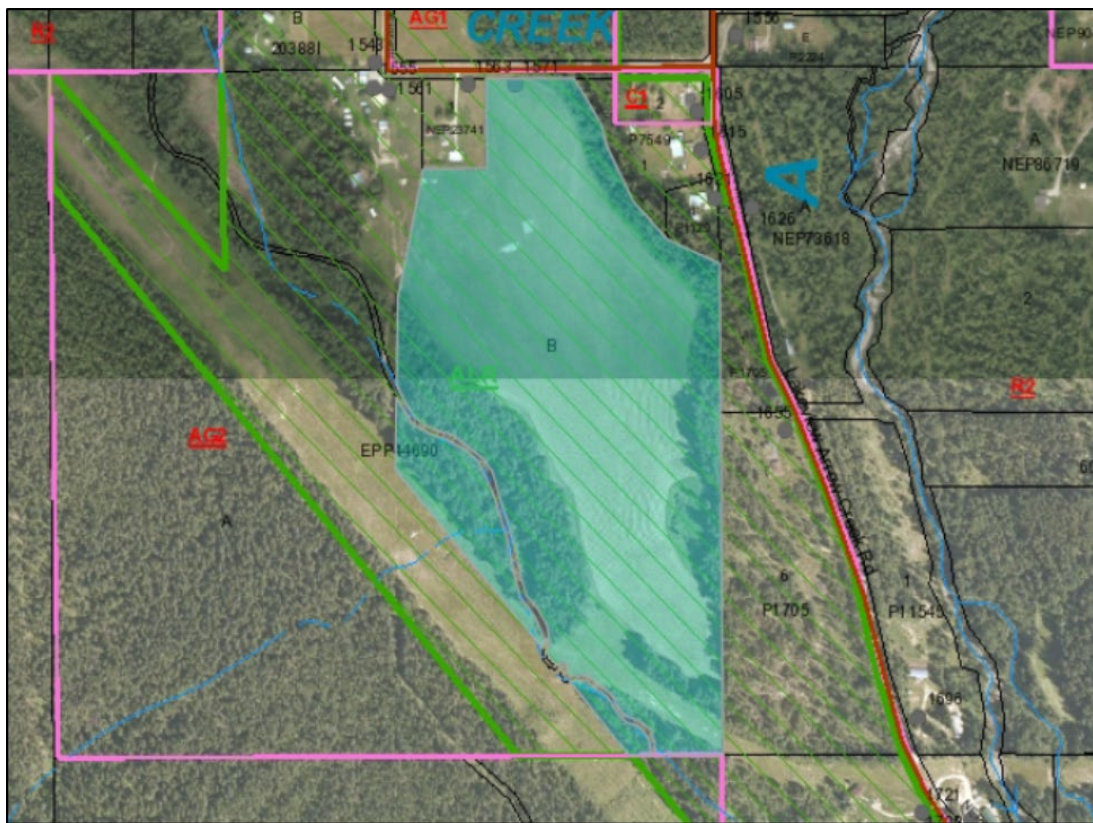


Figure 1: Overview Map

SITE DESCRIPTION

The subject property is located to the south-west of Lakeview-Arrow Creek Rd, with Okell Creek transecting the western section of the site and Arrow Creek located to the east. The eastern and south-western boundaries of the site comprise mature trees, and separate the site from the adjacent residential properties to the north-east and north-west. A utility access road transects the southern section of the site, with the riparian area of Okell Creek located within the southern and western extent.

From the Proposed Site Plan, the northern section of the site comprises the hay crop, with accessory buildings located along the eastern perimeter of the site. The western section of the site, adjacent to the existing riparian feature, currently comprises trees, which are suggested to be removed in the future to provide additional pasture. The southern section of the site is laid to pasture, and is fenced into a number of paddocks. It is within this area that the additional residential unit is proposed, with the existing manufactured home located to the north of the proposed site-built dwelling.

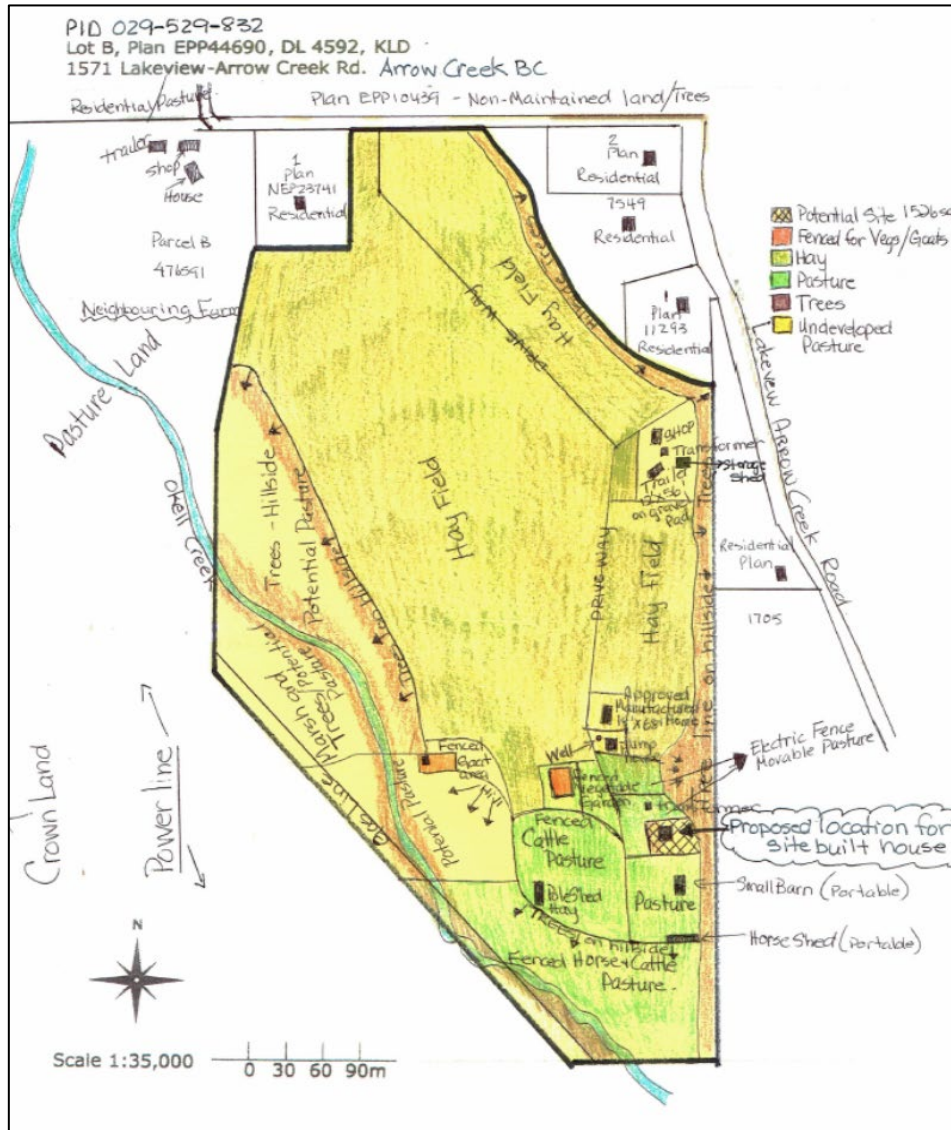


Figure 2: Proposed Site Plan

AGRICULTURAL LAND USE INVENTORY

The RDCK Agricultural Land Use Inventory, 2016 outlines that 30% of the effective ALR is in farmed land cover, which includes cultivated crops and barns, with 23% of the ALR parcels used for farming and 77% not used for farming. Forage and pasture accounts for 76% of all crops, while cereals and oilseeds account for 17%, with equine and beef being the most common types of livestock.

The Agricultural Land Use Inventory defines the nature of farming practices. Forage is a cultivated crop that is cut and made into silage or hay for livestock feed; and pasture is a cultivated crop that is used for grazing only, and is not cut. Forage and pasture is grazed for 1 to 3 months per year, and is also cut for silage or hay.

The scale system within the Inventory is used to describe livestock operations, and relies on Animal Unit Equivalents (AUE). One Animal Unit Equivalent is approximately equal to one adult cow or horse. The scale system includes 4 levels:

- “Very Small” – Approximately 1 cow or horse or bison, 4 hogs, 5 goats, sheep or deer, 50 turkeys, 100 chickens (1 AUE)
- “Small” – Less than 25 cows or horses or bison, 75 hogs, 125 goats, sheep or deer, 1250 turkeys, 2500 chickens (2-25 AUE)
- “Medium” – Less than 100 cows or horses or bison, 300 hogs, 500 goats, sheep or deer, 5000 turkeys, 10,000 chickens (25-100 AUE)
- “Large” – More than 100 cows or horses or bison, 300 hogs, 500 goats, sheep or deer, 5000 turkeys, 10,000 chickens (over 100 AUE)

AGRICULTURAL CAPABILITY RATING

The BC Agricultural Land Capability Map classifies the soil on the property as 4 M (unimproved soil class rating) and 2M (as an improved soil class rating). Management practices such as irrigation raise a soils class from the unimproved rating to its improved rating.

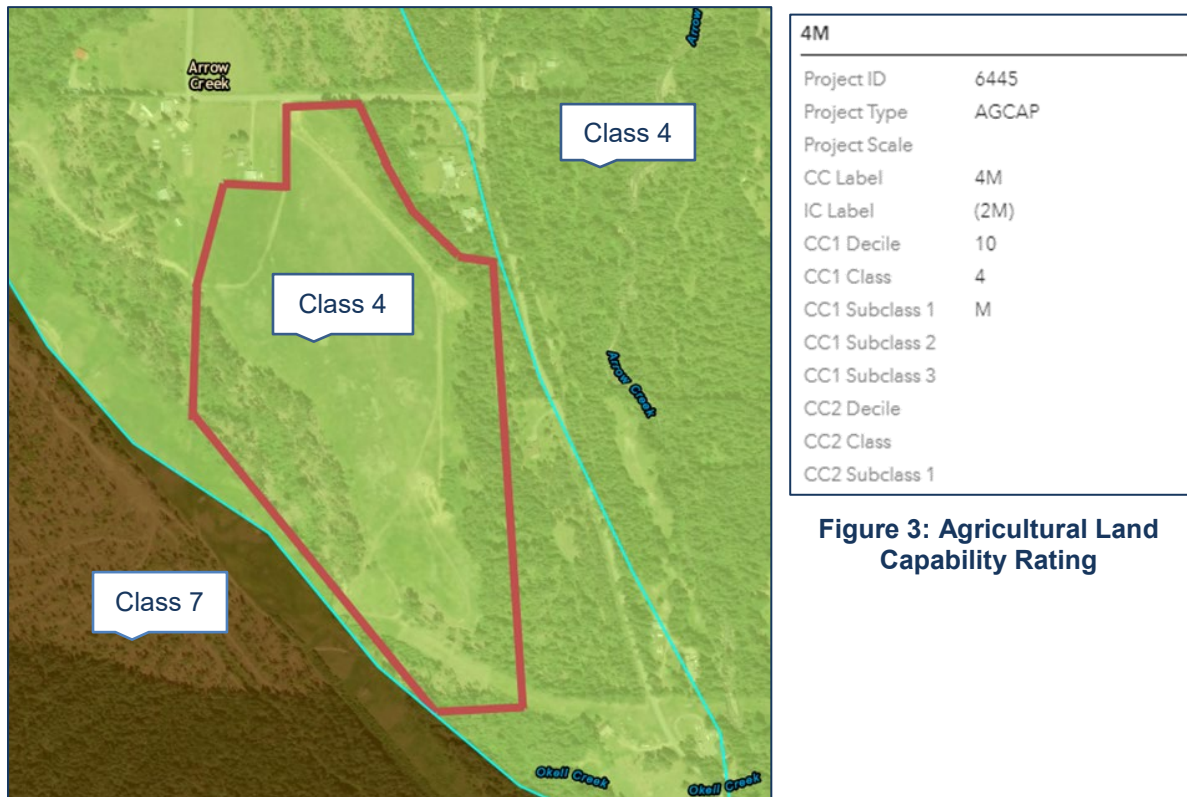


Figure 3: Agricultural Land Capability Rating

Unimproved Rating		Improved Rating	
100% 4M		100% 2M	

Soil Class	Description
4	Land in this Class has limitations that require moderately intensive management practises or a moderately restricted range of crops, or both. Land classified within Subclass M suffers from soil moisture deficiency.

SOIL CLASSIFICATION

The Soil Resources of the Nelson Map Area published by the BC Ministry of Environment categorizes soils that have similar agricultural characteristics into ‘soil association descriptions’. The soil type of the site is “Gillis Association”. This soil type occurs on the lower bench lands along the Kootenay, Columbia and Slocan Rivers, and within the drier parts of the Interior western hemlock-western red cedar complex. Gillis soils have moderate to high capability for agricultural uses if irrigated. The main limitation is low soil moisture holding capacity.



SIFT ID	130788
About SIFT	More info
Project Name	Soils of the Southern Nelson Area (1:50000)
Project Report	More info
Percent 1	100
Soil Name 1	GILLIS
Texture 1	Loamy Sand
Drainage 1	Rapidly Drained
Coarse Fragment 1 (%)	0
Mode of Deposition 1	GLFL

Figure 4: BC Soil Survey Classification

RDCK AGRICULTURAL AREA PLAN

The Agricultural Area Plan is considered the first step to improving the quantity and quality of agricultural production in the region. The purpose of the Agriculture Plan is to ensure that the Agricultural Capability of the area is realized and protected, and to reflect the priorities and needs identified by residents of the

RDCK. It provides direction to the RDCK on the measures within its purview and sphere of influence that can be acted upon to foster viable farms and thriving communities.

Land Base Capability Recommendation #1 suggests that the RDCK continue to use land use planning tools to discourage subdivisions of agricultural land, and to encourage the consolidation of contiguous smaller agricultural lots, provided they do not result in additional residences (resulting in higher land values for the farm). This recommendation recognises that preserving the agricultural land base is most readily done when it is being actively cultivated as a profitable farm. Inefficiency and high land prices are some of the factors that challenge farm profitability. Many farm operations benefit from having a larger and contiguous land base, and the cost of acquiring new or additional land is generally higher when there is a permanent dwelling on it. In recognition of this fact, the Agricultural Land Commission discourages the addition of dwellings with permanent foundations on farmland where there are already accommodations for the farm family.

Land Base Capability Recommendation #5 suggests that the RDCK amend the Zoning Bylaw to incorporate a maximum set back requirement for residential buildings on agricultural land. In addition to the footprint size of residences and ancillary buildings and uses, the siting of these structures can have an enormous impact on the productive capacity of the land. No matter the size of the house, when it is built in the middle of an otherwise productive farm field, it must also have driveway access which further reduces the productive potential of the land. Unobstructed fields can be managed much more efficiently when it comes to irrigation structures, movement of equipment, and the planting and harvesting of crops.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov’t Approvals req’d: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

The \$1500 fee was paid in full by the Applicant. The \$1200 portion of this fee will be forwarded to the Agricultural Land Commission with the resolution from the Regional Board.

b. Legislative Considerations:

AGRICULTURAL LAND COMMISSION ACT

Subsection 20.1 of the Agricultural Land Commission Act states that:

- 1) *Unless permitted under section 20.2, 25 or 45 of the regulations, an owner of agricultural land who constructs, alters or uses a residential structure on the agricultural land must comply with all of the following:*
 - a) *the agricultural land may have no more than one residence per parcel;*
 - b) *the total floor area of a principal residence must be 500m2 or less;*
 - c) *the residential structure must be sized, sited and used, in accordance with all applicable regulations.*
- 2) *An owner may apply*
 - a) *to the commission for permission under section 25 for a non-adhering residential use, or*
 - b) *in the manner set out in the regulations for a variation or exemption from a regulation with respect to size or siting.*

Section 25 of the Act states that:

- (1) *On receiving a use or subdivision application,*
 - (a) *the commission, if required by the regulations, must reject the application, or*
 - (b) *if paragraph (a) of this subsection does not apply, the commission may, subject to subsection (1.1)*
 - i. *refuse permission for the use or subdivision applied for,*
 - ii. *grant permission, with or without limits or conditions, for the use or subdivision applied for, or*
 - iii. *grant permission for an alternative use or subdivision, with or without limits or conditions, as applicable.*
- (1.1) *In making a determination under subsection (1) (b) with respect to an application for a non-adhering residential use, the commission*
 - (a) *must consider the prescribed criteria, if any, and*
 - (b) *must not grant permission for an additional residence unless the additional residence is necessary for a farm use.*

3) *An application referred to in subsection (1), except such an application from a first nation government, may not proceed unless authorized by a resolution of the local government if, on the date the application is made, the application*

(a) applies to land that is zoned by bylaw to permit farm use, or

(b) requires, in order to proceed, an amendment to an official settlement plan, an official community plan, an official development plan or a zoning bylaw.

Subsection 34(4) outlines that:

“A local government...that receives an application under subsection (3) must

(a) review the application, and

(b) subject to subsection (5), forward to the commission the application together with the comments and recommendations of the local government...in respect of the application.”

The site is zoned as Agriculture 2 under Area B Comprehensive Land Use Bylaw No. 2316, 2013, and the site is located with the Agricultural Land Reserve. An application has therefore been made to the RDCK to review the proposed development. While the Regional Board can not refuse the application, a recommendation can be provided for consideration by the Agricultural Land Commission.

AGRICULTURAL LAND USE REGULATION

Part 4 of the Agricultural Land Reserve Use Regulation relates to Residential Uses. Section 29 of this Part defines a Residential Structure as a structure or vehicle used, whether permanently or temporarily, to provide or in connection with providing accommodation.

Section 31 of Part 4 of the Agricultural Land Reserve Use Regulation relates to secondary suites, and states that *“the use of agricultural land for a secondary suite is permitted if there is one suite only, located in the principal residence.”*

Subsection 32(1) states that *“the use of agricultural land for an additional residence is permitted if the additional residence meets all of the conditions set out in subsection (2) or (3), as applicable.”*

Subsection 32(2) continues that *“an additional residence that is a pre-existing residential structure is permitted if*

(a) the residence is constructed in accordance with all applicable enactments,

(b) on February 22, 2019, the size, siting and use of the residence complied with section 3 (1) (b) (ii) or (b.1) (ii) or (iii) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, as it read on February 21, 2019, and

(c) the size and siting of the residence is not altered after February 22, 2019 unless

(i) permitted under section 25 or 45 of the Act, or

(ii) the alterations does not increase

(A) the size of the manufactured home, if the residence is a manufactured home, or

(B) the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, if the residence is not a manufacture home.”

Subsection 32(3) as amended continues that *“an additional residence is a manufactured home and that is not a pre-existing residential structure is permitted if*

(a) the manufactured home is 9m or less in width,

(b) the manufactured home is used only by the owner or any of the following persons who are related within the meaning of subsection (4):

i. a person who is the owner's

(A) parent, grandparent, or great grandparent,

(B) sibling, or

(C) child, grandchild or great grandchild;

ii. the owner's spouse, or a person who is a parent of the owner's spouse,

(c) all required authorizations to locate the manufactured home on the agricultural land are granted before December 31, 2020, and

(d) the size and siting of the manufactured home is not altered after December 31, 2020, unless permitted under section 25 or 45 of the Act."

ALC MANUFACTURED HOMES IN THE ALR POLICY L-25

This policy document is intended to assist in the interpretation of the Agricultural Land Commission Act and the Agricultural Land Reserve Use Regulation.

The Agricultural Land Reserve Use Regulation permits a manufactured home, in addition to a principal residence on a parcel in the Agricultural Land Reserve, as long as a building permit was issued before December 31, 2020. The manufactured home may only be occupied by the property owner, or the property owner's immediate family.

The subject property currently comprises two manufactured homes, subject of Building Permits dated November 29, 2017 and January 20, 2020 respectively. The first manufactured home placed on the land, acts for assessment purposes as the principal residence on the property, with a second manufactured home approved and placed on the land prior to December 31, 2020. This secondary residence is occupied by an immediate family member, and is considered to meet the above stated criteria within subsection 32(3) of the Agricultural Land Reserve Use Regulation.

On this basis, the property benefits from a primary and secondary residence as permitted by the current legislative context. The proposed third residence (comprising a site-built dwelling) along with the replacement of one manufactured home with another site-built dwelling, would go beyond that permitted, with these non-adhering residential uses subject of consideration under the current application.

RELEVANT RDCK POLICY

Part 3 of Electoral Area B Comprehensive Land Use Bylaw No. 2316, 2013 relates to the objectives and policies regarding land designated as Agriculture within the Plan Area. The relevant Agriculture Objectives include:

1. To preserve and promote the use of agricultural land for current and future agricultural production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.
2. To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.

- 3. To support agricultural land use practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production.
- 4. To support agricultural land use practices within and adjacent to farming areas that seek to minimize conflicts between agriculture and other land uses.

The relevant Agriculture Policies include:

- 9. Directs that the principal use of land designated 'Agriculture' shall be for agricultural use.
- 11. Supports that all new land use and subdivision of land within the ALR shall be in accordance with the provisions of the Agricultural Land Commission Act, associated regulations, orders and decisions of the Provincial Agricultural Land Commission (ALC).
- 16. Supports the use of minimum and maximum setback distances for residential development and the clustering of built structures in agricultural lands to reduce the impact to agricultural potential and operations.
- 18. May consider secondary dwelling applications within the ALR in accordance with the density provisions of the associated zoning regulations of this Bylaw and with Provincial approval where necessary.

AGRICULTURE 2 (AG2) ZONING

The relevant Development Regulations outline that:

- 2. The minimum lot area shall be eight (8) hectares in the Agricultural Land Reserve
- 4. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
- 5. The maximum farm residential footprint shall be a maximum of 2000 square meters for where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
- 6. A Farmworker dwelling unit is permitted on a lot provided that all of the following apply:
 - a. The lot is classified as a farm under the Assessment Act;
 - b. The lot is larger than four (4) hectares; and
 - c. The farm business has been in operation for at least three (3) years.
- 10. Despite any other provision of this bylaw, development of lands within the Agricultural Land Reserve shall comply with all applicable regulations of the British Columbia Agricultural Land Commission Act, Regulations and Orders.

c. Environmental Considerations:

The Site Plan submitted in support of the proposal indicates that consideration has been given to retaining the trees along the perimeter of the site, and particularly those within the riparian buffer surrounding Okell Creek. The proposed development is located to the east of the site, at a distance from the watercourse that transects the property.

d. Social Considerations:

The proposal supports inter-generational living, which may serve the housing and farm help needs of the Applicant. Long term implications include the loss of farm land, and the potential pressures of residential development on future agricultural production. In particular, as outlined within Land Base Capability Recommendation #1 of the Agricultural Area Plan, preserving the agricultural land base is most readily done when it is being actively cultivated as a profitable farm. Inefficiency and high land prices are some of the factors that challenge farm profitability, and these are generally heightened when there are dwellings with permanent foundations on the farmland. Land Base Capability Recommendations #4 and #5 recognize that the siting of residential dwellings and accessory buildings can have enormous impact on the productive capacity of the land. Unobstructed fields can be managed more efficiently, and can better aide the potential productivity of the agricultural land.

e. Economic Considerations:

The proposal will contribute to the on-going shift in the community from agricultural land use to residential land use. This shift in the community is already evidenced by the lack of agricultural production on surrounding lands. As outlined within the Agricultural Area Plan, the cost of land is generally higher when it benefits from residential dwellings.

f. Communication Considerations:

As required by the RDCK Planning Procedures and Fees Bylaw, the application has been referred to the Ministry of Agriculture, the Local Area Director, and the Creston Valley Agricultural Advisory Committee for comment. The following responses were received:

Creston Valley Agricultural Advisory Commission

On December 12th, 4 members did a site visit to the Leduc property in Arrow Creek. 3 of their family were present to show us around & explain what their proposal & future plans are. While we appreciate their plan to involve the family members, & to diversify the farm activities to make it sustainable as well as income generating for the whole family, we are not in favour of allowing 3 residences to be put on this property. While they are planning the placement along the one side of the property, the dwellings, plus yard sites, plus the long driveway together does use up a fair bit of property. We feel if this development proposal is allowed to proceed, we will be opening the door wider for similar multi-house developments in the future. So we are opposed to this proposal application.

Regional Agrologist, BC Ministry of Agriculture

Thanks for providing the opportunity to comment on this non adhering farm use application for the purposes of an additional residence for farm help.

Other hay farms of this size and larger are operating without housing for farm help given farm mechanization and the seasonal nature of hay farming labour needs. Based on information provided in this application it did not appear as if other farm products are presently being sold.

If the site built home application is approved it is important to minimize the impact of building structures on the arable land base. Clustering buildings and associated infrastructure on the property adjacent to each other would reduce the loss of arable land.

g. Staffing/Departmental Workplan Considerations:

Whether the Regional Board choose to support or not support the proposal, Staff will forward the Board Resolution, along with other application information, to the Agricultural Land Commission for final decision.

h. Board Strategic Plan/Priorities Considerations:

The proposal is considered under the operational requirements of Planning Services.

SECTION 4: OPTIONS

The property is located within the Agricultural Land Reserve and is designated as Agriculture 2 (AG2) under the Area B Comprehensive Land Use Bylaw No. 2316, 2013.

The objectives for land in this designation include preserving and promoting the use of agricultural land for current and future agricultural production, and to protect this land from uses which are inconsistent with agricultural use, or incompatible with existing agricultural uses in the area. In addition, agricultural land use practices that seek to minimize conflicts between agriculture and other land uses, and do not adversely affect the surrounding environment nor compromise the capability of the land for future food production, are supported.

Agriculture Policies support the clustering of built structures on agricultural lands to reduce the impact on agricultural potential and operations. Secondary dwelling applications within the ALR may be considered, in accordance with the density provisions of the associated zoning regulations, and Provincial Approval where necessary.

PLANNING DISCUSSION

The proposal relates to the provision of a third residential unit on the site, following the earlier approval of two manufactured homes under the former Agricultural Land Commission legislation. It is intended that the third residential unit be a site-built dwelling, with the Applicant also outlining that the future intention would be to replace one of the manufactured homes with another site-built dwelling. The application therefore relates to a non-adhering residential use for both the addition of one site-built dwelling on the land, and the future replacement of an authorized manufactured home with a second site-built dwelling.

The Applicant outlines that the additional residence is required to ensure the continued support and maintenance of the farming operations, as well as to maintain the safety and welfare requirements of the livestock on the site. The land is primarily used for hay production, with the southern section of the site laid to pasture for the Applicant's cattle and horses. A fenced vegetable garden is also located in this area, with an area designated for goats and chickens nearby. An indication of the number of livestock kept at the site has not been provided in support of the application, but it is considered likely that the farm operation would be classified as "Small" under the Agricultural Land Use Inventory.

The Agricultural Land Commission Act permits a principal residence on the site, with the Agricultural Land Use Regulations outlining that an additional residence is permitted only if it is authorized before December 31, 2020. The site as existing includes two manufactured homes, comprising the primary residence and a secondary residence (which was approved prior to the relevant date). These manufactured homes are occupied by the sons of the Applicant (including their respective families) with the proposed third residential unit comprising the non-adhering residential use subject of this application. As outlined by the

Applicant, the future intent is also to replace one of the manufactured homes with a second site-built dwelling. This future intent would also comprise a Non-Adhering Residential Use, and such suggestion is also subject of this application.

The Applicant outlines that there is a need for all family members to live on the site, and this would enable all members to be involved in the maintenance and welfare of the land and livestock. In particular, the Applicant outlines that the third residential dwelling is required to provide continued support and maintenance for the farming operation, and ensure the safety and welfare of the livestock. While this desire is noted, no specific information has been presented to indicate that the scale of the agricultural operation (including the number of livestock) would justify an essential need for an additional residence on-site.

The information available suggests that the farm operation would likely be classified as “Small” under the Agricultural Land Use Inventory, and on this basis it is considered unlikely that the current operation requires three physically and functionally separate dwellings. In support of this view, the Regional Agrologist has stated that other hay farms of similar size or larger are operating without the need for additional farm-help housing, particularly given farm mechanization and the seasonal nature of hay farming labour needs.

It is not therefore considered that there is substantial evidence to suggest that an additional residence for farm help, to be occupied by the Applicant, is necessary for the scale of the farm operation. In the balance of considerations, it is not therefore considered that there is sufficient justification to depart from the residence allowances within the relevant ALC legislation and permit a Non-Adhering Residential Use.

Notwithstanding the above, the legislative context for land within the ALR permits a primary residence, with a secondary residence permitted if approved prior to December 31, 2020. In addition to this, Section 31 of the Agricultural Land Reserve Use Regulation permits one secondary suite within the primary residence. Given this context, it is possible for the site to benefit from a primary residence, a secondary suite, and a manufactured home (subject to approval before December 31, 2020 and subject to no alterations being undertaken to the manufactured home).

While acknowledged that the existing primary residence comprises a manufactured home, which would not be capable of housing a secondary suite, it would be possible to replace the primary manufactured home with a site-built dwelling and secondary suite. This would allow a total of three residences on the property, within the scope of the legislation, and could provide a housing option for each of the respective family units, particularly given the intention of the Applicant to downsize. It is however acknowledged that the Applicant has voiced their disapproval to sharing residences in this manner, with the intention remaining that each family unit benefit from their own separate residence.

Given the conclusions above, Staff recommend the Board not support this application, as per Option 1 below.

OPTION 1

That the Board NOT SUPPORT application A1923B for the purposes of a non-adhering residential use as proposed by Scottie Leduc for property located at 1571 Lakeview-Arrow Creek Road, and legally described as Lot B District Lot 4592 Kootenay Land District Plan EPP44690 (PID 029-529-832).

OPTION 2

That the Board SUPPORT application A1923B for the purposes of a non-adhering residential use as proposed by Scottie Leduc for property located at 1571 Lakeview-Arrow Creek Road, and legally described

as Lot B District Lot 4592 Kootenay Land District Plan EPP44690 (PID 029-529-832) subject to two of the proposed dwellings remaining as temporary manufactured homes for the purposes of farm help.

SECTION 5: RECOMMENDATION(S)

That the Board NOT SUPPORT application A1923B for the purposes of a non-adhering residential use as proposed by Scottie Leduc for property located at 1571 Lakeview-Arrow Creek Road, and legally described as Lot B District Lot 4592 Kootenay Land District Plan EPP44690 (PID 029-529-832).

Respectfully submitted,

Originally signed by Tamara Dale.

Tamara Dale, Planner

CONCURRENCE

Initials:

Planning Manager

Originally approved by Nelson Wight.

General Manager of Development Services

Originally approved by Sangita Sudan.

Chief Administrative Officer

Originally approved by Stuart Horn.

ATTACHMENTS:

Attachment A – ALC Application



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: March 31, 2020
Date & Type of Meeting: April 15, 2020 Rural Affairs Committee
Author: Dana Hawkins, Planner
Subject: KOOTENAY LAKE DEVELOPMENT PERMIT AREA REVIEW
File: 10\5100\20\KOOTENAY LAKE DPA

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to present to the Rural Affairs Committee a Project Charter for the Kootenay Lake Development Permit Area Review. The intent of this project is to develop and implement a Kootenay Lake Development Permit Area that integrates the Kootenay Lake Shoreline Guidance Document within Electoral Areas A, D, E and F and in potential collaboration with the City of Nelson and Village of Kaslo (see Project Charter in Attachment 'A').

Staff recommend that the project charter for the Kootenay Lake Development Permit Area Review be approved.

SECTION 2: BACKGROUND / ANALYSIS

2.1 BACKGROUND

Kootenay Lakes Partnership

The Kootenay Lakes Partnership was formed in 2010 as a multi-agency initiative to support management approaches for a productive and healthy Kootenay Lake ecosystem. Participants include the Regional District of Central Kootenay, Fisheries and Oceans Canada, BC Ministry of Forests, Lands, and Natural Resource Operations, Ministry of Transportation and Infrastructure, Interior Health Authority, Yaqaan Nukiy (Lower Kootenay Band), Ktunaxa Lands and Resource Council, Canadian Columbia River Inter-Tribal Fisheries Commission, City of Nelson, and Village of Kaslo.

Kootenay Lake Shoreline Guidance Document

The Kootenay Lake Shoreline Guidance Document was completed in December 2016. The Shoreline Guidance Document is a result of a comprehensive Sensitive Habitat Inventory Mapping project that involved an inventory and assessment of ecological, archaeological and Ktunaxa cultural values along the shoreline of Kootenay Lake. The resulting Shoreline Guidance Document directs shoreline development in an effort to protect high value shoreline habitats. Recent workshops involving technical experts were held in February 2020 to review methodology for the anticipated foreshore inventory mapping (FIM) work to be completed on Kootenay Lake. This work will further enhance the Shoreline Guidance Document, which will be updated accordingly.

This document and associated mapping is integrated into day to day RDCK planning practices through consideration during development permit area processing and Crown referral responses along Kootenay Lake.

Environmental Development Permit Areas

Local governments may designate environmental development permit areas (EDPA's) to protect the natural environment, its ecosystems, and biological diversity. The powers for a local government to create EDPA's are established in Division 7 of the *Local Government Act*. To create an EDPA Official Community Plans must designate the extent of EDPA's and describe the special conditions or objectives that justify the designation. Established EDPA's can require a landowner to obtain a development permit for land in an EDPA before subdividing it; constructing, adding onto, or altering a building or other structure on it; or altering the land.

The Official Community Plan (or Zoning Bylaw) must also contain guidelines respecting the manner by which the special conditions or objectives will be addressed. A development permit may be issued only if these guidelines are met. A development permit for an EDPA can:

- specify areas of land that must remain free of development, except in accordance with any conditions contained in the permit;
- specify natural features or areas to be preserved, protected, restored, or enhanced;
- require dedication of natural watercourses;
- require construction of works to preserve, protect, restore, or enhance natural watercourses or other specified natural features of the environment;
- specify protection measures, including planting or retaining vegetation or trees in order to conserve, protect, restore or enhance fish habitat or riparian areas, control drainage, control erosion, or protect banks; and
- impose conditions on the sequence and timing of construction.

Before issuing a development permit (DP), a local government may ask a landowner to commission a report or an environmental impact assessment certified by a qualified environmental professional. The assessment helps the local government decide what conditions or requirements to include in the DP. The local government can also require the applicant to provide security to ensure the guidelines are met.

Watercourse Development Permit Areas in the Project Area

The RDCK has existing EDPA's in the form of Watercourse and Environmentally Sensitive Development Permit Areas. Along Kootenay Lake the following EDPA's exist (land affected by EDPA measured from natural boundary or watercourse):

- Electoral Area A: Environmentally Sensitive Development Permit Area (15 m)
- Electoral Area D: Watercourse Development Permit Area (30 m)
- Electoral Area E: Watercourse Development Permit Area (15 m)
- Electoral Area F: none
- Municipalities: Waterfront property within City of Nelson and Village of Kaslo would be under their jurisdiction

The project offers an opportunity to update these EDPA's as well as create consistency between them. For example Electoral Areas A and E have EDPA's that extend 15 m from the natural boundary of the lake whereas in Electoral Area D the boundary is 30 m and Electoral Area F has no requirements. Staff propose to reach out to City of Nelson and Village of Kaslo to see if there is possibility for project partnership to align their EDPA's as well. Recent conversations have indicated that City of Nelson may not be looking to update their EDPA's on this project's proposed timeline.

In addition the existing development permit guidelines are lean. An update can expand on these guidelines to best utilize the EDPA tool available to local governments and align the guidelines with the work and science that has been done for the Kootenay Lake Shoreline Guidance Document as a way to implement it.

2.2 PROPOSED PROJECT ACTIVITIES

The project is proposed to be conducted in house with the Planner 2 as the lead over the next eight months. More details of the project work plan are included on page 3 of Appendix ‘A’; a summary is provided below.

Steps to preparing draft EDPA guidelines, exemptions and mapping schedules will include: creating the work plan and engagement plan, background research of legislative and regulatory opportunities, a comparative review of EDPA’s, and collecting input and feedback from project stakeholders including planning and building staff, elected officials, Kootenay Lakes Partnership members, Rights Holders and environmental consultants – this is proposed as a series of two workshops held in the summer which could be conducted remotely/virtually if required.

Outreach will be preformed to distribute the draft guidelines for public review and feedback. This will include a media release; outreach to realtors, contractors and community groups; and a mail out to lake front property owners. Feedback will be solicited by way of a survey. Afterwards staff will refine the EDPA’s based on feedback and compile an engagement summary report for the Rural Affairs Committee.

The proposed EDPA’s will require amendments to the affected Official Community Plans including Public Hearings. After adoption, implementation will be a key component of the project. Press releases, an updated website and companion best management documents will be prepared to ensure widespread community education and awareness.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov’t Approvals req’d: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

The project budget is approximately \$2270 to cover costs associated with engagement such as stakeholder meetings, workshops, advertising, mailouts and survey incentives. Costs are proposed to be allocated in the annual operational budget under Planning Services 104 for the 2020 fiscal year.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

Subject to Board approval, the project could result in revised (or new) environmental development permit areas for Electoral Areas A, D, E and F, and therefore, amendments are proposed to the following RDCK Bylaws:

- Electoral Area ‘A’ Comprehensive Land Use Bylaw No. 2315, 2013;
- Electoral Area ‘D’ Comprehensive Land Use Bylaw No. 2435, 2016;
- Electoral Area ‘E’ Rural Official Community Plan Bylaw No. 2260, 2013; and,

- Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011.

c. Environmental Considerations:

The primary intent of the proposed Development Permit Area is to protect fish and wildlife habitat values that occur near Kootenay Lake and to minimize any fish habitat impacts caused by common development activities. The guidelines are proposed to protect and restore important fish and wildlife habitat values, consistent with conservation and restoration goals typical of Best Management Practices, and applicable legislation.

d. Social Considerations:

The Kootenay Lake Shoreline Guidance Document includes direction as result of an archaeological assessment, and a Ktunaxa cultural values assessment conducted as part the document preparation. The project will align with the Best Management Practices in the document regarding these matters.

e. Economic Considerations:

The pristine environment offered by the region and the draw of Kootenay Lake for recreational users are important attractants for residents and tourists alike.

Protecting the foreshore of the lake also has alignment with floodplain management guidelines, which aim to protect property owners from damage to life and property due to flooding.

f. Communication Considerations:

Opportunities for participation include two workshops with stakeholders and rights holders, and a public survey. Outreach materials such as a project webpage, mailouts and media releases are proposed for broad reaching communication. A public engagement plan will be completed in Step 2 of the Work Plan (see Attachment 'A').

g. Staffing/Departmental Workplan Considerations:

The main staff person responsible will be the Planner 2 who will fulfill the Project Manager role. The project will fit into the Planner's day to day duties over the next 8 months. Requests for input will be solicited from the following internal services: planning, building, project management, sustainability and compliance staff. GIS and administration staff will provide some aid to the project.

h. Board Strategic Plan/Priorities Considerations:

This project is a part of RDCK's involvement in the Kootenay Lakes Partnership. Water protection and advocacy is a stated RDCK Board priority.

SECTION 4: OPTIONS & PROS / CONS

4.1 SUMMARY

The Kootenay Lake Shoreline Guidance Document was completed in December 2016. This document and associated mapping was integrated into the day to day planning framework through consideration during the development permit process and referral responses along Kootenay Lake. This project is intended to align the Development Permit Area guidelines for Kootenay Lake in all four participating Electoral Areas utilizing the Best Management Practices of the Kootenay Lake Shoreline Guidance Document and in potential collaboration with the City of Nelson and Village of Kaslo. The objectives of this project are as follows:

- Create consistent guidelines for Development Permit Areas within the areas of the RDCK where the Kootenay Lake Shoreline Guidance Document applies and to seek alignment with the priorities of the Kootenay Conservation Program.
- Create administrative efficiencies by ensuring fair and equitable application of Development Permit Area Guidelines for Kootenay Lake within Electoral Areas A, D, E and F.
- Collaborate with the City of Nelson, Village of Kaslo, Kootenay Lakes Partnership which includes Ktunaxa Nation and Okanagan Nation Alliance, and coordination by Friends of Kootenay Lake on outreach activities.
- Explore Opportunities for outreach to community members, recreational users, shoreline property owners and decision makers on the conservation and cultural values associated with the Shoreline Guidance Document for Kootenay Lake.

Staff recommend that the project charter for the Kootenay Lake Development Permit Area Review be approved.

4.2 OPTIONS

Option 1: Approve the Project Charter

That the Board DIRECT staff to undertake the Kootenay Lake Development Permit Review as described in the Committee Report – Kootenay Lake Development Permit Review dated March 31, 2020.

Option 2: Take No Further Action

That NO FURTHER ACTION be taken with respect to the Kootenay Lake Development Permit Review as described in the Committee Report – Kootenay Lake Development Permit Review dated March 31, 2020.

Option 3: Defer Decision

That further consideration of the Kootenay Lake Development Permit Review 2 as described in the Committee Report – Kootenay Lake Development Permit Review dated March 31, 2020 BE REFERRED to the [Month Day], 2020 Rural Affairs Committee meeting.

SECTION 5: RECOMMENDATION(S)

That the Board DIRECT staff to undertake the Kootenay Lake Development Permit Review as described in the Committee Report – Kootenay Lake Development Permit Review dated March 31, 2020.

Respectfully submitted,

Originally signed by Dana Hawkins.

Dana Hawkins, MCIP, RPP
Planner 2

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services
Chief Administrative Officer

Originally approved by Nelson Wight.
Originally approved by Sangita Sudan.
Originally approved Stuart Horn.

ATTACHMENTS:

Attachment A – Project Charter: Kootenay Lake Development Permit Area Review

PROJECT PURPOSE

The Kootenay Lake Shoreline Guidance Document was completed in December 2016. This document and associated mapping was integrated into the day to day planning framework through consideration during the development permit process and referral responses along Kootenay Lake. This project is intended to align the Development Permit Area guidelines for Kootenay Lake in all four participating Electoral Areas utilizing the Best Management Practices of the Kootenay Lake Shoreline Guidance Document and in potential collaboration with the City of Nelson and Village of Kaslo.

The intent of this project is to develop and implement a Kootenay Lake Development Permit Area that integrates the Shoreline Guidance Document within Electoral Areas A, D, E and F.

PROJECT SCOPE

The OBJECTIVES of this project will be the following:

1. Create **Consistent** Guidelines for Development Permit Areas within the areas of the RDCK where the Kootenay Lake Shoreline Guidance Document applies and to seek alignment with the priorities of the Kootenay Conservation Program.
2. Create **Administrative Efficiencies** by ensuring fair and equitable application of Development Permit Area Guidelines for Kootenay Lake within Electoral Areas A, D, E and F.
3. **Collaborate** with the City of Nelson, Village of Kaslo, Kootenay Lakes Partnership, Rights Holders and Friends of Kootenay Lake on outreach activities.
4. Explore **Opportunities** for outreach to community members, recreational users, shoreline property owners and decision makers on the conservation and cultural values associated with the Shoreline Guidance Document for Kootenay Lake.

Project DELIVERABLES include the following:

- Development Permit Area for the Natural Environment (Shoreline, Riparian and Sensitive Habitats) for Electoral Areas A, D, E and F in alignment with the Shoreline Guidance Document for Kootenay Lake
- Community Engagement Plan
- Community Engagement Summary Report
- Guidelines (Best Practices) for Shoreline Development

PROJECT SCHEDULE AND PERFORMANCE MEASURES

A detailed project schedule is provided as an attachment to this work plan (see attached).

Performance will be measures against the following objectives:

- Deliverables
- Schedule and Costs

COMMUNICATION CONSIDERATIONS

Communications considerations include participation by internal services: planning, building, project management, sustainability and compliance staff as to ensuring the proposed DPA Guidelines are understood, not complex or resource intensive to implement, and meet the needs and objectives as outlined. External feedback will be solicited from the membership of the Kootenay Lakes Partnership, Ktunaxa Nation, Okanagan Nation Alliance, Kootenay Conservation Service, Friends of Kootenay Lake, Elected Officials, Habitat Branch, environmental practitioners, realtors, shoreline property owners and recreational users. Effort will be made to align with outreach activities associated with concurrent projects of the Kootenay Lakes Partnership and Friends of Kootenay Lake.

REPORTING PLAN

A Summary Report will be provided at the completion of each phase of the project to the Planning Manager.

Progress Reports will be provided to the Senior Management Team on a quarterly basis.

The following reports will be provided to the Rural Affairs Committee: engagement summary report, draft guidelines report and presentation for discussion and feedback, first readings of amending bylaws, and public hearing summary.

WORK BREAKDOWN STRUCTURE AND SCHEDULE

Phase	Activities	Resources	Timeframe	Responsibility
Project Initiation	✓ Initiate initial outreach to partners - <i>City of Nelson and Village of Kaslo</i>	10	April 2020	Dana Hawkins
Work Plan and Engagement Plan	<ul style="list-style-type: none"> ✓ Project work plan and budget ✓ Create target audience list (direct and indirect) ✓ Create a public engagement plan ✓ Board report to initiate project ✓ Create website and branding for project ✓ Inform stakeholders via letters and email 	20 20 10	April 2020	Dana Hawkins
Background Research	<ul style="list-style-type: none"> ✓ Review of legislative and regulatory opportunities ✓ Comparative review of DPA guidelines and exemptions 	40	May 2020	Dana Hawkins
Draft DPA Guidelines and Mapping	<ul style="list-style-type: none"> ✓ Project initiation workshop (internal and external) ✓ Analysis of options with key audience: <i>planning and building, elected officials, Kootenay Lakes Partnership members, Rights Holders and environmental consultants</i> using focused group discussion ✓ Draft DPA guidelines and exemptions ✓ Compile associated mapping schedules 	40 80 20	June/July 2020	Dana Hawkins Genevieve LePage
Coordinate Outreach and Compile Feedback	<ul style="list-style-type: none"> ✓ Media release and outreach to realtors and contractors ✓ Compile <i>on-line review and feedback</i> survey ✓ On-line review and feedback ✓ Compile engagement summary report 	20	July 2020	Dana Hawkins KLP Coordinator
Review and Refinement of Draft DPA Guidelines	<ul style="list-style-type: none"> ✓ Refine DPA guidelines and exemptions based on feedback ✓ Analysis of changes ✓ Solicit legal review of proposed DPA areas ✓ Staff report and presentation 	20	August 2020	Dana Hawkins
Board Consideration	✓ Staff presenting amending bylaws for first readings	20	September 2020	Dana Hawkins
Public Hearing	<ul style="list-style-type: none"> ✓ Public Hearing notification(s) ✓ Series of Public Hearing(s) ✓ Public Hearing minutes 	40	October 2020	Dana Hawkins Shelly Kindred-Fawcett
Adoption and Implementation	<ul style="list-style-type: none"> ✓ Staff report and presentation ✓ Debriefing with RDCK Staff ✓ Media release and notification to realtors and contractors ✓ Consider delaying implementation 12 months 	20	November 2020	Dana Hawkins

BUDGET

PROJECT PHASE	TASK OR ACTIVITY	RESOURCE	COSTS
Draft DPA Guidelines and Mapping	Project initiation workshop	Meeting Materials Meeting Space Refreshments	In-house In-house \$50
Draft DPA Guidelines and Mapping	Analysis of options with key audience	Meeting Materials Meeting Space Refreshments	In-house In-house \$50
Coordinate Outreach and Compile Feedback	On-line Survey and Outreach	Outreach Materials Mail Out Incentives	In-house \$1,120 (2,000 residents) \$50
			\$2,270.00



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: March 31, 2020
Date & Type of Meeting: April 15, 2020 Rural Affairs Committee
Author: Dana Hawkins, Planner
Subject: COMMUNITY HERITAGE REGISTER
File: 10\4970\30\2019 HERITAGE REGISTRY PROJECT

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to present to the Rural Affairs Committee (RAC) the final Community Heritage Register report prepared by consultants Denise Cook, Elana Zysblat and Berdine Jonker. The report is the final deliverable of the 2019 Community Heritage Register project. A draft version of the report was presented at the March 18, 2020 RAC Meeting. Comments received from Rural Area Directors and staff have been integrated into the final version.

Staff is recommending a resolution to adopt and implement the RDCK Community Heritage Register (CHR). The inclusion of five heritage resources to the CHR is recommended as discussed in the final report.

SECTION 2: BACKGROUND / ANALYSIS

2.1 BACKGROUND CONTEXT

Purpose

The intent of this project is to create a Community Heritage Register (CHR) for significant properties within Electoral Areas that are members of the heritage conservation service as well as implementation tools such as a Heritage Committee or Commission terms of reference, policies for the governance of the register, and processes for considering ongoing approvals of sites on the register.

Project Timeline

A timeline of the CHR project is outlined below:

- October 18, 2018 – Staff are directed by Board resolution to include the establishment of a heritage conservation registry in their 2019 workplan.
- June 11, 2019 – RDCK is successful in obtaining \$40,000 of grant funds for the Regional District of Central Kootenay Community Heritage Register from Heritage BC and Columbia Basin Trust.
- June 20, 2019 – Heritage Conservation Extended Service Amendment Bylaw No. 2667, 2019 was adopted. The bylaw included Electoral Areas C, I, J and K to provide for participants to the service being Electoral Areas A, C, D, E, G, H, I, J and K.
- July 5, 2019 – The project charter was approved by the Board.
- September 19, 2019 – Denise Cook Design, Ance Building Service and Berdine Jonker were selected as the successful consultants for the project.

- October 16, 2019 – Heritage consultant, Elana Zysblat, provided a presentation to the Rural Affairs Committee introducing Community Heritage Registers and outlining the projects next steps.
- Fall and Winter 2019 – Historical research and community engagement were undertaken by the consultants.
- February 19, 2020 - Elana Zysblat provided a presentation to the Rural Affairs Committee presenting the first deliverable Part 1 and 2 of the CHR report.
- March 18, 2020 – a draft final report was provided to RAC and Elana Zysblat provided a presentation.

2.2 COMMUNITY HERITAGE REGISTER REPORT

The report contains the following deliverables:

- Part 1 Heritage Context. This section includes the thematic framework and heritage value statements that will be used in assessing heritage resources for inclusion on the CHR. It also outlines the engagement and research undertaken to prepare these.
- Part 2 Heritage Resources in the RDCK. Identifies the larger inventory of heritage resources created through community engagement and consultant research. It includes the list of 5 heritage resources that will have Statements of Significance drafted for inclusion on the CHR when it is created. It also includes additional shortlisted heritage resources which have been identified for addition to the CHR within the first year or two after its establishment.
- Part 3 Statements of Significance (SoS's). Includes information on how to prepare SoS's as well as completed SoS's for the 5 identified heritage resources.
- Part 4 Managing the Community Heritage Register. Includes information, best management practises and options for implementing and managing the RDCK CHR.

2.3 CREATION OF THE COMMUNITY HERITAGE REGISTER

A Community Heritage Register (CHR) is a planning tool used by communities interested in integrating heritage conservation activities into other land use planning processes. The CHR is an official list of historic places, specific to a community, which have been identified by the local government as having heritage value or heritage character. Criteria for establishing a CHR is legislated under section 598 of the *Local Government Act*.

The heritage consultants have prepared a resolution for the RDCK Board which would establish the CHR. As discussed in the report five heritage resources have been identified for initial inclusion to the CHR.

These sites are:

- Slocan Valley Rail Trail;
- Kp'it'l'els/Brilliant;
- J. B. Fletcher General Store;
- Idaho Peak Recreational Site; and,
- Burton Historical Park.

2.4 MANAGEMENT OF THE COMMUNITY HERITAGE REGISTER AND NEXT STEPS

To ensure effective establishment of the CHR and its ongoing success staff recommend three streams of future action for the workplan. The heritage consultants have made implementation recommendations in their final report (Section 4.3).

Communication Materials

Community awareness is a key component of the CHR being meaningful and well utilized. Staff will update the project website including the final report, the heritage resource inventory and mapping, information and nomination forms.

Advisory Planning Commissions

Section 4.2 of the report outlines Heritage Advisory Commissions and their role in managing CHR's. Instead of creating a new body, the heritage consultants recommend amending the Terms of Reference of the current Advisory Planning Commissions to create a new integrated advisory body, the Advisory Planning and Heritage Commissions. The recommendation is to develop the terms of reference to include integrated heritage review and support activities developed to assist the RDCK Board and staff with the ongoing management and implementation of the CHR, as well as community heritage conservation planning and activities. The revitalized APHCs should include:

- At least two members of local heritage societies with an understanding of heritage and heritage registers.
- One representative/liaison from the Rural Affairs Committee.

Staff are currently reviewing this recommendation and a future report shall be brought forward if it is proposed to amend the Advisory Planning Commission's Terms of Reference.

Future Heritage Resources for Inclusion

The report includes 29 additional heritage resources for eventual inclusion on the CHR. These should be evaluated by the established committee through the process outlined in the report including completed Heritage Register Inclusion Worksheets. Twenty of the heritage resources already have Statements of Significance prepared; the remaining nine will need Statements of Significance drafted before they too could be included in the CHR. This list includes Harrison Memorial Church and the Townsite and Cemetery of Sandon which can be included on the register once Statements of Significance are drafted (currently being undertaken by the consultant).

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

The project has received \$40,000 of funds from the Heritage, Museums and Archive Grants - funded by the Columbia Basin Trust, and administered and managed by Heritage BC. The grant funds received cover 100% of the project cost. The Regional District of Central Kootenay's contribution has included in-kind support such as staff time, administrative support and office supplies.

b. Legislative Considerations:

A Community Heritage Register (CHR) is a legal planning tool enacted under s. 598 of the *Local Government Act*.

c. Environmental Considerations:

Heritage conservation reduces construction and demolition waste. Rehabilitating heritage buildings conserves more energy than constructing a new building.

d. Social Considerations:

A CHR helps preserve places with aesthetic, historic, scientific, cultural, social, or spiritual significance for present and future generations.

e. Economic Considerations:

Investment in heritage conservation can stimulate complementary economic activity such as tourism and real estate.

f. Communication Considerations:

A [project website](#) was kept up to date to inform interested parties of the status of the work. Public communication also included a press release, social media posts on Facebook and Twitter, and interviews for newspaper and radio.

A community survey was initiated between November 1st, 2019 and December 31st, 2019. Online copies were available on the RDCK project webpage and paper copies were available at all 3 RDCK offices and the 6 regional libraries (Nelson, Castlegar, Salmo, Creston, Kaslo and Nakusp). A total of 10 one-on-one personal interviews were held in December 2019 and January 2020 with representatives of local organizations and individuals who preferred to engage with the project over the phone rather than by filling out a survey.

g. Staffing/Departmental Workplan Considerations:

The project to date has included contributions from the following Development Services Staff: Planner 2, Planning Manager and General Manager of Development Services. Ongoing support of the created register will be designated to the Planner 2 and other Development Services staff as needed.

h. Board Strategic Plan/Priorities Considerations:

Resolution 696/18

That the 2019 workplan for Development Services include the establishment of a heritage conservation registry in Electoral Area A, D, E, G and H within the Heritage Conservation Extended Service (Bylaw No. 1958, 2008).

SECTION 4: SUMMARY & OPTIONS

4.1 SUMMARY

A final report has been prepared by the heritage consultants as the result of research and community engagement which took place from September 2019 to present. The report includes sections on Heritage Context, Heritage Resources in the RDCK, Statements of Significance, and Managing the Community Heritage Register. Staff recommend that the Rural Affairs Committee receive the report for information.

The report outlines steps to formally establish the RDCK Community Heritage Register. Staff recommends that a resolution be passed to create the Community Heritage Register and to register five heritage resources to the register as recommended within the report.

4.2 OPTIONS

Option 1: Establish the Community Heritage Charter

THAT the report titled 'Community Heritage Register: Regional District of Central Kootenay' by Denise Cook Design, Elana Zysblat and Berdine Jonker dated April 6, 2020 BE RECEIVED for information.

AND THAT the Board of the Regional District of Central Kootenay, pursuant to Section 598 of the *Local Government Act* – Community Heritage Register that identifies real property considered by the local government to be heritage property hereby resolves that:

The Board of the Regional District of Central Kootenay supports the establishment of a Community Heritage Register as part of the heritage service in Electoral Areas A, C, D, E, G, H, I, J, K.

AND THAT the following list of heritage resources, identified as having heritage value, be included on the initial heritage register:

1. J. B. Fletcher General Store
2. Kp'itl'els
3. Idaho Peak Fire Lookout
4. Slocan Valley Rail Trail
5. Burton Historical Park and Campground

AND THAT pursuant to Section 592 of the *Local Government Act*, the Regional District of Central Kootenay must give notice of this to the owner of the heritage property; and pursuant to Section 595 of the *Local Government Act*, the Regional District of Central Kootenay must give notice of this to the provincial heritage minister.

Option 2: Take No Further Action

THAT the report titled 'Community Heritage Register: Regional District of Central Kootenay' by Denise Cook Design, Elana Zysblat and Berdine Jonker dated April 6, 2020 BE RECEIVED for information.

AND THAT NO FURTHER ACTION be taken with respect to the Community Heritage Charter as described in the Committee Report – Community Heritage Charter dated March 26, 2020.

Option 3: Defer Decision

THAT further consideration of the Community Heritage Register as described in the Committee Report – Community Heritage Register dated March 26, 2020 BE REFERRED to the [Month Day], 2020 Rural Affairs Committee meeting.

SECTION 5: RECOMMENDATION(S)

THAT the report titled 'Community Heritage Register: Regional District of Central Kootenay' by Denise Cook Design, Elana Zysblat and Berdine Jonker dated April 6, 2020 BE RECEIVED for information.

AND THAT the Board of the Regional District of Central Kootenay, pursuant to Section 598 of the *Local Government Act* – Community Heritage Register that identifies real property considered by the local government to be heritage property hereby resolves that:

The Board of the Regional District of Central Kootenay supports the establishment of a Community Heritage Register as part of the heritage service in Electoral Areas A, C, D, E, G, H, I, J, K.

AND THAT the following list of heritage resources, identified as having heritage value, be included on the initial heritage register:

1. J. B. Fletcher General Store
2. Kp'itl'els
3. Idaho Peak Fire Lookout
4. Slocan Valley Rail Trail
5. Burton Historical Park and Campground

AND THAT pursuant to Section 592 of the *Local Government Act*, the Regional District of Central Kootenay must give notice of this to the owner of the heritage property; and pursuant to Section 595 of the *Local Government Act*, the Regional District of Central Kootenay must give notice of this to the provincial heritage minister.

Respectfully submitted,

Originally signed by
Dana Hawkins.

Name: Dana Hawkins, MCIP, RPP
Planner 2

CONCURRENCE

Initials:

Planning Manager

Originally approved by Nelson Wight.

General Manager of Development Services

Originally approved by Sangita Sudan.

Chief Administrative Officer

Originally approved by Stuart Horn.

ATTACHMENTS:

Attachment A – Community Heritage Register Report April 6, 2020



COMMUNITY HERITAGE REGISTER

Regional District of Central Kootenay

06 April 2020



Road to Ainsworth Hot Springs 1975.

Consultant Team

Denise Cook Design, BCAHP BCSLA

Elana Zysblat, BCAHP, Ance Building Services

Berdine Jonker, MPA

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ACKNOWLEDGMENTS

Territorial Acknowledgment

This work acknowledges the Sinixt, Ktunaxa, Syilx/Okanagan and Secwepemc peoples and their homelands which include the Regional District of Central Kootenay. We pay respect to all Elders, past, present and emerging, as well as Elders from other communities who reside here today. They hold the memories, traditions, culture and hope of Indigenous people in Canada and are viewed as teachers and mentors for the safeguarding, conservation and passing on of everything inherited and valued.

Regional Description

Located in the southeast corner of British Columbia, the Regional District of Central Kootenay (RDCK) encompasses an area of just over 22,000 square kilometres. Situated between the Rocky Mountains and the Okanagan Valley, the RDCK extends from the border of the United States to just south of the Trans-Canada Highway. There are nine municipalities within the RDCK: the Cities of Castlegar and Nelson, the Town of Creston, as well as the Villages of Salmo, Nakusp, New Denver, Silverton, Slocan, and Kaslo. The RDCK is divided into eleven Electoral Areas (A to K), each represented on the RDCK Board of Directors. The District's main administration office is in Nelson and staff, services and community facilities can be found throughout the region.

EXECUTIVE SUMMARY

RDCK Community Heritage Register

The communities within the Regional District of Central Kootenay (RDCK) share a varied and beautiful landscape and a rich heritage encompassing stories and places from the natural environment, First Nations, and multi-cultural and non-indigenous activities over past centuries.

A Community Heritage Register (CHR) represents an exciting step for heritage in the RDCK. This document identifies the historical context of the RDCK, recognizes a range of heritage values and resources in the Regional District and suggests strategies and actions for the implementation of the CHR to help protect and promote the heritage and history of the area.

As of 2020, eight Electoral Areas (A, C, D, E, G, H, I, J, K) participate in the Heritage Conservation Service. Practicing heritage conservation in a coordinated way through the implementation of the CHR will assist the RDCK in realizing the benefits that result from strong and integrated heritage conservation activity.

The document includes strategies, actions, how-to guidance and examples for creating Statements of Significance and implementing the heritage register over the short, medium and long term.

Part 1: Heritage Context

The Heritage Context section brings together community input and historical research to form a greater understanding of the historical, physical and intangible components of the Central Kootenay region. It develops an overall view of the physical context of the area through a thematic framework, and summarizes the core heritage values identified by RDCK communities.

This section provides a succinct understanding of the area's heritage values held by the community that will act as a reference for identifying, understanding and documenting heritage resources going forward.

Part 2: Heritage Resources in the RDCK

A Community Heritage Register is a legal planning tool enacted under Section 598 of the Local Government Act (LGA). Part 2 of the study outlines in detail the process and application of this legislation in creating a heritage register,

including a list of the legal tools available for resources placed on a CHR. It also offers technical information and guidance including core principles, criteria and categories of heritage values to think about, and 11 key questions to consider when identifying and assessing heritage resources.

This section also identifies and describes the status of 34 prioritized heritage resources for the initial CHR, and shows their locations on a map.

Part 3: Statements of Significance

Statements of Significance (SOS) provide a succinct and consistent format to express the heritage values of places that matter to communities in the RDCK, contributing to the decision-making process around heritage resources. This section provides detailed information about preparing SOSs, including a sample of a heritage register inclusion worksheet to guide the process.

It also includes SOSs for five priority heritage resources - Slocan Valley Rail Trail, Kp'itl'els/Brilliant Flats, J. B. Fletcher General Store, Idaho Peak Recreational Site and Burton Historical Park - for inclusion on the register and as examples for the preparation of future SOSs.

Part 4: Community Heritage Register Management

Effective ongoing development and management activities are important for the effectiveness of the CHR as a heritage tool. This section provides six general policies that provide overarching guidance to the long-term implementation and management of the CHR, guidance on the creation of an integrated advisory body, and outlines a series of CHR implementation tools, including a description, required resources and proposed time frame.

Appendices

The appendices include sources of general information, background, reference material and technical resources useful in the implementation of the heritage register and heritage conservation planning generally in the RDCK.

Technical tools that will continue to be useful include a filled out heritage register inclusion worksheet as an example of the process of assessing heritage resources, a nomination form for new resources, and finally, a stand-alone Heritage Register Inclusion Worksheet for use by the RDCK and the community.

1

HERITAGE CONTEXT

1.1 THEMATIC FRAMEWORK

Introduction to the Thematic Framework

A thematic framework is a structure that uses themes to help conceptualize past events and to place sites, people and events into their historical context. Historical themes are defined as key ideas for describing a major historical force or process which has contributed to the history and evolution of a place.

Thematic frameworks have a number of interconnected uses in the identification and management of heritage resources. They are an important tool for both the contextual overview of heritage resources and the comparative analysis of the significance of individual resources. Themes guide judgements about what types of heritage resources might exist on a site or in an area, and assist in the assessment of their heritage significance. The use of major themes can draw attention to gaps in existing histories.

Aspects of the Regional District of Central Kootenay's heritage are organized under the following eight themes, which together seek to succinctly encapsulate the history, physical character and central stories found in its community heritage, as well as connect community heritage values and heritage resources. Each heritage resource identified for the heritage register should find a place within one or more themes.

A sample quote from the public survey that was conducted as part of this project in the fall of 2019 is included on each theme page, relating to that particular historic theme.

1 Dominance of the Waterways

The major lakes and their tributary rivers within the RDCK are dominant physical forces in the area, impacting the historical development in the region. Local Indigenous community identities, cultures, ways of life and place names are inseparable from the local lakes, rivers and creeks used by the Sinixt, Ktunaxa, Syilx/Okanagan and Secwepemc to define regions, landscapes and territories.

The Central Kootenay river systems are the result of the area's glaciation 13,000 years ago. The most prominent of these systems is the Columbia River which stretches nearly 2,000 kilometres from its headwaters near Canal Flats in eastern British Columbia to Oregon and the Pacific Ocean. Melting glaciers formed the Slocan River which flows south to join the Kootenay River system. The Kootenay River originates in the Rocky Mountains, flows south into Montana and Idaho and through Kootenay Lake, eventually reaching the confluence with the Columbia River at Castlegar. Kootenay Lake is also fed by the south-flowing Duncan and Lardeau rivers. The Upper and Lower Arrow Lakes are formed by the widening of the Columbia River.

The generally north-south alignment of the river valleys have directed transportation, settlement, trading and migration routes for as long as people have lived in and used this area. The mountain ranges and steep sided lakes made access to land difficult and gave the natural transportation routes, from trails to ships to railways, their north-south configuration.

Columbia River. (BCAR)



Thousands of years before roads were introduced to the region, the Sinixt, Ktunaxa, Syilx/Okanagan and Secwepemc used the local waterways as a means of travel. From Indigenous routes in sturgeon-nosed canoes that allowed safe travel in unpredictable waves on large lakes and rushing creeks and rivers, to the Canadian Pacific Railway's fleet of lakeboats, the region's waterways have played an important role in transportation and settlement. With road building hampered by local geography, the lakes and rivers provided key transportation corridors.

"As a result of the dams on the Lower Kootenay River, the shelves of rock that once formed the foaming waterfalls beside Coyote's Rock sit today like bones chewed bare. The falls are dry and inactive. They await Coyote's return, when everything will be set right: for water, for fish and for the beautiful mountain landscape the Sinixt call home."¹

1 Eileen Delahanty Pearkes

"Our lakes and rivers, watersheds and wetlands which carve the landscape, are the routes back into our history"

Sub-themes:

- Lakes and rivers as transportation corridors
- Determining places of settlement
- Creation of floodplains conducive to farming
- Fishing sites
- Water supply
- Electrical power sources
- Infrastructure such as dams and bridges
- Hazards, floods and shipwrecks

BC Hydro dams constructed as part of the 1961 Columbia River Treaty reflect the dominance of the waterways in the Central Kootenay region. A unique opportunity for B.C. to share in hydroelectric power development, the terms of the treaty required Canada to construct three dams - Mica, Duncan, and Hugh Keenleyside - to control floods and maximize U.S. power production, while the American government built the Libby dam in Montana. Initially, the Mica dam was the only one that produced power in Canada. It wasn't until the late 1990's that the Keenleyside dam was included as a means of power production.

Canada also benefits from power production from the dams and reservoirs, particularly Kooacanusa and Arrow Lakes reservoirs especially near Nakusp, with Kootenay Lake itself functioning as a partial reservoir.

The construction of the storage reservoirs for these dams, along with one in the U.S., displaced 2,300 citizens from their homes and flooded 60,000 hectares of high-value, valley-bottom land in the 1960s. The altering of the waterways through the construction of local dams significantly impacted many communities at that time.

Lost Indigenous heritage resources included village sites and culturally modified trees, along with the overall integrity of the pre- and post-contact archaeological record. Whole towns and neighbourhoods were flooded – family homes and land, and community gathering places were lost forever. The after-effects of this significant alteration of the landscape and displacement of communities are still evident today.

Today, the Slocan River is considered important as one of the last non-dammed rivers in the Upper Columbia system

Fish from the area's rivers and lakes were a staple for many people living in the Central Kootenay region prior to construction of the dam system, providing a food source for Indigenous communities and newcomer settlers, who harvested ocean-going salmon—chinook and coho, along with trout, bull trout, white fish and sturgeon.



virtualmuseum.ca/sgc-cms/expositions-exhibitions/hydro/en/dams/brilliantdam

2 Governance, Social Activism and Resistance

Many government policies have had an impact on the history and physical development of the RDCK, while a context and culture of community activism, resistance and refuge has long been part of the area. The 1846 International Boundary Treaty between Canada and the United States, followed by Indian Reserves created by the BC Gold Commissioner and the American and Canadian governments, had negative impacts on local Indigenous communities' land use, rights and access.

Governments responsible for infrastructure realized that with the arrival of American prospectors into the Slocan, Columbia and Kootenay river valleys after the discovery of rich lead, zinc and silver deposits, railways, roads, towns and communication facilities were required to maintain control of resources.

Regulations adopted under the 1941 Enemy Alien Act enabled the evacuation of Japanese Canadians from the West Coast to Interior camps and road camps. This legacy is seen in the locations of former internment camps in the Slocan Valley, Kaslo and elsewhere in the region. Today, this legacy is revisited through historic site tours, signage, ceremonies and the formal recognition of heritage places in the region.

The RDCK has also been the location of local protests. Dam construction under the Columbia River Treaty was met with protests by the community as land was expropriated and people were forced to abandon their homes. Further social activism was triggered by the logging industry in the region, as the environmental movement responded to the logging of ecologically important and sensitive areas.

Doukhobors, religious refugees from Russia who came to the area in the early 1900s, were frequently persecuted for their religious, social, and political beliefs and often experienced government encroachment in their lives. Young American war resisters and their families arrived in the area the 1960s, fleeing the Vietnam War and US conservatism. They sought to live their vision of an egalitarian, sustainable, democratic and non-violent society in their communities and everyday lives, and found that this region allowed them to do that.

Other Indigenous legacies include colonization, forced resettlement from traditional villages, and fishing, hunting and gathering areas.

“My heritage helps define who I am. It informs my place in a group with those whose heritage I share. The heritage of each RDCK resident, when recognized and valued, makes the RDCK a great place to live.”

Sub-themes:

- B.C.'s system of Regional Districts
- Government policy and legislation
- Japanese internment
- Public infrastructure
- City and town halls
- Non-participation of minority groups
- Unions protecting the rights and safety of workers.
- Resource extraction vs. environmentalism
- Privacy and personal freedom
- Pacifism, American war resisters



Sandon hotel for aged Japanese men, 1942.
NNM 1994.69.4.18

“We have a longer history of settlers than even Vancouver.”

“Heritage maintains an appreciation of the work and effort that went in to settling the area.”

Sub-themes:

- Indigenous culture and settlement
- Addressing conflict and colonization
- Promoting settlement in the region
- Place of cultural diversity
- String of communities along lakes and rivers
- Settlements and towns
- Water access only communities
- Building distinct cultural communities and neighborhoods
- Red light districts

3 Inhabiting the Land

From prehistory to the present, the RDCK has been traversed and inhabited by a diverse mix of people. Evidence of the time-depth of human occupation on the land can be seen in pithouses, tipi sites and traditional villages of Indigenous communities, to mining settlements, villages, cities and extensive transportation and industrial infrastructure.

International treaties played a major role in the post-contact settlement patterns of the Central Kootenay region. The Oregon Treaty of 1846 established the 49th parallel as the boundary between the United States and Canada, effectively dividing the north-south travel routes that followed the natural geography. This in turn led to the establishment of east-west trading routes across the mountains to gain access to the potential wealth of furs, minerals, trees and fish of the western US and Canada.

Significant towns and cities, such as Nakusp, established in 1892, and Nelson, known as the Queen City of the Kootenays, grew up in response to mining and commercial activities in the region. Smaller communities coalesced around areas of resource extraction and transportation, with traditional roots in mining, sawmilling or the railway. Hotels and other amenities were built to accommodate the early craftsmen and labourers constructing the boats and railway for navigating both waterways and land.

Early towns were often only accessible by sternwheeler or pack horse. Towns and villages in the Slokan were located in the river valleys, creek fans and in particular on the lakes, to be close to transportation corridors, and because of the settlement constraints of the mountains. Small towns evolved around a grid layout, with hotels, bars, brothels, bath houses, water towers and pumphouses to serve the local population.

Bevan Manor House c. 1911. (from nomination)



Neighbourhoods, iconic streetscapes, the built response to topography in Nelson and settlements such as Ainsworth, Argenta and Meadow Creek all represent a shared shaping of Central Kootenay communities in response to the physical environment, yet each has a different history and evolution.

One of the characteristics of the area's history is the continued immigration of people of a variety of cultures. The earliest non-Indigenous arrivals were of European descent, mostly from the United Kingdom and the United States, originally descending upon the region to take part in the mining industry. Over the course of its history, the region has been home to Americans, Eastern Canadians, Scots, English, Italians, Chinese, Russian Doukhobors, Japanese, Eastern Europeans, Scandinavians, South Asian Canadians and others. Scandinavian cultural influences can be seen in place names such as Ymir, Valhalla and Gimli.

Today it is considered important that current residents and visitors to the Central Kootenay region are seen as one wave of settlement on this land, and are privileged to inhabit it. A settler view as the only interpretation of history is considered constrained and artificial.

The inclusion and honouring of all Indigenous peoples in inhabiting the land is important. For example, the Slocan Narrows archaeological site has revealed almost 40 housepits, with radiocarbon dating revealing four different periods of occupation which extend back at least 3500 years. There is also evidence of First Nation groups inhabiting this area on a year-round basis for many thousands of years before this time.

“Geographically, the RDCK lies in a beautiful, pristine setting clean air, soaring mountains, sparkling lakes and rivers. Its greatest strength lies in the diverse, remarkable people who live here, whose cultures and traditions weave a beautiful tapestry worthy of a listing in the Heritage Register.”

Sub-themes

- Indigenous use of land and water
- Connecting with nature and wilderness
- Spirituality and storytelling connected to nature
- Manipulating the environment and its resources
- Scientific values found in the natural environment
- Geology, glaciation and hot springs
- Local vegetation communities
- Environmental stresses and consequences
- Flooding, slides, snow avalanches and other natural disasters
- Responsible stewardship

4 Lake and Mountain Environment

The diverse geological, geographical and ecological values found in the RDCK underscore the importance of the region’s physical environment, valued in its own right, and for the ways people enjoy, use or exploit it. The natural environment of the Central Kootenay region has attracted people throughout history for a number of reasons - sustenance, resources, energy, recreation and solitude. This theme also addresses adverse consequences and stresses on the environment, such as the impacts of climate change and forest fire activity.

While the natural setting is important in and of itself, the natural physical features have in turn influenced settlement patterns, ways of life, transportation, recreation, and other human activities. The area’s natural environment is an inspiration in the day-to-day life of residents, while the isolation and the beauty of the mountains and lakes draw people to explore the history of the area.

The Sinixt have traditional stories (Chaptikwl) about the forming of this region’s landscape, including for example the story of how Rain gave her heart to Coyote, creating the Columbia River.

Ktunaxa laws on how to live with the land, ʔaknumuɕtitiit, are also centred around protection of the environment and its sustainability. The Ktunaxa Creation Story, about how people came to be, is inseparable from the form of the Kootenays’ natural environment - its rivers, lakes, valleys, passes and mountains.

Geographically located in the southeast corner of B.C., the Central Kootenay region is centred around the area’s important waterways including the vast Columbia River which stretches nearly 2,000 kilometres from its headwaters near Canal Flats in British Columbia to Oregon and the Pacific Ocean, and is situated among three significant mountain ranges, the Monashee, Selkirk and Purcell.

The area’s lakes, including the Upper and Lower Arrow, Kootenay, Duncan, Slocan and Trout lakes are the result of processes of glaciation. At the peak of the last ice advance 15,000 years ago, the valleys of the west Kootenay region lay below two or more kilometres of south-flowing glacier ice.

Two ecoregions dominate the Central Kootenay region. The Central Columbia Mountain region is typified by high mountain ridges and deep wide trenches and narrow valleys. Forest vegetation includes Douglas-fir, western larch, Engelmann spruce, subalpine fir and alpine tundra. The area is home to a variety of large and small mammals, and ospreys occur in high concentrations along Kootenay Lake. The Southern Columbia Mountains region has mountains that are more eroded and rounded, with trenches and wide valleys such as the Kootenay River and Creston. Riparian and floodplain areas provide habitat for deer, black bear, grouse and caribou, as well as reflecting the importance of the Columbia Valley for migratory birds.

The lake and mountain environment is encapsulated in the region’s provincial protected areas and regional parks. Provincial parks such as Valhalla and Kokanee Glacier parks, the Purcell Wilderness Conservancy and regional parks such the Great Northern Rail Trail, Rosebud Lake Wildlife Refuge and many others offer the opportunity to experience the area’s wilderness.

The region's natural heritage include Indigenous food and medicine plants. The Ktunaxa creation story includes the chase and destruction of Yawuʔnik by Nałmuqzin, the Chief animal, involves the joining of the Kootenay River and the Columbia Lake, the naming of many places, and the forming of the landscape as we know it today.

Included in this theme are other impacts and catastrophes, both natural and human-caused, that have shaped the region's landscapes, sites and settlements, including the changing climate.



Snk'mip Marsh Sanctuary.

“The area has a rich history and much of it has been preserved. From Indigenous food hunting and tool making and travelling the lakes; to the mining era when people settled and worked in the area to extract large quantities of silver, lead and zinc; to logging, agriculture and fruit growing. The sternwheeler steam ships that plied the lakes bringing supplies, long before roads were developed.”

Sub-themes

- Environmental impact of economic development
- Weathering booms and busts in a resource-based economy
- Importance of mining
- Hunting, trapping and fishing
- Commerce and banking
- Forestry and sawmilling
- Agriculture in the Creston and Columbia valleys
- Unions and organized labour
- Cooperative commerce and co-ops
- Immigrant and seasonal workers
- Rise of tourism, hot springs and lakeside resorts
- Indigenous seasonal camps for harvesting

5 Making a Living in Central Kootenay

The natural resources of the Central Kootenay region have been the foundation for significant economic development through forestry, hydroelectric power generation, mining, tourism and agriculture. Economic development in the RDCK has traditionally included industries such as forestry, agriculture, mining, small business and tourism, as well as more contemporary ways (cannabis cultivation) of making a living.

Mining is highly significant in the Central Kootenay region. The Slocan silver mining boom that occurred between the late 1890s and 1920s was intensely active and extremely productive but relatively short-lived. The communities of Kaslo, Silverton, New Denver, Sandon and Slocan City all had their origins in the Slocan silver mining boom. The Bluebell Mine at Riondel was a lead, zinc and silver mine that closed in 1972.

Significant numbers of settlers came to the West Kootenay region to establish farms and orchards following the completion of the national railway. Mining and fruit-growing communities, linked to the railheads by sternwheelers, dotted the rugged shores of the region’s lakes, a pattern of settlement that still exists today. Industries such as mining and smelting developed with the help of abundant local power, and the region enjoyed an economic boost.

Kootenay farmers, with the advantage of good climate and fertile soil, stepped up production to meet the demand of the growing mining industry and subsequent settlement. Apples, cherries and other fruit were grown in abundance; by 1908, Kootenay Lake fruit was being shipped to the prairies and other parts of B.C. Other agricultural crops included hay, cattle and dairy.

Waves of various European immigrants began arriving in 1890, followed by other diverse groups up until the present day, attracted by jobs and the fertile land. The majority of communities were established in the most fertile areas, including the Arrow Lakes Valley, Creston Valley, the Duncan River and along the upper Kootenay River. Today, there is a resurgence of small, independent and sustainable farms in the region’s valleys.

There is a long history of immigrants making a living in the Central Kootenay region. There was a Chinese Canadian presence here, at a time when Chinese were generally not permitted to work in the mines except in the kitchen or laundry and often farmers could not bring themselves to hire the cheaper Chinese labour. Another important immigrant group include the Doukhobor farmers who settled in the Slocan Valley.

Sustaining a viable fishery was crucial to the survival and wealth for all local Indigenous communities. For example, Sinixt Salmon Chiefs decided how many fish were caught in order to maintain a sustainable food source for generations yet to come.

Gathering and cultivating plants, roots and berries and conducting seasonal burning and thinning were common traditionally-used plant cultivation management techniques, as were treating, preserving and making them into medicine. These activities demonstrate clear protocols based on cultural knowledge, sustainable practices and a respectful relationship with nature and honouring the environment.

While Indigenous peoples could generally not participate or be employed by most post-contact industries such as work at mining and sawmills, they did have limited employment opportunities in logging and as farm workers.

The Central Kootenay region was traditionally by and large an economically self-sufficient region, with an Indigenous population that has been sustained here forever, and with fur trappers, prospectors and homesteaders, agriculture and industrial development marking the earliest post-contact decades and morphing into current businesses and industries. It has also been energy self-sufficient, with smelters, hydro-electric dams, foundries, factories, and steam-powered ships and trains supporting the local economies and allowing for the export of large amounts of food and manufactured goods over time.



<https://shambhalamusicfestival.com/news/blog/fall-update-life-on-the-farm/>

“Telling and protecting the rich stories of earlier generations, and the transformations of this land and community, is a nice way to keep history alive, honour the legacies of all the diverse peoples who have lived here, and track transformation and growth.”

Sub-themes

- Protecting archaeological sites
- Indigenous and newcomer stories about the past
- History and memory of loss
- Culture of self-sufficiency
- Contradictory lifestyles
- Counterculture mecca
- Cemeteries and spiritual sites
- Lost sites
- Place of refuge



Dutch ovens hiking group. (from nomination)

6 Place of Stories and Memories

The ongoing presence of those seeking a quiet life, the abundance of memories and stories, and the counterculture history of the RDCK are a key part of the character of the region up to the present day.

Knowledge holders and Elders from all Indigenous communities in the region are actively preserving their culture, stories, languages and traditions, all of which relate directly to their lands.

The RDCK has a deep-rooted culture of self-sufficiency, regional identity and sense of place upon which to draw an understanding of its heritage, and which has built a legacy for future physical and cultural sustenance.

The need for public education on the unjust treatment of the area’s Indigenous peoples of this area, including genocide, disease, discrimination, residential schools and displacement by prospectors and settlers, is an important part of this theme. There is also the need to reconcile separate lived histories, as Indigenous children and the children of non-Indigenous immigrants grew up with very different social and cultural experiences.

The history and memory of loss is part of the Central Kootenay story. A largely self-sufficient area not used to outsiders or sudden changes found itself confronted by the legacy of the Columbia River Treaty, the dams constructed by BC Hydro, and the loss of homes and farms. Other losses in the RDCK included the SS Minto, an iconic steamship used for transporting people and goods that was burned and sunk.

Communities within the RDCK have often developed into eclectic communities, with diverse lifestyles and alternative ways of thinking. This way of life was accentuated during the 1960s and 1970s as the back-to-the-land movement and people with alternative lifestyles began to move into the community. This was a further development of the early communal lifestyles espoused by the Doukhorbor population. At the same time there were many European working class and more conservative immigrants arriving in the larger centres.

Authors, artists, storytellers, philosophers and other knowledge-keepers have made significant contributions to the wealth of information about the Central Kootenay region. An understanding of regional heritage assists communities in valuing what they have, to understand how their heritage came to be, to articulate why it is important and consider what must be done to conserve it.

7 Transportation and Communication Links

Transportation and communication by rail, water, road and telegraph has been key to the settlement and development of the RDCK. Developing economies required transportation routes, and the physical environment influenced the ways in which people travelled and how goods were shipped.

The mountain ranges made land transportation difficult and gave the natural transportation routes, from trails to ships to railways, their north-south configuration still seen today.

Millennia before roads were introduced to the region, the Sinixt, Ktunaxa, Syilx/Okanagan, and the Secwepemc used the local waterways as a means of travel throughout the area. Well-maintained Indigenous land-based trails were developed for hunting, portage and trade, often two metres or more wide.

The earliest non-Indigenous transportation route in the region was established in 1864 when Edgar Dewdney was hired to complete a trail from Rock Creek to Wildhorse Creek to ensure an all- British route to the Coast for gold and supplies.

Steam-powered sternwheelers on the Arrow, Slocan and Kootenay lakes and connecting rivers provided an important means of transportation, taking prospectors and miners to camps, shipping ore and supplies, and providing a connection between communities. Early activity in the region's river transportation industry included the Forty Nine, a steamboat built in 1865 that carried travellers and freight from Washington state to the Big Bend area on the Columbia River, and the launching of the Midge in 1884, the first steam powered boat on Kootenay Lake.

The Kootenay Mining and Smelting Company started running two steamers on Kootenay Lake and Kootenay River in 1885. In 1888 the Columbia Transportation Company began providing boat service on the Arrow Lakes and rivers, while the Columbia & Kootenay Steam Navigation Company began operations in 1893.

In the late 1800s, the Canadian Pacific Railway began construction of the Crow's Nest Pass Railway from Lethbridge, Alberta, through the Crow's Nest Pass to the lower end of Kootenay Lake, taking over the Columbia and Kootenay Steam Navigation Company. The railway opened up the Central Kootenay region to settlement, facilitating farming communities along its route.

The provision of transportation networks in the region was not without conflict, as Chinese labourers were often exploited to labour on public works and transportation construction such as the Canadian Pacific Railway.

To this day, travel in the region consists of winding roads through high mountain passes, with iconic bridges crossing rivers and streams. The Balfour - Kootenay Lake ferry and the Harrop ferry still operate on Kootenay Lake, there are ferries on the Arrow Lakes, and cable ferries plying rivers such as those at Glade and Procter. Major highway systems serving the RDCK include Highway 3 and 3A, the Crowsnest Highway. Highway 6 passes through Salmo, Nelson, New Denver and Nakusp.

“It is so important to recognize our multicultural history that rivers, trains and highways brought.”

Sub-themes

- North-south routes following mountain valleys
- Rivers and lakes as transportation corridors
- Competing railways
- Sternwheeler, barge and railway system
- Trails that pierced the east-west mountain ranges
- Remote communities connected by the telegraph
- Highway building in the 1950s
- Road networks constructed over original rail lines



(Touchstones Nelson TN_SPURWAY_134)



“Resilience is a word that keeps popping up in conversations about our heritage. Our physical surroundings and our landscape have a lot to do with why we live here and why people are drawn to our area.”

“Unique and interesting residents looking for a simpler and harmonious way of life with a strong connection to nature.”

Sub-themes

- Cultural and sporting groups
- Buildings and gathering places that support community activities
- Schools, churches and community support
- Languages and cultural traditions of multicultural groups
- Music, theatre and the visual arts
- Sporting competitions throughout the region
- Outdoor recreation and mountain culture



Taghum Community Hall is an example of one of the region’s cultural cornerstones, serving Taghum, Blewett, Beasley and surrounding areas. (from nomination)



Kaslo Music Festival.

8 Off the Grid: Social and Community Life

A sense of belonging and a sense of community is highly significant in the RDCK. Community support, social and cultural institutions, the arts and local events play major roles in the region.

A diversity of complex Indigenous societies exist in the Kootenay region, which were and continue to be communal, where the sharing of food and other resources within the community is standard practice. Traditionally, they lived in small seasonal camps or villages and each village had one or several leaders or Chiefs, with Elders as important community leaders and decisions makers.

The area’s social and community life evolved from a culture of independence and self-sufficiency brought on by geographic isolation. The unique language, culture and lifeways of the Ktunaxa have allowed them to sustain their communities for thousands of years, while prior to European contact, the Yaqan Nukiy were semi-nomadic and traveled great distances within the Ktunaxa Traditional Territory.

Settlers and newcomers brought their traditions, cultural practices, artifacts and cultural identities to the region, creating a diverse material and textual culture.

Social and community life in the RDCK encompasses outdoor activity and culture that has been a part of everyday life here from the early days up to the present. Sites of early mountaineering culture include the Glacier Alpine Hut (Slocan Chief) and other early recreational mountain cabins and huts.

Today, public recreational trails and opportunities of all types exist informally or are managed by local interest groups on Crown lands or public lands throughout the RDCK.

Associations and service clubs such as Kinsmen, Rotary, Chamber, Fire Brigade, competitive sports organizations and other community institutions enhanced and connected the people of the region, and resulted in the construction of community facilities such as ice rinks, sports arenas, golf courses, meeting places, churches and hospitals. These activities and facilities are as much a part of day to day life in the region today as they were when they originated.

The RDCK’s community identity has also been formed by the settlement of Doukhobors and hippies who pursued a self-sufficient lifestyle and value system for cultural reasons.

Locals and tourists alike are drawn to the region for its natural attractions such as the hot springs, abundant outdoor recreation, and festivals such as the Kootenay Festival of the Arts and Kaslo Jazz Festival. In the region’s early days, locals who could not afford a sternwheeler trip up the lake to the Halcyon Hot Springs Sanatorium instead made the trek to the more easily accessible Nakusp hot springs. Today, arts, culture and heritage in the RDCK provide year-round programming, activities and educational experiences, fundamental to the culture and identity of the region.

1.2 RESEARCH AND ENGAGEMENT



Summary of Historical Research and Community Engagement Process

To understand the heritage context of the Regional District and what its residents value about the place, its communities and its heritage, an extensive consultation process was undertaken involving historical research, one-on-one interviews, and a public survey.

The research component included a comprehensive literature and resource review of all known previous heritage studies and publications on the region including early economic surveys from the 1970s, heritage tourism plans and surveys from the 1990s, heritage context studies for Electoral Areas D and H from 2009, books and academic articles, recent work by Heritage BC including in-person conversations with local residents in Nakusp and Creston about 'the state of heritage' (2018) and the joint Heritage BC/Columbia Basin Trust heritage inventory surveys conducted in 2016 and in 2019. A list of the research resources accessed for this project can be found in Appendix A.

A total of 10 one-on-one personal interviews were held in December 2019 and January 2020 with representatives of local organizations and individuals who preferred to engage with the project over the phone rather than by filling out a survey. The interviewees were representatives of the following groups or organizations: Selkirk College, BC Government - Columbia River Treaty, Rural Area Directors, Columbia Basin Trust, Maa Press - New Denver, Gray Creek Historical Society, Slocan Valley Historical Society and several individuals with interest in heritage or who own historic properties.

In mid-November the project press release was picked up by local newspapers (Creston Valley Advance, Castlegar Source, Nelson Daily, My Nelson Now, Kootenay Arts E-Bulletin, Lardeau Valley Opportunity), and a representative of the consultant team was interviewed on EZ Rock Nelson radio show.

The project's online survey about the RDCK's heritage community values was conducted between November 1st and December 31st 2019 - a time frame of eight weeks. A total of 141 surveys were submitted in the eight-week period.

The research, interviews and surveys centred on three questions, which each inform the other: Why is heritage important in the RDCK? What are the important qualities or aspects of this place? What local heritage resources should be included on the RDCK community heritage register?

A great number of heritage resources were put forward for nomination by the survey respondents and interviewees and numerous more were extracted from previous studies - totalling 373 individual suggestions for heritage resources in the RDCK. A total of 197 nomination ideas came from the project's public survey, 107 came from the Columbia Basin Trust's heritage inventory survey and the remainder came through interviews and previous heritage studies.

1.3 HERITAGE VALUES IN THE RDCK

Community Heritage Values and Priorities

The community heritage values below were identified and extracted from research, interviews and from the survey questions ‘Why is heritage important in the RDCK?’ and ‘What are the important qualities or aspects of heritage in the RDCK?’ Also reviewed were the October 2018 Heritage BC community roundtable discussions held in Creston and Nakusp about the State of Heritage in B.C.

The identified heritage values summarize the topics and types of statements that were the most repeated and emphasized in the engagement process, and which could represent heritage priorities in the RDCK.



Grain elevators in Creston.

Community identity and sense of place

Social and cultural values in the RDCK are reflected in a recognized connection to place, a sense of community, and shared identity that sustains the area’s current inhabitants and new residents and becomes a collective experience for everyone. A culture of both cooperation and self-sufficiency brought on by geographic isolation, the recognition of Indigenous language, culture and lifeways and a legacy of activism and resistance has created a singular regional identity and sense of place that continues to sustain the community today.

Community is considered to be at the root of heritage – it is the community that determines values and tells stories to define its identity. Numerous local voices expressed the notion that ‘heritage is about people’ and that it is found in their individual stories, which create layers of perspectives. Together, these layers tell the collective story of the community. Heritage cultivates a ‘sense of place’ among residents and promotes collectiveness and community. It was also observed that heritage provides an entry point for newcomers: a way to understand and know the community and to become part of its shared values. The new residents then also contribute to the story, adding their individual experiences to the narrative of the community and the evolution of its heritage. Some local quotes regarding heritage as community identity and ‘sense of place’ include:

- Heritage is important in our community because it helps to define who we are as a culture, now. It is an understanding of who we are as a regional community.
- Heritage creates a sense of where we came from. It tells people about the roots of a community. It brings pride and sense of community.
- Heritage is the soul and part of the culture of our community.
- Heritage is the people and the land. How the two have survived and grown together.
- In the RDCK we have closer connections to our innate humanness because we’re closer to nature and each other.

Preserving history, with the past informing the future

Understanding and honouring the area's history and heritage is significant because it creates a strong foundation and a sense of continuity while allowing ongoing community change and evolution. Both positive cultural and social changes, such as the growth of vibrant and viable communities, and changes associated with loss, such as the altering of regional waterways through dam construction have had a significant impact on many communities. Acknowledging these changes allows the continuing engagement with the history of the region and commands respect for what has gone before.

Looking to the past and preserving history are both considered important aspects of heritage in the RDCK. It is perceived that we create heritage with every interaction, so history and heritage are consistently evolving. Understanding and documenting chronology is very important, as is that history be collectively recognized. The past should be viewed as a touchstone for building for the future. Honouring the past provides a strong foundation and a sense of continuity. Heritage is also perceived as a valuable vehicle for the education of youth, future residents and generations. Some local quotes regarding heritage as preserving history and informing the future include:

- Heritage is our history. "The farther back you can look, the farther forward you are likely to see." — Winston Churchill.
- History is not only where we came from but informs where we will go.
- Heritage is important so that we understand what has been, and what has been done to get the community to where it is. It is a way of honouring what those before built, prevents us from having to build new, and brings character and art to a community.
- Heritage is history! History is so important!
- Without preserving our past, our future can become a lonely place. Truly, heritage preservation offers the building blocks to our future.
- Remembering the past helps build a better future.
- Telling & protecting the rich stories of earlier generations, and the transformations of this land and community, is a nice way to keep history alive, honour the legacies of all the diverse peoples who have lived here, and track transformation and growth.
- Heritage is part of our community's consciousness and memory. It offers an opportunity for reflection and learning.

Heritage as a driver for economic development and tourism

Current understanding of the importance of heritage in helping sustain economic development and tourism is associated with the area's heritage found in its distinctive communities and the vestiges of past significant economic endeavours in forestry, transportation, power generation, mining, agriculture and entrepreneurship that created a self-sufficient region. Considered an important activity in and of itself, the conservation of the area's heritage is important for supporting social and cultural identity, drawing visitors to the community, and helping sustain rural area economies.

Heritage tourism is perceived as an important driver for and factor of the local economy in the RDCK and is seen to also provide social enhancement. Some noted that there is a tension between heritage and development and tourism, which can bring both gains and losses, awareness and risk. Some quotes from the survey regarding heritage as a driver for economic development and tourism:

- With a remarkable heritage unique to BC and Canada it is important to identify and protect the past for future generations to help tourists and new residents to connect to the area. Curbing economic and residential development is NOT a way to protect these assets!
- A respect for heritage encourages us to preserve it. It draws visitors to the community and helps the economy of rural areas.
- People come for our heritage, for the natural beauty, the fishing, and the seasons, and they will depart with their own imprint on the story.
- The economics of heritage measure on a regional level, not on a municipal level, so regional marketing and a regional heritage register/program would be ideal.
- Heritage is an anchor that brings people to the community. They are encouraged to stay longer and spend more money.

Uniqueness and diversity of people in the RDCK

One of the significant characteristics of the regional district's history is the continued immigration of people of a variety of cultures. A culture of inclusion and honour for all Indigenous peoples who have inhabited the land for millennia is increasingly important, allowing a reconfiguration of the original settler interpretation of history, while the region's heritage reflects the influence of Americans, Eastern Canadians, Scots, English, Italians, Chinese, Russian Doukhobors, Japanese, Eastern Europeans, Scandinavians, South Asian Canadians and others who have made the place home.

Cultural diversity today and in the past is perceived to be a unique and valued aspect of the region and an expression of its heritage. The RDCK was and is home to a diversity of people, making each community unique, having specific reasons to exist, and singular ways of connecting to place. As a collective community there are many shared values and characteristics that a Central Kootenay resident ends up developing, such as resilience and a strong relationship with nature and/or our natural resources or agriculture. Some quotes from the survey regarding uniqueness and diversity as a heritage value:

- Our greatest strength lies in the diverse, remarkable people who live here, whose cultures and traditions weave a beautiful tapestry.
- We have a very diverse past based on acceptance. This area is conducive to self-expression and encourages health.
- Our unique history blends the Yaqan Nukiy who have lived here since time immemorial with the relatively recent European immigration over a century ago.
- This is an area of different cultural heritages where the unique individuality of its residents shapes its character
- RDCK's has unique and interesting residents looking for a simpler and harmonious way of life with a strong connection to nature.
- Heritage connects us to the cultural past of this place to build a bio-diverse cultural future.

Wild environment, natural beauty, outdoor recreation

The natural landscape and its resources are valued for their aesthetic and ecological qualities, their contribution to memory and cultural identity, and for providing opportunities for interaction and appreciation through outdoor activities and backcountry recreation. Major lakes and rivers, fertile valleys, diverse geography and forested backcountry all contribute to an appreciation of the area's natural beauty and extraordinary landscapes.

The RDCK landscape and natural resources have a lot to do with why people live here and why people are drawn to the area and how they connect to this place. Residents commented frequently on the RDCK's beautiful, pristine setting, clean air, soaring mountains and sparkling lakes and rivers as community values, which function as the backdrop for and a significant aspect of the region's story and heritage. Heritage is perceived to be tied to memory. There is memory in the region's landscapes of what has happened over time. Some quotes from the survey regarding the natural environment and access to it as a heritage value:

- Beautiful and abundant land of all kinds, from fertile valley bottoms, lakes and rivers, to wild backcountry
- I value the fact that its rural nature is still largely intact, its beauty and extraordinary landscapes.
- Fabulous scenery, dynamic and deep geological history, high (previously but now declining) biodiversity.
- We value the natural beauty, making this a healthy place to live. Our lakes, mountains, watersheds and wetlands that we strive to protect for all living things.
- The opportunities for outdoor and backcountry recreation.



2

HERITAGE RESOURCES IN THE RDCK

Heritage Inventory vs. Heritage Register

Communities in British Columbia typically organize their heritage resources in two types of lists:

An informal list called a **Heritage Inventory**, which is like a database of potential ideas brainstormed by the community but which have not yet gone through a rating or evaluation process. In the RDCK this can be viewed on an online map called Nominated Places that Matter in the RDCK.

A formal list called a **Community Heritage Register** is established by the Board of Directors, which includes community resources that have been evaluated with a consistent criteria process, and have formal heritage status.

A great number of heritage resources were put forward for nomination by survey respondents and interviewees and many more were extracted from previous studies, totalling 373 individual suggestions for heritage resources in the RDCK.

The nominations were diverse - from buildings to cultural landscapes, from historic events to books and traditions. Examples of heritage resources nominated include privately owned historic homes, iconic general stores, schoolhouses, churches, farms, valleys, beaches, mountains, pictographs and the Sturgeon-nosed canoe. The Regional District was geographically well covered in the nominations as well, with heritage resources identified as far north as Halcyon Hot Springs, and as far south as Lister, from the Monashee Pass in the west to the Purcell Wilderness Conservancy in the east.

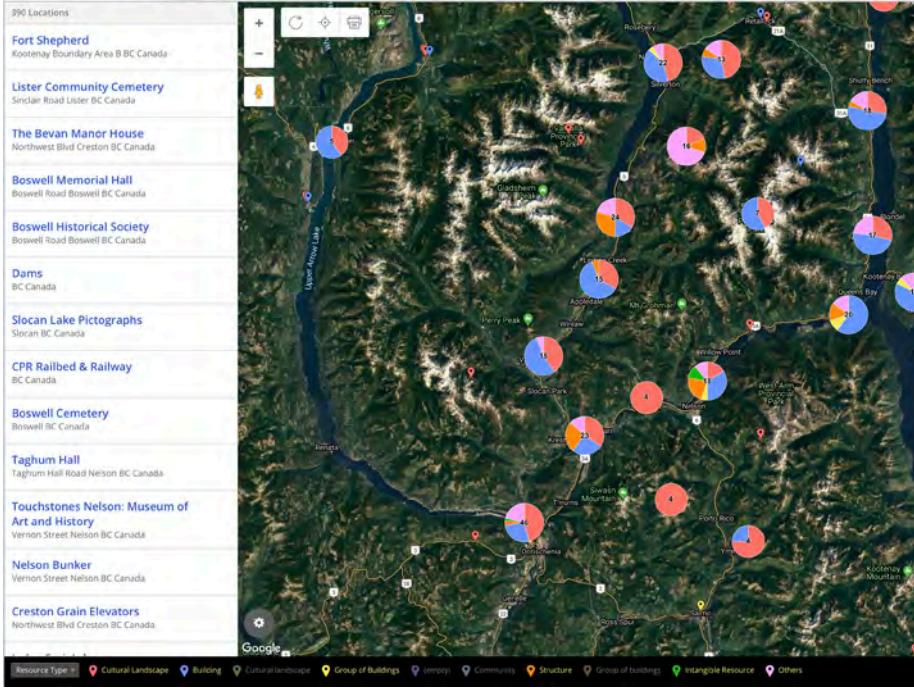
All of the nominations have been captured in an on-line map called Nominated Places that Matter in the RDCK which can be viewed at <https://batchgeo.com/map/RDCK>. The different heritage resource types are marked in individual colours. When clicking on a resource pin, most will display some basic historic information or the justification for the nomination, based on the content submitted.

The Nominated Places that Matter in the RDCK map functions as an inventory - a pool of heritage resources, like an informal archive or database the community can add to as ideas for heritage resources come up or are remembered. As a heritage inventory does not confer formal recognition by a local government and is not subject to selection criteria, the public can nominate anything deemed to have heritage value. The interactive map format helps to raise awareness and keep the conversation about heritage active and evolving.

For a current, interactive view of RDCK's heritage inventory visit <https://batchgeo.com/map/RDCK>

To nominate a heritage resource to the RDCK heritage inventory or to add content/information about an existing resource on the inventory please e-mail plandept@rdck.bc.ca

A list of the heritage resources on the heritage inventory (Nominated Places that Matter in the RDCK) as of December 2019 can be found in Appendix E.



2.1 HERITAGE REGISTER INCLUSION PROCESS

The Community Heritage Register

A Community Heritage Register (CHR) is a legal planning tool enacted under s. 598 of the Local Government Act (LGA):

598 – Community Heritage Register

1. A local government may, by resolution, establish a community heritage register that identifies real property that is considered by the local government to be heritage property.
2. A community heritage register
 - a. must indicate the reasons why property included in the community heritage register is considered to have heritage value or heritage character, and
 - b. may distinguish between heritage properties of differing degrees and kinds of heritage value or heritage character.
3. Within 30 days after including property on a community heritage register or deleting property from a community heritage register, the local government must give notice of this
 - a. to the owner of the heritage property in accordance with section 592, and
 - b. to the heritage minister in accordance with section 595.
4. The protection of heritage property is not affected by an error or omission in a community heritage register.

Inclusion on a CHR allows the local government to utilize the following tools in the LGA:¹

600 – Heritage inspection may be ordered

602 – Impact assessment may be required

603 – Local government requests for Provincial protection

604 – Withholding of approvals

605 – Withholding of demolition permits until other approvals issued

606 – Orders for temporary protection

610 – Heritage Revitalization Agreements

¹ Detailed information and instructions about the available tools can be found here: <https://heritagebc.ca/learning-centre/heritage-conservation-tools-resource-guides/>

Local governments may also establish heritage recognition or incentive programs that are eligible to property owners of formally-recognized or protected heritage resources. Incentives may be administrative, regulatory, or financial.

Community Heritage Registers also often provide sufficient recognition of heritage values to create eligibility for external grants or other funding to support conservation efforts or projects.

Guiding principles

1. The purpose of the CHR is to be an official list of heritage resources recognized by the Regional District as having heritage value. The resources included on the Register will have heritage status.
2. In order to understand the significance of a heritage resource, and to support meaningful discussion about inclusion on the CHR, supporting documentation must be available for decision makers. This documentation can include, but is not limited to:
 - Historical and current photographs.
 - Newspaper clippings or articles.
 - A historical chronology or timeline of the use or evolution of the resource over time.
 - Oral histories.
 - Archival documents.
 - Fire insurance maps.
 - City directories.

This information may be obtained through research in community files, libraries, archives, or through historical societies. It may also be gathered from online research and interviews with individuals or groups.

3. Inclusion of heritage resources on the CHR must be based on an understanding of the community's heritage values and priorities, as found in this report. Consideration must be given to how each heritage resource embodies, reflects, or represents one or more of these values or priorities:

- Community Identity and Sense of Place
- Preserving our History. The Past Informing our Future
- Heritage as a Driver for Economic Development and Tourism
- Uniqueness and Diversity of the People of the RDCK

- Wild Environment - Natural Beauty and Outdoor Recreation
4. Heritage values should be considered in relation to other community planning values that are evident in the RDCK's OCP and planning documents.
 5. Inclusion on the CHR must not be seen as a "tick the box" exercise whereby an heritage resource meets a pre-determined list of qualities in order to be included. Inclusion on a register should be a process that involves thoughtful discussion about the conservation needs of the resource, conservation tools available in the Local Government Act, and be based on a solid understanding of community heritage values and goals.

Criteria to consider in the decision making process

1. Does this resource represent community heritage values as identified in the RDCK's heritage planning documentation? The following documents should be referenced when discussing this criterion:
 - The Thematic Framework outlined in this report.
 - Statements about community heritage values and heritage planning priorities in this report.
 - Additional heritage studies carried out (for example by municipalities, the province or the Columbia Basin Trust) that may have relevant information to the heritage resource at hand.
2. Are there many types of values that this place represents? It is important to identify all aspects of the resource that contribute to its heritage values. *The Standards and Guidelines for the Conservation of Historic Places in Canada's* definition of heritage values should be referenced: "The aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations." These types of heritage values can be defined as:
 - **Aesthetic values** – pertaining to visual and material qualities of a resource. This may include beauty, physical attributes, and materials.
 - **Historic values** – pertaining to historical events or phenomena, or associations with individuals or groups of people.
 - **Scientific values** – pertaining to the advancement of knowledge or technology.
 - **Cultural values** – pertaining to the expression of a way of life of a group or groups of people. May also include artistic expression.
 - **Social values** – pertaining to the 'human' aspects of a heritage resource. Reflects beliefs, emotions, perceptions and activities associated with the resource.

- **Spiritual values** – pertaining to the belief system or systems of a group or groups of people, or of individuals. May be reflective of stories, legends, myths, and particular experiences or practices associated with a resource.
3. Are there many layers of heritage values in this place? The full chronology of the resource should be understood and considered in order to determine which aspects of its history are most significant. Consider historic, cultural, social or spiritual associations of multiple groups at different or concurrent times in the resource's history.
 4. What is the physical extent of the heritage resource? Is it grouped with other resources that together make a heritage resource, such as a neighbourhood, community, or cultural landscape? Would this group of resources benefit from being formally recognized together as one resource? Does the understanding of heritage values change when several resources are considered as a group? **Example: Consideration of a single headstone vs. understanding the context and history of the whole cemetery. Where does the historical significance lie?**
 5. What is the historical context of this resource? How does it reflect larger forces (local, regional, provincial, national, international) forces or phenomena that cause it to be what it is today? Understanding context is critical for understanding significance, as every place is a product of a force larger than itself. **Example: A Japanese internment camp is the result of provincial and national laws that were enacted in response to global events that transpired as a result of World War II.**
 6. What is the level of heritage values?
 - **Exceptional** – this resource is unique, under threat, highly sensitive, or represents an aspect of the region's history that is underrepresented or at risk of being lost. This resource represents many layers of heritage values associated with a diversity of groups in the community or eras in our history. Additional heritage value may also be attributed to specific events, people, or groups of people. **Example: an Indigenous spiritual site that is being eroded by natural or human activities.**
 - **Significant** – the resource is one of a few or several of its type, is not readily threatened by development or loss, and demonstrates values that may be found in other resources throughout the region. There may be some associations

with notable people, events, or historical phenomena. **Example: A rail trail that represents the transportation and natural resource extraction economy of a community. There may be other rail trails in the region, but consideration should be given to the importance of this resource to the immediate community and how it creates a sense of connection throughout the region.**

- **Common** – the resource embodies heritage values, yet does not stand out as a unique for its physical or heritage value types. There may be many of this type of resource throughout the region. **Example: an early-twentieth century residence related to the natural resource boom of that time.**

7. Is this place at risk of damage, destruction, or loss? These factors may add to the desire to formally recognize a resource through inclusion on the CHR. If added awareness or eligibility for incentives or funding could reduce the risk of a heritage resource, this should be included as part of the discussion about inclusion on the CHR.
8. Is there community advocacy around this heritage resource? Perhaps community advocacy around this heritage resource has recently grown or started bringing the resource to the RDCK's attention. The community is asking for acknowledgement of heritage value or intervention to protect a heritage resource which may not have previously been acknowledged.
9. Consideration should be given to other conservation tools at the time of discussion, in lieu of or in addition to listing on the CHR, such as:
 - a. **LGA 611** – Heritage Designation Protection – resources that require legal protection because of their level of heritage value, and threat of damage, destruction, or loss should be considered for heritage designation protection.
 - b. **LGA 599** – Heritage recognition – resources that are well-respected and often accessed or visited by the community, and have little risk of damage, destruction, or loss may benefit from the installation of honorary or interpretive plaques, signs, or other markers to promote their heritage values.
10. Will formally recognizing the heritage values of this resource increase or improve reconciliation and relationship-building efforts with a group or groups of people who have been historically marginalized, negatively impacted by historic events,

or underrepresented in the District's heritage conservation program to date? **Example: inclusion of resources related to Indigenous, Doukhobor, Japanese Canadian, or Chinese Canadian heritage on the CHR.**

11. Will formally recognizing the heritage values of this resource increase or improve relationship-building and facilitate efforts to manage the conservation of a heritage resource with multiple or complex layers of owners or stakeholders?

2.2 IDENTIFIED HERITAGE RESOURCES

Priority resources for the heritage register

The following 34 heritage resources are recommended for immediate inclusion on the RDCK Community Heritage Register.

This list consists of heritage resources in the RDCK already identified as having heritage value through previous nomination processes.

Resources currently protected or included on a heritage register

Listed on the BC Register of Historic Places (with no protection)

1. Brilliant Suspension Bridge (also listed on the Canadian Register of Historic Places)
2. Nikkei Internment Memorial Centre (also listed on the Canadian Register of Historic Places)
3. Sandon Internment Camp
4. Bay Farm Internment Camp
5. Popoff Internment Camp
6. Slocan City and Slocan Extension Internment Camps
7. Rosebery Internment Camp
8. Lemon Creek Internment Camp
9. New Denver Orchard Internment Camp
10. New Denver Church - New Denver

Listed on the BC Register of Historic Places (protected under municipal, provincial or covenant designation)

11. Pilot Bay Lighthouse
12. City of Ainsworth Shipwreck
13. Cooper Creek Gold Field
14. Dewdney Trail (between Salmo and Creston)
15. J. B. Fletcher General Store - Ainsworth
16. Zuckerberg Island
17. Castlegar Station Museum
18. Creston Town Hall
19. Bank of Montreal (Silvery Slocan Museum) - New Denver
20. Slocan Mercantile General Store - Sandon

Protected resources (designated) but not listed on any heritage registers

21. Catalpa Tree - Creston
22. Raspberry School - Brilliant

Resources not protected or listed on any heritage register

Identified through the BC Heritage Legacy Fund or Columbia Basin Trust Heritage Grant

23. Knox Hall - New Denver
24. St. Francis in the Woods- Queen's Bay
25. Grain Elevators - Creston
26. Vallican Heritage Hall
27. Billy Clark Cabin - Meadow Creek
28. Merriwake Boat - Slocan

Identified as priority resources as part of this project

29. Townsite of Sandon including the Sandon Cemetery
30. Harrison Memorial Church - Crawford Bay
31. Kp'itl'els
32. Idaho Peak Fire Lookout
33. Slocan Valley Rail Trail
34. Burton Historical Park and Campground

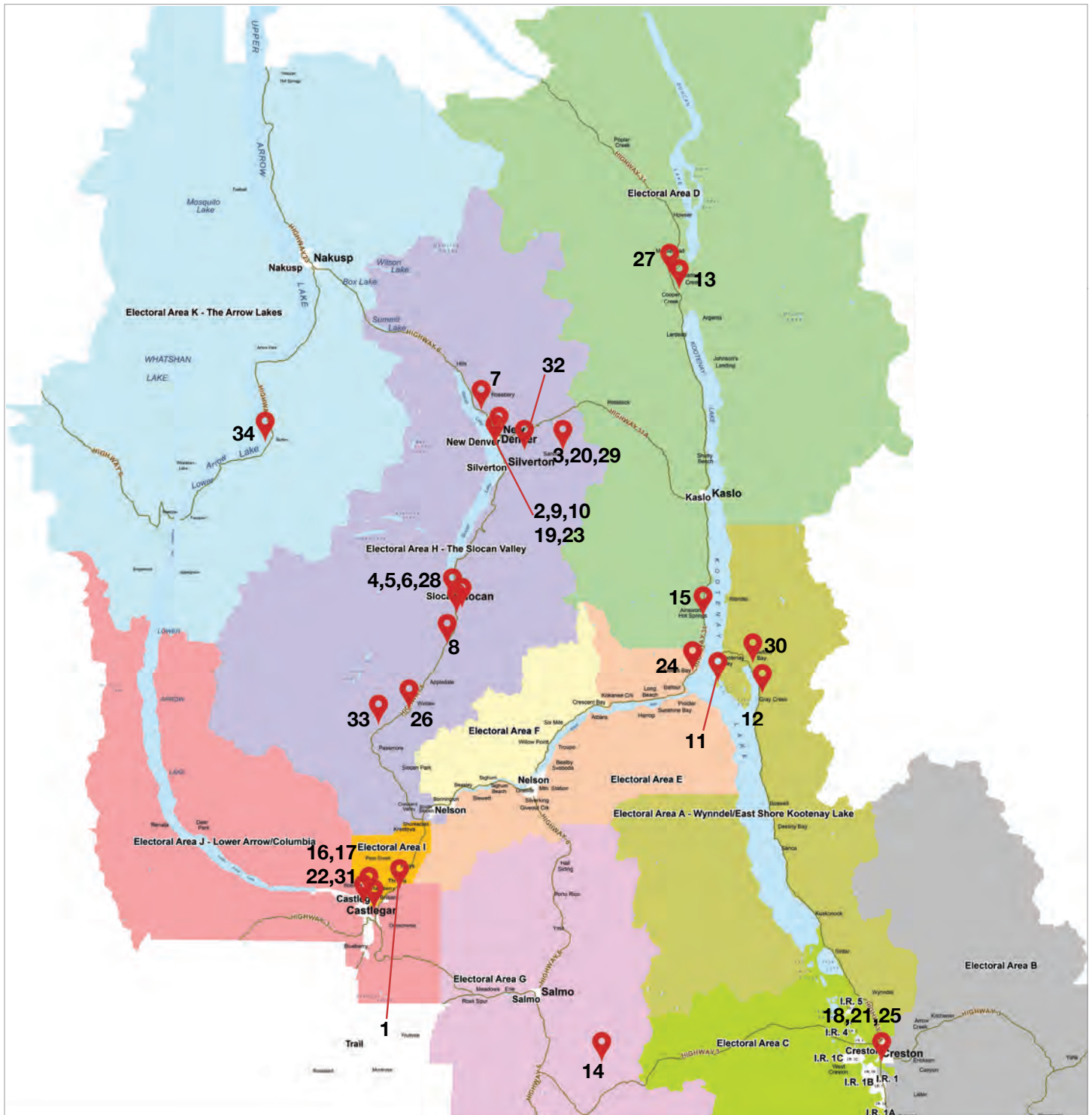
While most of the 34 heritage resources listed above have been identified by other heritage initiatives, they are located in the RDCK, and thus should any change affecting them be proposed, leadership around their conservation should come from the RDCK in collaboration with the nominator/identifier of the heritage resource, the land owner (private or government ownership), as well as interested/affiliated community groups institutions or individuals who are invested or involved in the conservation, commemoration and management of the heritage resource.

In the event of an alteration, development or demolition inquiry coming forward for any of the resources, their inclusion on the RDCK Community Heritage Register will flag them, allowing the RDCK to apply thoughtful consideration of the resource based on a Statement of Significance, which all resources will ultimately have, and if necessary buy some time through temporary protection.

Over time, the RDCK should produce (or request the host community to commission) Statements of Significance for the heritage resources that don't yet have one.

A spreadsheet with the full list is attached as Appendix D.

Location map of 34 identified priority heritage resources in the RDCK



3

STATEMENTS OF SIGNIFICANCE

3.1 GUIDANCE FOR PREPARING STATEMENTS OF SIGNIFICANCE

Statements of Significance

The Statement of Significance (SOS) was adopted by the federal Historic Places Initiative (HPI) in 2001 as a succinct and consistent format to express the heritage values of places that matter to Canadian communities. It is both a starting point and a guide for local governments, communities, property owners, architects, developers, planners and anyone who may be involved in decision making around a historic place.

Each time a heritage resource is added to a community heritage register, it should be reported to the BC Register of Historic Places by submitting a Statement of Significance, using the BCRHP Site Form:

https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/our-history/historic-places/forms/bcrhp_historic_site_form-jan2020web.pdf

This reporting process satisfies the Local Government Act requirement to indicate the reasons why a heritage resource included in a community heritage register is considered to have heritage value or heritage character.

A Statement of Significance (SOS) is a declaration of heritage value that briefly explains what a historic place is and why it is important. An SOS uses simple, non-technical language to summarize the description, heritage values and character-defining elements of each historic place. Character-defining elements (CDEs) are the features of the historic place that embody or represent its heritage values.

Anyone can write a Statement of Significance, if they have adequate research and guidance. In many communities local heritage groups produce these statements for their Community Heritage Register records, however if funding is available, some local governments hire heritage professionals to write them. In some communities the responsibility to provide/fund an SOS is the property owners.

The BC Government Heritage Branch has a guide to writing SOSs:

<https://www.for.gov.bc.ca/ftp/heritage/external/!publish/web/Guidelines%20for%20Writing%20Statements%20of%20Significance.pdf>

Heritage BC provides webinars about writing SOSs:

<https://heritagebc.ca/learning-centre/webinars-on-demand/webinar-writing-statements-significance/>

BC Heritage Branch Checklist for writing an SOS:

https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/our-history/historic-places/documents/heritage/checklist_for_sos_reviews-2019_final.pdf

How to produce a Statement of Significance

The Heritage Register Inclusion Worksheet (Appendix G) uses the RDCK themes and values identified in the previous chapters as the criteria for determining whether a potential heritage resource should be included on the Community Heritage Register and gain formal heritage status.

- A nominated heritage resource must show a substantial link, relation or association to one or more of the heritage themes and community values.
- A nomination that doesn't relate well to the themes/values, could stay on the heritage inventory (Places that Matter) as a resource of some importance, but perhaps without formal heritage status.

To go through the inclusion process and use the worksheet, a general understanding of the heritage resource is necessary. This preliminary research would be the responsibility of the nominator, and could be supported or augmented by local historical societies, archives or museums through the provision of historic resources and expertise to gain background and information about the resource.

The worksheet asks questions about the heritage resource which result in value statements, which in turn help to articulate why a heritage resource is important and ultimately, will help to guide if and how to conserve it. The worksheet

should be the basis of a group discussion, conducted amongst members of a community advisory body with participation of RDCK Planning and rural Affairs Committee representation. The notes/value statements taken at that conversation will be used as a draft for the Statement of Significance. The community advisory body should watch the Heritage BC webinar on how to write SOSs and identify one or two writers in the group who are comfortable synthesizing the meeting notes into such statements. Local heritage consultants, historians and archivists could be asked to review the SOSs via e-mail and provide any edits or suggestions.

Heritage Register: five priority resources

The following five heritage resources are recommended for initial inclusion on the RDCK Community Heritage Register. These resources were selected as a balanced representation of heritage resource types, geographical location in the region, and for their alignment with multiple and diverse community heritage values and regional themes.

- 1. *Slocan Valley Rail Trail***
- 2. *Kp'it'els/Brilliant***
- 3. *J.B. Fletcher General Store***
- 4. *Idaho Peak Recreational Site***
- 5. *Burton Historical Park***

Each of the five resources is accompanied by supporting historical and administrative documentation, and a Statement of Significance.

Heritage Register Worksheet

An example of a completed worksheet for the Slocan Valley Rail Trail can be found in Appendix F. The collected information in the worksheet was then fine-tuned and synthesized into the Statement of Significance.

3.2 FIVE STATEMENTS OF SIGNIFICANCE

1. Slokan Valley Rail Trail

Between South Slokan and Slokan City, Slokan Valley, B.C.

Description of Historic Place

The Slokan Valley Rail Trail is an approximately 52 km long recreational trail that runs from the trailhead at the confluence of the Slokan and Kootenay Rivers in South Slokan, to the south end of Slokan Lake in Slokan City. The trail is constructed on the former bed of the Slokan Extension of the Columbia & Kootenay Railway.



Slokan Valley Rail Trail.

Heritage Values of Historic Place

The Slokan Valley Rail Trail is valued for its connection to the earliest development and infrastructure introduced in the West Kootenay in the 1890s, and for its ongoing use as an important year-round recreation corridor in the Slokan Valley.

As the original route of the Columbia & Kootenay Railway and Navigation Company's Slokan Extension railway, this historic place is important as a reflection of the early development of the West Kootenay region at the end of the nineteenth century. Opened in 1897, this corridor was a critical connector in the network of rail and steamship transportation routes that were designed to secure the wealth of natural resources in the area and open the West Kootenay both economically and socially at that time.

Touted as one of the richest mining areas in the country, this area required modern and efficient infrastructure to ensure that ore, supplies, and people were being transported where needed, and the Slokan Extension did just that. This historic place is a reminder of the direct and immediate impact that railway development had on the settlement

of the area. By creating jobs, transportation options, and seemingly endless economic opportunities, railways such as the Slokan Extension facilitated a population boom in the West Kootenay region during the 1890s.

Heritage value also lies in the evolution towards redundancy over time that caused this railway to lose its original strength and purpose in the local economy. Abandoned as a working rail line by the Canadian Pacific Railway in the mid-1990s, the loss of original purpose of this historic place is a reflection of the larger phenomenon of a downturn in the natural resource-based economy in the West Kootenay at that time.

Its stewardship, and rehabilitation as a recreation trail with educational kiosks by the Slokan Valley Heritage Trail Society (SVHTS) is a reflection of the major metamorphosis of the local economy from extraction of natural resources to social and recreational economies, as well as the adaptation, resilience and commitment local communities have to conserving historic and natural places in this area.

The Slokan Valley Rail Trail is highly valued as a recreation and tourism asset in this area, and its current use can be seen as an important part of the continuum of social and economic benefits that were the intention of the original creation of this route in 1897.

Character-Defining Elements

The character-defining elements of the Slokan Valley Rail Trail include:

- Its route from South Slokan at the confluence of the Slokan and Kootenay Rivers (formerly known as Ward's Crossing) to the southern end of Slokan Lake at Slokan City.
- The width of the trail, reflective of the original railway right-of-way.
- The grade of the trail, reflective of the grade limitations typical for railway construction.
- The presence of four bridges along the route of the trail.
- The association of this trail as part of the Trans Canada Trail route.
- Historical associations of the route with the Columbia & Kootenay Railway and Navigation Company.
- Historical associations of the route with the Canadian Pacific Railway.
- Association of the trail with the Slokan Valley Heritage Trail Society.
- Historical relationships over time between the railway/

trail and communities and settlements along its route (such as Slocan Park, Winlaw, Appledale, Lemon Creek and Slocan City)

- Relationship of the trail to surviving trail stations along its route.
- Its use as an outdoor recreation and tourism asset
- Views of the natural environment while on the trail
- Its use as an interpretive platform for heritage and local history awareness through interpretive and commemorative plaques centred on important local themes such as Indigenous habitation and culture and Japanese internment.

2. Kp'itl'els/Brilliant

District Lot 9, Group 1, Kootenay Land District
Originally 198 acres

Description of Historic Place

Kp'itl'els/Brilliant is a large, flat expanse of land on the floodplain at the confluence of the Kootenay and Columbia Rivers. The land is sparsely treed, except at its western end near the Columbia River, where the trees are denser. The landscape is marked by a few basic roads, and many walking trails.



October 2009 reconciliation ceremony at Kp'itl'els between the Sinixt and Doukhobor communities.

Heritage Values of Historic Place

Kp'itl'els is valued as a settlement site of the Sinixt people, who lived at this place for thousands of years prior to contact with Europeans, and well into the early twentieth century. For the Sinixt, this place was an ideal place to live because of the wealth of resources afforded them by its location at the confluence of the Kootenay and Columbia Rivers. The nature of the land and water allowed for sustainable existence, with plentiful fish and other rich food sources, ideal transportation on the rivers, and security. These qualities established this place as the Sinixt “headquarters” in the region.

The evidence of the Sinixt people's life on this land is a critical aspect of its heritage values, and can be seen in remnants of pit houses, burial sites, fishing locations, and in the flora (such as camas) and fauna (such as salmon) that are evident on the landscape. This place is highly significant for the memorial, spiritual, cultural, and physical associations it holds as a record of the Sinixt people's presence on this land since time immemorial.

Kp'itl'els is also valued for its association with the Christian family, the last Sinixt family to occupy the land. Having lived in this place for uncountable generations, the Christian family's ouster from Kp'itl'els by European settlement is symbolic of the overarching struggles for land ownership that have been central to the post-contact narrative in Canada for hundreds of years. The Christian family's life on the land is reflective of the combining of Indigenous and European cultures that arose post-contact; the family built European-style buildings, cleared the land for farming and fruit-growing, and continued to fish, hunt, and gather from the land in traditional ways.

This historic place, also known as Brilliant, is also valued for its associative and physical history related to Doukhobor settlement in the West Kootenay in the first decades of the twentieth century. Between 1908 and 1913, approximately 6,000 Doukhobors, religious refugees from Russia, relocated to this area from Saskatchewan.

Under the leadership of Peter V. Verigin, they pushed the Christian family out of their familial home and re-settled the floodplain as a utopian community founded on the principle of “Toil and Peaceful Life”. During the time of the Doukhobor occupation of this land, the landscape changed drastically, with extensive clearing making way for farming and fruit cultivation, and infrastructure built to sustain three villages (Trubetskoff, Plotnikoff, and Gorkoff).

Today, this place is still valued as a testament to the Doukhobor principles of self-sufficiency and enterprise that allowed Brilliant to thrive as a community until the 1930s/40s.

Kp'itl'els/Brilliant is also a highly important site for its associative values related to cultural reconciliation between Indigenous and European communities. This place was the location of a reconciliation event in 2007, organized by the Mir Centre for Peace at Selkirk College, which strove to meaningfully acknowledge past wrongs through information sharing, apologies, and physical connection to the landscape by its attendees.

Character-Defining Elements

The character-defining elements of Kp'itl'els/Brilliant include:

- The geographical location of the site at the confluence of the Kootenay and Columbia Rivers, with the protection of the height of land to the northeast.
- The physical relationship of the land to the two waterways.
- The deep archaeological record of Sinixt settlement on the land, seen in such things as pit house locations, burials, fishing sites, and remains of European-style buildings constructed post-contact.
- The presence of flora and fauna associated with the sustainability of Sinixt settlement on the land, including camas plants and birch trees, and evidence of species of fish such as kokanee salmon, walleye, bull trout, rainbow trout, burbot, whitefish and sturgeon.
- Evidence of the Christian family's residence on the land, including the location of their homestead and fields.
- Physical relationship of this site with the land on the opposite side of the Kootenay River, where the Christian family was forced to live after their expulsion from Kp'itl'els.
- Evidence of the community of Brilliant, seen in remnant transportation routes, remains of buildings and structures, fruit trees and clearings.
- The physical relationship of this place to Verigin Memorial Park, the grave site of Peter V. Verigin.
- Associations of this place with the Mir Centre for Peace at Selkirk College, on the opposite side of the Kootenay River.
- Associations of this place with the Brilliant Cultural Centre.

3. J.B. Fletcher General Store

3705 Highway 31, Ainsworth, B.C.

Description of Historic Place

The J.B. Fletcher store building is a late 19th Century single-storey wood-frame mercantile structure with an above ground stone-walled basement, built into a slope. The J.B. Fletcher name is displayed on a prominent parapet on the highway side of the building, which is located at the north west corner of Sutton Street and Highway 31, on the shores of Kootenay Lake in Ainsworth, B.C.



J.B. Fletcher General Store.

Heritage Values of Historic Place

Built in 1896, the J.B. Fletcher store is valued as one of the last surviving buildings from the original townsite of Ainsworth, established in the 1880s and considered the oldest mining settlement in the West Kootenays. With silver mines operating in the surrounding hills starting in the late 1880s, and the construction of a wharf on Kootenay Lake in the 1890s, Ainsworth became the commercial and social heart of this remote and isolated area with the store playing a crucial role in supplying the emerging community. The J.B. Fletcher store building is significant for its long-term, continuous use as a general store for 85 years from 1888 until 1973, and as the only remaining piece of the commercial infrastructure of the Victorian-era townsite today.

Positioned on what is arguably the most prominently visible location in Ainsworth, visible from the town, the lake and the highway - and for this reason one of the most photographically documented buildings in Ainsworth over the decades, the store building is valued both as a symbol of Ainsworth and as well as a regional historic landmark on the road from Nelson to Kaslo.

Social and cultural value are found in the building's early association with prominent West Kootenay merchant and businessman Henry Giegerich and latterly in its long connection with the Fletcher family. With the erection of the pier on the lake, Ainsworth became an important supply point for the area's mining camps, prompting Henry Giegerich (1860-1940) from Montana to open a series of general mercantile stores in the West Kootenay starting with the original Ainsworth store in 1891.

The current store building, rebuilt by Giegerich right after the 1896 fire, has heritage and cultural value as one of

the last tangible links to Giegerich's regional retail operation. Further social value is found with the building's long association with storeowner John Bradley Fletcher (1884-1973) aka Jack or 'Pop', after whom the historic place is named. J. B. Fletcher managed the store for Giegerich from 1912 to 1929, and then owned and operated, what was for many decades the only store in Ainsworth, until his death in 1973.

Social and cultural value is found in the J.B. Fletcher store's prominent location and historic function in the village as an informal community centre with the porch serving as a stage for important community events and a meeting point for the town. Further value is found with the building's current role as an informal museum and heritage attraction since its restoration in the mid-1980s and stewardship by the J. B. Fletcher Restoration Society since 1983. Located on Ainsworth's most important intersection leading into the town - the building's current use as a heritage attraction provides a focal point for the community and for visitors.

Aesthetically, the former general store is valued as a monument to the general stores which sat at the centre of so many small, rural communities in BC and for its expression of the boomtown architectural style which was popularized in Western Canada at the turn of the 20th century. The rectangular plan, the expansive, undivided interior store space, the false front parapet and the large storefront windows and its wood cladding are all features representative of the style.

The character-defining elements of the J.B. Fletcher General Store include:

Building

- Original location on prominent intersection at Ainsworth entrance and close to lake.
- Commercial form, scale, massing and details as expressed in its single storey height, above ground stone basement and flat roof with prominent parapet of horizontal channel siding with four decorative brackets supporting a plain cornice with frieze board and trim finished with two large corbels.
- Sign board with frame with vertical channel siding and a hand-lettered J.B. Fletcher sign.
- Symmetrically designed store front with centrally placed recessed double door entrance flanked by large four light display windows sitting on a paneled stallriser (bulkhead).
- Wood siding, trim boards, brackets and decorative moldings on storefront.
- Wood sash glazed storefront assembly with transom windows.
- Stone-wall foundation with arched door opening at the southeast corner.

- Attached freight shed at the rear with gable roof.

Interior elements and artifacts (with accession numbers if accessioned):

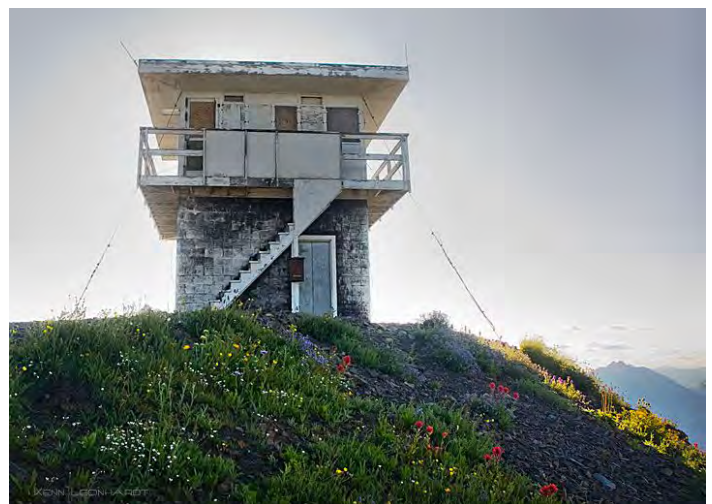
- Undivided open store space
- Tongue and groove clad ceiling
- Built-in wood shelving with crown moulding covering the entire length of the interior wall planes including a portion of the rear wall.
- Three gas lamp pendants
- Two string holder and cones
- Clearly defined original office space at the rear
- Five wood, free-standing counters
- Six counter-top glazed display cabinets: Toronto Show Case Co., Butler Brothers, accession, 1983.1.1-3, Portland Showcase Works, A.N. Russell and Son, accession 1983.1.1-5A
- Two paper dispensers
- Cash register - National Cash 1898
- Stimpson Computing Scale 1903
- Cheese cutter and cover
- Lane Brothers Swift Coffee Mill
- Collapsible tiered metal and wood display stand
- Bill collector desk
- Cincinnati Safe and Lock Co. safe

4. Idaho Peak Recreation Site

New Denver/Sandon, B.C., 49.9716795 -117.3097588

Description of Historic Place

Idaho Peak Recreation Site is a xx acre subalpine meadow with hiking trails located southeast of New Denver in the Selkirk Mountain Range. Key features of this site include a blanket of summer-blooming subalpine flowers, and a fire lookout station.



Idaho Peak fire lookout.

Heritage Values of Historic Place

This historic place is valued as a significant local recreation site. Local region residents and tourists alike flock to this place each summer to take in the natural beauty and unique outdoor experience it offers. With its vibrant display of summer-blooming subalpine flowers, Idaho Peak Recreation Site presents a unique ecological vista to visitors who come for a day hike, or a camping experience. For decades this place has been an icon of the West Kootenay, with images of it used in promotional materials and artistic works promoting the vast natural beauty of the area.

This historic place also has an important connection to the British Columbia Forest Service in the fire lookout present at the apex of Idaho Peak. Situated on the land and designed to maximize the fire lookout's 360-degree views of the surrounding landscape, this building is important because it demonstrates how wildfire control was facilitated prior to the introduction of today's modern technologies. It also reflects the way of life for fire lookouts who were stationed at these sites during the summer months, tasked with monitoring the landscape for any sign of fire. The Idaho Peak Lookout is a good representation of the fire lookouts of the 1940s-60s, with a concrete block foundation, square massing, and a flat roof. Idaho Peak Lookout illustrates the evolution of design and materials of fire lookouts at this time period.

Idaho Peak is also valued as a remnant industrial landscape, left over from the mining boom days of the late nineteenth and early twentieth centuries. At one time a central location to mines such as the Idaho, the Alamo, and the Queen Bess, this place holds evidence of the rich geology and natural-resource based economy that drove the boom of villages, towns, and cities in the West Kootenay.

Character-Defining Elements

The character-defining elements of the Idaho Lookout Recreation Site include:

- Its location on Idaho Peak, with commanding 360 degree views from the fire lookout.
- Unimpeded views of Slocan Lake, New Denver, and the surrounding mountainous landscape all the way to the horizon.
- The unique geology of the land, which contributed to the development of the site as a mining landscape.
- Subalpine meadow filled with a wide range of summer-blooming flowers.
- Evidence of the remnant mining landscape, including tailings piles, adits, and trails.
- Its relationship to nearby past and present townsites

such as New Denver, Sandon, and Three Forks.

- The routes of the two access trails that converge into one trail to access the fire lookout.
- Accessibility by car on the fire service road.
- Relationship of the site to the Idaho Peak Forest Service Road.
- Presence of the Idaho Fire Lookout tower on the highest point of land, with its square, vertical massing, wood and concrete construction materials, flat roof, and 360-degree views from inside. The wrap-around balcony, exterior staircase, and basement access door are also features relevant to its historical use.

5. Burton Historical Park

Burton, B.C., 50.638405 -117.925669

Description of Historic Place

Burton Historical Park is a Class-C Provincial Park comprised of 23 acres of campgrounds and green space on the shoreline of the community of Burton, BC. The site is sparsely treed, and includes a stretch of beach, a boat launch, and buildings and infrastructure to support camping.



Burton Historical Park.

Heritage Values of Historic Place

Burton Historical Park has significance as a place of memory and community for all peoples who have lived at and used this place throughout history. Until European contact, Burton was known as "xaieken", a sizeable year-round village of the Sinixt people, who fished and gathered plant foods in the river narrows between the Arrow Lakes. European settlement reached this place in the 1890s, when placer gold was found in Burton (formerly Trout) Creek. Burton grew as a typical mining boom town of that time and was one of the main settlements on the Arrow Lakes.

A primary aspect of the importance of Burton Historical Park

is its memorial values; it marks the eastern boundary of the former townsite of Burton, which was relocated to higher land to avoid the flooding associated with the creation of the Arrow Reservoir in the late 1960s. It is a symbol of the impact that mid-century hydroelectric development had on the communities of the Arrow Lakes at that time.

The flooded remnants of the original townsite, including a cemetery, buildings, roads and landscape features that can be seen from the park are touchstones for community members who lived through the displacement brought by the dam project, and reminders for later generations of the most significant event in Burton's history.

The existence of the park at the location is also an important part of the reservoir development narrative on the Arrow Lakes. Initiated in 1979, the Arrow Lakes Park development strategy was designed as a form of compensation to relocated communities for the flooding of the Arrow Reservoir; the presence of the park at this spot is a further reminder for locals of the impacts the reservoir had on the community.

The park holds a high level of social heritage values for the association it has with the community members of Burton who worked to acquire the site from the provincial government in 1995 after it had been closed. The community-driven ownership, stewardship, and operation of the park are evidence of the importance of this place within the community.

Burton Historical Park also holds recreational values for generations of locals and visitors alike. As a campground and recreational site, the use of this place for year-round outdoor activities is a key aspect of its importance in the region.

Historically, the location of the park holds significance as the homestead of the Burton family, the founders and namesakes of the community.

The character-defining elements of Burton Historical Park include:

- Its location adjacent to the shoreline, and the physical relationship with the water.
- Views of the submerged remnant landscape of the original townsite of Burton, including views of elements such as the cemetery, roads, buildings, and orchard trees.
- Campsites and camping infrastructure.
- Surviving physical evidence of the Burton family homestead, including plantings and remains of buildings.

4

COMMUNITY HERITAGE REGISTER MANAGEMENT

4.1 HERITAGE REGISTER MANAGEMENT POLICIES

Regional government structure

The Regional District of Central Kootenay was incorporated in 1965 and serves as the local government for an estimated population of 60,000 residents over a diverse area of 22,130 square kilometres.

The regional district includes 11 electoral areas (A, B, C, D, E, F, G, H, I, J, K) and nine member municipalities: Castlegar, Creston, Kaslo, Nakusp, Nelson, New Denver, Salmo, Silverton and Slocan. Regional government structure in the RDCK sets out the legislation, strategic planning documents, protocols, regional growth strategy and other initiatives that may impact or support heritage conservation planning in the region.

The RDCK's heritage service currently includes the following Electoral Areas:

- Area A: Wynndel/South Shore Kootenay Lake
- Area C: West Creston
- Area D: Kootenay Lake
- Area E: Area E Rural
- Area G: Salmo River Valley
- Area H: Slocan Valley
- Area I: Kootenay/Columbia
- Area J: Lower Arrow/Columbia
- Area K: Arrow Lakes

Heritage register management policies

The following six policies are intended to provide overarching guidance to the long-term implementation and management of the RDCK's heritage register.

Policy 1: Regional coordination

The RDCK can benefit from integrated and coordinated heritage conservation activity across the region, taking advantage of the strengths of each Electoral Area, unincorporated communities and member municipalities, and the groups, organizations and agencies active within

each. It is also important to coordinate with regional and provincial funders and institutions.

To date, the municipalities of Nelson, Kaslo, Nakusp and Silverton have Community Heritage Registers, while other incorporated communities do not. In addition to unincorporated communities and all Electoral Areas, the RDCK's heritage register should become the repository for identified heritage resources in municipalities that currently do not have a CHR.

Currently, there are a number of resources within the RDCK that have been recognized for their heritage value, with most of them having had statements of significance prepared through Heritage BC's Heritage Legacy Fund, the Columbia Basin Trust and the provincial government. Nine of these identified resources have not had SOSs prepared for them. All of these resources should be placed on the RDCK heritage register.

Undertake and/or support heritage activities throughout the regional district, as well as encouraging private property owners to nominate their heritage resources to the RDCK register.

Policy 2: A values-based process

Consistent with current good practice, the RDCK should continue using a values-based approach to managing the heritage register. This approach is more open-ended and subjective than past criteria-based evaluation methods, recognizing the need for the RDCK to administer its CHR in a manner that is conducive to consensus building and strong decision-making.

The application of a values-based approach relies less on aesthetics and more on community identity and vitality. The RDCK should implement this methodology by consulting the community heritage values identified in this document, and using the thematic framework to ensure that a wide variety of heritage resources is considered for inclusion on the heritage register.

Regional District staff should stay up to date on heritage matters by consulting provincial reports, Heritage BC programs and website and other sources for current and ongoing information about values-based heritage planning.

Policy 3: Community engagement and awareness

The success of a heritage register and associated heritage conservation activities and programs is enhanced through community understanding, awareness and ongoing engagement.

Encourage collaboration among institutions in the RDCK and enhance the profile of the benefits heritage brings to a community. In the longer term, present and promote heritage to residents and visitors through a community-based multi-faceted interpretive program.

Policy 4: Official Community Plan and Land Use Plans

Several Electoral Areas currently include heritage content in their Official Community Plans, Comprehensive Land Use Bylaws, and Area Plans. These planning documents can be an effective way to integrate the heritage register and provide information about heritage planning in the RDCK.

Acknowledge and identify the importance of heritage in the RDCK's Electoral Areas by enhancing heritage content, including policies and identifying heritage resources included on the CHR in community plans and land use plans for individual Electoral Areas.

Policy 5: Managing change

The RDCK's heritage register can be an important tool for minimizing the impacts of change on identified heritage resources and for promoting heritage conservation and protection.

Ensure RDCK staff, Rural Affairs Committee members, Board and others are regularly educated and kept informed about heritage activities throughout the RDCK through educational activities and consultation.

Policy 6: Regular review of the CHR

The CHR is an expression of the unique history of the RDCK as a place containing a rich and diverse collection of heritage resources that together add to the quality of life in the region. In order to ensure this continues to be reflected it is important to regularly review and update the register to understand and expand the types and geographical location of heritage resources.

Identified heritage values, the thematic framework and community awareness activities can assist with the ongoing evolution of the CHR.

Board resolution to establish the CHR

The following is sample wording that could be used to prepare a resolution to establish the Community Heritage Register.

Direction to Staff

That staff develop a Board resolution to establish a community heritage register;

That the Board of the Regional District of Central Kootenay, pursuant to Section 598 of the Local Government Act (LGA): 598 – Community Heritage Register that identifies real property that is considered by the local government to be heritage property hereby resolves that:

The Board of the Regional District of Central Kootenay supports the establishment of a Community Heritage Register as part of the heritage service in Electoral Areas A, C, D, E, G, H, I, J, K;

And that:

The following list of heritage resources, identified as having heritage value, be included on the initial heritage register;

And that:

Pursuant to Section 592 of the LGA, the RDCK must give notice of this to the owner of the heritage property; and pursuant to Section 595 of the LGA, the RDCK must give notice of this to the provincial heritage minister.

MOVED and seconded, AND Resolved

CARRIED

4.2 HERITAGE ADVISORY COMMISSION

What is a Heritage Advisory Commission?

A community heritage commission is intended to assist a council or regional district board with the management and implementation of community heritage conservation planning and activities.

A community heritage commission may exercise a greater range of powers than a heritage advisory committee. In particular, a CHC has the ability to undertake non-regulatory activities delegated to it by a municipal council or regional district board. A community heritage commission may:

- Advise local government on matters included in the commission's terms of reference
- Advise local government on matters referred to it by local government
- Undertake or support heritage activities authorized by local government

A commission can be established or appointed by local government to advise on a range of heritage matters, or to undertake a specific task, project, or program.

An existing organization, such as a local government commission, historical institution or museum society may be authorized by a local government to act as a community heritage commission.

Legislative References: Part 15, Division 3, Section 597 (1) of the Local Government Act, Community Charter, s. 143.

The RDCK can appoint or authorizes a community heritage commission by adopting a bylaw, which must include the commission's:

- Name
- Terms of reference,
- Composition and appointment procedure
- Operating procedures

The RDCK must appoint a regional district board representative and staff liaison to the community heritage commission. The community heritage commission plans its activities including the preparation of a budget for council or regional district board consideration.

The commission undertakes its business activities and reports to the council or regional district board according to its terms of reference. Except as authorized by the RDCK, meetings of a community heritage commission must be open to the public.

RDCK Advisory Planning Commissions

Pursuant to Part 26, Section 898 of the Local Government Act, Advisory Planning Commissions in the RDCK are established and regulated by the Regional District of Central Kootenay Advisory Planning Commissions Bylaw No. 1477, 2003.

According to the Bylaw, Advisory Planning Commissions in Electoral Areas A (Wynndel/East Shore – Kootenay Lake), B, C, D, E, F, G, I, J (Lower Arrow/Columbia), and K (The Arrow Lakes) can have up to 15 appointed members.

In Electoral Areas H – The Slocan Valley (Slocan Lake North) and H –The Slocan Valley (South of Slocan Lake, commissions can have a maximum of 7 members. At least two-thirds of the members of an APC must reside in the electoral area.

Advisory Planning and Heritage Commissions Terms of Reference

The RDCK should revise the terms of reference of the current Advisory Planning Commissions to create a new integrated advisory body, the Advisory Planning and Heritage Commissions. Develop the terms of reference to include integrated heritage review and support activities developed to assist the RDCK Board and staff with the ongoing management and implementation of the CHR, as well as community heritage conservation planning and activities.

The revitalized APHCs should include:

- At least two members of local heritage societies with an understanding of heritage and heritage registers.
- One representative/liaison from the Rural Affairs Committee.

The terms of reference should include ways in which the commission can:

- Advise on the management and implementation of the CHR.
- Advise local government on heritage planning matters referred to it by local government.
- Undertake or support heritage activities authorized by local government.

The terms of reference should include the revitalized commission's name, purpose, authority, mandate, composition, appointment of members and operating procedures and other sections as necessary.

4.3 IMPLEMENTING THE COMMUNITY HERITAGE REGISTER

CHR implementation tools

Implementation tool	Description	Resources required	Time frame
RDCK Board resolution and establishment of the CHR	A recommendation from the Rural Affairs Committee to establish the Community Heritage Register.	RDCK staff	Immediately
Statements of Significance for seven heritage resources	Secure funding and prepare SOSs for the remaining seven heritage resources as noted in the list of 34 priority resources for the CHR (Appendix D)	RDCK staff, volunteers, consultant	Immediately
Heritage Service in all Electoral Areas	Prepare and enact bylaw to add Electoral Areas B and F to the RDCK Heritage Service.	RDCK staff, Board, RAC	Immediately
New Advisory Planning and Heritage Commission(s) (APHC)	Consolidate existing Advisory Planning Committees to include heritage-related activities. Prepare a terms of reference for this new revitalized body.	RDCK staff, Board, RAC	Immediately
Statements of significance review subcommittee	Consider the establishment of a designated subcommittee within each APHC specifically to review statements of significance.	RDCK staff, RAC, APHC	After establishment of APHC
Keeping the CHR relevant and up-to-date	Implement a process of regular review, such as once each year (during Heritage Week), of the CHR through the various APHCs. Use the thematic framework and heritage values section to identify gaps and ensure that a wide variety of heritage resources is included. Review implementation policies and revise as the register and heritage activities continue to grow. Use community engagement and awareness activities to assist with the review and analysis of the CHR.	RDCK staff, APHC	Ongoing

Implementation tool	Description	Resources required	Time frame
Ongoing nomination of new heritage resources and the preparation of statements of significance	<p>Include a nomination form on the RDCK website and promote its use by the public.</p> <p>Each year, convene one meeting of the various APHCs that focuses on the selection of heritage resources for the register.</p> <p>Prepare or commission statements of significance for any identified heritage register resources that have been chosen for CHR inclusion.</p> <ul style="list-style-type: none"> • In-house with the advice of the Advisory Planning and Heritage Commission for less-complex sites. • With professional assistance as needed for more complex resources. <p>The resources can be immediately added to the Register upon decision with SOSs to follow later.</p>	RDCK staff, APHC	Ongoing
Funding sources	Continue to research funding sources to expand the CHR.	RDCK staff, APHC	Short term and ongoing
Inclusion of heritage resources from all sources on the CHR	<p>Continue to review existing heritage resources statements of significance and heritage register nominations from various sources (Heritage BC, CBT, Province of BC, others) and place on the RDCK heritage register.</p> <p>Set up a process of communication to ensure the RDCK is aware of heritage activity throughout the region and continue to include heritage resources from all sources on the heritage register.</p>	RDCK staff, APHC	Short term and ongoing
Include identified heritage resources in communities without heritage registers on the RDCK register	<p>Develop a process for ongoing review of unincorporated communities to include their identified heritage resources on the RDCK heritage register.</p> <p>Include resources from communities without heritage registers and in Electoral Areas without participation in the heritage service.</p> <p>The preparation of statements of significance are the responsibility of the nominating community or Electoral Area.</p>		Short term and ongoing

Implementation tool	Description	Resources required	Time frame
Heritage planning and the CHR	Use the CHR as a tool to assist in future heritage planning and conservation activities in the RDCK. Encourage the integration of heritage resources into region-wide land use planning processes. Integrate the heritage register into the RDCK mapping and GIS system.	RDCK staff, APHC, RAC	Long-term
Participation of Regional District staff in heritage matters	Identify roles for regional district staff in various departments in assisting in the implementation of the heritage register. Provide information to staff, RAC, Board and APHC about creating and managing heritage registers and preparing statements of significance. Integrate the use of the heritage register to understand heritage values and identify resources in day-to-day RDCK planning and decision-making throughout all local government departments.	RDCK staff, APHC, RAC	Short to medium-term
Official Community Plans and Area Plans	Continue to review and strengthen the heritage section in the OCP to reflect a continued and growing commitment to the CHR and heritage conservation in the RDCK generally. Ensure the HCR is developed in concert with area plans, OCPs and other land use plans.	RDCK staff, APHC, RAC	Medium-term
Electoral Area context studies	Consider preparing historical context statements for Electoral Areas beyond D and H, as a way of better understanding their overall significance and that of individual resources.	RDCK staff, APHC, RAC	Long-term
Commemoration and interpretation	Set up a system of commemoration or interpretation for existing and lost sites. Investigate and implement opportunities for the interpretation, commemoration and celebration of heritage resources and their significant associations between people and place.	RDCK staff, APHC, RAC	Long-term

APPENDIX A: RESEARCH SOURCES

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APPENDIX B: COMMUNICATION AND ENGAGEMENT PLAN

Activity	Materials/resources	Responsibility	Completion	Notes
Stakeholder Groups				
Contact with First Nations including: <ul style="list-style-type: none"> • Ktunaxa Nation Council • Yaqan Nukiy (Lower Kootenay) • ʔakink'umʔasnuqʔiʔit (Tobacco Plains) • ʔakisq'nuk (Columbia Lake) • ʔaq'kam (St. Mary's) • Sylx (Okanagan Nation Alliance) • C'ac'awixaʔ (Upper Similkameen) • Kʔk'ar'miws (Lower Similkameen) • Snpiintktn (Penticton) • Stqaʔtkwəwt (West Bank Suknaqinx (Okanagan) • Swiws (Osoyoos) • Spaxomən (Upper Nicola) • Shuswap Nation Tribal Council (Secwepemc Nation) • Skeetchestn Indian Band • Tk'emlups Te Secwepemc (Tk'emlups Indian Band) • Kenpésqt (Shuswap) • Qwʔewt (Little Shuswap) • Sexqeltqín (Adams Lake) • Sk-Emtsin (Neskonlith) • Splatsín (Splatsín First Nation) • Simpcw First Nation • Sinixt 	Appropriate First Nations engagement protocols	RDCK to make initial contact	To be determined	Follow up by consultant team after initial contact (as appropriate)
Develop questions and process specific to each First Nation	Appropriate First Nations engagement protocols	Team	Week of October 15 2019	Review with RDCK planners and communications director
Finalize list of contacts/stakeholders to be contacted directly	Compiled RDCK and team contacts in the region	Team	October 4 2019	Review with RDCK planners and communications director
Communications				
Finalize statement of project intent		Team	Week of September 30 2019	Review with RDCK planners and communications director

Activity	Materials/resources	Responsibility	Completion	Notes
Prepare press release to include key stories and 'did-you-know' content	Determine timing for several press releases during the project	Team	Week of September 30 2019	Review with RDCK planners and communications director
Prepare draft questionnaire for hard-copy and on-line survey	Printing required for hard-copy questionnaire <ul style="list-style-type: none"> Determine initial number of copies Determine printing source 	Team	Week of September 30 2019 Survey available to the public until December 15 2019	Review with RDCK planners and communications director Distribute survey: <ul style="list-style-type: none"> Stakeholders by email RDCK website RDCK facebook page and listserv Survey to be posted after October 16 2019 presentation to EA directors Team follow up by phone/ email with contacts who don't respond to the online survey or who request additional engagement
Develop project information content for RDCK website, Facebook page and listserv	Information to include: <ul style="list-style-type: none"> Goal of the project What is heritage/ heritage register Why the public is being engaged 	Team	Week of September 30 to week of October 15 2019	Review content with RDCK planners and communications director To be updated regularly throughout the project
RDCK website content (cont'd)	<ul style="list-style-type: none"> How groups and individuals can participate Key stories 		Website content to be ready for review by October 15 2019	
Develop advertising copy <ul style="list-style-type: none"> Business cards 8.5" x 11" poster RDCK website advertising 	Printing required for business cards and poster <ul style="list-style-type: none"> Determine initial number of copies Determine printing source 	Team	Week of September 30 to week of October 15 Advertising to be ready for review by October 15 2019	Review with RDCK planners and communications director
Finalize list of locations to place project information <ul style="list-style-type: none"> Libraries RDCK satellite offices 	Include at each location: <ul style="list-style-type: none"> Hard copies of questionnaire 8.5 x 11 info poster Business cards 	Team/RDCK	Week of October 14 2019	RDCK to distribute project information to the various venues
Prepare message for email outreach to identified stakeholders	Include link to online survey	Team	Prepare week of October 7 2019 Send October 17 2019 or later	Review content with RDCK planners and communications director; survey to go live after October 16 2019 presentation to EA directors
Completion of information collection activities		Team	December 15 2019	Begin compilation of survey results, interviews etc.
Engagement summary report for Rural Affairs		Team	January 15 2020	

Activity	Materials/resources	Responsibility	Completion	Notes
Media tools				
Set up project email account	RDCKheritageregister@gmail.com	Team	Week of September 30 2019	
Greg Nesteroff blog and newsletter	Contact information for Greg Nesteroff	Team	To be determined	Ongoing throughout project
Columbia Basin Trust website, Facebook page and listserve	Determine appropriate CBT contact	Team	Week of October 21 2019	Review content with RDCK planners and communications director
Education				
Prepare presentation for EA directors about the project, First Nations contribution and the heritage field generally	Presentation to be a pre-recorded 5-7 minute PowerPoint with team members available for questions by phone	Team	Presentation October 16 2019	Submit draft presentation for review October 7 2019
Identify other opportunities for community education	Presentations, information packages	Team/RDCK	To be determined	Ongoing throughout project

Community Heritage Register Survey



Community Heritage Register Questionnaire

The Regional District of Central Kootenay is taking an exciting step in developing a Community Heritage Register.

A Community Heritage Register is a planning tool within the Local Government Act that allows a local government to formally identify historic resources so that they may be integrated into land use planning processes. It is an official list of places recognized by the Regional District as having heritage value.

Heritage can mean different things to different people. It can include buildings, groups of buildings, sites, landscapes, views, industrial or agricultural features, natural features, roads, trails, spiritual places, events, stories and memories ... anything a community identifies as having heritage value.

About the questionnaire

This questionnaire is to collect your ideas to:

- Understand the value of heritage in the RDCK
- Hear from you about **places that matter** - the heritage resources that you feel should be included on the RDCK community heritage register

Please submit your responses before December 31, 2019

To complete the questionnaire, you can:

- Find the link to the online questionnaire at <https://www.surveymonkey.com/r/RDCKHeritageRegister>
- Email your responses to rdckheritageregister@gmail.com
- Return this questionnaire to the RDCK office:
202 Lakeside Drive, Nelson B.C. V1L 6B9
- Mail it to Box 590, Nelson, B.C. V1L 5R4
- Drop it off at the location where you picked it up.

For further information:

Visit <https://www.rdck.ca/culture-heritage/city-heritage/community-heritage-register>

If you would like to contact us to provide additional information, share documents or photographs, or to arrange an individual interview about heritage in the RDCK, please provide your contact information to the heritage consultant team for the RDCK Community Heritage Register at the following email:

rdckheritageregister@gmail.com

Community Heritage Register Questionnaire

NOMINATOR'S INFORMATION

- What is the community or area of the RDCK in which you live?

- Please provide your postal code:

- Are you associated with a local government, association, community group or other institution in the RDCK?

- Yes
 No

If yes, please provide the name, address, email and/or website of the institution.

The Regional District of Central Kootenay will not collect, use, or disclose personal information using this questionnaire. The questionnaire is voluntary and a response is encouraged but not required.

1

HERITAGE IN THE RDCK

4. Why is heritage important to you in your community, and to the Region District of Central Kootenay as a whole?

5. What are the important qualities or aspects of the RDCK that make it the remarkable place it is today?

NOMINATING PLACES THAT MATTER: LOCAL RESOURCES OF HERITAGE VALUE

Please feel free to nominate up to 10 resources. Be sure to include the information in questions 7 to 12 for each resource.

6. Name of heritage resource

a. _____

b. _____

c. _____

d. _____

e. _____

f. _____

g. _____

h. _____

i. _____

j. _____

The Regional District of Central Kootenay will not collect, use, or disclose personal information using this questionnaire. The questionnaire is voluntary and a response is encouraged but not required.

7. Type of heritage resource:

- Building
- Group of buildings
- Community
- Neighbourhood
- Cultural landscape feature: for example, a former townsite, cemetery, view, natural area, trail, garden or similar
- Structure: for example, a bridge, industrial infrastructure, dock, roadway, shipwreck or similar
- Intangible resource: for example, a name, story, legend, event, tradition or similar
- Other: please identify

a. _____

b. _____

c. _____

d. _____

e. _____

f. _____

g. _____

h. _____

i. _____

j. _____

8. What heritage value does this resource convey? Heritage values may be:

- Aesthetic: related to visual qualities, craftsmanship, scenic beauty, etc.
- Historical: associated with notable people, events, or historical phenomena.
- Social: related to collective memory, identity, customs, practices, and activities.
- Cultural: related to a particular way of life of cultural group(s).
- Spiritual: related to a system of beliefs, legends, myths, or sense of place or emotions.
- Scientific: related to particular technology or innovation that has impacted a community's way of life, economy, or society.
- Intangible resource: for example, a name, story, legend, event, tradition or other
- Other: please identify

a. _____

b. _____

c. _____

d. _____

e. _____

The Regional District of Central Kootenay will not collect, use, or disclose personal information using this questionnaire. The questionnaire is voluntary and a response is encouraged but not required.

f. _____

g. _____

h. _____

i. _____

j. _____

9. What historical facts, personal stories or memories associated with this place would you like to share?

a. _____

b. _____

c. _____

d. _____

e. _____

f. _____

g. _____

h. _____

i. _____

j. _____

10. Please provide address/location description/latitude & longitude if applicable.

a. _____

b. _____

c. _____

d. _____

e. _____

f. _____

g. _____

h. _____

i. _____

j. _____

The Regional District of Central Kootenay will not collect, use, or disclose personal information using this questionnaire. The questionnaire is voluntary and a response is encouraged but not required.

11. Are there any information sources available online about this resource that you would like to identify here?

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____
- g. _____
- h. _____
- i. _____
- j. _____

HERITAGE THEMES IN THE RDCK

12. Which heritage themes does this heritage resource relate to? (Please select all that apply.) Heritage themes that are relevant to the Regional District of Central Kootenay include:

- a. **Dominance of the Waterways** - the way in which the major lakes and their tributary rivers within the RDCK have been dominant physical forces in the area, impacting the historical development in the RDCK.
- b. **Governance, Social Activism and Resistance** - the different government policies that have had an impact on the history of the RDCK, as well as the community of resistance and refuge that has been part of the area.
- c. **Inhabiting the Land** - From prehistory to the present, the RDCK has been traversed and inhabited by a diverse mix of people, from First Nations, to mining settlements, to those who getting away from it all. This theme captures all of the ways that people have used the land, built communities and made their homes here.
- d. **Lake and Mountain Environment** - the idea of the environment as an important theme apart from people's relationship to it, as well as the idea of the influence of the environment on settlement patterns, way of life transportation and recreation, and as inspiration in day-to-day life.
- e. **Making a Living** - the economic development in the RDCK, such as forestry, agriculture, mining, small business, tourism and others, as well as more contemporary ways of making a living.
- f. **Place of Lifestyle, Stories and Memories** - the ongoing presence of those seeking a quiet life and the counterculture history of the West Kootenays, up to the present day, as well as the abundance of memories and stories in the RDCK.
- g. **Transportation and Communication Links** - Transportation and communication by rail, water, road and telegraph has been key to the settlement and development of the RDCK. This theme follows the ways in which people travelled and how goods were shipped.
- h. **Unique Social and Community Life** - the importance of community and community support in the area, as well as the events that play a role in the community. It also encompasses the importance of outdoor life and culture from the early days up to the present.

The Regional District of Central Kootenay will not collect, use, or disclose personal information using this questionnaire. The questionnaire is voluntary and a response is encouraged but not required.

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____
- g. _____
- h. _____
- i. _____
- j. _____

13. Considering the themes in question 12, what aspects of history are most important in developing a contextual understanding of the heritage of the Central Kootenay region? Please feel free to provide your thoughts on all or none of these themes.

14. Are there any critical heritage themes, in your opinion, that have been missed in the list above? If so, what are they, and what do they tell us about life in the region over time?

**Thank you for taking the time to fill out the RDCK
Community Heritage Register Survey!**

The Regional District of Central Kootenay will not collect, use, or disclose personal information using this questionnaire. The questionnaire is voluntary and a response is encouraged but not required.

APPENDIX C: RESOURCE NOMINATION FORM



REGIONAL DISTRICT OF CENTRAL KOOTENAY Community Heritage Register

NOMINATION FORM

Heritage Resource name/s

Address/community (if applicable)

Resource type (please circle):

Building Group of Buildings Community Cultural Landscape Structure
Intangible Resource (describe) _____
Other (please describe) _____

Known historical facts about the heritage resource:

(include information about age, material, scale, style, construction, condition, events etc.)

Heritage and Community Values associated with this heritage resource:

(you may want to read about these in the Community Heritage Register Report at <https://rdck.ca/EN/main/services/community-planning/community-heritage-register.html>)

Nominator/s names and contact information (e-mail and/or phone)

Please note that this is for information collection purposes only; this nomination form does not automatically add a resource to the Heritage Register nor protect it.

Please return this form by email to plandep@rdck.bc.ca or in person to the RDCK offices in Nelson (202 Lakeside Drive), Nakusp (204 6th Avenue NW) or Creston (531B-16 Avenue S)
Please attach or enclose any background documentation such as photos, documents, newspaper clip[pings and links

Thank you for helping to identify the RDCK's heritage resources!

APPENDIX D: 34 PRIORITY HERITAGE RESOURCES

Source	Site Name	Address	City
RDCK	Raspberry School	1995 Broadwater Road	Castlegar
BC Register of Historic Places EbQf-8	Cooper Creek Gold Field	Highway 31	Cooper Creek
BC Register of Historic Places EbQf-7	Zuckerberg Island	DL 15392	Castlegar
BC Register of Historic Places EbQf-6	Castlegar Station Museum	400 13th Avenue	Castlegar
BC Register of Historic Places EbQf-5	Creston Town Hall	238 10th Avenue North	Creston
BC Register of Historic Places EbQf-4	Bank of Montreal	202 6th Avenue	New Denver
Town of Creston	Catalpa Tree	128 10th Avenue North	Creston
BC Register of Historic Places EbQf-2	Nikkei Internment Memorial Centre	304 Josephine Street	New Denver
BC Register of Historic Places EbQf-1	J. B. Fletcher Store	Sutton Street	Ainsworth Hot Springs
BC Register of Historic Places EbQf0	Dewdney Trail	Between Salmo and Creston	
BC Register of Historic Places EbQf1	City of Ainsworth Shipwreck	Crawford Bay	Gray Creek
BC Register of Historic Places EbQf2	Slocan Mercantile General Store	Slocan Star Street	Sandon
BC Register of Historic Places EbQf3	Pilot Bay Lighthouse	Highway 3A	Crawford Bay
RDCK CHR project	Townsite of Sandon & Sandon Cemetery	Sandon	Sandon
RDCK CHR project	Harrison Memorial Church	16004 Crawford Creek Road	Crawford Bay
BC Register of Historic Places EbQf6	New Denver Church	Josephine Street	New Denver
BC Register of Historic Places EbQf7	Brilliant Suspension Bridge	49.317326 -117.629497	Castlegar
BC Register of Historic Places EbQf8	Knox Hall	521 Sixth Avenue	New Denver
CBT Heritage Grant	St. Francis in the Woods	9236 Lauder Road	Queen's Bay
CBT Heritage Grant	Grain Elevators	215 and 235 Northwest Blvd	Creston
CBT Heritage Grant	Vallican Heritage Hall	4192 Slocan River Road	Winlaw
CBT Heritage Grant	Billy Clark Cabin	13435 Highway 31	Meadow Creek
Heritage Legacy Fund Grant	Merriwake Boat		Slocan
RDCK CHR project	Kp'itl'els	49.317645 -117.647918	Castlegar
RDCK CHR project	Idaho Peak Fire Lookout	49.9716795 -117.3097588	Sandon
RDCK CHR project	Slocan Valley Rail Trail	49.6036267 -117.5674877	Slocan
RDCK CHR project	Burton Historical Park & Campground	49.9909614 -117.8898128	Burton
BC Register of Historic Places EbQf18	Lemon Creek Internment Camp	49.699281 -117.482755	Lemon Creek
BC Register of Historic Places EbQf19	Kohan Reflection Garden	1st Avenue	New Denver
BC Register of Historic Places EbQf20	New Denver Orchard Internment Camp	49.98647 -117.3775137	New Denver
BC Register of Historic Places EbQf21	Sandon Internment Camp	Slocan Star Street	Sandon
BC Register of Historic Places EbQf22	Bay Farm Internment Camp	49.748137 -117.467904	Slocan City
BC Register of Historic Places EbQf23	Popoff Internment Camp	49.7585788 -117.4707208	Slocan City
BC Register of Historic Places EbQf24	Slocan City and Slocan Extension Internment Camps	Slocan and just south of Slocan	Slocan City
BC Register of Historic Places EbQf25	Rosebery Internment Camp	Rosebery Park Road	Rosebery

Register	Legal Instrument	Act/Section	Protection	Recognition	SOS
N/A			Covenant on title		Yes
Provincial	Land Act	S.15	Map Reserve - Provincial Designation	BCRHP	No
Provincial	Local Government Act	S.611	Municipal Designation	BCRHP	No
Municipal	Local Government Act	S.611	Municipal Designation	BCRHP	No
Provincial	Local Government Act	S.611	Municipal Designation	BCRHP	No
Municipal	Local Government Act	S.611	Municipal Designation	BCRHP	No
N/A	Local Government Act				No
Federal and Provincial	Historic Sites & Monuments Act, Heritage Conservation Act, Local Government Act	S.3, S.18, S.611		CRHP/BCRHP	Yes
Provincial	Heritage Conservation Act	S.3(1)(f)	Other prescribed Property (covenant on title)		Yes
Provincial	Heritage Conservation Act	S.9	Provincial Designation		No
Provincial	Heritage Conservation Act	S.9	Provincial Designation		Yes
Provincial	Heritage Conservation Act	S.9	Provincial Designation		Yes
Provincial	Park Act	S.5	Provincial Park - Provincial Designation		Yes
N/A	Local Government Act	S.611			Yes
N/A	Local Government Act	S.611			Yes
Provincial	Heritage Conservation Act	S.18			Yes
Federal	Historic Sites & Monuments Act	S.3		CRHP/BCRHP	Yes
N/A					Yes
N/A					Yes
N/A					Yes
N/A					Yes
N/A					Yes
N/A					Yes
N/A				BCRHP	Yes
N/A				BCRHP	Yes
N/A				BCRHP	Yes
N/A				BCRHP	Yes
Provincial	Heritage Conservation Act	S.18		BCRHP	Yes
Provincial	Heritage Conservation Act	S.18		BCRHP	Yes
Provincial	Heritage Conservation Act	S.18		BCRHP	Yes
Provincial	Heritage Conservation Act	S.18		BCRHP	Yes
Provincial	Heritage Conservation Act	S.18		BCRHP	Yes
Provincial	Heritage Conservation Act	S.18		BCRHP	Yes
Provincial	Heritage Conservation Act	S.18		BCRHP	Yes
Provincial	Heritage Conservation Act	S.18		BCRHP	Yes
Provincial	Heritage Conservation Act	S.18		BCRHP	Yes

APPENDIX E: NOMINATED HERITAGE RESOURCES

Listed below are the unique listings identified for further evaluation based on nominations received online, individual interviews, historic research and assessment of existing reports, documents and studies.

Heritage Resources Electoral Area A	Heritage Resources Electoral Area D
Bluebell Mine	(former) Silver Ledge Hotel
Boswell and Kuskanook Harbours	Ainsworth Cemetery
Boswell beaches - Gaza, Big Rock, Jumping Rock, Blue Point	Tomas Higstrim's gravesite - Ainsworth Cemetery
Boswell Cemetery	Ainsworth Coronation Oak
Boswell Farmers' Institute	Ainsworth Hot Springs
Boswell Historical Society	Argenta Community Hall
Boswell Memorial Hall	Argenta Friends Meeting House (Quakers)
Crawford Bay Cemetery	Billy Clark Cabin
Crawford Bay Hall	Bosworth Railway Station Shed
Blue Point Girl Guide camp	Cooper Creek Goldfields and Dutch Bread Ovens
Gray Creek Cemetery	Duncan Dam
Gray Creek Hall	Earl Grey Pass Trail
Harrison Memorial Church	Fry Creek and Earl Grey mining trails
Heritage varieties of fruit trees	Fry Creek Trail and bridge over Fry Creek
Kootenay Outlet Reflections - 25th Edition	Gerrard Fish Hatchery Outbuilding
Ledlanet Ranch	Gerrard trout run on the Lardeau River
Wynndel Grain Elevator	Glacier Creek
Pilot Bay Lighthouse	Howser
Pilot Bay Smelter - Brick Chimneys	Japanese-Canadian Internment sign
S.S. City of Ainsworth Shipwreck	JB Fletcher Store and Museum
Coronation Oak - Gray Creek	Johnson's Landing Stone Tool Factory Site
London Plane trees - Gray Creek	Johnsons Landing Community Hall
Gray Creek wharf site	Kaslo & Slocan Railway line
Burden's Cut site - south Grey Creek	Kaslo and District Arena
Henry Rose cabin site - Grey Creek	Kaslo City Hall National Historic Site
Gray Creek Cemetery	Kaslo Masonic Lodge
Little Log - Gray Creek	Kaslo Wagon road
Old Gray Creek Store	Pictographs
Gray Creek Hall (former Gray Creek School)	St. Francis in the Woods - Queen's Bay
	Riley log house - Queen's Bay
	Balfour Cemetery
	Balfour Anglican Church
	Balfour School House
	Balfour Community Hall
	Beech Tree - Kokanee Creek Park
	Swimming Pool - Kokanee Creek Park
	Busk Mansion Foundation - Kokanee Creek Park
	Busk Farm Caretakers Cabin - Kokanee Creek Park
	Kemball Building
	Kokanee Glacier Provincial Park
	Langham Cultural Centre
	Lardeau Valley Hall at Meadow Creek
	Lardeau Valley Museum
	Lavina slope old Indigenous & mining trail
	London Ridge road and trail
	Meadow Creek Spawning Channel
	Mt. Willet as part of the Argenta-Johnsons Landing Face
	Old stone shed

Heritage Resources Electoral Area B
Beltane Nursery
Canyon Community Hall
Canyon Park
Erickson History Book
Kootenay Landing
Lister Community Cemetery
Lister Park

Heritage Resources Electoral Area C
Creston Grain Elevators
Dewdney Trail
Creston Catalpa Tree
Creston Town Hall

Heritage Resources Electoral Area D - cont.
New Denver Church
New Denver Orchard Internment site
Purcell Wilderness Conservancy Provincial Park
S.S. Moyie National Historic Site
Silverton
Silverton Gallery
Silvery Slocan Museum/ Former Bank of Montreal
Silvery Slocan Social Centre
Sinixt Barter Faire
Sinixt Burial Grounds
Sinixt Site Maps
Sinixt Water Dance
Sirdar / Duck Lake
Sirdar General Store
Six Mile Beach
Slab Town
Slhu7kin - Perry Ridge
Slocan Buddhist Monument
Slocan Cemetery
Slocan Cemetery Buddhist Memorial
Slocan Cenotaph
Slocan Chief -Kokanee glacier alpine hut
Slocan Community Health Centre
Slocan Coronation Oak
Slocan Extension
Slocan Highway Tunnel
Slocan history booklets - Cole Harris
Slocan Lake
Slocan Lake Pictographs
Slocan Narrows Archaeological Site (DkQi 1, 2 and 17)
Slocan Narrows Pithouse Village
Marblehead Quarry
Mining equipment along trails north of Ainsworth
Mt. Buchanan
Nashton
North Kootenay Lake
Shutty Bench Orchards
Woodbury cabin

Heritage Resources Electoral Area E
Adamson's Landing
Anscomb Wheelhouse
Atbara
Baker Street
Big Orange Bridge
Blaylock's Mansion
Camp Koolaree
Douglas fir tree stand in original Procter private land forest
Emory's Corner
Harrop school house
Judge Forin's home
Kootenay Lake ferry
Nasookin Sternwheeler
Nelson Bunker
Procter Community Hall
Procter community hall society buildings
Procter Community Hall/the Procter Schoolhouse/the old jail and post office
Procter Schoolhouse
Procter United Church
Procter Wharf
Rock walls built in Nelson and area
Stone terracing

Heritage Resources Electoral Area F
Coyote Rock
CPR Railbed & Railway
Indigenous pictograph - Kootenay Lake

Heritage Resources Electoral Area G
Ymir Chinese cemetery
Hotel Ymir
Salmo - Mining and Logging
Salmo Community Memorial Church
Salmo Valley Youth & Community Centre
Ymir Cemetery
Poohachoff barn and steam bath
Whitewater ghost town/resort

Heritage Resources Electoral Area H
Appledale Day Care Centre/Children's Centre
Bay Farm Internment Site
Bhava Ultraea Wood Soda Kiln
Bigalow Bay Regional Park
Bosun Hall
Bosun Mine
Cody
Commercial main street buildings in New Denver
Community cemetery and Doukhobor settlement
Creel Lodge
Crescent Valley Beach Park/Patrick Lumber Co.
Dumont Creek Cemetery
Early houses in Crescent Valley - Slocan Park, Passmore, Vallican, Winlaw, Appledale
Galena Trail
Harris Ranch
Hidden Garden Gallery
Idaho peak - fire lookout, alpine meadow, recreation site
John Norris's garden
Knox Hall
Kohan Reflection Garden
Lemon Creek fire lookout
Lemon Creek Internment site
Logging flumes
Much River Food Slocan Pool
New Denver Hospital
Nikkei Internment Memorial Centre
Old docks near Slocan and Silverton
Patricia Menton's garden
Petroglyphs near Slocan
Pictographs
Popoff Internment site
Rosebery Internment site
Sandon townsite and cemetery
Sandon Historical Society Museum
Sandon Powerhouse/Power House Mill
Sandon Internment site
Silversmith Power and Light Generating Station
Slocan Narrows Pithouse Village
Slocan Park Doukhobor cemetery
Slocan Park Hall
Slocan Pool and Gold Island
Slocan River
Slocan River Battle
Slocan River bridges
Slocan Transfer Slip
Slocan Valley Rail Trail

Slocan Village Market
Swan House - Slocan
Slocan City and Slocan Extension Internment Camps
Merriwake Boat
Slovakian settlement
Snk'mip (Bonanza) Marsh
Snx'ntk'itk'/Columbia River (pronunciation: sinh-nayt-kwa)
South Fork
South Slocan Old School House
Spicer's Farm
Springer Creek Falls
Sproule Creek Area Homesteads
St. Andrew's By The Lake and Willow Point Hall
St. Michael & All Angels Church
St. Stephen's Presbyterian church
Sternwheeler routes to the east and north shores of Kootenay Lake
Stop Clearcuts, Log for the future
Sturgeon-nosed canoe
Swa'akxn, (aka Frog Peak, Airy Mountain)
Taft (Crazy Creek)
Taghum Hall
Telegraph route
The Bevan Manor House
The entire Kootenay Region via the ecomuseum concept
The Glass House
The Lakeview Store and Campground
The Orchard
The railway, mining, old townsite remnants
The Slocan Mines
Threads Guild Hall
Three Forks
Titles published by Maa press
Touchstones Nelson: Museum of Art and History
Trails
Tram lines and towers
Transportation and communication links
Trap lines
Trout Lake Cemetery
Trout Lake General Store
Trout Lake Massacre
Turner Memorial / Lakeview Collegiate
TV towers
Two red mining building Retallack Hwy31a
Vallican Heritage Hall
Vallican Sinixt Village/Occupation Site
Vallican Whole Community Centre

Heritage Resources Electoral Area H - cont.
West Kootenay Power Staff House
White Creek trail from Sandon to Silver Ridge and its artifacts
Willow Point School Site
Winlaw Doukhobor Cemetery
Mammoth Mine Geological history
Payne Ridge and Bluffs
Perry Siding Periskovoye Cemetery
Railway bed alongside Bonanza Creek
Valhalla Provincial Park
Zincton

Heritage Resources Electoral Area I
Raspberry School
Waterfalls along the lower Kootenay River

Heritage Resources Electoral Area J
Brilliant Cultural Centre
Brilliant Suspension Bridge
Castlegar Station Museum
Camas Plant
CPR Station Museum
Doukhobor community home
Doukhobor Discovery Centre
Doukhobor Water Line
Hagaedorn House
Indian Flats
Kinnaird Community Hall
Kootenay Gallery of Art
kpiłs
Kp'itl'els
Kp'itl'els
Provincial Police Station
Union of Spiritual Community in Christ
Verigin Memorial Park
Zuckerberg Island
Zuckerberg Island Chapel House
Big Rock Farm
Lost or relocated community - Deer Park
Lost or relocated community - Renata
Lost or relocated community - Renata
Robson Community Memorial Church and Cemetery
Robson Hall
Lost or relocated community - Twelve Mile
Prospector to Premier

Heritage Resources Electoral Area K
Anglican Church in Nakusp
Burton Cemetery
Burton Community Hall
Burton Historical Park
Cape Horn Pictographs
Nakusp Centennial Building
Church of St. John the Baptist
Edgewood Cemetery
Edgewood Legion
Fauquier Cemetery
Fauquier Communication Centre Building
Fauquier Community Hall
Glenbank Cemetery
Halcyon Hot Springs
Kuskanax Hot Springs Trail
Leland Hotel
Nakusp Hot Springs
Nakusp & Slocan Railway
Nakusp Cemeteries
Nakusp Marina
Saddle Mountain Fire Lookout
Lost or relocated community - Arrow Park
Lost or relocated community - Belleview
Lost or relocated community - Birds
Lost or relocated community - Burton
Lost or relocated community - Carrolls Landing
Lost or relocated community - Edgewood
Lost or relocated community - Fauquier
Lost or relocated community - Needles
Lost or relocated community - East Arrow Park
Lost or relocated community - East Demars
Lost or relocated community - Glendevon
Lost or relocated community - Graham Landing
Lost or relocated community - Makinson's Landing
Lost or relocated community - St. Leon
Lost or relocated community - West Demars
Monashee Pass
McDonald Creek Provincial Park
Needles Cemetery/Needles Rest Area
Oatscott Reserve

Heritage Resources - location to be confirmed
Luanne Armstrong's property along Kootenay Lake
Silverspring cabin and mine

Heritage Resources relevant to all RDCK areas
A Dream Fulfilled
Agricultural activities - field patterns, fences, etc.
Arrowhead
Arrowhead Cemetery
Bear dens
Camborne
Canoe and kayak launch sites on all Kootenay rivers and lakes
Captikw̓ts
Columbia River system
Dams
Ferguson Townsite Provincial Historic Site
Fort Shepherd
Geological features/change in geological composition
Gerrard railway station
Heritage varieties of fruit trees
Heritage varieties of fruit trees - orchard remnants
Historic and contemporary wildlife levels of all land, water and air inhabitants
Hot springs
Jumbo Pass and Jumbo Wild Campaign
Logging equipment
Lost or relocated communities after flooding of the Arrow Lakes
Natural areas (species at risk)
Windsor Hotel
Beaton
Lost or relocated communities after flooding of the Arrow Lakes - Sidmouth
Marine wrecks
Mine sites machinery
Miner's burial sites
Mining roads
Mountain ranges
Pictographs
Pioneer cemeteries
Pioneer homesteads (agricultural and log cabins)
Pit house foundations
Pit houses
Remains of early rural homesteads
River and mountain environment
Sawmills
Significant geological features
Valley of the Ghosts
Waterways of the valley
Wild plants

APPENDIX F: SAMPLE COMPLETED HERITAGE REGISTER INCLUSION WORKSHEET

RDCK Heritage Register Inclusion Worksheet

Background Information about the Nomination

Resource name/s [Slocan Valley Rail Trail](#)

Address/community (if applicable) [Slocan Valley, British Columbia \(between South Slocan and Slocan City\)](#)

Resource type

- Building
- Group of Buildings
- Community
- Cultural Landscape
- Structure
- Intangible Resource (describe) _____
- Other (please describe) _____

Resource facts

Type	Notes
Significant date(s) i.e. construction or establishment date, significant event, etc.	First built as the right-of-way of the Columbia & Kootenay Railway's Slocan subdivision in 1897. The line was abandoned in the 1990s and the rails removed. The CPR donated the property to the Trans Canada Trail in 1999, who turned it over to the BC government - the current owner. 2002- the Slocan Valley Heritage Trail Society signed a stewardship agreement to manage the trail and have been rehabilitating it ever since.
Stories	
Traditions	
Designer	
Builder	Columbia & Kootenay Railway
Historical associations (individuals or groups)	Slocan Valley Heritage Trail Society and Slocan Valley Historical Society
Events	provincial, federal and CBT funding for development of trail since 2002 to rebuild bridges, grade the trail, put down surface material, build trailheads, parking lots, kiosk signage and interpretive plaques.

Other forms of formal recognition:

Type	Notes/Details (statutes, bylaws, proclamations, Borden number, etc.)
<input type="checkbox"/> Local/municipal registration or designation	
<input type="checkbox"/> Provincial designation	
<input type="checkbox"/> Archaeological site	
<input type="checkbox"/> National recognition	
<input checked="" type="checkbox"/> Other (signs/plaques etc.)	Two commemorative plaques for Japanese interment camps were placed along the trail in 2012 (Popoff Farm and Lemon Creek)

Background documentation provided by nominator (attached):

1. <http://slocanvalleyrailtrail.ca/history/>
2. [Nomination form submitted as part of RDCK CHR project with info](#)

Nominator/s [Slocan Valley Heritage Trail Society](#)

Other relevant background information:

Archival newspaper articles dating from 1886 to 1897 about the railway planning, funding and construction

Risk (optional)

Type of Risk	Notes
<input type="checkbox"/> Damage	
<input type="checkbox"/> Destruction	
<input type="checkbox"/> Loss	
<input type="checkbox"/> Sale/development	

Community Advocacy (optional)

Notes
With a very active Trail and Historical society, there are great opportunities for raising more heritage awareness through additional plaques, interpretive signage, activities and tours on such a highly-used recreation trail.

Discussion/Working Notes

<p>Dominance of the Waterways - the way in which the major lakes and their tributary rivers within the RDCK have been dominant physical forces in the area, impacting the historical development in the northern Slocan Valley.</p>	How does the heritage resource relate to or illustrate this theme?	Sample statements: This corridor was a critical connector in the network of rail and steamship transportation routes.
	Level of Significance : <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input checked="" type="checkbox"/> Common	
	Physical or associative attributes that embody this theme in this resource.	<p>Its route from South Slocan at the confluence of the Slocan and Kootenay Rivers (formerly known as Ward’s Crossing) to the southern end of Slocan Lake at Slocan City.</p> <p>The presence of four bridges along the route of the trail.</p>
<p>Governance, Social Activism and Resistance - the different government policies that have had an impact on the history of the RDCK, as well as the community of resistance and refuge that has been part of the area.</p>	How does the heritage resource relate to or illustrate this theme?	Its stewardship, and rehabilitation as a recreation trail by the Slocan Valley Heritage Trail Society (SVHTS) reflects the adaptation, resilience and commitment local communities to conserving historic and natural places in this area.
	Level of Significance : <input type="checkbox"/> Exceptional <input checked="" type="checkbox"/> Significant <input type="checkbox"/> Common	
	Physical or associative attributes that embody this theme in this resource.	interpretive kiosks and commemorative plaques along the trail

<p>Inhabiting the Land - From prehistory to the present, the RDCK has been traversed and inhabited by a diverse mix of people, from First Nations, to mining settlements, to those who getting away from it all. This theme captures all of the ways that people have used the land, built communities and made their homes here.</p>	<p>How does the heritage resource relate to or illustrate this theme?</p>	<p>It's a reminder of the impact that railway development had on settlement here by creating jobs, transportation options, and economic opportunities. railways caused the population of the West Kootenay to boom during the 1890s.</p>
	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input checked="" type="checkbox"/> Significant <input type="checkbox"/> Common 	
	<p>Physical or associative attributes that embody this theme in this resource.</p>	<p>The width of the trail, reflective of the original railway right-of-way. The grade of the trail, reflective of the grade limitations typical for railway construction. The presence of four bridges along the route of the trail. Historical relationships over time between the railway/trail and communities and settlements along its route (such as Slocan Park, Winlaw, Appledale, Lemon Creek and Slocan City) Relationship of trail to surviving trail stations along its route. Information signage about the communities along the trail.</p>
<p>Lake and Mountain Environment - the idea of the environment as an important theme apart from people's relationship to it, as well as the idea of the influence of the environment on settlement patterns, way of life transportation and recreation, and as inspiration in day-to-day life.</p>	<p>How does the heritage resource relate to or illustrate this theme?</p>	<p>It's a recreation and tourism asset which takes place on the grid of a historic transportation route</p>
	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input checked="" type="checkbox"/> Significant <input type="checkbox"/> Common 	
	<p>Physical or associative attributes that embody this theme in this resource.</p>	<p>Its use as an outdoor recreation and tourism asset Views of the natural natural environment while on the trail</p>

<p>Making a Living in Central Kootenay - the economic development in the RDCK, such as forestry, agriculture, mining, small business, tourism and others, as well as more contemporary ways of making a living.</p>	<p>How does the heritage resource relate to or illustrate this theme?</p>	<p>The significant mining areas discovered here required efficient infrastructure to ensure that ore, supplies, and people were being transported where needed, and the Slocan Extension provided that. This rail trail is a reminder of the impact that railway development had on settlement in the RDCK; Abandoned as a working rail line by the Canadian Pacific Railway in the mid-1990s, the loss of original purpose of the rail line stands testament to the downturn in the natural resource-based economy in the West Kootenay. Its rehabilitation as a recreation trail is a reflection of the metamorphosis that many communities and resources have undergone in the face of the major local economic shift that currently places a higher importance on social and recreational economies than on the extraction of natural resources from the surrounding environment.</p>
	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common 	

	<p>Physical or associative attributes that embody this theme in this resource.</p>	<ul style="list-style-type: none"> • Its route from South Slocan at the confluence of the Slocan and Kootenay Rivers (formerly known as Ward's Crossing) to the southern end of Slocan Lake at Slocan City. • The width of the trail, reflective of the original railway right-of-way. • The grade of the trail, reflective of the grade limitations typical for railway construction. • The presence of four bridges along the route of the trail. • The association of this trail as part of the Trans Canada Trail route. • Historical associations of the route with the Columbia & Kootenay Railway and Navigation Company. • Historical associations of the route with the Canadian Pacific Railway. • Association of the trail with the Slocan Valley Heritage Trail Society. • Historical relationships over time between the railway/trail and communities and settlements along its route (such as Slocan Park, Winlaw, Appledale, Lemon Creek and Slocan City) • Relationship of trail to surviving trail stations along its route. • Its use as an outdoor recreation and tourism asset • Views of the natural environment while on the trail
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<p>Place of Lifestyle, Stories and Memories - the ongoing presence of those seeking a quiet life and the counterculture history of the West Kootenay, up to the present day, as well as the abundance of memories and stories in the RDCK.</p>	<p>How does the heritage resource relate to or illustrate this theme?</p>	<p>Its stewardship, and rehabilitation as a recreation trail with educational kiosks is a reflection of the major metamorphosis of the local economy from extraction of natural resources to social and recreational economies, as well as the adaptation, resilience and commitment local communities have to conserving historic and natural places in this area.</p>
	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input checked="" type="checkbox"/> Significant <input type="checkbox"/> Common 	
	<p>Physical or associative attributes that embody this theme in this resource.</p>	<ul style="list-style-type: none"> • Its use as an interpretive platform for heritage and local history awareness through interpretive and commemorative plaques centred on important local themes such as indigenous habitation and culture and Japanese Internment • Relationship of trail to surviving trail stations along its route. • Its use as an outdoor recreation and tourism asset
<p>Transportation and Communication Links - Transportation and communication by rail, water, road and telegraph has been key to the settlement and development of the RDCK. This theme follows the ways in which people travelled and how goods were shipped.</p>	<p>How does the heritage resource relate to or illustrate this theme?</p>	<p>As the original route of the Columbia & Kootenay Railway and Navigation Company's Slocan Extension railway, it reflects the early development of the West Kootenays at the end of the nineteenth century. Abandoned as a working rail line by the Canadian Pacific Railway in the mid-1990s, the loss of original purpose of this historic place is a reflection of the larger phenomenon of a downturn in the natural resource-based economy in the West Kootenay at that time.</p>
	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input checked="" type="checkbox"/> Significant <input type="checkbox"/> Common 	

	<p>Physical or associative attributes that embody this theme in this resource.</p>	<ul style="list-style-type: none"> • Its route from South Slocan at the confluence of the Slocan and Kootenay Rivers (formerly known as Ward's Crossing) to the southern end of Slocan Lake at Slocan City. • The width of the trail, reflective of the original railway right-of-way. • The grade of the trail, reflective of the grade limitations typical for railway construction. • The presence of four bridges along the route of the trail. • The association of this trail as part of the Trans Canada Trail route. • Historical associations of the route with the Columbia & Kootenay Railway and Navigation Company. • Historical associations of the route with the Canadian Pacific Railway. • Association of the trail with the Slocan Valley Heritage Trail Society. • Historical relationships over time between the railway/trail and communities and settlements along its route (such as Slocan Park, Winlaw, Appledale, Lemon Creek and Slocan City) • Relationship of trail to surviving trail stations along its route.
<p>Off the Grid: Social and Community Life - the importance of community and community-driven support in the area, as well as the events that play a role in the community. It also encompasses the importance of outdoor life and culture from the early days up to the present.</p>	<p>How does the heritage resource relate to or illustrate this theme?</p>	<p>The Slocan Valley Rail Trail is highly valued as a recreation and tourism asset in this area, and its current use can be seen as an important part of the continuum of social and economic benefits that were the intention of the original creation of this route in 1897.</p>

	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input checked="" type="checkbox"/> Significant <input type="checkbox"/> Common 	
	<p>Physical or associative attributes that embody this theme in this resource.</p>	<ul style="list-style-type: none"> • Its use as an outdoor recreation and tourism asset • Views of the natural environment while on the trail • Its use as an interpretive platform for heritage and local history awareness through interpretive and commemorative plaques centred on important local themes such as indigenous habitation and culture and Japanese Internment
RDCK Community Heritage Value	Direct relationship to value	Rationale/Notes
<p>Community Identity and Sense of Place: Social and cultural values in the RDCK are reflected in a recognized connection to place, a sense of community, and shared identity that sustains the area's current inhabitants and new residents and becomes a collective experience for everyone.</p>	<p>How does the heritage resource relate to or illustrate this community value and priority?</p> <p>Would formally recognizing it support or further this community priority?</p>	<p>Its stewardship, and rehabilitation as a recreation trail by the Slocan Valley Heritage Trail Society (SVHTS) is a reflection of the major metamorphosis of the local economy from extraction of natural resources to social and recreational economies, as well as the adaptation, resilience and commitment local communities have to conserving historic and natural places in this area.</p>
	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common 	
	<p>Physical or associative attributes that embody this value in this resource.</p>	<p>Same as above</p>
<p>Preserving history, with the past informing the future: Understanding and honouring the area's history and heritage is significant because it creates a strong foundation and a sense of continuity while allowing ongoing community change and evolution. Cultural and social change, both positive such as the growth of vibrant and viable communities, and associated with loss such as the altering of regional waterways through dam construction has had a significant impact on many communities, yet allows continuing engagement with the history of the region and commands respect for what has gone before.</p>	<p>How does the heritage resource relate to or illustrate this community value and priority?</p> <p>Would formally recognizing it support or further this community priority?</p>	<p>Its stewardship, and rehabilitation as a recreation trail by the Slocan Valley Heritage Trail Society (SVHTS) is a reflection of the adaptation, resilience and commitment local communities have to conserving historic and natural places in this area.</p>
	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common 	
	<p>Physical or associative attributes that embody this value in this resource.</p>	<p>Same as above</p>

<p>Heritage as a driver for economic development and tourism: Current understanding of the importance of heritage in helping sustain economic development and tourism is associated with the area's heritage found in its distinctive communities and the vestiges of past significant economic endeavours in forestry, transportation, power generation, mining, agriculture and entrepreneurship that created a self-sufficient region. Considered an important activity in and of itself, the conservation of the area's heritage is important for supporting social and cultural identity, drawing visitors to the community, and helping sustain rural area economies.</p>	<p>How does the heritage resource relate to or illustrate this community value and priority?</p> <p>Would formally recognizing it support or further this community priority?</p>	<p>The Slocan Valley Rail Trail is highly valued as a recreation and tourism asset in this area, and its current use can be seen as an important part of the continuum of social and economic benefits that were the intention of the original creation of this route in 1897.</p>
	<p>Level of Significance :</p> <p><input checked="" type="checkbox"/> Exceptional</p> <p><input type="checkbox"/> Significant</p> <p><input type="checkbox"/> Common</p>	
	<p>Physical or associative attributes that embody this value in this resource.</p>	<p>Same as above</p>
<p>Uniqueness and diversity of people in the RDCK: One of the significant characteristics of the regional district's history is the continued immigration of people of a variety of cultures. A culture of inclusion and honour for all Indigenous peoples who have inhabited the land for millennia is increasingly important, allowing a reconfiguration of the original artificial settler interpretation of history, while the region's heritage reflects the influence of Americans, Eastern Canadians, Scots, English, Italians, Chinese, Russian Doukhobors, Japanese, Eastern Europeans, Scandinavians, South Asian Canadians and others who have made the place home.</p>	<p>How does the heritage resource relate to or illustrate this community value and priority?</p> <p>Would formally recognizing it support or further this community priority?</p>	<p>Its stewardship, and rehabilitation as a recreation trail with educational kiosks by the Slocan Valley Heritage Trail Society (SVHTS), as well as the adaptation, resilience and commitment local communities have to conserving historic and natural places in this area.</p>
	<p>Level of Significance :</p> <p><input type="checkbox"/> Exceptional</p> <p><input type="checkbox"/> Significant</p> <p><input checked="" type="checkbox"/> Common</p>	
	<p>Physical or associative attributes that embody this value in this resource.</p>	<p>Same as above</p>
<p>Wild environment, natural beauty and outdoor recreation: The natural landscape and its resources are valued for their aesthetic and ecological qualities, their contribution to memory and cultural identity, and for providing opportunities for interaction and appreciation through outdoor activities and backcountry recreation. Major lakes and rivers, fertile valleys, diverse geography and forested backcountry all contribute to an appreciation of the area's natural beauty and extraordinary landscapes.</p>	<p>How does the heritage resource relate to or illustrate this community value and priority?</p> <p>Would formally recognizing it support or further this community priority?</p>	<p>The Slocan Valley Rail Trail is highly valued as a recreation and tourism asset in this area, and its current use can be seen as an important part of the continuum of social and economic benefits that were the intention of the original creation of this route in 1897.</p>
	<p>Level of Significance :</p> <p><input checked="" type="checkbox"/> Exceptional</p> <p><input type="checkbox"/> Significant</p> <p><input type="checkbox"/> Common</p>	
	<p>Physical or associative attributes that embody this value in this resource.</p>	<ul style="list-style-type: none"> • Its use as an outdoor recreation and tourism asset • Views of the natural environment while on the trail

Decision	Rationale
<input checked="" type="checkbox"/> Include on Heritage Register	<p>This heritage resource not only aligns with and reflects all of the RDCK heritage themes and community values, it also has potential to be an ongoing, evolving space for heritage education, tours, awareness and topics. There are many more opportunities to work with the site as a model for conservation, community engagement, education and adaptive reuse.</p>
<input type="checkbox"/> Leave on Inventory	
<input type="checkbox"/> Delay decision until more information can be provided	

Date: _____

APPENDIX G: HERITAGE REGISTER INCLUSION WORKSHEET

RDCK Heritage Register Inclusion Worksheet

Background Information about the Nomination

Resource name/s _____

Address/community (if applicable) _____

Resource type

- Building
- Group of Buildings
- Community
- Cultural Landscape
- Structure
- Intangible Resource (describe) _____
- Other (please describe) _____

Resource facts

Type	Notes
Significant date(s) i.e. construction or establishment date, significant event, etc.	
Stories	
Traditions	
Designer	
Builder	
Historical associations (individuals or groups)	
Events	

Other forms of formal recognition:

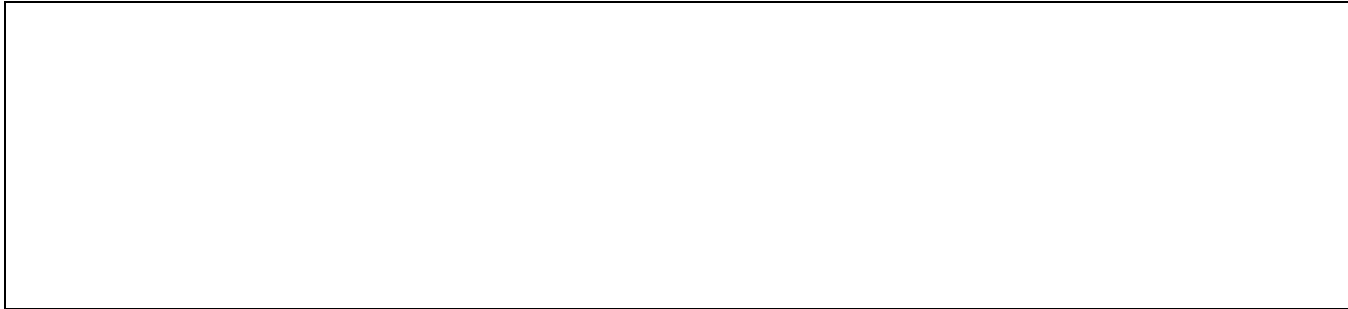
Type	Notes/Details (statutes, bylaws, proclamations, Borden number, etc.)
<input type="checkbox"/> Local/municipal registration or designation	
<input type="checkbox"/> Provincial designation	
<input type="checkbox"/> Archaeological site	
<input type="checkbox"/> National recognition	
<input type="checkbox"/> Other (signs/plaques etc.)	

Background documentation provided by nominator (attached):

- 1.
- 2.
- 3.
- 4.
- 5.

Nominator/s _____

Other relevant background information:



Heritage Significance Evaluation

Alignment with RDCK themes, values and priorities

RDCK Themes – (notes to be recorded in worksheet below)

- Dominance of the Waterways - the way in which the major lakes and their tributary rivers within the RDCK have been dominant physical forces in the area, impacting the historical development throughout river valleys in the region.
- Governance, Social Activism and Resistance - the different government policies that have had an impact on the history of the RDCK, as well as the community of resistance and refuge that has been part of the area.
- Inhabiting the Land - From prehistory to the present, the RDCK has been traversed and inhabited by a diverse mix of people, from First Nations, to mining settlements, to those who getting away from it all. This theme captures all of the ways that people have used the land, built communities and made their homes here.
- Lake and Mountain Environment - the idea of the environment as an important theme apart from people's relationship to it, as well as the idea of the influence of the environment on settlement patterns, way of life transportation and recreation, and as inspiration in day-to-day life.
- Making a Living in Central Kootenay - the economic development in the RDCK, such as forestry, agriculture, mining, small business, tourism and others, as well as more contemporary ways of making a living.
- Place of Lifestyle, Stories and Memories - the ongoing presence of those seeking a quiet life and the counterculture history of the West Kootenay, up to the present day, as well as the abundance of memories and stories in the RDCK.
- Transportation and Communication Links - Transportation and communication by rail, water, road and telegraph has been key to the settlement and development of the RDCK. This theme follows the ways in which people travelled and how goods were shipped.
- Off the Grid: Social and Community Life - the importance of community and community-driven support in the area, as well as the events that play a role in the community. It also encompasses the importance of outdoor life and culture from the early days up to the present.

RDCK Community Heritage Values & Priorities – (notes to be recorded in worksheet below)

- Community Identity and Sense of Place

Social and cultural values in the RDCK are reflected in a recognized connection to place, a sense of community, and shared identity that sustains the area's current inhabitants and new residents and becomes a collective experience for everyone. A culture of both cooperation and self-sufficiency brought on by geographic isolation, the recognition of Indigenous language, culture and lifeways and a legacy of activism and resistance has created a singular regional identity and sense of place that continues to sustain the community today.

- Preserving our History. The Past Informing our Future

Understanding and honouring the area's history and heritage is significant because it creates a strong foundation and a sense of continuity while allowing ongoing community change and evolution. Cultural and social change, both positive such as the growth of vibrant and viable communities, and associated with loss such as the altering of regional waterways through dam construction has had a significant impact on many communities, yet allows continuing engagement with the history of the region and commands respect for what has gone before.

■ Heritage as a Driver for Economic Development and Tourism

Current understanding of the importance of heritage in helping sustain economic development and tourism is associated with the area’s heritage found in its distinctive communities and the vestiges of past significant economic endeavours in forestry, transportation, power generation, mining, agriculture and entrepreneurship that created a self-sufficient region. Considered an important activity in and of itself, the conservation of the area’s heritage is important for supporting social and cultural identity, drawing visitors to the community, and helping sustain rural area economies.

■ Uniqueness and Diversity of the People of the RDCK

One of the significant characteristics of the regional district’s history is the continued immigration of people of a variety of cultures. A culture of inclusion and honour for all Indigenous peoples who have inhabited the land for millennia is increasingly important, allowing a reconfiguration of the original artificial settler interpretation of history, while the region’s heritage reflects the influence of Americans, Eastern Canadians, Scots, English, Italians, Chinese, Russian Doukhobors, Japanese, Eastern Europeans, Scandinavians, South Asian Canadians and others who have made the place home.

■ Wild Environment - Natural Beauty and Outdoor Recreation

The natural landscape and its resources are valued for their aesthetic and ecological qualities, their contribution to memory and cultural identity, and for providing opportunities for interaction and appreciation through outdoor activities and backcountry recreation. Major lakes and rivers, fertile valleys, diverse geography and forested backcountry all contribute to an appreciation of the area’s natural beauty and extraordinary landscapes.

Heritage Values – (should be integrated into notes on themes)

- Aesthetic values – pertaining to visual and material qualities of a resource. This may include beauty, physical attributes, and materials.
- Historic values – pertaining to historical events or phenomena, or associations with individuals or groups of people.
- Scientific values – pertaining to the advancement of knowledge or technology.
- Cultural values – pertaining to the expression of a way of life of a group or groups of people. May also include artistic expression.
- Social values – pertaining to the ‘human’ aspects of a heritage resource. Reflects beliefs, emotions, perceptions and activities associated with the resource.
- Spiritual values – pertaining to the belief system or systems of a group or groups of people, or of individuals. May be reflective of stories, legends, myths, and particular experiences or practices associated with a resource.

Risk (optional)

Type of Risk	Notes
■ Damage	
■ Destruction	
■ Loss	

<input type="checkbox"/> Sale or development	
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Community Advocacy (optional)

Notes
Community advocacy around this heritage resource has recently grown or started bringing the resource to the RDCK’s attention. The community is asking for acknowledgement of heritage value or intervention to protect a heritage resource which may not have previously been acknowledged.

Discussion/Working Notes

RDCK Theme	Direct relationship to theme	Rationale/Notes
<p>Dominance of the Waterways</p> <p>The way in which the major lakes and their tributary rivers within the RDCK have been dominant physical forces in the area, impacting the historical development in the northern Slokan Valley.</p>	How does the heritage resource relate to or illustrate this theme?	Sample statement: The heritage resource is a good illustration of power of the lakes and rivers of the region, and the impacts these resources have had on the development of communities, economies, and activities over time.
	Level of Significance : <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common	
	Physical or associative attributes that embody this theme in this resource.	
<p>Governance, Social Activism and Resistance</p> <p>The different government policies that have had an impact on the history of the RDCK, as well as the community of resistance and refuge that has been part of the area.</p>	How does the heritage resource relate to or illustrate this theme?	
	Level of Significance : <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common	
	Physical or associative attributes that embody this theme in this resource.	
<p>Inhabiting the Land</p> <p>From prehistory to the present, the RDCK has been traversed and inhabited by a diverse mix of people, from First Nations, to mining settlements, to those who getting away from it all. This theme captures all of the ways that people have used the land, built</p>	How does the heritage resource relate to or illustrate this theme?	

RDCK Theme	Direct relationship to theme	Rationale/Notes
<p>communities and made their homes here.</p>	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common 	
	<p>Physical or associative attributes that embody this theme in this resource.</p>	
<p>Lake and Mountain Environment</p> <p>The idea of the environment as an important theme apart from people's relationship to it, as well as the idea of the influence of the environment on settlement patterns, way of life transportation and recreation, and as inspiration in day-to-day life.</p>	<p>How does the heritage resource relate to or illustrate this theme?</p>	
	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common 	
	<p>Physical or associative attributes that embody this theme in this resource.</p>	
<p>Making a Living in Central Kootenay</p> <p>The economic development in the RDCK, such as forestry, agriculture, mining, small business, tourism and others, as well as more contemporary ways of making a living.</p>	<p>How does the heritage resource relate to or illustrate this theme?</p>	
	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common 	
	<p>Physical or associative attributes that embody this theme in this resource.</p>	
<p>Place of Lifestyle, Stories and Memories</p> <p>The ongoing presence of those seeking a quiet life and the counterculture history of the West Kootenay, up to the present day, as well as the abundance of memories and stories in the RDCK.</p>	<p>How does the heritage resource relate to or illustrate this theme?</p>	
	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common 	

RDCK Theme	Direct relationship to theme	Rationale/Notes
	Physical or associative attributes that embody this theme in this resource.	
Transportation and Communication Links Transportation and communication by rail, water, road and telegraph has been key to the settlement and development of the RDCK. This theme follows the ways in which people travelled and how goods were shipped.	How does the heritage resource relate to or illustrate this theme?	
	Level of Significance : <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common	
	Physical or associative attributes that embody this theme in this resource.	
Off the Grid: Social and Community Life The importance of community and community-driven support in the area, as well as the events that play a role in the community. It also encompasses the importance of outdoor life and culture from the early days up to the present.	How does the heritage resource relate to or illustrate this theme?	
	Level of Significance : <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common	
	Physical or associative attributes that embody this theme in this resource.	

RDCK Community Heritage Value	Direct relationship to value	Rationale/Notes
Community Identity and Sense of Place Social and cultural values in the RDCK are reflected in a recognized connection to place, a sense of community, and shared identity that sustains the area's current inhabitants	How does the heritage resource relate to or illustrate this community value and priority? Would formally recognizing it support or further this community priority?	

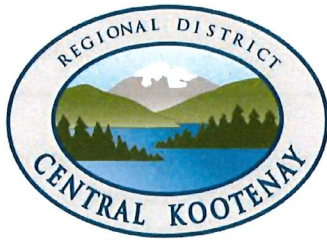
RDCK Community Heritage Value	Direct relationship to value	Rationale/Notes
<p>and new residents and becomes a collective experience for everyone.</p>	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common 	
	<p>Physical or associative attributes that embody this value in this resource.</p>	
<p>Preserving history, with the past informing the future</p> <p>Understanding and honouring the area’s history and heritage is significant because it creates a strong foundation and a sense of continuity while allowing ongoing community change and evolution. Cultural and social change, both positive such as the growth of vibrant and viable communities, and associated with loss such as the altering of regional waterways through dam construction has had a significant impact on many communities, yet allows continuing engagement with the history of the region and commands respect for what has gone before.</p>	<p>How does the heritage resource relate to or illustrate this community value and priority?</p> <p>Would formally recognizing it support or further this community priority?</p>	
	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common 	
	<p>Physical or associative attributes that embody this value in this resource.</p>	
<p>Uniqueness and diversity of people in the RDCK</p> <p>One of the significant characteristics of the regional district’s history is the continued immigration of people of a variety of cultures. A culture of inclusion and honour for all Indigenous peoples who have inhabited the land for millennia is increasingly important, allowing a reconfiguration of the original artificial settler interpretation of history, while the region’s heritage reflects the influence of Americans, Eastern Canadians, Scots, English, Italians, Chinese, Russian Doukhobors, Japanese, Eastern Europeans, Scandinavians, South Asian Canadians and others who have made the place home.</p>	<p>How does the heritage resource relate to or illustrate this community value and priority?</p> <p>Would formally recognizing it support or further this community priority?</p>	
	<p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common 	
	<p>Physical or associative attributes that embody this value in this resource.</p>	

RDCK Community Heritage Value	Direct relationship to value	Rationale/Notes
<p>Wild environment, natural beauty and outdoor recreation</p> <p>The natural landscape and its resources are valued for their aesthetic and ecological qualities, their contribution to memory and cultural identity, and for providing opportunities for interaction and appreciation through outdoor activities and backcountry recreation. Major lakes and rivers, fertile valleys, diverse geography and forested backcountry all contribute to an appreciation of the area's natural beauty and extraordinary landscapes.</p>	<p>How does the heritage resource relate to or illustrate this community value and priority?</p> <p>Would formally recognizing it support or further this community priority?</p> <p>Level of Significance :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Exceptional <input type="checkbox"/> Significant <input type="checkbox"/> Common 	

Decision Making Matrix

Decision	Rationale
<input type="checkbox"/> Include on Heritage Register	
<input type="checkbox"/> Leave on Inventory	
<input type="checkbox"/> Delay decision until more information can be provided	

Date: _____



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: March 5, 2020
Date & Type of Meeting: March 18, 2020 Rural Affairs Committee
Author: Dana Hawkins, Planner
Subject: PLANNING PROCEDURES AND FEES BYLAW UPDATE
File: 10-5110-20-RDCK PROCEDURES AND FEES

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to present to the RDCK Board a series of proposed amendments to the RDCK Planning Procedures and Fees Bylaw, which is a bylaw that outlines how the Planning Department reviews and processes land development applications. These changes are intended to align with RDCK's vision and strategic priorities: process and systems improvement, good governance, external communication, and process consistency.

Amendments were made to Amending Bylaw No. 2682, 2020 to include referrals of Development Permits to Advisory Planning Commissions (Resolution 153/20) and the bylaw was granted First and Second reading at the February 20, 2020 Board meeting. Staff is recommending that the proposed bylaw be given Third Reading. Should Third Reading be granted, adoption will be brought forward for consideration at a future meeting.

SECTION 2: BACKGROUND / ANALYSIS

2.1 BACKGROUND CONTEXT

The RDCK adopted *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457* July 16th, 2015. The bylaw directs staff on the appropriate fees and processes for the following land use applications and referrals:

- Land Use Bylaw Amendments;
- Development Permits;
- Development Variance Permits;
- Board of Variance;
- Temporary Use Permits;
- Site Specific Floodplain Exemption Applications;
- Soil Removal and Deposit Permits;
- Manufactured Home Park Permits;
- Strata Title Conversion Applications;
- Liquor and Cannabis Retail Licensing Applications;
- Agricultural Land Reserve Applications; and,
- Subdivision, Industry Canada, Local Government, Crown, Forest, Notice of Works and Accretion Referrals.

The intent of the proposed amendments is to increase the clarity of the bylaw regulations, the efficiency of the included procedures, and the level of communication to the public. These changes align with RDCK's

stated vision and strategic priorities: process and systems improvement, good governance, external communication, and process consistency. The amendments do not propose a significant change in how applications are processed by staff nor an increase to application fees. The main motivation is to increase efficiency by reducing unnecessary referrals and application processing times, and increase quality of applications. Changes are proposed to the definitions section, application forms, required signage, expiry of applications, fees, and application review processes. Further details of the proposed amendments are outlined below:

2.2 PROPOSED AMENDMENTS TO BODY OF THE BYLAW

Definitions:

A definition for Qualified Professional (QP) is proposed to be added. QP's such as Biologists, Geotechnical Engineers, and Architects are required for different applications. The addition of a definition will ensure required reports are submitted by professionals with appropriate experience and registration and good standing in British Columbia with an appropriate professional organization.

Applications:

Staff propose to remove the application form as a Schedule of the Bylaw. This will allow staff to update and amend the application form without having to go through the Board for a bylaw amendment. As a result application submission requirements will be moved to the schedules outlining application procedures so as to remain within the bylaw.

Notice of Proposal Sign:

Staff suggest broadening the requirement of a sign from land use applications to all applications that currently require public notification under the bylaw. The intent is to increase transparency and communication to those who may feel their interests are affected by the application. The proposed new sign template is included as Schedule 'B'.

Expiry of Application:

Considerable staff time is dedicated to following up on lapsed applications. The bylaw proposes clarification on when an application lapses and when the file can be closed by staff.

2.3 PROPOSED AMENDMENT TO SCHEDULES WITHIN THE BYLAW

Fees:

Minor changes are proposed to the fee schedule intended to increase clarity rather than to increase or alter fees. Administrative fees have been changed to provide a flat fee for mapping, include signage with assignment and changes to address, and remove fees for survey plans as they should be obtained directly from the Land Titles Office.

Application Processes:

General changes have been made to all of the schedules outlining application procedures. The goal being to reduce repetitive or administrative tasks that are internal procedures that do not need to be stated in the bylaw - resulting in a more concise bylaw. Removal of these tasks, for example inviting the applicant to a RAC meeting, will still be completed by staff; they just do not need to be stated by bylaw.

Another broad change is to remove the requirement for a 30 day referral period for applications that are not referred to Advisory Planning Commissions. Staff have received feedback that the mandatory 30-day referral period increases application processing time when a shorter referral period is possible. Removing the bylaw requirement for 30 days for some types of applications would allow staff discretion to set the referral period.

Development Permits:

Development Permits are issued if the delegated authority deems that the Development Permit guidelines have been met. The guidelines are created through a public process during the drafting of the Official Community Plan. Unlike other applications, there is no requirement of public hearing or process for public input to shape the outcome of a decision. Applications either meet the guidelines or do not; therefore, staff propose to remove reference within the schedule to processes around public referral. Previous versions of Bylaw 2682 removed referral of Development Permits to the Advisory Planning Commission (APC). However pursuant to Resolution 153/20, no change will be made, and APC's will continue to be referred Development Permit applications.

Temporary Use Permits (TUPs):

Minor updates have been made to this schedule to reflect changes in the *Local Government Act*. As TUP's may be renewed one time, staff propose including a policy for processing renewals to add clarity.

Subdivisions:

Staff have recently received requests for final document subdivision applications that do not go through the typical Preliminary Review Process. Clarity has been added to this schedule to inform that these applications will be processed in the same fashion, although staff recognize there is a legislated 60 day time limit to process in these instances.

Agricultural Land Reserve Applications:

Minor updates are proposed to reflect new application types as a result of changes to the Agricultural Land Commission regulations.

2.4 RURAL AFFAIRS COMMITTEE REVIEW AND FEEDBACK

At the January 15, 2020 Rural Affairs Committee the proposed amendments were introduced to the Committee as information for receipt and initial comment. The committee provided comments regarding the 30 day referral period and the Development Permit Review process.

Staff addressed these concerns and the amending bylaw was brought to the February 19, 2020 Rural Affairs Committee meeting for further discussion. At the February 20, 2020 Board meeting Resolution 153/20 was passed which states:

THAT Schedule D Item 2 be AMENDED as follows, "RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies, the Local Director and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect the municipality";

AND THAT the Regional District of Central Kootenay Planning Procedures and Fees Amendment Bylaw No. 2682, 2020 being a bylaw to amend the Regional District of

Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015 is hereby given FIRST and SECOND reading as amended.

Staff have made the applicable changes to the bylaw and are now bringing it forward for consideration of Third Reading.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

The drafting of the proposed amendments were completed by the Planner 2. No other costs ensued other than staff time including staff review and feedback.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

Procedure Bylaws are a Bylaw to establish procedures and fees within the Regional District of Central Kootenay in accordance with Part 10.1 and Part 14 of the *Local Government Act*.

c. Environmental Considerations:

There are no foreseen environmental considerations at this time.

d. Social Considerations:

The proposed amendments are intended to improve processes affecting applicants and the public.

e. Economic Considerations:

There are no foreseen economic considerations at this time. Proposed changes to fees are outlined in Schedule 'A' of Attachment 'B' and are minor in nature.

f. Communication Considerations:

Procedure Bylaws are regulatory bylaws that do not require a Public Hearing prior to consideration.

g. Staffing/Departmental Workplan Considerations:

Work plan considerations include the staff resources and capacity required to move the proposed amendments forward which will be undertaken by the Planner 2.

h. Board Strategic Plan/Priorities Considerations:

These updates are intended to align with RDCK's vision and strategic priorities: process and systems improvement, good governance, external communication, and process consistency.

SECTION 4: OPTIONS & PROS / CONS

4.1 SUMMARY

Staff are bringing forward proposed text amendments to the *RDCK Planning Procedures and Fees Bylaw No. 2457, 2015* working towards adoption. These updates are intended to align with RDCK's vision and

strategic priorities: process and systems improvement, good governance, external communication, and process consistency.

Amendments have been made to the bylaw as per Resolution 153/20 to include referral of Development Permits to Advisory Planning Commissions.

Staff recommend that Amending Bylaw No. 2682, 2020 be given Third Reading.

4.2 OPTIONS

Option 1: Proceed with Third Reading

THAT the Regional District of Central Kootenay Planning Procedures and Fees Amendment Bylaw No. 2682, 2020 being a bylaw to amend the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015 is hereby given THIRD reading by content.

Option 2: No Further Action

THAT no further action be taken with respect to the Regional District of Central Kootenay Planning Procedures and Fees Amendment Bylaw No. 2682, 2020 being a bylaw to amend the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015.

Option 3: Defer the Decision

THAT further consideration of the Regional District of Central Kootenay Planning Procedures and Fees Amendment Bylaw No. 2682, 2020 being a bylaw to amend the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015 BE REFERRED to the [date of RAC meeting] Rural Affairs Committee meeting.

SECTION 5: RECOMMENDATION(S)

THAT the Regional District of Central Kootenay Planning Procedures and Fees Amendment Bylaw No. 2682, 2020 being a bylaw to amend the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015 is hereby given THIRD reading by content.

Respectfully submitted,

Originally signed by Dana Hawkins.

Dana Hawkins, MCIP, RPP
Planner 2

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services
Chief Administrative Officer

Originally signed by Nelson Wight.
Originally signed by Sangita Sudan.
Originally signed by Stuart Horn.

ATTACHMENTS:

Attachment A – Regional District of Central Kootenay Planning Procedures and Fees Amendment Bylaw No. 2682, 2020

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2682

A Bylaw to amend Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015

WHEREAS it is deemed expedient to amend the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

1 That Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015 be amended as follows:

A) Definitions Section 3 by adding the following definition in the appropriate alphabetical order:

QUALIFIED PROFESSIONAL means an applied scientist, technologist, or similar expert acting alone or together with another qualified professional, where:

- The individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association.
- The individual's area of expertise is recognized by the Regional District as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and, the individual is acting within that individual's area of expertise.

B) Scope by replacing Section 4.b with the following:
Issuance and/or Amendment of a Development Permit, Development Variance Permit, Board of Variance, Temporary Use Permit, Site Specific Floodplain Exemption, Soil Removal and Deposit Permit, Manufactured Home Park Permit, and/or Strata Title Conversion

C) Scope by replacing Section 5 with the following:
This Bylaw applies to Administrative Fees for the following:

- a. Title Searches
- b. Registration, Amendment or Removal of Charges on Title
- c. Assignment and Change of Address
- d. Mapping Fees
- e. Photocopy Charges
- f. NSF Cheques
- g. Archived Document Retrieval
- h. Property Letters

D) Application by replacing Section 7 with the following:
Applications shall be made on the applicable form, as prescribed by the Regional District.

E) Application by adding a new section following Section 7 as follows:

An application shall contain all required information and follow the process in the order prescribed in the following attached Schedules:

- a. Schedule 'C' – Land Use Amendment Procedure
 - b. Schedule 'D' – Development Permit Procedure
 - c. Schedule 'E' – Development Variance Permit Procedure
 - d. Schedule 'F' – Board of Variance Procedure
 - e. Schedule 'G' – Temporary Use Permit Procedure
 - f. Schedule 'H' – Site Specific Floodplain Exemption Procedure
 - g. Schedule 'I' – Soil Removal and Deposit Permit Procedure
 - h. Schedule 'J' – Manufactured Home Park Permit Procedure
 - i. Schedule 'K' – Strata Title Conversion Procedure
 - j. Schedule 'R' – Liquor and Cannabis Retail Licensing Procedure
- F) Application by adding a new section following Section 7 as follows:
The Regional District may require a site visit or further information to be provided after the initial application and prior to proceeding to the Regional Board.
- G) Fees by replacing Section 8 with the following:
At the time of submission of an application and during the processing of an application, the applicant shall pay to the Regional District of Central Kootenay fees in the amount as set out in Schedule 'A' of this Bylaw.
- H) Notice of Development Sign by renaming to Notice of Proposal Sign and replacing Section 14 as follows:
In the case of applications for Land Use Amendments, Development Variance Permits, Temporary Use Permits, Soil Removal and Deposit Permits, and Liquor and Cannabis Retail Licensing, the applicant shall be responsible for erecting a notice of proposal sign to the specifications outlined in Schedule 'B'.
- I) Public Hearing by replacing Section 17 as follows:
In the case of applications to amend a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw, or applications for Temporary Use Permits, public hearings are governed by Section 465 of the *Local Government Act*. In the absence of the public, a public hearing may be adjourned after a minimum of 15 minutes from the advertised time of commencement of the public hearing.
- J) Expiry of Application by replacing Section 23 as follows:
An application under this Bylaw is considered lapsed, if:
 - a. The applicant has not communicated or submitted outstanding material to the District within a period of six (6) months; or,
 - b. A decision on the application has not been made within eighteen (18) months of the date of initial application.
- K) Expiry of Application by adding a new section following Section 23 as follows:
An application for an amendment under Section '4 (a)' considered lapsed shall have all readings rescinded by resolution of the Regional Board, if any, at the next available Regular Meeting.
- L) Expiry of Application by adding a new section following Section 23 as follows:
An application that has lapsed may be offered an extension for a period of six (6) months by resolution of the Regional Board upon written request by the applicant received within one (1) month after lapsing.

M) Repeal the following Schedules:

- i. Schedule 'A' – Development Application Form
- ii. Schedule 'B' – Fee Schedule
- iii. Schedule 'C' – Notice of Development Sign Specifications
- iv. Schedule 'D' – Land Use Amendment Procedure
- v. Schedule 'E' – Development Permit Procedure
- vi. Schedule 'F' – Development Variance Permit Procedure
- vii. Schedule 'G' – Board of Variance Procedure
- viii. Schedule 'H' – Temporary Industrial and/or Commercial Use Permit Procedure
- ix. Schedule 'I' – Site Specific Floodplain Exemption Procedure
- x. Schedule 'J' – Soil Removal and Deposit Permit Procedure
- xi. Schedule 'K' – Manufactured Home Park Permit Procedure
- xii. Schedule 'L' – Strata Title Conversion Procedure
- xiii. Schedule 'M' – Subdivision Referral Procedure
- xiv. Schedule 'N' – Industry Canada Referral Procedure
- xv. Schedule 'O' – Local Government, Crown, Forest, Notice of Works Referral Procedure
- xvi. Schedule 'P' – Accretion Referral Procedure
- xvii. Schedule 'Q' – Agricultural Land Reserve Application Procedure
- xviii. Schedule 'R' – Security Deposit Calculation Procedure
- xix. Schedule 'S' – Liquor and Cannabis Retail Licensing Procedure

N) Replace repealed Schedules with the following Schedules attached to this Bylaw as Appendix A:

- i. Schedule 'A' – Fee Schedule
- ii. Schedule 'B' – Notice of Development Sign Specifications
- iii. Schedule 'C' – Land Use Amendment Procedure
- iv. Schedule 'D' – Development Permit Procedure
- v. Schedule 'E' – Development Variance Permit Procedure
- vi. Schedule 'F' – Board of Variance Procedure
- vii. Schedule 'G' – Temporary Industrial and/or Commercial Use Permit Procedure
- viii. Schedule 'H' – Site Specific Floodplain Exemption Procedure
- ix. Schedule 'I' – Soil Removal and Deposit Permit Procedure
- x. Schedule 'J' – Manufactured Home Park Permit Procedure
- xi. Schedule 'K' – Strata Title Conversion Procedure
- xii. Schedule 'L' – Subdivision Referral Procedure
- xiii. Schedule 'M' – Industry Canada Referral Procedure
- xiv. Schedule 'N' – Local Government, Crown, Forest, Notice of Works Referral Procedure
- xv. Schedule 'O' – Accretion Referral Procedure
- xvi. Schedule 'P' – Agricultural Land Reserve Application Procedure
- xvii. Schedule 'Q' – Security Deposit Calculation Procedure
- xviii. Schedule 'R' – Liquor and Cannabis Retail Licensing Procedure

O) By making such consequential changes as are required to reflect the forgoing amendments, including without limitation changes in the numbering, Table of Contents and list of Schedules of the Bylaw.

2 This Bylaw shall come into force and effect upon its adoption.

CITATION

3 This Bylaw may be cited as **“Regional District of Central Kootenay Planning Procedures and Fees Amendment Bylaw No. 2682, 2020.”**

READ A FIRST TIME this 20th day of February , 2020.

READ A SECOND TIME this 20th day of February , 2020.

READ A THIRD TIME this [Date] day of [Month] , 20XX.

ADOPTED this [Date] day of [Month] , 20XX.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Regional District of Central Kootenay Bylaw No. 2682, 2020

Appendix A

SCHEDULE 'A': FEE SCHEDULE

1. Land Development Application Fees:

DEVELOPMENT APPLICATION	FEE SCHEDULE
Amendment Application (Community Plan)	\$1600.00
Amendment Application (Zoning)	\$1600.00
Amendment Application (CLUB or RLUB)	\$1600.00
Amendment Application (Joint OCP/Zoning)	\$1800.00
Development Permit	\$500.00
Development Permit with Variance	\$600.00
Amendment to Issued Development Permit	\$100.00
Development Variance Permit	\$500.00
Board of Variance Permit	\$500.00
Temporary Use Permit	\$1000.00
Site Specific Floodplain Exemption	\$500.00
Soil Removal and Deposit Permit	\$300.00
Manufactured Home Park Permit	\$600.00 for application \$100.00 per unit
Strata Title Conversion	\$600.00 for application \$100 per unit
Subdivision review including final document subdivision applications	\$550.00 for review \$90.00 per additional lot over 5 lots
Liquor and Cannabis Retail Licensing	\$500 for review and notification

2. In the case of applications to amend a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw, or applications for Temporary Use Permits; 50% of the application fee shall be refunded, provided the application is withdrawn by the applicant, or is denied by the Board, prior to the Regional District incurring expenses towards public notifications of a public hearing.
3. In the case of applications to amend a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw, applications for Temporary Use Permits or Soil Removal and Deposit Permits, or where applications are required to go before additional public hearings or public meetings, the applicant shall pay for the advertising costs (\$400.00 per additional public hearing or public meeting).
4. In the case of all other development applications, 50% of the application fee listed in Section 1 shall be refunded if the application is withdrawn prior to proceeding to the decision making authority as indicated: Board of Variance, to the Board, or to the General Manager of Development Services for consideration.

5. Administrative Fees (where LTSA means Land Title and Survey Authority):

SERVICE AND MAPPING FEES	FEE SCHEDULE
Title Search	\$17.00 per title
Registration, Amendment or Removal of Charges on Title	Current LTSA Fee
Assignment and Change of Address	\$45.00 per address includes signs
Maps	\$25.00
Photocopy Charges Individual Documents Bylaw (less than 100 pages) Bylaw (over 100 pages) Building Drawings – Full Size	\$0.25 per page (not to exceed \$10.00) \$10.00 per copy \$15.00 per copy \$5.00 per page
NSF Cheques	\$50.00
Archived Document Retrieval	\$50.00 for initial review (one hour) \$15.00 per additional half hour increment
Property Letter	\$50.00 for initial review (one hour) \$15.00 per additional half hour increment \$15.00 annual renewal fee

SCHEDULE 'B': NOTICE OF PROPOSAL SIGN SPECIFICATIONS

Where an application referenced in Section 16 is submitted the applicant shall prepare and post notification sign(s) on the subject property(s), and shall:

Location

1. Erect one sign on each street frontage of the site to inform the public about the nature and purpose of the application(s). The sign(s) shall be located within 6 metres (20 feet) of the street frontage and approximately the mid point of the subject property. The sign(s) shall be clearly visible from the street and be securely fixed to the ground. The sign shall be located a minimum 1.2 metres (4 feet) above the ground. Signage requirements, such as any additional signs, or for small corner sites will be at the discretion of Planning Division staff.

Posting

2. Prepare and post the notification sign in accordance with the sign specifications within 10 days of making the application to the Regional District and verify to RDCK planning staff that the sign(s) have been erected.
3. It is the responsibility of the applicant to make, buy, or rent the sign(s) and to post the same. Failure to install the sign(s) according to these requirements will result in a postponement in the processing of the application.
4. Remove the sign(s) within one week of the application being refused or approved, or within one week of the application being withdrawn by the applicant.

Specifications

5. The Notice of Development sign(s) shall be a minimum of 1.2 m X 1.2 m (4 feet by 4 feet) in size and constructed of 1.3 cm (1/2 inch) plywood or other durable material with a white background and black letters. The Format Sheet specifies the requirements regarding the materials and format of the Notice of Development sign(s).

NOTICE OF PROPOSAL
SIGN FORMAT SHEET

NOTICE OF PROPOSAL

RDCK FILE NO.:

SITE DESCRIPTION:

Address, Legal Description, Parcel Identifier
Map and/or rendering (*if applicable*)

APPLICATION TYPE:

TO FACILITATE:

Description of application proposal and details of site development

**FOR FURTHER INFORMATION, PLEASE CONTACT:
PLANNING DEPARTMENT, REGIONAL DISTRICT OF CENTRAL KOOTENAY
1-250-352-8165 or 1-800-268-7325
OR VISIT
www.rdck.ca > services > land use planning > applications in progress**

NOTICE OF DEVELOPMENT SIGN SPECIFICATIONS

Sign Material: 1/2" (1.3 cm) plywood or durable material

Sign Size: 48" (122 cm) x 48" (122 cm)

Sign Lettering: Black enamel paint or Black vinyl block lettering (i.e., Helvetica, Switzerland Black)

"NOTICE OF PROPOSAL"

1. 3" (7.6 cm) black letters

"RDCK FILE NO." (and all wording therein)

"SITE DESCRIPTION" (and all wording therein)

"APPLICATION TYPE" (and all wording therein)

"TO FACILITATE" (and all wording therein)

2. 1 1/2" (3.8 cm) black letters

"FOR FURTHER INFORMATION" (and all wording therein)

3. 1" (2.5 cm) black letters

SCHEDULE 'C': LAND USE AMENDMENT PROCEDURE

1. Prior to application, it is recommended that the applicant confer with the Regional District on the proposed amendment, whether for guidance or alternative procedures.
2. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table C-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
3. Within ten (10) days of making application, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'B' of this Bylaw.
4. RDCK planning staff will refer the application to all applicable Regional District departments, First Nations, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
5. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
6. RDCK planning staff may require the applicant to host a public information meeting based on the proximity of the proposal to adjacent residential properties and based on receipt of public comments. The applicant will be required to pay the cost of any associated public meetings as outlined in Schedule 'A' of this Bylaw. Staff members of the Regional District may or may not be delegated to attend.
7. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
8. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board.
9. The Board will, upon receipt, consider RAC's recommendation. If the Board decides to proceed with the amendment application, an amending bylaw will be prepared and given initial readings. The Board may alternatively decide to refer, table, or deny the application.
10. After the amending bylaw receives first and/or second reading, it will be advertised in an appropriate newspaper and if required, a public hearing will be held to permit the public to comment on the application. Notice of a public hearing will be given pursuant to the *Local Government Act* to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the property subject to the bylaw amendment. This distance may be extended at the discretion of staff.
11. The minutes of the public hearing will be presented on the next available Board agenda.

12. Following receipt of the public hearing minutes the Board will consider the amendment bylaw and may proceed with third reading, table or deny the application. Upon third reading, a zoning amendment bylaw may be forwarded to the Province for approvals if required before proceeding to the Board for adoption.
13. Once the applicant has adequately addressed all of the conditions identified at third reading, the Board will consider the adoption of the bylaw(s). Any required covenants or other legal documents required as a condition of approval are the financial responsibility of the applicant.

Table C-1 – Required Documents

Documents	Notes
1. Certificate of Title	A copy of the Title, issued not more than 30 days prior to the application date, for any parcel of land subject to the application and a copy of all non-financial charges registered on the subject property(s).
2. Agent Authorization	
3. Provincial Site Profile	
4. Site Plan	<p>Site plan of the proposed development drawn to scale and showing dimensions. The site plan must include:</p> <ul style="list-style-type: none"> – The civic address and full legal description of the property – Lot dimensions – Existing or required rights-of-way or easements. – Location and dimensions (including setbacks) of existing and proposed buildings and structures on the site (a recent survey plan is preferable) – Detailed drawings of the proposed development, including building sections, elevations and floor plans proposed for the site. – Location of existing wells or other water sources on property – Location of any existing or proposed septic fields – Location of any watercourses, steep banks or slopes on or adjacent to the property – Location of any existing community services of sanitary sewer, water, storm drainage and rights-of-way on the site or adjacent to the site – Location and width of existing or proposed access(es) to the property, driveways, maneuvering aisles and parking layout
5. Proposal Summary	Document detailing the existing bylaw, its sections and provisions, the proposed new or amended wording and the rationale behind the change. This shall include the effects, positive or negative, to surrounding property.
6. Landscape Plan	

SCHEDULE 'D': DEVELOPMENT PERMIT PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table D-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies, the Local Area Director and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
3. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the General Manager of Development Services.
4. To guarantee the performance of the terms of the permit a security deposit may be recommended. In the case where security is required, the General Manager will issue the permit only upon receipt of deposit in accordance with Schedule 'Q'.
5. No permit regarding commercial or industrial buildings exceeding 4,500 square metres in gross floor area near controlled access highways will be issued unless approved or exempted by the Minister of Transportation or his/her delegate.
6. If the applicant is dissatisfied with the decision of the General Manager of Development Services, the applicant can provide a signed 'Notice of Appeal' Declaration Form within 14 days to the General Manager of Development Services for subsequent consideration of the Rural Affairs Committee (RAC). The Permit is suspended until the Board renders a final decision.
7. Once the permit becomes effective, a Notice of Permit will be signed and sealed by the Secretary and registered against the title of the property(s) at the Land Title Office.
8. RDCK planning staff shall administer any further conditions of the Development Permit as specified within each individual permit as required. Planning staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are satisfied.

Table D-1 – Required Documents

Documents	Notes
1. Certificate of Title	
2. Agent Authorization	
3. Provincial Site Profile	
4. Site Plan	
5. Proposal Summary	
6. Qualified Environmental Professional's Report	Written explanation of project conformity to relevant guidelines. Development Permits for the protection of the natural environment, its ecosystems and biological diversity. As per RDCK's prescribed terms of reference
7. Design Plans	Development Permits for the form and character of development.
8. Landscape Plan	

SCHEDULE 'E': DEVELOPMENT VARIANCE PERMIT PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table E-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, the application will be returned to the applicant.
3. Within ten (10) days of making application, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'B' of this Bylaw.
4. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
5. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
6. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
7. The Board will, upon receipt, consider RAC's recommendation and may grant the requested permit, or may refer, table or deny the application.
8. If a Permit is granted, a Notice of Permit will be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office.
9. To guarantee the performance of the terms of the permit a security deposit may be recommended. In the case where security is required, the permit will be issued only upon receipt of deposit in accordance with Schedule 'Q.'

Table E-1 – Required Documents

Documents	Notes
<ol style="list-style-type: none"> 1. Certificate of Title 2. Agent Authorization 3. Provincial Site Profile 4. Site Plan 5. Proposal Summary 	<p>Document detailing the existing bylaw, its sections and provisions, the variance required and the rationale behind the change. This shall include the effects, positive or negative, to surrounding property.</p>

SCHEDULE 'F': BOARD OF VARIANCE PROCEDURE

1. Upon receipt of complete application accompanied by the required fees and documents outlined in Table F-1, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will review the application to determine whether the application seeks to vary a matter within the jurisdiction of the Board of Variance under the *Local Government Act* and whether it is complete and, if incomplete, the application will be returned to the applicant prior to a fee being taken.
3. RDCK planning staff will arrange for a hearing of the Board of Variance upon receipt of the application in conjunction with the RDCK Board of Variance members. If the application is an appeal of a determination of damages to property under Section 531(1) of the *Local Government Act* made pursuant to Section 528 of the *Local Government Act*, the hearing and determination by the Board of Variance must be made within thirty (30) days of receipt.
4. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies, and the Local Area Director as applicable.
5. Notice of proposal will also be given to owners and tenants of all parcels located immediately adjacent to the subject property.
6. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Board of Variance.
7. The Board of Variance will, upon receipt, consider staff's recommendation and hold a hearing of the Board of Variance, in which they may grant the requested variance, or may refer, table or deny the application. The decision of the Board of Variance is final and binding, except in those cases where an appeal is provided for in the *Local Government Act*.
8. Once the hearing minutes have been prepared, the applicant will be notified in writing of the outcome within seven (7) days of the decision.

Table F-1 – Required Documents

Documents	Notes
<ol style="list-style-type: none"> 1. Certificate of Title 2. Agent Authorization 3. Provincial Site Profile 4. Site Plan 5. Proposal Summary 	<p>Document detailing the existing bylaw, its sections and provisions, the variance required and the rationale for hardship. This shall include the effects, positive or negative, to surrounding property.</p>

SCHEDULE 'G': TEMPORARY USE PERMIT PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table G-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. Within ten (10) days of making application for a Temporary Use Permit, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'B' of this Bylaw.
3. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
4. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
5. RDCK planning staff may require the applicant to host a public information meeting based on the proximity of the proposal to adjacent residential properties and based on receipt of public comments. The applicant will be required to pay the cost of any associated public meetings as outlined in Schedule 'A' of this Bylaw.
6. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
7. After considering the applicant's proposal, referral agency comments, staff recommendations and draft permit, RAC will make a recommendation to the Board.
8. Should the Board choose to proceed with the processing of the permit, staff will arrange for a public hearing in accordance with the requirements of the *Local Government Act*.
9. Upon receipt of the minutes of the public hearing the Board may chose to issue the permit or deny the permit.
10. To guarantee the performance of the terms of the permit a security deposit may be recommended. In the case where security is required, the permit will be issued only upon receipt of deposit in accordance with Schedule 'Q.'
11. If a Permit is granted, a Notice of Permit will be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office. Once issued the owner of land has the right to put the land to the use described in the permit until the date that the permit expires. Unless otherwise stated, the permit is valid for a period of up to 3 years.

12. A person to whom a Temporary Use Permit has been issued may apply to have the permit renewed, subject to the restriction that a temporary use permit may be renewed only once. An application to renew will follow the above process.

Table G-1 – Required Documents

Documents	
<ol style="list-style-type: none"> 1. Certificate of Title 2. Agent Authorization 3. Provincial Site Profile 4. Site Plan 5. Proposal Summary 	<p>Description of use, its location and length of operation, periodic and holistic. Detailed plans for remediation of the property to original state (or bettered) including the expected timeframe for start, on-going monitoring and completion, if required.</p>
<ol style="list-style-type: none"> 6. Landscape Plan 	

SCHEDULE 'H': SITE SPECIFIC FLOODPLAIN EXEMPTION PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table H-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
3. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
4. After considering the applicant's proposal, referral agency comments, staff recommendations and draft permit, RAC will make a recommendation to the Board.
5. The Board will, upon receipt, consider RAC's recommendation and may grant the requested site specific exemption or amendment, or may refer, table or deny the application.
7. If an exemption or amendment is granted, a restrictive covenant under Section 219 of the *Land Title Act* will be prepared at the expense of the applicant to be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office.

Table H-1 – Required Documents

Documents	Notes
1. Certificate of Title	
2. Agent Authorization	
3. Provincial Site Profile	
4. Site Plan	
5. Proposal Summary	Document detailing the existing bylaw, its sections and provisions, the exemption requested and the rationale for hardship.
6. Qualified Professional Engineers Report	As per RDCK's prescribed terms of reference

SCHEDULE 'I': SOIL REMOVAL AND DEPOSIT PERMIT PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table I-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. Within ten (10) days of making application, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'B' of this Bylaw.
3. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
4. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
5. RDCK planning staff may require the applicant to host a public information meeting based on the proximity of the proposal to adjacent residential properties and based on receipt of public comments. The applicant will be required to pay the cost of any associated public meetings as outlined in Schedule 'A' of this Bylaw.
6. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
7. After considering the applicant's proposal, referral agency comments, staff recommendations and draft permit, RAC will make a recommendation to the Board. To guarantee the performance of the terms of the permit a security deposit may be recommended.
8. The Board will, upon receipt, consider RAC's recommendation and chose to issue the permit or deny the permit.
9. If a Permit is granted, a Notice of Permit will be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office. Once issued the owner of land has the right to put the land to the use described in the permit until the date that the permit expires.

Table I-1 – Required Documents

Documents	Notes
1. Certificate of Title	
2. Agent Authorization	
3. Provincial Site Profile	
4. Site Plan	

5. Proposal Summary

Description of use, its location and length of operation, periodic and holistic. Detailed plans for remediation of the property to original state (or bettered) including the expected timeframe for start, on-going monitoring and completion, if required.

6. Landscape Plan

SCHEDULE 'J': MANUFACTURED HOME PARK PERMIT PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table J-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality and to adjacent landowners if the proposal will require consideration of a variance.
3. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Building Manager (Chief Building Official).
4. The staff report, draft Manufactured Home Park Permit and comments from the applicant will be provided to the Building Manager (Chief Building Official) for review. If the Building Manager (Chief Building Official) approves the permit, the applicant will be notified accordingly. To guarantee the performance of the terms of the permit a security deposit may be recommended. In the case where security is required, the permit will be issued only upon receipt of deposit in accordance with Schedule 'Q.'
5. Once any and all relevant conditions have been satisfied notification is provided to the Building Department and relevant agencies. A building permit for the proposed development may be considered for issuance by the RDCK Building Department based on the provisions of the Manufactured Home Park Permit.
6. RDCK planning staff shall administer any further conditions of the Manufactured Home Park Permit as specified within each individual permit as required. Planning staff may conduct inspections, on an as-required basis, to ensure that the terms of the Manufactured Home Park Permit are being satisfied.
7. If, after the issuance of a permit, construction of the manufactured home park is not commenced within six (6) months from the date of issuance of the permit, or if, for any cause other than weather conditions, strikes or lock outs, the work is not carried on continuously and in good faith, the permit may be revoked by the Building Manager (Chief Building Official).

Table J-1 – Required Documents

Documents	Notes
<ol style="list-style-type: none"> 1. Certificate of Title 2. Agent Authorization 3. Provincial Site Profile 4. Site Plan 5. Proposal Summary 6. Landscape Plan 7. Servicing Requirements 	<p>Description of development including area of property, number of existing and proposed mobile home sites.</p>

SCHEDULE 'K': STRATA TITLE CONVERSION PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table K-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. If it is determined during staff's review of the application that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance permit or development permit. The application for Strata Title Conversion will not be approved until the non-conformance is addressed.
3. RDCK planning staff will refer the application to The Regional District Building Department along with the Structural Engineer or Architect's Report to verify that the structure(s) meet current B.C. Building Code. The applicant will be required to submit plans to bring the structure(s) into compliance with the current B.C. Building Code.
4. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
5. If there is no associated plan amendment, or if the proposal is different or more detailed than a previously considered amendment application, property owners of land within a minimum 100 metres (328 ft.) radius of the property subject to the proposed Strata Title Conversion will be notified by mail advising of the application. This distance may be extended at the discretion of staff. The deadline for receipt of comments shall be consistent with the above referenced referral to applicable agencies.
6. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
7. After considering the applicant's proposal, referral agency comments, staff recommendations and draft strata plan, RAC will make a recommendation to the Board.
8. The Board will, upon receipt, consider RAC's recommendation. The Board may approve the strata plan, approve the strata plan subject to terms and conditions, refuse to approve the strata plan, or refuse to approve the strata plan until terms and conditions are met. The Board's decision is final and cannot be appealed.
9. Once any and all relevant conditions have been satisfied, the Board will issue its endorsement of the strata plan.

Table K-1 – Required Documents

Documents	Notes
1. Certificate of Title	
2. Agent Authorization	
3. Provincial Site Profile	
4. Site Plan	
5. Proposal Summary	
6. Landscape Plan	
7. Qualified Professional Structural Engineer or Architect's Report	The report will evaluate the condition of the building, compare construction methods to the requirements of BC Building Code, and identify any areas where the building does not meet the health and safety requirements of the BC Building Code.
8. Servicing Requirements	A current (dated not more than 12 months prior to the date of application) Compliance Letter and Septic Report addressing the state of the septic system from a Registered Onsite Wastewater Practitioner (ROWP). Where the scope of the project is sufficiently large, a community sewage disposal system with the appropriate permit from the Province will be required. Additionally, proof of an adequate supply of potable water must be submitted.
9. Relocation of Existing Tenants Plan	A list of the names and mailing addresses of the persons occupying the units, together with copies of any lease agreements and the proposal/intentions regarding the relocation of persons who may be affected by the proposed Strata Title Conversion.

SCHEDULE 'L': SUBDIVISION REFERRAL PROCEDURE

1. Upon receipt of an application referral from the Ministry of Transportation and Infrastructure (MoTI) accompanied by the required attachments, RDCK planning staff will open a file and issue an invoice to the applicant as defined in Schedule 'A' of this Bylaw.
2. Upon receipt of applicable fees, RDCK planning staff will evaluate the application referral for compliance with relevant Regional District bylaws and policies. The application referral may also be distributed to other applicable RDCK departments for comment. Staff may conduct a site visit to view the property as part of the evaluation process.
3. If it is determined during staff's review of the application referral that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance permit or development permit.
4. RDCK planning staff will forward copies of a Notice of Requirements letter to the Ministry and Applicant. The Notice of Requirements letter will outline the results of the application referral review; identifying any outstanding requirements, areas of the application that may conflict with applicable bylaws, and/or required amendment(s).
5. As any outstanding requirements are submitted by the Applicant, the RDCK will check any additional application materials to verify that the conditions of the Notice of Requirements letter have been satisfied.
6. Once all the requirements defined by the RDCK in the Notice of Requirements letter have been satisfied by the Applicant, the RDCK will notify the Ministry and the Applicant that there are no outstanding issues within the scope of the RDCK's jurisdiction.
7. Final document subdivision applications will follow the process stated in Schedule L. Staff will be cognisant of the legislated 60 day time limit when preparing the Notice of Requirements letter.

SCHEDULE 'M': INDUSTRY CANADA REFERRAL PROCEDURE

1. Upon receipt of an application referral from Industry Canada accompanied by the required attachments, RDCK planning staff will open a file and forward the referral package to RDCK planning staff.
2. RDCK planning staff will evaluate the application referral for compliance with relevant Regional District bylaws and policies. The application referral may also be distributed to other applicable RDCK departments for comment.
3. If it is determined during staff's review of the application referral that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance permit or development permit.
4. A referral information package will be compiled by RDCK planning staff for referral to applicable Local Area Director(s); information prepared will include notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. Draft comments as prepared by planning staff will be included in an electronic memo to the applicable Local Area Director(s).
5. Referral information packages will not be sent to local Advisory Planning Commission (APC) as it falls outside of their mandate, however a Local Area Director may choose to solicit advice from their APC where it is deemed appropriate prior to submitting their comments.
6. Following the comment period, planning staff will compile any planning staff comments and any comments received by the Local Area Director(s) into any associated referral form (generally provided) for submission.
7. For Industry Canada specific referrals on Crown Land, response will include a corresponding letter of concurrence and a notation that the Province's Land Use Operational Policy – Communication Sites satisfies RDCK consultation requirements. RDCK planning staff will take into consideration the FCM (Federation of Canadian Municipalities) Antenna System Siting Protocol and are directed to conduct a site visit where practicable.
8. For Industry Canada specific referrals located on private lands, planning staff will be required to prepare an RDCK Board Report making recommendation for resolution to meet Industry Canada Requirements.

**SCHEDULE 'N': LOCAL GOVERNMENT, CROWN, FOREST, NOTICE OF WORKS
REFERRAL PROCEDURE**

1. Upon receipt of an application referral from the Province or other applicable authority accompanied by the required attachments, RDCK planning staff will open a file and forward the referral package for review.
2. RDCK planning staff will evaluate the application referral for compliance with relevant Regional District bylaws and policies. The application referral may also be distributed to other applicable RDCK departments for comment.
3. If it is determined during staff's review of the application referral that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance permit or development permit.
4. A referral information package will be compiled by RDCK planning staff for referral to applicable Local Area Director(s); information prepared will include notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. Draft comments as prepared by planning staff will be included in an electronic memo to the applicable Local Area Director(s).
5. Referral information packages will not be sent to local Advisory Planning Commission (APC) as it falls outside of their mandate, however a Local Area Director may choose to solicit advice from their APC where it is deemed appropriate prior to submitting their comments.
6. Referrals which impact three or more Electoral Areas will be presented to the Rural Affairs Committee to recommend a resolution for the Regional Board to endorse.
7. RDCK planning will submit planning staff comments, any comments received by the Local Area Director(s) and any Board resolutions to the applicable authority.

SCHEDULE 'O': ACCRETION REFERRAL PROCEDURE

1. Upon receipt of an application referral from the applicant and/or agent accompanied by the required attachments, RDCK planning staff will open a file and forward the referral package for review.
2. Planning staff will conduct a site visit or make use of data available through the RDCK mapping and/or property files to verify that the information submitted by the applicant and/or agent is complete and correct.
3. A referral information package will be compiled by RDCK planning staff for referral to applicable Local Area Director(s); information prepared will include notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. Draft comments as prepared by planning staff will be included in an electronic memo to the applicable Local Area Director(s).
4. Referral information packages will not be sent to local Advisory Planning Commission (APC) as it falls outside of their mandate, however a Local Area Director may choose to solicit advice from their APC where it is deemed appropriate prior to submitting their comments.
5. Following the comment period, planning staff will compile any planning staff comments and any comments received by the Local Area Director(s) for submission to the Surveyor General.

SCHEDULE 'P': AGRICULTURAL LAND RESERVE (ALR) APPLICATION PROCEDURE

Upon receipt of an ALR Inclusion, Exclusion, Subdivision of an within ALR, Non-Adhering Residential Use, Soil Use for Placement of Fill or Removal of Soil, and Non-Farm Use application from the Agricultural Land Commission, staff will process the application in the following manner:

1. Upon receipt of an application from the Agricultural Land Commission accompanied by the required attachments, RDCK planning staff will open a file. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, will inform ALC staff of the required missing information.
2. RDCK planning staff will evaluate the application for compliance with relevant Regional District bylaws and policies. Staff may conduct a site visit to view the property as part of the evaluation process.
3. If it is determined during staff's review of the application that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity may be considered through a land use amendment, development variance permit or development permit.
4. RDCK planning staff will refer the application for information and comment to applicable RDCK departments, Local Area Director(s), Ministry of Agriculture staff and agricultural advisory commission(s) for a period of thirty (30) days. The Local Area Director(s) may solicit advice from the applicable advisory planning commission(s).
5. Following the referral period, staff evaluation, agency referral comments and public comments will be incorporated into a report to the Rural Affairs Committee (RAC) of the Board.
6. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which the amendment application will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board.

AREAS WITH A ZONING BYLAW:

7. Under the *Agricultural Land Commission Act*, applications that do not conform to a local zoning bylaw may not proceed unless authorized by a resolution of the local government. The Board will consider RAC's recommendation and will pass a resolution to deny the proposal or advance the proposal to the ALC. The local government resolution may include additional comments for the ALC to consider.

8. If the Board refuses the application, the \$600 ALC portion of the fee will be returned to the applicant.
9. If the Board supports the application, planning staff will submit the Board resolution, Staff Resolution and other associated materials to the ALC application Portal.
10. Upon receipt of a decision by the ALC, the resolution will be placed on the next RDCK Board agenda for information. Resolutions will be saved both electronically and in hard copy with the associated ALR File.

AREAS WITH NO ZONING BYLAW:

11. The Board will consider RAC's recommendation and will pass a resolution with comments for the ALC to consider.
12. Planning staff will submit the Board resolution, Staff Report and other associated materials to the ALC Portal.
13. Upon receipt of a decision by the ALC, the resolution will be placed on the next RDCK Board agenda, and forwarded to any applicable RDCK department or Provincial agencies impacted by the decision. Resolutions will be saved both electronically and in hard copy with the associated ALR File.

SCHEDULE 'Q': SECURITY DEPOSIT CALCULATION PROCEDURE

Under the *Local Government Act* (S.502), the RDCK Board or delegate may require security as condition for the issuance of Development Permits, Development Variance Permits and Temporary Use Permits. A local government may require that the applicant provide security for the following purposes:

- a. a condition in a permit respecting landscaping has not been satisfied;
- b. an unsafe condition has resulted as a consequence of a contravention of a condition in a permit; or
- c. damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit (e.g., watercourse setback protection fencing, channel reconstruction, riparian replanting).

Form of security: Security will be provided in a form chosen by the applicant as either an automatically renewing irrevocable letter of credit or security deposit satisfactory to the General Manager of Development Services. Interest earned on the security accrues to the holder of the permit and must be paid to the holder immediately on return of the security or, on default, becomes part of the amount of the security.

Amount: The amount of security must be specified in the permit and will be calculated according to the following: (all estimates or quotes will be provided by the applicant at the applicant's expense)

- a. Landscaping security. The amount of security will be 125% of an itemized estimate or quote of the cost of works submitted by a Landscape Architect, Qualified Environmental Professional, landscaping company or other professional approved by the General Manager of Development Services.
- b. Remediation security may be required to rectify an unsafe condition or damage to the natural environment that may result as a consequence or a contravention of a condition in a permit. The amount of security will be 125% of an itemized estimate or quote of the cost of works reflecting the nature of the permit conditions. The estimate must be submitted by a Professional approved by the General Manager of Development Services.

In extraordinary circumstances, alternate methodologies to calculate the amount of security may be approved by the General Manager of Development Services.

Return of Security

If a permit is cancelled by the applicant and no work has occurred related to the security deposit, the security deposit will be returned to the applicant at the approval of the General Manager of Development Services. When required works are completed, the applicant may contact planning staff to request an inspection prior to obtaining a refund of the security.

SCHEDULE 'R': LIQUOR AND CANNABIS LICENSING PROCEDURE

The process for the issuance of retail licensing for Liquor and Cannabis Retail is the sole jurisdiction of the Provincial government under the Liquor and Cannabis Regulations Branch. Local governments have been provided opportunity to provide recommendation on all license applications and must provide opportunity for community feedback prior to making formal recommendation of support or non-support. The process requirements are similar for both types of licensing and as such the RDCK will process the licensing of both liquor and cannabis in a similar manner. This procedure does not apply for Liquor Licensing for the purposes of establishments licensed under the *Liquor Control and Licensing Act*, such as food and beverage establishments or special event permits.

1. Upon receipt of a notice of intent to apply for or obtain a license for Liquor or Non-medical Cannabis Retail Sales, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. Within ten (10) days of making application, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'B' of this Bylaw.
3. If it is determined during staff's review of the notice of intent that the proposal does not conform to relevant Regional District bylaws and policies, the applicant/agent will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance or development permit.
4. A referral information package will be compiled by RDCK planning staff for notification to the Local Area Director, local fire department, local law enforcement and adjacent property owners. Information prepared will include: notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. The referral information package will be provided electronically and by mail.
5. A newspaper notification will also be placed to solicit further public comment.
6. Referral information packages will not be sent to local Advisory Planning Commissions (APCs) as it falls outside of their mandate, however a Local Area Director may choose to solicit advice from their APC where it is deemed appropriate prior to submitting their comments.
7. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board. Preference will be provided for applications that take into consideration the following guidelines:
 - a. Conformance with relevant Regional District bylaw and policies

- b. Proximity to other specified land uses such as day cares, health care facilities, libraries, parks, playgrounds, schools and other liquor or cannabis related businesses (recommended minimum distance of 300 metres)
 - c. Licenses will not be supported in a dwelling place or as a home based occupation
- 8. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which their application will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board.
- 9. The RDCK Board will, upon receipt, consider RAC's recommendation. The Board may support the application, not support the application, or request that the applicant provide further information.
- 10. Once the Board minutes have been prepared, the applicant and the appropriate approval authority will be notified in writing of the outcome.



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: April 1, 2020
Date & Type of Meeting: April 15, 2020 Rural Affairs Committee
Author: Dana Hawkins, Planner
Subject: AGRICULTURE LAND RESERVE EXCLUSION POLICY
File: 10\5200\20\AG_AGRICULTURE_POLICY_REVIEW\PHASE2-2019

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to present to the Rural Affairs Committee different options for policy recommendations to address possible future requests by landowners that the RDCK apply on their behalf to the Agricultural Land Commission for exclusions, once their ability to do so is removed from the Agricultural Land Commission Act as per Bill 15 - Agricultural Land Commission Amendment Act, 2019.

Staff are presenting two potential options to address these new situations for the Committee's approval. The desired option will be taken and crafted into a policy that will be brought back for further consideration at a future Committee meeting.

SECTION 2: BACKGROUND / ANALYSIS

2.1 BACKGROUND

Resolution

At the December 12, 2019 Board meeting the following Resolution 943/19 was passed:

That Staff be directed to develop policy recommendations for consideration by the Rural Affairs Committee and the Board at their March 2020 meetings, regarding possible future requests by landowners that the RDCK apply on their behalf to the Agricultural Land Commission for exclusions, once their ability to do so is removed from the Agricultural Land Commission Act as is contemplated under Bill 15 - Agricultural Land Commission Amendment Act, 2019 that was recently approved by the Legislature, but that has not yet received Royal Assent;

AND THAT, such policy recommendations be informed by existing policy documents such as Official Community Plans, the RDCK Agriculture Plan, and the Agriculture Water Demand Model Report for RDCK.

Bill 15

On March 12, 2020 Order in Council 131/2020 brought parts of Bill 15 into force and effect as well as made changes to the Agriculture Land Reserve (ALR) General Regulation. As of March 12, 2020 there will be three ALR Regulations that have effect in the ALR:

1. NEW ALR General Regulation – OIC 131/2020 partially in effect.
2. ALR Transitional Regulation – partially repealed previous ALR General Regulation.
3. ALR Use Regulation - remains unchanged.

One of the changes under Bill 15 affects ALR exclusion applications. Local Governments, First Nation Governments, the Province of BC, and prescribed public bodies may make application to exclude land from the ALR. Individual landowners may no longer submit exclusion applications to the ALC. This will come into effect September 30, 2020.

2.2 PLANNING DISCUSSION

The regional district can reasonably anticipate receiving requests from property owners to make application on their behalf to exclude lands from the ALR. In advance of the September 30, 2020 date it is prudent to have a policy in effect where land owners understand how their requests will be handled and RDCK does so in a fair and consistent manner. Staff have compiled relevant Agricultural policy (further detail in Appendix 'A') and used the policies to guide the options outlined below and a recommendation to move forward.

Agricultural Plan

The Agricultural Plan was completed in 2011. Consultation from the report indicated that loss of farmland was a key concern. The RDCK's Agricultural Land Use Inventory (2016) showed that 45,286 ha of lands in the RDCK were within the ALR. Of these lands 35% of parcels were used for farming purposes and 65% of parcels were not used for farming.

The Agricultural Plan included goals and recommendations to support farming in the regional district. One such goal is to ensure that the agricultural capability of the RDCK is realized and protected with one recommendation to, "encourage the protection of agricultural land where appropriate, through the Official Community Plan process and other land use planning tools."

Agriculture Water Demand Model Report

The Agriculture Water Demand Model was applied to provide current and future agriculture water demands for the RDCK.

Official Community Plans

Each Electoral Area has its own Official Community Plan (OCP) addressing agricultural policy (refer to Appendix 'A'). However, most of the OCP's contain a primary objective to preserve and promote the use of agricultural land for current and future agricultural production. Some OCP's contain policy specific to exclusions of land from the ALR:

Electoral Area A - To promote the removal of lands within the Agricultural Land Reserve that is considered of marginal benefit to Agriculture.

Electoral Area B, D & E - To examine any ALR boundary changes initiated by property owners, the RDCK, and the Province which review agricultural suitability in the Plan area; provided affected landowners are notified and have opportunity for input.

Electoral Area C - To examine any ALR boundary changes in association with affected landowners.

Electoral Area H North - To support any ALR boundary changes initiated by the Province arising from joint local government and ALC initiatives which review agricultural suitability in the Plan area; provided affected landowners are notified and have opportunity for input.

Electoral Areas I and J - The Board of the Regional District shall support the retention of suitable farm land within the Agricultural Land Reserve.

Electoral Area K - Supports applications for the removal, subdivision and non-farm use of lands presently in the Agricultural Land Reserve if such development relate to lands that do not have value for agriculture as determined by the British Columbia Agricultural Land Commission.

Options

From these studies and plans, it is apparent that there is a desire and necessity to allocate, preserve and protect agricultural land in the region. These works also point towards a trend that properties in RDCK do not have to be large parcels or highly classed soils to be agriculturally viable, and that a significant portion of existing ALR lands in the region are utilized for other uses than farming. This leads staff to recommend a deliberate and well thought out process for the proposed policy. Two options are discussed in further detail below:

- i. Defer review as part of policy review
Staff is recommending that ALR exclusions be considered at the review of Official Community Plans. The nature of these processes are detailed, analytical and include a high level of public engagement. ALR exclusions can be part of a broader community discussion on agriculture and support for such requests can be evaluated at this community level. As these reviews take place every 5 to 10 years, the policy may be written to anticipate exemptions where an urgent review could be done sooner.
- ii. Review requests as a block
The Committee can choose to have staff collect property owner's requests and bring them forward as a block request – either a group of land owners comes together and presents a request or requests are catalogued by Electoral Area and brought forward once a sufficient amount is received.

Staff recommend that the Creston Valley Agricultural Advisory Commission be referred to and their expertise be utilized for whatever RAC's preferred option is. Other recommended review bodies would be the Advisory Planning Commissions and ultimately the RAC and Board.

Staff is recommending against having property owners who wish to have their land excluded from the ALR being forwarded by the Board to the ALC on a case by case basis. Reviewing properties one by one makes it difficult to be strategic and align with the RDCK's existing agricultural policies. It would also be time intensive for staff and elected officials; there would be little difference from how exemption applications are reviewed today but without the ability to accept a fee to offset the costs. There is also concern that applying to the ALC on a property owner's behalf may encroach upon Section 25(1) of the *Community Charter* which prohibits local governments from providing a grant, benefit, advantage or other form of assistance to a business including an exemption from a tax or fee.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Currently RDCK receives a portion of the application fee when property owners make application to the Agricultural Land Commission to exclude property from the ALR. It is important to note that as property owners may advocate to RDCK to make application on their behalf there will no longer be a fee that offsets the staff time required to review these requests.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

The proposed policy is necessitated by changes to Provincial regulation affecting the Agricultural Land Reserve by Bill 15.

c. Environmental Considerations:

Agriculture depends on ecosystem services (the ecological goods and services provided by natural ecosystems) and involves the cycling of water and nutrients, pollination and natural pest control.

d. Social Considerations:

The provision of adequate agricultural land is a key component to a sustainable and prosperous local food system in our region.

e. Economic Considerations:

Agriculture is an important economic driver in the RDCK. Agriculture is considered to have high multiplier effects relative to other sectors – recycling spending in the local economy and stimulating additional local business activity.

f. Communication Considerations:

Once a policy is created it should be well communicated to property owners. RDCK staff will continue to endeavor to keep property owners informed of the provincial changes that affect ALR lands. Current efforts have included website updates, new circulars and notices at public front counters.

g. Staffing/Departmental Workplan Considerations:

Managing and reviewing request will require staff time affecting Development Services Staff. Policy options recommended by staff aim to create as much efficiency as possible to well utilize staff time.

h. Board Strategic Plan/Priorities Considerations:

Food Security and Agriculture are RDCK Board Priorities.

SECTION 4: OPTIONS & PROS / CONS

4.1 SUMMARY

Bill 15 received royal assent on March 12, 2020. Local Governments, First Nation Governments, the Province of BC, and prescribed public bodies may make application to exclude land from the ALR. Individual landowners may no longer submit exclusion applications to the ALC. These changes will come into effect September 20, 2020. To prepare for the potential of requests of RDCK to make exclusion applications on property owner’s behalf, a policy will be prepared to provide guidance.

Staff have discussed the following options for the proposed policy in Section 4.2 of this report including: reviewing requests as part of Official Community Plan reviews or other relevant policy projects and

reviewing requests as a block once a certain number have been received. Staff is recommending the former, reviewing requests as part of Official Community Plan reviews or other relevant policy projects, for the reasons discussed in this report.

4.2 OPTIONS

Option 1: Defer review as part of policy review

That the Board DIRECT staff to draft the Agriculture Land Reserve Exclusion Policy where the Rural Affairs Committee shall review request for property exclusion from ALR lands as part of Official Community Plan reviews or other relevant policy projects and that this draft policy be brought back for further consideration by the RAC and Board.

Option 2: Review requests as a block

That the Board DIRECT staff to draft the Agriculture Land Reserve Exclusion Policy where the Rural Affairs Committee shall review request for property exclusion from ALR lands as a block when a certain number of requests are received in a geographical area and that this draft policy be brought back for further consideration by the RAC and Board.

SECTION 5: RECOMMENDATION(S)

That the Board DIRECT staff to draft an Agriculture Land Reserve Exclusion Policy where the Rural Affairs Committee shall review requests for property exclusion from ALR lands as part of the Official Community Plan review process or other relevant policy projects and that this draft policy be brought back for further consideration by the RAC and Board.

Respectfully submitted,

Originally signed by Dana
Hawkins.

Dana Hawkins, MCIP, RPP
Planner 2

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services
Chief Administrative Officer

Originally approved by Nelson Wight.
Originally approved by Sangita Sudan.
Originally approved by Stuart Horn.

ATTACHMENTS:

Attachment A – RDCK Agricultural Policy Analysis

Appendix A - RDCK Agricultural Policy Analysis

RDCK Agriculture Plan, 2011

https://rdck.ca/assets/Services/Sustainability~and~Environmental~Initiatives/Documents/2011-06-15-RDCK_AgPlan.pdf

Goal 2: To Ensure that the Agricultural Capability of the RDCK is Realized and Protected

Through community consultations and additional research the key areas identified to better realize the agricultural capability of the area include: *maintain the farmland and the Agricultural Land Reserve.*

Capability Recommendation #3

It is recommended that the RDCK encourage the protection of agricultural land where appropriate, through the Official Community Plan process and other land use planning tools.

Agriculture Water Demand Model Report, 2017

https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/water/agriculture-water-demand-model/500300-22_agric_water_demand_model_-_central_kootenay.pdf

Area A (East Shore Kootenay Lake) Comprehensive Land Use Bylaw No. 2315, 2013

https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/2315_A_CLUB-2.pdf

Agriculture Objectives

1. To identify lands that have continuing, or future, value for agriculture.
- 2. To encourage the protection and agricultural use of land with continuing value for agriculture.*
3. To encourage optimum use and development of agricultural activities on agricultural land associated with the production and processing of livestock, poultry, farmed game, fur bearing animals, crops, fruit, grain, vegetables, milk, eggs, honey, mushrooms, fibre crops and horticultural and aquaculture products provided the activity serves local producers and is small scale.
4. To encourage agricultural practices that do not adversely impact the surrounding environment; nor compromise the capability of the land for future food production.
5. To minimize conflict between agriculture and other land uses.
- 6. To promote the removal of lands within the Agricultural Land Reserve that is considered of marginal benefit to Agriculture.*

Agriculture Policies

The Regional Board:

7. Encourages that the principal use of Agricultural lands shall be of an agricultural nature. In addition, the Regional Board encourages the development of small scale food processing facilities within Agricultural zones provided the facility operates in an environmentally sustainable fashion and ensure that such facilities have obtained all necessary licenses and permits from appropriate regulatory bodies.
8. Supports that all new land use and subdivision of land within the Agricultural Land Reserve (ALR) shall be in accordance with the provisions of the Agricultural Land Reserve Act associated regulations, orders and decisions of the Provincial Agricultural Land Commission.
9. Supports that the minimum lot size shall be two (2) hectares.
10. Will encourage food processing activities within the Plan Area, and uses secondary to, and complementary to agricultural production; such as market gardens, agritourism, farmers markets and farm gate sales.
11. Will support enhanced educational and training opportunities in agriculture in conjunction with local educational institutes, school districts and private initiative.
12. Supports the Farm Practices Protection (Right to Farm) Act

Area B (Rural Creston) Comprehensive Land Use Bylaw No. 2316, 2013

https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/2316_B_CLUB-1.pdf

Agriculture Objectives

- 1. To preserve and promote the use of agricultural land for current and future agricultural production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.*
2. To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
3. To support agricultural land use practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production.
4. To support agricultural land use practices within and adjacent to farming areas that seek to minimize conflicts between agriculture and other land uses.
5. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.
6. To encourage senior levels of government to enable and facilitate agricultural activity and industry.
7. To recognize distinct agricultural areas reflecting unique historical development trends, soils and climate.

8. To examine any ALR boundary changes initiated by property owners, the RDCK, and the Province which review agricultural suitability in the Plan area; provided affected landowners are notified and have opportunity for input.

Agriculture Policies

The Regional Board:

9. Directs that the principal use of land designated 'Agriculture' shall be for agricultural use.
10. Will permit varying parcel sizes depending on the respective agricultural designation, but generally shall range between four (4) hectares, eight (8) hectares and sixty (60) hectares for lands within the ALR, and no smaller than two (2) hectares for land outside of the ALR.
11. Supports that all new land use and subdivision of land within the ALR shall be in accordance with the provisions of the Agricultural Land Commission Act, associated regulations, orders and decisions of the Provincial Agricultural Land Commission (ALC).
12. May consider applications to subdivide parcels smaller than two (2) hectares within the ALR, subject to the approval of the Agricultural Land Commission (ALC), in the following cases:
 - a. for a home-site severance under Provincial Acts and Statutes, where the subdivision or boundary adjustment will allow for more efficient use of agricultural land or the better utilization of farm buildings for farm purposes;
 - b. where the community interest in the subdivision of the land outweigh the community interest in the retention of the land in a larger parcel; and where
 - c. such proposed parcel sizes are subject to the approval by the Agricultural Land Commission (ALC)
13. May require that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing or landscaping.
14. Supports the consolidation of legal lots that may support more efficient agricultural operations.
15. Supports directing intensive agricultural operations to larger lots or increasing building setbacks and other possible mitigation measures to prevent potential conflicts with adjacent land uses.
16. Supports the use of minimum and maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations.
17. Will provide opportunity to diversify and enhance uses secondary to agricultural uses with home based business and industry, agri-tourism, or accessory tourist accommodation opportunities, provided that they are compatible with the agricultural character of the area.
18. May consider secondary dwelling applications within the ALR in accordance with the density provisions of the associated zoning regulations of this Bylaw and with Provincial approval where necessary.

19. Will encourage food processing activities within the Plan area, and uses secondary to, and complementary to agricultural production; such as market gardens, agri-tourism, farmers markets and farm gate sales.

20. Supports the Farm Practices Protection (Right to Farm) Act

Area C (West Creston) Comprehensive Land Use Bylaw No. 2317, 2013

<https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/2317-C CLUB Consolidated 2650.pdf>

Agriculture Objectives

1. To preserve and promote the use of agricultural land for current and future agricultural production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.

2. To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.

3. To support agricultural land use practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production.

4. To support agricultural land use practices within and adjacent to farming areas that seek to minimize conflicts between agriculture and other land uses.

5. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.

6. To encourage senior levels of government to enable and facilitate agricultural activity and industry.

7. To recognize distinct agricultural areas reflecting unique historical development trends, soils and climate.

8. To examine any ALR boundary changes in association with affected landowners.

Agriculture Policies

The Regional Board:

9. Directs that the principal use of land designated 'Agriculture' shall be for agricultural use.

10. Recognizes the jurisdiction of the Agricultural Land Commission (ALC) over land use and subdivision within the ALR.

11. Will permit varying parcel sizes depending on the respective agricultural designation, but generally shall range between four (4) hectares (9.88 acres) and sixty hectares (60) hectares (148.26 acres) for land within the ALR, or no smaller than two (2) hectares (4.94 acres) for land outside of the ALR.

12. May require that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing or landscaping.

13. Supports the consolidation of legal lots that may support more efficient agricultural operations.
14. Supports directing intensive agricultural operations to larger lots or increasing building setbacks and other possible mitigation measures to prevent potential conflicts with adjacent land uses.
15. Will provide opportunity to diversify and enhance uses secondary to agricultural uses with home based business and industry, agri-tourism, or accessory tourist accommodation opportunities, provided that they are compatible with the agricultural character of the area.
16. May consider secondary dwelling applications within the ALR in accordance with the density provisions of the associated zoning regulations of this Bylaw and with Provincial approval where necessary.
17. Will encourage food processing activities within the Plan area, and uses secondary to, and complementary to agricultural production; such as market gardens, agritourism, farmers markets and farm gate sales.
18. Encourages the development of small scale food processing facilities on farm lands in Agricultural zones, provided the facility operated in an environmentally sustainable fashion and insure that such facilities have obtained all licenses and permits from the appropriate regulatory bodies.
19. Supports the Farm Practices Protection (Right to Farm) Act.
20. Supports the RDCK Agricultural Area Plan (2011)

Area D (North Kootenay Lake) Comprehensive Land Use Bylaw No. 2435, 2016

https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/2435-D-CLUB_No_Schedules.pdf

Agriculture Objectives

- 1. Preserve agricultural land with continuing value for agriculture for current and future production, and protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.*
2. Minimize conflicts between agriculture and other land uses.
3. Encourage the agricultural sector's viability by pursuing supportive land use policies within, and adjacent, to farming areas and ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
- 4. Examine any ALR boundary changes initiated by property owners, the RDCK, and the Province which review agricultural suitability in the Plan area; provided affected landowners are notified and have opportunity for input.*
5. Support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.
6. Encourage agricultural producers to consider environmental values during agricultural activity.

7. Encourage opportunities in agricultural skill building and education in Kootenay Lake and the Lardeau Valley in recognition of the area's agricultural heritage and to promote self-sufficiency and local food production.

Agriculture Policies

The Regional Board:

8. Encourages that the principal use of lands designated as 'Agriculture' in Schedule 'A.1' shall be agricultural or residential.

9. Recognizes the value of agriculture in the Plan area.

10. Ensures that all land use and subdivision of land within the ALR shall be in accordance with the provisions of the Agricultural Land Commission Act, associated regulations, orders and decisions of the Provincial Agricultural Land Commission.

11. Will work with the Province to ensure that new development adjacent to agricultural areas provides sufficient buffering in the form of setbacks, fencing, and landscaping consistent with Provincial specifications.

12. Supports the preservation of environmental values, and where possible conserving these values, in conjunction with sustainable agricultural practices, Provincial Acts and Statutes, and associated amendments to the Local Government Act.

13. Will encourage food processing activities within the Plan area, and uses secondary to and complementary to agricultural production, such as market gardens, agri-tourism, farmers markets and farm gate sales.

14. Will support enhanced educational and training opportunities in agriculture in conjunction with local educational institutes, school districts and private initiative.

15. Supports that lands under the 'Agriculture' designation used for conservation purposes be encouraged to consider maintaining the agricultural value and/or use of such lands.

16. Will consider the impacts on local food production and self-sufficiency when making land use decisions on lands within the Agricultural Land Reserve and/or designated 'Agriculture', including but not limited to:

- a. Soil capacity;
- b. Water resources; and
- c. Capability for agricultural production.

Area E Rural Official Community Plan Bylaw No. 2260, 2013

https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/2260_E_OCP-1.pdf

Agriculture Objectives

1. To preserve and promote the use of agricultural land for current and future agricultural production.

2. To minimize conflicts between agriculture and other land uses.
3. To support small farms and local food systems by creating opportunities to develop value added secondary industries to enhance farm income.
4. To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
5. To encourage opportunities for residents to cultivate their own food on land that is not necessarily designated as agricultural.
6. To encourage opportunities in agricultural skill building and education in the Plan area in recognition of the area's agricultural heritage and to promote self-sufficiency and local food production.

7. To examine any ALR exclusions initiated by property owners, the RDCK, and the Province which review agricultural suitability in the Plan area; provided it is ensured affected landowners are notified and have opportunity for input.

Agriculture Policies

The Regional Board:

1. Encourages that the principal use of lands designated as Agriculture in Schedule 'B' shall be for agricultural or rural residential use.
2. Will permit varying parcel sizes depending on the respective land use designation, but generally, shall not be smaller than 4 hectares for lands within the ALR, or smaller than 2 hectares for lands outside of the ALR.

3. Encourages ALR inclusions where property owners are committed to the preservation of suitable agricultural lands.

4. Encourages the RDCK and Agricultural Land Commission (ALC) to review Provincial policies with regard to recognizing the importance of small lot agriculture and food production prevalent in the RDCK and soil improvement strategies when making decisions on Agricultural Land Reserve exclusion applications.
5. Recognizes that local agriculture contributes to local food production and the economy within the Plan area, the City of Nelson, and adjacent electoral areas.
6. Will consider supporting applications to subdivide parcels smaller than 4 hectares within the ALR, subject to approval of the ALC, in the following cases:
 - a. for a home-site severance under Provincial Acts and Statutes; where the subdivision or boundary adjustment will allow for more efficient use of agricultural land or the better utilization of farm buildings for farm purposes;

b. where the community interest in the subdivision of the land outweigh the community interest in the retention of the land in a larger parcel as identified in Section 5, Clause 8 above and as determined through public consultation; and

c. where the individual parcel sizes within the 'Agriculture' designation are subject to approval by the ALC and meet Provincial requirements for waste water disposal.

7. Supports the consolidation of existing parcels where such consolidation supports more effective agricultural operations.
8. Encourages that all land use and subdivision of land within the ALR be in accordance with Provincial Acts and Statutes, associated regulations, and orders and decisions of the Agricultural Land Commission (ALC).
9. Will ensure that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing, and landscaping consistent with Provincial specifications.
10. Will encourage food processing activities within the Plan area, and uses secondary to and complementary to agricultural production, such as market gardens, agri-tourism, farmers markets and farm gate sales.
11. Will support enhanced educational and training opportunities in agriculture in conjunction with local educational institutes, school districts and private initiative.
12. Supports the Farm Practices Protection (Right to Farm) Act

Area F Official Community Plan Bylaw No. 2214, 2012

https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/2214-F_OCP_Consolidated_2574.pdf

Food Agriculture and Rural Land Objectives

- .1 Support small farms and local food systems by creating opportunities to develop value-added secondary industries to enhance farm income.
- .2 Support agricultural land use practices within and adjacent to farming areas that seek to minimize conflicts between agriculture and other land uses. .
- 3 Encourage opportunities for residents to cultivate their own food on land that is not necessarily designated as agricultural.
- .4 Retain and enhance the natural character of rural / country residential areas.

Agriculture Policies

The Regional Board:

- 1 Recognizes "agriculture" as a primary permitted use in the OS and ER designations, and "horticulture" and "nurseries, greenhouses, and florists" as either a primary or accessory use in some Residential zones.

- .2 Will ensure that new development adjacent to agricultural areas provides sufficient buffering in the form of setbacks, fencing, and landscaping.
- .3 Supports the consolidation of legal parcels that support more efficient agricultural operations.
- .4 Supports the planning of new and modified roads, utility and communication corridors in the Plan area that avoid disruption and fragmentation of existing and potential agricultural land.
- .5 Supports directing intensive agricultural operations to larger lots or increasing building setbacks and other possible mitigation measures in the Zoning Bylaw to prevent potential conflicts with adjacent uses.
- .6 Supports a balanced approach between environmental objectives and agricultural objectives.
- .7 Provides for property owners or occupiers to diversify and enhance uses secondary to agricultural uses with home based business opportunities, provided that they are compatible with the agricultural character of the area.
- .8 Supports the Farm Practices Protection (Right to Farm) Act.

Area G (Salmo River Valley) Land Use Bylaw No. 2452, 2018

https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/2452-G-LUB_Consolidated_2684.pdf

Agriculture Objectives

1. Preserve and promote the use of agricultural land for current and future agricultural production, and protect this land from uses which are inconsistent with agriculture or are incompatible with existing agricultural uses in the area.

- 2. Encourage the agricultural sector's viability by adopting supportive land use policies within and adjacent to farming areas and ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
- 3. Discourage agricultural land uses that adversely impact the surrounding environment or compromise the capability of the land for future food production.
- 4. Minimize conflicts between agriculture and other land uses.
- 5. Encourage diversification and enhancing farm income by enabling uses secondary to and related to agricultural use consistent with the provisions of the Agricultural Land Reserve Act, associated regulations, orders and decisions of the Provincial Agricultural Land Commission.
- 6. Encourage senior levels of government to enable and facilitate agricultural activity and industry.
- 7. Support the Province, other agencies, non-profit societies and the agricultural community with the development of tools for the management of invasive and nuisance plant species to conserve agricultural values in the area.

Agriculture Policies

The Regional Board:

8. Anticipates that agricultural production will be accommodated within existing lands contained within the Agricultural Land Reserve and as designated on Schedule A.1 mapping.
9. Existing and future agriculture will also be encouraged and accommodated where possible on lands outside of the Agricultural Land Reserve (ALR) to help meet local food demands.
10. Directs that the principal use of land designated Agriculture shall be farm use.
11. Discourages applications to the Agricultural Land Commission for subdivision and nonfarm use in the ALR unless the proposal provides evidence that it does not negatively impact agriculture or agricultural potential on the subject lot and adjacent agricultural operations.
12. Supports the consolidation of legal lots that may support more efficient agricultural operations.
13. Should consider potential impacts on water resources in agricultural areas when considering land use amendment applications not related to agriculture or subdivision and non-farm use proposals in the Agricultural Land Reserve.
14. Directs residential and non-farm uses to lands where there is low agricultural capability.
15. May consider buffering of commercial, industrial and high density residential development adjacent to agricultural areas.
16. Directs intensive agricultural operations to larger lots with increased building setbacks and other possible mitigation measures to prevent potential conflict with adjacent land uses.
17. Will enable secondary agricultural uses including home based business, agri-tourism or accessory tourist accommodation opportunities that are consistent with the provisions of the Agricultural Land Reserve Act, associated regulations, orders and decisions of the Provincial Agricultural Land Commission.
18. May consider secondary dwelling applications within the ALR in accordance with the density provisions of the associated zoning regulations of this Bylaw and with Provincial approval where necessary.
19. Will encourage food processing activities and broadened market opportunities, such as: market gardens, craft wineries, breweries and meaderies, farmers' markets and farm gate sales.
20. Supports the efforts of non-profit and community organizations with regard to sustaining local food security by enabling access to healthy foods for all residents.

Area H (Slocan Lake N.) Official Community Plan Bylaw No. 1967, 2009

https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/1967_Hn_OCP.pdf

Agriculture Objectives

1. To preserve agricultural land with continuing value for agriculture for current and future production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.

2. To minimize conflicts between agriculture and other land uses.

3. To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food security.

4. To support any ALR boundary changes initiated by the Province arising from joint local government and ALC initiatives which review agricultural suitability in the Plan area; provided affected landowners are notified and have opportunity for input.

5. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to the agricultural use.

6. To encourage agricultural practices which do not negatively harm the quality and quantity of soil, air and water resources through organic and sustainable practices.

Agriculture Policies

The Regional Board:

1. Encourages that the principal use of lands designated as Agriculture in Schedule 'B' shall be agricultural or rural residential.

2. Ensures that all land use and subdivision of land within the ALR shall be in accordance with the provisions of the Agricultural Land Commission Act, associated regulations, orders and decisions of the Provincial Agricultural Land Commission.

3. Will work with the Province to ensure that new development adjacent to agricultural areas provides sufficient buffering in the form of setbacks, fencing, and landscaping consistent with Provincial specifications.

4. Permits parcel sizes to vary depending on respective land use designation and decisions of the Province, but generally shall not be smaller than 4.0 ha (9.8 acres) for lands within the ALR, and generally shall not be smaller than 2.0 ha (4.9 acres) for lands outside of the ALR.

5. Will consider the designation of properties that do not meet the above mentioned minimum lot size as agricultural on a case by case basis provided that the subject property's primary use is that of agriculture or market gardens to diversify the local agricultural community and provide for enhanced food security.

6. Supports the preservation of environmental values, and where possible conserving these values, in conjunction with sustainable agricultural practices, Provincial Acts and Statutes, and associated amendments to the Local Government Act, and applicable provisions of the Community Charter.

7. Encourages and supports the creation and implementation of environmental farm plans.

8. Will consider the impacts on local food security when making land use decisions on lands within the Agricultural Land Reserve and/or designated Agricultural, including but not limited to:

- a. Soil capacity;
- b. Water resources; and
- c. Capability for agricultural production

Area I & J Official Community Plan Bylaw No. 1157, 1996

<https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/1157-Areas%20I%20J.pdf>

Agricultural Objectives

2.3.1 To identify lands with continuing value for agriculture.

2.3.2 To encourage the protection and agricultural use of land with continuing value for agriculture.

2.3.3 To encourage optimum use and development of agricultural activities on agricultural land.

2.3.4 To encourage agricultural practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production.

2.3.5 To minimize conflicts between agriculture and other land uses.

2.3.6 To propose options for the marketing of locally produced agricultural products.

2.3.7 To promote buffered cluster development to maximize the preservation of suitable agricultural land within the Agricultural Land Reserve

Agriculture Policies

3.4.1 The principal use of lands designated as Agriculture on Schedule 'B' - Land Use Designations shall be agriculture.

3.4.2 All land within the Agricultural Land Reserve shall be zoned for agricultural use unless otherwise approved by the Agricultural Land Commission.

3.4.3 All land use and subdivision of land within the Agricultural Land Reserve shall be in accordance with the provisions of the B.C. Agricultural Land Commission Act, associated regulations, orders and decisions of the Agricultural Land Commission.

3.4.4 Unless the need for additional dwellings is in conjunction with the agricultural operation, only one dwelling shall be permitted per lot unless approved by the Agricultural Land Commission.

3.4.5 The average lot size for subdivision of Agricultural land shall be two (2) hectares.

3.4.6 Farm operators shall be encouraged to:

3.4.6.1 avoid the use of pesticides, herbicides, fungicides and other noxious chemicals, however if farm operators do apply agricultural chemicals, they are encouraged to apply them in accordance with established Provincial standards and accepted agricultural practices.

3.4.6.2 ensure production methods maintain soil quality and minimize erosion.

3.4.6.3 ensure surface and groundwater recharge areas are not contaminated by agricultural activities, and

3.4.6.4 collect and store rainwater for irrigation purposes

3.4.7 The Board of the Regional District requests that the British Columbia Agricultural Land Commission remove all lands from the Agricultural Land Reserve as specifically highlighted on Schedule 'B', Land Use Designations.

3.4.8 The keeping of animals and the storage and handling of manure shall be regulated through zoning in accordance with the Agricultural Waste Control Regulations Act.

3.4.9 Zoning regulations shall ensure setbacks, landscape buffers and fencing requirements on properties adjacent to agricultural uses shall be sufficient to protect the continuation of the agricultural operation

3.4.10 Roadside stands on lots adjacent to highways for the sale of agricultural and horticultural products grown in the West Kootenay shall be permitted provided that there is approved access by the Ministry of Transportation and Highways.

3.4.11 The Ministry of Agriculture, Fisheries and Food is encouraged to provide technical and financial incentives for productive use of agricultural land.

3.4.12 The Board of the Regional District shall support the retention of suitable farm land within the Agricultural Land Reserve.

3.4.13 The removal of gravel and soil from lands within the Agricultural Land Reserve shall not be permitted without permit from the Regional District pursuant to the Soil Conservation Act.

3.4.14 The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on agricultural lands will be considered and supported by the Board of the Regional District through zoning regulation.

Area K (The Arrow Lakes) Official Community Plan Bylaw No. 1675, 2004

https://rdck.ca/assets/Government/Bylaws/Land~Use-Planning/2022-K_OCP_Consolidated_2679.pdf

Objectives

1. To encourage the preservation of agricultural land and enhancement of agricultural activities.

2. To minimize conflicts between agriculture and other land uses.

3. To support any ALR boundary changes initiated by the Province arising from joint local government and ALC initiatives which review agricultural suitability in the Plan area; provided affected landowners are notified and have opportunity for input.

4. To encourage the agricultural sector's improvement and expansion by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food security.

5. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to the agricultural use.

6. To promote activities associated with the production and processing of livestock, poultry, farmed game, fur bearing animals, crops, fruit, grain, vegetables, milk, eggs, honey, mushrooms, fibre crops and horticultural and aquaculture products, provided the activity serves local producers and is small scale.

Policies

The Regional Board:

1. Encourages Agricultural use of lands within the British Columbia Agricultural Land Reserve.

2. Supports applications for the removal, subdivision and non-farm use of lands presently in the Agricultural Land Reserve if such development relate to lands that do not have value for agriculture as determined by the British Columbia Agricultural Land Commission.

3. Supports the consolidation of small farm parcels under 0.8 hectares (2 acres) with other agricultural parcels to encourage more efficient use of farm lands within the Agricultural Land Reserve.

4. The Regional District will consider the designation of properties that do not meet the minimum lot size as agricultural on a case by case basis provided that the subject property's primary use is that of agriculture or market gardens to diversify the local agricultural community and provide for enhanced food security.

5. Provides for property owners or occupiers to diversify and enhance uses secondary to agricultural uses with home industry, home occupation, or small scale tourist accommodation business opportunities.

6. The Regional Board encourages the development of small scale food processing facilities on Farm Lands in Agricultural zones provided the facility operates in an environmentally sustainable fashion and obtains a Development Permit which acts to mitigate negative impacts and insure that such facilities have obtained all licenses and permits from the appropriate regulatory bodies.

7. Will consider second dwelling applications within the ALR in accordance with second dwelling policies for farm help and/or relatives as established in the Zoning bylaw.



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: March 31, 2020
Date & Type of Meeting: April 15, 2020 Rural Affairs Committee
Author: Tanji Zumpano, Water Services Liaison
Subject: COMMUNITY WORKS FUND APPLICATION – LISTER PARK REVITALIZATION PROJECT
File: 1850-20-CW-215

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by the Lister Community Association for the **Lister Park Revitalization Project** in the total amount of \$142,486 and that funds be disbursed from Community Works Funds allocated to Electoral Area B. This recreation infrastructure upgrade project will significantly enhance and rejuvenate an existing well utilized multi-use community park, extend the accessibility of the facilities for broad community use, expand upon the range of activities and events that can be hosted in the park, and lengthen the season for many undertakings.

SECTION 2: BACKGROUND / ANALYSIS

Formally established in 1935, the Lister Community Association (LCA) has a long history of developing and maintaining the Lister Park lands. The park's first community hall was erected in 1938 and the park has over the years been utilized for wide range of social, recreational, cultural and leisure activities. While specific usage type may have evolved over time, the primary motivation of the group remains the same; to bring community members together and to support physical recreation pursuits.

Within the LCA owned and operated ten-acre park the current amenities are available for public use and enjoyment: a covered pavilion, picnic benches, baseball diamond, sand volleyball court, camping hook-ups, and pit toilets. The Lister Park is the region's site for local community events, regular recreational and social programming, and commonly reserved for weddings and family reunions. With some camping amenities on site, tourists also frequent the park during summer months.

While the property and its infrastructure and amenities have been well maintained over the years, few improvements have been made to the site since the existing community hall was erected 25 years ago. After careful planning, consultation, and design the LCA is now embarking on a revitalization project at the park to undertake capital improvements and upgrades to the recreational, social, and tourism infrastructure. The vision for this project is to develop amenities that reflect Lister's character and better accommodate how community members and visitors wish to recreate and gather year-round. Planned project enhancements include:

- Developing trail infrastructure to support additional accessible recreation pursuits, including a 9-hole disc-golf course and calisthenics walking track;
- Erecting a covered, open-air, multi-purpose structure for year-round recreational activities (hockey, basketball, pickle-ball), as well as cultural activities (concerts, dances, markets, 4H youth programming);

- Constructing accessible public washrooms with urinals, toilet stalls, showers, and change stations;
- Upgrading the park’s septic system;
- Adding a covered outdoor kitchen space that will open onto the community hall kitchen;
- Extending the hall’s existing covered pavilion; and
- Modifying the vehicle parking area to add bicycle parking.

Permitting for the project work is now underway, with project construction anticipated to begin in July 2020, with full project completion by December, 2020.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov’t Approvals req’d: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

This application is the responsibility of Electoral Area B and does not expose other Electoral Areas to financial risk. The Director for the area is supportive of the application and currently has sufficient funds to allocate a total of \$142,486 to the project leaving Area B with a balance of \$709,693.

The LCA has been very successful in their pursuit of funding for this project, and has just received grant funding approval under Columbia Basin Trust’s Community Outdoor Revitalization Program. The small balance of funding required to complete the project will be acquired through a grant from the Southern Interior Development Initiative Trust (pending) or existing LCA reserves.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

Gas Tax-funded projects aim to achieve three objectives: a clean environment; strong cities and communities; and productivity and economic growth. Board policy dictates that applications to the Community Works Fund be reviewed by staff and the Rural Affairs Committee for compliance with program guidelines. Staff is of the opinion that this project falls within the eligible project category of ‘Recreation Infrastructure – recreational facilities or networks’.

c. Environmental Considerations:

With these upgrades, the LCA will be poised to better offer the public a wide range of activities facilities in a beautiful park setting that will promote and enhance additional outdoor, family, cultural, and recreation activities.

d. Social Considerations:

In preparation for this initiative, the LCA hosted association and community meetings and had informal talks among community residents. The greater community came forward with various ideas and priorities. Collectively, core elements of the plan emerged and the LCA Board Chair led a process to synthesize community input into a coherent, cost-effective, and actionable plan. As a result, a wide range of stakeholders have played an active role in designing this project and they are both supportive of the project and willing to contribute to its success.

e. Economic Considerations:

The applicant solicited multiple quotes for the various project elements, all of which were submitted with their final CWF application. The majority of project funding is already in place, with the small balance

required coming from another grant program (approval pending) or LCA reserves.

f. Communication Considerations:

g. Staffing/Departmental Workplan Considerations:

RDCK staff resources will need to be allocated to track, process and ensure the project fulfills the reporting requirements on an annual basis (5 years).

h. Board Strategic Plan/Priorities Considerations:

This project is directly aligned with the Board’s overarching strategic priorities of *Recreation, Parks & Trails* and *Coordinated Service Delivery*.

SECTION 4: OPTIONS & PROS / CONS

SECTION 5: RECOMMENDATION(S)

That the Community Works Fund application submitted by the Lister Community Association for the **Lister Park Revitalization Project** in the total amount of \$142,486 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area B

SUBJECT TO submission of all required RDCK and IH permit applications.

Respectfully submitted,

Originally signed by Tanji
Zumpano.

Signature:

Name: Tanji Zumpano, Water Services Liaison

CONCURRENCE

Initials:

General Manager of Environmental Services
Chief Administrative Officer

Originally approved by Uli Wolf.
Originally approved by Stuart Horn.

ATTACHMENTS:

Attachment A – Lister Community Association Lister Park Revitalization Project - Community Works Fund Application



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
 250-352-6665 1-800-939-9300 Email info@rdck.bc.ca

Community Works Fund Application			
Gas Tax Program Services – CWF Funding (UBCM)			
Project Title	Lister Park Revitalization Project		
Date of Application	2020/03/27		
Applicant Information			
Name of Organization	Lister Community Association		
Address	3461 16th Street		
City, Prov. Postal	Creston, BC, V0B 1G2		
Phone No.	250-254-5525	Fax No.	
Organization's Email	listercommunityhall@gmail.com		
Name of Contact	Laura Francis	Contact's Email	laura@onedaycommunitypartners.com
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Tanya Wall	Area B	\$ 142,485.41	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy/mm/dd)	
2020/06/01		2020/11/30	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)	Lot 1, Plan NEP12603, District Lot 812, Kootenay Land District PID:011-925-051		
Registered Owners of Land(s)	Lister Community Association		
Crown Land Tenure/License No./Permit No.(s)	n/a		
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Have you applied and received a building permit?	<input type="checkbox"/> Yes, Permit No. _____	<input checked="" type="checkbox"/> No	
If No, please explain: Permitting pending approval of funding from all sources.			

Application Content

Must include all of the following:

- 1.0 - Description of the Project including management framework
- 1.1 - Project timeline and supporting documents
- 2.0 - Project budget
- 3.0 - Accountability Framework Financial statements that adhere to Project accountability

1.0 Description of the Project including management framework

Project Overview: The Lister Park Revitalization Project will make major improvements to the most significant public space in the Lister community. The project will make important enhancements to the community's recreational, social, and tourism infrastructure leading to social, economic, and community health benefits. It will extend the range of activities and events that can take place at the park, the season for many of activities, and the accessibility of the facilities for broad community use. A Community Works Fund contribution would be directed towards only the eligible recreational aspects of the project.

The Lister Community Association (LCA) has ten core goals for the project (see 1.2 Project Impact). To achieve these goals, the project will hire local contractors and engage community volunteers in:

- Developing infrastructure for additional accessible recreation activities, including a 9-hole disc-golf course and calisthenics walking track;
- Erecting a covered, open-air, multi-purpose structure for year-round recreational activities (hockey, basketball, pickleball), as well as cultural activities (concerts, dances, markets, 4H youth programming);
- Constructing accessible public washrooms with urinals, toilet stalls, showers, and change stations;
- Upgrading the park's septic system (to be funded through non-CWF sources);
- Adding covered outdoor kitchen space that can open onto the community hall kitchen (to be funded through non-CWF sources);
- Extending the hall's existing covered pavilion (to be funded through non-CWF sources);
- Replacing imposing concrete barricades with fencing; and,
- Complementing vehicle parking with bicycle parking (to be funded through non-CWF sources).

Project Management: Implementation of the project will be overseen by the volunteer Board of Directors of the LCA. Construction activities will be led by various local contractors who have been engaged on account of their reputations for excellence and community service. Installation of the disc-golf course will be led by sponsored disc-golf athlete and community member Rindy Stalley. (See 1.4 Project Team and Qualifications.)

Lister Park Background: LCA owns and operates the ten-acre Lister Park. Current outdoor amenities include a covered pavilion, picnic benches, baseball diamond, sand volleyball court, camping hook-ups, and pit toilets. It is the site for local community events, for regular recreational and social programming, and for the weddings, family reunions, and gatherings of Listerites and other Creston Valley residents. Camping amenities mean that that tourists make use of the facilities.

LCA has cared for and developed the property for generations. The society that manages the park was established in 1935. Lister's first community hall was raised in 1938. The park has been used for various social, recreational, and leisure activities over the years. Although the uses have evolved over time, the nature of the value added has been the same: we strive to bring community together and to support recreation.

While the property and its infrastructure and amenities are very well maintained, few significant improvements have been made to the site since the current Community Hall was erected 25 years ago. The vision for this project is for the Park to better reflect Lister's character and better accommodate how community members and visitors wish to recreate and gather year-round.

(If needed, please provide additional information on separate page)

1.1 Project Costs including Timeline and Supporting Documents

Eligible project costs include:

Permitting (TB Contractors) \$2,940
 Washroom, Kitchen, Pavilion: Excavation and Foundation (TB Contractors) \$35,375
 Washroom, Kitchen, Pavilion: Concrete Slab (TB Contractors) \$24,885
 Washroom, Kitchen, Pavilion: Framing (TB Contractors) \$22,575
 Washroom, Kitchen, Pavilion: Roofing (TB Contractors) \$19,425
 Washroom, Kitchen, Pavilion: Plumbing (TB Contractors) \$47,800
 Washroom, Kitchen, Pavilion: Trusses and EWP (TB Contractors) \$17,899
 Washroom, Kitchen, Pavilion: Exterior Finishing (TB Contractors) \$38,850
 Washroom, Kitchen, Pavilion: Interior Finishing (TB Contractors) \$29,647
 Washroom, Kitchen, Pavilion: Crane (TB Contractors) \$630
 Washroom, Kitchen, Pavilion: Tool Rental and Fuel (TB Contractors) \$1,575
 Washroom, Kitchen, Pavilion: Dump and Garbage Fees (TB Contractors) \$1,575
 Washroom, Kitchen, Pavilion: Construction Management (TB Contractors) \$38,153
 Washroom, Kitchen, Pavilion: Electrical (Advantage Electric) \$21,525
 Multi-Purpose, Open-air Structure: Structure Materials (Starline Buildings) \$177,900
 Multi-Purpose, Open-air Structure: Erection (Starline Buildings) \$50,000
 Disc-golf Course: \$8,000
 Calisthenics Walking Track: \$2,500
 Fencing \$5,000

Two sets of quotes are attached for each relevant project component.

Washroom, Kitchen, Pavilion: TB Contractors
 Washroom, Kitchen, Pavilion: Z-KO Construction
 Multi-Purpose, Open-air Structure: Starline Buildings
 Multi-Purpose, Open-air Structure: Piva Mechanical
 Project Electrical: Advantage Electrical
 Project Electrical: Mad Dog Electric

Completion dates for key aspects of the project are as follows:

Design, Engineering, Contracting, and Permitting: July 1, 2020
 Community and Volunteer Engagement: November 20, 2020
 Asset Management Training and Planning: July 15, 2020
 Disc-Golf Course Component: July 15, 2020
 Calisthenics Walking Track: July 15, 2020
 Site Preparation for Construction: August 15, 2020
 Septic Component: September 15, 2020
 Washroom, Outdoor Kitchen, and Pavilion Component: October 31, 2020
 Covered, Open-air, Multi-purpose Structure Component: September 30, 2020
 Fencing Component: October 15, 2020
 Project Closure: November 30, 2020

Asset Management: LCA has a proven track record of managing and maintaining our property and its amenities. We make scrupulous use of a ~\$20,000 annual operating grant from RDCK Area B. Rental fees represent a second reliable source of income. In 2019, revenue from rental totaled just over \$3,000. By 2024 we anticipate closer to \$6,000 in fees. We contract maintenance labour and have effective standard operating procedures for maintaining our grounds and facilities. Volunteers are engaged in seasonal maintenance activities, as needed. We avoid incurring excessive repair and replacement expenses through this rigorous maintenance program. (See 2.1 Additional Budget Information for more.)

(If needed, please provide additional information on separate page)

1.2 Project Impact

Core goals: LCA has ten core goals for the project:

- 1) Expanding the park's range of accessible recreation options;
- 2) Extending the season for recreational use of the park;
- 3) Providing a more vibrant space for community and family gatherings;
- 4) Protecting the safety and security of users;
- 5) Improving the accessibility of the facilities to all;
- 6) Offering a more comfortable, enjoyable, and convenient experience to users;
- 7) Enhancing the appeal of the facilities to the organizers of activities and events;
- 8) Fostering community participation and ownership;
- 9) Better representing the Creston Valley brand; and,
- 10) Leveraging LCA resources.

Community Need and Engagement: The project hopes to achieve these goals by focusing on eliminating current barriers to community use. These include the absence of accessible public washrooms, a shortage of covered space, and a limited range of accessible recreation activity options.

The community's readiness to tackle these barriers in a bold and strategic way was identified at the 2019 celebrations for Lister's Centennial. The main weekend of Centennial celebrations sparked a great deal of community conversation about improving the Park. Despite the fact that the events were largely a success, the lack of accessible washroom facilities and adequate cooking facilities was felt by organizers and attendees. Opportunities for hosting a wider and more accessible range of activities were apparent and were discussed with enthusiasm. The need for more covered area was highlighted when celebrations were impacted by inclement weather, and some events, including recreation activities, had to be cancelled.

Over the next months, Association meetings as well as informal talks at the park and among neighbours followed. Board members, Association volunteers, and community members came forward with ideas and even detailed proposals for potential improvements. Consensus around core elements of the plan emerged naturally – accessible public washrooms, facilities to encourage the sharing of outdoor meals, additional covered spaces, and additional accessible recreation options were clear priorities. The Board Chair led a process to synthesize community input into a coherent, cost-effective, and actionable plan: The Lister Park Revitalization Project. A wide cross-section of park user groups, community members, and Creston Valley stakeholders have expressed for the project and willingness to contribute to its success.

Key Community Benefits: We expect to see a greater number and variety of: organized recreational activities; public events with recreation components; and, private reunions, weddings, and celebrations; spontaneous gatherings of friends and family that include use of the park's recreation amenities. We anticipate more people sharing meals at the park, campers enjoying longer and more comfortable stays, and Lister residents weaving more frequent visits into their routines.

The park will continue to be used by Lister and Creston Valley residents and their guests, tourists, and existing user groups (e.g. church and school groups, service clubs, and recreation clubs). We anticipate attracting additional user groups and broader demographics of locals and tourists.

(If needed, please provide additional information on separate page)

1.3 Project Outcomes

Community Works Fund support would help to produce the following direct tangible outcomes:

- Installation of a 9-hole disc-golf course;
- Development of a 1km calisthenics walking track;
- Erection of a covered, open-air, multi-purpose structure for floor and ice hockey, basketball, pickleball, and other recreation activities;
- Construction of accessible public access washrooms to encourage use of the recreation and other amenities;
- 2000+ volunteer hours contributed by community members; and,
- 2000+ paid labour hours for local contractors and their staff.

Community Works Fund support would help to produce the following indirect outcomes:

- Increase in the number and range of user groups making use of the park for recreation purposes;
- Increase in the number and range of public and private events with recreation components;
- Increase in park use by community members, including by persons who require accessible washroom facilities and benefit from more accessible recreation options;
- Increase in park use by campers and other tourists, including by persons who require accessible washroom facilities and benefit from more accessible recreation options; and,
- Increase in LCA rental income.

(If needed, please provide additional information on separate page)

1.4 Project Team and Qualifications

The LCA Board will drive this project. Board Chair Kevin Wall will oversee construction and manage relationships with contractors and subcontractors. His role as a road crew foreman and experience with domestic and farm construction projects prepare him for these tasks. Board Secretary-Treasurer Sheila Meyer will manage project finances and liability. Sheila's professional background is in the insurance industry and she has decades of experience as treasurer for various non-profit societies. Board Director and Lister Park neighbour Erin Harris is already liaising with adjacent and nearby property owners. The Board at large will continue to be involved in community outreach and volunteer coordination.

The Board is committed to engaging local contractors and tradespeople. We are also set on spreading the work out among local companies to maximize community benefit and speed progress. The Board has approved contracting Erickson-based TB Contractors on the public washroom, outdoor kitchen, and extended pavilion components, Crawford Bay-based Steel Wheels for the septic component, Creston-based Starline Buildings for the covered multi-purpose structure component, and Lister-based Advantage Electric for the electrical components.

To foster community participation in and ownership, individuals and user groups are being invited to volunteer, as appropriate. Installation of the disc-golf course will be led by sponsored athlete and community member Rindy Stalley.

(If needed, please provide additional information on separate page)

2.0 Project Budget
List anticipated and confirmed Project revenue and expenses that have been deemed necessary for the implementation of the Project. Schedule B outlines eligible costs for eligible recipients (see attached).

Project Revenue
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Revenue	Value (\$)
Disc-golf Course, Calisthenics Walking	RDCK Community Works Fund	\$ 142,485.41
Pavilion, Outdoor Kitchen, Covered Op	CBT Community Outdoor Revitalization Program	\$ 402,641.00
Engineering, Septic System, Insurance	SIDIT Grants Program	\$ 50,000.00
Project Management	Lister Community Association	\$ 61,826.77
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 656,953.18

Project Expenses
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Expenses	Value (\$)
Engineering	Final Engineering of Relevant Project Plans	\$ 5,000.00
Washroom, Outdoor Kitchen, and Pavil	Permits, Materials, Labour, and Miscellaneous	\$ 281,828.41
Septic Component	Materials, Labour, and Miscellaneous	\$ 35,763.00
Covered, Open-air, Multi-purpose Struc	Materials, Labour, and Miscellaneous	\$ 227,900.00
Additional Recreational Components	Disc-Golf, Calisthenics Walking Track, and Baske	\$ 11,250.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 561,741.41

Project Revenue (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Revenue	\$ 656,953.18
Project Expenses (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
Electrical Component	Materials, Labour, and Miscellaneous	\$ 22,785.00
Fencing	Materials, Labour, and Miscellaneous	\$ 5,000.00
Bicycle Parking	Materials	\$ 600.00
Insurance	Course of Construction Insurance	\$ 5,000.00
Project Management	Volunteer Project Management	\$ 61,826.77
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Expenses	\$ 656,953.18

2.1 Additional Budget Information
Quote rationale to be reviewed by RDCK Chief Administrative Officer

Full funding through the Columbia Basin Trust Community Outdoor Revitalization Program has been confirmed. A funding decision from the Southern Interior Development Initiative Trust is expected by April 15, 2020.

Our past practice has been to tackle repair and replacement issues responsively as they arise, using Association funds, donations of materials and supplies, and volunteer labour. However, developing this project has called our attention to the need for a more proactive approach. We have developed and applied for funding to support an Asset Management Training and Planning project that would engage a local coach and experts from the global consulting firm WSP to lead training and comprehensive asset management planning for LCA and up to nine other local community associations and organizations.

(If needed, please provide additional information on separate page)

3.0 Accountability Framework

The eligible recipient will ensure the following:

- Net incremental capital spending is on infrastructure or capacity building
- Funding is used for eligible Project and eligible costs
- Project is implemented in diligent and timely manner
- Where recipient is a Local Government, undertake Integrated Community Sustainability Planning
- Provide access to all records
- Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures
- Provide a Project Completion Report including copies of all invoices
-

4.0 Schedule of Payments

The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments:

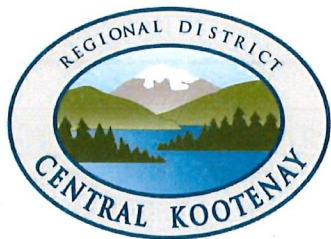
- a) 75% upon signing of the Contract Agreement
- b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures.

5.0 Acknowledgement of Requirements

Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth.

By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 10 years) is to be submitted to the RDCK prior to October 31st of each year detailing the beneficial impacts on the community as a result of the completed Project.

Authorized Signature for Proponent	Name	Date
via email	Sheila Meyer	2020/03/27



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: March 23, 2020
Date & Type of Meeting: April 15, 2020 Rural Affairs Committee
Author: Tanji Zumpano, Water Services Liaison
Subject: COMMUNITY WORKS FUND APPLICATION – NELSON & DISTRICT
 COMMUNITY COMPLEX ARENA LIGHTING CONVERSION PROJECT
File: 1850-20-CW-216

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the RDCK Community Works Fund application submitted for the **Nelson & District Community Complex Arena Lighting Conversion Project** in the total amount of \$40,000 and that funds be disbursed from Community Works Funds allocated to Electoral Areas E & F. This recreation capital infrastructure upgrade project will result in a reduction in the amount of electricity consumed in the complex arena and will further facilitate the ongoing sustainable and safe operation and maintenance of the rink arena.

SECTION 2: BACKGROUND / ANALYSIS

The Nelson & District Community Complex (NDCC) welcomes thousands of visitors each year and offers a wide range of services and programs to the City of Nelson and regional residents. Facilities located at the NDCC include a fitness and weight room, aquatic, hockey/skating rink, several meeting rooms and other spaces utilized for group classes, meetings, and a daycare. Serving as a pivotal community hub, the NDCC both hosts and offers hundreds of programs and special events annually.

The NDCC's hockey and skating rink provides an invaluable service to the community; in 2019 it was rented for more 2,352 hours to a wide range of community groups. Patrons participate in junior, adult, old-timer, ladies, minor (Leafs) and recreational hockey programs. In addition to this, several Learn to Skate and figure skating programs are run and heavily attended each season.

In consultation and collaboration with FortisBC, a plan has been developed to upgrade the current NDCC arena and concourse fluorescent lighting with a new LED lighting system. The advantages of converting the existing near end-of-life lighting include a reduction in utility costs, reduced annual maintenance costs, and improved functionality. Based on analysis completed, it is anticipated that upon project completion energy costs in the arena will be reduced by \$5, 926.45 per year plus an additional \$4,500/year in maintenance costs.

Project work will commence in late April 2020 and is anticipated to be complete in its entirety by August 2020, prior to the Fall ice season commencing.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	Financial Plan Amendment:	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
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Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
---	--

This application is the responsibility of Areas E & F and does not expose other Electoral Areas to financial risk. The Director for each respective area is in support of the application and currently has sufficient funds to allocate a total of \$40,000 to the project leaving area E with a balance of \$273,576 and area F with a balance of \$685,512.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

Gas Tax-funded projects aim to achieve three objectives: a clean environment; strong cities and communities; and productivity and economic growth. Board policy dictates that applications to the Community Works Fund be reviewed by staff and the Rural Affairs Committee for compliance with program guidelines. Staff is of the opinion that this projects falls within both the 'Community Energy Systems – infrastructure that generates or increases efficient use of energy' and 'Recreation Infrastructure – recreational facilities or networks'.

A sole source request (Non-Competitive Purchase) from staff was reviewed and approved by the Nelson & District Recreation Commission at their February 11, 2020 meeting.

c. Environmental Considerations:

Through the conversion of inefficient lighting to LED light fixtures, energy consumption in the NDCC arena will be significantly reduced, by an estimated 65,267 kWh per year. This energy upgrade project supports the RDCK's efforts and commitment to move towards carbon neutrality by 2050.

d. Social Considerations:

This capital upgrade project will play a pivotal role in enhancing this vital community recreational asset. Given the NDCC is a heavily utilized facility year round, this lighting upgrade project will create a more functional, modern, inviting, and comfortable environment for all.

e. Economic Considerations:

This recreation infrastructure upgrade project is being funded with Community Works Funds and by FortisBC and the City of Nelson.

f. Communication Considerations:

N/A

g. Staffing/Departmental Workplan Considerations:

RDCK staff resources will need to be allocated to track, process and ensure the project fulfills the reporting requirements on an annual basis (5 years).

h. Board Strategic Plan/Priorities Considerations:

This project is directly aligned with the Board's overarching strategic priorities of *Recreation, Parks & Trails* and *Coordinated Service Delivery*.

SECTION 4: OPTIONS & PROS / CONS

SECTION 5: RECOMMENDATION

That the RDCK Community Works Fund application submitted for the **Nelson & District Community Complex Arena Lighting Conversion Project** in the total amount of \$40,000 be approved and that funds be disbursed from the following Community Works Funds:

Electoral Area E in the amount of \$20,000
Electoral Area F in the amount of \$20,000.

Respectfully submitted,

Originally signed by
Tanji Zumpano.

Signature:

Name: Tanji Zumpano, Water Services Liaison

CONCURRENCE

Initials:

General Manager of Environmental Services
Chief Administrative Officer

Originally signed by Uli Wolf.
Originally signed by Stuart Horn.

ATTACHMENTS: Attachment A – Nelson & District Community Complex Arena Lighting Conversion – Community Works Fund Application



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
 250-352-6665 1-800-939-9300 Email info@rdck.bc.ca

Community Works Fund Application			
Gas Tax Program Services – CWF Funding (UBCM)			
Project Title	NDCC Arena Lighting Project		
Date of Application	2020/03/03		
Applicant Information			
Name of Organization	Regional District of Central Kootenay		
Address	305 Hall Street		
City, Prov. Postal	Nelson, British Columbia. V1L 4X5		
Phone No.	250-354-4386	Fax No.	250-352-9300
Organization's Email	info@rdck.bc.ca		
Name of Contact	Marty Benson	Contact's Email	mbenson@rdck.bc.ca
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Ramona Faust & Tom Newell	Area E & Area F	\$ 40,000.00	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy\mm\dd)	
2020/05/01		2020/09/01	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)	LOT B PLAN NEP83303 DISTRICT LOT 95 KOOTENAY LAND DISTRICT, PID:		
Registered Owners of Land(s)	Regional District of Central Kootenay		
Crown Land Tenure/License No./Permit No.(s)			
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Have you applied and received a building permit?	<input type="checkbox"/> Yes, Permit No. _____	<input checked="" type="checkbox"/> No	
If No, please explain: Building permit not required for planned work.			

Application Content

Must include all of the following:

- 1.0 - Description of the Project including management framework
- 1.1 - Project timeline and supporting documents
- 2.0 - Project budget
- 3.0 - Accountability Framework Financial statements that adhere to Project accountability

1.0 Description of the Project including management framework

The Nelson and District Community Complex is a popular and well used recreation facility located at 305 Hall Street, Nelson, BC. The multipurpose facility houses an aquatic centre, multipurpose rooms, fitness centre, fitness studio and arena. The facility has gone through a number of renovation and expansion projects since its original construction in 1974. A new arena was constructed and opened in 2004 and is home to a variety of ice activities including organized sport and drop-in programming.

The current NDCC Arena lighting was installed when the arena was originally constructed in 2004 with main lighting being provided by 55 – 400 watt Metal Halide Hi-Bay fixtures. The current lighting provides good quality lighting for the ice surface but is nearing the end of its useful life. As the current lighting fixtures are nearing the end of life and they have high energy related operating costs, it is an appropriate time to replace the lighting system with a high quality and energy efficient LED lighting system. The preferred lights are manufactured by Delviro and have a proven track record in similar relighting applications.

In addition to the overhead arena lights, existing arena concourse lighting will also be replaced. This lighting is also original and is currently comprised of 112 - T8 florescent light fixtures ranging in size from 48 inches to 96 inches in length. These fixtures will be replaced with Delviro Zip LED 10 watt per foot fixtures. All new lighting fixtures will be integrated into a new lighting controller for the arena.

A new LED lighting system will provide the following advantages in comparison to the current system:

- Reduced utility costs
- Reduced annual maintenance costs
- Improved functionality in terms of the ability to program multiple lighting scenes that are appropriate for facility uses. This will help improve the overall ability to utilize the NDCC arena for a variety of activities further increasing community use of the facility.

The NDCC Arena Lighting project will be managed by RDCK staff, in consultation with Fortis BC, local suppliers and electrical contractors. The preferred fixtures have been identified and a process is currently underway to source a contractor for the installation of the fixtures.

It should be noted that the main arena ice surface lighting project is currently being reviewed by Fortis BC. It is expected the RDCK will be successful in receiving a Fortis BC Custom rebate with a value of up to 50% of the cost of the main arena overhead lighting and controller project. This rebate could total \$46,000.

(If needed, please provide additional information on separate page)

1.1 Project Costs including Timeline and Supporting Documents

Time is of the essence if this project is to be completed in 2020. Ice in the NDCC arena is scheduled to be removed at the end of April and will be reinstalled beginning July 24. The current plan will see all new lighting fixtures to be installed during the month of May, 2020. This time line will allow the new system to be fully tested and programmed in advance of the 2020/2021 ice season.

Project Costs

PRODUCT DESCRIPTION	QUANTITY	COST
Fixture: TITANHB 240	55	\$36,080.00
Fixture: Delviro Zip LED 10 W per foot	112	\$26,480.00 (est)
Controller: NEDAP Luxon Lighting Controls Package	1	\$16,000.00
Subtotal		\$78,560.00
GST		\$3,928.00 (NOT an eligible use of CWF)
PST		\$5,499.20
TOTAL eligible for a tax rebate)		\$84,059.20 (excluding GST given we are
INSTALLATION COST		
Installation cost		\$61,940.80 (est)
FORTIS BC Custom Rebate		-\$46,000 (est)
Total Project Cost		\$100,000

(If needed, please provide additional information on separate page)

1.2 Project Impact

Upgraded LED lighting will significantly reduce energy consumption required for the arena lighting. An estimated 65,267 kWh will be saved per year.

It is estimated the project will reduce energy costs by approximately \$8,521.08 per year and an additional \$4,500 per year in maintenance costs. The payback on the total project cost is approximately seven years.

The lighting systems are controlled by a wireless controls system that will improve functionally by allowing each individual lighting fixture to be controlled independently. This will allow the NDCC to provide appropriate lighting for individual activities and bookings while using the least amount of electrical energy needed.

The preferred lighting fixtures provide the following benefit:

- 10 year warranty on fixture vs industry standard of 5 year warranty on most other fixtures
- Useful life of product is set at 200,000 hours vs 100,000 hours of other fixtures
- Fixtures provide appropriate safety guards to protect lights.
- System has been successfully installed in over 100 lighting retrofit projects across Canada including projects in the City of Nelson and at the Castlegar and District Community Complex.

(If needed, please provide additional information on separate page)

1.3 Project Outcomes

The primary goals of the NDCC Arena Lighting Project include reducing energy consumption and utility costs at the facility, reduced annual maintenance costs and increased facility functionality.

This project meets the three pillar requirements for Community Works Funding: Contributing to a clean environment, increasing productivity and economic growth and developing strong cities and communities.

Investing in recreation and sport infrastructure now will allow the Nelson and District Community Complex to continue to serve the residents of the region. Creating meaningful opportunities for recreation and sport will help develop healthy and safe communities for generations to come.

(If needed, please provide additional information on separate page)

1.4 Project Team and Qualifications

The project will be overseen by Nelson and District Community Complex staff. All installation work will be carried out by qualified contractors. Contractors for the project have not been secured at this time.

The preferred lights have been selected based on distributor recommendations, knowledge of similar products used in local lighting initiatives, and the needs of the NDCC.

The preferred lights have been sourced through Wesco Distribution Canada, Inc. Wesco designed the original lighting system at the NDCC and has provided the lighting design for the new install at no additional cost.

(If needed, please provide additional information on separate page)

2.0 Project Budget
List anticipated and confirmed Project revenue and expenses that have been deemed necessary for the implementation of the Project. Schedule B outlines eligible costs for eligible recipients (see attached).

Project Revenue
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Revenue	Value (\$)
Community Works Fund	Grant	\$ 40,000.00
City of Nelson	Community Works Funding	\$ 60,000.00
FORTIS BC	Custom Rebate Program	\$ 46,000.00
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 146,000.00

Project Expenses
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Expenses	Value (\$)
Lighting Fixtures	Parts and Materials	\$ 66,939.20
Lighting Controller	Parts and Materials	\$ 17,120.00
Installation Expense	Labour Cost	\$ 61,940.80
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 146,000.00

Project Revenue (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Revenue	\$ 146,000.00
Project Expenses (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
		\$
		\$
		\$
		\$
		\$
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		\$
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		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Expenses	\$ 146,000.00

2.1 Additional Budget Information		
Quote rationale to be reviewed by RDCK Chief Administrative Officer		
<p>The purchase of the lighting fixtures and associated controllers will be purchased through a Non-Competitive Purchase process. This process was formally approved by the Nelson and District Recreation Commission at the February 10, 2020 Nelson and District Recreation Commission meeting.</p> <p>The installation cost for the project is not included in supply costs. The installation component of the project will go through an Invitation to Quote process in early spring, 2020.</p>		
(If needed, please provide additional information on separate page)		
3.0 Accountability Framework		
<p>The eligible recipient will ensure the following:</p> <ul style="list-style-type: none"> - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices - 		
4.0 Schedule of Payments		
<p>The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments:</p> <ul style="list-style-type: none"> a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures. 		
5.0 Acknowledgement of Requirements		
<p>Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth.</p> <p>By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 10 years) is to be submitted to the RDCK prior to October 31st of each year detailing the beneficial impacts on the community as a result of the completed Project.</p>		
Authorized Signature for Proponent	Name	Date
via email	Marty Benson	2020/03/03



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: March 16, 2020
Date & Type of Meeting: April 15, 2020 Rural Affairs Committee
Author: Tanji Zumpano, Water Services Liaison
Subject: COMMUNITY WORKS FUND APPLICATION – NELSON TENNIS CLUB MULTISPORT COMPLEX FACILITY CENTRE COMPLETION PROJECT
File: 1850-20-CW-215

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by the Nelson Tennis Club for the **Nelson Tennis Club Multisport Complex Facility Centre Completion Project** in the total amount of \$20,000 and that funds be disbursed from Community Works Funds allocated to Electoral Area F.

SECTION 2: BACKGROUND / ANALYSIS

During the Summer of 2018 the Nelson Tennis Club (NTC), a registered society, in collaboration with School District 8 (SD8) revitalized an aged and derelict tennis court site situated on SD8 owned lands immediately adjacent to LV Rogers High School into a new Multisport Complex. Identified as Phase 1 and completed in September 2018, the following were constructed and are now open for use by the public:

- 4 new tennis courts;
- 3 pickleball courts;
- 2 basketball ½ courts;
- 1 ball hockey and skateboard area;
- A children's playground; and an uphill viewing platform with bleachers.

Nelson Tennis Club – Phase 1 completed works – 3 Pickleball Courts





Nelson Tennis Club – Phase 1 completed works – 4 Tennis Courts

Membership in the NTC includes residents from not only Nelson but as well, from numerous surrounding communities. In addition, all regional students attending LV Rogers High School began utilizing the courts in Fall 2018 as part of their Physical Education classes. Completed on time and on budget, the success of Phase 1 of the project can largely be attributed to the positive and productive partnership between the NTC and SD8 who share a joint vision and understanding of the project; “It is about renewing a degraded site. It’s about partnering with SD8 to get more kids and community members playing tennis and other outdoor sports”, noted Keith Bridger, NTC’s President.

Phase 2 of the this recreational infrastructure upgrade project began in 2019 and included the construction of a 2-storey Facility Centre which will be home to standard and accessible washrooms, change rooms, maintenance equipment storage, and a training area for the Junior Development Program and future anticipated Youth Tennis Academy. By autumn 2019 the Facility Centre was constructed to lock-up and roofed. Infrastructure required to support the on-court activities and Facility Centre were also installed (water & sewer).



Phase 2 – Facility Centre Complex – to lock up

The final stage of this project, known as the Facility Centre Completion Project will occur during the 2020 construction season and includes the following components:

- Installation of doors and windows, interior framing, insulation and drywall;
- Ground floor foundation work and plumbing;
- Installation of washrooms;
- Interior finishing and mechanical/electrical finishing installations; and
- Exterior siding and deck surfacing.

All permitting required for this final phase of work has been secured and project work is anticipated to begin in May 2020 and be complete by November, 2020.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

This application is the responsibility of Electoral Area F and does not expose other Electoral Areas to financial risk. The Director for the area is supportive of the application and currently has sufficient funds to allocate a total of \$20,000 to the project leaving Area F with a balance of \$705,512.

The NTC has been very successful in their pursuit of funding for this project to date, completing phase 1 on time and on budget. The balance of funding required to complete this project will be acquired through other grant opportunities (pending), NTC reserve funds, and community fundraising.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

Gas Tax-funded projects aim to achieve three objectives: a clean environment; strong cities and communities; and productivity and economic growth. Board policy dictates that applications to the Community Works Fund be reviewed by staff and the Rural Affairs Committee for compliance with program guidelines. Staff is of the opinion that this project falls within the eligible project category of ‘Recreation Infrastructure – recreational facilities or networks’.

c. Environmental Considerations:

The site of the new multisport complex backs onto the Great Northern Trail corridor and has already proven to be readily accessible to many users via walking or cycling.

d. Social Considerations:

Since completion of phase 1, this multisport complex project has proven its role in providing a valuable community recreation asset and area to be enjoyed by all local residents, visitors and students. Human-powered recreation activity at the site has promoted healthy living and outdoor exercise for youth, adults and seniors, and will continue to do so. Through various events hosted in 2019, the site is already fast becoming a community gathering place promoting interaction and social well being.

School District 8 recognizes that there is a need for additional outdoor physical education opportunities for its students and is continuing to work with the NTC to develop a high-quality tennis instructional program during the school year accessible to all learners at LV Rogers High School.

e. Economic Considerations:

The applicant completed phase 1 on time and on budget. With some funding already secured, the NTC continues to work collaboratively with SD8 and to actively fundraise for the final project works.

f. Communication Considerations:

g. Staffing/Departmental Workplan Considerations:

RDCK staff resources will need to be allocated to track, process and ensure the project fulfills the reporting requirements on an annual basis (5 years).

h. Board Strategic Plan/Priorities Considerations:

The completion of this project demonstrates to the community and regional residents that the RDCK is supportive of projects that result in implementation of the “Sports Fields” and “Marketing and Communication” recommendations found in the Board adopted Nelson and District Recreation Master Plan, including the following items:

Sports Fields

Develop a new agreement intended to maximize the use of community assets (including school sports fields) to increase recreation participation rates among the community and school students.

Marketing and Communication

Crete a joint task force to include the City of Nelson, the RDCK ,and School Districts #8 and #93 to develop a new Joint Use Agreement for better utilization of indoor and outdoor school facilities, NDCC-governed

indoor facilities, and City and RDCK parks in concert with the improvement of sport fields.

SECTION 4: OPTIONS & PROS / CONS

SECTION 5: RECOMMENDATION(S)

That the Community Works Fund application submitted by the Nelson Tennis Club for the **Nelson Tennis Club Multisport Complex Facility Centre Completion Project** in the total amount of \$20,000 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area F.

Respectfully submitted,
Originally signed by Tanji Zumpano.

Signature:

Name: Tanji Zumpano, Water Services Liaison

CONCURRENCE

Initials:

General Manager of Environmental Services
Chief Administrative Officer

Originally signed by Uli Wolf.
Originally signed by Stuart Horn.

ATTACHMENTS:

Attachment A – Nelson Tennis Club Multisport Complex Facility Centre Completion Project -Community Works Fund Application



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
 250-352-6665 1-800-939-9300 Email info@rdck.bc.ca

Community Works Fund Application			
Gas Tax Program Services – CWF Funding (UBCM)			
Project Title	Nelson Tennis Club/SD8 Multisport Complex - Facility Centre Completion		
Date of Application	2020/02/27		
Applicant Information			
Name of Organization	Nelson Tennis Club		
Address	1004 Cottonwood St		
City, Prov. Postal	Nelson		
Phone No.	250-825-4688	Fax No.	
Organization's Email	keithbridger51@gmail.com		
Name of Contact	Keith Bridger	Contact's Email	keithbridger51@gmail.com
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Tom Newell	F	\$ 20,000.00	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy\mm\dd)	
2020/05/27		2020/11/13	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)	Lot A, Block 1, District Lot 183, Plan 22005 - 1004A Cottonwood St, Nelson, BC		
Registered Owners of Land(s)	School District 8 (Kootenay Lake)		
Crown Land Tenure/License No./Permit No.(s)			
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	<input checked="" type="checkbox"/>	Yes	
	<input type="checkbox"/>	No	
Have you applied and received a building permit?	<input checked="" type="checkbox"/>	Yes, Permit No. 19-05-12	
	<input type="checkbox"/>	No	
If No, please explain:			

Application Content

Must include all of the following:

- 1.0 - Description of the Project including management framework
- 1.1 - Project timeline and supporting documents
- 2.0 - Project budget
- 3.0 - Accountability Framework Financial statements that adhere to Project accountability

1.0 Description of the Project including management framework

The Nelson Tennis Club (NTC) respectfully requests CWF funding support for completion of the Facility Centre at the LVR Multisport Complex to provide the following additions to the site's recreation infrastructure:

- badly needed courtside washroom facilities and change rooms
- on-site equipment storage space for school teams, junior programs, and court maintenance
- an event room for community gatherings, social events, and tournaments
- a training room for school teams and NTC's Junior Development Program

In 2018, the Nelson Tennis Club (NTC) partnered with School District 8 (SD8) to revitalize a derelict court site above LVR Secondary School (see attached photos). Completed on-time and on-budget by September 2018 the new tennis, pickleball, basketball, ball hockey and skateboard courts provided a recreation facility unmatched in the region. The site is used by up to 40 SD8 students at a time for rotating Phys Ed classes as well as casual recreation, and has drawn enthusiastic participation by citizens of all ages from across the region. In addition to the students, the site currently provides healthy outdoor recreation opportunities for 110 tennis players, 80 pickleballers, visitors and day users, and many youth for shooting hoops, playing ball hockey and skateboarding.

In August 2019, construction of the Facility Centre began with \$153,000 raised by the NTC, including \$54,000 from within the Club. Foundations were excavated and poured, utilities were trenched 300 ft to the site, and by November, the building was framed and roofed to lock-up for the winter (see attached photos). An experienced NTC volunteer labour crew worked daily on the site under the supervision of a professional builder for a total of 800 man-hours. Unfortunately in December 2019, notification was received that NTC's application for a Community Gaming Capital grant that would have seen completion of the Facility Centre was narrowly unsuccessful. NTC is currently rebuilding a funding coalition to complete the building by the fall of 2020.

The core 3-man management team from the NTC Executive now has two years of experience with project design and planning; permitting; developing partnerships within the community; fundraising and securing in-kind contributions from suppliers and contractors; project budgeting and implementation; construction site management; and mobilizing volunteer work crews. The team has achieved a reputation with funders for completing complex projects on-time and on-budget. The NTC team will reassemble the same experienced volunteer work crew, again under the supervision of a Pacific West builder, and together with plumbing, electrical, insulation, drywall, siding and decking subcontractors will complete the Facility Centre by mid-Nov 2020. The School District Operations Manager will act as site co-supervisor.

(If needed, please provide additional information on separate page)

1.1 Project Costs including Timeline and Supporting Documents

Facility Centre construction costs are detailed in the attached Pacific West Builders project budget, and also categorized in the Project Expenses section below.

The proposed 2020 construction schedule is as follows:

- May 27-29 : Installation of Doors and Windows; supervised by Len Maida
- June 1-5 : Ground Floor Foundation/ Plumbing Rough-In; Pacific West, Honey Dew Mechanical, Nelson Ready Mix
- June 8-19 : Installation of Exterior Access Wheel-Chair Accessible Washroom; Pac West, Honey Dew Mechanical
- June 22-July 3: Interior Framing, Insulation and Drywall, Pac West Builders; Ewing Insolutions, DR Drywall
- June 22-Jul 10: Mechanical/Electrical Finishing Installations; Honey Dew Mechanical, Pickerell Electric
- Jul 3 - Aug 7 : Interior Finishing; supervised by Pacific West Builders
- Oct 30-Nov 6 : Exterior Siding; KE Construction
- Oct 30-Nov 13: Deck Surfacing/Railings and Building Security; FlexDexx, Kootenay Glass, DHC Communications

(If needed, please provide additional information on separate page)

1.2 Project Impact

The Facility Centre's immediate impact will be to rectify by mid-June the lack of courtside washroom facilities at the popular new site, particularly benefiting the 80 seniors participating in tennis and pickleball, the 50 children in the junior programs, mothers with toddlers in the playground area, and the many participants and spectators at day-long social events and tournaments (see attached photos). Currently, attendees must leave the site and travel a kilometer to the nearest public washroom. According to the Tennis Canada 'safe sport' initiative the lack of facilities for children participating in instructional programs is not only inconvenient, it is potentially unsafe (see attached TennisBC letter). Under the new guidelines, coaches are not permitted to allow a child to leave the premises to use off-site facilities unaccompanied. The 'rule of two' mandates that the coach must accompany not one but two children to the off-site washroom. This principle makes it impractical for small clubs such as the NTC to run instructional programs for youth in the absence of courtside facilities.

The Facility Centre, as a future gathering place, will be a hub of community social interaction. The event room will provide a venue for daily social interaction, and will be used by schools and community organizations to host social and competitive events. The beautiful location and views will showcase the area to our visitors.

The training room, available to all users, will primarily benefit youth involved in school teams and development programs. Trained staff will supervise the use of exercise equipment, and coaching staff will utilize video replay for instruction purposes.

The equipment storage will benefit maintenance volunteers and the youth program instructors with a secure and easily accessible storage space.

(If needed, please provide additional information on separate page)

1.3 Project Outcomes

The LVR Multisport project aligns with the recommendations of the 2014 Nelson and District Parks and Recreation Master Plan, and the Nelson 2040 Sustainability Strategy. Project outcomes:

- i) Promote Healthy Living. The redeveloped site, with 4 tennis, 3 pickleball, 2 basketball, ball hockey and skateboard courts, provides healthy outdoor recreation opportunities for SD8 students and citizens of all ages from across the region.
- ii) Increase Social Connection. The courts are already a hub of community interaction, which will be much enhanced with the addition of the new Facility Centre. A children's playground will also promote family use of the site.
- iii) Improved Accessibility. The NTC is constitutionally mandated to keep membership and user fees sufficient only to cover program and operating costs. Court access, events, and training programs are available to all citizens and visitors for modest fees. To further improve accessibility to the Junior Development Program for lower income families, NTC is currently seeking funding support from the Community Gaming Program.
- iv) Small Environmental Footprint. The Multisport site is centrally located yet not intrusive on residential properties, and backs onto the Great Northern Trail which is advantageous for walking/cycling access. The Facility Centre design is simple, the building footprint small (20 x 36 ft), and it is built into the hillside reducing energy consumption. Court lighting will utilize high efficiency LEDs replacing old metal halide technology.
- v) Generate Economic Benefits. The region's hospitality sector will benefit economically from this project, which is already popular with visitors to the area. The 4-court venue with Facility Centre will enable NTC to host larger sanctioned tournaments, in addition to expanding the regional West Kootenay Open and the Kootenay Cup tournaments. Planning is underway with the School District for an eventual Tennis Academy to attract international students. Eventually, the new tennis/pickleball facilities could be part of a larger initiative seeking to host provincial events such as the Summer Games and Senior's Games.

Measurable outcomes to evaluate success of the Facility Centre include:

- i) numbers of members, drop-ins, and visitors utilizing the facility daily for recreation and socializing.
- ii) utilization by school sports teams and community organizations for gatherings and events.
- iii) utilization of the training room by school teams and the Junior Development Program.
- iv) number and expenditure data of out-of-town attendees at events.
- v) survey feedback from locals and visitors regarding the quality of facilities provided.

(If needed, please provide additional information on separate page)

1.4 Project Team and Qualifications		
Keith Bridger, LVR Multisport Project Coordinator, NTC President Rob Wright, LVR Multisport Site Supervisor, NTC Director of Operations Angus Glass, LVR Multisport Communications, NTC Director of Communications Bruce Maclean, LVR Multisport Site Supervisor, SD8 Operations Manager Contractors: Ed Olthof, Owner/manager, Pacific West Builders Jamie Yasek, Owner/operator, JY Contracting Craig Pickerell, Owner/operator, Pickerell Electric Lenny Farrell, Owner/operator, Honey Dew Mechanical Jesse Ewing, Owner/operator, Ewing Insolutions Kyle Ebbert, Owner/operator, KE Construction Ryan Dore, Owner/operator, Flex Dexe		
(If needed, please provide additional information on separate page)		
2.0 Project Budget		
List anticipated and confirmed Project revenue and expenses that have been deemed necessary for the implementation of the Project. Schedule B outlines eligible costs for eligible recipients (see attached).		
Project Revenue		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description of Revenue	Value (\$)
Nelson Tennis Club	confirmed	\$ 32,000.00
Nelson Tennis Club	anticipated	\$ 7,000.00
RDCK Area F CWF	anticipated	\$ 20,000.00
City of Nelson CIP/AAP	anticipated	\$ 9,090.00
CGG Minor Capital Grant	anticipated	\$ 20,000.00
CBT Community Development Grant	anticipated	\$ 34,000.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 122,090.00
Project Expenses		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description of Expenses	Value (\$)
Doors and Windows	Maida Doors and Windows	\$ 9,710.00
Ground Floor Foundation/Plumbing	JY Contracting, Pac West, Nelson Ready Mix	\$ 15,860.00
Interior and Deck Framing	Pacific West Builders	\$ 21,600.00
Insulation	Ewing Insolutions	\$ 14,700.00
Mechanical/Electrical Finishing	Honey Dew Mechanical, Pickerell Electric	\$ 22,100.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 83,970.00

2.1 Additional Budget Information Quote rationale to be reviewed by RDCK Chief Administrative Officer		
Pacific West Builders Detailed Project Budget Attached. Pacific West Builders have provided general contractor services for the Multisport Facility since the initial 2018 court construction phase with planning and budgeting assistance, and site supervision of the NTC volunteer work crew. JY Contractors, Pickerell Electric, and Honey Dew Mechanical likewise have a history of involvement in the project. All contractors and suppliers (Selkirk Paving/ Nelson Ready Mix, Nelson Home Building Centre, Maida Windows) have been very generous with discounts and donations of time, materials and equipment to the project now totaling \$55,000. The sub-contractors with no previous involvement with the project (Ewing, Flexx Dex, Kootenay Glass, DHC Communications) were selected in early 2019 as part of the Community Gaming Capital Grant application process.		
(If needed, please provide additional information on separate page)		
3.0 Accountability Framework		
The eligible recipient will ensure the following: <ul style="list-style-type: none"> - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices - 		
4.0 Schedule of Payments		
The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments: <ol style="list-style-type: none"> a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures. 		
5.0 Acknowledgement of Requirements		
Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth.		
By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 10 years) is to be submitted to the RDCK prior to October 31 st of each year detailing the beneficial impacts on the community as a result of the completed Project.		
Authorized Signature for Proponent	Name	Date
via email	Keith Bridger	2020/02/27



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: March 30, 2020
Date & Type of Meeting: April 15, 2020 Rural Affairs Committee
Author: Tanji Zumpano, Water Services Liaison
Subject: COMMUNITY WORKS FUND APPLICATION – WINLAW REGIONAL & NATURE PARK BOARDWALK REPLACEMENT PROJECT
File: 1850-20-CW-211

SECTION 1: EXECUTIVE SUMMARY

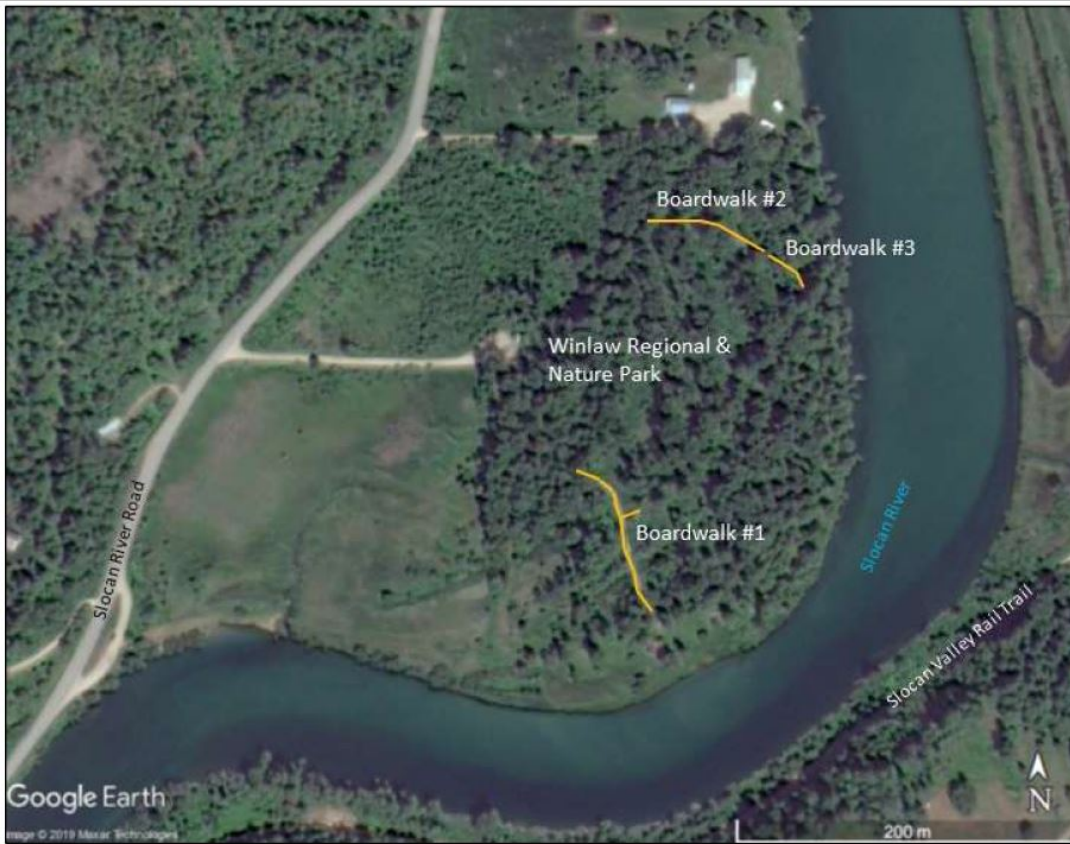
The purpose of this report is to seek approval for the RDCK Community Works Fund application submitted for the **Winlaw Regional & Nature Park Boardwalk Replacement Project** in the total amount of \$100,000 and that funds be disbursed from Community Works Funds allocated to Electoral Area H. This recreation capital infrastructure upgrade project will enhance and rejuvenate the extensive boardwalk network throughout this park and provide a safe and all mobility accessible trail network for visitors to the park.

SECTION 2: BACKGROUND / ANALYSIS

The RDCK owned and operated Winlaw Regional & Nature Park Trail encompasses 9.2 ha (22.7 ac) and lies adjacent to the Slocan River. Regional residents have historically expressed an interest in seeing natural processes dominate the majority of the park landscape. As a result, this designated waterfront access regional park includes a picnic area, lawn, trails, beach and elevated boardwalks. The day use recreation area provides opportunities for beach activities, nature appreciation, walking, kayaking, rafting, canoeing and picnicking. A large portion of the park is identified as a protected natural area.

An extensive series of raised boardwalks are located on the trails within the park. These boardwalk trails weave through the cottonwood trees and are especially appreciated by dog walkers, those wishing to take a leisurely stroll, and children recreating. Over the last few years trail maintenance staff have noted and identified substantial rot in some of the structural boardwalk elements, maintenance work and costs are increasing on, and rotten deck planks are becoming hazardous to users. The boardwalks are generally nearing the end of their design life and require extensive ongoing routine maintenance to maintain safe structures.

In partnership with Kootenay Adaptive Sport Association (KASA), this capital project will include the replacement of 3 boardwalks (200m) and related park infrastructure. Based on an assessment completed in October 2109 and recommendations provided by SNT Engineering Ltd, the superstructure will be comprised of steel and timber components. While a steel foundation is more costly at the project outset, savings will result with reduced maintenance required and a longer lifespan. The proposed new boardwalks have also been designed to consider accessibility enhancements to ensure inclusiveness of all users.



Winlaw Regional & Nature Park – Boardwalks to be replaced

KASA, the RDCK’s partner in this project has secured substantial project funding for this project. Design work has already been completed and onsite project work will commence in April 2020 with project completion scheduled for December 2020.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov’t Approvals req’d: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

This application is the responsibility of Area H and no other areas are being asked to contribute to the project. The Director for the area is supportive of the application and currently has sufficient funds to allocate to the project leaving Area H with a balance of \$809,136.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

Gas Tax-funded projects aim to achieve three objectives: a clean environment; strong cities and communities; and productivity and economic growth. Board policy dictates that applications to the Community Works Fund be reviewed by staff and the Rural Affairs Committee for compliance with program guidelines. Staff is of the opinion that this project falls within the broad program category of ‘Recreation Infrastructure – recreational facilities or networks.’

c. Environmental Considerations:
With assistance from BC Recreation Sites & Trails, this project will also result in the creation of a trail standards document for Adaptive Mountain Bikes and Off-Road Wheelchairs which can then be implemented province wide in the development and rehabilitation of other recreation trails.
d. Social Considerations:
This project will rebuild a boardwalk at Winlaw Regional Park to accessible standards for use by individuals of all ability levels. Opportunities will be available for healthy social engagement and cultural interaction, with an impactful experience linked to environmental appreciation and sensitivity.
e. Economic Considerations:
The RDCK's partnership with KASA will lead to local residents receiving valuable work experience and skills enhancement in carpentry, construction, teamwork, leadership, occupational first aid, accessibility and Universal Design education and practice, trail standards and management. Upon completion, regional small businesses and entrepreneurs may benefit from increased park usage, enhanced economic development and diversity for the region.
f. Communication Considerations:
g. Staffing/Departmental Workplan Considerations:
RDCK staff resources will need to be allocated to track, process and ensure the project fulfills the reporting requirements on an annual basis (5 years).
h. Board Strategic Plan/Priorities Considerations:
This project is directly aligned with the Board's overarching strategic priorities of <i>Recreation, Parks & Trails</i> and <i>Coordinated Service Delivery</i> .
SECTION 4: OPTIONS & PROS / CONS
SECTION 5: RECOMMENDATION(S)
That the RDCK Community Works Fund application submitted for the Winlaw Regional & Nature Park Boardwalk Replacement Project in the total amount of \$100,000 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area H.

Respectfully submitted,

Originally signed by
Tanji Zumpano.

Signature:

Name: Tanji Zumpano, Water Services Liaison

CONCURRENCE

Initials:

General Manager of Environmental Services
Chief Administrative Officer

Originally approved by Uli Wolf.
Originally approved by Stuart Horn.

ATTACHMENTS:

Attachment A – Winlaw Regional & Nature Park Boardwalk Replacement Project - Community Works Fund Application



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
 250-352-6665 1-800-939-9300 Email info@rdck.bc.ca

Community Works Fund Application			
Gas Tax Program Services – CWF Funding (UBCM)			
Project Title	Winlaw Regional Park Boardwalk Replacement Project		
Date of Application	2020/03/20		
Applicant Information			
Name of Organization	Regional District of Central Kootenay		
Address	Box 590, 202 Lakeside Dr		
City, Prov. Postal	Nelson, BC. V1L 5R4		
Phone No.	250 352 6665	Fax No.	2502653332
Organization's Email	cgaynor@rdck.bc.ca		
Name of Contact	Cary Gaynor	Contact's Email	cgaynor@rdck.bc.ca
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Walter Popoff	Area H	\$ 100,000.00	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy\mm\dd)	
2020/03/01		2020/12/18	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)	6010 Slocan River Road; Lot A Plan NEP18064 District Lot 3821 (012-231-576)		
Registered Owners of Land(s)	Regional District of Central Kootenay		
Crown Land Tenure/License No./Permit No.(s)			
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Have you applied and received a building permit?	<input type="checkbox"/> Yes, Permit No. _____	<input checked="" type="checkbox"/> No	
If No, please explain: Not required.			

Application Content

Must include all of the following:

- 1.0 - Description of the Project including management framework
- 1.1 - Project timeline and supporting documents
- 2.0 - Project budget
- 3.0 - Accountability Framework Financial statements that adhere to Project accountability

1.0 Description of the Project including management framework

The Winlaw Regional & Nature Park Trail is a 9.2 ha (22.7 ac) parcel located adjacent to the west shore of the Slocan River. This RDCK park is an area that has been extensively used by humans for many years, and will continue to be impacted by humans. However, local and regional residents wish to allow natural process dominate on the majority of the park area. Sections of the park have been converted to lawn, roads, parking areas, trails, and boardwalks.

Winlaw Regional & Nature Park serves as a local day use recreation area for residents and tourists alike. Opportunities include beach activities, nature appreciation, walking, kayaking, rafting canoeing and picnicking. A large portion of the park is identified as a protected natural area. Some of the natural and recreational features include:

- Slocan River on one side and lies entirely within the Slocan River riparian area. Specifically, 94% of the park area is located within the floodplain of the Slocan River, with the remaining 6% on a toe slope immediately adjacent to the floodplain.
- Vegetation cover is composed of a variety of floodplain and wetland forest types.
- Vegetation patterns in the park result from the interaction of human disturbance patterns and the complex ecology of a large river floodplain. Some terrain features are also a result of human disturbance.
- Localized flooding allow the open grasslands to be maintained.
- Significant beaver population along riverbank.
- Contains a developed lawn/recreation area, a low impact trail system in the forested area, and boardwalks through the wetland area.
- The developed recreation area in the south east portion of the park occupies a 1.1 ha area, and represents the majority

This park contains an extensive network of boardwalks. This project will see the replacement of 3 boardwalks (with steel) and related park infrastructure within the Winlaw Regional and Nature Park. Accessibility Enhancements and upgrades are being included to ensure accessibility and inclusiveness of all users.

The RDCK will partner with the Kootenay Adaptive Sport Association (KASA) through a Job Creation Partnership to employ 10 individuals (3 management / 7 EI eligible participants) in Winlaw / Nakusp / Nelson and surrounding communities to manage and execute the project.

In consultation with Access BC and Rec Sites and Trails BC, the RDCK will identify Universal Design practices and discuss inclusive trail standards throughout the park.

MANAGEMENT FRAMEWORK:

1. The RDCK will provide project support, financial accountability and fund reporting.
2. KASA will provide management and execution of the project as the Project Holder of a Job Creation Partnership with the Ministry of Social Development and Poverty Reduction.
3. Access BC will be engaged as a Consultant to assist with all aspects of the project related to access and inclusion..
4. Local suppliers and contractors will be engaged (to the greatest extent possible) to provide the materials, supplies, machine and operator needs of the project.
5. University of Manitoba Professor Dr Dean Kriellaars will be engaged to consult and implement Physical Literacy Enhanced Design concepts for graduate level research and study.

(If needed, please provide additional information on separate page)

1.1 Project Costs including Timeline and Supporting Documents

PROJECT COSTS

Materials \$222,708
Employee Training and Support \$52,730
Advertising / Signage \$13,294
Equipment Leases / Purchases \$135,724
Construction / Staff Wages / Contracts \$345,454
Administration / Misc. \$28,126
Engineering \$30,000
Estimated Total Cost \$828,036 (\$30,000 IN KIND)

TIMELINE

Feb 10th - May 31st, 2020

KASA Project Manager / Construction Manager- Planning / Material Procurement / Stakeholder Identification and Engagement

February 10th - May 31st, 2020

KASA Accessibility Supervisor - Access and Inclusion Education / Audits and Study / Universal Design Implementation

March 3rd - May 31st, 2020

KASA Project Manager - Staff Recruitment / Education / Safety / Orientation

April 1st - July 31st, 2020

KASA Construction Manager - De-Construction / Site Preparation

July 1st - November 30th, 2020

KASA Construction Manager - Infrastructure Construction / Carpentry / Skill Development

July 1st - December 18th, 2020

KASA Project Manager - Financial / Risk / Scope / HR Management, Stakeholder Liaise, Reporting, Evaluation

SUPPORTING DOCUMENTATION ATTACHED:

"WINLAW REGIONAL AND NATURE PARK Boardwalk Replacement and Accessibility Upgrades - Additional Information and Appendices"

Support Letters: Access BC and Slocan City Mayor and Council

Certificate of Incorporation and demonstration of Society in Good Standing

Quotes for all expenditures related to RDCK request for funding (Equipment Leases and Consultant Contract Fees)

(If needed, please provide additional information on separate page)

1.2 Project Impact

INFRASTRUCTURE REPLACED

An inspection report by SNT Engineering under contract with the RDCK on October 1st, 2019 states:
"Due to the high risk of structure collapse we recommend to close boardwalk #1 until this boardwalk is repaired... due to the high levels of rot found throughout the structure (it) should be replaced as soon as possible." "The boardwalks are generally nearing the end of their design life and require extensive ongoing routine maintenance to maintain safe structures. Maintenance funding resources would be better utilized for the replacement of the structures."

Thus all boardwalk structures will be replaced. Materials will include galvanized steel beams for the structural members, and rot-resistant timbers for the decking and handrails. The anticipated longevity of the structures are 50+ years.

ACCESSIBILITY AND INCLUSION

With the involvement of KASA, an opportunity for greater accessibility and inclusion was identified and will be addressed with a holistic approach and adopting Physical Literacy principles throughout the park including staging, facilities, trails, picnic areas in addition to evaluation and recommendations to available services adjacent to the park. The intent is to develop a Universally Designed Park with Physical Literacy Enhanced Design within the RDCK as a pilot for future study, education, influence and example.

(If needed, please provide additional information on separate page)

1.3 Project Outcomes

The Winlaw Regional & Nature Park provides important community benefits and it is used often by both locals and visitors:

- a. Increased accessible outdoor recreation spaces for use by individuals of all ability levels. Increased opportunity for individual physical literacy development and outdoor activity for residents and visitors alike. Opportunity for healthy social engagement and cultural interaction, with an impactful experience linked to environmental appreciation and sensitivity.
- b. Provide economic benefit to the small community of Winlaw and the RDCK region through valuable employment and work experience, plus increased visitor usage and attractiveness of the park.
- c. In partnership with Access BC, perform accessibility audits and education to implement within the park, enabling the park to be Universally Designed and marketed as such; planting the seed of accessibility and inclusion for the region.
- d. Initiation of a trail standards document for Adaptive Mountain Bikes and Off-Road Wheelchairs with assistance from BC Recreation Sites and Trails for immediate project application and potential for province wide implementation.

Who will benefit from the project?

- a. All visitors to the park, both locals and tourists, inclusive to those that require accessibility.
- b. Local residents will receive valuable work experience and skills enhancement in carpentry, construction, teamwork, leadership, occupational first aid, accessibility and Universal Design education and practice, trail standards, management and work ethic.
- c. Small businesses and entrepreneurs will benefit from increased park usage, enhanced economic development and diversity for the region.

(If needed, please provide additional information on separate page)

1.4 Project Team and Qualifications

KASA has a history of success having been engaged by the RDCK in 2019 to complete a boardwalk replacement along the Galena Trail through a similar agreement, process and structure.

KASA has the organizational capacity with an experienced and specialized management team, strong diverse Board and governance, and a positive supportive relationship with the Ministry of Social Development and Poverty Reduction.

(If needed, please provide additional information on separate page)

2.0 Project Budget
List anticipated and confirmed Project revenue and expenses that have been deemed necessary for the implementation of the Project. Schedule B outlines eligible costs for eligible recipients (see attached).

Project Revenue
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Revenue	Value (\$)
Wages / Training / Prof / Equipment	Job Creation Partnership	\$ 411,028.00
Wages / Materials	Columbia Basin Trust	\$ 230,207.00
Capital Purchases	Heritage Credit Union	\$ 30,000.00
Supplies	Kootenay Savings Credit Union	\$ 2,500.00
Capital Purchases / Supplies	Columbia Power	\$ 5,000.00
RDCK - CWF	Equip. Leases, Materials, Prof. Service Contract	\$ 100,000.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 778,735.00

Project Expenses
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Expenses	Value (\$)
Administration	Bookkeeping / Accounting	\$ 4,690.00
	Insurance (not to be paid for with CWF)	\$ 6,231.00
	Office Expenses (not to be paid for with CWF)	\$ 6,856.00
	Bank Loan Interest (not to be paid for with CWF)	\$ 2,300.00
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 20,077.00

2.1 Additional Budget Information		
Quote rationale to be reviewed by RDCK Chief Administrative Officer		
<p>The PRIMARY OBJECTIVE of the Job Creation Partnership as per contractual obligations between KASA and the Ministry of Social Development and Poverty Reduction is to “provide work experience for seven (7) EI eligible participants in Winlaw, BC., Nakusp, BC. and the surrounding region. The participants will receive work experience and skills enhancement in carpentry, construction, teamwork, leadership, occupational first aid, accessibility and Universal Design education and practice, trail standards, management and work ethic which will increase their opportunities for sustainable employment.”</p> <p>Due to the fact that KASA has a fundamentally different Primary Objective, a straight cost-comparison with a traditional contractor would not be an accurate or fair cost analysis. The JCP will always have a higher budget, due to the increased timelines to allow for completion of objectives and the focus to be on participant training and providing valuable employment. The Ministry contribution accounts for the additional cost.</p> <p style="text-align: right; color: red; font-size: small;">(If needed, please provide additional information on separate page)</p>		
3.0 Accountability Framework		
<p>The eligible recipient will ensure the following:</p> <ul style="list-style-type: none"> - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices - 		
4.0 Schedule of Payments		
<p>The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments:</p> <ol style="list-style-type: none"> a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures. 		
5.0 Acknowledgement of Requirements		
<p>Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth.</p> <p>By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 10 years) is to be submitted to the RDCK prior to October 31st of each year detailing the beneficial impacts on the community as a result of the completed Project.</p>		
Authorized Signature for Proponent	Name	Date
via email	Cary Gaynor	2020/03/25



REGIONAL DISTRICT OF CENTRAL KOOTENAY Committee Report

Date of Report: March 25, 2020
Date & Type of Meeting: April 15, 2020 Rural Affairs Committee
Author: Jason McDiarmid, Utility Services Manager
Subject: REGIONAL DISTRICT OF CENTRAL KOOTENAY WATER BYLAW NO. 2712, 2020
File: 08-3200-10-2712

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for Bylaw No. 2712, which repeals and replaces the existing “Regional District of Central Kootenay Water Bylaw” No. 2577.

SECTION 2: BACKGROUND / ANALYSIS

A commentary on proposed bylaw clause changes has been provided attached. Most proposed changes generally provide better clarity to existing clauses.

Some clauses have been added to provide clarity around water related development within Regional District water services based on recent developments.

The existing Water Bylaw identifies a deadline of December 31, 2019 for metering in all Regional District water services, for all existing Multiple Dwelling Properties, Commercial properties, Industrial properties, Institutional properties, golf courses, Agricultural Land, and recreation facilities. This deadline was not feasible. The proposed bylaw moves the date back to 2021, “unless otherwise identified in a Board Approved metering plan”. Staff is currently working on a metering plan for Board approval for all water systems. It is anticipated that the metering plan will identify which water systems should be given priority and potential timing for metering based on criteria, such as, but not limited to: system capacity, water demand, metering cost, private property potential leakage, and operating costs. It is also anticipated that some water systems may end up with very low priority and no set timing for metering.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov’t Approvals req’d: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Proposed relaxing of metering requirements would result in significant reduction in potential Capital expenditures to implement metering. Future cost of meters is not included in the asset management plans for water systems.

b. Legislative Considerations (Applicable Policies and/or Bylaws):

The Water Bylaw is subject to requirements of the Local Government Act, Community Charter, Building Act and other Acts and Regulations. The proposed Water Bylaw 2712 is closely related to the proposed

Utilities Rates, Fees, And Charges Bylaw No. 2713, and both bylaws need to be considered when making any changes.
c. Environmental Considerations:
None identified.
d. Social Considerations:
The Bylaw restricts water usage and regulates water related development requirements in Regional District water services.
e. Economic Considerations:
The Bylaw impacts water related developer costs.
f. Communication Considerations:
The proposed Bylaw 2712 was provided to Water Commission Chairs for feedback.
g. Staffing/Departmental Workplan Considerations:
Proposed bylaw clause changes that provide better clarity should result in reduced staff time required for bylaw interpretation and customer correspondence.
h. Board Strategic Plan/Priorities Considerations:
Core business activity.
SECTION 4: OPTIONS & PROS / CONS
<ol style="list-style-type: none"> Give three readings to and adopt the Regional District of Central Kootenay Water Bylaw 2712, 2020. <p>Pros</p> <ul style="list-style-type: none"> Provides additional clarity on some Water Bylaw clauses. Postpones metering of Multiple Dwelling Properties, Commercial properties, Industrial properties, Institutional properties, golf courses, Agricultural Land, and recreation facilities. Provides for a Board Approved Metering plan that will review metering requirements and set a prioritization of metering by water system. Makes is easier and more cost effective for development in some circumstances. <p>Cons</p> <ul style="list-style-type: none"> Pushes back implementation of goal of metering all multiple Dwelling Properties, Commercial properties, Industrial properties, Institutional properties, golf courses, Agricultural Land, and recreation facilities within Regional District water systems. Reject the Regional District of Central Kootenay Water Bylaw 2712, 2020. <p>Pros</p> <ul style="list-style-type: none"> None <p>Cons</p> <ul style="list-style-type: none"> Loss of Pros identified above and leaves the RDCK in contravention of its own requirement for metering of commercial properties by end of 2019.

SECTION 5: RECOMMENDATION(S)

1. THAT the *Regional District of Central Kootenay Water Bylaw No. 2712, 2020* is hereby read the FIRST, SECOND, and THIRD time by content.
2. THAT the *Regional District of Central Kootenay Water Bylaw No. 2712, 2020* is hereby ADOPTED and the Chair and Secretary are authorized to sign same.

Respectfully submitted,

Signature: **Originally approved
by Jason McDiarmid.**

Name: Jason McDiarmid, Utility Services Manager

CONCURRENCE

Initials:

General Manager of Environmental Services
Finance Manager
Chief Administrative Officer

Originally approved by Uli Wolf.
Originally approved by Heather Smith.
Originally approved by Stuart Horn.

ATTACHMENTS:

- Attachment A – Regional District of Central Kootenay Water Bylaw No. 2712, 2020 – REDLINE.**
- Attachment B – Regional District of Central Kootenay Water Bylaw No. 2712, 2020.**
- Attachment C – Commentary on Proposed Changes to Water Bylaw No. 2577.**



**REGIONAL DISTRICT OF CENTRAL KOOTENAY
WATER BYLAW NO. 2712, 2020**

ADOPTED April 16, 2020

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SCHEDULES

SCHEDULE A – WATER CONSERVATION MEASURES

REGIONAL DISTRICT OF CENTRAL KOOTENAY

BYLAW NO. 2712

A Bylaw to regulate the terms and conditions under which water from the Regional District of Central Kootenay Water Systems may be supplied, used and regulated.

THE BOARD OF THE REGIONAL DISTRICT OF CENTRAL KOOTENAY IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

1. BYLAW TITLE

This Bylaw may be cited as “**Regional District of Central Kootenay Water Bylaw No. 2712, 2020**”.

2. APPLICATION OF BYLAW

This Bylaw applies to all Water Service Areas of the Regional District of Central Kootenay.

3. REPEAL

This Bylaw repeals the “**Regional District of Central Kootenay Water Bylaw No. 2577, 2017**” and “**McDonald Creek Waterworks Bylaw No. 1871, 2007**”.

4. SEVERABILITY

If any portion of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, that portion may be severed from the Bylaw and such decision shall not affect the validity of the remaining portions of the Bylaw.

5. INTERPRETATION

In this Bylaw each term set out in the left hand column of the table that follows has the meaning set out in the right hand column of the same row.

Account	is a formal arrangement under this Bylaw for the provision of water services to a Property.
Account Holder	is the person, organization, agent or representative that holds the water Account with the Regional District of Central Kootenay.
Account Type	describes the predominate usage of the Account such as but not limited to: Single Family Dwelling, Multiple Dwelling Property, Commercial, Industrial, Institutional, Agricultural, and Recreational.
Agricultural Land	is land where agricultural irrigation privileges have been assigned by the Manager.
Air Gap	means the unobstructed vertical distance through air between the lowest point of a water fixture and the flood level rim of the fixture or device into which the outlet discharges.

Approved	means approved by the Manager.
Auxiliary Building or Dependent Suite	means a secondary or supplementary building or Unit that does not include all of cooking, eating, living, sleeping and sanitary facilities. An Auxiliary Building or Dependent Suite intended for habitation would be reliant on the main Dwelling.
Backflow	means the flowing back or reversal of the normal direction of flow.
Backflow Prevention / Preventer	is a method or device used to prevent Backflow that is selected and installed in accordance with the Plumbing Code, and CSA B64.10-11.
Board	means the Regional District of Central Kootenay Board of Directors.
Capital Infrastructure Charge	is a fee levied that is placed into reserves as a contribution to the cost of existing water infrastructure, upgrades and long term asset renewal.
Carwash	means a building or structure containing facilities for washing motor vehicles, including but not limited to tunnel car washes, coin operated automatic car washes and coin operated self service car washes.
Commercial	means any Unit for which the use is the provision for the selling of goods and services, for the servicing and repair of goods or for commercial office functions, including but not limited to retail sales, wholesaling incidental to retail sales, commercial education and entertainment services, household services and all associated repairs, other personal and non-personal services and administrative, commercial and professional offices.
Commercial Carwash	means a Carwash used or operated by a Commercial or Industrial business.
Cross Connection	means any physical arrangement whereby the Water System is connected, directly or indirectly, with any potable, non-potable or un-Approved private water supply system, sewer drain, conduit, well, pool, irrigation system, storage reservoir, plumbing fixture, or any other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other wastes, or unknown or unsafe water quality which may be capable of imparting contamination to the water supply as a result of Backflow.
CSA B64.10-11	means Canadian Standards CSA B64.10-11, Selection and Installation of Backflow Preventers, November 2011, or the latest version thereof.
Curb Stop Valve	means the valve owned by the Regional District generally placed on the water service at the Property Line to control the flow of water to a lot.
Curb Stop Box	means the hollow metal tube that runs from the Curb Stop Valve to the cap. The Curb Stop Box includes the operating stem and the box cap.

Customer	means the Owner or occupant of any Property to which water is supplied or made available from the Regional District.
Designated Officer	means an employee of the Regional District or an authorized representative as designated in writing by the Manager.
Developer	means the Owner of a Development.
Development	means the construction, alteration, or extension of buildings, structures, utilities or any use that requires the issuance of a building permit, plumbing permit, development permit, or Interior Health construction permit issued in accordance with the <i>Drinking Water Protection Act</i> .
Disconnection	means physically turning off the water to a Owner's Property and adjusting the Owner's Account accordingly.
Drip Irrigation	is an irrigation method that saves water by allowing water to drip slowly to the roots of plants, either onto the soil surface or directly onto the root zone, and uses less than 7.6 litres per hour (2 United States gallons per hour) at less than 138 kPa (20 psi). This does not include soaker hoses, weeper hoses or micro-sprayers.
Double Check Valve Assembly	is a Backflow Prevention device meeting Canadian Standards CSA B64.5.
Dual Check Valve	is a Backflow Prevention device meeting Canadian Standards CSA B64.6.
Dwelling	means any living quarters used or has the potential to be used by one or more persons which contains cooking, eating, living, sleeping and sanitary facilities.
Easement	is a right to the use of land, or a right to restrict the use of land. See also Statutory Right of Way.
Fees and Charges	means the fees and charges set out in the <i>Fees and Charges Bylaw</i> .
Fees and Charges Bylaw	means the Utilities Rates, Fees, and Charges Bylaw No. 2471, 2015, as may be amended or replaced from time to time.
Folio	is a land identification number assigned by British Columbia Assessment and is used for Property tax purposes. Folio is synonymous with Assessment Roll Number. A Folio in this Bylaw may describe one or more Parcels grouped under one British Columbia Assessment Folio.
Free Flow Bleeder	is a Freeze Protection Device that allows the discharge of bleed water continuously.
Freeze Protection Device	means any Approved device to prevent the freezing of the water service.
Illegal Water Connection	means any water connection that was made without the Manager's approval under the Bylaw or other legal authority.

Industrial	means businesses including but not limited to airports, aggregate processing, asphalt plants, bulk fuel storage, concrete plants, fabrication plants, manufacturing, processing, sawmills, and truck terminals.
Institutional	means activities focusing on non-profit services in the public's interest. For example, schools, hospitals, group foster homes, and buildings used for religious worship.
Irrigation	means the distribution of water to the surface or subsurface of lawns, gardens, vineyards and orchards, greenhouses by pipes, hoses, sprinklers or any other method.
Manager	in this Bylaw, unless the context otherwise requires, means the Regional District of Central Kootenay General Manager of Environmental Services, the Water Operations Manager, Utility Services Manager or designate.
Manufactured Home	means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried, and that is used as a Dwelling.
Meter	means water meters, remote reading device, wire and other equipment or instruments used by the Regional District or authorized by the Regional District to be used to calculate the amount of water consumed, and other related appurtenances.
Meter Idler	is a section of pipe with meter couplings used to take the place of a meter.
Mobile Housing Unit	is any type of living accommodation that has been produced to be transported or is a mobile unit such as a ship, boat, recreational vehicle, Manufactured Home and so on, and occupied as living quarters.
Minor Cross Connection Hazard	means any type of Cross Connection or potential cross-connection that involves a substance that constitutes only a nuisance and that results in a reduction in only the aesthetic qualities of the water.
Moderate Cross Connection Hazard	means any Minor Cross Connection Hazard that has a low probability of becoming a Severe Cross Connection Hazard.
Multiple Dwelling Property	means any Property containing more than one Dwelling Unit on one Folio
Occupancy Permit	means a permit issued by the Regional District indicating a building or structure is in compliance with applicable building codes and is suitable for occupancy.
Once Through Cooling Equipment	means cooling, air conditioning or refrigeration systems in buildings, building systems and equipment, which rely upon the temperature of the water for cooling purposes and deliver water to a drain or other discharge facility without having recycled that water.

Owner	has the same meaning as in the British Columbia <i>Land Title Act</i> and <i>Manufactured Home Act</i> .
Owner Water Connection	means the Owner's water lines and appurtenances downstream of the Regional District Water Connection.
Parcel	means the unit lot, block or other area in which land is registered under the British Columbia <i>Land Title Act</i> .
Plumbing Code	means the British Columbia <i>Plumbing Code, 2012</i> , as it may be amended or replaced from time to time.
Premise Isolation	means Cross Connection protection provided at the entrance to a Property, building or facility.
Property	means land and improvements.
Property Line	means a line which defines, in the British Columbia Land Title Office, the perimeter of a Parcel.
Qualified Person	means a person who has a recognized degree, certificate, or professional standing related to subject matter.
Recreational	is land primarily used for public recreation and includes but is not limited to not for profit: golf courses, parks, sports fields, gymnasiums, playgrounds, parks, green areas, beaches and camping sites.
Reconnection	means physically turning on the water and reestablishing or adjusting an Account as required.
Redevelopment	means the alteration or extension of existing buildings, structures, utilities or any use that results in a significant change in water usage and requires the issuance of a building permit, plumbing permit, development permit or Interior Health construction permit.
Regional District of Central Kootenay or Regional District or District	means the Regional District of Central Kootenay, as described under the British Columbia <i>Local Government Act</i> with offices located at 202 Lakeside Drive, Nelson, BC V1L 5R4 Phone: 250-352-6665 or toll free number 1-800-268-7325 and Fax: 250-352-9300.
Regional District Water Connection	means the water line extending from the Water Main to the Curb Stop Valve, generally near the Property Line and shall include any immediate downstream Meter installation, or Backflow Preventer.
Severe Cross Connection Hazard	means any type of Cross Connection or potential Cross Connection involving water that has additives or substances that can create a danger to health.
Single Family Dwelling	means a building or structure that contains only one Dwelling.
Statutory Right of Way	the grant of a right of way under Section 218 of the British Columbia <i>Land Title Act</i> .
Subdivision	means a subdivision as defined in the British Columbia <i>Land Title Act</i> , and a subdivision under the British Columbia <i>Strata Property Act</i> .

Subdivision Bylaw	means the <i>Subdivision Bylaw No. 2159</i> as it may be amended or replaced from time to time.
Swimming Pool	is any permanent or semi-permanent artificial pool for swimming in.
Title (Land Title)	refers to the registration of land ownership in accordance with the British Columbia <i>Land Title Act</i> .
Turn On/Off	means a temporary interruption in or discontinuance of the supply of water authorized by the Regional District.
Unit	means any Dwelling, Commercial, Industrial, or Institutional space.
Water Conservation Measures	any measures implemented by the Manager to restrict water usage.
Water Main	means any water pipe under the control of the District which is intended for public use.
Water Meter	see Meter.
Water Service Area	means the area defined by the Water System service area establishment bylaw.
Water Service Area Extension	is the extension of the Water Service Area boundary by bylaw to include one or more additional parcels of land.
Water System	means all Regional District owned assets like Water Mains, water treatment facilities, pump stations, reservoirs, wells, water intakes and all associated appurtenances used in the provision of Water Services.
Water Servicing Plan	is a plan that details the proposed Development or Subdivision as it relates to water servicing.
Work	means construction, maintenance, inspection or testing services provided for an Owner.
Work Order	is a written order on an Approved form providing agreement by a Owner to proceed with Work identified on the form for which the Owner will be responsible for costs incurred by the Regional District in accordance with the Utilities Rates, Fees and Charges Bylaw.

6. ADMINISTRATION

- (1) The Manager is hereby authorized and directed to have general supervision over the Regional District of Central Kootenay Water Systems and to see that the provisions of this Bylaw are carried out.
- (2) The Manager shall have the power to appoint Designated Officers for the purpose of effectually carrying out the provisions of this Bylaw, and wherever the Manager is authorized or directed to perform any act or duty under this Bylaw, such act or duty may be performed by any Designated Officer authorized by the Manager to perform such act or duty.

7. LIABILITY

- (1) Nothing contained in this Bylaw shall be construed to impose any liability on the Regional District to service any person or Property or to give a continuous supply of water to any person or Property.
- (2) The Regional District shall not be liable for the failure of the water supply in consequence of any accident or damage to the Water System, or to excessive pressure or lack of pressure, or any interruption of service.
- (3) The Regional District does not guarantee provision of minimum or maximum service pressures or minimum flow rates.
- (4) The Regional District shall not be liable for deposition of sediment, mineral build up, staining or corrosion in the Owner Water Connection or Owner's water system.

8. OPERATION OF THE WATER SYSTEM

- (1) No person, except a Designated Officer, or authorized contractor of the Regional District, or a member of a Regional District fire department shall operate any hydrant, standpipe or valve that forms part of the Water System or use any water therefrom, without written Approval of the Manager.
- (2) No person shall destroy, injure or tamper with any hydrant, or other fixture of the Water System and no person shall in any manner interfere or meddle with the Regional District Water Connection or Water System, or make any additions or alterations to the Water System or any Regional District Water Connection, or Turn On or Turn Off any Curb Stop, service valve or gate valve that forms part of the Water System without written Approval of the Manager.

9. APPLICATIONS

- (1) A request for a new Owner Water Connection, Account, Disconnection or Reconnection shall be made on the application form provided by the Manager.
- (2) A request for change of Account Type shall be made on the application form provided by the Manager.
- (3) Application for new Owner Water Connections or Account, or change of water use will only be accepted from the Owner.
- (4) An application in writing is required to the Manager for temporary water usage for such things as construction, road maintenance, and events.

10. DISCONNECTION AND WATER SHUT OFF

10.1 Water Turn Off

- (1) An Owner may apply for water Turn Off.
- (2) The Regional District may Turn Off or Disconnect the water service to any Property, group of Properties or Water Service Area for any of the following reasons, and the Regional District shall not be liable for damages by reason of discontinuing water service:
 - (a) Unnecessary or wasteful use of water, or violation of regulations concerning watering or sprinkling;

- (b) Non-payment of Fees and Charges, repair charges or other miscellaneous charges;
 - (c) Failure to replace or repair defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in a good state of repair and which are or may become a cause of waste of water;
 - (d) Failure to allow access for inspection of any reasonably assumed contravention of this Bylaw;
 - (e) Failure to allow access for a Meter installation, Work, inspection, testing or reading;
 - (f) Failure to allow access for Backflow Preventer installation, inspection, or testing;
 - (g) Water System maintenance or repairs;
 - (h) Inadequate source water supply or disruption;
 - (i) Concerns with water quality;
 - (j) For violation of any of the provisions of this Bylaw.
- (3) Except under emergency situations, reasonable notice is required before Shut Off or Disconnection of the Regional District Water Connection. Reasonable notice shall consist of at least 48 hours notice.

10.2 Application to Leave a Water Service Area

- (1) Any request for a Parcel to be removed from a Water Service Area shall be submitted in writing to the Manager.
- (2) Parcels may only be removed from the Water Service Area if removal benefits the Water System or the Parcel cannot be feasibly serviced from the Water System.
- (3) If a future application is made for the Parcel to re-join the Water Service Area, the Parcel is subject to all conditions of this Bylaw and Fees and Charges as identified in the *Utilities Rates, Fees and Charges Bylaw*. No credit shall be given for past contributions to the Water Service Area.
- (4) After a Parcel is removed from a Water Service Area, no rebates for any past Fees and Charges or taxes shall be paid to the Owner, except proration of the current year's Fees and Charges.
- (5) If permission is granted for a Parcel to be removed from the Water Service Area, the Regional District Water Connection shall be removed at the Owner's expense.

11. OWNERSHIP, RESPONSIBILITY, AND ACCESS

11.1 Owner Water Connections

- (1) The Owner is responsible for the supply and installation of Owner Water Connections.
- (2) Joining of the Regional District Water Connection and the Owner Water Connection during construction shall be the responsibility of the Owner. The joint shall be inspected by a Designated Officer prior to backfilling the Owner Water Connection. A minimum notice of two working days is required before inspection.
- (3) The Owner shall ensure that all pipe, fixtures and appurtenances connected to the Owner's water system are in good working order.
- (4) All new Regional District Water Connections shall have a properly placed Curb Stop Valve and Curb Stop Box for Regional District Water Connections up to 50 mm in diameter or a shut off valve conforming to *AWWA C509* for Regional District Water

Connections of 100 mm diameter or larger.

- (5) All new Regional District Water Connection Curb Stop Valves or shut off valves shall be generally located immediately on the roadway side of the Parcel Property Line.
- (6) The Regional District shall own and be responsible for any maintenance or replacement of the Curb Stop Box and Curb Stop Valve with the exception of the connection point with the Owner Water Connection which is the responsibility of the Owner.
- (7) The Regional District does not guarantee the proper function of Curb Stop Valves.
- (8) The property Owner is responsible for any damage to the Curb Stop Box and Curb Stop Valve caused by the Owner or the Owner's contractors or representatives.
- (9) If it becomes necessary to do repairs on the Owner Water Connection, any costs incurred shall be the responsibility of the Owner. No work is permitted on the Regional District Water Connection without prior approval from the Manager.
- (10) If the source of the leakage, freezing or other condition which causes the interruption of the supply of water cannot be determined, the Owner shall sign a Work Order for investigative Work. If it is determined that the source of the problem is within the Regional District Water Connection or other part of the Regional District Water System, then the Owner will not be charged for the Work. If it is determined that the source of the problem is within the Owner Water Connection then the Owner will be responsible for the investigative Work and any other repairs.
- (11) If potential high pressures are a concern, the Owner shall be responsible to provide and maintain any required pressure-reducing valves and pressure relief valves.
- (12) The Owner shall permit access by the Designated Officer upon reasonable notice for inspection of the Owner Water Connection, Meters, Backflow Preventers, fixtures or appurtenances, if the Designated Officer has reasonable reason to believe water is being wasted, there is a leak, there is a Cross Connection or any other contravention of this Bylaw.
- (13) Owner Water Connections may not be extended to service other Properties.

11.2 Access to the Water System on Public Lands

- (1) No person shall enter into any utility structure forming part of a Water Service whether underground or above ground or any utility compound whether it is fenced or not.
- (2) No person shall obstruct at any time or in any manner the access to any hydrant, valve, Curb Stop or other fixture connected with the Water System or Regional District Water Connection.
- (3) No person shall obstruct or prevent the Manager or any person authorized by the Manager from carrying out any or all of the provisions of this Bylaw, nor shall any person refuse to grant the Manager or any person authorized by the Manager, permission to inspect any Owner Water Connection at any reasonable time.

11.3 Water System on Private Lands

- (1) Regional District access to the Water System located on private lands shall be done in accordance with *Local Government Act* Clause 311 (1), Clause 312, Clause 314.1, and *Community Charter* Section 16 (1) to (5).

11.4 Fire Hydrants and Standpipes

- (1) All fire hydrants and standpipes directly connected to Regional District Water Mains are the property of the Regional District.
- (2) All fire hydrants and standpipes connected to Owner Water Connections are the property of the Owner unless otherwise agreed in writing between the Manager and Owner.

12. WATER USAGE

12.1 General Water Usage

- (1) No Owner shall cause or allow Regional District supplied water to be conveyed to any other Property.
- (2) No person shall commercially sell water from a Regional District of Central Kootenay Water System unless otherwise Approved by the Manager or unless the sale or distribution of water is by a landlord to a tenant or by a condominium corporation to a member and the charge to the tenant or member for water use shall not exceed the amount charged by the Regional District.
- (3) No change or addition to the number or type of fixtures on a Property, for the purpose of expanding the number of Dwellings, installation of a Swimming Pool, or Commercial or Industrial enterprise, shall be made until an Application is made to the Manager and written permission thereof obtained.
- (4) No pumps shall be connected to the Water System without Approval of the Manager. Any Owner pumps connected to the Water System shall be subject to conditions imposed by the Manager which may include but is not limited to:
 - (a) Pump capacity limitations;
 - (b) Pump discharge pressure limitations;
 - (c) Pump low suction pressure monitoring and lock out;
 - (d) Minimum service size;
 - (e) Placement of a Restrictive Covenant on Title, in accordance with Section 219 of the British Columbia *Land Title Act*;
 - (f) Existing pumps may only be replaced with a pump of the same make, model, impeller and speed. Approval of the Manager is required for any changes;
 - (g) Approval from other applicable regulatory agencies.
- (5) Free Flow Bleeders for frost protection or any other purpose are not permitted after December 31, 2016 unless Approved in writing by the Manager.

12.2 Temporary Water Usage

- (1) Temporary water usage may only be approved by the Manager for such things as construction, road maintenance, and events.
- (2) Temporary water users are not required to open an Account but Approval is required from the Manager for water usage.
- (3) Temporary water users shall provide tamper protection, Backflow Prevention, and or Metering, if required by the Manager.
- (4) Temporary water usage is subject to Fees and Charges as identified in the *Utilities*

Rates, Fees and Charges Bylaw.

- (5) A deposit amount payable to the Regional District may be set out in the *Utilities Rates, Fees and Charges Bylaw* and the deposit may be used to recover any damages to the Water System.
- (6) Temporary water usage is limited to the water service area when required by the water system's provincially issued water licence.

12.3 Water Conservation

- (1) All Water Systems are subject to seasonal Stage One water conservations measures as identified in Schedule A.
- (2) The Manager may at any time introduce further Stages of water conservation and upon receiving due notice of such restriction, no person shall use water for the purposes prohibited by, or in excess of the limits imposed by such restrictions.
- (3) Due notice of Water Conservation Measures shall be given either by publication in a newspaper circulating within the Regional District or by mail.
- (4) No person shall:
 - (a) Use water for sprinkling in excess of reasonable requirements;
 - (b) Irrigate more than 0.40 Hectares (1 acre) of land per non-Metered Account unless the Account has been classified as Agricultural Land, Golf Course, Institutional or Recreational, and assigned irrigation privileges by the Manager;
 - (c) Irrigate more land area than has been assigned irrigation privileges by the Manager;
 - (d) Use water at a rate greater than 0.70 litres per second per hectare (0.28 litres per second per acre or 4.5 United States gallons per minute per acre) on Agricultural Land, or for unmetered irrigation on Single Family Dwelling or Multiple Dwelling Properties;
 - (e) Use an unattended open pipe or hose for sprinkling purposes.

12.4 Once Through Cooling Equipment

- (1) Once Through Cooling Equipment is not to be permitted to be connected to the Water System after December 31, 2016, unless otherwise Approved in writing by the Manager.

12.5 Car Washes

- (1) Commercial Carwashes connected to a Regional District Water System shall comply with the following:
 - (a) Maximum of 151 liters (40 United States gallons) of Potable Water per average automated Carwash;
 - (b) Maintain high pressure wash nozzles and pump systems that use less than 0.19 liters per second (3 United States Gallons per minute).
- (2) Commercial Carwashes may use recycled water to augment water volume and flow limits.

12.6 Water Wastage

- (1) No Customer shall allow Regional Districted supplied water to be wasted.

- (2) Notwithstanding the prohibitions in this Section, the Manager may authorize in writing the discharge of Regional District supplied water for the purposes of:
 - (a) health and safety;
 - (b) the installation and maintenance of infrastructure, including the flushing of Water Mains, hydrant leads and water service connections;
 - (c) preventing the freezing of Water Mains, hydrant leads and water service connections;
 - (d) conducting water flow tests;
 - (e) installation and testing of permanently installed Irrigation systems;
 - (f) upon approval by the Manager, training programs for fire fighters.

12.7 Illegal Water Connections

- (1) No person shall make or cause to be made a connection to the Water System without the express written approval of the Manager.
- (2) Any Illegal Water Connections shall be removed from the Water System within a reasonable time frame given by the Manager at the expense of the Owner, or the Owner shall make an Application for a Regional District Water Connection and the Owner is subject to all conditions of a new Regional District Water Connection.
- (3) An Owner is responsible for all Fees and Charges that would have been levied from the time of installation.

13. NEW SERVICING AND DEVELOPMENT

13.1 New Regional District Water Connections

- (1) New Regional District Water Connections are subject to Fees and Charges identified in the *Utilities Rates, Fees and Charges Bylaw*.
- (2) There shall only be one Regional District Water Connection per Parcel for new Developments, unless a dedicated non-Cross Connected fire service is also required.
- (3) Given limitations on the availability or pressure of water within some Water Systems, a new Regional District Water Connection may not be permitted if normal operating pressures are anticipated to be below 280 kPa (40.6 psi) or above 700 kPa (101.5 psi) as might be measured at the living floor elevation. The Manager may approve pressures outside this range and impose specific conditions in writing.
- (4) Regional District Water Connections, Owner Water Connections or Water Mains may not pass through a private Property to service another Property. Exceptions may be made at the discretion of the Manager as follows:
 - (a) if the benefiting Property is an existing landlocked Parcel and an Easement Agreement is executed between the properties with the Easement Agreement including the requirement for Regional District approval for Easement Agreement discharge;
 - (b) if Water Mains and Water Connections are located within a Provincially approved access common lot and all Water Mains and Water Connections within the access common lot are owned by the Property Owners, not the Regional District.
- (5) Owners are responsible for all costs associated with provision of the Regional District Water Connection including but not limited to:

- (a) Water System assessment to confirm adequate capacity and pressures;
 - (b) Extension of Water Mains;
 - (c) Roadway and surface restoration costs.
- (6) Provision of a new Regional District Water Connection is not guaranteed by the Regional District and an Application may be rejected by the Manager for any reasonable reason, such as but not limited to, inadequate water pressures, inadequate capacity, Water System under boil water notice, geological hazards, unpaid water bills or taxes, zoning or development conditions, or if the connection is not economically feasible.
- (7) New Regional District Water Connections shall not run parallel with roadways; rather a new Water Main extension is required. New Water Mains shall be a minimum of 100 millimeter diameter in Water Service Areas without fire protection and 150 millimeter diameter in Water Service Areas with existing or planned fire protection. Water Mains may be larger or smaller in diameter subject to an engineering assessment and Approval by the Manager.
- (8) Allowance for new Regional District Water Connections to substandard Water Mains is at the discretion of the Manager and the Manager may require that substandard Water Mains be replaced at the Owners expense.
- (9) A Developer or Owner who is required to replace or extend Water System infrastructure may qualify for a future rebate in accordance with Section 939 of the *Local Government Act*.
- (10) Work on Regional District Water Systems shall be completed by the Regional District or the Regional District's contractor.

13.2 Water Service Area Extension

- (1) Inclusion of one or more new Parcels into a Water Service Area is subject to Fees and Charges identified in the *Utilities Rates, Fees and Charges Bylaw*.
- (2) Owners are responsible for all costs associated with Water Service Area extension including but not limited to:
- (a) Water System assessment to confirm adequate capacity and pressures;
 - (b) Extension of Water Mains;
 - (c) Upgrade of treatment, pumping and storage facilities;
 - (d) Roadway and surface restoration costs.
- (3) New Water Mains shall be a minimum of 100 millimeter diameter in Water Service Areas without fire protection and 150 millimeter diameter in Water Service Areas with existing or planned fire protection. Water Mains may be required to be larger or smaller diameter as determined by an engineering assessment and Approved by the Manager.
- (4) All new Water System infrastructure shall be located in road right of ways or Parcels Titled to the Regional District. Location of new Water System infrastructure in Easements or Statutory Right of Ways may only be permitted under special circumstance and requires approval of the Manager.
- (5) Work on Regional District Water Systems or installation of infrastructure that is to become part of a Regional District Water System shall be completed by the Regional District or the Regional District's contractor unless done under written agreement

between the Regional District and Developer.

- (6) The Developer shall provide the following warranty on any infrastructure installed by a Developer that is to be owned by the Regional District:
 - (a) The later of one year from the time of commissioning or ownership change for any water infrastructure.
 - (b) The later of two years from the time of commissioning or ownership change for any landscaping.

13.3 Subdivision of a Parcel or Creation of Additional Units on an Existing Property

- (1) Any Subdivision or addition of Units to a Property within a Water Service Area may be subject to a Capital Infrastructure Charge as defined in the *Utilities Rates, Fees and Charges* Bylaw.
- (2) Applications for a new Regional District Water Connection as part of a Subdivision process shall include submission of a Water Servicing Plan to the Manager. The Water Servicing Plan shall include property lines, existing legal lot, block and plan numbers, proposed lot numbers, building location(s), driveways or hard surfaces, sanitary systems and service offsets, other utilities, road names, and the requested location of the water connection(s). Neat sketches may be acceptable from the Owner for small Developments or Subdivisions but the Manager may require drawings issued by a Professional Engineer for larger Developments or Subdivisions.
- (3) The Manager may require the Owner to upgrade any existing Regional District Water Connection due to age, to meet current standards or to improve capacity as a condition of Subdivision or as a condition of adding a water serviced addition to a Unit or additional water serviced Units to a Property.
- (4) If the Owner does not initiate construction of the required Water System within one year after the date of the subdivision approval, the Regional District may enter upon the subdivided lands to complete the installation of the required Water System at the expense of the Owner.
- (5) If a Parcel, when originally subdivided, was not subject to some form of Regional District Capital Infrastructure Charge and a Regional District Water Connection was not provided, the Parcel is subject to a Capital Infrastructure Charge if a later Application is made and Approved for a new Regional District Water Connection to the Parcel.
- (6) When a Parcel is added to a Water Service Area, any further Subdivision or addition of Units is subject to Capital Infrastructure Charges at a rate equivalent to the rate for addition of a new Parcel to the Water Service Area, for a period of ten (10) years following the addition of the Parcel to the Water Service Area.

13.4 Multiple Dwelling Property Developments

- (1) Owners of a proposed Multiple Dwelling Property Development wishing to connect to a Regional District Water Service shall, prior to the start of any construction, submit a Water Servicing Plan to the Manager for Approval. The Water Servicing Plan shall include property lines, existing legal lot, block and plan numbers, proposed lot numbers, building location(s), driveways or hard surfaces, sanitary systems and service offsets, other utilities, road names, and the requested location of the water connection(s). Neat sketches may be acceptable from the Owner for small Developments or Subdivisions but the Manager may require drawings issued by a

Professional Engineer.

- (2) The Manager may require the Owner to upgrade any existing Regional District Water Connections due to age, to meet current standards or to improve capacity as a condition of Development.

14. CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION

14.1 Cross Connection Control Requirement and Classification

- (1) As a condition of approval of service:
 - a) the property owner must have a cross connection control device already installed as part of the plumbing system on their property in accordance with and when required by the Plumbing Code; or
 - b) where a cross connection control device is not part of the owner's plumbing system, a cross connection control device must be installed outside of the property line on the Regional District Water Connection when require by the Manager.
- (2) No person shall cause or permit to continue a Cross Connection to a Regional District Water system or a connection between a Regional District Water System and another source of water.
- (3) Backflow Prevention, when required, shall be selected and installed by a Qualified Person in accordance with CSA B64.10-11.
- (4) No person shall remove or modify a Backflow Preventer unless a Qualified Person.
- (5) Buildings or facilities in a Regional District Water System may be classified as being a Minor, Moderate or Severe Hazard for Cross Connection by the Manager in accordance with CSA B64.10-11.
- (6) All new Regional District Water Connections or Redevelopments servicing four or more Units, including Dwellings, shall be considered at least a Minor Hazard.
- (7) Premise Isolation Backflow Prevention shall be provided as follows:
 - (a) All new Regional District Water Connections or Redevelopments in Water Systems with no residual disinfection protection and with a building or facility identified as being a Minor Cross Connection Hazard shall have a Premise Isolation Dual Check Valve or Double Check Valve Assembly as Approved by the Manager.
 - (b) All new Regional District Water Connections or Redevelopments in all Water Systems with a building or facility identified as being a Moderate or Severe Cross Connection Hazard shall have Premise Isolation Backflow Prevention as specified by a Qualified Person and as Approved by the Manager.
 - (c) All new Regional District Water Connections on parcels of land 0.40 hectares (1 Acre) or larger shall have Backflow Prevention installed on the Regional District Water Connection, as specified by a Qualified Person and as Approved by the Manager.
 - (d) All new Regional District Water Connections with meter pits shall have Backflow Prevention installed as specified by a Qualified Person and as Approved by the Manager.

14.2 Owner Responsibilities

- (1) When an Owner's Premises Isolation Backflow Preventer protecting a Moderate or Severe Cross Connection Control Hazard is found to not be in proper working condition, the condition shall be reported to the Regional District by the Customer or Owner and the Backflow Preventer shall be repaired or replaced by the Owner within 5 working days.
- (2) When an Owner's Premises Isolation Backflow Preventer protecting a Minor Cross Connection Control Hazard is found to not be in proper working condition, the condition shall be reported to the Regional District by the Customer or Owner and the Backflow Preventer shall be repaired or replaced by the Owner within 30 days.

14.3 Backflow Preventer Ownership

- (1) Backflow Preventers installed on the Owner's Property shall be owned by the Property Owner and shall be installed, maintained and tested at the Owner's expense.
- (2) Backflow Preventers when required to be installed on a Regional District Water Connection for new Regional District Water Connections or Redevelopments shall be installed at the Owner's expense.
- (3) Backflow Preventers installed on the Regional District Water Connection shall be owned by the Regional District and shall be maintained and tested by the Regional District.

14.4 Backflow Preventer Testing and Inspection

- (1) Backflow Preventers that are owned by the Owner and that are protecting against Moderate or Severe Cross Connection Hazards shall be tested by a British Columbia Water and Wastewater Association certified Cross Connection Control Tester as follows:
 - (a) Upon installation;
 - (b) When cleaned, repaired, or overhauled;
 - (c) When relocated; and
 - (d) Every three years.
- (2) Owners shall maintain a record of Backflow Preventer Inspection and testing results on the Property and shall provide a copy of these records to the Regional District upon request.
- (3) Testable Backflow Preventers shall have an Approved testing tag affixed to the device by a British Columbia Water and Wastewater certified Cross Connection Control Tester.

15. WATER METERS

15.1 Water Meter Requirement

- (1) Any new Regional District Water Connections or Redevelopment with Regional District Water Connection greater than 25 mm shall have an Approved Meter installed by the Owner, unless otherwise identified in a Board approved metering plan.
- (2) All new Regional District Water Connections or Redevelopments servicing, Commercial properties, Industrial properties, Institutional properties, golf courses, Agricultural Land, and recreation facilities shall have an Approved Meter installed by

the Owner, unless otherwise identified in a Board approved metering plan.

- (3) All new Regional District Water Connections or Redevelopments servicing four or more Units, including Dwellings, shall have an Approved Meter installed by the Owner, unless otherwise identified in a Board approved metering plan.
- (4) All Regional District Water Connections in the Lucas Road, Balfour Water System, Grandview Water System and Rosebery Water System shall be Metered.
- (5) All existing Properties with Approved Free Flow Bleeders shall be Metered, unless otherwise identified in a Board approved metering plan.
- (6) Owner Water Connections that cross a privately owned Property to service another Property unless otherwise exempted by the Manager in writing, shall have a Meter installed by the Owner, unless otherwise identified in a Board approved metering plan.
- (7) All existing Multiple Dwelling Properties, Commercial properties, Industrial properties, Institutional properties, golf courses, Agricultural Land, and recreation facilities shall have a Meter installed by the Owner by **December 31, 2021**, unless otherwise identified in a Board Approved metering plan.
- (8) The Manager may at any time require that a Meter be installed by the Owner on Water Connections where there is reasonable cause to suspect a high water demand or where water usage cannot be easily determined.
- (9) The Owner shall make provisions for future metering on all new Developments with three or less Dwellings.
- (10) All Single Family Dwelling Properties shall be metered by **December 31, 2024**, unless otherwise identified in a Board Approved metering plan.
- (11) No un-Metered water may be used on a Metered Property without the written Approval of the Manager.
- (12) The following Water Connections shall not require a Water Meter:
 - (a) Fire water connections which are not used for any other purpose; and
 - (b) Such other connections where, in the opinion of the Manager, it is impractical to install a Water Meter.
- (13) Any new Regional District Water Connections or Redevelopment on a Parcel 0.40 hectares (1 Acre) or larger shall have an Approved Meter installed at the Property Line in an Approved Meter Pit at the Owner's expense, unless otherwise identified in a Board approved metering plan.
- (14) If an Owner requests and the Manager Approves an increase or decrease to the amount of irrigation privileges assigned or an increase or decrease to the assessed Agricultural Land Charge, a water meter will be required and the Owner shall be responsible for the installation costs of a Water Meter and related appurtenances, if the amount of assessed assigned irrigation privileges or assessed Agricultural Land Charge results in more than one acre and less all the lands.

15.2 Metering Equipment

- (1) Water Meters and equipment shall be selected and installed in accordance with requirements identified by the Manager.

- (2) New Single Family Dwelling Developments or Redevelopments that are required to make provisions for future Metering shall provide the following:
 - (a) Regional District supplied Meter Idler installed with Water Meter couplings to accommodate a future Water Meter;
 - (b) 20 mm conduit for future remote registry with long radius bends installed from the future Water Meter location to the exterior of the building to a location near the electrical meter;
 - (c) Accessibility to future Meter locations at all times;
 - (d) Any other reasonable requirement identified by the Manager.
- (3) Any Property requiring a Meter that has more than one serviced structure or has external fixtures shall have an Approved Meter installed at the Property Line in an Approved Meter Pit at the Owner's expense. Exemptions for Meter Pit installation may be Approved at the Managers discretion under the following conditions:
 - (a) the Regional District has field confirmed that there would be no un-Metered water consumption;
 - (b) a pressure test is conducted on the Owner's water system at the Owner's expense to confirm that there is no leakage;
 - (c) all un-Metered, buried water system components meets BC Plumbing Code;
 - (d) all Development on the property is less than 5 years old at the time of Development application;
 - (e) the property is less than 1 acre in size; and
 - (f) a Meter is installed in an Approved in building location.
- (4) The size of all Meters installed shall be Approved by the Designated Officer and will not necessarily conform to the size of the service pipe installed but will be based on the estimated rate of consumption.
- (5) All Water Meters with a bypass shall have a seal on the bypass.
- (6) If a property owner does not provide a required Meter or fails to provide access to install a Meter, the Meter may be installed on the Regional District Water Connection at the Owner's expense.

15.3 Customer Responsibility and Notification Requirements

- (1) The Customer shall protect any Water Meter, valves, or pipes located on the Property from freezing, excessive heat, overheating of water, external or internal damage of any kind, or any other thing which may affect the operation of the Water Meter or Meters.
- (2) If a bypass seal is broken, the Customer shall notify the Designated Officer within twenty-four (24) hours of knowledge of the broken seal.
- (3) If a Water Meter is damaged, the Customer shall notify the Designated Officer within twenty-four (24) hours of knowledge of the damaged meter.
- (4) No Person shall:
 - (a) Interfere with or tamper with the operation of any Water Meter or remote reading device; nor
 - (b) Open a bypass valve on a Water Meter or metering installation except in the case

of an emergency.

15.4 Water Meter Costs and Ownership

- (1) Water Meters or a remote reading device located on Owner Water Connections shall be installed at the Owner's expense, unless installed as part of a Regional District metering program, and shall be the property of the Regional District.
- (2) If a Water Meter or remote reading device is removed or stolen, the Owner shall be responsible for the cost of replacing the Water Meter including installation.
- (3) If a Water Meter or remote reading device or related equipment is damaged or tampered with, the Owner shall be responsible for the cost of repairs or replacement.
- (4) If a Meter or remote reading device is required by the Owner to be relocated, all costs associated with the Meter relocation shall be the responsibility of the Owner.

15.5 Meter Testing

- (1) The Owner may request that a Water Meter be tested for accuracy, and the cost of any such test shall be at the expense of the Regional District if the Water Meter is found to be inaccurate in excess of two (2%) percent of actual flow. The test shall be at the Owner's expense if the Water Meter is found to be accurate within two (2%) percent of actual flow.
- (2) The Manager may require a water meter to be tested for accuracy, and the cost of any such test shall be the expense of the Regional District.

15.6 Meter Readings

- (1) The Manager shall establish the frequency of regular Meter reading.
- (2) The Manager may require that a Meter be read at any time.
- (3) Customers shall provide Meter reading(s) when requested by the Manager.

16. OFFENCES AND PENALTIES

- (1) Any person who contravenes this Bylaw or other requirements made or imposed under this Bylaw or amendments thereto is guilty of an offence and is liable to a fine not exceeding \$2,000.
- (2) Where an offence is committed or continues for more than one day, a person shall be deemed to have committed separate offences for each day on or during which an offence occurs or continues, and separate fines, each not exceeding \$2,000, may be imposed for each day on or during which an offence occurs or continues.
- (3) Nothing in this Bylaw shall restrict the Regional District of Central Kootenay from utilizing any other remedy that would otherwise be available to the Regional District of Central Kootenay at law.

17. ADOPTION OF BYLAW

This Bylaw shall take force and effect upon the date of its adoption and supersedes all existing bylaws.

READ A FIRST TIME this 16th day of April, 2020.

READ A SECOND TIME this	16th	day of	April, 2020.
READ A THIRD TIME this	16th	day of	April, 2020.
ADOPTED this	16th	day of	April, 2020.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

**REGIONAL DISTRICT OF CENTRAL KOOTENAY
SCHEDULE A – WATER CONSERVATION MEASURES**

to

BYLAW NO. 2712

Stage 1 Water Conservation Measures go into effect every year regardless of seasonal weather patterns. These measures are in effect from June 1st to September 30th. The Regional District may, upon notification, impose further water conservation measures (Stages 2-4) as necessary.

Activity	Mandatory Restrictions			
	Stage 1	Stage 2	Stage 3	Stage 4
Watering of lawns	ONLY between the hours 7 pm - 10 am	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	Prohibited	Prohibited
Watering of new lawns (seed within 45 days and sod within 21 days of installation)	ONLY between the hours 7 pm - 10 am	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	Prohibited (Except where permitted by the Manager)
Watering of gardens, trees and shrubs (excluding watering of commercial agricultural products)	ONLY between the hours 7 pm - 10 am	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	Prohibited
	<i>Watering using drip irrigation, a watering can, and or hand held hose, which eliminates over-spray is permitted at any time.</i>			
Watering of Commercial Agricultural Products (production and sales)	Permitted	Permitted	Permitted	Permitted (Voluntary Conservation)
Wash down (sidewalks, walkways, driveways, exterior building surfaces, window, vehicles or other outdoor surface)	Permitted	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	Prohibited (Except where critical for health and safety, and business operations)	Prohibited (Except where critical for health and safety)
Filling of fountains or other decorative features	Permitted	Prohibited (Except where permitted by the Manager)	Prohibited	Prohibited
Filling of outdoor hot tubs and/or wading pools.	Permitted	Permitted	Prohibited	Prohibited
Filling of swimming pools	ONLY between the hours 8 pm - 7 am	Prohibited (Except where permitted by the Manager)	Prohibited	Prohibited
Dwelling water consuming appliances such as washing machines and dishwashers	Permitted	Permitted	Permitted (Voluntary Conservation)	Permitted (Voluntary Conservation)
Large commercial water use such as laundromats, washers, carwashes, etc.	Permitted	Permitted	Permitted (Voluntary Conservation)	Permitted (Voluntary Conservation)



**REGIONAL DISTRICT OF CENTRAL KOOTENAY
WATER BYLAW NO. 2712, 2020**

ADOPTED April 16, 2020

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SCHEDULES

SCHEDULE A – WATER CONSERVATION MEASURES

REGIONAL DISTRICT OF CENTRAL KOOTENAY
BYLAW NO. 2712

A Bylaw to regulate the terms and conditions under which water from the Regional District of Central Kootenay Water Systems may be supplied, used and regulated.

THE BOARD OF THE REGIONAL DISTRICT OF CENTRAL KOOTENAY IN OPEN MEETING
ASSEMBLED ENACTS AS FOLLOWS:

1. BYLAW TITLE

This Bylaw may be cited as **“Regional District of Central Kootenay Water Bylaw No. 2712, 2020”**.

2. APPLICATION OF BYLAW

This Bylaw applies to all Water Service Areas of the Regional District of Central Kootenay.

3. REPEAL

This Bylaw repeals the **“Regional District of Central Kootenay Water Bylaw No. 2577, 2017”** and **“McDonald Creek Waterworks Bylaw No. 1871, 2007”**.

4. SEVERABILITY

If any portion of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, that portion may be severed from the Bylaw and such decision shall not affect the validity of the remaining portions of the Bylaw.

5. INTERPRETATION

In this Bylaw each term set out in the left hand column of the table that follows has the meaning set out in the right hand column of the same row.

Account	is a formal arrangement under this Bylaw for the provision of water services to a Property.
Account Holder	is the person, organization, agent or representative that holds the water Account with the Regional District of Central Kootenay.
Account Type	describes the predominate usage of the Account such as but not limited to: Single Family Dwelling, Multiple Dwelling Property, Commercial, Industrial, Institutional, Agricultural, and Recreational.
Agricultural Land	is land where agricultural irrigation privileges have been assigned by the Manager.
Air Gap	means the unobstructed vertical distance through air between the lowest point of a water fixture and the flood level rim of the fixture or device into which the outlet discharges.

Approved	means approved by the Manager.
Auxiliary Building or Dependent Suite	means a secondary or supplementary building or Unit that does not include all of cooking, eating, living, sleeping and sanitary facilities. An Auxiliary Building or Dependent Suite intended for habitation would be reliant on the main Dwelling.
Backflow	means the flowing back or reversal of the normal direction of flow.
Backflow Prevention / Preventer	is a method or device used to prevent Backflow that is selected and installed in accordance with the Plumbing Code, and CSA B64.10-11.
Board	means the Regional District of Central Kootenay Board of Directors.
Capital Infrastructure Charge	is a fee levied that is placed into reserves as a contribution to the cost of existing water infrastructure, upgrades and long term asset renewal.
Carwash	means a building or structure containing facilities for washing motor vehicles, including but not limited to tunnel car washes, coin operated automatic car washes and coin operated self service car washes.
Commercial	means any Unit for which the use is the provision for the selling of goods and services, for the servicing and repair of goods or for commercial office functions, including but not limited to retail sales, wholesaling incidental to retail sales, commercial education and entertainment services, household services and all associated repairs, other personal and non-personal services and administrative, commercial and professional offices.
Commercial Carwash	means a Carwash used or operated by a Commercial or Industrial business.
Cross Connection	means any physical arrangement whereby the Water System is connected, directly or indirectly, with any potable, non-potable or un-Approved private water supply system, sewer drain, conduit, well, pool, irrigation system, storage reservoir, plumbing fixture, or any other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other wastes, or unknown or unsafe water quality which may be capable of imparting contamination to the water supply as a result of Backflow.
CSA B64.10-11	means Canadian Standards CSA B64.10-11, Selection and Installation of Backflow Preventers, November 2011, or the latest version thereof.
Curb Stop Valve	means the valve owned by the Regional District generally placed on the water service at the Property Line to control the flow of water to a lot.
Curb Stop Box	means the hollow metal tube that runs from the Curb Stop Valve to the cap. The Curb Stop Box includes the operating stem and the box cap.

Customer	means the Owner or occupant of any Property to which water is supplied or made available from the Regional District.
Designated Officer	means an employee of the Regional District or an authorized representative as designated in writing by the Manager.
Developer	means the Owner of a Development.
Development	means the construction, alteration, or extension of buildings, structures, utilities or any use that requires the issuance of a building permit, plumbing permit, development permit, or Interior Health construction permit issued in accordance with the <i>Drinking Water Protection Act</i> .
Disconnection	means physically turning off the water to a Owner's Property and adjusting the Owner's Account accordingly.
Drip Irrigation	is an irrigation method that saves water by allowing water to drip slowly to the roots of plants, either onto the soil surface or directly onto the root zone, and uses less than 7.6 litres per hour (2 United States gallons per hour) at less than 138 kPa (20 psi). This does not include soaker hoses, weeper hoses or micro-sprayers.
Double Check Valve Assembly	is a Backflow Prevention device meeting Canadian Standards CSA B64.5.
Dual Check Valve	is a Backflow Prevention device meeting Canadian Standards CSA B64.6.
Dwelling	means any living quarters used or has the potential to be used by one or more persons which contains cooking, eating, living, sleeping and sanitary facilities.
Easement	is a right to the use of land, or a right to restrict the use of land. See also Statutory Right of Way.
Fees and Charges	means the fees and charges set out in the <i>Fees and Charges Bylaw</i> .
Fees and Charges Bylaw	means the Utilities Rates, Fees, and Charges Bylaw No. 2471, 2015, as may be amended or replaced from time to time.
Folio	is a land identification number assigned by British Columbia Assessment and is used for Property tax purposes. Folio is synonymous with Assessment Roll Number. A Folio in this Bylaw may describe one or more Parcels grouped under one British Columbia Assessment Folio.
Free Flow Bleeder	is a Freeze Protection Device that allows the discharge of bleed water continuously.
Freeze Protection Device	means any Approved device to prevent the freezing of the water service.
Illegal Water Connection	means any water connection that was made without the Manager's approval under the Bylaw or other legal authority.

Industrial	means businesses including but not limited to airports, aggregate processing, asphalt plants, bulk fuel storage, concrete plants, fabrication plants, manufacturing, processing, sawmills, and truck terminals.
Institutional	means activities focusing on non-profit services in the public's interest. For example, schools, hospitals, group foster homes, and buildings used for religious worship.
Irrigation	means the distribution of water to the surface or subsurface of lawns, gardens, vineyards and orchards, greenhouses by pipes, hoses, sprinklers or any other method.
Manager	in this Bylaw, unless the context otherwise requires, means the Regional District of Central Kootenay General Manager of Environmental Services, the Water Operations Manager, Utility Services Manager or designate.
Manufactured Home	means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried, and that is used as a Dwelling.
Meter	means water meters, remote reading device, wire and other equipment or instruments used by the Regional District or authorized by the Regional District to be used to calculate the amount of water consumed, and other related appurtenances.
Meter Idler	is a section of pipe with meter couplings used to take the place of a meter.
Mobile Housing Unit	is any type of living accommodation that has been produced to be transported or is a mobile unit such as a ship, boat, recreational vehicle, Manufactured Home and so on, and occupied as living quarters.
Minor Cross Connection Hazard	means any type of Cross Connection or potential cross-connection that involves a substance that constitutes only a nuisance and that results in a reduction in only the aesthetic qualities of the water.
Moderate Cross Connection Hazard	means any Minor Cross Connection Hazard that has a low probability of becoming a Severe Cross Connection Hazard.
Multiple Dwelling Property	means any Property containing more than one Dwelling Unit on one Folio
Occupancy Permit	means a permit issued by the Regional District indicating a building or structure is in compliance with applicable building codes and is suitable for occupancy.
Once Through Cooling Equipment	means cooling, air conditioning or refrigeration systems in buildings, building systems and equipment, which rely upon the temperature of the water for cooling purposes and deliver water to a drain or other discharge facility without having recycled that water.

Owner	has the same meaning as in the British Columbia <i>Land Title Act</i> and <i>Manufactured Home Act</i> .
Owner Water Connection	means the Owner's water lines and appurtenances downstream of the Regional District Water Connection.
Parcel	means the unit lot, block or other area in which land is registered under the British Columbia <i>Land Title Act</i> .
Plumbing Code	means the British Columbia <i>Plumbing Code, 2012</i> , as it may be amended or replaced from time to time.
Premise Isolation	means Cross Connection protection provided at the entrance to a Property, building or facility.
Property	means land and improvements.
Property Line	means a line which defines, in the British Columbia Land Title Office, the perimeter of a Parcel.
Qualified Person	means a person who has a recognized degree, certificate, or professional standing related to subject matter.
Recreational	is land primarily used for public recreation and includes but is not limited to not for profit: golf courses, parks, sports fields, gymnasiums, playgrounds, parks, green areas, beaches and camping sites.
Reconnection	means physically turning on the water and reestablishing or adjusting an Account as required.
Redevelopment	means the alteration or extension of existing buildings, structures, utilities or any use that results in a significant change in water usage and requires the issuance of a building permit, plumbing permit, development permit or Interior Health construction permit.
Regional District of Central Kootenay or Regional District or District	means the Regional District of Central Kootenay, as described under the British Columbia <i>Local Government Act</i> with offices located at 202 Lakeside Drive, Nelson, BC V1L 5R4 Phone: 250-352-6665 or toll free number 1-800-268-7325 and Fax: 250-352-9300.
Regional District Water Connection	means the water line extending from the Water Main to the Curb Stop Valve, generally near the Property Line and shall include any immediate downstream Meter installation, or Backflow Preventer.
Severe Cross Connection Hazard	means any type of Cross Connection or potential Cross Connection involving water that has additives or substances that can create a danger to health.
Single Family Dwelling	means a building or structure that contains only one Dwelling.
Statutory Right of Way	the grant of a right of way under Section 218 of the British Columbia <i>Land Title Act</i> .
Subdivision	means a subdivision as defined in the British Columbia <i>Land Title Act</i> , and a subdivision under the British Columbia <i>Strata Property Act</i> .

Subdivision Bylaw	means the <i>Subdivision Bylaw No. 2159</i> as it may be amended or replaced from time to time.
Swimming Pool	is any permanent or semi-permanent artificial pool for swimming in.
Title (Land Title)	refers to the registration of land ownership in accordance with the British Columbia <i>Land Title Act</i> .
Turn On/Off	means a temporary interruption in or discontinuance of the supply of water authorized by the Regional District.
Unit	means any Dwelling, Commercial, Industrial, or Institutional space.
Water Conservation Measures	any measures implemented by the Manager to restrict water usage.
Water Main	means any water pipe under the control of the District which is intended for public use.
Water Meter	see Meter.
Water Service Area	means the area defined by the Water System service area establishment bylaw.
Water Service Area Extension	is the extension of the Water Service Area boundary by bylaw to include one or more additional parcels of land.
Water System	means all Regional District owned assets like Water Mains, water treatment facilities, pump stations, reservoirs, wells, water intakes and all associated appurtenances used in the provision of Water Services.
Water Servicing Plan	is a plan that details the proposed Development or Subdivision as it relates to water servicing.
Work	means construction, maintenance, inspection or testing services provided for an Owner.
Work Order	is a written order on an Approved form providing agreement by a Owner to proceed with Work identified on the form for which the Owner will be responsible for costs incurred by the Regional District in accordance with the Utilities Rates, Fees and Charges Bylaw.

6. ADMINISTRATION

- (1) The Manager is hereby authorized and directed to have general supervision over the Regional District of Central Kootenay Water Systems and to see that the provisions of this Bylaw are carried out.
- (2) The Manager shall have the power to appoint Designated Officers for the purpose of effectually carrying out the provisions of this Bylaw, and wherever the Manager is authorized or directed to perform any act or duty under this Bylaw, such act or duty may be performed by any Designated Officer authorized by the Manager to perform such act or duty.

7. LIABILITY

- (1) Nothing contained in this Bylaw shall be construed to impose any liability on the Regional District to service any person or Property or to give a continuous supply of water to any person or Property.
- (2) The Regional District shall not be liable for the failure of the water supply in consequence of any accident or damage to the Water System, or to excessive pressure or lack of pressure, or any interruption of service.
- (3) The Regional District does not guarantee provision of minimum or maximum service pressures or minimum flow rates.
- (4) The Regional District shall not be liable for deposition of sediment, mineral build up, staining or corrosion in the Owner Water Connection or Owner's water system.

8. OPERATION OF THE WATER SYSTEM

- (1) No person, except a Designated Officer, or authorized contractor of the Regional District, or a member of a Regional District fire department shall operate any hydrant, standpipe or valve that forms part of the Water System or use any water therefrom, without written Approval of the Manager.
- (2) No person shall destroy, injure or tamper with any hydrant, or other fixture of the Water System and no person shall in any manner interfere or meddle with the Regional District Water Connection or Water System, or make any additions or alterations to the Water System or any Regional District Water Connection, or Turn On or Turn Off any Curb Stop, service valve or gate valve that forms part of the Water System without written Approval of the Manager.

9. APPLICATIONS

- (1) A request for a new Owner Water Connection, Account, Disconnection or Reconnection shall be made on the application form provided by the Manager.
- (2) A request for change of Account Type shall be made on the application form provided by the Manager.
- (3) Application for new Owner Water Connections or Account, or change of water use will only be accepted from the Owner.
- (4) An application in writing is required to the Manager for temporary water usage for such things as construction, road maintenance, and events.

10. DISCONNECTION AND WATER SHUT OFF

10.1 Water Turn Off

- (1) An Owner may apply for water Turn Off.
- (2) The Regional District may Turn Off or Disconnect the water service to any Property, group of Properties or Water Service Area for any of the following reasons, and the Regional District shall not be liable for damages by reason of discontinuing water service:
 - (a) Unnecessary or wasteful use of water, or violation of regulations concerning watering or sprinkling;

- (b) Non-payment of Fees and Charges, repair charges or other miscellaneous charges;
 - (c) Failure to replace or repair defective pipes, fittings, valves, tanks or appliances which are leaking or are otherwise not in a good state of repair and which are or may become a cause of waste of water;
 - (d) Failure to allow access for inspection of any reasonably assumed contravention of this Bylaw;
 - (e) Failure to allow access for a Meter installation, Work, inspection, testing or reading;
 - (f) Failure to allow access for Backflow Preventer installation, inspection, or testing;
 - (g) Water System maintenance or repairs;
 - (h) Inadequate source water supply or disruption;
 - (i) Concerns with water quality;
 - (j) For violation of any of the provisions of this Bylaw.
- (3) Except under emergency situations, reasonable notice is required before Shut Off or Disconnection of the Regional District Water Connection. Reasonable notice shall consist of at least 48 hours notice.

10.2 Application to Leave a Water Service Area

- (1) Any request for a Parcel to be removed from a Water Service Area shall be submitted in writing to the Manager.
- (2) Parcels may only be removed from the Water Service Area if removal benefits the Water System or the Parcel cannot be feasibly serviced from the Water System.
- (3) If a future application is made for the Parcel to re-join the Water Service Area, the Parcel is subject to all conditions of this Bylaw and Fees and Charges as identified in the *Utilities Rates, Fees and Charges Bylaw*. No credit shall be given for past contributions to the Water Service Area.
- (4) After a Parcel is removed from a Water Service Area, no rebates for any past Fees and Charges or taxes shall be paid to the Owner, except proration of the current year's Fees and Charges.
- (5) If permission is granted for a Parcel to be removed from the Water Service Area, the Regional District Water Connection shall be removed at the Owner's expense.

11. OWNERSHIP, RESPONSIBILITY, AND ACCESS

11.1 Owner Water Connections

- (1) The Owner is responsible for the supply and installation of Owner Water Connections.
- (2) Joining of the Regional District Water Connection and the Owner Water Connection during construction shall be the responsibility of the Owner. The joint shall be inspected by a Designated Officer prior to backfilling the Owner Water Connection. A minimum notice of two working days is required before inspection.
- (3) The Owner shall ensure that all pipe, fixtures and appurtenances connected to the Owner's water system are in good working order.
- (4) All new Regional District Water Connections shall have a properly placed Curb Stop Valve and Curb Stop Box for Regional District Water Connections up to 50 mm in diameter or a shut off valve conforming to *AWWA C509* for Regional District Water

Connections of 100 mm diameter or larger.

- (5) All new Regional District Water Connection Curb Stop Valves or shut off valves shall be generally located immediately on the roadway side of the Parcel Property Line.
- (6) The Regional District shall own and be responsible for any maintenance or replacement of the Curb Stop Box and Curb Stop Valve with the exception of the connection point with the Owner Water Connection which is the responsibility of the Owner.
- (7) The Regional District does not guarantee the proper function of Curb Stop Valves.
- (8) The property Owner is responsible for any damage to the Curb Stop Box and Curb Stop Valve caused by the Owner or the Owner's contractors or representatives.
- (9) If it becomes necessary to do repairs on the Owner Water Connection, any costs incurred shall be the responsibility of the Owner. No work is permitted on the Regional District Water Connection without prior approval from the Manager.
- (10) If the source of the leakage, freezing or other condition which causes the interruption of the supply of water cannot be determined, the Owner shall sign a Work Order for investigative Work. If it is determined that the source of the problem is within the Regional District Water Connection or other part of the Regional District Water System, then the Owner will not be charged for the Work. If it is determined that the source of the problem is within the Owner Water Connection then the Owner will be responsible for the investigative Work and any other repairs.
- (11) If potential high pressures are a concern, the Owner shall be responsible to provide and maintain any required pressure-reducing valves and pressure relief valves.
- (12) The Owner shall permit access by the Designated Officer upon reasonable notice for inspection of the Owner Water Connection, Meters, Backflow Preventers, fixtures or appurtenances, if the Designated Officer has reasonable reason to believe water is being wasted, there is a leak, there is a Cross Connection or any other contravention of this Bylaw.
- (13) Owner Water Connections may not be extended to service other Properties.

11.2 Access to the Water System on Public Lands

- (1) No person shall enter into any utility structure forming part of a Water Service whether underground or above ground or any utility compound whether it is fenced or not.
- (2) No person shall obstruct at any time or in any manner the access to any hydrant, valve, Curb Stop or other fixture connected with the Water System or Regional District Water Connection.
- (3) No person shall obstruct or prevent the Manager or any person authorized by the Manager from carrying out any or all of the provisions of this Bylaw, nor shall any person refuse to grant the Manager or any person authorized by the Manager, permission to inspect any Owner Water Connection at any reasonable time.

11.3 Water System on Private Lands

- (1) Regional District access to the Water System located on private lands shall be done in accordance with *Local Government Act* Clause 311 (1), Clause 312, Clause 314.1, and *Community Charter* Section 16 (1) to (5).

11.4 Fire Hydrants and Standpipes

- (1) All fire hydrants and standpipes directly connected to Regional District Water Mains are the property of the Regional District.
- (2) All fire hydrants and standpipes connected to Owner Water Connections are the property of the Owner unless otherwise agreed in writing between the Manager and Owner.

12. WATER USAGE

12.1 General Water Usage

- (1) No Owner shall cause or allow Regional District supplied water to be conveyed to any other Property.
- (2) No person shall commercially sell water from a Regional District of Central Kootenay Water System unless otherwise Approved by the Manager or unless the sale or distribution of water is by a landlord to a tenant or by a condominium corporation to a member and the charge to the tenant or member for water use shall not exceed the amount charged by the Regional District.
- (3) No change or addition to the number or type of fixtures on a Property, for the purpose of expanding the number of Dwellings, installation of a Swimming Pool, or Commercial or Industrial enterprise, shall be made until an Application is made to the Manager and written permission thereof obtained.
- (4) No pumps shall be connected to the Water System without Approval of the Manager. Any Owner pumps connected to the Water System shall be subject to conditions imposed by the Manager which may include but is not limited to:
 - (a) Pump capacity limitations;
 - (b) Pump discharge pressure limitations;
 - (c) Pump low suction pressure monitoring and lock out;
 - (d) Minimum service size;
 - (e) Placement of a Restrictive Covenant on Title, in accordance with Section 219 of the British Columbia *Land Title Act*;
 - (f) Existing pumps may only be replaced with a pump of the same make, model, impeller and speed. Approval of the Manager is required for any changes;
 - (g) Approval from other applicable regulatory agencies.
- (5) Free Flow Bleeders for frost protection or any other purpose are not permitted after December 31, 2016 unless Approved in writing by the Manager.

12.2 Temporary Water Usage

- (1) Temporary water usage may only be approved by the Manager for such things as construction, road maintenance, and events.
- (2) Temporary water users are not required to open an Account but Approval is required from the Manager for water usage.
- (3) Temporary water users shall provide tamper protection, Backflow Prevention, and or Metering, if required by the Manager.
- (4) Temporary water usage is subject to Fees and Charges as identified in the *Utilities*

Rates, Fees and Charges Bylaw.

- (5) A deposit amount payable to the Regional District may be set out in the *Utilities Rates, Fees and Charges Bylaw* and the deposit may be used to recover any damages to the Water System.
- (6) Temporary water usage is limited to the water service area when required by the water system's provincially issued water licence.

12.3 Water Conservation

- (1) All Water Systems are subject to seasonal Stage One water conservations measures as identified in Schedule A.
- (2) The Manager may at any time introduce further Stages of water conservation and upon receiving due notice of such restriction, no person shall use water for the purposes prohibited by, or in excess of the limits imposed by such restrictions.
- (3) Due notice of Water Conservation Measures shall be given either by publication in a newspaper circulating within the Regional District or by mail.
- (4) No person shall:
 - (a) Use water for sprinkling in excess of reasonable requirements;
 - (b) Irrigate more than 0.40 Hectares (1 acre) of land per non-Metered Account unless the Account has been classified as Agricultural Land, Golf Course, Institutional or Recreational, and assigned irrigation privileges by the Manager;
 - (c) Irrigate more land area than has been assigned irrigation privileges by the Manager;
 - (d) Use water at a rate greater than 0.70 litres per second per hectare (0.28 litres per second per acre or 4.5 United States gallons per minute per acre) on Agricultural Land, or for unmetered irrigation on Single Family Dwelling or Multiple Dwelling Properties;
 - (e) Use an unattended open pipe or hose for sprinkling purposes.

12.4 Once Through Cooling Equipment

- (1) Once Through Cooling Equipment is not to be permitted to be connected to the Water System after December 31, 2016, unless otherwise Approved in writing by the Manager.

12.5 Car Washes

- (1) Commercial Carwashes connected to a Regional District Water System shall comply with the following:
 - (a) Maximum of 151 liters (40 United States gallons) of Potable Water per average automated Carwash;
 - (b) Maintain high pressure wash nozzles and pump systems that use less than 0.19 liters per second (3 United States Gallons per minute).
- (2) Commercial Carwashes may use recycled water to augment water volume and flow limits.

12.6 Water Wastage

- (1) No Customer shall allow Regional Districted supplied water to be wasted.

- (2) Notwithstanding the prohibitions in this Section, the Manager may authorize in writing the discharge of Regional District supplied water for the purposes of:
 - (a) health and safety;
 - (b) the installation and maintenance of infrastructure, including the flushing of Water Mains, hydrant leads and water service connections;
 - (c) preventing the freezing of Water Mains, hydrant leads and water service connections;
 - (d) conducting water flow tests;
 - (e) installation and testing of permanently installed Irrigation systems;
 - (f) upon approval by the Manager, training programs for fire fighters.

12.7 Illegal Water Connections

- (1) No person shall make or cause to be made a connection to the Water System without the express written approval of the Manager.
- (2) Any Illegal Water Connections shall be removed from the Water System within a reasonable time frame given by the Manager at the expense of the Owner, or the Owner shall make an Application for a Regional District Water Connection and the Owner is subject to all conditions of a new Regional District Water Connection.
- (3) An Owner is responsible for all Fees and Charges that would have been levied from the time of installation.

13. NEW SERVICING AND DEVELOPMENT

13.1 New Regional District Water Connections

- (1) New Regional District Water Connections are subject to Fees and Charges identified in the *Utilities Rates, Fees and Charges Bylaw*.
- (2) There shall only be one Regional District Water Connection per Parcel for new Developments, unless a dedicated non-Cross Connected fire service is also required.
- (3) Given limitations on the availability or pressure of water within some Water Systems, a new Regional District Water Connection may not be permitted if normal operating pressures are anticipated to be below 280 kPa (40.6 psi) or above 700 kPa (101.5 psi) as might be measured at the living floor elevation. The Manager may approve pressures outside this range and impose specific conditions in writing.
- (4) Regional District Water Connections, Owner Water Connections or Water Mains may not pass through a private Property to service another Property. Exceptions may be made at the discretion of the Manager as follows:
 - (a) if the benefiting Property is an existing landlocked Parcel and an Easement Agreement is executed between the properties with the Easement Agreement including the requirement for Regional District approval for Easement Agreement discharge;
 - (b) if Water Mains and Water Connections are located within a Provincially approved access common lot and all Water Mains and Water Connections within the access common lot are owned by the Property Owners, not the Regional District.
- (5) Owners are responsible for all costs associated with provision of the Regional District Water Connection including but not limited to:

- (a) Water System assessment to confirm adequate capacity and pressures;
 - (b) Extension of Water Mains;
 - (c) Roadway and surface restoration costs.
- (6) Provision of a new Regional District Water Connection is not guaranteed by the Regional District and an Application may be rejected by the Manager for any reasonable reason, such as but not limited to, inadequate water pressures, inadequate capacity, Water System under boil water notice, geological hazards, unpaid water bills or taxes, zoning or development conditions, or if the connection is not economically feasible.
- (7) New Regional District Water Connections shall not run parallel with roadways; rather a new Water Main extension is required. New Water Mains shall be a minimum of 100 millimeter diameter in Water Service Areas without fire protection and 150 millimeter diameter in Water Service Areas with existing or planned fire protection. Water Mains may be larger or smaller in diameter subject to an engineering assessment and Approval by the Manager.
- (8) Allowance for new Regional District Water Connections to substandard Water Mains is at the discretion of the Manager and the Manager may require that substandard Water Mains be replaced at the Owners expense.
- (9) A Developer or Owner who is required to replace or extend Water System infrastructure may qualify for a future rebate in accordance with Section 939 of the *Local Government Act*.
- (10) Work on Regional District Water Systems shall be completed by the Regional District or the Regional District's contractor.

13.2 Water Service Area Extension

- (1) Inclusion of one or more new Parcels into a Water Service Area is subject to Fees and Charges identified in the *Utilities Rates, Fees and Charges Bylaw*.
- (2) Owners are responsible for all costs associated with Water Service Area extension including but not limited to:
- (a) Water System assessment to confirm adequate capacity and pressures;
 - (b) Extension of Water Mains;
 - (c) Upgrade of treatment, pumping and storage facilities;
 - (d) Roadway and surface restoration costs.
- (3) New Water Mains shall be a minimum of 100 millimeter diameter in Water Service Areas without fire protection and 150 millimeter diameter in Water Service Areas with existing or planned fire protection. Water Mains may be required to be larger or smaller diameter as determined by an engineering assessment and Approved by the Manager.
- (4) All new Water System infrastructure shall be located in road right of ways or Parcels Titled to the Regional District. Location of new Water System infrastructure in Easements or Statutory Right of Ways may only be permitted under special circumstance and requires approval of the Manager.
- (5) Work on Regional District Water Systems or installation of infrastructure that is to become part of a Regional District Water System shall be completed by the Regional District or the Regional District's contractor unless done under written agreement

between the Regional District and Developer.

- (6) The Developer shall provide the following warranty on any infrastructure installed by a Developer that is to be owned by the Regional District:
 - (a) The later of one year from the time of commissioning or ownership change for any water infrastructure.
 - (b) The later of two years from the time of commissioning or ownership change for any landscaping.

13.3 Subdivision of a Parcel or Creation of Additional Units on an Existing Property

- (1) Any Subdivision or addition of Units to a Property within a Water Service Area may be subject to a Capital Infrastructure Charge as defined in the *Utilities Rates, Fees and Charges* Bylaw.
- (2) Applications for a new Regional District Water Connection as part of a Subdivision process shall include submission of a Water Servicing Plan to the Manager. The Water Servicing Plan shall include property lines, existing legal lot, block and plan numbers, proposed lot numbers, building location(s), driveways or hard surfaces, sanitary systems and service offsets, other utilities, road names, and the requested location of the water connection(s). Neat sketches may be acceptable from the Owner for small Developments or Subdivisions but the Manager may require drawings issued by a Professional Engineer for larger Developments or Subdivisions.
- (3) The Manager may require the Owner to upgrade any existing Regional District Water Connection due to age, to meet current standards or to improve capacity as a condition of Subdivision or as a condition of adding a water serviced addition to a Unit or additional water serviced Units to a Property.
- (4) If the Owner does not initiate construction of the required Water System within one year after the date of the subdivision approval, the Regional District may enter upon the subdivided lands to complete the installation of the required Water System at the expense of the Owner.
- (5) If a Parcel, when originally subdivided, was not subject to some form of Regional District Capital Infrastructure Charge and a Regional District Water Connection was not provided, the Parcel is subject to a Capital Infrastructure Charge if a later Application is made and Approved for a new Regional District Water Connection to the Parcel.
- (6) When a Parcel is added to a Water Service Area, any further Subdivision or addition of Units is subject to Capital Infrastructure Charges at a rate equivalent to the rate for addition of a new Parcel to the Water Service Area, for a period of ten (10) years following the addition of the Parcel to the Water Service Area.

13.4 Multiple Dwelling Property Developments

- (1) Owners of a proposed Multiple Dwelling Property Development wishing to connect to a Regional District Water Service shall, prior to the start of any construction, submit a Water Servicing Plan to the Manager for Approval. The Water Servicing Plan shall include property lines, existing legal lot, block and plan numbers, proposed lot numbers, building location(s), driveways or hard surfaces, sanitary systems and service offsets, other utilities, road names, and the requested location of the water connection(s). Neat sketches may be acceptable from the Owner for small Developments or Subdivisions but the Manager may require drawings issued by a

Professional Engineer.

- (2) The Manager may require the Owner to upgrade any existing Regional District Water Connections due to age, to meet current standards or to improve capacity as a condition of Development.

14. CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION

14.1 Cross Connection Control Requirement and Classification

- (1) As a condition of approval of service:
 - a) the property owner must have a cross connection control device already installed as part of the plumbing system on their property in accordance with and when required by the Plumbing Code; or
 - b) where a cross connection control device is not part of the owner's plumbing system, a cross connection control device must be installed outside of the property line on the Regional District Water Connection when require by the Manager.
- (2) No person shall cause or permit to continue a Cross Connection to a Regional District Water system or a connection between a Regional District Water System and another source of water.
- (3) Backflow Prevention, when required, shall be selected and installed by a Qualified Person in accordance with CSA B64.10-11.
- (4) No person shall remove or modify a Backflow Preventer unless a Qualified Person.
- (5) Buildings or facilities in a Regional District Water System may be classified as being a Minor, Moderate or Severe Hazard for Cross Connection by the Manager in accordance with CSA B64.10-11.
- (6) All new Regional District Water Connections or Redevelopments servicing four or more Units, including Dwellings, shall be considered at least a Minor Hazard.
- (7) Premise Isolation Backflow Prevention shall be provided as follows:
 - (a) All new Regional District Water Connections or Redevelopments in Water Systems with no residual disinfection protection and with a building or facility identified as being a Minor Cross Connection Hazard shall have a Premise Isolation Dual Check Valve or Double Check Valve Assembly as Approved by the Manager.
 - (b) All new Regional District Water Connections or Redevelopments in all Water Systems with a building or facility identified as being a Moderate or Severe Cross Connection Hazard shall have Premise Isolation Backflow Prevention as specified by a Qualified Person and as Approved by the Manager.
 - (c) All new Regional District Water Connections on parcels of land 0.40 hectares (1 Acre) or larger shall have Backflow Prevention installed on the Regional District Water Connection, as specified by a Qualified Person and as Approved by the Manager.
 - (d) All new Regional District Water Connections with meter pits shall have Backflow Prevention installed as specified by a Qualified Person and as Approved by the Manager.

14.2 Owner Responsibilities

- (1) When an Owner's Premises Isolation Backflow Preventer protecting a Moderate or Severe Cross Connection Control Hazard is found to not be in proper working condition, the condition shall be reported to the Regional District by the Customer or Owner and the Backflow Preventer shall be repaired or replaced by the Owner within 5 working days.
- (2) When an Owner's Premises Isolation Backflow Preventer protecting a Minor Cross Connection Control Hazard is found to not be in proper working condition, the condition shall be reported to the Regional District by the Customer or Owner and the Backflow Preventer shall be repaired or replaced by the Owner within 30 days.

14.3 Backflow Preventer Ownership

- (1) Backflow Preventers installed on the Owner's Property shall be owned by the Property Owner and shall be installed, maintained and tested at the Owner's expense.
- (2) Backflow Preventers when required to be installed on a Regional District Water Connection for new Regional District Water Connections or Redevelopments shall be installed at the Owner's expense.
- (3) Backflow Preventers installed on the Regional District Water Connection shall be owned by the Regional District and shall be maintained and tested by the Regional District.

14.4 Backflow Preventer Testing and Inspection

- (1) Backflow Preventers that are owned by the Owner and that are protecting against Moderate or Severe Cross Connection Hazards shall be tested by a British Columbia Water and Wastewater Association certified Cross Connection Control Tester as follows:
 - (a) Upon installation;
 - (b) When cleaned, repaired, or overhauled;
 - (c) When relocated; and
 - (d) Every three years.
- (2) Owners shall maintain a record of Backflow Preventer Inspection and testing results on the Property and shall provide a copy of these records to the Regional District upon request.
- (3) Testable Backflow Preventers shall have an Approved testing tag affixed to the device by a British Columbia Water and Wastewater certified Cross Connection Control Tester.

15. WATER METERS

15.1 Water Meter Requirement

- (1) Any new Regional District Water Connections or Redevelopment with Regional District Water Connection greater than 25 mm shall have an Approved Meter installed by the Owner, unless otherwise identified in a Board approved metering plan.
- (2) All new Regional District Water Connections or Redevelopments servicing, Commercial properties, Industrial properties, Institutional properties, golf courses, Agricultural Land, and recreation facilities shall have an Approved Meter installed by

the Owner, unless otherwise identified in a Board approved metering plan.

- (3) All new Regional District Water Connections or Redevelopments servicing four or more Units, including Dwellings, shall have an Approved Meter installed by the Owner, unless otherwise identified in a Board approved metering plan.
- (4) All Regional District Water Connections in the Lucas Road, Balfour Water System, Grandview Water System and Rosebery Water System shall be Metered.
- (5) All existing Properties with Approved Free Flow Bleeders shall be Metered, unless otherwise identified in a Board approved metering plan.
- (6) Owner Water Connections that cross a privately owned Property to service another Property unless otherwise exempted by the Manager in writing, shall have a Meter installed by the Owner, unless otherwise identified in a Board approved metering plan.
- (7) All existing Multiple Dwelling Properties, Commercial properties, Industrial properties, Institutional properties, golf courses, Agricultural Land, and recreation facilities shall have a Meter installed by the Owner by **December 31, 2021**, unless otherwise identified in a Board Approved metering plan.
- (8) The Manager may at any time require that a Meter be installed by the Owner on Water Connections where there is reasonable cause to suspect a high water demand or where water usage cannot be easily determined.
- (9) The Owner shall make provisions for future metering on all new Developments with three or less Dwellings.
- (10) All Single Family Dwelling Properties shall be metered by **December 31, 2024**, unless otherwise identified in a Board Approved metering plan.
- (11) No un-Metered water may be used on a Metered Property without the written Approval of the Manager.
- (12) The following Water Connections shall not require a Water Meter:
 - (a) Fire water connections which are not used for any other purpose; and
 - (b) Such other connections where, in the opinion of the Manager, it is impractical to install a Water Meter.
- (13) Any new Regional District Water Connections or Redevelopment on a Parcel 0.40 hectares (1 Acre) or larger shall have an Approved Meter installed at the Property Line in an Approved Meter Pit at the Owner's expense, unless otherwise identified in a Board approved metering plan.
- (14) If an Owner requests and the Manager Approves an increase or decrease to the amount of irrigation privileges assigned or an increase or decrease to the assessed Agricultural Land Charge, a water meter will be required and the Owner shall be responsible for the installation costs of a Water Meter and related appurtenances, if the amount of assessed assigned irrigation privileges or assessed Agricultural Land Charge results in more than one acre and less all the lands.

15.2 Metering Equipment

- (1) Water Meters and equipment shall be selected and installed in accordance with requirements identified by the Manager.

- (2) New Single Family Dwelling Developments or Redevelopments that are required to make provisions for future Metering shall provide the following:
 - (a) Regional District supplied Meter Idler installed with Water Meter couplings to accommodate a future Water Meter;
 - (b) 20 mm conduit for future remote registry with long radius bends installed from the future Water Meter location to the exterior of the building to a location near the electrical meter;
 - (c) Accessibility to future Meter locations at all times;
 - (d) Any other reasonable requirement identified by the Manager.
- (3) Any Property requiring a Meter that has more than one serviced structure or has external fixtures shall have an Approved Meter installed at the Property Line in an Approved Meter Pit at the Owner's expense. Exemptions for Meter Pit installation may be Approved at the Managers discretion under the follow conditions:
 - (a) the Regional District has field confirmed that there would be no un-Metered water consumption;
 - (b) a pressure test is conducted on the Owner's water system at the Owner's expense to confirm that there is no leakage;
 - (c) all un-Metered, buried water system components meets BC Plumbing Code;
 - (d) all Development on the property is less than 5 years old at the time of Development application;
 - (e) the property is less than 1 acre in size; and
 - (f) a Meter is installed in an Approved in building location.
- (4) The size of all Meters installed shall be Approved by the Designated Officer and will not necessarily conform to the size of the service pipe installed but will be based on the estimated rate of consumption.
- (5) All Water Meters with a bypass shall have a seal on the bypass.
- (6) If a property owner does not provide a required Meter or fails to provide access to install a Meter, the Meter may be installed on the Regional District Water Connection at the Owner's expense.

15.3 Customer Responsibility and Notification Requirements

- (1) The Customer shall protect any Water Meter, valves, or pipes located on the Property from freezing, excessive heat, overheating of water, external or internal damage of any kind, or any other thing which may affect the operation of the Water Meter or Meters.
- (2) If a bypass seal is broken, the Customer shall notify the Designated Officer within twenty-four (24) hours of knowledge of the broken seal.
- (3) If a Water Meter is damaged, the Customer shall notify the Designated Officer within twenty-four (24) hours of knowledge of the damaged meter.
- (4) No Person shall:
 - (a) Interfere with or tamper with the operation of any Water Meter or remote reading device; nor
 - (b) Open a bypass valve on a Water Meter or metering installation except in the case

of an emergency.

15.4 Water Meter Costs and Ownership

- (1) Water Meters or a remote reading device located on Owner Water Connections shall be installed at the Owner's expense, unless installed as part of a Regional District metering program, and shall be the property of the Regional District.
- (2) If a Water Meter or remote reading device is removed or stolen, the Owner shall be responsible for the cost of replacing the Water Meter including installation.
- (3) If a Water Meter or remote reading device or related equipment is damaged or tampered with, the Owner shall be responsible for the cost of repairs or replacement.
- (4) If a Meter or remote reading device is required by the Owner to be relocated, all costs associated with the Meter relocation shall be the responsibility of the Owner.

15.5 Meter Testing

- (1) The Owner may request that a Water Meter be tested for accuracy, and the cost of any such test shall be at the expense of the Regional District if the Water Meter is found to be inaccurate in excess of two (2%) percent of actual flow. The test shall be at the Owner's expense if the Water Meter is found to be accurate within two (2%) percent of actual flow.
- (2) The Manager may require a water meter to be tested for accuracy, and the cost of any such test shall be the expense of the Regional District.

15.6 Meter Readings

- (1) The Manager shall establish the frequency of regular Meter reading.
- (2) The Manager may require that a Meter be read at any time.
- (3) Customers shall provide Meter reading(s) when requested by the Manager.

16. OFFENCES AND PENALTIES

- (1) Any person who contravenes this Bylaw or other requirements made or imposed under this Bylaw or amendments thereto is guilty of an offence and is liable to a fine not exceeding \$2,000.
- (2) Where an offence is committed or continues for more than one day, a person shall be deemed to have committed separate offences for each day on or during which an offence occurs or continues, and separate fines, each not exceeding \$2,000, may be imposed for each day on or during which an offence occurs or continues.
- (3) Nothing in this Bylaw shall restrict the Regional District of Central Kootenay from utilizing any other remedy that would otherwise be available to the Regional District of Central Kootenay at law.

17. ADOPTION OF BYLAW

This Bylaw shall take force and effect upon the date of its adoption and supersedes all existing bylaws.

READ A FIRST TIME this 16th day of April, 2020.

READ A SECOND TIME this	16th	day of	April, 2020.
READ A THIRD TIME this	16th	day of	April, 2020.
ADOPTED this	16th	day of	April, 2020.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

**REGIONAL DISTRICT OF CENTRAL KOOTENAY
SCHEDULE A – WATER CONSERVATION MEASURES**

to

BYLAW NO. 2712

Stage 1 Water Conservation Measures go into effect every year regardless of seasonal weather patterns. These measures are in effect from June 1st to September 30th. The Regional District may, upon notification, impose further water conservation measures (Stages 2-4) as necessary.

Activity	Mandatory Restrictions			
	Stage 1	Stage 2	Stage 3	Stage 4
Watering of lawns	ONLY between the hours 7 pm - 10 am	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	Prohibited	Prohibited
Watering of new lawns (seed within 45 days and sod within 21 days of installation)	ONLY between the hours 7 pm - 10 am	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	Prohibited (Except where permitted by the Manager)
Watering of gardens, trees and shrubs (excluding watering of commercial agricultural products)	ONLY between the hours 7 pm - 10 am	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	Prohibited
	<i>Watering using drip irrigation, a watering can, and or hand held hose, which eliminates over-spray is permitted at any time.</i>			
Watering of Commercial Agricultural Products (production and sales)	Permitted	Permitted	Permitted	Permitted (Voluntary Conservation)
Wash down (sidewalks, walkways, driveways, exterior building surfaces, window, vehicles or other outdoor surface)	Permitted	ONLY between the hours 6 am - 10 am, and 8 pm - 10 pm	Prohibited (Except where critical for health and safety, and business operations)	Prohibited (Except where critical for health and safety)
Filling of fountains or other decorative features	Permitted	Prohibited (Except where permitted by the Manager)	Prohibited	Prohibited
Filling of outdoor hot tubs and/or wading pools.	Permitted	Permitted	Prohibited	Prohibited
Filling of swimming pools	ONLY between the hours 8 pm - 7 am	Prohibited (Except where permitted by the Manager)	Prohibited	Prohibited
Dwelling water consuming appliances such as washing machines and dishwashers	Permitted	Permitted	Permitted (Voluntary Conservation)	Permitted (Voluntary Conservation)
Large commercial water use such as laundromats, washers, carwashes, etc.	Permitted	Permitted	Permitted (Voluntary Conservation)	Permitted (Voluntary Conservation)

Commentary of Proposed Changes to Water Bylaw No. 2577

The following provides a commentary of proposed Water Bylaw No. 2577 changes. Existing clauses are from Bylaw 2577 and proposed clauses are included in proposed Bylaw 2712.

3. REPEAL

Existing Clause	
3.	This Bylaw repeals the “Regional District of Central Kootenay Water Bylaw No. 2470, 2015”.
Proposed Clause	
3.	This Bylaw repeals the “Regional District of Central Kootenay Water Bylaw No. 2577, 2017 ” and “ McDonald Creek Waterworks Bylaw No. 1871, 2007 ”.
Commentary	
Repeals current Water Bylaw and old McDonald Creek Bylaw. The McDonald Creek Bylaw should have been repealed in 2016 when all individual water systems bylaws were repealed and replaced with one bylaw but it was missed.	

5. Interpretation (Definitions)

Existing Clause	
Manager	in this Bylaw, unless the context otherwise requires, means the Regional District of Central Kootenay General Manager of Environmental Services, or Utility Services Manager or designate.
Proposed Clause	
Manager	in this Bylaw, unless the context otherwise requires, means the Regional District of Central Kootenay General Manager of Environmental Services, the Water Operations Manager , Utility Services Manager or designate.
Commentary	
Adds the Water Operations Manager to the list of persons having Manager decision authority in respect to the bylaw.	

Existing Clause	
Meter	means water meters, remote reading device, wire and other equipment or instruments used by the Regional District or authorized by the Regional District to be used to calculate the amount of water consumed.
Proposed Clause	
Meter	means water meters, remote reading device, wire and other equipment or instruments used by the Regional District or authorized by the Regional District to be used to calculate the amount of water consumed, and other related appurtenances .
Commentary	
Simply adds appurtenance to ensure all equipment and materials related to metering is covered.	

Existing Clause	
	None
Proposed Clause	

Metered Base Charge	is a fixed fee charged for water associated with metered based accounts. Base rates help ensure the financial stability of the water service by guaranteeing a certain minimum payment from all customers regardless of water consumption. Base rates generally represent fixed water service costs and not variable costs related to the volume of water treated and distributed.
Commentary	
New clause to define metered base change.	

Existing Clause	
	None
Proposed Clause	
Metered Rate Consumption	is a charge that varies with the volume of water delivered to the property
Commentary	
New clause to define the metered consumption charge.	

12.2 Temporary Water Usage

Existing Clause	
	None
Proposed Clause	
12.2 (6)	Temporary water usage is limited to the water service area when required by the water system's provincially issued water licence.
Commentary	
Provincially issued water licences can restrict water usage to within the water service area. This clause was added for clarification as the Regional District recently received a request to truck water from a Regional District service to a nearby business.	

12.3 Water Conservation

Existing Clause	
12.3	<p>No person shall:</p> <ul style="list-style-type: none"> (a) Use water for sprinkling in excess of reasonable requirements; (b) Irrigate more than 0.40 Hectares (1 acre) of land per Non-Metered Account unless the Account has been classified as Agricultural Land, Golf Course, Institutional or Recreational, and assigned irrigation privileges by the Manager; (c) Use water at a rate greater than 0.70 litres per second per hectare (0.28 litres per second per acre or 4.5 United States gallons per minute per acre) on Agricultural Land, or for unmetered irrigation on Single Family Dwelling or Multiple Dwelling Properties; (d) Use an unattended open pipe or hose for sprinkling purposes.
Proposed Clause	

12.3 (4)	<p>No person shall:</p> <ul style="list-style-type: none"> (a) Use water for sprinkling in excess of reasonable requirements; (b) Irrigate more than 0.40 Hectares (1 acre) of land per non-Metered Account unless the Account has been classified as Agricultural Land, Golf Course, Institutional or Recreational, and assigned irrigation privileges by the Manager; (c) Irrigate more land area than has been assigned irrigation privileges by the Manager. (d) Use water at a rate greater than 0.70 litres per second per hectare (0.28 litres per second per acre or 4.5 United States gallons per minute per acre) on Agricultural Land, or for unmetered irrigation on Single Family Dwelling or Multiple Dwelling Properties; (e) Use an unattended open pipe or hose for sprinkling purposes.
Commentary	
<p>Added new clause (c) to clarify that assigned irrigation privileges do not necessary go away with metering. As an example, Agricultural Land irrigation privileges in Erickson have to be purchased as a Capital Infrastructure Charge at a current rate of 1,000 per acre. There may also be a need to limit irrigation on say golf courses and parks, if the water system has capacity concerns.</p>	

13.1 New Regional District Water Connections

Existing Clause	
13.1 (4)	<p>Regional District Water Connections or Owner Water Connections may not pass through a private Property to service another Property. Exceptions may be made for existing landlocked Parcels at the discretion of the Manager and if an Easement Agreement is executed between the properties with the Easement Agreement including the requirement for Regional District approval for Easement Agreement discharge.</p>
Proposed Clause	
13.1 (4)	<p>Regional District Water Connections, or Owner Water Connections or Water Mains may not pass through a private Property to service another Property. Exceptions may be made for existing landlocked Parcels at the discretion of the Manager as follows:</p> <ul style="list-style-type: none"> (a) if the benefiting Property is an existing landlocked Parcel and an Easement Agreement is executed between the properties with the Easement Agreement including the requirement for Regional District approval for Easement Agreement discharge; or (b) if Water Mains and Water Connections are located within a Provincially approved access common lot and all Water Mains and Water Connections within the access common lot are owned by the Property Owners, not the Regional District.
Commentary	
<p>The current bylaw limits permitting new water infrastructure within easements to only existing land locked parcels. Water infrastructure in easements can be problematic for operations. The Land Titles Act permits access common lots so our bylaw needed to make accommodation for water services within shared access common lots; however, since Regional District owned water infrastructure on private property can be problematic, the proposed clause indicates the water infrastructure within the common lot will be not owned by the Regional District.</p>	

15.1 Water Meter Requirement

Existing Clause	
15.1 (7)	All existing Multiple Dwelling Properties, Commercial properties, Industrial properties, Institutional properties, golf courses, Agricultural Land, and recreation facilities shall have a Meter installed by the Owner by December 31, 2019.
Proposed Clause	
15.1 (7)	All existing Multiple Dwelling Properties, Commercial properties, Industrial properties, Institutional properties, golf courses, Agricultural Land, and recreation facilities shall have a Meter installed by the Owner by December 31, 2021, unless otherwise identified in a Board Approved metering plan.
Commentary	
<p>The December 31, 2019 deadline for metering in all water system was obviously not feasible but was a goal set by the 2016 Water Bylaw. The proposed bylaw moves the data back to 2021, “unless otherwise identified in a Board Approved metering plan”. Staff is currently working on a metering plan for Board approval for all water systems. It is anticipated that the metering plan will identify which water systems should be given priority and potential timing for metering based on criteria, such as, but not limited to: system capacity, water demand, metering cost, private property potential leakage, and operating costs. It is also anticipated that some water system may end up with very low priority and no set timing for metering.</p> <p>“unless otherwise identified in a Board Approved metering plan” is proposed to be added to a number of other clauses regarding metering requirements in Section 15.1.</p>	

Existing Clause	
	None.
Proposed Clause	
15.1 (14)	If an Owner requests and the Manager Approves an increase or decrease to the amount of irrigation privileges assigned or an increase or decrease to the assessed Agricultural Land Charge, a water meter will be required and the Owner shall be responsible for the installation costs of a Water Meter and related appurtenances, if the amount of assessed assigned irrigation privileges or assessed Agricultural Land Charge results in more than one acre and less all the lands.
Commentary	
<p>Almost all properties in Erickson are assessed the Agricultural Land charge on the entire property or only have irrigation privileges of up to one acre for residential or commercial landscaping. For the few properties with only a partial Agricultural Land charge, it would be too time consuming to monitor actual cultivated areas and water usage without metering. Proposed clause 15.1 (14) requires metering for any new partial Agricultural Land charges.</p>	

Existing Clause	
15.2 (3)	Any Property requiring a Meter that has more than one serviced structure or has external fixtures shall have an Approved Meter installed at the Property Line in an Approved Meter Pit at the Owner's expense.
Proposed Clause	

15.2 (3)	<p>Any Property requiring a Meter that has more than one serviced structure or has external fixtures shall have an Approved Meter installed at the Property Line in an Approved Meter Pit at the Owner's expense. Exemptions for Meter Pit installation may be Approved at the Managers discretion under the follow conditions:</p> <ul style="list-style-type: none"> (a) the Regional District has field confirmed that there would be no un-Metered water consumption; (b) a pressure test is conducted on the Owner's water system at the Owner's expense to confirm that there is no leakage; (c) all un-Metered, buried water system components meets BC Plumbing Code; (d) all Development on the property is less than 5 years old at the time of Development application; (e) the property is less than 1 acre in size; and (f) a Meter is installed in an Approved in building location.
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Commentary	
<p>Property line metering is more costly then in building metering. A property line meter removes the risk of unmetered water consumptions on properties with multiple structures and external fixtures. Property line metering has the advantage of measuring and detecting any customer side leakage and makes it easier for staff to access the meter. It however can be difficult to justify the additional cost of property line metering to property owners when the water system is new and meets required standards. The proposed additions to clause 15.2 (3) relaxes the requirement for property line metering under conditions.</p>	



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Committee Report

Date of Report: March 25, 2020
Date & Type of Meeting: April 15, 2020 Rural Affairs Committee
Author: Jason McDiarmid, Utility Services Manager
Subject: REGIONAL DISTRICT OF CENTRAL KOOTENAY UTILITIES RATES, FEES, AND CHARGES BYLAW NO. 2713, 2020
File: 08-3200-10-2713

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for Bylaw No. 2713, which repeals and replaces the existing "Utility Rates, Fees and Charges Bylaw" No. 2670. Rates included in schedules A and B of Bylaw No. 2713 are required to account for revenue requirements in services 241 to 260 as approved in the 2020 water service Financial Plans.

SECTION 2: BACKGROUND / ANALYSIS

The Board Approved 2020 water service Financial Plans results in the following RDCK water systems user fee changes:

- Arrow Creek: Town of Creston 1.3% decrease; Erickson 6.0% increase
- Balfour: 4.0% increase
- Burton: 2.7% increase
- Denver Siding: 3.0% increase
- Duhamel: 34.9% increase
- Edgewood: 25.0% increase
- Erickson: 20.9% increase
- Fauquier: 3.0% increase
- Grandview Properties: 5.0% increase
- Lister: 18.4% increase
- Lucas Road: 5.0% increase
- McDonald Creek: User rates and fees are set by the Village of Kaslo
- Riondel: No Change
- Rosebery Highlands: 5.0% increase
- Sanca Park: 2.0% increase
- South Slokan: 10.0% increase
- West Robson: 9.9% increase
- Woodbury: 3.0% increase
- Woodland Heights: 3.9% increase
- Ymir: 9.9% increase

In addition to rate changes, some clause changes are proposed for Bylaw No. 2713. A Commentary on Proposed Changes has been provided attached.

SECTION 3: DETAILED ANALYSIS	
a. Financial Considerations – Cost and Resource Allocations:	
Included in Financial Plan: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Financial Plan Amendment: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Debt Bylaw Required: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Public/Gov’t Approvals req’d: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<p>The user fee changes as outlined in schedules A & B of the bylaw are required to support the 2020 budget as considered and approved by the Board of Directors.</p>	
b. Legislative Considerations (Applicable Policies and/or Bylaws):	
<p>The Bylaw supports the requirement for self sustainability of each individual water service and with the goal and legal requirement of the provision of safe drinking water for these communities. In addition, the rate schedules have been developed in consideration of the now completed asset management plans for each water system.</p>	
c. Environmental Considerations:	
<p>None identified.</p>	
d. Social Considerations:	
<p>Where user fees are increasing substantially there may be occasional hardships for low or fixed income residents or families.</p>	
e. Economic Considerations:	
<p>The Bylaw changes are required in order to support the adopted 2020 water system Financial Plans.</p>	
f. Communication Considerations:	
<p>Via an information billing insert that will be mailed to all property owners with their annual bill, water system users will be provided with a brief explanation and rationale for the fee changes.</p> <p>Budget meetings have been held with all the respective Commissions of Management or Community Advisory Committees. The proposed Bylaw 2713 was provided to Water Commission Chairs for feedback.</p>	
g. Staffing/Departmental Workplan Considerations:	
<p>Subject to approval, staff will make the necessary adjustments to the utility billing and account maintenance.</p>	
h. Board Strategic Plan/Priorities Considerations:	
<p>This bylaw is aligned with the Board’s overarching strategic priority of <i>Coordinated Service Delivery</i> and further, our objective to support and <i>provide sustainable services</i>.</p>	
SECTION 4: OPTIONS & PROS / CONS	
<p>1. Give three readings to and adopt the Regional District of Central Kootenay Water Bylaw 2577, 2017.</p> <p>Pros</p> <ul style="list-style-type: none"> • Provides revenue for the Board Approved 2020 Water System Financial Plan 	

<ul style="list-style-type: none">• Make improvements to Bylaw Clauses <p>Cons</p> <ul style="list-style-type: none">• Some water service have significant rate increases. <p>2. Reject the Regional District of Central Kootenay Water Bylaw 2577, 2017.</p> <p>Pros</p> <ul style="list-style-type: none">• None <p>Cons</p> <ul style="list-style-type: none">• Water Services Financial Plans would be underfunded for 2020.
SECTION 5: RECOMMENDATION(S)
<p>1. THAT the <i>Regional District of Central Kootenay Utility Rates, Fees, and Charges Bylaw No. 2713, 2020</i> is hereby read the FIRST, SECOND, and THIRD time by content.</p> <p>2. THAT the <i>Regional District of Central Kootenay Utility Rates, Fees, and Charges Bylaw No. 2713, 2020</i> is hereby ADOPTED and the Chair and Secretary are authorized to sign same.</p>

Respectfully submitted,

Signature: Originally approved by Jason McDiarmid.

Name: Jason McDiarmid, Utility Services Manager

CONCURRENCE	Initials:
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General Manager of Environmental Services
Finance Manager
Chief Administrative Officer

Originally approved by Uli Wolf.
Originally approved by Heather Smith.
Originally approved by Stuart Horn.

ATTACHMENTS:

Attachment A – Regional District of Central Kootenay Utility Rates, Fees, and Charges Bylaw No. 2713, 2020 – REDLINE.

Attachment B – Regional District of Central Kootenay Utility Rates, Fees, and Charges Bylaw No. 2713, 2020.

Attachment C – Commentary on Proposed Changes to Utilities Rates, Fees and Charges Bylaw No. 2670.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2713

A Bylaw to regulate utility rates, fees, and charges for the Regional District of Central Kootenay owned utilities.

WHEREAS the Regional District of Central Kootenay wishes to regulate utility rates, fees, and charges for the Regional District of Central Kootenay owned utilities.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

- 1 (1) This Bylaw is applicable to all Water Service Areas of the Regional District of Central Kootenay.
- (2) When a Regional District water system is supplied with water from an adjacent local government, the bylaws of that local government and agreement conditions may apply.

DEFINITIONS

- 2 In this bylaw:

Account means a formal arrangement under this Bylaw for the provision of water services to a Property.

Account Holder means the person, organization, agent or representative that holds the water Account with the Regional District of Central Kootenay.

Account Type means the predominate usage of the Account such as but not limited to: Single Family Dwelling, Multiple Dwelling Property, Commercial, Industrial, Institutional, Agricultural, and Recreational.

Agricultural Land means land where agricultural irrigation privileges have been assigned by the Manager.

Auxiliary Building or Dependent Suite means a secondary or supplementary building or Unit that does not include all of cooking, eating, living, sleeping and sanitary facilities. An Auxiliary Building or Dependent Suite intended for habitation would be reliant on the main Dwelling.

Board means the Regional District of Central Kootenay Board of Directors.

Capital Infrastructure Charge means a fee levied during Development that is placed into reserves as a contribution to the cost of existing water infrastructure, upgrades and long term asset renewal.

Capital Reserve Fund Contribution means a fee levied that is placed into reserves as a contribution to the cost of water infrastructure upgrades and long term asset renewal.

Carwash means a building or structure containing facilities for washing motor vehicles, including tunnel car washes, coin operated automatic car washes and coin operated self service car washes.

Commercial means any Unit for which the use is the provision for the selling of goods and services, for the servicing and repair of goods or for commercial office functions, including but not limited to retail sales, wholesaling incidental to retail sales, commercial education and entertainment services, household services and all associated repairs, other personal and non-personal services and administrative, commercial and professional offices.

Commercial Carwash means a Carwash used or operated by a Commercial or Industrial business.

Customer means the Owner or occupant of any Property to which water is supplied or made available from the Regional District.

Development means the construction, alteration, or extension of buildings, structures, utilities or any use that requires the issuance of a building permit, plumbing permit, or Interior Health construction permit issued in accordance with the *Drinking Water Protection Act*.

Disconnection means physically turning off the water to a Owner's Property and adjusting the Owner's Account accordingly.

Dwelling means any living quarters used or has to potential to be used by one or more persons which contains cooking, eating, living, sleeping and sanitary facilities.

Flat Use Water Rates means water use rates that are independent of the water quantity used.

Folio means a land identification number assigned by British Columbia Assessment and is used for Property tax purposes. Folio is synonymous with Assessment Roll Number. A Folio in this Bylaw may describe one or more Parcels grouped under one British Columbia Assessment Folio.

Industrial means businesses such as but not limited to airports, aggregate processing, asphalt plants, bulk fuel storage, concrete plants, fabrication plants, manufacturing, processing, sawmills, and truck terminals.

Institutional means activities focusing on non-profit services in the public's interest. For example, schools, hospitals, group foster homes, and buildings used for religious worship.

Irrigation means the distribution of water to the surface or subsurface of lawns, gardens, orchards greenhouses by pipes, hoses, sprinklers or any other method.

Manager in this Bylaw, unless the context otherwise requires, means the Regional District of Central Kootenay General Manager of Environmental Services, the Water Operations Manager, Utility Services Manager or designate.

Manufactured Home means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried, and that is used as a Dwelling.

Meter means meters and other equipment or instruments used by the Regional District or authorized by the Regional District to be used to calculate the amount of water consumed.

Metered Base Charge is a fixed fee charged for water associated with metered based accounts. Base rates help ensure the financial stability of the water service by guaranteeing a certain minimum payment from all customers regardless of water consumption. Base rates generally represent fixed water service costs and not variable costs related to the volume of water treated and distributed.

Metered Rate Based Accounts are Accounts that include a water billing rate based on volumetric metered consumption.

Metered Rate Consumption is a charge that varies with the volume of water delivered to the property.

Mobile Housing Unit is any type of living accommodation that has been produced to be transported or is a mobile unit such as a ship, boat, recreational vehicle, Manufactured Home and so on, and occupied as living quarters.

Multiple Dwelling Property means any Property containing more than one Dwelling Units on one Folio.

Owner has the same meaning as in the *British Columbia Land Title Act* and *Manufactured Home Act*.

Owner Water Connection means the Owner's water lines and appurtenances downstream of the Regional District Water Connection.

Parcel means the unit lot, block or other area in which land is registered under the *British Columbia Land Title Act*.

Property means land and improvements.

Property Line means a line which defines, in the British Columbia Land Title Office, the perimeter of a Parcel.

Recreational is land primarily used for public recreation and includes but is not limited to parks, sports fields, playgrounds, green areas, beaches and public camping sites.

Reconnection means physically turning on the water and re-establishing or adjusting an Account as required.

Regional District of Central Kootenay or **Regional District** or **District** means the Regional District of Central Kootenay, as described under the British Columbia Local Government Act with offices located at 202 Lakeside Drive, Nelson, BC V1L 5R4 Phone: 250-352-6665 or toll-free number 1-800-268-7325 and Fax: 250-352-9300.

Regional District Water Connection means the water line extending from the Water Main to the Curb Stop Valve, generally near the Property Line and shall include any immediate downstream Meter installation, or Backflow Preventer.

Seasonal Service means a service that is turned on for 8 months or less. The Seasonal Service rate only applies if identified in the Fees and Charges Bylaw.

Secondary Suite means an additional Dwelling attached to the principle Dwelling that is used or has the potential to be used as a living quarters by one or more persons. A Secondary Suite contains cooking, eating, living, sleeping and sanitary facilities.

Single Family Dwelling means building or structure that contains only one Dwelling.

Subdivision means a subdivision as defined in the *British Columbia Land Title Act*, and a subdivision under the *British Columbia Strata Property Act*.

Subdivision Bylaw means the Subdivision Bylaw No. 2159 as it may be amended or replaced from time to time.

Surveyor of Taxes is responsible for collection of taxes for British Columbia rural areas.

Swimming Pool is any permanent or semi-permanent artificial pool for swimming in.

Title (Land Title) refers to the registration of land ownership in accordance with the *British Columbia Land Titles Act*.

Turn On/Off means a temporary interruption in or discontinuance of the supply of water authorized by the Regional District.

Undeveloped Parcel is a Parcel of land within a Regional District Water System where the water has not yet been turned on and where water has been made available.

Unit means any Dwelling, Commercial, Industrial, or Institutional space.

Water Conservation Measures any measures implemented by the Manager to restrict water usage.

Water Main means any water pipe under the control of the District which is intended for public use.

Water Main Extension is the extension or construction of a new water main to provide servicing to a new Water Connection(s).

Water Meter see Meter.

Water Service Area means the area defined by the Water System service area establishment bylaw.

Water Service Area Extension is the extension of the Water Service Area boundary by bylaw to include one or more additional parcels of land.

Water System means all Regional District owned assets like Water Mains, water treatment facilities, pump stations, reservoirs, wells, water intakes and all associated appurtenances.

Water Tax is a tax levied that contributes to the funding for a Water System.

Work means construction, maintenance, inspection or testing services provided for an Owner.

Work Order is a written order on an Approved form providing agreement by a Owner to proceed with Work identified on the form for which the Owner will be responsible for costs incurred by the Regional District in accordance with this Bylaw.

SEVERABILITY

- 3** If any portion of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, that portion may be severed from the Bylaw and such decision shall not affect the validity of the remaining portions of the Bylaw.

ADMINISTRATION

- 4** (1) The Manager is hereby authorized and directed to have general supervision over the Regional District of Central Kootenay Water Systems and to see that the provisions of this Bylaw are carried out.

(2) The Manager shall have the power to appoint Designated Officers for the purpose of effectually carrying out the provisions of this Bylaw, and wherever the Manager is authorized or directed to perform any act or duty under this Bylaw, such act or duty may be performed by any Designated Officer authorized by the Manager to perform such act or duty.

RATES AND ACCOUNT BILLING GENERAL

- 5** (1) The Manager shall classify Accounts into Account Types and apply service charge rates as set out in this Bylaw.

(2) Accounts may include a mix of service charge fees.

(3) The Account Holder must pay all fees and charges for water supplied to the Account Holder's Property, as set out in this Bylaw.

- (4) The Regional District's standard billing cycle will be from January 1st to December 31st.
- (5) When a property changes ownership, the new Owner is responsible to apply for a New Account and the old Owner is responsible to close their Account. If an Application is not made, the Account Holder will be changed when British Columbia Assessment provides the new Property Owner information to the Regional District.
- (6) Payments will be deemed to have been received on:
 - (a) the date payment is made in person at locations identified on Regional District utility bills;
 - (b) the date payment is made in person at locations identified on Regional District utility bills;
 - (c) the confirmed date the funds were transferred from the Customer's Account to the Regional District when payment was made through an approved financial institution.
- (7) Any outstanding Account balances or Work invoices of more than 65 days on December 31st shall be deemed to be taxes in arrears in respect to the Property and the outstanding balance will be sent to the Surveyor of Taxes in accordance with Section 363.2(2) of the *Local Government Act*.
- (8) Seasonal Service and Golf Course rates shall include one (1) annual Turn On and Turn Off.
- (9) Seasonal Service, Public Campgrounds, Golf Course and Irrigation rates shall apply for the entire billing cycle regardless of whether or not the water has been Turned Off for a portion of the billing cycle.
- (10) If an Auxiliary Building is used as the only Dwelling on a Property it is considered a Single Family Dwelling.
- (11) Auxiliary Buildings and Dependent Suites are not subject to Dwelling Unit charges unless specifically identified in this Bylaw.
- (12) If the Dwelling is occupied for more than 30 days of the calendar year, it is subject to assessment under this Bylaw.
- (13) If a Mobile Housing Unit is occupied for more than 30 days of the calendar year or is used as the only Dwelling, it is considered a Single Family Dwelling.
- (14) Agricultural Land Charge shall be assessed in increments of 0.1 acres, rounded down.
- (15) The Agricultural Land Charge assessed shall exclude the first acre when the property is also assessed other charge(s) that includes up to 1 acre of irrigation privileges.
- (16) If an Owner requests a reduction in the amount of Agricultural Land Charge assessed area the following shall apply:

- (a) an assessment of the suitability of the lands for agricultural production shall be completed by Qualified Person and paid for by the Owner;
 - (b) only those lands identified by the Qualified Person as not suitable for agricultural production might be considered by the Manager for removal from assessment of the Agricultural Land Charge; and
 - (c) if a reduction in the Agricultural Land Charge is approved by the Manager, the Owner shall be responsible for the installation costs of a Water Meter and related appurtenances, and the Account will be switch to a Metered Rate Based Account.
- (17) Where an error is found to have been made in the amount invoiced or billed to an Account, the amount either under-billed or over-billed shall be debited from or credited to Account and shown on the next invoice subject to the following:
- (a) The adjustment period is limited to the time that the current Owner is on Title;
 - (b) The adjustment period(s) for under-billing are to a maximum of 1 year where the error can reasonably be said to have been the fault of the Regional District;
 - (c) Where an under-billing is found to have been made in the amount invoiced or billed to an Account as a result of unauthorized use of a water service, or can reasonably be said to be a result of fraud, theft, tampering with a Meter or other equipment, or any other similar act, the following may be charged to the Customer Account:
 - (i) the amount of the under-billing,
 - (ii) any direct administrative costs incurred by the Regional District in investigating the circumstances, and
 - (iii) interest and penalties at the rate normally charged on unpaid Accounts receivable by the Regional District;
 - (d) The adjustment period(s) for over-billing are to a maximum of 5 years or when the current Owner came on title for the property, whichever is less;
 - (e) Where the exact amount of under-billing or over-billing cannot be determined, the Regional District may make a reasonable and fair estimate of the amount, using its own records or those of the Customer, and in keeping with amounts billed to other Customers in similar premises, being used in a similar manner, over the same time period; and
 - (f) Where an amount has been under-billed, and where the error can reasonably be said to have been the fault of the Regional District, the Regional District may offer the Customer reasonable terms of repayment, and may be interest and penalty free.

FLAT USE WATER RATES AND ACCOUNT BILLING

- 6 (1) Flat Use Water Rates may be prorated to the 15th or the end of each month for changes to Flat Use Water Rate Based Accounts.
- (2) For Flat Use Water Rate Based Accounts, a penalty of 10% will be imposed on any outstanding Account balances as of the end of the first business day following July 4th or 65 days following the date the utility bill is issued by the Regional District, whichever is later.
- (3) Clause 7(2) does not apply to Account Holders enrolled in the Voluntary Pre-Authorized Payment Plan.

- (4) The Capital Reserve Fund Contribution shall apply to all Folios in a Service Area for which the rate is identified for the Service Area.

METERED RATE BASED ACCOUNT BILLING

- 7 (1) For Metered Rate Based Accounts, the Account Holder is responsible to request a Meter reading when ownership changes.
- (2) For Metered Rate Based Accounts, Meters shall be read as near as reasonably possible to the date of any ownership change. Water usage shall be estimated for any difference in time between meter reading and date of ownership change.
- (3) Metered Base Charge fees may be prorated to the 15th or the end of each month for changes to Metered Rate Based Accounts, and Meter Base Charge will not be assessed if an Owner Water Connection is Disconnected.
- (4) A Water Meter reading may be estimated by the Manager based on either previous consumption patterns or a daily average consumption for the Customer Service Connection, if:
 - (a) the Regional District is unable to obtain a Water Meter reading;
 - (b) a Water Meter fails to properly register the amount of water consumed.
- (5) If a Customer experiences abnormal water consumption, the Manager may adjust the Account Holder's bill taking into consideration any or all of the following factors:
 - (a) the cause or nature of the abnormal water consumption;
 - (b) any evidence of action taken by the Customer to abate the abnormal consumption;
 - (c) Flat Use Water Rates established for the water service; and
 - (d) any other factors that might be relevant.
- (6) The Manager shall establish a Meter reading and billing schedule for Metered Rate Based Accounts.
- (7) For Metered Rate Based Accounts a penalty of 10% will be imposed as of the end of the first business day, following 65 days from the date the utility bill is issued by the Regional District on any outstanding Account balances.

SUBDIVISION AND DEVELOPMENT

- 8 (1) The Regional District may waive or modify the Capital Infrastructure Charge requirements identified in this Bylaw for large Developments, if addressed by separate agreement with the Developer and the Regional District, in accordance with Section 937.1 of the *Local Government Act*.

SERVICE WORK BY THE REGIONAL DISTRICT

- 9 (1) A Customer is required to sign a Work Order or invoice to provide an agreement to do the Work before the Regional District can do any non-emergency Work for a Customer.
- (2) Prior to commencing Work, the Regional District must provide a quotation in writing.
- (3) The Designated Officer may require a deposit in the amount of the cost estimate prior to starting the Work.
- (4) Customers will be invoiced for Actual Cost Work as follows:
 - (a) at Labour and Equipment rates provided in this bylaw;
 - (b) at actual Labour rates plus 20% for Administration for all Regional District employees not identified in this Bylaw;
 - (c) at actual contract Labour rates plus 20%;
 - (d) at actual cost plus 20% for all other Equipment and Materials.
- (5) Any invoices not paid within 60 days from the date of invoice will be subject to a 10% penalty.

VOLUNTARY PRE-AUTHORIZED PAYMENT PLAN

- 10 (1) The Manager shall establish and maintain a Pre-Authorized Payment Plan.
- (2) Account Holders wishing to participate in the Pre-Authorized Payment Plan, are required to sign an agreement provided by the Manager.
- (3) Participation in the Pre-Authorized Payment Plan program is voluntary. Customers who choose not to participate in the program will be required to pay their water bill in full by the end of the first business day following July 4th or 65 days following the date the utility bill is issued by the Regional District, whichever is later.
- (4) Participation in the Pre-Authorized Payment Plan is subject to cancellation at the discretion of the Chief Financial Officer.
- (5) Those who sign up after the end of the first business day following July 4th, in any year, will be subject to a 10% penalty on the outstanding Account Balance for that year. The new outstanding Account Balance will then be divided by the number of months remaining from the time the Customer Account information has been added to the PAWS (Pre-Authorized Withdrawals) system, starting no sooner than July 15th.
- (6) Customers must sign up by November 30th in order for monthly payment plans to start in January of the following year. If customers sign up after November 30th, payments may begin in later months.
- (7) For all years where payments begin on January 15th, payment amounts will be determined by dividing the previous year's annual water bill by 12.

- (8) Returned payments (NSF) result in a \$25.00 fee, charged to the Customer Account.
- (9) Any outstanding balance on the Customer Account as of December 31st of each year due to returned payments (NSF) will be subject to a 10% penalty.
- (10) Customer Accounts may be adjusted at any time due to Regional District Board approved water rate changes or changes in water usage, as required. The outstanding balance will be recalculated and the equal withdrawal payment amounts will be adjusted accordingly for the remainder of the year.

CITATION

- 11** This Bylaw may be cited as **“Regional District of Central Kootenay Utilities Rates, Fees and Charges Bylaw No. 2713, 2020.”**

REPEAL

- 12** **“Regional District of Central Kootenay Utilities Rates, Fees, and Charges Bylaw No. 2670, 2019”**, and amendments thereto, are hereby repealed.

READ A FIRST TIME this 16th day of April, 2020.

READ A SECOND TIME this 16th day of April, 2020.

READ A THIRD TIME this 16th day of April, 2020.

ADOPTED by an affirmative vote of at least 2/3 of the votes cast this 16th day of April, 2020.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

**SCHEDULE A TO BYLAW NO. 2713
GENERAL RATES, FEES, AND CHARGES**

General Rates and Fees and Charges are as follows:

1 GENERAL

No.	Item	Rate	Unit
1	Labour		
1.1	Manager	\$102	hour
1.2	Utilities Supervisor	\$78	hour
1.3	Water Services Liaison	\$72	hour
1.4	Environmental Services Technologist/Coordinator	\$66	hour
1.5	Lead Hand	\$66	hour
1.6	Utility Tech 2	\$54	hour
1.7	Utility Tech 1 or Maintenance Person	\$48	hour
2	Equipment (excluding operator)		
2.1	Service Truck – Greater of the following:		
a)	Half Daily Rate	\$50	½ day
b)	Mileage Rate	\$0.75	km
2.2	Vehicle – Greater of the following:		
a)	Half Daily Rate	\$50	½ day
b)	Mileage Rate	\$0.60	km
2.3	Backhoe	\$80	hour
2.4	Tractor	\$30	hour
2.5	Leak Noise Correlator	\$30	hour
3	Temporary Water Usage		
3.1	Damage Deposit for Connection to Standpipe or Hydrant	\$100	lump sum
3.2	Temporary Water Usage (\$100 minimum)	\$3.00	cubic meter
4	Customer Account Administration		
4.1	Change of Property Ownership	No Charge	each
4.2	Application for New Water Connection or Change of Use within and Existing Water Service Area	No Charge	each
4.3	Water Application from Outside of a Water Service Area	\$250	each
4.4	Disconnection	\$100	each
4.5	Reconnection	\$100	each
5	Customer Connection Maintenance		
5.1	Temporary Turn Off and Turn On (includes both Turn Off and Turn On, if required)		
a)	Pre-scheduled during business hours	\$50	each
b)	Outside regular business hours or not pre-scheduled	\$100	each
5.2	Seasonal Rate based Account Turn Off and On		
a)	Pre-scheduled during business hours	No Charge	each
b)	Outside regular business hours or not pre-scheduled	\$100	each
6	Subdivision and Development		

No.	Item	Rate	Unit
6.1	Capital Infrastructure Charge for creation of a new Serviced Parcel by Subdivision	\$2,000	each
6.2	Capital Infrastructure Charge for creation of a Serviced Parcel with separate Folio from a group of two or more Parcels with one Folio	\$2,000	each
6.3	Capital Infrastructure Charge for creation of Serviced Dwelling Units in a Multiple Dwelling Parcel Development after the initial Dwelling Unit	\$1,000	each
6.4	Capital Infrastructure Charge for creation of Serviced Commercial, Industrial or Institutional Unit after the initial Unit	\$1,000	each
6.5	Capital Infrastructure Charge for new irrigation privileges on Agricultural Land	\$1,000	per acre
6.6	Water Main Extension and Improvements	Actual Cost	
6.7	Water Connection Charges	Actual Cost \$10,000	
a)	Installation		
b)	Capital Infrastructure Charge for existing Parcels within a Water System Service Area not currently paying a Water Tax, Capital Reserve Fund Contribution or Undeveloped Parcel Fee		
7	Water Service Area Boundary Extension		
7.1	Capital Infrastructure Charge for addition of a new Parcel to a Service Area	\$10,000	each
7.2	Capital Infrastructure Charge for each additional Serviced Dwelling Unit in a Multiple Dwelling Parcel development after the initial Dwelling Unit	\$5,000	each
7.3	Capital Infrastructure Charge for each additional Serviced Commercial, Industrial or Institutional Unit after the initial Unit	\$5,000	each
7.4	Capital Infrastructure Charge for irrigation privileges on Agricultural Land	\$5,000	per acre
7.5	Water Main Extension and Improvements	Actual Cost	
7.6	Water Connection Installation	Actual Cost	
7.7	Abandonment of Water Connection	Actual Cost	
8	Alternate Meter Read		
8.1	Manual Meter Read – when read during scheduled automated readings	\$50	annual
8.2	Manual Meter Read – unscheduled trip	\$50	each

2	Commercial – Business	\$882.00	annually
3	Commercial – Food and Beverage Service	\$882.00	annually
4	Commercial – Orchard	\$882.00	annually
5	Dwelling - Multi Family		
a)	First Dwelling	\$882.00	annually
b)	Additional Dwelling	\$442.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$442.00	annually
6	Dwelling - Single Family	\$882.00	annually
7	Institutional - Church	\$803.00	annually
8	Institutional - Community Hall	\$803.00	annually
9	Institutional - School	\$1,336.00	Annually
10	Metered Rate		
a)	Base Charge	\$88.00	quarterly
b)	Metered Consumption	\$1.50	per cubic meter quarterly

5 DENVER SIDING WATER SYSTEM

No.	Item	Rate	Unit
1	Dwelling - Single Family	\$950.00	annually
2	Industrial - Road Maintenance Yard	\$3,044.00	annually
3	Capital Reserve Fund Contribution	\$0.00	annually

6 DUHAMEL WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial – Bed & Breakfast	\$495.00	annually
2	Dwelling - Multi Family		
a)	First Dwelling	\$495.00	annually
b)	Additional Dwelling	\$495.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$495.00	annually
3	Dwelling - Single Family	\$495.00	annually

4	Metered Rate		
a)	Base Charge	\$50.00	quarterly
b)	Metered Consumption	\$0.75	per cubic meter quarterly

7 EDGEWOOD WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Business (Includes store, bank, post office, office & small business)	\$646.00	annually
2	Dwelling - Multi Family		
a)	First Dwelling	\$1,110.00	annually
b)	Additional Dwelling	\$556.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$556.00	annually
3	Dwelling - Single Family	\$1,110.00	annually
4	Industrial - Road Maintenance Yard	\$1,936.00	annually
5	Institutional – Church	\$970.00	annually
6	Institutional - Community Hall	\$970.00	annually
7	Institutional - Health Facility	\$485.00	annually
8	Institutional – Fire Hall	\$1,110.00	annually
9	Institutional - School	\$1,611.00	annually
10	Recreational (includes park & field Irrigation and Restroom Facilities)	\$1,611.00	Annually
11	Metered Rate		
a)	Base Charge	\$111.00	quarterly
b)	Metered Consumption	\$1.40	per cubic meter quarterly

8 ERICKSON WATER SYSTEM

No.	Item	Rate	Unit
1	Agricultural - Land Charge (Per acre, excluding first acre)	\$241.00	annually
2	Agricultural - Greenhouse (for each square foot over 2,000)	\$0.09	per square foot annually
3	Commercial - Bed & Breakfast		
a)	Base Rate	\$778.00	annually
b)	Rate per additional Bed & Breakfast Rooms	\$130.00	annually
4	Commercial - Business (Includes store, bank, post office, office & small business)	\$800.00	annually

No.	Item	Rate	Unit
5	Commercial - Campground		
a)	Base Rate (for Retail/Business /Dwelling)	\$800.00	annually
b)	Per Camp Site	\$57.00	annually
6	Commercial - Food & Beverage Services (Including restaurant, fruit stand, food stand, bakery, coffee shop, lounge, beverage room/stand)	\$800.00	annually
7	Commercial - Food & Beverage Process & Storage	\$3,939.00	annually
8	Commercial - Hotel/Motel		
a)	Base Rate	\$0.00	annually
b)	Per Room Rate	\$421.00	annually
c)	Restaurant	\$800.00	annually
d)	Lounge	\$408.00	annually
e)	Swimming Pool		annually
9	Commercial - Manufactured Home Park (Conforming to <i>Manufactured Home Park Bylaw No. 1082, 1995</i> with all Dwellings under one Account)		
a)	Base Rate	\$800.00	annually
b)	Per Dwelling	\$535.00	annually
10	Dwelling - Multi Family		
a)	First Dwelling	\$778.00	annually
b)	Additional Dwelling	\$778.00	annually
c)	Secondary Suite	\$535.00	annually
d)	Additional Mobile Housing Unit Dwelling	\$778.00	annually
e)	Swimming Pool (greater than 5,000 Litres)	\$191.00	annually
11	Dwelling - Single Family		
a)	Dwelling	\$778.00	annually
b)	Swimming Pool (greater than 5,000 Litres)	\$191.00	annually
12	Industrial - Small Business (Includes office and yard)	\$800	annually
13	Industrial - Saw Mill	\$4,907.00	annually
14	Institutional - Church	\$737.00	annually
15	Institutional - Community Hall	\$737.00	annually

No.	Item	Rate	Unit
16	Institutional - School (per classroom)	\$686.00	annually
17	Water Usage with No Development	\$241.00	annually
18	Metered Rate		
a)	Base Charge	\$78.00	quarterly
b)	Metered Consumption	\$0.60	per cubic meter quarterly
19	Capital Reserve Fund Contribution	\$254.00	annually

9 FAUQUIER WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Business (Includes store & laundromat)	\$1,996.00	annually
2	Commercial - Food & Beverage Services	\$2,401.00	annually
3	Commercial - Golf Course (Includes club house, irrigation and campsites)	\$4,125.00	annually
4	Commercial - Hotel/Motel	\$1,466.00	annually
5	Dwelling - Multi Family		
a)	First Dwelling	\$1,063.00	annually
b)	Additional Dwelling	\$533.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$533.00	annually
6	Dwelling - Single Family	\$1,063.00	annually
7	Institutional - Church	\$935.00	annually
8	Institutional - Community Hall	\$935.00	annually
9	Institutional - Public Restrooms (Transportation)	\$754.00	annually
10	Institutional - Utility Restrooms	\$754.00	annually
11	Recreational (Includes Park & Field Irrigation and Restroom Facilities)	\$1,221.00	Annually
12	Metered Rate		
a)	Base Charge	\$106.00	quarterly
b)	Metered Consumption	\$0.80	per cubic meter quarterly

10 GRANDVIEW PROPERTIES WATER SYSTEM

No.	Item	Rate	Unit
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1	Metered Rate		
a)	Base Charge		quarterly
b)	Metered Consumption - First Block (Up to 50 cubic meters)	\$128.75	per cubic meter
		\$0.88	quarterly
		\$2.21	per cubic meter
c)	Metered Consumption - Second Block (Over 50 cubic meters)		quarterly
2	Undeveloped Parcel	\$515.00	annually
3	Unmetered Building Construction	\$931.00	annually

11 LISTER WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Business (Includes store, bank, post office, office & small business)	\$723.00	annually
2	Commercial - Food & Beverage Services (Including restaurant, fruit stand, food stand, bakery, coffee shop, lounge, beverage room/stand)	\$723.00	annually
3	Commercial – Food Processing	\$723.00	annually
4	Commercial - Golf Course (Does not include irrigation)	\$3,165.00	annually
5	Dwelling - Multi Family		
a)	First Dwelling	\$458.00	annually
		\$458.00	
b)	Additional Dwelling	\$458.00	annually
		\$313.00	
c)	Additional Mobile Housing Unit Dwelling		annually
d)	Swimming Pool (greater than 5,000 Liters)		annually
6	Dwelling - Single Family	\$458.00	annually
		\$313.00	
a)	Swimming Pool (greater than 5,000 Liters)		annually
7	Institutional – Fire Hall	\$458.00	annually
8	Institutional – Community Hall/Park	\$458.00	annually
9	Metered Rate		
a)	Base Charge	\$46.00	quarterly
b)	Metered Consumption	\$0.41	per cubic meter
			quarterly
10	Capital Reserve Fund Contribution	\$255.00	annually

12 LUCAS ROAD WATER SYSTEM

No.	Item	Rate	Unit
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1	Metered Rate		
a)	Base Charge	\$225.00	quarterly
b)	Metered Consumption	\$1.70	per cubic meter quarterly

13 MCDONALD CREEK WATER SYSTEM

- (1) Rates and fees for the McDonald Creek Water System are in accordance with the agreement between the Regional District and the Village of Kaslo.
- (2) McDonald Creek Customer Account Administration and Water Connection Maintenance is subject to Village of Kaslo fees and charges.

14 RIONDEL WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Business (Includes store, bank, post office, office & small business)	\$724.00	annually
2	Commercial - Recreational Rentals Seasonal (per unit)	\$449.00	annually
3	Commercial - Food & Beverage Services (Including restaurant, fruit stand, food stand, bakery, coffee shop, lounge, beverage room/stand)	\$1,258.00	annually
4	Commercial - Golf Course (includes irrigation)	\$13,454.00	annually
5	Commercial - Campground (includes washrooms, serviced campsites and standpipe fill stations)	\$3,595.00	annually
6	Dwelling - Multi Family		
a)	First Dwelling	\$724.00	annually
b)	Additional Dwelling	\$724.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$724.00	annually
7	Dwelling - Single Family	\$724.00	annually
8	Institutional - Ambulance Station	\$1,074.00	annually
9	Institutional - Church	\$724.00	annually
10	Institutional - Church Seasonal	\$449.00	annually
11	Institutional - Regional District Community Building	\$0.00	annually
No.	Item	Rate	Unit
12	Institutional - Regional District Community Center	\$0.00	annually
13	Institutional - Regional District Recreational Center	\$0.00	annually
14	Institutional – Regional District Fire Hall	\$0.00	annually
15	Recreational - Regional District Recreational Center	\$0.00	Annually

16	Metered Rate		
a)	Base Charge	\$72.00	quarterly
b)	Metered Consumption	\$1.10	per cubic meter quarterly

15 ROSEBERY HIGHLANDS WATER SYSTEM

No.	Item	Rate	Unit
1	Dwelling - Multi Family		
a)	First Dwelling	\$1,028.00	annually
		\$1,028.00	
b)	Additional Dwelling	\$1,028.00	annually
c)	Additional Mobile Housing Unit Dwelling		annually
2	Dwelling - Single Family	\$1,028.00	annually
3	Undeveloped Parcel	\$719.00	Annually
4	Metered Rate		
a)	Base Charge	\$180.00	quarterly
b)	Metered Consumption	\$2.00	per cubic meter quarterly

16 SANCA WATER SYSTEM

No.	Item	Rate	Unit
1	Dwelling - Multi Family		
a)	First Dwelling	\$833.00	annually
		\$833.00	
b)	Additional Dwelling	\$833.00	annually
c)	Additional Mobile Housing Unit Dwelling		annually
2	Dwelling - Single Family	\$833.00	annually

17 SOUTH SLOCAN WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Business (Includes store, bank, office & small business)	\$1,485.00	annually
2	Commercial - Food & Beverage Services (Including restaurant, fruit stand, food stand, bakery, coffee shop, lounge, beverage room/stand)	\$3,815.00	annually
3	Commercial - Post Office	\$0.00	annually

4	Dwelling - Multi Family		
a)	First Dwelling	\$1,485.00	annually
		\$1,485.00	
b)	Additional Dwelling	\$1,485.00	annually
		\$1,038	
c)	Additional Mobile Housing Unit Dwelling		annually
d)	Secondary Suite		annually
5	Dwelling - Single Family	\$1,485.00	annually
6	Industrial - Small Business (Includes office, shop and yard)	\$1,485.00	annually
7	Institutional - Regional District Community Building	\$1,485.00	annually
8	Metered Rate		
a)	Base Charge	\$149.00	quarterly
b)	Metered Consumption	\$1.70	per cubic meter quarterly

18 WEST ROBSON WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Manufactured Home Park (Conforming to <i>Manufactured Home Park Bylaw</i> No. 1082, 1995 with all Dwellings under one Account)		
a)	Per Dwelling	\$482.00	annually
b)	Capital Reserve Fund Contribution per Dwelling	\$79.00	annually
2	Dwelling - Multi Family		
a)	First Dwelling	\$643.00	annually
b)	Additional Dwelling	\$321.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$321.00	annually
3	Dwelling - Single Family	\$643.00	annually
4	Metered Rate		
a)	Base Charge	\$64.00	quarterly
b)	Metered Consumption	\$1.10	per cubic meter quarterly

19 WOODBURY WATER SYSTEM

No.	Item	Rate	Unit

1	Dwelling - Multi Family		
a)	First Dwelling	\$661.00	annually
b)	Additional Dwelling	\$347.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$347.00	annually
2	Dwelling - Single Family	\$661.00	annually
3	Undeveloped Parcel	\$377.00	annually
4	Metered Rate		
a)	Base Charge	\$94.00	quarterly
b)	Metered Consumption	\$2.70	per cubic meter quarterly

20 WOODLAND HEIGHTS WATER SYSTEM

No.	Item	Rate	Unit
1	Dwelling - Single Family	\$873.00	annually
2	Dwelling – Multi Family		
a)	First Dwelling	\$873.00	annually
b)	Additional Dwelling	\$873.00	annually
c)	Secondary Suite	\$524.00	annually
3	Metered Rate		
a)	Base Charge	\$87.00	quarterly
b)	Metered Consumption	\$1.20	per cubic meter quarterly

21 YMIR WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Bed & Breakfast		
a)	Base Rate (Including Dwelling)	\$564.00	annually
b)	Rate per Bed & Breakfast Room	\$86.00	annually
2	Commercial - Business (Includes store, bank, post office, office & small business)	\$564.00	annually
3	Commercial - Food & Beverage Services (Including restaurant, fruit stand, food stand, bakery, coffee shop, lounge, beverage room/stand)	\$847.00	annually

No.	Item	Rate	Unit
4	Commercial - Hotel/Motel		
a)	Base Rate	\$2,702	annually
b)	Per Room Rate	\$86.00	annually
c)	Restaurant	\$611.00	annually
d)	Lounge/Beverage Room	\$439.00	annually
e)	Laundry	\$2,702.00	annually
f)	Coffee shop	\$611.00	annually
5	Dwelling - Multi Family		
a)	First Dwelling	\$564.00	annually
b)	Additional Dwelling	\$564.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$564.00	annually
6	Dwelling - Single Family	\$564.00	annually
7	Institutional - Community Association	\$0.00	annually
8	Institutional – Arts & Museum Society	\$0.00	annually
9	Institutional - Fire Hall	\$0.00	Annually
10	Metered Rate		
a)	Base Charge	\$56.00	quarterly
b)	Metered Consumption	\$2.30	per cubic meter quarterly

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2713

A Bylaw to regulate utility rates, fees, and charges for the Regional District of Central Kootenay owned utilities.

WHEREAS the Regional District of Central Kootenay wishes to regulate utility rates, fees, and charges for the Regional District of Central Kootenay owned utilities.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

- 1 (1) This Bylaw is applicable to all Water Service Areas of the Regional District of Central Kootenay.
- (2) When a Regional District water system is supplied with water from an adjacent local government, the bylaws of that local government and agreement conditions may apply.

DEFINITIONS

- 2 In this bylaw:

Account means a formal arrangement under this Bylaw for the provision of water services to a Property.

Account Holder means the person, organization, agent or representative that holds the water Account with the Regional District of Central Kootenay.

Account Type means the predominate usage of the Account such as but not limited to: Single Family Dwelling, Multiple Dwelling Property, Commercial, Industrial, Institutional, Agricultural, and Recreational.

Agricultural Land means land where agricultural irrigation privileges have been assigned by the Manager.

Auxiliary Building or Dependent Suite means a secondary or supplementary building or Unit that does not include all of cooking, eating, living, sleeping and sanitary facilities. An Auxiliary Building or Dependent Suite intended for habitation would be reliant on the main Dwelling.

Board means the Regional District of Central Kootenay Board of Directors.

Capital Infrastructure Charge means a fee levied during Development that is placed into reserves as a contribution to the cost of existing water infrastructure, upgrades and long term asset renewal.

Capital Reserve Fund Contribution means a fee levied that is placed into reserves as a contribution to the cost of water infrastructure upgrades and long term asset renewal.

Carwash means a building or structure containing facilities for washing motor vehicles, including tunnel car washes, coin operated automatic car washes and coin operated self service car washes.

Commercial means any Unit for which the use is the provision for the selling of goods and services, for the servicing and repair of goods or for commercial office functions, including but not limited to retail sales, wholesaling incidental to retail sales, commercial education and entertainment services, household services and all associated repairs, other personal and non-personal services and administrative, commercial and professional offices.

Commercial Carwash means a Carwash used or operated by a Commercial or Industrial business.

Customer means the Owner or occupant of any Property to which water is supplied or made available from the Regional District.

Development means the construction, alteration, or extension of buildings, structures, utilities or any use that requires the issuance of a building permit, plumbing permit, or Interior Health construction permit issued in accordance with the *Drinking Water Protection Act*.

Disconnection means physically turning off the water to a Owner's Property and adjusting the Owner's Account accordingly.

Dwelling means any living quarters used or has to potential to be used by one or more persons which contains cooking, eating, living, sleeping and sanitary facilities.

Flat Use Water Rates means water use rates that are independent of the water quantity used.

Folio means a land identification number assigned by British Columbia Assessment and is used for Property tax purposes. Folio is synonymous with Assessment Roll Number. A Folio in this Bylaw may describe one or more Parcels grouped under one British Columbia Assessment Folio.

Industrial means businesses such as but not limited to airports, aggregate processing, asphalt plants, bulk fuel storage, concrete plants, fabrication plants, manufacturing, processing, sawmills, and truck terminals.

Institutional means activities focusing on non-profit services in the public's interest. For example, schools, hospitals, group foster homes, and buildings used for religious worship.

Irrigation means the distribution of water to the surface or subsurface of lawns, gardens, orchards greenhouses by pipes, hoses, sprinklers or any other method.

Manager in this Bylaw, unless the context otherwise requires, means the Regional District of Central Kootenay General Manager of Environmental Services, the Water Operations Manager, Utility Services Manager or designate.

Manufactured Home means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried, and that is used as a Dwelling.

Meter means meters and other equipment or instruments used by the Regional District or authorized by the Regional District to be used to calculate the amount of water consumed.

Metered Base Charge is a fixed fee charged for water associated with metered based accounts. Base rates help ensure the financial stability of the water service by guaranteeing a certain minimum payment from all customers regardless of water consumption. Base rates generally represent fixed water service costs and not variable costs related to the volume of water treated and distributed.

Metered Rate Based Accounts are Accounts that include a water billing rate based on volumetric metered consumption.

Metered Rate Consumption is a charge that varies with the volume of water delivered to the property.

Mobile Housing Unit is any type of living accommodation that has been produced to be transported or is a mobile unit such as a ship, boat, recreational vehicle, Manufactured Home and so on, and occupied as living quarters.

Multiple Dwelling Property means any Property containing more than one Dwelling Units on one Folio.

Owner has the same meaning as in the *British Columbia Land Title Act* and *Manufactured Home Act*.

Owner Water Connection means the Owner's water lines and appurtenances downstream of the Regional District Water Connection.

Parcel means the unit lot, block or other area in which land is registered under the *British Columbia Land Title Act*.

Property means land and improvements.

Property Line means a line which defines, in the British Columbia Land Title Office, the perimeter of a Parcel.

Recreational is land primarily used for public recreation and includes but is not limited to parks, sports fields, playgrounds, green areas, beaches and public camping sites.

Reconnection means physically turning on the water and re-establishing or adjusting an Account as required.

Regional District of Central Kootenay or **Regional District** or **District** means the Regional District of Central Kootenay, as described under the British Columbia Local Government Act with offices located at 202 Lakeside Drive, Nelson, BC V1L 5R4 Phone: 250-352-6665 or toll-free number 1-800-268-7325 and Fax: 250-352-9300.

Regional District Water Connection means the water line extending from the Water Main to the Curb Stop Valve, generally near the Property Line and shall include any immediate downstream Meter installation, or Backflow Preventer.

Seasonal Service means a service that is turned on for 8 months or less. The Seasonal Service rate only applies if identified in the Fees and Charges Bylaw.

Secondary Suite means an additional Dwelling attached to the principle Dwelling that is used or has the potential to be used as a living quarters by one or more persons. A Secondary Suite contains cooking, eating, living, sleeping and sanitary facilities.

Single Family Dwelling means building or structure that contains only one Dwelling.

Subdivision means a subdivision as defined in the *British Columbia Land Title Act*, and a subdivision under the *British Columbia Strata Property Act*.

Subdivision Bylaw means the Subdivision Bylaw No. 2159 as it may be amended or replaced from time to time.

Surveyor of Taxes is responsible for collection of taxes for British Columbia rural areas.

Swimming Pool is any permanent or semi-permanent artificial pool for swimming in.

Title (Land Title) refers to the registration of land ownership in accordance with the *British Columbia Land Titles Act*.

Turn On/Off means a temporary interruption in or discontinuance of the supply of water authorized by the Regional District.

Undeveloped Parcel is a Parcel of land within a Regional District Water System where the water has not yet been turned on and where water has been made available.

Unit means any Dwelling, Commercial, Industrial, or Institutional space.

Water Conservation Measures any measures implemented by the Manager to restrict water usage.

Water Main means any water pipe under the control of the District which is intended for public use.

Water Main Extension is the extension or construction of a new water main to provide servicing to a new Water Connection(s).

Water Meter see Meter.

Water Service Area means the area defined by the Water System service area establishment bylaw.

Water Service Area Extension is the extension of the Water Service Area boundary by bylaw to include one or more additional parcels of land.

Water System means all Regional District owned assets like Water Mains, water treatment facilities, pump stations, reservoirs, wells, water intakes and all associated appurtenances.

Water Tax is a tax levied that contributes to the funding for a Water System.

Work means construction, maintenance, inspection or testing services provided for an Owner.

Work Order is a written order on an Approved form providing agreement by a Owner to proceed with Work identified on the form for which the Owner will be responsible for costs incurred by the Regional District in accordance with this Bylaw.

SEVERABILITY

- 3** If any portion of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, that portion may be severed from the Bylaw and such decision shall not affect the validity of the remaining portions of the Bylaw.

ADMINISTRATION

- 4** (1) The Manager is hereby authorized and directed to have general supervision over the Regional District of Central Kootenay Water Systems and to see that the provisions of this Bylaw are carried out.

(2) The Manager shall have the power to appoint Designated Officers for the purpose of effectually carrying out the provisions of this Bylaw, and wherever the Manager is authorized or directed to perform any act or duty under this Bylaw, such act or duty may be performed by any Designated Officer authorized by the Manager to perform such act or duty.

RATES AND ACCOUNT BILLING GENERAL

- 5** (1) The Manager shall classify Accounts into Account Types and apply service charge rates as set out in this Bylaw.

(2) Accounts may include a mix of service charge fees.

(3) The Account Holder must pay all fees and charges for water supplied to the Account Holder's Property, as set out in this Bylaw.

- (4) The Regional District's standard billing cycle will be from January 1st to December 31st.
- (5) When a property changes ownership, the new Owner is responsible to apply for a New Account and the old Owner is responsible to close their Account. If an Application is not made, the Account Holder will be changed when British Columbia Assessment provides the new Property Owner information to the Regional District.
- (6) Payments will be deemed to have been received on:
 - (a) the date payment is made in person at locations identified on Regional District utility bills;
 - (b) the date payment is made in person at locations identified on Regional District utility bills;
 - (c) the confirmed date the funds were transferred from the Customer's Account to the Regional District when payment was made through an approved financial institution.
- (7) Any outstanding Account balances or Work invoices of more than 65 days on December 31st shall be deemed to be taxes in arrears in respect to the Property and the outstanding balance will be sent to the Surveyor of Taxes in accordance with Section 363.2(2) of the *Local Government Act*.
- (8) Seasonal Service and Golf Course rates shall include one (1) annual Turn On and Turn Off.
- (9) Seasonal Service, Public Campgrounds, Golf Course and Irrigation rates shall apply for the entire billing cycle regardless of whether or not the water has been Turned Off for a portion of the billing cycle.
- (10) If an Auxiliary Building is used as the only Dwelling on a Property it is considered a Single Family Dwelling.
- (11) Auxiliary Buildings and Dependent Suites are not subject to Dwelling Unit charges unless specifically identified in this Bylaw.
- (12) If the Dwelling is occupied for more than 30 days of the calendar year, it is subject to assessment under this Bylaw.
- (13) If a Mobile Housing Unit is occupied for more than 30 days of the calendar year or is used as the only Dwelling, it is considered a Single Family Dwelling.
- (14) Agricultural Land Charge shall be assessed in increments of 0.1 acres, rounded down.
- (15) The Agricultural Land Charge assessed shall exclude the first acre when the property is also assessed other charge(s) that includes up to 1 acre of irrigation privileges.
- (16) If an Owner requests a reduction in the amount of Agricultural Land Charge assessed area the following shall apply:

- (a) an assessment of the suitability of the lands for agricultural production shall be completed by Qualified Person and paid for by the Owner;
 - (b) only those lands identified by the Qualified Person as not suitable for agricultural production might be considered by the Manager for removal from assessment of the Agricultural Land Charge; and
 - (c) if a reduction in the Agricultural Land Charge is approved by the Manager, the Owner shall be responsible for the installation costs of a Water Meter and related appurtenances, and the Account will be switch to a Metered Rate Based Account.
- (17) Where an error is found to have been made in the amount invoiced or billed to an Account, the amount either under-billed or over-billed shall be debited from or credited to Account and shown on the next invoice subject to the following:
- (a) The adjustment period is limited to the time that the current Owner is on Title;
 - (b) The adjustment period(s) for under-billing are to a maximum of 1 year where the error can reasonably be said to have been the fault of the Regional District;
 - (c) Where an under-billing is found to have been made in the amount invoiced or billed to an Account as a result of unauthorized use of a water service, or can reasonably be said to be a result of fraud, theft, tampering with a Meter or other equipment, or any other similar act, the following may be charged to the Customer Account:
 - (i) the amount of the under-billing,
 - (ii) any direct administrative costs incurred by the Regional District in investigating the circumstances, and
 - (iii) interest and penalties at the rate normally charged on unpaid Accounts receivable by the Regional District;
 - (d) The adjustment period(s) for over-billing are to a maximum of 5 years or when the current Owner came on title for the property, whichever is less;
 - (e) Where the exact amount of under-billing or over-billing cannot be determined, the Regional District may make a reasonable and fair estimate of the amount, using its own records or those of the Customer, and in keeping with amounts billed to other Customers in similar premises, being used in a similar manner, over the same time period; and
 - (f) Where an amount has been under-billed, and where the error can reasonably be said to have been the fault of the Regional District, the Regional District may offer the Customer reasonable terms of repayment, and may be interest and penalty free.

FLAT USE WATER RATES AND ACCOUNT BILLING

- 6 (1) Flat Use Water Rates may be prorated to the 15th or the end of each month for changes to Flat Use Water Rate Based Accounts.
- (2) For Flat Use Water Rate Based Accounts, a penalty of 10% will be imposed on any outstanding Account balances as of the end of the first business day following July 4th or 65 days following the date the utility bill is issued by the Regional District, whichever is later.
- (3) Clause 7(2) does not apply to Account Holders enrolled in the Voluntary Pre-Authorized Payment Plan.

- (4) The Capital Reserve Fund Contribution shall apply to all Folios in a Service Area for which the rate is identified for the Service Area.

METERED RATE BASED ACCOUNT BILLING

- 7 (1) For Metered Rate Based Accounts, the Account Holder is responsible to request a Meter reading when ownership changes.
- (2) For Metered Rate Based Accounts, Meters shall be read as near as reasonably possible to the date of any ownership change. Water usage shall be estimated for any difference in time between meter reading and date of ownership change.
- (3) Metered Base Charge fees may be prorated to the 15th or the end of each month for changes to Metered Rate Based Accounts, and Meter Base Charge will not be assessed if an Owner Water Connection is Disconnected.
- (4) A Water Meter reading may be estimated by the Manager based on either previous consumption patterns or a daily average consumption for the Customer Service Connection, if:
 - (a) the Regional District is unable to obtain a Water Meter reading;
 - (b) a Water Meter fails to properly register the amount of water consumed.
- (5) If a Customer experiences abnormal water consumption, the Manager may adjust the Account Holder's bill taking into consideration any or all of the following factors:
 - (a) the cause or nature of the abnormal water consumption;
 - (b) any evidence of action taken by the Customer to abate the abnormal consumption;
 - (c) Flat Use Water Rates established for the water service; and
 - (d) any other factors that might be relevant.
- (6) The Manager shall establish a Meter reading and billing schedule for Metered Rate Based Accounts.
- (7) For Metered Rate Based Accounts a penalty of 10% will be imposed as of the end of the first business day, following 65 days from the date the utility bill is issued by the Regional District on any outstanding Account balances.

SUBDIVISION AND DEVELOPMENT

- 8 (1) The Regional District may waive or modify the Capital Infrastructure Charge requirements identified in this Bylaw for large Developments, if addressed by separate agreement with the Developer and the Regional District, in accordance with Section 937.1 of the *Local Government Act*.

SERVICE WORK BY THE REGIONAL DISTRICT

- 9**
- (1) A Customer is required to sign a Work Order or invoice to provide an agreement to do the Work before the Regional District can do any non-emergency Work for a Customer.
 - (2) Prior to commencing Work, the Regional District must provide a quotation in writing.
 - (3) The Designated Officer may require a deposit in the amount of the cost estimate prior to starting the Work.
 - (4) Customers will be invoiced for Actual Cost Work as follows:
 - (a) at Labour and Equipment rates provided in this bylaw;
 - (b) at actual Labour rates plus 20% for Administration for all Regional District employees not identified in this Bylaw;
 - (c) at actual contract Labour rates plus 20%;
 - (d) at actual cost plus 20% for all other Equipment and Materials.
 - (5) Any invoices not paid within 60 days from the date of invoice will be subject to a 10% penalty.

VOLUNTARY PRE-AUTHORIZED PAYMENT PLAN

- 10**
- (1) The Manager shall establish and maintain a Pre-Authorized Payment Plan.
 - (2) Account Holders wishing to participate in the Pre-Authorized Payment Plan, are required to sign an agreement provided by the Manager.
 - (3) Participation in the Pre-Authorized Payment Plan program is voluntary. Customers who choose not to participate in the program will be required to pay their water bill in full by the end of the first business day following July 4th or 65 days following the date the utility bill is issued by the Regional District, whichever is later.
 - (4) Participation in the Pre-Authorized Payment Plan is subject to cancellation at the discretion of the Chief Financial Officer.
 - (5) Those who sign up after the end of the first business day following July 4th, in any year, will be subject to a 10% penalty on the outstanding Account Balance for that year. The new outstanding Account Balance will then be divided by the number of months remaining from the time the Customer Account information has been added to the PAWS (Pre-Authorized Withdrawals) system, starting no sooner than July 15th.
 - (6) Customers must sign up by November 30th in order for monthly payment plans to start in January of the following year. If customers sign up after November 30th, payments may begin in later months.
 - (7) For all years where payments begin on January 15th, payment amounts will be determined by dividing the previous year's annual water bill by 12.

- (8) Returned payments (NSF) result in a \$25.00 fee, charged to the Customer Account.
- (9) Any outstanding balance on the Customer Account as of December 31st of each year due to returned payments (NSF) will be subject to a 10% penalty.
- (10) Customer Accounts may be adjusted at any time due to Regional District Board approved water rate changes or changes in water usage, as required. The outstanding balance will be recalculated and the equal withdrawal payment amounts will be adjusted accordingly for the remainder of the year.

CITATION

11 This Bylaw may be cited as **“Regional District of Central Kootenay Utilities Rates, Fees and Charges Bylaw No. 2713, 2020.”**

REPEAL

12 **“Regional District of Central Kootenay Utilities Rates, Fees, and Charges Bylaw No. 2670, 2019”**, and amendments thereto, are hereby repealed.

READ A FIRST TIME this 16th day of April, 2020.

READ A SECOND TIME this 16th day of April, 2020.

READ A THIRD TIME this 16th day of April, 2020.

ADOPTED by an affirmative vote of at least 2/3 of the votes cast this 16th day of April, 2020.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

**SCHEDULE A TO BYLAW NO. 2713
GENERAL RATES, FEES, AND CHARGES**

General Rates and Fees and Charges are as follows:

1 GENERAL

No.	Item	Rate	Unit
1	Labour		
1.1	Manager	\$102	hour
1.2	Utilities Supervisor	\$78	hour
1.3	Water Services Liaison	\$72	hour
1.4	Environmental Services Technologist/Coordinator	\$66	hour
1.5	Lead Hand	\$66	hour
1.6	Utility Tech 2	\$54	hour
1.7	Utility Tech 1 or Maintenance Person	\$48	hour
2	Equipment (excluding operator)		
2.1	Service Truck – Greater of the following:		
a)	Half Daily Rate	\$50	½ day
b)	Mileage Rate	\$0.75	km
2.2	Vehicle – Greater of the following:		
a)	Half Daily Rate	\$50	½ day
b)	Mileage Rate	\$0.60	km
2.3	Backhoe	\$80	hour
2.4	Tractor	\$30	hour
2.5	Leak Noise Correlator	\$30	hour
3	Temporary Water Usage		
3.1	Damage Deposit for Connection to Standpipe or Hydrant	\$100	lump sum
3.2	Temporary Water Usage (\$100 minimum)	\$3.00	cubic meter
4	Customer Account Administration		
4.1	Change of Property Ownership	No Charge	each
4.2	Application for New Water Connection or Change of Use within and Existing Water Service Area	No Charge	each
4.3	Water Application from Outside of a Water Service Area	\$250	each
4.4	Disconnection	\$100	each
4.5	Reconnection	\$100	each
5	Customer Connection Maintenance		
5.1	Temporary Turn Off and Turn On (includes both Turn Off and Turn On, if required)		
a)	Pre-scheduled during business hours	\$50	each
b)	Outside regular business hours or not pre-scheduled	\$100	each
5.2	Seasonal Rate based Account Turn Off and On		
a)	Pre-scheduled during business hours	No Charge	each
b)	Outside regular business hours or not pre-scheduled	\$100	each
6	Subdivision and Development		
6.1	Capital Infrastructure Charge for creation of a new Serviced Parcel by Subdivision	\$2,000	each

No.	Item	Rate	Unit
6.2	Capital Infrastructure Charge for creation of a Serviced Parcel with separate Folio from a group of two or more Parcels with one Folio	\$2,000	each
6.3	Capital Infrastructure Charge for creation of Serviced Dwelling Units in a Multiple Dwelling Parcel Development after the initial Dwelling Unit	\$1,000	each
6.4	Capital Infrastructure Charge for creation of Serviced Commercial, Industrial or Institutional Unit after the initial Unit	\$1,000	each
6.5	Capital Infrastructure Charge for new irrigation privileges on Agricultural Land	\$1,000	per acre
6.6	Water Main Extension and Improvements	Actual Cost	
6.7	Water Connection Charges	Actual Cost	
a)	Installation	\$10,000	
b)	Capital Infrastructure Charge for existing Parcels within a Water System Service Area not currently paying a Water Tax, Capital Reserve Fund Contribution or Undeveloped Parcel Fee		
7	Water Service Area Boundary Extension		
7.1	Capital Infrastructure Charge for addition of a new Parcel to a Service Area	\$10,000	each
7.2	Capital Infrastructure Charge for each additional Serviced Dwelling Unit in a Multiple Dwelling Parcel development after the initial Dwelling Unit	\$5,000	each
7.3	Capital Infrastructure Charge for each additional Serviced Commercial, Industrial or Institutional Unit after the initial Unit	\$5,000	each
7.4	Capital Infrastructure Charge for irrigation privileges on Agricultural Land	\$5,000	per acre
7.5	Water Main Extension and Improvements	Actual Cost	
7.6	Water Connection Installation	Actual Cost	
7.7	Abandonment of Water Connection	Actual Cost	
8	Alternate Meter Read		
8.1	Manual Meter Read – when read during scheduled automated readings	\$50	annual
8.2	Manual Meter Read – unscheduled trip	\$50	each

**SCHEDULE B TO BYLAW NO. 2670
WATER SYSTEM SPECIFIC RATES, FEES AND CHARGES**

2 ARROW CREEK WATER TREATMENT AND SUPPLY SERVICE AREA

No.	Item	Rate	Unit
1	Town of Creston (Operations and Maintenance)	\$700,896.00	annually
2	Erickson Water Distribution Service (Operations and Maintenance)	\$545,296.00	annually

3 BALFOUR WATER SYSTEM

No.	Item	Rate	Unit
1	Metered Rate		
a)	Base Charge	\$125.00	quarterly
b)	Metered Consumption - First Block (Up to 100 cubic meters)	\$1.00	per cubic meter quarterly
c)	Metered Consumption - Second Block (Over 100 cubic meters)	\$1.50	per cubic meter quarterly
2	Unmetered Building Construction	\$700.00	annually

4 BURTON WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Campground (includes washrooms, serviced campsites and standpipe fill stations)	\$1,336.00	annually
2	Commercial – Business	\$882.00	annually
3	Commercial – Food and Beverage Service	\$882.00	annually
4	Commercial – Orchard	\$882.00	annually
5	Dwelling - Multi Family		
a)	First Dwelling	\$882.00	annually
b)	Additional Dwelling	\$442.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$442.00	annually
6	Dwelling - Single Family	\$882.00	annually
7	Institutional - Church	\$803.00	annually
8	Institutional - Community Hall	\$803.00	annually
9	Institutional - School	\$1,336.00	Annually
10	Metered Rate		
a)	Base Charge	\$88.00	quarterly
b)	Metered Consumption	\$1.50	per cubic meter quarterly

5 DENVER SIDING WATER SYSTEM

No.	Item	Rate	Unit
1	Dwelling - Single Family	\$950.00	annually
2	Industrial - Road Maintenance Yard	\$3,044.00	annually
3	Capital Reserve Fund Contribution	\$0.00	annually

6 DUHAMEL WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial – Bed & Breakfast	\$495.00	annually
2	Dwelling - Multi Family		
a)	First Dwelling	\$495.00	annually
b)	Additional Dwelling	\$495.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$495.00	annually
3	Dwelling - Single Family	\$495.00	annually
4	Metered Rate		
a)	Base Charge	\$50.00	quarterly
b)	Metered Consumption	\$0.75	per cubic meter quarterly

7 EDGEWOOD WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Business (Includes store, bank, post office, office & small business)	\$646.00	annually
2	Dwelling - Multi Family		
a)	First Dwelling	\$1,110.00	annually
b)	Additional Dwelling	\$556.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$556.00	annually
3	Dwelling - Single Family	\$1,110.00	annually
4	Industrial - Road Maintenance Yard	\$1,936.00	annually
5	Institutional – Church	\$970.00	annually
6	Institutional - Community Hall	\$970.00	annually
7	Institutional - Health Facility	\$485.00	annually
8	Institutional – Fire Hall	\$1,110.00	annually
9	Institutional - School	\$1,611.00	annually
10	Recreational (includes park & field Irrigation and Restroom Facilities)	\$1,611.00	Annually
11	Metered Rate		
a)	Base Charge	\$111.00	quarterly
b)	Metered Consumption	\$1.40	per cubic meter quarterly

8 ERICKSON WATER SYSTEM

No.	Item	Rate	Unit
1	Agricultural - Land Charge (Per acre, excluding first acre)	\$241.00	annually
2	Agricultural - Greenhouse (for each square foot over 2,000)	\$0.09	per square foot annually
3	Commercial - Bed & Breakfast		
a)	Base Rate	\$778.00	annually
b)	Rate per additional Bed & Breakfast Rooms	\$130.00	annually

No.	Item	Rate	Unit
4	Commercial - Business (Includes store, bank, post office, office & small business)	\$800.00	annually
5	Commercial - Campground		
a)	Base Rate (for Retail/Business /Dwelling)	\$800.00	annually
b)	Per Camp Site	\$57.00	annually
6	Commercial - Food & Beverage Services (Including restaurant, fruit stand, food stand, bakery, coffee shop, lounge, beverage room/stand)	\$800.00	annually
7	Commercial - Food & Beverage Process & Storage	\$3,939.00	annually
8	Commercial - Hotel/Motel		
a)	Base Rate	\$0.00	annually
b)	Per Room Rate	\$421.00	annually
c)	Restaurant	\$800.00	annually
d)	Lounge	\$800.00	annually
e)	Swimming Pool	\$408.00	annually
9	Commercial - Manufactured Home Park (Conforming to <i>Manufactured Home Park Bylaw</i> No. 1082, 1995 with all Dwellings under one Account)		
a)	Base Rate	\$800.00	annually
b)	Per Dwelling	\$535.00	annually
10	Dwelling - Multi Family		
a)	First Dwelling	\$778.00	annually
b)	Additional Dwelling	\$778.00	annually
c)	Secondary Suite	\$535.00	annually
d)	Additional Mobile Housing Unit Dwelling	\$778.00	annually
e)	Swimming Pool (greater than 5,000 Litres)	\$191.00	annually
11	Dwelling - Single Family		
a)	Dwelling	\$778.00	annually
b)	Swimming Pool (greater than 5,000 Litres)	\$191.00	annually
12	Industrial - Small Business (Includes office and yard)	\$800	annually
13	Industrial - Saw Mill	\$4,907.00	annually
14	Institutional - Church	\$737.00	annually
15	Institutional - Community Hall	\$737.00	annually
16	Institutional - School (per classroom)	\$686.00	annually
17	Water Usage with No Development	\$241.00	annually
18	Metered Rate		
a)	Base Charge	\$78.00	quarterly
b)	Metered Consumption	\$0.60	per cubic meter quarterly
19	Capital Reserve Fund Contribution	\$254.00	annually

9 FAUQUIER WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Business (Includes store & laundromat)	\$1,996.00	annually

No.	Item	Rate	Unit
2	Commercial - Food & Beverage Services	\$2,401.00	annually
3	Commercial - Golf Course (Includes club house, irrigation and campsites)	\$4,125.00	annually
4	Commercial - Hotel/Motel	\$1,466.00	annually
5	Dwelling - Multi Family		
a)	First Dwelling	\$1,063.00	annually
b)	Additional Dwelling	\$533.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$533.00	annually
6	Dwelling - Single Family	\$1,063.00	annually
7	Institutional - Church	\$935.00	annually
8	Institutional - Community Hall	\$935.00	annually
9	Institutional - Public Restrooms (Transportation)	\$754.00	annually
10	Institutional - Utility Restrooms	\$754.00	annually
11	Recreational (Includes Park & Field Irrigation and Restroom Facilities)	\$1,221.00	Annually
12	Metered Rate		
a)	Base Charge	\$106.00	quarterly
b)	Metered Consumption	\$0.80	per cubic meter quarterly

10 GRANDVIEW PROPERTIES WATER SYSTEM

No.	Item	Rate	Unit
1	Metered Rate		
a)	Base Charge	\$128.75	quarterly
b)	Metered Consumption - First Block (Up to 50 cubic meters)	\$0.88	per cubic meter quarterly
c)	Metered Consumption - Second Block (Over 50 cubic meters)	\$2.21	per cubic meter quarterly
2	Undeveloped Parcel	\$515.00	annually
3	Unmetered Building Construction	\$931.00	annually

11 LISTER WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Business (Includes store, bank, post office, office & small business)	\$723.00	annually
2	Commercial - Food & Beverage Services (Including restaurant, fruit stand, food stand, bakery, coffee shop, lounge, beverage room/stand)	\$723.00	annually
3	Commercial – Food Processing	\$723.00	annually
4	Commercial - Golf Course (Does not include irrigation)	\$3,165.00	annually

No.	Item	Rate	Unit
5	Dwelling - Multi Family		
a)	First Dwelling	\$458.00	annually
b)	Additional Dwelling	\$458.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$458.00	annually
d)	Swimming Pool (greater than 5,000 Liters)	\$313.00	annually
6	Dwelling - Single Family	\$458.00	annually
a)	Swimming Pool (greater than 5,000 Liters)	\$313.00	annually
7	Institutional – Fire Hall	\$458.00	annually
8	Institutional – Community Hall/Park	\$458.00	annually
9	Metered Rate		
a)	Base Charge	\$46.00	quarterly
b)	Metered Consumption	\$0.41	per cubic meter quarterly
10	Capital Reserve Fund Contribution	\$255.00	Annually

12 LUCAS ROAD WATER SYSTEM

No.	Item	Rate	Unit
1	Metered Rate		
a)	Base Charge	\$225.00	quarterly
b)	Metered Consumption	\$1.70	per cubic meter quarterly

13 MCDONALD CREEK WATER SYSTEM

- (1) Rates and fees for the McDonald Creek Water System are in accordance with the agreement between the Regional District and the Village of Kaslo.
- (2) McDonald Creek Customer Account Administration and Water Connection Maintenance is subject to Village of Kaslo fees and charges.

14 RIONDEL WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Business (Includes store, bank, post office, office & small business)	\$724.00	annually
2	Commercial - Recreational Rentals Seasonal (per unit)	\$449.00	annually
3	Commercial - Food & Beverage Services (Including restaurant, fruit stand, food stand, bakery, coffee shop, lounge, beverage room/stand)	\$1,258.00	annually
4	Commercial - Golf Course (includes irrigation)	\$13,454.00	annually
5	Commercial - Campground (includes washrooms, serviced campsites and standpipe fill stations)	\$3,595.00	annually
6	Dwelling - Multi Family		
a)	First Dwelling	\$724.00	annually
b)	Additional Dwelling	\$724.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$724.00	annually

No.	Item	Rate	Unit
7	Dwelling - Single Family	\$724.00	annually
8	Institutional - Ambulance Station	\$1,074.00	annually
9	Institutional - Church	\$724.00	annually
10	Institutional - Church Seasonal	\$449.00	annually
11	Institutional - Regional District Community Building	\$0.00	annually
12	Institutional - Regional District Community Center	\$0.00	annually
13	Institutional - Regional District Recreational Center	\$0.00	annually
14	Institutional – Regional District Fire Hall	\$0.00	annually
15	Recreational - Regional District Recreational Center	\$0.00	Annually
16	Metered Rate		
a)	Base Charge	\$72.00	quarterly
b)	Metered Consumption	\$1.10	per cubic meter quarterly

15 ROSEBERY HIGHLANDS WATER SYSTEM

No.	Item	Rate	Unit
1	Dwelling - Multi Family		
a)	First Dwelling	\$1,028.00	annually
b)	Additional Dwelling	\$1,028.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$1,028.00	annually
2	Dwelling - Single Family	\$1,028.00	annually
3	Undeveloped Parcel	\$719.00	Annually
4	Metered Rate		
a)	Base Charge	\$180.00	quarterly
b)	Metered Consumption	\$2.00	per cubic meter quarterly

16 SANCA WATER SYSTEM

No.	Item	Rate	Unit
1	Dwelling - Multi Family		
a)	First Dwelling	\$833.00	annually
b)	Additional Dwelling	\$833.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$833.00	annually
2	Dwelling - Single Family	\$833.00	annually

17 SOUTH SLOCAN WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Business (Includes store, bank, office & small business)	\$1,485.00	annually

2	Commercial - Food & Beverage Services (Including restaurant, fruit stand, food stand, bakery, coffee shop, lounge, beverage room/stand)	\$3,815.00	annually
No.	Item	Rate	Unit
3	Commercial - Post Office	\$0.00	annually
4	Dwelling - Multi Family		
a)	First Dwelling	\$1,485.00	annually
b)	Additional Dwelling	\$1,485.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$1,485.00	annually
d)	Secondary Suite	\$1,038	annually
5	Dwelling - Single Family	\$1,485.00	annually
6	Industrial - Small Business (Includes office, shop and yard)	\$1,485.00	annually
7	Institutional - Regional District Community Building	\$1,485.00	annually
8	Metered Rate		
a)	Base Charge	\$149.00	quarterly
b)	Metered Consumption	\$1.70	per cubic meter quarterly

18 WEST ROBSON WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Manufactured Home Park (Conforming to <i>Manufactured Home Park Bylaw No. 1082, 1995</i> with all Dwellings under one Account)		
a)	Per Dwelling	\$482.00	annually
b)	Capital Reserve Fund Contribution per Dwelling	\$79.00	annually
2	Dwelling - Multi Family		
a)	First Dwelling	\$643.00	annually
b)	Additional Dwelling	\$321.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$321.00	annually
3	Dwelling - Single Family	\$643.00	annually
4	Metered Rate		
a)	Base Charge	\$64.00	quarterly
b)	Metered Consumption	\$1.10	per cubic meter quarterly

19 WOODBURY WATER SYSTEM

No.	Item	Rate	Unit
1	Dwelling - Multi Family		
a)	First Dwelling	\$661.00	annually
b)	Additional Dwelling	\$347.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$347.00	annually
2	Dwelling - Single Family	\$661.00	annually
3	Undeveloped Parcel	\$377.00	annually

4	Metered Rate		
a)	Base Charge	\$94.00	quarterly
b)	Metered Consumption	\$2.70	per cubic meter quarterly

20 WOODLAND HEIGHTS WATER SYSTEM

No.	Item	Rate	Unit
1	Dwelling - Single Family	\$873.00	annually
2	Dwelling – Multi Family		
a)	First Dwelling	\$873.00	annually
b)	Additional Dwelling	\$873.00	annually
c)	Secondary Suite	\$524.00	annually
3	Metered Rate		
a)	Base Charge	\$87.00	quarterly
b)	Metered Consumption	\$1.20	per cubic meter quarterly

21 YMIR WATER SYSTEM

No.	Item	Rate	Unit
1	Commercial - Bed & Breakfast		
a)	Base Rate (Including Dwelling)	\$564.00	annually
b)	Rate per Bed & Breakfast Room	\$86.00	annually
2	Commercial - Business (Includes store, bank, post office, office & small business)	\$564.00	annually
3	Commercial - Food & Beverage Services (Including restaurant, fruit stand, food stand, bakery, coffee shop, lounge, beverage room/stand)	\$847.00	annually
4	Commercial - Hotel/Motel		
a)	Base Rate	\$2,702	annually
b)	Per Room Rate	\$86.00	annually
c)	Restaurant	\$611.00	annually
d)	Lounge/Beverage Room	\$439.00	annually
e)	Laundry	\$2,702.00	annually
f)	Coffee shop	\$611.00	annually
5	Dwelling - Multi Family		
a)	First Dwelling	\$564.00	annually
b)	Additional Dwelling	\$564.00	annually
c)	Additional Mobile Housing Unit Dwelling	\$564.00	annually
6	Dwelling - Single Family	\$564.00	annually
7	Institutional - Community Association	\$0.00	annually
8	Institutional – Arts & Museum Society	\$0.00	annually
9	Institutional - Fire Hall	\$0.00	Annually

No.	Item	Rate	Unit
10	Metered Rate		
a)	Base Charge	\$56.00	quarterly
b)	Metered Consumption	\$2.30	per cubic meter quarterly

Commentary on Proposed Changes to Utilities Rates, Fees and Charges Bylaw No. 2670

The following provides a commentary of proposed Utilities Rates, Fees and Charges Bylaw No. 2670 changes. Existing clauses are from Bylaw 2670 and proposed clauses are included in proposed Bylaw 2713.

2. DEFINITIONS

Existing Clause	
Manager	in this Bylaw, unless the context otherwise requires, means the Regional District of Central Kootenay General Manager of Environmental Services, the Water Operations Manager, Utility Services Manager or designate.
Proposed Clause	
Manager	in this Bylaw, unless the context otherwise requires, means the Regional District of Central Kootenay General Manager of Environmental Services, the Water Operations Manager , Utility Services Manager or designate.
Commentary	
Adds the Water Operations Manager to the list of persons having Manager decision authority in respect to the bylaw.	

Existing Clause	
	None
Proposed Clause	
Metered Base Charge	is a fixed fee charged for water associated with metered based accounts. Base rates help ensure the financial stability of the water service by guaranteeing a certain minimum payment from all customers regardless of water consumption. Base rates generally represent fixed water service costs and not variable costs related to the volume of water treated and distributed.
Commentary	
New clause to define metered base change.	

Existing Clause	
	None
Proposed Clause	
Metered Rate Consumption	is a charge that varies with the volume of water delivered to the property
Commentary	
New clause to define the metered consumption charge.	

5. RATES AND ACCOUNT BILLING GENERAL

Existing Clause	
5. (9)	Seasonal Service, Public Campgrounds, Golf Course and Irrigation rates shall apply for the entire billing cycle regardless of whether or not the water has been Turned Off for a portion of the billing cycle.
Proposed Clause	

5. (9)	Seasonal Service, Public Campgrounds , Golf Course and Irrigation rates shall apply for the entire billing cycle regardless of whether or not the water has been Turned Off for a portion of the billing cycle.
Commentary	
Adds Public Campgrounds to the list of billing account types that cannot have their water bill prorated for seasonal use.	

Existing Clause	
5. (14)	Agricultural Land shall be assessed, excluding first acre, in increments of 0.1 acres, rounded down.
Proposed Clause	
5. (14)	Agricultural Land Charge shall be assessed, excluding first acre , in increments of 0.1 acres, rounded down.
5. (15)	The Agricultural Land Charge assessed shall exclude the first acre when the property is also assessed other charge(s) that includes up to 1 acre of irrigation privileges.
Commentary	
Separates existing clause 5. (14) into two clauses, and clarifies why the first acre of Agricultural Land Charge was excluded in the previous bylaw. The first acre was excluded from the Agricultural Land Charge because other charges such as Single Family Dwelling or Commercial include up to one acre of irrigation.	

Existing Clause	
	None.
Proposed Clause	
5.1 (16)	<p>If an Owner requests a reduction in the amount of Agricultural Land Charge assessed area the following shall apply:</p> <ul style="list-style-type: none"> (a) an assessment of the suitability of the lands for agricultural production shall be completed by Qualified Person and paid for by the Owner; (b) only those lands identified by the Qualified Person as not suitable for agricultural production might be considered by the Manager for removal from assessment of the Agricultural Land Charge; and (c) if a reduction in the Agricultural Land Charge is approved by the Manager, the Owner shall be responsible for the installation costs of a Water Meter and related appurtenances, and the Account will be switch to a Metered Rate Based Account.
Commentary	
<p>The Agricultural Land Charge was established by the former Irrigation and Improvement Districts in Erickson. Properties were either assessed an Agricultural Land Charge for the entire property or only one acre. Water usage on the one acre irrigation only properties was generally for Residential or Commercial landscaping. A \$7,000 per acre charge was historically required to add additional irrigation rights. This Capital Infrastructure Charge has been reduced in 2016 and is currently \$1,000 per acre. The Agricultural Land charge is assessed regardless of actual water usage. Historically there was an appointed Assessor of Lands and the Agricultural Land charge area was not reduced upon customer request unless portions of the land was deemed not suitable for agricultural production. Presumably the rational for not reducing the Agricultural Land charge was the potential loss of a lot of revenue. This is still the situation. Currently we require a Qualified Person to determine that lands are not suitable for agriculture. The proposed clauses in 15.1 (16) formalizes this process within the Bylaw.</p>	

Existing Clause	
	None
Proposed Clause	
5. (17)	<p>Where an error is found to have been made in the amount invoiced or billed to an Account, the amount either under-billed or over-billed shall be debited from or credited to Account and shown on the next invoice subject to the following:</p> <p>(a) The adjustment period is limited to the time that the current Owner is on Title;</p> <p>(b) The adjustment period(s) for under-billing are to a maximum of 1 year where the error can reasonably be said to have been the fault of the Regional District;</p> <p>(c) Where an under-billing is found to have been made in the amount invoiced or billed to an Account as a result of unauthorized use of a water service, or can reasonably be said to be a result of fraud, theft, tampering with a Meter or other equipment, or any other similar act, the following may be charged to the Customer Account:</p> <p>(i) the amount of the under-billing,</p> <p>(ii) any direct administrative costs incurred by the Regional District in investigating the circumstances, and</p> <p>(iii) interest and penalties at the rate normally charged on unpaid Accounts receivable by the Regional District;</p> <p>(d) The adjustment period(s) for over-billing are to a maximum of 5 years or when the current Owner came on title for the property, whichever is less;</p> <p>(e) Where the exact amount of under-billing or over-billing cannot be determined, the Regional District may make a reasonable and fair estimate of the amount, using its own records or those of the Customer, and in keeping with amounts billed to other Customers in similar premises, being used in a similar manner, over the same time period; and</p> <p>(f) Where an amount has been under-billed, and where the error can reasonably be said to have been the fault of the Regional District, the Regional District may offer the Customer reasonable terms of repayment, and may be interest and penalty free.</p>
Commentary	
New clauses to deal with errors in billing based upon Kelowna's bylaw. The clauses also generally reflect what we have been doing in practice with the exception of the time limit identified in proposed clause (d).	

7. METERED RATE BASED ACCOUNT BILLING

Existing Clause	
7. (3)	Base fees may be prorated to the 15th or the end of each month for changes to Metered Rate Based Accounts.

Proposed Clause	
7. (3)	Metered Base Charge fees may be prorated to the 15th or the end of each month for changes to Metered Rate Based Accounts, and Meter Base Charge will not be assessed if an Owner Water Connection is Disconnected.
Commentary	
Simply clarifies the base charge naming, and clarifies that base charge would not apply if an account is deactivated.	

9. SERVICE WORK BY THE REGIONAL DISTRICT

Existing Clause	
9. (1)	A Customer is required to sign a Work Order before the Regional District can do any non-emergency Work for a Customer.
Proposed Clause	
9. (1)	A Customer is required to sign a Work Order or invoice to provide an agreement to do the Work before the Regional District can do any non-emergency Work for a Customer.
Commentary	
The Regional District currently uses field Work Order for small customer tasks such as turn on and turn offs and has customers sign a deposit invoice for larger tasks such as a water connection installation.	

10. VOLUNTARY PRE-AUTHORIZED PAYMENT PLAN

Existing Clause	
10. (3)	Participation in the Pre-Authorized Payment Plan program is voluntary. Customers who choose not to participate in the program will be required to pay their water bill in full by July 1st or 60 days following the date the utility bill is issued by the Regional District, whichever is later.
10. (5)	Those who sign up after July 1st, in any year, will be subject to a 10% penalty on the outstanding Account Balance for that year. The new outstanding Account Balance will then be divided by the number of months remaining from the time the Customer Account information has been added to the PAWS (Pre-Authorized Withdrawals) system, starting no sooner than July 15th.
Proposed Clause	
10. (3)	Participation in the Pre-Authorized Payment Plan program is voluntary. Customers who choose not to participate in the program will be required to pay their water bill in full by the end of the first business day following July 4th or 65 days following the date the utility bill is issued by the Regional District, whichever is later.
10. (5)	Those who sign up after the end of the first business day following July 4th , in any year, will be subject to a 10% penalty on the outstanding Account Balance for that year. The new outstanding Account Balance will then be divided by the number of months remaining from the time the Customer Account information has been added to the PAWS (Pre-Authorized Withdrawals) system, starting no sooner than July 15th.
Commentary	
Fixes clauses to be consistent with 6 (2) which was changed from July 1 st to July 4 th in a previous bylaw revision.	

SCHEDULE A TO BYLAW NO. 2713 GENERAL RATES, FEES, AND CHARGES

Existing Clause			
1	Item	Rate	Unit
1.1	Manager	\$85	hour
1.2	Utilities Supervisor	\$65	hour
1.3	Water Services Liaison	\$60	hour
1.4	Environmental Services Technologist/Coordinator	\$55	hour
1.5	Lead Hand	\$55	hour
1.6	Utility Tech 2	\$45	hour
1.7	Utility Tech 1 or Maintenance Person	\$45	hour
Proposed Clause			
1	Item	Rate	Unit
1.1	Manager	\$102	hour
1.2	Utilities Supervisor	\$78	hour
1.3	Water Services Liaison	\$72	hour
1.4	Environmental Services Technologist/Coordinator	\$66	hour
1.5	Lead Hand	\$66	hour
1.6	Utility Tech 2	\$54	hour
1.7	Utility Tech 1 or Maintenance Person	\$48	hour
Commentary			
Added 20% to current labour charge our rates to better account for administrative and overage costs.			

Existing Clause			
2	Item	Rate	Unit
2.1	Service Truck	\$100	day
2.2	Vehicle	\$50	day
2.3	Backhoe	\$50	hour
2.4	Tractor	\$30	hour
Proposed Clause			
2	Item	Rate	Unit
2.1	Service Truck – Greater of the following:		
a)	Half Daily Rate	\$50	½ day
b)	Mileage Rate	\$0.75	km
2.2	Vehicle – Greater of the following:		
a)	Half Daily Rate	\$50	½ day
b)	Mileage Rate	\$0.60	km
2.3	Backhoe	\$80	hour
2.4	Tractor	\$30	hour
2.5	Leak Noise Correlator	\$30	hour
Commentary			

Provided for the greater of half daily or per km rate for service trucks and vehicles. When vehicles have to travel a long distance a daily rate might not reflect actual costs. Changed daily rate to half daily rate as vehicles are often used for part days.

The Regional District has recently purchased a leak noise correlator to help locate water leaks. The purchase cost was about \$30,000. Customers with metered based accounts will need assistance in locating leaks on their water services. The proposed daily charge represents a small contribution to the cost of the instrument.

SCHEDULE B TO BYLAW NO. 2670

Water System Specific Rates, Fees and Charges

Changes in water rates Water System Specific Rates, Fees and Charges represent the water billing revenue required in the Board adopted 2020 to 2024 Financial Plan. Specific Items of not area as follows:

Balfour Water System

The Balfour water system is switching from flat rate billing to metered based billing. The process invoiced grant funded water meter installation in 2017, a year of water consumption monitoring, leak identification and remediation, public consultation, and establishment of a metered rate structure in consultation with the Balfour volunteer community advisory committee. Two inclined block rate options were presented to the public at a public meeting. Customers were given the opportunity to provide feedback by online survey or paper form on which option they preferred. Option B was preferred by the majority of submissions.

Option A: \$90 quarterly base rate, 50 m3 change, \$1.40 1st block, \$1.90 2nd block) = 39.5% preference

Option B: \$125 quarterly base rate, 100 m3 change, \$1.00 1st block, \$1.50 2nd block) = 60.5% preference

Lucas Road Water System

Lucas Road has been historically charged a flat rate water bill up to 432 cubic meters per year each, plus any volumetric overage. Flat rate bills were issue typically in April each year and an invoice was issued at year end for any overages.

Lucas Road is being switched to quarterly billing with a metered base charge and a metered consumption charge to be more consistent with other metered based water services. The Regional District attempted to discuss the proposed changes with the Lucas Road Water Commission for a couple of years but none of the Commission members showed up for the scheduled budget meeting. The Commission has since dissolved and the Regional District issued letters to customers regarding the proposed changes and received no feedback.

Changes to Metered Rates in all Water Systems that are Not Metered Based Billing

Historically the Regional District has received a number of inquiries about voluntarily switching to metered based billing so metered rates were introduced to the Utilities Rates, Fees, and Charges Bylaw in 2016. A rate of \$1.00 per cubic meter was added most water services as a starting point. At the time is

was generally felt that the \$1.00 per cubic meter was generally representative of water system costs, if not a little high. The intent was to evaluate the metered rates at a later date based on overall system consumption and operating budgets; however, only two customers have voluntarily switched to metered based billing since its introduction. This was most likely due to the cost of meter installation that would have to be paid for by the customer. The metered rate could also be used when individual high water consumption customers are required to switch to metered based billing. This was done for a dairy account a number of years ago.

The proposed Utilities Rates, Fees, and Charges Bylaw 2713 includes and updated to these metered rates plus the introduction of Metered Based Charge to be consistent with other metered based billing water systems. For most water systems the Metered Base Charge was set at 40% annually of the annual Single Family Dwelling flat rate, but will be billed quarterly. The metered rate was then calculated based on 60% of required revenue multiplied by the total system water consumption and divided by the number of customer accounts. The Metered Rate Base rates for Woodbury Village and Rosebery Highlands were set to the same amount as the Undeveloped Parcel Charge and the metered rate was then calculated accordingly. These two water systems are currently under developed so the existing Undeveloped Parcel Charge is required so that all parcels of land contribute to the water system operating costs.



REGIONAL DISTRICT OF CENTRAL KOOTENAY Committee Report

Date of Report: April 6, 2020
Date & Type of Meeting: April 15, 2020 Rural Affairs Committee
Author: Jason McDiarmid, Utility Services Manager
Subject: WATER BILL PAYMENT DEADLINE EXTENSION
File: 08-3200-10-2713

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek Board approval to extend the water bill payment deadline in order to provide relief to customers who might be financially impacted by the Covid-19 pandemic.

SECTION 2: BACKGROUND / ANALYSIS

Many water customers will be financially impacted by the Covid-19 pandemic and might find it difficult to pay their water bill on time. Staff intend to issue water bills in late April 2020 as usual but staff is recommending an extension to the water bill payment deadline. The existing Regional District of Central Kootenay Utilities Rates, Fees and Charges Bylaw No. 2670, 2019, and proposed Utilities Rates, Fees and Charges Bylaw No. 2713 require water bills to be paid by the end of the first business day following July 4th or 65 days following the date the utility bill is issued by the Regional District, whichever is later. Late payments are subject to a 10% penalty.

Staff is recommending that the water bill payment deadline be extended to September 1st, 2020 but customers will still be encouraged to pay their water bills earlier if they can. A further payment deadline extension beyond September 1st, 2020 might be considered at a later date, if required.

Alternately water bills might be issued late, however, this would not work for customer accounts based on quarterly block rate metered based billing, as the water bill calculation is based on consumption per quarter. In addition customers have an expectation of receiving their water bills around the end of April each year.

SECTION 3: DETAILED ANALYSIS

a. Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Financial Plan Amendment: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Debt Bylaw Required: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Public/Gov't Approvals req'd: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Under the proposed option of delaying the bill payment deadline until September 1st 2020, if water customers are encourage to pay their water bills by July 4 and others pay their water bill by September 1st, the financial impact to the water services would be negligible.

<p>b. Legislative Considerations (Applicable Policies and/or Bylaws):</p> <p>Proposed Utilities Rates, Fees and Charges Bylaw No. 2713 which would repeal Bylaw No. 2670 is being concurrently presented to the Board for consideration. The proposed Bylaw No. 2670 does not change the following existing Bylaw No. 2713 clauses related to water bill payments.</p> <p>6 FLAT USE WATER RATES AND ACCOUNT BILLING</p> <p>(2) For Flat Use Water Rate Based Accounts, a penalty of 10% will be imposed on any outstanding Account balances as of the end of the first business day following July 4th or 65 days following the date the utility bill is issued by the Regional District, whichever is later.</p> <p>7 METERED RATE BASED ACCOUNT BILLING</p> <p>(7) For Metered Rate Based Accounts a penalty of 10% will be imposed as of the end of the first business day, following 65 days from the date the utility bill is issued by the Regional District on any outstanding Account balances.</p> <p>10 VOLUNTARY PRE-AUTHORIZED PAYMENT PLAN</p> <p>(3) Participation in the Pre-Authorized Payment Plan program is voluntary. Customers who choose not to participate in the program will be required to pay their water bill in full by the end of the first business day following July 4th or 65 days following the date the utility bill is issued by the Regional District, whichever is later.</p> <p>(5) Those who sign up after the end of the first business day following July 4th, in any year, will be subject to a 10% penalty on the outstanding Account Balance for that year. The new outstanding Account Balance will then be divided by the number of months remaining from the time the Customer Account information has been added to the PAWS (Pre-Authorized Withdrawals) system, starting no sooner than July 15th.</p>
<p>c. Environmental Considerations:</p> <p>None identified.</p>
<p>d. Social Considerations:</p> <p>Providing for a delay in water bill payments might relieve some stress water customers might be experiencing right now.</p>
<p>e. Economic Considerations:</p> <p>Many water customers will be financially impacted by the Covid-19 pandemic and might find it difficult to pay their water bill on time.</p>
<p>f. Communication Considerations:</p> <p>Via an information billing insert that will be mailed to all property owners with their annual bill.</p>
<p>g. Staffing/Departmental Workplan Considerations:</p> <p>An increase in customer communication might be required.</p>

h. Board Strategic Plan/Priorities Considerations:

Coordinated Service Delivery.

SECTION 4: OPTIONS & PROS / CONS

1. Extend water bill payment deadline to September 1st, 2020 but customers will still be encourage to pay their water bills earlier if they can.

Pros

- Provides some financial relief to those customers who might need it.
- Not a significant cost to the water services.

Cons

- Addition pubic communication might be required
- Deadline extension might not be long enough for some customers but further extension could be considered at a later date.

2. Extend water bill payment deadline to December 23rd, 2020 but customers will still be encourage to pay their water bills earlier if they can.

Pros

- Good customer service.
- Provides longer financial relief to those customers who might need it.

Cons

- Addition pubic communication might be required.
- Potential larger financial impact on water services estimated at \$12,624.

3. Do not extend the water bill payment deadline and leave the deadline as the end of the first business day following July 4th, 2020.

Pros

- No potential financial impact to the water services.

Cons

- Customers may not be able to pay
- RDCK has the ability to assist in this matter.
- Financial impact to customers.

SECTION 5: RECOMMENDATION(S)

1. THAT the RDCK water bill payment deadline identified in Regional District of Central Kootenay Utilities Rates, Fees and Charges Bylaw No. 2713, 2020, Sections 6 (2), 7 (7), 10 (3) and 10 (5) be extended until September 1st, 2020 due to 2019 Novel Coronavirus pandemic (COVID-19).

Respectfully submitted,

Signature: **Originally approved by
Jason McDiarmid.**

Name: Jason McDiarmid, Utility Services Manager

CONCURRENCE

Initials:

General Manager of Environmental Services
Finance Manager
Chief Administrative Officer

Originally approved by Uli Wolf.
Originally approved by Heather Smith.
Originally approved by Stuart Horn.

ATTACHMENTS:

None



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Memorandum

Date: April 2, 2020
To: Stuart Horn, Chief Administrative Officer
From: Alexandra Divlakovski, Environmental Coordinator – Utility Services
Subject: Summary of Adverse Water Sample Results from January 1, 2020 to March 31, 2020
File: 5700-02

LONG TERM ADVISORIES				
RDCK Water System	Advisory Type	Date of Advisory	Reason for Advisory	Action
Burton	Water Quality Advisory	Jan. 12, 2017	Re-occurring presence of E.Coli and Total Coliform	Water Quality Action Plan implemented as per Board Resolution 534/17.
Denver Siding	Boil Water Notice	Apr. 2004	Lack of treatment infrastructure	Village of New Denver pursuing system upgrades and boundary expansion.
Sanca Park	Boil Water Notice	Jun. 2000	Lack of treatment infrastructure	A Risk Management Plan to be drafted for 2020.
Woodbury Village	Boil Water Notice	Oct. 5, 2018 (upgraded from long term water quality notice)	Preventative due to occasional occurrence of Coliform bacteria	Providing temporary chlorination. Disinfection upgrades planned for 2020 & 2021.

TEMPORARY ADVISORIES				
RDCK Water System	Advisory Type	Date of Advisory	Reason for Advisory	Action
Fauquier	Boil Water Notice (along Spruce Street, from Willow Street to Oak Street)	Mar. 19, 2020	Water main repair and reduced distribution system pressure	Water main repaired and awaiting water sample results*

ADVISORIES RESCINDED				
RDCK Water System	Advisory Type	Date of Advisory	Date of Rescind	Reason for Rescind
Edgewood	Boil Water Notice	Jun. 4, 2019	Jan. 30, 2020	Commissioning of reservoir, pump house completed*
Edgewood	Boil Water Notice	Feb. 3, 2020	Feb. 27, 2020	Water main leak isolated and pressure regained in distribution system*
Erickson	Boil Water Notice (between 2826 to 3120 Erickson Road, and 2903 to 3019 Highway 3)	Feb. 26, 2020	Feb. 28, 2020	Water main valve replaced*
Lister	Boil Water Notice (sections of 16th Street, 8th Street,	Mar. 11, 2020	Mar. 20, 2020	Water main leak repaired*

Summary of Adverse Water Sample Results from January 1, 2020 to March 31, 2020

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	Hagey Road and Airport Road)			
Riondel	Water Quality Advisory	Jan. 31, 2020	Feb. 10, 2020	Water main break repaired*
South Slocan	Water Quality Advisory	Feb. 4, 2020	Feb. 26, 2020	Turbidity reduced to acceptable levels*

* Notice/advisory issued as a precautionary measure and will be/was rescinded after two consecutive water quality tests indicated that water quality is/was good in the water system.

Questions can be directed to Jason McDiarmid, Manager of Utility Services.