



Development Variance Permit Application

Referral Form – RDCK File V2311G

Date: November 21 2023

You are requested to comment on the attached DEVELOPMENT VARIANCE PERMIT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO December 13, 2023). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

4650 Highway 6, Hall Siding, Electoral Area 'G'
LOT A DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN 17958 (PID: 011-707-721)

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:

The subject property is located in Electoral Area 'G' on Highway 6, approximately 10 km south of the City of Nelson at the base of Whitewater Ski Hill Road. The property is presently used as a portion of and the main entrance (Apex Kiosk) to Nelson Nordic Ski Club.

The Regional District's Subdivision Bylaw requires proof of individual groundwater services for all new and remainder lots. The purpose of this application is to vary the subdivision servicing requirement to provide evidence that there are sufficient quantities for ground water for the proposed remainder lot only. No new development is proposed for the remainder lot. All other servicing requirements for the proposed new residential lot would remain in effect.

A rural subdivision application was submitted to the Province (Ministry of Transportation and Infrastructure) to subdivide a 1.0 hectare (ha) portion of the subject property to allow for the construction of a one-family dwelling with on-site servicing. The proposed 13.4 ha remainder lot would retain the existing Parks and Recreation land use designation and zoning. An RDCK application to consider amending the land use designation and rezoning for the above subdivision is also currently being processed (RDCK File No. Z2308G).

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
13.4 ha – Proposed remainder Lot	n/a	Parks and Recreation (PR)	Park and Recreation (PR)

AGENT:
Robert Filippo

OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:

If your Advisory Planning Commission plans to hold a meeting to discuss this Development Permit 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.

STEPHANIE JOHNSON, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY

- MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE
- HABITAT BRANCH (Environment)
- FRONTCOUNTER BC (MFLNRORD)
- AGRICULTURAL LAND COMMISSION
- REGIONAL AGROLOGIST
- ENERGY & MINES
- MUNICIPAL AFFAIRS & HOUSING
- INTERIOR HEALTH, HBE TEAM
- KOOTENAY LAKES PARTNERSHIP (FORESHORE DEVELOPMENT PERMITS)
- SCHOOL DISTRICT NO.
- WATER SYSTEM OR IRRIGATION DISTRICT
- UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)

REGIONAL DISTRICT OF CENTRAL KOOTENAY

DIRECTORS FOR:

- A B C D E F G H I J K

ALTERNATIVE DIRECTORS FOR:

- A B C D E F G H I J K

- APHC AREA G
- RDCK FIRE SERVICES
- RDCK EMERGENCY SERVICES
- RDCK BUILDING SERVICES
- RDCK UTILITY SERVICES
- RDCK RESOURCE RECOVERY
- RDCK REGIONAL PARKS

INSERT COMMENTS ON REVERSE . . .

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: V2311G APPLICANT: FILIPPO

Name:

Date:

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

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

Map Scale:

1:18,056

Date: November 1, 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



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Legend

Map Scale:

1:9,028

Date: November 1, 2023



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Legend

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

Map Scale:

1:9,028

Date: November 1, 2023



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Legend

**Steep Creek
 Hazard Priority**

Low

**Clearwater Flood
 Hazard Priority**

Moderate

Streams and Shorelines

RDCK Streets

Map Scale:

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Legend

- Lakes and Rivers
- Streams and Shorelines
- Wetlands
- Watercourse
- Non Standard Flooding Erosion Area
- RDCK Streets

Development Permit Areas

Map Scale:

1:9,028

Date: November 1, 2023



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Legend

- Parks and Rec
- Trails
- Streams and Shorelines
- RDCK Streets

Map Scale:

1:9,028

Date: November 1, 2023



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Board of Variance Permit Application

Nov 1 2023

Re: File Z2308G Bylaw Amendment Application.
011-707-721 Lot A District lot 1241 Kootenay District Plan 17958

The variance application would request relief from the following regulation in the subdivision bylaw:

8.02 Individual Groundwater Services

Where individual ground water sources are proposed, the applicant must provide evidence that there are sufficient quantities of ground water for each proposed lot and the remainder, and:

- a. Must drill or excavate a well on every proposed lot and the remainder and submit a well construction report signed by a registered well driller or a professional engineer;*

This application applies to the 13.4 hectares of the mentioned legal description, which shall remain zoned PR. There is currently no dwelling on this piece of property, nor in future. The Nelson Nordic Ski Club has sole use of property for Nordic skiing, with a lease that expires 2045, at that time a new lease will be issued till 2090.

We have researched conservatories, and Gov agents in past years to donate this property in order to secure the future of wildlife, and home for Nelson Nordic with no luck, the property is too small of an area. With that in mind we have discussed as a family the future and have willed the property through generations. The family understands fully the intentions and to keep the status quo. To prove water for a parcel that will not require water Service does not make sense.

I see no negative effects to approving this variance.

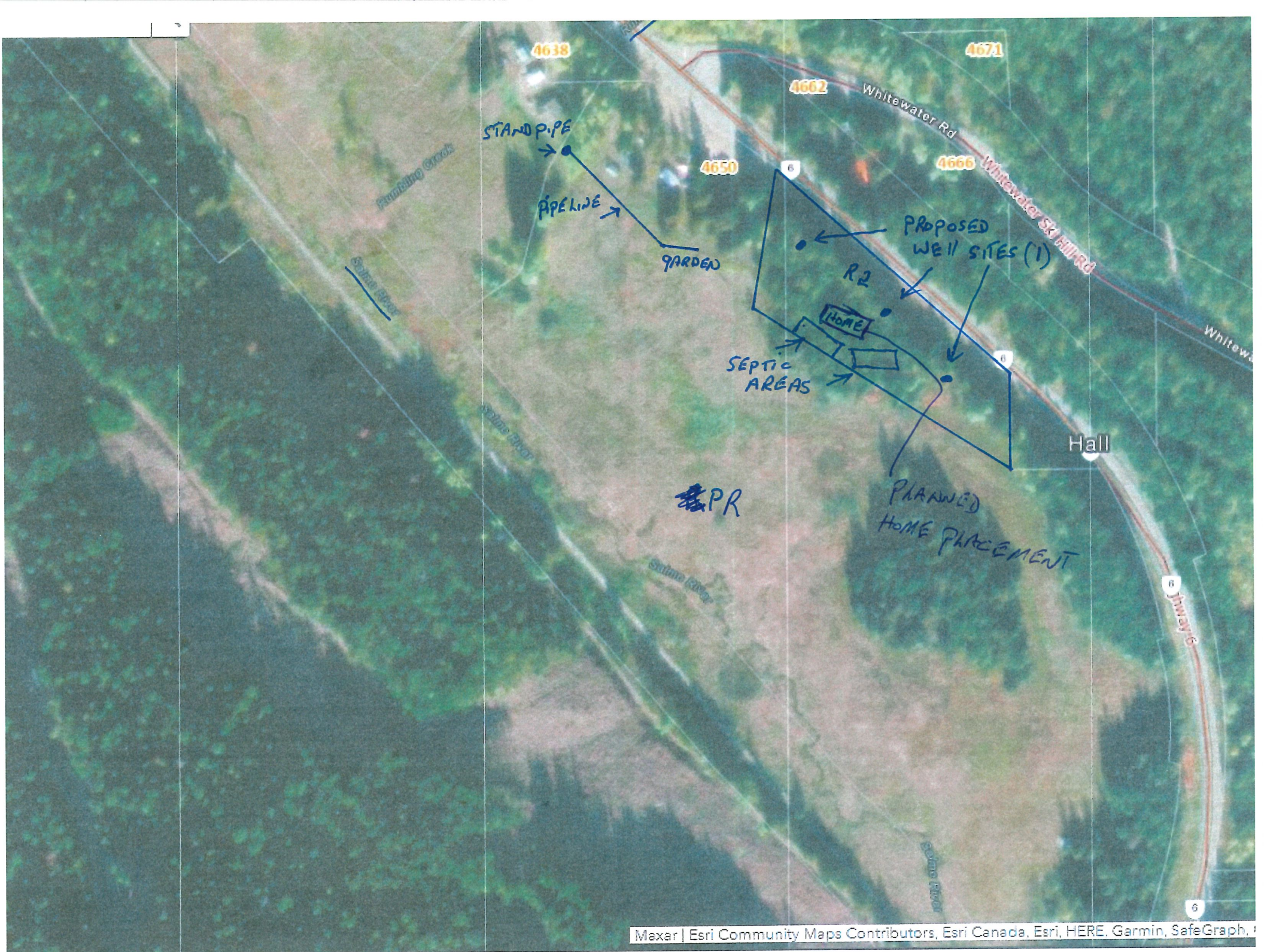
Regards



Proposed Remainder Lot

Proposed New Lot

Hall



surface water.

8.02 Individual Groundwater Services

Where individual ground water sources are proposed, the applicant must provide evidence that there are sufficient quantities of ground water for each proposed lot and the remainder, and:

- a. Must drill or excavate a well on every proposed lot and the remainder and submit a well construction report signed by a registered well driller or a professional engineer;
- b. The well construction report must verify that the well is a minimum of 15 meters (49 feet) deep. If the well is less than 15 meters deep it is recommended that the minimum sealing requirements for excavated wells as found under the *Groundwater Protection Regulation 299/2004* including the installations of well identification plates is followed;
- c. The applicant must provide a well log or pump test confirming that each well is capable of producing at least 15 litres (3 imp. gal.) per minute of water, or in cases where well capacity is less than 15 litres (3 imp. gal.) per minute that balancing storage of not less than 2, 270 litres (500 imp. gal.) of water per day is provided;
- d. The sharing of one well by two or more parcels is not permitted unless a community water system is proposed and meets the requirements of this Bylaw;
- e. If untreated groundwater is to be used as proof of adequate water supply, a covenant under Section 219 of the *Land Title Act* shall be placed on Title that advises of the potential health risks associated with consuming untreated groundwater.

8.03 Community Water Systems

Where an applicant proposes to connect to an existing community water system the applicant must submit to the Regional District:

- a. A letter from the Owner/Operator of the community water system confirming that all parcels proposed can be connected to the water system and that fees have been paid for connection to the water system. Confirmation must be submitted prior to final Approval of the subdivision;
- b. Construction, extension, or addition to a community water system must not proceed until a construction permit has been issued by the Issuing Official under the *Drinking Water Protection Act*; and