

Have Your Say.

Notice of Public Hearing

Monday May 13, 2024 | 7:00 pm

Learn more.

Review the proposed bylaw amendments to permit a place of worship from April 26 - May 13, 2024.

Online: rdck.ca/landuseapplications

In Person: RDCK Office, 202 Lakeside Drive, Nelson BC
Mon - Fri: 8:30 am - 4:30 pm
(Closed for lunch 12:30 pm - 1:30 pm)

Tell us what you think.

Make a verbal submission at the public hearing or send a written submission before 4:00 pm on May 13, 2024.*

Attend a public hearing.

Online: Via Webex | [Email SJohnson@rdck.bc.ca](mailto:SJohnson@rdck.bc.ca)
for an emailed access invitation.

Phone: 1.604.449.3026 | Code: 2772 739 9191

In Person: Brilliant Cultural Centre - Basement
(1876 Brilliant Road, Castlegar, BC)

Visit rdck.ca/publichearings for further details.

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



Location and Legal Description:

2016 Highway 3A, Tarrys, Electoral Area 'I'
THAT PART OF LOT 4 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857 LYING BETWEEN PLAN 857 AND RW PLAN 638D, EXCEPT THAT PART WHICH LIES EAST OF THE PRODUCTION NORTHERLY OF THE MORE WESTERLY PORTION OF THE WESTERN BOUNDARY OF THE SAID RIGHT OF WAY AT THIS POINT (PID: 016-735-242)

Bylaw 2932 Being a bylaw to amend Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 from Comprehensive Development (CD) to Community Services (CS).

Bylaw 2931 Being a bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 from Comprehensive Development One (CD1) I' to Institutional (I).



rdck.ca/publichearings

Please direct enquiries to Stephanie Johnson | 250.352.8175
1.800.268.7325 | SJohnson@rdck.bc.ca



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 NU?KIY (LOWER KOOTENAY) ?AKINK'UM?ASNUQ?I?IT (TOBACCO PLAINS) ?AKISQNUK (COLUMBIA LAKE) ?AQ'AM (ST. MARY'S) <input checked="" type="checkbox"/> OKANAGAN NATION ALLIANCE <input type="checkbox"/> C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN) <input checked="" type="checkbox"/> K?K'ƏR'MÍWS (LOWER SIMILKAMEEN) <input checked="" type="checkbox"/> SNPÍNTKTN (PENTICTON) <input type="checkbox"/> STQA?TKWƏ?WT (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"/> QW?EWT (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:

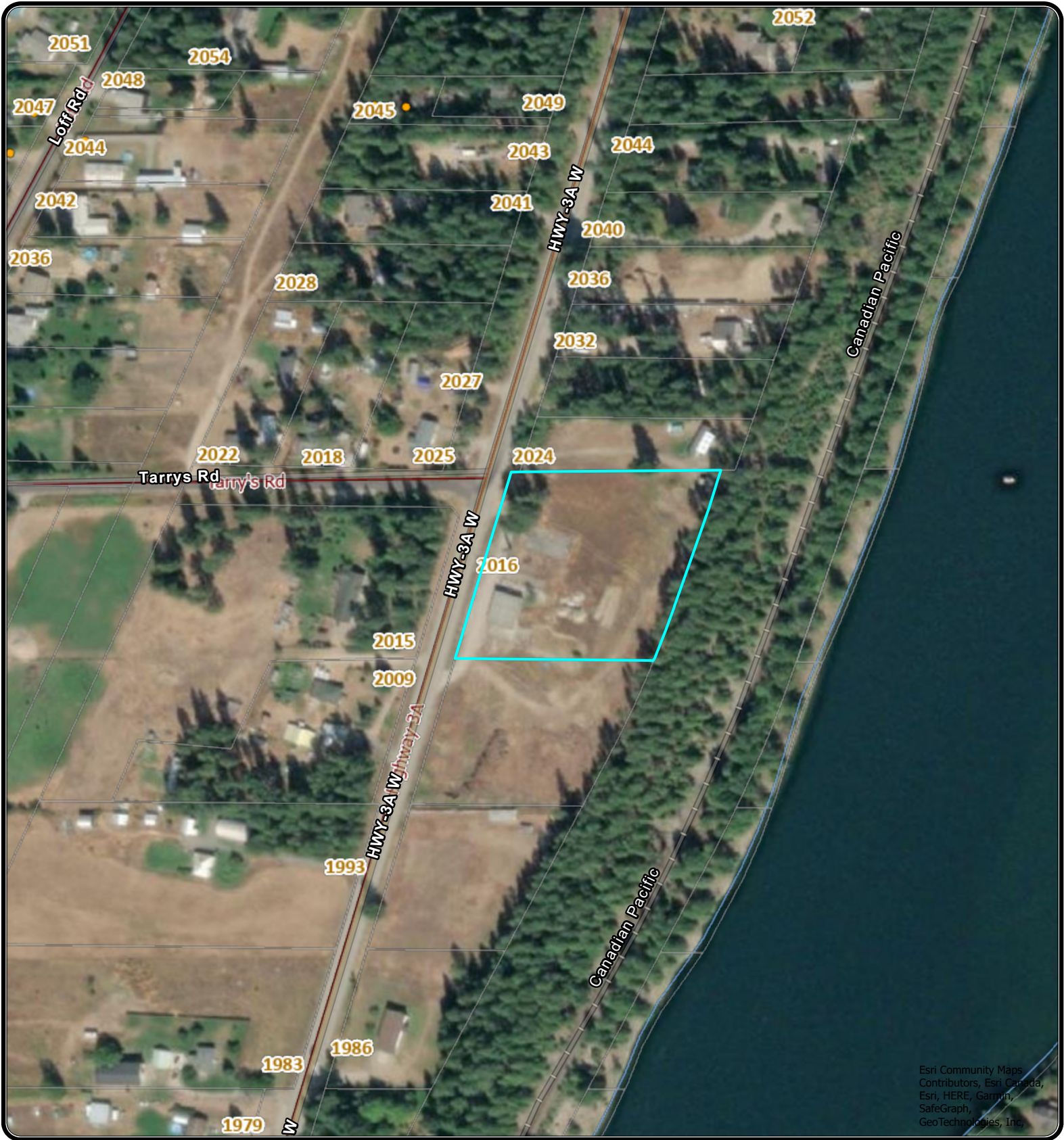
1:18,056

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:

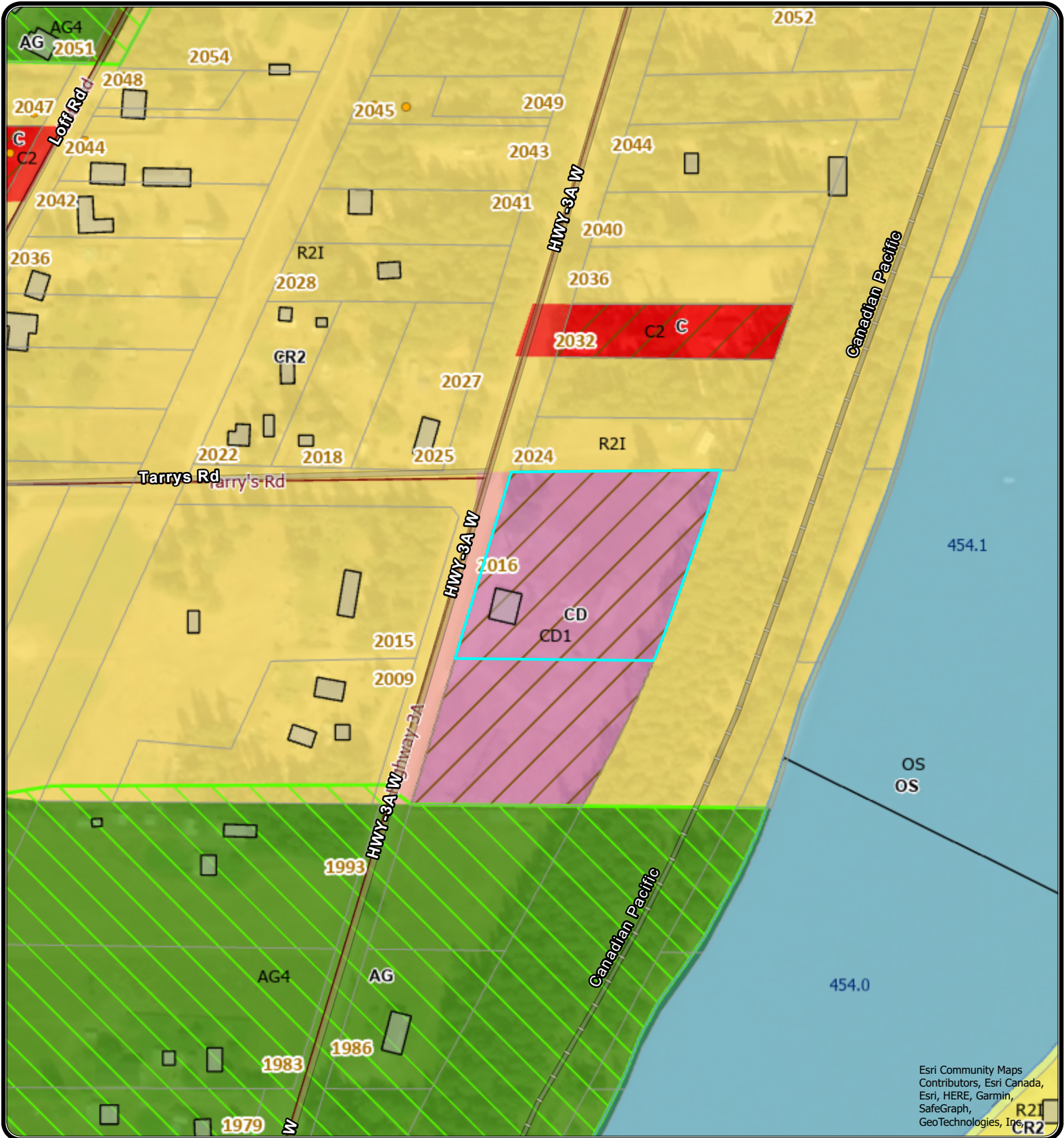
1:4,514

Date: July 14, 2023



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RDCK Map



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



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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

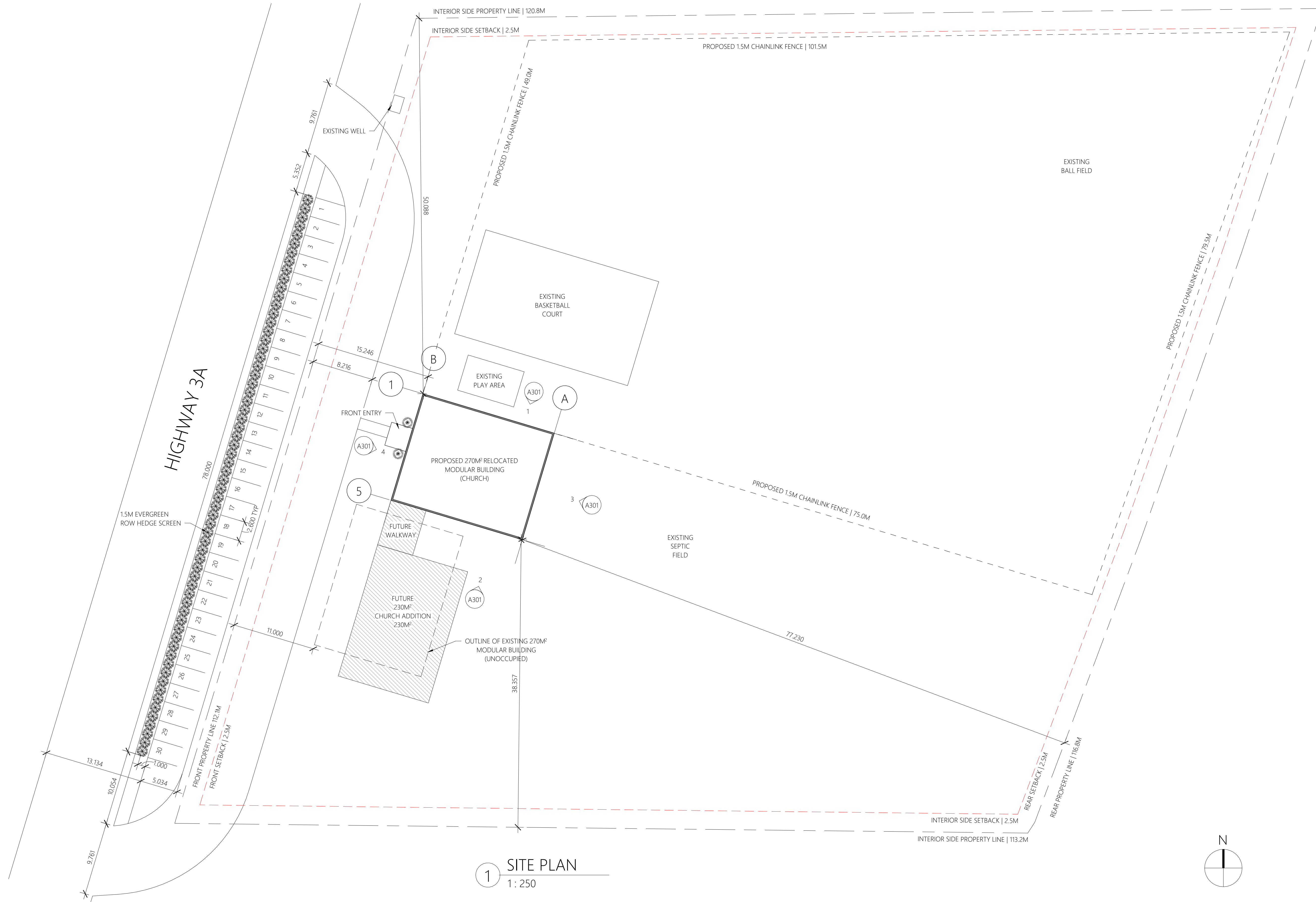


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BYLAW REVIEW

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/5=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'.
-



Committee Report

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

SECTION 1: EXECUTIVE SUMMARY

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

The proposed amendment bylaws are as follows:

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

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

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: TSL Developments Ltd., Inc. No. BC1085036 c/o Jordan Baer

Property Location: 2016 Highway 3A, Tarrys, Electoral Area I

Legal Description: THAT PART OF LOT 4 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857 LYING BETWEEN PLAN 857 AND RW PLAN 638D, EXCEPT THAT PART WHICH LIES EAST OF THE PRODUCTION NORTHERLY OF THE MORE WESTERLY PORTION OF THE WESTERN BOUNDARY OF THE SAID RIGHT OF WAY AT THIS POINT (PID: 016-735-242)

Property Size: 1.5 Hectares (3.8 Acres)

Current Zoning: Comprehensive Development (CD1)

Current Official Community Plan Designation: Comprehensive Development (CD)

SURROUNDING LAND USES

North: Country Residential I (R2I) / Residential land uses and Highway 3A

East: Country Residential I (R2I) / Residential land uses

South: Comprehensive Development (CD1) / Undeveloped

West: Country Residential I (R2I) / Residential land uses

Background and Site Context

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

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

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

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

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



Figure 1: Overview Map

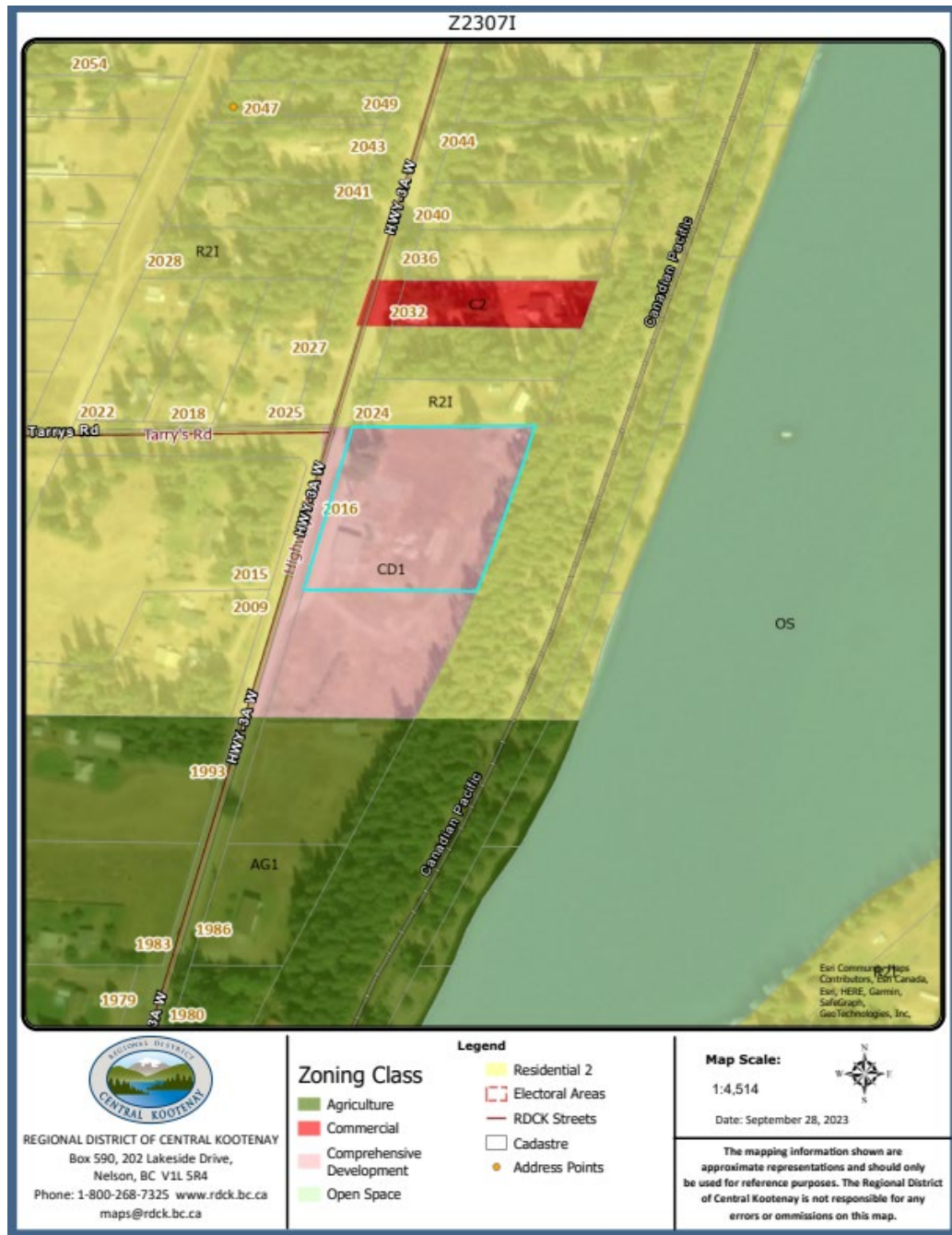


Figure 2: Zoning Map

Development Proposal

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

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

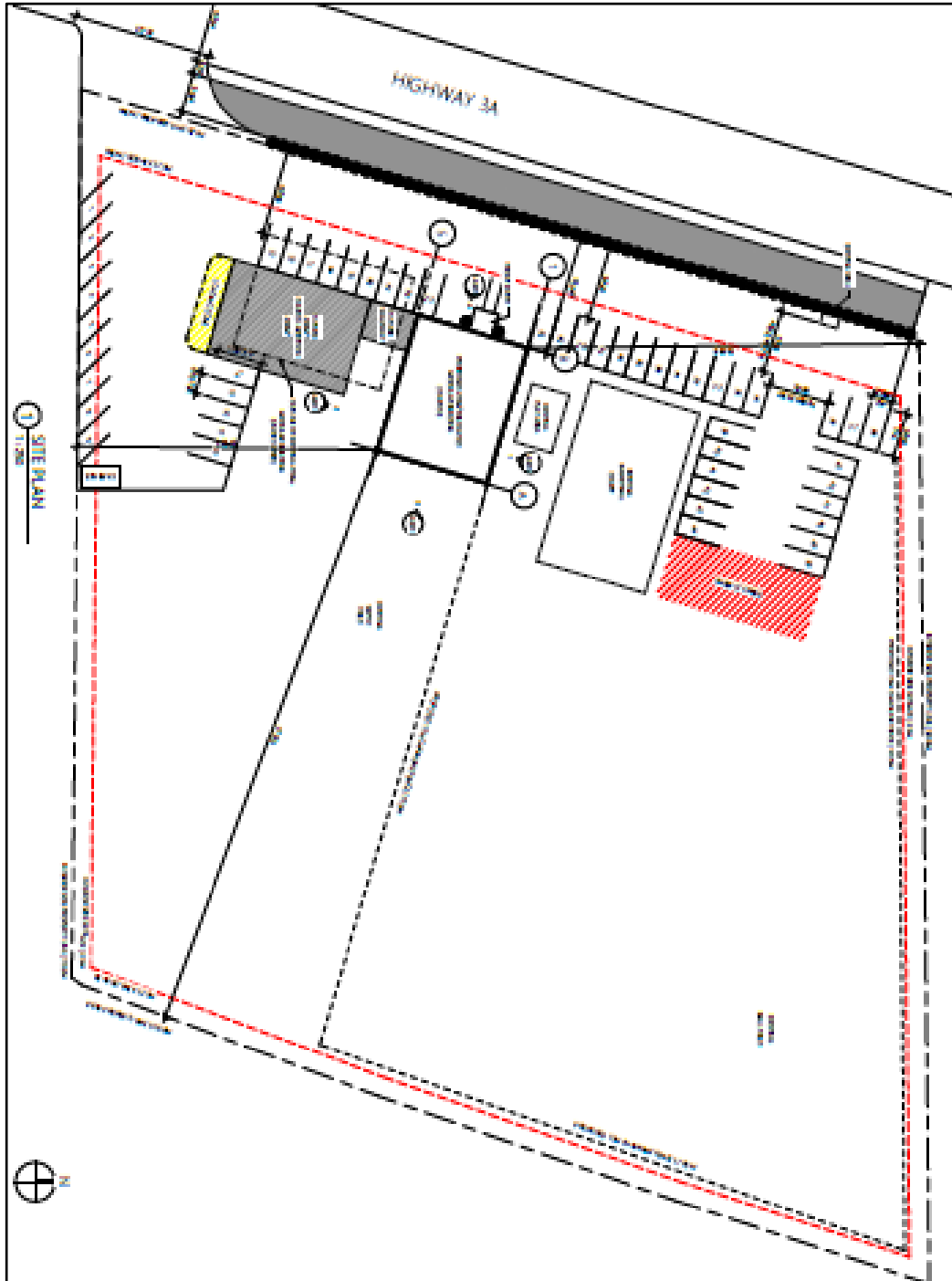


Figure 3: Site Plan



Figure 4: View of Subject Property facing South



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

Planning Policy

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

3.11 Comprehensive Development Policies:

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

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

3.9 Community Service Policies:

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

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

3.9.11 Institutional zoning shall be provided for public institutional uses

Recreation and Culture Master Plan 2016

Goal 4: Supportive Environments

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

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

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

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

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

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

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

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

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

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

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

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

3.3 Environmental Considerations

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

3.4 Social Considerations:

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

3.5 Economic Considerations:

No negative economic consideration are anticipated.

3.6 Communication Considerations:

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

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

RDCK Building Department

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

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

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

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

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

Complex buildings are defined in the Building Bylaw as:

Complex Building means:

(a) all buildings used for major occupancies classified as

(i) assembly occupancy,

(ii) care or detention occupancy,

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

The building code defines Assembly uses as:

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

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

Interior Health (IH)

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

Ministry of Transportation and Infrastructure (MOTI)

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

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

Advisory Planning and Heritage Commission (APHC)

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

Ministry of Forests

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

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

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

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

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

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

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

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

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

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

Fortis BC

"Land Rights Comments:

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

Operational & Design Comments:

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

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

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

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

BC Hydro

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

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

Archaeological Branch

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

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

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

Archaeology Branch Advice

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

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

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

Penticton Indian Band (PIB)

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

Ktunaxa Nation Council

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

Okanagan Indian Band (OKIB)

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

3.7 Staffing/Departmental Workplace Considerations:

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

3.8 Board Strategic Plan/Priorities Considerations:

The application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Please find the following planning rationale behind the staff recommendation:

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

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

Options

Option 1

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

Option 2

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

SECTION 5: RECOMMENDATIONS

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

Respectfully submitted,

"Submitted electronically"

Stephanie Johnson, Planner

CONCURRENCE

Planning Manager – Nelson Wight

Sangita Sudan – General Manager of Development and Community Sustainability

Stuart Horn – Chief Administrative Officer

ATTACHMENTS:

Attachment A – Relevant Bylaw Excerpts

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

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

vehicle. A recreation vehicle that has its wheels or towing hitch removed, or is placed on footings or foundation, or includes additions such as porches, decks or a roof structure or in any way is altered or situated so as to be permanently affixed to the lot shall be considered a dwelling or guest cabin.

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

3.11 Comprehensive Development

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

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

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

3.12 Greenhouse Gas Emission Reduction Targets

Introduction

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

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

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

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

Objectives

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

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

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

3.8.3.3.3 Commercial uses confined indoors;

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

3.8.3.4 Zoning provisions shall reflect subsections 3.8.3.1 to 3.8.3.3.

3.8.4 Trail Development

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

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

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

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

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

3.9 Community Service Policies

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

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

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

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

3.10 Specific Community Policies

3.10.1 Robson/Raspberry

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

CURRENT ZONING

DIVISION 53

COMPREHENSIVE DEVELOPMENT (CD1)

Permitted Uses

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

Campground

Recreation Vehicle Storage

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

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

Development Regulations

5301

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

PROPOSED ZONING

DIVISION 46 INSTITUTIONAL (I)

Permitted Uses

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

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

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

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

Development Regulations

4601

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

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2932, 2024

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

WHEREAS it is deemed expedient to amend the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

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

CITATION

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

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

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

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

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

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

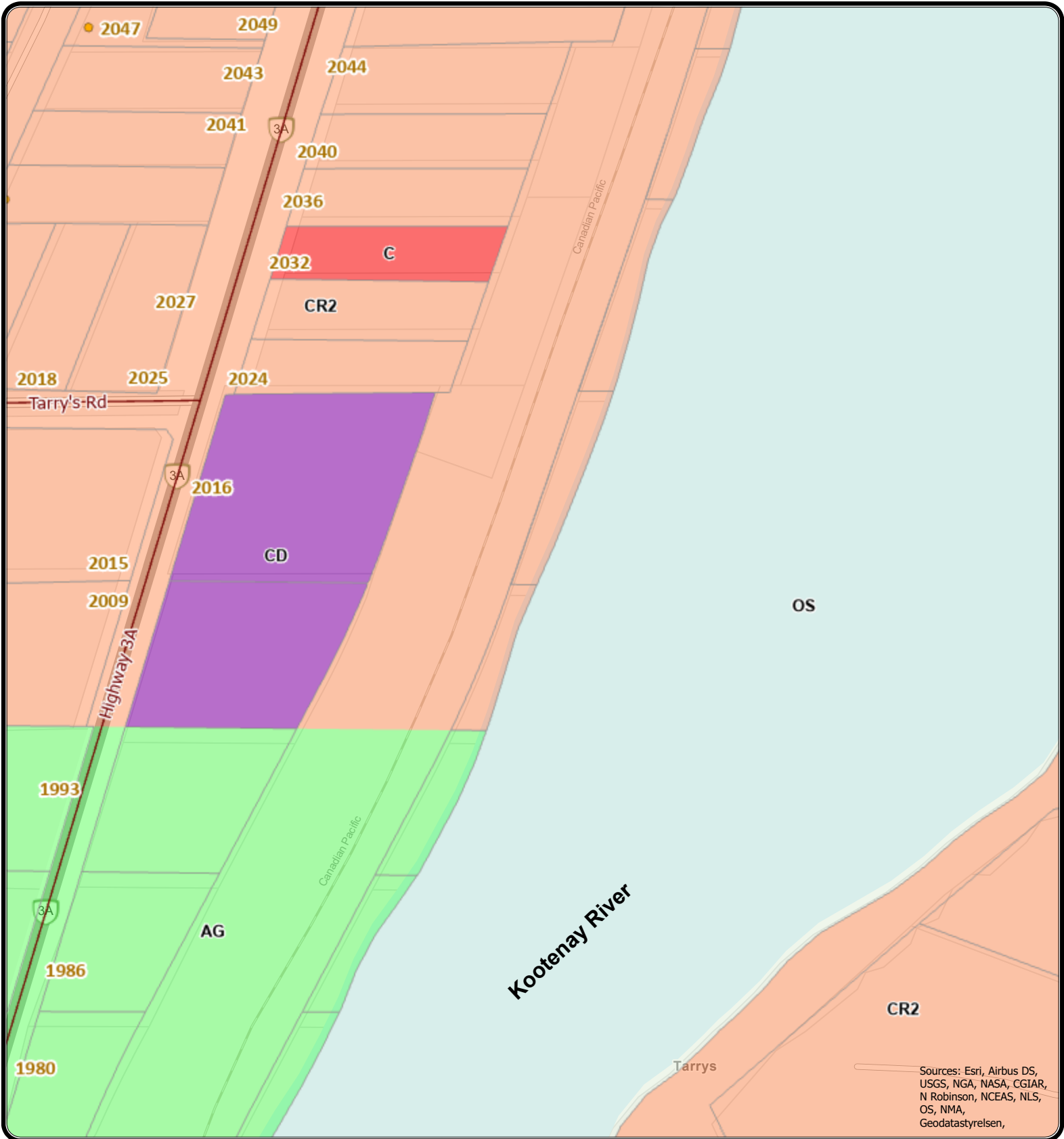
Approval Authority,
Ministry of Transportation and Infrastructure

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

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 'A'



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



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

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

Z23071 - TSL Developments Ltd.

Map Scale:

1:4,514

Date: February 23, 2024



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

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2931, 2024

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

WHEREAS it is deemed expedient to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

- 1 That Schedule 'B' of the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* be amended by changing the Zoning Designation of THAT PART OF LOT 4 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857 LYING BETWEEN PLAN 857 AND RW PLAN 638D, EXCEPT THAT PART WHICH LIES EAST OF THE PRODUCTION NORTHERLY OF THE MORE WESTERLY PORTION OF THE WESTERN BOUNDARY OF THE SAID RIGHT OF WAY AT THIS POINT (PID 016-735-242) from Comprehensive Development One (CD1) to Institutional (I) as shown on the attached Map.
- 2 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 3 This Bylaw may be cited as "***Regional District of Central Kootenay Zoning Amendment Bylaw No. 2931, 2023.***"

READ A FIRST TIME this 19 day of March, 2024.

READ A SECOND TIME this 19 day of March, 2024.

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

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

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

Approval Authority,
Ministry of Transportation and Infrastructure

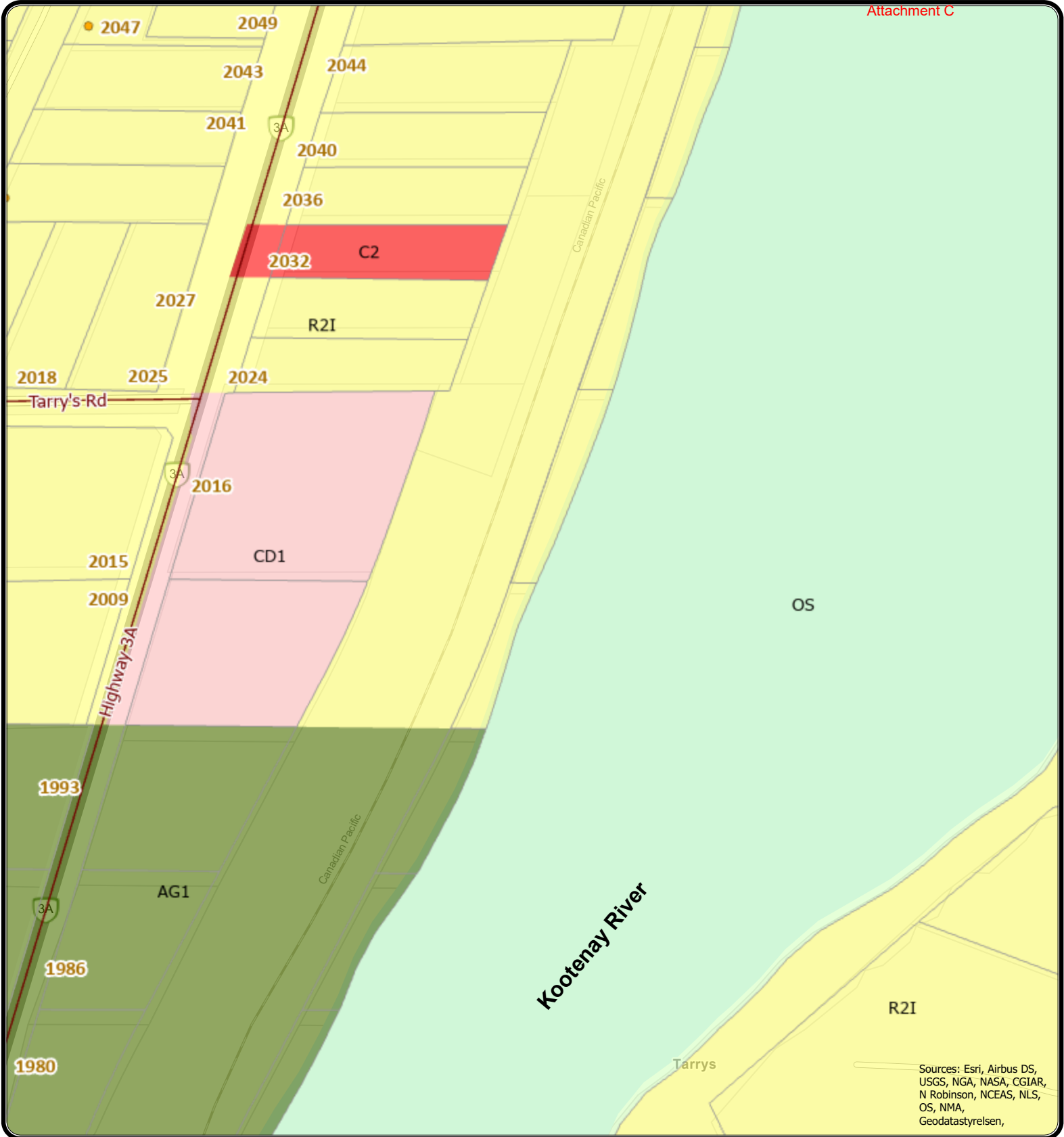
ADOPTED this [Date] day of [Month], 20XX.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 'A'

Attachment C



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



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

Z23071 - TSL Developments Ltd.

Map Scale:

1:4,514

Date: February 23, 2024



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