



Bylaw Amendment Application

Referral Form – RDCK File Z23071

Amendment to Zoning Bylaw No. 1157

Amendment to Official Community Plan Bylaw No. 1675

Date: August 03, 2023

You are requested to comment on the attached DEVELOPMENT PERMIT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO AUGUST 31, 2023). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PRESENT USE AND PURPOSE OF THE BYLAW AMENDMENT:

The subject property is located on the east side of Highway 3A approximately 1 km south of the Glade Ferry terminal. The property was historically the site of a public school. At present, the property has a basketball court, children's play area and a 3000sqft modular building which are not currently being used.

The purpose of this application is to rezone the subject property from Comprehensive Development 1 (CD1) to Institutional (I) and to change the land use designation from Comprehensive Development (CD) to Community Services (CS).

These changes are being sought in order to facilitate the use the subject property as a Church for Sunday services, associated gatherings, and teaching programs. The proposal includes the relocation and revitalization of the existing modular building and the future construction of an auditorium. In addition, the applicant intends to restore the play area, basketball court, and baseball field to a useable condition.

LEGAL DESCRIPTION & GENERAL LOCATION:

2016 Highway 3A, Tarrys, Electoral Area I

LOT 4 PLAN NEP857 DISTRICT LOT 1239 KOOTENAY LAND DISTRICT PART BETWEEN PL 857 & RW PL 638D EXC PT EAST OF THE PRODUCTION NORTHERLY OF THE MORE WESTERLY PORTION OF THE WESTERN BNDRY OF SAID RW AT THIS POINT
(PID: 016-735-242)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
1.28 Ha (3.16 Ac)	N/A	Comprehensive Development (CD1)	Comprehensive Development (CD)

APPLICANT/AGENT:

TSL Developments LTD (Jordan Baer)

OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:

If your Advisory Planning Commission plans to hold a meeting to discuss this Bylaw Amendment application, please note that the applicants must be provided with an opportunity to attend such meeting, in accordance with Section 461, subsection (8) of the *Local Government Act*, which reads as follows:

"If the commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard."

Please fill out the Response Summary on the back of this form. If your agency's interests are 'Unaffected' no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this permit.

Sadie Chezenko, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY

TRANSPORTATION West Kootenay
 HABITAT BRANCH

FIRST NATIONS
 KTUNAXA NATION COUNCIL (ALL REFERRALS)

<input checked="" type="checkbox"/> FRONT COUNTER BC (FLNRORD) <input checked="" type="checkbox"/> AGRICULTURAL LAND COMMISSION <input type="checkbox"/> REGIONAL AGROLOGIST <input type="checkbox"/> ENERGY & MINES <input type="checkbox"/> MUNICIPAL AFFAIRS & HOUSING <input checked="" type="checkbox"/> INTERIOR HEALTH HBE Team, Nelson <input type="checkbox"/> KOOTENAY LAKES PARTNERSHIP <input type="checkbox"/> SCHOOL DISTRICT NO. <input checked="" type="checkbox"/> WATER SYSTEM OR IRRIGATION DISTRICT <input checked="" type="checkbox"/> UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER) REGIONAL DISTRICT OF CENTRAL KOOTENAY DIRECTORS FOR: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input checked="" type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K ALTERNATIVE DIRECTORS FOR: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input checked="" type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input checked="" type="checkbox"/> APHC AREA I <input checked="" type="checkbox"/> RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA) <input checked="" type="checkbox"/> RDCK EMERGENCY SERVICES <input checked="" type="checkbox"/> RDCK BUILDING SERVICES <input checked="" type="checkbox"/> RDCK UTILITY SERVICES <input type="checkbox"/> RDCK REGIONAL PARKS	YAQAN NUʔKIY (LOWER KOOTENAY) ʔAKINK'UMʔASNUQʔIʔIT (TOBACCO PLAINS) ʔAKISQNUK (COLUMBIA LAKE) ʔAQ'AM (ST. MARY'S) <input checked="" type="checkbox"/> OKANAGAN NATION ALLIANCE <input type="checkbox"/> C'ƏC'ƏWIXAʔ (UPPER SIMILKAMEEN) <input checked="" type="checkbox"/> KʔK'ƏR'MÍWS (LOWER SIMILKAMEEN) <input checked="" type="checkbox"/> SNPÍNTKTN (PENTICTON) <input type="checkbox"/> STQAʔTKWƏʔWT (WEST BANK) <input checked="" type="checkbox"/> SUKNAQÍN (OKANAGAN) <input checked="" type="checkbox"/> SWÍWS (OSOYOOS) <input checked="" type="checkbox"/> SPAXOMƏN (UPPER NICOLA) <input type="checkbox"/> SHUSWAP NATION TRIBAL COUNCIL <input checked="" type="checkbox"/> KENPÉSQT (SHUSWAP) <input type="checkbox"/> QWʔEWT (LITTLE SHUSWAP) <input type="checkbox"/> SEXQELTQÍN (ADAMS LAKE) <input type="checkbox"/> SIMPCW ((SIMPCW) <input type="checkbox"/> SKEMTSIN (NESKONLITH) <input type="checkbox"/> SPLATSÍN (SPLATSÍN FIRST NATION) <input type="checkbox"/> SKEETCHESTN INDIAN BAND <input type="checkbox"/> TK'EMLUPS BAND
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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: Z23071 APPLICANT: TSL Developments

Name:

Date:

Agency:

Title:

RETURN TO: SADIE CHEZENKO, 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

RDCK Map







Esri Community Maps
Contributors: Esri Canada,
Esri, HERE, Garmin,
SafeGraph,
GeoTechnologies, Inc.



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

-  Streams and Shorelines
-  Electoral Areas
-  RDCK Streets
-  Cadastre

Map Scale:

1:18,056

Date: July 14, 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.

RDCK Map








Esri Community Maps
 Contributors, Esri Canada,
 Esri, HERE, Garmin,
 SafeGraph,
 GeoTechnologies, Inc.



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Legend

-  Streams and Shorelines
-  Electoral Areas
-  RDCK Streets
-  Cadastre
-  Address Points

Map Scale:

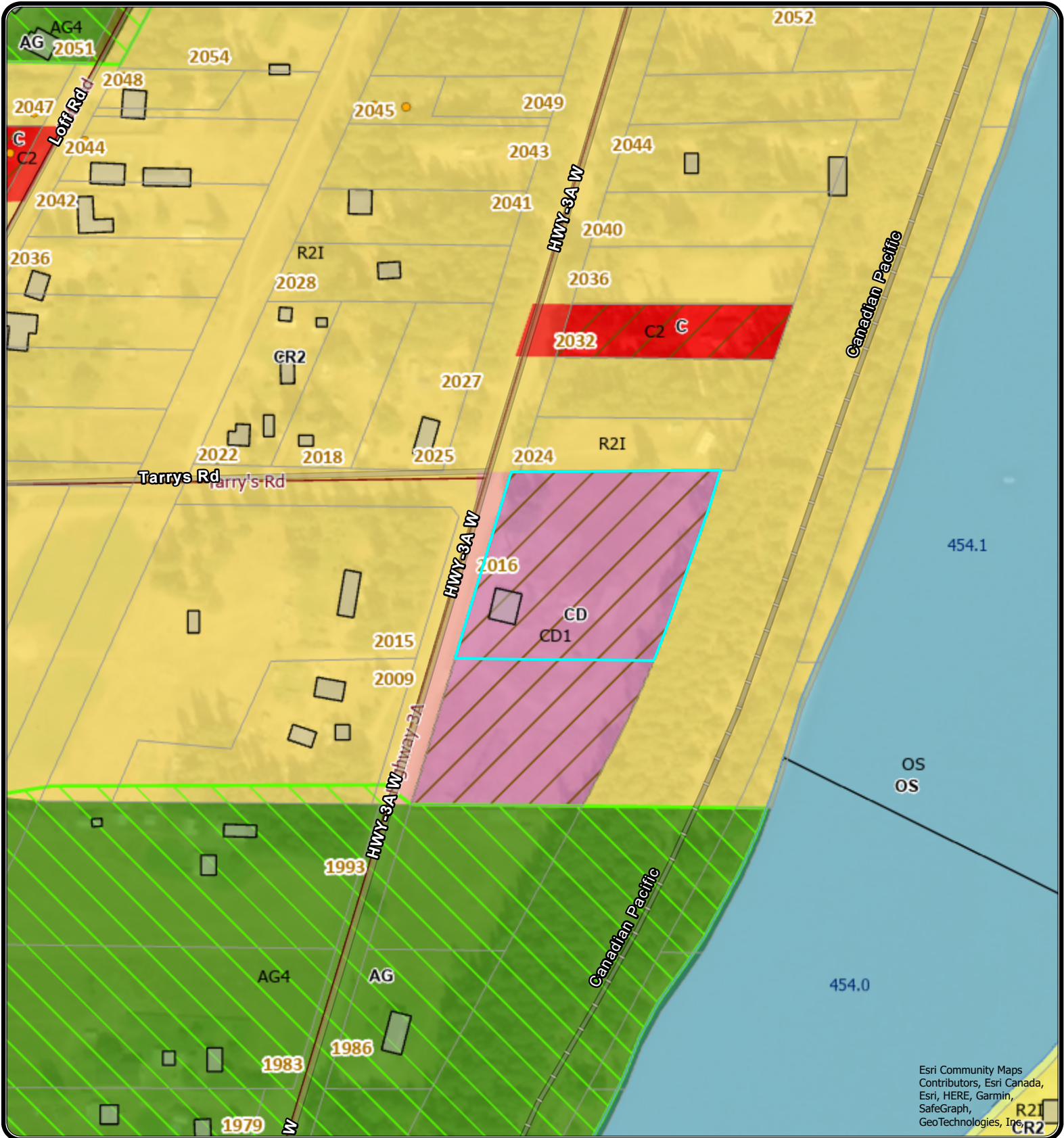
1:4,514

Date: July 14, 2023



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RDCK Map



Esri Community Maps
Contributors, Esri Canada,
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Legend

Official Community Plan

- Agriculture
- Commercial
- Comprehensive Development
- Country Residential
- Open Space
- Building Footprints

Development Permit Areas

- Commercial, Industrial, Comprehensive Development, Gravel Extraction (Quarry) and High Density Residential
- Non Standard Flooding Erosion Area
- Flood Construction Levels - 1990

Zoning Class

- Agriculture
- Commercial
- Comprehensive Development
- Open Space
- Residential 2
- Agriculture Land Reserve
- Streams and Shorelines
- Electoral Areas

Map Scale:

1:4,514

Date: July 14, 2023

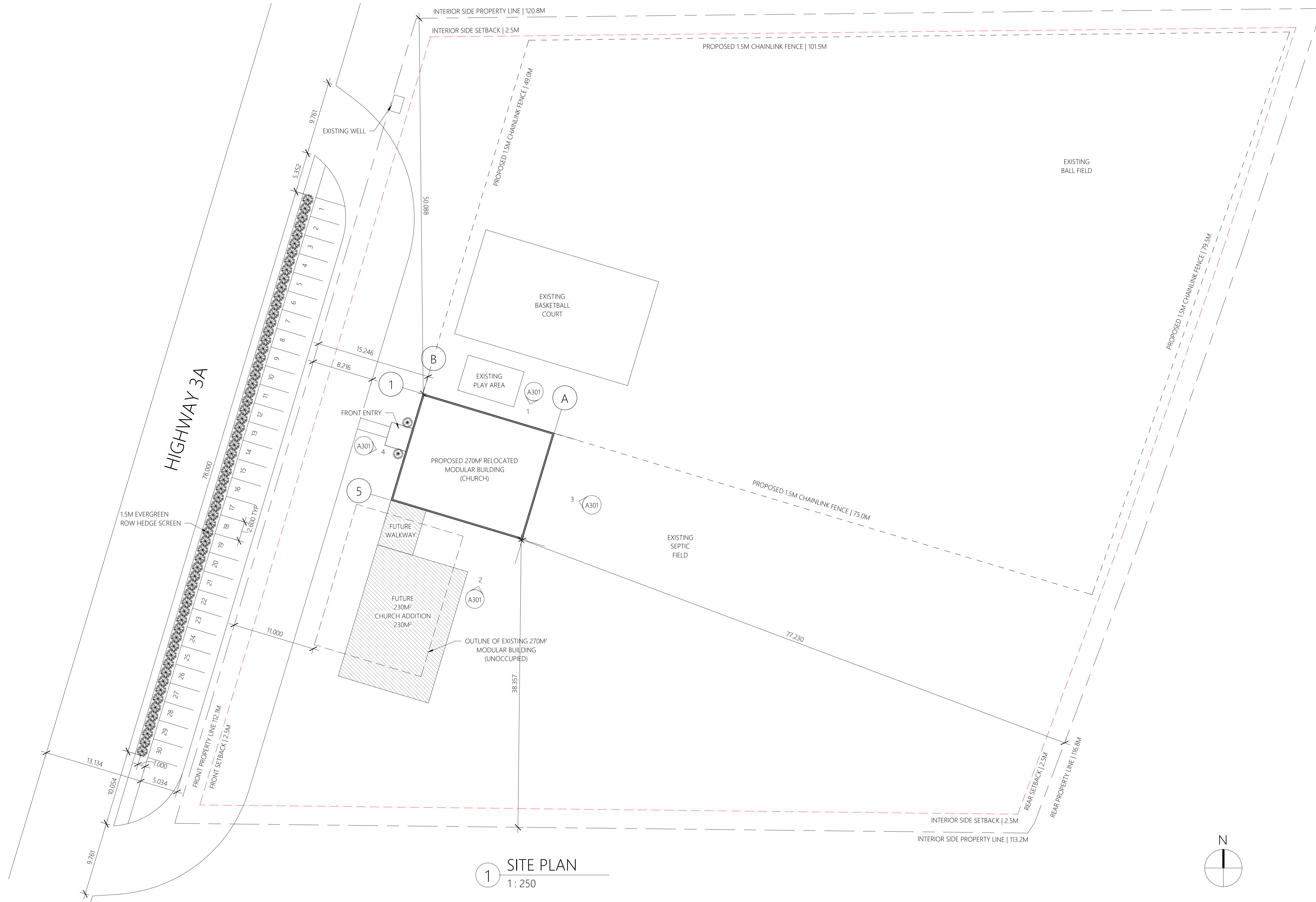


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BYLAW REVIEW

LEGAL ADDRESS LOT 4, PLAN NEP857, DISTRICT LOT 1239, PID: 016-735-242
 CIVIC ADDRESS 2016 HIGHWAY 3A, CASTLEGAR V1N 4N1
 AHJ RDCK
 BYLAW REFERENCED ELECTORAL AREAS F, I, J AND K RDCK ZONING BYLAW NO. 1675, 2004
 EXISTING ZONING DESIGNATION CD-COMPREHENSIVE DEVELOPMENT
 PROPOSED ZONING DESIGNATION I-INSTITUTIONAL

ITEM	EXISTING	PERMITTED (UNDER INSTITUTIONAL)	PROPOSED
USE	STORAGE & WAREHOUSING (CLOSED)	CHURCHES	CHURCH
SITE AREA (HA)	1.3	>1	1.3
SITE COVERAGE (%)	2	<50	2
FRONT SETBACK (M)	N.A.	2.5	SEE PLAN
INTERIOR SIDE S.B. (M)	N.A.	2.5	SEE PLAN
EXTERIOR SIDE S.B. (M)	N.A.	7.5	SEE PLAN
REAR S.B. (M)	N.A.	2.5	SEE PLAN
PARKING	N.A.	1/5SEATS OR 10/100M2	150 SEATS/S=30
LOADING	N.A.	1	1



NOT FOR CONSTRUCTION



ARCHITECTURE
 #156 Baker Street
 Nelson BC V1L 4G9 250 354 4445
 cover.ca

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CONSULTANTS

CLIENT
 TSL DEVELOPMENTS LTD.
 4013 BROADWATER RD.
 CASTLEGAR BC V1N 4V5
 250-804-4928

REVISIONS

REVISION SCHEDULE		
NUMBER	DATE (YY/MM/DD)	ISSUED

2016 HWY 3A
 MODULAR RELOCATE

ADDRESS
 2016 HWY 3A, CASTLEGAR BC

PROJECT #
 23029

DATE 2023-07-10 REV.

DESIGNED BY ROBERT
 CHECKED BY ROBERT
 DRAWN BY JEREMY

SHEET SITE
 A101



July 14, 2023

RDCK Planning Dept.
202 Lakeside Drive Nelson BC
V1L 5R4

To The RDCK Board of Directors

RE: Proposed Rezoning and OCP amendment for 2016 highway 3A Thrums

This is to express our interest in amending the Zoning and OCP designation for the noted property. The present Zoning of the property is Comprehensive Development (CD1) and we are proposing that it be rezoned to Institutional (I). We are aware that this requires an OCP amendment as well from Comprehensive Development to Community Service which we are requesting be done in conjunction with this Rezoning.

The property is just under 4 acres and is presently not being used. Historically it was used as a public school that then burned and we are not aware that it has been used since. It still has a basketball court, children's play area, and a 3000 square foot modular building with no services connected. The property has 2 existing accesses off highway 3A that where the original accesses for the school. Note: we own the parcel to the south as well but are not looking to change the zoning on that parcel.

The intent of this rezoning application is to use this property for a small church for its Sunday services, associated gatherings, and teaching programs. It would involve the relocation and revitalization of the existing modular bringing it into compliance with present Building codes to be used as a meeting place and classrooms. In the future there is a possibility of adding an auditorium as per provided site plan

Our intent as well is to revitalize the original grounds bringing back the play area, the basketball court, and the baseball field to a useable condition. The site has a confirmed water source and an approved filing with Interior Health for an adequate septic system to meet the proposed loads. The electrical utility has also confirmed available service for the requested loads.

We believe the proposed zoning and usage change would be advantageous to the community in the following ways.

- a) It brings the property back to a community service use, which meets its historical use.
- b) It limits the amount traffic entering and exiting highway 3a during peak rush hours. The facility would see greatest use on weekends and evenings, with less traffic during weekdays.

We kindly ask the Board to consider the long-term advantages of getting this property cleaned up and in use, in a way that can benefit the community.

Sincerely

Jordan Baer -President

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.

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'.
-