

Have Your Say.

Notice of Public Hearing

Wednesday, July 27, 2022 | 6pm

Learn more.

Review the proposed amendments from July 11, 2022 - July 27, 2022.

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In Person: RDCK, 202 Lakeside Drive, Nelson, BC
Mon - Fri: 8:30 am - 4:30 pm

Tell us what you think.

Make a verbal submission or send a written submission before 4pm on July 27, 2022.*

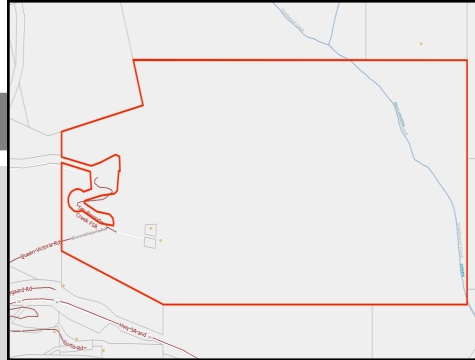
Attend a public hearing.

Online: Via Webex | Email ESenyk@rdck.bc.ca
for an emailed access invitation.

Phone: 1.604.449.3026 | Code: 246 754 23939

Visit rdck.ca/publichearings for further details.

**All written submissions are public information pursuant to the Freedom of Information and Protection of Privacy Act.*



From: Rural Residential (R3)

To: Rural Residential (R3 site specific)

Location and Legal Description:

5254 Queen Victoria Road, Beasley
District Lot 8433 Kootenay District
Except (1) Parts Included in Plans 1224
and 9232 and (2) Parcel A (Reference
Plan 67964I (PID 010-646-035)

Bylaw 2828: *Being a bylaw to amend
Regional District of Central Kootenay
Zoning Bylaw No. 1675, 2004 from Rural
Residential to Rural Residential Site Spe-
cific to permit six (6) additional campsites
for accessory tourist accommodation.*



rdck.ca/publichearings

Please direct enquiries to Eileen Senyk | 250.352.8190
1.800.268.7325 | ESenyk@rdck.bc.ca



REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 Lakeside Drive, NELSON, BC V1L 5R4
 ph: 250-352-8165 fax:: 250-352-9300 email: rdck@rdck.bc.ca

RDCK Planning File No. Z2202F
Amendment to Zoning Bylaw No. 1675, 2004
Date: February 16, 2022

You are requested to comment on the attached Amendment Bylaw(s) for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO April 1, 2022). If no response is received within that time, it will be assumed that your agency's interests are unaffected. This referral notice has also been provided to adjacent property owners within 100 metres (328 feet) or greater of the subject property for review and comment.

PURPOSE OF THE BYLAW: The property is currently used for residential purposes and there are six campsites that are an accessory use pursuant to Section 1500 of Zoning Bylaw No. 1675, 2004. Horticulture is also an accessory use on the property. The applicant would like to expand the camping operations to 12 sites. The property is 117 hectares in size, and currently has three residences. The principal use of the property will remain residential, and so a site specific amendment to the zoning bylaw to expand camping operations is proposed.

LEGAL DESCRIPTION & GENERAL LOCATION:

DISTRICT LOT 8433 KOOTENAY DISTRICT EXCEPT (1) PARTS INCLUDED IN PLANS 1224 AND 9232 AND (2) PARCEL A (REFERENCE PLAN 679641) (PID 010-646-035)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
Property size: 117 hectares Area of Property Affected: ~ 12 hectares	Not applicable	Rural Residential (R3)	Rural Residential (RR)

APPLICANT/AGENT:

Solita Work

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 bylaw.

Eileen Senyk

**Eileen Senyk, PLANNER
 REGIONAL DISTRICT OF CENTRAL KOOTENAY**

- TRANSPORTATION West Kootenay
 - HABITAT BRANCH
 - FRONT COUNTER BC (FLNRORD)
 - AGRICULTURAL LAND COMMISSION
 - REGIONAL AGROLOGIST
 - ENERGY & MINES
 - MUNICIPAL AFFAIRS & HOUSING
 - INTERIOR HEALTH HBE Team, Nelson
 - KOOTENAY LAKES PARTNERSHIP
 - SCHOOL DISTRICT NO. 8
 - 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:

- FIRST NATIONS
- KTUNAXA NATION COUNCIL (ALL REFERRALS)
 YAQAN NU?KIY (LOWER KOOTENAY)
 ?AKINK'UM?ASNUQ?I?IT (TOBACCO PLAINS)
 ?AKISQNUK (COLUMBIA LAKE)
 ?AQ'AM (ST. MARY'S)
 - OKANAGAN NATION ALLIANCE
 - C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN)
 - K?K'ƏR'MÍWS (LOWER SIMILKAMEEN)
 - SNPÍNTKTN (PENTICTON)
 - STQA?TKWƏ?WT (WEST BANK)
 - SUKNAQÍN?X (OKANAGAN)
 - SWÍWS (OSOYOOS)
 - SPAXOMƏN (UPPER NICOLA)
 - SHUSWAP NATION TRIBAL COUNCIL
 - KENPÉSQT (SHUSWAP)

<input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input checked="" type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input type="checkbox"/> APC AREA <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 type="checkbox"/> RDCK UTILITY SERVICES <input type="checkbox"/> RDCK REGIONAL PARKS	<input checked="" type="checkbox"/> QW?EWT (LITTLE SHUSWAP) <input checked="" type="checkbox"/> SEXQELTQÍN (ADAMS LAKE) <input checked="" type="checkbox"/> SIMPCW ((SIMPCW) <input type="checkbox"/> SKEMTSIN (NESKONLITH) <input checked="" type="checkbox"/> SPLATSÍN (SPLATSÍN FIRST NATION) <input checked="" type="checkbox"/> SKEETCHESTN INDIAN BAND <input checked="" 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
PLANNING FILE NO.: Z2202F APPLICANT: SOLITA WORK

Name: Date:

Agency: Title:

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



Committee Report

Date of Report: 05. 04, 2022
Date & Type of Meeting: 05, 18, 2022, Rural Affairs Committee
Author: Eileen Senyk, Planner
Subject: BYLAW AMENDMENT
File: Z2202F
Electoral Area/Municipality F

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and RDCK Board to consider an application for a bylaw amendment in Electoral Area 'F'.

Staff recommend that Amending Bylaw No. 2828, 2022 being a bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be given FIRST and SECOND reading by content and referred to a Public Hearing. Staff recommend that final adoption of the bylaw be withheld until IHA requirements and First Nations interests have been addressed.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Adrianna Work

Property Location: 5248 Queen Victoria Mine Road

Legal Description: DISTRICT LOT 8433 KOOTENAY DISTRICT EXCEPT (1) PARTS INCLUDED IN PLANS 1224 AND 9232 AND (2) PARCEL A (REFERENCE PLAN 679641) (PID 010-646-035)

Property Size: 117 hectares – Affected area approximately 12 hectares

Current Zoning: Rural Residential (R3) RDCK Zoning Bylaw No. 1675, 2004

Current Official Community Plan Designation: Rural Residential (RR) Electoral Area 'F' Official Community Plan No. 2214, 2012

SURROUNDING LAND USES

North: Open Space (Crown Land)

East: Rural Residential (R3)

South: Open Space (Crown Land) and Kootenay River

West: Open Space (Crown Land) and Country Residential (R2)

Background and Site Context

The subject property is located in the unincorporated community of Beasley approximately 10 km west of the City of Nelson in Electoral Area 'F'. The property is 117 hectares in size and was historically used as a dairy farm

and a woodlot. There are three residences on the property, two of which are inhabited by the owner and family members. The third residence is not currently in use and requires repair. Horticulture is a principal use on the property with commercial flower sales, a large vegetable garden and an orchard. The property is zoned Rural Residential (R3) which allows for Tourist Accommodation as an accessory use. Currently there are six (6) campsites on the property which is the maximum number of campsites allowed under Section 608.7 of the zoning bylaw. The applicant proposes to add six (6) additional campsites to the property. The principal uses will remain residential and horticultural.



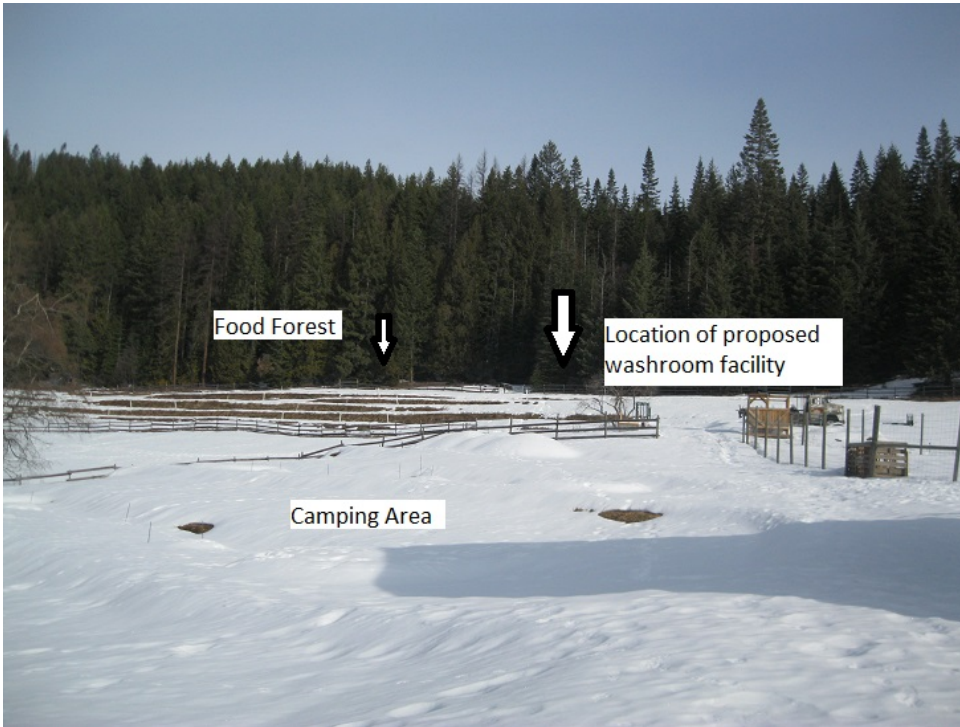


Figure 1: Camping Area During March, Prior to Setting up 'Glamping' Tents



Figure 2: Looking over camping area toward Kootenay River



Figure 3: Camping Area facing one of three houses on the property



Figure 4: Campsites in Summer - Tents are set up for guests and used seasonally

Planning Policy

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

Section 6: Broad Goals

6.2 Economic

- .1 Ensure an orderly level of growth to protect the “rural sense of community”, and to ensure that growth does not result in large tax increases
- .2 Maintain slow managed growth that fosters the agricultural and small business character of Area 'F', and support for agri-tourism
- .3 Promote the area’s unique character at the same time as adapting to the business needs as demographics shift

Section 8: Economic Development Policies

8.3 Policies

The Regional Board:

- .1 Supports efforts to diversify and strengthen the local economy.
- .2 Continues to support the traditional economic base of the resource sectors, but recognizes and supports the shift towards emerging sustainable resource management opportunities as the new core of the local economy, e.g. tourism, education, value-added.
- .3 Supports a business friendly environment through streamlined approval processes, improved fee structure, open and responsive governance, efficient use of taxation resources and timely delivery of services.
- .4 Recognizes the jurisdiction of the Province over public Crown land.
- .5 Promotes growth and expansion of value added forestry, fishing and agriculture.
- .6 Encourages the development of high-speed internet in the region.
- .7 Supports enforcement of the Noise and Unsightly Premises Bylaws.

Section 9: Food, Agriculture and Rural Land

9.4 Rural and Country Residential Policies

The Regional Board:

- .1 Establishes that Country Residential designations provide for a rural or semi-rural, country residential lifestyle ranging in minimum parcel size from 1 ha to 2 ha.
- .2 Establishes that Rural Residential parcel sizes should be 2 ha and greater to ensure that large parcels of land in these areas are protected.
- .3 Encourages environmental stewardship on private land within Rural and Country Residential designations.
- .4 Encourages the Provincial Subdivision Approving Authority to ensure that development or subdivision located within Rural and Country Residential areas allow for public access to Crown land.
- .5 Encourages the location of buildings and infrastructure in clustered configurations that minimize site disturbance.

.6 Provides for property owners or occupiers to diversify and enhance uses secondary to Rural and Country Residential uses with home based business opportunities, provided that they are compatible with the rural character of the area.

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 was paid in full pursuant to Planning Procedures and Fees Bylaw No. 2457, 2015.

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

Accessory Tourist Accommodation is an accessory use in the Rural Residential (R3) zone. Section 608.7 of RDCK Zoning Bylaw No. 1675, 2004 allows the following: *Accessory tourist accommodation camping operations shall be limited to a maximum of six (6) campsites on any R3, R4, AG or C5 zoned lot;*

The applicant would like to add 6 campsites in order to make the seasonal camping operation more economically viable. However, the principal uses (residential and horticulture) and residential density on the property would not change.

3.3 Environmental Considerations

The property has been historically used as a farm and a woodlot, and therefore the portion of the property where the campground has been set up is already cleared of trees. The applicant has applied for a building permit in order to construct a washroom facility. The design of the washroom building and the septic field is included in Attachment B.

3.4 Social Considerations:

The property is very large by R3 standards (117 hectares) and is located on a Forest Service Road. There are no neighbors located anywhere near the property. No negative social impacts are anticipated. There may be a social benefit associated with the horticulture taking place on the property, as a source of local food production.

3.5 Economic Considerations:

The additional six (6) campsites would make the seasonal camping operations economically viable for the property owners.

3.6 Communication Considerations:

The application was sent to 24 neighboring land owners and relevant government agencies and First Nations. No responses were received from neighboring property owners.

The following responses were received from government agencies and First Nations:

Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Water Branch

This change of land use likely requires either an amendment to a current water license, or an application for a new water license for Commercial Enterprise purpose. The landowner should be

informed of this obligation, but it should not be a precondition for the change in bylaw, as the processing time for this application may take several years.

Penticton Indian Band – Referrals Coordinator

We are in receipt of the above referral. The proposed activity is located within syilx (Okanagan) Nation Territory and the Penticton Indian Band (PIB) Area of Interest. All lands within this referral remain unceded. All lands and resources within the vicinity of the proposed development are subject to our unextinguished Aboriginal Title and Rights. All activities on the land and waters are exclusively subject to syilx (Okanagan) title, jurisdiction, rights, interests, and syilx (Okanagan) decision making and responsibility.

The Penticton Indian Band has now had the opportunity to review the proposed activity. Our preliminary office review has indicated the proposed activity is located within an area of cultural significance and has the potential to impact PIB tmxwulaxw (lands) and syilx cultural heritage. Our tmxwulaxw and siwlkw is sacred to the syilx nation and it is PIB's responsibility to take care of all lands, waters and living things within the PIB area of interest. As such, the Penticton Indian requires the proponent and Regional District representative to directly engage with PIB to discuss plans for the proposed site. We have questions on level of proposed ground disturbance, intentions and future plans. Consideration of any development or changes to lands within syilx Territory requires deep, lasting and high-level consultation. This is true for all lands within our Territory and is not limited in any way by size, type, scope or purpose.

Although this is put forward as an administrative decision change to change bylaw zoning, it represents a lengthy history of exclusion in the consultation and development of legislations, regulations and provincial processes over our lands. The Regional District bylaws and its objective was developed unilaterally without consultation or consent from the syilx (Okanagan) nation title holders.

The Penticton Indian Band makes information based decisions and without the information requested above, we cannot make an informed decision and we would have no other alternative but to reject the proposed activity/development.

Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

Interior Health Authority – Community Health Facilitator

Thank you for the opportunity to provide comments on this Zoning Bylaw Amendment for 5248 Queen Victoria Road. It is understood that the applicant is seeking to amend the Zoning Bylaw to permit an additional six campsites as an accessory use.

From a planning perspective, we do not have concerns with this amendment however our Drinking Water program has concerns. The water supply system is not currently permitted under the BC Drinking Water Protection Act and is using an untreated surface water source at risk of containing pathogens. Our local drinking water officer has been in direct contact with the applicant and has provided instructions to apply for a permit to operate the water supply system.

As such, we do not recommend the Bear Spring Eco Retreat campground expansion at this time due to the lack of permit and concerns of potential environmental hazard associated with the current water system.

Ministry of Transportation and Infrastructure – District Technician

Thank you for the opportunity to review the application and provide comment. The ministry has no concerns with the zoning amendment.

Ministry of Forests Lands Natural Resource Operations and Rural Development - Habitat Branch

Terrestrial Resource Management reviews referrals with the lens of maintaining the ecological diversity of fish and wildlife species and their habitats, and protecting the environment.

Habitat Management's legislated and professional responsibilities include, but are not limited to: the provincial Water Sustainability Act, the Wildlife Act, the Forest and Range Practices Act (FRPA) and the Government Actions Regulation under FRPA, as well as having provincial responsibility for the federal Species at Risk Act.

These are comments based on the information provided by the proponent in the referral package. They do not represent a comprehensive evaluation, rather some advice on what to consider for mitigation of possible negative ecosystem impacts of the proposed works. They also do not remove the obligation of the proponent to comply with ALL applicable laws and statutes.

→ This project should not create significant adverse environmental impacts if the proponent follows Section 34 of the Wildlife Act regarding tree removal, implements measures to prevent introduction and/or reduce the spread or establishment of invasive plants on site, and implements a strategy and infrastructure to prevent and mitigate human-wildlife conflicts on site, particularly with bears.

3.7 Staffing/Departmental Workplace Considerations:

Should the Board choose to give the amending bylaw First and Second reading and refer to public hearing, staff will organize the public hearing pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS

Planning Discussion

The proposal is to add six campsites to the property for a total of twelve campsites. The existing six campsites are enabled as accessory tourist accommodation in the R3 zone. The Electoral Area 'F' Official Community Plan supports agriculture, agri-tourism and tourism as generators of economic growth in the area, provided they do not create conflict with existing uses. In these ways, the proposal aligns with policies in the Official Community Plan.

The Interior Health Authority has identified that the property is on a Boil Water Advisory as there is no water supply system in place to support the expansion of the tourist commercial use. When providing water to the public, a water supply system must be in place and permitted under the BC Drinking Water Protection Act. The proponent has made an application to the Interior Health Authority to commence the permit process.

The Penticton Indian Band has identified that the property is within an area that is culturally significant to them. The property is located within a kilometer of a historic transportation trail used by the syilx (Okanagan) people. They have noted that a Preliminary Cultural Heritage Resource Assessment is required to determine if cultural values are present, and if so, how prospective work on the property can be mitigated to protect those values. Values could include medicinal, cultural and animal values.

The proposed use is a campground that does not involve road building or paving. The campground site is located on a section of the property that was cleared and previously used for farming. There are no neighbors nearby and the property is adjacent to crown land on two sides. While the proposed use is supportable from a land use planning perspective, IHA water potability requirements and First Nations interests should be addressed prior to adoption. Staff recommend proceeding with the application to First and Second reading and Public Hearing, but recommend withholding final adoption until IHA requirements and First Nations interests have been addressed.

Option 1

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2828, 2022 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.

And Further

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

Option 2

That further consideration of Regional District of Central Kootenay Zoning Amendment Bylaw No. 2828, 2022 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 BE REFERRED to the June 15, 2022 Rural Affairs Committee meeting.

Option 3

That no further action be taken with respect to Regional District of Central Kootenay Zoning Amendment Bylaw No. 2828, 2022 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004.

SECTION 5: RECOMMENDATIONS

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2828, 2022 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.

And Further

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

Respectfully submitted,
Eileen Senyk, Planner

CONCURRENCE

Manager of Development and Community Sustainability – Sangita Sudan **Approved**
Chief Administrative Officer – Stuart Horn **Approved**

ATTACHMENTS:

Attachment A – Draft Bylaw

Attachment B – Supporting Documents