



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE
Open Meeting Agenda

Date: Wednesday, March 20, 2024
Time: 9:00 am
Location: Hybrid Model - In-person and Remote

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

Pages

1. WEBEX REMOTE MEETING INFO

To promote openness, transparency and provide accessibility to the public we provide the ability to attend all RDCK meetings in-person or remote (hybrid model).

Meeting Time:

9:00 a.m. PST

Join by Video:

<https://nelsonho.webex.com/nelsonho/j.php?MTID=m00d09d2b03f9e089a774f5eb3b5265b0>

Join by Phone:

+1-604-449-3026 Canada Toll (Vancouver)

Meeting Number (access code): 2771 787 9868

Meeting Password: AmMnMcEg336 (26666234 from phones)

In-Person Location: RDCK Head Office - Board Room, 202 Lakeside Dr, Nelson BC

2. CALL TO ORDER

Chair Jackman called the meeting to order at ____ a.m.

3. TRADITIONAL LANDS ACKNOWLEDGEMENT STATEMENT

We acknowledge and respect the Indigenous peoples within whose traditional lands we are meeting today.

4. ADOPTION OF THE AGENDA

RECOMMENDATION:

The agenda for the March 20, 2024 Rural Affairs Committee meeting be adopted as circulated.

5. RECEIPT OF MINUTES

9 - 14

The February 14, 2024 Rural Affairs Committee meeting minutes, have been received.

6. DELEGATIONS

Item 7.5 - Jonas Horvath

Item 7.7 - Mike Crottey and Deborah Weiland

7. PLANNING & BUILDING

7.1 CANCEL - BUILDING BYLAW CONTRAVENTION - JANSSEN

15

File No.: 3130-20-K-710.02704.000-BP26682

851 Lower Inonoaklin Road

(Martin Nolan Janssen)

Electoral Area K

The Memorandum dated March 7, 2024 from Chris Gainham, Building Manager, re: Cancel - Building Bylaw Contravention - Janssen, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer be authorized to remove the Notice on Title relating to 851 Lower Inonoaklin Road, Electoral Area K, currently owned by Martin Nolan Janssen, property legally described as LOT 1, DISTRICT LOT 8135, KOOTENAY DISTRICT PLAN 10859, the RDCK Building Department has confirmed that a building permit has been obtained and the deficiencies associated with the construction have been rectified.

7.2 BUILDING BYLAW CONTRAVENTION - EVANS

16 - 23

File No.: 3135-20-I-709.05749.300-BP021431

1726 Thrums East Rd – Accessory Building

(Dobie & Alisha Evans)

Electoral Area I

The Committee Report dated March 23, 2023, re: Building Bylaw Contravention - Evans, has been received.

Rural Affairs Committee

Referred July 19, 2023 to September 13, 2023

Referred September 13, 2023 to December 13, 2023. The item was missed on the December 13, 2023 RAC meeting agenda and is being

*brought forward to the January 17, 2024 RAC meeting for consideration.
Referred January 17, 2024 to March 20, 2024*

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 1726 Thrums East Road, Electoral Area I and legally described as LOT C, PLAN NEP68184, DISTRICT LOT 1239, KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 36149., 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.

- 7.3 BUILDING BYLAW CONTRAVENTION - EVANS**
File No.: 3135-20-I-709.05749.300-BP024256
1726 Thrums East Road - Deck Only
(Dobie & Alisha Evans)
Electoral Area I

24 - 31

The Committee Report dated March 23, 2023, re: Building Bylaw Contravention - Evans, has been received.

Rural Affairs Committee

Referred July 19, 2023 to September 13, 2023.

Referred September 13, 2023 to December 13, 2023. The item was missed on the December 13, 2023 RAC meeting agenda and is being brought forward to the January 17, 2024 RAC meeting for consideration. January 17, 2024 to March 20, 2024.

Referred January 17, 2024 to March 20, 2024.

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 1726 Thrums East Road, Electoral Area I and legally described as LOT C, PLAN NEP68184, DISTRICT LOT 1239, KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 36149., 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.

- 7.4 BUILDING BYLAW CONTRAVENTION - EVANS & MCLEAN**

32 - 37

File No.: 3135-20-I-709.05749.300-BP023217
1726 Thrums East Rd – Manufactured Home
(Dobie Evans & Ronald Mclean)
Electoral Area I

The Committee Report dated March 23, 2023, re: Building Bylaw
Contravention - Evans & Mclean, has been received.

Rural Affairs Committee

Referred July 19, 2023 to September 13, 2023.

***Referred September 13, 2023 to December 13, 2023. The item was
missed on the December 13, 2023 RAC meeting agenda and is being
brought forward to the January 17, 2024 RAC meeting for consideration.***

Referred January 17, 2024 to March 20, 2024.

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 1726 Thrums East Road, Electoral Area I and legally described as LOT C, PLAN NEP68184, DISTRICT LOT 1239, KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 36149., 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.

- 7.5 **DEVELOPMENT VARIANCE PERMIT - HORVATH & DOLLEVOET**
File No.: V2307J-01455.042-HORVATH&DOLLEVOET-DVP000241
2875 Broadwater Road
(Jonas Russell Horvath and Lexis Tori Dollevoet)
Electoral Area J

38 - 58

The Committee Report dated March 6, 2024 from Stephanie Johnson,
Planner, re: Development Variance Permit - Horvath & Dollevoet, has
been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2307J-01455.042 to Jonas Russell Horvath and Lexis Tori Dollevoet for the property located at 2875 Broadwater Road, Electoral Area J and legally described as LOT 2, DISTRICT LOT 301A, KOOTENAY DISTRICT PLAN 4417, EXCEPT PART INCLUDED IN PLAN 5566 (PID: 013-787-381) to vary Sections 701.7 and 701.8 of the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to permit the existing unauthorized accessory structure, as follows:

1. Increase the maximum height of an accessory building from 6.0 metres to 7.54 metres; and,
2. Increase the maximum gross floor area of an accessory building from 100 m² to 101.1 m².

7.6 SITE SPECIFIC EXEMPTION TO THE FLOODPLAIN MANAGEMENT BYLAW - DRYSDALE

59 - 99

**File No.: F2304A – Drysdale
10789 Highway 3A
(John & Bradley Drysdale)
Electoral Area A**

The Committee Report dated March 1, 2024 from Zachari Giacomazzo, Planner, re: Site Specific Exemption To The Floodplain Management Bylaw, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE a Site Specific Floodplain Exemption to permit the construction of a deck with a floodplain setback of 10 metres in accordance with the Engineering Report prepared by SNT Geotechnical Ltd. for property located at 10789 Highway 3A, Electoral Area A and legally described as LOT A, DISTRICT LOT 913, KOOTENAY DISTRICT PLAN 5183 (PID: 014-539-551), SUBJECT to preparation by John Drysdale and Bradley Drysdale of a restrictive covenant under Section 219 of the Land Title Act and Section 56 of the *Community Charter* in favour of the Regional District of Central Kootenay.

7.7 SITE SPECIFIC FLOODPLAIN EXEMPTION - PILLA & CROTTEY

100 - 128

**File No.: F2304E-22199.160-CROTTEY-FLD00069
1434 Highway 31
(Ruth Pilla, Lisa Crottey & Michael Crottey)
Electoral Area E**

The Committee Report dated March 6, 2024 from Stephanie Johnson, Planner, re: Site Specific Floodplain Exemption - Pilla & Crottey, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE a Site Specific Floodplain Exemption to reduce the required setback from Kootenay Lake from 15 metres from the natural boundary to 11.42 metres from the natural boundary in accordance with the Engineering Report prepared by Crowsnest Engineering (dated January 12, 2024) for property located at 1434 Highway 31, Queens Bay, Electoral Area E and legally described as LOT B, PLAN NEP78423, DISTRICT LOT 12075, KOOTENAY LAND DISTRICT (PID: 026-329-981) as follows:

1. SUBJECT to preparation by Ruth Elizabeth Pilla, Lisa Marie Crottey and Michael Raymond Crottey of a restrictive covenant under Section 219 of the Land Title Act and Section 56 of the *Community Charter* in favour of the Regional District of Central Kootenay; and,

2. SUBJECT TO the registration of a Section 219 restrictive covenant, which identifies on the subject property a primary and back up area of land for sewerage systems by an Authorized Person.

7.8 OFFICIAL COMMUNITY PLAN & ZONING BYLAW AMENDMENTS
File No.: Z2307105783.005-TSL DEVELOPMENTS LTD – BA000073
2016 Highway 3A
(TSL Developments Ltd., Inc. No. BC1085036 c/o Jordan Baer)
Electoral Area I

129 - 154

The Committee Report dated March 6, 2024 from Stephanie Johnson, Planner, re: Official Community Plan and Zoning Bylaw Amendments, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2932, 2024* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

RECOMMENDATION:

That it be recommended to the Board:

That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2931, 2024* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

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 'I' Director Davidoff is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

7.9 CROWN REFERRAL - LICENCE OF OCCUPATION FOR UTILITIES
File No.: R2404ADE – Kaslo InfoNet Society
Electoral Area A, D & E

155 - 212

The Committee Report dated March 1, 2024 from Zachari Giacomazzo, Planner, re: Crown Referral - Licence Of Occupation For Utilities, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board direct staff to respond to Front Counter BC regarding “Referral Number 163692944 – 002, a Crown Referral for proposed telecommunication utilities” as described in the Committee Report “Crown Referral – Licence of Occupation for Utilities (File: R2404ADE – Kaslo InfoNet Society)” dated March 1, 2024.

8. ENVIRONMENTAL SERVICES

No items.

9. RURAL ADMINISTRATION

9.1 DISCUSSION ITEM: FIREWORKS

Director Vandenberghe requested a discussion regarding fireworks regulations in the RDCK.

10. PUBLIC TIME

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

11. IN CAMERA

11.1 MEETING CLOSED TO THE PUBLIC

RECOMMENDATION:

In the opinion of the Board and, in accordance with Section 90 of the *Community Charter* the public interest so requires that persons other than DIRECTORS, ALTERNATE DIRECTORS, DELEGATIONS AND STAFF be excluded from the meeting;

AND FURTHER, in accordance with Section 90 of the *Community Charter*, the meeting is to be closed on the basis(es) identified in the following Subsections:

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(g) litigation or potential litigation affecting the municipality;

11.2 RECESS OF OPEN MEETING

RECOMMENDATION:

The Open Meeting be recessed in order to conduct the Closed In Camera

meeting.

12. ADJOURNMENT

RECOMMENDATION:

The meeting be adjourned at _____



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE MEETING
Open Meeting Minutes

Wednesday, February 14, 2024

9:00 a.m.

Hybrid Model - In-person and Remote

RDCK Board Room, 202 Lakeside Dr., Nelson, BC

COMMITTEE MEMBERS

PRESENT

| | |
|--------------------------|------------------------------|
| Chair G. Jackman | Electoral Area A – In-person |
| Director R. Tierney | Electoral Area B – In-person |
| Director K. Vandenberghe | Electoral Area C – In-person |
| Director A. Watson | Electoral Area D – In-person |
| Director C. Graham | Electoral Area E |
| Director H. Cunningham | Electoral Area G – In-person |
| Director W. Popoff | Electoral Area H – In-person |
| Director A. Davidoff | Electoral Area I |
| Director H. Hanegraaf | Electoral Area J |
| Director T. Weatherhead | Electoral Area K – In-person |

COMMITTEE MEMBERS

ABSENT

| | |
|--------------------|------------------|
| Director T. Newell | Electoral Area F |
|--------------------|------------------|

GUEST DIRECTOR

| | |
|------------------|----------------------|
| Director L. Main | Village of Silverton |
|------------------|----------------------|

STAFF PRESENT

| | |
|-------------|--|
| S. Horn | Chief Administrative Office |
| S. Sudan | General Manager of Development and Community Sustainability Initiatives |
| N. Wight | Planning Manager |
| S. Johnson | Planner |
| C. Scott | Planner |
| D. Hawkins | Planner |
| T. Johnston | Environmental Technologist |

Uli Wolf
C. Hopkyns

General Manager of Environmental Services
Corporate Administrative Coordinator –
Meeting Coordinator

1. WEBEX REMOTE MEETING INFO

To promote openness, transparency and provide accessibility to the public we provide the ability to attend all RDCK meetings in-person or remote.

Join by Video:

<https://nelsonho.webex.com/nelsonho/j.php?MTID=ma4ab9d35509199efd1df3e6f4d808970>

Join by Phone:

+1-604-449-3026 Canada Toll (Vancouver)

Meeting Number (access code): 2774 850 3518

Meeting Password: 7tvYr8DceU9 (78897832 from phones)

2. CALL TO ORDER

Chair Jackman called the meeting to order at 9:00 a.m.

3. TRADITIONAL LANDS ACKNOWLEDGEMENT STATEMENT

We acknowledge and respect the Indigenous peoples within whose traditional lands we are meeting today.

4. ADOPTION OF THE AGENDA

Moved and seconded,
And resolved:

The agenda for the February 14, 2024 Rural Affairs Committee meeting be adopted as circulated.

Carried

Moved and seconded,
And resolved:

Director Main have freedom of the floor.

Carried

5. RECEIPT OF MINUTES

The January 17, 2024 Rural Affairs Committee meeting minutes, have been received.

6. DELEGATIONS

Item 7.2 - Jason Newton

7. PLANNING & BUILDING**7.1 DEVELOPMENT VARIANCE PERMIT - SCOTTEN**

File No.: V2312F-03595.005-Scotten-DVP00246

3034 Miller Road

(Walter Brent Scotten)

Electoral Area F

The Committee Report dated January 31, 2024 from Stephanie Johnson, Planner, re: Development Variance Permit, has been received.

Stephanie Johnson, Planner, provided an overview regarding the Development Variance Permit (DVP) application. The DVP application seeks to vary Section 605.5 of the RDCK's *Zoning Bylaw No. 1675, 2004*. The owner seeks to reduce the front setback regulation from 4.5 metres to 0 metres to allow for the construction of a residential dwelling with secondary suite.

Stephanie answered the Committee's questions.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2312F to Walter Brent Scotten for the property located at 3034 Miller Road and legally described as LOT A DISTRICT LOT 788 KOOTENAY DISTRICT PLAN 13885 (PID 010-472-886) to vary the minimum front setback regulation under 605.5 under the RDCK's *Zoning Bylaw No. 1675, 2004* as follows:

1. FROM 4.5 metres TO 0 metres to permit the construction of a dwelling unit.

Carried

7.2 BYLAW AMENDMENT - RUMBLING CREEK RESORT LTD.

File No.: Z2304G – Rumbling Creek Resort

4626 Highway 6

(Rumbling Creek Resort Ltd.)

Electoral Area G

The Committee Report dated January 30, 2024 from Zachari Giacomazzo, Planner, re: Bylaw Amendment - Rumbling Creek Resort Ltd., has been received.

Jason Newton, delegation, was available to answer the Committee's questions.

Moved and seconded,

And resolved that it be recommended to the Board:

That *Electoral Area 'G' Land Use Amendment Bylaw No. 2935, 2024* being a bylaw to amend *Electoral Area 'G' Land Use Bylaw No. 2452, 2018* is hereby given FIRST and SECOND reading by content;

AND FURTHER, that Staff be directed to provide notice that the public hearing is being waived in accordance with Sections 466 and 467 of the Local Government Act.

Carried

8. ENVIRONMENTAL SERVICES

8.1 WILDSAFEBC FUNDING PROPOSAL

File No.: 12-6240-20

Electoral Area/Municipality: Castlegar (Robson, Blueberry, Thrums, Ootischenia); Rural Areas A,B,C,E,F,G,H,I and J; Area D – Kaslo, Meadow Creek and surrounding; Area K – Nakusp, Edgewood, Burton, Silverton, Fauquier.

The Committee Report dated January 17, 2024 from Todd Johnston, Environmental Coordinator, re: WildSafeBC Funding Proposal for RDCK: Supplemental Information, has been received.

Rural Affairs Committee Meeting

Referred from January 17, 2024 to February 14, 2024

Todd Johnston provided an overview to the Committee regarding additional information that was requested at the January 17, 2024 meeting, regarding a funding proposal submitted by the BC Conservation Foundation (BCCF), requesting gradual increased funding for their WildSafeBC (WSBC) Programming.

The Committee discussed different funding options for WildSafeBC and concerns related to the increased funding request.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board approve the RDCK enter into a Goods and Services Agreement with the British Columbia Conservation Foundation for their WildSafeBC Program for the period

of February 1, 2024 and ending on December 31, 2024, and that the Chair and Corporate Officer be authorized to sign the necessary documents;

AND FURTHER, that the annual funding for the WildSafeBC Program not exceed a cost of \$20,000 for 2024.

AND FURTHER, that the costs be paid from Service S101 Rural Administration (transferred through Environmental Services A100).

Carried

9. RURAL ADMINISTRATION

Director Graham declared a conflict of interested due to being her company being a sub-contractor and left the meeting at 10:09 a.m.

9.1 COMMUNITY WORKS FUND APPLICATION – AINSWORTH SEWER SYSTEM CORPORATION “AINSWORTH SEWER OUTFALL AND UPGRADES” File No.: 1850-20-CW-298 Electoral Area D

The Committee Report dated January 30, 2024 from Micah Nakonechny, Grants Coordinator, re: Ainsworth Sewer System Corporation “Ainsworth Sewer Outfall and Upgrades”, has been received.

Moved and seconded,
And resolved that it be recommended to the Board:

THAT the Community Works Fund application submitted by the Ainsworth Sewer System Corporation for the project titled “Ainsworth Sewer Outfall and Upgrades” in the amount of \$100,000 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area D.

Carried

**RECESS/
RECONVENE** The meeting recessed at 10:14 a.m. for a break and reconvened at 10:25 a.m.

Director Graham returned to the meeting at 10:25 a.m.

9.2 PLANNING AND LAND USE IN THE RDCK

The RDCK Areas with Zoning document, RDCK Areas with Official Community Plan (OCP) document and Development Permit Areas in RDCK document, has been received.

Nelson Wight, Planning Manager, provided an overview to the Committee regarding Planning and Land Use in the RDCK. The presentation is to provide background prior to the Planning Workshop on February 21st. Nelson and the Planning team covered the following topics:

1. Provided a review what Planning is;
2. Provided background information regarding Planning;
3. Provided a review of the new Provincial legislation and changes to housing regulations in the RDCK.

Director Main left the meeting at 11:14 a.m.

ORDER OF AGENDA CHANGED The Order of Business was changed for public time, with Item 10 Public Time considered at this time.

10. PUBLIC TIME

The Chair called for questions from the public and members of the media at 11:45 p.m.

No questions from the media or public.

ORDER OF AGENDA RESUMED Item 9.2 Planning and Land Use in the RDCK continued at this time.

Staff continued the Planning presentation and answered the Committee's questions.

Nelson Wight closed the presentation thanking the Committee for their time and for their preparation for the workshop for next week.

11. ADJOURNMENT

Moved and seconded,
And resolved:

The meeting be adjourned at 12:05 p.m.

Carried

Digitally approved by

Chair Jackman, Chair



SCANNED

MEMORANDUM

File 3130-20-K-710.02704.000-BP26682

March 7, 2024

TO: RDCK Board

FROM: Chris Gainham, Building Manager

SUBJECT: Cancellation of Notice on Title – Janssen-851 Lower Inonoaklin Rd

Please be advised that the condition that gave rise to adopting the following resolution on May 21, 2009, has been rectified by Building Permit 26682. We can now file for a Cancellation Notice to cancel bylaw offence LB0316602.

366/09 The Secretary of the Regional District of Central Kootenay be directed to file a Notice at the Land Title Office in Kamloops, British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land legally described as Lot 1 District Lot 8135 Kootenay District Plan 10859 and that further 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.

The owner, Martin Nolan Janssen, has requested removal of the Notice on Title in writing and has paid the administration fee of \$750.00

As a result of the above, I am recommending cancellation of the said Notice on Title.

Originally signed by

Chris Gainham
Building Manager



Committee Report

Notice on Title

Date of Report: Mar 23, 2023
Date & Type of Meeting: Jul 19, 2023, Rural Affairs Committee
Author: Tony Hadfield _Building/Plumbing Official
Subject: NOTICE ON TITLE REPORT
File: 3135-20-I-709.05749.300-BP021431
Electoral Area: I
Registered Owners: Evans, Dobie and Evans, Alisha
Civic Address: 1726 Thrums East Rd – Accessory Building
Legal Description: Lot C Plan Nep68184 District Lot 1239 Kootenay Land District
Manufactured Home Reg. # 36149.
Zoning: R2I
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-**Expired permit.**

SECTION 2: BACKGROUND/ANALYSIS

Jan 23, 2018 Building Permit (BP) application was received to construct an accessory building (shop).
Sep 26, 2019 Framing Inspection completed.
Nov 19, 2020 Emailed expiry letter was sent, and email bounced back.
Jan 12, 2021 Mailed expiry letter to Owner.
Feb 05, 2021 Building Official visited the site; approved another one year renewal.
May 11, 2021 Mailed expired letter to Owner.
Jul 19, 2021 Owner called Building Department and confirmed he will extend shop permit for one year as it expired in February 2021.
Nov 01, 2021 BO approved BP to be renewed for one year, and the new expiry date is May 31, 2022.



Mar 23, 2023 No Further contact from the Owner

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No Financial Plan Amendment: Yes No
Debt Bylaw Required: Yes No Public/Gov't Approvals Required: Yes 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 upon total value of construction in the case of a Stop Work Order (estimated) | \$1500.00 |
| Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit fee) minimum | \$200.00 |

3.2 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 13.3.3 the permit shall expire and the rights of the owner shall terminate in the event and at the time that either of the above conditions is not met or in any event thirty-six months after the date the permit was issued.

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

N/A

3.6 Communication Considerations:

N/A

3.7 Staffing/Departmental Workplace Considerations:

N/A

3.8 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 presented – file Notice on Title.

SECTION 5: RECOMMENDATIONS

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 1726 Thrums East Rd Electoral Area I, legally described as Lot C Plan Nep68184 District Lot 1239 Kootenay Land District Manufactured Home Reg. # 36149., 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,
Tony Hadfield_Building/Plumbing Official
Digitally approved by John Southam for BO

CONCURRENCE

Chris Gainham/Building Manager
Digitally approved by Chris Gainham
Sangita Sudan/General Manager of Development and Community Sustainability Services
Digitally approved by Sangita Sudan
Stuart J. Horn/Chief Administrative Officer
Digitally approved by Stuart J. Horn



BY REGISTERED MAIL

File: 3135-20-I-709.05749.300-BP021431

REGISTERED OWNERS:

Evans, Dobie and Evans, Alisha
1726 Thrums Rd
Castlegar BC, V1N 4N4

SUBJECT: Notice on Title

CIVIC ADDRESS: 1726 Thrums East Rd

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting, the **Jul 19, 2023** RAC Committee. To promote openness, transparency and provide accessibility to the public we provide the ability to attend all RDCK meetings in-person or remote.

Date: Jul 19, 2023
Time: 9:00 a.m. PST
Hybrid Meeting: **In-Person Location** - RDCK Board Room, 202 Lakeside Drive, Nelson, BC
Remote Attendance - Please visit rdck.ca for meeting call-in information

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) 352-1575 or by email chopkyns@rdck.bc.ca **no less than 3 business days prior to the meeting.**

Should you 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 3 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

Notice on Title 00686 – Evans, Dobie and Evans, Alisha
1726 Thrums East Rd

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, Evans, Dobie and Evans, Alisha hereby confirm that we 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 C Plan Nep68184 District Lot 1239 Kootenay Land District Manufactured Home Reg. # 36149.

DATE

Evans, Dobie

DATE

Evans, Alisha



File No: 3135-20-«FolioNumbers»

[Click here to enter a date.](#)

«Name1»«Name2»
«MailingAddress»

Dear «Name1»and «Name2»:

RE: FILING OF NOTICE IN LAND TITLE OFFICE UNDER SECTION 57 OF THE COMMUNITY CHARTER
«LongLegals»

We wish to advise that the Board, at its meeting held [Click here to enter a date.](#), adopted the following resolution:

[Click here to enter text.](#)

Pursuant to Resolution [Click here to enter text.](#), a Notice has been forwarded to the Land Title Office for filing against your property, a copy of which is attached for your records.

The Community Charter offers the following avenues of resolution respecting removal of the Notice:

- 58(1) “On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57(3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.”
- 58(2) “An owner of land with respect to which a notice has been filed under section 57(3), may apply to the council for a resolution that the note be cancelled.”
- 58(3) “After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.”

We also wish to bring to your attention that pursuant to Regional District of Central Kootenay Building Bylaw No. 2200, 2010, you will be charged an Administrative Fee of \$750.00 for removal of the “Notice on Title”.

If you have any questions, please contact the Building Inspection Department at 250.352.8155.

Sincerely

Sangita Sudan
General Manger of Development Services

Notice on Title 00686 – Evans, Dobie and Evans, Alisha
1726 Thrums East Rd

Attachment

c.c. BC Assessment Authority
Interior Health Authority, Nelson



Committee Report

Notice on Title

Date of Report: Mar 23, 2023
Date & Type of Meeting: Jul 19, 2023, Rural Affairs Committee
Author: Tony Hadfield_Building/Plumbing Official
Subject: NOTICE ON TITLE REPORT
File: 3135-20-I-709.05749.300-BP024256
Electoral Area: I
Registered Owners: Evans, Dobie and Evans, Alisha
Civic Address: 1726 Thrums East Rd--Deck Only
Legal Description: Lot C Plan Nep68184 District Lot 1239 Kootenay Land District
Manufactured Home Reg. # 36149.
Zoning: R2I
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-**Work has not been carried out in accordance with the BC Building Code**

NOTE: The RDCK has initiated three NoT reports simultaneously for this one property

SECTION 2: BACKGROUND/ANALYSIS

Apr 14, 2014 A building permit (BP) application was received to construct a deck, site plan and drawing were not provided at the time of application.

Jun 02, 2014 Stop Work Order (SWO) posted on the construction of a deck.

Jun 13, 2014 BP21431 was issued for the deck's construction.

Aug 17, 2015 Last inspection letter sent to Owner.

Aug 24, 2015 Owner called to let us know that he had an engineer look at the deck and will call for an inspection later.

Feb 27, 2017 BB renewed for one year from the expiry date.

Jul 09, 2018 BP renewed for another year.

Apr 10, 2018 Pending expiry letter sent to Owner.

Apr 26, 2018 Framing inspection failed: Framing is acceptable for most of the deck except the ridge beam needs support at the house end. P.Eng will provide a report but no report received to date

Jun 27, 2018 Final expiry letter sent to Owner.

Jul 02, 2019 Final expiry letter sent to Owner.

Nov 19, 2020 Emailed Owner expiry letter for BP21431 and BP024256

Jan 04, 2021 Email no longer valid; mailed expiry letter to Owner. The Building Officials (BO) recommends Notice on Title (NoT), posted Do Not Occupy and SWO.



- Jan 04, 2021** BO recommends not renewing or opening a new permit; we will need complete plans, engineering letter or Schedule B.
- Feb 09, 2021**
- Jul 19, 2021** BO posts a Do Not Occupy notice on the deck
 Owner called and is working on getting structural still for the other buildings
- Mar 23, 2023** No further contact from Owner.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No **Financial Plan Amendment:** Yes No
Debt Bylaw Required: Yes No **Public/Gov’t Approvals Required:** Yes 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 upon total value of construction in the case of a Stop Work Order (estimated) | \$1500.00 |
| Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit fee) minimum | \$200.00 |

3.2 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 4.3 It is the full and sole responsibility of the owner (and where the owner is acting through a representative, the

Notice on Title 00697 – Evans, Dobie and Alisha Dobie
1726 Thrums East Rd

representative) to carry out the work, in respect of which a permit is issued under this Bylaw, in compliance with the Building Code, this Bylaw and other applicable enactments respecting safety.

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

N/A

3.6 Communication Considerations:

N/A

3.7 Staffing/Departmental Workplace Considerations:

N/A

3.8 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 presented – file Notice on Title.

SECTION 5: RECOMMENDATIONS

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 1726 Thrums East Rd Electoral Area I, legally described as Lot C Plan Nep68184 District Lot 1239 Kootenay Land District Manufactured Home Reg. # 36149., 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,
Tony Hadfield_Building/Plumbing Official
Digitally approved by John Southam for BO

CONCURRENCE

Chris Gainham/Building Manager
Digitally approved by Chris Gainham
Sangita Sudan/General Manager of Development and Community Sustainability Services
Digitally approved by Sangita Sudan
Stuart J. Horn/Chief Administrative Officer
Digitally approved by Stuart J. Horn



BY REGISTERED MAIL

File: 3135-20-I-709.05749.300-BP024256

REGISTERED OWNERS:

Evans, Dobie and Evans, Alisha
1726 Thrums Rd
Castlegar BC, V1N 4N4

SUBJECT: Notice on Title

CIVIC ADDRESS: 1726 Thrums East Rd

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting, the **Jul 19, 2023** RAC Committee. To promote openness, transparency and provide accessibility to the public we provide the ability to attend all RDCK meetings in-person or remote.

Date: Jul 19, 2023

Time: 9:00 a.m. PST

Hybrid Meeting: **In-Person Location** - RDCK Board Room, 202 Lakeside Drive, Nelson, BC
Remote Attendance - Please visit rdck.ca for meeting call-in information

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) 352-1575 or by email chopkyns@rdck.bc.ca **no less than 3 business days prior to the meeting.**

Should you 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 3 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

Notice on Title 00697 – Evans, Dobie and Alisha Dobie
1726 Thrums East Rd

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, Evans, Dobie and Evans, Alisha hereby confirm that we 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 C Plan Nep68184 District Lot 1239 Kootenay Land District Manufactured Home Reg. # 36149.

DATE

Evans, Dobie

DATE

Evans, Alisha



File No: 3135-20-«FolioNumbers»

[Click here to enter a date.](#)

«Name1»«Name2»
«MailingAddress»

Dear «Name1»and «Name2»:

RE: FILING OF NOTICE IN LAND TITLE OFFICE UNDER SECTION 57 OF THE COMMUNITY CHARTER
«LongLegals»

We wish to advise that the Board, at its meeting held [Click here to enter a date.](#), adopted the following resolution:

[Click here to enter text.](#)

Pursuant to Resolution [Click here to enter text.](#), a Notice has been forwarded to the Land Title Office for filing against your property, a copy of which is attached for your records.

The Community Charter offers the following avenues of resolution respecting removal of the Notice:

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- 58(3) “After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.”

We also wish to bring to your attention that pursuant to Regional District of Central Kootenay Building Bylaw No. 2200, 2010, you will be charged an Administrative Fee of \$750.00 for removal of the “Notice on Title”.

If you have any questions, please contact the Building Inspection Department at 250.352.8155.

Sincerely

Notice on Title 00697 – Evans, Dobie and Alisha Dobie
1726 Thrums East Rd

Sangita Sudan
General Manger of Development Services

Attachment

c.c. BC Assessment Authority
Interior Health Authority, Nelson



Committee Report

Notice on Title

Date of Report: Mar 23, 2023
Date & Type of Meeting: Jul 19, 2023, Rural Affairs Committee
Author: Tony Hadfield _Building/Plumbing Official
Subject: NOTICE ON TITLE REPORT
File: 3135-20-I-709.05749.300-BP023217
Electoral Area: I
Registered Owners: Evans, Dobie
 Mclean, Ronald
Civic Address: 1726 Thrums East Rd – Manufactured Home
Legal Description: Lot C Plan Nep68184 District Lot 1239 Kootenay Land District
 Manufactured Home Reg. # 36149.
Zoning: R2I
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-**Expired Permit**

NOTE: The RDCK has initiated three NoT reports simultaneously for this one property

SECTION 2: BACKGROUND/ANALYSIS

Aug 30, 2016 Building Permit (BP) application was received for placing a manufactured home (MH).
Dec 12, 2016 BP23217 was issued to establish a MH.
Nov 14, 2016 Received complaint that Owner is building a shop, advised Bylaw enforcement.
Apr 26, 2018 Rough-In-Plumbing inspection completed. MH snow load of 65 PSF is not adequate.
Oct 17, 2019 First expiry notice sent.
Jan 03, 2020 Final expiry notice sent.



Mar 23, 2023 No Further contact from Owner.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No **Financial Plan Amendment:** Yes No
Debt Bylaw Required: Yes No **Public/Gov't Approvals Required:** Yes No

Notice on Title 00685– Evans, Dobie and Mclean, Ronald
1726 Thrums East Rd

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 upon total value of construction in the case of a Stop Work Order (estimated) | \$1500.00 |
| Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit fee) minimum | \$200.00 |

3.2 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 4.3 It is the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work, in respect of which a permit is issued under this Bylaw, in compliance with the Building Code, this Bylaw and other applicable enactments respecting safety.

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

N/A

3.6 Communication Considerations:

N/A

3.7 Staffing/Departmental Workplace Considerations:

N/A

3.8 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 presented – file Notice on Title.

SECTION 5: RECOMMENDATIONS

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 1726 Thrums East Rd Electoral Area I,

Notice on Title 00685– Evans, Dobie and Mclean, Ronald
1726 Thrums East Rd

legally described as Lot C Plan Nep68184 District Lot 1239 Kootenay Land District Manufactured Home Reg. # 36149., 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,
Tony Hadfield_Building/Plumbing Official
Digitally approved by John Southam for BO

CONCURRENCE

Chris Gainham/Building Manager

Digitally approved by Chris Gainham

Sangita Sudan/General Manager of Development and Community Sustainability Services

Digitally approved by Sangita Sudan

Stuart J. Horn/Chief Administrative Officer

Digitally approved by Stuart J. Horn



BY REGISTERED MAIL

File: 3135-20-I-709.05749.300-BP023217

REGISTERED OWNERS:

Evans Dobie and Mclean, Ronald
1726 Thrums Rd
Castlegar BC, V1N 4N4

SUBJECT: Notice on Title

CIVIC ADDRESS: 1726 Thrums East Rd

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting, the **Jul 19, 2023** RAC Committee. To promote openness, transparency and provide accessibility to the public we provide the ability to attend all RDCK meetings in-person or remote.

Date: Jul 19, 2023

Time: 9:00 a.m. PST

Hybrid Meeting: **In-Person Location** - RDCK Board Room, 202 Lakeside Drive, Nelson, BC
Remote Attendance - Please visit rdck.ca for meeting call-in information

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.

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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 3 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

Notice on Title 00685– Evans, Dobie and Mclean, Ronald
1726 Thrums East Rd

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, Evans, Dobie and Mclean, Ronald hereby confirm that we 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 C Plan Nep68184 District Lot 1239 Kootenay Land District Manufactured Home Reg. # 36149.

DATE

Evans, Dobie

DATE

Mclean, Ronald



Committee Report

Date of Report: March 6, 2024
Date & Type of Meeting: March 20, 2024, Rural Affairs Committee Meeting
Author: Stephanie Johnson, Planner
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2307J-01455.042-HORVATH&DOLLEVOET-DVP000241
Electoral Area/Municipality: J

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board’s consideration of a Development Variance Permit (DVP) application. The subject property is located at 2875 Broadwater Road in Robson, Electoral Area ‘J’.

This DVP application seeks to vary Sections 701.7 and 701.8 of the RDCK *Zoning Bylaw No. 1675, 2004*. In response to an unauthorized accessory structure constructed without the issuance of a Building Permit the applicants are requesting the following variances, to increase:

- the maximum height of an accessory building from 6.0 metres to 7.54 metres; and,
- the maximum gross floor area (GFA) of an accessory building from 100 m² to 101.1 m².

Staff recommend that the Board approve the issuance of this DVP.

SECTION 2: BACKGROUND/ANALYSIS

| GENERAL INFORMATION | |
|----------------------------|--|
| Property Owners: | Jonas Russell Horvath and Lexis Tori Dollevoet |
| Property Location: | 2875 Broadwater Road, Robson |
| Legal Description: | LOT 2 DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 4417 EXCEPT PART INCLUDED IN PLAN 5566 (PID: 013-787-381) |
| Property Size: | 0.35 hectares (ha) |
| Zoning Designation: | Suburban Residential (R1) |
| OCP Designation: | Suburban Residential One (SR) |

| ORIENTATION | ZONING | LAND USE |
|--------------|---------------------------|---|
| North | Suburban Residential (R1) | Single family residential uses |
| East | Suburban Residential (R1) | Leckett Lane and single family residential uses |
| South | Suburban Residential (R1) | Single family residential uses |
| West | Broadwater Road | Broadwater Road / transportation |

Site Context

The property is bounded by residential uses to the north and south, residential uses and Leckett Lane to the east and Broadwater Road to the west. An existing single storey residence (162.6 m² / 1,750 ft² in size) currently

occupies the site. The unauthorized accessory structure is located in the rear of the site, and is 101.1 m² (1,088 ft²) in size.

On July 26, 2021 a Bylaw Offence Notice was given and a Stop Work Order was posted for commencing construction before obtaining a building permit. At the August 17, 2024 Regular Open Meeting the Regional Board resolved to place a Notice on Title in response to the above contravention.



Figure 1: Air Photo - Subject Property Overview

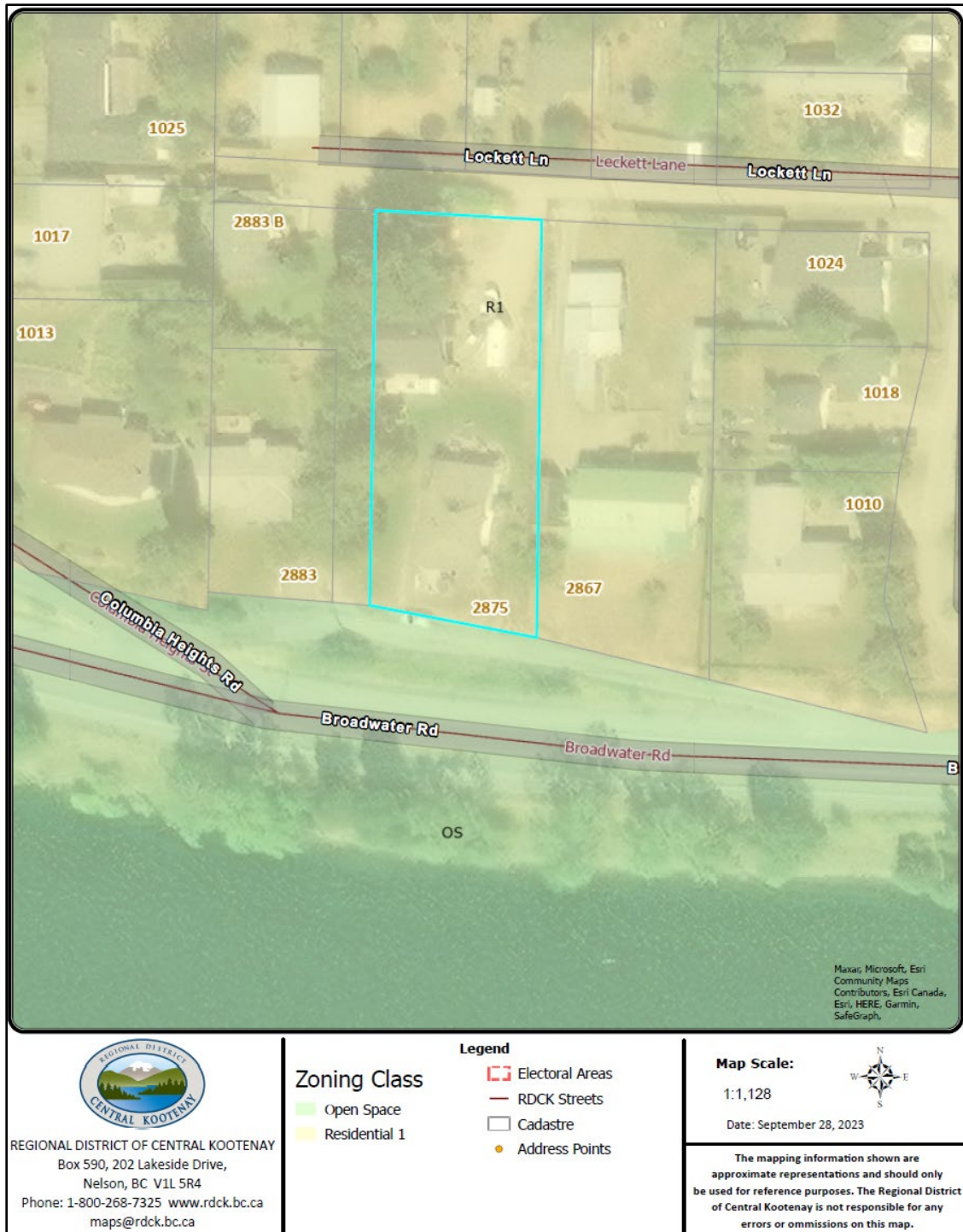


Figure 2: Zoning Overview Map

Development Proposal

This DVP seeks to vary Sections 701.7 and 701.8 of the *RDCK Zoning Bylaw No. 1675, 2004* for an existing unauthorized accessory structure constructed without the issuance of a Building Permit. In response, the applicants are requesting to increase:

- the maximum height of an accessory building from 6.0 metres to 7.54 metres; and,
- the maximum GFA of an accessory building from 100 m² to 101.1 m².

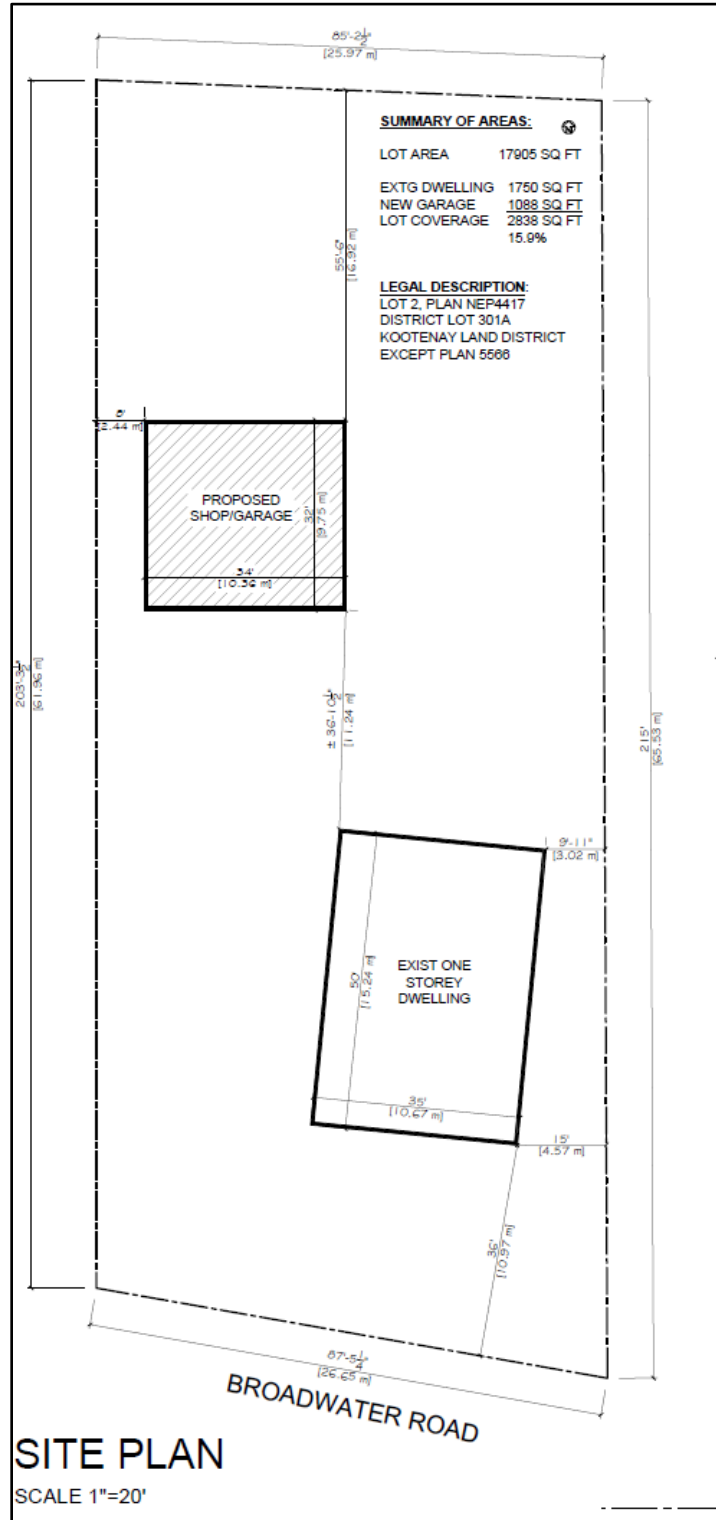


Figure 4: Site Plan

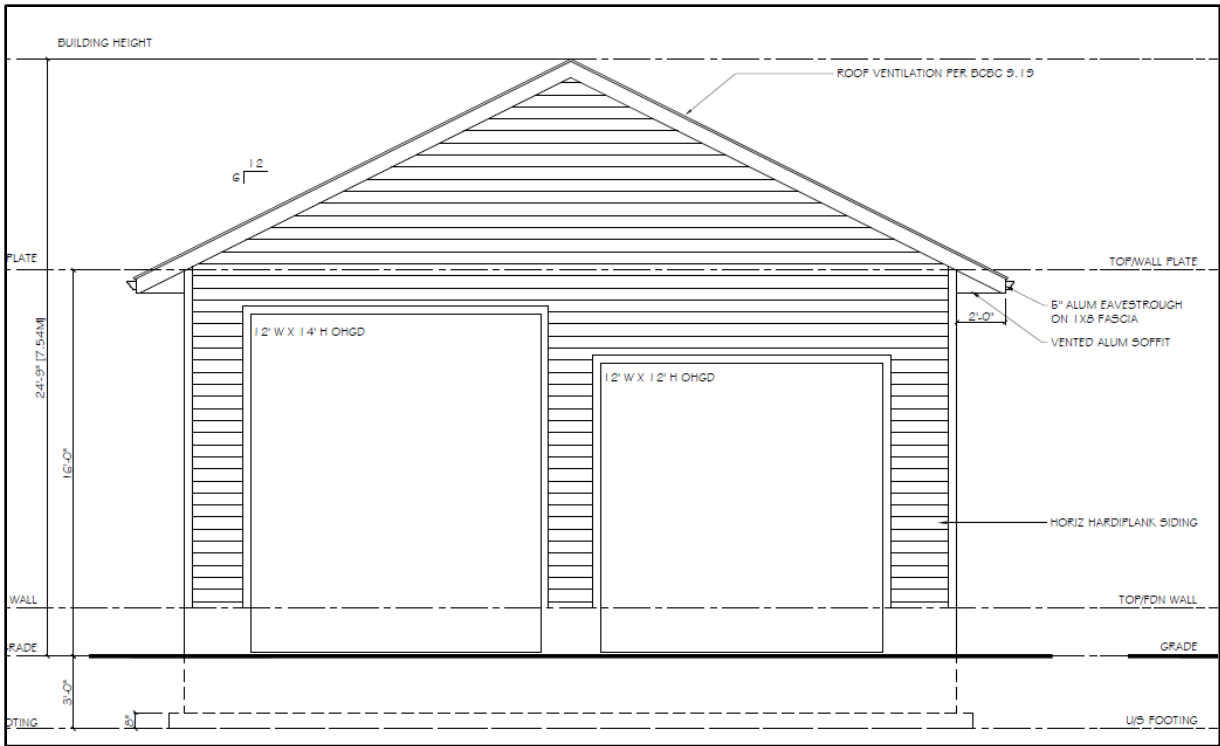


Figure 5: Building Elevation – East

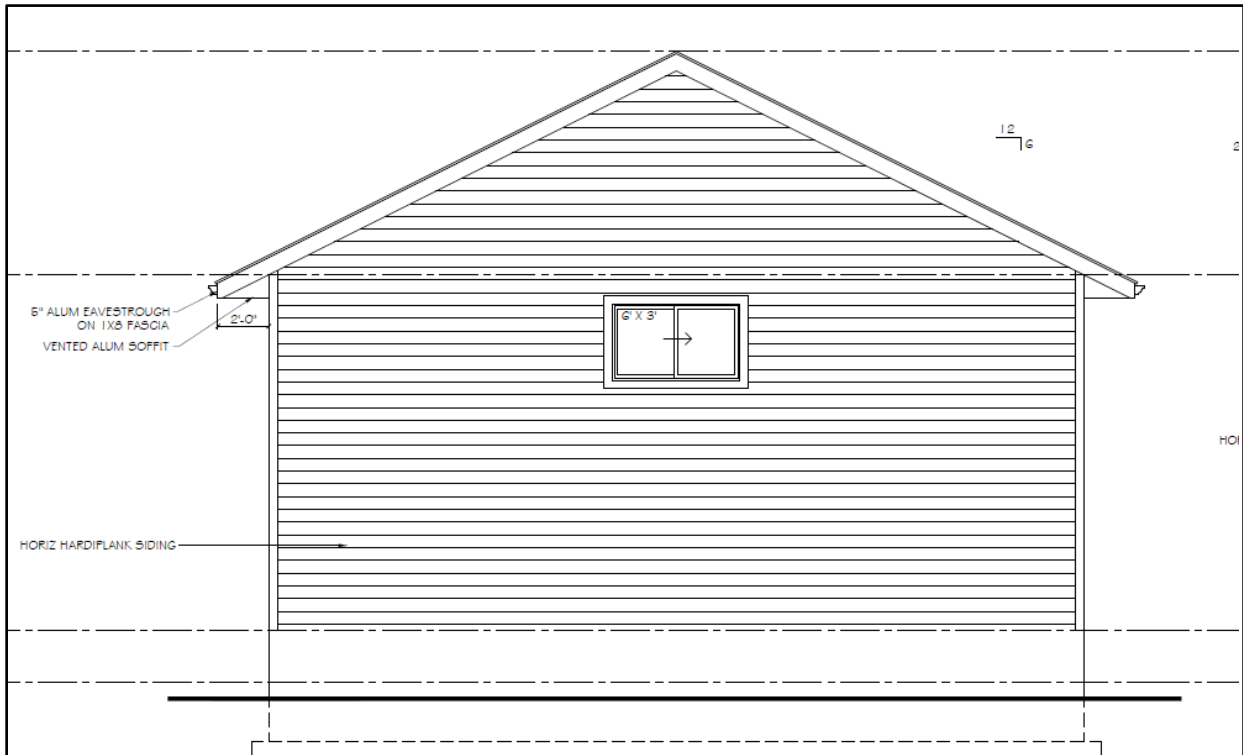


Figure 6: Building Elevation – West

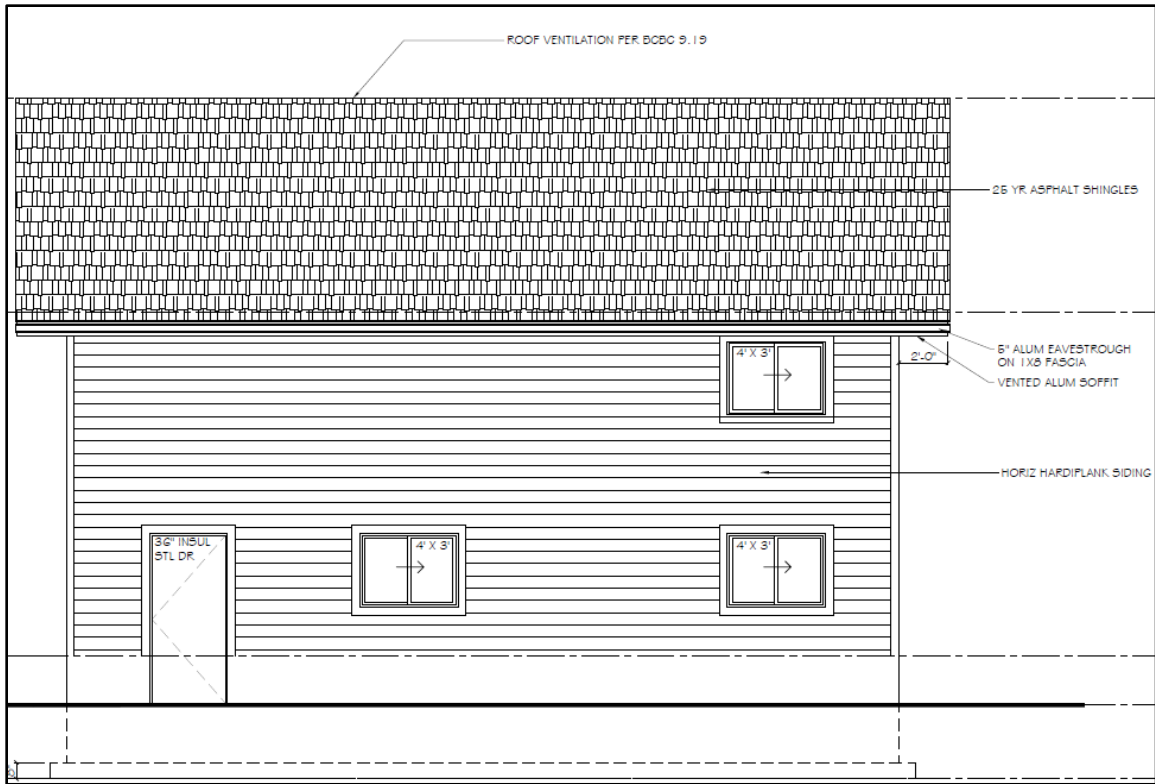


Figure 7: Building Elevation – North

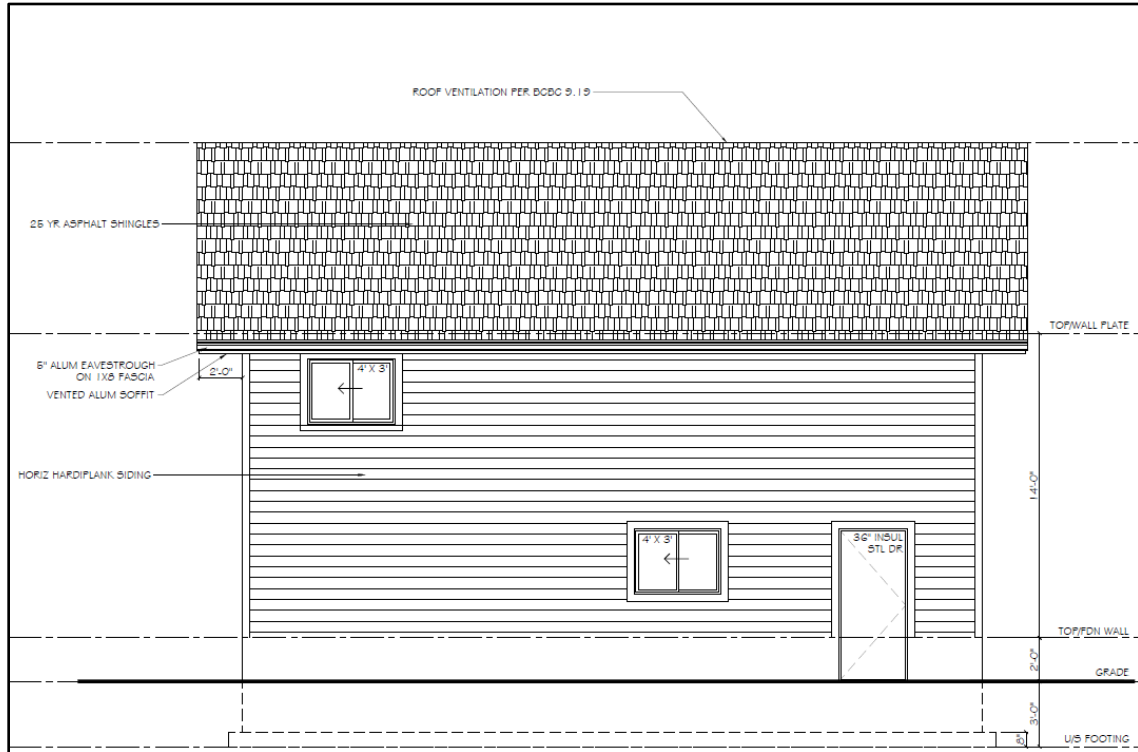


Figure 8: Building Elevation – South



Figure 9: Photo of Existing Unauthorized Accessory Structure



Figure 10: Photo of Existing Unauthorized Accessory Structure from Leckett Lane

Electoral Area 'J' Official Community Plan Bylaw No. 1157, 1996

Relevant Suburban Residential Policies:

3.2.2.1 The principal use shall be residential.

- 3.2.2.2 The minimum lot size shall be 2000 square metres.
- 3.2.2.3 One dwelling unit shall be permitted per 2000 square metres of site area.
- 3.2.2.4 Shall be serviced by a community water system.

Relevant Policies - Zoning:

Land use decisions for all zones shall be directed by the following criteria:

- 3.1.3.1 preservation of the rural nature of the area.
- 3.1.3.6 the desirability of securing reasonable privacy for residents.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:
Included in Financial Plan: Yes No **Financial Plan Amendment:** Yes No
Debt Bylaw Required: Yes No **Public/Gov’t Approvals Required:** Yes No

The \$500 fee for a DVP was paid pursuant to *RDCK Planning Procedures and Fees Bylaw No. 2457, 2015*.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

Under Section 498 of the *Local Government Act (LGA)*, the Board has the authority to vary provisions of a Zoning Bylaw (other than use or density) through a DVP.

3.3 Environmental Considerations

Since construction of the accessory structure occurred prior to obtaining the necessary Planning and Building Permits, the site has already been disturbed and any opportunity for staff to observe pre-construction conditions were not available.

3.4 Social Considerations:

No negative social considerations are anticipated from this DVP application.

3.5 Economic Considerations:

No economic considerations are anticipated from this DVP application.

3.6 Communication Considerations:

In accordance with the *LGA* and the *RDCK’s Planning Procedures and Fees Bylaw No. 2457, 2015* a sign describing the proposal was posted on the subject property, and notices were mailed to surrounding neighbours within a 100 metre radius of the subject property. To date, one piece of correspondence in support of the proposal has been received in response to the above notification and or notice sign posted.

Planning staff referred the application to all relevant government agencies, First Nations, internal RDCK departments, Advisory Planning and Heritage Commission and the Director for Electoral Area ‘J’ for review. The following comments were received:

The Ministry of Transportation and Infrastructure (MOTI)
“The Ministry has no objections with the proposed Development Variance Permit”.

Advisory Planning and Heritage Commission

It was moved and seconded, and resolved: *“That the Area ‘J’ Advisory Planning Commission SUPPORT the Development Variance Permit Application to Jonas Horvath and Lexis Dollevoet for the property located 2875 Broadwater Road...”*.

Interior Health

“In this case (a DVP application requesting to increase the maximum height of an accessory building), we have no role or comments to offer from a Healthy Communities perspective”.

Ministry of Water, Land and Resource Stewardship

“Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: Natural Resource Best Management Practices - Province of British Columbia (gov.bc.ca) and Develop with Care 2014 - Province of British Columbia.

Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial Wildlife Act and the federal Migratory Birds Convention Act. Guidelines to avoid harm to migratory birds can be found at: Guidelines to avoid harm to migratory birds - Canada.ca. If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:

| Bird Species | Least Risk Timing Windows |
|--|----------------------------------|
| Raptors (eagles, hawks, falcons, & owls) | Aug 15 – Jan 30 |
| Herons | Aug 15 – Jan 30 |
| Other Birds | Aug 1 – March 31 |

The introduction and spread of invasive species is a concern with all developments. The provincial Weed Control Act requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: Invasive species - Province of British Columbia. The Invasive Species Council of BC provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder’s responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.

Section 33.1 of the provincial Wildlife Act prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.

If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).

Developments must be compliant with all other applicable statutes, bylaws, and regulations”.

Building Services

The following comments were received from Building Services:

“Structure has been built without permit or inspections. As part of application for building permit, a Professional engineer is to review the bearing surface, foundations, and all framing, and to accept the building and its placement, as compliant with requirements of the British Columbia Building Code, PRIOR to resubmission of building application.

All other documents as required for accessory building application are to be re-submitted for a new application after approval of the DVP. Construction plans are to reflect the as-built condition for review of conformance to Building Code”.

FortisBC

“With respect to the above noted file,

Land Rights Comments

- There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric (“FBC(E)”) services, if required.*

Operational & Design Comments

- There are FortisBC Electric (“FBC(E)”) primary distribution facilities along Broadwater Road.*
- All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.*
- The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.*
- For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements”.*

3.7 Staffing/Departmental Workplace Considerations:

Should the Board support the requested variance, staff would issue the Permit and register a Notice of Permit on the property’s Title. A Building Permit would then be required to review the unauthorized construction of this building.

3.8 Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Planning staff support the issuance of this DVP since:

- The proposal is consistent with the relevant suburban residential objectives and policies in *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996*, and all other zoning regulations within the *RDCK's Zoning Bylaw No. 1675, 2004*, including internal setback and site coverage requirements under the Suburban Residential (R1) Zone.
- One email of support was received from an adjacent property owner (Attachment 'C'), and no neighbourhood concerns in response to the development notice sign posted on the subject property and or notices mailed to adjacent properties about the proposed variances were received.
- The existing accessory structure is buffered from the adjacent property to the north by mature trees and Leckett Lane to the rear (east).
- The aggravating factor of the unauthorized construction—however disappointing—is insufficient to outweigh the alternative of relocating the structure to satisfy the required setback as well as reconstructing the building to satisfy the height restrictions, particularly since those exceedances are relatively minor.

It is for the above reasons that staff recommend that the Board proceed with the issuance of this DVP.

Options

Option 1: That the Board APPROVE the issuance of Development Variance Permit V2307J-01455.042 to Jonas Russell Horvath and Lexis Tori Dollevoet for the property located at 2875 Broadwater Road and legally described as LOT 2 DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 4417 EXCEPT PART INCLUDED IN PLAN 5566 (PID: 013-787-381) to vary Sections 701.7 and 701.8 of the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to permit the existing unauthorized accessory structure, as follows:

1. Increase the maximum height of an accessory building from 6.0 metres to 7.54 metres; and,
2. Increase the maximum gross floor area of an accessory building from 100 m² to 101.1 m².

Option 2: That the Board NOT APPROVE the issuance of Development Variance Permit V2307J-01455.042 to Jonas Russell Horvath and Lexis Tori Dollevoet for the property located at 2875 Broadwater Road and legally described as LOT 2 DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 4417 EXCEPT PART INCLUDED IN PLAN 5566 (PID: 013-787-381) to vary Sections 701.7 and 701.8 of the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to permit the existing unauthorized accessory structure, as follows:

1. Increase the maximum height of an accessory building from 6.0 metres to 7.54 metres; and,
2. Increase the maximum gross floor area of an accessory building from 100 m² to 101.1 m².

SECTION 5: RECOMMENDATION

That the Board APPROVE the issuance of Development Variance Permit V2307J-01455.042 to Jonas Russell Horvath and Lexis Tori Dollevoet for the property located at 2875 Broadwater Road and legally described as LOT 2 DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 4417 EXCEPT PART INCLUDED IN PLAN 5566 (PID: 013-787-381) to vary Sections 701.7 and 701.8 of the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* to permit the existing unauthorized accessory structure, as follows:

1. Increase the maximum height of an accessory building from 6.0 metres to 7.54 metres; and,
2. Increase the maximum gross floor area of an accessory building from 100 m² to 101.1 m².

Respectfully submitted,

"Submitted electronically"

Stephanie Johnson

CONCURRENCE

Planning Manager – Nelson Wight **Digitally approved**

General Manager of Development and Community Sustainability – Sangita Sudan **Digitally approved**

Chief Administrative Officer – Stuart Horn **Digitally approved**

ATTACHMENTS:

Attachment A – Draft Development Variance Permit

Attachment B – Excerpt from *RDCK Zoning Bylaw No. 1675, 2004*

Attachment C – Letter of Support



Development Variance Permit

V2307J (Horvath & Dollevoet)

Date:

Issued pursuant to Section 498 of the *Local Government Act*

TO: Jonas Russell Horvath
Lexis Tori Dollevoet

ADMINISTRATION

1. This Development Variance Permit (DVP) is issued subject to compliance with all of the bylaws of the Regional District of Central Kootenay (RDCK) applicable thereto, except as specifically varied or supplemented by this Permit.
2. The land described shall be developed strictly in accordance with the terms and conditions and provisions of this DVP, and any plans and specifications attached to this Permit that shall form a part thereof.
3. This DVP is not a Building Permit.

APPLICABILITY

4. This DVP applies to and only to those lands within the RDCK described below, and any and all buildings, structures and other development thereon, substantially in accordance with Schedules '1', '2' and '3':

Address: 2875 Broadwater Road

Legal: LOT 2 DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 4417 EXCEPT PART INCLUDED
IN PLAN 5566

PID: 013-787-381

CONDITIONS

5. Development Variance

Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, Sections 701.7 and 701.8 are varied as follows:

1. Increase the maximum height of an accessory building or structure from 6.0 metres to 7.54 metres.
2. Increase the maximum gross floor area of an accessory building or structure from 100 m² to 101.1 m².

6. Schedule

If the holder of the DVP does not substantially start any construction or does not register the subdivision with respect to which the permit was issued within two years after the date it is issued, the permit lapses.

7. Other

Authorized resolution *[enter resolution number]* passed by the RDCK Board on the _____ day of _____, 20_____.


The Corporate Seal of
THE REGIONAL DISTRICT OF CENTRAL KOOTENAY
was hereunto affixed in the presence of:

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 1: Subject Property





REGIONAL DISTRICT OF CENTRAL KOOTENAY
 Box 590, 202 Lakeside Drive,
 Nelson, BC V1L 5R4
 Phone: 1-800-268-7325 www.rdck.bc.ca
maps@rdck.bc.ca

Legend

- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

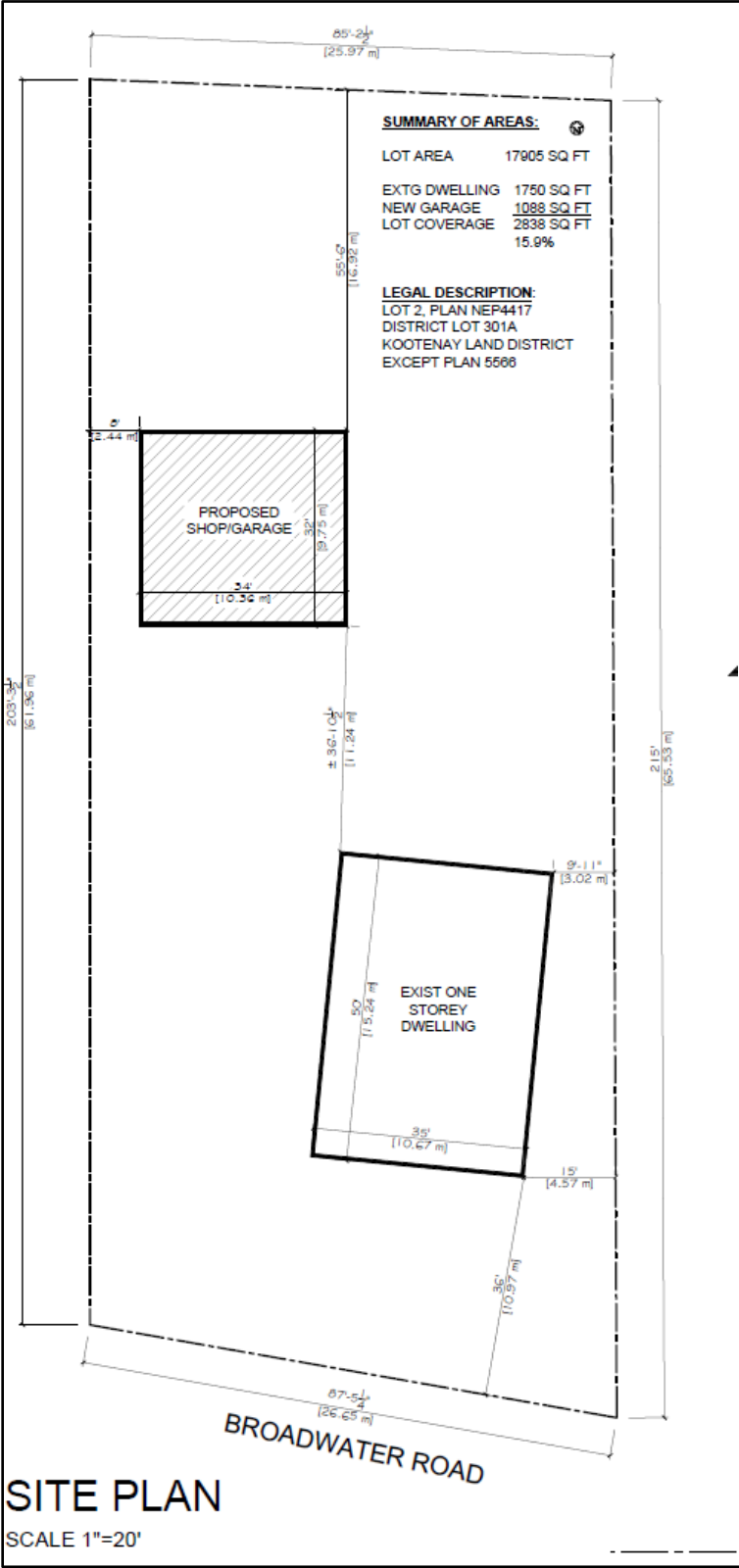
Map Scale: 1:1,128

Date: September 28, 2023

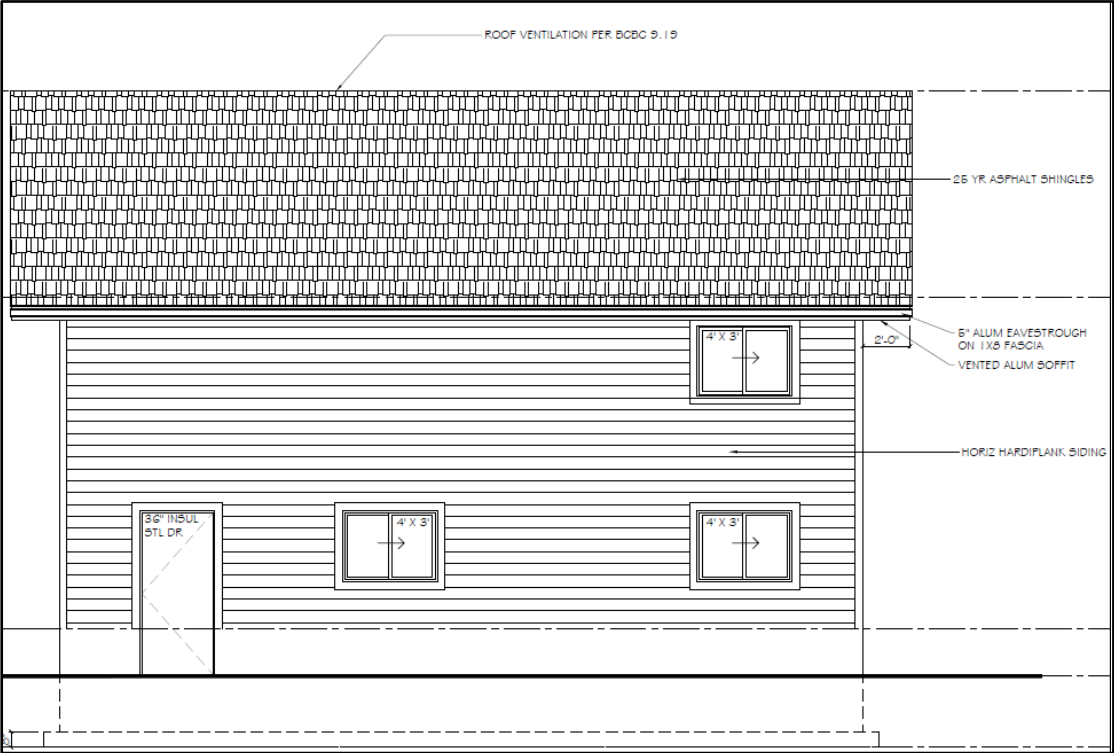


The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

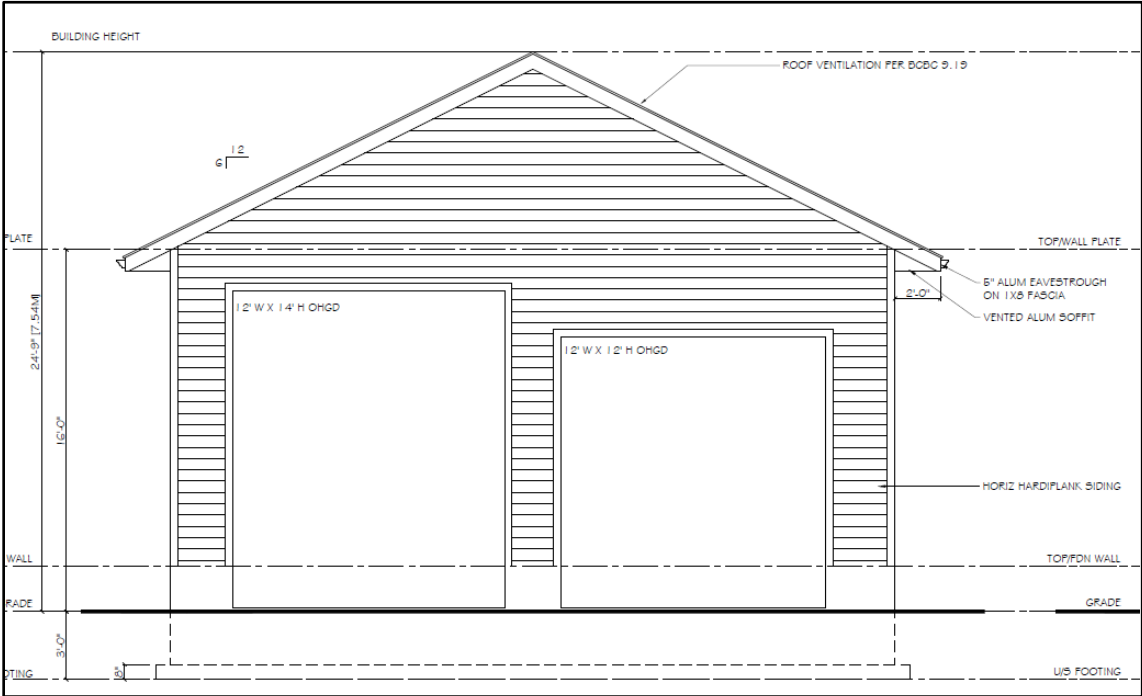
Schedule 2: Site Plan



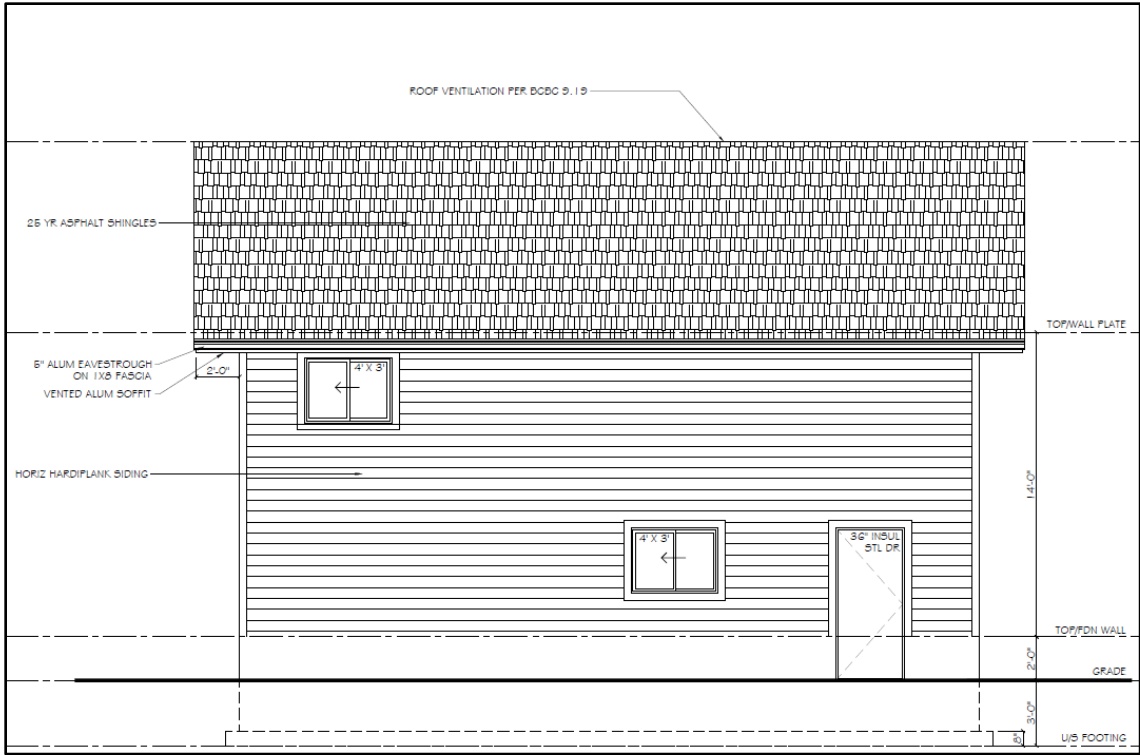
Schedule 3: Building Elevations



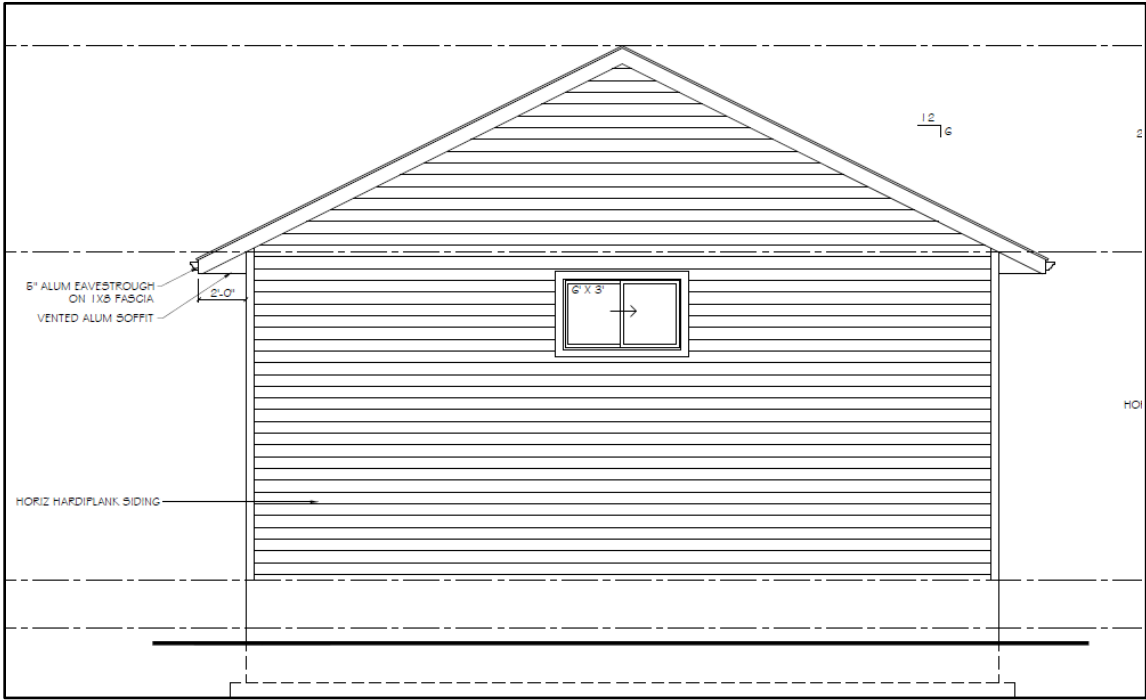
Building Elevation – North



Building Elevation – East



Building Elevation – South



Building Elevation – West

DIVISION 7 SUBURBAN RESIDENTIAL (R1)**Permitted Uses**

700 Land, buildings and structures in the Suburban Residential (R1) zone shall be used for the following purposes only:

Dwellings:

One-Family

Two-Family

Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Horticulture

Keeping of Farm Animals

Sale of Site Grown Farm Products

Development Regulations

701

1 The minimum site area for the following uses shall be required as follows:

| | Community Water Supply and Community Sewer System | Community Water Supply Only | On-Site Servicing Only |
|---------------------|---|-----------------------------|------------------------|
| One-Family Dwelling | 700 square metres | 0.2 hectare | 1.0 hectare |
| Two-Family Dwelling | 1,000 square metres | 0.4 hectare | 1.0 hectare |

2 The maximum site coverage is 50 percent of the site area.

3 Buildings and structures shall not cover more than 33 percent of the site area.

4 The keeping of farm animals shall comply with the requirements of section 613 except that under all circumstances swine shall not be kept on any lot.

5 Farm animals and poultry shall be caged, fenced or housed at all times.

6 No principal building may exceed ten (10) metres in height.

7 The maximum height of any accessory building or structure shall not exceed 6 metres.

8 The maximum gross floor area of any accessory building or structure shall not exceed 100 square metres.

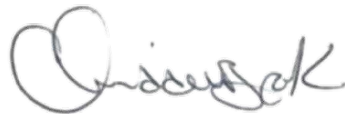
- 9 The cumulative gross floor area of all accessory buildings or structures shall not exceed 200 square metres.
- 10 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 11 Landscape screens or fences not exceeding a height of one (1) metre may be sited on any portion of a lot.
- 12 Fences not exceeding a height of two (2) metres may be sited to the rear of the required front lot line setback only.

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
FILE: V2307J APPLICANTS: HORVATH & DOLLEVOET

The building in question is nestled beautifully in the large trees on their land and the extra 1.54 meters in height does not detract from the overall beauty of the land, or surrounding areas.

We have no issues with this permit or the building, and we live only 2 doors down from this property.



1024 Quance St, Robson, BC

Name: Doug and Cheryl Middlebrook

Date: Oct 28, 2023

Agency:

Title:

RETURN TO: STEPHANIE JOHNSON, PLANNER
 DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES
 REGIONAL DISTRICT OF CENTRAL KOOTENAY
 BOX 590, 202 LAKESIDE DRIVE
 NELSON, BC V1L 5R4
 Ph. 250-352-1585
 Email: plandept@rdck.bc.ca



Committee Report

Date of Report: March 1, 2024
Date & Type of Meeting: March 20, 2024 Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: SITE SPECIFIC EXEMPTION TO THE FLOODPLAIN MANAGEMENT BYLAW
File: F2304A – Drysdale
Electoral Area/Municipality A

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Regional Board to consider an application for a Site Specific Exemption to Regional District of Central Kootenay Floodplain Management Bylaw No. 2080, 2009, in Electoral Area 'A'.

The applicant seeks relief from the 15 metre floodplain setback for Kootenay Lake specified in the RDCK Floodplain Management Bylaw No. 2080, 2009 in order permit an existing deck—which is attached to the dwelling—in its current location, which is 10 metres from the Natural Boundary of Kootenay Lake.

Staff recommend that the Board approve the site specific exemption to the Floodplain Management Bylaw subject to the registration of a Section 219 restrictive covenant, indemnifying the Regional District and confirming that the deck may be used safely for the intended use.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owners: John Drysdale, Bradley Douglas Drysdale

Property Location: 10789 Highway 3A, Electoral Area 'A'

Legal Description: LOT A DISTRICT LOT 913 KOOTENAY DISTRICT PLAN 5183 (PID: 014-539-551)

Property Size: 2.2 ha (5.4 acres)

Zoning: Country Residential (R2) – Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013

Land Use Designation: Country Residential (RC) – Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013

SURROUNDING LAND USES

North: Country Residential (R2)

West: Resource Area (RA) – Kootenay Lake

East: Country Residential (R2)

South: Country Residential (R2)

Background and Site Context

The subject property is located approximately 32 km north of the Town of Creston in Electoral Area 'A'. There is a partially constructed one-family dwelling located on the subject property which has been considered under four (4) different building permits since 1985. Since that time different portions of the dwelling, including the deck being considered by this application, were constructed without building permits or prior to the issuance of building permits. The dwelling and the deck are now being considered under Building Permit File No. BP027620 which has been submitted to permit the different portions of unauthorized construction that was completed throughout the years.

Due to topographic constraints (exposed bedrock and steep slopes) with much of the subject property, the building site was chosen as it is one of the only flat areas large enough to accommodate a dwelling, on-site wastewater system and the driveway/parking area associated with the dwelling. The footprint of the dwelling is outside of the 15 metre floodplain setback. This application is required in order to authorize the deck that is structurally attached to the partially constructed dwelling to remain in its current location which at the closest point is 10 metres from the natural boundary of Kootenay Lake. The house and the deck both comply with the required Flood Construction Level of 536.5 metres G.S.C.



Figure 1 - Location Map

Legislative Framework and Applicable Policy

Under Section 524 of the *Local Government Act (LGA)*, a local government may exempt a person from the application of a floodplain bylaw in relation to a specific building if the local government considers it advisable and either:

- Considers that the exemption is consistent with the Provincial Guidelines; or
- Has received a report that the land may be used safely for the use intended where such a report is certified by a person who is a professional engineer or geoscientist and experienced in geotechnical engineering.

The RDCK provides qualified professionals with a Terms of Reference documents, “*Professional Engineers/Geoscientists undertaking Geotechnical Reports/Flood Hazard Assessment Reports*” which outlines basic information that should be included in such reports.

The report, “*Flood Hazard Assessment 10789 Highway 3A (Lot A, Plan NEP 5183, District Lot 913, Kootenay Land District) for John Drysdale*” prepared by SNT Geotechnical Ltd., dated July 4, 2023 was submitted with the application for an exemption (see Attachment ‘A’) and meets the requirements set out under the above-mentioned Terms of Reference. The report verifies that “the deck may be used safely for the use intended”.

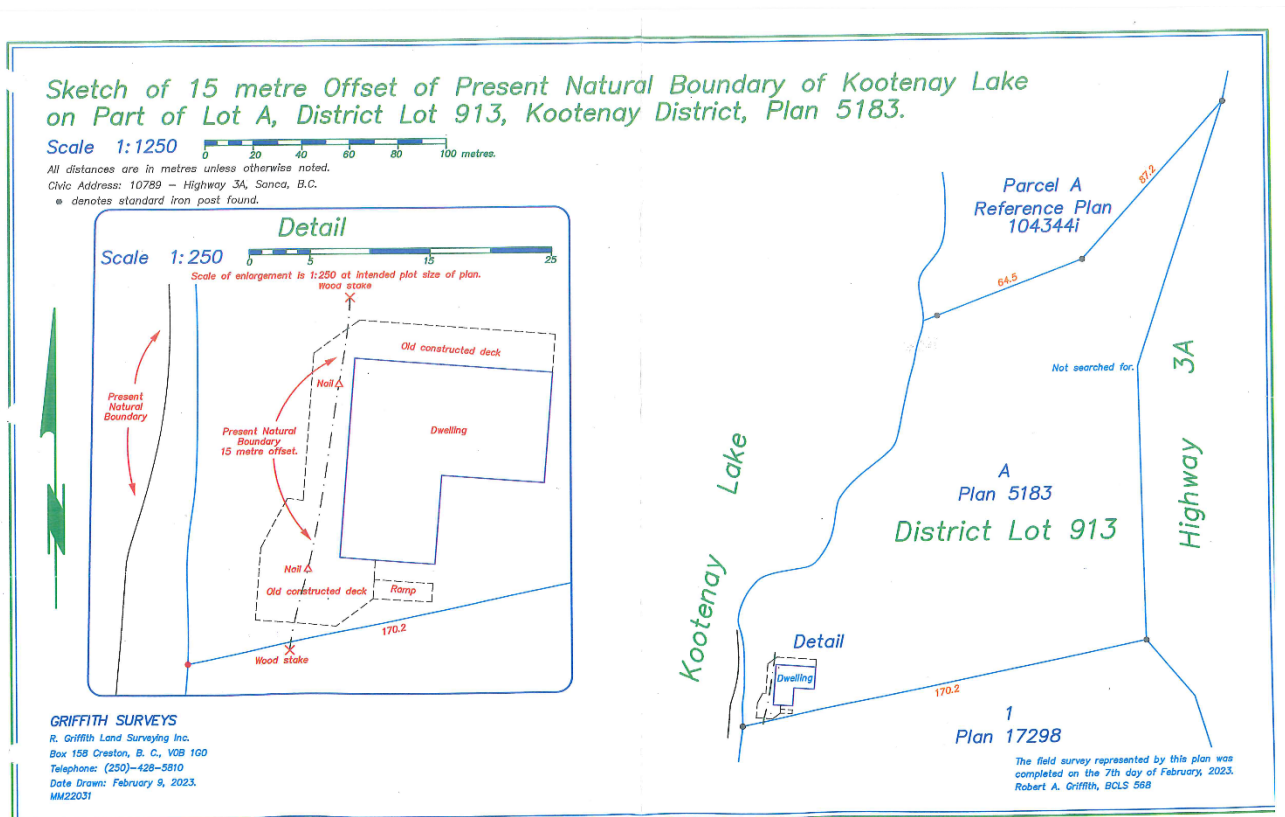


Figure 2 – Sketch Plan showing the 15 metre floodplain setback and the location of the existing dwelling and deck. See Attachment ‘B’ for a full size version of this sketch plan.



Figure 3 - View looking north towards the deck and dwelling. The red line shows the location of the 15 metre floodplain setback.



Figure 4 - View looking south from the deck. The red line shows the location of the 15 metre floodplain setback.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:

Yes No

Financial Plan Amendment:

Yes No

Debt Bylaw Required:

Yes No

Public/Gov't Approvals Required:

Yes No

The \$500 fee for a Site Specific Floodplain Exemption application has been paid pursuant to the RDCK's *Planning Procedures and Fees Bylaw No. 2457, 2015*.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

Under Section 524 of the *LGA*, the Board has the authority to exempt a development proposal from "requirements in relation to floodplain areas" provided a report prepared by a professional engineer or geoscientist is received stating that the land may be used safely for the use intended.

3.3 Environmental Considerations

The deck that is being considered by this site specific floodplain exemption application is partially within the Environmentally Sensitive Development Permit (ESDP) Area associated with Kootenay Lake. A “DP Exemption Memo” prepared by a Mary Louise Polzin, PhD., RPBio. and Sr. Ecologist/Riparian Specialist at Vast Resource Solutions Inc. was submitted with the application which indicates the following: “In summary, there is no water interface between Kootenay Lake and the designated riparian zone by the ESDP as it occurs on top of a bedrock cliff. There is no riparian soil development, and no riparian vegetation. The area within the ESDP is not classified as riparian habitat. No environmental impacts are anticipated on this developed site.”

Based on the information provided by the Qualified Environmental Professional, an ESDP application is not required.

3.4 Social Considerations:

No negative social impacts are associated with this site specific exemption application.

3.5 Economic Considerations:

No economic considerations are anticipated in response to this land use application.

3.6 Communication Considerations:

In accordance with the RDCK’s *Planning Procedures and Fees Bylaw No. 2457, 2015* staff referred the application to all relevant government agencies, internal RDCK departments and the Director for Electoral Area ‘A’ for review. The following comments were received:

Electoral Area ‘A’ APHC (from the minutes of the February 1, 2024 meeting)

The following was discussed:

- The applicant gave a brief overview of their application
- The commissioners asked clarifying questions regarding engineering reports and when applications are required
- The commissioners noted the non-necessity of the Environmentally Sensitive Development Permit (ESDP) application due to the lack of impact on the riparian area as demonstrated by the Qualified Environmental Professional (QEP)

MOVED and seconded,

AND Resolved that it be recommended to the Board:

That the Area A Advisory Planning Commission **SUPPORT** the Site Specific Floodplain Exemption Application to John Drysdale for the property located 10789 Highway 3A and legally described as LOT A DISTRICT LOT 913 KOOTENAY DISTRICT PLAN 5183

Ministry of Transportation and Infrastructure (West Kootenay District) – Development Services Officer

The applicant of the file received an access permit for residential use off Highway 3A from the Ministry of Transportation and Infrastructure under file 2015-02116. As the proposed land use will remain as residential, the Ministry has no concerns with the proposed deck addition.

Ministry of Forests – Crown Land Authorizations

From the provided site plans, there does not appear to be any conflicts with crown land. However, please ensure that all construction, including the dwelling, deck, and driveway, are all located within the surveyed boundaries of the private property. Any overlap, construction or overhanging decks on crown land is not permitted. Given the location of the property, I would also like to note that should there be any intent to use crown land to access the lake or install a dock, the applicant should contact FrontCounter BC for more information.

FortisBC – Contract Land Agent, Property Services

Land Rights Comments

- *There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric (“FBC(E)”) services, if required.*

Operational & Design Comments

- *There are FortisBC Electric (“FBC(E)”) primary distribution facilities along Highway 3A.*
- *All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.*
- *The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.*
- *For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.*

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- *Electrician’s Name and Phone number*
- *[FortisBC Total Connected Load Form](#)*
- *Other technical information relative to electrical servicing*

For more information, please refer to FBC(E)’s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

Ministry of Water Lands and Resource Stewardship – Ecosystems Section Head

The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:

1. *All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to.*
2. *Changes in and about a “stream” [as defined in the [Water Sustainability Act \(WSA\)](#)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the [Water Sustainability Regulation](#). Authorized changes must also be compliant with the [Kootenay-Boundary Terms and Conditions and Timing Windows](#) documents. Applications to conduct works in and about streams can be submitted through [FrontCounter BC](#).*
3. *No “development” should occur within 15 m of the “stream boundary” of any “stream” [all as defined in the [Riparian Areas Protection Regulation \(RAPR\)](#)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of [RAPR](#) are required to ensure that all development is compliant with RAPR.*

4. The federal [Species at Risk Act \(SARA\)](#) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to [Resource Inventory Standard Committee \(RISC\)](#) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific [Recovery Strategy or Management Plan](#) documents, and to ensure proposed activities will not adversely affect SEAR or their [Critical Habitat for Federally-listed Species at Risk \(Posted\)](#).
5. Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: [Natural Resource Best Management Practices - Province of British Columbia \(gov.bc.ca\)](#) and [Develop with Care 2014 - Province of British Columbia](#).
6. Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial [Wildlife Act](#) and the federal [Migratory Birds Convention Act](#). Guidelines to avoid harm to migratory birds can be found at: [Guidelines to avoid harm to migratory birds - Canada.ca](#). If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:

| Bird Species | Least Risk Timing Windows |
|--|----------------------------------|
| Raptors (eagles, hawks, falcons, & owls) | Aug 15 – Jan 30 |
| Hérons | Aug 15 – Jan 30 |
| Other Birds | Aug 1 – March 31 |

7. The introduction and spread of invasive species is a concern with all developments. The provincial [Weed Control Act](#) requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: [Invasive species - Province of British Columbia](#). The [Invasive Species Council of BC](#) provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.
8. Section 33.1 of the provincial [Wildlife Act](#) prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.
9. If this referral is in relation to a potential environmental violation it should be reported online at [Report All Poachers & Polluters \(RAPP\)](#) or by phone at 1-877-952-RAPP (7277).
10. Developments must be compliant with all other applicable statutes, bylaws, and regulations.

RDCK Building Services

The portion of deck within the setback should not pose any concerns with regard to F2304A. A building permit (BP27620) is currently under review and includes the existing deck. A schedule C-B prepared by an engineer has been provided for the deck.

3.7 Staffing/Departmental Workplace Considerations:

Should the Board support the requested site specific floodplain exemption to reduce the floodplain setback, including registration of a restrictive covenant on title, the RDCK Building Department would then proceed with the review of Building Permit No. 027620 to consider the ongoing construction of the dwelling and attached deck.

3.8 Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Staff have reviewed this application for a site specific exemption to the floodplain management bylaw and conducted a site visit. Other than the exemption requested, being a reduction of the 15 metre floodplain setback to 10 metres in order to authorize the construction an existing deck, the proposal is consistent with the relevant objectives, policies and zoning regulations under the *Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315*.

The **Provincial Guidelines** or the Flood Hazard Area Land Use Management Guidelines for landowner requests for modification of bylaws provides the following guidance:

Setback requirements should not be reduced unless a serious hardship exists and no other reasonable option is available. A valid hardship should only be recognized where the physical characteristics of the lot (e.g., exposed bedrock, steep slope, the presence of a watercourse, etc.) and size of the lot are such that building development proposals, consistent with land use zoning bylaws, cannot occur unless the requirements are reduced.

The majority of the subject property is covered by exposed bedrock and steep slopes. The applicant has indicated that the building site was chosen as it is one of the only flat areas on the lot that could accommodate a dwelling, septic system and driveway/parking areas. These constraints were confirmed by staff during a site visit on February 7, 2024. Based on the physical characteristics of the site, a case of hardship has been presented.

The dwelling and all habitable interior floor area comply with the required 15 metre floodplain setback and 536.5 G.S.C. flood construction level. The portion of the development that does not comply with the RDCK Floodplain Management Bylaw regulations is the deck, which encroaches into the required setback by 5 metres necessitating this application for a site specific floodplain exemption in order to permit a setback of 10 metres for the deck that is structurally attached to the dwelling.

Planning staff support the requested floodplain exemption, since:

- The applicants have engaged a professional geotechnical engineer, who have submitted a report confirming that the deck may be used safely for the intended use; and,

- The flood hazard assessment prepared by SNT Geotechnical Ltd. has been reviewed by Regional District staff and meets the necessary assurance requirements and is consistent with the Provincial flood hazard land use management guidelines; and,
- Much of the property is impacted by steep slopes and exposed bedrock which makes it difficult to build further away from the lake; and,
- The existing dwelling complies with the requirements of RDCK Floodplain Management Bylaw no. 2080, 2009 and the requested exemption only applies to the deck that is structurally attached to the dwelling.

OPTIONS

Option 1

That the Board APPROVE a Site Specific Floodplain Exemption to permit the construction of a deck with a floodplain setback of 10 metres in accordance with the Engineering Report prepared by SNT Geotechnical Ltd. for property located at 10789 Highway 3A, Electoral Area 'A' and legally described as LOT A DISTRICT LOT 913 KOOTENAY DISTRICT PLAN 5183 (PID: 014-539-551), SUBJECT to preparation by John Drysdale and Bradley Drysdale of a restrictive covenant under Section 219 of the Land Title Act and Section 56 of the Community Charter in favour of the Regional District of Central Kootenay.

Option 2

That the Board NOT APPROVE a Site Specific Floodplain Exemption to permit the construction of a deck with a floodplain setback of 10 metres in accordance with the Engineering Report prepared by SNT Geotechnical Ltd. for property located at 10789 Highway 3A, Electoral Area 'A' and legally described as LOT A DISTRICT LOT 913 KOOTENAY DISTRICT PLAN 5183 (PID: 014-539-551), SUBJECT to preparation by John Drysdale and Bradley Drysdale of a restrictive covenant under Section 219 of the Land Title Act and Section 56 of the Community Charter in favour of the Regional District of Central Kootenay.

SECTION 5: RECOMMENDATIONS

That the Board APPROVE a Site Specific Floodplain Exemption to permit the construction of a deck with a floodplain setback of 10 metres in accordance with the Engineering Report prepared by SNT Geotechnical Ltd. for property located at 10789 Highway 3A, Electoral Area 'A' and legally described as LOT A DISTRICT LOT 913 KOOTENAY DISTRICT PLAN 5183 (PID: 014-539-551), SUBJECT to preparation by John Drysdale and Bradley Drysdale of a restrictive covenant under Section 219 of the Land Title Act and Section 56 of the Community Charter in favour of the Regional District of Central Kootenay.

Respectfully submitted,

Zachari Giacomazzo, Planner

CONCURRENCE

Planning Manager – Nelson Wight **Digitally approved**
 General Manager Sustainability and Development Services – Sangita Sudan **Digitally approved**

Chief Administrative Officer – Stuart Horn **Digitally approved**

ATTACHMENTS:

Attachment A – Geotechnical Report

Attachment B – Survey Plan prepared by Griffith Surveys



Suite #4, 385 Baker Street
Nelson, BC, V1L 4H6
250 509 1009

Flood Hazard Assessment 10789 Hwy 3A (Lot A, Plan NEP5183,
District Lot 913, Kootenay Land District
for
John Drysdale

Report Number: 23.540.13

Distribution:

John Drysdale – 1 copy

SNT Geotechnical Ltd. – 1 copy



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1. Introduction

At the request of John Drysdale, SNT Geotechnical Ltd. (SNTG) has completed a flood hazard assessment report for 10789 Hwy 3A (LOT A, PLAN NEP5183, DISTRICT LOT 913, KOOTENAY LAND DISTRICT). The report is required to support an application to the Regional District of Central Kootenays (RDCK) for a site-specific exemption from the floodplain setback requirement from the natural boundary of Kootenay Lake required by RDCK Floodplain Management Bylaw No. 2080. A site survey indicates that a portion of the deck for the building infringes within the 15 m floodplain setback specified in the bylaw.

2. Site Location

The property is located 32 km north of Creston as shown in Figures 1 and 2. The property is bounded by Kootenay Lake to the west, private property to the north and south and Hwy 3A to the east. The property is situated on relatively steep bedrock dropping from elevation 595 m at the highway to approximately 550 m at the house on the cliff above the lake (see Figure 3). Figure 4 is a copy of the property site plan.

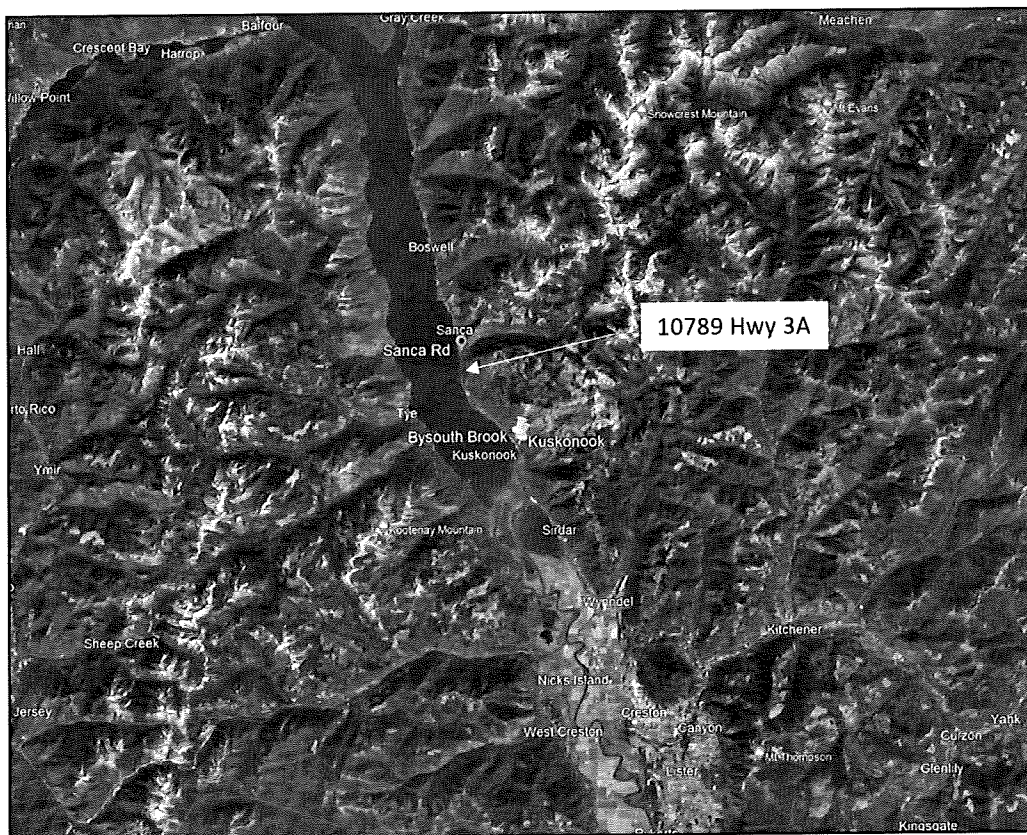


Figure 1. Property Location – source Google Earth Image

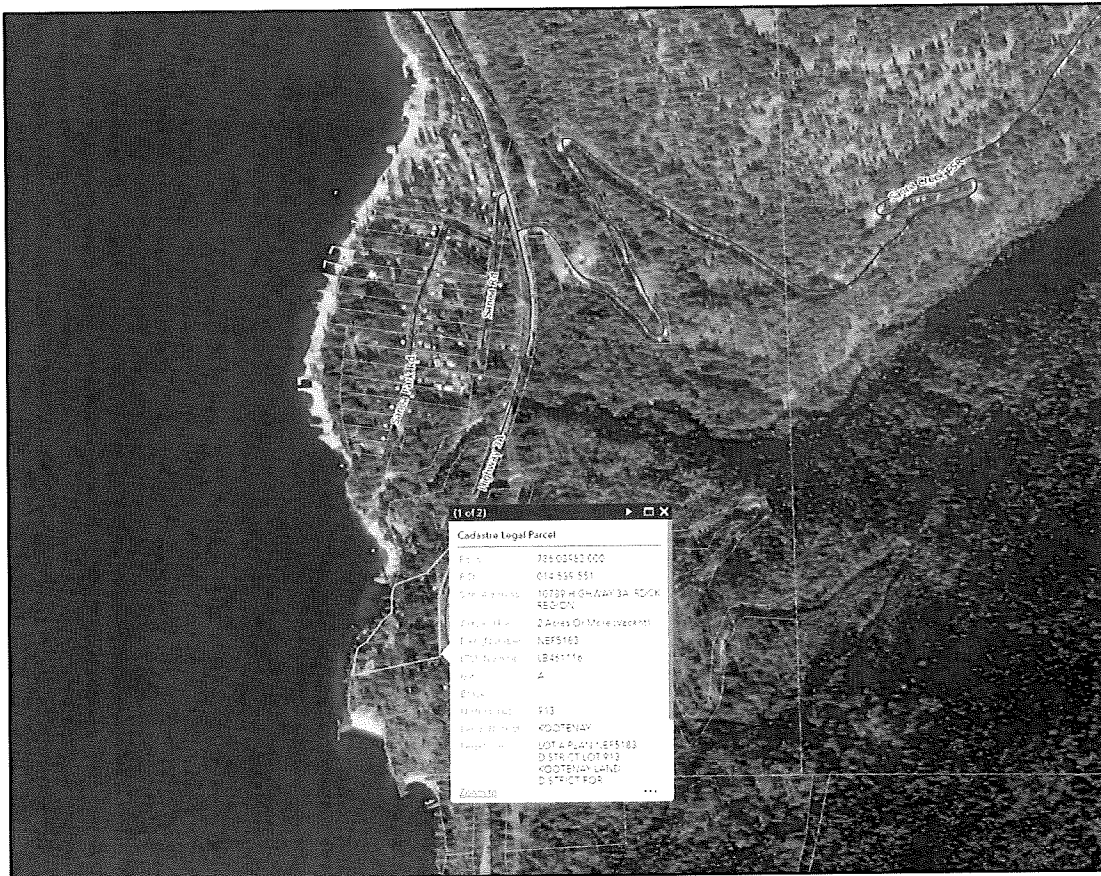


Figure 2. Property Location –Source RDCK webmap

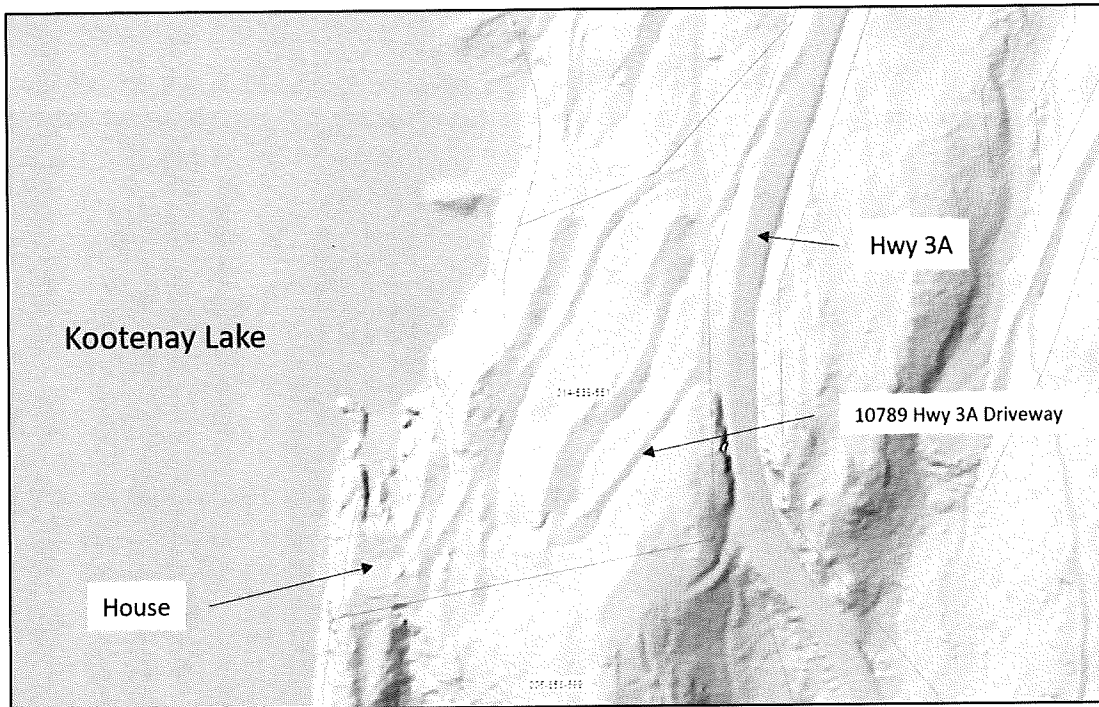


Figure 3: Lidar Imagery – Source Cambio Community Web Application

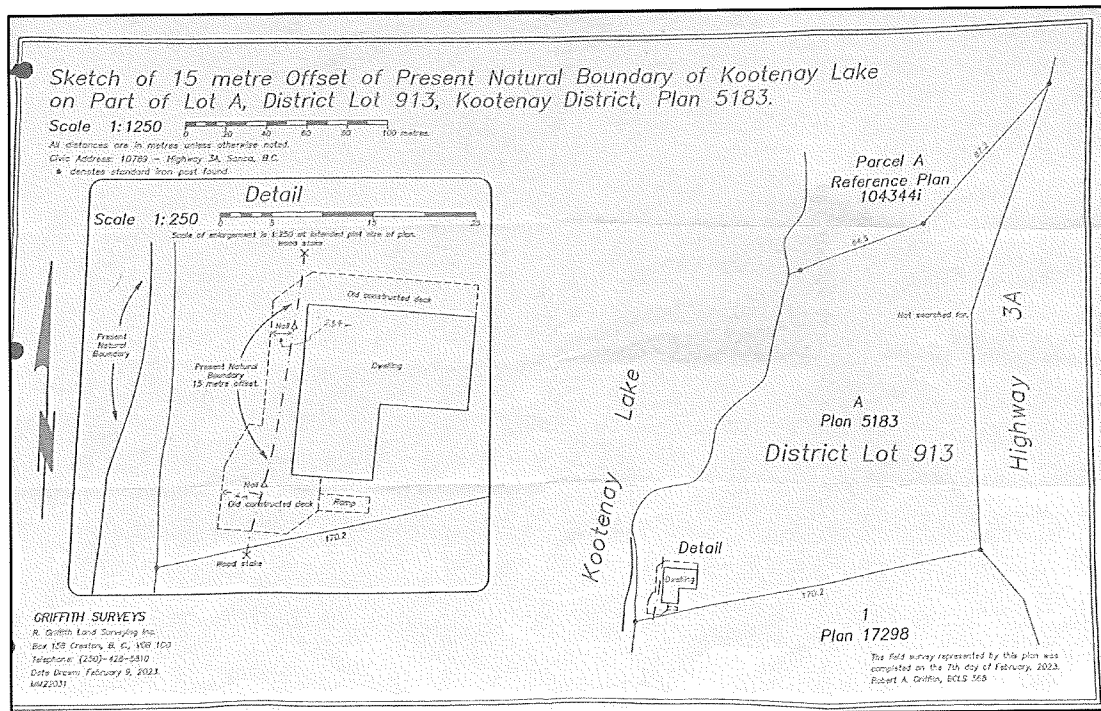


Figure 4: Site Plan



3. Project Scope

Table 1 provides the list of tasks completed.

Table 1: Task List

| Activity | Task |
|--------------|---|
| Field Review | Inspect subject property |
| | Observe and record hazard information |
| Office | Review background information |
| | Identify hydrogeomorphic hazards |
| | Assess hazards considering provincial thresholds for safety |
| | Analysis and report writing |

4. Background Information

The following is a summary of background information used to complete the assessment.

4.1. RDCK Floodplain Management Bylaw

The building site is located on the east shore of Kootenay Lake and is subject to the floodplain regulations specified in RDCK Floodplain Management Bylaw No. 2080. As shown in Figure 5, the Kootenay Lake Flood Construction Level (FCL) is 536.5 m, and the building floodplain setback requirement is 15m horizontal distance from the natural boundary of the property.



Figure 5: Flood Construction Level and Flood Plain Setback for Kootenay Lake – Source RDCK webmap

4.2. Land Title Search

The land title search completed by SNTG on June 13, 2023, did not identify any flood hazard related restrictive covenants on the property. A copy of the title search results is provided in Appendix A.

4.3. Existing Reports

4.3.1 Vast Resource Solutions Inc. - Environmentally Sensitive Development Permit Review:

Vast Resource Solutions Inc was hired in November 2020 to complete an assessment of the infringement into the riparian area along the Kootenay Lake foreshore. The assessment concluded the following:

“The development permit Area 1: Environmentally Sensitive Development Permit (ESDP) Area qualifies for an exemption. In summary, there is no water interface between Kootenay Lake and the designated riparian zone by the ESDP as it occurs on top of a bedrock cliff. There is no riparian soil development and no riparian vegetation. The area within the ESDP is not classified as riparian habitat.”



4.3.2 British Columbia Building Code 2018 – Schedule C-B Assurance of Professional Field Review and Compliance

In March 2023, structural engineer David Dwyer, P.Eng. completed a review of the deck constructed by the Client. The review concluded that the deck constructed meets the 2018 British Columbia Building Code (BCBC 2018) requirements. A copy of Schedule C-B is included as Appendix B.

5. Field Observations

A field review was completed by the undersigned on June 22, 2023. Photographs referenced in this report are shown in Appendix C.

The building and deck have been constructed on a bedrock cliff above Kootenay Lake (Photos 1 to 5). Using a range finder, the vertical distance from the present lake water line to the deck foundation was measured to be 18 m. The bedrock is a Proterozoic aged siltstone of the Dutch Creek formation. As shown in Photos 2 and 3, the cliff face proximal to the deck has fractured vertical rock slabs approximately 0.6 m thick. The unstable/weakened bedrock extends approximately 1.5 m horizontal distance into the cliff face.

6. Hazard Assessment

The level of safety on properties affected by flooding in BC is assessed using a design flood event with a 200-year return period. The Kootenay Lake Flood Construction Level (FCL) and building floodplain setback distance have been set at 536.5 m and 15m horizontal distance, respectively (see Section 4.1). The FCL is the elevation of the projected one in 200-hundred-year flood lake level with a 0.6 m freeboard allowance added. The 15 m building setback distance from the natural boundary is required to reduce the risk of damage from shoreline erosion by wave action.

The building and deck foundation were measured to be approximately 18 m above the Kootenay Lake level on June 22, 2023. The lake level on this day was 531.66 m (Fortis BC website). The approximate elevation of the building and deck foundation is 549.7 m, which is 13.2 m above the FCL. Consequently, the likelihood of damage from high lake water levels at the building and deck location is negligible.

The bedrock along the shoreline is highly resistant to direct hydraulic forces caused by wave action. However, it is susceptible to spalling where the surface slabs fall off into the lake due to root jacking or frost action (see Photos 2 and 3). Open cracks are visible on the outer 2 to 3 layers of vertical slabs on the cliff face proximal to the deck location. This weakened layer extends approximately 1.5 m into the cliff face. The deck is situated approximately 10 m horizontal



distance from the cliff face and there is considered to be a very low likelihood of damage from the loss of cliff face due to progressive spalling at the cliff face due to wave action.

7. Conclusions And Recommendations

The following conclusions and recommendations resulting from the investigation:

1. The flood hazard at the building deck associated with Kootenay Lake was found to be very low to non-existent.
2. The cliff face fronting the deck shows signs of weakness from spalling rock slabs. However, the hazard at the building deck foundation due to wave erosion is considered very low to non-existent.
3. The use intended is identified as the construction of a deck within the prescribed floodplain setback distance from Kootenay Lake at 10789 Hwy 3A. This study has found that the deck may be used safely for the intended use as required under Section 56 of the Community Charter.
4. This report does not provide or imply design considerations related to foundation soil bearing capacity, site drainage, potential slope instabilities or other slope related hazards.

8. Flood Hazard Assurance Statement

A flood hazard assurance statement is included in Appendix D.

9. Closure – Report Use and Limitations

This report is prepared for the exclusive use of John Drysdale and the RDCK and may not be used by other parties without the written permission of SNT Geotechnical Ltd.

The use of this report is subject to the conditions on the Report Interpretation and Limitations sheet which is included with this report (Appendix E). The reader's attention is drawn specifically to those conditions, as it is considered essential that they be followed for proper use and interpretation of this report.

The material in this report reflects SNTG's best judgment and professional opinion in light of the information available to it at the time of preparation. Any use which a third party makes of this report or any reliance on or decision to be made based on it are the responsibility of such third parties. SNTG accepts no responsibility for damages, if any, suffered by any third party as a result of a decision made or action based, or lack thereof, on this report. No other warranty is made, either expressed or implied.



Flood Hazard Assessment 10789 Hwy 3A

July 12, 2023

The report and assessment have been carried out in a manner consistent with that level of care and skill ordinarily exercised by members of the engineering profession currently practicing under similar conditions in the jurisdiction in which the services are provided, subject to the time limits and physical constraints applicable to this report.

Prepared by:

A handwritten signature in black ink that reads 'Dwain Boyer'.



SNTG Permit Number 1001083

Dwain Boyer, P. Eng
SNT Geotechnical Ltd.

Reviewed by:

Pete Wittstock, P.Eng.
SNT Geotechnical Ltd.



10. References

1. Engineers and Geoscientists of BC 2018 Professional Practice Guidelines, Legislated Flood Assessments in a changing Climate in BC Version 2.1 August 28, 2018
2. MFLNRORD, 2004, Flood Hazard Area Land Use Management Guidelines
3. Regional District of Central Kootenays, Nov. 2009, Terms of Reference for Requirements for Professional Engineering/Geoscientists Undertaking Geotechnical Reports/Flood Hazard Assessments Reports
4. Vast Resource Solutions Ltd, Nov. 2020, Exemption demonstration for ESDP area for John Drysdale at Kootenay Lake, Civic Address: 10765, Highway 3A, Sanca, BC.



Appendix A - Land Title Search Results

**TITLE SEARCH PRINT**

2023-06-13, 09:40:42

File Reference:

Requestor: Dwain Boyer

Declared Value \$ 466000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

| | |
|---------------------------------------|---|
| Land Title District | NELSON |
| Land Title Office | NELSON |
| Title Number | LB461116 |
| From Title Number | LB461115 |
| Application Received | 2011-04-11 |
| Application Entered | 2011-04-13 |
| Registered Owner in Fee Simple | |
| Registered Owner/Mailing Address: | JOHN DRYSDALE, RETIRED RR#1 SITE 1 BOX 2 SANCA, BC V0B 1A2 KATHERINE ANN DRYSDALE, PHYSIOTHERAPIST #302, 234 - 5TH AVENUE NE CALGARY, AB T2E 0K6 BRADLEY DOUGLAS DRYSDALE, COOK 329 - 6TH AVENUE NORTH CRESTON, BC V0B 1G0 AS JOINT TENANTS |
| Taxation Authority | Nelson Trail Assessment Area |
| Description of Land | |
| Parcel Identifier: | 014-539-551 |
| Legal Description: | LOT A DISTRICT LOT 913 KOOTENAY DISTRICT PLAN 5183 |
| Legal Notations | NONE |



TITLE SEARCH PRINT

2023-06-13, 09:40:42

File Reference:

Requestor: Dwain Boyer

Declared Value \$ 466000

Charges, Liens and Interests

| | |
|-----------------------------|--|
| Nature: | UNDERSURFACE RIGHTS |
| Registration Number: | Q29860 |
| Registration Date and Time: | 1981-10-29 08:53 |
| Registered Owner: | MARGARET ROBERTSON |
| Remarks: | INTER ALIA ALL MINERALS PRECIOUS AND BASE (SAVE COAL, PETROLEUM AND NATURAL GAS) IN OR UNDER LOT 14227 KNOWN AS "LAKEVIEW" MC KD TRANSFER OF 37936D MINERALS FORFEITED TO CROWN XD3756 14 02 1990 |

| | |
|-----------------------------|------------------------|
| Nature: | STATUTORY RIGHT OF WAY |
| Registration Number: | LB469873 |
| Registration Date and Time: | 2011-06-15 12:54 |
| Registered Owner: | FORTISBC INC. |

Duplicate Infeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE



Flood Hazard Assessment 10789 Hwy 3A

July 12, 2023

Appendix B – Building Code Schedule C-B



BRITISH COLUMBIA BUILDING CODE 2018

SCHEDULE C-B

Forming Part of Subsection 2.2.7, Division C of the
British Columbia Building Code

Building Permit Number
(for authority having jurisdiction's use)

ASSURANCE OF PROFESSIONAL FIELD REVIEW AND COMPLIANCE

- Notes: (i) This letter must be submitted after completion of the project but prior to final inspection by the authority having jurisdiction. A separate letter must be submitted by each registered professional of record.
 (ii) This letter is endorsed by: Architectural Institute of BC, Association of Professional Engineers and Geoscientists of the Province of BC, Building Officials' Association of BC, and Union of BC Municipalities.
 (iii) In this letter the words in italics have the same meaning as in the British Columbia Building Code.

To: The authority having jurisdiction

RDCK

Name of Jurisdiction (Print)

Re: **STRUCTURAL**

Discipline (e.g. Architectural, etc.) (Print)

DRYSDALE DECK and Record of Deck as Bull.

Name of Project (Print)

10765 HWY 3A Sanca BC

Address of Project (Print)

(Each registered professional of record shall complete the following:)

David Dwyer P. Eng. egbc#22264

Name (Print)

645 Meadow Creek Road

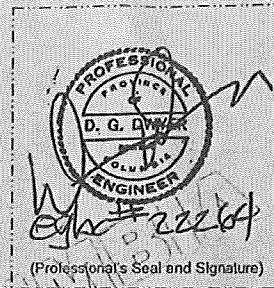
Address (Print)

Meadow Creek BC V0G 1N0

Address (Print) (continued)

(250) 366-4342

Phone Number



(Professional's Seal and Signature)

March 10, 2023

Date

I hereby give assurance that

- (a) I have fulfilled my obligations for *field review* as outlined in Subsection 2.2.7, Division C of the British Columbia Building Code and in the previously submitted Schedule B, "ASSURANCE OF PROFESSIONAL DESIGN AND COMMITMENT FOR FIELD REVIEW," and
- (b) those components of the project opposite my initials in Schedule B substantially comply in all material respects with:
 - (i) the applicable requirements of the British Columbia Building Code and other applicable enactments respecting safety, not including construction safety aspects, and
 - (ii) the plans and supporting documents submitted in support of the application for the *building permit*.
- (c) I am a *registered professional of record* as defined in the British Columbia Building Code.

(If the registered professional of record is a member of a firm, complete the following:)

I am a member of the firm _____

and I sign this letter on behalf of the firm.

(Print name of firm)

Note: The above letter must be signed by a *registered professional of record*, who is a *registered professional*. The British Columbia Building Code defines a *registered professional* to mean

- (a) a person who is registered or licensed to practise as an architect under the Architects Act, or
- (b) a person who is registered or licensed to practise as a professional engineer under the Engineers and Geoscientists Act.

1 of 1

CRP's Initials

British Columbia Building Code 2018



Appendix C - Photographs

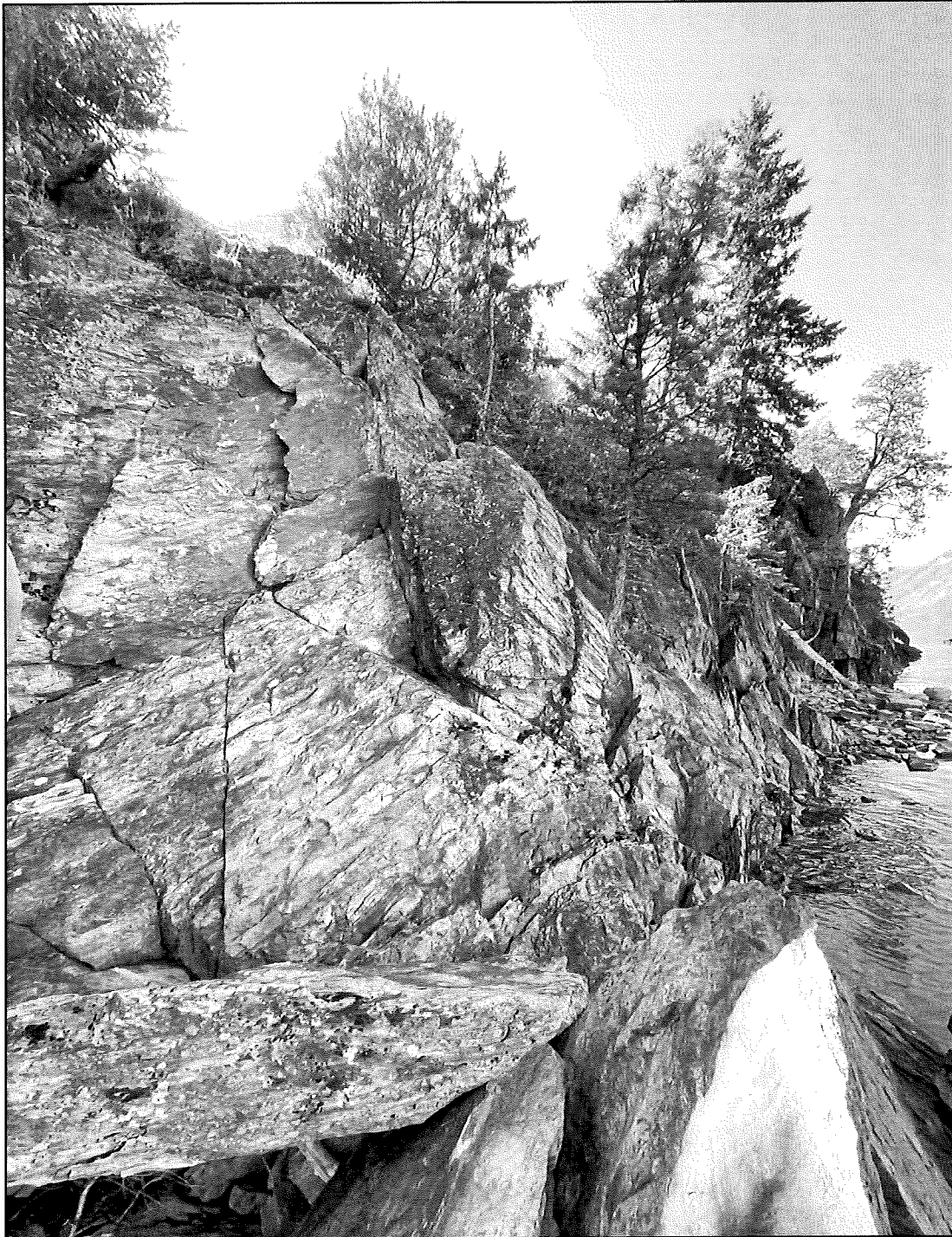


Photo 1: View looking south from the north end of the property at the lake shore line

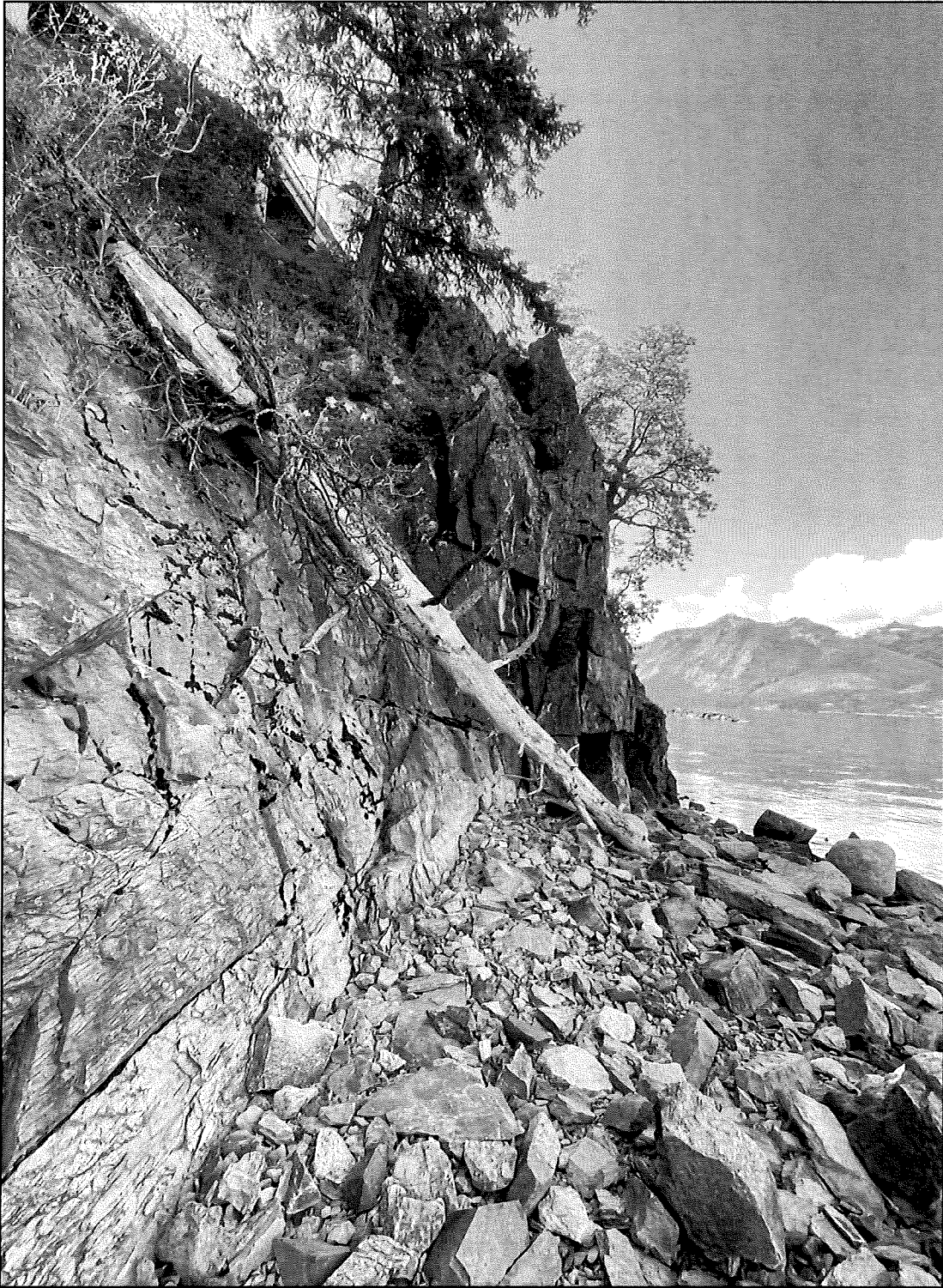


Photo 2: View looking at cliff face between the building and lake

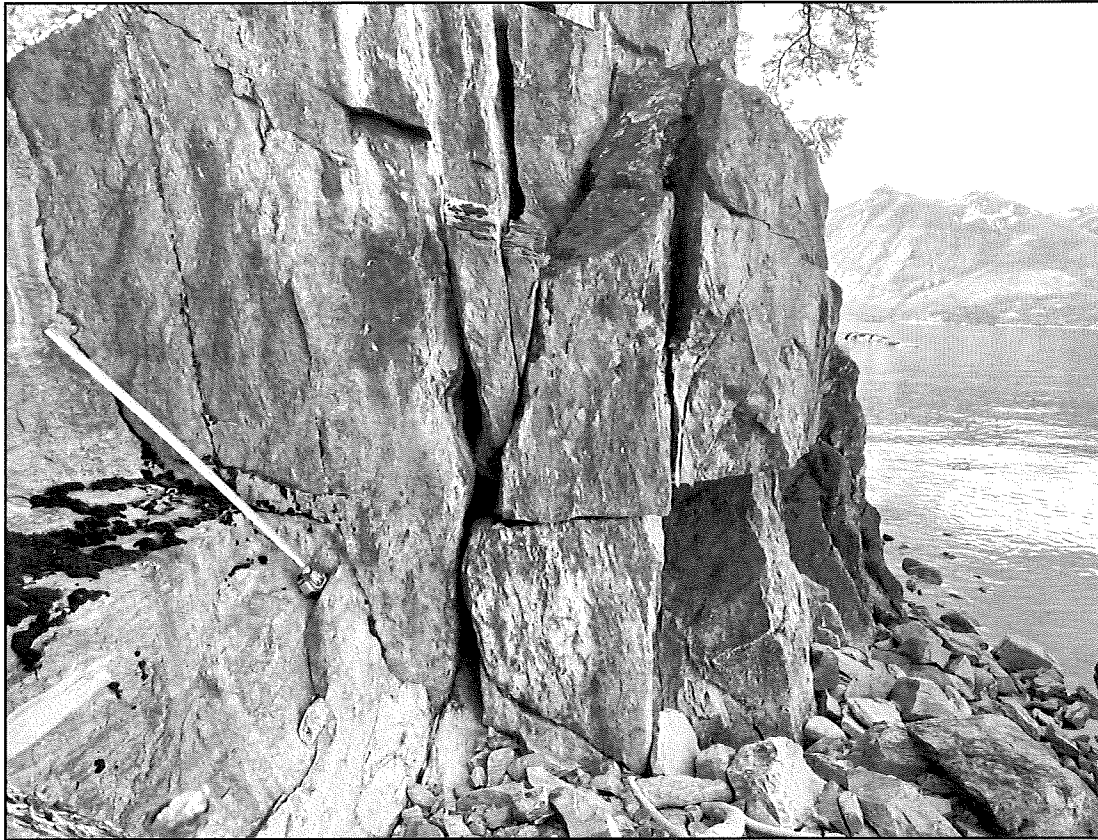


Photo 3: Looking south with closer view of fractured bedrock face- tape measure is set at 1.0 m



Photo 4: View looking north from the south property line.

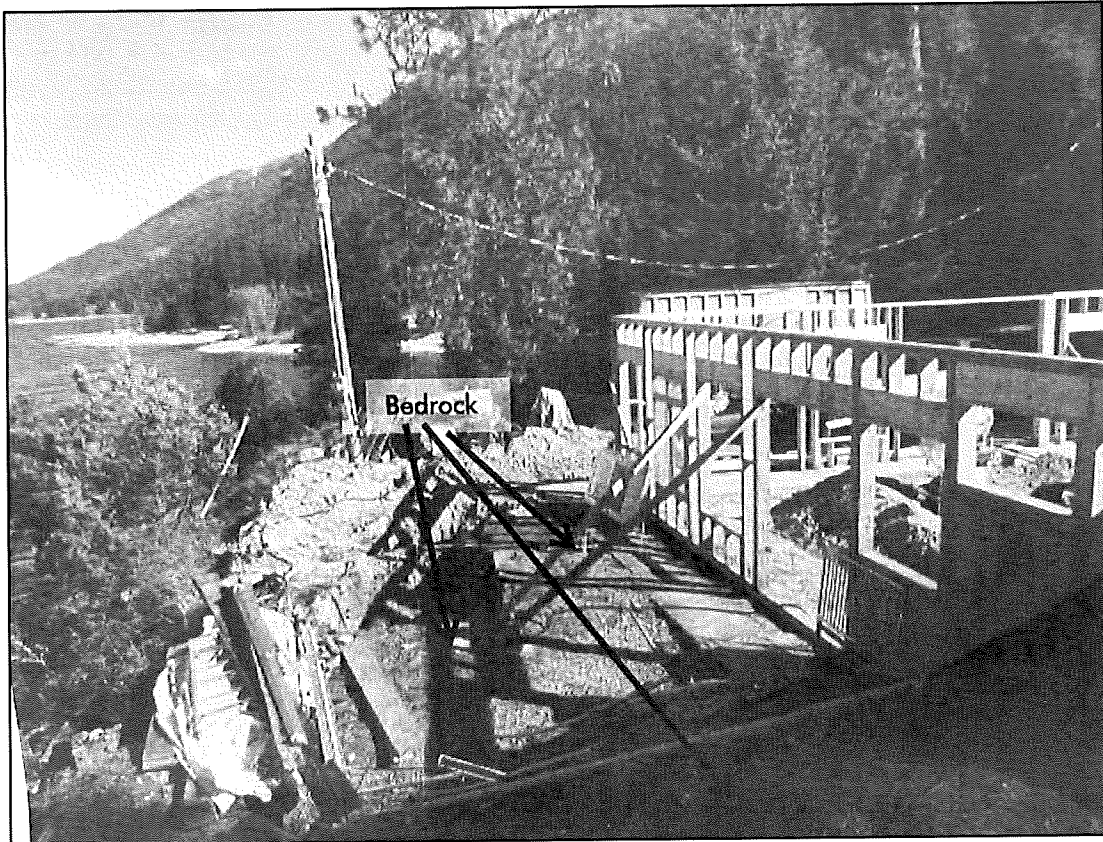


Photo 5: View looking north from south side of the property – source VAST Resource Solutions 2020



Appendix D - Flood Hazard and Risk Assurance Statement



APPENDIX J: FLOOD HAZARD AND RISK ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Professional Practice Guidelines - Legislated Flood Assessments in a Changing Climate, March 2012 ("APEGBC Guidelines") and is to be provided for flood assessments for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The Approving Authority

Date: June 28, 2023

RACK
Nelson BC
Jurisdiction and address

With reference to (check one):

- Land Title Act (Section 86) – Subdivision Approval
- Local Government Act (Sections 919.1 and 920) – Development Permit
- Community Charter (Section 56) – Building Permit
- Local Government Act (Section 910) – Flood Plain Bylaw Variance
- Local Government Act (Section 910) – Flood Plain Bylaw Exemption

For the Property

Lot A, Plan NEPSIBS, DL 913, KLD 10789 Hwy 3A
Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer* or *Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached flood assessment report on the Property in accordance with the APEGBC Guidelines. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- 1. Collected and reviewed appropriate background information
- 2. Reviewed the proposed *residential development* on the Property
- 3. Conducted field work on and, if required, beyond the Property
- 4. Reported on the results of the field work on and, if required, beyond the Property
- 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *flood hazard analysis* or *flood risk analysis* I have:
 - 6.1 reviewed and characterized, if appropriate, floods that may affect the Property
 - 6.2 estimated the *flood hazard* or *flood risk* on the property
 - 6.3 included (if appropriate) the effects of climate change and land use change
 - 6.4 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
 - 6.5 estimated the potential *consequences* to those *elements at risk*
- 7. Where the *Approving Authority* has adopted a specific level of *flood hazard* or *flood risk* tolerance or return period that is different from the standard 200-year return period design criteria⁽¹⁾, I have
 - 7.1 compared the level of *flood hazard* or *flood risk* tolerance adopted by the *Approving Authority* with the findings of my investigation
 - 7.2 made a finding on the level of *flood hazard* or *flood risk* tolerance on the Property based on the comparison
 - 7.3 made recommendations to reduce the *flood hazard* or *flood risk* on the Property

⁽¹⁾ *Flood Hazard Area Land Use Management Guidelines* published by the BC Ministry of Forests, Lands, and Natural Resource Operations and the 2009 publication *Subdivision Preliminary Layout Review – Natural Hazard Risk* published by the Ministry of Transportation and Public Infrastructure. It should be noted that the 200 year return period is a standard used typically for rivers and purely fluvial processes. For small creeks subject to debris floods and debris flows return periods are commonly applied that exceed 200 years. For life-threatening events including debris flows, the Ministry of Transportation and Public Infrastructure stipulates in their 2009 publication *Subdivision Preliminary Layout Review – Natural Hazard Risk* that a 10,000-year return period needs to be considered



Flood Hazard Assessment 10789 Hwy 3A

July 12, 2023

8. Where the Approving Authority has not adopted a level of flood risk or flood hazard tolerance I have:
- 8.1 described the method of flood hazard analysis or flood risk analysis used
 - 8.2 referred to an appropriate and identified provincial or national guideline for level of flood hazard or flood risk
 - 8.3 compared this guideline with the findings of my investigation
 - 8.4 made a finding on the level of flood hazard or flood risk tolerance on the Property based on the comparison
 - 8.5 made recommendations to reduce flood risks
9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

- Check one
- the findings from the investigation and the adopted level of flood hazard or flood risk tolerance (item 7.2 above)
 - the appropriate and identified provincial or national guideline for level of flood hazard or flood risk tolerance (item 8.4 above)

I hereby give my assurance that, based on the conditions contained in the attached flood assessment report,

- Check one
- for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended".
- Check one
- with one or more recommended registered covenants.
 - without any registered covenant.
- for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".
 - for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended".
- Check one
- with one or more recommended registered covenants.
 - without any registered covenant.
- for flood plain bylaw variance, as required by the Flood Hazard Area Land Use Management Guidelines associated with the Local Government Act (Section 910), "the development may occur safely".
 - for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Dwain Boyer
Name (print)

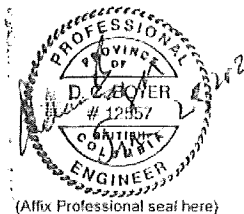
Dwain Boyer
Signature

396 Heddie Rd
Address

Nelson, BC

250-551-8345
Telephone

June 26, 2023
Date



(Affix Professional seal here)

If the Qualified Professional is a member of a firm, complete the following.

I am a member of the firm SNT Geotechnical Ltd
and I sign this letter on behalf of the firm. (Print name of firm)



Appendix E - Report Interpretation and Limitations



REPORT INTERPRETATION AND LIMITATIONS

1. STANDARD OF CARE

SNTG Geotechnical Ltd. (SNTG) has prepared this report in a manner consistent with generally accepted engineering consulting practices in this area, subject to the time and physical constraints applicable. No other warranty, expressed or implied, is made.

2. COMPLETENESS OF THIS REPORT

This Report represents a summary of paper, electronic and other documents, records, data and files and is not intended to stand alone without reference to the instructions given to SNTG by the Client, communications between SNTG and the Client, and/or to any other reports, writings, proposals or documents prepared by SNTG for the Client relating to the specific site described herein.

This report is intended to be used and quoted in its entirety. Any references to this report must include the whole of the report and any appendices or supporting material. SNTG cannot be responsible for use by any party of portions of this report without reference to the entire report.

3. BASIS OF THIS REPORT

This report has been prepared for the specific site, development, design objective, and purpose described to SNTG by the Client or the Client's Representatives or Consultants. The applicability and reliability of any of the factual data, findings, recommendations, or opinions expressed in this document pertain to a specific project as described in this report and are not applicable to any other project or site and are valid only to the extent that there has been no material alteration to or variation from any of the descriptions provided to SNTG. SNTG cannot be responsible for the use of this report, or portions thereof, unless we were specifically requested by the Client to review and revise the Report in light of any alterations or variations to the project description provided by the Client.

If the project does not commence within 3 years of the report date, the report may become invalid and further review may be required.

The recommendations of this report should only be used for design. The extent of exploration, including the number of test pits or test holes necessary to thoroughly investigate the site for conditions that may affect construction costs will generally be greater than that required for design purposes. Contractors should rely upon their own explorations and interpretation of the factual data provided for costing purposes, equipment requirements, construction techniques, or to establish project schedule.

The information provided in this report is based on limited exploration for a specific project scope. SNTG cannot accept responsibility for independent conclusions, interpretations, interpolations or decisions by the Client or others based on information contained in this Report. This restriction of liability includes decisions made to purchase or sell land.

4. USE OF THIS REPORT

The contents of this report, including plans, data, drawings, and all other documents including electronic and hard copies remain the copyright property of SNTG. However, we will consider any reasonable request by the Client to approve the use of this report by other parties as "Approved Users."



With regard to the duplication and distribution of this Report or its contents, we authorize only the Client and Approved Users to make copies of the Report only in such quantities as are reasonably necessary for the use of this Report by those parties. The Client and “Approved Users” may not give, lend, sell or otherwise make this Report or any portion thereof available to any other party without express written permission from SNTG. Any use which a third party makes of this Report – in its entirety or portions thereof – is the sole responsibility of such third parties. SNT GEOTECHNICAL LTD. ACCEPTS NO RESPONSIBILITY FOR DAMAGES SUFFERED BY ANY PARTY RESULTING FROM THE UNAUTHORIZED USE OF THIS REPORT.

Electronic media is susceptible to unauthorized modification or unintended alteration, and the Client should not rely on electronic versions of reports or other documents. All documents should be obtained directly from SNTG.

5. INTERPRETATION OF THIS REPORT

Classification and identification of soils and rock and other geological units, including groundwater conditions have been based on exploration(s) performed in accordance with the standards set out in Paragraph 1.

These tasks are judgmental in nature; despite comprehensive sampling and testing programs properly performed by experienced personnel with the appropriate equipment, some conditions may elude detection.

As such, all explorations involve an inherent risk that some conditions will not be detected. Further, all documents or records summarizing such exploration will be based on assumptions of what exists between the actual points sampled at the time of the site exploration. Actual conditions may vary significantly between the points investigated and all persons making use of such documents or records should be aware of and accept this risk.

The Client and “Approved Users” accept that subsurface conditions may change with time and this report only represents the soil conditions encountered at the time of exploration and/or review. Soil and ground water conditions may change due to construction activity on the site or on adjacent sites, and also from other causes, including climactic conditions.

The exploration and review provided in this report were for geotechnical purposes only. Environmental aspects of soil and groundwater have not been included in the exploration or review or addressed in any other way.

The exploration and Report are based on information provided by the Client or the Client’s Consultants, and conditions observed at the time of our site reconnaissance or exploration. SNTG has relied in good faith upon all information provided. Accordingly, SNTG cannot accept responsibility for inaccuracies, misstatements, omissions, or deficiencies in this Report resulting from misstatements, omissions, misrepresentations or fraudulent acts of persons or sources providing this information.

6. DESIGN AND CONSTRUCTION REVIEW

This report assumes that SNTG will be retained to work and coordinate design and construction with other Design Professionals and the Contractor. Further, it is assumed that SNTG will be retained to provide field reviews during construction to confirm adherence to building code guidelines and generally accepted engineering practices, and the recommendations provided in this report. Field services recommended for the project represent the minimum necessary to



confirm that the work is being carried out in general conformance with SNTG's recommendations and generally accepted engineering standards. It is the Client's or the Client's Contractor's responsibility to provide timely notice to SNTG to carry out site reviews.

The Client acknowledges that unsatisfactory or unsafe conditions may be missed by intermittent site reviews by SNTG. Accordingly, it is the Client's or Client's Contractor's responsibility to inform SNTG of any such conditions.

Work that is covered prior to review by SNTG may have to be re-exposed at considerable cost to the Client. Review of all Geotechnical aspects of the project are required for submittal of unconditional Letters of Assurance to regulatory authorities. The site reviews are not carried out for the benefit of the Contractor(s) and therefore do not in any way effect the Contractor(s) obligations to perform under the terms of his/her Contract.

7. SAMPLE DISPOSAL

SNTG will dispose of all samples 3 months after issuance of this report, or after a longer period of time at the Client's expense if requested by the Client. All contaminated samples remain the property of the Client and it will be the Client's responsibility to dispose of them properly.

8. SUBCONSULTANTS AND CONTRACTORS

Engineering studies frequently requires hiring the services of individuals and companies with special expertise and/or services which SNT Geotechnical Ltd. does not provide. These services are arranged as a convenience to our Clients, for the Client's benefit. Accordingly, the Client agrees to hold the Company harmless and to indemnify and defend SNT Geotechnical Ltd. from and against all claims arising through such Sub consultants or Contractors as though the Client had retained those services directly. This includes responsibility for payment of services rendered and the pursuit of damages for errors, omissions or negligence by those parties in carrying out their work. These conditions apply to specialized sub consultants and the use of drilling, excavation and laboratory testing services, and any other Sub consultant or Contractor.

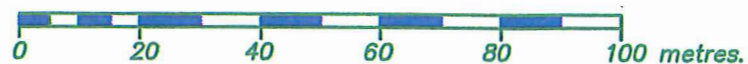
9. SITE SAFETY

SNT Geotechnical Ltd. assumes responsibility for site safety solely for the activities of our employees on the jobsite. The Client or any Contractors on the site will be responsible for their own personnel. The Client or his representatives, Contractors or others retain control of the site. It is the Client's or the Client's Contractors responsibility to inform SNTG of conditions pertaining to the safety and security of the site – hazardous or otherwise – of which the Client or Contractor is aware.

Exploration or construction activities could uncover previously unknown hazardous conditions, materials, or substances that may result in the necessity to undertake emergency procedures to protect workers, the public or the environment. Additional work may be required that is outside of any previously established budget(s). The Client agrees to reimburse SNTG for fees and expenses resulting from such discoveries. The Client acknowledges that some discoveries require that certain regulatory bodies be informed. The Client agrees that notification to such bodies by SNTG Geotechnical Ltd. will not be a cause for either action or dispute.

Sketch of 15 metre Offset of Present Natural Boundary of Kootenay Lake on Part of Lot A, District Lot 913, Kootenay District, Plan 5183.

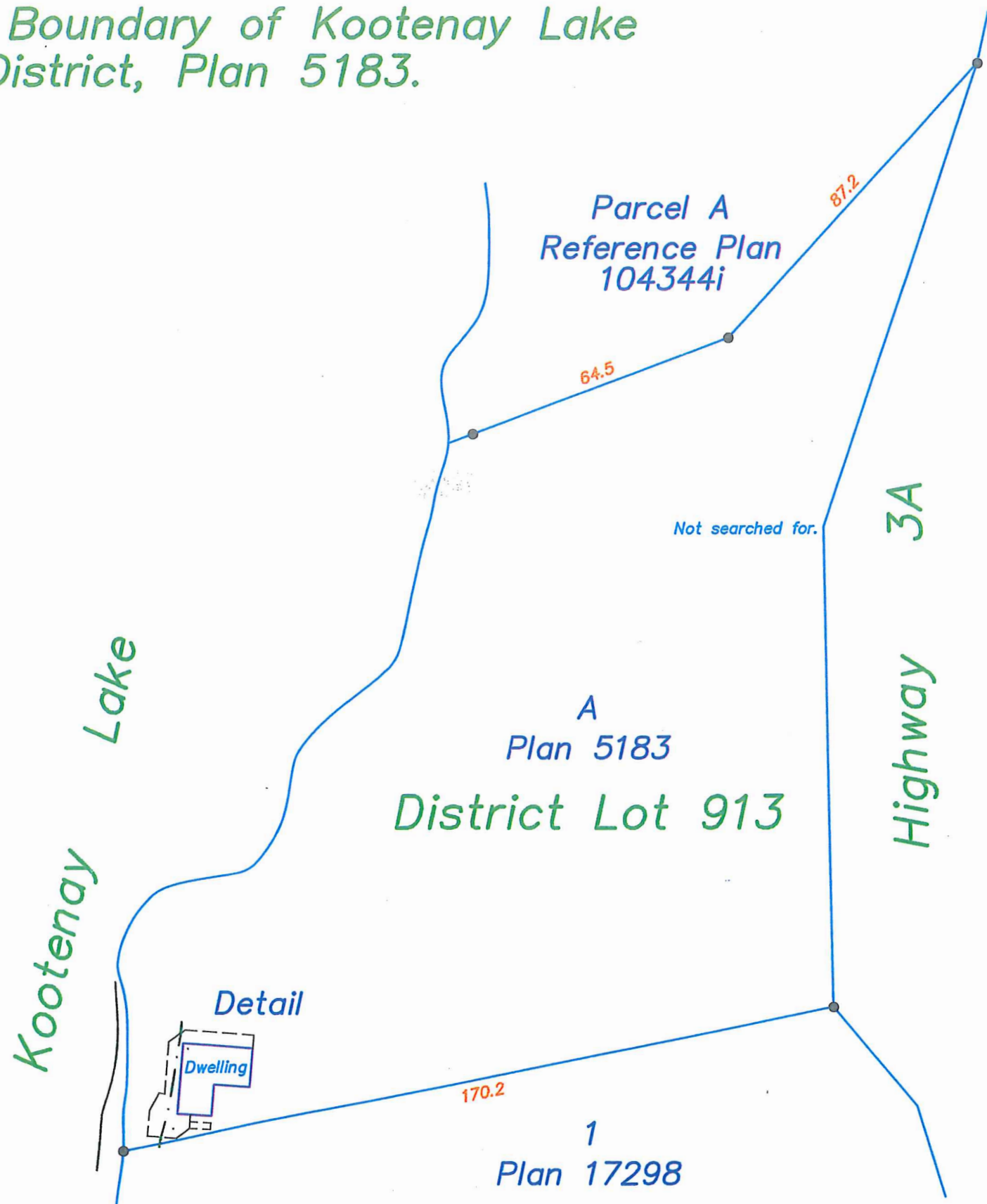
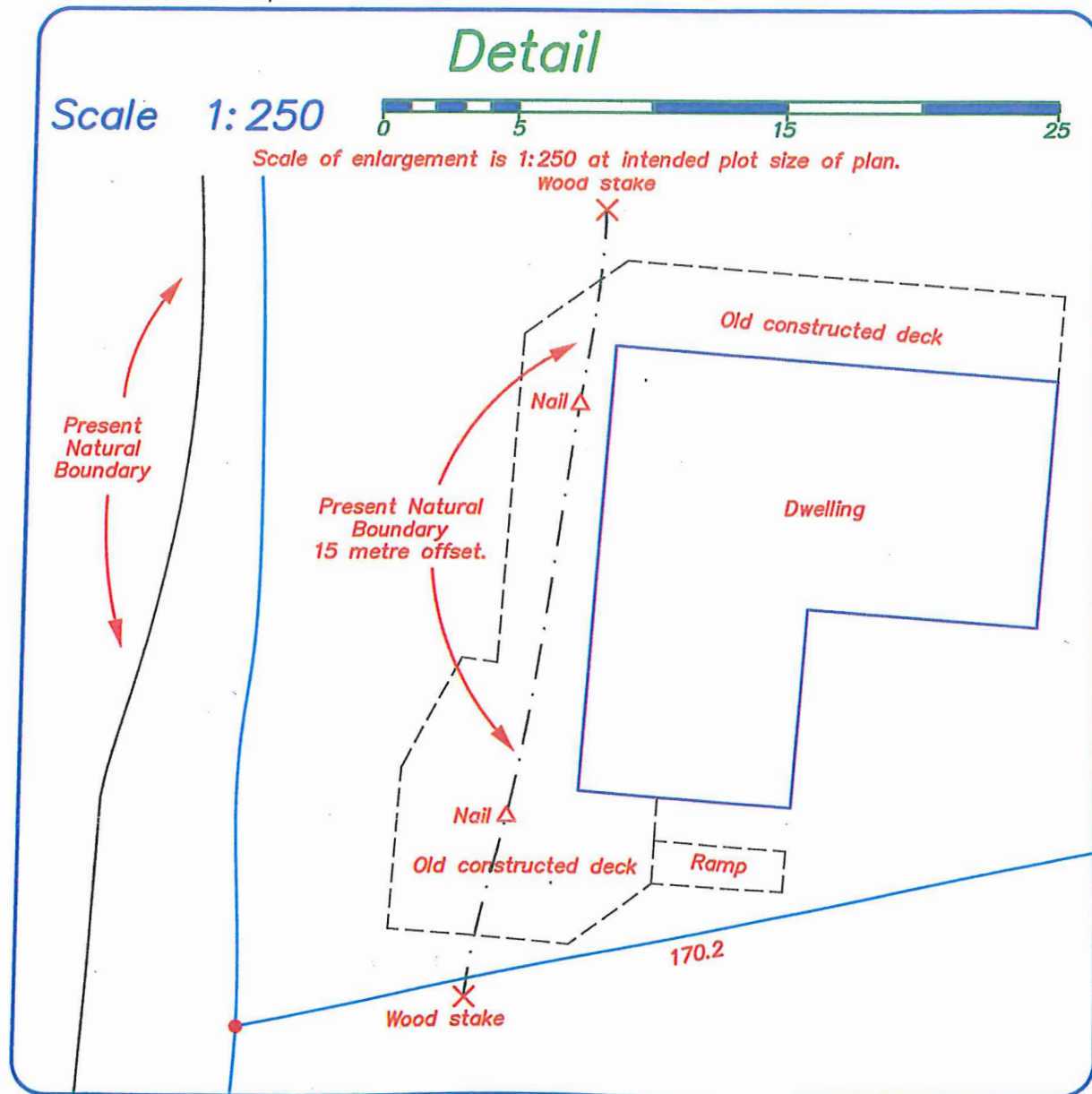
Scale 1:1250



All distances are in metres unless otherwise noted.

Civic Address: 10789 - Highway 3A, Sanca, B.C.

● denotes standard iron post found.



GRIFFITH SURVEYS

R. Griffith Land Surveying Inc.
 Box 158 Creston, B. C., V0B 1G0
 Telephone: (250)-428-5810
 Date Drawn: February 9, 2023.
 MM22031

1
 Plan 17298

The field survey represented by this plan was completed on the 7th day of February, 2023.
 Robert A. Griffith, BCLS 568



Committee Report

Date of Report: March 6, 2024
Date & Type of Meeting: March 20, 2024, Rural Affairs Committee
Author: Stephanie Johnson, Planner
Subject: SITE SPECIFIC FLOODPLAIN EXEMPTION
File: F2304E-22199.160-CROTTEY-FLD00069
Electoral Area/Municipality E

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board’s consideration of a site-specific floodplain exemption application at 1434 Highway 31, Queens Bay, Electoral Area ‘E’.

This application seeks to reduce the floodplain setback from Kootenay Lake from 15 metres to 11.42 metres under the *RDCK’s Floodplain Management Bylaw No. 2080, 2009* to allow for the construction of posts and footings in the floodplain to support a deck. The cantilevered deck would be attached to a proposed new residence (approximately 128.6 m²/1,384 ft² in size) located outside of the above floodplain setback.

Staff recommends that the Board approve the site specific floodplain exemption subject to the registration of a Section 219 restrictive covenant, indemnifying the Regional District and confirming that the post supports and footing for the proposed deck are safe for the intended residential use.

SECTION 2: BACKGROUND/ANALYSIS

| GENERAL INFORMATION | |
|---------------------------|---|
| Property Owners: | Ruth Elizabeth Pilla, Lisa Marie Crottey and Michael Raymond Crottey |
| Property Location: | 1434 Highway 31, Queens Bay, Electoral Area ‘E’ |
| Legal Description: | LOT B, PLAN NEP78423, DISTRICT LOT 12075, KOOTENAY LAND DISTRICT (PID: 026-329-981) |
| Property Size: | 376.4 m ² (0.09 acres) |
| OCP Designation: | Country Residential (RC) |
| Zoning: | Not Applicable |

| SURROUNDING LAND USES | |
|-----------------------|--|
| NORTH: | Residential land uses - unzoned |
| EAST: | Queens Bay section of Kootenay Lake - unzoned |
| SOUTH: | Residential land uses - unzoned |
| WEST: | Highway 31 and residential land uses - unzoned |

Site Context

The 376.4 m² (0.09 acres) in size subject property has 13.6 metres of frontage on Kootenay Lake and is located approximately halfway between the communities of Balfour and Queens Bay. The site is designated Country

Residential (RC) under the *Electoral Area 'E' Rural Official Community Plan Bylaw No. 2260, 2013* and lies within the Watercourse Development Permit Area (WDPA).

The site is located in a residential area (north/south), with Kootenay Lake to the east and Highway 31 to the west. The lot slopes moderately from the Highway towards Kootenay Lake and an existing one storey cabin (approximately 40.9 m² / 440 ft²) in size with a large raised deck (approximately 35.2 m² / 378.4 ft² in size) constructed in the 1940's currently occupies the site. Accessory structures on site also include a shed and outhouse.

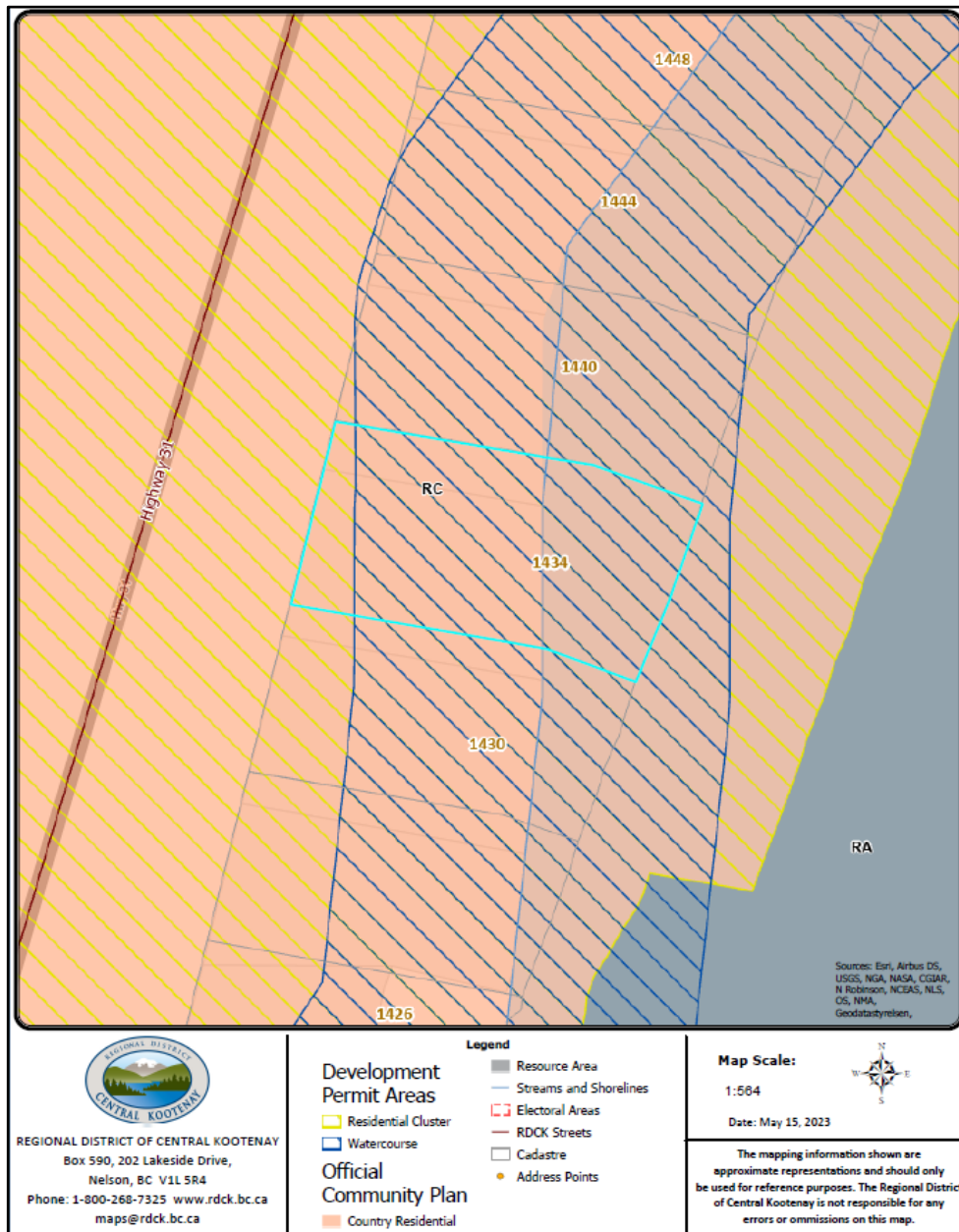


Figure 1: Location Overview and OCP Designations



Figure 2: Air Photo provided by Crowsnest Engineering

Development Proposal

The owners seek to develop a new residence with attached raised deck, a parking pad, retaining walls, and a sewerage system. This application seeks to reduce the floodplain setback from Kootenay Lake from 15 metres to 11.42 metres under the *RDCK's Floodplain Management Bylaw No. 2080, 2009* to allow for the construction of post supports and footings in the floodplain for a raised deck. The cantilevered deck would be attached to a proposed new residence located outside of the above floodplain setback.

Should the exemption be approved staff will undertake the processing of the concurrent Watercourse Development Permit (WDP) (RDCK file#DP2314E) application submitted to regulate the above proposed development activities adjacent to Kootenay Lake and its riparian areas to protect aquatic habitat.

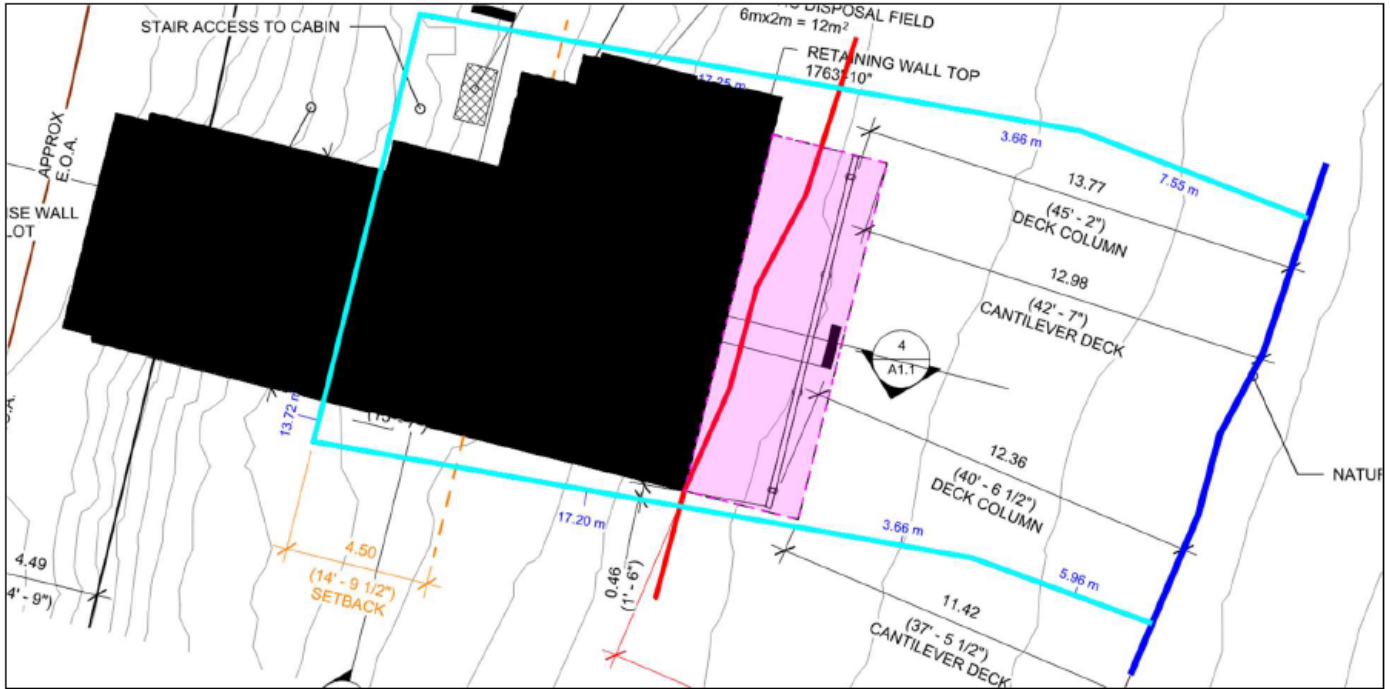


Figure 3: Site Plan

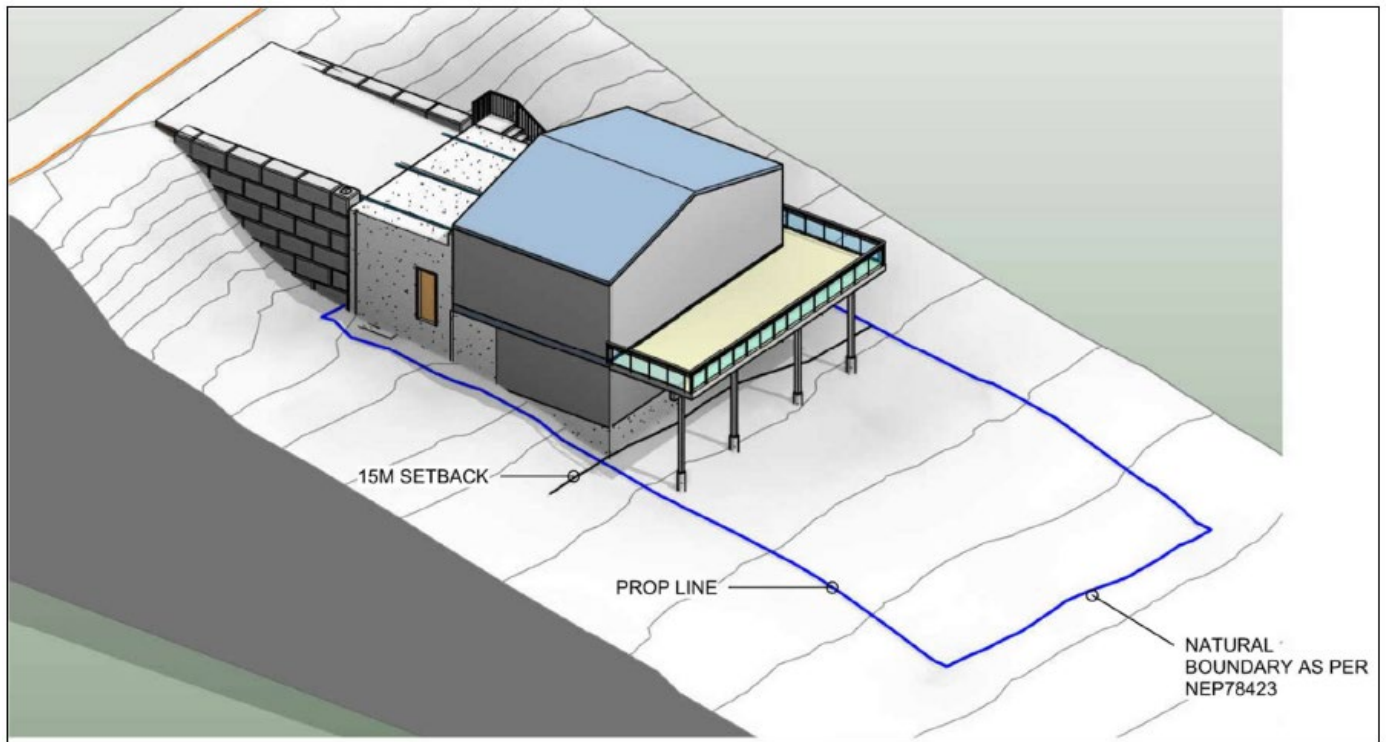


Figure 4: Sketch of Proposed Development

Legislative Framework and Applicable Policy

Under Section 524 of the *Local Government Act (LGA)*, a local government may exempt a person from the application of a floodplain bylaw in relation to a specific building if the local government considers it advisable and either:

- Considers that the exemption is consistent with the Provincial Guidelines; or
- Has received a report that the land may be used safely for the use intended where such a report is certified by a person who is a professional engineer or geoscientist and experienced in geotechnical engineering.

The Province’s “Flood Hazard Land Use Management Guidelines” states that, “*setback requirements should not be reduced unless a serious hardship exists and no other reasonable option is available*”. This site specific floodplain exemption, however, is requesting that the Board consider permitting the construction of post supports and footings in the floodplain for a raised deck. The cantilevered deck would be attached to a proposed new residence located outside of the above floodplain setback for Kootenay Lake.

The Board adopted ‘Terms of Reference for Professional Engineers/Geoscientists undertaking Geotechnical Reports/Flood Hazard Assessment Reports’ to outline basic information that should be included in such reports. The Flood Hazard Assessment Report prepared by Crowsnest0 Engineering dated January 12, 2024, was submitted in conjunction with the application for an exemption (please see Attachment A) and meets the requirements set out under the above Terms of Reference. The report verified that “*the proposed land [may] be safely used for the purpose intended*”.

Setback requirements should not be reduced unless a serious hardship exists and no other reasonable option is available. A valid hardship should only be recognized where the physical characteristics of the lot (e.g., exposed bedrock, steep slope, the presence of a watercourse, etc.) and size of the lot are such that building development proposals, consistent with land use zoning bylaws, cannot occur unless the requirements are reduced. In order to avoid setting difficult precedents these site characteristics should be unique to the subject property and environment. The economic circumstances or design and siting preferences of the owner should not be considered as grounds for hardship. Before agreeing to a modification, consideration should be given to other options such as the use of alternate building sites, construction techniques and designs (e.g., constructing an additional storey and thereby reducing the size of the ‘building footprint’).

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No Financial Plan Amendment: Yes No
 Debt Bylaw Required: Yes No Public/Gov’t Approvals Required: Yes No

The \$500 fee for a Site Specific Floodplain Exemption application has been paid pursuant to the RDCK’s *Planning Procedures and Fees Bylaw No. 2457, 2015*.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

Under Section 524 of the *LGA*, the Board has the authority to exempt a development proposal from “requirements in relation to floodplain areas” provided a report prepared by a professional engineer or geoscientist is received stating that the land may be used safely for the use intended.

3.3 Environmental Considerations

A riparian assessment has been provided by Masse Environmental Ltd. as required in conjunction with the concurrent processing of the WDP application for the overall subject site.

3.4 Social Considerations:

No negative social impacts are associated with site specific exemption application.

3.5 Economic Considerations:

Should this site specific floodplain setback exemption application be approved and flooding/flood damage occur, there would be costs associated with the restoration works.

3.6 Communication Considerations:

In accordance with the RDCK's *Planning Procedures and Fees Bylaw No. 2457, 2015* staff referred the application to all relevant government agencies, internal RDCK departments and the Director for Electoral Area 'E' for review. The following comments were received:

Provincial Archaeology Branch

"According to Provincial records, there are no known archaeological sites recorded on the subject property. However, given the property's waterfront location, there is high potential for previously unidentified archaeological sites to exist on the property.

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned on the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the Heritage Conservation Act and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

*Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.*

If there are no plans for land-altering activities on the property, no action needs to be taken at this time.

Rationale and Supplemental Information

- *There is high potential for previously unidentified archaeological deposits to exist on the property.*

- *Archaeological sites are protected under the Heritage Conservation Act and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.*
- *If a permit is required, be advised that the permit application and issuance process takes approximately 15 to 35 weeks; the permit application process includes referral to First Nations and subsequent engagement.*
- *The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.*
- *The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the Heritage Conservation Act.*
- *Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit."*

Ministry of Water, Land and Resource Stewardship

"Please advise the proponent that they are not permitted to construct on crown land; this includes the retaining wall, deck, and any overhanging structures. While it is not directly related to this referral, I would like to note that it is lakeside property, and the proponent may be interested in constructing a dock as well. The proponent should contact FrontCounter BC prior to any construction of docks or other improvements on the foreshore".

FortisBC Inc.

"There are no FortisBC Inc (Electric) ("FBC(E)") facilities affected by this application. As such FBC(E) has no concerns with this circulation".

Ministry of Transportation and Infrastructure

"With regards to the above noted referral, the Ministry has no concerns with the proposed construction of a deck within the 15.0 metre floodplain setback area. We do however have legislative requirements for permits that should be obtained from the Ministry prior to issuance of a building permit.

The permits required for the property include:

- *A residential access permit as they are located off a numbered Highway.*
- *A structure encroachment permit for the proposed retaining wall.*
- *A structure variance permit for the proposed storage area with parking pad.*

The applicant will need to hire a BC Land Surveyor to provide an accurate site plan showing the proposed structures in relation to the existing property lines, to ensure the storage area is not encroaching within the right of way. Due to the location of the property, and the steep topography, the applicant will also need to obtain a Geotechnical Engineer and a Structural Engineer to provide necessary documentation for the Ministry to be comfortable issuing the above noted permits".

Interior Health (IH)

"This existing property is very confined and constrained due to a number of factors including but not limited to, property size, natural geography (slope of the land), an existing watercourse, and the proposed development. Recognizing these factors, and based on the information provided with this referral that an onsite sewerage disposal is being proposed, it does not leave a lot of unencumbered space (useable area) available for this purpose. To ensure the long term sustainability of the lot, we recommend the Regional District of Central Kootenay require a protected area (under restrictive land use covenant for perpetuity) suitable for both a primary and back up sewerage disposal area prior to approving this application".

Building Department

“The spatial separation / limiting distance (distance between buildings and property lines) are set out in 9.10.15. The distance between the new proposed dwelling and property lines will be based on, and restricted by, the type of construction and unprotected openings on the elevations that face the property lines. With that, the new dwelling will be required to have a width restricted by the side yard setbacks (under the BCBC and reduced fire response time / doubling the set back). For example, the proposed house would have to meet restricted side lot lines (2.4m is the basis, if there are 7% window openings on the elevation facing the side property line). The Survey shows that the site is only 13m (42ft) wide, It should be noted at the planning stage of the design that the dwelling could fit on the lot but may have restrictions to the cladding /construction types, having a small footprint and having limited (7% or less) or no windows. This is something that should be considered during the design stage of the new proposed dwelling, if the variance is approved.

- 1. The other item to consider regarding the building design is the flood construction level as per the RDCK Floodplain Bylaw.*
- 2. Since the new building will be located on or partially on an area where the existing building has been demolished, a geotechnical engineer will be required to be engaged for the project.*
- 3. Depending on the design of the home (if proposed on piers for example), a Structural Engineer may also be required.*
- 4. All other standard requirements for an application include (but may not be limited to):*
 - Approved septic system;*
 - Digital building drawings (pdf format);*
 - Proof of BC Housing New Home Registration and Warranty program;*
 - Completed application; and,*
 - BC Step Code pre-construction Compliance Checklist.*

Additional documentation or clarification may be requested at the time of the full application review”.

Advisory Planning and Heritage Commission (APHC)

*“...the Area E Advisory Planning Commission **SUPPORT** the Site Specific Floodplain Exemption Application to Weiland Construction for the property located 1434 Highway 31, Queens Bay and legally described as LOT B, PLAN NEP78423, DISTRICT LOT 12075, KOOTENAY LAND DISTRICT due to hardship but suggest that the applicant consider building outside of the 15m setback”.*

3.7 Staffing/Departmental Workplace Considerations:

Should the Board support the requested site specific floodplain exemption to reduce the proposed floodplain, including registration of a restrictive covenant on title, the Watercourse Development Permit application will be processed by Planning Services. A Building Permit would then be required for the construction of the new residence and attached deck.

3.8 Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Staff have reviewed this site specific floodplain exemption application, and conducted a site visit.

Planning staff support the requested floodplain exemption, since:

- The applicants have engaged a professional geotechnical engineer, Crowsnest Engineering, who have submitted a report confirming that the proposed siting of the attached deck, as designed, is safe for the use intended.
- The site is quite small, at 376.4 m², and there are constraints to moving the house closer to the Hwy in an effort to satisfy the 15.0 m floodplain setback including: (a) the existing easement adjacent to the Highway frontage prohibits development of structures, and (b) this easement area is also the only viable area to locate the private wastewater disposal system adjacent to the Highway.
- Given the lack of usable space, and to ensure the long term sustainability of the lot the staff recommendation includes a condition of approval be subject to the registration of a Section 219 restrictive covenant, which identifies on the subject property a primary and back up area of land for sewerage systems by an Authorized Person.
- The flood hazard assessment geotechnical report submitted has been reviewed by Regional District staff and meets the necessary assurance requirements and is consistent with the Provincial flood hazard land use management guidelines.

It is for the above reasons that staff recommend that the Board approve this site specific floodplain setback exemption.

OPTIONS

Option 1: That the Board APPROVE a Site Specific Floodplain Exemption to reduce the required setback from Kootenay Lake from 15 metres from the natural boundary to 11.42 metres from the natural boundary in accordance with the Engineering Report prepared by Crowsnest Engineering (dated January 12, 2024) for property located at 1434 Highway 31, Queens Bay, Electoral Area 'E' and legally described as LOT B, PLAN NEP78423, DISTRICT LOT 12075, KOOTENAY LAND DISTRICT (PID: 026-329-981) as follows:

1. SUBJECT to preparation by Ruth Elizabeth Pilla, Lisa Marie Crottey and Michael Raymond Crottey of a restrictive covenant under Section 219 of the Land Title Act and Section 56 of the Community Charter in favour of the Regional District of Central Kootenay; and,
2. SUBJECT TO the registration of a Section 219 restrictive covenant, which identifies on the subject property a primary and back up area of land for sewerage systems by an Authorized Person.

Option 2: That the Board NOT APPROVE a Site Specific Floodplain Exemption to reduce the required setback from Kootenay Lake from 15 metres from the natural boundary to 11.42 metres from the natural boundary in accordance with the Engineering Report prepared by Crowsnest Engineering (dated January 12, 2024) for property located at 1434 Highway 31, Queens Bay, Electoral Area 'E' and legally described as LOT B, PLAN NEP78423, DISTRICT LOT 12075, KOOTENAY LAND DISTRICT (PID: 026-329-981) SUBJECT to preparation by Ruth Elizabeth Pilla, Lisa Marie Crottey and Michael Raymond Crottey of a restrictive covenant under Section 219 of the Land Title Act and Section 56 of the Community Charter in favour of the Regional District of Central Kootenay.

SECTION 5: RECOMMENDATION

That the Board APPROVE a Site Specific Floodplain Exemption to reduce the required setback from Kootenay Lake from 15 metres from the natural boundary to 11.42 metres from the natural boundary in accordance with the Engineering Report prepared by Crowsnest Engineering (dated January 12, 2024) for property located at 1434 Highway 31, Queens Bay, Electoral Area 'E' and legally described as LOT B, PLAN NEP78423, DISTRICT LOT 12075, KOOTENAY LAND DISTRICT (PID: 026-329-981) as follows:

1. SUBJECT to preparation by Ruth Elizabeth Pilla, Lisa Marie Crottey and Michael Raymond Crottey of a restrictive covenant under Section 219 of the Land Title Act and Section 56 of the Community Charter in favour of the Regional District of Central Kootenay; and,
2. SUBJECT TO the registration of a Section 219 restrictive covenant, which identifies on the subject property a primary and back up area of land for sewerage systems by an Authorized Person.

Respectfully submitted,

"Submitted electronically"

Stephanie Johnson

CONCURRENCE

Planning Manager – Nelson Wight **Digitally approved**

General Manager of Development Services – Sangita Sudan **Digitally approved**

Chief Administrative Officer – Stuart Horn **Digitally approved**

ATTACHMENT:

Attachment A – Geotechnical Report prepared by Crowsnest Engineering



Crowsnest Engineering

Deborah Weiland
Weiland Construction
PO Box 221
Nelson, BC V1L 5P9

Date: January 12th, 2024
File: WEIL-2022-001

Attn.: Debroah Weiland

Re: Site-Specific Flood Assessment for Proposed Site-Specific Floodplain Exemption
Crottey Residence Project - – 1434 Highway 31, Queens Bay, RDCK, BC.

This letter presents a summary of a Site-Specific Flood Assessment conducted by Crowsnest Engineering for 1434 Highway 31, Queens Bay, Regional District of Central Kootenay, British Columbia, with respect to a proposed Site-Specific Floodplain Exemption application.

Legal Description of the subject property is: **LOT B, PLAN NEP78423, DISTRICT LOT 12075, KOOTENAY LAND DISTRICT.**

We understand that a portion of the proposed development within the Subject Property – a cantilevered deck structure – is proposed to reside within the applicable floodplain setback, pending approval from the Regional District of Central Kootenay (RDCK). This document seeks to review the site-specific flooding and erosion risks and provide recommendations to support geotechnically safe development for the use intended.

1.0 SCOPE OF WORK

The scope of work includes the following aspects:

1. Reconnaissance of the site and existing conditions.
2. Site-Specific Flood Assessment as part of a Floodplain Exemption Application.

2.0 LIMITATIONS OF REPORT

Crowsnest Engineering has prepared this report for and at the expense of The Owner. The material in it reflects the judgement of Crowsnest Engineering in light of the information available to us at the time of report preparation. Similarly, the date of this reporting reflects the conclusions drawn via historic flow information and knowledge of local flow regimes available at this time.

Any use that a third party makes of this report, or any reliance on decisions to be based on it is the responsibility of such third parties. Crowsnest Engineering accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report.

As a mutual protection to our client, the public, and ourselves, all reports and drawings are submitted for the confidential information of our client. Authorization for any use and/or publication of this report or any



data, statements, conclusions or abstracts from or regarding our reports and drawings, through any form of print or electronic media is reserved pending written approval from Crowsnest Engineering. Please note that this disclaimer does not apply to Building Official/s, Provincial Approving Officer/s, or any other third party directly associated with the completion of this project only, who may rely on this reporting as necessary.

3.0 SITE INVESTIGATION

The site field investigation was conducted by the writer on October 25th, 2022.

The entirety of the subject property was traversed during the course of this site investigation. This report summarizes our flood hazard assessment while also providing conditions and design recommendations to allow for safe encroachment into the floodplain setback at the subject property.

The proposed development location has historically been occupied by a residential structure that is proposed for demolition and replacement. As we currently understand, the current intention is to rebuild a new structure within the approximate location of the historic structure (noting a relatively modest additional encroachment towards Kootenay Lake is proposed), complete with new cast-in-place reinforced concrete foundations that will be suitably placed to comprise an increased flood and erosion resistance with respect to Kootenay Lake. The proposal also entails a cantilevered deck structure which projects into the setback requirements of RDCK Floodplain Management Bylaw 2080, 2009.

4.0 SITE AND PROJECT DESCRIPTION

The subject property is located North of the unincorporated community of Balfour, on the Western shore of Kootenay Lake within the Queens Bay area of the RDCK. The property is bounded on the North and South by other residential land parcels, on the East by Kootenay Lake, and on the West by Highway 31. The orientation of the subject property relative to Kootenay Lake is as shown below in Figure 4.1:



Figure 4.1: Orientation of subject property relative to Kootenay Lake. Taken from RDCK interactive web-mapping service.

As shown in the above figure, the area of interest within the Subject Property is situated on the western shore of the Kootenay Lake, and is bordered by similar lakefront residential properties to the North and



South, and by BC Highway 31 to the west. An existing residential structure resides to the east of the Highway 31 fill slope, and this structure is intended to be demolished to allow for the proposed work described herein.

The orientation of the proposed development is shown conceptually below in Figures 4.2 and 4.3:

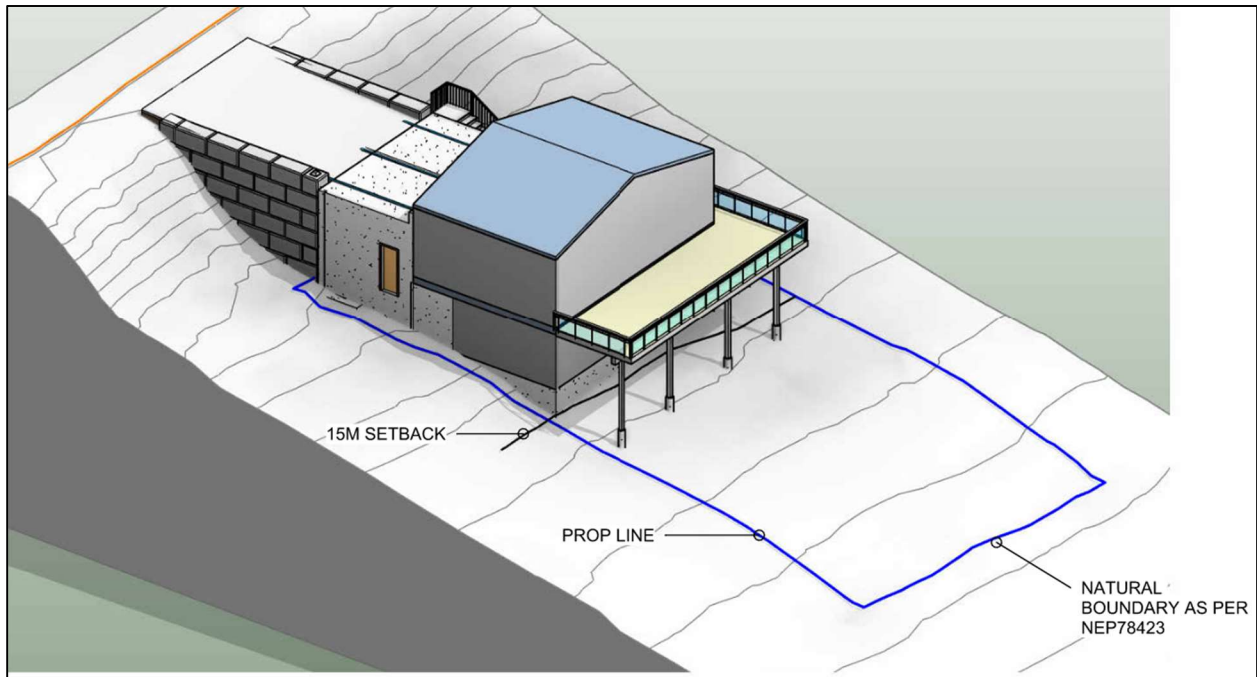


Figure 4.2: Isometric sketch of proposed development including residential and parking structures, complete with a cantilevered deck system projecting into the designated floodplain setback zone. Taken from WSA Drawing “Crottey Parking Pad and Retaining Walls”, issued for Floodplain Exemption Review, Rev A1 05/05/23.

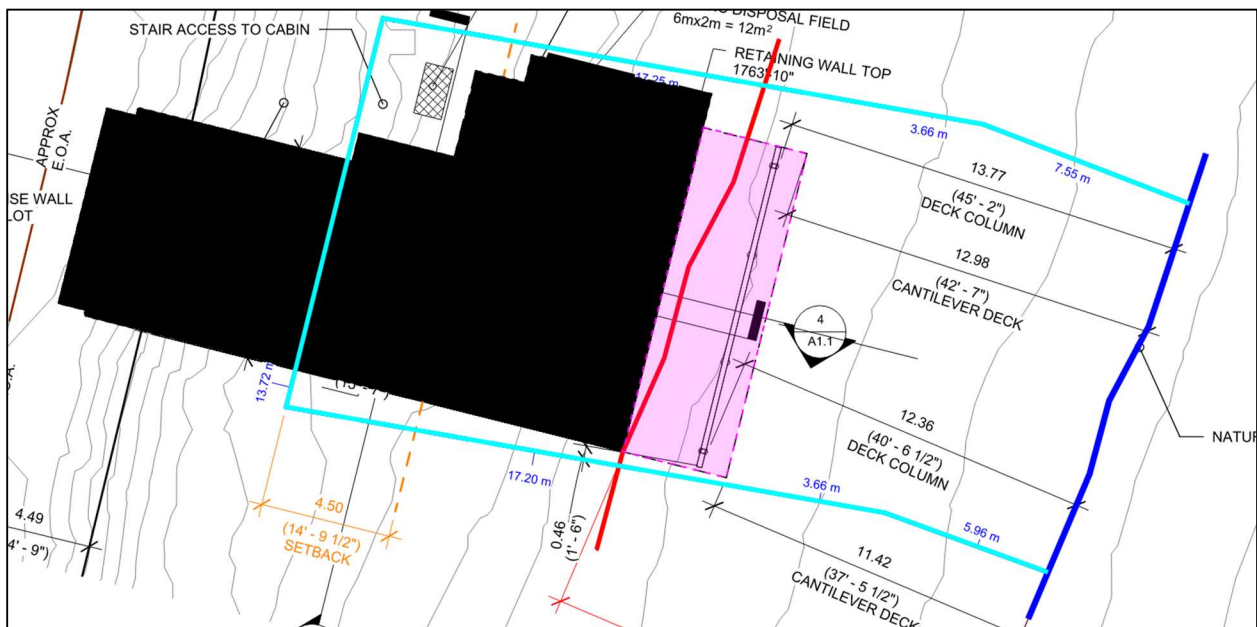


Figure 4.3: Plan sketch of proposed development including residential and parking structures (black hatching), cantilevered deck system projecting into the designated floodplain setback zone (magenta hatching), Plan NEP78423 Natural Boundary (dark blue delineation), and a 15.0 metre setback line (red delineation). Approximate property extents delineated in cyan. Taken from WSA Drawing “Crottey Parking Pad and Retaining Walls”, issued for Floodplain Exemption Review, Rev A1 05/05/23.



The lakeshore in the vicinity of the subject property features shallow slopes composed of sands and gravels with trace fines content by mass.

Available soils mapping and our experience in the area infer the likely presence of shallow, moderately coarse-textured colluviums over medium-grained bedrock conditions that are generally considered suitable to support the proposed development loading in this instance, though as recommended below we recommend that geotechnical verification occur during foundation excavations to ensure geotechnical soil parameters work harmoniously with the structural design.

Site topography predominantly comprises a gentle slope towards Kootenay Lake to the east, while the most significant slope lies immediately to the west of the property, constituting the BC Highway 31 fill embankment. No signs of slope failure or distress have been noted, nor are we aware of any historical instances of note. While this slope in the vicinity of the subject property appears to be stable, the proposed mechanically stabilized earth retaining structure (intended as a parking structure) is expected to increase the stability of the slope locally by providing an engineered confinement over the area of the parking structure interface with the existing road prism. Our office has coordinated with the Structural Consultant (WSA Engineering 2012 Limited – WSA) to ensure that this structure has been engineered with adequate permanent factors of safety with respect to static and seismic global slope stability.

The most significant slopes within the wider area reside upslope of Highway 31 to the west. We have consulted with RDCK officials during the early stages of our engagement, who confirmed that while the property and greater area are within a designated Slide Hazard area, no information existed such as slope assessments or incidents of record to infer an elevated risk of slope instability within the subject property.

The Subject Property comprises a small portion of the lands designated as a Slide Hazard in this instance. This property also sits at the lowest elevational extent of the designated slide hazard area, with other land parcels above the Highway to the West and Kootenay Lake immediately to the East. Accordingly, within the wider context and scale of the ascending slopes to the west, the development proposed herein is not considered to present a change to the existing stability conditions.

4.1 Proposed Development Setback

Our understanding of the current development intentions for the subject property indicate that the entirety of the primary structural system will be located at or beyond the 15.0 metre setback requirement of RDCK Floodplain Management Bylaw 2080 (Bylaw 2080), however the majority of a proposed cantilevered deck system is proposed to project as much as 3.6 metres into the designated setback area.

With respect to Bylaw 2080, the minimum allowable setback from the Natural Boundary of the Kootenay Lake is 15.0 metres.

4.2 Proposed Development Minimum Construction Level

With respect to Floodplain Construction Level¹ (FCL) requirements, Bylaw 2080 defines the FCL elevation as 536.5 metres G.S.C datum² - interpreted as CGVD28 datum (CGVD28) presently. Our office has

¹ Flood Construction Level (FCL) is defined as the Designated Flood Level (the observed or calculated elevation for the Designated Flood which is used in the calculation of the Flood Construction Level), plus the allowance for freeboard and is used to establish the elevation of the underside of a wooden floor system or top of concrete slab for habitable buildings. In the case of a manufactured home, the ground level or top of concrete or asphalt pad on which it is located shall be no lower than the above-described elevation. It also establishes the minimum crest level of a Standard Dike. Where the Designated Flood Level can not be determined or where there are overriding factors, an assessed height above the natural boundary of the water body or above the natural ground elevation may be used. Taken from RDCK Floodplain Management Bylaw 2080, 2009.

² Geodetic Survey of Canada (G.S.C.) Datum elevations are defined as the vertical distance above Canadian Geodetic Datum mean sea level as determined by the Canadian Hydro-graphic Service. Taken from RDCK Floodplain Management Bylaw 2080, 2009, and interpreted as Canadian Geodetic Vertical Datum 28 (CGVD28).



previously gathered topographic survey information on the property using this same datum, and this information has been utilized by the Structural Consultant in preparing the design plans referenced herein.

Upon reviewing the proposed development, it is understood that all habitable spaces, including the undersides of wooden floor systems and the tops of concrete slabs, are planned to be situated above the established FCL elevation of 536.5 metres (CGVD28).

It is important to note, however, that parts of the proposed structural foundations and foundation walls are designed to be located below the FCL elevation. This aspect of the design, while falling below the FCL, maintains conformance with Bylaw 2080 but should be supported by Geotechnical Engineering during construction to ensure the satisfactory performance of proposed developments. This recommendation is further discussed below.

5.0 SITE-SPECIFIC FLOOD HAZARD ASSESSMENT

In British Columbia, flood protection protocols are typically based on a concept known as the Design Flood. Defined as a flood event with a 0.5% annual exceedance probability, it is often referred to as the "200-year flood" or the "1 in 200 year flood". This principle serves as a provincial standard, forming a benchmark for flood hazard assessment and the design of appropriate mitigation measures.

In this instance, water levels, and thus flood hazards originating within Kootenay Lake are generally limited to rising and falling water levels combined with erosive wave action. Our site reconnaissance has not identified any additional site-specific flooding and erosion risks, and thus we have sought to provide recommendations to suitably mitigate the geotechnical portion of these identified flooding and erosion risks.

5.1 Site Specific Flooding and Erosion Hazards

The proposed foundation system for the primary structure comprises a stepped, cast-in-place reinforced concrete strip and spread foundation system. The lowermost stepped area of foundation is planned to reside at approximately the FCL level of 536.5m (CGVD28) elevation within the easternmost plan extent, and rises in steps towards Highway 31. Towards Highway 31, the foundation system is abutted by wingwalls associated with the proposed parking structure, which will be wholly located above the FCL elevation.

The proposed foundation system for the cantilevered deck structures comprises discrete post or pad footings. Given the location of these footings planimetrically, they will likely need to be borne below the FCL elevation.

A majority of the proposed foundation areas for the primary structure and deck system will bear on soils which will be periodically inundated and/or influenced by high water levels, presenting an erosion risk and effecting bearing capacity.

With respect to erosion protection, foundations associated with the proposed development should consider the natural angle of repose for the beach sands and gravels, and this should be used as a reference for the establishment of all new footings within the Subject Property. In this instance, footings for new developments should be borne at a minimum 600.00 mm lower elevation (while also ensuring frost depth requirements are met or exceeded) than a theoretical plane along the naturally established grade of the beach, extended to the location of the foundation in question.



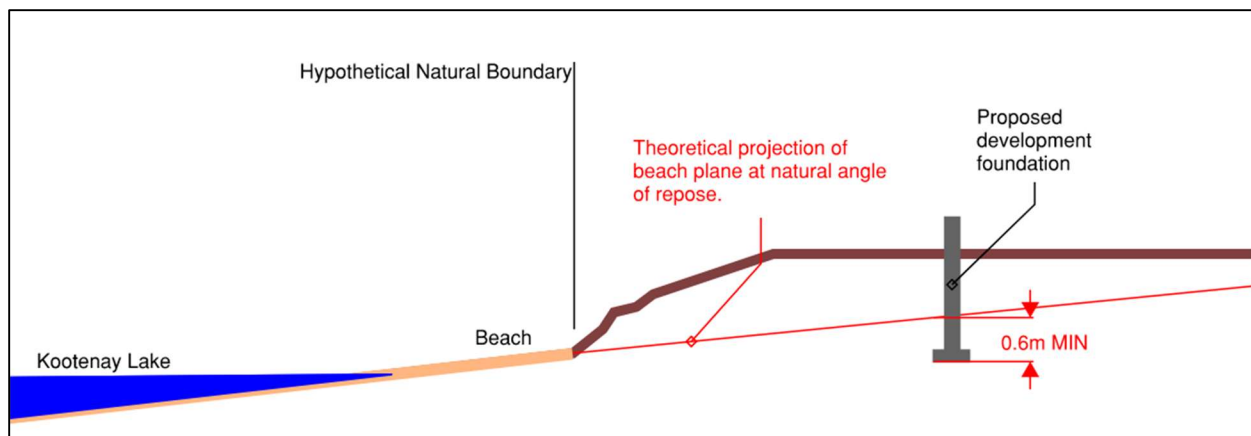


Figure 5.1: Profile sketch of intention for ensuring proposed development footings are satisfactorily protected from erosion and scour risk from Kootenay Lake.

With respect to ensuring adequate bearing capacity, we recommend that a suitably qualified Geotechnical Engineer be engaged during construction to verify subgrade soil properties meet or exceed those assumed by the Structural Consultant during the design stage – or to provide further recommendations in order to satisfy Schedules B and C-B letters of assurance for Geotechnical – Permanent – Bearing Capacity.

5.2 Site-Specific Alluvial Fan Hazards

The subject property lies outside the influence of all known alluvial fan hazards such as debris flows, mixed debris flows / debris floods and clearwater floods.

6.0 CONCLUSIONS

The proposal described herein may be enacted for its intended purpose with an assurance of safety concerning flood hazards with return periods up to and including 1 in 200 years. This assurance is specific to the details provided above, and additional Structural and Geotechnical Engineering is recommended to support the integrity of the proposed design. All engineering activities shall be undertaken by Professional Engineer/s with the appropriate qualifications and expertise. Furthermore, given adherence to our recommendations, we believe permanent encroachment of the proposed development into the floodplain setback as described above is geotechnically acceptable.



7.0 RECOMMENDATIONS

- Elevations of the undersides floor systems or the tops of concrete slabs for rooms or spaces within a Building, Structure or Manufactured Home which can be used for human occupancy, Commercial Use, or storage of goods, possessions, or Fixed Equipment that would be subject to damage if flooded shall be located above elevation 536.5 metres (CGVD28 datum).
- A suitably qualified Structural Engineer should be engaged to ensure satisfactory structural performance of the proposed works.
- Proposed design of and materials selection for structural systems should consider water inundation and wave effects up to elevation 536.5 metres (CGVD28 datum).
- A suitably qualified Geotechnical Engineer should be engaged to review foundation subgrade areas and to qualify the assumed design soil parameters or provide further recommendations in order to satisfy Schedules B and C-B letters of assurance for Geotechnical – Permanent – Bearing Capacity.
- Provided full conformance with all other recommendations, a site-specific setback variance to reduce the setback from the Plan Natural Boundary from 15.0 meters to 11.42 metres (a 3.58 metre proposed encroachment) is considered acceptable with respect to risks associated with up to and including 1 in 200 year return period flooding events.



8.0 CLOSURE

The conclusions in this report are provided on the assumption that future habitable structure development will be designed and constructed in general conformance with the BC Building Code and applicable local bylaws.

This assessment provides assurance that the proposed development is geotechnically suitable to withstand flooding events up to the 1:200year standard without compromising structural safety. However, it is prudent to recognize the non-zero potential for floods exceeding the design threshold of a 1:200year return period event, which could impact the development. It is also important to note that regular inspection, maintenance, and repair are critical for all structures, especially those within floodplain setback limits or below the Flood Construction Levels, where approved. Inspection and maintenance as required following seasonal high-water and/or flooding events is recommended to occur by the Owner annually.

Reference should be made to the attached Flood Hazard and Risk Assurance Statement for specific language regarding the suitability of the proposed land to be safely used for the purpose intended.

We trust this document provides the information you require at present. Please do not hesitate to contact the undersigned should you have any further questions or concerns relating to this matter.

Respectfully submitted,



Rev4 – 2022.01.12



Crowsnest Engineering

EGBC Permit to Practice No. 1002717
1025 Bridgeview Crescent, Castlegar BC
(C) 1-647-239-5264
(E) contact@crowsnestengineering.com

Appendices:

- Appendix 1 – Flood Hazard Risk Assurance Statement
- Appendix 2 – WSA Engineering (2012) Limited, “Crottey Parking Pad and Retaining Walls” Issued for Floodplain Exemption Review Issue A1 05/05/2023

References (Listed in Chronological Order):

- Jungen, J. R., “Soil Resources of the Nelson Map Area”, RAB Bulletin No. 20, BC Ministry of Environment, 1980.
- BC Topographic Maps: <https://pub.data.gov.bc.ca/datasets/177864/pdf/082f/082F066.pdf>, 2004.
- Naval Facilities Engineering Command, Soil Mechanics Design Manual, 7.01, 2005.
- Canadian Geotechnical Society, Canadian Foundation Engineering Manual, 4th Edition, 2006.
- Regional District of Central Kootenay, Floodplain Management Bylaw No. 2080, 2009.
- Terzaghi, K., Peck, R.B., Mesri, G., “Soil Mechanics in Engineering Practice”, 3rd Edition, 2010.



Appendix 1

Flood Hazard Risk Assurance Statement



FLOOD ASSURANCE STATEMENT

Note: This statement is to be read and completed in conjunction with the current Engineers and Geoscientists BC *Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC* (“the guidelines”) and is to be provided for flood assessments for the purposes of the *Land Title Act*, Community Charter, or the *Local Government Act*. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority

Date: May 7, 2023

Regional District of Central Kootenay

Jurisdiction and address

With reference to (CHECK ONE):

- Land Title Act* (Section 86) – Subdivision Approval
- Local Government Act* (Part 14, Division 7) – Development Permit
- Community Charter (Section 56) – Building Permit
- Local Government Act* (Section 524) – Flood Plain Bylaw Variance
- Local Government Act* (Section 524) – Flood Plain Bylaw Exemption

For the following property (“the Property”):

1434 Highway 31, RDCK, Legal: LOT B, PLAN NEP78423, DISTRICT LOT 12075, KOOTENAY LAND DISTRICT.

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a Qualified Professional and is a Professional Engineer or Professional Geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, sealed, and dated, and thereby certified, the attached Flood Assessment Report on the Property in accordance with the guidelines. That report and this statement must be read in conjunction with each other. In preparing that Flood Assessment Report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

- ___ 1. Consulted with representatives of the following government organizations:

- 2. Collected and reviewed appropriate background information
- 3. Reviewed the Proposed Development on the Property
- ___ 4. Investigated the presence of Covenants on the Property, and reported any relevant information
- 5. Conducted field work on and, if required, beyond the Property
- 6. Reported on the results of the field work on and, if required, beyond the Property
- 7. Considered any changed conditions on and, if required, beyond the Property
- 8. For a Flood Hazard analysis I have:
 - 8.1 Reviewed and characterized, if appropriate, Flood Hazard that may affect the Property
 - 8.2 Estimated the Flood Hazard on the Property
 - 8.3 Considered (if appropriate) the effects of climate change and land use change
 - 8.4 Relied on a previous Flood Hazard Assessment (FHA) by others
 - ___ 8.5 Identified any potential hazards that are not addressed by the Flood Assessment Report
- 9. For a Flood Risk analysis I have:
 - 9.1 Estimated the Flood Risk on the Property
 - 9.2 Identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
 - 9.3 Estimated the Consequences to those Elements at Risk

FLOOD ASSURANCE STATEMENT

10. In order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:

- 10.1 A standard-based approach
- 10.2 A Risk-based approach
- 10.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
- 10.4 No mitigation is required because the completed flood assessment determined that the site is not subject to a Flood Hazard

11. Where the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance, I have:

- 11.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
- 11.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
- 11.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property

12. Where the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have:

- 12.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
- 12.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
- 12.3 Made a finding on the level of Flood Hazard or Flood Risk tolerance on the Property
- 12.4 Compared the guidelines with the findings of my flood assessment
- 12.5 Made recommendations to reduce the Flood Hazard or Flood Risk

13. Considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties

14. Reported on the requirements for implementation of the mitigation recommendations, including the need for subsequent professional certifications and future inspections.

Based on my comparison between:

[CHECK ONE]

- The findings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above)
- The findings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk tolerance (item 12.4 above)

I hereby give my assurance that, based on the conditions contained in the attached Flood Assessment Report:

[CHECK ONE]

- For subdivision approval, as required by the *Land Title Act* (Section 86), "that the land may be used safely for the use intended":

[CHECK ONE]

- With one or more recommended registered Covenants.
- Without any registered Covenant.

- For a development permit, as required by the *Local Government Act* (Part 14, Division 7), my Flood Assessment Report will "assist the local government in determining what conditions or requirements it will impose under subsection (2) of this section [Section 491 (4)]".

- For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended":

[CHECK ONE]

- With one or more recommended registered Covenants.
- Without any registered Covenant.

- For flood plain bylaw variance, as required by the *Flood Hazard Area Land Use Management Guidelines* and the *Amendment Section 3.5 and 3.6* associated with the *Local Government Act* (Section 524), "the development may occur safely".

- For flood plain bylaw exemption, as required by the *Local Government Act* (Section 524), "the land may be used safely for the use intended".

FLOOD ASSURANCE STATEMENT

I certify that I am a Qualified Professional as defined below.

May 7, 2023
Date

Nicholas Ellis, P.Eng.
Prepared by

Nicholas Ellis, P.Eng.
Name (print)


Signature

Crowsnest Engineering EGBC Permit to Practice No. 1002717
1025 Bridgeview Cres, Castlegar, BC V1N 4K9
Address

1-647-239-5264
Telephone

contact@crowsnestengineering.com
Email



(Affix PROFESSIONAL SEAL here)

If the Qualified Professional is a member of a firm, complete the following:

I am a member of the firm Crowsnest Engineering EGBC Permit to Practice No. 1002717
and I sign this letter on behalf of the firm. (Name of firm)

Appendix 2

WSA Engineering (2012) Limited, “Crottey Parking Pad and Retaining Walls” Issued for Floodplain Exemption Review Issue A1 05/05/2023



Crottey Parking Pad and Retaining Walls

1434 Hwy 31 Balfour, BC

GENERAL NOTES:

- ALL WORK TO CONFORM TO THE BRITISH COLUMBIA BUILDING CODE LATEST EDITION, LOCAL CODES AND BY-LAWS OF AUTHORITIES HAVING JURISDICTION.
- ALL WORK TO BE PERFORMED WITH RESPECT TO GOOD BUILDING PRACTICES.
- CONTRACTOR TO CAREFULLY INSPECT THE SITE OF WORK AND BE FULLY INFORMED OF EXISTING CONDITIONS AND LIMITATIONS
- NO WORK TO COMMENCE WITHOUT PROPER PERMITS AND LICENSES.
- MEASUREMENTS, GRADES AND LEVELS ARE TO BE VERIFIED AT THE SITE BEFORE CONSTRUCTION.
- CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS, ELEVATIONS, DRAWINGS, DETAILS AND SPECIFICATIONS AND REPORT ALL ERRORS OR DISCREPANCIES TO THE OWNER PRIOR TO PROCEEDING WITH THE WORK.
- CONTRACTOR TO VERIFY LOCATIONS AND DETAILS OF ALL CONCEALED SERVICES. PROTECT AND RELOCATE WHERE INDICATED ALL SERVICES FROM DAMAGE DURING CONSTRUCTION PERIOD.
- CONTRACTOR TO MAKE GOOD AND REPAIR ALL EXISTING PARTS AND SURFACES DAMAGED BY DEMOLITION OR NEW CONSTRUCTION, REFINISH TO MATCH SURROUNDING AREA BETWEEN CORNERS OR ABUTMENTS COMPLETE.
- DEMOLISH WHERE NOTED, AND REMOVE DEBRIS FROM SITE, MINIMIZE DISRUPTION TO NEIGHBOURS. ALL SALVAGE MATERIAL (TO BE CONFIRMED BY OWNER) REMAIN THE PROPERTY OF THE OWNER UNLESS OTHERWISE NOTED.
- VERIFY LOCATION OF ALL UNDERGROUND LINES WITHIN THE AREA OF CONSTRUCTION PRIOR TO COMMENCING EXCAVATION. NOTIFY OWNER AT TIME OF EXCAVATION.
- DETERMINE LOCATION OF PARTITIONS NOT DIMENSIONED BY THEIR RELATION TO COLUMN FACE OR CENTRE, WINDOW JAMB OR MULLION, OR OTHER SIMILAR FIXED ITEM.
- DO NOT DRILL OR CUT FLOOR JOISTS, BEAMS, COLUMNS OR OTHER STRUCTURAL ELEMENTS UNLESS SPECIFICALLY INDICATED. DRILL SLABS WHERE APPROVED. CORE DRILL CIRCULAR OPENINGS THROUGH SLABS. LINE DRILL OR SAW CUT RECTANGULAR OPENINGS.
- PROVIDE BLOCKING FOR SOLID BACKING BEHIND ALL WALL AND CEILING MOUNTED DOOR HARDWARE, ACCESSORIES, MILLWORK, PLY EDGES, MISC. METAL ITEMS, GYPSUM BOARD EDGES ETC.
- TAPE, FILL AND SAND ALL NEW G.W.B.
- INSTALL CARBON MONOXIDE DETECTORS TO SATISFY BCBC 2018 (9.32.4.2 "CARBON MONOXIDE ALARMS")
- INTERIOR GARAGE WALLS SEPARATING THE GARAGE FROM THE HOUSE SHALL HAVE 6 MIL U.V. POLY VAPOUR BARRIER INSTALLED ON THE HOUSE SIDE OF THE WALL. ALL AREAS AROUND DOORS, SWITCHES & OUTLETS SHALL BE PROPERLY TAPED & SEALED.
- ALL FLASHING TO BE PREFINISHED TO SUIT OWNERS COLOUR SCHEME. FLASHING TO BE INSTALLED AT ALL CHANGES IN HORIZONTAL EXTERIOR FINISHES AND OVER ALL UNPROTECTED EXTERIOR OPENINGS. CAULKING TO BE INSTALLED AROUND ALL UNFLASHED EXTERIOR OPENINGS. FLASHING TO BE INSTALLED AT ALL PENETRATIONS IN THE ROOF SYSTEM AND AT ALL CHANGES IN THE ROOF PLANE.
- VAPOUR BARRIER TO MIN. 6 MIL. SEAL ALL JOINTS AND HOLES TO PREVENT LEAKAGE. PROVIDE ALSO 12" WIDE LAPS BELOW SLAB ON GRADE.
- A FREE VENT AREA OF 1/300 OF THE INSULATED ATTIC AREA SHALL BE PROVIDED AT THE ROOF, APPROXIMATELY HALF FROM THE EAVES AND HALF FROM THE TOP. (WITH NOT LESS THAN 25% OF THE OPENINGS AT THE TOP OF THE SPACE & NOT LESS THAN 25% OF THE OPENINGS AT THE BOTTOM OF THE SPACE. SEE BCBC 2018 9.19 ROOF SPACES)
- PROVIDE GASKET TO U/S OF SILL PLATES. (POLYETHYLENE FILM OR TYPE S ROLL ROOFING)

FIELD REVIEWS:

- WSA ENGINEERING (2012) LTD. (WSA) PROVIDES FIELD REVIEW FOR THE WORK SHOWN ON THE STRUCTURAL DRAWINGS PREPARED BY WSA. THIS REVIEW IS A PERIODIC REVIEW AT THE PROFESSIONAL JUDGEMENT OF WSA. THE PURPOSE IS TO ASCERTAIN THAT THE WORK IS IN GENERAL CONFORMANCE WITH THE PLANS AND SUPPORTING DOCUMENTS PREPARED BY WSA AND TO FULFILL THE REQUIREMENTS FOR THE COMPLETION OF LETTERS OF ASSURANCE REQUIRED BY THE APPLICABLE BUILDING CODE.
- THE CONTRACTOR IS RESPONSIBLE TO UNDERTAKE THE WORK IN ACCORDANCE WITH THE DESIGN DRAWINGS, THE BCBC AND GOOD CONSTRUCTION PRACTICES. INSPECTIONS BY WSA WHETHER UNDERTAKEN OR NOT FOR ANY ITEM DO NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY TO COMPLETE THE WORK AS DIRECTED BY THE CONTRACT DOCUMENTS OR DRAWINGS, BEST PRACTICES AND THE BCBC. THE CONTRACTOR WILL SAVE HARMLESS AND INDEMNIFY WSA, ITS OWNERS OR EMPLOYEES FROM ANY DAMAGES RESULTING FROM POOR WORKMANSHIP, ERRORS OR OMISSIONS BY THE CONTRACTOR.
- ALL NON-CONFORMING WORKS THAT REQUIRE REMEDIAL ACTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. ANY EXTRA TIME OR COST INCURRED TO WSA, TO ASSIST OR ADVISE THE CONTRACTOR IN RECTIFYING THE WORK SHALL BE BORNE BY THE CONTRACTOR.
- ENSURE THAT WORK TO BE INSPECTED IS COMPLETE AT THE TIME OF INSPECTION AND IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. ADDITIONAL INSPECTIONS REQUIRED DUE TO INCOMPLETE WORK OR POORLY EXECUTED WORK, AS JUDGED BY WSA AS WELL AS ADDITIONAL DESIGN OR REMEDIAL WORK CAUSED BY DEVIATIONS FROM THESE DRAWINGS, MAY BE CHARGED TO THE GENERAL CONTRACTOR AT THE DISCRETION OF WSA.
- A MINIMUM OF 48 HOURS NOTICE SHALL BE GIVEN BY THE CONTRACTOR FOR ANY INSPECTION TO BE CARRIED OUT BY WSA. INSPECTIONS ARE REQUIRED PRIOR TO CONCEALING ANY STRUCTURAL WORK SHOWN ON THESE DRAWINGS.
- MINIMUM REQUIRED FIELD REVIEWS FOR THIS PROJECT:**
 - FOOTINGS:**
INSPECT WHEN REBAR AND FORMS ARE INSTALLED
 - FOUNDATION WALLS:**
INSPECT WHEN REBAR IS INSTALLED AND STILL VISIBLE PRIOR TO BEING FULLY COVERED BY FORMS
 - FRAMING:**
INSPECT ALL STRUCTURAL ELEMENTS DETAILED IN THESE DRAWINGS PRIOR TO BEING COVERED WITH INSULATION, SIDING, OR OTHER ELEMENTS

CONCRETE:

- PROVIDE CONCRETE AND PERFORM WORK TO CSA-A23.3.
 - MINIMUM 28 DAY COMPRESSIVE STRENGTHS AS INDICATED BELOW. ALL CONCRETE NORMAL WEIGHT - 150 PCF, TYPE 10 CEMENT, TYPE F FLYASH, MAXIMUM 3/4" AGGREGATE FOR ALL CONCRETE EXCEPT 1 1/4" MAXIMUM AGGREGATE FOR CHUTE PLACED SLABS ON GRADE. SUBMIT PROPOSED MIX DESIGN TO THE ENGINEER FOR APPROVAL.
- | LOCATIONS | STRENGTH MPa (PSI) | AIR % | SLUMP +20mm | EXPOS. CLASS |
|-------------------------|--------------------|-------|-------------|--------------|
| FOOTINGS | 25 (3600) | 1-4 | 70 | - |
| SUSPENDED SLABS & BEAMS | 25 (3600) | 4-7 | 70 | F2 |
| RETAINING WALL | 25 (3600) | 4-7 | 70 | F2 |
| INTERIOR S.O.G. | 25 (3600) | 1-4 | 60 | - |
| EXPOSED S.O.G. | 32 (4640) | 4-8 | 60 | C2 |
| WALLS & COLUMNS | 25 (3600) | 1-4 | 70 | - |
| | 30 (4350) | 4-7 | 70 | F2 |
- DO NOT USE ADMIXTURES OTHER THAN AIR ENTRAINMENT, STANDARD WATER REDUCERS OR SUPER PLASTICIZERS WITHOUT PRIOR APPROVAL OF THE ENGINEER.
 - REJECT ALL CONCRETE WHEN TIME BETWEEN BATCHING AND PLACING EXCEEDS 2 HOURS.
 - DO NOT ADD WATER TO THE CONCRETE ON SITE UNLESS AUTHORIZED BY THE ENGINEER.
 - CONSOLIDATE ALL CONCRETE USING MECHANICAL VIBRATORS.
 - CONTROL JOINTS FOR SLAB-ON-GRADE: SAWCUT TO A DEPTH OF 25% OF SLAB THICKNESS AS SOON AS POSSIBLE AND NO LATER THAN 20 HOURS AFTER POURING AT MAXIMUM 6.1m SPACING OR AT LOCATIONS SHOWN ON THE DRAWINGS.
 - CONSTRUCTION JOINTS: AS SHOWN ON THE DRAWINGS OR AS DIRECTED BY THE ENGINEER.
 - PROTECT CONCRETE FROM ADVERSE WEATHER CONDITIONS IN ACCORDANCE WITH CSA A23.1, A23.3
 - CONSTRUCT FORMWORK IN ACCORDANCE WITH WCB REGULATIONS AND CSA S269.3. FORMWORK DESIGN IS THE RESPONSIBILITY OF THE CONTRACTOR.

REINFORCING:

- NEW DEFORMED BARS TO CSA G30.18 GRADE 400 (60 KSI), WELDED WIRE FABRIC TO CSA G30.5. ANCHOR BOLTS TO ASTM A307.
- PLACE REINFORCING BARS TO CSA A23.1. TIE ALL BARS SECURELY IN PLACE TO PREVENT DISPLACEMENT. SUPPORT SLAB REINFORCING ON SUITABLE CHAIRS OR SUPPORTS AT MAXIMUM 4 FT. CENTRES. PROVIDE CORNER BARS TO MATCH HORIZONTAL WALL REBAR.
- PROVIDE CLEAR CONCRETE COVER FOR REBAR AS FOLLOWS:

| | |
|---|------------------|
| SURFACE POURED AGAINST GROUND FORMED SURFACE EXPOSED TO GROUND OR WEATHER | 3" |
| BEAMS | 2" TO MAIN STEEL |
| COLUMNS | 2" TO MAIN STEEL |
| WALLS | 1 1/2" |
| SLABS ON GRADE | 1 1/2" |
- SPLICE REBAR AS FOLLOWS (UNLESS OTHERWISE NOTED):

| | | | | | |
|-------------|-----|-----|-----|-----|-----|
| BAR SIZE- | 25M | 20M | 30M | 15M | 10M |
| LAP SPLICE- | 51" | 31" | 71" | 25" | 18" |
- MINIMUM 2-15M REINFORCING AROUND OPENING LARGER THAN 12" AT EACH SIDE OF OPENING. EXTEND 2'-0" PAST CORNER.
- CONTRACTOR TO PROVIDE 48 HOURS NOTICE FOR REBAR INSPECTION.
- WHERE SUSPENDED SLAB DRAWINGS ONLY SHOW PRINCIPAL REINFORCING IN ONE DIRECTION, PROVIDE SHRINKAGE AND TEMPERATURE REINFORCING PERPENDICULAR TO PRINCIPAL REINFORCING AND LOCATE BETWEEN MAIN TOP AND BOTTOM REINFORCING, PER PLANS.
- PROVIDE CORNER BARS FOR ALL HORIZONTAL WALL REINFORCING
- PLACE REINFORCING BARS UNIFORMLY AND SYMMETRICALLY, U.N.O.
- WHERE NEW CONCRETE POUR MEETS ABUTTING CONCRETE, DRILL AND GROUT ALL LONGITUDINAL REINFORCING 6:1 N.O. DRILLING AND GROUTING OF REINFORCING SHALL BE WITH "HILTI" HY-150 SYSTEM OR APPROVED EQUAL
- NO WELDING OF ANY CONCRETE REINFORCING STEEL IS PERMITTED WITHOUT WRITTEN APPROVAL FROM THE STRUCTURAL ENGINEER.

NON-STRUCTURAL COMPONENTS:

- NON-STRUCTURAL COMPONENTS ARE NOT THE RESPONSIBILITY OF WSA ENGINEERING LTD. BUT ARE DESIGNED, DETAILED, SPECIFIED AND REVIEWED IN THE FIELD BY OTHERS. LETTERS OF CERTIFICATION OF ADEQUACY, INSTALLATION, ETC. OF SUCH COMPONENTS ARE BY OTHERS.
- MANUFACTURERS OF NON-STRUCTURAL COMPONENTS WHICH AFFECT THE STRUCTURAL FRAMING SHALL SUBMIT SHOP DRAWINGS TO THE ARCHITECT AND WSA ENGINEERING LTD. FOR REVIEW. THE SHOP DRAWINGS SHALL CLEARLY INDICATE THE LOAD IMPOSED ON THE STRUCTURE. REVIEW WILL BE LIMITED TO THE EFFECT OF THE COMPONENTS ON THE STRUCTURAL FRAMING.
- EXAMPLES OF NON-STRUCTURAL COMPONENTS INCLUDE BUT ARE NOT LIMITED TO:
 - ARCHITECTURAL COMPONENTS SUCH AS HANDRAILS, GUARDRAILS, RAILINGS, FLAG POST, REMOVABLE CANOPIES, CEILINGS, VEHICLE PROTECTION SYSTEMS, ORNAMENTAL COMPONENTS
 - ARCHITECTURAL PRECAST CONCRETE AND ITS ATTACHMENTS
 - ARCHITECTURAL GLASS BLOCKS AND THEIR ATTACHMENTS
 - BRICK AND BLOCK VANEERS, REINFORCING, AND TIES
 - LANDSCAPING COMPONENTS SUCH AS BENCHES, LIGHT POSTS, PLANTERS
 - CURTAIN WALL SYSTEMS, CLADDING, SKYLIGHT, WINDOW MULLIONS
 - INTERIOR AND EXTERIOR NON-LOADING STEEL STUD WALLS
 - SUPPORT AND BRACINGS OF MECHANICAL AND ELECTRICAL SYSTEMS AND EQUIPMENT FOR NON-GRAVITY AND SEISMIC LOADS
 - WINDOW WASHING EQUIPMENT AND ITS ATTACHMENTS
 - ELEVATORS, ESCALATORS, AND OTHER CONVEYING SYSTEMS, INCLUDING PROPRIETARY SUPPORT BEAMS AND ATTACHMENTS
 - NON-STRUCTURAL MASONARY

DESIGN LOADS (BALFOUR) PER BCBC 2018

| | |
|--------------------------|---------------------|
| 1. SPECIFIED DEAD LOADS: | |
| ROOF | 15 PSF (0.72 kPa) |
| FLOOR | 15 PSF (0.72 kPa) |
| 2. SPECIFIED LIVE LOADS: | |
| FLOOR | 39.9 PSF (1.91 kPa) |
| 3. CLIMATIC DATA: | |
| GROUND SNOW (Sg) | 77.29 PSF (3.7 kPa) |
| ROOF SNOW (S) | 44.7 PSF (2.14 kPa) |
| RAIN (Sr) | 2.09 PSF (0.1 kPa) |
| WIND LOADS: | |
| (1/10) | 5.01 PSF (0.24 kPa) |
| (1/50) | 7.1 PSF (0.34 kPa) |
| SEISMIC LOADS: | |
| Sa(0.2) = 0.27 | |
| Sa(0.5) = 0.1 | |
| Sa(1.0) = 0.074 | |
| PGA = 0.058 | |

DRAWING INDEX

- A1.0 BUILDING CONCEPT
- A1.1 BUILDING CONCEPT - ELEVATION
- S0.0 COVER PAGE
- S1.0 SITE PLAN
- S1.1 C.I.P. WALL CONSTRUCTION DETAILS
- S1.2 MSE WALL CONSTRUCTION DETAILS
- S1.3 RETAINING WALL DETAILS
- S2.1 ADDITIONAL VIEWS

PRELIMINARY
FOR REVIEW NOT FOR
CONSTRUCTION



ENGINEERING (2012) LTD.

Civil • Structural
2248 Columbia Ave, Castlegar, B.C. V1N 2X1 Ph: (888) 617-8927

BC Permit to Practice No. 1003247

C23253-032
Crottey Parking Pad and Retaining Walls
1434 Hwy 31
Balfour, BC

| ISSUE | START DATE | | SHEET 1 OF 5 |
|-------|------------|-------------------|--------------|
| A1 | 17/11/22 | ISSUED FOR REVIEW | S0.0 |

LEGAL DESCRIPTION:

LOT B, PLAN NEP78423, DISTRICT LOT 12075, KOOTENAY LAND DISTRICT
PID: 026-329-981

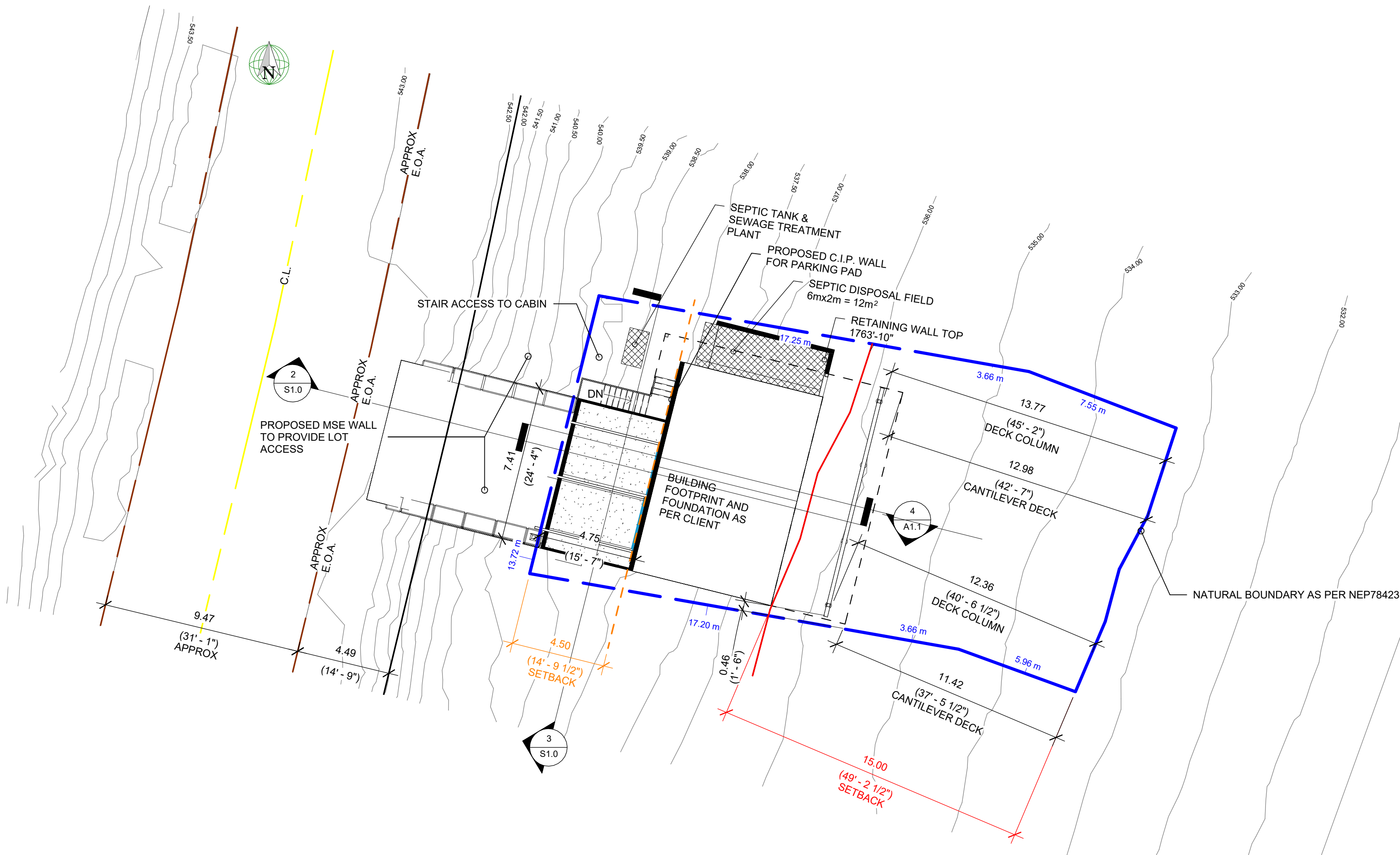
RDCK DESCRIPTION:

AREA E
RC - COUNTRY RESIDENTIAL

Status: Filed

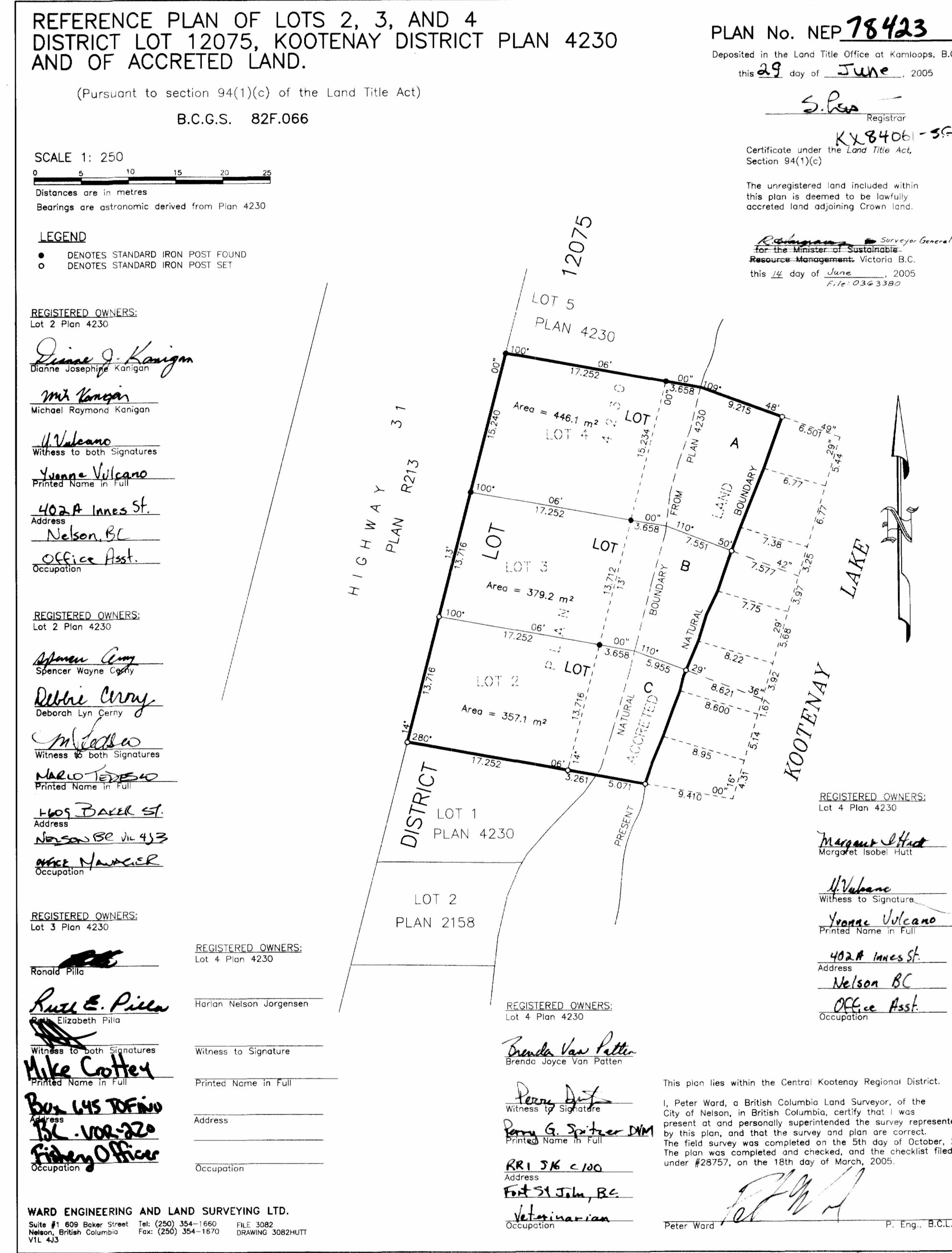
Plan #: NEP78423 App #: N/A Ctrl #:

RCVD: 2005-06-29 RQST: 2022-11-08 12:08:50



1 SITE AND WALL LAYOUT

S1.0 1: 150



WARD ENGINEERING AND LAND SURVEYING LTD.
Suite #1 800 Beaver Street Tel: (250) 354-1660 FLS 3282
Nelson, British Columbia Fax: (250) 354-1670 DRAWING: 30924/117
V11 413

Dimensions to Face of Foundation or Framing Stud UNO.

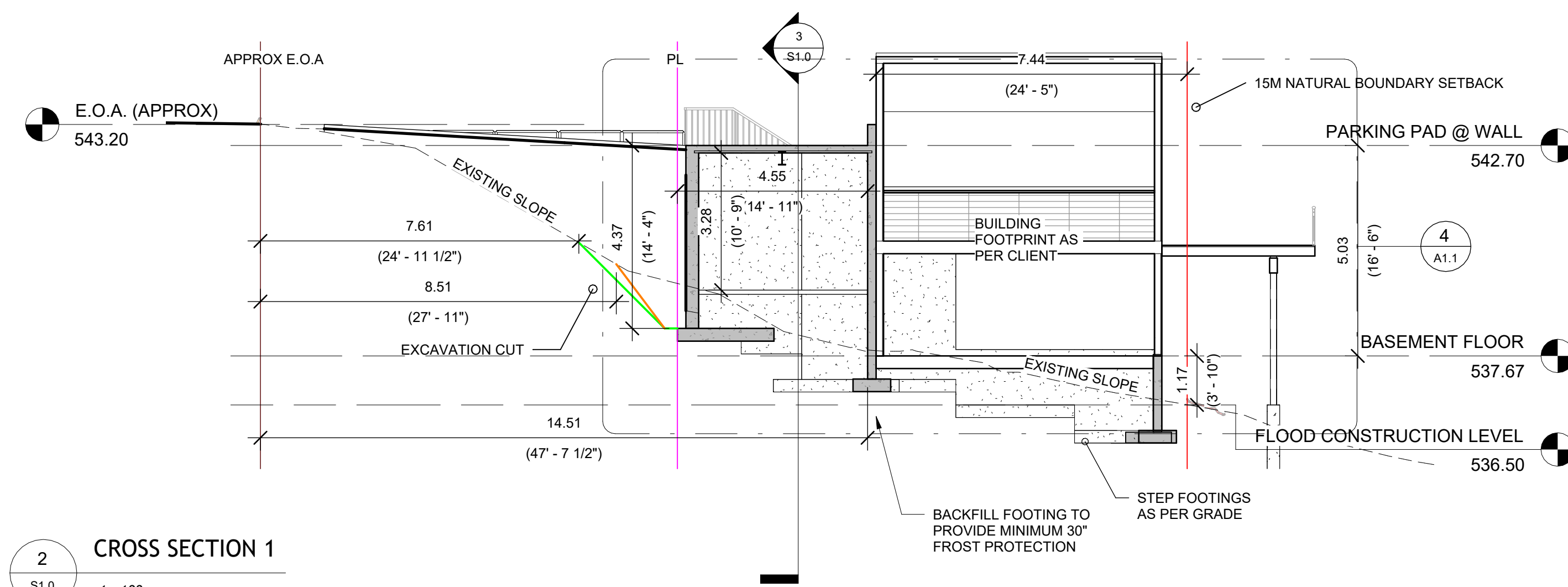
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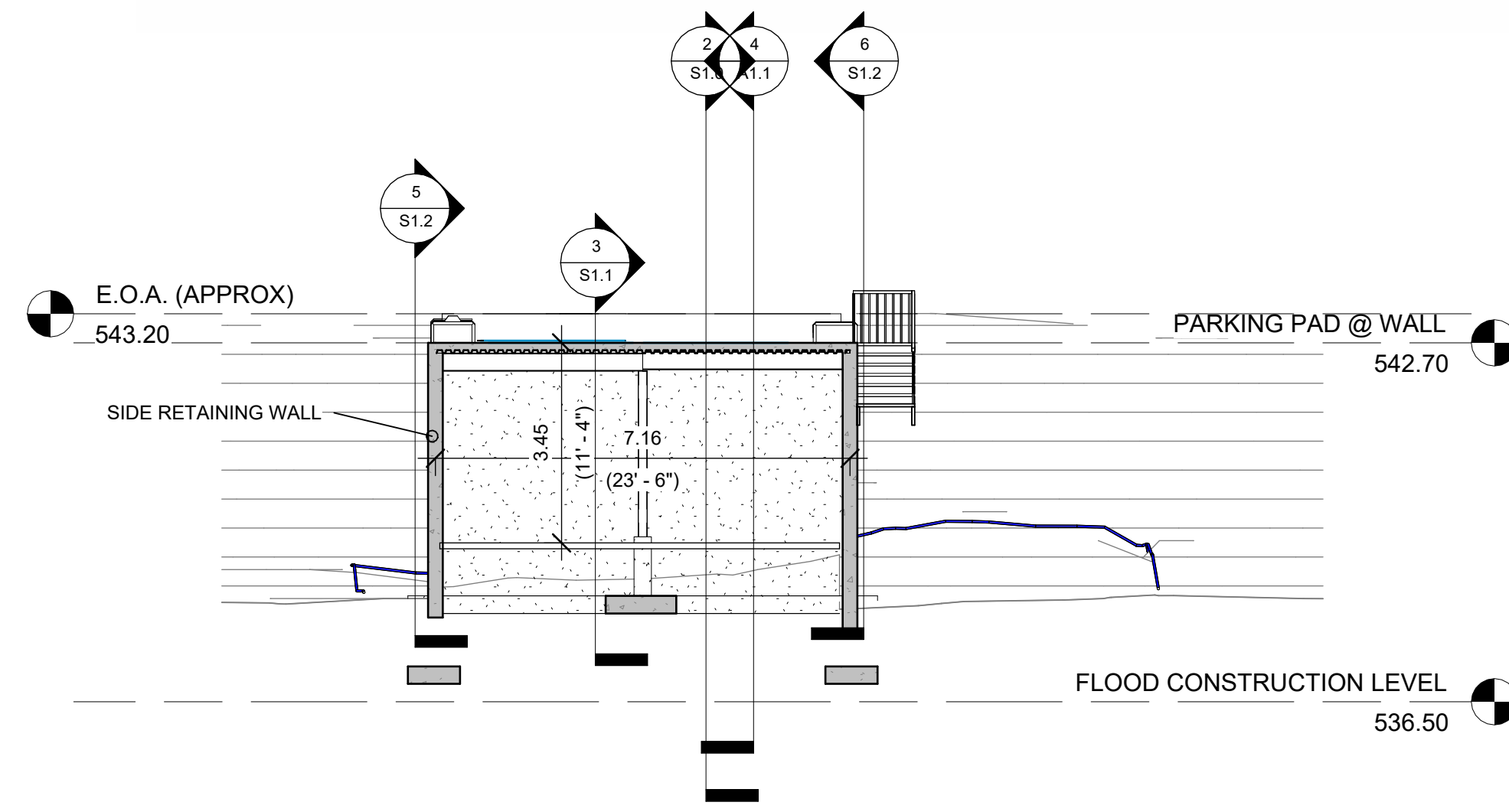
| No. | Date | Issue/Revision |
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| A1 | MAY 05/23 | ISSUED FOR FLOODPLAIN EXEMPTION REVIEW |
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| A | NOV 17/22 | ISSUED FOR REVIEW |

Professional Engineer Stamp:



2 CROSS SECTION 1

S1.0 1: 100



3 CROSS SECTION 2

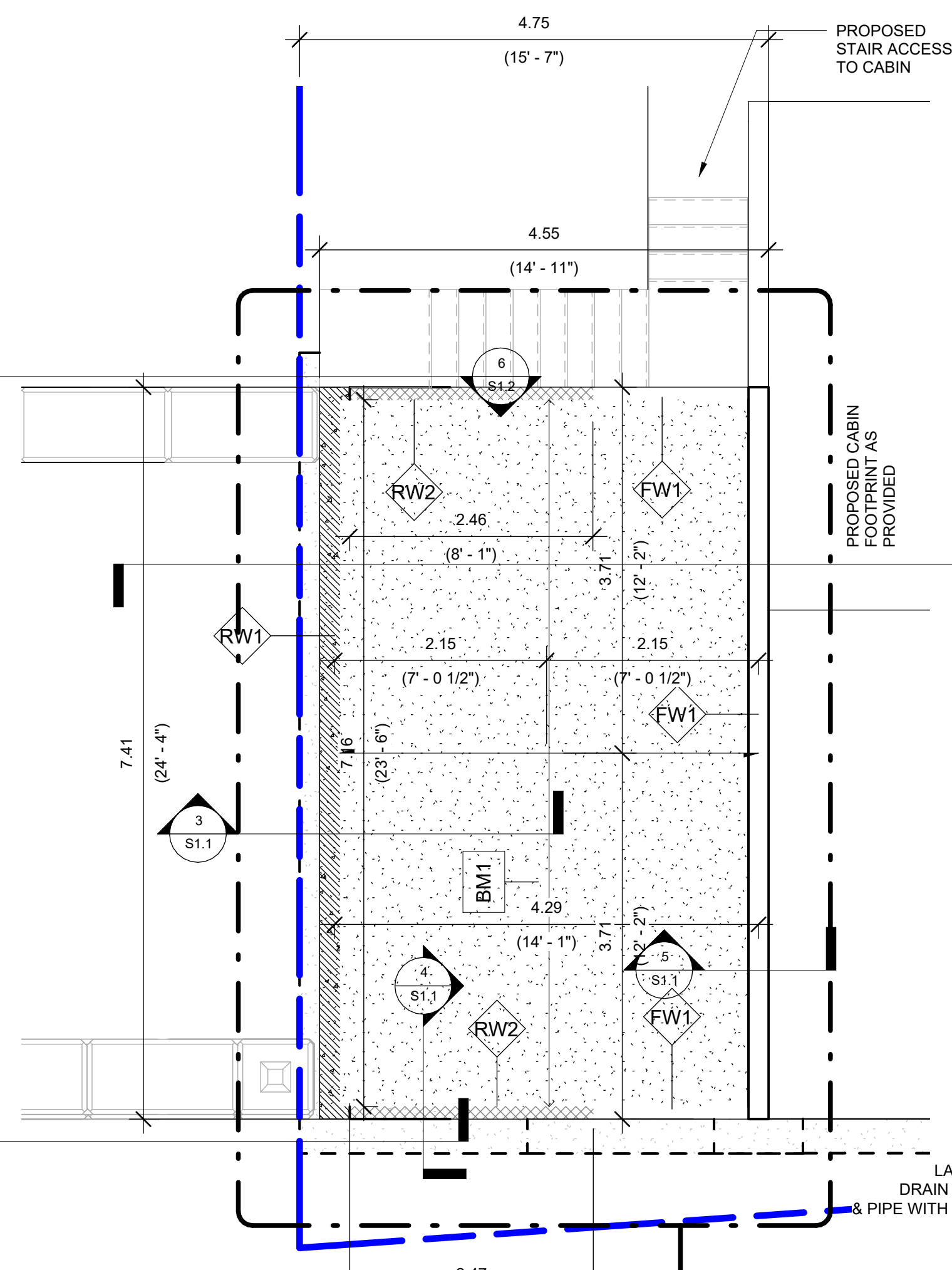
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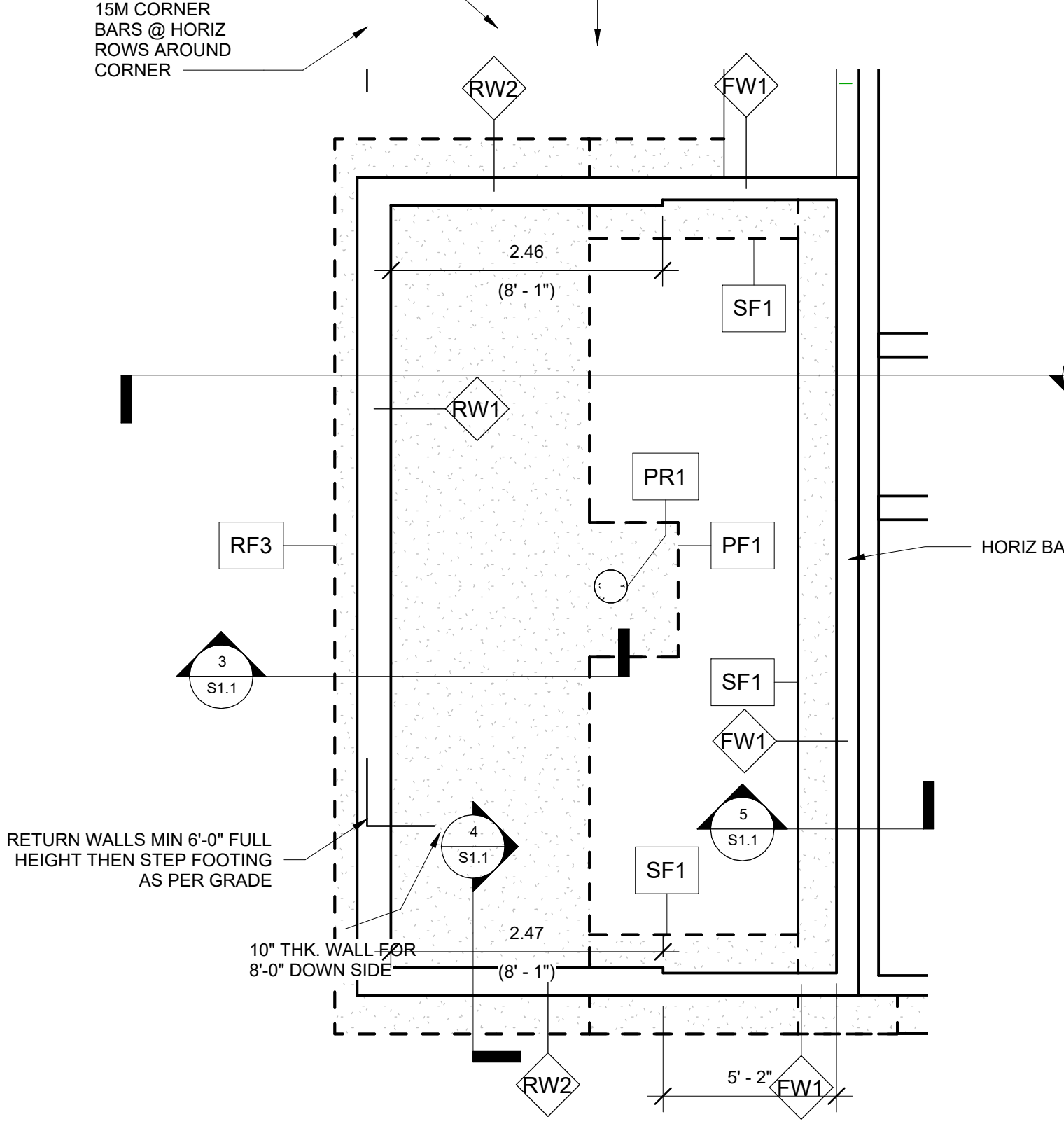
Project
Crotty Parking Pad and Retaining Walls
1434 Hwy 31
Balfour, BC
Drawing
SITE PLAN

| Start Date | Project No. | |
|------------|---------------|------------|
| 08/11/22 | C23253-032 | |
| Designed | Drawing File | |
| RS | C23253-032 A1 | |
| Drawn | Scale | |
| RS | As indicated | |
| Checked | Sheet No. | Issue/Rev. |
| CHK | S1.0 | A1 |
| Approved | APP | |

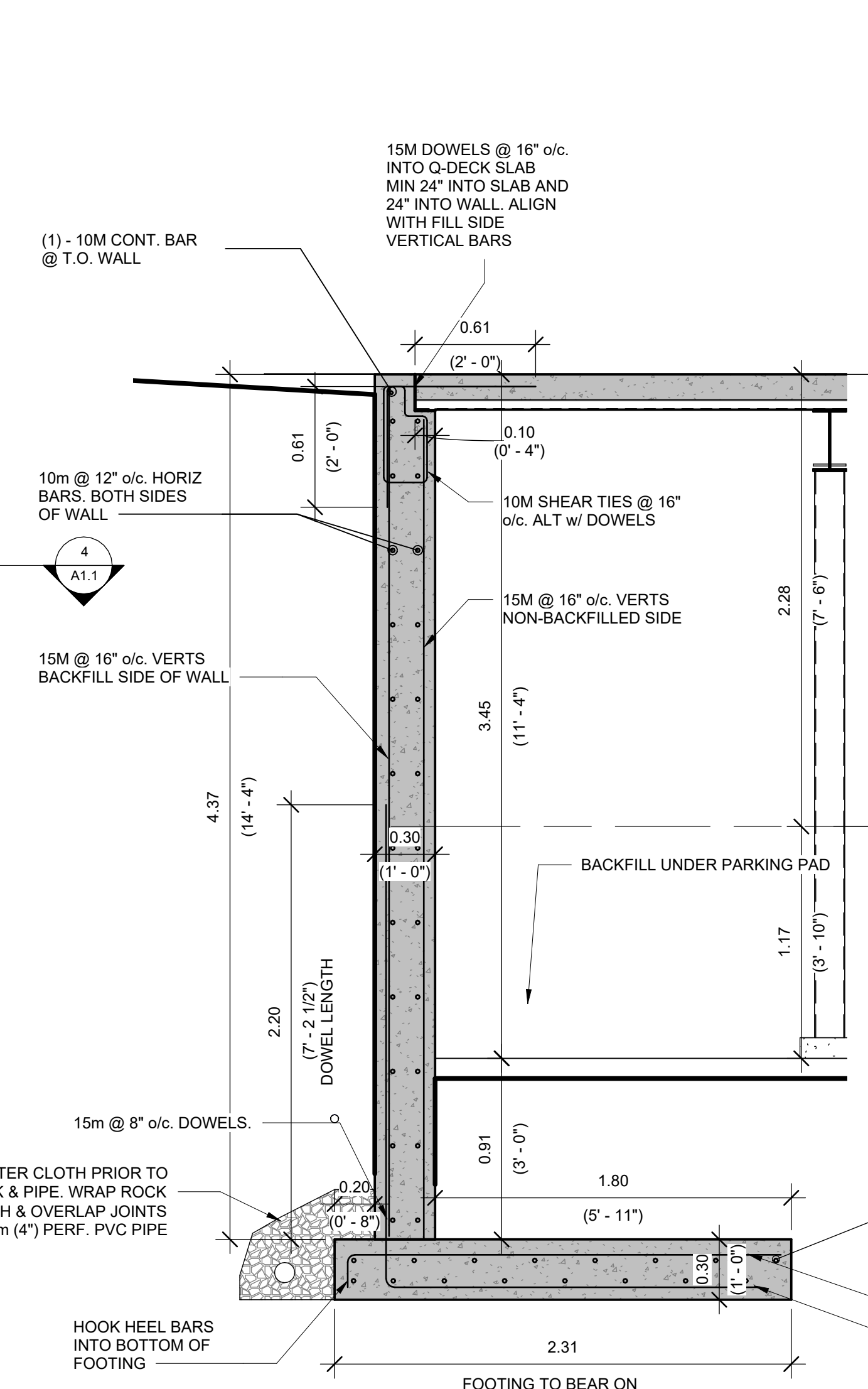
ISSUED FOR FLOODPLAIN EXEMPTION REVIEW



1 C.I.P. WALL LAYOUT
 S1.1
 1:48



2 C.I.P. WALL CONSTRUCTION PLAN
 S1.1
 1:48



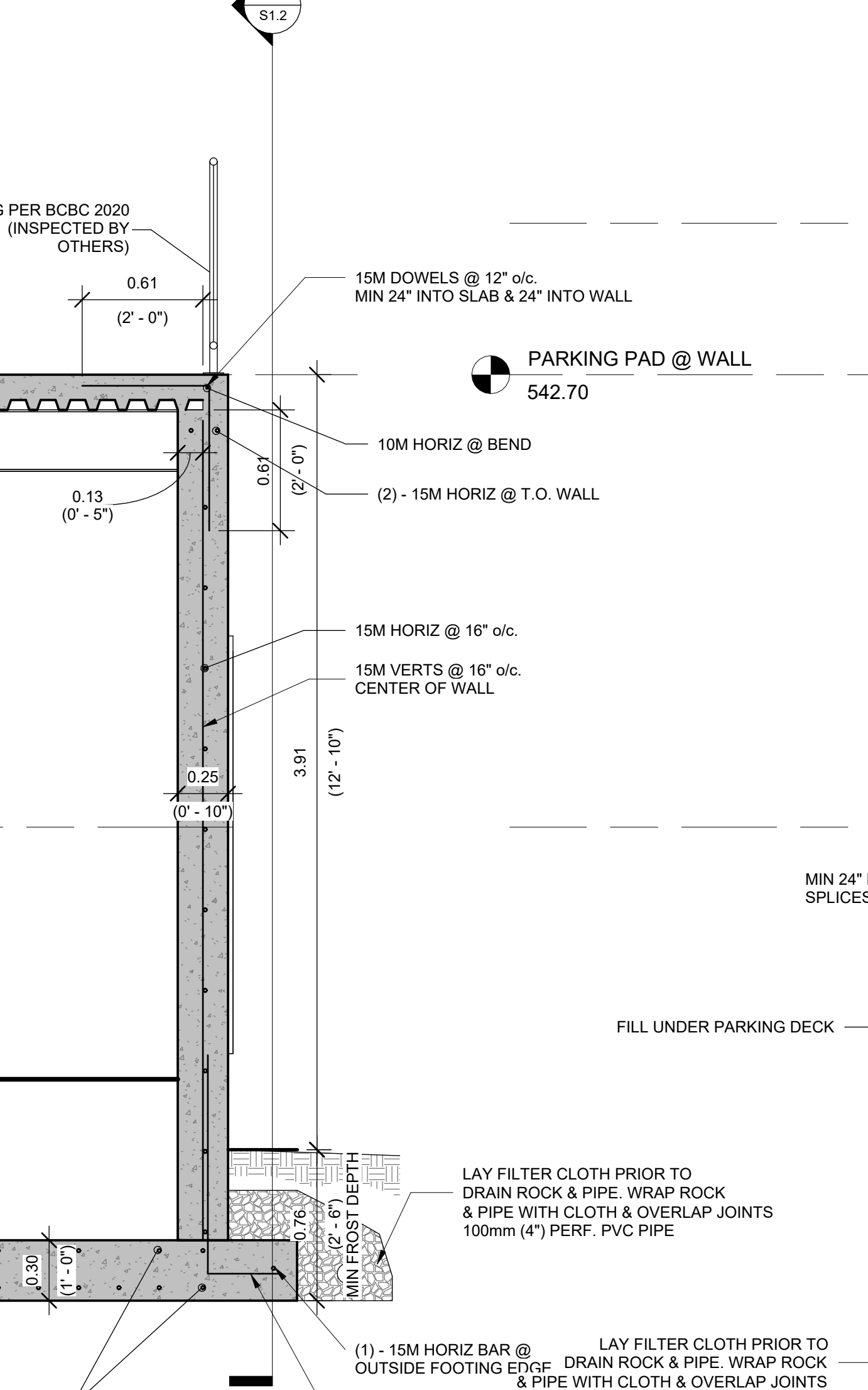
3 ROADSIDE RETAINING SECTION - RW1
 S1.1
 1:24

- WALL DESIGN NOTES:**
- DESIGN OF THIS RETAINING WALL HAS BEEN COMPLETED IN ACCORDANCE WITH EGBC PROFESSIONAL PRACTICE GUIDELINES - RETAINING WALL DESIGN. AN ENGINEER OF RECORD RETAINING WALL ASSURANCE STATEMENT HAS BEEN PREPARED.
 - WALL DESIGN MEETS OR EXCEEDS ACCEPTABLE FACTORS OF SAFETY IN RELATION TO SOIL BEARING CAPACITY, OVERTURNING AND SLIDING AT BASE

- WALL CONSTRUCTION NOTES:**
- SUB-GRADE TO COMPRISE UN-DISTURBED NATIVE SOILS OR WELL COMPACTED GRANULAR BACKFILL. PROOF THE SUBGRADE SURFACE BEFORE PREPARING THE SUB-BASE
 - INSTALL DRAINS AS INDICATED COMPRISING A NON-WOVEN GEOTEXTILE FILTER WRAPPED AROUND CLEAR 19-25mm DRAIN ROCK, SURROUNDING A 4" DIAMETER PVC PIPE (CSA B-182.1).
 - BACKFILL TO COMPRISE WELL-GRADED GRAVEL AND SAND MEETING SPECIFICATION AS SELECT GRANULAR SUB-BASE (SGSB) OR LOCAL MATERIALS IF PRE-APPROVED BY THE ENGINEER. BACKFILL TO BE PLACED IN MAXIMUM 300mm (LOOSE THICKNESS) LIFTS AND COMPACTED WITH REPEATED PASSES OF A VIBRATING DRUM ROLLER, VIBRATING PLATE COMPACTOR OR JUMPING JACK. USE CARE WHEN COMPACTING CLOSE TO THE BLOCKS TO AVOID DISPLACEMENT OR EXCESSIVE ROTATION. DO NOT BACKFILL WALL GREATER THAN HALF WALL HEIGHT BEFORE COMPOSITE FLOOR SLAB HAS BEEN PLACED AND ALLOWED TO CURE FOR MINIMUM 7 DAYS.
 - ADDITION OF WATER, IF NEEDED, TO BE UNDERTAKING PRIOR TO COMPACTING
 - FIELD DENSITY TESTING TO BE UNDERTAKEN WITH AT LEAST 2 ROUNDS OF TESTING. ADDITIONAL FIELD DENSITY TESTING MAY BE REQUESTED BY THE ENGINEERING BASED ON REVIEW OF PREVIOUS TEST RESULTS OR OBSERVED MATERIALS BEHAVIORS AND PLACEMENT METHODS.
 - TARGET DENSITY IS 98% OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY. MOISTURE CONTENT NOT TO EXCEED OPTIMUM VALUE BY MORE THAN 2%

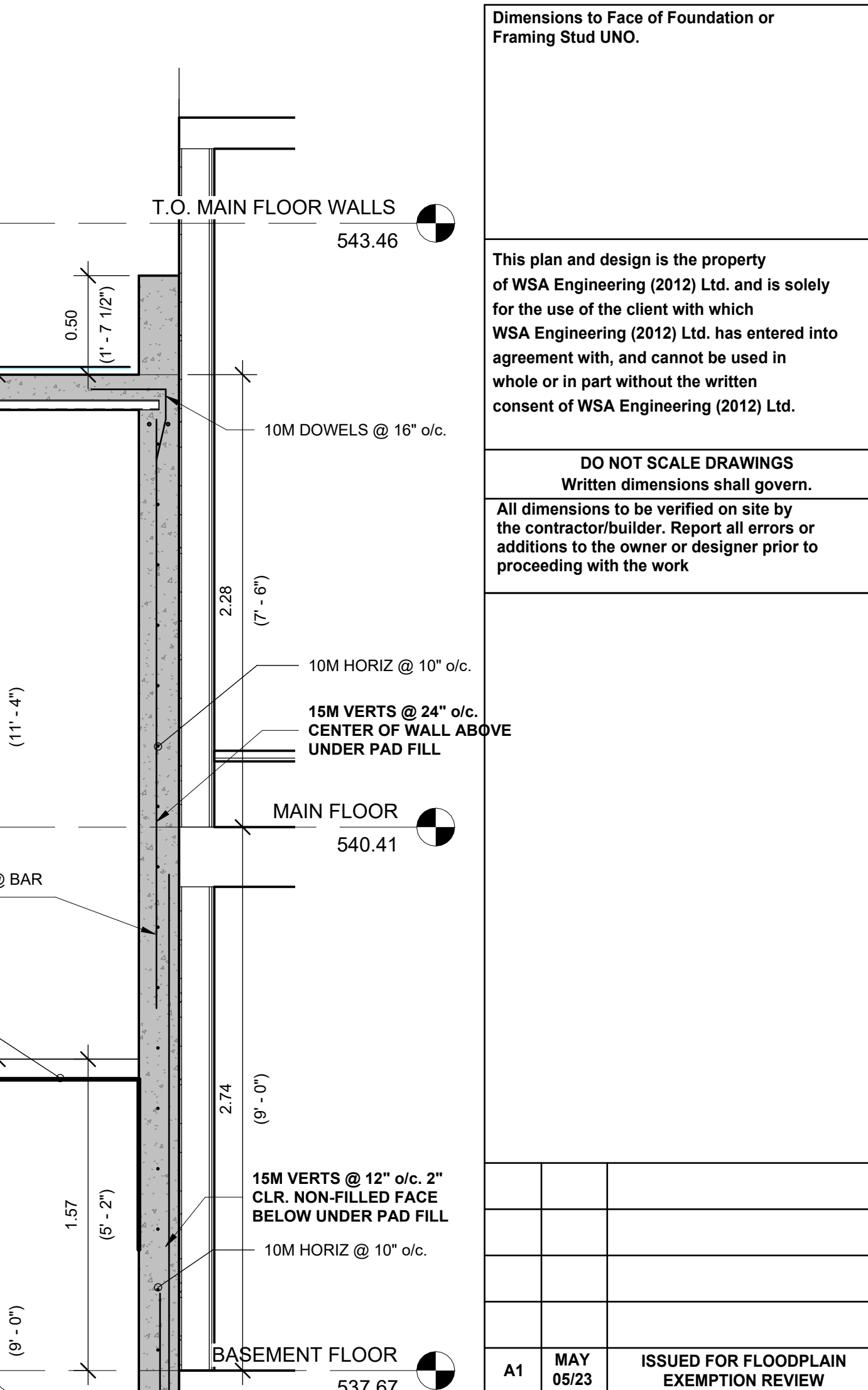
NOTE:

- SLOPE BACKFILL AWAY FROM WALL FOR POSITIVE DRAINAGE.
- BACKFILL TO BE FREE DRAINING GRANULAR MATERIAL.
- BACKFILL MUST BE HORIZONTAL OR SLOPING DOWN FROM WALL & NO SURCHARGE LOADING TO BE APPLIED WITHIN A DISTANCE EQUAL TO THE HEIGHT OF THE WALL
- GEOTECHNICAL ENGINEER TO CONFIRM SOIL BEARING CAPACITY MIN. 150kPa AND BACKFILL FRICTION ANGLE OF 34° OR GREATER



4 SIDE WALL SECTION - 10" THK. - RW2
 S1.1
 1:24

FLOOD CONSTRUCTION LEVEL
 536.50



5 CABIN SIDE WALL SECTION - 8" - FW1
 S1.1
 1:24

Dimensions to Face of Foundation or Framing Stud UNO.

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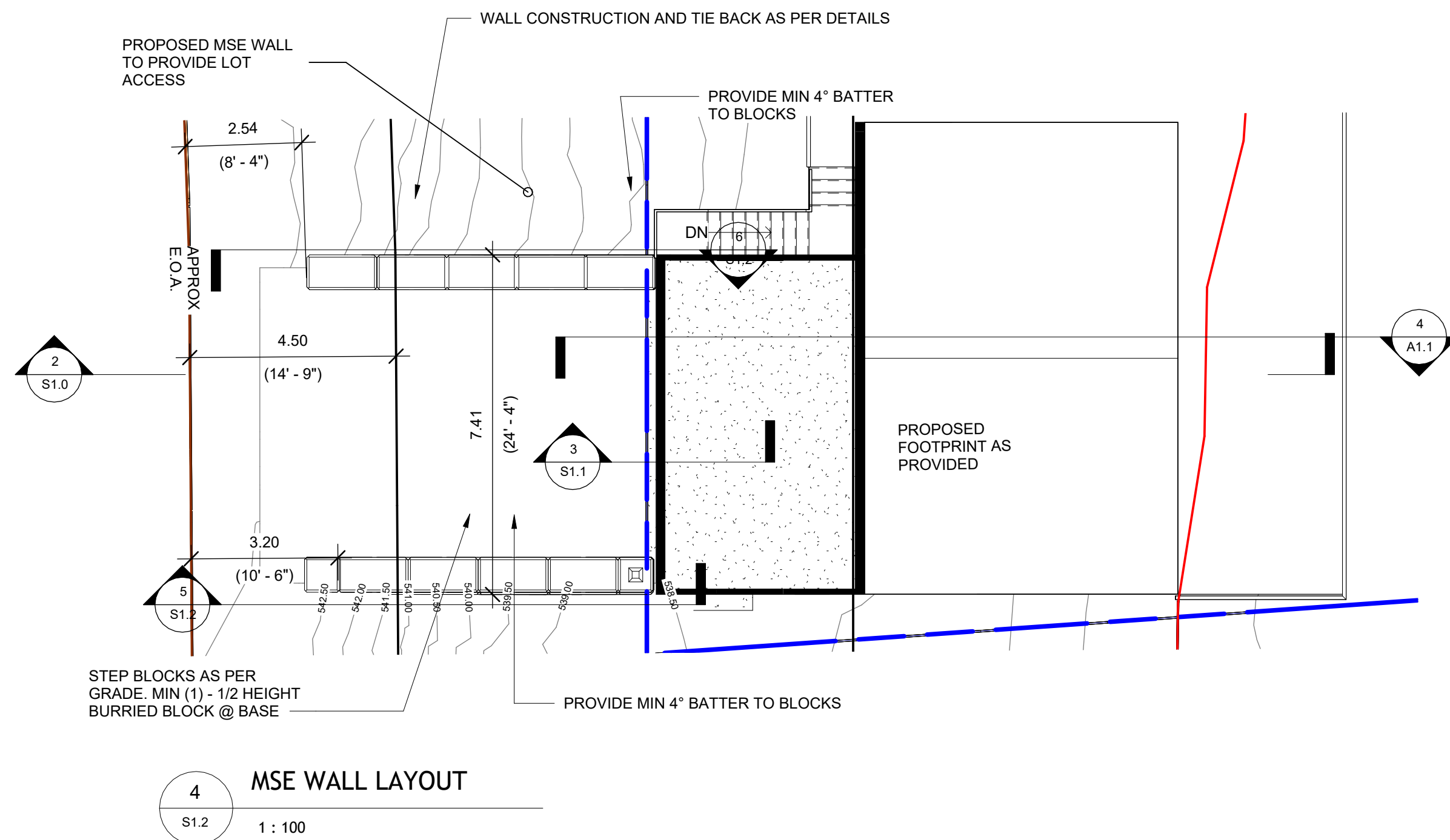
Project
Crotty Parking Pad and Retaining Walls
 1434 Hwy 31
 Balfour, BC
 Drawing
C.I.P. WALL CONSTRUCTION DETAILS

| Start Date | Project No. |
|------------|---------------|
| 08/11/22 | C23253-032 |
| Designed | Drawing File |
| RS | C23253-032 A1 |
| Drawn | Scale |
| RS | As indicated |
| Checked | Sheet No. |
| CHK | S1.1 |
| Approved | Issue/Rev. |
| APP | A1 |

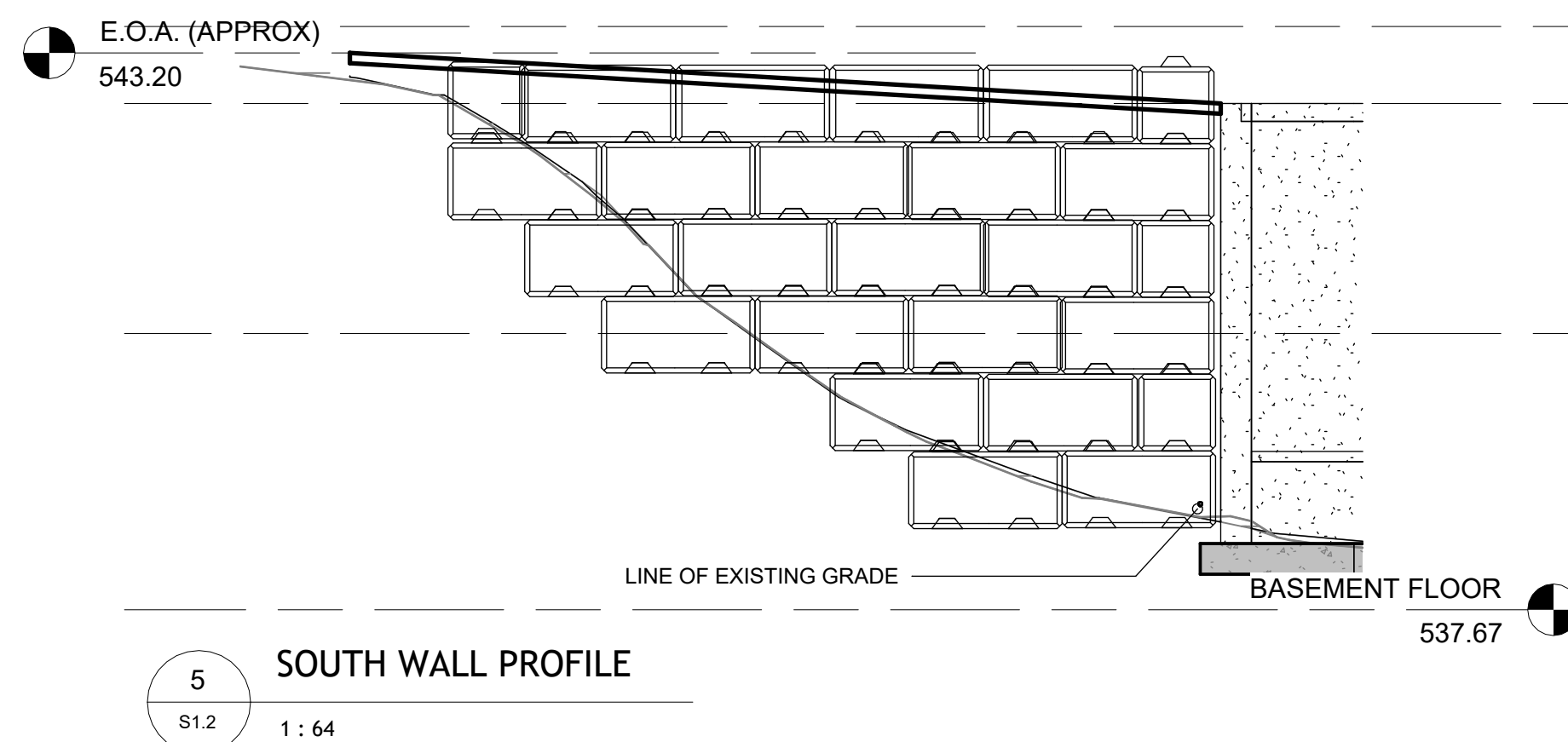
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WALL CONSTRUCTION NOTES:

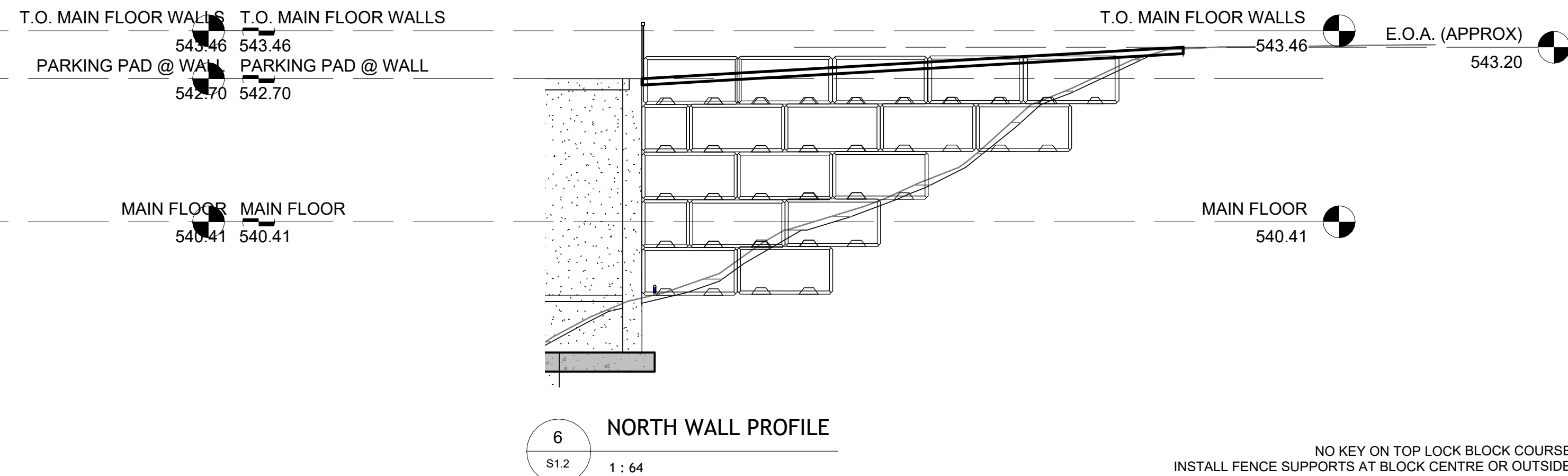
- SUB-GRADE TO COMPRISE UN-DISTURBED NATIVE SOILS OR WELL COMPACTED GRANULAR BACKFILL. PROOF THE SUBGRADE SURFACE BEFORE PREPARING THE SUB-BASE
- BLOCK SUB-BASE TO COMPRISE MIN 100mm OF 19-25mm WELL GRADED CRUSHED GRAVEL WITH LESS THAN 5% FINES (PASSING THE 0.075mm SIEVE). PLACE AND COMPACT IN LIFTS AS NEEDED TO MEET BASE OF BLOCK ELEVATIONS.
- PLACE BLOCKS WITH MINIMUM 4 DEGREE BATTER - OFFSET 50mm (2") FROM PLUMB AT TOP OF EACH BLOCK. ARRANGE IN "BRICK BOND" PATTERN WITH BLOCK JOINTS OFFSET.
- PLACE SPECIFIED GEOGRID BETWEEN EACH COURSE OF BLOCKS. GEOGRID TO BE INSTALLED WITH THE STRONG AXIS PERPENDICULAR TO THE WALL FACE.
- INSTALL DRAINS AS INDICATED COMPRISING A NON-WOVEN GEOTEXTILE FILTER WRAPPED AROUND CLEAR 19-25mm DRAIN ROCK, SURROUNDING A 4" DIAMETER PVC PIPE (CSA B-182.1).
- GEOGRID TO BE STRETCHED TAUT AFTER PLACEMENT OF UPPER BLOCK. NOTE THAT MINIMUM GEOGRID LENGTHS VARY WITH WALL HEIGHT. WHERE THERE ARE TRANSITIONS (STEPS) IN WALL HEIGHT, THE LONGER LENGTH IS TO BE INSTALLED AT THE ENTIRE "STEP" LOCATION.
- HOLD GEOGRID IN PLACE WITH STAKES OR PINS, OR USE OTHER MEANS TO WHEN PLACING GRAVEL. BACKFILL IS TO BE PLACED STARTING CLOSE TO THE WALL, AND SPREAD BACK FROM THERE TO AVOID CREATING PUCKERING OR SLACK.
- BACKFILL TO COMPRISE WELL-GRADED GRAVEL AND SAND MEETING SPECIFICATION AS SELECT GRANULAR SUB-BASE (SGSB) OR LOCAL MATERIALS IF PRE-APPROVED BY THE ENGINEER. BACKFILL TO BE PLACED IN MAXIMUM 300mm (LOOSE THICKNESS) LIFTS AND COMPACTED WITH REPEATED PASSES OF A VIBRATING DRUM ROLLER, VIBRATING PLATE COMPACTOR OR JUMPING JACK. USE CARE WHEN COMPACTING CLOSE TO THE BLOCKS TO AVOID DISPLACEMENT OR EXCESSIVE ROTATION.
- ADDITION OF WATER, IF NEEDED, TO BE UNDERTAKING PRIOR TO COMPACTING
- WRITTEN INSTRUCTION UNDER SECTION 20 OF THE WORKSAFE BC OH&S REGULATION TO BE PREPARED PRIOR TO THE START OF THE SUBGRADE PREPARATIONS AND WALL CONSTRUCTION. WORKED PROCEDURES ARE TO BE ESTABLISHED TO MINIMIZE THE TIME THAT WORKERS ARE IN OBSTRUCTED LOCATIONS BETWEEN THE WALL AND THE EXCAVATION FACE. GUARDRAILS TO BE INSTALLED AT THE WALL FACE AS WORK PROGRESSES IN ACCORDANCE WITH WORKSAFE REGULATIONS.
- FIELD DENSITY TESTING TO BE UNDERTAKEN WITH AT LEAST ONE ROUND OF TEST FOR SINGLE AND 2-HIGH WALL SECTIONS, AND MINIMUM OF 2 ROUNDS OF TESTING FOR 3 BLOCK AND HIGHER SEGMENTS. ADDITIONAL FIELD DENSITY TESTING MAY BE REQUESTED BY THE ENGINEERING BASED ON REVIEW OF PERVIOUS TEST RESULTS OR OBSERVED MATERIALS BEHAVIORS AND PLACEMENT METHODS.
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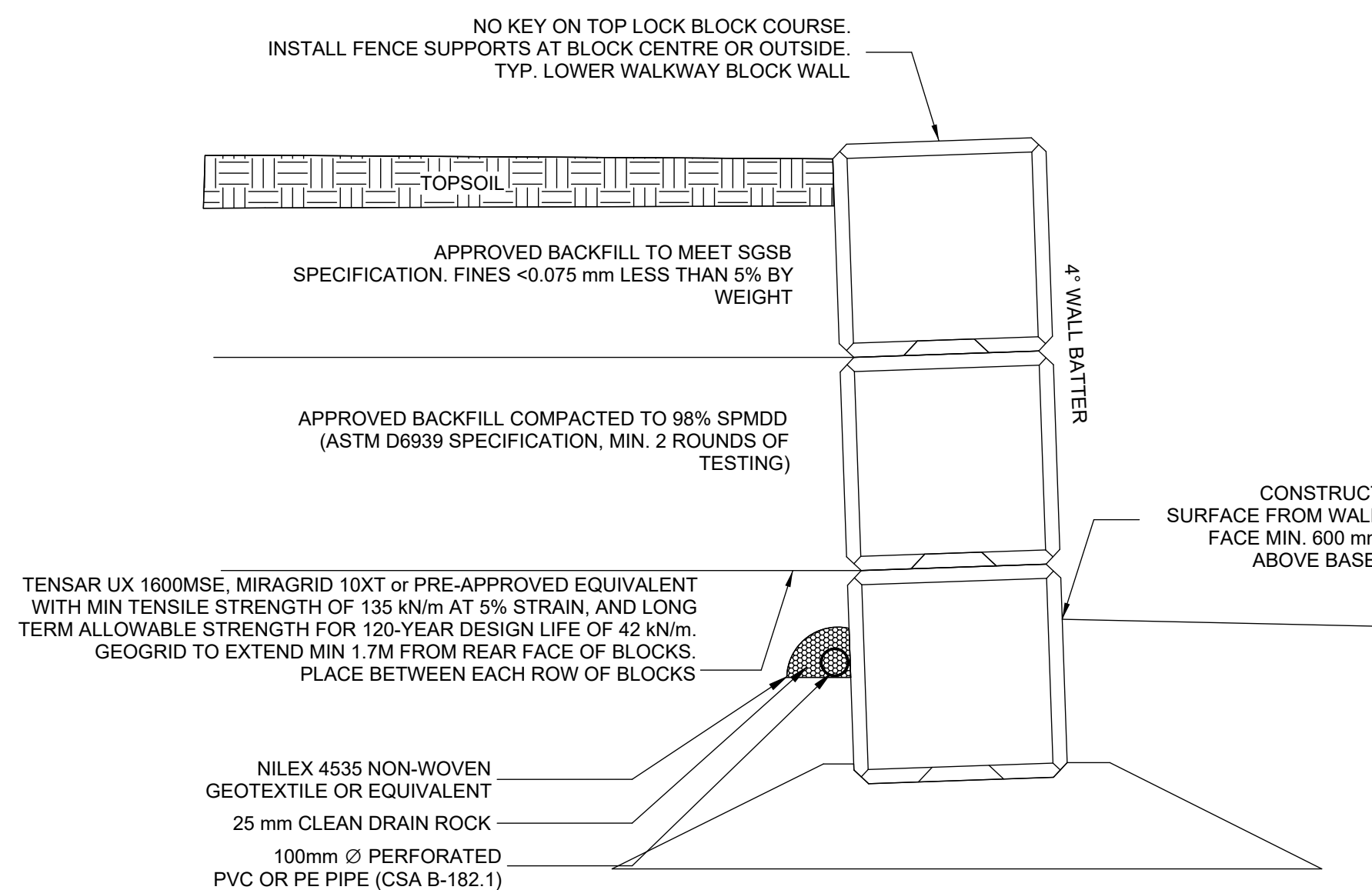
4 MSE WALL LAYOUT
S1.2 1:100



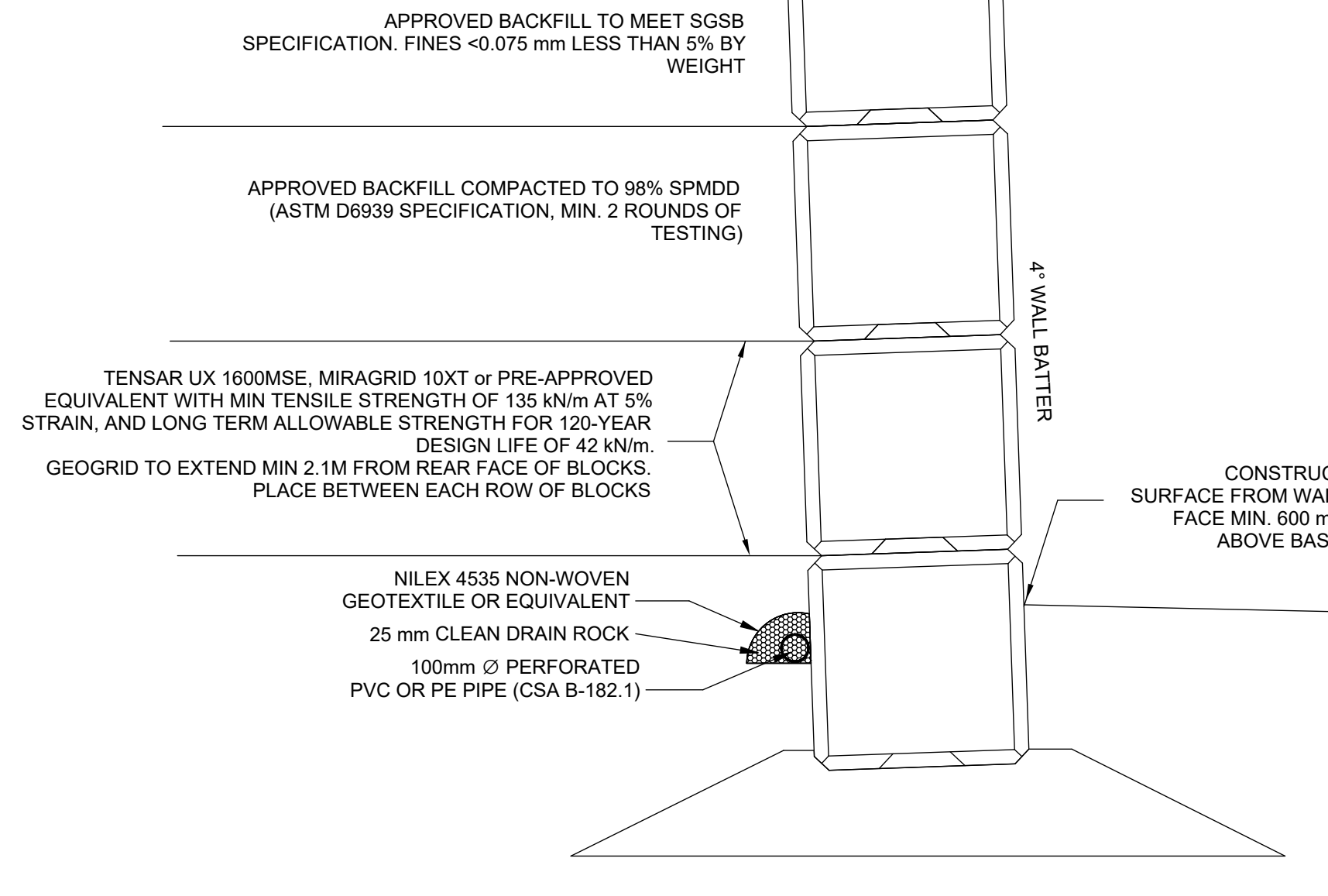
5 SOUTH WALL PROFILE
S1.2 1:64



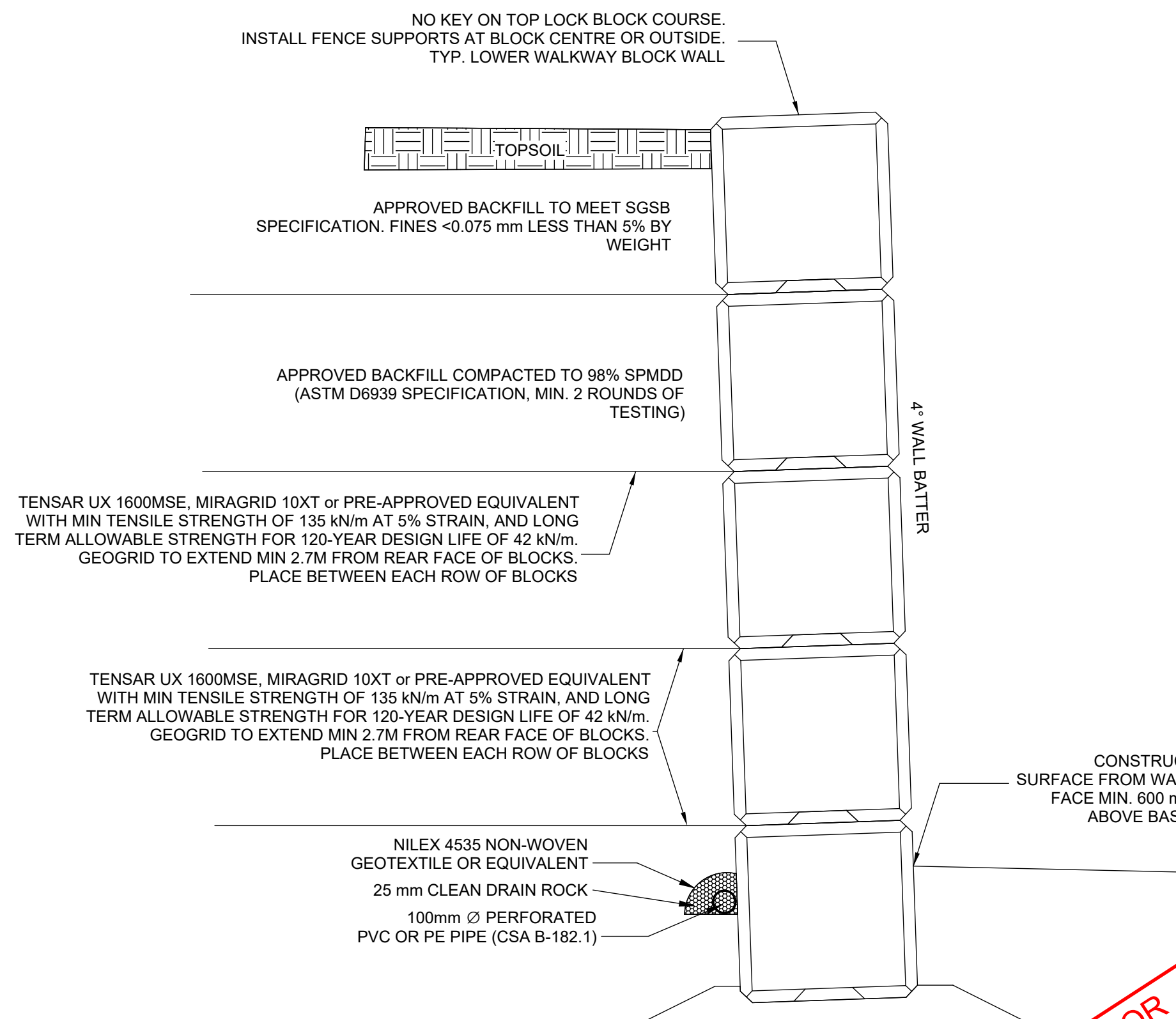
6 NORTH WALL PROFILE
S1.2 1:64



1 3 - HIGH LOCK BLOCK SECTION
S1.2 1:32



2 4 - HIGH LOCK BLOCK SECTION
S1.2 1:32



3 5 - HIGH LOCK BLOCK SECTION
S1.2 1:32

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Professional Engineer Stamp:



Project
Crotley Parking Pad and Retaining Walls

1434 Hwy 31
Balfour, BC

Drawing
MSE WALL CONSTRUCTION DETAILS

| | | | |
|------------|----------|--------------|---------------|
| Start Date | 08/11/22 | Project No. | C23253-032 |
| Designed | RS | Drawing File | C23253-032 A1 |
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| Checked | CHK | Sheet No. | S1.2 |
| Approved | APP | Issue/Rev. | A1 |

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Project
Crotty Parking Pad and Retaining Walls

1434 Hwy 31
Balfour, BC

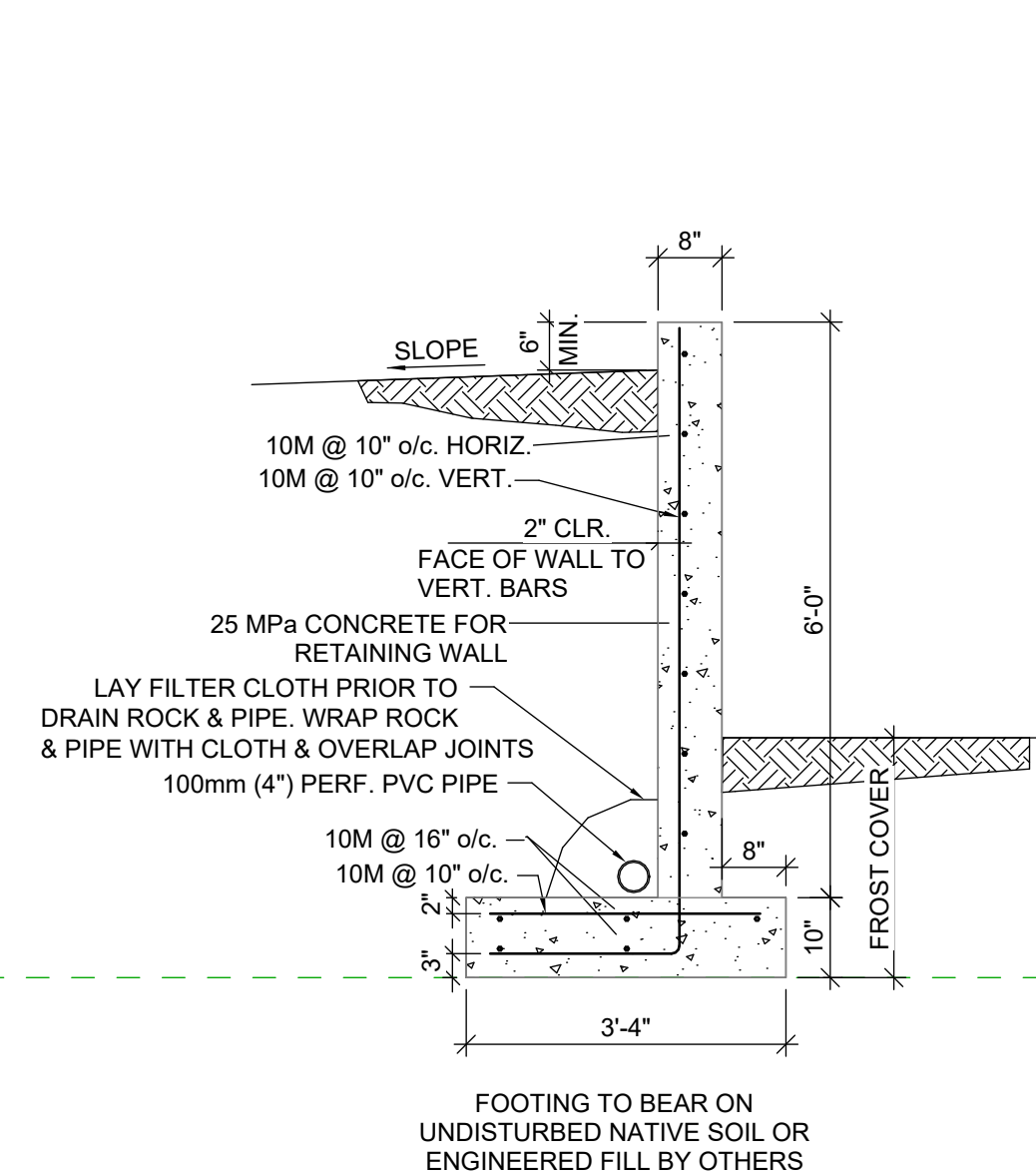
Drawing
RETAINING WALL DETAILS

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|------------|----------|--------------|---------------|
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| Checked | CHK | Sheet No. | S1.3 |
| Approved | APP | Issue/Rev. | A1 |

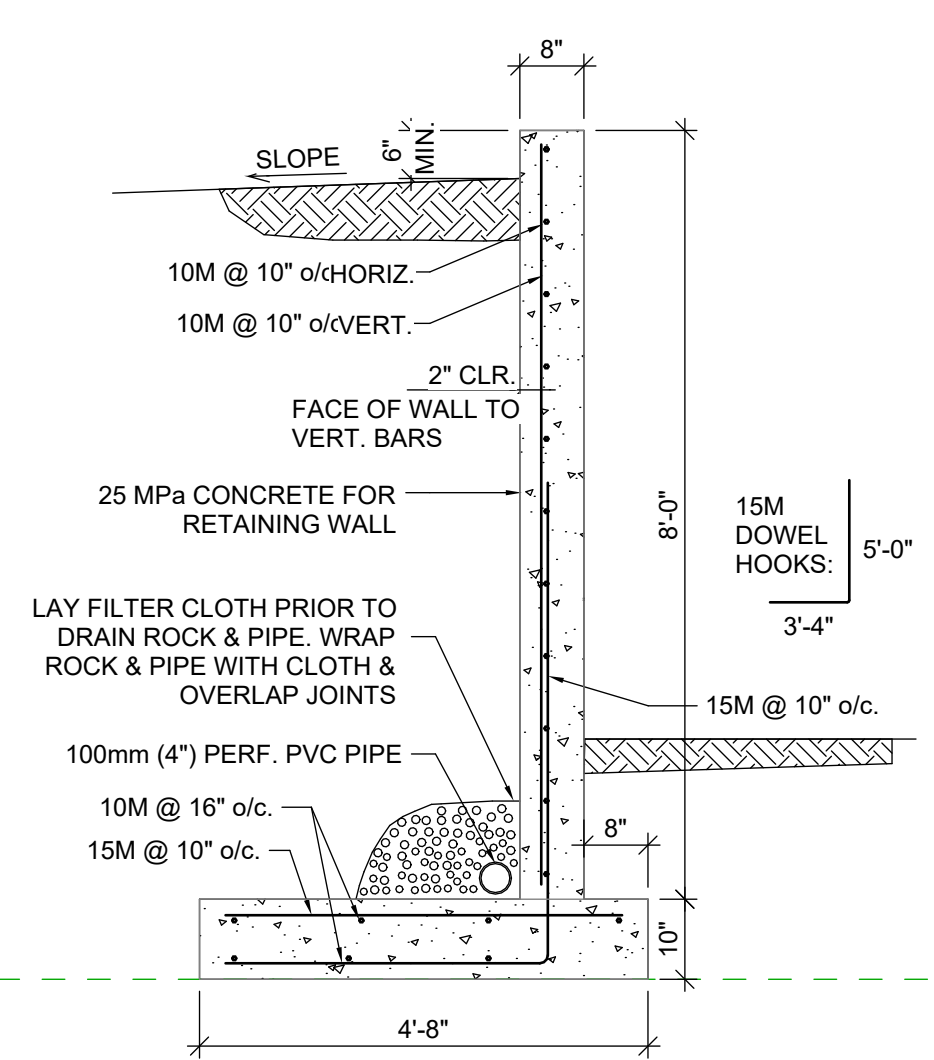
NOTE:

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- GEOTECHNICAL ENGINEER TO CONFIRM SOIL BEARING CAPACITY MIN. 150kPa AND BACKFILL FRICTION ANGLE OF 34° OR GREATER

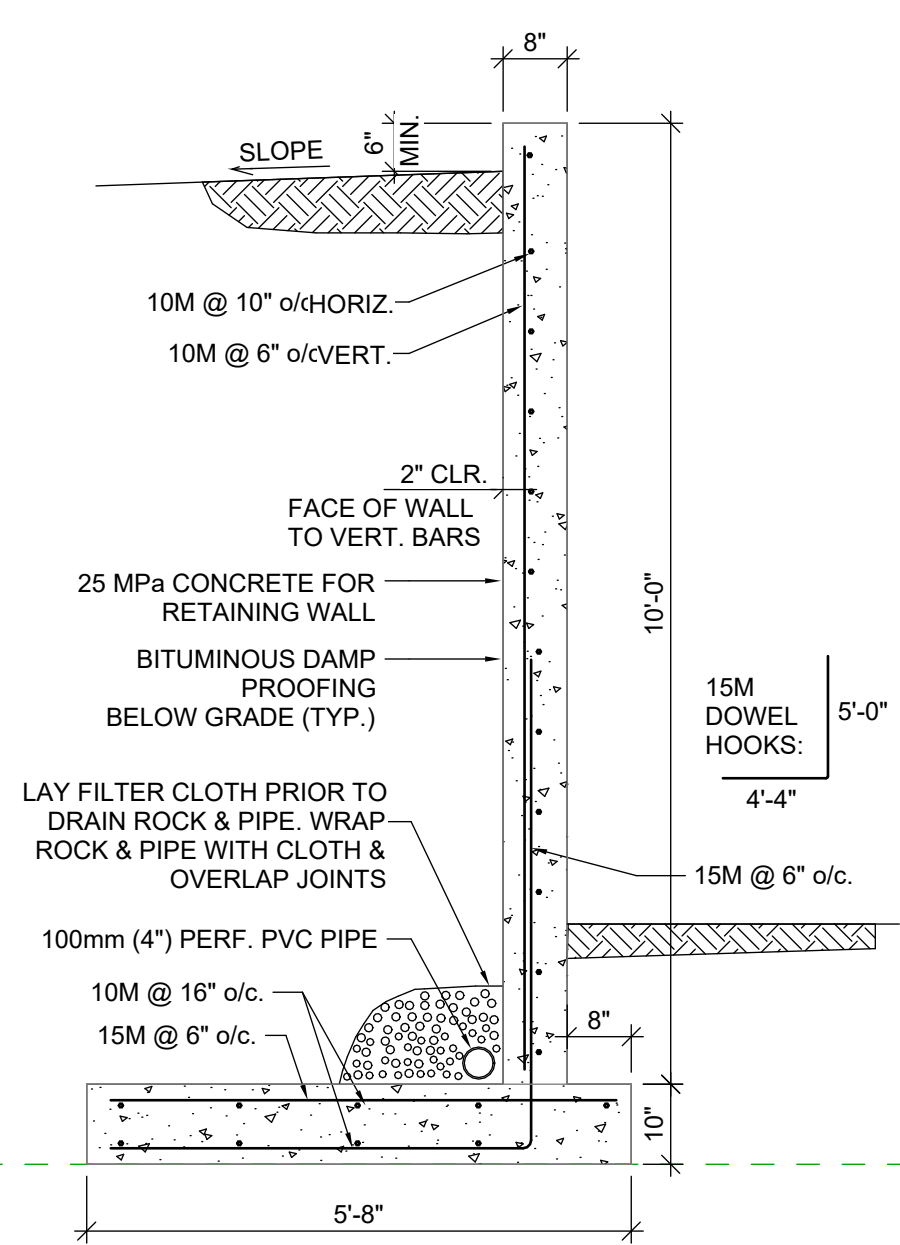
**TYPICAL DETAILS ARE FOR GENERAL SITE USE. NOT FOR PARKING STRUCTURE.
NO SURCHARGE TO BE APPLIED WITHIN A DISTANCE EQUAL TO THE HEIGHT OF THE WALL**



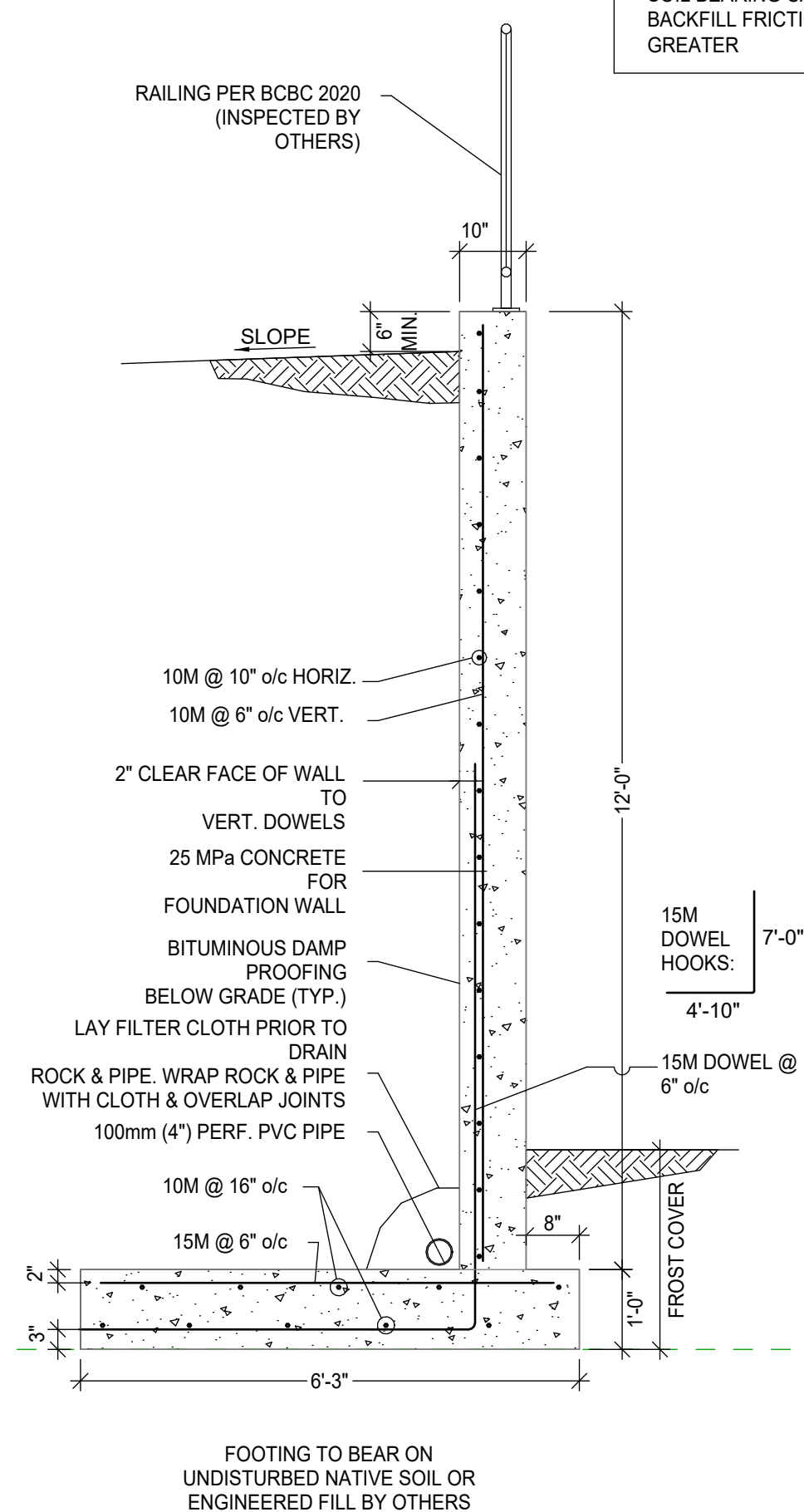
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SCALE: 1/2"=1'-0"



UP TO 8'-0" RETAINING WALL
SCALE: 1/2"=1'-0"

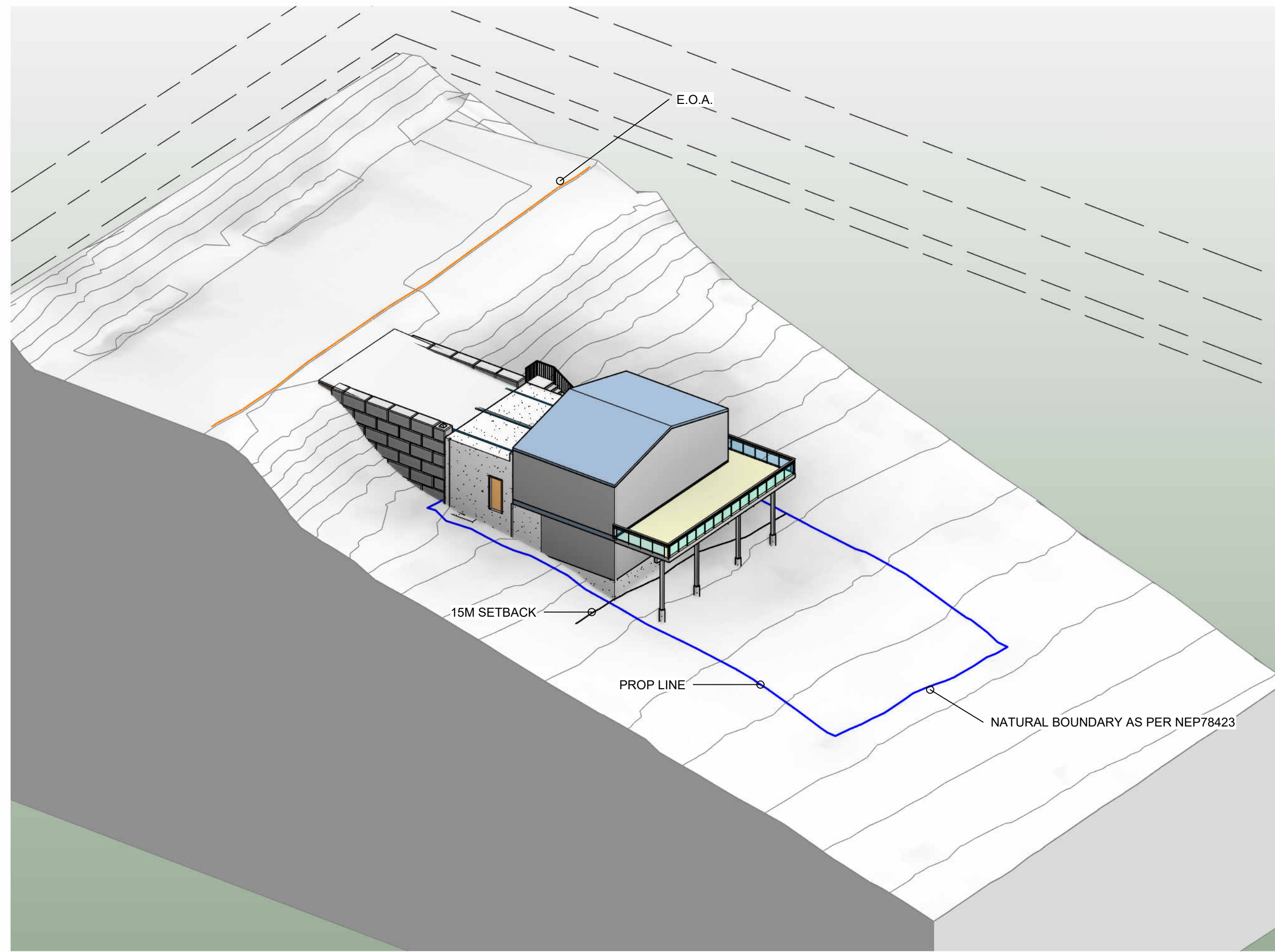


UP TO 10'-0" RETAINING WALL
SCALE: 1/2"=1'-0"

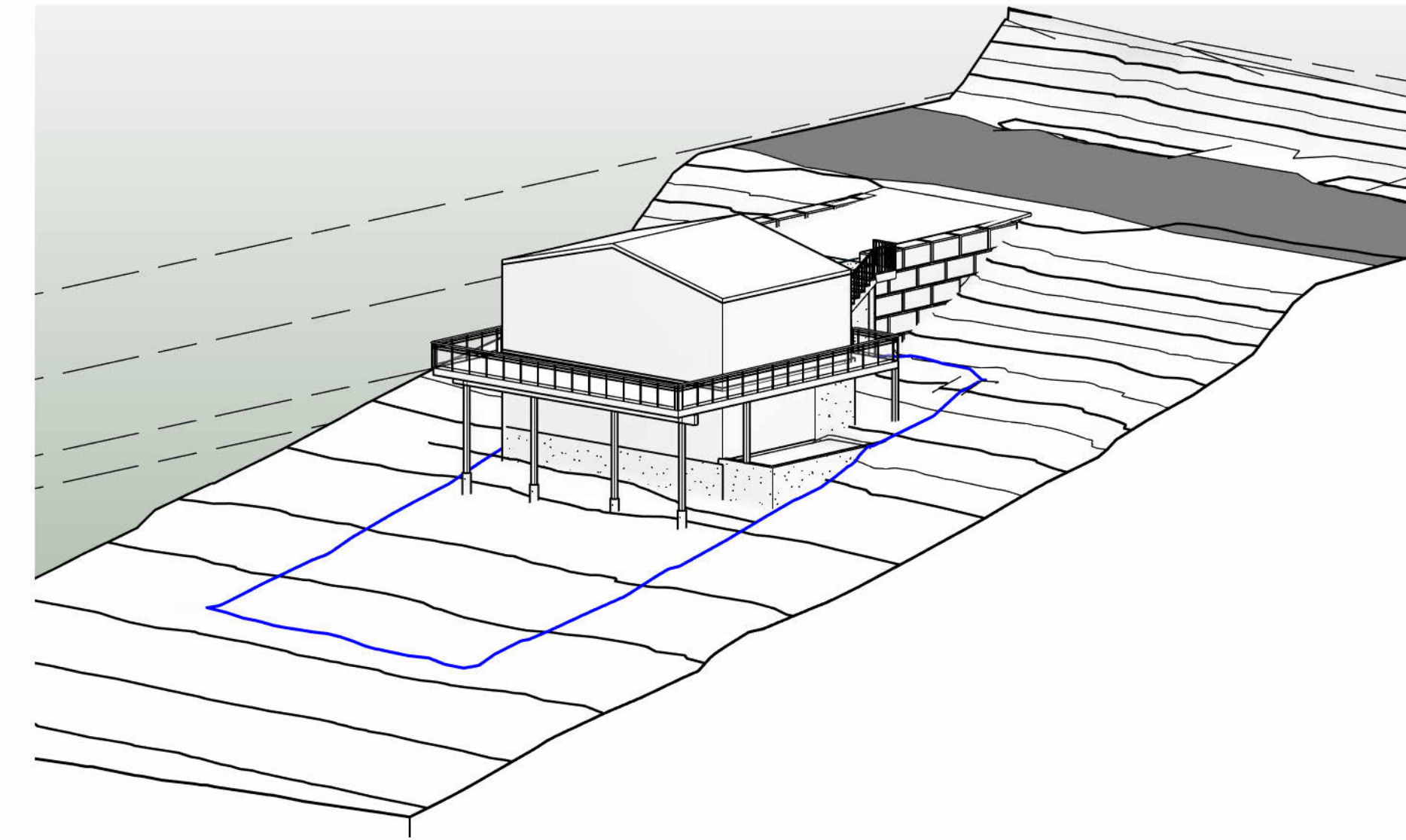


UP TO 12'-0" RETAINING WALL
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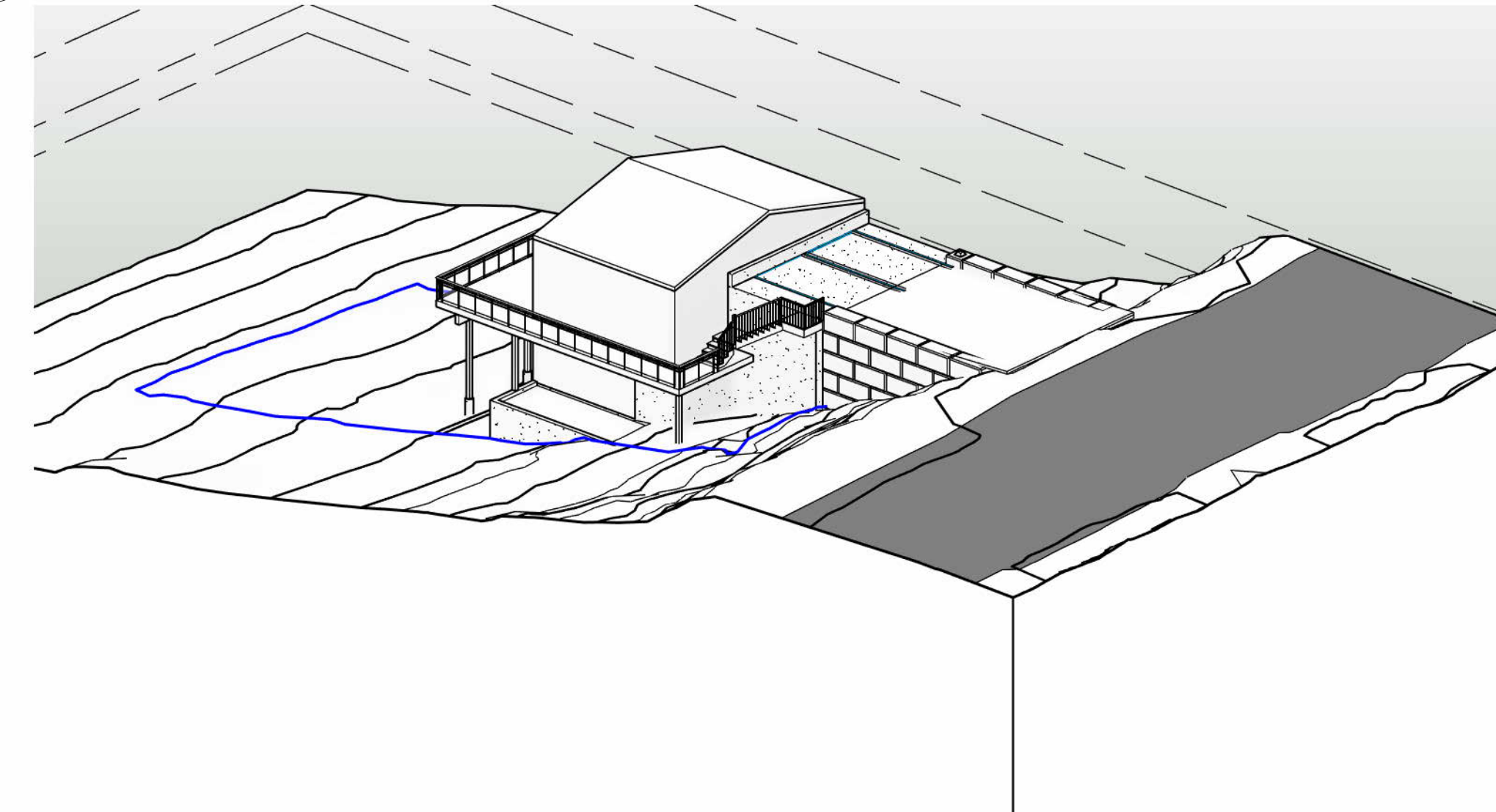
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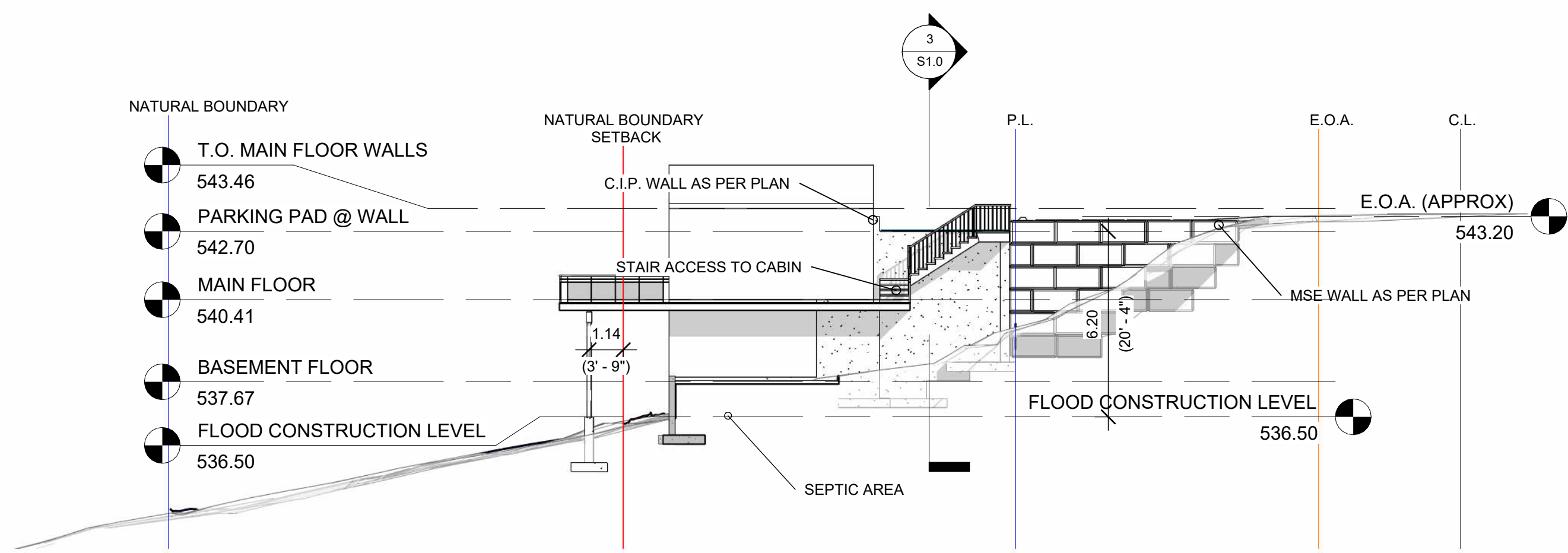
1 PERSPECTIVE 1
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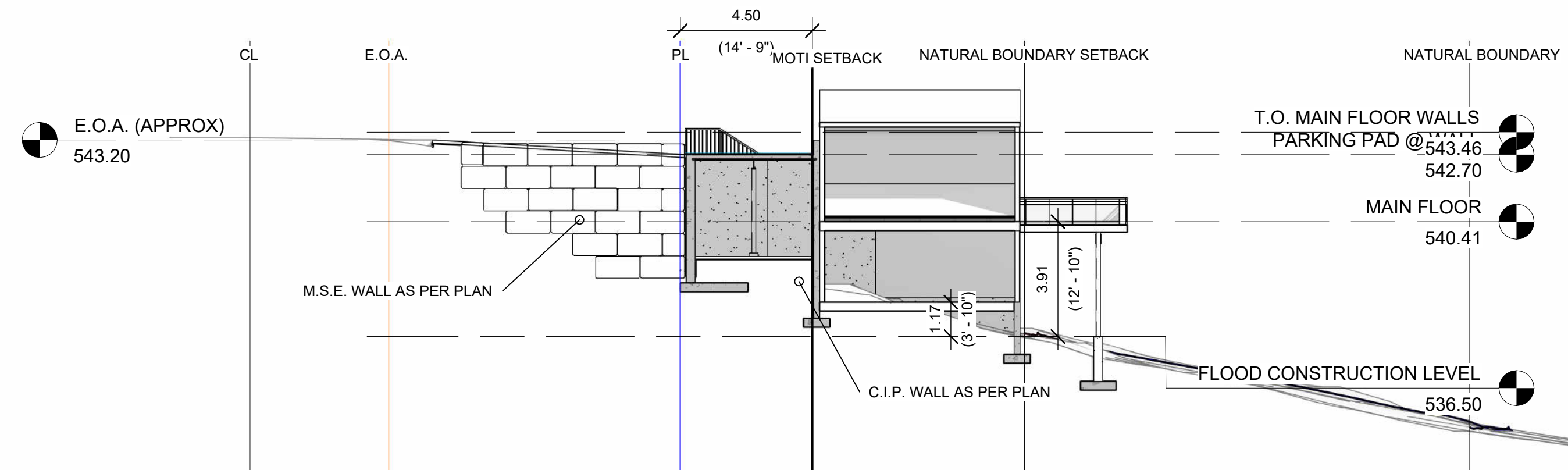
2 PERSPECTIVE 2
S2.1



3 PERSPECTIVE 3
S2.1



4 North
S2.1 1 : 150



6 South
S2.1 1 : 150

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Project
Crotty Parking Pad and Retaining Walls
1434 Hwy 31
Balfour, BC

Drawing
ADDITIONAL VIEWS

| | | | |
|------------|----------|--------------|---------------|
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| Designed | RS | Drawing File | C23253-032 A1 |
| Drawn | RS | Scale | 1 : 150 |
| Checked | CHK | Sheet No. | S2.1 |
| Approved | APP | Issue/Rev. | A1 |

ISSUED FOR FLOODPLAIN EXEMPTION REVIEW



Committee Report

Date of Report: March 6, 2024
Date & Type of Meeting: March 20, 2024, Rural Affairs Committee
Author: Stephanie Johnson, Planner
Subject: BYLAW AMENDMENTS
File: Z2307105783.005-TSL DEVELOPMENTS LTD – BA000073
Electoral Area/Municipality: I

SECTION 1: EXECUTIVE SUMMARY

The report seeks the Board’s consideration of a land use application for amendments to the Official Community Plan Bylaw (OCP) and Zoning Bylaw to consider the development of a place of worship at 2016 Highway 3A in Tarrys, Electoral Area ‘I’.

The proposed amendment bylaws are as follows:

- **OCP Designation:** From Comprehensive Development (CD) to Community Service (CS)
- **Zoning Designation:** From Comprehensive Development One (CD1) to Institutional (I)

Staff recommend that the OCP and zoning amending bylaws be given first and second readings by content and referred to a public hearing.

SECTION 2: BACKGROUND/ANALYSIS

| GENERAL INFORMATION |
|--|
| Property Owner: TSL Developments Ltd., Inc. No. BC1085036 c/o Jordan Baer |
| Property Location: 2016 Highway 3A, Tarrys, Electoral Area I |
| Legal Description: THAT PART OF LOT 4 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857 LYING BETWEEN PLAN 857 AND RW PLAN 638D, EXCEPT THAT PART WHICH LIES EAST OF THE PRODUCTION NORTHERLY OF THE MORE WESTERLY PORTION OF THE WESTERN BOUNDARY OF THE SAID RIGHT OF WAY AT THIS POINT (PID: 016-735-242) |
| Property Size: 1.5 Hectares (3.8 Acres) |
| Current Zoning: Comprehensive Development (CD1) |
| Current Official Community Plan Designation: Comprehensive Development (CD) |
| SURROUNDING LAND USES |
| North: Country Residential I (R2I) / Residential land uses and Highway 3A |
| East: Country Residential I (R2I) / Residential land uses |
| South: Comprehensive Development (CD1) / Undeveloped |
| West: Country Residential I (R2I) / Residential land uses |

Background and Site Context

The subject property is located in the community of Tarrys on the south side of Highway 3A approximately 100 metres east of the Tarrys Community Hall. The lot is 1.5 ha in size, and is the former site of the Tarrys elementary school, which burned down in late 2005. A BC Transit bus stop is located near the northwest corner of the parcel.

Parcels to the north, east and west are designated and zoned Country Residential. The lot to the south is currently vacant and shares the same Comprehensive Development (CD) OCP designation and zoning as the subject property. At present, this flat site has various outdoor uses still connected to the former school site, including the basketball court, children's play area, and ball diamond space. An unauthorized and unoccupied modular building currently under a Stop Work Order (2021) also exists on the subject property. Servicing is by a groundwater well and on-site septic disposal.

On June 25, 2005 the Regional Board resolved to adopt *Kootenay-Columbia Rivers OCP Amendment Bylaw No. 1733, 2005* and the *RDCK Zoning Amendment Bylaw No. 1734, 2005* changing the respective designations from Institutional to CD to allow for a mixed-use development on the subject property and adjacent lots to the north and south intended to include a forest service 'Fire Attack Base' for lease by the Province, and a 17 site Recreation Vehicle park with accessory uses. This proposal was never developed.

In 2017, a land use application was submitted related to a property purchase subject to a successful OCP amendment and rezoning approval from CD to Light Industrial (M1) for the purposes of "*sales, rental and servicing of motor vehicles and equipment*". The purchaser was proposing to operate a business offering retail and repair of outdoor power products on the subject property and on the adjacent lot to the south. At the July 19, 2018 Open Board meeting the related amending bylaws for this application were brought forward for consideration, and the Regional Board resolved "*that no further action be taken*".

The unauthorized modular building (see Figures 4 and 5) was placed on the subject site by a previous owner without any RDCK building permit approvals. A Stop Work Order was issued in August, 2021 to the new owner and current applicant of this bylaw(s) amendment application to ensure a building permit application was processed to address the use and occupancy class of the existing portable modular structure. To address the above situation the current owner applied initially for a Temporary Use Permit (TUP) in 2021 to remedy the above building infraction, however, withdrew the TUP application opting to submit a full bylaw amendment application for a place of worship to better meet the long term intent of the development of this property.



Figure 1: Overview Map

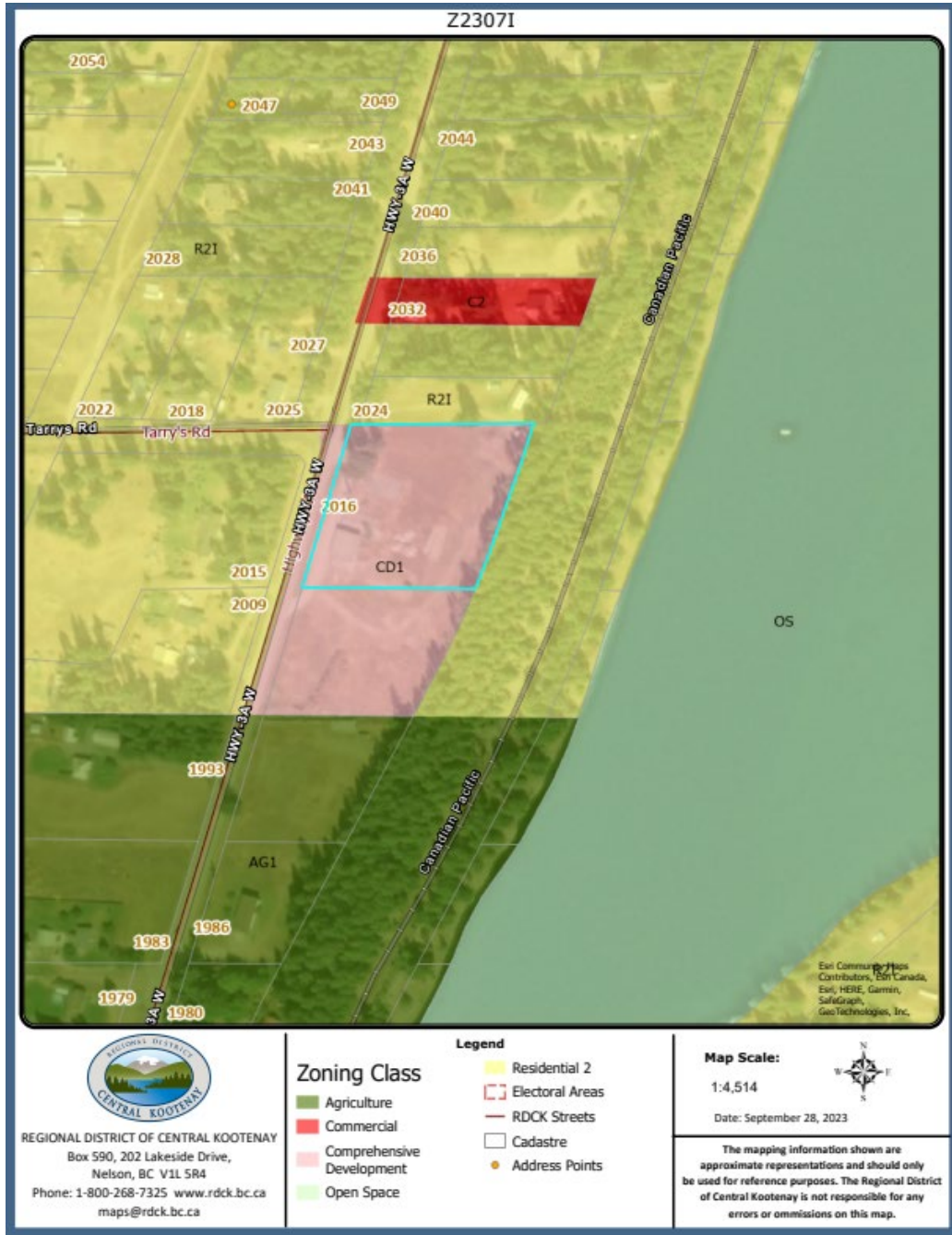


Figure 2: Zoning Map

Development Proposal

The purpose of this application is to change the OCP land use designation from Comprehensive Development (CD) to Community Services (CS), and to rezone the subject property from Comprehensive Development One (CD1) to Institutional (I). The applicant seeks these bylaw amendments to facilitate the construction of a place of worship and related accessory uses on the subject property. The applicant has stated that the subject property would be used as, a “church for Sunday services, associated gatherings, and teaching programs”.

The proposal includes the relocation and revitalization of the existing unauthorized modular building (approximately 278.7 m² / 3,000 ft² in size) currently under a Stop Work Order. In addition, the applicant intends to restore the play area, basketball court, and baseball field to a useable condition. The site plan (Figure 3) shows a future modular building addition (approximately 230 m² / 2,476 ft² in size), 50 surface vehicle parking spaces (including snow storage), which would accommodate the future expansion with vegetative screening to buffer the parking lot from the adjacent Highway 3A corridor.

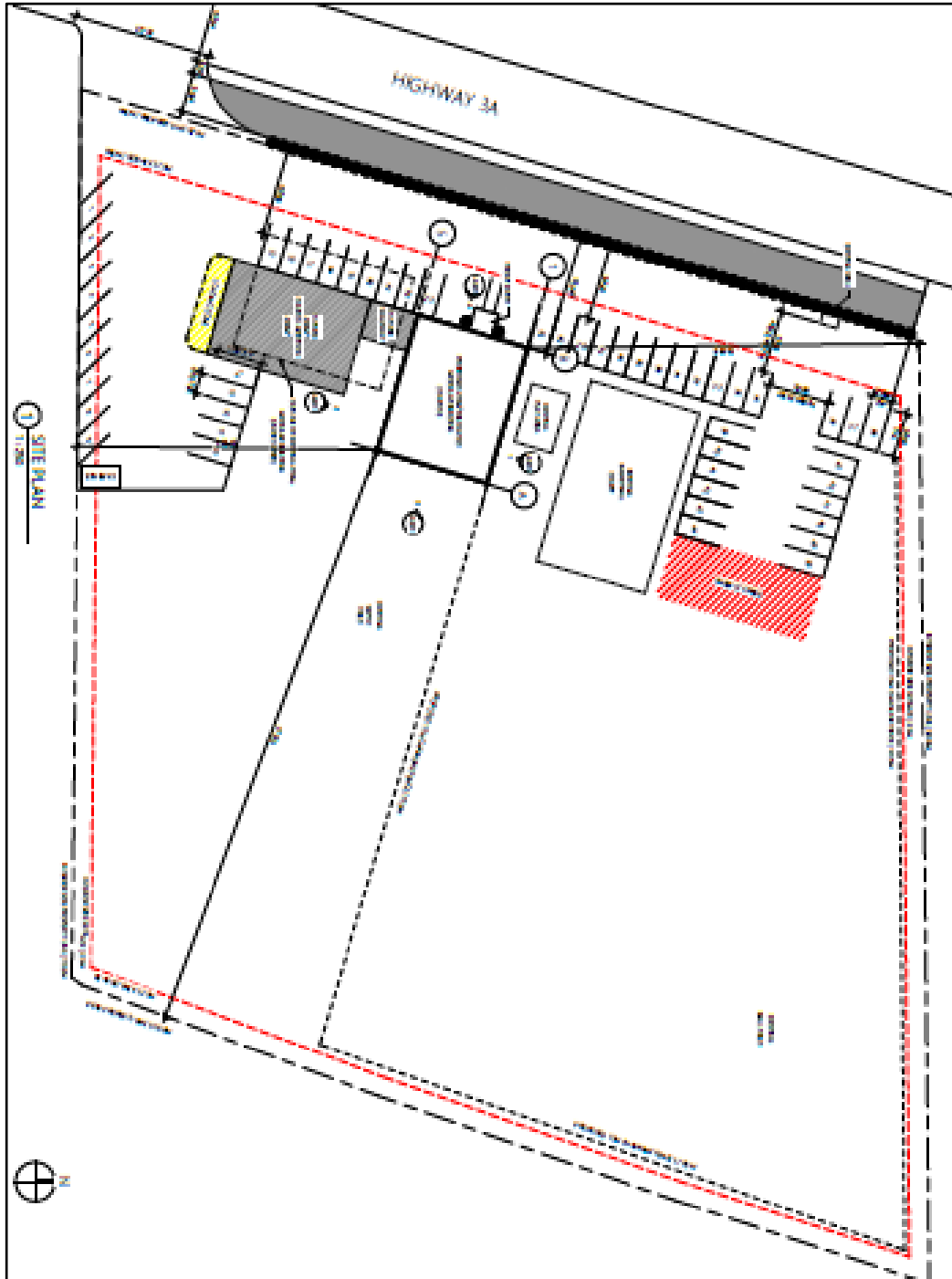


Figure 3: Site Plan



Figure 4: View of Subject Property facing South



Figure 5: View of Subject Property from Eastern Portion of Lot

Planning Policy

Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996

3.11 Comprehensive Development Policies:

3.11.1 The Regional District supports development proposals involving a variety of land uses provided that the development is adequately planned and includes measures to mitigate impacts on adjacent landowners

3.11.2 For purposes of this Plan, comprehensive development includes development proposals involving more than one of the following land uses; commercial, industrial, parks and recreation or residential.

3.9 Community Service Policies:

3.9.1 Community Services permitted on lots designated for Community Service on Schedule 'B' - Land Use Designations, shall include public recreation facilities, community halls, public utility structures and services, schools, universities/colleges, fire halls, greenspace, museums, hospitals and similar uses.

3.9.3 New and improved domestic water supply systems shall be designed and constructed to provide hydrants and sufficient flows for fire protection and the Regional District recommends to Improvement and Irrigation Districts, the City of Castlegar and the Regional District of Central Kootenay owned water systems that the same utility standards be used so that in case of emergencies, fire equipment can be interchanged and critical repairs made.

3.9.11 Institutional zoning shall be provided for public institutional uses

Recreation and Culture Master Plan 2016

Goal 4: Supportive Environments

Priority 4.2 Work with partners to increase the use of existing structures and spaces for multiple purposes, including recreation (e.g. use of schools, churches, vacant land and lots)

Official Community Plan Consultation, RDCK Policy No. 400-02-19

The purpose of this policy is to establish a consistent process to comply with Local Government Act (LGA) consultation requirements during a minor amendment to an OCP, which is the case with this application. Further to that policy the consultation process includes the following requirements:

Consultation in the early stages of the plan development process will include initial contact to apprise persons of the nature of the proposed amendment, and the Board will consider any comments received prior to proceeding to any public hearing.

Further consultation prior to proceeding to any public hearing will include:

- i. Referral of the plan, as prepared for first reading, for comment to be received by the party consulted under 'Early and Ongoing Consultations with Persons', within 30 days;
- ii. Board consideration of every comment received in writing; and

iii. A staff report to clarify issues that might arise during the consultation process, and delivery of such submissions with the staff report to the Board for Board consideration prior to any public hearing.

This consultation process should be construed as the minimum. Should the Board desire increased consultation, they may pass a resolution detailing additional desired consultation.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No Financial Plan Amendment: Yes No
Debt Bylaw Required: Yes No Public/Gov't Approvals Required: Yes No

The joint OCP/Rezoning application fee was paid in full pursuant to *Planning Procedures and Fees Bylaw No. 2457, 2015*.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

If the amending bylaws receive first and second readings, the proposed OCP and Zoning amendment bylaws will be advertised in a locally circulating newspaper and a Public Hearing will be held to allow public comment, in accordance with Section 464 of the *Local Government Act* (LGA).

3.3 Environmental Considerations

The development proposal seeks to convert an existing modular building to permit an assembly use for a place of worship. Since the proposed development footprint seeks to mirror the previous school site on this disturbed lot, staff anticipate no significant negative environmental impacts associated with this land use application.

3.4 Social Considerations:

This development proposal represents an opportunity to develop and revitalize an underutilized lot in Tarrys from which staff do not anticipate any negative social impacts.

3.5 Economic Considerations:

No negative economic consideration are anticipated.

3.6 Communication Considerations:

In accordance with Schedule 'C' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, a 'Notice of Development' sign was placed in a visible location on Highway 3A. Notice of this proposal was given to owners and tenants of all parcels within 100 meters of the subject property pursuant to *Planning Procedures and Fees Bylaw No. 2457, 2015*. To date, no responses to the above notification have been received.

The following referral responses were received from internal RDCK departments, external stakeholders, advisory commissions, government agencies and First Nations:

RDCK Building Department

"Assembly use (A occupancy), is by definition a Complex building that will require the owner to retain registered professionals Architect and Engineers to design and field review all aspects of the construction project.

Further, [staff] do not see any indication on the drawing of water supply for Fire Fighting, typically a large tank (similar to that installed at the Kalesnikoff sawmill just down the road). Water supply for firefighting, either supply from a tank with hydrants attached or from a utility with hydrants attached to a water distribution system

(typical of most municipalities), would be a minimum requirement, with plans for same to be provided at the time of building permit application for change of use from unoccupied existing modular building to Assembly use.

Access for fire department vehicles would also be a requirement, and at a minimum the building code establishes requirements for those vehicles. The plans do not show any such access roadways.

The building bylaw details most of the requirements of BP submission, but the proponent would be expected to arrange and attend a pre-building permit submission meeting with the building department and the proponents registered professionals, to clarify requirements.

Complex buildings are defined in the Building Bylaw as:

Complex Building means:

(a) all buildings used for major occupancies classified as

(i) assembly occupancy,

(ii) care or detention occupancy,

(iii) high hazard industrial occupancy, and...

The building code defines Assembly uses as:

Assembly occupancy means the occupancy or the use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink.

The owner should anticipate significant infrastructure improvement expense to meet these requirements”.

Interior Health (IH)

“[IH has] reviewed the information. IH’s interests are not affected by these proposed changes. It appears to be a good use for the subject lands”.

Ministry of Transportation and Infrastructure (MOTI)

“The property fronts a controlled access Highway and under Section 49 of the Transportation Act, accesses to the highway may be restricted or limited. The Ministry is requiring an access permit application prior to construction of the site. One access point should be considered and not multiple.”

On January 23, 2024 RDCK planning staff, the applicant and MOTI staff met to discuss this development proposal, which ultimately resulted in a revised site plan (Figure 3) and opportunities to improve the existing access to the subject property and lot to the south at such time as it redevelops.

Advisory Planning and Heritage Commission (APHC)

It was resolved, *“THAT the Area I APHC recommend the application Z23071 go to Public Hearing”.*

Ministry of Forests

“We provide the following standard requirements, recommendations and/or comments:

- 1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to.*

2. Changes in and about a “stream” [as defined in the Water Sustainability Act (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the Water Sustainability Regulation. Authorized changes must also be compliant with the Kootenay-Boundary Terms and Conditions and Timing Windows documents. Applications to conduct works in and about streams can be submitted through FrontCounter BC.
3. No “development” should occur within 15 m of the “stream boundary” of any “stream” [all as defined in the Riparian Areas Protection Regulation (RAPR)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of RAPR are required to ensure that all development is compliant with RAPR.
4. The federal Species at Risk Act (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to Resource Inventory Standard Committee (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific Recovery Strategy or Management Plan documents, and to ensure proposed activities will not adversely affect SEAR or their Critical Habitat for Federally-listed Species at Risk.
5. Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: Natural Resource Best Management Practices - Province of British Columbia (gov.bc.ca) and Develop with Care 2014 - Province of British Columbia.
6. Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial Wildlife Act and the federal Migratory Birds Convention Act. Guidelines to avoid harm to migratory birds can be found at: Guidelines to avoid harm to migratory birds - Canada.ca. If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:

| Bird Species | Least Risk Timing Windows |
|--|---------------------------|
| Raptors (eagles, hawks, falcons, & owls) | Aug 15 – Jan 30 |
| Hérons | Aug 15 – Jan 30 |
| Other Birds | Aug 1 – March 31 |

7. The introduction and spread of invasive species is a concern with all developments. The provincial Weed Control Act requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: Invasive species - Province of British Columbia. The Invasive Species Council of BC provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of

accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.

- 8. Section 33.1 of the provincial Wildlife Act prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.*
- 9. If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).*
- 10. Developments must be compliant with all other applicable statutes, bylaws, and regulations.*

If the references above do not address your concerns, please do not hesitate to reach out to me for further investigation into your concerns”.

Fortis BC

“Land Rights Comments:

There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric (“FBC(E)”) services, if required.

Operational & Design Comments:

There are FortisBC Electric (“FBC(E)”) primary distribution facilities along Highway 3 near the northwest corner of the subject property.

All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.

The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.

For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements”.

BC Hydro

“BC Hydro has no objection in principle to the proposed as BC Hydro's work do not physically cross the property nor is there a Right of Way Agreement registered on Title.

BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors”.

Archaeological Branch

“According to Provincial records, there are no known archaeological sites recorded on the subject property.

However, archaeological potential modelling for the area indicates there is high potential for previously unidentified archaeological sites to exist on the property, as indicated by the brown colour shown over the property in the second screenshot below. Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool

to help predict the presence of archaeological sites, and their results may be refined through further assessment.

Archaeology Branch Advice

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned for the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the Heritage Conservation Act and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites”.

Penticton Indian Band (PIB)

The PIB circulated a standard referral response requesting a referral processing fee (i.e. \$500) to commence their review process.

Ktunaxa Nation Council

“The Ktunaxa Nation Council has no concerns with this project”.

Okanagan Indian Band (OKIB)

“The project is located outside the OKIB’s Area of Responsibility as a member of the Syilx. At this time, we defer to the Penticton Indian Band, Osoyoos Indian Band and Lower Similkameen Indian Band for a more in depth review”.

3.7 Staffing/Departmental Workplace Considerations:

Upon receipt of an application, accompanied with the relevant documents and fee, staff review the application in accordance with the Land Use Amendments Procedures within Schedule ‘D’ of the *Planning Procedures and Fees Bylaw No. 2547, 2015*. Should the Board give the amending bylaws first and second readings, staff will coordinate the scheduling of a public hearing.

3.8 Board Strategic Plan/Priorities Considerations:

The application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Please find the following planning rationale behind the staff recommendation:

- The existing CD designation and zoning (to allow for a forest service 'Fire Attack Base' for lease by the Province, and a 17 site Recreation Vehicle park with accessory uses) is restricting redevelopment of the subject property. Given the uniqueness of the existing CD Zone virtually all future development proposals would require at least a rezoning application.
- The applicant, in coordination with the MOTI will be improving the existing access to the site, and lot to the south, which will promote greater highway safety and traffic circulation for this section of the Highway 3A corridor.
- This development proposal represents an opportunity to activate an institutional use on this site that has otherwise sat dormant since 2005 when the Tarrys Elementary School burnt down.
- This land use application seeks to remedy the unauthorized placement of the existing modular building on site.
- Given the pattern of land use in the surrounding area, this institutional development proposal is not expected to cause conflict with adjacent land uses, and may enhance the semi-rural suburban / mixed use character of this section of the highway 3A corridor especially when compared to other previous land use applications proposing redevelopment.
- To date, no neighbourhood concerns in response to the development notice sign posted on the subject property and or notices mailed to adjacent property residents about this proposed institutional development were received.

It is for the above reasons, that staff support these bylaw amendments proceeding to a public hearing.

Options

Option 1

1. That *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2932, 2024* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.
2. That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2931, 2024* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.
3. That in accordance with *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, Electoral Area 'I' Director Davidoff is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Option 2

1. That no further action be taken with respect to *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2932, 2024* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* and *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2931, 2024* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*

SECTION 5: RECOMMENDATIONS

1. That *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2932, 2024* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.
2. That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2931, 2024* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.
3. That in accordance with *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, Electoral Area 'I' Director Davidoff is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Respectfully submitted,

"Submitted electronically"

Stephanie Johnson, Planner

CONCURRENCE

Planning Manager – Nelson Wight **Digitally approved**

Sangita Sudan – General Manager of Development and Community Sustainability **Digitally approved**

Stuart Horn – Chief Administrative Officer **Digitally approved**

ATTACHMENTS:

Attachment A – Relevant Bylaw Excerpts

Attachment B – Draft *OCP Amendment Bylaw No. 2932, 2024*

Attachment C – Draft *Zoning Amendment Bylaw No. 2931, 2024*

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.

- 3.10.11.8** All subdivision and development proposals located in an alluvial fan shall be required to address flood hazard issues pursuant to Regional District of Central Kootenay Floodplain Management Bylaw 1650, 2004 and the requirements of provincial government agencies where applicable.
- 3.10.11.9** Residential subdivision and development proposals involving parcels less than the minimum site area or involving more than the maximum number of dwellings, guest cabins or recreation vehicles per site area shall require a bylaw amendment application. When considering such applications the Regional District shall have regard to site location, subdivision design, building size, water supply, sewage disposal and other services.
- 3.10.11.10** For land located on the west shore of Arrow Lake in Electoral Area 'J' the Regional District does not support residential subdivision proposals involving community water or sewer systems.

3.11 Comprehensive Development

- 3.11.1** The Regional District supports development proposals involving a variety of land uses provided that the development is adequately planned and includes measures to mitigate impacts on adjacent landowners.
- 3.12.2** For purposes of this Plan, comprehensive development includes development proposals involving more than one of the following land uses; commercial, industrial, parks and recreation or residential.
- 3.12.3** Prior to the development of land designated Comprehensive Development as shown on Schedule B – Land Use Designations the Regional District shall require the proponent to prepare a comprehensive development plan in the form of a Development Permit as per Section 4.1 of this Plan.
- 3.11.4** When considering a comprehensive development proposal the Regional District shall have regard to the form and character of the proposed buildings, the siting, size and height of buildings, the design and layout of internal service roads and lots, servicing requirements including water supply and sewage disposal, landscaping and fencing plans that are designed to separate land uses and mitigate impacts on adjacent land uses, signs, exterior lighting, dust suppression, hours of operation, parking and loading requirements and other relevant site development matters.

3.11.5 Development proposals involving community water and/or sewer systems shall require a feasibility study prepared by a Professional Engineer to confirm that the proposal meets accepted engineering practices, provincial requirements and environmental standards.

3.11.6 As required on a site-by-site basis, the Zoning Bylaw shall be amended to provide a 'Comprehensive Development Zone' that reflects the policy provisions identified under Sections 3.11.1 through 3.11.5 of this Plan.

3.12 Greenhouse Gas Emission Reduction Targets

Introduction

Beginning in 2007, the Province of BC has moved forward with a number of legislated and policy actions designed to encourage energy efficiency and reduce emissions of greenhouse gases (GHGs). These are driven by a legislated target to reduce the total GHG emissions in the Province by 33% from 2007 levels by 2020, and 80% by 2050.¹

Of specific relevance to local governments is the Local Government (Green Communities) Statutes Amendment Act (Bill 27, 2008). "Bill 27" amends the Local Government Act to read:

- LGA 877 (3) - An official community plan must include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets (by May 31, 2010).
- LGA 850 - Required Content of a Regional Growth Strategy:
(2)(d) to the extent that these are regional matters, targets for the reduction of greenhouse gas emissions in the RDCK, and policies and actions of the local government proposed for the RDCK with respect to achieving those targets (by May 31, 2011).

In addition, Bill 27 provides some additional enabling powers to local governments intended to assist them in achieving reductions of community-wide emissions. This context provides a mandate to communities and regions to explore energy as part of the planning process.

Objectives

- 3.12.1** Demonstrate leadership in energy conservation, energy efficiency and greenhouse gas emission reductions and to work towards carbon neutrality.
- 3.12.2** Foster the development of renewable energy supply options.
- 3.12.3** Reduce energy consumption and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.
- 3.12.4** Reduce greenhouse gas emissions and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.

¹This target is defined in the Greenhouse Gas Reduction Targets Act (Bill 44, 2007)

3.8.3.3.2.9 consider and make recommendation as to the highest and best use of such adjacent lands.

3.8.3.3.3 Commercial uses confined indoors;

3.8.3.3.4 Light industrial uses shall be considered only if they are directly related to an Airport activity.

3.8.3.4 Zoning provisions shall reflect subsections 3.8.3.1 to 3.8.3.3.

3.8.4 Trail Development

3.8.4.1 A comprehensive trail development system for pedestrians and cyclists shall be considered as a high priority on lands adjacent to the Kootenay and Columbia Rivers as shown on attached Schedule 'C' - Trail Development.

3.8.4.2 In general, recreation trails shall be directed away from the Agricultural Land Reserve areas. However, where such trails are proposed on land within the Reserve, the onus shall be on the proponent to demonstrate that the proposed trail system shall not interfere or otherwise restrict the optimum agricultural operation of adjacent or potential agricultural holdings.

3.8.4.3 In determining the appropriateness of a proposed recreation trail within the Agricultural Land Reserve, the proponent shall submit information documenting the likely impacts on adjacent existing and potential agricultural operations as well as possible mitigative measures including the use of vegetative screening and buffers, natural features and fencing. The proponent shall also demonstrate that the proposal has the support of adjacent agricultural operators and local agricultural organizations.

3.8.4.4 On land within the Agricultural Land Reserve, proposed recreation trails where approved by the Agricultural Land Commission shall not bisect existing or potential agricultural operations and such trails shall be directed to the periphery of the Agricultural Land Reserve block.

3.8.4.5 Where recreation trails are proposed on land within the Agricultural Land Reserve, the proponent shall obtain approval of the Agricultural Land Commission prior to development.

3.9 Community Service Policies

3.9.1 Community Services permitted on lots designated for Community Service on Schedule 'B' - Land Use Designations, shall include public recreation facilities, community halls, public utility structures and services, schools, universities/colleges, firehalls, greenspace, museums, hospitals and similar uses.

3.9.2 Subdivision approval within the entire Plan Area shall be subject to proof of adequate potable water supply to every newly created parcel and soil

conditions suitable for sewage disposal by septic tank systems if the properties are not serviced by community sewer system.

- 3.9.3** The Board of the Regional District will continue to undertake detailed planning, engineering and environmental impact studies to meet the long term sanitary landfill requirements to serve the Plan Area.
- 3.9.4** The Board of the Regional District will continue to maintain and enhance fire protection throughout the Plan Area.
- 3.9.5** In all subdivision applications involving land adjacent to water bodies, the Approving Officer shall be requested to require access to that water body.
- 3.9.6** New and improved domestic water supply systems shall be designed and constructed to provide hydrants and sufficient flows for fire protection and the Regional District recommends to Improvement and Irrigation Districts, the City of Castlegar and the Regional District of Central Kootenay owned water systems that the same utility standards be used so that in case of emergencies, fire equipment can be interchanged and critical repairs made.
- 3.9.7** The Plan supports the provision and enhancement of public transit services to the Plan Area.
- 3.9.8** Encouragement shall be given to the use of subdivision designs that accommodate services, such as public transit vehicles, emergency vehicles, group mail boxes.
- 3.9.9** The Board of the Regional District shall continue to work closely with school and health authorities to plan for school and health care facilities as settlement occurs.
- 3.9.10** The City of Castlegar, the Regional District of Central Kootenay, the Provincial Government and the public are encouraged to jointly develop an emergency measures plan that covers the City of Castlegar and the Plan Area.
- 3.9.11** Institutional zoning shall be provided for public institutional uses.

3.10 Specific Community Policies

3.10.1 Robson/Raspberry

- 3.10.1.1** The Provincial Government is encouraged to acquire the right-of-way for the proposed upper Robson Road and construct the road.
- 3.10.1.2** The minimum lot size for single detached housing within Robson is 700 square metres provided it is serviced by a community water system and a community sewer system.
- 3.10.1.3** Land serviced only by the Robson/Raspberry Improvement District's community water system shall have a minimum lot size of 2000 square metres.
- 3.10.1.4** Within upper Raspberry land shall be designated as Country Residential as shown on Schedule 'B'.

CURRENT ZONING

DIVISION 53

COMPREHENSIVE DEVELOPMENT (CD1)

Permitted Uses

5300 Land, buildings and structures in the Comprehensive Development (CD1) zone shall be used for the following purposes only:

Campground

Recreation Vehicle Storage

Forest Fire Attack Base *including, office space, training facilities (indoor and outdoor), equipment storage (indoor and outdoor) vehicle storage*

Accessory Uses to the forgoing including, buildings and uses associated with the campground operation and recreation vehicle storage operation, and buildings and uses associated with the Forest Fire Attack Base operation

Development Regulations

5301

- 1 All development in the Comprehensive Development (CD1) zone shall be subject to the requirements of a Development Permit.
- 2 The minimum site area shall be 2 hectares.
- 3 The maximum site coverage shall be 75 percent of the site area. However, the maximum site area covered by all buildings and structures shall not exceed 50 percent of the site area.
- 4 Landscaping and fencing requirements shall be in accordance with Sections 621 and 622 of this bylaw or as specified in the Development Permit.
- 5 Off-street parking and loading requirements, building setback and building height requirements, signs, exterior lighting, dust suppression requirements, road access requirements and the design and layout of internal service roads and lots, water and sewer service requirements and any other relevant site development matters shall be as specified in the Development Permit.

PROPOSED ZONING

DIVISION 46 INSTITUTIONAL (I)

Permitted Uses

4600 Land, buildings and structures in the Institutional (I) zone shall be used for the following purposes only:

- Cemeteries
- Churches
- Community Care Facilities
- Community Halls
- Convention Facilities
- Day Care Centres
- Educational Facilities
- Group Care Facilities
- Historic Interpretative Facilities (accessory uses include heritage restaurants, retail sales of heritage products, small scale manufacture of heritage products)
- Hospitals
- Quasi-Governmental Offices supporting permitted uses
- Recycling Depot
- Retreat Centre
- Accessory Uses:
 - Accessory Buildings and Structures
 - One Dwelling Unit

Site Specific - Lot 3, District Lot 302A, Kootenay District, Plan 1318, Except part included in Plan 12613 - Division 32, Institutional Permitted Uses, 3200, "Government Offices" be added as a permitted use.

Site Specific - Lot 1 District Lot 9156 Kootenay Land District Plan NEP6680 (PID 014-045-052) to reduce minimum parcel size to 0.2 hectares.

Development Regulations

4601

- 1 The minimum site area for each permitted use shall be one (1) hectare.
- 2 The maximum site coverage shall be 50 percent of the lot area.
- 3 The maximum size of accessory use structures for Historical Interpretative Facilities shall be 300 square metres.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2932, 2024

A Bylaw to amend Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996

WHEREAS it is deemed expedient to amend the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996, 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 Schedule 'B' of the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* be amended by changing the Future Land Use Designation of THAT PART OF LOT 4 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857 LYING BETWEEN PLAN 857 AND RW PLAN 638D, EXCEPT THAT PART WHICH LIES EAST OF THE PRODUCTION NORTHERLY OF THE MORE WESTERLY PORTION OF THE WESTERN BOUNDARY OF THE SAID RIGHT OF WAY AT THIS POINT (PID 016-735-242) from Comprehensive Development (CD) to Community Services (CS) as shown on Schedule 'A' which is attached hereto and forms part of this bylaw.
- 2 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 3 This Bylaw may be cited as "***Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2932, 2024.***"

READ A FIRST TIME this [Date] day of [Month], 2024.

READ A SECOND TIME this [Date] day of [Month], 2024.

WHEREAS A PUBLIC HEARING was held this [Date] day of [Month], 20XX.

READ A THIRD TIME this [Date] day of [Month], 20XX.

[Controlled Highway or Exceeds 4500 sq.m] APPROVED under **Section 52 (3)(a) of the Transportation Act** this [Date] day of [Month], 20XX.

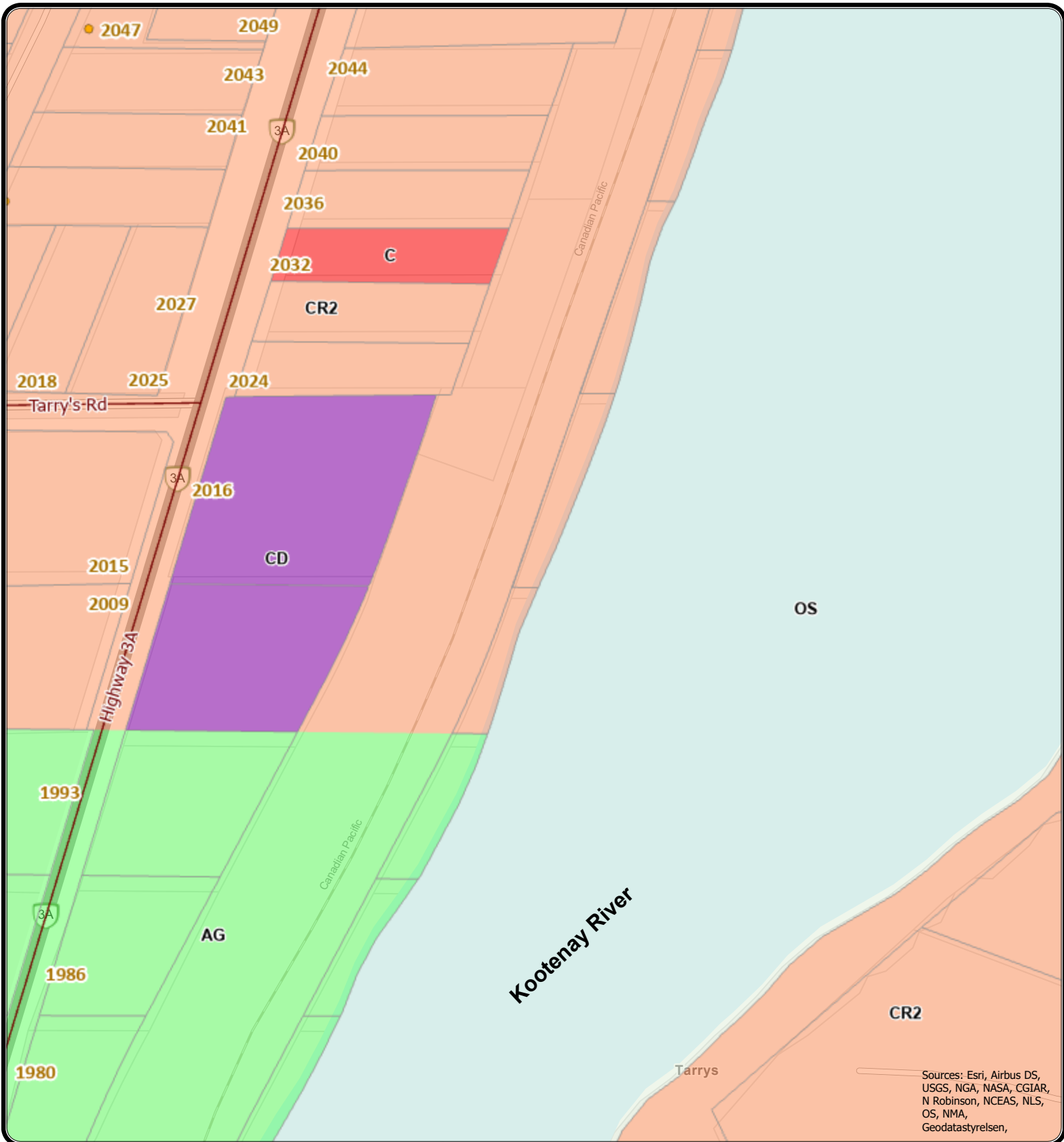
Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this [Date] day of [Month], 20XX.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 'A'



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,



REGIONAL DISTRICT OF CENTRAL KOOTENAY
 Box 590, 202 Lakeside Drive,
 Nelson, BC V1L 5R4
 Phone: 1-800-268-7325 www.rdck.bc.ca
 maps@rdck.bc.ca

**Proposed OCP Designation Bylaw
 No. 2932, 2024
 Schedule 'A'**

Z23071 - TSL Developments Ltd.

Map Scale:

1:4,514

Date: February 23, 2024



The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2931, 2023

A Bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004

WHEREAS it is deemed expedient to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, 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 Schedule 'B' of the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* be amended by changing the Zoning Designation of THAT PART OF LOT 4 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857 LYING BETWEEN PLAN 857 AND RW PLAN 638D, EXCEPT THAT PART WHICH LIES EAST OF THE PRODUCTION NORTHERLY OF THE MORE WESTERLY PORTION OF THE WESTERN BOUNDARY OF THE SAID RIGHT OF WAY AT THIS POINT (PID 016-735-242) from Comprehensive Development One (CD1) to Institutional (I) as shown on the attached Map.
- 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 Zoning Amendment Bylaw No. 2931, 2023.***"

READ A FIRST TIME this 19 day of October, 2023.

READ A SECOND TIME this 19 day of October, 2023.

WHEREAS A PUBLIC HEARING was held this [Date] day of [Month], 20XX.

READ A THIRD TIME this [Date] day of [Month], 20XX.

APPROVED under **Section 52 (3)(a) of the Transportation Act** this [Date] day of [Month], 20XX.

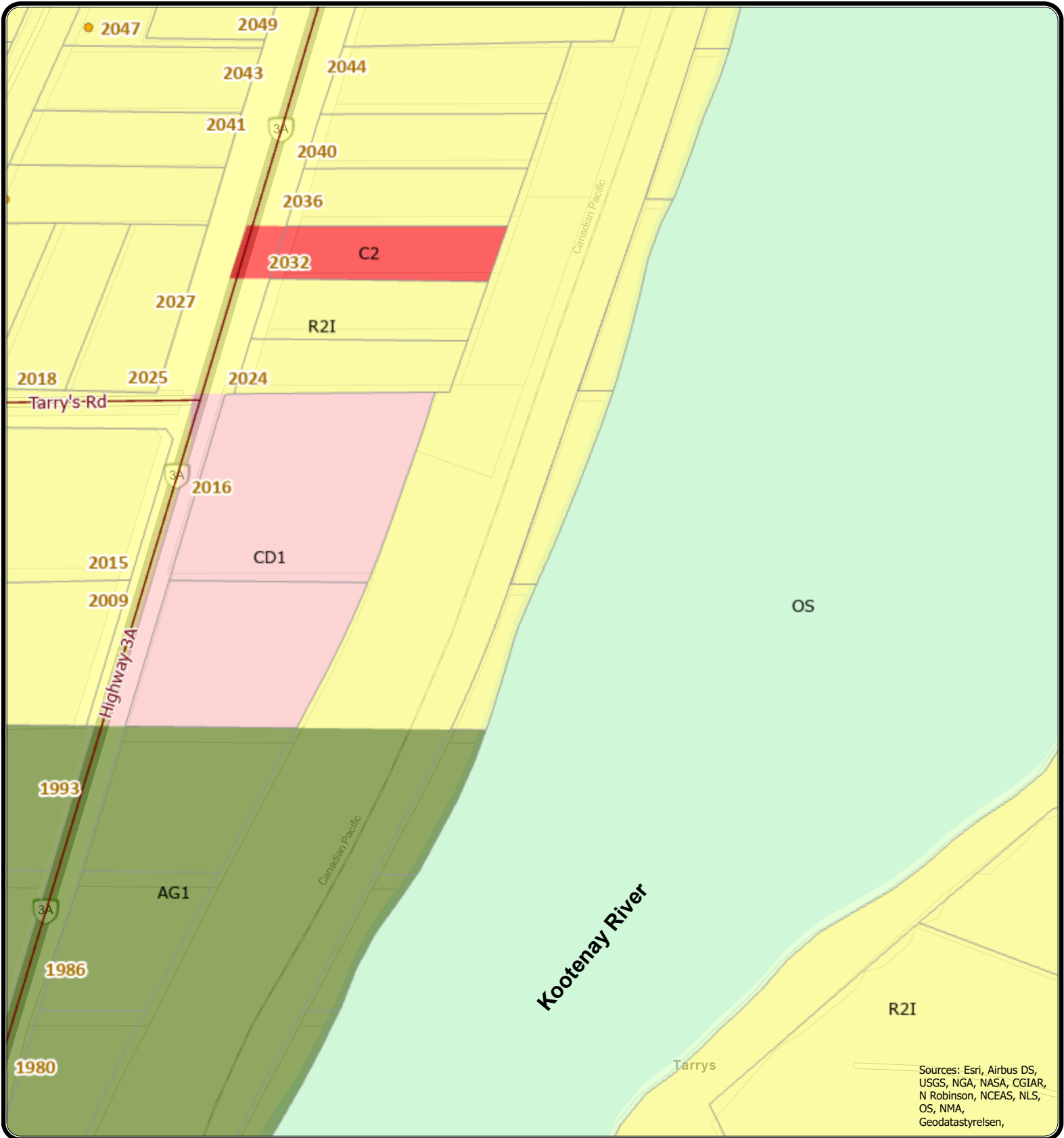
Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this [Date] day of [Month], 20XX.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 'A'



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,



REGIONAL DISTRICT OF CENTRAL KOOTENAY
 Box 590, 202 Lakeside Drive,
 Nelson, BC V1L 5R4
 Phone: 1-800-268-7325 www.rdck.bc.ca
 maps@rdck.bc.ca

**Zoning Amendment Bylaw
 2931, 2024
 Schedule 'A'**

Z23071 - TSL Developments Ltd.

Map Scale:

1:4,514

Date: February 23, 2024



The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.



Committee Report

Date of Report: March 1, 2024
Date & Type of Meeting: March 20, 2024
Author: Zachari Giacomazzo, Planner
Subject: CROWN REFERRAL - LICENCE OF OCCUPATION FOR UTILITIES
File: R2404ADE – Kaslo InfoNet Society
Electoral Area/Municipality Electoral Areas 'A', 'D' and 'E'

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to present to the Rural Affairs Committee (RAC) a crown referral for proposed telecommunication utilities and solicit comments from Directors to incorporate into the Regional District of Central Kootenay's (RDCK) response.

The crown referral was sent to the RDCK by Front Counter BC (FCBC) on behalf of the applicant, Kaslo InfoNet Society and considers a proposed expansion of fibre optic telecommunications infrastructure in and adjacent to Kootenay Lake.

The referral is being presented to RAC because it affects three different Electoral Areas. This staff report outlines the relevant planning policy and is intended to inform Directors and seek direction on providing a response to Front Counter BC.

SECTION 2: BACKGROUND/ANALYSIS

2.1 BACKGROUND

The RDCK has received a referral from FCBC which provides an overview of the landing sites and locations of proposed telecommunications infrastructure related to the Kaslo InfoNet Society project. Previous phases of this telecommunications project have been reviewed by the RDCK under file numbers 'R1825ADE' and 'R1927D'. The FCBC referral package for this current proposal (see Attachment A) shows a number of submarine fibre optic cables proposed in the north and south arms of Kootenay Lake and 19 different landing sites where either new infrastructure (conduits and hand holes) will be established or new fibre lines will be tied into existing infrastructure that was installed by Columbia Broadband Corporation and Kaslo InfoNet Society during previous phases of this project. The affected areas includes lands within Electoral Areas 'A', 'D', and 'E' on private and crown lands and generally impacts areas in close proximity to the Natural Boundary of Kootenay Lake. See Figure 1 for an overview of the project area.

2.2 LAND USE POLICY REVIEW

The Official Community Plans (OCPs) for Electoral Areas 'A', 'D', and 'E' contain policies specific to the natural environment, Crown lands, the Resource Area (RA) land use designations, and individual communities within each Electoral Area. The relevant policies from each respective Official Community Plan (OCP) are outlined in the draft response letter (Attachment B).

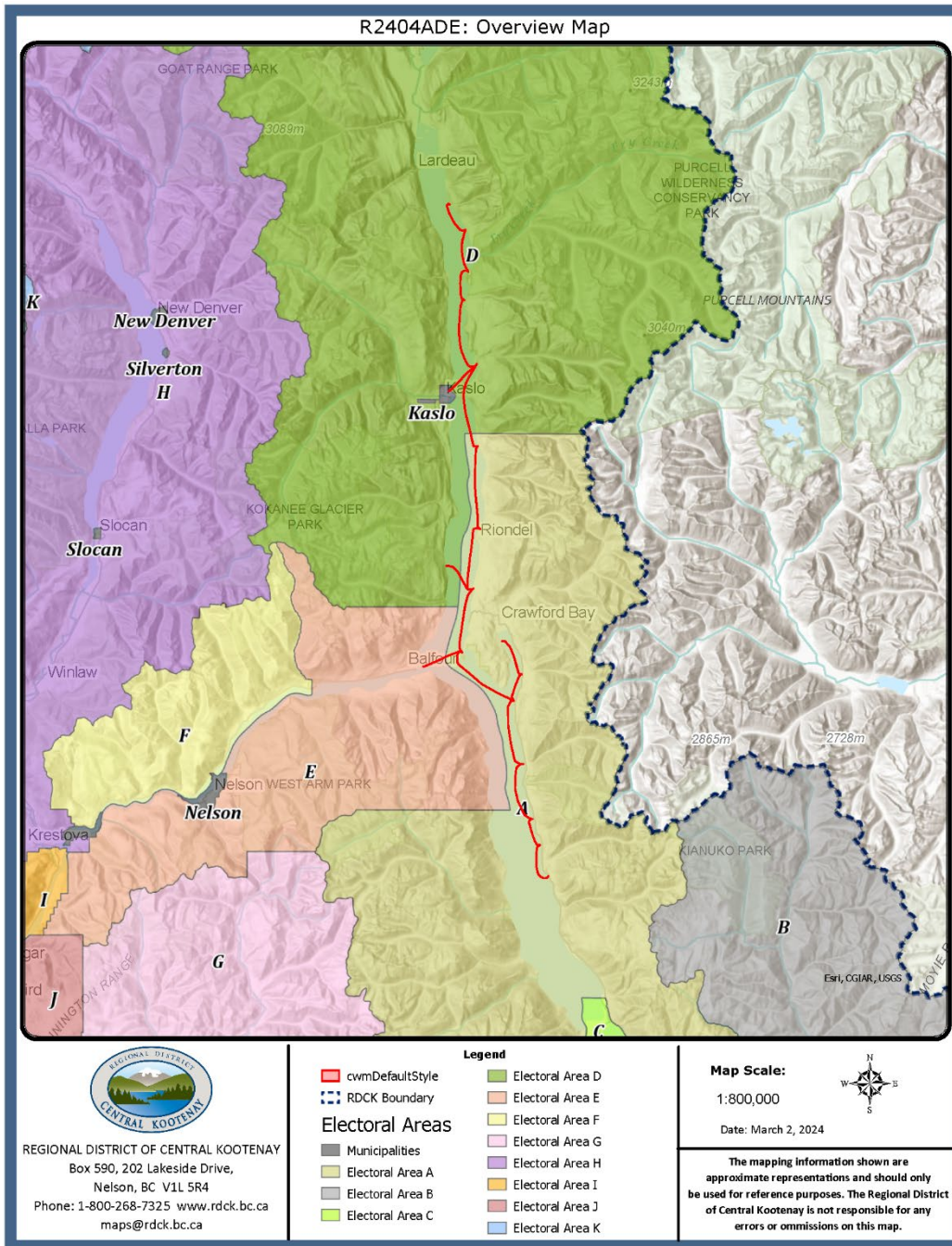


Figure 1: The red line indicates the approximate location of the proposed fibre lines in Kootenay Lake. More detailed maps for each landing site are including in the referral package (Attachment A).

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No Financial Plan Amendment: Yes No
 Debt Bylaw Required: Yes No Public/Gov't Approvals Required: Yes No

N/A

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

The RDCK Planning Procedures and Fees Bylaw No. 2457, 2017 states that, “[Crown] 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.” Since this referral involves Electoral Areas ‘A’, ‘D’, and ‘E’ a Board resolution is required.

Official Community Plans for the Electoral Areas contain relevant policies created with public input that are contained in the draft referral response (Attachment B).

3.3 Environmental Considerations

Environmental protection and stewardship supporting biodiversity, sensitive ecosystems, species at risk and ecological integrity are important elements of RDCK Official Community Plans.

The OCP’s for Electoral Areas ‘A’, ‘D’, and ‘E’ all contain Watercourse/Environmentally Sensitive Development Permit Areas (DPA) pursuant to Section 488 (1) (a) of the Local Government Act. In accordance with these DPA’s, any proposed activities/works that will cause disturbance within the prescribed areas (15 metres from the Natural Boundary of Kootenay Lake for Areas ‘A’ and ‘E’ and 30 metres from the Natural Boundary of Kootenay Lake in Area ‘D’) requires the issuance of a Development Permit. Based on the information provided in the referral package, the installation of new infrastructure (conduit and hand holes) at some of the landing sites requires the approval of a Development Permit Application unless otherwise exempted in the applicable OCP.

3.4 Social Considerations:

The expansion of existing fibre lines can offer area residents in rural and remote areas as well as local businesses access to high speed internet.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

The referral was sent to Area Directors of the affected Electoral Areas for comment. It was also forwarded to the RDCK Parks Department, RDCK Environmental Services, the Provincial Archaeology Branch and the Agriculture Land Commission for comment.

Agriculture Land Commission

Section 25 of the ALR Use Regulation doesn’t mention telecommunications because generally telecom activities are federally regulated, and therefore the ALC Act doesn’t apply. If this telecom use is federally regulated, then I don’t have any concerns with the proposal.

Note: Staff followed up with the applicant who confirmed that they are a federally regulated telecommunications company.

RDCK Parks Department

Mark had forwarded me this referral as it included work at Ainsworth Regional Park. Reading through the referral it seems there is no land work just an additional line added to existing infrastructure. We have no concerns with this part of the referral.

Provincial Archaeology Branch

Provincial records indicate that known archaeological site DjQf-2 intersects the AOI.

Archaeological sites (both recorded and unrecorded) on Crown and private lands are protected under the Heritage Conservation Act and must not be altered or damaged without a site alteration permit from the Archaeology Branch.

If land-altering activities are planned within the protected archaeological site, a Provincial heritage permit is required. Permit applications are available on the [Archaeology Branch website](#). Completing a permit application usually requires archaeological expertise, and an archaeological impact assessment (AIA) may be required before a permit can be issued. Most applicants will therefore engage an eligible consulting archaeologist to review proposed activities, verify archaeological records, and work with the Archaeology Branch on the applicant's behalf to identify permit requirements, prepare permit application(s), and conduct any required archaeological study.

If land-altering activities are planned outside of the archaeological site, a Provincial heritage permit may not be required prior to commencement of those activities. However, there is high potential for the archaeological site to extend beyond the limits indicated, or for other unidentified archaeological sites to exist within the project area, and a Provincial heritage permit will be required if archaeological deposits are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the HCA and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays. Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any unrecorded portions of the protected archaeological site.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

If there are no plans for land altering activities on the property, no action needs to be taken at this time.

RDCK Environmental Services – Water Services Liaison

The subject area is the location of the Balfour Community Water System intake. The attached Balfour Source Protection Plan identifies the location of the intake. Any activities within the identified buffer zones could have a detrimental effect on drinking water quality. Please review the document and direct any questions to Eileen Senyk, Water Services Liaison 250.352.8171 or esenyk@rdck.bc.ca.

Please note that the area is an archaeological site and has environmental sensitivities. Please pay special attention to the following excerpts from the Source Protection Plan:

Archaeological Considerations:

The water intake line crosses Archaeological Site #DjQf-2. A condition of the License of Occupation is that the RDCK will take all reasonable precautions to avoid disturbing or damaging any archaeological material found on or under the land, and that should any archaeological material be found that the RDCK will contact the ministry responsible for administering the Heritage Conservation Act.

Environmental Considerations:

Research conducted by the Ktunaxa First Nation has identified the presence of native freshwater mussels in the intake area. Mussels can be detected by snorkel/scuba diving or through the use of underwater camera. Damage to the benthic (lake bed) mussel habitat can be mitigated by ensuring that anchors for buoys are not dropped on mussel beds, and they are weighted sufficiently to not be dragged by winds.

3.7 Staffing/Departmental Workplace Considerations:

The development of new landing sites (installation of hand holes and conduit) requires the issuance of Watercourse/Environmentally Sensitive Development Permits. A development permit can consider multiple properties, however the properties considered under a development permit application must be within the same electoral area.

3.8 Board Strategic Plan/Priorities Considerations:

N/A

SECTION 4: OPTIONS

Summary

Front Counter BC has sent “Referral Number 163692944 – 002”, Kaslo InfoNet Society’s proposed Lake Fibre Loop expansion project to the RDCK for comment. The proposal summary and referral package (Attachment A) outline that a total of 116.4 km of submarine fibre optic lines are proposed within Kootenay Lake for this phase of the project. The proposed works being considered by this referral build upon the existing network of fibre lines that run through Kootenay Lake. The lines and landings being proposed tie into existing infrastructure that was developed by Columbia Basin Broadband Corporation and Kaslo InfoNet Society through earlier phases of their fibre project.

Some of the landings will utilize existing conduits and hand holes and in these cases no new alteration or development is being proposed. There are however, 14 new landings that are being proposed as part of this phase of the project. Although the RDCK does not have any concerns with the proposed works as described in the referral package, the installation of new infrastructure (e.g. conduit and hand holes) and any associated site disturbance above the present natural boundary of Kootenay Lake requires the issuance of watercourse/environmentally sensitive development permits.

Attachment B contains a draft response letter that incorporates relevant policy considerations from the OCP’s for Electoral Areas ‘A’, ‘D’, and ‘E’ as well as comments from RDCK departments. Comments from the RAC can be incorporated into the draft response by resolution of the Board. Once a resolution has been passed, staff will finalize the response and forward it to Front Counter BC as comments from the RDCK.

Option 1 – Provide Comments

That the Board direct staff to respond to Front Counter BC regarding “Referral Number 163692944 – 002, a Crown Referral for proposed telecommunication utilities” as described in the Committee Report “Crown Referral – Licence of Occupation for Utilities (File: R2404ADE – Kaslo InfoNet Society)” dated March 1, 2024.

Any comments provided during the RAC meeting can be included into the response prior to responding to Front Counter BC.

Option 2 – Provide No Comment

That no further action be taken with respect to “Referral Number 163692944 – 002 a Crown Referral for proposed telecommunication utilities”.

SECTION 5: RECOMMENDATIONS

That the Board direct staff to respond to Front Counter BC regarding “Referral Number 163692944 – 002, a Crown Referral for proposed telecommunication utilities” as described in the Committee Report “Crown Referral – Licence of Occupation for Utilities (File: R2404ADE – Kaslo InfoNet Society)” dated March 1, 2024.

Respectfully submitted,

Zachari Giacomazzo

CONCURRENCE

Planning Manager – Nelson Wight **Digitally approved**

General Manager Development & Sustainability – Sangita Sudan **Digitally approved**

Chief Administrative Officer – Stuart Horn **Digitally approved**

ATTACHMENTS:

Attachment A – Crown Referral Package

Attachment B – Draft Response Letter, prepared by RDCK staff

The Lake Fibre

Lake fibre installation is practical because Kootenay Lake is deep and drops off steeply from its shorelines, so laid fibre cables are out of reach of human disturbance. Moreover, the environmental impact of fibre cable laid in deep water is very small because the fibre cable is only 6.5mm wide, and is lade from a motorized barge into water at least 60m deep, except where it comes up to shore landings. The routing from the shoreline to deep water will be as direct as possible, to minimize the amount of fibre in shallow water, as shown on the mapping which is part of this application.

In 2017, Columbia Basin Broadband Corporation (CBBC) laid fibre in the lake between Balfour and Kaslo. KiN employees were part of that process and utilized a similar technique to lay our own backbone fibre in 2019, ranging from Kaslo to Johnsons Landing.

This project is an extension of the previous project, utilizing the same motorized barge in conjunction with boats to assist with maneuvering and station keeping. The barge route will be controlled by GPS, following the submitted route coordinate list (“Kootenay Lake Loop Route Coordinates.xlsx”) and cable depth will be monitored with a depth sounder.

KiN’s lake fibre routes were chosen to avoid minimize outflow currents from large creeks and have ensured that our routing does not impinge upon Land Act Section 16 reserves.

Masse Environmental, from Nelson, will once again be used as an environmental consultant to validate each landing site and ensure best practices are followed.

Ursus Heritage, or other another archaeological firm approved by the Ktunaxa Nation Council, will provide an archaeological briefing prior to the start of work, and for sites with high likelihood of precontact inhabitation, provide monitoring of the site work by a qualified archaeologist.

The barge will lay fibre after the construction of the landing sites has been completed. Divers will locate and mark with a float the pull tape that is installed in the landing conduit so that when the barge arrives at the landing the free end of the fibre cable can be drawn into the conduit. Another pull tape will be drawn into the conduit whenever one is pulled out, so that the second (or future) fibre cable can use the same conduit afterwards. The barge will be equipped with a vehicle spill kit, as the payout system and the cable spool carrier contain small amounts of hydraulic oil.

The Landings – General

New landings will be constructed at Salisbury Creek, Birchdale, Murphy Creek, Campbell Creek, just south of Garland Bay, Riondel, Walkers Point, Pilot Point, Gray Creek, Crawford Bay, two small unnamed clusters of homes between Gray Creek and Boswell, two points in Boswell, and a terminus just south of Columbia Point.

A new environmental assessment will be commissioned from Masse Environmental, of Nelson BC, based on their work on our previous lake fibre project.

For landings on private land, permission has been obtained with the property owners in RDCK Area D for Salisbury Creek, located at 1651 Johnsons Landing Rd; Birchdale, with a property ID (PID) of 023-193-

859; Murphy Creek, with a PID of 025-093-321. In RDCK Area A, permission has been obtained at Hopkins, located at 3135 Powder Creek FSR, Riondel; Walkers, at 535 Walkers Landing Rd, Kootenay Bay.

Landings at Pilot Point, #2, #4, #5 are incidental with boat launches, docks, or boat club mooring. We expect to finalize landing permissions here as part of the environmental assessments.

The remaining private landing sites (#6, #7, #8) will be finalized as part of the environmental assessments, with permission from landowners part of the finalization process.

Prior to construction of the first landing, an environmental awareness orientation will be conducted with all personnel at the project site. The orientation will ensure familiarity with the environmental procedures outlined in the Masse Environmental document and ensure that obligations regarding the exercise of due diligence for protection of environmental values are understood. We will arrange for the orientation to be held by a member of the Masse Environmental team and a record of the orientation will be signed by the project manager at the site. The environmental awareness orientation will also be used to educate the personnel regarding freshwater mussels and other wildlife that may be encountered during construction.

Each of the landings will utilize a fibreglass vault (also called a handhole) approximately 1m x 1.2m by 1m deep, with traffic-rated lids, located above the maximum high water line and buried flush with the existing soil surface. The vault will be used for splicing the underwater fibre cables and connecting to the distribution fibre cables on land. A single 1 1/4inch HDPE conduit will be buried 24" deep (or down to continuous rock), from the vault to a depth of at least 6ft below the minimum annual lake level, or 33ft beyond the low water shoreline. From above the maximum high water level to 6ft below the minimum lake level the HDPE conduit will be weighted and protected from wave action and floating debris impact by articulated iron pipe sections. The buried conduit will be marked with warning tape above the conduit at a depth of 1ft.

Trenching (where machine-accessible) will be performed by a rubber-tracked mini backhoe with a 6 inch wide custom digging bucket, and to avoid creating turbidity no mechanized trenching will take place below the lake water level. The timing of the initial landing construction will be the last two weeks of August, to keep within the Kootenay Lake Kokanee fish window. Because the water level in late August is typically about 4ft higher than the minimum lake level (which occurs around March 31), the conduit burial will be completed between March 27 and April 25, 2024, when machine digging can proceed as far as possible towards the lake while digging on dry ground. According to the Masse Environmental report, the late August and end of March construction periods coincide with a time when potential impacts to nesting birds are lowest.

The mini-backhoe is the only equipment to be used at landings that could spill hydrocarbon fluids. The backhoe will be inspected for fluid drips or leaks before it moves to the construction site and throughout construction. There will be no storage of fuel or other hydrocarbon fluids on the construction site and the backhoe will be allowed on the construction only during the day of construction. A vehicle spill kit will be kept at each landing site during construction.

A previous Masse Environmental report (section 6.3) addresses sedimentation mitigation and states that the cable installation by CBBC in 2017 suggests "sedimentation is not a concern at most sites due to the course nature of the substrate and the lack of current in the lake. Our methodology of digging only on

dry ground will further reduce the possibility of sedimentation and will enable full burial of the landing conduit wherever the public is able to walk at any time of the year. Construction and placement of the conduit at each landing site will take place in one day in a defined narrow linear strip about 3ft wide. In the event of significant rain that could cause soil erosion or sediment-laden water to flow to the lake, the work will be postponed. All excavated soil will be backfilled as soon as the conduit has been laid in the trench and the construction area will be restored to its original appearance. Where vegetation has been removed by trenching, the soil will be hand seeded at the end of the construction day.

The project manager and construction crew will be made aware that archaeological remains predating AD 1846 and sites containing rock art or human burials are automatically protected in BC from disturbance, both intentional and inadvertent, by the Heritage Conservation Act. They will be given for reference the archaeological information sheet provided by the archaeological consultants explaining regionally-applicable archaeological sites types and artifact assemblages. In the event that any precontact cultural material is encountered or suspected to have been exposed during the construction of landings all ground disturbance in the immediate vicinity of the suspected find(s) will be suspended at once and the Ministry of Forest, Lands and Natural Resource Operations, Archaeology Branch will be informed as soon as possible of the location of the archaeological remains and the nature of the disturbance.

In order to protect the installed landings, where boating activity might affect the fibre cable in shallow water near a landing, a “No Anchor” sign of standard size will be installed above the high water line on a treated pole.

The Landings – Balfour

KiN, with permission from CBBC, will insert an additional fibre cable into the conduits that were installed by CBBC at the Balfour landing site. Two divers will be employed to access the deep water end of the conduits to minimize disturbances to the cable. There will be no disturbance of the shoreline environment as the existing conduit will not be moved.

The Landings – Kaslo, Ainsworth, Johnsons Landing

KiN will insert an additional fibre cable into the conduits that were installed by KiN at these landing sites. Two divers will be employed to access the deep water end of the conduits to minimize disturbances to the cable. There will be no disturbance of the shoreline environment as the existing conduit will not be moved.

The Landings – Salisbury Creek

The fibre cable will avoid the Land Title Section 16 Reserves by at least 50m at the final landing point, with over 300m separating the lake fibre path from the mouth of the creek. The landing site itself is adjacent to the small docks serving the community, on private land.

The Landings – Birchdale

The fibre cable will be buried in the sand-and-gravel beach next to an existing pier. Because of the extensive modern usage of the area, it is anticipated that the environmental impact will be minimal.

The Landings – Murphy Creek

While the strata maintains their own license of occupation (GATOR file 4403821), a Section 16 Land Title Reserve extends beyond the strata's license. KiN's approach will maintain a distance of at least 30m from the Section 16 reserves, landing on a rocky beach at a private (Strata) residence.

The Landings – Campbell Creek

This landing site is alongside an existing pier. Because of the extensive modern usage of the area, it is anticipated that the environmental impact will be minimal. There is a Section 16 Reserve for log handling that is no longer active. KiN's cables go through this area, but can be routed around it if required.

The Landings – Hopkins (Garland South)

This landing is at the west end of a gravel beach, protected by a large rock outcropping. Environmental and archaeological assessments will verify the final approach.

The Landings – Riondel

This landing site is near a public boat launch, with little archaeological or environmental impact expected.

The Landings -- Walkers Point

This landing site is on a gravel beach on private land, with extensive modern usage.

The Landings -- Pilot Point

This landing site is on private land at a small boat launch and marina.

The Landings -- Gray Creek South (HH4)

This landing site is on private land south of the small marina and manmade breakwater.

The Landings -- Gray Creek (HH3)

This landing site is on a rough gravel beach. Environmental and archaeological assessments will determine the final location and approach.

The Landings -- Crawford Bay West

This landing site is on a rough gravel beach near a boat launch at a campground. Modern usage makes archaeological finds unlikely but environmental and archaeological assessments will inform the final landing site.

The Landings -- Boswell North (HH5)

This landing site extends from an active private marina.

The Landings -- Boswell Mid (HH6)

This landing site is on a rough gravel beach near a row of modern homes. Modern usage makes archaeological finds unlikely but environmental and archaeological assessments will inform the final landing site.

The Landings -- Boswell South (HH8)

This landing site is on a sand beach near a modern subdivision. Modern usage makes archaeological finds unlikely but environmental and archaeological assessments will inform the final landing site.

The Landings -- Columbia Point South

This landing site is on a rough rocky beach. Environmental and archaeological assessments will be required to determine the final landing location.

Crown Land Tenure Application

Tracking Number: 100424772

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Company/Organization
 What is your relationship to the Company/Organization? Board Member

APPLICANT COMPANY/ORGANIZATION CONTACT INFORMATION

Applicant is an Individual or an Organization to whom this authorization Permit/Tenure/Licence will be issued, if approved.

Name: Kaslo infoNet Society
 Doing Business As:
 Phone: [REDACTED]
 Fax:
 Email: [REDACTED]
 BC Incorporation Number: S0036000
 Extra Provincial Inc. No:
 Society Number: S0036000
 GST Registration Number: [REDACTED]
 Contact Name: Isaac Maxfield
 Mailing Address: - redacted -

REFERRAL / PUBLIC COMMENT CONTACT INFORMATION

Company / Organization: Kaslo infoNet Society
 Contact Name: Isaac Maxfield
 Contact Address: [REDACTED]
 Contact Phone: [REDACTED]
 Contact Email: [REDACTED]

ELIGIBILITY

| Question | Answer | Warning |
|---|--------|---|
| <p>Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?</p> <p>Applicants and/or co-applicants who are Individuals must:</p> <ol style="list-style-type: none"> 1. Be 19 years of age or older and 2. Must be Canadian Citizens or permanent residents of Canada (Except if you are applying for an aquatic tenure adjacent to privately owned upland) <p>Applicants and/or co-applicants who are Organizations must either:</p> <ol style="list-style-type: none"> 1. Be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or 2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution). | Yes | |
| <p>Is your application for a funded high-speed internet Connectivity Project?</p> | Yes | To proceed with this application as identified, please provide the following required information |

in the 'Explanation' box below: [Attachment A](#)

1. Project Name:

This should be a consistent title for the project to be referred to throughout the agency review period.

2. Funding Project Number:

Usually 4-6 digits (eg. 7152 or 010033), as assigned through Connecting Communities BC (CCBC) or Northern Development Initiative Trust (NDIT) or other official funding programs.

3. Please identify any additional provincial applications for permits/authorizations associated with this specific Connectivity project by providing any tracking/file number(s).

For example, vFCBC Tracking Number(s), Crown Land file number(s), Ministry of Transportation and Infrastructure, Forestry, or other provincial natural resource file number. This information will help facilitate the coordinated and efficient multi authorization review (i.e. roadways, BC Hydro infrastructure, etc.).

If you have any questions regarding the above information requirements, please contact citz.networkbcpermitting@gov.bc.ca

Is this application in relation to increasing the supply of housing units within British Columbia?

No

A Housing related project, for the purpose of this application, must be for a specific development and the development must increase the number of housing units on the land/property.

Explanation for eligibility despite warnings:

This relates to two Connecting Communities BC Projects, CCBC-010030 and 010033.
Project names are: RDCK Area D Fibre to the Home and Kootenay Lake Fibre Loop & Boat-Access Last Mile
Pertaining to existing licence to occupy, Crown Land File 4405896

TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

EXISTING TENURE DETAILS

Do you hold another Crown Land Tenure?
Please specify your file number:

Yes
405600

If you have several file numbers, please make a note of at least one of them above. Example numbers: 1234567, 153245, others

ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program, please see the operational policy. If you have further questions, please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

In some situations, such as short-term, low-impact use of Crown land or docks/moorage that meet specific criteria, Crown land use is allowed without needing to apply for authorization. Some examples are uses listed within the Land Use Policy - Permissions and, for docks/moorage, within the Private Moorage policy.

For all application types, you should review the Land Use Policy that describes your intended use of Crown land to determine if your activity is permissible under the Land Act.

| Purpose | Tenure | Period |
|-------------------------------------|-----------------------|---------------------|
| Utilities Telecommunication Line | Licence of Occupation | Ten to thirty years |

ACCESS TO CROWN LAND

Please describe how you plan to access your proposed crown land from the closest public road: Boat access, and existing right-of-ways or arranged access through private land where necessary.

UTILITIES

Applications are accepted for Crown land used for linear public and private utilities, including aquatic land within Provincial Forests and land subject to regulation under the Park Act.

Specific Purpose: Telecommunication Line
Period: Ten to thirty years
Tenure: Licence of Occupation

TOTAL APPLICATION AREA

Please give us some information on the size of the area you are applying for.

Specify Length: 116400 meters
Specify Width: 1 meters

PROJECT DETAILS

Please provide further information on your application as it may affect your application fee.

Are you providing service to a single residential lot or individual general commercial site? No

Length of utility line: 0 kilometers

ADDITIONAL QUESTIONS

In many cases, you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction, please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia? Unknown

Are you planning to cut timber on the Crown Land you are applying for? No

Are you planning to use an open fire to burn No

timber or other materials?

Attachment A

Do you want to transport heavy equipment or materials on an existing forest road?

No

Are you planning to work in or around water?

Yes

1. If you will be working in or around fresh water, you will require a Water Sustainability Act Change Approval or Notification from the Province.
2. The federal Department of Fisheries and Oceans might need to review your project.
3. Review the Transport Canada website if the Navigation Protection Act applies.

Does your operation fall within a park area?

No

LOCATION INFORMATION

LAND DETAILS

DRAWINGS

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

I will upload a PDF, JPG or other digital file(s)

MAP FILES

Your PDF, JPG or other digital file must show your application area in relation to nearby communities, highways, railways or other land marks.

| Description | Filename | Purpose |
|--|--------------------------------|-----------|
| Overview showing general location on Kootenay Lake | General Location Map - Koot... | Utilities |

ATTACHED DOCUMENTS

| Document Type | Description | Filename |
|----------------------|---|--------------------------------|
| General Location Map | General location showing the project on Kootenay Lake | General Location Map - Koot... |
| Management Plan | Management plan | Lake Fibre Management Plan.... |
| Other | Longitude and latitudes of each landing site | Kootenay Lake Loop Route Co... |
| Site Plan | Overview showing path of each fibre run | Run Overviews.pdf |
| Site Plan | Site maps showing each landing site in detail | Landing Site Maps.pdf |

PRIVACY DECLARATION

Check here to indicate that you have read and agree to the privacy declaration stated above.

IMPORTANT NOTICES

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

I declare that the information contained on this form is complete and accurate.

APPLICATION AND ASSOCIATED FEES

| Item | Amount | Taxes | Total | Outstanding Balance |
|-----------------------------------|------------|-------------------|------------|---------------------|
| Crown Land Tenure Application Fee | \$1,000.00 | GST @ 5%: \$50.00 | \$1,050.00 | \$0.00 |

OFFICE

Office to submit application to: Cranbrook

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? Yes

What is the name of your project? Kootenay Lake Fibre Loop & Boat-Access Last Mile

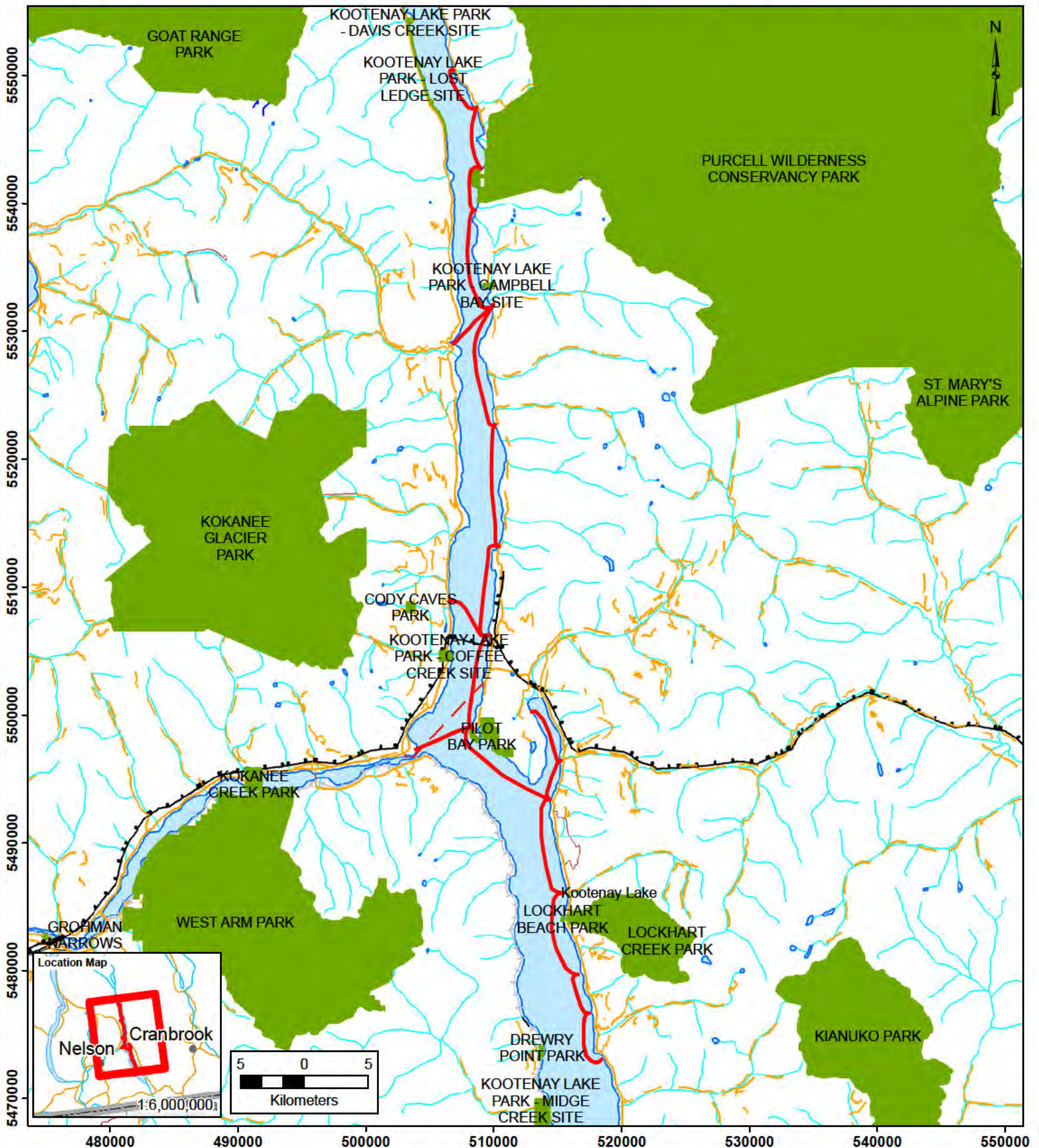
Please provide any of the following: reference number(s), project number(s), tracking number(s), or other descriptive information which would allow us to group these applications together:
CCBC-010033
Water file number 100424784

| OFFICE USE ONLY | | |
|------------------------|----------------|----------------|
| Office Cranbrook | File Number | Project Number |
| | Disposition ID | Client Number |

| Order | Name | Label | Longitude |
|-------|-----------------|-------------------|------------|
| 1 | Johnsons | HHJohnsons | -116.87861 |
| 2 | Salisbury Creek | HHSalisbury Creek | -116.90444 |
| 3 | Birchdale | HHBirchdale | -116.87418 |
| 4 | MurphyCreek | HHMurphyCreek | -116.87989 |
| 5 | CampbellCreek | HHCampbellCreek | -116.86096 |
| 6 | Kaslo | HHKaslo | -116.90548 |
| 7 | Hopkins | HHHopkins | -116.85927 |
| 8 | Riondel | HHRiondel | -116.85523 |
| 9 | Walkers | HHWalkers | -116.86603 |
| 10 | Pilot | HHPilot | -116.8839 |
| 11 | Ainsworth | HHAinsworth | -116.90939 |
| 12 | Balfour | HHBalfour | -116.94647 |
| 13 | #4 | HH#4 | -116.80082 |
| 14 | #3 | HH#3 | -116.78779 |
| 15 | #2 | HH#2 | -116.82063 |
| 16 | #5 | HH#5 | -116.78564 |
| 17 | #6 | HH#6 | -116.7701 |
| 18 | #8 | HH#8 | -116.75817 |
| 19 | #7 | HH#7 | -116.74607 |


| Latitude |
|----------|
| 50.08016 |
| 50.10586 |
| 50.03655 |
| 50.00724 |
| 49.94113 |
| 49.91319 |
| 49.8566 |
| 49.77098 |
| 49.70932 |
| 49.64307 |
| 49.73288 |
| 49.62828 |
| 49.59254 |
| 49.62046 |
| 49.65458 |
| 49.52706 |
| 49.4699 |
| 49.44269 |
| 49.41017 |


All that unsurveyed Crown land and foreshore being part of the bed of Kootenay Lake, situated in the vicinity of Balfour, Boswell, Kaslo, Pilot Bay and Riondel, Kootenay District, more particularly shown outlined in red and containing 57.38 hectares, more or less.







...cranbrook\Staff\projects\Laura\NRS\Lands\734318 - South Country Cable\4408384\4406384.mxd Dec/23 EB

Attachment A
Legend


Network locations
 Hand hole


Cables
 24





Trenches
 Highway Bore
 Highway Cut
 Aerial
 Conduit



Attachment A
Legend


Network locations
 Hand hole


Cables
 24


Trenches
 Highway Bore
 Highway Cut
 Aerial
 Conduit

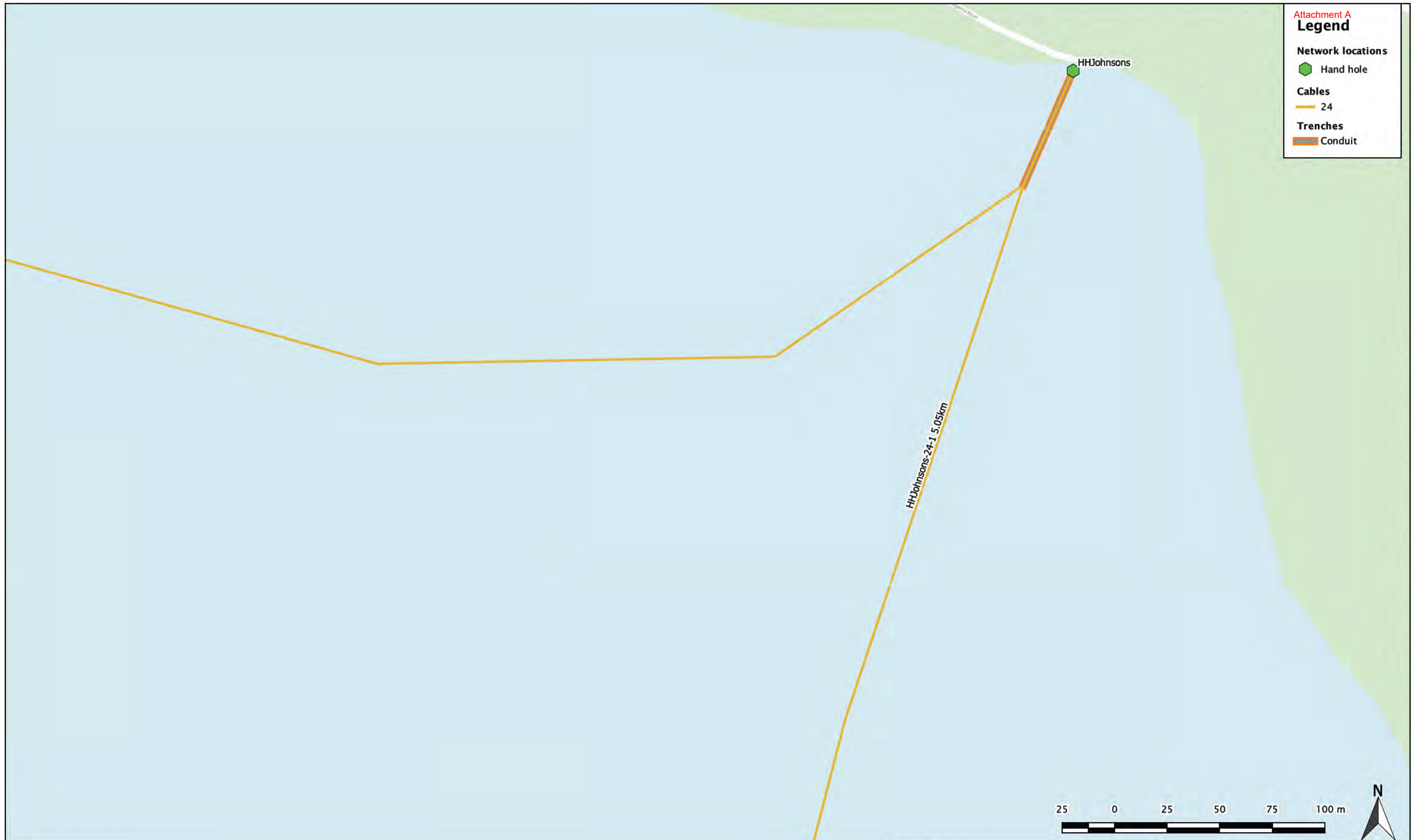


Attachment A
Legend


Network locations
 Hand hole


Cables
 24


Trenches
 Conduit



Attachment A
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Network locations
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Cables
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Trenches
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Attachment A
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Cables
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Trenches
 Conduit

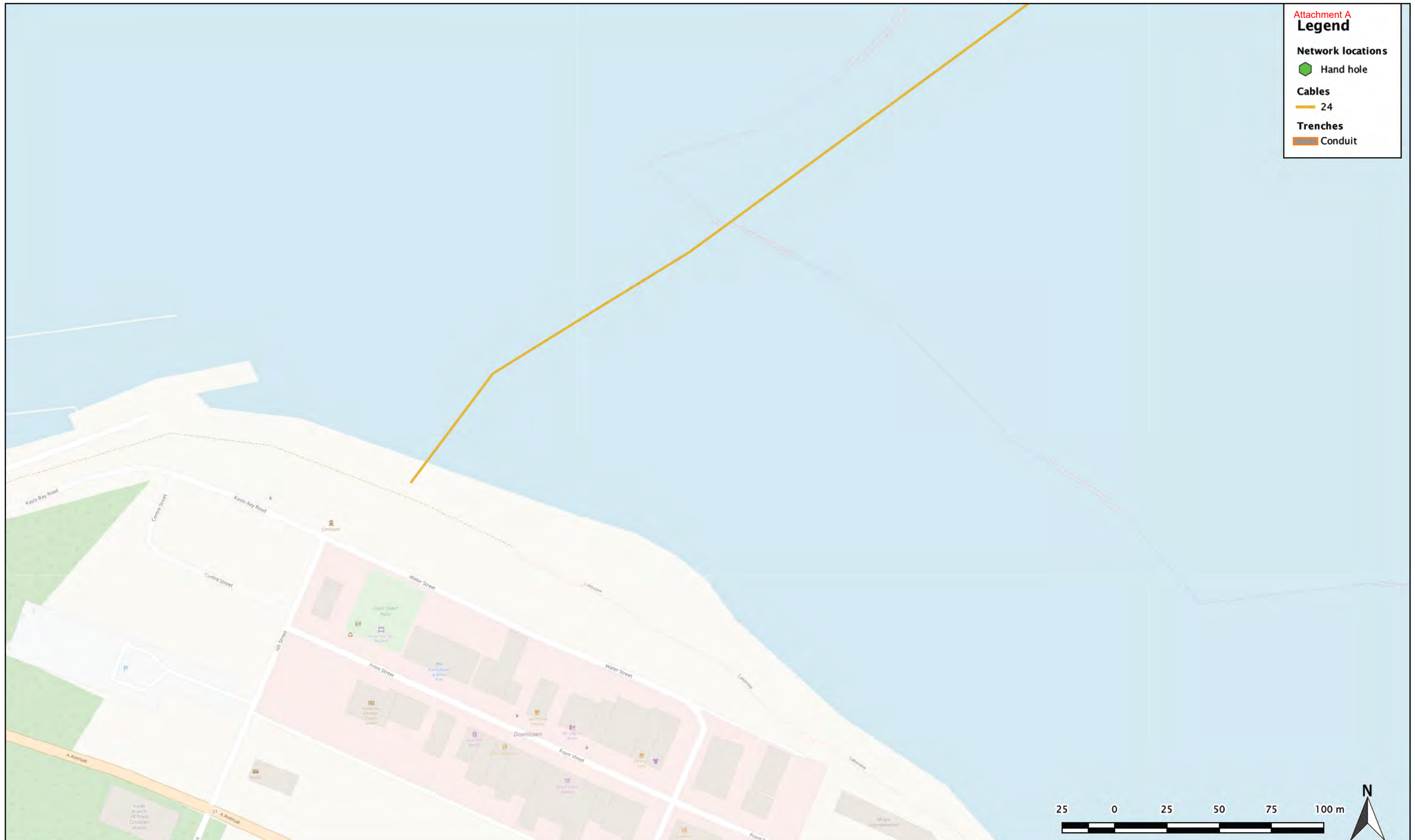


Attachment A
Legend


Network locations
 Hand hole


Cables
 24


Trenches
 Conduit

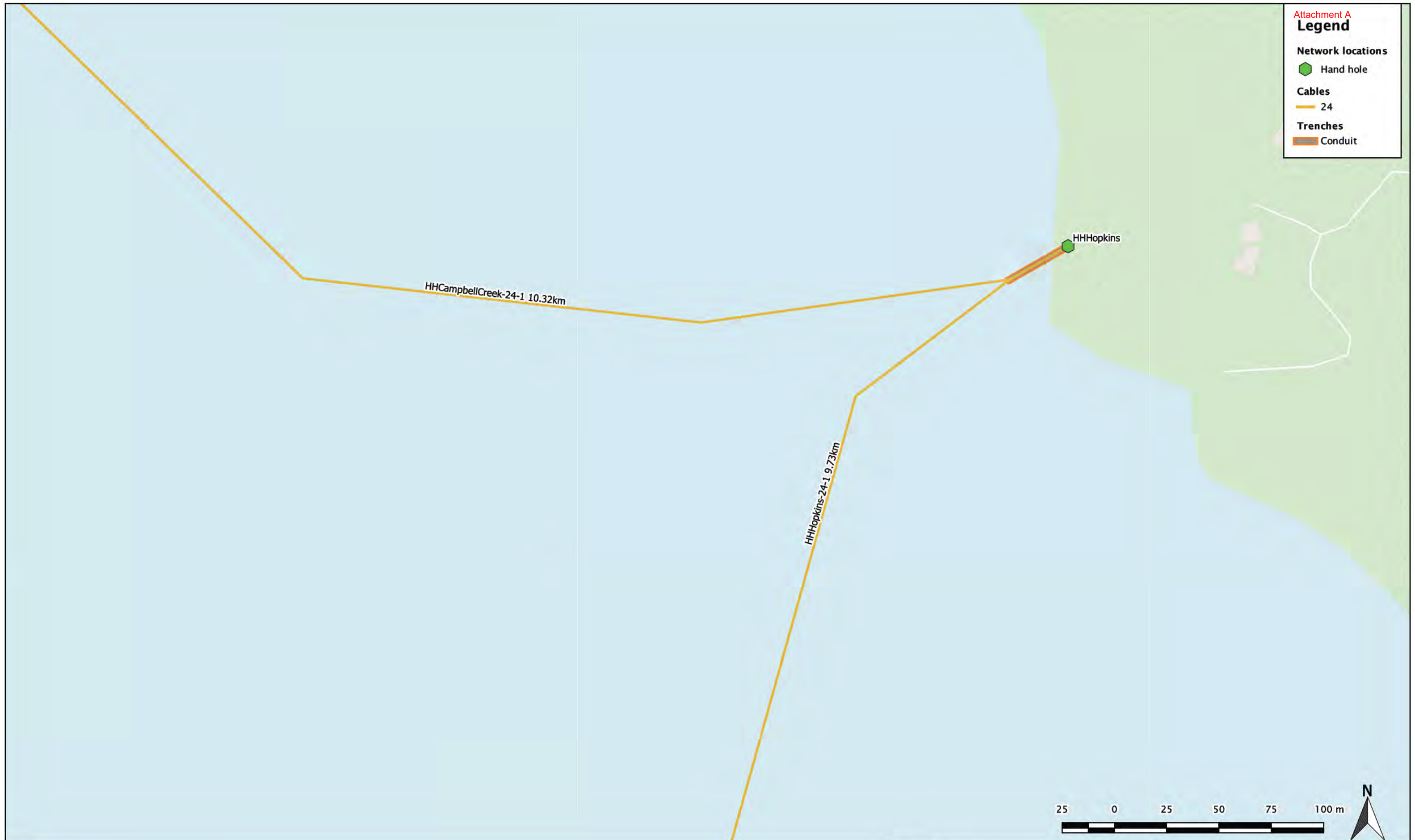


Attachment A
Legend


Network locations
 Hand hole


Cables
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Trenches
 Conduit

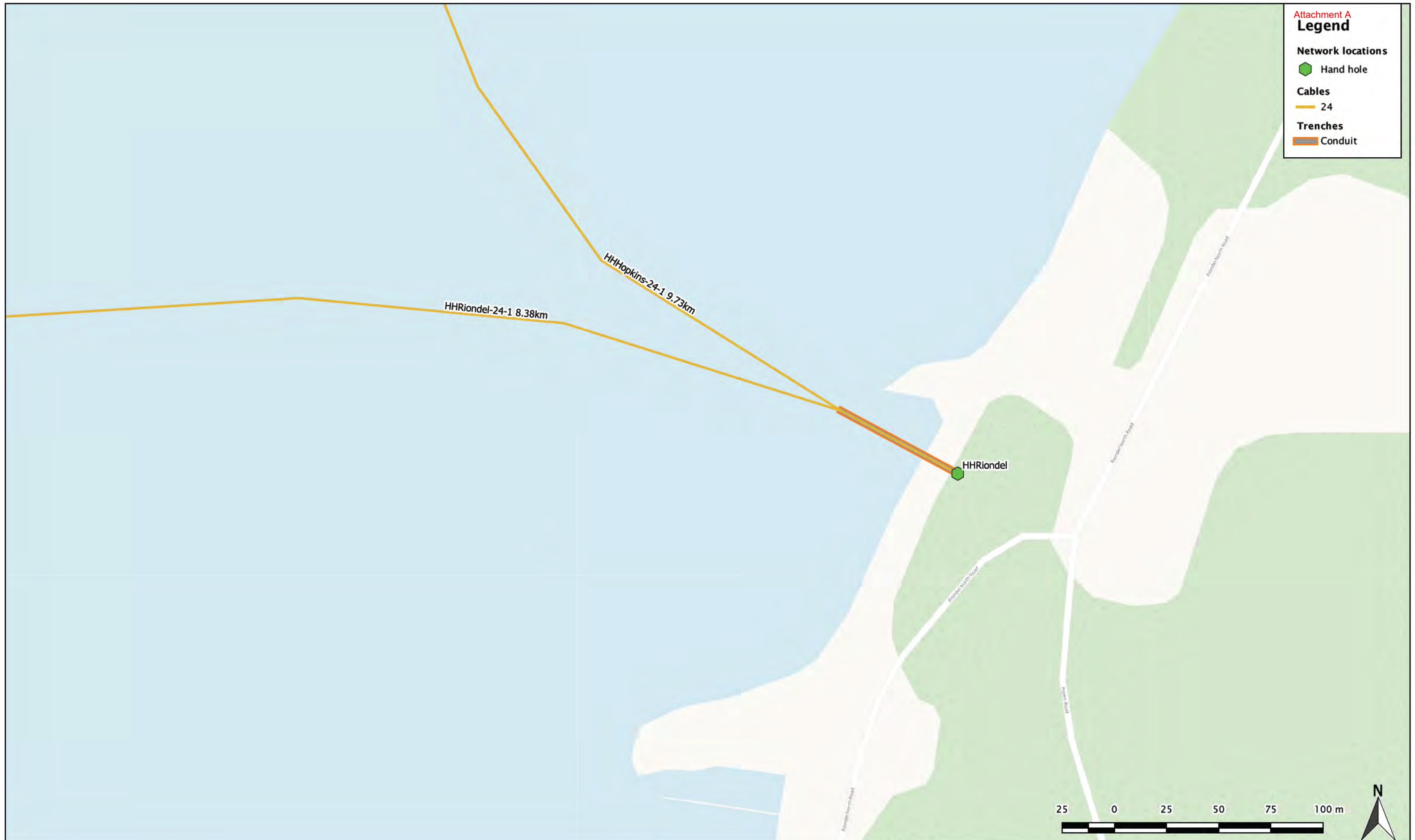


Attachment A
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Network locations
 Hand hole


Cables
 24


Trenches
 Conduit

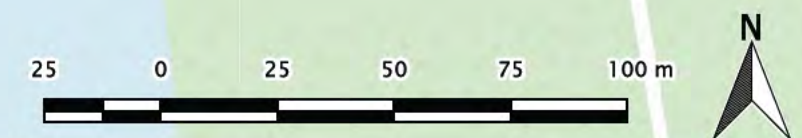
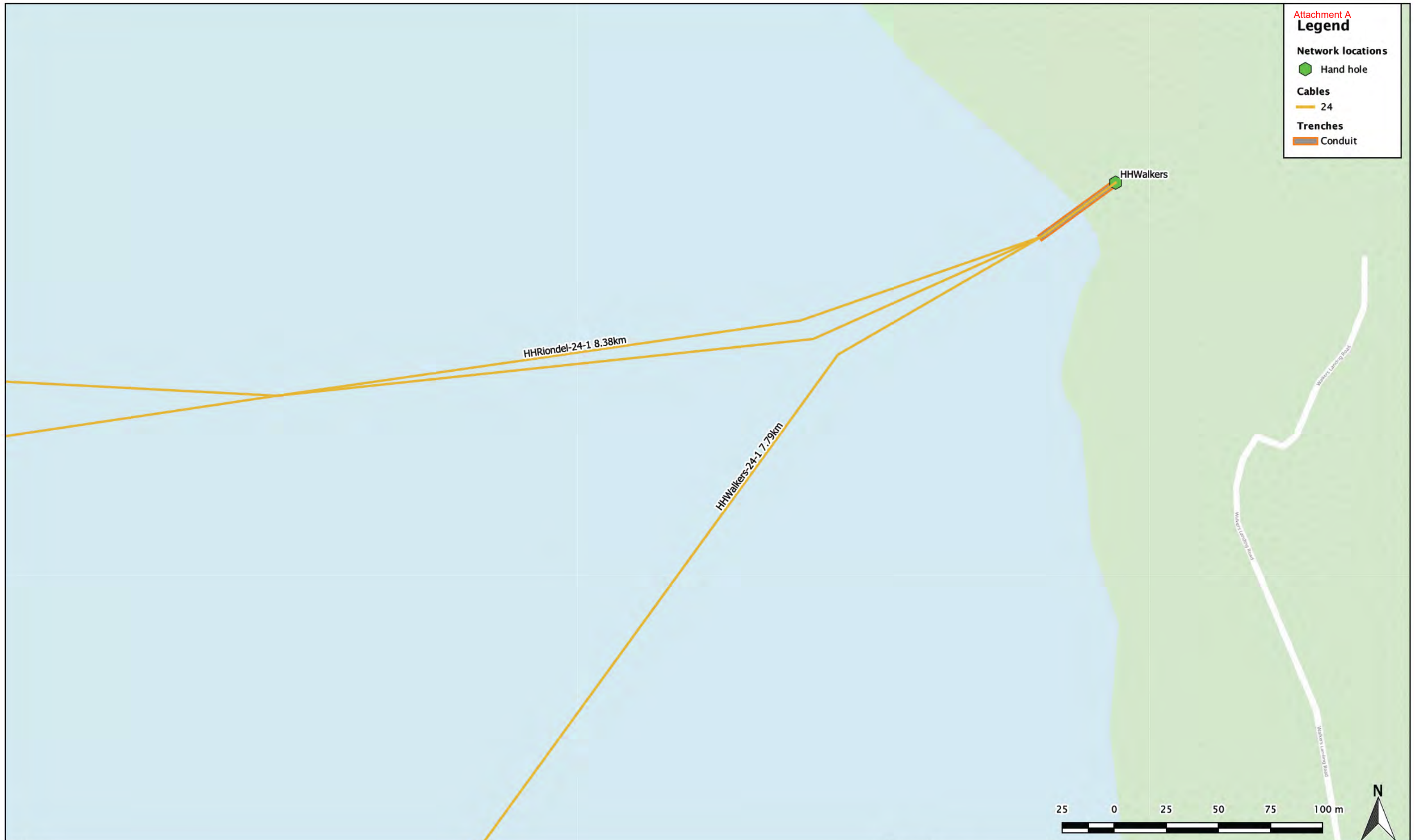


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Cables
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Trenches
 Conduit



Attachment A
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Network locations
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Cables
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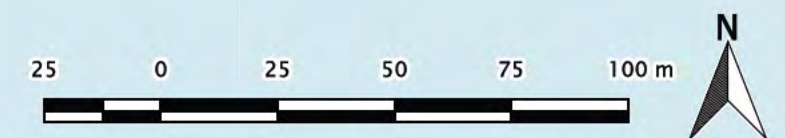
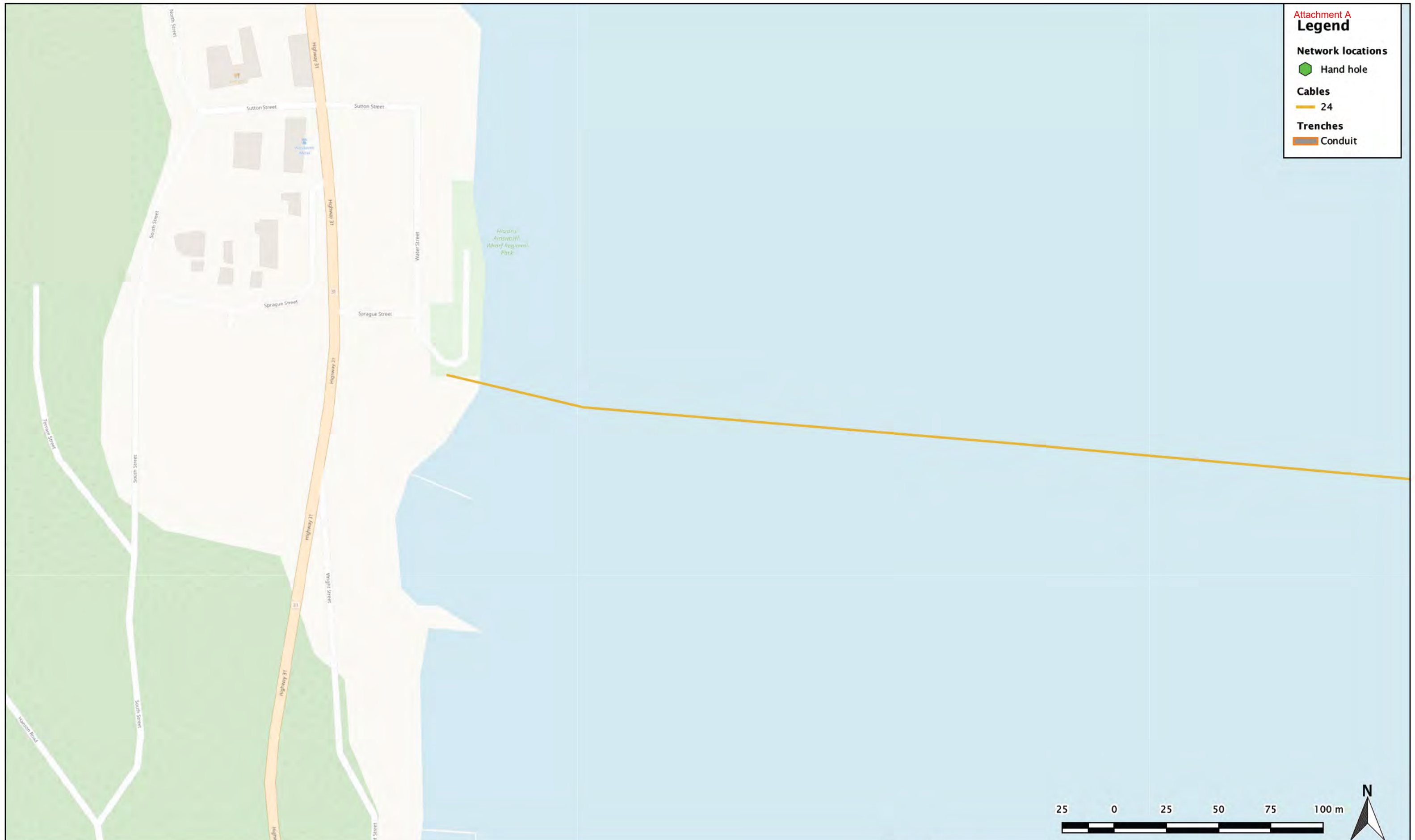


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Trenches
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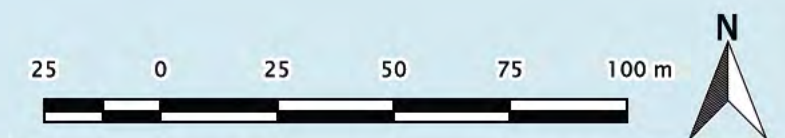
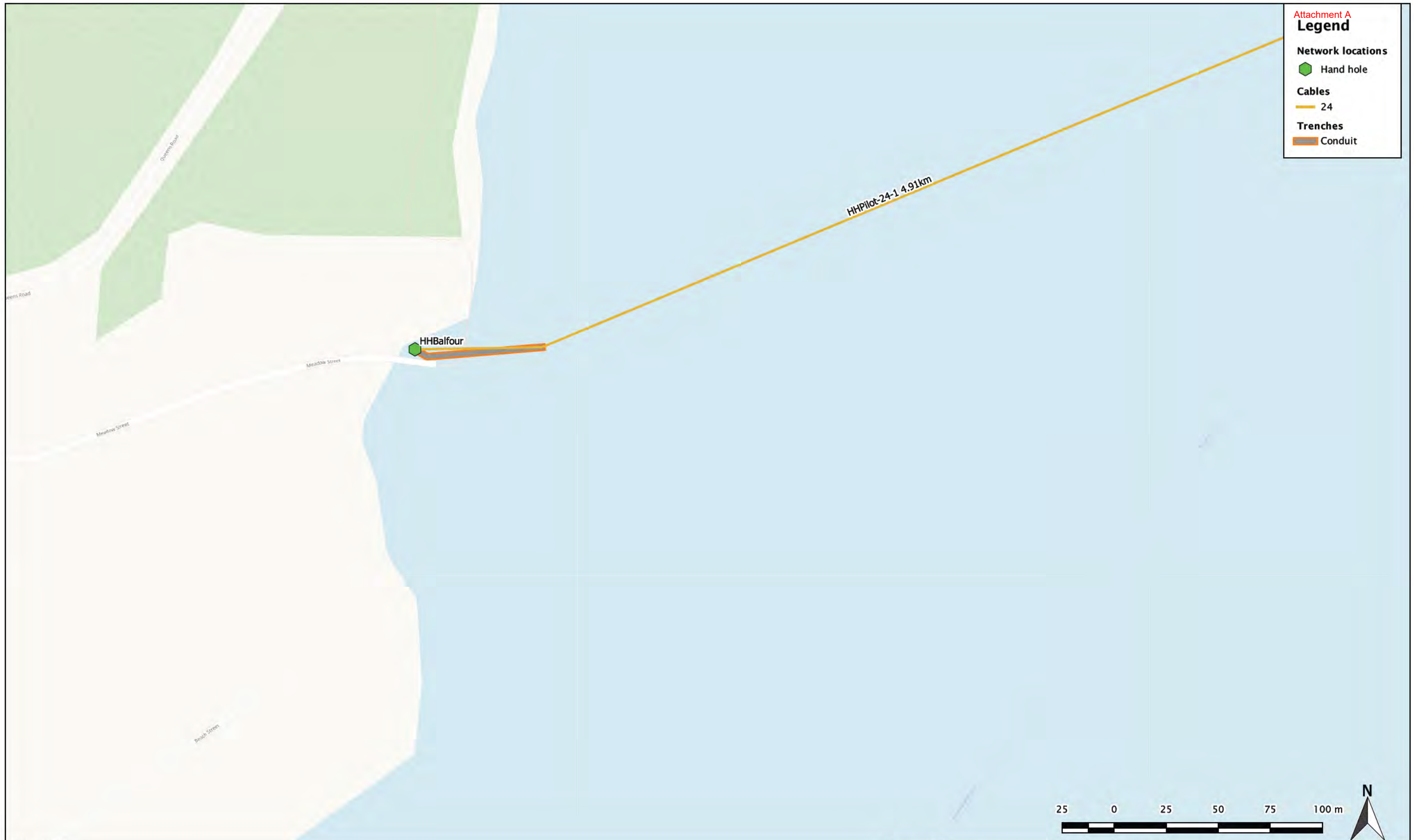


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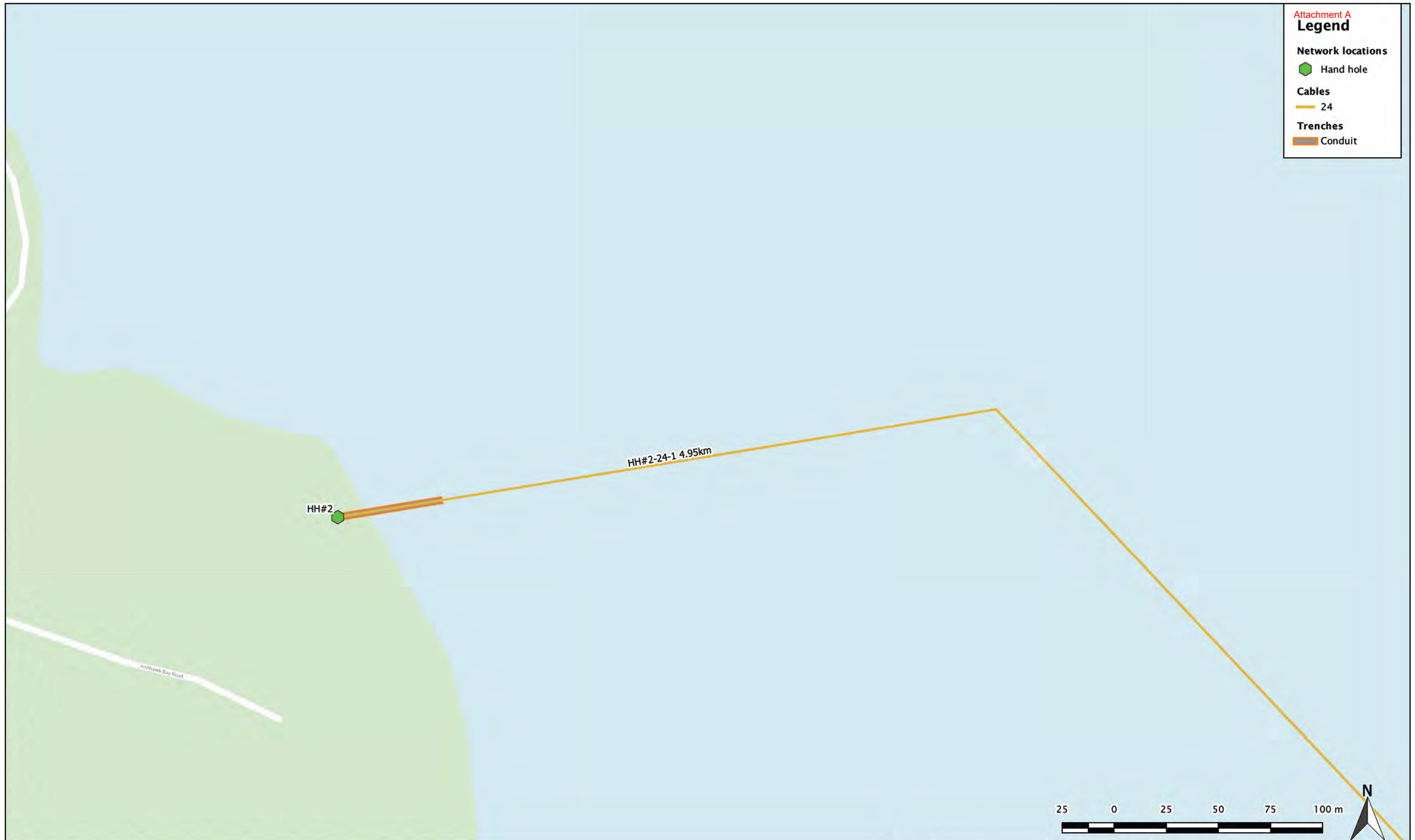


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Trenches


- Conduit



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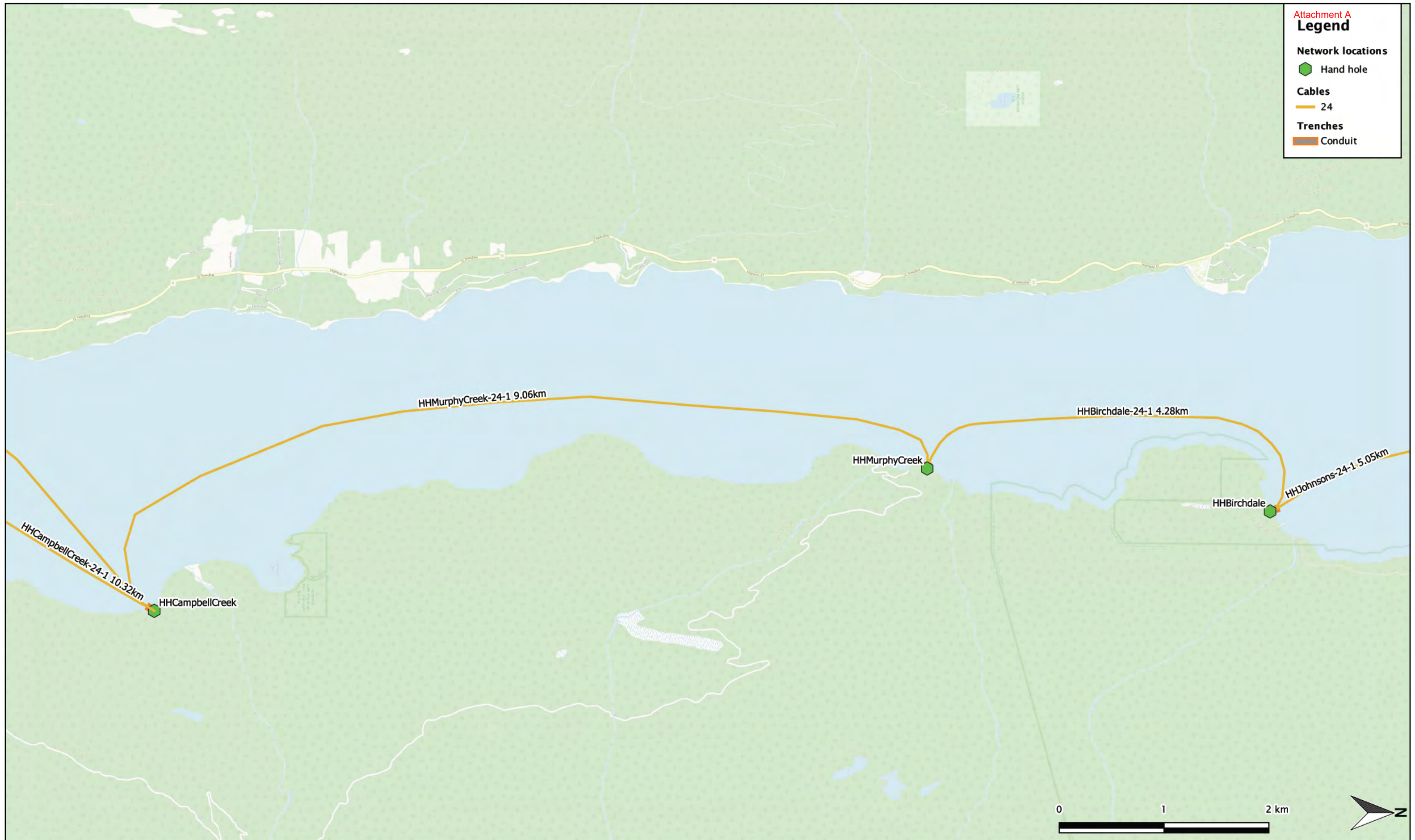


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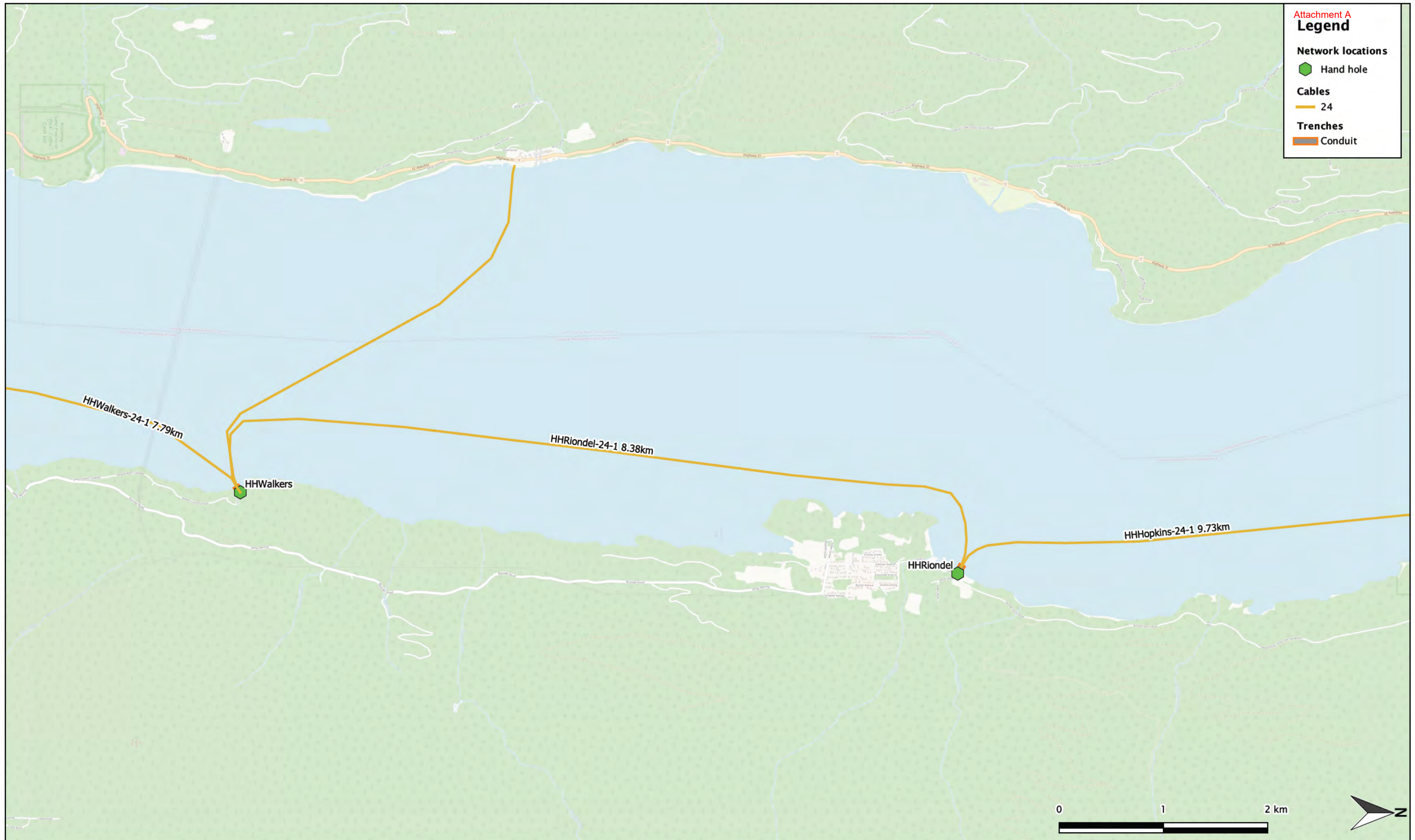


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Legend

Network locations

- Hand hole

Cables

- 24

Trenches

- Conduit



Plate
Birchdale to Campbell
Project
KiN - East Shore Submarine Extension

Prepared by
Isaac Maxfield
Date
2023-10-30 10:03

Scale
1:50,000
Revision
1



Kaslo infoNet
#1-404 Front St, Kaslo, BC
Email: support@kin.bc.ca Phone: 1-250-353-2305

Attachment A
Legend

Network locations

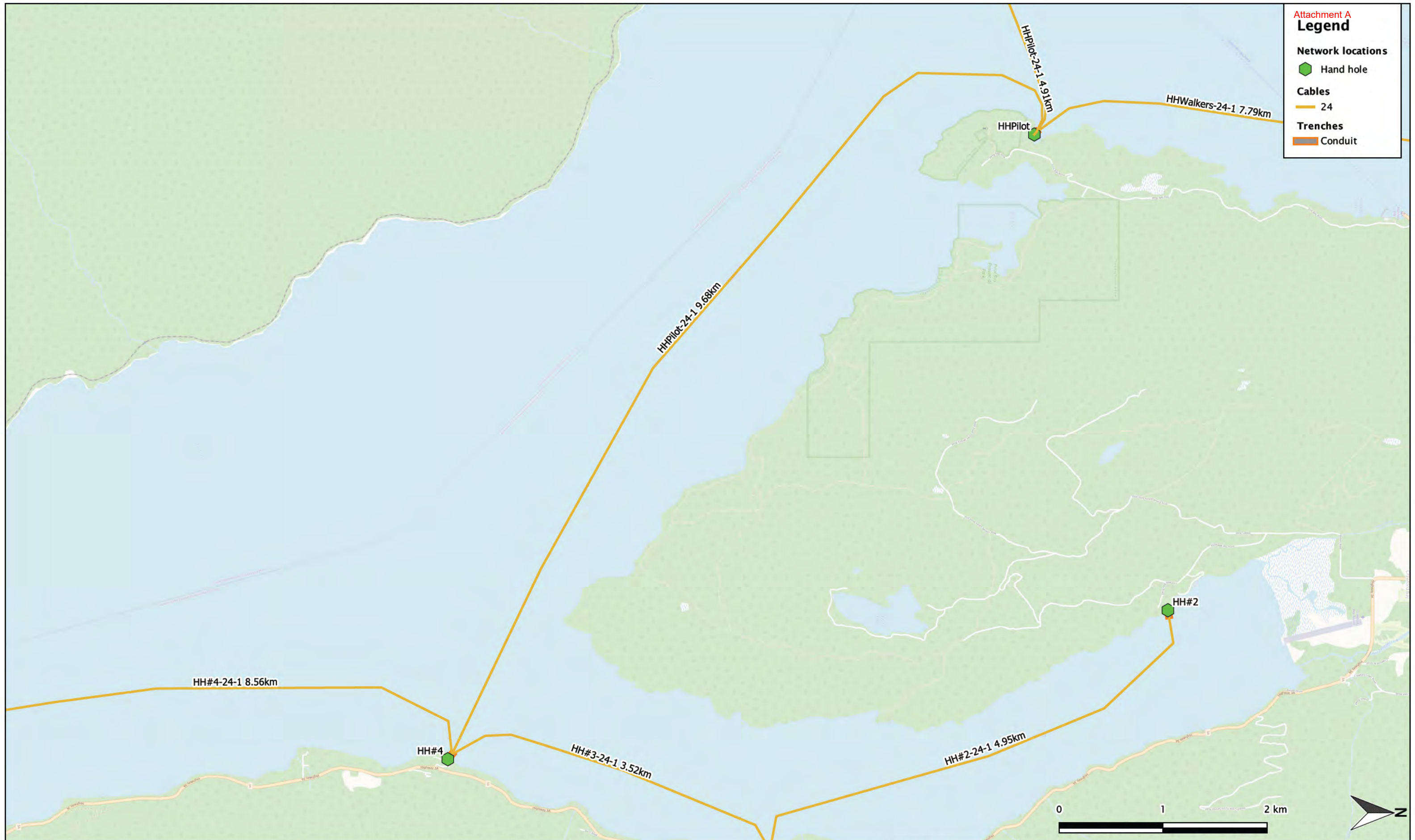
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Cables


- 24


Trenches


- Conduit

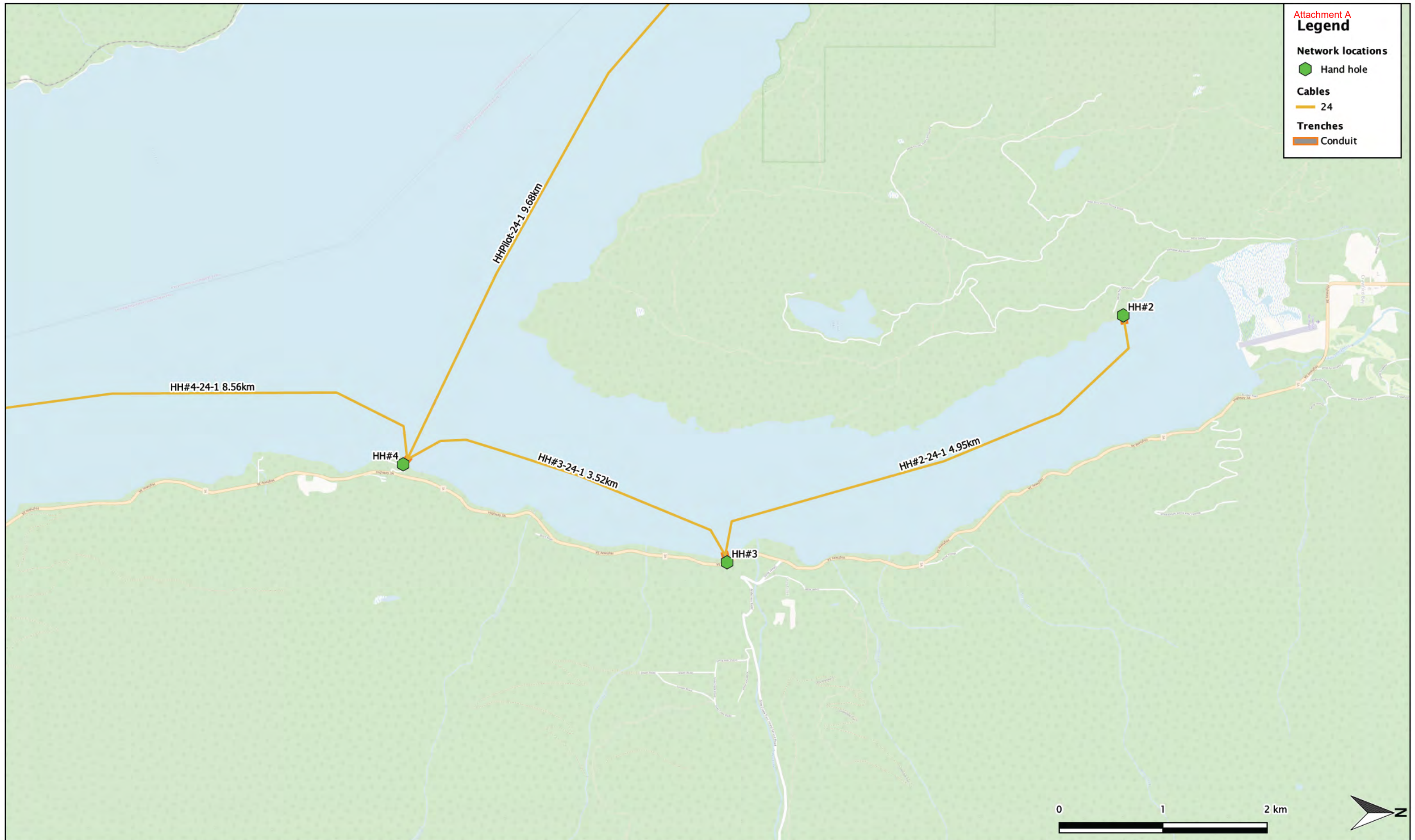


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Trenches
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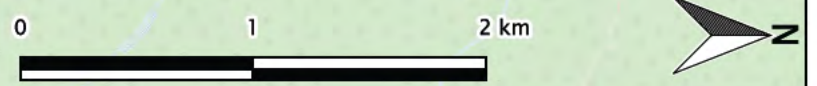
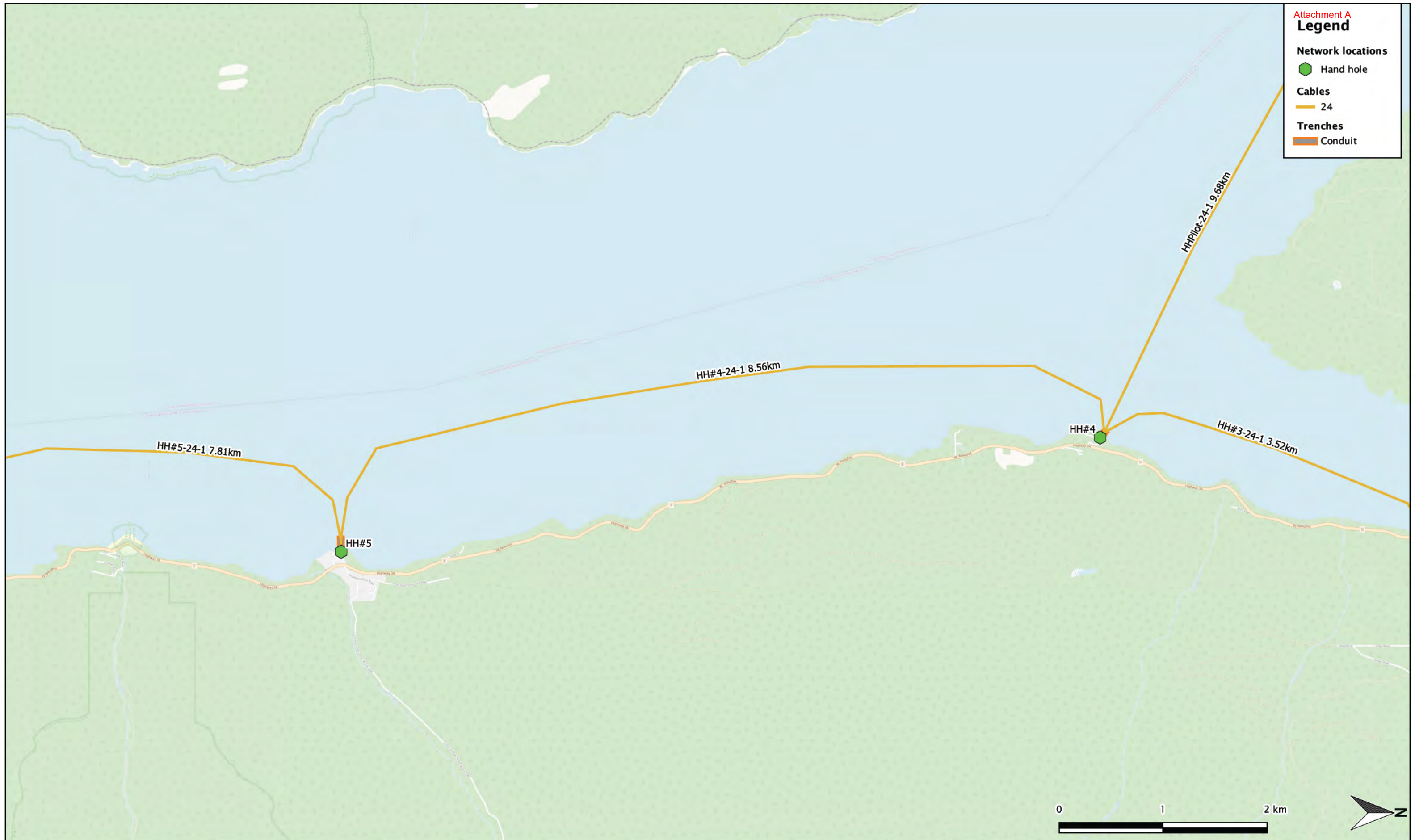


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Trenches
 Conduit





March 1, 2024

Front Counter BC
Erin Sketchley, Referrals Coordinator
frontcounterbc@gov.bc.ca

RE: Referral Number: 163692944 – 002 (CROWN REFERRAL - LICENCE OF OCCUPATION FOR UTILITIES)
Reference # 769704
RDCK File No. R2404ADE – Kaslo InfoNet Society

Thank you for providing the Regional District of Central Kootenay (RDCK) the opportunity to comment on the proposed licence of occupation for utilities as prepared by Kaslo InfoNet Society. The area covered by the proposed licence of occupation includes portions of Electoral Areas 'A', 'D' and 'E' in the Regional District. Please see the excerpts below from the adopted Official Community Plan Bylaws as they pertain to Crown land, the natural environment, resource areas and community-specific policies in each of these three Electoral Areas. It is the expectation of the RDCK that any development activities or proposed uses be consistent with these policies in order to uphold the public interest in these communities.

Any portion of this project that involves disturbance to the riparian area including but not limited to excavation, grading, construction, operation of machinery or the removal of vegetation requires the review and issuance of a Watercourse or Environmentally Sensitive Development Permit. Please see applicable sections from the respective Comprehensive Land Use Bylaws (Areas A and D) and Official Community Plan (Area E) in the draft response comments below.

The proposed location for the fibre-optic vaults and cables are located in the Regional District of Central Kootenay Electoral Areas 'A', 'D' and 'E'. The majority of the proposed infrastructure is in unzoned areas, with an Official Community Plan designation of Resource Area, except for:

- A small portion of the Ainsworth infrastructure, which is zoned and designated as Parks and Recreation (PR) and;
- Four (4) of the landings which are proposed within the zoned portion of Electoral Area 'A'.

The RDCK encourages the cooperation and coordination with utility companies for the provision of public utilities that service existing and future developments, and supports the expansion of services where there is community need and desire. All proposed works and disturbance to the shoreline/riparian area should refer to the applicable Development Permit Area Sections of the Official Community Plans and the Kootenay Lake Shoreline Guidance Document.

The Regional District of Central Kootenay has no objection to this application subject to construction and maintenance complying with the applicable Comprehensive Land Use Bylaws or Official Community Plan (e.g. Development Permits being issued where applicable), Floodplain Management Bylaw No. 2080 and where applicable, the Provincial Archaeology Branch confirming that their requirements have been satisfied.

The Crown referral was discussed at the March 20, 2024 Rural Affairs Committee. The Committee provided the following comments on the Crown Referral and the proposed works:

Additional comments to be added pending the result of the discussion at the RAC meeting.

Official Community Plan Excerpts

The complete version of all Official Community plans can be found on the following RDCK webpage: <https://rdck.ca/EN/main/government/bylaws/land-use-planning.html>

Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013

Resource Area Objectives

5. To protect riparian zones, sensitive ecosystems, watersheds and biodiversity.
6. To identify Crown land that is primarily used for resource based activities (forestry, mining, trapping, range land, agriculture, hunting and commercial backcountry recreation).

Resource Area Policies

12. Encourages the protection of biodiversity through appropriate forestry practices and the protection of riparian zones and other sensitive ecosystems.

Natural Environment Objectives

1. To preserve natural values.
2. To preserve water quality in Kootenay Lake and other identifiable lakes in Electoral Area 'A' and their tributaries.
3. To protect environmentally sensitive lands such as steep slopes, floodplains, alluvial fans, watersheds and soils subject to erosion from land uses.
4. To protect all community watersheds within the Plan Area.

Natural Environment Policies

12. Will request of the Province that any Crown land use requests along the water front and foreshore of Kootenay Lake in the Plan Area be referred to the RDCK for review, in order that the RDCK be able to review applications in the area for consistency with the Plan.
18. The Regional Board proposes the establishment of environmentally sensitive areas as an Environmental Reserve designation (shown on Schedule A.1) subject to the following:
 - c. unless otherwise noted below, all land within 15 metres of the natural boundary of a watercourse, including a lake, shall be designated as an Environmentally Sensitive Development Permit Area;
19. Supports that development and subdivision adjacent to Kootenay Lake, any other identifiable lake, and tributary creeks shall be subject to a Development Permit.
- 20.

Environmentally Sensitive Development Permit (ESDP) Area

Category

The ESDP area is designated under Section 488.1(1) (a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity.

Justification

The primary objective of this Development Permit Area designation is to regulate development activities in watercourses, lakes and wetlands and their adjacent riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.

Area

The ESDP area is comprised of:

1. Riparian assessment areas (Figure 1) for fish and wildlife habitat and drinking water, including:
 - a. All areas within 15 metres of the high water mark of a watercourse, including the natural boundary of a lake;
 - b. within 15 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and
 - c. within 5 metres of the top of the ravine bank in the case of a wider ravine that links aquatic to terrestrial ecosystems and includes both existing and potential riparian

Guidelines

A development permit is required, except where specified under the exemptions section, for development or land alteration on land identified as a riparian assessment area within the ESDP Area. Where not exempt, development requiring a development permit includes any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under local government legislation or when triggered by the requirements of a building permit or subdivision approval:

- a. removal, alteration, disruption or destruction of vegetation;
- b. disturbance of soils;
- c. construction or erection of buildings and structures;
- d. creation of non-structural impervious or semi-impervious surfaces;
- e. flood protection works;
- f. construction of roads, trails, docks, wharves and bridges;
- g. provision and maintenance of sewer and water services;
- h. development of drainage systems;
- i. development of utility corridors; and
- j. subdivision as defined in section 455 of the Local Government Act;

Electoral Area 'A' Zoning Bylaw

The southern portion of Electoral Area 'A' is subject to a zoning bylaw. Section 18.52.f of the zoning bylaw indicates that "Unattended Public Utility Buildings and Structures" shall be permitted in any zone. Planning Staff would consider the fibre optic telecommunication "vaults" described in the proposal summary to be an unattended Public Utility Structure and therefore a permitted use in any zone.

North Kootenay Lake Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016

The RDCK Parks Department will be notified of this referral as one of the proposed landing sites is the Ainsworth Wharf Regional Park. The applicant has indicated that there will be no disturbance to the shoreline environment for this location as the new fibre cable will be inserted into the conduits that were installed at this site during the previous phase of the project.

The Comprehensive Land Use Bylaw encourages the conservation of environmentally sensitive areas. The proposed vault locations are located within a Watercourse Development Permit Area designed to protect aquatic habitat and to conserve, enhance and restore watercourses and their riparian areas. Based on the information provided, the RDCK believes that the project may trigger the need for a Watercourse Development Permit(s). Please note the activities that require a development permit.

The Salisbury Creek landing site is in close proximity to a known archaeological site. The Provincial Archaeology Branch has been notified.

Crown Land Objectives

1. Encourage the Province to respect the interests and concerns of residents of Kootenay Lake and the Lardeau Valley in decisions concerning activities and development of Crown lands and water.
2. Maintain Crown land adjacent to the lake fronts, riparian areas, and areas of environmental sensitivity within the public domain.

Crown Land Policies

3. Strongly encourage the Province to inform and consult with a community before any change in land use on Crown land, including issuing licences or permits for any development or activity, land sales, and land use designation amendments that may effect the community.
4. Encourage the management or disposition of Crown land or water in a manner that is consistent with the broader policies of the Plan regarding settlement patterns, the conservation of environmentally sensitive areas, and the recreational and conservation values associated with these lands.

Resource Area Objectives

1. Retain and diversify resource-based land uses which contribute to the local economy and nature of communities in the Plan area.
2. Encourage the economic benefits of value-added resource processing to be retained in the community.
3. Recognize the importance of Crown lands for recreational values and opportunity.
4. Ensure, in cooperation with the Province and private land owners, that resource based activities do not result in increased occurrence or magnitude of natural hazards in areas where there is risk to persons or property in the Plan area.
5. Encourage that the economic values associated with water resources within the Plan area provide benefit to the community.

Resource Area Policies

The Regional Board:

6. Recognizes that a 'Resource Area' designation includes those uses compatible with larger parcels and/or restrictions to land use such as accessibility or hazards.
7. Supports, for the purpose of subdivision of lands, larger minimum parcel sizes for 'Resource Area' designations, in recognition that these areas will remain rural with limited community services and infrastructure.
8. Recognizes the jurisdiction of the Province over public Crown land.
9. Promotes low impact recreational activity, opportunity, and use of Crown lands as a significant contributor to the local economy and nature of the area.
10. Will work with the Province to ensure unique scenic vistas and public recreation areas are recognized and managed for within the Plan area.

11. Will work with the Province to ensure community watersheds and sources of domestic water supply are recognized and protected within the Plan area.

Other Policies

8. Encourage options for increased communication within and amongst communities within the Plan area, such as community bulletin boards, print media, radio, television and the internet.
18. Encourage options for increased communication within and amongst communities within the Plan area, such as community bulletin boards, print media, radio, television and the internet.

Watercourse Development Permit (WDP) Area

The WDP area is designated under Section 488(1) (a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. It is comprised of Riparian assessment areas for fish and wildlife habitat and drinking water, which include all watercourses and adjacent land:

- a. within 30 m of the high water mark of a watercourse;
- b. within 30 m of the top of the ravine bank in the case of a ravine less than 60m wide; and
- c. within 10 m of the top of the ravine bank in the case of a wide ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;

A development permit is required, except where specified under the Exemptions Section, for development or land alteration on land identifies as a riparian assessment area within the WDP Area. Where not exempt, development requiring a development permit includes any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under local government legislation:

- a. removal, alteration, disruption or destruction of vegetation;
- b. disturbance of soils;
- c. construction or erection of buildings and structures;
- d. creation of non-structural impervious or semi-impervious surfaces;
- e. flood protection works;
- f. construction of roads, trails, docks, wharves and bridges;
- g. provision and maintenance of sewer and water services;
- h. development of drainage systems;
- i. development of utility corridors; and
- j. subdivision as defined in section 455 of the Local Government Act;

Electoral Area 'D' Zoning Bylaw

Pursuant to Section 22.0(26)(f) of Comprehensive Land Use Bylaw No. 2435, unattended public utility buildings and structures are permitted in all zones.

Electoral Area 'E' Rural Official Community Plan Bylaw No. 2260, 2013

One of the proposed landings is proposed within Electoral Area 'E'. The proposed location is at the foot of Meadow Street in Balfour and appears to be adjacent to the existing intake line for the Balfour Water Supply System. Although the applicants have indicated there will be no disturbance of the shoreline environment because there is an existing fibre line and conduit that can be used at this location, they have described the need for divers to access the deep water end of the conduit.

The landing site in Balfour is within a known Archaeological Site. If land-altering activities are planned within the protected archaeological site, a Provincial heritage permit is required. Based on the information provided in the referral package, the new fibre cable will be inserted into conduits that were previously installed by Columbia Broadband Corporation. The applicant has confirmed that there will be no disturbance of the shoreline environment as the existing conduit will not be moved.

Resource Area Objectives

1. To retain and diversify resource based land uses which contribute to the local economy and nature of communities in the Plan area.
3. To encourage the economic benefits of value added resource processing to be retained in the community.

Resource Area Policies

3. Recognizes the jurisdiction of the Province over public Crown land and that resource based activities on Crown land are governed under applicable Provincial regulations and statutes.
8. Strongly encourages the Province to inform and consult with a community before any change in land use on Crown land, including issuing licences or permits for any development or activity, land sales, and land use designation amendments that may affect the community.

Natural Environment Objectives

1. To maintain high water quality of groundwater and surface water sources of domestic and irrigation water supply.
2. To foster an awareness of the values associated with the natural environment and to conserve sensitive and significant natural features and values from negative impacts as a result of development.
3. To encourage the maintenance of biodiversity in the Plan area, important to the biological functioning and ecological integrity of the area.
4. To conserve the natural values within the Plan area in recognition of their importance to the local economy, residents, visitors, as a natural amenity and for wildlife and ecological functioning.

Natural Environment Policies

The Regional Board:

1. Supports the identification, protection, and restoration of environmentally sensitive areas as delineated on Schedule B.1 as Environmental Reserve (ER) including areas identified as wetlands, spawning areas and areas for species at risk. Please note that additional areas of environmental sensitivity exist beyond those featured on Schedule B.1 and that efforts will be made to refine these values as resources permit.
2. Supports best management practices for land developers, as found in: a. Department of Fisheries and Oceans: Land Development Guidelines for the Protection of Aquatic Habitats, September 1993; b. Ministry of Environment: Develop with Care: Environmental Guidelines for Urban and Rural Land Development in BC, March 2006; and c. other applicable Provincial Guidelines and Best Management Practices sanctioned by the Province.
3. Supports the Provincial requirement that developers apply for and obtain appropriate permits and authorization for "Changes In and About a Stream" pursuant to Section 9 of the Water Act.
4. Encourages the retention of existing wildlife corridors, riparian corridors and access to water.

5. Encourages the Province to recognize environmentally sensitive areas, hazard areas, and areas upstream of alluvial fans, and uphold the strictest regulation for resource and recreational tenure in these areas.
6. Encourages the protection of environmentally sensitive areas and features, important to the ecological functioning of the Plan area and which contribute to community greenway corridors.
10. Supports cooperation with Fisheries and Oceans Canada and the Province in the identification and management of sensitive habitat on Kootenay Lake and other riparian areas.
11. In combination with Electoral Areas 'A', 'D', and 'F', Area 'E' will develop a Kootenay Lake Stewardship Plan, including consideration of development permits and riparian area regulations in order to ensure protection of critical habitat.

Watercourse Development Permit (WDP) Area

Category

The WDP area is designated under Section 919.1(1) (a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity.

Justification

The primary objective of this Development Permit Area designation is to regulate development activities in watercourses, lakes and wetlands and their adjacent riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.

Area

The WDP area is comprised of:

1. Riparian assessment areas (Figure 1) for fish and wildlife habitat and drinking water, including:
 - a. All areas within 15 metres of the high water mark of a watercourse, including the natural boundary of a lake;
 - b. within 15 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide;
 - c. within 5 metres of the top of the ravine bank in the case of a wider ravine that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse; and
 - d. all areas within 15 metres of the high water mark of a wetland.

Should you have any questions please do not hesitate to contact our offices.

Sincerely,



Zachari Giacomazzo

Planner

(250)352-8190

zgiacomazzo@rdck.bc.ca