

# **Temporary Use Permit Application**

Referral Form - RDCK File T2405A

Date: July 15, 2024

You are requested to comment on the attached TEMPORARY USE PERMIT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO AUGUST 15, 2024). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

#### LEGAL DESCRIPTION & GENERAL LOCATION:

No civic address, Kuskanook, Electoral Area 'A'

LOT D DISTRICT LOT 15873 KOOTENAY DISTRICT PLAN 16329 (PID: 008-980-560), and;

9703 Highway 3A, Kuskanook, Electoral Area 'A'

LOT 1 DISTRICT LOTS 14535 AND 15414 KOOTENAY DISTRICT PLAN NEP75099 (PID: 025-871-552)

### PRESENT USE AND PURPOSE OF THE TEMPORARY USE PERMIT:

This Temporary Use Permit has been submitted for two different properties: Lot 'D' is presently vacant, Lot '1' (9703 Hwy 3A) is presently being used for residential purposes and has two separate dwellings on the portion of lot located between Kootenay Lake and Highway 3A.

The purpose of the proposed Temporary Use Permit (TUP) is to allow for the extraction of topsoil, sand, rock and gravel from the portions of the properties that are east of Highway 3A. Material from the excavations will be used and redistributed to the lower part of the property by the homes for fill, parking and driveway maintenance. Any excess materials that need to be removed will be sold to finance the further development of the properties.

This TUP is required because Quarries and Gravel Pits are not permitted in the County Residential (R2) zone. If the TUP is approved the applicant will submit a mines act permit (or mines act exemption permit) in order to allow the extraction of the material and to authorize the material to be moved to other sites and to be sold.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
Lot 'D': 1.6 ha (3.86 acres)	N/A	Country Residential (R2)	Country Residential (RC)
Lot '1': 3.0 ha (7.49 acres)			

### **APPLICANT/AGENT:**

Laurie Venning

## OTHER INFORMATION: ADVISORY PLANNING AND HERITAGE COMMISSION PLEASE NOTE:

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

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

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

ZACHARI GIACOMAZZO, PLANNER REGIONAL DISTRICT OF CENTRAL KOOTENAY

	REGIONAL DISTRICT OF CENTRAL ROOTENAT
▼ TRANSPORTATION West Kootenay	REGIONAL DISTRICT OF CENTRAL KOOTENAY
HABITAT BRANCH	DIRECTORS FOR:

Nelson Office: Box 590, 202 Lakeside Drive, Nelson, BC. V1L 5R4 Phone: 250.352.6665 | Toll Free: 1.800.268.7325 (BC) | Email: info@rdck.ca | Fax: 250.352.9300

FRONT COUNTER BC (FLNRORD)	ig igertA $igward$ B $igwedge$ C $igwedge$ D $igwedge$ E $igwedge$ F $igwedge$ G $igwedge$ H $igwedge$ I $igwedge$ J
AGRICULTURAL LAND COMMISSION	
REGIONAL AGROLOGIST	ALTERNATIVE DIRECTORS FOR:
	☑ A
MUNICIPAL AFFAIRS & HOUSING	
	APHC AREA 'A'
KOOTENAY LAKES PARTNERSHIP	RDCK FIRE SERVICES
SCHOOL DISTRICT NO.	RDCK EMERGENCY SERVICES
WATER SYSTEM OR IRRIGATION DISTRICT	RDCK BUILDING SERVICES
UTILITIES (FORTIS, BC HYDRO)	RDCK UTILITY SERVICES
	RDCK REGIONAL PARKS

Nelson Office: Box 590, 202 Lakeside Drive, Nelson, BC. V1L 5R4 Phone: 250.352.6665 | Toll Free: 1.800.268.7325 (BC) | Email: info@rdck.ca | Fax: 250.352.9300

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), <a href="mailto:info@rdck.bc.ca">info@rdck.bc.ca</a>, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

	RESPONSE SUMMARY FILE: T2405A APPLICANT: LAURIE VENNING		
Name:	Date:		
Agency:	Title:		

RETURN TO: ZACHARI GIACOMAZZO, PLANNER

**DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES** 

REGIONAL DISTRICT OF CENTRAL KOOTENAY

BOX 590, 202 LAKESIDE DRIVE

NELSON, BC V1L 5R4 Ph. 250-352-8190

Email: plandept@rdck.bc.ca





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

- Building Footprints
- Electoral Areas
- RDCK Streets
- Cadastre Property Lines
  - Address Points

1:9,028

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Date: June 10, 2024





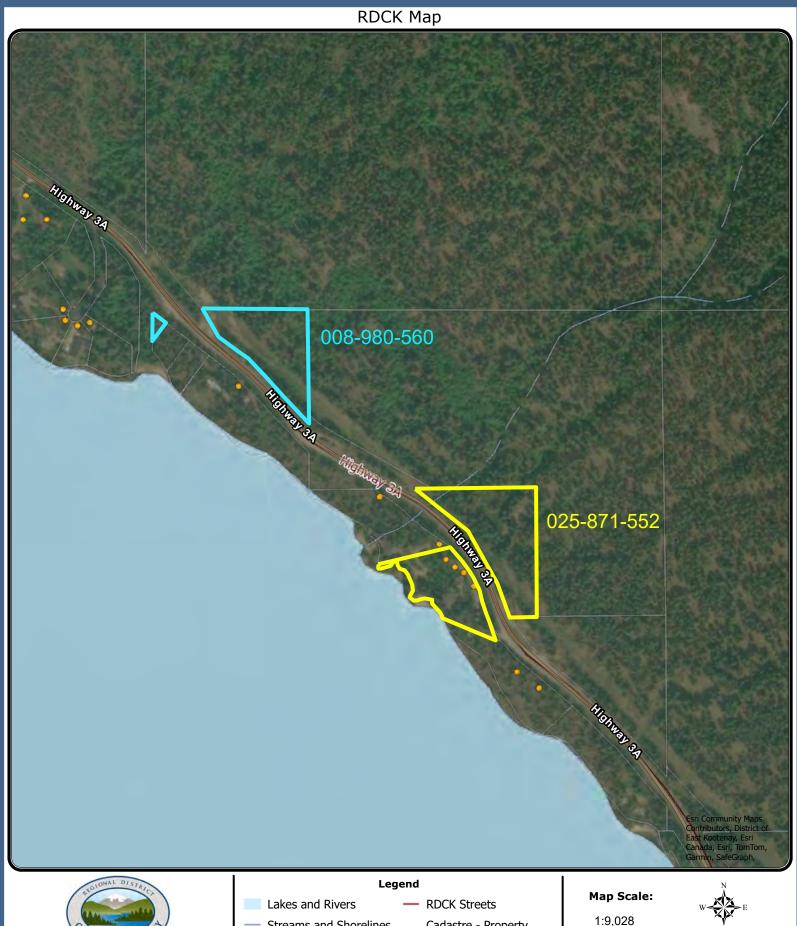
REGIONAL DISTRICT OF CENTRAL KOOTENAY Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4 Phone: 1-800-268-7325 www.rdck.bc.ca maps@rdck.bc.ca

- Flood Construction Levels 1990
- Electoral Areas
- **RDCK Streets**
- Cadastre Property Lines
- Address Points

1:9,028

Date: June 10, 2024







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

Streams and Shorelines

Cadastre - Property Lines

Electoral Areas

Address Points

Date: June 10, 2024







Nelson, BC V1L 5R4 Phone: 1-800-268-7325 www.rdck.bc.ca maps@rdck.bc.ca

- Forest Resource/ Reserve
- Residential 2
- Residential 3
- Electoral Areas
- **RDCK Streets**
- Cadastre Property Lines
  - Address Points

Date: June 10, 2024







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

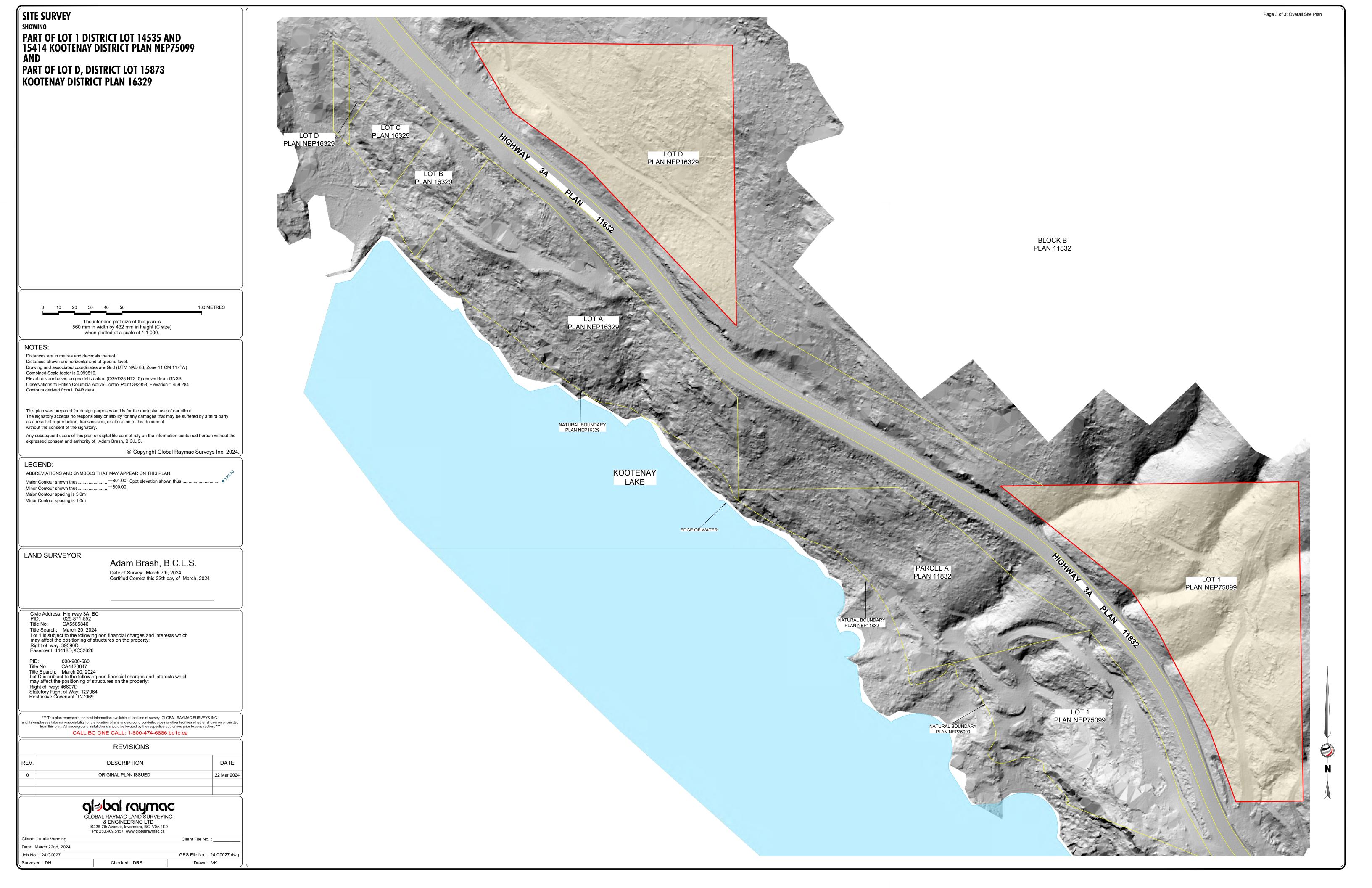
maps@rdck.bc.ca

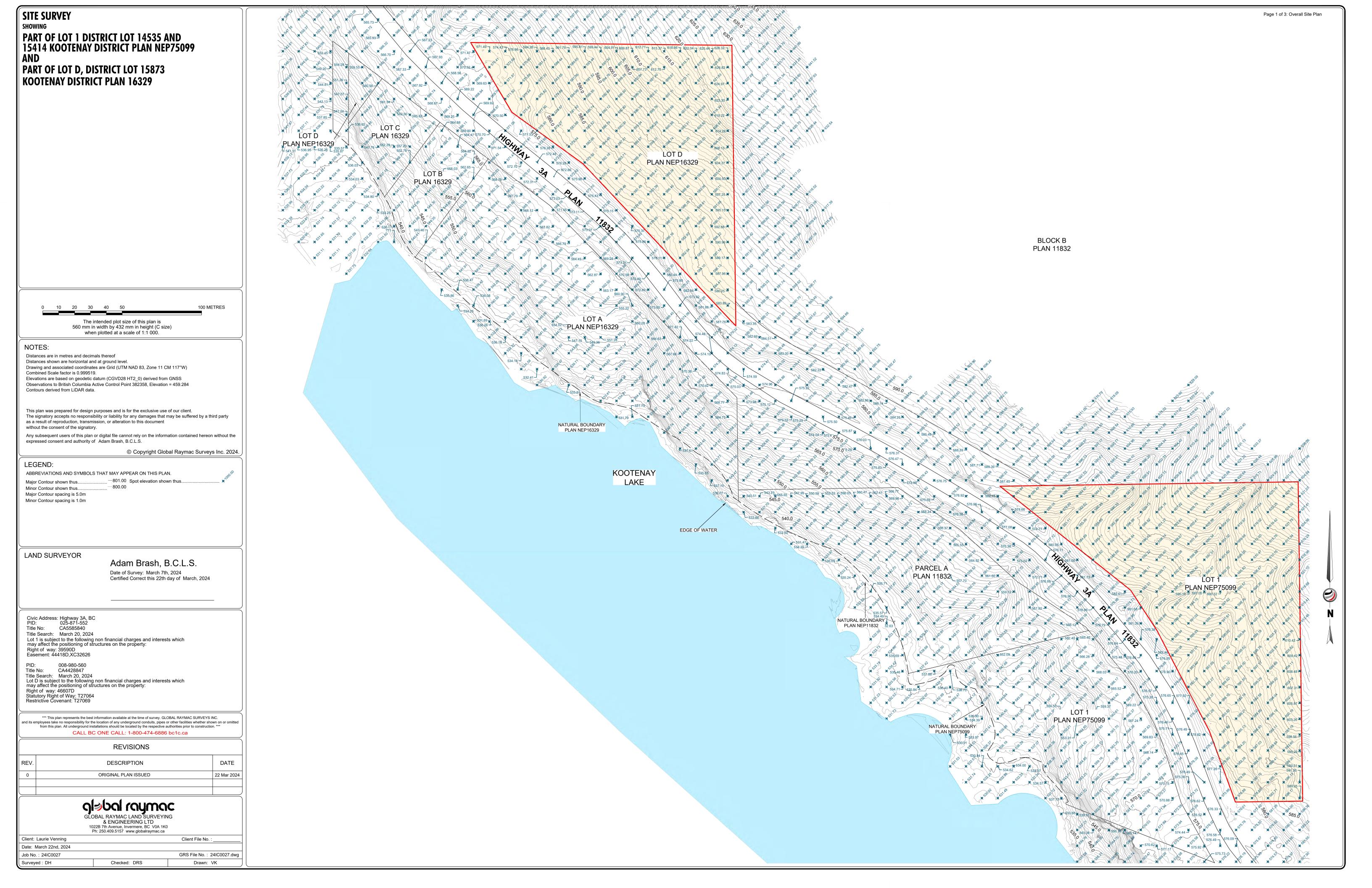
# Community Plan

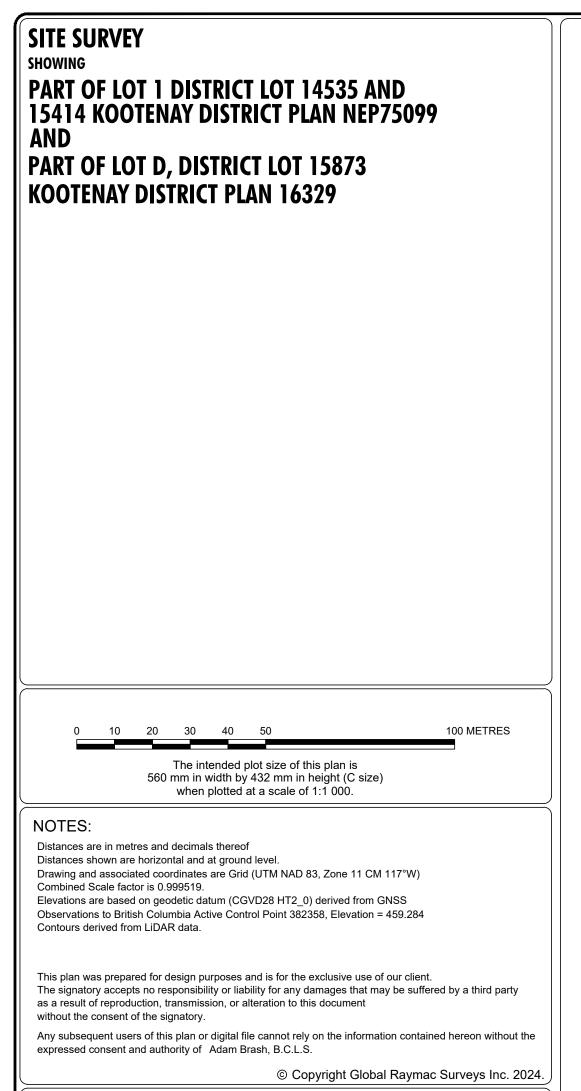
- Country Residential
- Forest Reserve Resource Area
- **RDCK Streets**
- Lines Address Points

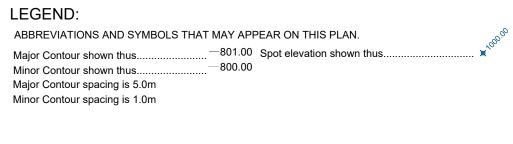
Cadastre - Property

Date: June 10, 2024









LAND SURVEYOR

Adam Brash, B.C.L.S.

Date of Survey: March 7th, 2024
Certified Correct this 22th day of March, 2024

Civic Address: Highway 3A, BC
PID: 025-871-552
Title No: CA5585840
Title Search: March 20, 2024
Lot 1 is subject to the following non financial charges and interests which may affect the positioning of structures on the property:
Right of way: 39590D
Easement: 44418D,XC32626

PID: 008-980-560
Title No: CA4428847
Title Search: March 20, 2024
Lot D is subject to the following non financial charges and interests which may affect the positioning of structures on the property:
Right of way: 46607D
Statutory Right of Way: T27064
Restrictive Covenant: T27069

\*\*\* This plan represents the best information available at the time of survey. GLOBAL RAYMAC SURVEYS INC.
and its employees take no responsibility for the location of any underground conduits, pipes or other facilities whether shown on or omitted from this plan. All underground installations should be located by the respective authorities prior to construction. \*\*\*

CALL BC ONE CALL: 1-800-474-6886 bc1c.ca

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0	ORIGINAL PLAN ISSUED	22 Mar 2024
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	REVISIONS	
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GLOBAL RAYMAC LAND SURVEYING & ENGINEERING LTD 1022B 7th Avenue, Invermere, BC V0A 1K0 Ph: 250.409.5157 www.globalraymac.ca

LOT D PLAN NEP16329 BLOCK B PLAN 11832 KOOTENAY LAKE

Page 2 of 3: Overall Site Plan

# L Venning Owner C/O representative C. Haggar TEMPORY WORK PERMIT PROPOSAL SUMMARY 9703 – PID: 025-871-552

Planning Department RDCK - Creston Office 531B 16th Ave S Creston BC V0B 1G5

Subject: LOT 1 PLAN NEP75099 DISTRICT LOT 14535 KOOTENAY LAND DISTRICT & DL 15414.

Please accept this document as the formal proposal summary for a temporary use permit to supplement a development project PID:025-871-522

**Proposed Use:** The owner intends to refurbish single-family dwellings, growing landings for special plant-based food harvesting and hiking / bike path trails. **At this time there is no plan to build any permanent structures; therefore' we will not be filing for a Building Permit.** Prior to any building permit, subdivision application and **or** subsequent planning, the owner must prepare the land to enable easement access, assessment, benching, bedrock elevations and implementation of erosion control measures. **Appendix A - 9703 Map & 2024 Property Assessment** 

To offset development costs, the owner is requesting a temporary use permit to allow for the extraction of topsoil, sand, rock and gravel from the property. The extracted material can be relocated as fill to the lower part of the Lot Sales Development Property. Appendix B Lot D, Land Map Details -. Material from the excavations to be undertaken, will be used and redistributed to the lower part of the property by the homes for fill, parking and beach road maintenance. Any excess materials needed to be removed will be sold to finance the further development of all wholly owned properties. Appendix C – 3<sup>rd</sup> Party Right of ways Upon an approved temporary use permit, we will apply for an exemption mine permit to allow the material to be moved to other sites and to be sold. PLEASE NOTE: We intend to load, transport and relocate all materials off site; therefore, we will not be conducting any material processing on rock, aggregate or sand on this location.

**Location and Length of Operation:** The development and earth extraction will occur approximately 90 meters East of highway 3A. The operation will commence as soon as possible and we would be asking for a 3 year term with the possibility of a renewal as per section 497 (1) (b) of the local government act. **Appendix D - Volume Calculation map prepared by Global Raymac.** 

**Remediation Plans:** The project commits to a comprehensive remediation plan to restore the property to its original state or better. The plan will be available upon request, the supplement information includes but not limited too:

- Immediate reinforcement and stabilization of existing access points.
- Ongoing monitoring of soil extraction and road development progress.
- Continuous assessment of safety measures in alignment with the WCB / Safe Work BC requirements.
- Transformation of the site into an ergonomic and sustainable development, incorporating foliage and selective tree replanting.
- Implementation of erosion control measures to minimize environmental impact on access and 3<sup>rd</sup> part right of ways.
   Utilization of highly skilled professionals to ensure effective execution and compliance with regulatory standards.

Authorized Representative of Owner Chris Haggar 250-688-6950

shiftboss.wolfemininginc@gmail.com

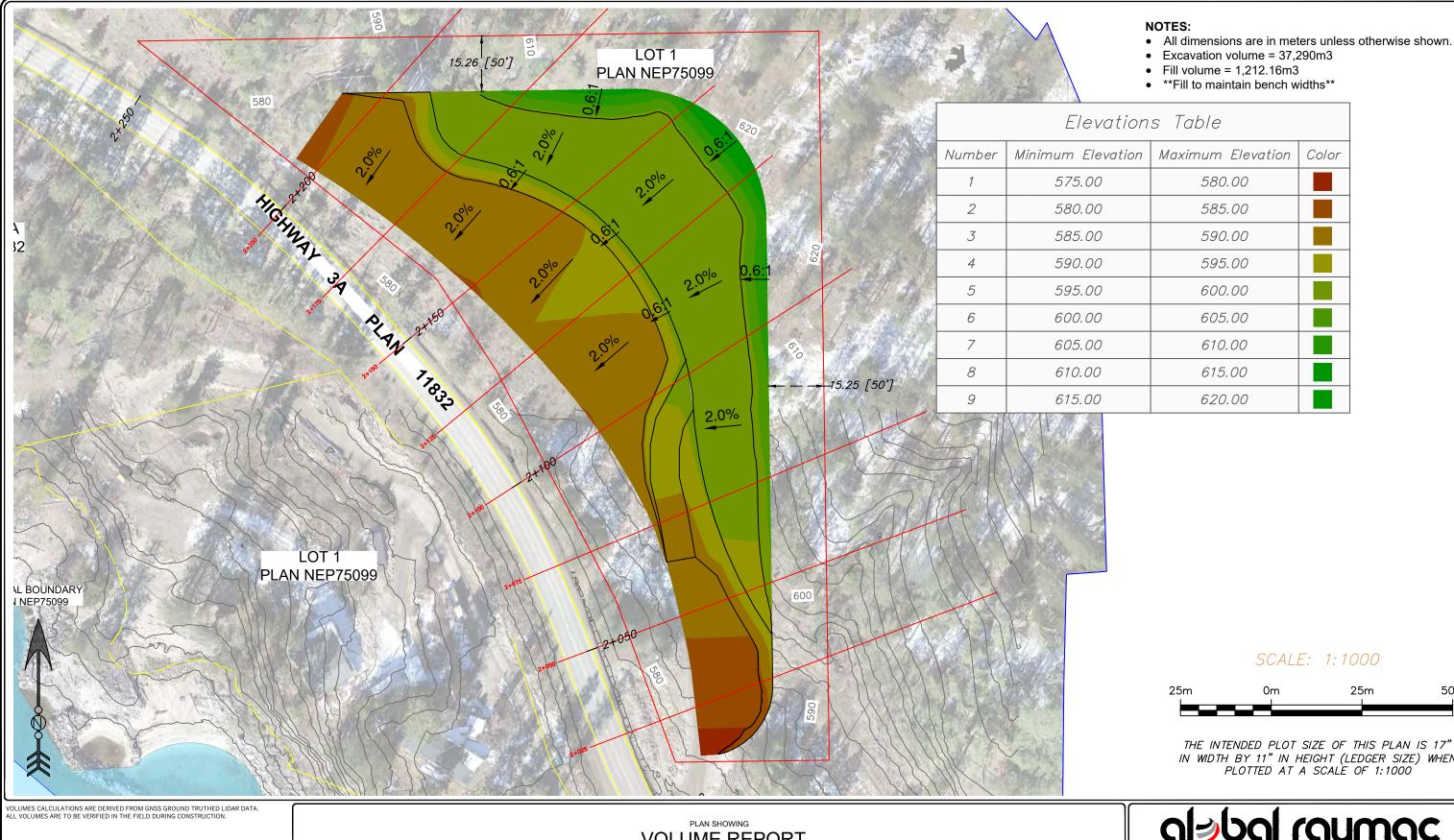
Signature of rep

Legal Land (s) Owner

L. A. Venning 780.909.5632

Signature of Owne

Appendix A, B, C& D Attached



Job No. 24IC0027

SCALE: 1:1000

Color



THE INTENDED PLOT SIZE OF THIS PLAN IS 17" IN WIDTH BY 11" IN HEIGHT (LEDGER SIZE) WHEN PLOTTED AT A SCALE OF 1:1000

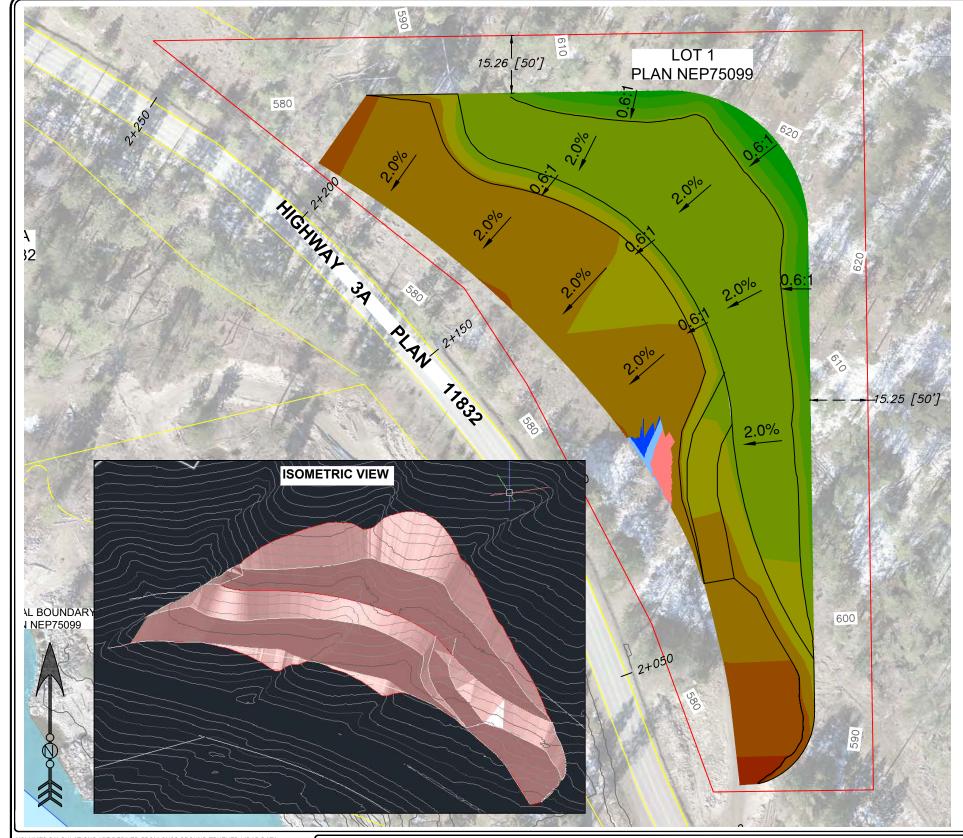
 $\mathsf{VOLUME}_{\mathsf{FOR}} \mathsf{REPORT}$ LOT 1, DISTRICT LOT 14535

Surveyed by:

Drawn by: JK

Ph: 403.283.5455 www.globalraymac.ca

Rev. Date Description Apr 8, 2024



### NOTES:

- All dimensions are in meters unless otherwise shown.
- Excavation volume = 37,290m3
- Fill volume = 1,212.16m3
- \*\*Fill to maintain bench widths\*\*

Elevations Table				
Number Minimum Elevation Maximum Elev			Color	
1	-15.00	-10.00		
2 -10.00 -5		-5.00		
3	-5.00	0.00		
4	0.00	1.00		
5	1.00	2.50		
6	2.50	5.00		

SCALE: 1:1000



THE INTENDED PLOT SIZE OF THIS PLAN IS 17" IN WIDTH BY 11" IN HEIGHT (LEDGER SIZE) WHEN PLOTTED AT A SCALE OF 1:1000

VOLUMES CALCULATIONS ARE DERIVED FROM GNSS GROUND TRUTHED LIDAR DATA. ALL VOLUMES ARE TO BE VERIFIED IN THE FIELD DURING CONSTRUCTION.

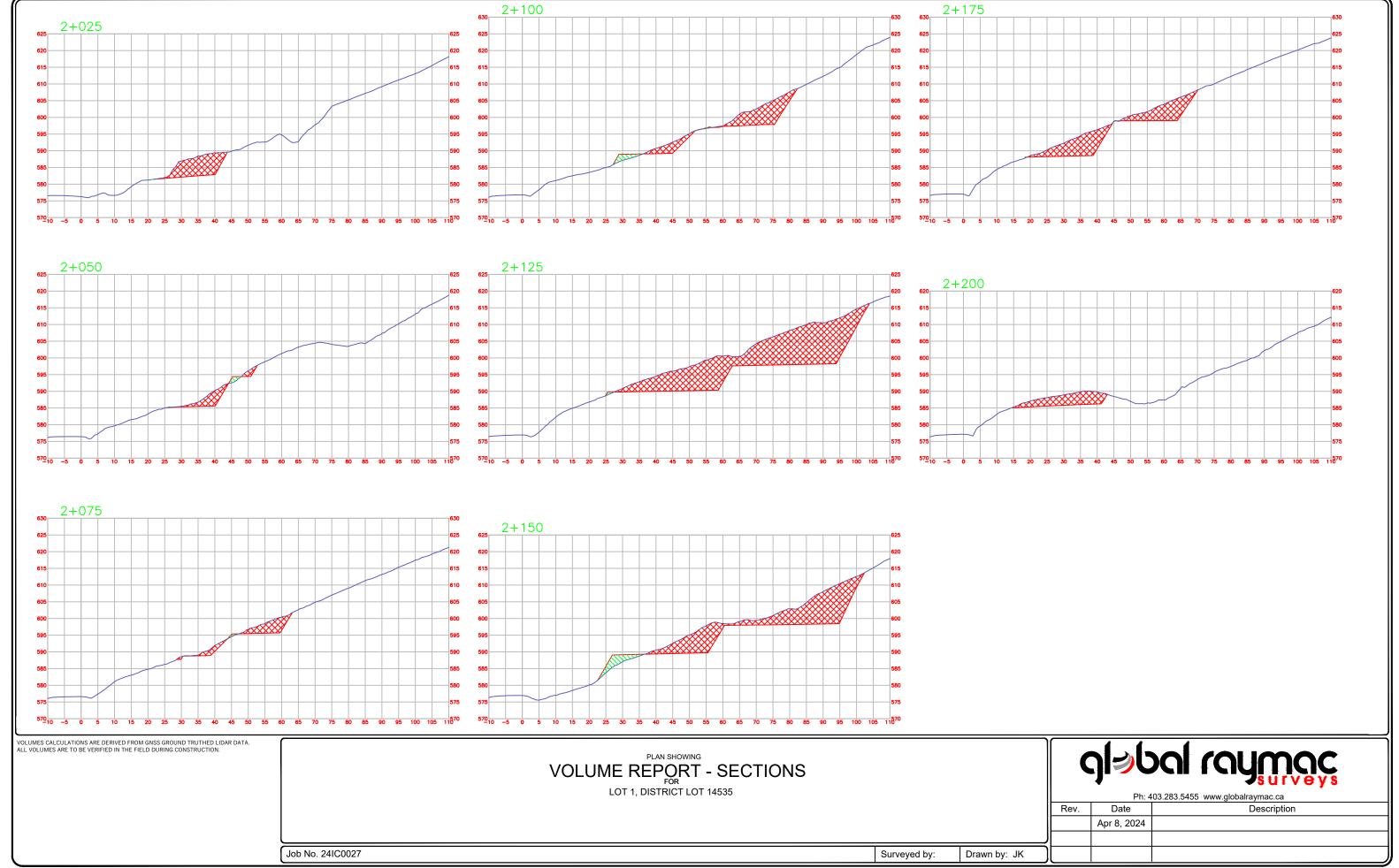
PLAN SHOWING VOLUME REPORT - CUT/FILL

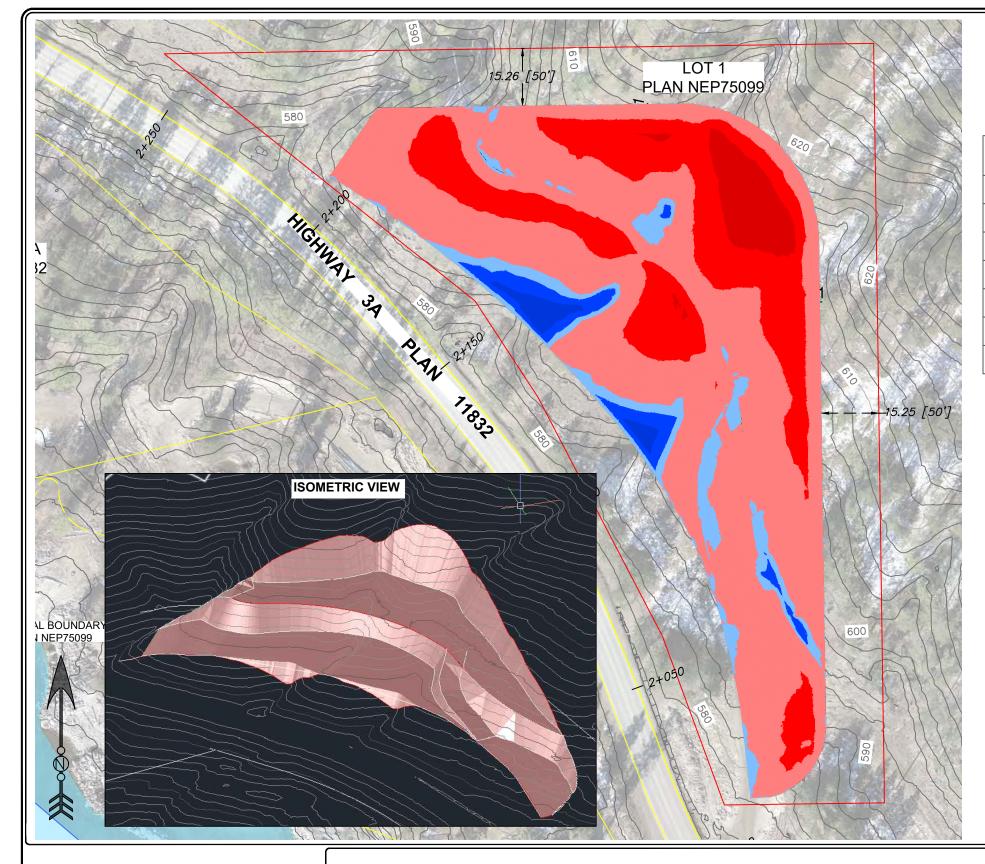
LOT 1, DISTRICT LOT 14535

Job No. 24IC0027 Surveyed by: Drawn by: JK



Ph: 403.283.5455 www.globalraymac.ca		
Rev.	Date	Description
	Apr 8, 2024	





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6	2.50	5.00		

SCALE: 1:1000



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PLAN SHOWING VOLUME REPORT - CUT/FILL

LOT 1, DISTRICT LOT 14535

Job No. 24IC0027 Surveyed by: Drawn by: JK



ı	Ph: 403.283.5455 www.globalraymac.ca		
I	Rev.	Date	Description
l		Apr 8, 2024	
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# L Venning Owner C/O representative C. Haggar TEMPORY WORK PERMIT PROPOSAL SUMMARY LotD Hwy 3 A – PID: 008-980-560

Planning Department RDCK - Creston Office 531B 16th Ave S Creston BC VOB 1G5

Subject: LOT D PLAN NEP16329 DISTRICT LOT 15873 KOOTENAY LAND DISTRICT & DL 166329.

Please accept this document as the formal proposal summary for a temporary use permit to supplement a development project PID:008-980-560

Proposed Use: We intend to use the site for RV storage - no buildings or covered structures will be erected; however, we would like to build gardens herbs and vegetables not for resale, just personal consumption. The benches or landings would be utilized for bike path or hiking trials. At this time there is no plan to build any permanent structures; therefore' we will not be filing for a Building Permit. Prior to any building permit, subdivision application and or subsequent planning, the owner must prepare the land to enable easement access, assessment, benching, bedrock elevations and implementation of erosion control measures. Appendix A, Lot D, 3.86 Acres / 1.56 Hectares, Land Map Details & Property Assessment PLEASE NOTE: The owner intends to develop the 3 lower lots, lake front below Hwy 3A (9779 LOT B, 9775 LOT C, & 9777 LOT A) for sale or long term rentals for single-family dwellings,

To offset development costs, the owner is requesting a temporary use permit to allow for the extraction of topsoil, sand, rock and gravel from the property. The extracted material will be relocated to the lower part of the Property for landscaping and beautification, Appendix B 9703 Map Material from the excavations to be undertaken, will be used and redistributed to other properties owned by L Venning, the temp work application stakeholder. Any excess materials needed to be removed will be removed from the site and taken to a secondary site for processing and sold to finance the further development of all wholly owned properties. Upon an approved temporary use permit, we will apply for an exemption mine permit to allow the material to be moved to other sites and to be sold. Appendix C – 3<sup>rd</sup> Party Right of ways

Location and Length of Operation: The development and earth extraction will occur approximately 90 meters East of highway 3A. The operation will commence as soon as possible and we would be asking for a 3 year term with the possibility of a renewal as per section 497 (1) (b) of the local government act.

Appendix D - Volume Calculation map prepared by Global Raymac. PLEASE NOTE: We intend to load, transport and relocate all materials off site; therefore, we will not be conducting any material processing on rock,

aggregate or sand on this location.

**Remediation Plans:** The project commits to a comprehensive remediation plan to restore the property to its original state or better. The plan will be available upon request, the supplement information includes but not limited too:

Immediate reinforcement and stabilization of existing access points.

Ongoing monitoring of soil extraction and road development progress.

Continuous assessment of safety measures in alignment with the WCB / Safe Work BC requirements.

- Transformation of the site into an ergonomic and sustainable development, incorporating foliage and selective tree replanting.
- Implementation of erosion control measures to minimize environmental impact on access and 3<sup>rd</sup> part right of ways.
- Utilization of highly skilled professionals to ensure effective execution and compliance with regulatory standards.

Authorized Representative of Owner Chris Haggar 250.688.6950 shiftboss.wolfemininginc@gmail.com

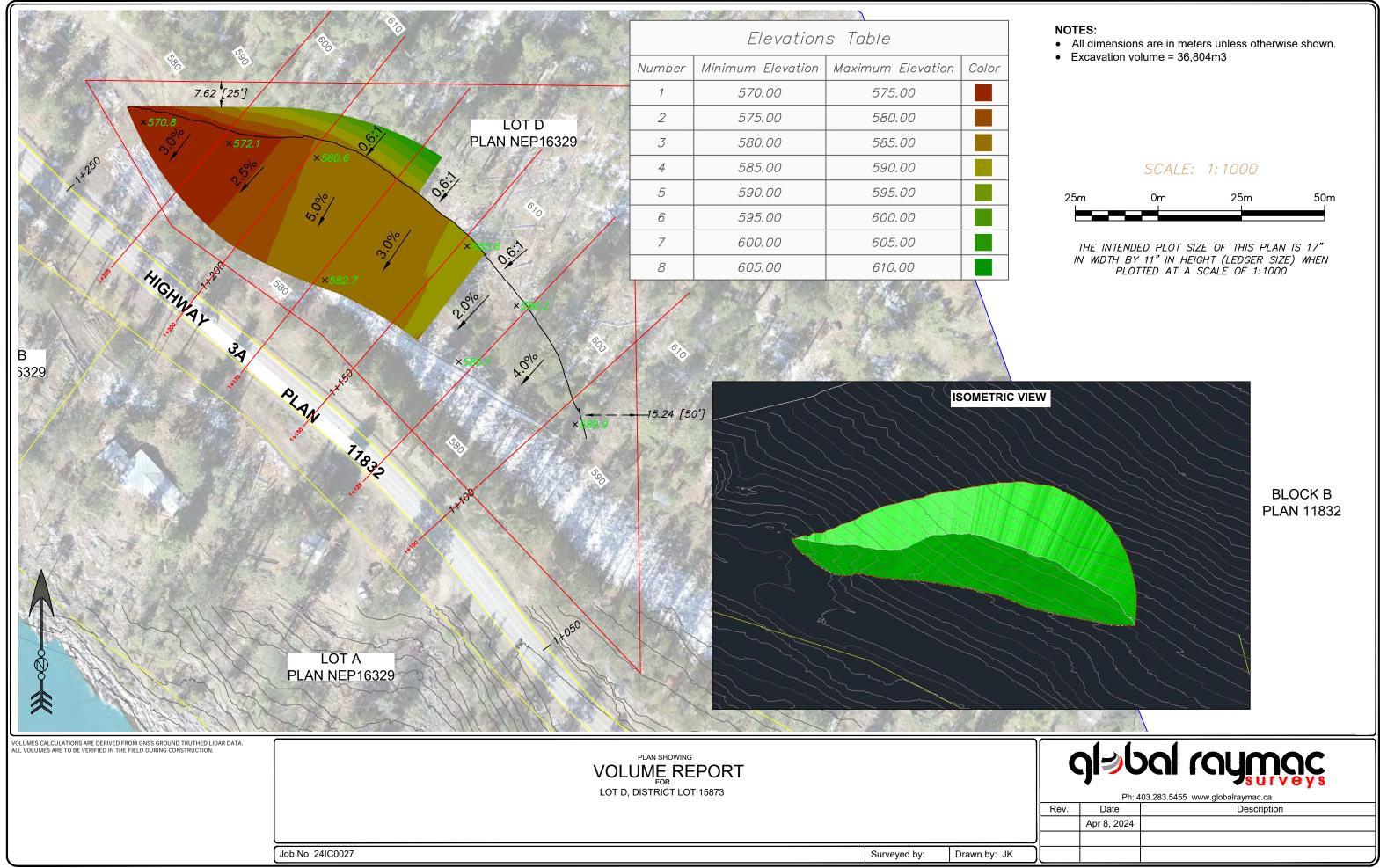
Signature of rep Chris Haggar

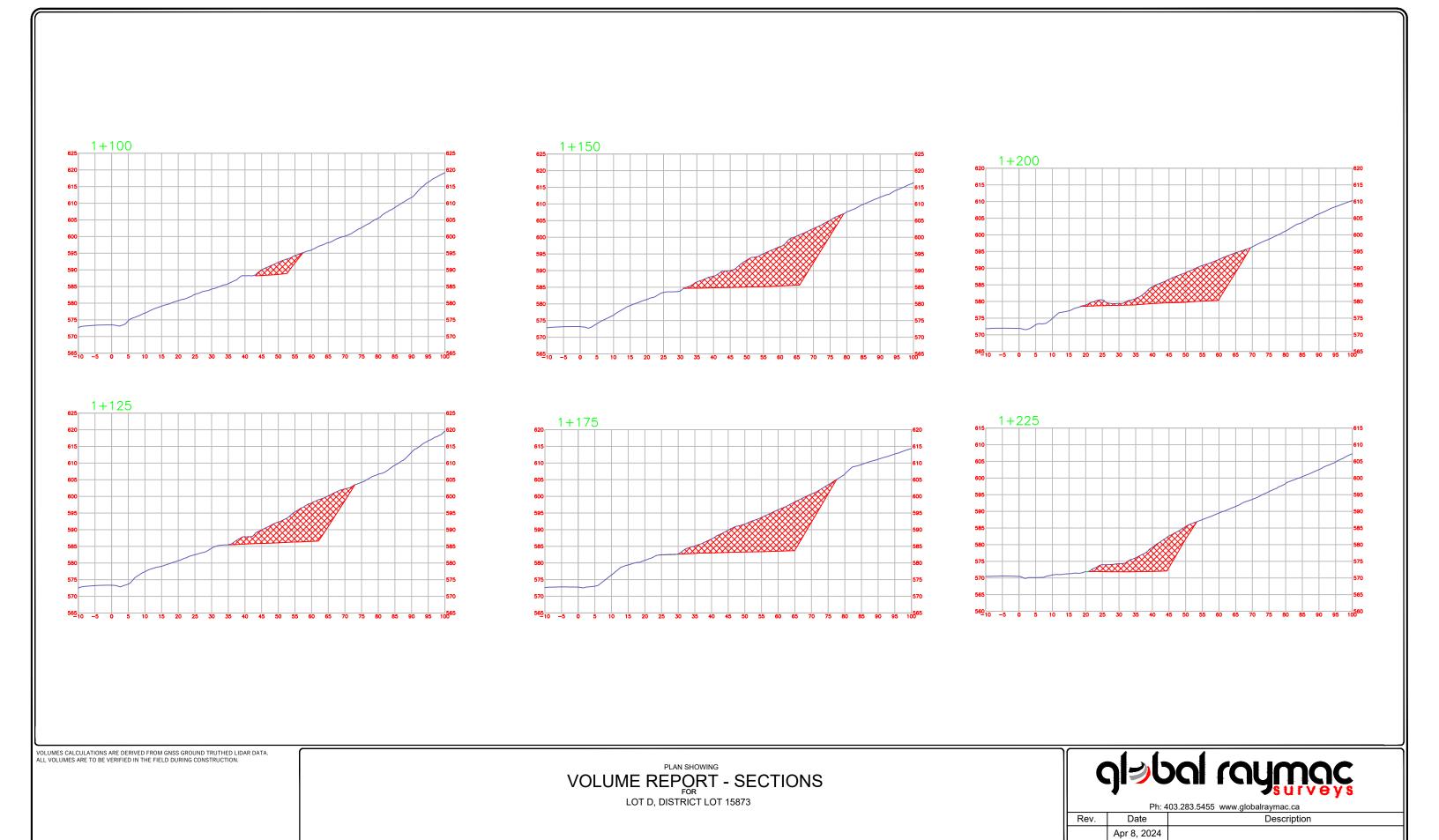
Legal Land (s) Owner

L. A. Venning 780.909.5632

Signature of Owner

Appareix A, B, C & D Attacked





Surveyed by:

Drawn by: JK

Job No. 24IC0027

CAD File: 24IC0027\_DRAFTING CLEAN



PART OF LOT 1 DISTRICT LOT 14535 AND 15414 KOOTENAY DISTRICT PLAN NEP75099

PART OF LOT D, DISTRICT LOT 15873 KOOTENAY DISTRICT PLAN 16329

Proposed locations of Fill placement and driveway improvements are identified with red lines. - ZG

The intended plot size of this plan is 560 mm in width by 432 mm in height (C size) when plotted at a scale of 1:1 000.

# NOTES:

Distances are in metres and decimals thereof

Distances shown are horizontal and at ground level.

Drawing and associated coordinates are Grid (UTM NAD 83, Zone 11 CM 117°W)

Combined Scale factor is 0.999519

Elevations are based on geodetic datum (CGVD28 HT2\_0) derived from GNSS Observations to British Columbia Active Control Point 382358, Elevation = 459,284 Contours derived from LiDAR data.

This plan was prepared for design purposes and is for the exclusive use of our client.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of reproduction, transmission, or alteration to this document without the consent of the signatory

Any subsequent users of this plan or digital file cannot rely on the information contained hereon without the expressed consent and authority of Adam Brash, B.C.L.S.

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# LEGEND:

ABBREVIATIONS AND SYMBOLS THAT MAY APPEAR ON THIS PLAN.

Major Contour shown thus.....—801.00 Spot elevation shown thus....

Minor Contour shown thus....—800.00

Major Contour spacing is 5.0m
Minor Contour spacing is 1.0m

LAND SURVEYOR

Adam Brash, B.C.L.S.

Date of Survey: March 7th, 2024

Certified Correct this 28 to a of March, 2024

Civic Address: Highway 3A, BC
PID: 025-871-552
Title No: CA5585840
Title Search: March 20, 2024
Lot 1 is subject to the following non financial

Lot 1 is subject to the following non financial charges and interests which may affect the positioning of structures on the property:

Right of way: 39590 D

Easement: 44418D,XC32626

PID: 008-980-560

Title No: CA4428847

Title Search: March 20, 2024

Surveyed : DH

Title Search: March 20, 2024
Lot D is subject to the following non financial charges and interests which may affect the positioning of structures on the property:
Right of way: 46607D

Right of way: 46607D Statutory Right of Way: T27064 Restrictive Covenant: T27069

\*\*\* This plan represents the best information available at the time of survey. GLOBAL RAYMAC SURVEYS INC.
and its employees take no responsibility for the location of any underground conduits, pipes or other facilities whether shown on or omitted from this plan. All underground installations should be located by the respective authorities prior to construction. \*\*\*

CALL BC ONE CALL: 1-800-474-6886 bc1c.ca

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REVISIONS			
REV.	DESCRIPTION	DATE	
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# gløbal raymac

GLOBAL RAYMAC LAND SURVEYING & ENGINEERING LTD 1022B 7th Avenue, Invermere, BC V0A 1K0 Ph: 250,409.5157 www.globalraymac.ca

Checked: DRS

Drawn: VK

LOT D PLAN NEP16329 KOOTENAY LAKE

Page 2 of 3: Overall Site Plan

# 20.0 COUNTRY RESIDENTIAL (R2)

## **Permitted Uses**

1. Land, buildings and structures in the Country Residential (R2) zone shall be used for the following purposes only:

# **Dwellings:**

- Single Detached Housing
- Duplex Housing

# Accessory Uses:

- Accessory Buildings or Structures
- Accessory Dwelling Unit
- Accessory Tourist Accommodation
- Day Care Facility
- Home Based Business
- Horticulture
- Keeping of Farm Animals
- Sale of Site Grown Horticultural Produce
- Temporary Guest Accommodation
- Portable Sawmills (for processing of materials harvested on-site only)

# **Development Regulations**

- 2. The minimum lot size is 1.0 hectare.
- 2b. The maximum density is 2 Dwelling Units.
- 3. The minimum lot size for a parcel subdivided for a relative under Section 514 of the *Local Government Act*, with the approval of the Interior Health Authority, shall be 0.8 hectares.
- 4. The maximum site coverage permitted shall be 50 percent of the lot area.
- 5. The keeping of farm animals shall comply with the requirements of Section 18.0 (78).
- 6. Buildings and structures in the case of a lot that may be further sub-divided shall be sited so as to facilitate further subdivision of the lot or adjacent lots.
- 7. Removed by Bylaw 2747.
- 8. The maximum height of any accessory building or structure shall not exceed 8 metres.
- 9. The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.
- 10. The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

- 11. Removed by Bylaw 2953.
- 12. Removed by Bylaw 2953.
- 13. Removed by Bylaw 2953.
- 14. Removed by Bylaw 2953.

# **Temporary Guest Accommodation**

- 15. Subject to compliance with the requirements of the Province for sewage disposal and water supply, one (1) cabin per lot for the temporary accommodation of guests is permitted as an accessory use to a single family or two-family dwelling subject to the following:
  - a. the minimum site area for a cabin shall be 1.4 hectares (ha); and
  - b. the maximum gross floor area for a cabin shall not exceed 100 square metres  $(m^2)$ .
- 16. Subject to subsection 15, a recreation vehicle may be used for temporary guest accommodation provided that no more than two (2) recreation vehicles shall be located on a lot at any one time. Recreation vehicles shall be required to be licensed and remain mobile consistent with the original design of the 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 and must conform with the density provisions under subsection 15.
- 17. The minimum separation distance between a guest cabin, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
- 18. Each guest cabin or recreation vehicle that is used as temporary guest accommodation shall have sufficient site area to accommodate two (2) off-street parking spaces.