



Committee Report

Date of Report: August 29, 2023
Date & Type of Meeting: September 13, 2023, Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2304B – Remppe
Electoral Area/Municipality B

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Regional Board to consider a Development Variance Permit (DVP) in Electoral Area 'B'. If approved, the variance would authorize the applicant to establish a Farm Residential Footprint approximately 332 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

Staff recommend that the Board approve the Development Variance Permit, allowing the Farm Residential Footprint at the approximate distance from the road as requested, but constrained to the northerly portion of the lot, as opposed to extending entirely across it.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Tobias Tomas Remppe

Property Location: 1016 27th Avenue S., Erickson, Electoral Area 'B'

Legal Description: THAT PART OF LOT 2 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 730B, LYING NORTH OF A LINE WHICH BISECTS THE EASTERLY AND WESTERLY BOUNDARIES OF THE SAID LOT (PID: 016-111-532)

Property Size: 4 hectares (9.83 acres)

Current Zoning: Agriculture 1 (AG1)

Current Official Community Plan Designation: Agriculture (AG)

SURROUNDING LAND USES

North: Agriculture (AG) (ALR)

East: Agriculture (AG) (ALR)

South: Agriculture (AG) (ALR)

West: Agriculture (AG) (ALR)

Background Information and Subject Property

The subject property is located in Electoral Area 'B' south of the Town of Creston. The property is entirely within the ALR and surrounded by the Agriculture 1 (AG1) zone. There is presently a large storage building and an

“ATCO” style mobile unit that has been placed on the property without a building permit. Information has not been provided related to how this “ATCO” style mobile unit is being serviced. The property is within the RDCK owned Erickson water supply area and the future dwelling will be serviced with an on-site wastewater (septic) system.

The applicant has indicated that due to topographical, drainage and infrastructure-related constraints it is not reasonable to establish a Farm Residential Footprint and construct the dwelling within 60 metres of the front property line. See “Figure 1” for an approximate location of the proposed “Farm Residential Footprint”. These constraints are described in more detail below:

Topography/drainage: The portion of the lot within 60 metres of the front property line is the lowest point on the property and surface water from the front of the lot and middle/rear portions of the lot drain towards this area creating a wet area during periods of rain and throughout the spring. This “lower” portion of the land is visible in Figures 4 and 5.

Existing Infrastructure: The applicant has indicated that there is “clay drain tile” located approximately 45 metres from the front property line. The precise location of the drain tile is known only for a portion of the pipe closer to the northern interior lot line. Figure 6, a plan prepared by the applicant to highlight some of the features and constraints on the property show

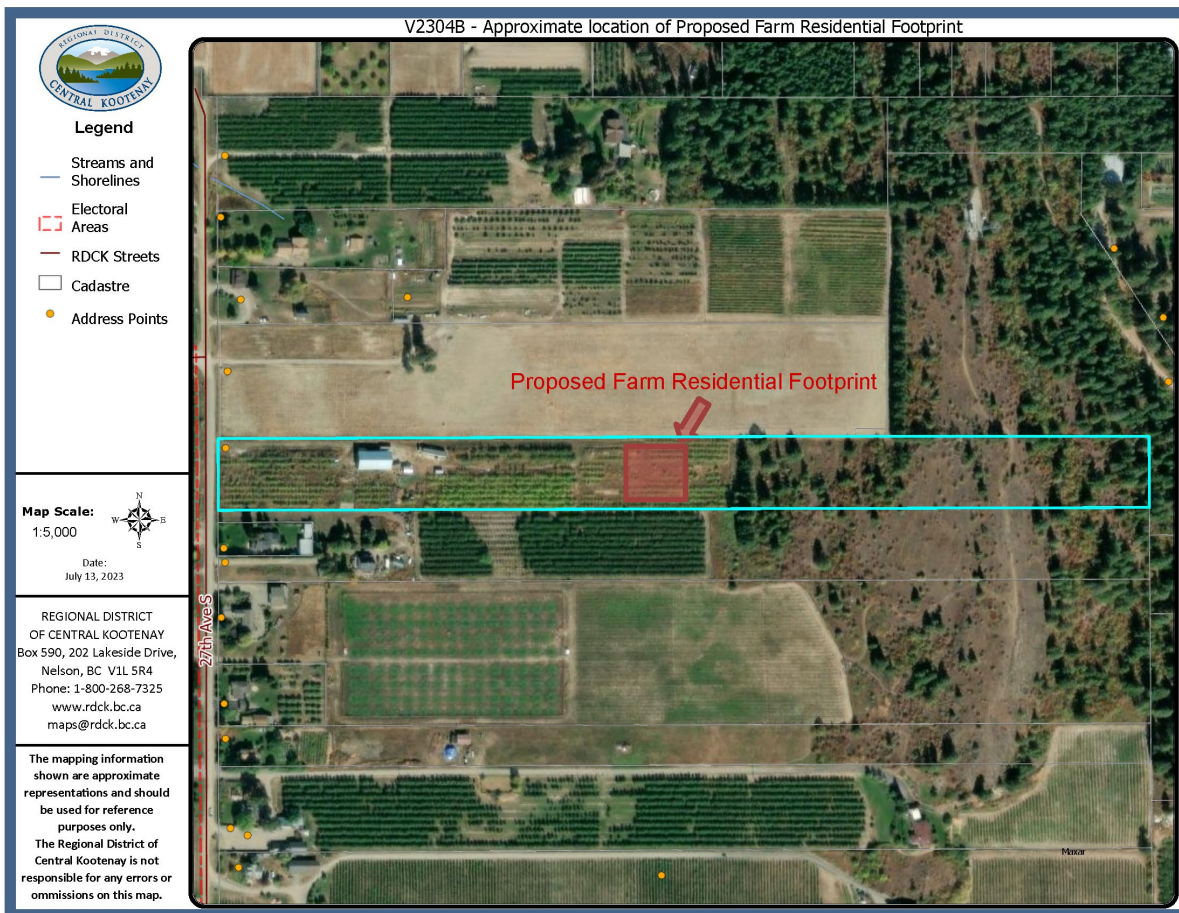


Figure 1: Overview Map

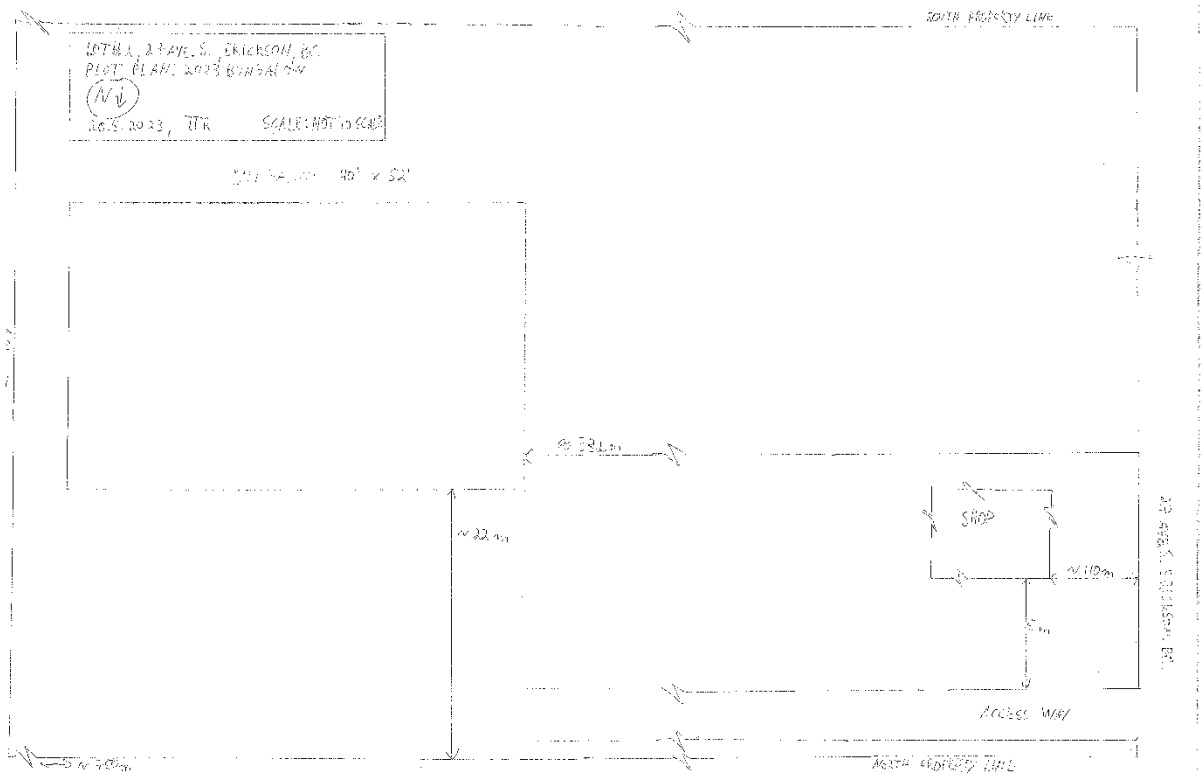


Figure 2: Site Plan



Figure 3: Proposed building site, approximately 332 metres from the front property line



Figure 4 - View looking west towards 27th Avenue and the front of the property.



Figure 5 - View looking east from a distance of approximately 60 metres from the front property line. The zoning bylaw requires that the farm residential footprint be located in this area. The applicant has indicated that there is "clay drain tile" in this lower portion of the property that could be damaged during the construction of a dwelling.

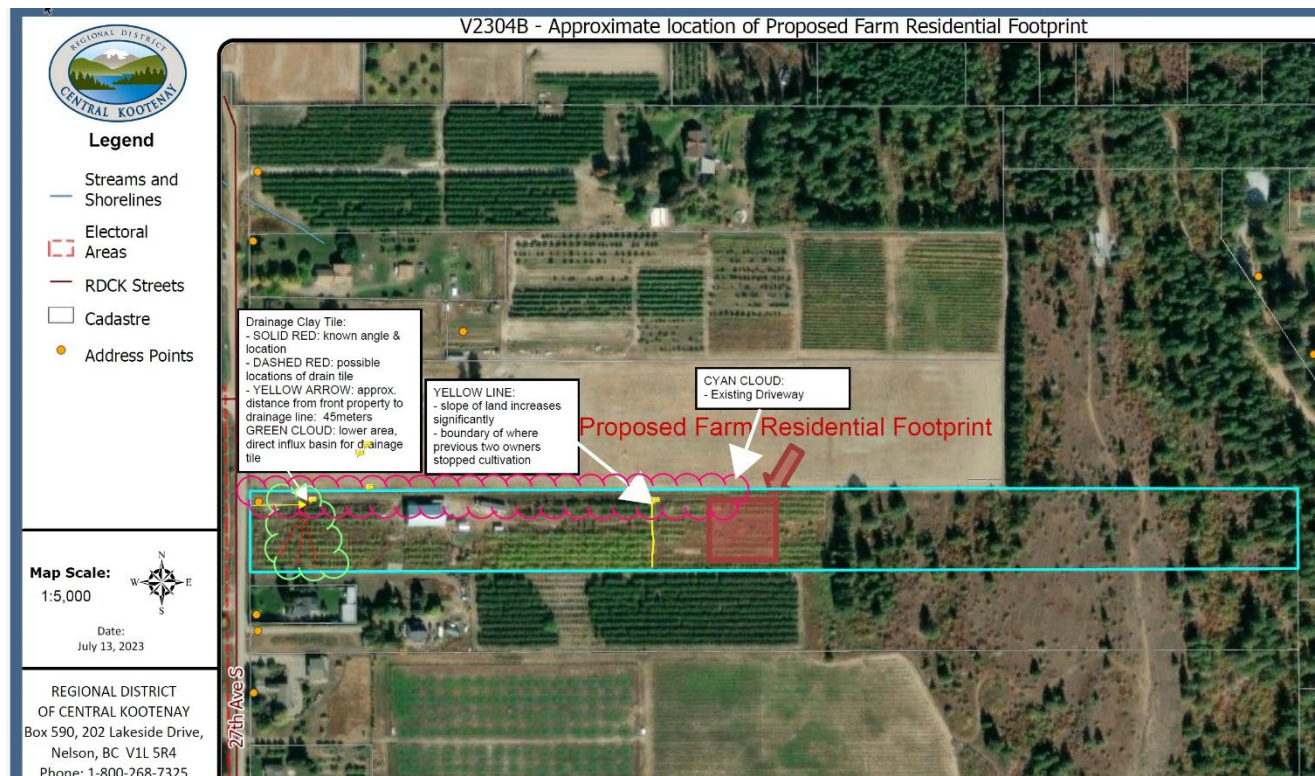


Figure 6 - Plan prepared by applicant that identifies some of the constraints and existing features on the property.

Planning Policy

Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013

Agriculture Objectives

1. To preserve and promote the use of agricultural land for current and future agricultural production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.
2. To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
3. To support agricultural land use practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production.
4. To support agricultural land use practices within and adjacent to farming areas that seek to minimize conflicts between agriculture and other land uses.
5. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.
7. To recognize distinct agricultural areas reflecting unique historical development trends, soils and climate.
9. To work with the Town of Creston on a co-operative approach to agricultural lands within the urban / rural interface that will mitigate the loss of agricultural land to future growth.

Agriculture (AG) Policies

The Regional Board:

10. Directs that the principal use of land designated 'Agriculture' shall be for agricultural use.
14. May require that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing or landscaping.
16. Supports directing intensive agricultural operations to larger lots or increasing building setbacks and other possible mitigation measures to prevent potential conflicts with adjacent land uses.
17. Supports the use of minimum and maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations.

Community Specific Policies

Erickson

1. Recognizes that the community is primarily characterized by a mix of small lot and large lot residential and agricultural parcels, the majority of which are located within the Agricultural Land Reserve and will allow for a mix of parcel sizes dependent on type of land use and agricultural activity.

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 application fee has been paid in full pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015.

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

Section 498 of the Local Government Act gives authority to vary provisions of a zoning bylaw provided that they do not affect use and density.

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

The RDCK sent notice letters by mail to 16 surrounding residents. Two responses were received which expressed concerns about the proposed variance.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

The application was referred to internal departments, external agencies and 16 surrounding residents. Two responses were received from neighbouring residents. The following responses were received from government agencies.

RDCK Water Services

No concerns.

RDCK Building Services – Building Manager

The property owner has placed an “ATCO” style mobile unit on the subject property without the issuance of a building permit and as such, is in contravention of sections 6.1 and 6.2 of the RDCK Building Bylaw 2200, 2010. Enforcement activities will include but may not be limited to posting of a “DO NOT OCCUPY” on the structure.

The DO NOT OCCUPY will remain in place until all applicable provisions of the Building Code and RDCK Building Bylaw 2200, 2010 have been substantially complied with, and a first step is the application of a building permit for the structure.

The BC Building Code applies to factory-constructed buildings and recognizes Canadian Standards Association (CSA) A277 or Z240 certified structures. To be permitted for placement in the RDCK, factory constructed buildings must bear the appropriate CSA label and are required to be designed and built to the BC Building and Plumbing Codes: this includes energy requirements – compliance with Step 3 of the Energy Step Code, design of the structure to BC Climate Zone 5 and structural design for environmental loads listed in the RDCK Building Bylaw, specifically the applicable snow load for the location. Site preparations, which include siting, foundations, and mountings as well a connections to services and installation of appliances, are required to comply with the BC Building and Plumbing Codes. Typical application submission requirements applicable to an application of this type include but are not limited to:

- *Affixed CSA Z240 or A277 certification label*
- *Manufacturer*
- *Date of Manufacture*
- *Model*
- *Size*
- *Registration number*
- *Serial number*

Building and Plumbing configurations that are not specifically included in the applicable codes, including water and waste plumbing, may require design and field review by Registered Professionals and/or submission of an Alternative Solution consistent with the Administrative Provisions of the BC Building Code.

Interior Health Authority – Team Leader: Healthy Community Development

Thank you for the opportunity to provide comments. Interior Health interests are not affected.

Ministry of Transportation and Infrastructure – Development Officer

Thank you for the opportunity to provide comments to the development permit variance, our ministry has no concerns as our interests are unaffected.

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 27 Avenue N.
- 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>

Creston Valley Agricultural Advisory Commission

These comments are from the DRAFT Minutes from the August 10th APHC Meeting.

That the Creston Valley Agricultural Advisory Commission SUPPORT the Development Variance Permit Application for the property located at 1016 27th AVENUE SOUTH, ERICKSON, ELECTORAL AREA ‘B’, legally described as THAT PART OF LOT 2 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 730B, LYING NORTH OF A LINE WHICH BISECTS THE EASTERLY AND WESTERLY BOUNDARIES OF THE SAID LOT (PID: 016-111-532) to allow a Farm Residential Footprint to be established approximately in the same location as proposed in the application, but confined to the northern portion of the lot, as opposed to extending entirely across it.

Electoral Area ‘B’ APHC

These comments are from the DRAFT Minutes from the August 30th APHC Meeting.

That the Area B Advisory Planning Commission SUPPORT the application is to vary Section 23.5 of Electoral Area ‘B’ Comprehensive Land Use Bylaw No. 2316 to allow a Farm Residential Footprint to be established approximately 332 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

Summary of Responses from Neighbours (see Attachment E for referral responses from neighbours)

- Concerns that the property is not being farmed or managed appropriately.
- Lack of maintenance of the land and existing orchards is negatively impacting surrounding farms.
- Concerns about the existing ATCO style mobile unit and how the structure is serviced.
- Concerns that the property owner has no regard for regulations, RDCK procedures or surrounding farmers.

3.7 Staffing/Departmental Workplace Considerations:

Should the Board approve 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 prior to constructing the dwelling.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS

Planning Discussion

Based on the RDCK's Agriculture Policy Review project multiple text amendments to the Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 were adopted on October 13, 2022 by Bylaw No. 2835. One part of these amendments created a definition and development regulations for "Farm Residential Footprint":

***FARM RESIDENTIAL FOOTPRINT** means the portion of a lot that includes dwelling units and accessory residential buildings, structures or improvements such as detached garages or carports, driveways to residences, seasonal campsites, decorative landscaping, residential-related workshop, tool and storage sheds, artificial ponds not serving farm drainage, irrigation needs or aquaculture use and residential-related recreation areas such as swimming pools and tennis courts;*

This proposed DVP application has been submitted to seek relief from Section 23.5 in the Area 'B' CLUB which states the following:

- 5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line.*

This regulation requires that the Farm Residential Footprint contain all proposed dwellings and improvements related to the residential use of a property and be located within 60 metres of the front property line.

In this scenario the property owner has indicated that there are several constraints preventing them from building the dwelling in accordance with the requirements of the Zoning Bylaw and is therefore seeking approval of this DVP application that would allow them to construct a dwelling approximately 332 metres from the front property and establish a Farm Residential Footprint towards the middle of the subject property.

Based on the existing driveway being approximately 1,352 m² this leaves approximately 648 m² of "Residential Footprint Area" for the proposed dwelling, septic system, parking area and residential accessory structures.

Planning staff support this application for the following reasons:

- The drainage concerns and the location of existing storm water infrastructure (clay drainage tile) would make it difficult to establish a farm residential footprint and construct a dwelling within 60 metres of the front property line.
- The application is supported by both the Area B APHC and CVAAC.
- Staff accept as credible the applicant's contention that the area to be developed for residential use is less arable than lands closer to the road, and would therefore better achieve the spirit of the regulation which is to reduce the impact to agricultural land.

- The form and character of the surrounding residential area is not significantly impacted by the request to establish the Farm Residential Footprint and construct the future dwelling approximately 332 metres from the front property line.
- The proposal is consistent with all other applicable zoning regulations in the Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316

Based on the above, staff recommend that the Board approve the issuance of the Development Variance Permit Application, on the condition that the farm residential footprint be constrained to the northern portion of the lot, as opposed to extending entirely across as it.

Option 1

That the Board APPROVE the issuance of Development Variance Permit V2304B to Tobias Tomas Rempel for the property located at 1016 27th Avenue S. and legally described as THAT PART OF LOT 2 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 730B, LYING NORTH OF A LINE WHICH BISECTS THE EASTERLY AND WESTERLY BOUNDARIES OF THE SAID LOT (PID: 016-111-532) to vary Section 23.5 of Rural Creston Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 in order to permit the maximum depth of the Farm Residential Footprint to be 350 metres from the Front Lot Line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

SUBJECT TO:

1. The Farm Residential Footprint shall be confined to the northern portion of the lot and be substantially in accordance with "Attachment 'D' - Conceptual Farm Residential Footprint Plan".

Option 2

That the Board NOT APPROVE the issuance of Development Variance Permit V2304B to Tobias Tomas Rempel for the property located at 1016 27th Avenue S. and legally described as THAT PART OF LOT 2 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 730B, LYING NORTH OF A LINE WHICH BISECTS THE EASTERLY AND WESTERLY BOUNDARIES OF THE SAID LOT (PID: 016-111-532) to vary Section 23.5 of Rural Creston Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 in order to permit the maximum depth of the Farm Residential Footprint to be 350 metres from the Front Lot Line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2304B to Tobias Tomas Rempel for the property located at 1016 27th Avenue S. and legally described as THAT PART OF LOT 2 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 730B, LYING NORTH OF A LINE WHICH BISECTS THE EASTERLY AND WESTERLY BOUNDARIES OF THE SAID LOT (PID: 016-111-532) to vary Section 23.5 of Rural Creston Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 in order to permit the maximum depth of the Farm Residential Footprint to be 350 metres from the Front Lot Line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

SUBJECT TO:

1. The Farm Residential Footprint shall be confined to the northern portion of the lot and be substantially in accordance with "Attachment 'D' - Conceptual Farm Residential Footprint Plan".

Respectfully submitted,

Zachari Giacomazzo

CONCURRENCE

Planning Manager – Nelson Wight **Digitally approved by**

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

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

ATTACHMENTS:

Attachment A – Development Variance Permit

Attachment B – Excerpt from *Comprehensive Land Use Bylaw No. 2316*

Attachment C – Addendum to proposal summary, prepared by applicant

Attachment D – Conceptual Farm Residential Footprint Plan, prepared by staff

Attachment E – Referral responses from neighbours



Development Variance Permit

V2304B (Rempel)

Date: August 30, 2023

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

TO: Tobias Tomas Rempel

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' and '2':

Address: 1016 27th Avenue S., Erickson, Electoral Area 'B'

Legal: THAT PART OF LOT 2 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 730B, LYING NORTH OF A LINE WHICH BISECTS THE EASTERLY AND WESTERLY BOUNDARIES OF THE SAID LOT

PID: 016-111-532

CONDITIONS

5. Development Variance

Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 Section 23.5 is varied as follows:

From: The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line.

To: The maximum depth of the Farm Residential Footprint shall not exceed 350 metres measured from the Front Lot Line or Exterior Side Lot Line and shall be substantially in accordance with Schedule 3 of this permit.

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

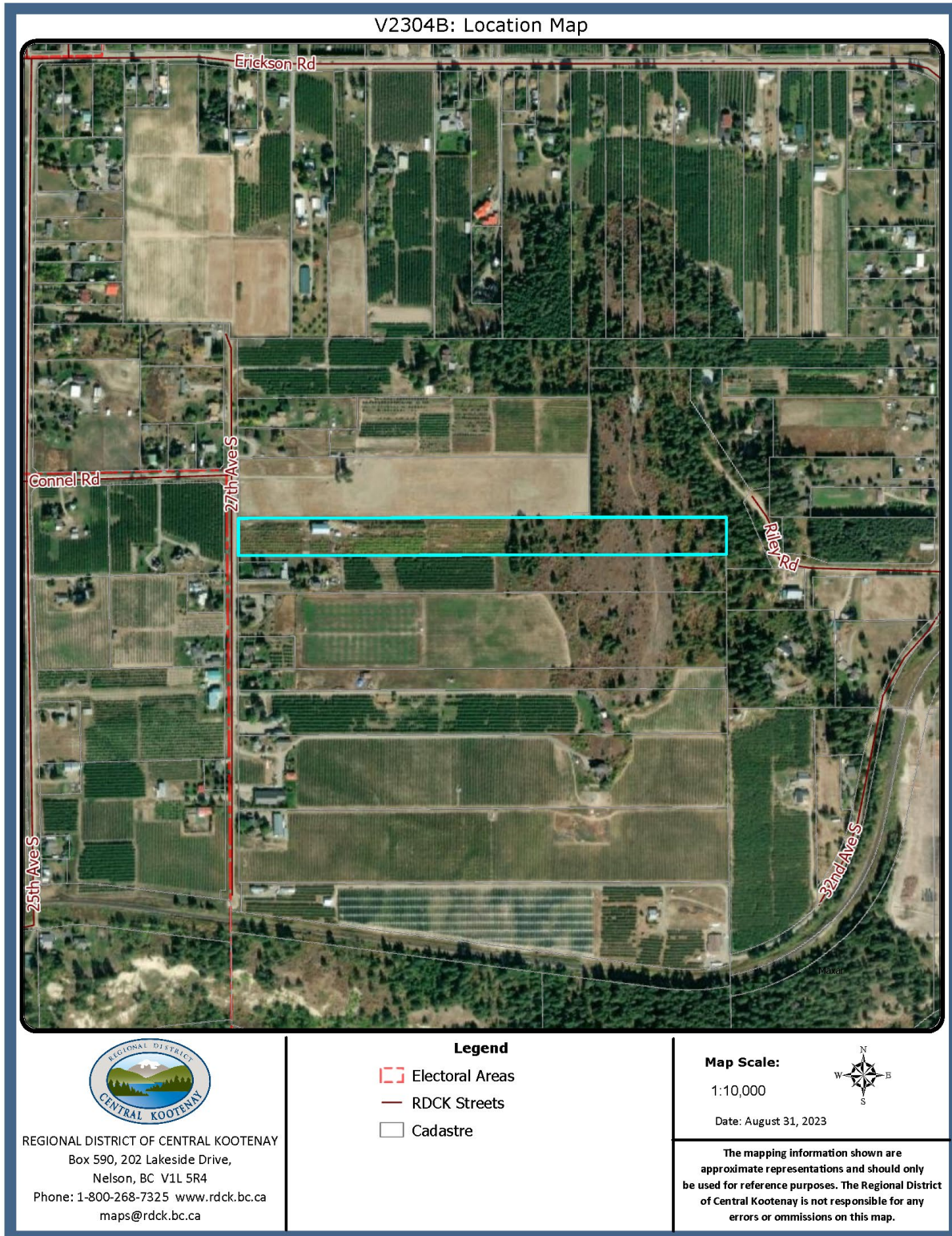
Authorized resolution **ENTER RESOLUTION NUMBER** passed by the RDCK Board on the 14th day of September, 2023.

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

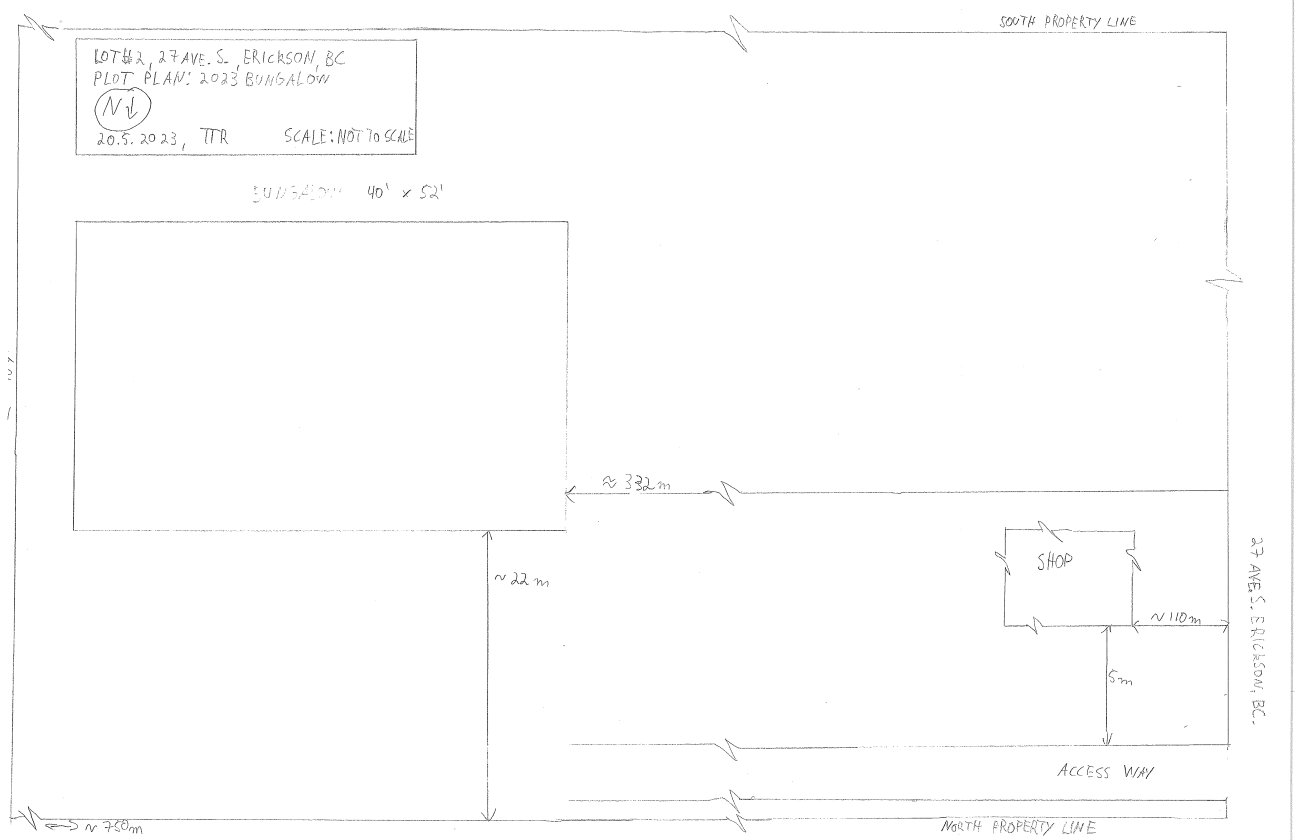
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

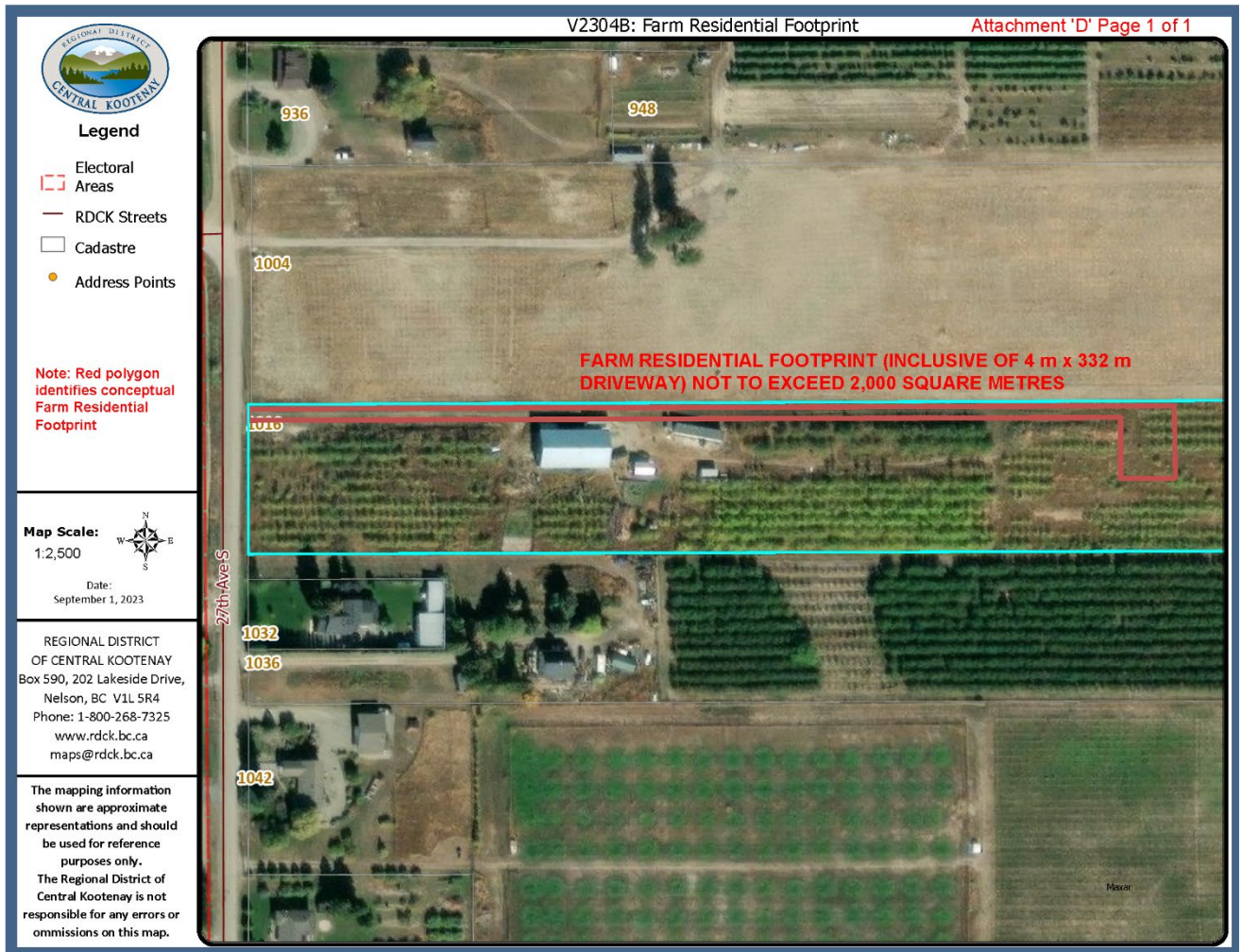
Schedule 1: Subject Property



Schedule 2: Site Plan



Schedule 3: Conceptual Farm Residential Footprint Plan



23.0 AGRICULTURE 1 (AG1)

Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 1 (AG1) zone shall be used for the following purposes only:

Agriculture

All activities designated as "Farm Use" as defined in the *Agricultural Land Commission Act* and Part 2 of the *Agricultural Land Reserve Use Regulation* as amended or replaced from time to time

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

Veterinary Clinic (*may require ALC non-farm use approval*)

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2. The minimum lot area shall be 4 hectares.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line.
6. The Maximum Gross Floor Area of the Single Family Dwelling is 300.0 square metres.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square metres;

- b. The lot is classified as a farm under the Assessment Act;
 - c. The lot is larger than 2 hectares; and
 - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
- a. The lot is classified as a farm under the Assessment Act;
 - b. The lot is larger than 1.2 hectares;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
- a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

- 13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
- 16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.

17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.

Attachment F: PROPOSAL SUMMARY

The requested Development Variance relates to 23.5 of AG-1.

The residential single family building site was selected to minimize impacts on viable farm land on the property. In detail, the more top soil rich, moisture retaining, less rocky and cooler during summer months flat area in the front (west) of the property will be preserved.

The proposed residence is placed slightly up-slope on ground that is less desirable farm land, as it is harder to cultivate due to being on an incline. Further, the soil of the proposed building site tends to be drier, rockier and have less of the very desirable top soil for farming. In addition, this soil does not hold water as well as below on the flat area. Having the residence on the proposed location directly results in significant water use reduction and cost savings for not just this property, but the greater Erickson community. This will become more important as the municipality is planning on installing water usage meters and will help during dry summer months water use restrictions.

August 18, 2023 Addendum:

Please consult map below for reference and details described.

Top Soil Depth, Relative depth is greater in front of property than in the back of property

Based on first hand knowledge, top soil depth is greater in the front/flater part of property than on back/sloped part of property. Rocks on average increase in size and number as incline commences around 300 meter mark from front (road) side of property (see map for details). This first hand knowledge was gained from:

- building access road to proposed building site in 2016
- stripping of top soil for existing farm building
- excavation of septic test holes for proposed building site
- excavation of proposed building site
- trenching of ditch for power and gas from road to existing farm building

Throughout the above activities best soils management was practised, as is evident by existing top soil piles on the property.

In summery, the proposed building site has a lesser impact on the agricultural land than if it were to be build in the front of the property due to less net top soil being affected.

Existing Clay Drainage Tile, 45 meters from Road:

There is an existing 10” clay drainage tile about 45 meters from the front (west) side of the property and is generally located in the lower lying area. This drainage tile is draining the greater area to the south of the property affecting several neighbours to the south. The drain tile was day lighted during trenching for the power line and the drain tile installation angle is slightly in a SSW – NNE direction. This leaves the location to the south of where drain tile was exposed unknown. The known location and

and angle of the drain tile with possible trajectories to the south are marked on the map. During spring the drain tile is said to be half full of water and rupture of said drain tile has caused flooding of a neighbouring basement before. On the airphoto map below a slightly darker shade of green is evident in the foliage in and around the immediate drainage basin due to more water being present for a longer time.

In summary, it is questionable if it is technically feasible to build a foundation on top of or nearby the existing drain tile and in the known immediate drainage basin of the drain tile. Considering construction in this area calls 'Common Sense' into question.

Existing Driveway:

The existing driveway was built in 2016, with all topsoil stripped for future use. The driveway was built from road (27 Ave. S.) to proposed building site.

In summary, there is no additional impact on the property from an agricultural land perspective.

End of Cultivation Boundary from Previous 2 Property Owners:

The older existing apple and cherry trees from two previous owners ago end at about 300 meters into the property, which is also where the slope of the property increases.

The newer cherry trees that were planted by previous owners throughout the front section of the property, with the exception of the older cherry and apple trees end at the very same line on the property, namely about 300 meters from the front where the slope increases. Please consult map for details.

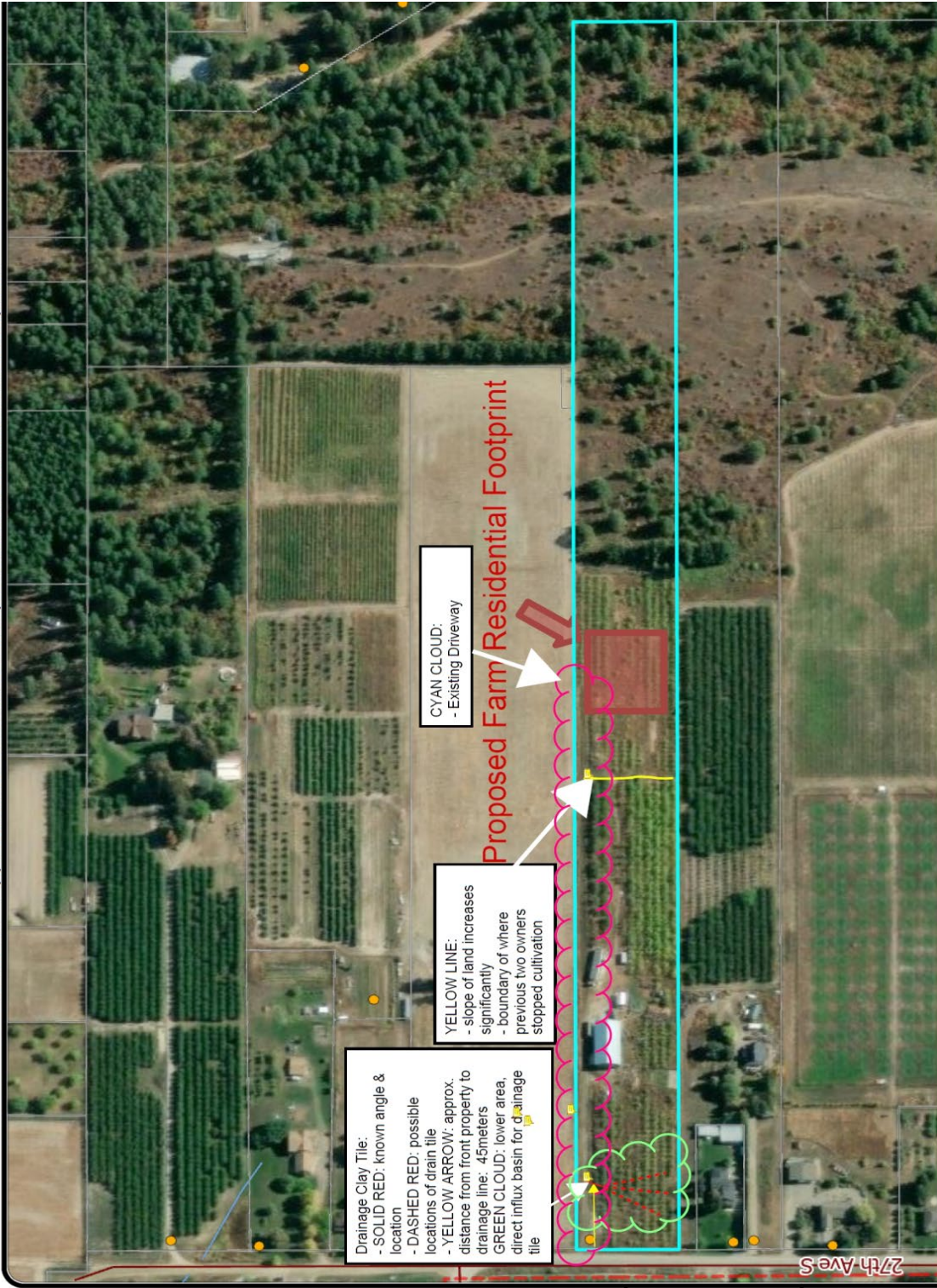
In Summary, the previous 2 property owners decided not to use land for agriculture beyond 300 meters from road obviously for the reasons stated above, namely less topsoil, less water retention in soil, increased irrigation needs and higher farming costs in general.

Conclusion:

In reference to the above points, the proposed building site is clearly the best choice to minimize agricultural land impact on this location.

Map with Details:

V2304B - Approximate location of Proposed Farm Residential Footprint



Legend

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



Map Scale:
1:5,000

Date:
July 13, 2023

REGIONAL DISTRICT
OF CENTRAL KOOTENAY
Box 590, 202 Lakeside Drive,
Nelson, BC V1L 5R4
Phone: 1-800-268-7325



Legend

- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

Note: Red polygon identifies conceptual Farm Residential Footprint

Map Scale: 1:2,500



Date: September 1, 2023

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

The mapping information shown are approximate representations and should be used for reference purposes only.

The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.



Zachari Giacomazzo

From: [REDACTED]
Sent: August 8, 2023 8:17 AM
To: Planning
Subject: Development Variance permit application V2304B

CAUTION

This email originated from outside the organization. Please proceed only if you trust the sender.

Good Morning Zachari Giacomazzo,

**RE: Property 1016 27th Avenue South, Erickson
Development variance permit application V2304B**

I have received a letter in the mail regarding this application for variance.

I don't agree with this variance for a few reasons:

This property is located in the ALR and is not being farmed or adequately being taken care of in anyway. This is having a huge negative effect for farmers in the area, pest, disease and insect management is not manageable, export of crops are being rejected. People's livelihood is at risk.

This property has a very large building and numerus trailers that are not being used for farm purposes. Adding another building is taking away more valuable farmland.

There is a family living there and I have concerned about there not being a septic system in place. Where is there waste being disposed of?

Allowing this variance to go through will set a very poor precedence to the public.
The ALR is important, farmland is important, food security is important for our valley.

Thank you for your time,
Resident and Farmer on 27th Ave S

Zachari Giacomazzo

From: [REDACTED]
Sent: August 9, 2023 6:49 PM
To: Planning
Subject: RE: 1016-27th Ave South, Erickson (V2304B)

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The requested Development Variance relates to 23.5 of AG-1.

“The residential single family building site was selected to minimize impacts on viable farm land on the property. In detail, the more top soil rich, moisture retaining, less rocky and cooler during summer months flat area in the front (west) of the property will be preserved. The proposed residence is placed slightly up-slope on ground that is less desirable farm land, as it is harder to cultivate due to being on an incline. Further, the soil of the proposed building site tends to be drier, rockier and have less of the very desirable top soil for farming. In addition, this soil does not hold water as well as below on the flat area. Having the residence on the proposed location directly results in significant water use reduction and cost savings for not just this property, but the greater Erickson community. This will become more important as the municipality is planning on installing water usage meters and will help during dry summer months water use restrictions”

I forgot to comment on this, as it makes no sense and shows no understanding of farming or the property or general land use. Not sure how to break this down. As it shows no idea what they are actually doing. The area where they have selected to build the house is the area that is best for farming as it is hot and warm and can produce high value crops, cherries, peaches, grapes, and all other fruit crops that do well in the valley, this incline that he says is of less value if the wrong, as it is the most valuable land in the value this can be determined by property values on this street and the east side of 27th-ave south is the most desirable land in Erickson. If this wasn't desirable land the Mark Anthony Group (Mission Hill Family Estate) wouldn't have paid a premium for the property beside this property in question. Both properties on either side of the property in question are planted to grapes and were sought after properties because of the slope that this person says is a hinderance. When Farming grapes and other crops it is best if the soil doesn't hold lots of water, so that irrigation can be controlled and applied when necessary. When growing grapes we call this deficit irrigation, it produces higher quality crops. When I purchased my property I bought it because of this slope, and it helps produce the best pinot rose in Creston and the best peaches, because of the accumulated degree days. I ran data analysis on the degree days from the local weather station that is situated on Connell Road, the weather data from this site over a 52year period says that this is the spot to grow grapes. When I worked for Mission Hill Family Estate I analyzed soil and weather data, and topography for properties to purchase. If this property was in the south Okanagan on the East side of the valley like this property it would be planted to grapes and farmed. The flat area of this property is suitable for all tree fruits and grapes as is noticeable by driving up and down the road. I am not sure why they are worried about water use as they do not farm the property as it is currently set up, it is old apple, and cherry root stocks growing that are infected with disease and pests. As mentioned before they want to be removed from Erickson water as they are not farming it and don't want to pay for water. I think that they are poorly informed about farming and have no clue about what they are talking about. If they were concerned about the community or farming they would clean up their mess.

From: [REDACTED]
Sent: August 7, 2023 10:37 PM
To: plandept@rdck.bc.ca
Subject: 1016-27th Ave South, Erickson (V2304B)

I received a letter in the mail about 1016-27th Ave South, Erickson (V2304B).

I am against this variance permit for a number of reasons, besides the fact that they want to build a home over 60meters from the front of the property which doesn't meet the requirements.

This property is in the ALR and has never been farmed since the current owners purchased it, it is a total mess over run with disease and insects and other pests. This road in Erickson is home to some of the most valuable farm land in Creston and the RDCK. To have this property not being looked after and farmed in conventional manners or organically. The problems with property are impacting, apple farmers, pear farmers, cherry farmers trying to export to Japan but cant because of Codling Moth infestation in the orchard. The owner has been asked multiple times to clean up the property by countless farmers and has refused to do so, causing economic damage to other producers on the road. This farm should be condemned and cleaned up by the RDCK and the owner sent a bill as they have refused to do anything.

The owner has asked to be removed from Erickson water because they don't farm it but still want to claim farm status.

They have already cleared a piece of the property where they plan to build their house, and this notice was sent out after the earth moving took place, it shows that the property owner doesn't care about rules and regulations.

As far as I know they do not have a septic field on the property at this point in time and are living in countless Atco trailers and other trailers that seem to arrive on a regular basis. The septic issue should be investigated

They built a huge shop in the middle of the property and lived in one side of it in a trailer, They just recently put in power, until then there was no power. They put the shop in the middle of the orchard wrecking valuable farm land so it has to be farmed in small blocks. Where the shop was built is where the house should be built. The current location where they want to build is one of the most desired locations in the valley for growing cherries and grapes. The value of this land is not appreciated by the current owner as is visible upon visiting the location.

There is no concern from the owner about the property or value of it, or any concern for the neighbours that are trying to make a living farming. It is obvious the current owner doesn't care about the RDCK either by not wanting to be on Erickson water, and not having septic at the property and just clearing a spot for the new house without permission from the RDCK. The current state of the property is an eye sore, no work on the orchard has been done since it was purchased years ago and as far as I know there are no intentions of doing any. It seems like the owner is one of those people that just does what they want without permission and tries to get away with what they can and when they get caught ask for forgiveness.

Allowing this to proceed will send the wrong message to people that they can do what ever they want this sets a very poor precedent for everyone, if this proceeds there is no controlling it in the future.