



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE
Open Meeting Agenda

Date: Wednesday, August 14, 2024
Time: 9:00 am
Location: Hybrid Model - In-person and Remote

Directors will have the opportunity to participate in the meeting electronically. Proceedings are open to the public.

Pages

1. ZOOM REMOTE MEETING INFO

To promote openness, transparency and provide accessibility to the public we provide the ability to attend all RDCK meetings in-person or remote (hybrid model).

Meeting Time:

9:00 a.m. (PDT)

Join by Video:

<https://rdck-bc-ca.zoom.us/j/93201328393?pwd=tTRDKCjYY7WsZXwCureBLWD43RtW0X.1&from=addon>

Join by Phone:

- 855 703 8985 Canada Toll-free

Meeting ID: 932 0132 8393

Meeting Password: 469088

In-Person Location:

Nelson Office - Boardroom
202 Lakeside Drive, Nelson, BC

2. CALL TO ORDER

Chair Jackman called the meeting to order at ____ a.m.

3. TRADITIONAL LANDS ACKNOWLEDGEMENT STATEMENT

We acknowledge and respect the Indigenous peoples within whose traditional lands we are meeting today.

4. ADOPTION OF THE AGENDA

RECOMMENDATION:

The agenda for the August 14, 2024 Rural Affairs Committee meeting be adopted as circulated.

5. RECEIPT OF MINUTES

The July 17, 2024 Rural Affairs Committee meeting minutes, have been received.

8 - 16

6. DELEGATIONS

No delegations.

7. PLANNING & BUILDING

7.1 CANCEL - BUILDING BYLAW CONTRAVENTION - ARNOTT & IRVINE

17

File No.: 3130-20-D-786.05760.000 BP27516

880 Lewis Road

(Evan Arnott & Jillian Irvine)

Electoral Area E

The Memorandum dated July 15, 2024 from Manda McIntyre, Building Manager re: Cancel - Building Bylaw Contravention - Arnott & Irvine, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer be authorized to remove the Notice on Title relating to 880 Lewis Road, Electoral Area E, currently owned by Evan Arnott and Jillian Irvine, property legally described as LOT A, DISTRICT LOT 222, KOOTENAY DISTRICT PLAN 16174, the RDCK Building Department has confirmed that a building permit has been obtained and the deficiencies associated with the construction have been rectified.

7.2 BUILDING BYLAW CONTRAVENTION - PICCOLO

18 - 21

File No.: 3130-20-H-707.21971.162 BP24210

4610 Highway 6

(Trevor Piccolo)

Electoral Area H

The Memorandum dated July 12, 2024 from Manda McIntyre, Building Manager, re: Building Bylaw Contravention - Piccolo, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 4610 Highway 6, Electoral Area H, legally described as LOT B, PLAN EPP61349, DISTRICT LOT 7689, KOOTENAY LAND DISTRICT, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

7.3 BUILDING BYLAW CONTRAVENTION - WINJE

22 - 29

File No.: 3130-20-H-707.21197.030 BP28114
8923 Slocan West Rd
(Anitra Winje)
Electoral Area H

The Memorandum dated July 12, 2024 from Manda McIntyre, Building Manager, re: Building Bylaw Contravention - Winje, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 8923 Slocan West Road, Electoral Area H, legally described as PLAN NEP648, DISTRICT LOT 1532, KOOTENAY LAND DISTRICT PARCEL D (BEING A CONSOLIDATION OF LOTS 27, 28 & 29, SEE CA5426962), and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

7.4 DEVELOPMENT VARIANCE PERMIT - FILIPPO

30 - 45

File No.: V2311G-0586.250-Filippo-DVP00245
4650 Highway 6
(Anne & Jerry Filippo)
Electoral Area G

The Committee Report dated July 31, 2024 from Stephanie Johnson, Planner, re: Development Variance Permit - Filippo, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2311G to Anne Filippo and Jerry Filippo for the property located at 4650 Highway 6, Electoral Area G and legally described as LOT A, DISTRICT LOT 1241, KOOTENAY DISTRICT PLAN 17958 (PID 011-707-721) to vary Section

8.02 'Individual Groundwater Services' under the *RDCK's Subdivision Bylaw No. 2159, 2011* as follows:

1. By waiving the proof of ground water requirement for subdivision file no. S2332G the proposed remainder lot only.

7.5 NON-ADHERING RESIDENTIAL USE - MEASURES

46 - 66

File No.: A2401G – Measures

8965 Highway 6

(Robert & Yoshie Measures, Agent - Jeremy de Wit)

Electoral Area G

Rural Affairs Committee

Referred May 15, 2024 to July 17, 2024

Referred July 17, 2024 to August 14, 2024

The Committee Report dated July 29, 2024 from Zachari Giacomazzo, Planner, re: Non-Adhering Residential Use - Measures, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board SUPPORT application A2401G for the proposed Non-Adhering Residential Use in the Agricultural Land Reserve proposed by Jeremy de Wit for property located at 8965 Highway 6, Electoral Area G and legally described as LOT C, DISTRICT LOTS 273 AND 1237, KOOTENAY DISTRICT PLAN 2329, EXCEPT PARTS INCLUDED IN REFERENCE PLAN 103021I AND PLAN 5659 (PID: 008-683-654).

7.6 SITE SPECIFIC EXEMPTION TO THE FLOODPLAIN MANAGEMENT BYLAW - WOOLEY

67 - 92

File No.: F2402 – Wooley

5570 Winlaw Bridge Road

(Angus & Rachel Wooley)

Electoral Area H

The Committee Report dated July 31, 2024 from Corey Scott, Planner, re: Site Specific Exemption to the Floodplain Management Bylaw - Wooley, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE a Site Specific Floodplain Exemption to permit the construction of a dwelling, as described in the committee report "Site Specific Exemption to the Floodplain Management Bylaw – 2402H Wooley", dated July 31, 2024 with a floodplain setback of 17 metres in accordance with the Engineering Report prepared by Zeberoff Engineering Ltd. for property located at 5570 Winlaw Bridge Road, Electoral Area H and legally described as LOT B, DISTRICT LOT 3464, KOOTENAY DISTRICT PLAN 949, EXCEPT PART INCLUDED IN PLAN NEP19176 (PID: 011-133-384)

subject to preparation of a covenant under section 219 of the *Land Title Act* and Section 56 of the *Community Charter* in favour of the Regional District of Central Kootenay.

7.7 PLANNING SERVICE WORK PLAN REVIEW
Electoral Areas A, B, C, D, E, F, G, H, I, J, K

93 - 122

Rural Affairs Committee
Referred July 17, 2024 to August 14, 2024

NOTE - Due to staff availability, this item is being requested to be referred to September. Staff is including the materials here for committee members to review in advance of the September RAC meeting.

The Committee Report dated July 4, 2024 from Nelson Wight, Planning Manager, re: Planning Service Work Plan Review, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board direct staff to prioritize those projects listed as near-term projects in the Planning Services Work Plan Review report dated July 4, 2024, which includes: Area I Official Community Plan; Housing Needs Assessment; Regional Growth Planning Analysis; Active Transportation Feasibility Study - Castlegar to Nelson; Local Government Housing Initiatives; Subdivision Servicing Bylaw Review; Flood Hazard Policy/Regulations Update; Planning Procedures and Fees Bylaw Review;

AND FURTHER, that the Board direct staff to schedule a second workshop with the Rural Directors to discuss the longer-term direction for Planning Services.

8. ENVIRONMENTAL SERVICES

No items.

9. RURAL ADMINISTRATION

9.1 COMMUNITY WORKS FUND APPLICATION – REGIONAL DISTRICT OF CENTRAL KOOTENAY “NORTH SHORE FIRE HALL-HVAC HEAT PUMP UPGRADE PROJECT”

123 - 133

File No.: 1850-20-CW-300
Electoral Area F

The Committee Report dated July 17, 2024 from Melissa Djakovic, Auxiliary Administrative Assistant, re: Community Works Fund Application - Regional District Of Central Kootenay “North Shore Fire Hall-HVAC Heat Pump Upgrade Project”, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the RDCK Community Works Fund application submitted for the North Shore Fire Hall – HVAC Heat Pump Upgrade Project, in the total amount of \$67,900.33 be approved and that the funds be disbursed from Area F Community Works Funds and allocated to Fire Protection – Def F North Shore - Service 134.

9.2 COMMUNITY WORKS FUND APPLICATION – REGIONAL DISTRICT OF CENTRAL KOOTENAY “NORTH SHORE FIRE HALL STAND-BY GENERATOR PROJECT”

134 - 144

File No.: 1850-20-CW-307

Electoral Area F

The Committee Report dated July 17, 2024 from Melissa Djakovic, Auxiliary Administrative Assistant, re: Community Works Fund Application - Regional District Of Central Kootenay “North Shore Fire Hall - North Shore Fire Hall Stand-by Generator Project”, has been received.

RECOMMENDATION:

That it be recommended to the Board:

THAT the Community Works Fund application submitted by Regional District of Central Kootenay for the project titled “North Shore Fire Hall Stand-by Generator Project Project” in the amount of \$87,550.00 be approved and that funds be disbursed from Area F Community Works Funds and allocated to Fire Protection – Def F North Shore - Service 134.

9.3 COMMUNITY WORKS FUND APPLICATION – REGIONAL DISTRICT OF CENTRAL KOOTENAY “BEASLEY FIRE HALL PAVING PROJECT”

145 - 155

File No.: 1850-20-CW-306

Electoral Area F

The Committee Report dated July 17, 2024 from Melissa Djakovic, Auxiliary Administrative Assistant, re: Community Works Fund Application - Regional District Of Central Kootenay “Beasley Fire Hall Paving Project”, has been received.

RECOMMENDATION:

That it be recommended to the Board:

THAT the Community Works Fund application submitted by Regional District of Central Kootenay (RDCK) for the project titled “Beasley Fire Hall Paving Project” in the amount of \$113,100.00 be approved and that funds be disbursed from Area F Community Works and allocated to Fire Protection – Areas F (Beasley/Blewett) – Service 144.

10. PUBLIC TIME

The Chair will call for questions from the public and members of the media at _____ a.m./p.m.

11. ADJOURNMENT

RECOMMENDATION:

The meeting be adjourned at _____



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE MEETING
Open Meeting Minutes

Wednesday, July 17, 2024

9:00 a.m.

Hybrid Model - In-person and Remote

RDCK Board Room, 202 Lakeside Dr., Nelson, BC

COMMITTEE MEMBERS

PRESENT

Chair G. Jackman	Electoral Area A – In-person
Director R. Tierney	Electoral Area B – In-person
Director K. Vandenberghe	Electoral Area C – In-person
Director A. Watson	Electoral Area D – In-person
Director C. Graham	Electoral Area E – In-person
Director T. Newell	Electoral Area F – In-person
Director H. Cunningham	Electoral Area G – In-person
Director W. Popoff	Electoral Area H – In-person
Director A. Davidoff	Electoral Area I
Director H. Hanegraaf	Electoral Area J - In-person
Director T. Weatherhead	Electoral Area K – In-person

GUEST DIRECTOR

Director L. Main	City of Silverton
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STAFF PRESENT

S. Horn	Chief Administrative Officer
U. Wolf	General Manager of Environmental Services
S. Sudan	General Manager of Development and Community Sustainability Initiatives
N. Wight	Planning Manager
Z. Giacomazzo	Planner
S. Johnson	Planner
C. Scott	Planner
C. Hopkyns	Corporate Administrative Coordinator
C. Feeney	Corporate Administrative Assistant – Meeting Coordinator

1. ZOOM REMOTE MEETING INFO

To promote openness, transparency and provide accessibility to the public we provide the ability to attend all RDCK meetings in-person or remote (hybrid model).

Join by Video:

<https://rdck-bc-ca.zoom.us/j/94688803949?pwd=ZZzkw61MaPCkoDOKpQIC28WJflrmnd.1&from=addon>

Join by Phone:

- +1 778 907 2071 Canada
- 833 958 1164 Canada Toll-free

Meeting Number (access code): 946 8880 3949

Meeting Password: 402641

2. CALL TO ORDER

Chair Jackman called the meeting to order at 9:00 a.m.

3. TRADITIONAL LANDS ACKNOWLEDGEMENT STATEMENT

We acknowledge and respect the Indigenous peoples within whose traditional lands we are meeting today.

4. ADOPTION OF THE AGENDA

Moved and seconded,
And resolved:

The agenda for the June 12, 2024 Rural Affairs Committee meeting be adopted as circulated.

Carried

5. RECEIPT OF MINUTES

The June 12, 2024 Rural Affairs Committee meeting minutes, have been received.

Moved and seconded,
And resolved

Director Main have freedom of the floor.

Carried

6. DELEGATIONS

7.4 – Judith Levinson

7.5 – Chad Marlatt, Cypress Land Services Inc.

7. PLANNING & BUILDING

7.1 DEVELOPMENT VARIANCE PERMIT - GIENGER**File No.: V2403J****(Tyler & Kristy Gienger)****Electoral Area J**

The Committee Report dated June 21, 2024 from Zachari Giacomazzo, Planner, re: Development Variance Permit - Gienger, has been received.

Zachari Giacomazzo, Planner, provided an overview to the Committee regarding Development Variance Permit (DVP) application. The DVP application seeks to vary Section 605.1 of the RDCK Zoning Bylaw No. 1675, 2004 to allow the front yard setback be reduced from 7.5 metres to 2.4 metres to permit construction of an accessory building.

Staff answered the Committee's questions.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2403J to Tyler D. Gienger for the property located at 699 Waterloo Road, Electoral Area J and legally described as LOT 3, DISTRICT LOT 4598, KOOTENAY DISTRICT PLAN EPP16789 (PID: 030-905-702) to vary Section 605.1 of *RDCK Zoning Bylaw No. 1675, 2004* in order to permit a 2.4 metre setback from the front lot line for an accessory building whereas the bylaw requires a 7.5 metre setback from a front or exterior side lot line;

SUBJECT TO the existing vegetation (3 coniferous trees) between the road and the proposed building being retained in order to provide a visual buffer from the proposed building and the road.

Carried

7.2 TEMPORARY USE PERMIT - JANSSEN**File No.: T2401K****851 Lower Inonoaklin Road****(Martin Nolan & Suzanne Janssen)****Electoral Area K**

The Committee Report dated June 21, 2024 from Zachari Giacomazzo, Planner, re: Temporary Use Permit - Janssen has been received.

Zachari Giacomazzo, Planner, provided background information to the Committee regarding the Temporary Use Permit. The TUP seeks to construct an accessory building

prior to building the future dwelling on the property. BC Hydro provided comment that there is a historical charge in the form of an easement on the property related to flood risk.

Staff answered the Committee's questions.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board direct staff to provide notification of the Board's intention to consider Temporary Use Permit T2401K application by Martin Nolan Janssen and Suzanne Janssen for the property located at 851 Lower Inonoaklin Road, Electoral Area K and legally described as LOT 1, DISTRICT LOT 8135, KOOTENAY DISTRICT PLAN 10859 (PID: 011-581-972) at the next available opportunity.

SUBJECT TO BC Hydro providing the RDCK with written confirmation that the owner worked with the appropriate agencies in order to register the appropriate agreement/easement on the property title.

Carried

7.3 NON-ADHERING RESIDENTIAL USE - MEASURES

File No.: A2401G

8965 Highway 6

(Robert & Yoshie Measures)

Electoral Area G

Rural Affairs Committee

Referred May 15, 2024 to July 17, 2024

The Committee Report dated May 1, 2024 from Zachari Giacomazzo, Planner re: Non-Adhering Residential Use - Measures, has been received.

Note: That Staff recommend referral to the August 14, 2024 meeting.

Moved and seconded,

And resolved:

That the following motion **BE REFERRED** to the August 14, 2024 Rural Affairs Committee meeting:

That the Board PROVIDE NO COMMENT regarding application A2401G for the proposed Non-Adhering Residential Use in the Agricultural Land Reserve proposed by Ben Conroy for property located at 8965 Highway 6, Electoral Area 'G' and legally described as LOT

C, DISTRICT LOTS 273 AND 1237, KOOTENAY DISTRICT PLAN 2329, EXCEPT PARTS INCLUDED IN REFERENCE PLAN 103021I AND PLAN 5659 (PID: 008-683-654).

Carried

7.4 SITE SPECIFIC EXEMPTION TO THE FLOODPLAIN MANAGEMENT BYLAW - LEVINSON
File No.: F2302E
2205 Bealby Road
(Jerry Robert & Judith Loraine Levinson)
Electoral Area E

The Committee Report dated June 21, 2024 from Zachari Giacomazzo, Planner, re: Site Specific Exemption to the Floodplain Management Bylaw, has been received.

The delegation, Judith Levinson provide a brief update that there were some requirements that were needed to be addressed with Interior Health in regards to septic engineering that was received this morning but unable to make it on the report.

The property owner, Judith was available to answer the Committee's questions.

Staff answered the Committee's questions.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board APPROVE a Site Specific Floodplain Exemption to permit the construction of a dwelling with a secondary suite with a floodplain setback of 7.5 metres in accordance with the Engineering Report prepared by Crowsnest Engineering for property located at 2205 Bealby Road, Electoral Area 'E' and legally described as LOT A, DISTRICT LOT 1316, KOOTENAY DISTRICT PLAN NEP85347 (PID: 027-301-656) as follows:

1. SUBJECT TO preparation by Jerry Robert Levinson and Judith Loraine Levinson of a restrictive covenant under Section 219 of the Land Title Act and Section 56 of the Community Charter in favour of the Regional District of Central Kootenay; and,
2. SUBJECT TO the applicants providing a wastewater site assessment completed by an authorized person in order to confirm that the land is capable of servicing the scale of residential development that is being proposed (detached dwelling with secondary suite). The wastewater site assessment must indicate a suitable location for an initial field and back-up field in order to confirm the long term sustainability of residential development on this lot; and,

3. SUBJECT TO the registration of a Section 219 restrictive covenant, which identifies that the development and uses shall be limited to the maximum capacity of the proposed on-site wastewater system on the subject property.

Carried

7.5 INNOVATION SCIENCE & ECONOMIC DEVELOPMENT CANADA REFERRAL - TELUS

File No.: R2417B

2578 Canyon-Lister Road

(TELUS - Cypress Land Services Inc.)

Electoral Area B

The Committee Report dated July 3, 2024 from Stephanie Johnson, Planner, re: Innovation Science & Economic Development Canada Referral has been received.

Stephanie Johnson, Planner, provided an overview to the Committee regarding the Innovation Science & Economic Development Canada Referral from Telus. The referral from Telus is to construct a telecommunication tower and antenna system, including an accessory structure on private land in Electoral Area B.

Stephanie and Chad Marlatt, Cypress Land Services Inc. answered the Committee's questions.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board direct staff to respond to TELUS regarding a new telecommunications tower and antenna system(s) location in Electoral Area 'B', as described in Attachment 'C' – RDCK Response Letter, to Rural Affairs Committee Report "Innovation Science & Economic Development Canada Referral: TELUS" dated July 3, 2024 and include the points made by the Rural Affairs Committee.

Carried

ORDER OF AGENDA CHANGED The Order of Business was changed to conduct the In Camera meeting, with Item 10 – IN CAMERA be considered at this time.

10. IN CAMERA

10.1 MEETING CLOSED TO THE PUBLIC

Moved and seconded,

And resolved:

In the opinion of the Board and, in accordance with Section 90 of the Community Charter the public interest so requires that persons other than DIRECTORS, ALTERNATE DIRECTORS, DELEGATIONS AND STAFF be excluded from the meeting;

AND FURTHER, in accordance with Section 90 of the Community Charter, the meeting is to be closed on the basis(es) identified in the following Subsections:

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

Carried

10.2 RECESS OF OPEN MEETING

Moved and seconded,
And resolved:

The Open Meeting be recessed in order to conduct the Closed In Camera meeting.

Carried

RECESS/ The meeting recessed at 10:20 a.m. to move back into the open meeting and
RECONVENE reconvened at 11:45 a.m.

ORDER OF AGENDA CHANGED The Order of Business was changed with Item 8.1 Discussion Item: Community Works Fund Application – Robson Fire Hall be considered at this time.

8. RURAL ADMINISTRATION

8.1 DISCUSSION ITEM: COMMUNITY WORKS FUND APPLICATION - ROBSON FIRE HALL

The Committee Report dated June 26, 2024 from Lisa Rein, Grants Coordinator, re: Community Works Fund Application - Regional District of Central Kootenay "Robson Fire Hall - Fencing and Service Door Upgrade Project" has been received.

Moved and seconded,
And resolved that it be recommended to the Board:

THAT the Community Works Fund application submitted by Regional District of Central Kootenay (RDCK) for the project titled "Robson Fire Hall – Fencing and Service Door Upgrade Project" in the amount of \$63,750.50 be approved and that funds be disbursed

from Area J Community Works and allocated to Service S138 – Fire Protection (Robson, Raspberry).

Carried

9. PUBLIC TIME

The Chair called for questions from the public and members of the media at 11:48 a.m.

No public or media had questions.

ORDER OF AGENDA Item 7.6 – Planning Service Work Plan Review was considered at this time.

RESUMED

7.6 PLANNING SERVICE WORK PLAN REVIEW

The Committee Report dated July 4, 2024 from Nelson Wight, Planning Manager, re: Planning Service Work Plan Review has been received.

Nelson Wight, Planning Manager provided an overview of the work the Planning department is currently working on. Due to time constraints, the Committee recommended referring this item to the August 14, 2024 Rural Affairs Committee Meeting.

Moved and seconded,
And resolved:

That the following motion **BE REFERRED** to the August 14, 2024 Rural Affairs Committee meeting:

That the Board direct staff to prioritize those projects listed as near-term projects in the Planning Services Work Plan Review report dated July 4, 2024, which includes: Area I Official Community Plan; Housing Needs Assessment; Regional Growth Planning Analysis; Active Transportation Feasibility Study - Castlegar to Nelson; Local Government Housing Initiatives; Subdivision Servicing Bylaw Review; Flood Hazard Policy/Regulations Update; Planning Procedures and Fees Bylaw Review;

AND FURTHER, that the Board direct staff to schedule a second workshop with the Rural Directors to discuss the longer-term direction for Planning Services.

Carried

7.7 FOR INFORMATION: PLANNING SERVICES REPORT

The Planning Services Report dated from Nelson Wight, Planning Manager re: Planning Services Report - Quarter 1 & Quarter 2, has been received for information.

11. ADJOURNMENT

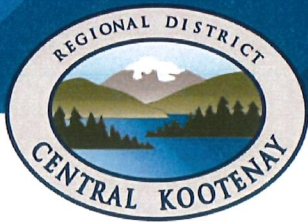
Moved and seconded,
And resolved:

The meeting be adjourned at 12:05 p.m.

Carried

Digitally Approved By

Chair Jackman, Chair



MEMORANDUM

File 3130-20-E-707.01282.090-BP27093

July 15, 2024

TO: RDCK Board

FROM: Manda McIntyre,
SUBJECT: Cancellation of Notice on Title – Arnott, Evan and Irvine, Jillian– 880 Lewis Rd

Please be advised that the condition that gave rise to adopting the following resolution on February 18, 2021, has been rectified by Building Permit 27093. We can now file for a Cancellation Notice to cancel bylaw offence CA8790497

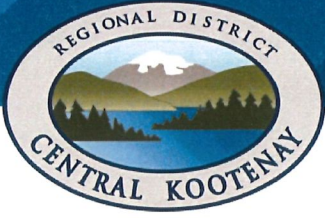
160/21 That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the Community Charter by the Regional District Board relating to land at 880 Lewis Road, Electoral Area E, legally described as Lot A, District Lot 222, Kootenay District Plan 16174, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

The owner, Arnott, Evan and Irvine, Jillian, has requested removal of the Notice on Title in writing and has paid the administration fee of \$750.00

As a result of the above, I am recommending cancellation of the said Notice on Title.

Originally signed by

Manda McIntyre
Acting Building Manager



MEMORANDUM

File 3130-20-H-707.21971.162 BP24210

July 12, 2024

TO: RDCK Board

FROM: Manda McIntyre, Building Manager

SUBJECT: Filing of Section 57-Notice on Title- Piccolo - 4610 Highway 6

Please be advised that permit BP24210 expired March 8, 2024 and the owner, Trevor Pocolo, has agreed to have the RDCK file a Notice on Title on his property. The said property has a civic address 4610 Highway 6 and legal description LOT B PLAN EPP61349 DISTRICT LOT 7689 KOOTENAY LAND DISTRICT.

As a result of the above, I am recommending filing a Notice on Title.

Originally signed by

Manda McIntyre
Acting Building Manager

Nov 30, 2017 – Building Inspector Sam Ellison posted a Stop Work Oder notice on a building (shop) under construction without a building permit

Dec 11, 2017 – The owner of the property submitted a building permit application

Feb 21, 2018 – RDCK Building Department received a letter of commitment to submit the record of sewerage system and certification of the system prior to occupancy from Jim Ripley Registered Onsite Wastewater Practitioner (ROWP). Permit was issued with good faith as the letter stated that the existing system was in good condition and could support the additional load from the shop building.

Mar 7, 2018 – The building permit was paid for and issued with expiry of Dec 7, 2021

Feb 23, 2021 – There was no further correspondence and the first expiry letter was sent to the Owner on Feb 23, 2021.

Mar 15, 2021 - Building Official Peter Southin attended the property for a site visit and the following inspections and reports were complete:

- Siting & Footing Inspection – Failed – verification of footings and soil below footing due to construction and cover prior to inspection, could not be reviewed.
- Damp-proofing & DRAINTILE – Failed – Due to construction and cover prior to inspection, could not be reviewed.
- Underslab Plumbing – Failed – Due to construction and cover prior to inspection, could not be reviewed.
- Rough-in Plumbing – Failed – due to covering prior to inspection.
- Framing – Failed - Due to several noted deficiencies including; incomplete fire separations, incomplete flashing, inadequate roof venting, non-compliant stairs, missing manufactured truss specifications, non-compliant heating and ventilation, non-compliant exiting – accessibility – and emergency lighting, and failure to submit sewerage certification documentation (condition of issuance of BP).
- Insulation & Vapour Barrier – Failed.
- Final – Failed.

Mar 18, 2021 – Owner renewed building Permit for 1-yr.

Mar 8, 2022 – first expiry letter was sent to Owner

Mar 23, 2022 - 2nd renewal of Building Permit, Owner informed RDCK that there was onnly a few tasks to do on the permit.

Feb 7, 2023 - first expiry letter sent

Feb 23, 2023 – Owner applied for 1 year renewal

Jan 16, 2024 – RDCK emailed pending expiry notice to Owner

Mar 5, 2024 – Owner came into Nelson RDCK office and stated that they are not completing permit, owner was informed that the file would go to referral for NOT and was okay with it.

Mar 7-2024 – RDCK Building Administrative Assistant Donna Carmichael emailed and mailed Section 57 Form for signature on form.

Mar 21, 2024 – RDCK Building Department received signed Section 57 form to register NOT - see file has 3 renewals from 2021-2023 and all inspections remain failed since first inspection in Mar of 2021.

Notice on title – Trevor Piccolo
4610 HIGHWAY 6

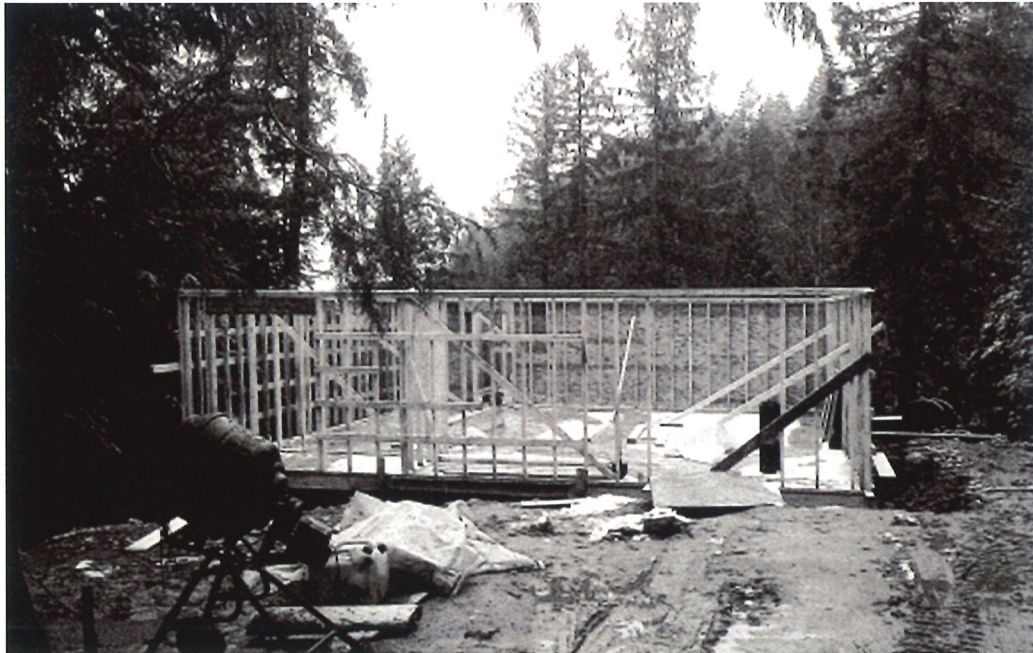


Photo taken at time of SWO, Nov. 30 2017



REGIONAL DISTRICT OF CENTRAL KOOTENAY

FILING OF SECTION 57 NOTICE

Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

I, **Trevor Piccolo**, hereby confirm that we have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the *Community Charter* against our/my property legally described as LOT B PLAN EPP61349 DISTRICT LOT 7689 KOOTENAY LAND DISTRICT.

March 14/2024
DATE

Originally signed by

Trevor Piccolo
Trevor Piccolo

DATE

RECEIVED

MAR 21 2024

REGIONAL DISTRICT OF
CENTRAL KOOTENAY
NELSON, B.C.

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 | rdck.ca

Notice on title – Trevor Piccolo
4610 HIGHWAY 6



MEMORANDUM

File 3130-20-H-707.21197.030 BP28114

July 12, 2024

TO: RDCK Board

FROM: Manda McIntyre, Building Manager

SUBJECT: Filing of Section 57-Notice on Title- Winje, Anitra 8923 Slocan West Rd

Please be advised that permit BP28114 has not conformed to BC Building code, Anitra Winje, has agreed to have the RDCK file a Notice on Title on his property. The said property has a civic address PLAN NEP648 DISTRICT LOT 1532 KOOTENAY LAND DISTRICT PARCEL D, (BEING A CONSOLIDATION OF LOTS 27, 28 & 29, SEE CA5426962).

As a result of the above, I am recommending filing a Notice on Title.

Originally signed by

Manda McIntyre
Acting Building Manager

Work has not been carried out in accordance with the BC Building Code. A building was constructed and occupied prior to obtaining a Building or Plumbing Permit. After applying for and approval of a permit, due to several building code and life safety deficiencies noted during the first inspection of the building, the owner has requested to proceed with placing a notice on title in lieu of rectifying these deficiencies.

Aug 24, 2023 - A Stop Work Order Notice was placed on an unpermitted structure by Building Official Dan Siminoff at the noted property. See Photo 1.

Sep 6, 2023 – Building permit application was received with a letter to the Building Official Dan Siminoff explaining that the owner was not aware a permit was required as per the size of the structure. The building area is 140ft². Although there is an exemption in the BC Building Code for buildings under 107ft² (10m²), for a building of this size to be exempt, it would have to be an accessory building that does not create a hazard (un-occupied, un-heated, un-plumbed, etc.) This building does not fit this description. An accessory building is also an accessory to a primary building – we understand that there are no other buildings on the property.

Sept 12, 2023- sent email requesting clarification of the use of the building (as submitted site plans indicated “tiny house”. The construction plans layout indicate a dwelling with a kitchen, bathroom and sleeping area (loft sleeping area as per the submitted drawings). The email also indicated that if the building was occupied as habitable space as per the RDCK Floodplain Management Bylaw, then it would be required to meet the flood construction level (FCL) of 539 G.S.C. as the property is within the floodplain of the Slocan River.

Sep 18, 2023 – Owner replied to above email stating that the building was constructed to be used as a “playhouse” and the two-burner stove top was installed for heating water for tea and coffee, there is no oven or shower installed. The email explains that the building is not intended to be used as a dwelling.

- Since the building is intended to be used to support an occupancy and habitable space the building is still required to meet the FCL and all BCBC requirements for a C – Residential Occupancy, even if not being used as a full time dwelling.

Dec 5, 2023 – an email was sent to the property owner from RDCK Building Official – Plan Checker Graham Gordon. The email outlined the building area to be 140ft². In the email was a list of items that were identified upon review of the submitted plans that did not comply with the BC Building Code. As the building had been constructed and most of the structural elements covered with interior and exterior finishes, a sealed letter from a Structural Engineer was requested to be submitted to illustrate compliance with the Code.

Dec 6, 2023 – Chris Gainham (Building Department Manager) requested a letter to confirm the condition and capacity of the existing septic system from a Registered Onsite Wastewater Practitioner (ROWP).

- This was requested as the submitted septic system certification from 2018 was for a house, and it was undetermined if the house or septic field had been in use for some time. The septic letter did come back with some recommended updates prior to being connected to the new building. This letter was submitted to the RDCK Building Department on February 15, 2024.

Feb 28, 2024 - owner corresponding with CG & retaining engineer – EC

Notice on title – Anitra Winje
8923 Slocan West Rd

Apr 19, 2024 – Submission of BCBC 2018 Schedule B – Structural Letter of Assurance from Structural Engineer was received.

April 19, 2024 – Submission of BCBC 2018 Schedule C-B – Structural Letter of Assurance was received. Also received with the engineering Schedules was a letter from Zeberoff Engineering Ltd. Stating that a site visit was completed to examine the 140ft² structure with the intent to be used as a living space. The report stated some noted structural deficiencies and additional instructions that were completed to reinforce the structure where required. The report covered all structural aspects of the building including the footings. The email from the owner at the time of submission of the report indicated that the Engineer's statement about the "intent to be used as a living space" was an error, and the building would be used as a Writer's Studio in the spring and summer.

April 19, 2024 – Donna Carmichael, Building Administrative Assistant, sent out an email notify RDCK Building Staff that the file was ready to plan check.

Apr 19, 2024 – Chris Gainham, Building Department Manager, emailed owner to inform that the Building Permit would be reviewed and issued as seasonal Dwelling.

May 3rd 2024 – Chris Gainham, Building Department Manager, sent an email to the owner to state that the final review and approval of the permit was in progress, and they should be receiving the permit early the next week. This email also noted that in order to pass the final inspection, there is a condition for which a sign would be required to be posted to inform occupants that the storage loft is not habitable space and for storage use only.

May 3, 2024 - Email correspondence between the property owner and the Building Manager regarding the request to have the RDCK cover the cost of having a ROWP review and submit a letter for the condition of the system and connecting the new structure to it. The Building Manager sent the owner a reply indicating that there was a note from the ROWP in the condition review letter stating that an upgrade to the system was required, but if they owner wished to continue with to submit a claim that they could do so and he provided a MIABC claim form. There was also a note that the letter submitted to the RDCK from the ROWP had the incorrect PID number and required to be updated.

May 10, 2024 – A revised septic letter was received with the correct PID.

May 17, 2024 – Building Permit was approved and issued.

July 4, 2024 – Building Official Shawn Denny went to site for inspections (Siting / Footing, Framing, Plumbing, and Insulation).

- Siting & Footings – Failed Inspection: Property Pins were not observed / verified, P. Eng. Report approved in April 19, 2024 site report. 539m G.S.C. (geodetic survey of Canada – elevation) is required to be met as the Flood Construction Level (FCL) at the underside of the habitable floor framing system as per the RDCK Floodplain Bylaw. This has been requested to be determined and shown, along with the as-built setback compliance in relation to the property lines and setback from the natural boundary of the Slocan River (30m required).
- Plumbing Inspection – Failed – Several plumbing deficiencies were noted during the inspection such as; no cleanouts installed, inadequate sloping of DWV piping, installation of air-admittance valve installed behind drywall (not accessible), missing req. min. 3" dia. Main vent stack, etc.)
- Framing Inspection – Failed – Although the structural components of the structure were approved by a P. Eng., Other required deficiencies not covered by the Engineer were noted; Mechanical ventilation as per 9.32 & 9.32 of the BCBC not installed and Mechanical ventilation checklist was not submitted, flashing over exterior openings missing, exterior stair height variation is non-compliant with Section 9.8 of the BCBC, interior ladder to loft area shall not be fixed in place (if permanent access-it shall be achieved with code

Notice on title – Anitra Winje
8923 Slocan West Rd

compliant stair as per Section 9.8 of the BCBC), and the photos provided of the air barrier installed behind the cladding appeared to be a plastic type material that may not comply with BCBC and also create a building envelope issue with an interior and exterior air barrier (moisture trap), and there is no exhaust fan installed in the kitchen cooking area as per Section 9.32. of the BCBC.

- Insulation Inspection – Failed – Due to the installation of interior finishes prior to inspection the inspector was unable to verify the type and installation of insulation and vapour barrier within the exterior walls, unable to verify vapour barrier installation and penetrations, etc.

July 5, 2024 – Email of failed inspections sent to Owner by Sr. Building Official Manda McIntyre.

July 8, 2024 – Building Department received a form from owner requesting Notice on Title be placed on property for the non-conforming building.

July 9, 2024 - Building Department received a signed section 57 form from owner requesting Notice on Title be placed on property

Timeline photos

Notice on title – Anitra Winje
8923 Slocan West Rd

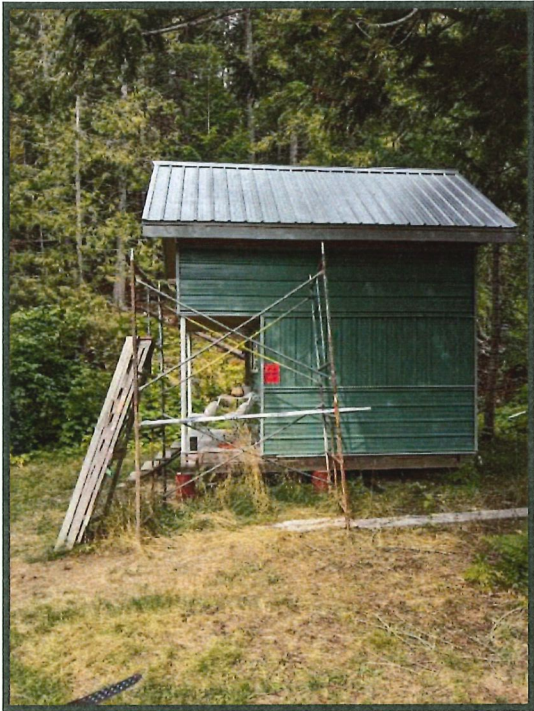


Photo 1. Aug 24, 2023 - Photo of SWO placed

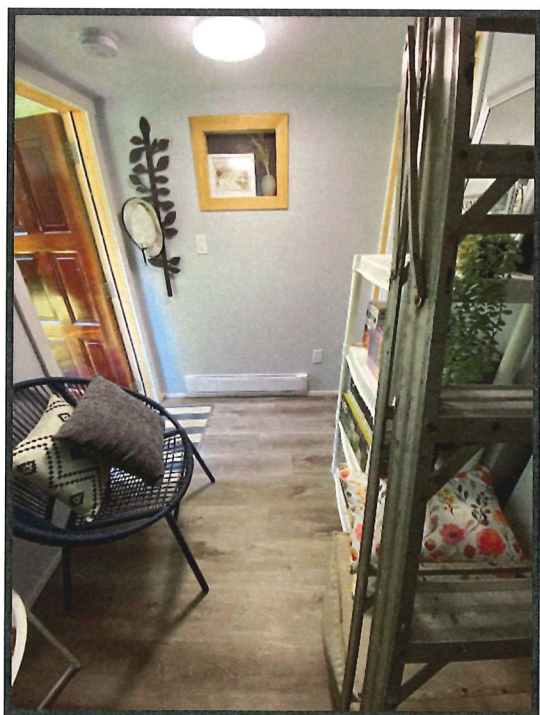


July 4, 2024 – Washroom



Upper loft area - used for additional habitable space (not storage)

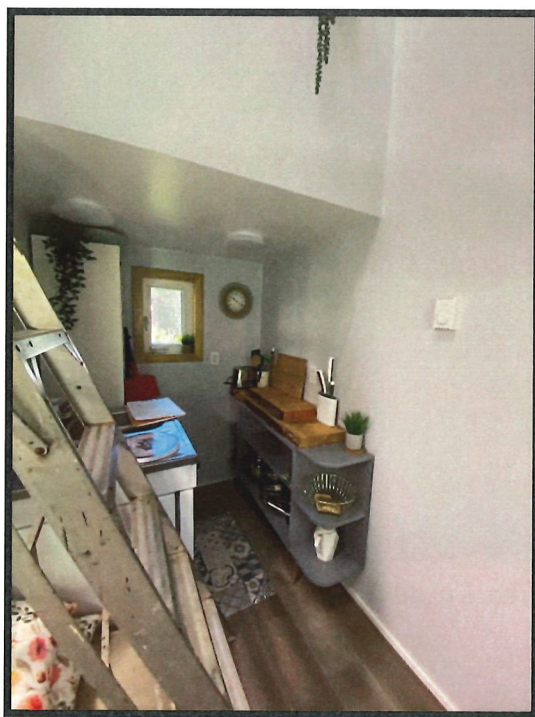
Notice on title – Anitra Winje
8923 Slocan West Rd



July 4, 2024 – Interior view towards washroom stovetop




July 4, 2024 - Kitchen Area – Electric



July 4, 2024 – Interior view of ladder access to loft area

Notice on title – Anitra Winje
8923 Slocan West Rd



REGIONAL DISTRICT OF CENTRAL KOOTENAY

FILING OF SECTION 57 NOTICE

Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

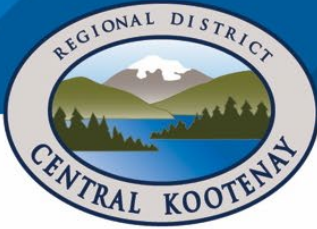
I, **ANITRA M WINJE**, hereby confirm that we have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the Community Charter against our/my property legally described as PLAN NEP648 DISTRICT LOT 1532 KOOTENAY LAND DISTRICT PARCEL D, (BEING A CONSOLIDATION OF LOTS 27, 28 & 29, SEE CA5426962).

July 9, 2024
DATE

Originally signed by
Anitra Winje

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: 250.352.9360 | rdck.ca

July 9, 2024-Signed section 57 form to authorize registration of Notice on Title



Committee Report

Date of Report: July 31, 2024
Date & Type of Meeting: August 14, 2024, Rural Affairs Committee
Author: Stephanie Johnson, Planner
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2311G-0586.250-Filippo-DVP00245
Electoral Area/Municipality G

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Regional Board to consider a Development Variance Permit (DVP) application to waive the proof of water requirement for a remainder parcel under the Subdivision Bylaw. The subject property is located at 4650 Highway 6 in Electoral Area 'G'.

Specifically, this DVP application seeks to vary Section 8.02 'Individual Groundwater Services' under the RDCK's *Subdivision Bylaw No. 2159, 2011* for one new lot and remainder by waiving the proof of ground water requirement for the proposed remainder lot only. No new development is proposed for the remainder lot.

To facilitate this subdivision, a bylaw amendment application to change the Official Community Plan (OCP) land use designation and rezone the proposed new lot for a residential use was submitted, and received substantive approval on June 13, 2024 from the Regional Board. The proposed 13.4 ha remainder lot will retain the existing Parks and Recreation OCP designation and zoning.

Staff recommend that the Regional Board approve issuance of this DVP.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Property Owners: Anne Filippo and Jerry Filippo
Property Location: 4650 Highway 6, Hall Siding, Electoral Area 'G'
Legal Description: LOT A DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN 17958 (PID: 011-707-721)
Property Size: 14.4 hectares (35.6 acres)
Current Zoning: Parks and Recreation (PR) / INSERT
Current Official Community Plan Designation: Parks and Recreation (PR)
SURROUNDING LAND USES
North: Tourist Commercial (TC)
East: Tourist Commercial (TC) and Forest Reserve (FR)
South: Tourist Commercial (TC) and Resource Area (RA)
West: Parks and Recreation (PR) and Forest Reserve (FR)

Background Information and Site Context

The subject property is located in Electoral Area 'G' on Highway 6, approximately 10 km south of the City of Nelson at the base of Whitewater Ski Hill Road. A portion of the lot is presently used as a main entrance (Apex Kiosk) to the Nelson Nordic Ski Club trails. No new development is proposed for the remainder parcel therefore will not require servicing.

A rural subdivision application was submitted to the Province (Ministry of Transportation and Infrastructure) to create a new 1.0 ha lot to allow for the construction of a one-family dwelling with on-site servicing. The proposed 13.4 ha remainder lot would retain the existing Parks and Recreation land use designation and zoning. Through the subdivision referral process, Regional District staff identified in our local government referral comments that an RDCK bylaw amendment application to successfully amend the land use designation and rezone the proposed lot is required prior to the Rural Approving Officer considering final subdivision approval.

At the June 13, 2024, 2021 Regular Open meeting the Regional Board resolved:

That *Land Use Amendment Bylaw No. 2935, 2023* being a bylaw to amend *Electoral Area 'G' Land Use Bylaw No. 2452, 2018* is hereby given THIRD READING.

And Further that the consideration of adoption BE WITHHELD for *Land Use Amendment Bylaw No. 2935, 2023* being a bylaw to amend *Electoral Area 'G' Land Use Bylaw No. 2452, 2018* until the following items have been obtained:

- i. Approval of *Land Use Amendment Bylaw No. 2935, 2023* by the Ministry of Transportation and Infrastructure, pursuant to Section 52 (3)(a) of the Transportation Act.

The RDCK application to consider amending the land use designation and rezoning for the above subdivision has now been approved by the Ministry of Transportation and Infrastructure and is also on the August 15, 2024 Regular Open meeting agenda for the Regional Board's consideration of adoption. In response, Planning staff are proceeding with bringing this variance forward to assist with the efficient processing of this development proposal.



Figure 1: General Site Location

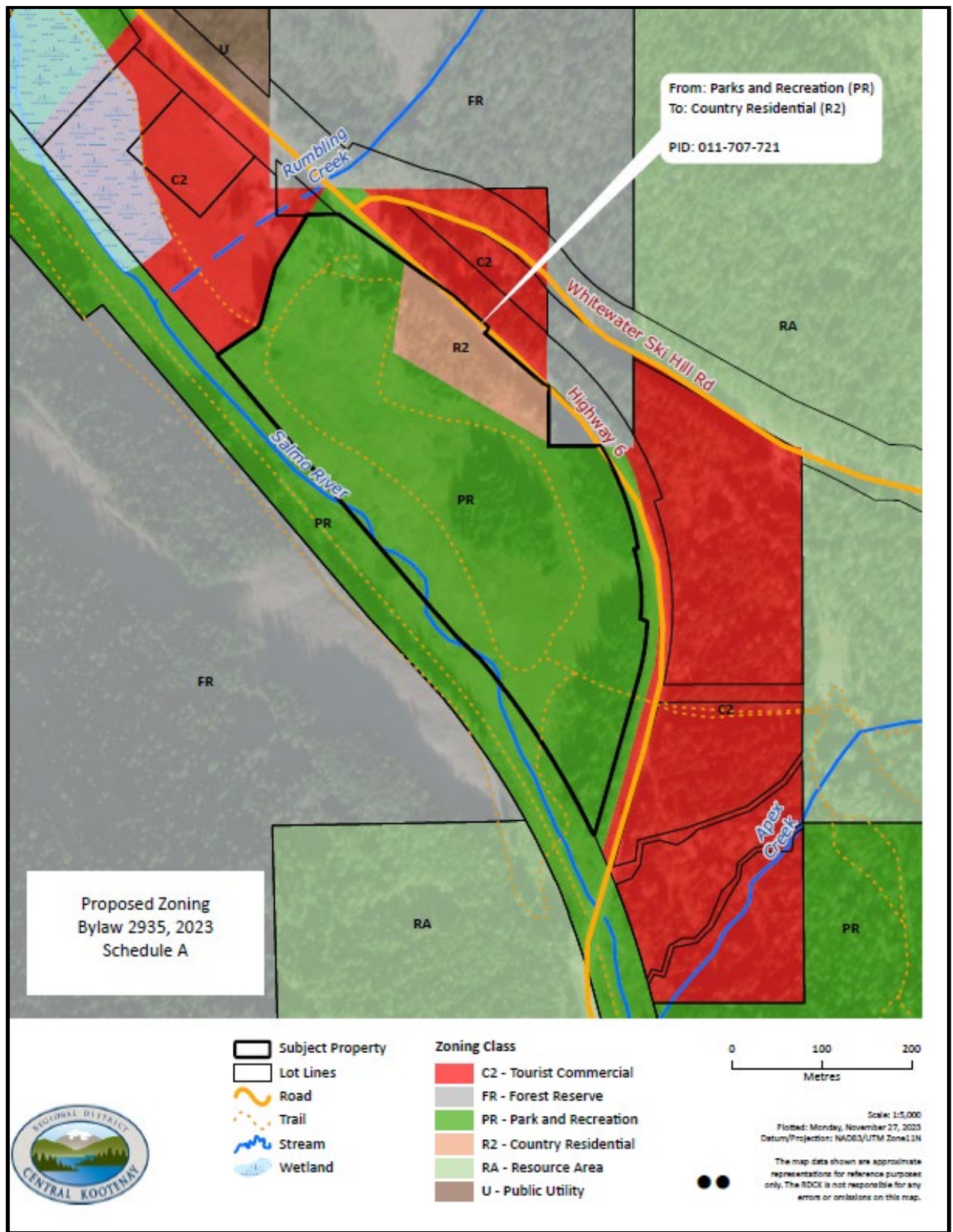


Figure 2: Proposed Zoning Ma

Development Proposal

The Regional District's Subdivision Bylaw requires proof of individual groundwater services for all new and remainder lots. The purpose of this application is to vary the subdivision servicing requirement to provide evidence that there are sufficient quantities for ground water for the proposed remainder lot only. No new development is proposed for the remainder lot. All other servicing requirements for the proposed new residential lot would remain in effect. Please see the proposed site plan and plan of subdivision in Figures 3-4.



Figure 3: Site Plan

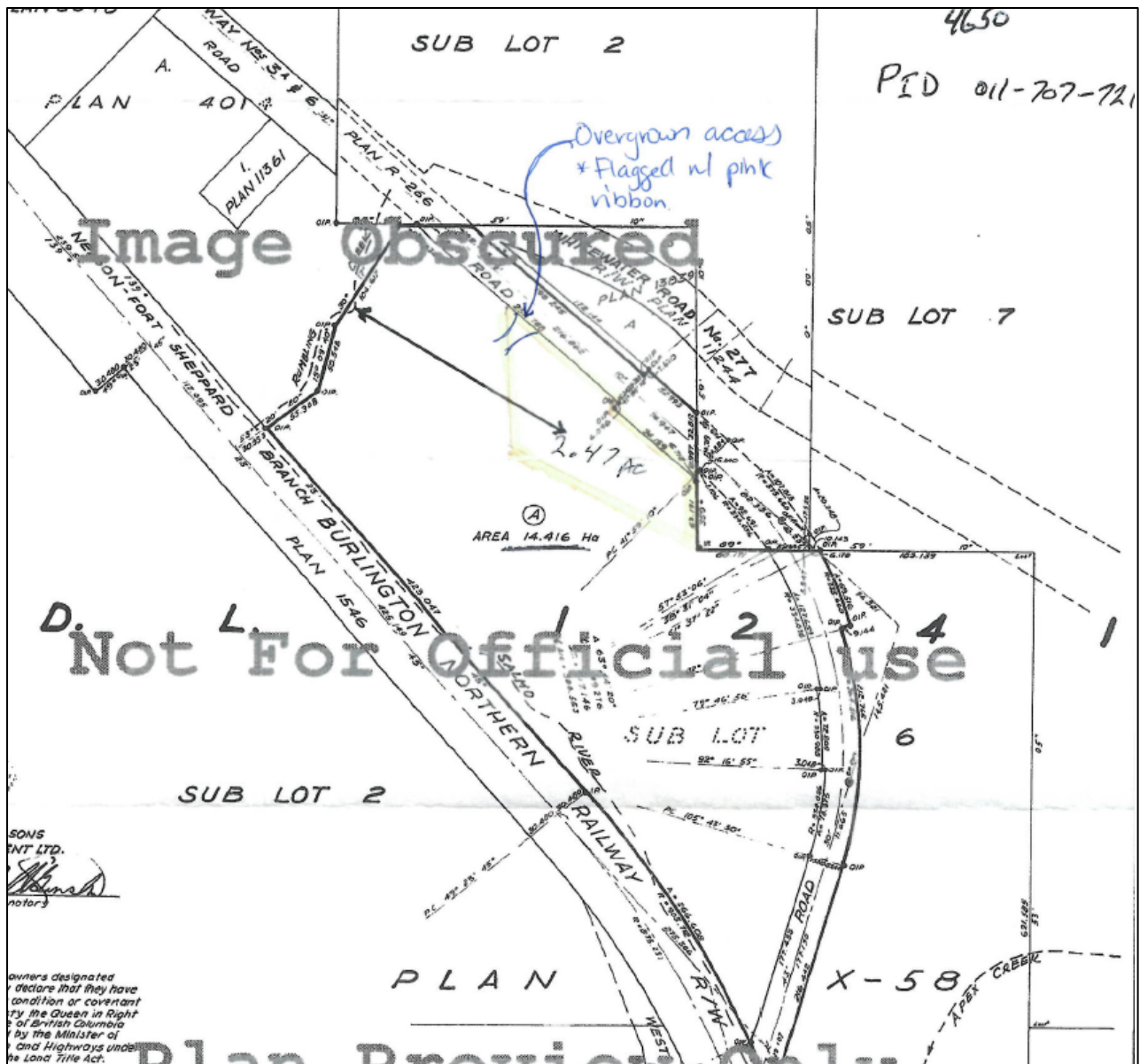


Figure 4: Proposed Subdivision Plan

Planning Policy

The Electoral Area 'G' Land Use Bylaw No. 2452, 2018 includes the following relevant policies:

Parks and Recreation Policies

The Regional Board:

- 5. Supports the existing network of public outdoor recreation lots and trails, as well as the creation and extension of a connected network of trails and public corridors to access community parks, recreation areas, public open space and amenities where feasible and as indicated on Schedules A.1 and A.3.
- 6. Recognizes the importance and significance of the Great Northern Rail Trail at a community and regional level.

- 8. Supports continued dialogue and investigation of options toward dedicated non-motorized use on portions of the Great Northern Rail Trail in collaboration with all users.
- 10. Supports the establishment of public access points along the Salmo River for the purposes of swimming, fishing and other recreational pursuits.
- 13. Encourages investigation into options for the conservation and on-going access to recreational lands associated with rock climbing adjacent to Highway 6 in proximity to Hall Siding.

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

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

Under Section 498 of the *LGA*, the Board has the authority to vary provisions of a Zoning Bylaw or Subdivision Bylaw other than use or density through a DVP.

3.3 Environmental Considerations

As no development is proposed for this remainder parcel staff anticipate no environmental impact.

3.4 Social Considerations:

No social considerations are anticipated from this variance request.

3.5 Economic Considerations:

No economic considerations are anticipated from this proposed DVP application.

3.6 Communication Considerations:

In accordance with the *LGA* and the *RDCK’s Planning Procedures and Fees Bylaw No. 2457, 2015* a sign describing the proposal was posted on the subject property, and notices were mailed to surrounding neighbours within a 100 metre radius of the subject property. To date, no comments have been received in response to from the above notification.

Planning staff referred the application to all relevant government agencies, internal RDCK departments and the Director and Advisory Planning and Heritage Commission (APHC) for Electoral Area ‘G’ for review. The following comments were received:

Interior Health (IH)

“IH understand[s] [that] this remainder [lot] in this subdivision will be zoned parks and recreation, and there is no intention for any land use that requires water. As such, from a health perspective I have no concerns”.

Ministry of Transportation and Infrastructure

“The Ministry has no concerns with the proposed Development Variance Permit application, which is related to an active subdivision, MoTI file # 2023-03121”.

Electoral Area 'G' APHC

These comments are from the approved minutes of the October 25, 2023 meeting, where the APHC also discuss the variance proposal, generally, however, no formal recommendation was made for V2311G:

*That the Area G Advisory Planning Commission **SUPPORT** the Land Use Bylaw Amendment Application to rezone a portion of the property to Country residential (R2) for the property located at 4650 Highway 6, Hall Siding and legally described as LOT A DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN 17958.*

FortisBC

"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 and transmission facilities along Highway 6. Further extension work may be required depending on future building site location(s), the cost of which may be substantial.*
- *To date, arrangements have not been made to initiate the design process and complete the servicing requirements.*
- *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".*

3.7 Staffing/Departmental Workplace Considerations:

Should the Regional Board approve issuance of the requested variance, staff would issue the Permit and register a Notice of Permit on the property's Title.

3.8 Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Planning staff support the issuance of this DVP since:

- There has been no opposition received from surrounding landowners or the general public related to the proposed bylaw amendment or DVP applications to facilitate this one new lot and remainder subdivision.
- The Nelson Nordic Ski Club, who operate Nordic Ski Trails on the subject property have indicated that they support the proposed bylaw amendment and variance applications.

- The proposal to rezone/re-designate a portion of the subject property adjacent to Highway 6 is consistent with a concurrent subdivision application and at this time no significant concerns have been noted by MoTI or the RDCK.
- The proposed Parks and Recreation remainder parcel does not have an existing use or future proposed use that would require the supply of water as “no new development is proposed”.
- All other servicing requirements for the proposed new residential lot would remain in effect.

It is for the above reasons that Planning Services recommends that the Regional Board proceed with issuance of this DVP.

OPTIONS

Option 1

That the Board APPROVE the issuance of Development Variance Permit V2311G to Anne Filippo and Jerry Filippo for the property located at 4650 Highway 6 and legally described as LOT A DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN 17958 (PID 011-707-721) to vary Section 8.02 ‘Individual Groundwater Services’ under the RDCK’s *Subdivision Bylaw No. 2159, 2011* as follows:

1. By waiving the proof of ground water requirement for subdivision file no. S2332G the proposed remainder lot only.

Option 2

That the Board NOT APPROVE the issuance of Development Variance Permit V2311G to Anne Filippo and Jerry Filippo for the property located at 4650 Highway 6 and legally described as LOT A DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN 17958 (PID 011-707-721) to vary Section 8.02 ‘Individual Groundwater Services’ under the RDCK’s *Subdivision Bylaw No. 2159, 2011* as follows:

1. By waiving the proof of ground water requirement for subdivision file no. S2332G the proposed remainder lot only.

SECTION 5: RECOMMENDATION

That the Board APPROVE the issuance of Development Variance Permit V2311G to Anne Filippo and Jerry Filippo for the property located at 4650 Highway 6 and legally described as LOT A DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN 17958 (PID 011-707-721) to vary Section 8.02 ‘Individual Groundwater Services’ under the RDCK’s *Subdivision Bylaw No. 2159, 2011* as follows:

1. By waiving the proof of ground water requirement for subdivision file no. S2332G the proposed remainder lot only.

Respectfully submitted,

“Submitted electronically”

Stephanie Johnson, Planner MCIP RPP

CONCURRENCE

Planning Manager – Nelson Wight *Digitally approved*

General Manager of Development Services – Sangita Sudan *Digitally approved*

Chief Administrative Officer – Stuart Horn *Digitally approved*

ATTACHMENTS:

Attachment A – Draft Development Variance Permit

Attachment B – Excerpt from *RDCK Subdivision Bylaw No 2159, 2011*



Development Variance Permit

V2311G (Filippo)

Date:

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

TO: Robert Filippo

ADMINISTRATION

1. This Development Variance Permit (DVP) is issued subject to compliance with all of the bylaws of the Regional District of Central Kootenay (RDCK) applicable thereto, except as specifically varied or supplemented by this Permit.
2. The land described shall be developed strictly in accordance with the terms and conditions and provisions of this DVP, and any plans and specifications attached to this Permit that shall form a part thereof.
3. This DVP is not a Building Permit.

APPLICABILITY

4. This DVP applies to and only to those lands within the RDCK described below, and any and all buildings, structures and other development thereon, substantially in accordance with Schedules '1', '2' and '3':

Address: 4650 Highway 6

Legal: LOT A DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN 17958 (PID: 011-707-721)

PID: 011-707-721

CONDITIONS

5. Development Variance

Regional District's Subdivision Bylaw No. 2159, 2011, Section 8.02 a. – e. an 'Individual Groundwater Services' is varied as follows:

By waiving the proof of ground water requirement for subdivision file no. S2332G for the proposed remainder lot only, as shown on Schedules '1', '2' and '3'.

6. Schedule

If the holder of the DVP does not substantially start any construction or does not register the subdivision with respect to which the permit was issued within two years after the date it is issued, the permit lapses.

7. Other

Authorized resolution _____ passed by the RDCK Board on the ____ day of _____, 202_.

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

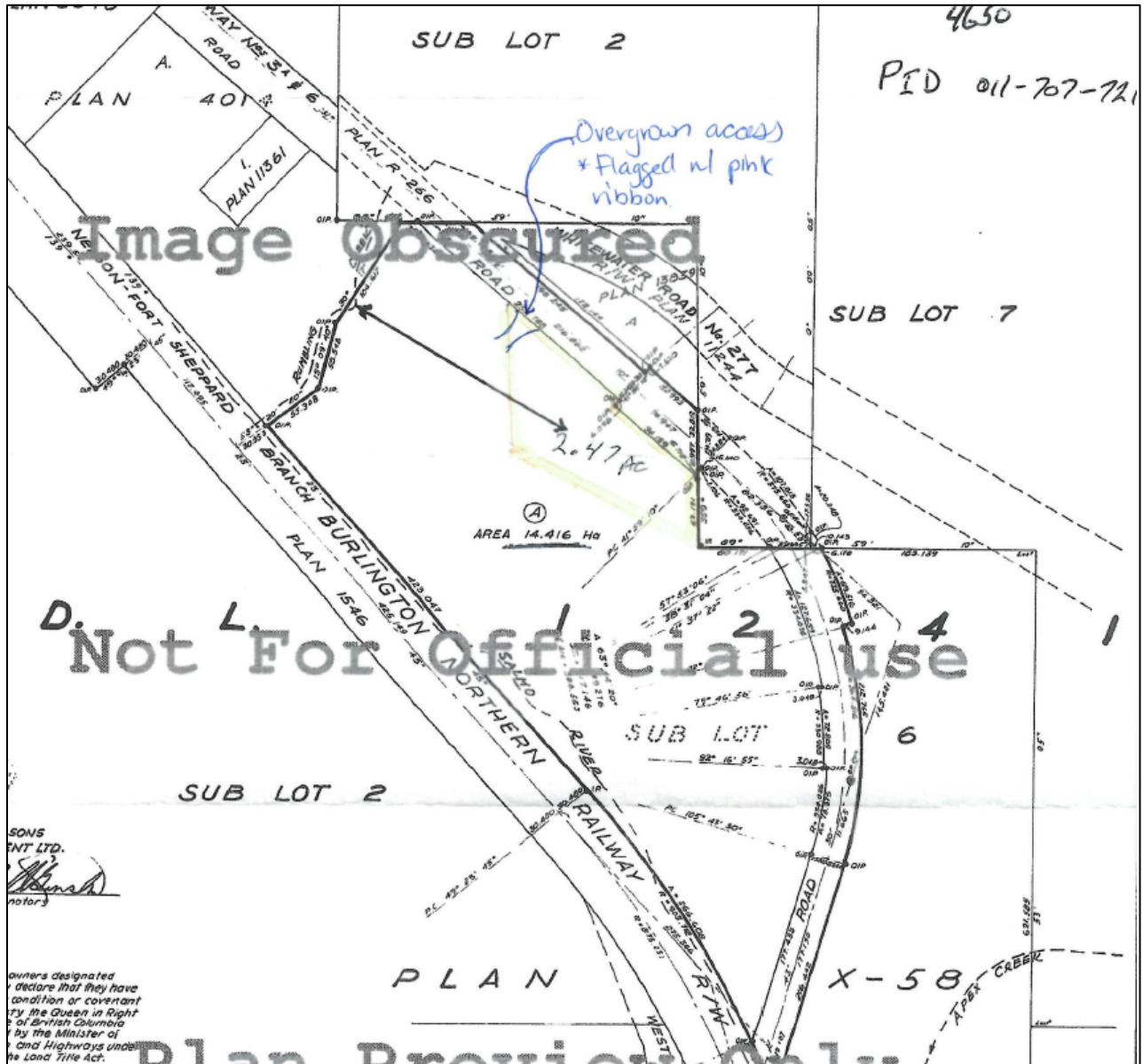
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

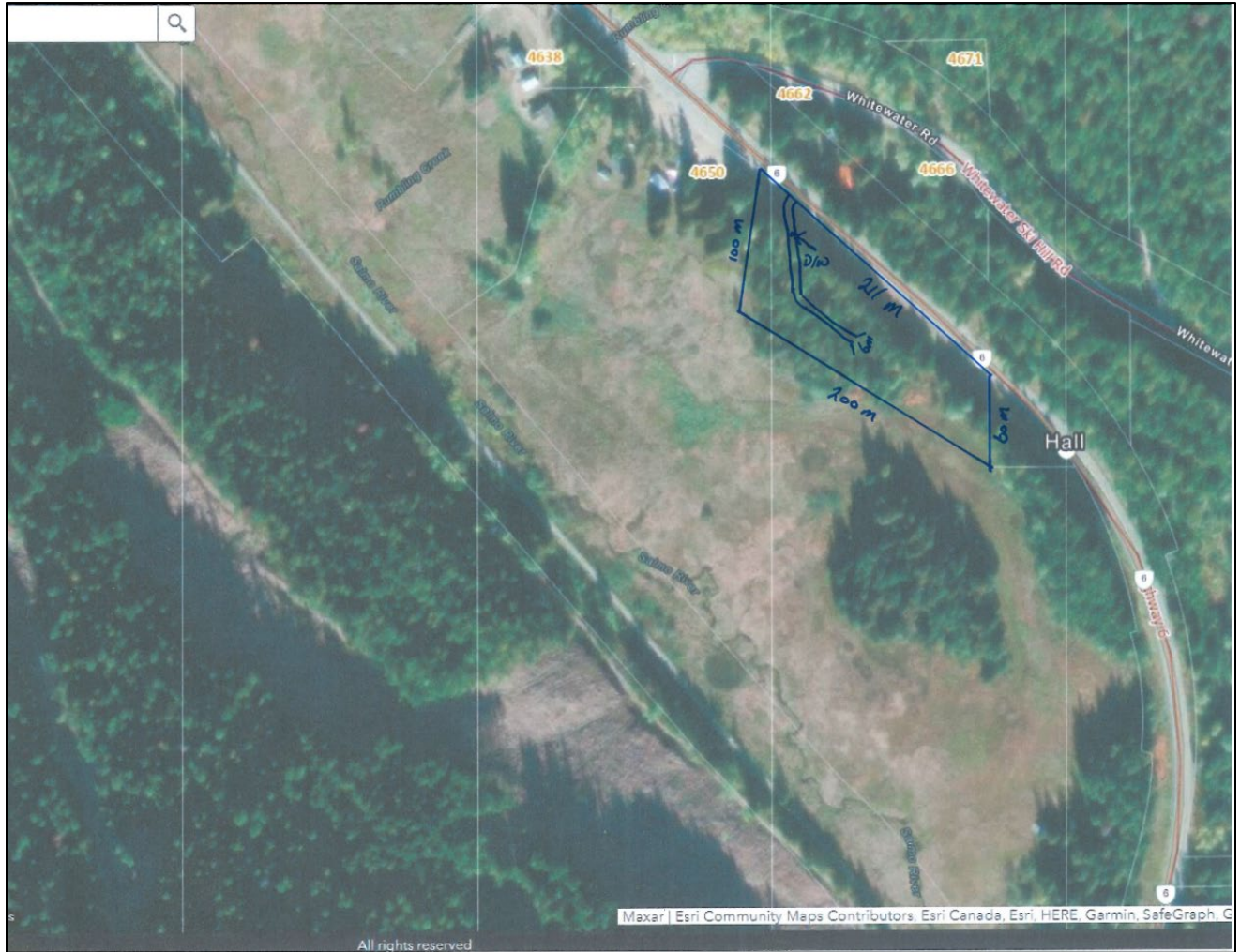
Schedule 1: Overall Subject Property



Schedule 2: Proposed Plan of Subdivision



Schedule 3: Site Plan



surface water.

8.02 Individual Groundwater Services

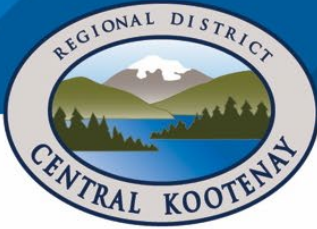
Where individual ground water sources are proposed, the applicant must provide evidence that there are sufficient quantities of ground water for each proposed lot and the remainder, and:

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

8.03 Community Water Systems

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

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



Committee Report

Date of Report: July 29, 2024
Date & Type of Meeting: August 14, 2024 - Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: Non-Adhering Residential use
File: A2401G – Measures
Electoral Area/Municipality: 'G'

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Board to consider an Agricultural Land Commission (ALC) application for a Non-Adhering Residential Use (NARU) within the Agricultural Land Reserve (ALR) at 8965 Highway 6 in Electoral Area 'G'.

The applicant seeks to convert a portion of an existing horse barn to a secondary residence with a floor area of 90 m². ALC approval is required in order to authorize a secondary residence that is within a building that is larger than 90 m². This application was first considered by RAC at the May 15th meeting but since that time, the application has been revised to reduce the size of the proposed secondary residence from 150 m² to 90 m².

Staff recommend that the Board support the application.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owners: Robert Measures and Yoshie Measures

Agent: Jeremy de Wit

Property Location: 8965 Highway 6, Rural Salmo, Electoral Area 'G'

Legal Description: LOT C DISTRICT LOTS 273 AND 1237 KOOTENAY DISTRICT PLAN 2329, EXCEPT PARTS INCLUDED IN REFERENCE PLAN 103021I AND PLAN 5659 (PID: 008-683-654)

Property Size: 8.9 hectares (22 acres)

Current Zoning: Agriculture (AG), Electoral Area 'G' Land Use Bylaw No. 2453, 2018

Current Official Community Plan Designation: Agriculture (AG), Electoral Area 'G' Land Use Bylaw No. 2453, 2018

SURROUNDING LAND USES

North: Agricultural - AG (within ALR)

East: Environmental Reserve - ER (Salmo River)

South: Agricultural - AG (within ALR)

West: Parks and Recreation – PR (Great Northern Rail Trail and Highway 6)

SITE CONTEXT AND PROPOSAL SUMMARY

The subject property is 8.9 hectares and is presently used for residential and agricultural purposes. It is located 1.5 km north of the Village of Salmo and bounded by the Salmo River to the east, Highway 6 to the west, and agricultural properties to the north and south. The land use designation (Official Community Plan designation) is Agricultural and the parcel is zoned Agriculture (AG).

The applicant has described the present agricultural uses on the property:

- two horses and 4 beef cattle
- 33 m² semi-automated greenhouse
- 0.8 ha of land is leased to a tree nursery business
- Season average of 100 x 50 lbs bales of grass hay and approximately 1100 lbs of carrots and beets for livestock feed

The existing buildings on the property are a two storey dwelling with a gross floor area of 200 m², a 130 m² carport, a 33 m² greenhouse, and the 126 m² horse barn. The proposal is to convert a portion of the existing horse barn to a secondary residence. The proposed size of the secondary residence (90 m²) complies with the maximum permitted size in the Area 'G' Zoning Bylaw and the ALR Use Regulation, however the ALC has confirmed that this application is required because the total floor area of the building (126 m²) that will contain the secondary residence is larger than 90 m².



Figure 1 - Overview Map showing the boundary of the ALR (green hatched area)

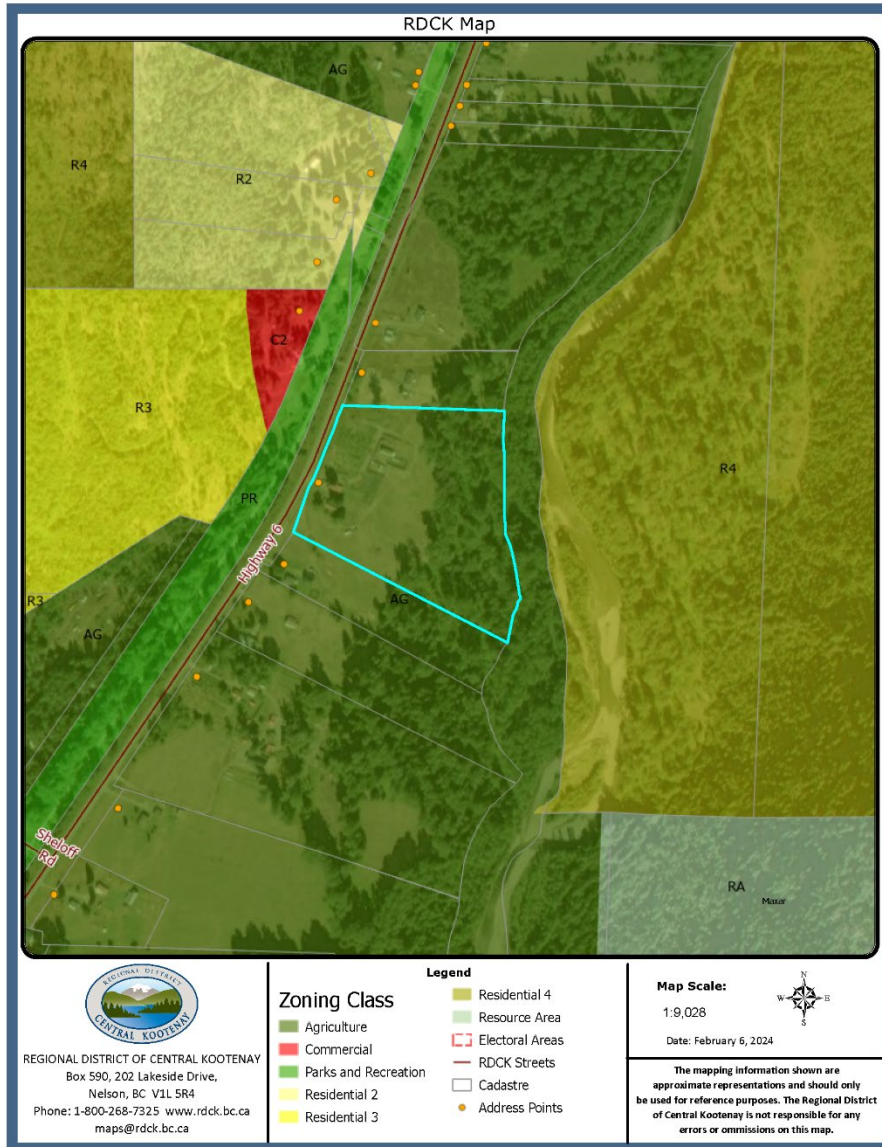


Figure 2 - Zoning Map

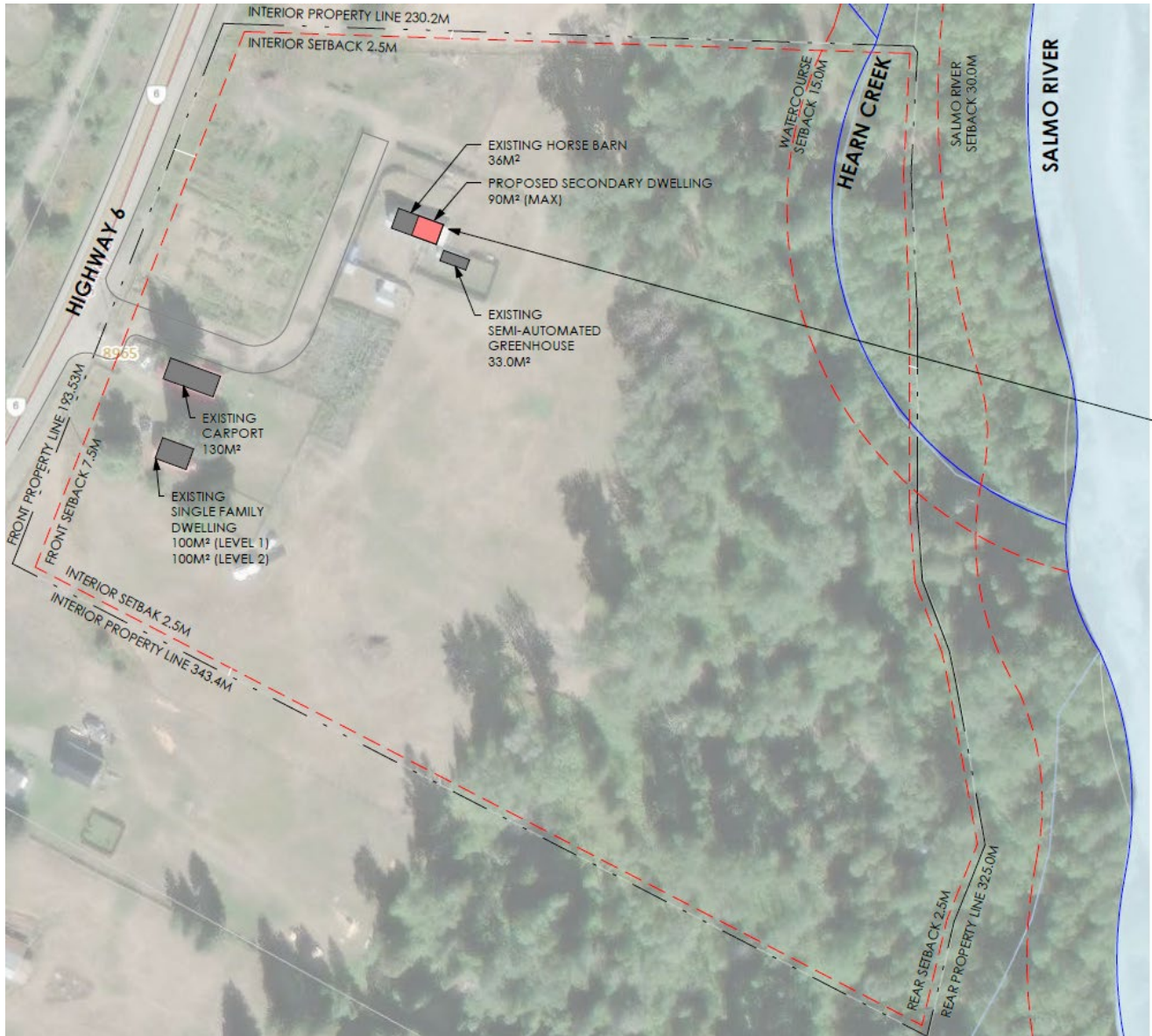


Figure 3 - Proposed location of new dwelling (snippet from Site Plan Drawing)

Agricultural Area Plan

In 2011, the RDCK developed an Agricultural Plan with the overall goal of increasing the quantity and quality of agricultural production in the Region.

The purpose of the Agriculture Area Plan is to ensure that the agricultural capability of the area is realized and protected as part of a secure food supply for the region. Agriculture in the Region is characterized by its diversity, with larger operations predominantly in the Creston Valley and many small-lot farms spread across the RDCK. The Plan's recommendations address all sizes and forms of farm operations.

Some of the issues facing farmers and food producers in the region were identified through public consultation when the Agriculture Plan was developed. Some of the issues that are relevant to the current report include:

- ongoing loss of farmland; and,

- farm income cannot support the purchase of land at residential / recreational market values.

The report goes on to make several recommendations which address agricultural viability, capability and secure food supply recommendations. The recommendation relevant to this application are listed below:

CAPABILITY RECOMMENDATION #3 It is recommended that the RDCK encourage the protection of agricultural land where appropriate, through the Official Community Plan process and other land use planning tools.

CAPABILITY RECOMMENDATION #10

It is recommended that the RDCK encourage the Agricultural Land Commission to update their ALR decision making guidelines incorporating criteria that acknowledges the unique characteristics of this region and the productive capabilities of smaller parcels.

Agricultural Land Use Inventory

The RDCK's Agricultural Land Use Inventory, 2016 (ALUI) was developed for the purpose of building a common understanding of agriculture within the RDCK. Most of the agricultural activity in the area is in the form of smaller scale livestock operations. There are no cereal or oilseed crops in the area but there are small areas of mixed vegetable crops including on the subject property.

Within the RDCK, 30% of the effective ALR was in farmed land cover that includes cultivated crops and barns. 23% of ALR parcels were used for farming and 77% were not used for farming.

The Agricultural Land Use Inventory defines the nature of farming practices. Parcel size must be considered when determining the agricultural potential of a parcel. Larger parcels usually allow farmers greater flexibility to expand or change their type of operation as the economy and markets change. Some types of agriculture can be successful on small parcels (e.g. intensive market gardens, nurseries, and poultry), however, the number of viable farming options generally decreases with a reduced parcel size. Smaller parcels are generally more costly per hectare than larger parcels, and can easily be disassembled from larger farm units and sold. Larger parcels accommodate equipment more efficiently and reduce the need to move farm equipment on public roads.

The Inventory outlines that there is evidence that small parcels are less likely than larger parcels to be utilized for farming. In the Regional District there are 1,178 ALR parcels that are less than 1 hectare. Of these parcels, 5% (60 parcels) are "Used for Farming", 21% (245 parcels) are "Available for Farming", and 74% (873 parcels) are "Unavailable for Farming". Residential use accounts for the majority of the small and "Unavailable for Farming" parcels.

Although the ALUI identifies that the Creston Valley will continue to be the hub of agriculture in the region, the continued fragmentation of larger lots elsewhere in the region can constrain agriculture opportunities and limit the type and amount of agricultural production.

Agricultural Capability Rating

The majority of the subject property has an unimproved agricultural capability rating of Class 3 (identified as the yellow area in 'Figure 4') with the limitation being "soil moisture deficiency" and an improved agricultural capability rating of Class 2 with the limitation being "adverse climate". Small portions of the subject property closer to the Salmo River are identified as Class 5 and Class 7 however these areas are presently forested and more likely subject to seasonal flooding by the Salmo River and the small watercourse identified by the applicant as Hearn Creek.

The portion of the subject property identified in green has an improved agricultural capability rating of Class 5 and 7. The limitation subclass is topography and excess water. More details regarding soil classes and limitation subclasses can be found in the tables below.

Approximate portion of 9 ha subject property	Unimproved Capability Class	Improved Capability Class
8 ha	3M	2C
1 ha	7:5IW~3:7PI	7:5IW~3:7PI

Agricultural Capability - RDCK File No. A2401G

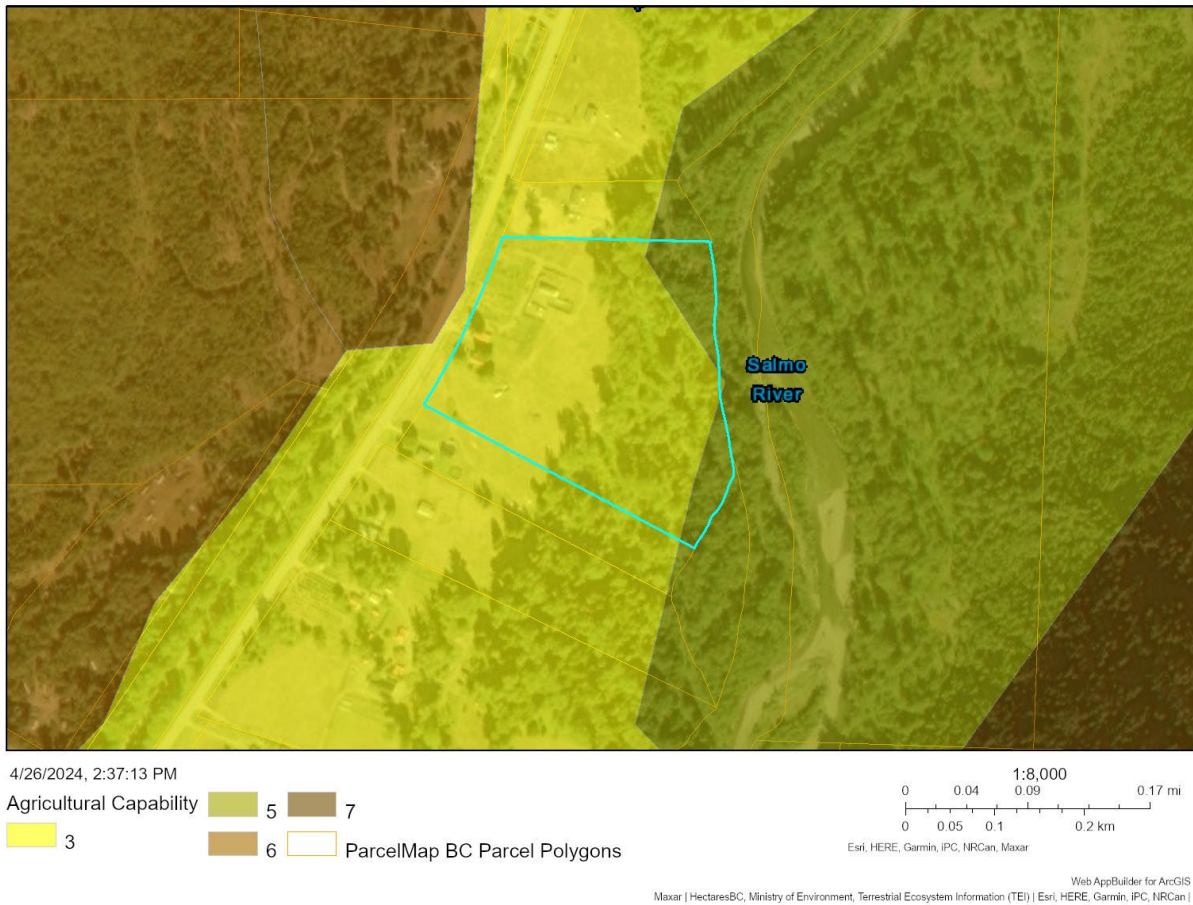


Figure 4 – Map showing Unimproved Agricultural Capability Ratings

Soil Class	Description
Class 3	Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
Class 4	Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 5	Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
Class 6	Land in this class is non-arable but is capable of producing native and/or uncultivated perennial forage crops.
Class 7	Land in this class has no capability for arable or sustained natural grazing.

Limitation Subclass	Description
C	Adverse climate (excluding precipitation)
I	Inundation (flooding by streams etc.)
M	Soil moisture deficiency
P	Stoniness
W	Excess water (groundwater)

Soil Type

The Soil Resources of the Nelson Area published by the BC Ministry of Environment categorizes soils having similar agriculturally important characteristics into 'soil association descriptions'. The subject property is composed of soils from the Avis Soil Association. Avis soils are widely variable in texture, stoniness and wetness. Most non-flooding, stone-free map units are very suitable for agricultural production. The region has a shortage of good agricultural land making these soils valuable for agricultural use.

BC Soil Survey - RDCK File No. A2401G



Figure 5 - BC Soil Survey Map. The entire property is within the Avis Soil Class

Archaeological Potential

The subject property is noted as having 'high' archaeological potential (Study: ARROW; ID: 84; Permit: 1996). Staff have advised the property owner that archaeological sites (both recorded and unrecorded) are protected under the Heritage Conservation Act and must not be altered or damaged without a permit from the Archaeology Branch. If any land-altering development is planned for the property, owners and operators should be notified that if an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted at 250-953-3334 for direction.

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 applicant has paid the \$750 RDCK Referral Fee pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015.

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

This application was processed in accordance with Planning Fees and Procedures Bylaw No. 2457, 2015.

Agricultural Land Commission Act (ALCA)

As per Section 25(1) of the Act, when making a decision on an application for a use or subdivision in the ALR the Agricultural Land Commission may do one of the following:

- (a) refuse permission for the use or subdivision applied for,
- (b) grant permission, with or without limits or conditions, for the use or subdivision applied for, or
- (c) grant permission for an alternative use or subdivision, with or without limits or conditions, as applicable.

Section 25(3) of the ALCA states that a use application may not be proceed to the ALC unless authorized by resolution of the local government. Section 34 states that a local government must forward to the commission comments and recommendations regarding an application, and must notify the applicant that the application will not be forwarded to the commission if the resolution to proceed is refused.

Electoral Area 'G' Land Use Bylaw No. 2452, 2018

2.3 Agricultural Objectives

- 6.1 Preserve and promote the use of agricultural land for current and future agricultural production, and protect this land from uses which are inconsistent with agriculture or are incompatible with existing agricultural uses in the area.
- 6.2 Encourage the agricultural sector's viability by adopting supportive land use policies within and adjacent to farming areas and ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
- 6.3 Discourage agricultural land uses that adversely impact the surrounding environment or compromise the capability of the land for future food production.
- 6.4 Minimize conflicts between agriculture and other land uses.
- 6.5 Encourage diversification and enhancing farm income by enabling uses secondary to and related to agricultural use consistent with the provisions of the Agricultural Land

Reserve Act, associated regulations, orders and decisions of the Provincial Agricultural Land Commission.

- 6.6 Encourage senior levels of government to enable and facilitate agricultural activity and industry.
- 6.7 Support the Province, other agencies, non-profit societies and the agricultural community with the development of tools for the management of invasive and nuisance plant species to conserve agricultural values in the area.

3.4 Agricultural Policies

The Regional Board:

- 6.10 Directs that the principal use of land designated Agriculture shall be farm use.
- 6.14 Directs residential and non-farm uses to lands where there is low agricultural capability.
- 6.17 Will enable secondary agricultural uses including home based business, agri-tourism or accessory tourist accommodation opportunities that are consistent with the provisions of the Agricultural Land Reserve Act, associated regulations, orders and decisions of the Provincial Agricultural Land Commission.
- 6.18 May consider secondary dwelling applications within the ALR in accordance with the density provisions of the associated zoning regulations of this Bylaw and with Provincial approval where necessary.

Electoral Area 'G' Land Use Bylaw No. 2452 (Zoning Bylaw)

The subject property is zoned Agriculture (AG) in Electoral Area 'G' Land Use Bylaw No. 2452. Based on the information provided by the applicant, the proposed secondary residence will have a GFA of 90 m² which complies with the General Regulations for Accessory Dwellings in Section 18.37 of the Area 'G' Zoning Bylaw.

RDCK Floodplain Management Bylaw No. 2080, 2009

The Floodplain Management Bylaw identifies the required flood construction level and floodplain setback from the Salmo River when considering the construction of new buildings or renovation of existing buildings. Based on the RDCK mapping, the proposed secondary residence is within the Flood Plain of the Salmo River. Although the location of the secondary residence would comply with the 30 metre floodplain setback, the 1st storey of the building would not comply with the required Flood Construction Level and therefore a Site Specific Floodplain Exemption Application would need to be approved prior to the issuance of a building permit.

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

None anticipated.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

The application was referred to various groups including the Ministry of Agriculture and Food, as well as the APHC for Electoral Area 'G'. The following comments were received:

Area 'G' Advisory Planning and Heritage Commission

From the approved minutes of the March 27, 2024 Meeting:

That the Area G Advisory Planning and Heritage Commission SUPPORT the Agricultural Land Reserve Referral Package for the property located at 8965 Highway 6, Rural Salmo, Electoral Area 'G', legally described as LOT C DISTRICT LOTS 273 and 1237 KOOTENAY DISTRICT PLAN 2329, EXCEPT PARTS INCLUDED IN REFERENCE PLAN 103021I and PLAN 5659

Building Department Response

Since the structure is proposed to be attached to an existing farm building, a Structural Engineer would be required to be retained for the structural discipline and aspects of the building addition.

Spatial separations may need to be considered, including the distances of any possible overlap and proximity of the existing greenhouse to the proposed dwelling and building addition. This may result in the greenhouse having to be relocated to meet the required distances outline in 9.10.14 & 9.10.15 of the BCBC.

The following documentation would also be required at the time of Building Application:

- 1. Completed application form*
- 2. Full set of drawings including sealed structural drawings – with associated Letter of Assurance Schedule B.*
- 3. Site plan shall also illustrate the distances from the existing building with proposed addition to adjacent structures and property lines.*
- 4. BC Housing – New home registration*
- 5. Proof of Septic – May require an Registered Onsite Wastewater Practitioner (ROWP) to provide additional filings or sealed letter stating that the capacity of the existing building can support the additional load from a secondary dwelling. Or new septic filing required.*
- 6. Step Code Compliance Checklist from a Certified Energy Advisor – Pre-construction Checklist.*

Please note that upon receipt of the above items, at the time of review of the BP application, the Building Department may request additional applicable documentation prior to issuance of a Permit.

Ministry of Agriculture & Food – Land Use Planner and Regional Agrologist

Thank you for providing Ministry of Agriculture and Food (Ministry) staff the opportunity to comment on File A2401G that proposes to convert a portion of an existing horse barn into a 90 m² additional residence on the Subject Property. From an agricultural planning perspective, Ministry staff offer the following comments:

- Ministry staff previously provided comments on the original application on April 8, 2024. The revised application reduces the size of the additional residence from 150 m² to 90 m².*
- Ministry staff recognize that the proposed additional residence will be accessed by the existing driveway and that converting the horse barn into a residence will not increase the existing footprint of the*

structure which in turn, minimizes the area that is disturbed and ensures that the majority of the Subject Property is available for agricultural use.

- While a 90 m² additional residence is permitted on properties 40 ha or less by the Agricultural Land Commission Act (ALCA), Ministry staff understand that the applicants are required to submit a Non-Adhering Residential Use (NARU) application to the Agricultural Land Commission (ALC) given that the total floor area of the structure (horse barn) that will contain the additional residence is larger than 90 m².
- Ministry staff re-affirm that, as per the ALCA, the ALC can only approve a NARU application if it is necessary for farm use. Given this, and if the RDCK chooses to not forward the application to the ALC for decision, the applicant would not be required to pay the second half of the ALC application fee (\$450).
- Ultimately, Ministry staff support the proposed location of the additional residence given that it will utilize existing infrastructure and ensures that the majority of the Subject Property is available for current and future agricultural use.

Please contact Ministry staff if you have any questions about the above comments.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

Archaeology Branch

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.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

If there are no plans for land altering activities on the property, no action is required at this time.

3.7 Staffing/Departmental Workplace Considerations:

Following a Board resolution, staff will forward the report to the Agricultural Land Commission.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS & PROS / CONS

PLANNING DISCUSSION

When this application was originally considered by the RAC on May 15th, the secondary residence was proposed to be two storeys with a GFA of 150 m² (75 m² on the main level and 75 m² on the 2nd level). Staff had concerns with the proposed size of the secondary residence and the lack of a rationale to exceed the maximum permitted GFA of 90 m² that is regulated by the Zoning Bylaw for Area 'G' and the ALR Use Regulation. The Staff recommendation at that time was that the Board not support the application as submitted. The RAC recommended that the application be referred to a future meeting in order to provide the applicant with an opportunity to revise their application.

The applicant has now revised their application and are proposing a secondary residence with a GFA of 90 m², however, the revised site plan and building plans no longer show how the proposed 90 m² residence will be divided between the upper and lower levels. While it appears that the proposed residence will comply with the 90 m² max gross floor area and maximum number of storeys (2), it is important to note that the detailed building plans considered through the review of a Building Permit application must clearly show how the residence will comply with all applicable zoning regulations. Based on the foregoing, Staff recommend that this Non-Adhering Residential Use application be supported because the proposal is consistent with the maximum permitted GFA for Secondary Residences in both the zoning bylaw and ALC Regulations. Repurposing this building results in no loss of farm land, whereas building new would. Staff underscores this recommendation by noting that—should the Board not support this application or the ALC not approve the NARU—the ALC regulations would permit a new second residence of equal 90 m² size. Successful completion of a building permit application is all that would be required. However, that possible outcome would result in further erosion of farm land, a missed opportunity to preserve a heritage building through this adaptive re-use proposal, and a greatly increased carbon footprint for the new structure.

If this NARU application is supported by the Board and subsequently approved by the ALC the applicant would need to confirm that the proposed dwelling unit complies with the required Flood Construction Level in RDCK Floodplain Management Bylaw No. 2080 or a Site Specific Floodplain Exemption application would be required to prior to the consideration of any building permit application for the proposed second residence.

Options

Option 1 (Forward response to ALC indicating support):

That the Board SUPPORT application A2401G for the proposed Non-Adhering Residential Use in the Agricultural Land Reserve proposed by Jeremy de Wit for property located at 8965 Highway 6, Electoral Area 'G' and legally described as LOT C DISTRICT LOTS 273 AND 1237 KOOTENAY DISTRICT PLAN 2329, EXCEPT PARTS INCLUDED IN REFERENCE PLAN 103021I AND PLAN 5659 (PID: 008-683-654).

Option 2 (Do not support/do not forward the application to the ALC):

That the Board NOT SUPPORT application A2401G for the proposed Non-Adhering Residential Use in the Agricultural Land Reserve proposed by Jeremy de Wit for property located at 8965 Highway 6, Electoral Area 'G' and legally described as LOT C DISTRICT LOTS 273 AND 1237 KOOTENAY DISTRICT PLAN 2329, EXCEPT PARTS INCLUDED IN REFERENCE PLAN 103021I AND PLAN 5659 (PID: 008-683-654).

SECTION 5: RECOMMENDATIONS

That the Board SUPPORT application A2401G for the proposed Non-Adhering Residential Use in the Agricultural Land Reserve proposed by Jeremy de Wit for property located at 8965 Highway 6, Electoral Area 'G' and legally described as LOT C DISTRICT LOTS 273 AND 1237 KOOTENAY DISTRICT PLAN 2329, EXCEPT PARTS INCLUDED IN REFERENCE PLAN 103021I AND PLAN 5659 (PID: 008-683-654).

Respectfully submitted,

Zachari Giacomazzo, Planner

CONCURRENCE

Planning Manager – Nelson Wight *Digitally approved*

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

Chief Administrative Officer – Stuart Horn *Digitally approved*

ATTACHMENTS:

Attachment A – Revised ALC Application dated July 10, 2024

Attachment B – Revised Site Plan dated July 9, 2024, prepared by de Wit Designs

Attachment C – Site Visit Pictures



Provincial Agricultural Land Commission - Applicant Submission

Application ID:	70370
Application Type:	Non-Adhering Residential Use within the ALR
Status:	Submitted to L/FNG
Applicant:	Hearn Creek Stables
Local/First Nation Government:	Central Kootenay Regional District

1. Parcel(s) Under Application

Parcel #1

Parcel Type	Fee Simple
Legal Description	LOT C, PLAN NEP2329, DISTRICT LOT 273, KOOTENAY LAND DISTRICT, EXCEPT PLAN REF PL 103021I, & DL 1237, & EXC PL 5659
Approx. Map Area	9.1 ha
PID	008-683-654
Purchase Date	May 1, 2014
Farm Classification	Yes
Civic Address	8965 HIGHWAY 6 SALMO VOG 1Z0
Certificate Of Title	Title Certificate.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
null	Hearn Creek Stables	(250) 551-3966	robertmeasures@gmail.com	Not Applicable

2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process? No

3. Primary Contact

Type	Third-Party Agent
First Name	Jeremy
Last Name	de Wit
Organization (If Applicable)	de Wit Designs Jeremy de Wit
Phone	2502312333
Email	jeremy@dewitdesigns.ca

4. Government

Local or First Nation Government: Central Kootenay Regional District

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s). Parcel:
contains two horses and four beef cows.
contains 33m² semi-automated greenhouse.
produces seasonal average 100x50 lbs bales of grass hay and approximately 1100 lbs of carrots and beets for livestock feed.
leases 2 acres of land to a tree nursery business.

Describe all agricultural improvements made to the parcel(s). Last year, owner:
drilled new \$6,000 well,
installed \$2,500 underground irrigation system to serve livestock waterers and future boarding facility locations.
installed \$4,000 200A to serve future boarding facility and livestock heaters.

installed \$2,500 permanent perimeter electric fencing for livestock.

Describe all other uses that currently take place on the parcel(s).

Owner rents out primary residence until November 1st, 2024 to which they will then utilize as their primary residence onward.

Land Use of Adjacent Parcels

	Main Land Use Type	Specific Activity
North	Agricultural / Farm	Residential/Agricultural
East	Unused	River
South	Agricultural / Farm	Residential/Agricultural
West	Recreational	Multi-use recreational rail trail

6. Proposal

Selected Subtype: Additional Residence for Farm Use

What is the purpose of the proposal? Alter existing horse barn into horse barn and secondary dwelling separated by a breezeway.

What is the total floor area (m²) of the proposed additional residence? 90

Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term. There is no necessity for an additional residence for farm use, but altering the barn into a barn/residence will support agriculture by ensuring that the second residence does not take up any more land on the property as it would have been if it were built on another foot print.

Describe the rationale for the proposed location of the additional residence. The rationale for altering the barn into a secondary residence is that as stated above, it will not take up any more farm land on the property. It can be done showing a clear delineation between the horse barn and the carriage house "Log Portion" using an open air breezeway. And that the log portion of the barn is a good example of the old style log construction that used to exist in this area that has been well enough preserved that it can be brought back to life and restored to a much higher code as a residence.

Provide the total area (m²) and a 0m². Utilizing existing services.

description of infrastructure necessary to support the additional residence.

Describe the total floor area (m²), type, number, and occupancy of all residential structures currently located on the property. 100m² (footprint) 200m² (total) 3-bed single family dwelling

Proposal Map / Site Plan 8965 Highway 6 Salmo Renovation.pdf

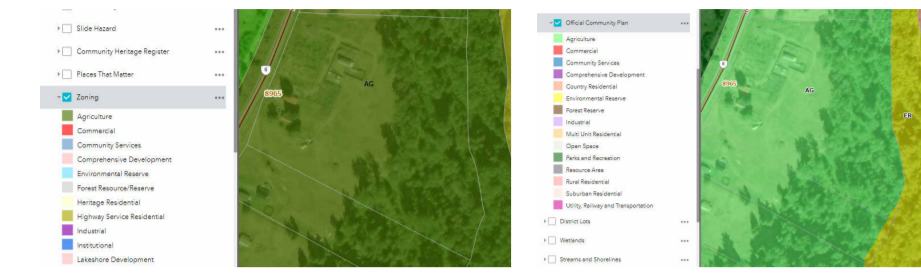
Do you need to import any fill to construct or conduct the proposed non-adhering residential use? No

7. Optional Documents

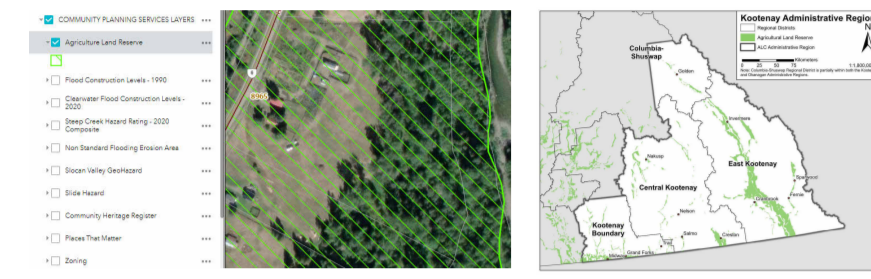
Type	Description	File Name
Other files that are related	Site Plan	2024-07-09-8965 Highway 6 Salmo Horse Barn Alteration.pdf
Other files that are related	Agent Authorization	Agent Authorization.pdf
Other files that are related	Certificate of Title	Title Certificate.pdf

ZONING BYLAW SUMMARY

ITEM	DESCRIPTION
CIVIC ADDRESS	8965 HIGHWAY 6 SALMO V0G I20
LEGAL ADDRESS	LOT C, PLAN NEP2329, DISTRICT LOT 273, KOOTENAY LAND DISTRICT, EXCEPT PLAN REF PL 1030211, & DL 1237, & EXC PL 5659, PID: 008-683-654, Roll: 21-707-01327-000
AJH	RDCK
ZONING AREA	ELECTORAL AREA G
BYLAW REFERENCED	SALMO RIVER VALLEY ELECTORAL AREA G LAND USE BYLAW NO. 2452, 2018



ZONING DESIGNATION AG-AGRICULTURE OCP DESIGNATION AG-AGRICULTURE



AGRICULTURAL LAND RESERVE

ITEM	PERMITTED	EXISTING	PROPOSED
1. PRINCIPAL USE	1. FARM BUILDINGS FARM USES DWELLINGS, ONE FAMILY DWELLING, TWO FAMILY DWELLING, TWO FAMILY DWELLING, TWO FAMILY DWELLING, TWO FAMILY DWELLING, TWO FAMILY SECONDARY DWELLINGS*	1. FARM BUILDINGS FARM USES DWELLING, ONE FAMILY	1. EXISTING
2. ACCESSORY USE	2. ACCESSORY BUILDINGS ACCESSORY DWELLINGS SECONDARY DWELLINGS*	2. ACCESSORY BUILDINGS	2. SECONDARY DWELLING
3. LOT AREA (HA)	3. >4.0	3. 9.1	3. EXISTING
4. FRONT SETBACK (M)	4. >7.5	4. 77.0	4. EXISTING
5. EXTERIOR SETBACK (M)	5. >7.5	5. N.A.	5. EXISTING
6. INTERIOR SETBACK (M)	6. >2.5	6. 61.5	6. EXISTING
7. REAR SETBACK (M)	7. >2.5	7. 166.0	7. EXISTING
8. PROJECTIONS (M)	8. <0.4	8. N.A.	8. EXISTING
9. LOT COVERAGE (%)	9. <35.0	9. 0.4	9. EXISTING
10. PRINCIPAL BUILDING HEIGHT (M)	10. <15.0	10. <15.0	10. EXISTING
11. ACCESSORY BUILDING HEIGHT (M)	11. <6.0	11. <6.0	11. T.B.D.
12. SUBDIVISION LOT AREA (HA)	12. >4.0	12. N.A.	12. N.A.
13. WDMA SALMO RIVER SETBACK	13. >30.0	13. 225.0	13. EXISTING
14. WDMA WATERCOURSE SETBACK	14. >15.0M	14. 156.0	14. EXISTING

*SECONDARY DWELLINGS (SUBJECT TO A LOT BEING AT LEAST 50 HECTARES) NON-FARM USES (AS DEFINED IN THE AGRICULTURAL LAND COMMISSION ACT AND THE AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURES REGULATION)

AGRICULTURAL LAND COMMISSIONS CONSIDERATIONS

- PERTAINING DEFINITIONS:
 "NON-ADHERING RESIDENTIAL USE" MEANS ANY OF THE FOLLOWING:
 A. AN ADDITIONAL RESIDENCE;
 B. A PRINCIPAL RESIDENCE HAVING A TOTAL FLOOR AREA THAT IS MORE THAN 500 M2;
 C. A USE OF A RESIDENTIAL STRUCTURE THAT CONTRAVENES THE REGULATIONS;

"NON-FARM USE" MEANS A USE OF AGRICULTURAL LAND OTHER THAN A FARM USE, A RESIDENTIAL USE OR A SOIL OR FILL USE;

"RESIDENTIAL USE"
 MEANS A USE OF AGRICULTURAL LAND FOR A RESIDENTIAL STRUCTURE, AND
 DOES NOT INCLUDE A FARM USE OR A SOIL OR FILL USE;

"PERMITTED NON-FARM USE" MEANS A NON-FARM USE THAT IS PERMITTED UNDER SECTION 25 OR 45 OR THE REGULATIONS.

(2) AN APPROVING BODY MAY APPROVE OR PERMIT A NON-FARM USE OF AGRICULTURAL LAND ONLY IF THE NON-FARM USE IS A PERMITTED NON-FARM USE.

(3) AN APPROVING BODY MAY APPROVE OR PERMIT A BUILDING OR STRUCTURE TO BE CONSTRUCTED OR ALTERED ON AGRICULTURAL LAND ONLY IF THE BUILDING OR STRUCTURE

(A) IS NOT A RESIDENTIAL STRUCTURE AND WILL BE USED FOR A FARM USE OR PERMITTED NON-FARM USE,

(B) IS A PRINCIPAL RESIDENCE AND

(I) IS OF A SIZE AND IS SITED IN ACCORDANCE WITH SECTION 20.1 (1), OR

(II) IS PERMITTED UNDER SECTION 25 OR 45 OR THE REGULATIONS,

(C) IS AN ADDITIONAL RESIDENCE AND IS PERMITTED UNDER SECTION 25 OR 45 OR THE REGULATIONS, OR

(D) IS A RESIDENTIAL STRUCTURE OTHER THAN A RESIDENCE AND

(I) IS OF A SIZE AND IS SITED IN ACCORDANCE WITH THE REGULATIONS OR AS PERMITTED UNDER AN APPLICATION MADE IN ACCORDANCE WITH THE REGULATIONS, AND

(II) WILL BE USED AS PERMITTED UNDER SECTION 25 OR 45 OR THE REGULATIONS.

RESIDENTIAL USE OF AGRICULTURAL LAND
 20.1 (1) UNLESS PERMITTED UNDER SECTION 20.2, 25 OR 45 OR THE REGULATIONS, AN OWNER OF AGRICULTURAL LAND WHO CONSTRUCTS, ALTERS OR USES A RESIDENTIAL STRUCTURE ON THE AGRICULTURAL LAND MUST COMPLY WITH ALL OF THE FOLLOWING:

(A) THE AGRICULTURAL LAND MAY HAVE NO MORE THAN ONE RESIDENCE PER PARCEL;

(B) THE TOTAL FLOOR AREA OF A PRINCIPAL RESIDENCE MUST BE 500 M2 OR LESS;

(C) THE RESIDENTIAL STRUCTURE MUST BE SIZED, SITED AND USED, IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.

(2) AN OWNER MAY APPLY

(A) TO THE COMMISSION FOR PERMISSION UNDER SECTION 25 FOR A NON-ADHERING RESIDENTIAL USE, OR

(B) IN THE MANNER SET OUT IN THE REGULATIONS FOR A VARIATION OF OR EXEMPTION FROM A REGULATION WITH RESPECT TO SIZE OR SITING.

APPLICATIONS BY OWNER
 25 (1.1) IN MAKING A DETERMINATION UNDER SUBSECTION (1) (B) WITH RESPECT TO AN APPLICATION FOR A NON-ADHERING RESIDENTIAL USE, THE COMMISSION

(A) MUST CONSIDER THE PRESCRIBED CRITERIA, IF ANY, AND

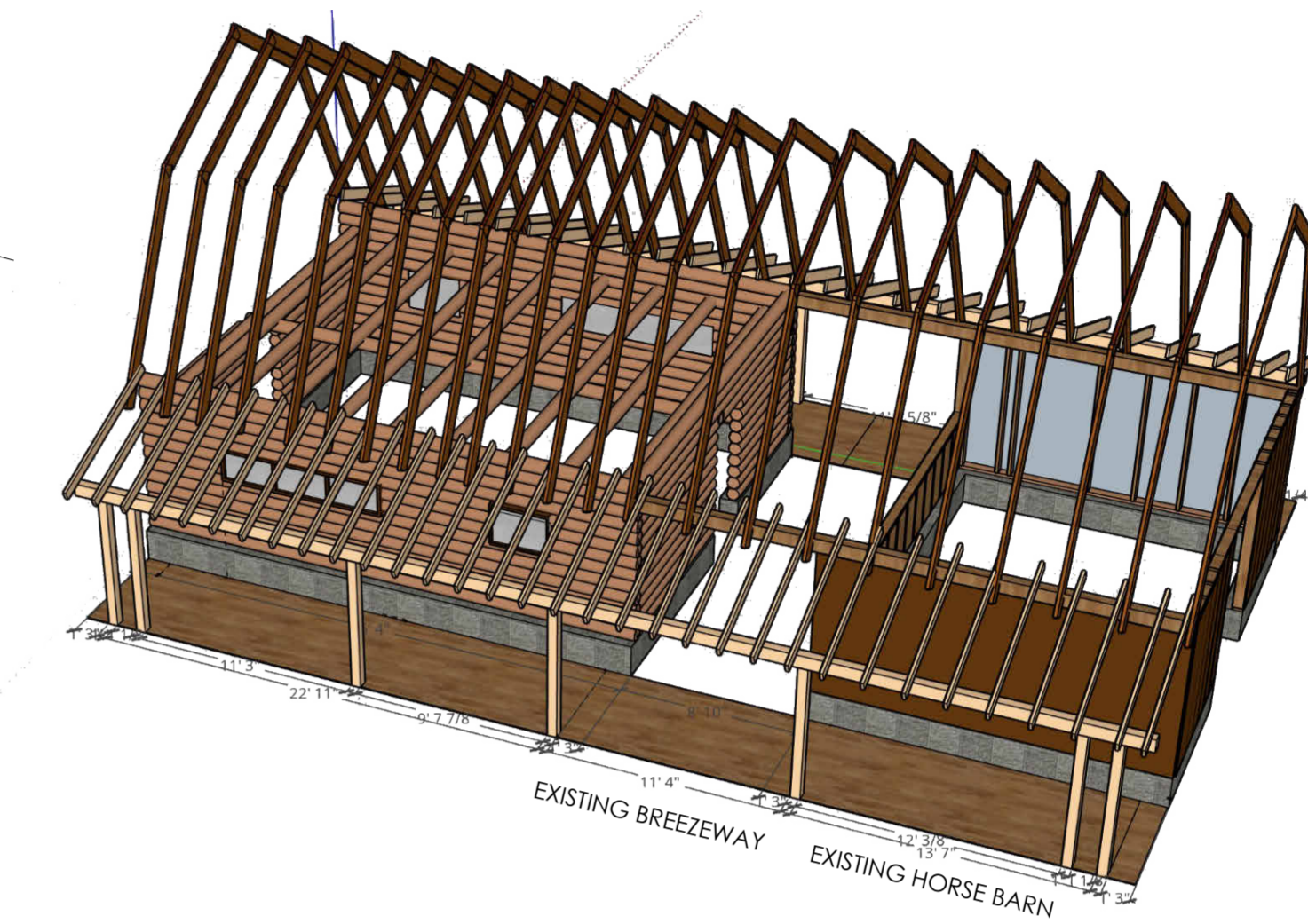
(B) MUST NOT GRANT PERMISSION FOR AN ADDITIONAL RESIDENCE UNLESS THE ADDITIONAL RESIDENCE IS NECESSARY FOR A FARM USE.



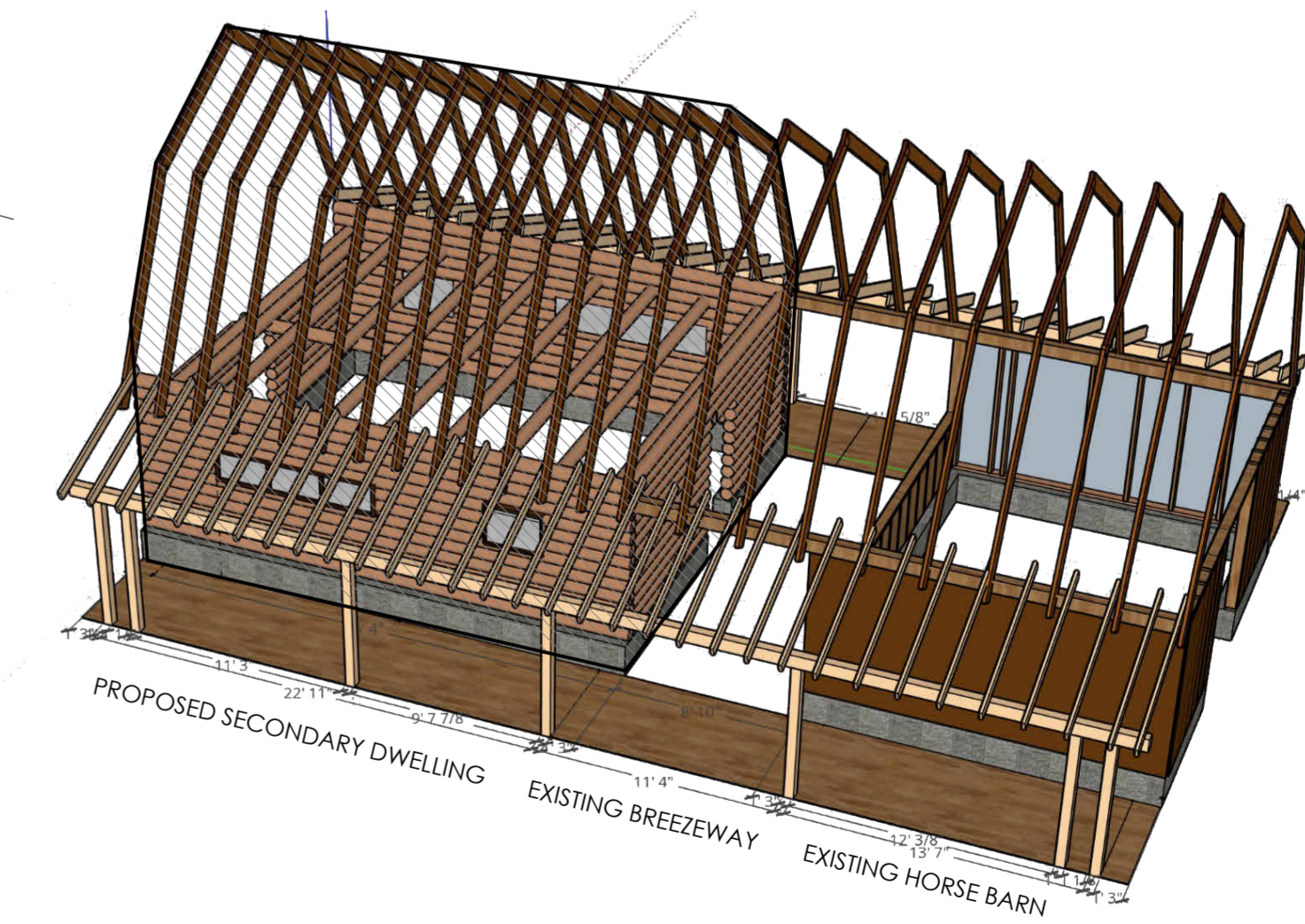
1 SITE-EXISTING
1 : 1250



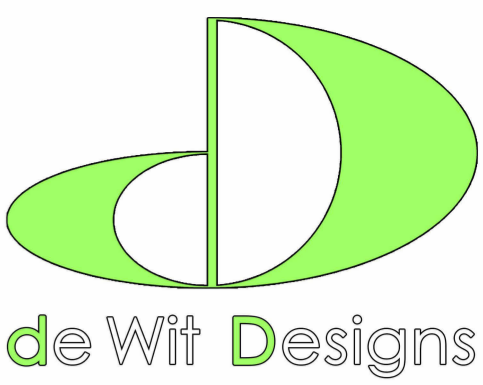
2 SITE-PROPOSED
1 : 1250



3 PERSPECTIVE-EXISTING
1 : 50



4 PERSPECTIVE-PROPOSED
1 : 50



P.O. BOX 1086
 PRIVILEGE, BC
 V0G 1L0
 jerry@dwitdesigns.co
 (250) 211-0333

PROJECT NAME

8965 HIGHWAY 6 ALTERATION

ADDRESS

8965 HIGHWAY 6
 SALMO BC

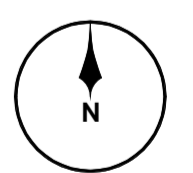
CLIENT

ROBERT MEASURES

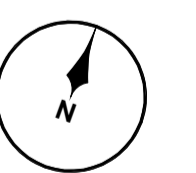
DRAWING NOTES

SITE DATA DERIVED FROM SCALED
 RDCK MAPPING SERVICES AND ARE
 APPROXIMATE.

TRUE



PROJECT



REVISIONS/HISTORY

DATE	NUMBER	DESCRIPTION
2024-07-09	0	IFR

SHEET NAME

SITE

SHEET NO.

A3

REV. NO.

A2401G: Site Visit Pictures (8965 Highway 6, Electoral Area 'G')



Figure 1 - View north facing the existing agricultural building that shows the breezeway between the two portions of the building. The left side of the building will be used for horses and the right side of the building will be converted to a dwelling.



Figure 2 - View looking east at the portion of the building that will remain as an agricultural use.



Figure 3 - Looking west at the portion of the building that is proposed to be converted to a dwelling.



Committee Report

Date of Report: July 31, 2024
Date & Type of Meeting: August 14, 2024 Rural Affairs Committee
Author: Corey Scott, Planner
Subject: SITE SPECIFIC EXEMPTION TO THE FLOODPLAIN MANAGEMENT BYLAW
File: F2402 – Wooley
Electoral Area/Municipality H

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Regional Board to consider an application for a Site Specific Exemption to Regional District of Central Kootenay Floodplain Management Bylaw No. 2080, 2009, in Electoral Area ‘H’.

The applicant seeks relief from the 30 metre floodplain setback for the Slocan River specified in RDCK Floodplain Management Bylaw No. 2080, 2009 in order to authorize the construction of a dwelling with an attached deck that is located 17 metres from the natural boundary of the River. The dwelling was previously approved in 2015 for an exemption for a 20 metre setback from the River; however, the applicant has commenced construction of an attached deck within this 20 metre setback, which was not considered as part of the original floodplain exemption.

Staff recommend that the Board approve the site specific exemption to the Floodplain Management Bylaw, subject to the registration of a new covenant, indemnifying the Regional District and confirming that the dwelling and deck may be used safely for the intended use.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owners: Angus Wooley and Rachel Wooley
Property Location: 5570 Winlaw Bridge Rd., Winlaw
Legal Description: LOT B DISTRICT LOT 3464 KOOTENAY DISTRICT PLAN 949 EXCEPT PART INCLUDED IN PLAN NEP19176 (PID: 011-133-384)
Property Size: ±0.4 hectares (±1.0 acre)
Zoning: N/A – no zoning bylaw
Land Use Designation: N/A – not subject to Official Community Plan (OCP)

SURROUNDING LAND USES

North: Slocan River
West: Winlaw Bridge / Residential
East: Slocan River
South: Slocan Valley Rail Trail / Residential

Site Context

The subject property is located between the east side of the Slocan River and west side of the Slocan Valley Rail Trail (SVRT) in Winlaw, approximately 600 metres west of Highway 6 (Attachment A). It was created by subdivision in 1910. The subject property is an elongated parcel that is bounded by the contour of the SVRT to the east and the irregular shape that the River creates to the west (Attachment B). As such, developable areas on the property are constrained. There is a detached garage with a dwelling unit above it already on the property that was constructed outside of the floodplain setback.

Construction has begun on the new house, but portions of that construction are non-compliant with the previously-approved site specific floodplain exemption, the restrictive covenant registered on title, and the building permit (BP) issued for the project. Specifically, when conducting the initial inspection, building staff observed that footings for the deck portion of the house had been constructed within 17 m of the natural boundary. Work on this portion of the building was stopped, pending Board consideration of this application. Work on that portion of the house in compliance with the BP and restrictive covenant was permitted to continue.

Background

In 2015, a Site-Specific Exemption to the Floodplain Management Bylaw (F1505Hs) was approved for the construction of a dwelling 20 metres from the natural boundary of the Slocan River, pending registration of a covenant registered under section 219 of the *Land Title Act*. Once the property owners were prepared to begin construction of the main dwelling on the property, they registered the covenant on September 25, 2023 with the original Geotechnical Engineers' Report attached to it. The original Geotechnical Report specified a proposed setback of 20 metres for the dwelling but did not include a site plan showing the structure. The site plan that was submitted with the original application (F1505Hs) did not show a setback from Slocan River, nor is it apparent that a surveyor was involved in its preparation to ensure compliance with the requested setback relaxation.

In consideration of flood hazards and their associated impacts, structures that are attached to buildings used for dwelling purposes – in this case a deck and a portion of the roof – are included as part of the dwelling. They are included because, due to the unpredictable nature of flooding, they can still pose significant danger to health and safety as well as result in significant damage to structures and property.

The following is a chronology that relates to the recent construction for the new house:

- April 25, 2024 – application submitted for Building Permit, including design drawings indicating a 20.2 metre setback from the edge of the deck;
- May 17, 2024 – Plan check of application and submitted drawings completed;
- May 24, 2024 – Survey submitted showing what appears to be the deck location; however, the setback measurements were taken from the corners of the house and not the deck (see Attachment C – Survey, May 24, 2024);
- June 11, 2024 – Building Permit issued using the design plans showing the dwelling and attached deck/roof sited 20.2 metres away from the natural boundary of the River and not the Survey shown in Figure 1;
- June 19, 2024 – Siting and footings inspection completed. The Building Official noticed the encroachment of the attached deck/roof of approximately 3 metres into the approved 20 metre setback area. Work was halted on this aspect of the build at this time, pending resolution of the encroachment through another floodplain exemption (this application).

Legislative Framework and Applicable Policy

Under Section 524 of the *Local Government Act (LGA)*, a local government may exempt a person from the application of a floodplain bylaw in relation to a specific building if the local government considers it advisable and either:

- Considers that the exemption is consistent with the Provincial Guidelines; or
- Has received a report that the land may be used safely for the use intended where such a report is certified by a person who is a professional engineer or geoscientist and experienced in geotechnical engineering.

A geotechnical memo (Attachment D) was submitted to supplement the information contained in the original 2015 geotechnical report (Attachment B).

Setback requirements should not be reduced unless a serious hardship exists and no other reasonable option is available. A valid hardship should only be recognized where the physical characteristics of the lot (e.g., exposed bedrock, steep slope, the presence of a watercourse, etc.) and size of the lot are such that building development proposals, consistent with land use zoning bylaws, cannot occur unless the requirements are reduced.

In order to avoid setting difficult precedents these site characteristics should be unique to the subject property and environment. The economic circumstances or design and siting preferences of the owner should not be considered as grounds for hardship. Before agreeing to a modification, consideration should be given to other options such as the use of alternate building sites, construction techniques and designs. Unfortunately, there is no option to consider alternative designs or siting, since the building is under construction in this location. Were it not, Staff would have recommended moving the house closer towards the rail trail side of the property.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Financial Plan Amendment:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Debt Bylaw Required:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Public/Gov’t Approvals Required:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

The \$500 fee for a Site Specific Floodplain Exemption application has been paid pursuant to the RDCK’s *Planning Procedures and Fees Bylaw No. 2457, 2015*.

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

Under Section 524 of the *LGA*, the Board has the authority to exempt a development proposal from “requirements in relation to floodplain areas” provided a report prepared by a professional engineer or geoscientist is received stating that the land may be used safely for the use intended.

3.3 Environmental Considerations

There is no OCP – resulting in no development permit area (DPA) – in this part of the RDCK. As such, the RDCK does not evaluate the property from the perspective of the protection of the natural environment, its ecosystems and biological diversity as the local government’s authority is limited in the absence of a DPA.

Previous owners of the property were required to replant stream bank vegetation that they had removed, which resulted in the harmful alteration of fish habitat under the federal *Fisheries Act*. This vegetation has been re-established on the property, and the applicant has noted that they have been in contact with the Slocan River Streamkeepers to plant additional native riparian species on the property, which would contribute to additional stream bank stability.

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

Flood response and recovery results in broad, direct and indirect economic impacts that have financial implications on all tax-paying Canadians.

3.6 Communication Considerations:

In accordance with the RDCK's *Planning Procedures and Fees Bylaw No. 2457, 2015* staff referred the application to all relevant government agencies, internal RDCK departments and the Electoral Area 'H' Director for review. Below are the comments received as of the time of writing this report:

Ministry of Transportation and Infrastructure

"Thank you for the opportunity to review and provide comments on the above noted application. The Ministry has no comments or concerns with regards to this application."

3.7 Staffing/Departmental Workplace Considerations:

N/A

3.8 Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

The updated geotechnical report provides information and recommendations regarding the setback reduction. The report is consistent with the RDCK's Terms of Reference. Upon completion of the construction of the house, and prior to the issuance of building occupancy, it is recommended that all disturbed areas adjacent to the recommended berm be replanted with native riparian vegetation and/or a native riparian hydroseed mix. Replanting will help to provide a vegetative buffer that adds habitat value to the property and increases that area's resilience to erosion.

Options

Option 1 – Approve

That the Board APPROVE a Site Specific Floodplain Exemption to permit the construction of a dwelling, as described in the committee report "Site Specific Exemption to the Floodplain Management Bylaw – 2402H Wooley", dated July 31, 2024 with a floodplain setback of 17 metres in accordance with the Engineering Report prepared by Zeberoff Engineering Ltd. for property located at 5570 Winlaw Bridge Road, Electoral Area 'H' and legally described as LOT B DISTRICT LOT 3464 KOOTENAY DISTRICT PLAN 949 EXCEPT PART INCLUDED IN PLAN NEP19176 (PID: 011-133-384) subject to preparation of a covenant under section 219 of the *Land Title Act* and Section 56 of the *Community Charter* in favour of the Regional District of Central Kootenay.

Option 2 – Refuse

That the Board NOT APPROVE a Site Specific Floodplain Exemption to permit the construction of a dwelling, as described in the committee report "Site Specific Exemption to the Floodplain Management Bylaw – 2402H Wooley", dated July 31, 2024 with a floodplain setback of 17 metres in accordance with the Engineering Report prepared by Zeberoff Engineering Ltd. for property located at 5570 Winlaw Bridge Road, Electoral Area 'H' and legally described as LOT B DISTRICT LOT 3464 KOOTENAY DISTRICT PLAN 949 EXCEPT PART INCLUDED IN PLAN NEP19176 (PID: 011-133-384)

SECTION 5: RECOMMENDATIONS

That the Board APPROVE a Site Specific Floodplain Exemption to permit the construction of a dwelling, as described in the committee report "Site Specific Exemption to the Floodplain Management Bylaw – 2402H

Wooley”, dated July 31, 2024 with a floodplain setback of 17 metres in accordance with the Engineering Report prepared by Zeberoff Engineering Ltd. for property located at 5570 Winlaw Bridge Road, Electoral Area ‘H’ and legally described as LOT B DISTRICT LOT 3464 KOOTENAY DISTRICT PLAN 949 EXCEPT PART INCLUDED IN PLAN NEP19176 (PID: 011-133-384) subject to preparation of a covenant under section 219 of the *Land Title Act* and Section 56 of the *Community Charter* in favour of the Regional District of Central Kootenay.

Respectfully submitted,

Corey Scott, Planner 2

CONCURRENCE

Planning Manager – Nelson Wight *Digitally approved*

General Manager Sustainability and Development Services – Sangita Sudan *Digitally approved*

Chief Administrative Officer – Stuart Horn *Digitally approved*

ATTACHMENTS:

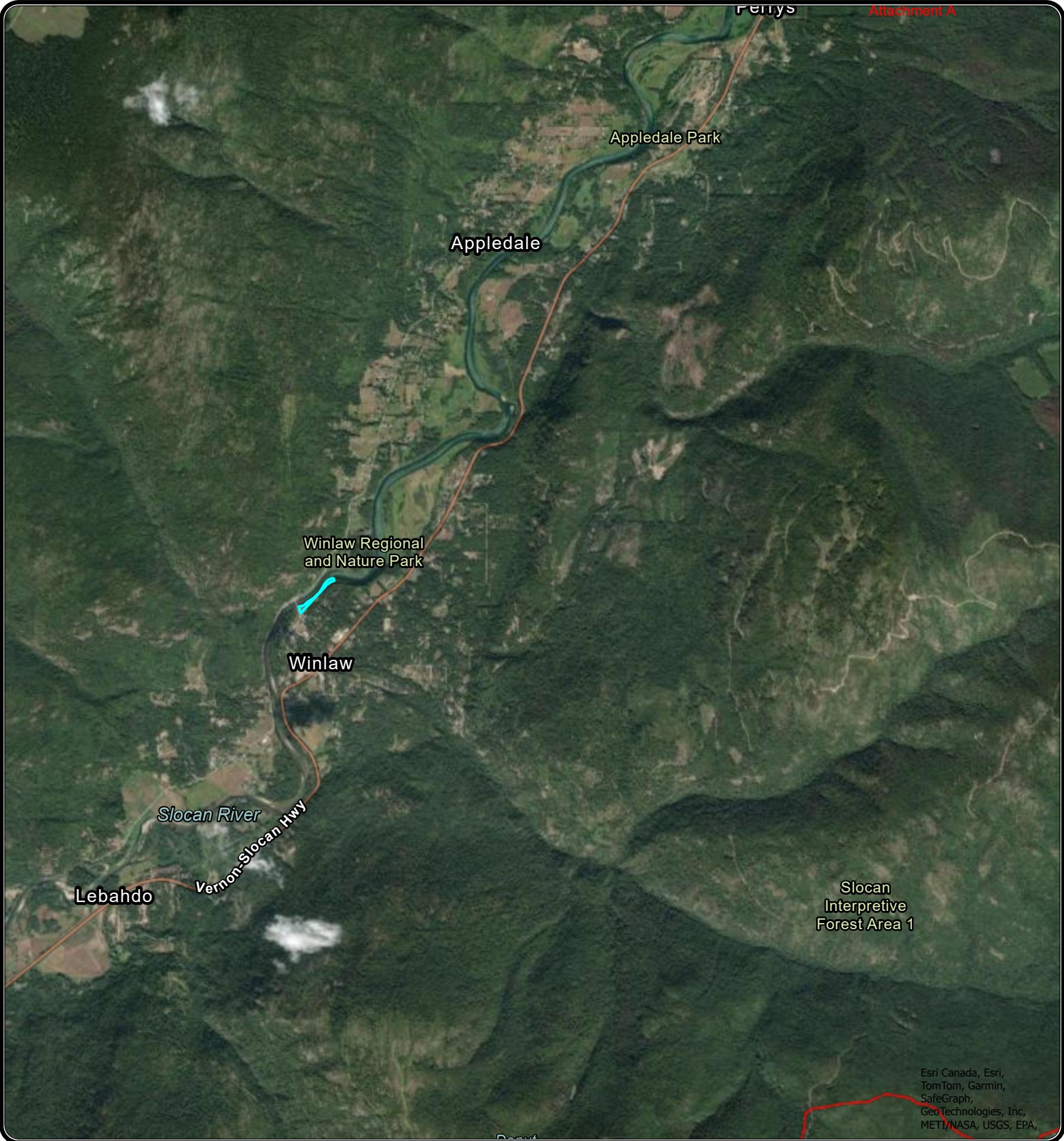
Attachment A – Context Map

Attachment B – Site Map

Attachment C – Survey, May 24, 2024

Attachment D – Geotechnical Report, prepared by Zeberoff Engineering Ltd., dated July 30, 2024

Attachment E – Geotechnical Report, prepared by Perdue Geotechnical Services, dated March 24, 2015



Esri Canada, Esri,
 TomTom, Garmin,
 SafeGraph,
 GeoTechnologies, Inc,
 METI/NASA, USGS, EPA,



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

 Electoral Areas

Map Scale:

1:72,224

Date: July 12, 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.

RDCK Map



Attachment B

Esri Community Maps Contributors, Esri Canada, Esri, TomTom, 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

- Flood Construction Levels - 1990
- Agriculture Land Reserve
- Building Footprints
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

1:4,514

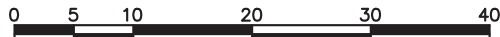
Date: July 12, 2024



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.

B.C. LAND SURVEYOR'S

CERTIFICATE OF LOCATION OF:



Distances are in metres Scale 1: 500

LEGEND

- Denotes standard capped post found
- Denotes standard iron post found
- Denotes benchmark set in pavement

0.5m CONTOUR INTERVAL - Vertical Datum: CGVD 28

ELEVATIONS ARE GEODETIC DERIVED FROM GNSS OBSERVATIONS PROCESSED BY NRCAN'S PRECISE POINT POSITIONING SERVICE (PPP).

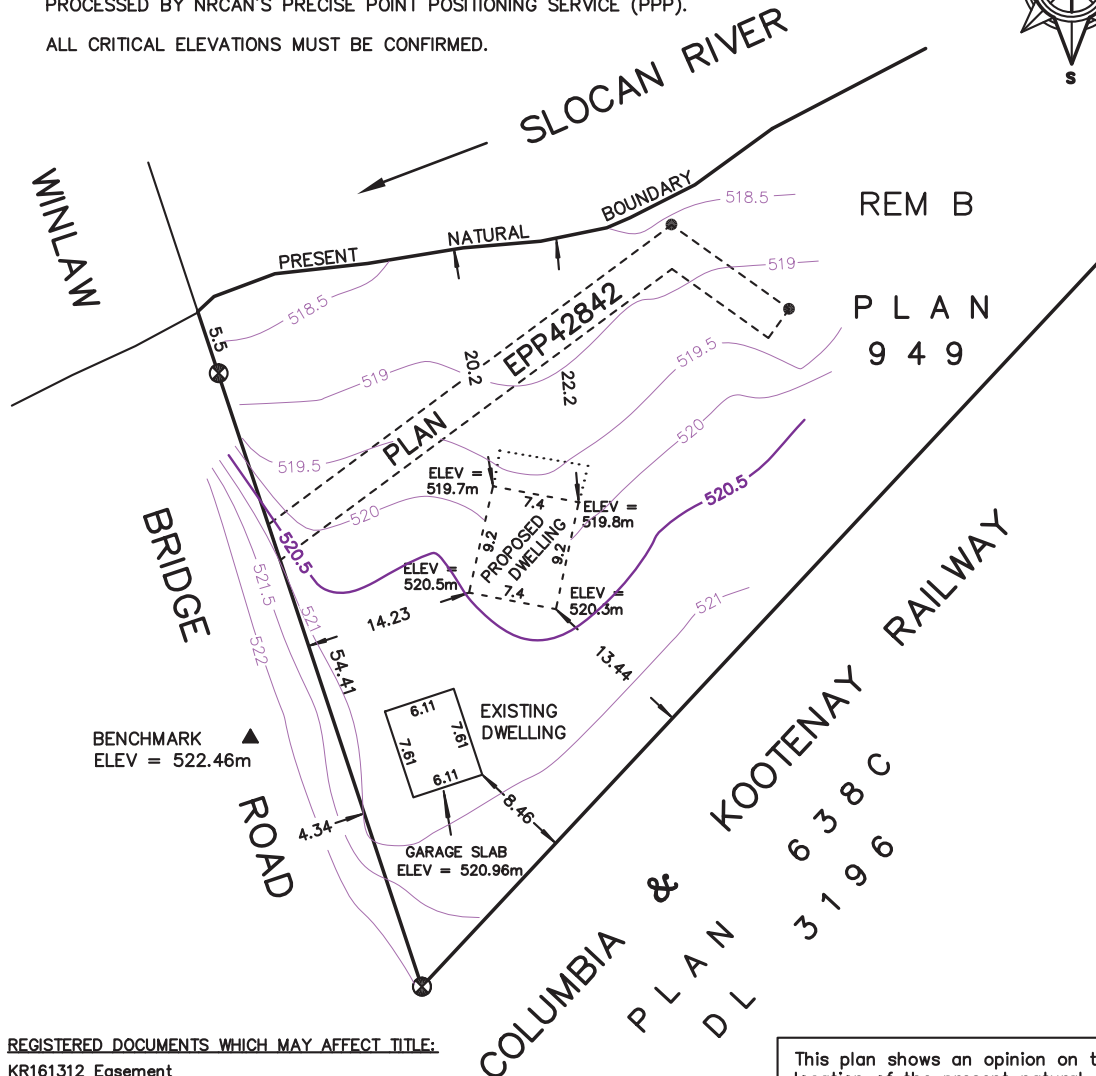
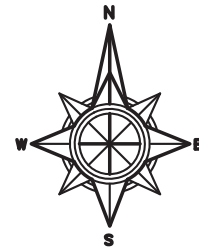
ALL CRITICAL ELEVATIONS MUST BE CONFIRMED.

PART OF LOT B,
DISTRICT LOT 3464,
KOOTENAY DISTRICT,
PLAN 949, EXCEPT PART
INCLUDED IN PLAN NEP19176

Attachment C

CIVIC ADDRESS: 5570 - Winlaw Bridge Road
Winlaw, B.C.

PID: 011-133-384



REGISTERED DOCUMENTS WHICH MAY AFFECT TITLE:

- KR161312 Easement
- LA173128 Easement
- CA4223605 Modification
- CB909986 Covenant

This plan is for the exclusive use of ANGUS & RACHEL WOOLEY.

Any use which a third party makes of this document, or any reliance on or decisions to be made based on it, are the responsibility of such third parties.

This document is prepared for mortgage or municipal purposes only and is NOT TO BE USED FOR RE-ESTABLISHING BOUNDARIES, PROPERTY CORNERS, CONSTRUCTION PURPOSES, OR FOR LITIGATION AND OTHER LEGAL MATTERS.

This document is NOT VALID UNLESS originally signed and sealed. Stamp colour is RED.

HinterLand Surveying
& Geomatics Inc.
CANADA & B.C. LAND SURVEYORS
1540 Second Ave., Trail, B.C.
Tel: 250-364-1444

File 24-6978site
FB 278 pg 107

This plan shows an opinion on the location of the present natural boundary based on field survey. A reference plan is recommended.

To the best of my knowledge and belief THE FOUNDATION OF THE DWELLING shown on the above property is wholly within the boundaries thereof and DOES NOT encroach onto adjoining property or road.

The information is based on a field survey and Land Title records. Unregistered interests have not been included or considered.

Dated at Trail this 24th day of May, 2024

c=CA, cn=Scott Allen QPZP61,
o=BC Land Surveyor, ou=Verify
ID at www.juricert.com/
LKUP.cfm?id=QPZP61
2024.05.24 13:35:04 -07'00'

Scott Allen, BCLS


Zeberoff Engineering Ltd.

Permit to Practice: 1001887
 1865 Passcreek Rd, Castlegar BC
admin@a2zengtech.com

250 505 8124

Angus and Rachel Residence

July 30, 2024

Project# X24-23

Attn: Perry Steel/Peter Kobald

Re: Engineered Berm Design & Site Specific Floodplain Variance (Version 1)**Address:**

5570 Winlaw Bridge Rd, Winlaw BC

INTRODUCTION

Zeberoff Engineering has conducted an analysis and site investigation regarding a Geotechnical Matter related to the 1:200 year flood level on the Slocan River at the subject address. Specifically, arguments are set forth to support a site specific variance to the Floodplain Management Bylaw 2080, 2009, AND to provide an Engineering Solution that protects the structure in the event of a 1:200 year flood based on recent data [1].

A portion of the new construction, specifically the outside deck structure, has isolated footings planned to be offset/setback 17 m from the Present Natural Boundary (visible high water mark along the river) of the Slocan River, while a previous variance (restrictive covenant) was granted for a 20 m setback.

Any site specific variance from Bylaw No 2080, 2009, under Section 910 of the Local Government Act, and any conditions in this report shall be included in a restrictive covenant under Section 219 of the Land Title Act and section 56 of the Community Charter and filed against the title of the subject property.

BACKGROUND

A Geotechnical Study conducted by Purdue Geotechnical Services for this lot, dated March 24, 2015, arguments were set forth to justify a setback variance from 30m to 20m, for which an exemption was granted from the provisions of Floodplain Management Bylaw 2080, 2009 . It was noted in this above referenced study that “the channel section upstream of and adjacent to Lot B shows no discernible evidence of significant stream bank erosion or channel migration.” Also in this study, Purdue references the FCL (from Northwest Hydraulics Consultants) for this property at 520.7 m, and a restrictive covenant is currently applied to a 20 m setback.

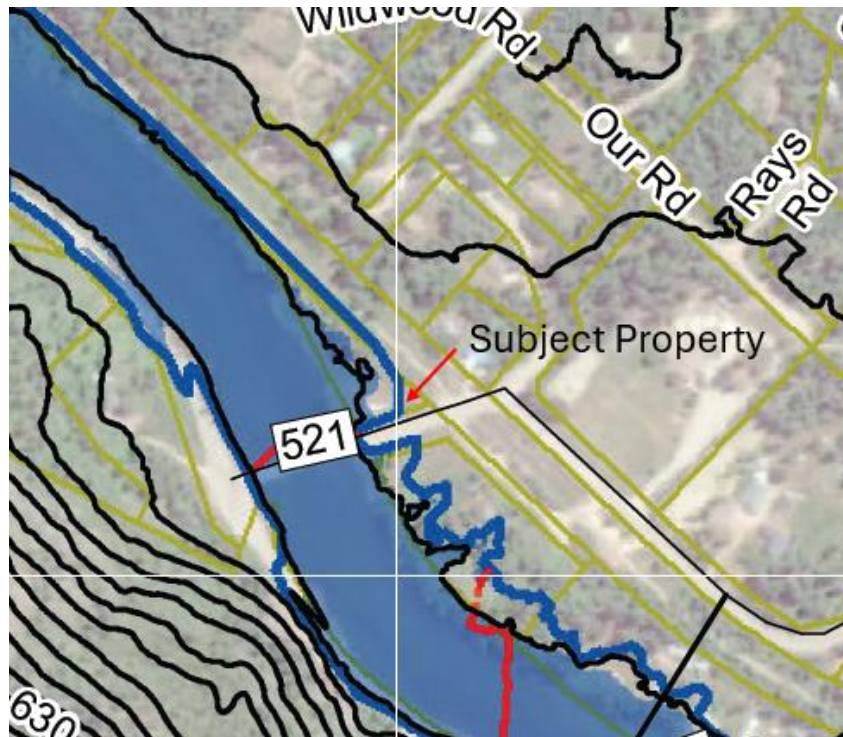
The 2080 RDCK Bylaw indicates that discontinuous sections designating potential floodplain areas along the Slocan River have a Non-Standard Flooding and Erosion Rating (NSFEA) of ‘P’, which states: *flooding and erosion from high velocity flows, avulsions, debris flows or bank instability is possible, which is typical of the apex areas of larger streams or moderate sized streams with steeper slopes.* However, this subject property does not have a NSFEA rating.

Zeberoff Engineering Ltd.

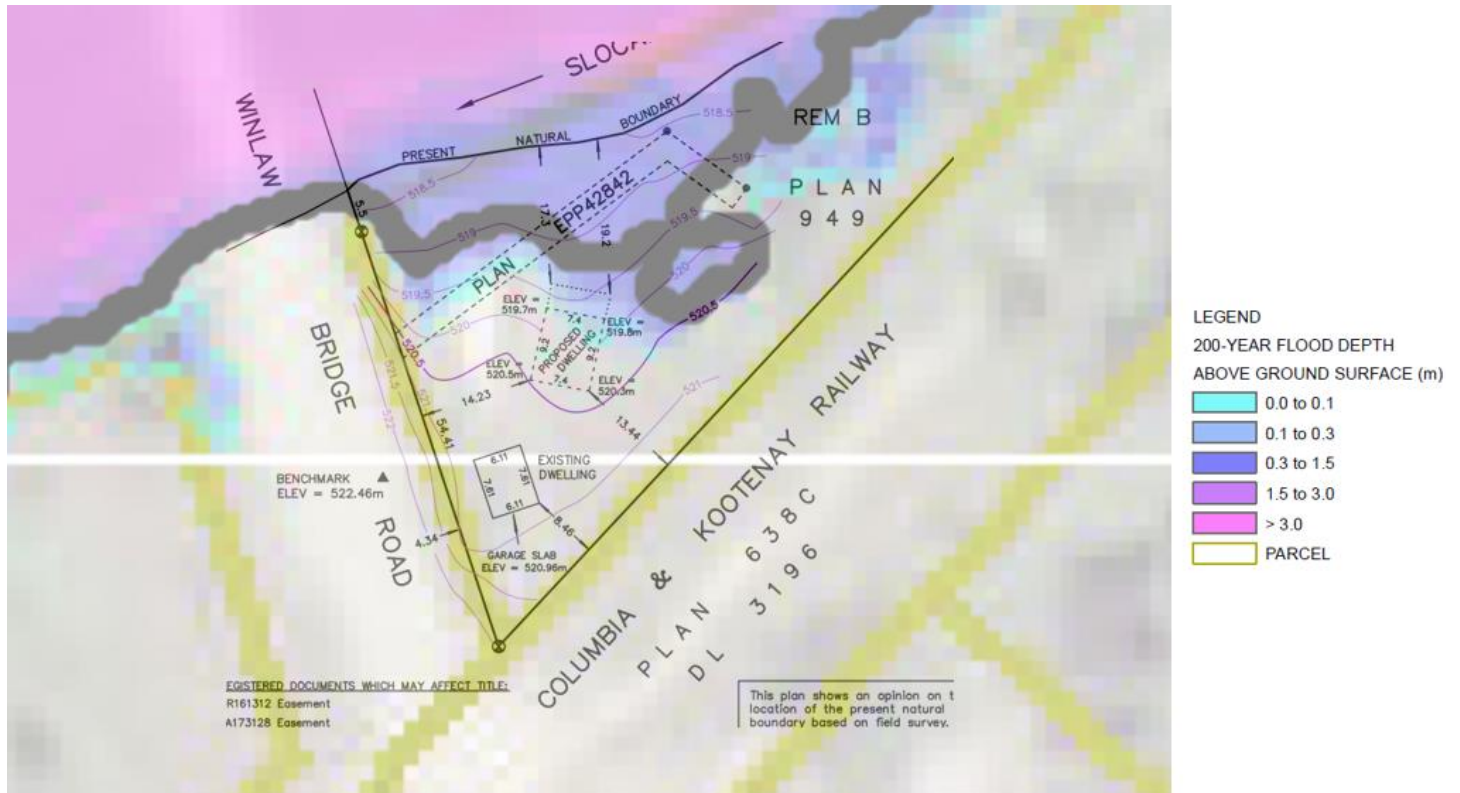
Permit to Practice: 1001887
 1865 Passcreek Rd, Castlegar BC
admin@a2zengtech.com

250 505 8124

A recent study conducted by BGC Engineering for the Slocan River was published March 31, 2020, which provides more accurate topology and water modelling for various flood volume input scenarios and corresponding outputs including Flood Construction Levels (FCL) along the Slocan River [1]. This study shows that the FCL adjacent to the Winlaw Bridge is 521.0 m, as shown from Drawing 07 from the report, which illustrates the extent, magnitude, frequency, and potential effect of all debris flow hazards that may affect the property:



The dark blue border line illustrates the 1:200 year flood extents including 0.6 m of freeboard. According to a recent survey of the existing foundation plus deck structure it appears the new construction is within this 1:200 year FCL extent. Also, it can be further shown below with an overlay of the survey on the flood depth for the 1:200 year (drawing 06 of the BGC report), that there is interaction of the flood water with the new construction.



The problem at hand is two-fold: the isolated footings are at 17 m from the natural boundary, opposed to the approved 20 m variance, AND the Recent BGC study has updated the FCL to 521 from 520.7, while the top of foundation (or underside of floor joists) is already poured at 520.85 m. It is possible that the BGC study has updated the FCL to 521 m because in their report they note that a 0.6 m freeboard was used [3]. Typically 0.3 m freeboard is added to the water surface profile for the design peak instantaneous flow while 0.6 m freeboard is added to the daily average design flow. Therefore $520.7 + 0.3 = 521$ m, which accounts for the 0.6 m freeboard.

OBSERVATIONS

A site visit on July 8, 2024 was conducted to examine the property. The property slopes from 3-7% towards the river. There is a bench area extending 20 m from the bank of the Slocan River towards the southside of the property and in the direction of the poured foundation. This bench has a slope from 1-2%. There are trees directly on the crest of the bank, which are not leaning and are approximately 60 years old. There are no prominent erosion features on the property. The soil consists of well drained deposits of fluvial cobbles, gravel and sand as evident from the excavations already present on site.

There are no Alluvial Fans on the property.

RECOMMENDATIONS

As noted in the observations, a 1-2% sloped bench extends 20 m from the Slocan River Bank edge into the property where the slope begins to rise again. It is also noted that a previous Exemption was granted, which allowed the setback from 30 m to 20 m. In terms of the flood modelling data [1] and that the 20 m setbark mark and 17 m setback mark are nearly at the same elevation (~ 2-4" difference), no further flood hazard risk is observed at the 17 m setback provided the recommendation below is followed.

Due to recent data taken into consideration [1], a breakwater berm is recommended to be constructed at 521.0 m elevation adjacent to and along and extending the face of the deck structure AND that the isolated footings be constructed to a depth of 6' below grade with compacted backfill – See associated drawings. This breakwater berm will render the new exterior deck structure construction safe for the intended use. These mitigative works, which are intended to reduce the potential hazard, pose no impact on the 15 m riparian area and will not limit access to the existing infrastructure, particularly access to the water wells.

BREAKWATER BERM DESIGN

There are several Calcite-Quartz boulders onsite as it is, ranging from 0.5-1.5 m in diameter. These boulders would act as highly suitable material in the construction of a breakwater berm as the mass of each boulder is estimated at 0.5-3 short tons [4]. These boulders will also act as a retaining wall to support the backfill material surrounding the isolated footings. Backfill material is to be applied in 6-8" lifts using a 500 lb compactor, with suitable water added in order to attain maximum compaction. There will be approximately 5' of backfill required. Medium grade non-woven filter cloth is required between the boulder wall and backfill material. Refer to the associated drawings for further details.



Site Visits

- Prior to boulder placement (layout planning)
- During compaction of fill around footings
- Final Inspection of berm

Closure

This memo has been prepared for the exclusive use of Angus and Rachel (Owner), and Peter Kobald (Contractor).

We expect the RDCK will rely on this Memorandum for permitting purposes. This report has been prepared for and at the expense of the owner of the subject property and that Zeberoff Engineering / Author of this report has not acted for or as an agent of the RDCK in the preparation of the report.

This memo has been prepared in accordance with generally accepted engineering principles and practice.

No other warranty, either expressed or implied, is made. Any use which a third party makes of this memo, any reliance on the memo, or decisions made based on it are the responsibility of such third parties. Zeberoff

 **Zeberoff Engineering Ltd.**

Permit to Practice: 1001887
1865 Passcreek Rd, Castlegar BC
admin@a2zengtech.com

250 505 8124

Engineering accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions taken based on this memo.

Should you have any questions about the above findings or wish to discuss this further, please contact our office.

References:

- [1] RDCK Floodplain and Steepcreek Study, BGC Engineering, March 31, 2020
- [2] Terms of Reference, Requirements for Professional Engineers / Geoscientists undertaking Geotechnical Reports / Flood Hazard Assessment Reports, RDCK. Nov 2009.
- [3] Legislated Flood Assessments in a Changing Climate in BC, V2.1, August 28, 2018.
- [4] Sigurdarson, S. and Van der Meer, J.W. (2015). Design and construction of berm breakwaters, Proc. Coastal Structures 2015, ASCE

Attachments:

- "5570 Winlaw Bridge Rd_X24-23_Berm Drawings_July.30.2024"
- "5570 Winlaw Bridge Rd_X24-23_Schedule B_Berm_July.15.2024"

Anthony Zeberoff, P.Eng

 Zeberoff Engineering Ltd.

Permit to Practice: 1001887
admin@a2zengtech.com

250 505 8124

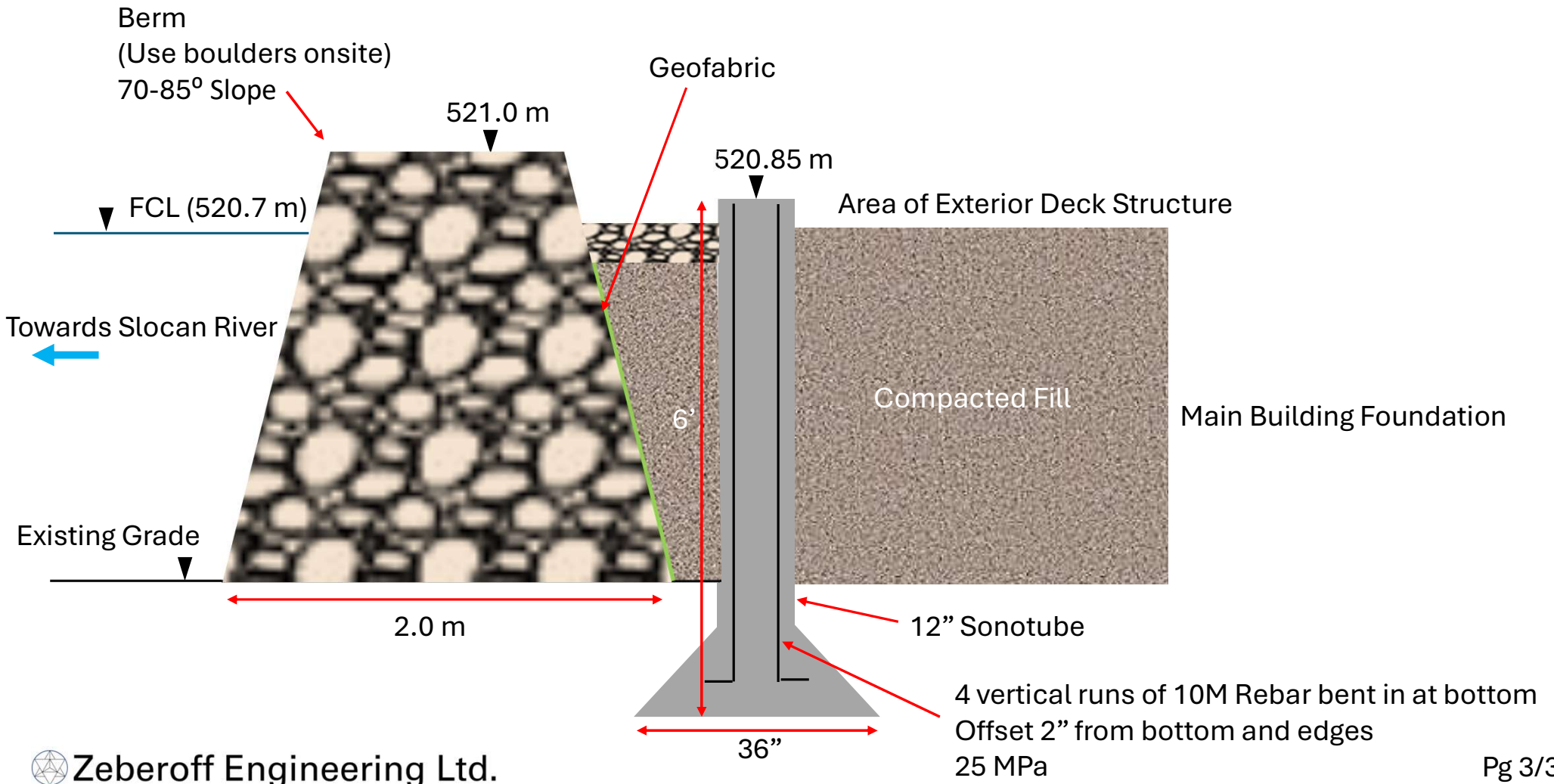
Proposed Berm Design (V.1)

5570 Winlaw Bridge Rd, Winlaw BC

July 30, 2024

Anthony Zeberoff, P.Eng

Section A-A



March 24, 2015

Angus Wooley
7 Josiah Evans Court
77 Crow Lane East
Newton-Le-Willows
Merseyside
WA12 9TS
UK



Attn. Angus Wooley

**RE: SITE SPECIFIC FLOODPLAIN VARIANCE, SLOCAN RIVER, WINLAW, BC
LOT B, PLAN 949 (except PLAN NEP19176), DISTRICT LOT 3464, KOOTENAY DISTRICT**

INTRODUCTION

At the request of Mr. Angus Wooley, Perdue Geotechnical Services Ltd. (PGS) conducted a geotechnical assessment within the southwestern area of the above referenced property.

The purpose of the assessment was to provide support for a site specific variance from the 30 m setback along the Slocan River, in order to meet the requirements of the Regional District of Central Kootenay (RDCK), as per Section 11.3 of the Floodplain Management Bylaw No. 2080, 2009. Any site specific variance from Bylaw No. 2080, under Section 910 of the *Local Government Act*, and any conditions in this report shall be included in a restrictive covenant under Section 219 of the *Land Title Act* and Section 56 of the *Community Charter* and filed against the title of the subject property.

It is understood that a geotechnical assessment has been requested by the RDCK prior to considering the setback variance and issuing a building permit for the proposed development.

BACKGROUND INFORMATION

PGS has received and reviewed the following documents:

- "GUIDELINES for LEGISLATED LANDSLIDE ASSESSMENTS for PROPOSED RESIDENTIAL DEVELOPMENTS in BC", Association of Professional Engineers and Geoscientist of British Columbia, May 2010 (revised).
- "TERMS OF REFERENCE, Requirements for Professional Engineers / Geoscientists undertaking GEOTECHNICAL REPORTS / FLOOD HAZARD ASSESSMENT REPORTS", Regional District of Central Kootenay, November 2009.
- "FLOOD HAZARD AREA LAND USE MANAGEMENT GUIDELINES", Ministry of Environment (Province of British Columbia), May 2004.

Previous Reporting

PGS completed a previous assessment of Lot B in 2007. The results of the assessment were summarized in a report entitled "*Floodplain Setback Relaxation Assessment, Lot B, District Lot 3464, Plan 949 (except Plan NEP19176), Kootenay District*", May 2007.

Slocan River Building Setback and Flood Construction Level

According to the RDCK Floodplain Management Bylaw No. 2080, 2009, the building setback has been established at 30 m from the natural boundary of the Slocan River. The bylaw defines the natural boundary as *the visible high watermark along the river, where the presence and action of water are evident in all ordinary years with respect to vegetation and the nature of the soils along the shoreline by such action.*

In addition to the building setback, floodplain mapping was completed along the Slocan River by Northwest Hydraulics Consultants Ltd. in 1990 for the Ministry of Environment (MoE), which determined the extent of the conceptual 200-year flood and resulted in the establishment of the Flood Construction Levels (FCL) along the river. According to the floodplain mapping, the northwestern majority of the reviewed area of Lot B is encompassed by the conceptual 200-year flood elevation, which has been determined to be 520.7 m above sea level (including freeboard).

Slocan River Alluvial Fan

Further accordance with the RDCK Floodplain Management Bylaw No. 2080, 2009, discontinuous sections designating potential floodplain areas along the Slocan River have Non-Standard Flooding and Erosion Area (NSFEA) ratings of 'P'. A 'P' rating signifies that within the property, *flooding and erosion from high velocity flows, avulsion, debris flows or bank instability is possible, which is typical of the apex areas of larger streams or moderate sized streams with steeper slopes.*

However, the entire area within Lot B does not have an NSFEA rating.

Aerial Photographs and Ortho-imagery

The following aerial photographs were reviewed as part of this assessment:

- 15BC77103 Nos. 207 and 208 (1977 series)
- 15BC78022 Nos. 291 and 292 (1978 series)
- 15BC84072 Nos. 079 to 081 and 089 to 091 (1984 series)

The photos provided monochrome stereo coverage of the property and surrounding area.

More recent ortho-imagery (June, 2009) provided by Google Earth was used to compare the geomorphic changes that have occurred along the Slocan River over a 32 year period.

SITE ASSESSMENT

An on-site assessment was completed by Mr. Chris Perdue, P.Geo., Eng.L., of PGS on April 29, 2014. The assessment consisted of a foot traverse through the subject property as well as a brief inspection of the immediate surrounding slopes.

Significant terrain features shown on the accompanying figures were mapped in the field using a Trimble GeoXT GPS unit. Data collected was differentially corrected to improve positional accuracy.

OBSERVATIONS

Lot B (the property) is a narrow and elongated lot, situated along the southeastern side of the Slocan River within the community of Winlaw, BC, approximately 24 km northwest of Nelson, BC (refer to Figure 1). The property is flanked by Winlaw Bridge Road and the abandoned Canadian Pacific Railway (CPR) right-of-way along its western and southeastern boundaries, respectively (refer to Figure 2).

It is understood the proposed development is limited to the southwestern area of Lot B and, for the purpose of this report, the results of the assessment are for the subject area of the property only.

Southwestern Area of Lot B

The site is partially vegetated with mature coniferous and deciduous trees, shrubs and grasses. At the time of the assessment, the property was vacant of any buildings. A berm consisting of coarse, angular rock has been stock piled along the western boundary. Two concrete manholes and a 6-inch steel wellhead were identified in the western corner.

The terrain throughout the reviewed area is gently sloping towards the river with gradients typically measuring 5% to 10%. Surficial soils previously observed within a series of septic test pits and along the shoreline of the river consist of well-drained deposits of fluvial sand and gravel.

A distinct slope crest along the edge of the Slocan River was GPS traversed to illustrate its location relative to the property boundary (refer to Figure 3). The crest typically measures approximately 0.5 m above the average seasonal high water level and 1.2 m above the water level during the field review. Slopes below the crest are oversteepened and minor shoreline erosion was evident, but not considered significant (refer to Photo 1).

Slocan River

The Slocan River is a large watercourse that primarily drains Slocan Lake, located approximately 18 km upstream of Lot B. The river section immediately upstream of, and adjacent to, the subject property is broadly confined by remnant terraces and follows a series of gradual meanders along a low channel gradient.

The Winlaw bridge is situated immediately downstream of the property. The southern bridge abutment is armored with coarse, angular rock and encroaches into the river approximately 2 m beyond the upstream adjacent natural boundary.

A review of historical aerial photographs dating back to 1977 and recent ortho-imagery (Google Earth, 2009) shows no indication of significant erosion or channel migration over a 32 year period. No indication of significant stream bank erosion was identified along the northwestern boundary of Lot B during the field review.

Proposed Development

It is understood that the development plans include building a residence within the southwestern area of Lot B with a 10 m setback variance along the Slocan River (i.e. from 30 m to 20 m from the natural boundary).

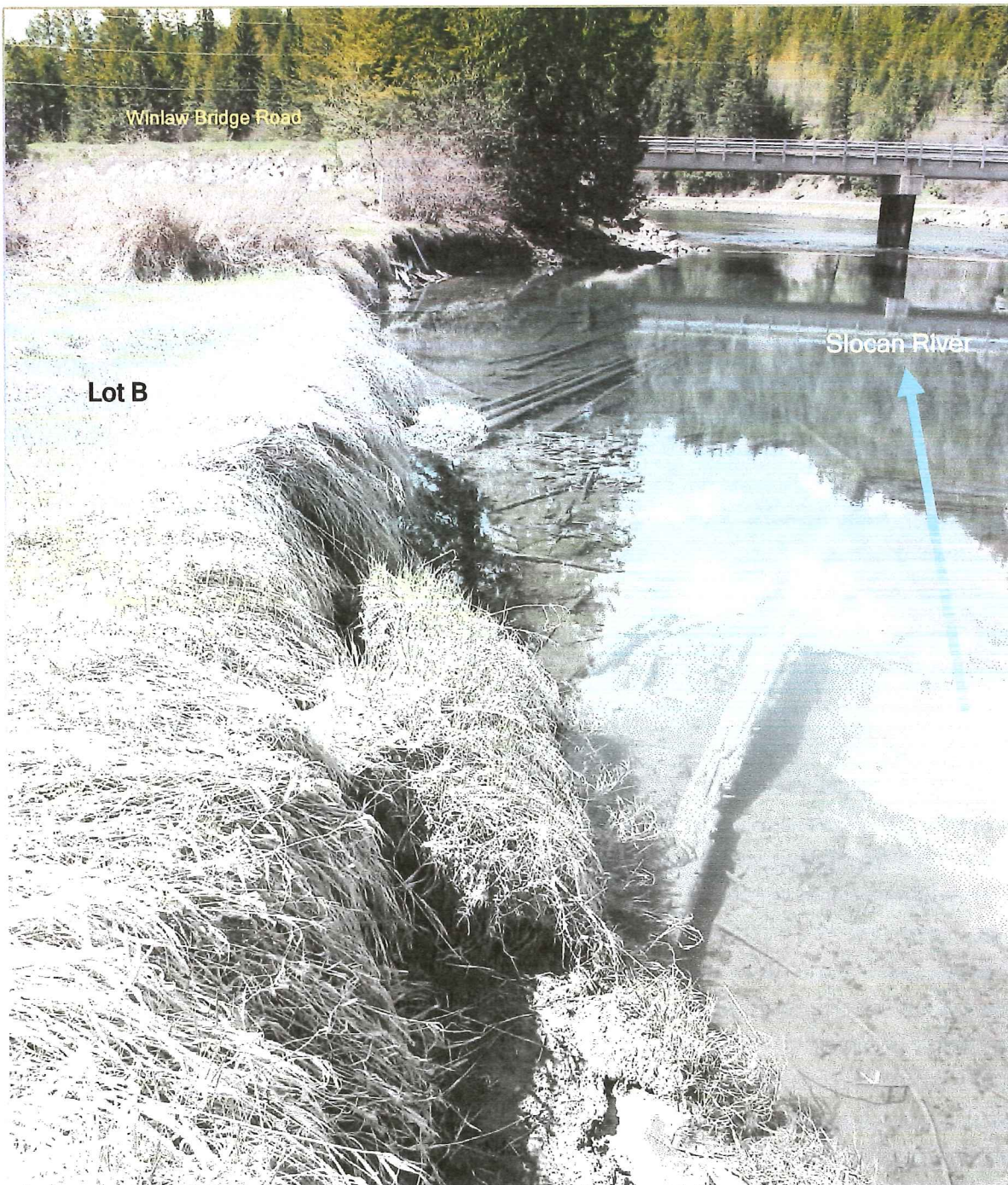


Photo 1 - Stream bank along southwestern area of Lot B with minor erosion. View looking southwest (downstream). Note calm, non-turbulent flow.

DISCUSSION

Based on the results of the assessment, Lot B is not considered to be at significant risk from channel erosion or avulsion. The 30 m setback from the natural boundary of the river, as established by the RDCK Floodplain Management Bylaw No. 2080, 2009, may be reduced to 20 m without subjecting the proposed development plans to a significant increase of flooding and erosion.

The Slokan River is a large watercourse with a substantial drainage area and capable of considerable flow volumes. Large rivers with gentle gradients, broad floodplain areas and erodible stream banks are susceptible to meandering. However, the channel section upstream of and adjacent to Lot B shows no discernible evidence of significant stream bank erosion or channel migration.

Furthermore, the location of the Winlaw bridge immediately downstream of the property is considered a protective structure. The protrusion of the southern abutment into the river is expected to reduce upstream flow velocities slightly and reduce the potential for erosion and avulsion.

RECOMMENDATIONS

As previously stated, floodplain mapping completed by NHC (1990) has identified the FCL along the southwestern area of Lot B as 520.7 m asl (including freeboard).

In consideration of the floodplain mapping, a geodetic survey should be completed for any future development to ensure the underside of any floor system, the top of any floor slab of an inhabited building, meets the FCL throughout this area of the property.

CONCLUSION

The foregoing assessment has been conducted in general accordance with the legislated guidelines prepared by the Association of Professional Engineers and Geoscientist of BC (APEGBC, 2010).

The recommendations discussed herein are intended to mitigate the potential hazards that may result in damage to future residential development within the study area. Provided the recommendations are followed, the land may be used safely for the intended purpose.

CLOSURE

This report has been prepared for the exclusive use of Mr. Angus Wooley and his authorized representatives. The Regional District of Central Kootenay may also rely on this report for the building permit application. Any use of this report by a third party, or any reliance on or decisions to be made based on it are the responsibility of such third parties. Perdue Geotechnical Services Ltd. accepts no responsibility for damages incurred by any third party as a result of decisions made or actions based on this report. No other warranty is made, either expressed or implied.

The methods used herein are in accordance with generally accepted geological and geotechnical principles and practice. Site conditions are based on surface observations, shallow test pits and exposed soils. Deep, sub-surface exploration techniques were not used unless otherwise noted. Recipients of this report should be aware that sub-surface variability is inherent, as a function of natural geomorphic processes.

The topographic features shown on the attached figures are illustrations only and have not been surveyed to determine their precise locations, unless otherwise noted.

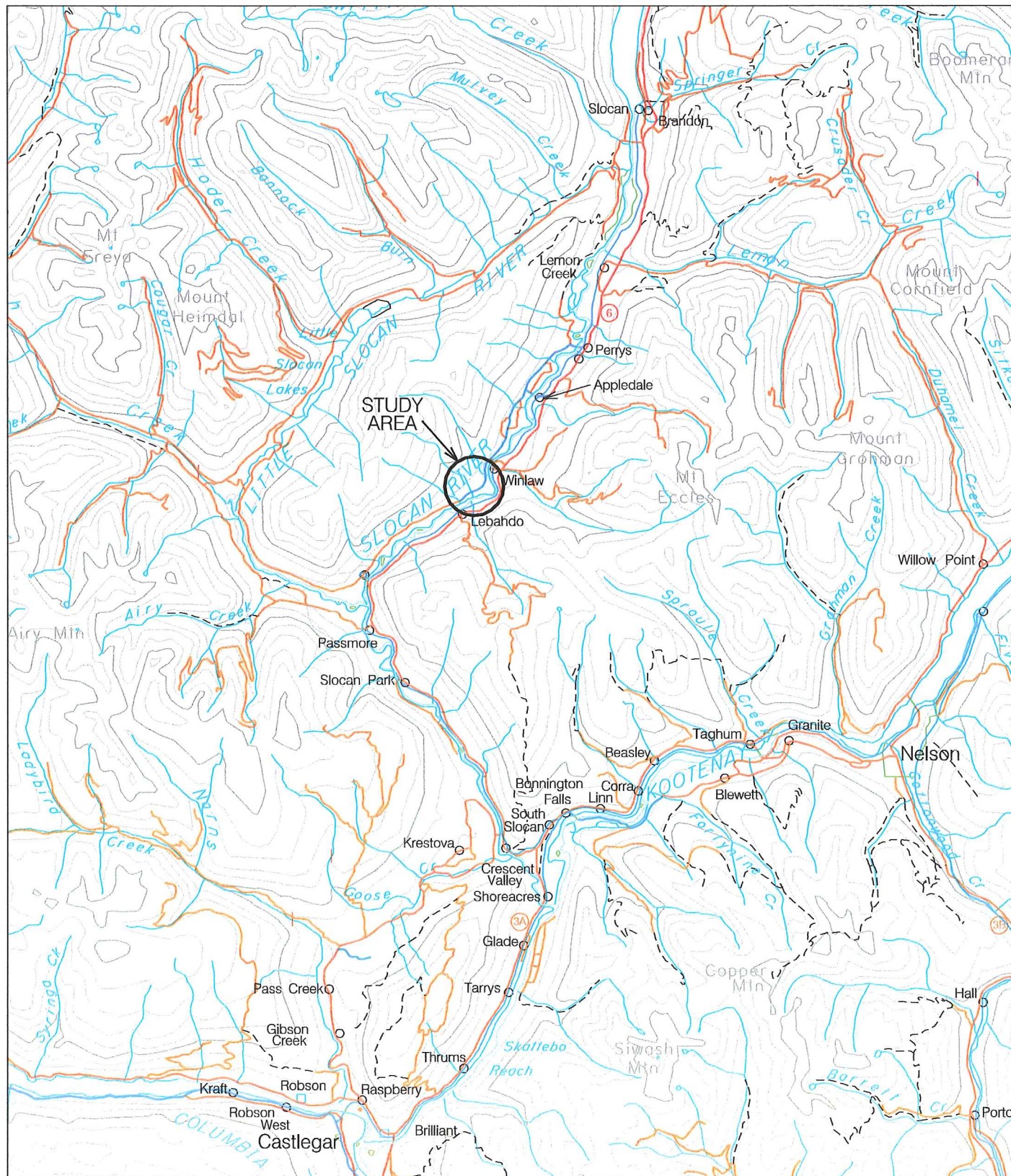
Thank you for requesting Perdue Geotechnical Services Ltd. to assist with the proposed development. If there are any questions or concerns regarding the foregoing information, please contact the undersigned.

Regards,
PERDUE GEOTECHNICAL SERVICES LTD.

ORIGINAL SIGNED

Christopher G. Perdue, P.Geo., Eng.L.
Engineering Geologist

Attachments: Figure 1 - Location Map (1:250,000 scale)
Figure 2 - Overview Map (1:2,500 scale)
Figure 3 - Site Plan Map (1:750 scale)



ANGUS WOOLEY
 LOT B, PLAN 949, (EXCEPT PLAN NEP19176)
 DISTRICT LOT 3464
 KOOTENAY DISTRICT



Scale: 1:250,000
 Date: MARCH 2015
 Drawn by: CP

Adapted from: 82F Nelson

LOCATION MAP

Figure 1



**ANGUS WOOLEY
NATURAL HAZARD ASSESSMENT**

LOT B, PLAN 949,
(EXCEPT PLAN NEP19176)
DISTRICT LOT 3464
KOOTENAY DISTRICT

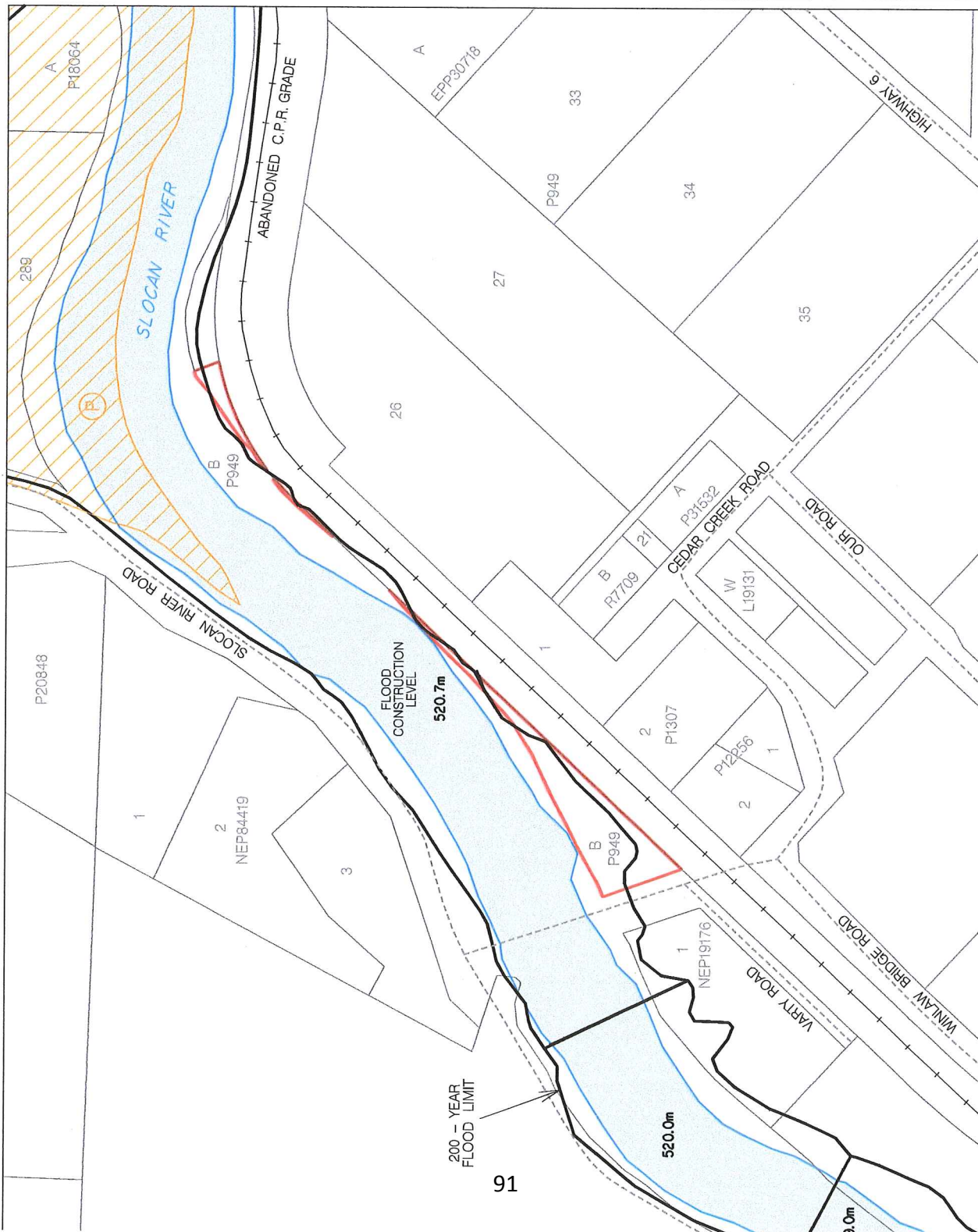
LEGEND

- ROADS
- TRAILS
- SEASONAL STREAM
- PARCEL BOUNDARIES
- 200-YEAR FLOOD LIMIT
- DRAW-SWALE
- CULVERT
- SLOPE DIRECTION
- NSFER (FDCK)



(Scale 1:2,500)

OVERVIEW	PROJECT: 14001-002
FILE:	14001-002.dgn
DATE:	MARCH 2015
DRAWN:	Trippwire
FIGURE:	2



ANGUS WOOLEY
NATURAL HAZARD ASSESSMENT

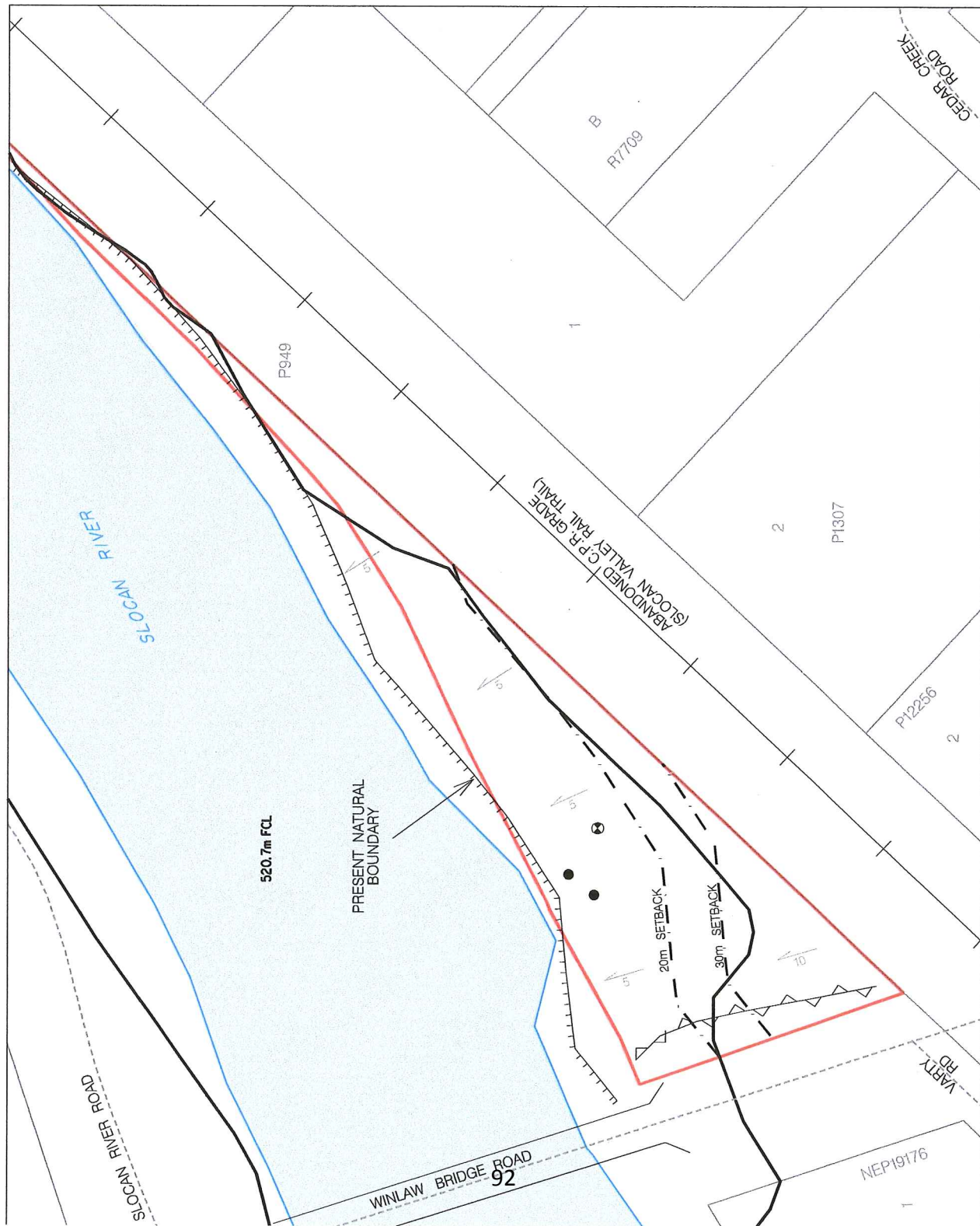
LOT B, PLAN 949,
(EXCEPT PLAN NEP19176)
DISTRICT LOT 3484
KOOTENAY DISTRICT

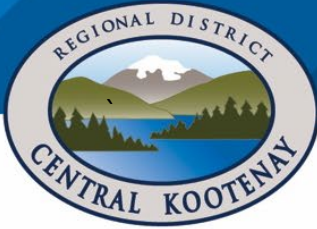
LEGEND

- ROADS
- TRAILS
- PARCEL BOUNDARIES
- 200-YEAR FLOOD LIMIT
- PRESENT NATURAL BDY.
- ROCK BERM
- DRAW-SWALE
- CULVERT
- SLOPE DIRECTION
- EXISTING RESIDENCE (GPS)
- CONCRETE MANHOLE
- STEEL WELL HEAD



SITE PLAN	PROJECT: 14001-002
FILE: 14001-002.dgn	DATE: MARCH 2015
DRAWN: Tripwire	FIGURE: 3





Committee Report

Date of Report: July 4, 2024
Date & Type of Meeting: July 17, 2024, Rural Affairs Committee
Author: Nelson Wight, Planning Manager
Subject: Planning Service Work Plan Review
File:
Electoral Area/Municipality: Electoral Areas A, B, C, D, E, F, G, H, I, J, K

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to provide a summary of the input from the Planning workshop in February, a status update on the work we are doing now and into 2025, and a review of options to meet the land use planning needs in the near term and longer term for residents in our region.

Staff provide the following recommendations for consideration:

1. Direct Staff to prioritize those projects listed as near-term projects, which are already underway or near commencement, as follows:
 - a. Area I Official Community Plan
 - b. Housing Needs Assessment
 - c. Regional Growth Planning Analysis
 - d. Active Transportation Feasibility Study - Castlegar to Nelson
 - e. Local Government Housing Initiatives
 - f. Subdivision Servicing Bylaw Review
 - g. Flood Hazard Policy/Regulations Update
 - h. Planning Procedures and Fees Bylaw Review
2. Schedule a second work shop for Staff and Directors to further discuss longer term direction for Planning Services, including how to approach OCP and land use bylaw updates as efficiently as possible.

SECTION 2: BACKGROUND/ANALYSIS

February 2024 Workshop with Rural Directors and Staff

The purpose of this workshop was to begin to reflect on how best to address the many needs among our residents relating to land use planning with existing resources. Through dialogue and learning, we sought to begin exploring answers to two key questions:

1. Having an understanding of the Board's strategic direction, the existing work plan for Planning Services and the anticipated work on the horizon, what changes need to be made to those items on the work plan as well as their order of priority?
2. Should we change how we do that work and if so what could that look like? Status quo, Harmonized Official Community Plans (OCP), subregional OCP's and/or Regional Growth Strategy?

The time was effectively used to delve into some of the details of how we are currently approaching land use planning in the region, and begin to examine how we might approach that work in the future. Representatives from the Cowichan Valley Regional District shared their experience working towards harmonizing their Official Community Plans. There was good discussion from that presentation, and a recognition that more time is needed to think critically about the approach best suited to our region. See especially the strengths/weaknesses/opportunities/threats (SWOT) analysis included in the workshop summary, which is included as Attachment A.

It is recognized that the February work shop was a starting point to this discussion and there is a lot more analysis and discussion needed before decisions can be made. This report provides some of that follow up analysis and makes recommendations for the Directors to consider. Subsequent to the work shop, Staff analyzed the cost and timeline implications for the two approaches to land use planning in the region: status quo and harmonized approach. See Attachment B – Costing and Timelines for further details.

Existing Project List

See Attachment C to this report for the list of existing projects assigned to Planning Services by the Board or otherwise initiated by Staff and their current status. Some notable updates on the work plan since the previous report include the following:

1. Local Government Housing Initiative (Provincially Directed)

To address the Small-Scale Multi-Unit Housing component (SSMUH), the amending bylaws for Electoral Areas A, B and G were adopted at the June 13, 2024 Board meeting. Amending bylaws for Electoral Areas C, D, F, I, J and K are anticipated to be adopted at the July 18th Board meeting completing the Provincial requirements to amend RDCK's Zoning Bylaws. Official Community Plans will also have to be amended for the purpose of permitting the required uses and densities prior to December 31, 2025.

2. Regional Growth Planning Analysis (Board Directed via Grant Opportunity)

RDCK and partnering member municipalities have received grant funding in the amount of \$300,000 through the UBCM Complete Communities Program. Staff issued a Request for Proposals on June 12, 2024. The closing date is July 22, 2024, and the recommended proposal will be brought to the August 15, 2024 Board meeting to award the contract.

3. Regional Housing Needs Report (Provincially Directed)

At the June 13, 2024 Board meeting the contract for the Regional Housing Needs Report was awarded to M'akola Development Services. The project has recently commenced and will be completed by December 31, 2024.

Current State of Land Use Planning Documents

The RDCK has three bylaws related to land use planning that extend across the entire regional district: (1) Manufactured Home Parks Bylaw; (2) Floodplain Management Bylaw, and (3) Subdivision Servicing Bylaw. However, official community plans and zoning bylaws have the most significance in shaping the land use planning landscape, and in the RDCK those consist of numerous policies and regulations contained in eleven (11) OCP's, and six (6) zoning bylaws. The lands affected in each electoral area varies and in the case of zoning regulation, only 50% of the RDCK land base has such regulation.

However—as seen in the recent Small-Scale Multi Unit Housing (SSMUH) regulations changes recently brought to the Board for consideration—there is considerable alignment across the various OCP's and zoning bylaws. Such alignment and multiplication across electoral areas underscores the justification for harmonization either

into a single OCP and zoning bylaw for the RDCK or a lesser number of sub-regional planning documents. In analyzing some of these policies, Staff have noted that harmonization would appear relatively straightforward, given the similarity in policies. As an example consider the overlap in agricultural policies alone, which is demonstrated in Attachment D – Policy Alignment.

Similar duplication of policy and regulation exists in all other areas of these land use planning documents. While there may be some benefit to the variability of these various policies and regulations for different geographies within the RDCK, such benefit is either so minor as to not justify the need for unique language and significant investment in resources in maintaining these various documents, or could otherwise be addressed through a harmonized approach that includes electoral-area-specific policies or regulation.

An example of the significant investment of resources to maintain the multiplication of policies and regulation can be seen in the recent SSMUH report brought to the Board for consideration. The time resources consumed to draft these amendments across the multiple zoning bylaws is enormous. Staff contend that the time would be better spent addressing the backlog of planning projects awaiting attention, such as extending zoning into those areas that have been requesting it.

Staff Capacity

There are seven staff forming the Planning Team, which include: Planning Technicians (2); Planner 1 positions (2), Planner 2 positions (2) and the Planning Manager. The majority of the current core planning work is done by the two Planner 1 positions, and two Planning Technician positions. That work includes processing development applications, responding to referrals from the Province and other levels of government, staff support to nine (9) advisory commissions (Area A, B, C, D, E, G, I, and J Advisory Planning and Heritage Commissions and the Creston Valley Agricultural Advisory Commission), and providing service to our internal and external customers.

Within the Planning Team, the majority of the project work is completed by the two Planner 2 positions. However, they are supported in that work by the other members of the team as needed, and staff from other departments, such as GIS, Corporate Administration, etc. With one of the Planner 2 positions becoming vacant due to a pending parental leave, we recently ran a competition to find someone to backfill that position but were unsuccessful. Although we intend to re-post the position, the impacts to the team will remain until we are able to recruit and onboard another planner. Furthermore, other local governments in the region are actively recruiting for similar positions, and the pool of qualified candidates is very limited.

Provincial Funding

The following table shows the funding received from the Province for various land use planning endeavours:

Project	Funding Source	Amount	Description	Duration
Regional Growth Planning Analysis	UBCM Complete Communities Program	\$300,000	The Complete Communities program supports local governments and modern Treaty First Nations in advancing identified community goals through the creation of more complete communities. The program supports communities in undertaking assessments to inform land use decision-making,	April 10, 2025

			considering housing need, supply, and location; providing transportation options including increased walkability; and making connections to infrastructure investment and servicing decisions.	
Local Government Housing Initiatives	Province of BC – Ministry of Housing	\$279,143	Funding can be spent on any planning and implementation activities local governments will need to undertake to successfully meet the legislative requirements of Bill 44 Housing Statutes (Residential Development) Amendment Act and Bill 47 Housing Statutes (Transit-Oriented Areas) Amendment Act, and to update or adopt tools from Bill 46 Housing Statutes (Development Financing) Amendment Act and Bill 16 Housing Statutes Amendment Act.	December 31, 2025
Regional Growth Strategy	Provincial Funding for Regional Growth Strategy	\$250,000	Work under this grant can include: collaborating with member municipalities and Indigenous Nations on the rationale of developing a regional growth strategy and what it means for the region; creating a region-wide understanding of growth and how and where it should occur in the future; and developing a shared regional vision and goals to guide service delivery.	March 31, 2029

The arrival of these Provincial funds is timely, given the needs within Planning Services. And they will largely be used to hire professional planning consultants to assist with each of the initiatives detailed above based on the Direction from RAC and Board. Similar to the challenge in finding qualified planners to fill vacancies however, professional planning consultants, generally, are extremely busy given the volume of project opportunities around the Province. Further detail on the impact to the work plan is discussed later in this report.

First Nations’ Interests

The implementation of the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) has already changed how we deal with emergencies through the new *Emergency Disaster Mitigation Act*. It can be assumed that the provincial government may also be seeking to address First Nations’ interests in all aspects of future land use planning endeavours including Indigenous peoples relationship to water. This may lead to future changes

to the *Local Government Act* and the *Community Charter* that could require Regional Districts to play a more active role in consultation with Indigenous Governing Bodies (IGB). At the February 2024 work shop, as a group we discussed ways to increase education and awareness among staff and elected officials, build stronger relationships, connect land acknowledgement to meaningful action or recognition in decision-making, and partnerships on shared interest projects. It is noted that any shift from the standard referral process to consultation will be a vital component of our work plan for Planning Services.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Financial Plan Amendment:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Debt Bylaw Required:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Public/Gov’t Approvals Required:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Financial considerations are not identified at this time but could include staffing and consulting budget alignment with desired timelines to complete necessary land use planning projects.

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

Ongoing changes with Provincial legislation drives much of the land use planning work plan. Recent and anticipated changes to housing legislation for example, will require timely action and needs to be factored into consideration of capacity constraints. Additionally, Provincial mandates for regular OCP updates will apply further pressure on organization’s resources.

3.3 Environmental Considerations

Local government land use policy and regulation can be an effective means to address impacts to the natural environment from human activity including development pressures.

3.4 Social Considerations:

Having a common vision regionally can enable sustainable community development.

3.5 Economic Considerations:

Harmonizing zoning bylaws and OCPs can provide predictability and consistency for our residents, realtors, and other partners in the development community, resulting in benefits to the economy.

3.6 Communication Considerations:

Achieving robust public engagement strategy for our residents can assist in transparency of decision-making and building trust.

3.7 Staffing/Departmental Workplan Considerations:

To be determined.

3.8 Board Strategic Plan/Priorities Considerations:

RDCK Strategic Plan – Strategic Priorities

- Organizational Excellence
- Develop Relationships and Partnerships
- Innovate to Reduce the Impact of Waste
- Manage Our Assets and Service Delivery in a Fiscally Responsible Manner
- Energy Efficiency and Environmental Responsibility
- Regional Approach to Growth
- Advocacy

From the list above, the three main strategic priorities and their respective areas of focus most relevant to this discussion include the following:

Manage Our Assets and Service Delivery in a Fiscally Responsible Manner

- Manage taxation by responding to residents' needs and prioritizing projects.
- Prioritize our work plans to ensure that resources are deployed on projects that align with Board priorities.
- Develop cost effective, practical solutions, and review and streamline outdated processes

Energy Efficiency and Environmental Responsibility

- Ensuring our watersheds are protected and well governed.
- Proactively prepare for and mitigate the impacts of natural risks, (fire, floods, and slides) including preparedness at the community level.
- Support community resiliency with resident safety as our top priority.
- Lead by example and implement strategies to support environmental stewardship and energy efficiency.
- Supporting our local agriculture and food security.

Regional Approach to Growth

- Simplify land use planning while respecting our unique challenges to ensure our ability to provide water and other infrastructure is maintained.
- Understand the uniqueness of each community as it relates to policy development, to provide a balanced approach to regional vs. local.
- Continue to support community-driven sub-regional initiatives to enhance economic health in the Region.
- Support and encourage housing initiatives where servicing and amenities can support densification.

SECTION 4: OPTIONS

Factors Informing Recommended Work Plan Changes

The list of recommendations for the work plan incorporates inputs from exercises and events undertaken in the past year, and considers existing staff capacity, provincial funding, and possible future budget allocations:

- Planning Staff Strategy Session – March 2023
- Corporate Strategic Plan – adopted December 2023
- February 2024 Workshop with Rural Directors and Staff
- Regional Growth Planning Analysis (UBCM Complete Communities Program)
- Small Scale Multi Unit Housing Funds
- Regional Growth Strategy Funding

Near-Term Projects

The following projects are recommended to be continued given that they are well underway/nearly completed (items 1 – 5), or have commenced/are ready to commence and aligned with the Strategic Priorities (items 6-9):

1. Area I Official Community Plan
2. Housing Needs Assessment
3. Regional Growth Planning Analysis
4. Active Transportation Feasibility Study - Castlegar to Nelson
5. Local Government Housing Initiatives
6. Subdivision Servicing Bylaw Review
7. Flood Hazard Policy/Regulations Update
8. Planning Procedures and Fees Bylaw Review

Staff resources as well as professional consultants would be used to complete this work with existing funding sources. However, Staff would bring back to the Board recommendations to amend the Financial Plan to allocate those existing funds to the respective projects where that has not already been done (e.g Flood Hazard Policy/Regulations Update).

Longer-Term Projects

Staff believe that we cannot afford to continue with the status quo of maintaining land use planning policies and regulations specific to each electoral area. We are persuaded that this practice is an ineffective use of scarce resources both today and into the future. The status quo also ensures an ongoing disconnect between those resulting land use planning policies and regulations and the current needs of our residents. Recognizing that the best approach to rural land use planning is to examine the system as a whole, we recommend undertaking a regional growth strategy approach (RGS). This approach better addresses the dispersed settlement pattern that we see today and can have a significant impact to the cost of services which continue to be in demand e.g. water services. Here is one possible way to do the land use planning work:

1. Divide RDCK into sub regions that include the member municipalities. Develop a RGS that is comprised of sections for each sub region, involving member municipalities, irrigations districts, First Nations, etc.
2. Follow that work with a harmonized OCP for the RDCK, with Local Area Plans for each Electoral Area
3. Harmonize the various zoning bylaws into a single zoning bylaw for the RDCK

Initiating the first item would be a logical follow up to the recently commenced Regional Growth Planning Analysis, as the data compiled through that project will be crucial to developing an RGS. The existing \$250,000 of funding for the RGS—while likely be inadequate to complete the project— it would enable the work to advance significantly and quickly, which would not otherwise be possible with existing staff resources.

It is acknowledged that making this significant course correction has impacts to existing items on the work plan. That is, undertaking a regional growth strategy—whether that is followed by a harmonized OCP or updates to all eleven (11)—would mean delaying updates to existing OCP’s on the work plan.

Creating or extending zoning in areas where it does not yet exist has been identified as a high priority in some electoral areas. Specifically, through the Community Planning Conversations held in Areas D, E, and H in 2020, and the surveys that accompanied that exercise we heard that some residents wanted zoning in their communities. Because the results were not unanimous, however, further work would be needed to engage with those residents in greater detail. Recognizing that need, one possible solution would be to undertake that exercise for Areas D, E, and H. Staff recommend investigating this option further and bringing back information on the costs associated with hiring planning consultants for that work in order that it might be expedited. This project could then be considered for funding in a future budget cycle, possibly as early as 2025 or 2026. Staff recommend this option be discussed further at a possible future workshop with Directors.

If the Board approves the recommendations on the work plan for the short term, that work would occupy the staff and funding resources for the rest of 2024 and into 2025. It would also allow time for further investigation by Staff and Directors on the longer term direction. Consequently, Staff are recommending a follow up work shop with the Directors to explore alternatives in more detail and although not in the recommendation suggest that municipal directors be included.

Option 1 – Proceed with Short-Term Project List and Schedule Workshop for Longer-Term Direction Discussion

That the Board direct staff to prioritize those projects listed as near-term projects in the Planning Services Work Plan Review report dated July 4, 2024, which includes: Area I Official Community Plan Housing Needs Assessment; Regional Growth Planning Analysis; Active Transportation Feasibility Study - Castlegar to Nelson; Local Government Housing Initiatives; Subdivision Servicing Bylaw Review; Flood Hazard Policy/Regulations Update; Planning Procedures and Fees Bylaw Review

And That the Board direct staff to schedule a second workshop with the Rural Directors to discuss the longer-term direction for Planning Services.

Option 2 – Proceed with Project List in Order Determined by Directors

That the Board direct staff to proceed with the project list in the order determined by the Directors at the July 15, 2024 Rural Affairs Committee meeting

Option 3 – Defer this matter

That the RDCK Board of Directors defer this matter to a future meeting of the Rural Affairs Committee.

If this option is chosen, staff request that the Directors provide staff with direction on what information is desired when this item is considered next.

SECTION 5: RECOMMENDATIONS

Option 1 – Proceed with Short-Term Project List and Schedule Workshop for Longer-Term Direction Discussion

That the Board direct staff to prioritize those projects listed as near-term projects in the Planning Services Work Plan Review report dated July 4, 2024, which includes: Area I Official Community Plan Housing Needs Assessment; Regional Growth Planning Analysis; Active Transportation Feasibility Study - Castlegar to Nelson; Local Government Housing Initiatives; Subdivision Servicing Bylaw Review; Flood Hazard Policy/Regulations Update; Planning Procedures and Fees Bylaw Review

And That the Board direct staff to schedule a second workshop with the Rural Directors to discuss the longer-term direction for Planning Services.

Respectfully submitted,

Nelson Wight, Planning Manager

CONCURRENCE

Sangita Sudan – General Manager of Development and Community Sustainability Services **Digitally Approved**

Stuart Horn – Chief Administrative Officer **Digitally Approved**

ATTACHMENTS:

Attachment A – February Workshop Summary

Attachment B – Costing & Timelines

Attachment C – Existing Project List

Attachment D – Policy Alignment

February 2024 Planning Workshop Summary

How to work effectively together

The first part of the workshop was dedicated to listening to each others' values and strengths to understand how we can work effectively together. Many similar responses were observed between staff and elected officials, with common draws to local government being a desire to make positive change and serving the community. A wide breadth of individual strengths included conflict resolution, problem solving, analytical skills, leadership and big picture thinking.

Approaches to Regional Planning

The next three parts of the workshop were spent looking at the current planning framework and evaluating the merits of a more harmonized/regional planning framework through different lenses. A diverse and comprehensive list of feedback was received and has been organized into the Strengths, Weaknesses, Opportunities and Threats (SWOT) table below (Table 1).

Table 1 - SWOT Analysis of Feedback for Locally-focused and Regionally-harmonized Planning Frameworks.

	Locally Focused Planning Framework	Regionally Harmonized Planning Framework
Strengths	<ul style="list-style-type: none"> Residents feel they have influence Sense of independence Community ownership of OCP Is the status quo; less resistance 	<ul style="list-style-type: none"> Utilizes economy of scale Provides big picture solutions Increased efficiency (decision-making) Coordinated/consistent approach Reflects most up-to-date values 1 common language for regulation Simple & straightforward Promotes sub-regional culture Innovative (transect approach) Resource-friendly (cost, staff time) Responsive to emerging issues Public support for up-to-date regulations Greater certainty of future land use Better addresses change/future
Weaknesses	<ul style="list-style-type: none"> Complex Confusing for residents 11 languages for same regulation Duplicates work Costly/resource-intensive to maintain Discourages coordination between neighbouring communities Longer timelines for updates Less responsive to emerging issues 	<ul style="list-style-type: none"> Based in colonial system Costs are upfront Time-intensive, complex process to create Can limit some individual property freedoms in areas without OCP/zoning (use, siting, height, etc.) More perspectives to recognize

	<ul style="list-style-type: none"> • Strains ability to respond to basic planning functions • Lack of consistency 	
	Locally Focused Planning Framework	Regionally Harmonized Planning Framework
Opportunities	<ul style="list-style-type: none"> • Responsive local service provision • Residents likely to provide input • Residents feel heard/empowered • Easy to separate the local from the regional/sub-regional • Inertia/business-as-usual attitude • Can specialize approach for remote communities • Less change for residents to grapple with 	<ul style="list-style-type: none"> • Everything is scalable • Modernized DPAs with ‘teeth’ • Better general understanding of land use regulations • Easier communication • Reviewing zoning concurrently • Learning from other RDs’ mistakes • Highlighting shared goals and values between unique communities • Policies can still reflect individual community needs • Maximizes consideration of public input • Most people think in terms of regional values already (lake, agriculture, etc.) • Effective fringe-area planning • More time for community engagement • Attract confidence in investing in the RD
Threats	<ul style="list-style-type: none"> • Re-affirming polarization • Signaling we have more differences than similarities • Susceptible to contingencies (ex. 7-year Area I OCP Review) • Delivering more complex information & chance of something getting missed (speaking 11 different languages) • Most residents do not think of themselves as “Electoral Area ___ residents” & already think regionally • Unrealistic timelines & stress on RDCK to stay up-to-date • Eroding public confidence by untimely response to issues • Difficulties coordinating with municipalities • More challenging to address shared infrastructure needs 	<ul style="list-style-type: none"> • Inequitable service/budget allocation • Perceived loss of local values, priorities and autonomy • Uncertainty in how well it will respond to land use issues • Differing levels of existing land use regulation (presence of OCP & zoning) • Getting ‘bogged down’ in understanding each community’s values • Urban-centricity • Trigger language – “urban containment boundaries” • Requires political & community buy-in (public ownership of the project) • Pressure on Elected Officials • If unsuccessful, took time away from other projects • Atmosphere of polarization • Anti-regulation perspectives • Low interest in public engagement • Lack of trust in government • Large geography

It is important to note that neither approach is perfect; both have strengths and weaknesses. Realizing the opportunities and minimizing the threats in the table depends largely on project design, setting key goals, objectives and priorities, and a commitment to implementation of the plan over the long term.

Questions that resulted from the day's discussions and their answers are as follows:

1. Do Local Area Plans become OCPs?

The Cowichan Valley Regional District (CVRD) is undertaking a project to modernize and harmonize its OCPs into one OCP document. The draft OCP contains typical content of an OCP including a vision, goals, overarching themes and principles, land use designations, policies, and implementation considerations (indicators and measures). Development Permit Areas (DPAs) are included as a schedule to, and forms part of, the OCP.

Similar to DPAs, local area plans for each of the CVRD's 9 electoral areas are schedules to, and form part of, the OCP. Local area plans build upon what is already laid out in the OCP, and provide greater detail on growth management in communities expected to experience change. Local area plans contain specific policies to recognize community-specific values and needs. It should be noted that local area plans appear to typically cover around half of each electoral area in their more densely-populated areas, presumably where development pressures are greatest and growth is expected to continue; the remainder of the electoral areas appear to be large rural parcels that are only subject to the harmonized OCP.

2. How often could a harmonized OCP be updated?

Significantly more often than current OCPs get updated. Frequency would depend on the scale and nature of the updates – a good target would be every 5 years to coincide with Housing Needs Assessments (HNA). At that time, there would be an opportunity to incorporate recommendations from other projects. For example, if the RDCK had a harmonized OCP right now, when the interim HNA is completed at the end of this year, we could review the OCP in 2025 and aim to update its content for:

- Agriculture (Agricultural Policy Review, 2019)
- Active transportation (Active Transportation Feasibility Study, 2022)
- Growth management (Complete Communities, 2024)
- Servicing (Campground Bylaw, 2018; Subdivision Bylaw, 2020)
- Development Permit Areas (Kootenay Lake DPA Review, 2020; Wildfire DPA, 2022)
- Flood Hazard Policy/Regulations (NDMP Streams 1-3, 2018-2023)
- Housing Needs Assessment (2024)
- Community Wildfire Resilience Plans (being updated for electoral areas)
- Resource recovery plan (Completed 2021)
- Regional Water Management Plan (Completed 2010)
- Parks, Trails and Water Access Strategy (Under development 2024)
- Emergency Management Plans (To be developed)
- Flood Response Plans (To be developed)
- Business Continuity Plans (To be developed)
- Municipal Official Community Plans

The current framework does not lend itself to effective integration of new information, such as what has been/will be collected in the projects above. Staff often bring a project to its completion but cannot pursue implementation of the recommendations because of the prioritization of other items that have been added to the work plan. A 5-year review cycle would allow staff to focus on specific projects for 4 years and then dedicate an entire year, during the OCP review, to integrating the recommendations of each into a harmonized OCP. This would ensure the RDCK is using the most current information to respond to the emerging issues that led to those projects.

3. Would a harmonized planning approach increase taxation?

No. Planning is a service provided whether you have a ‘plan’ or ‘have no plan’ and does not result in increased property taxation. All Electoral Areas currently pay into the planning service as some land use bylaws such as the Floodplain Management Bylaw and Subdivision Servicing Bylaw are applicable everywhere in the RDCK.

A harmonized planning approach—while requiring some significant investment at the front end—would yield significant cost savings over time, which may decrease taxation in the long term

4. What would be the cost of a harmonized planning approach compared to the current framework?

See Attachment B.

5. What would the timeline for a harmonized planning framework look like?

See Attachment B.

Knowing and Respecting First Nations’ Interests

The last topic covered in the workshop was knowing and respecting First Nations’ interests. Ideas on how to do so included: more education, more relationship building, connect land acknowledgement to meaningful action or recognition in decision-making, and partnerships on shared interest projects.

The current Official Community Plans were referred to First Nations for their input. Going forward all planning processes including community plans require a more comprehensive engagement process be implemented with First Nations as their interests as rights holders span both Crown and private land. On private land these interests are more specific to protection of riparian habitats and archaeology.

Status Quo with 11 Individual OCPs

Figure 1 shows the total estimated costs for completing Official Community Plan (OCP) reviews for all 11 electoral areas over the next 22 years.



Figure 1 - Total estimated costs for completing 11 OCP reviews over the next 22 years - the "status quo" scenario.

The costs are based on the following assumptions:

- An OCP review would take 2 years to complete. This is an ambitious timeline and represents a scenario where the project is consultant-led, has complete organizational buy-in and no delays.
- A budget of \$200,000.00 is allocated to the review (\$100,000.00/year) for consulting costs. This is a moderate budget estimate.
- The Planner 2 would be responsible for managing the project and it would be their top priority (given the ambitious timeline). Recognizing other organizational costs (administrative, inter-departmental and manager review, internal meetings, etc.), approximately 0.5 FTE would be anticipated to resource an OCP with this timeline.
- Staff turnover does not impact the project.
- 2% inflation per year is incorporated into the costing. While year-to-year fluctuations can be less predictable, an annual average of 2% is used assuming inflation over the 22-year period will follow its historical trend.

Figure 2 shows what these same costs would look like for each electoral area as the 22-year timeline progresses. The cost associated with an OCP review at the beginning of the timeline in 2025-26 are anticipated to be approximately \$326,684.00 (\$200,000.00 for consulting costs and \$126,684.00 for RDCK staff costs), which equates to an annual cost of \$163,342.00 in the first 2 years.

As a result of 2% average annual inflation, by the end of the timeline (2045-46) these costs rise to \$483,572.12 (\$296,048.86 for consulting costs and \$187,523.27 for RDCK organizational costs), which equates to an annual cost of \$241,786.06. It is possible that costs could be higher than this if consulting costs increase at a rate that is higher than the rate of inflation.

The cost estimate is approximate and actual costs may vary; however, using the same assumptions for costing throughout the timeline provides an accurate proportion of how much costs can be expected to increase in the lifecycle of an OCP. Essentially, in a scenario with 11 OCPs that are updated sequentially, each time the OCP is updated it is likely to cost approximately 54% more than the last time it was reviewed.

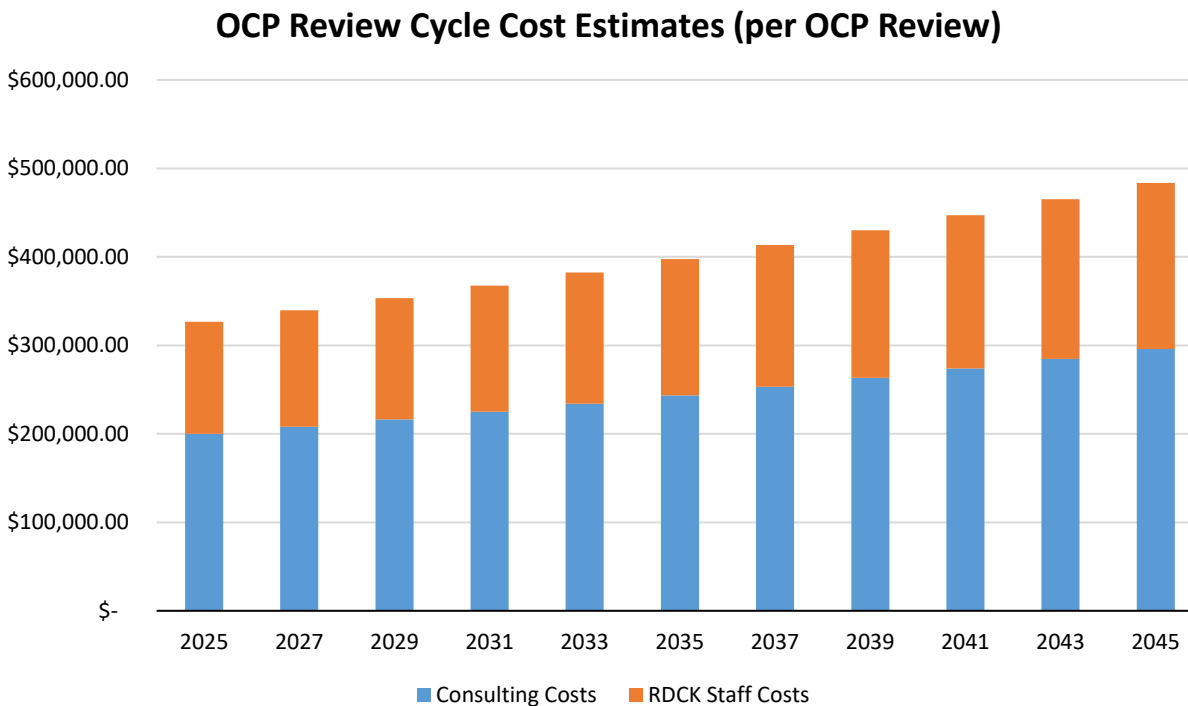


Figure 2 – OCP Review cycle cost estimate for 11 OCPs (1 OCP reviewed every 2 years).

It is worth noting that these approximate costs are for an OCP review only and do not include reviews of the zoning bylaws. Doing concurrent or subsequent zoning bylaw reviews would be advantageous; however, they would increase the costs shown in Figures 1 and 2.

Providing an exact cost estimate for zoning is challenging because it is likely that zoning would be reviewed concurrently or immediately following an OCP review, leading to project efficiencies that are difficult to anticipate but could substantially reduce costs. However, for reference, the consulting costs for a standalone comprehensive zoning bylaw review can range from approximately \$90,000.00 to \$150,000.00, depending on bylaw complexity. Applying this cost estimate, as well as the anticipated RDCK organizational costs, the total cost for review of 6 zoning bylaws would likely be between \$900,000.00 and \$1,150,000.00.¹ A significant reduction in these costs can be expected if these reviews are completed concurrently with an OCP review; however, including zoning in the OCP reviews still adds substantial additional costs and likely extends the timeframe beyond 22 years.

The total cost of keeping the land use planning framework status quo is estimated to be approximately \$5.3M-\$5.6M over the 22-year timeline, with an average annual cost of approximately \$240,000.00-\$255,000.00.

¹ The reason the margin gets narrower when factoring in RDCK organizational costs in the low and high-cost scenarios is because the low-cost scenario will likely require additional staff involvement. The low cost scenario is anticipated to require 0.5FTE and the high-cost scenario is anticipated to require 0.3FTE. This assumption is based on staff's experience with previous planning projects.

Harmonized OCP Framework Example

Figure 3 shows the total estimated costs over the same 22-year timeline for harmonizing the OCPs and zoning bylaws throughout the RDCK. The same assumptions that were applied to the status quo scenario above – staffing, inflation, etc. – are also applied to the harmonized OCP framework. The total costs are based on the following activities:

- Harmonization and modernization of 11 OCPs (1.5FTE required)
- Comprehensive review and harmonization and modernization of 6 zoning bylaws (0.75FTE required)
- Comprehensive OCP and zoning bylaw reviews every 5 years – 3 total (0.75FTE required)



Figure 3 - Approximate costs to implement and maintain a harmonized OCP and zoning framework over a 22-year period. *Note: The "OCP review" scenario illustrated in Figures 1 and 2 does not include zoning. If it did then a harmonized approach is anticipated to cost even less (whatever the cost of zoning ends up being).

Figure 4 illustrates these same costs distributed throughout the 22-year timeline. The costs are relatively front loaded, requiring an estimated \$1,492,679.04 for OCP and zoning bylaw harmonization between 2025 and 2028. It should be noted that Provincial funding opportunities exist for this kind of planning work, which could be leveraged to substantially discount the cost.

It should be noted that although sub regional harmonization is an option, staff did not prepare scenarios for every iteration. These two scenarios are presented to show the breadth of cost and resources required to complete individual OCPs vs. the completely harmonized approach.

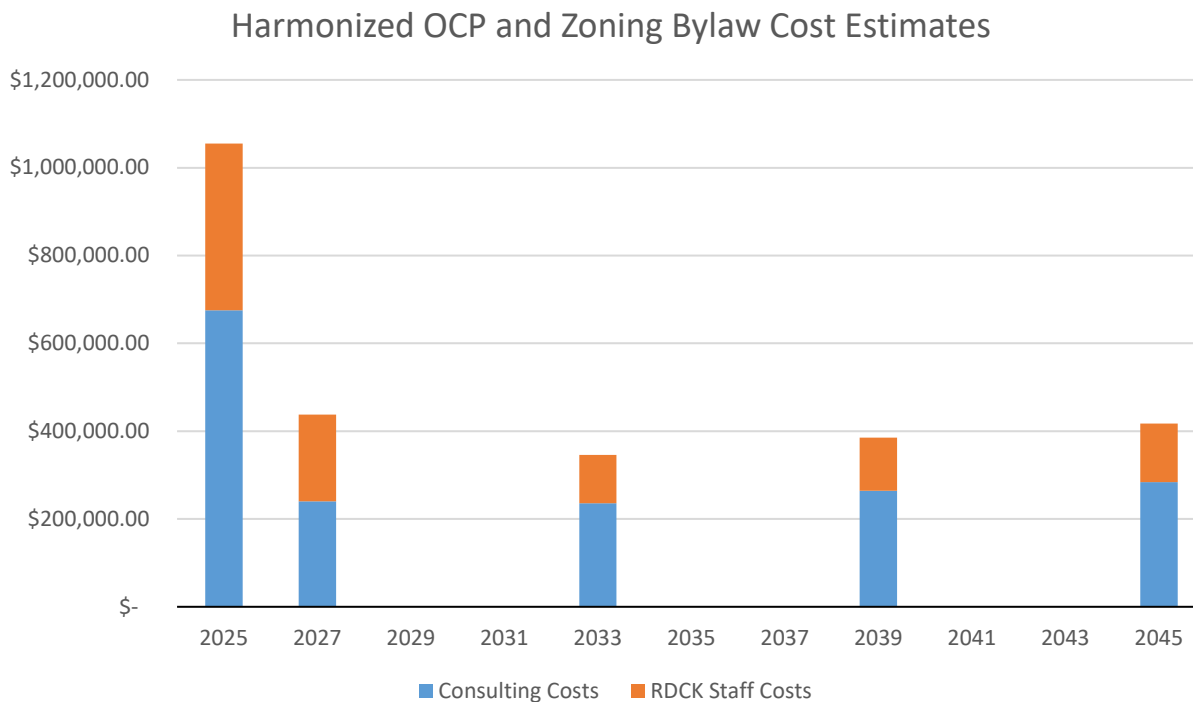


Figure 4 – Cost estimates over the 22-year timeline for a harmonized OCP and zoning bylaw approach.

Beyond the initial investment, the long term cost savings is dramatic. An aspirational comprehensive review schedule (a review every 5 years) is expected to cost approximately \$1,148,849.92 from 2029 to 2046. Over, this same time period, reviewing only the OCPs would cost approximately \$3,739,339.86.

In 2025-26, approximately \$1,055,052.00 would need to be allocated for OCP harmonization (including RDCK organizational costs). This estimate is based on the \$675,000.00 consulting budget of a similar project in the Sunshine Coast Regional District that will update 7 OCPs and 2 zoning bylaws.

2027-28 would be focused on a comprehensive review of the RDCK's 6 zoning bylaws, with the goal of harmonizing them into 1. The estimated total cost for this work is \$437,627.04. This estimate is based on preliminary estimates from a planning consultant. \$150,000.00 would be allocated for consulting costs for Bylaw 1675 (Areas F,I,J,K) due to its complexity; \$90,000.00 in consulting costs would be allocated for review of the 5 zoning bylaws in Areas A,B,C,D, and G. The cost is expected to be much lower for these 5 zoning bylaws because the heavy lifting would already be done with a review of Bylaw 1675. The remaining \$197,627.04 accounts for RDCK organizational costs.

If the OCPs and zoning bylaws were harmonized into region-wide documents, consistent comprehensive reviews with the Planning Department's current staffing capacity becomes a possibility. The costs associated with comprehensive reviews every 5 years are shown in the Table below:

Table 1 – Costs associated with a comprehensive review of a harmonized OCP and zoning bylaw.

Year	Consulting Costs	RDCK Staff Costs
2033	\$ 236,000.00	\$ 110,215.08
2039	\$ 264,000.00	\$ 121,616.64
2045	\$ 284,000.00	\$ 133,018.20
Total	\$ 784,000.00	\$ 364,849.92
Grand Total	\$	1,148,849.92

It is important to highlight that completing large, comprehensive reviews of the OCP and zoning bylaws is not mandatory; however, every 5 years a new Housing Needs Report must be completed under the requirements of the *Local Government Act*. Municipalities are required to ensure their OCPs and zoning bylaws are updated to reflect the Housing Needs Reports and can accommodate the level of density anticipated for the 20-year housing needs of the community.

We could aspire to use this same benchmark, and also take the opportunity of a comprehensive review to incorporate any other changes resulting from other planning projects completed in the 5 years since the previous review.

A case for a more harmonized approach

This analysis highlights the following benefits of a harmonized planning approach:

- Substantial cost savings based on eliminating duplicated efforts throughout the activities included within the work plan. For example, rather than needing to complete an engagement plan every 2 years for each OCP, one engagement plan (albeit a more robust and costly one) is needed.
- Once established, the long-term maintenance costs of a harmonized OCP and zoning bylaw are approximately 3-4 times less than the costs of individual OCPs and zoning bylaws. This figure does not include the substantial cost-savings that would be realized each time amendments to a single, harmonized bylaw are required. Using the recent Provincial housing legislation as an example, 1 zoning bylaw would have resulted in a concurrence table that is about 19 pages, as opposed to the 130 pages that was required to illustrate the changes to the 6 different zoning bylaws. Additionally, rather than having to draft 6 different amendment bylaws, totalling 69 pages, only one that is approximately 10 pages long would have been required.
- A significant amount of resources (namely staff time, elected officials' time, and budget) are freed up to work on other planning projects and better respond to emerging issues. Examples in recent years where the organization has had limited time to respond to emerging issues include:
 - Housing needs and Housing Action Plan implementation
 - Short term rentals
 - Continuous improvement of fees and procedures
 - Equitable environmental protection
 - Consistent housekeeping amendments to zoning regulations to reflect the current realities of the communities in the RDCK and improve regulation where it misaligns with its intended goal
 - First Nations reconciliation and collaboration

- Pro-active planning for natural hazard abatement
- Building community understanding of land use planning
- Addressing outdated development and servicing standards in response to development pressures
- Increased time available for bylaw enforcement

RDCK Planning Services Work Plan

Project Name	Date Assigned	Board Notes
Agricultural Policy Review - Phase 2	25-03-2019	<p>Project follows previous agriculture policy changes implemented to address regulatory changes in Provincial legislation. This phase focuses on recent changes to the Agricultural Land Reserve Act and Regulations such as those affecting additional residences on ALR land, for example.</p> <p>Changes made to bylaws for Areas A, B, and C adopted in fall 2023.</p> <p>OCP and zoning amendment bylaws for Areas F, I, J, K were adopted at the July 2023 Board meeting.</p> <p>Consideration of agricultural policy changes for Areas D, E, G, H yet to come.</p> <p>Project on hold due to work on higher priority items.</p>
Area I OCP Review	26-01-2016	<p>Updates to community engagement plan - Winter/Spring 2023.</p> <p>Board endorsement of early/ongoing OCP consultation - December, 2022.</p> <p>Ongoing Area I APHC meetings (starting in October 2022).</p> <p>Re-launch of project at virtual open house - January 26, 2023.</p> <p>In-person community "kitchen table conversations" in Pass Creek, Glade, Shoreacres/Voykin, Brilliant, Tarrys/Thrums - March, 2023</p> <p>What we Heard staff report completed - June 2023</p> <p>Internal RDCK staff engagement session - July 2023</p> <p>Community Open House - November 6, 2023</p> <p>Staff have drafted the OCP and reviewed with the Area I APHC.</p> <p>The bylaw will be referred out July 2024.</p>
Active Transportation Feasibility Study - Castlegar to Nelson	01-04-2022	<p>The Board approved two agreements related to a feasibility study for a proposed active transportation corridor between Nelson and Castlegar.</p> <p>Agreement 1: between Infrastructure Canada's Active Transportation Fund (ATF) and the RDCK to fund the project. The RDCK received \$50,000 for eligible costs to support the project.</p> <p>Agreement 2: between RDCK and WKCC. The RDCK will administer the funding with a staff member liaison. The WKCC will be responsible for delivering the project.</p> <p>Public consultation took place spring 2024 and the WKCC's consultant is preparing a route recommendation and final report.</p> <p>The project will be completed by August 2024.</p>

Greater Nelson Housing Study	18-08-2022	In Fall 2022, Community Futures Central Kootenay and its partners at the City of Nelson and RDCK commissioned the Greater Nelson Non-Market Housing Study. The goal of the study was to assess the need for a local government-supported housing entity to provide affordable housing in the Greater Nelson area and define potential options for further exploration. The project included 3 phases including elected official engagement. The final report was presented at the June 13, 2024 Board meeting.
Housing Needs Assessment	30-11-2023	Bill 44 - Update Housing Needs Reports using a standard method on a regular basis for a more consistent, robust understanding of local housing needs over 20 years. Interim Housing Needs Reports must be completed by January 1, 2025. RDCK, and the Villages of Kaslo, Nakusp, Salmo, Slocan and Silverton have partnered to hire a consultant to meet the requirements. The Board awarded the contract to M'akola Development Services at the June 13, 2024 Board meeting.
Housing Development and Costing Study	15-02-2024	110/24 WHEREAS, the RDCK recognizes the urgent need for non-market housing options to support the well-being and stability of our communities for all residents and there exists an opportunity to utilize available land and resources within the RDCK to develop non-market housing; BE IT RESOLVED THAT The RDCK Board hereby directs staff to develop a cost assessment and study outlining the requirements for land development for housing and report on suitable land and resources within the RDCK that can be acquired, converted, and disposed of for the purposes of developing housing. Project not yet started.
Local Government Housing Initiative	30-11-2023	The purpose of the zoning bylaw amendments are to implement the requirements of Provincial Bill 44 Housing Statutes (Residential Development) Amendment Act, which includes provisions to allow small-scale multi-unit housing (SSMUH) across B.C. The RDCK must allow for a minimum of 1 secondary suite and/or 1 detached accessory dwelling unit in all restricted zones (i.e. zones where the residential use is restricted to detached single-family dwellings), in all electoral areas. Amendment bylaws for Electoral Areas A, B & G adopted June 13, 2024. Amendment bylaws for Electoral Areas C, D, F, I, J & K to be considered at July 18, 2024 Board meeting.

Complete Communities Assessment	10-04-2024	\$300,000 of grant funding from UBCM Complete Communities program for regional growth management planning. RDCK has partnered with City of Nelson, City of Castlegar, Town of Creston, and Villages of Salmo, Nakusp, Kaslo and Slocan to hire a consultant to complete the works. A RFP has been issued and closes July 22, 2024.
Subdivision Servicing Bylaw Review	21-05-2020	- May 2020: Board resolution 369/20 directs staff to undertake a review of the RDCK Subdivision Bylaw to improve administrative process and efficiency, and seek solutions for recurring challenges such as ensuring adequate servicing and access. November 2020 - June 2023: Staff unable to undertake project activities due to staffing challenges and precedence of other active projects. July 2023: Staff begin internal review. August-Sep. 2023: Planning staff coordinate with Parks staff to assess parkland dedication requirements. Nov. 2023-present: Internal Engagement ongoing.
Kootenay Lake Watercourse DPA Project	16-04-2020	Project initiated from discussions at the Kootenay Lake Partnership table, recognizing that the RDCK has development permit authorities under the Local Government Act that are not being fully utilized to protect sensitive habitat around Kootenay Lake. July 2023 Board meeting resolution: "That the Board direct staff to refer drafting bylaw amendments for Environmental Development Permit Areas for Electoral Areas A, D, E and F and that the Environmental Development Permit Areas amendments be addressed within the community planning process for each Area".
Planning Procedures and Fees Bylaw Review	17-08-2023	528/23 That the Board direct staff to prepare a report to bring back to Rural Affairs Committee on opportunities to respond to housing needs and improve administrative effectiveness through potential amendments to RDCK Planning Procedures and Fees Bylaw No. 2457, as described in the Committee Report "Planning Procedures and Fees Bylaw Amendments", dated August 2, 2023. Awaiting further direction from Board following broader review of Planning Services work plan in Q1 2024.
Campground Bylaw Review	19-04-2018	Initiative began to investigate regulatory options for park model trailers within the RDCK, but has expanded to consider ways to better regulate developments where multiple RV sites are created. This is especially relevant in the proliferation of shared interest

		<p>Developments in unzoned areas where there is concern for health and safety of these developments.</p> <p>Resolution 36/20 establishes policy regarding CSA Z241 Park Model Trailers.</p> <p>No further work has been done on this project due to staff being fully engaged on other Board-directed projects on the work plan.</p>
Area H North OCP Review	16-04-2020	<p>In April 2020, the Board passed resolution 279/20, which directs staff to include the review of the Area H North Official Community Plan, with the potential of having a Comprehensive Land Use bylaw, in their work plan.</p> <p>April/May 2022 - Staff completed open houses in New Denver and Hills.</p> <p>Awaiting further direction from Board following broader review of Planning Services work plan...</p>
Area D Community Planning	17-02-2022	<p>Project follows up on completed work in 2022 wherein land use planning discussions held (virtually) for most communities in Area D.</p> <p>Feb 2022 Resolution 149/22 directed staff to continue the next phase of community planning for Area D in 2022 with a specific focus on the Kaslo Corridor; Woodbury; Schroeder Creek; Mirror Lake (including Amundsen Road); and the Allen subdivision, and other communities interested in zoning.</p> <p>Awaiting further direction from Board following broader review of Planning Services work plan.</p>
Flood Hazard Policy/Regulations Update	01-11-2020	<p>Project follow up on region wide assessments to update existing flood mapping done in 2019. Intention is to bring to the Board for consideration a series of amendments to mapping in the floodplain management bylaw for those clearwater flood areas that were most recently updated.</p> <p>Next step is to develop a work plan to be brought to RAC/Board for consideration to address other insight from the RDCK Floodplain and Steep Creek Study.</p> <p>Awaiting further direction from Board following broader review of Planning Services work plan.</p>
Playmor Junction Zoning Bylaw	20-02-2020	<p>In February 2020 the Board passed resolution 121/20, which directs staff to include the development of a zoning bylaw for Playmor Junction Area to their work plan. Subsequent direction from the Director was to suspend further work on the project until early 2023.</p> <p>Staff to work with Area Director to map out scope and timing of project.</p> <p>Awaiting further direction from Board following broader review of Planning Services work plan.</p>
Area E OCP Expansion (Removed)	21-05-2020	<p>In 2020 through resolution 375/20 the Board directed planning staff to expand the Electoral Area E Official Community Plan to include the south border of the City of Nelson to Ymir Road.</p> <p>369/24 That the Board direct staff to take no further action on RES 375/20 Electoral.</p> <p>(Removed from the work plan by resolution at the June 2024 Board meeting)</p>

Area J OCP Review	07-07-2021	Area J to have its own OCP. Project is in the queue for after the completion of Area I's OCP. Regional planning ongoing.
Housing Action Plan	20-05-2021	<p>Project follows on completion of Housing Needs Assessment for RDCK and member municipalities in 2020 and direction from Board to undertake a Housing Action Plan Kickoff meeting with staff held July 7, 2022</p> <p>Board Workshop hosted Jan. 17, 2023</p> <p>Housing Action plan endorsed at the May 2023 Open Board meeting.</p> <p>Planning Services is currently working on implementation of prioritized action items - ongoing</p> <p>July 2023 - UBCM accepted final report on project and will send remaining 50% of \$25K total, or \$12,500.</p>
Area E Community Planning	19-05-2022	In 2022 through resolution 363/22 the Board directed staff to continue the next phase of community consultation for Area E as a follow up to the "Open Houses on Land Use Planning" Project completed earlier in the year. This work would be focused where survey results indicated that there is strong interest in pursuing land use planning or more information about land use planning was desired, with a specific focus on the following unincorporated communities: Redfish Creek to Liard Creek (Including Grandview); Longbeach; Harrop; and Proctor.

OCP Policy Duplication – “Agriculture” Land Use Example

To illustrate the policy overlap between OCPs, the agricultural land use policies in each OCP were reviewed.

There are a total of 113 agricultural policies between the 11 electoral areas (*note: The 16 policies in the *Kootenay-Columbia Rivers OCP Bylaw No. 1157, 1996* for Areas I and J are not double counted. If the current draft version of the new Area I OCP were adopted, the total number of policies would increase to 127). Of these 113 policies, 65 are unique policy statements. The other 48 policies (42%) are duplicated verbatim between at least 2 OCPs.

Each policy statement was classified into 1 of 13 different themes depending on its intent. The 13 themes are:

1. General Land Use
2. Principal Use
3. Accessory Use
4. Secondary Residence
5. Use Conflict
6. Environmental
7. Subdivision
8. Lot Size
9. Governance
10. Provincial Regulatory Compliance
11. Advocacy
12. Economy
13. Infrastructure

Table 1 - Number of Agricultural Policies by Electoral Area.

Electoral Area	Number of agricultural policies
A	9
B	12
C	14
D	9
E	12
F	11
G	13
H	8
I*	-
J	16
K	9
Total	113

Key Findings

3 key findings were evident when observing all of the policy statements in a matrix by electoral area:

1. 48 policies are duplicated between at least 2 OCPs.
2. The intent of many of the policies that are not duplicated is generally replicated in other OCPs' policies, suggesting only a few policies (even a single policy in some cases) may be necessary for each of the 13 themes.
3. Policies that are not duplicated or similar in their intent are generally agreeable statements that could apply anywhere.

Duplicate Policies

48 of the 113 agricultural policies are duplicate policies, meaning that there are 65 unique agricultural policy statements between the 11 electoral areas. Examples of policies that are repeated frequently include:

Principal Use – 1 policy statement; 6 different policies

Will encourage food processing activities within the Plan Area, and uses secondary to, and complementary to agricultural production; such as market gardens, agritourism, farmers markets and farm gate sales. (Areas A, B, C, D, E, G)

Use Conflict – 1 policy statement; 4 different policies

Will work with the Province to ensure that new development adjacent to agricultural areas provides sufficient buffering in the form of setbacks, fencing, and landscaping consistent with Provincial specifications. (Areas D, E, F, H)

Subdivision – 1 policy statement; 5 different policies

Supports the consolidation of legal lots that may support more efficient agricultural operations. (Areas B, C, E, F, G)

Regulatory Compliance – 2 policy statements; 9 different policies

Supports that all new land use and subdivision of land within the Agricultural Land Reserve (ALR) shall be in accordance with the provisions of the Agricultural Land Reserve Act associated regulations, orders and decisions of the Provincial Agricultural Land Commission. (Areas A, B, D, E)

Supports the Farm Practices Protection (Right to Farm) Act. (Areas A, B, C, E, F)

An observation of these duplicate policies, as well as those not included above, is that they are generally agreeable policy statements. A case could be made for having these policies in all electoral areas.

In terms of impact to the RDCK, anytime a change to a policy statement is needed, it requires an amendment bylaw to each individual policy to implement that change even though it is the single policy statement that is being amended. The more OCPs a policy is included in, the more cumbersome amending it becomes, resulting in greater resource demands to the organization. This is a critical consideration because OCPs are 'living documents' that are constantly evolving as new issues emerge that have potential land use planning solutions.

Policies with Similar Intent

Where policies are not duplicated, the intent is often the same. The first example that stands out when viewing a matrix of all agricultural policies, organized by key theme, is the theme of principal use. The following are 5 distinct policies in their respective OCPs:

The Regional Board:

Encourages that the principal use of lands designated as 'Agriculture' in Schedule 'A.1' shall be agricultural or residential. (Area D)

Encourages that the principal use of lands designated as Agriculture in Schedule 'B' shall be for agricultural or rural residential use. (Area E)

Directs that the principal use of land designated Agriculture shall be farm use. (Area G)

Directs that the principal use of land designated 'Agriculture' shall be for agricultural use. (Areas B and C)

The principal use of lands designated as Agriculture on Schedule 'B' - Land Use Designations shall be agriculture. (Areas I & J)

While the 5 policies have slight differences, the actual implementation of those policies through zoning has rendered those slight differences irrelevant. All agricultural zones in the zoning bylaws that apply to the above-mentioned areas (where zoning exists) permit agricultural and residential uses as permitted principal uses. Encouraging agricultural/farm use is not likely to restrict the ability to have residential uses on agricultural land and vice versa.

The remaining principal use policies speak to encouraging or recognizing uses that are complementary to agriculture on agricultural properties and setbacks for agricultural uses. While the principal use theme has 10 distinct policies, they could conceivably be combined into 2 or 3 policy statements that would likely be applicable to all electoral areas.

A similar trend is observed in 6 of the 12 remaining themes (general land use, accessory use, use conflict, environmental, regulatory compliance, and secondary residence which may be altogether irrelevant with the Bill 44 requirements for small-scale multi-unit housing). Comprehensive review of these policies would likely reveal that the number of policies in these thematic areas could be dramatically reduced while achieving the same intent.

Generally Agreeable Policy Statements

The last key finding relevant to the remaining policies that are not duplicated or representing a similar intent to another policy is that they are generally agreeable statements. Examples of these unique policy statements include:

The Regional Board:

Supports the planning of new and modified roads, utility and communication corridors in the Plan area that avoid disruption and fragmentation of existing and potential agricultural land.

Directs residential and non-farm uses to lands where there is low agricultural capability.

Encourages ALR inclusions where property owners are committed to the preservation of suitable agricultural lands.

Supports the RDCK Agricultural Plan (2011).

Supports the efforts of non-profit and community organizations with regard to sustaining local food security by enabling access to healthy foods for all residents.

Similar to the duplicate policies in the section above, most unique policies are generally agreeable statements that could apply to all electoral areas.

While there is often substantial overlap between policies, intent, and the agreeability of policy statements, it should be recognized that individual policies that serve a very narrow purpose in a particular

community also exist and provide important guidance in those areas. These policies are mainly related to minimum lot size and subdivision (5 policy statements), governance (3 policy statements), advocacy (1 policy statement), and economy (1 policy statement). However, it should also be recognized that these narrow policy statements account for just over 15% of the total policy statements (65) in all of the OCPs.

The majority of policy statements (85%) are duplicated, have similar intent or are generally agreeable statements, suggesting a regional or harmonized land use planning framework may be viable in the RDCK. Other tools, such as community-specific policies or local area plans, could be ways of ensuring unique, community-specific circumstances are considered if the RDCK were to consider a more regional or harmonized approach to its land use planning framework.

Official Community Plans – Dates Adopted and Last Updated

Electoral Area	OCP First Created	OCP Last Updated	Comments	Resolution Directing Forthcoming Review
A	October 25, 1980 (Bylaw 280)	November 21, 2013 (Bylaw 2315)	In 1980 was an “Official Settlement Plan”, superseded by OCP (Bylaw 674) in 1989 and updated periodically thereafter	N/A
B	October 25, 1980 (Bylaw 280)	November 21, 2013 (Bylaw 2316)	(see comment above)	N/A
C	October 25, 1980 (Bylaw 280)	November 21, 2013 (Bylaw 2317)	(see comment above)	N/A
D	April 29, 2010 (Bylaw 1996)	February 18, 2016 (Bylaw 2435) ⁱ	First OCP for large portion of Area ‘D’ created in 2010; “Ainsworth Rural Land Use Bylaw” was already in place (1997)	Resolution 149/22 directed staff to continue the next phase of community planning for Area D in 2022 with a specific focus on the Kaslo Corridor; Woodbury; Schroeder Creek; Mirror Lake (including Amundsen Road); and the Allen subdivision, and other communities interested in zoning.
E	May 16, 2013 (Bylaw 2260)	N/A		Resolution 363/22 the Board directed staff to continue the next phase of community consultation for Area E as a follow up to the “Open Houses on Land Use Planning” Project completed earlier in the year. This work would be focused where survey results indicated that there is strong interest in pursuing land use planning or more Information about land use planning was desired, with a specific focus on the following unincorporated communities: Redfish Creek to Liard Creek (Including Grandview); Longbeach; Harrop; and Proctor.

Electoral Area	OCP First Created	OCP Last Updated	Comments	Resolution Directing Forthcoming Review
F	August 12, 1993 (Bylaw 951)	January 19, 2012 (Bylaw 2214)	In 1993 was a “Rural Land Use Bylaw”, superseded by current OCP	N/A
G	February 21, 1998 (Bylaw 1266)	September 20, 2018 (Bylaw 2452)	In 1998 was “North Area G Rural Land Use Bylaw”, superseded by “Area G Rural Land Use Bylaw” in 1999	N/A
H	September 24, 2009 (Bylaw 1967)	N/A		Resolution 279/20, which directs staff to include the review of the Area H North Official Community Plan, with the potential of having a Comprehensive Land Use bylaw, in their work plan.
				In February 2020 the Board passed resolution 121/20, which directs staff to include the development of a zoning bylaw for Playmor Junction Area to their work plan. .
I	August 27, 1983 (Bylaw 398)	April 27, 1996 (Bylaw 1157) ⁱⁱ	In 1983 there was a Castlegar Fringe Settlement Plan”, which was superseded by current OCP	
J	August 27, 1983 (Bylaw 398)	April 27, 1996 (Bylaw 1157) ⁱⁱⁱ	In 1983 there was a “Castlegar Fringe Settlement Plan”, which was superseded by current OCP	
K	January 13, 1997 (Bylaw 1248)	November 11, 2009 (Bylaw 2022)		N/A

ⁱ 2016 Area ‘D’ update was primarily to review Ainsworth Rural Land Use Bylaw and incorporate it into the current Comprehensive Land Use Bylaw. Only minor amendments were made to the content of the OCP. Consequently, 2010 would be a more accurate date to note when the OCP was last updated in a substantive way.

ⁱⁱ Area I OCP update anticipated to be completed in 2024

ⁱⁱⁱ Area I & J currently share and OCP (Kootenay Columbia Rivers OCP), but that will end when the new Area I OCP is adopted. Area J would then have the oldest OCP in the RDCK.



Committee Report

Date of Report: July 17, 2024
Date & Type of Meeting: August 15, Rural Affairs Committee
Author: Melissa Djakovic, Auxiliary Administrative Assistant
Subject: COMMUNITY WORKS FUND APPLICATION – REGIONAL DISTRICT OF CENTRAL KOOTENAY “NORTH SHORE FIRE HALL-HVAC HEAT PUMP UPGRADE PROJECT”
File: 1850-20-CW-300
Electoral Area/Municipality F

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the RDCK Community Works Fund application submitted for the **North Shore Fire Hall – HVAC Heat Pump Upgrade Project** in the total amount of \$67,900.33 and that funds be disbursed from Community Works Funds allocated to Electoral Area F. This fire hall infrastructure upgrade project will improve energy efficiency in a regional fire hall.

SECTION 2: BACKGROUND/ANALYSIS

The North Shore Fire Hall, is a multi-use RDCK critical infrastructure building that services a largely rural community. With the planned infrastructure and system upgrades, this building could also serve as a temporary community shelter during emergencies.

As referenced in the Application (Attachment A), this project is part of the RDCK’s plan to upgrade all Fire Hall building infrastructure. A new dual outdoor unit heat pump system will provide heating and cooling, creating a more comfortable environment for the cold winters and hot summers. In addition to allowing fire services to continue to operate safely and sustainably in Area F, these upgrades will replace end-of-life building components and lower energy usage and related costs.

Project work is expected to be completed by the end of 2024.

Eligible Community Works Projects include investments in infrastructure for construction, renewal or material enhancement. This project falls under the stream of Community Energy Systems – infrastructure that generates or increases the efficient usage of energy.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Financial Plan Amendment:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Debt Bylaw Required:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Public/Gov’t Approvals Required:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

This application is the responsibility of Area F and no other areas are being asked to contribute to the project. The Director for the area is supportive of the application and has sufficient 2024 funds to allocate to the project.

As of August 2024, the Community Works balance for Area F is \$531,506.15. There are three (3) potential Community Works Area F applications for approval within the month of August 2024:

NORTH SHORE FIRE HALL-HVAC HEAT PUMP UPGRADE PROJECT - \$67,900.33

NORTH SHORE FIRE HALL-STAND-BY GENERATOR PROJECT - \$87,550.00

BEASLEY FIRE HALL-PAVING PROJECT - \$113,100.00

Should all three (3) projects be funded the remaining balance will be \$262,955.82 in Area F Community Works funding.

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

Community Works (formerly Gas Tax) funded projects aim to achieve three objectives: a clean environment; strong cities and communities; and productivity and economic growth. Board policy dictates that applications to the Community Works Fund be reviewed by staff and the Rural Affairs Committee for compliance with program guidelines. Staff is of the opinion that this project falls within the broad program category of 'Community Energy Systems – Infrastructure that generates or increases efficient use of energy'.

3.3 Environmental Considerations

This project will result in a demonstrated reduction of energy consumption in the existing RDCK infrastructure at a highly utilized community fire hall.

3.4 Social Considerations:

The North Shore Fire Hall serves the community at large through the provision of fire protection service and also hosts FireSmart educational opportunities and other training exercises

3.5 Economic Considerations:

The proposed project costs are eligible based on Community Works funding criteria.

3.6 Communication Considerations:

None at this time.

3.7 Staffing/Departmental Workplace Considerations:

The project team includes, Jeannine Bradley, Project Manager, with assistance from the North Shore Fire Department Chief, Regional Chief, and Deputy Fire Chief.

RDCK staff resources will need to be allocated to track, process and ensure the project applicant fulfills the reporting requirements on an annual basis (5 years).

3.8 Board Strategic Plan/Priorities Considerations:

None at this time.

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

That the RDCK Community Works Fund application submitted for the **North Shore Fire Hall – HVAC Heat Pump Upgrade Project**, in the total amount of \$67,900.33 be approved and that the funds be disbursed from Area F Community Works Funds and allocated to Fire Protection – Def F North Shore - Service 134.

Respectfully submitted,

Melissa Djakovic, Auxiliary Administrative Assistant

CONCURRENCE

Mike Morrison – Manager of Corporate Administration/Corporate Officer **APPROVE**

Stuart Horn – Chief Administrative Officer *Digitally approved*

ATTACHMENTS:

Attachment A – Community Works Fund Application: Regional District of Central Kootenay “North Shore Fire Hall – HVAC Heat Pump Upgrade Project”



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
 250-352-6665 1-800-939-9300 Email info@rdck.bc.ca

Community Works Fund Application (Appendix-A) Gas Tax Program Services – CWF Funding (UBCM)			
"The Project"		North Shore Fire Hall - HVAC Heat Pump Upgrade Project	
Date of Application		2024/06/04	
Applicant Information			
Name of Organization		Regional District of Central Kootenay	
Address		Box 590 - 202 Lakeside Drive	
City, Prov. Postal		Nelson, BC V1L 5R4	
Phone No.		Fax No.	250 352 9300
250 352 6665			
Organization's Email		info@rdck.bc.ca	
Name of Contact		Contact's Email	jbradley@rdck.bc.ca
Jeannine Bradley			
Director in Support of Project			
Name of Director(s)		Area(s)/Municipality	Amount Requested
Tom Newell		F	\$ 67,900.33
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy/mm/dd)	
2024/07/22		2024/12/31	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)		PID 030-444-420	
Registered Owners of Land(s)		RDCK	
Crown Land Tenure/License No./Permit No.(s)		n/a	
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Have you applied and received a building permit?		<input type="checkbox"/> Yes, Permit No. _____ <input checked="" type="checkbox"/> No	
If No, please explain: Building Permit will be obtained prior to commencement of work			

Application Content

Must include all of the following:

- 1.0 - Description of the Project including management framework
- 1.1 - Project timeline and supporting documents
- 2.0 - Project budget
- 3.0 - Accountability Framework Financial statements that adhere to Project accountability

1.0 Description of the Project including management framework

Fire Services, a service within the RDCK coordinates fire protection with 18 separate service areas. This project is part of RDCK's plan to upgrade all fire hall infrastructure across the region.

The North Shore Fire Hall was originally built in 1982 and has aging infrastructure. Annual operations and management budgets allow for some building component repairs and/or upgrading, however it is always difficult for larger replacement needs given the tight budgets for outlaying fire services. This project will include the supply and install of a heat pump system with five indoors wall mounted units.

Included in the current phase of planned upgrade projects, the RDCK is addressing not only energy efficiency improvements, but also improving the halls ability to function in the event heavy wildfire smoke. A new dual outdoor unit heat pump system will provide efficient heating and cooling for the facility, as well as allowing doors to remain closed during wildfire smoke events. This initiative will help to optimize the North Shore Fire Department's operational efficiencies while ensuring the reliable delivery of emergency services throughout the year.

The RDCK - Fire Services plans to outlay this project by utilizing internal RDCK Project Management services and external suppliers/contractors through a competitive procurement process.

(If needed, please provide additional information on separate page)

1.1 Project Costs including Timeline and Supporting Documents

The anticipated project cost and Community Works application for the North Shore Fire Hall is \$ 67,900.00 and includes:

- Supply and installation costs for the heat pump system and pertaining electrical;
- Fees associated with building permits (Consulting and permit fees);
- Contingency 25%; *
- Project management 10%

* Quotes have been provided for heat pump systems. A 25% contingency has been included to offset additional costs if proposed system is determined not to meet code requirements during the consultants' review.

It is expected that the project will be completed by the end of 2024.

(If needed, please provide additional information on separate page)

1.2 Project Impact

This project overall will allow fire services to continue in Area F in a safe and sustainable manner.

- End-of-life building components will be replaced.
- The energy efficiency upgrades will lower annual energy usage and related costs.
- Heat pump system installation will help to ensure the reliable delivery of emergency services along with the necessary provisions required for all hall users.

(If needed, please provide additional information on separate page)

1.3 Project Outcomes

Strategic upgrades to the North Shore Fire Hall will be completed during this project.

Outcomes include:

- Building components at end of life will be replaced.
- New heat pump system will provide efficient heating and cooling for the facility.
- North Shore Fire Hall will continue to operate with moderate asset management renewal budgets.
- Energy savings will be realized due to energy efficiency measures.

(If needed, please provide additional information on separate page)

1.4 Project Team and Qualifications

The project team includes:

- David Zayonce, Regional Fire Chief, RDCK
- Grant Hume, Regional Deput Fire Chief, RDCK
- Jeannine Bradley, Project Manager, RDCK
- Thomas Service, North Shore Fire Department Chief, RDCK

(If needed, please provide additional information on separate page)


2.0 Project Budget
 List anticipated and confirmed Project revenue and expenses that have been deemed necessary for the implementation of the Project. Schedule B outlines eligible costs for eligible recipients (see attached).

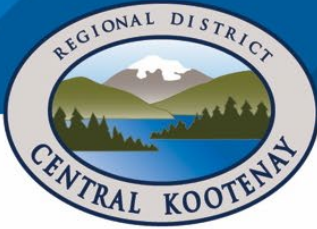
Project Revenue
 (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Revenue	Value (\$)
See following page		\$
		\$
		\$
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$

Project Expenses
 (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Expenses	Value (\$)
See following page		\$
		\$
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$

2.1 Additional Budget Information Quote rationale to be reviewed by RDCK Chief Administrative Officer		
(If needed, please provide additional information on separate page)		
3.0 Accountability Framework		
The eligible recipient will ensure the following: <ul style="list-style-type: none"> - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices - 		
4.0 Schedule of Payments		
The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments: <ol style="list-style-type: none"> a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures. 		
5.0 Acknowledgement of Requirements		
Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth.		
By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 5 years) is to be submitted to the RDCK prior to October 31 st of each year detailing the beneficial impacts on the community as a result of the completed Project.		
Authorized Signature for Proponent	Name	Date
	Grant Hume, Regional Deputy Fire Chief	2024-06-27



Committee Report

Date of Report: July 17, 2024
Date & Type of Meeting: August 15, 2024 Rural Affairs Committee
Author: Melissa Djakovic, Auxiliary Administrative Assistant
Subject: COMMUNITY WORKS FUND APPLICATION – REGIONAL DISTRICT OF CENTRAL KOOTENAY “NORTH SHORE FIRE HALL STAND-BY GENERATOR PROJECT”
File: 1850-20-CW-307
Electoral Area/Municipality F

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted for the **North Shore Fire Hall Stand-by Generator Project** in the total amount of \$87,550.00 and that funds be disbursed from Community Works Funds allocated to Electoral Areas F. The Fire Hall Infrastructure Project seeks to improve the halls ability to function in the event of both power failures and heavy wildfire smoke.

SECTION 2: BACKGROUND/ANALYSIS

Located in Electoral Area F, the North Shore Fire Hall is aging (built in 1982). Along with fire services, the building is used for community events such as FireSmart meetings. With recently completed and more proposed infrastructure and system upgrades, it is anticipated that the building could also serve as a temporary but vital community shelter during emergencies.

As referenced in the Application (Attachment A), the intent is to secure funding for a new stand-by generator system to provide full-facility back-up power in event of prolonged power failures.

Project work is estimated to be completed within six (6) months with a projected completion of December 31, 2024.

Eligible Community Works Projects include Fire halls and Fire Stations – New fire hall building for housing firefighting apparatus, Retrofit and modernization of existing firehalls, and attached building space. This project falls under the stream of Fire Halls and Fire Stations – Fire hall and fire station infrastructure.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Financial Plan Amendment:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Debt Bylaw Required:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Public/Gov’t Approvals Required:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

This application is the responsibility of Area F and no other areas are being asked to contribute to the project. The Director for the area is supportive of the application and has sufficient 2024 funds to allocate to the project.

As of August 2024, the Community Works balance for Area F is \$531,506.15. There are three (3) potential Community Works Area F applications for approval within the month of August 2024:

- NORTH SHORE FIRE HALL-HVAC HEAT PUMP UPGRADE PROJECT - \$67,900.33
- NORTH SHORE FIRE HALL-STAND-BY GENERATOR PROJECT - \$87,550.00
- BEASLEY FIRE HALL-PAVING PROJECT - \$113,100.00

Should all three (3) projects be funded the remaining balance will be \$262,955.82 in Area F Community Works funding.

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

Community Works (formerly Gas Tax) funded projects aim to achieve three objectives: a clean environment; strong cities and communities; and productivity and economic growth. Board policy dictates that applications to the Community Works Fund be reviewed by staff and the Rural Affairs Committee for compliance with program guidelines.

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

The North Shore Fire Hall serves the community at large through the provision of fire protection service and also hosts FireSmart educational opportunities and other training exercises. With recently completed and more proposed infrastructure and system upgrades, it is anticipated that the building could also serve as a temporary but vital community shelter during emergencies.

3.5 Economic Considerations:

N/A

3.6 Communication Considerations:

None at this time.

3.7 Staffing/Departmental Workplace Considerations:

The project team includes, AJ Evenson, Project Manager, with assistance from the North Shore Fire Department Chief, Regional Chief, and Deputy Fire Chief (Operations).

RDCK staff resources will need to be allocated to track, process and ensure the project applicant fulfills the reporting requirements on an annual basis (5 years).

3.8 Board Strategic Plan/Priorities Considerations:

This project is aligned with the Board's strategic priority to *Excel in Governance and Service Delivery* and to *Manage our Assets and Operations in a Fiscally Responsible Manner*.

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

THAT the Community Works Fund application submitted by Regional District of Central Kootenay for the project titled “**North Shore** Fire Hall Stand-by Generator Project” in the amount of \$87,550.00 be approved and that funds be disbursed from Area F Community Works Funds and allocated to Fire Protection – Def F North Shore - Service 134.

Respectfully submitted,

Melissa Djakovic, Auxiliary Administrative Assistant

CONCURRENCE

Mike Morrison – Manager of Corporate Administration/Corporate Officer **APPROVE**

Stuart Horn – Chief Administrative Officer *Digitally approved*

ATTACHMENTS:

Attachment A – Community Works Fund Application: Regional District of Central Kootenay “North Shore Fire Hall – Standby-by Generator Project”



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
 250-352-6665 1-800-939-9300 Email info@rdck.bc.ca

Community Works Fund Application (Appendix-A)			
Gas Tax Program Services – CWF Funding (UBCM)			
"The Project"	North Shore Fire Hall Stand-By Generator Project		
Date of Application	2024/06/20		
Applicant Information			
Name of Organization	Regional District of Central Kootenay		
Address	Box 590, 202 Lakeside Drive		
City, Prov. Postal	Nelson, BC V1L 6X1		
Phone No.	250-352-6665	Fax No.	250-352-9300
Organization's Email	info@rdck.bc.ca		
Name of Contact	AJ Evenson	Contact's Email	aevenson@rdck.bc.ca
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Tom Newell	F	\$ 87,550.00	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy\mm\dd)	
2024/08/01		2024/12/31	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)	PID 030-444-420		
Registered Owners of Land(s)	RDCK		
Crown Land Tenure/License No./Permit No.(s)	n/a		
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	<input checked="" type="checkbox"/>	Yes	
	<input type="checkbox"/>	No	
Have you applied and received a building permit?	<input type="checkbox"/>	Yes, Permit No. _____	
	<input checked="" type="checkbox"/>	No	
If No, please explain: We will apply for a building permit if required before undertaking the work.			

Application Content

Must include all of the following:

- 1.0 - Description of the Project including management framework
- 1.1 - Project timeline and supporting documents
- 2.0 - Project budget
- 3.0 - Accountability Framework Financial statements that adhere to Project accountability

1.0 Description of the Project including management framework

Fire Services, a service within the RDCK coordinates fire protection with 18 separate service areas. Of these service areas, six are contracts with municipal fire departments and one is with a neighbouring regional district. The remaining 12 fire services operate out of 18 fire halls. This project is part of RDCK's plan to upgrade all fire hall infrastructure across the region.

Located in Electoral Area F, the North Shore Fire Hall is aging (built in 1982). Along with fire services, the building is used for community events such as FireSmart meetings. With recently completed and more proposed infrastructure and system upgrades, it is anticipated that the building could also serve as a temporary but vital community shelter during emergencies.

Included in the current phase of planned upgrade projects, the RDCK is improving the halls ability to function in the event of both power failures and heavy wildfire smoke. A new stand-by generator system will provide full-facility back-up power in the event of prolonged power failures. This project will help to optimize the North Shore Fire Department's operational efficiencies while ensuring the reliable delivery of emergency services throughout the year.

The intent of this application is to secure funding for the new standby generator described above. The RDCK - Fire Services plans to outlay this project by utilizing internal RDCK project management services, and external suppliers / contractors through a competitive procurement process.

(If needed, please provide additional information on separate page)

1.1 Project Costs including Timeline and Supporting Documents

The anticipated additional project cost and Community Works application for the North Shore Fire Hall is \$87,550 This includes supply and installation costs for a complete stand-by generator system.

Contingencies of 10% have been included in this budget along with Project Management fees of 8%.

It is expected that the project will be completed within six (6) months time. Procurement has previously been completed in the spring of 2024, with shop drawings approved in late July 2024 and delivery of the generator in the fall of 2024. Current generator production timelines appear to be approximately 3 months based on similar projects currently in progress. The completion date is estimated to be December 31, 2024.

The project team will ensure that all permitting requirements are met that apply to this Project.

(If needed, please provide additional information on separate page)

1.2 Project Impact

This project overall will allow fire services to continue in Area F in a safe and sustainable manner

Stand-by generator system will help to ensure the reliable delivery of emergency services along with the necessary provisions required for all hall users.

(If needed, please provide additional information on separate page)

1.3 Project Outcomes

Strategic upgrades to the North Shore Fire Hall will be completed during this project.

Outcomes include:

Stand-by generator will supply full-facility back-up power in the event of power failures.

North Shore Fire Hall will continue to operate with moderate asset management renewal budgets.

(If needed, please provide additional information on separate page)

1.4 Project Team and Qualifications

The project team includes:

- David Zayonce - Regional Fire Chief, RDCK
- Grant Hume - Deputy Fire Chief (Operations), RDCK
- AJ Evenson- Project Manager, RDCK
- Thomas Service - North Shore Fire Department Chief, RDCK

(If needed, please provide additional information on separate page)

2.0 Project Budget
List anticipated and confirmed Project revenue and expenses that have been deemed necessary for the implementation of the Project. Schedule B outlines eligible costs for eligible recipients (see attached).


Project Revenue
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Revenue	Value (\$)
North Shore Fire Hall Upgrade Project	Area F Community Works grant	\$ 87,550.00
		\$
		\$
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 87,550.00

Project Expenses
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Expenses	Value (\$)
Stand-by generator system	60 KW 3PH Standby Generator with ATS	\$ 57,000.00
Site Civil Work	Concrete pad, trenching and connections to buildi	\$ 8,300.00
Propane system	Tank delivery and line hookup	\$ 9,000.00
Project Management	8% construction fees to outlay project	\$ 6,000.00
10% Contingency	10% Contingency	\$ 7,250.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 87,550.00

Project Revenue (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Revenue	\$ 87,550.00
Project Expenses (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
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		\$
		\$
		\$
	Total Project Expenses	\$ 87,550.00

2.1 Additional Budget Information		
Quote rationale to be reviewed by RDCK Chief Administrative Officer		
(If needed, please provide additional information on separate page)		
3.0 Accountability Framework		
<p>The eligible recipient will ensure the following:</p> <ul style="list-style-type: none"> - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices - 		
4.0 Schedule of Payments		
<p>The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments:</p> <ul style="list-style-type: none"> a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures. 		
5.0 Acknowledgement of Requirements		
<p>Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth.</p> <p>By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 5 years) is to be submitted to the RDCK prior to October 31st of each year detailing the beneficial impacts on the community as a result of the completed Project.</p>		
Authorized Signature for Proponent	Name	Date
	AJ Evenson	2024/06/20



Committee Report

Date of Report: July 17, 2024
Date & Type of Meeting: August 15, 2023, Rural Affairs Committee
Author: Melissa Djakovic, Auxiliary Administrative Assistant
Subject: COMMUNITY WORKS FUND APPLICATION – REGIONAL DISTRICT OF CENTRAL KOOTENAY “BEASLEY FIRE HALL PAVING PROJECT”
File: 1850-20-CW-306
Electoral Area/Municipality F

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by **Regional District of Central Kootenay (RDCK)** for the project titled “**Beasley Fire Hall Paving Project**” in the total amount of \$113,100.00 and that funds be disbursed from Community Works Funds allocated to Electoral Area F. The Fire Hall Infrastructure Project seeks to secure funding for new asphalt paving where installation of new well and waterlines were installed.

SECTION 2: BACKGROUND/ANALYSIS

This project overall will allow fire services to continue in Area F in a safe and sustainable manner by replacing assets in poor condition.

As referenced in the Application (Attachment A), Beasley Fire Hall is located in Electoral Area F and was originally built in 1991. Since then, significant improvements have occurred including a new bay addition, a detached accessory building, building residing, backup generator, heat pumps and most recently the installation of a new well and waterline to the building. Numerous cuts in the existing asphalt were required to install the new well and waterlines and the old asphalt is starting to deteriorate making patching difficult.

Project work estimated to commence on September 9th, 2024, with a projected completion of October 31, 2024.

Eligible Community Works Projects include Fire halls and Fire Stations – New fire hall building for housing firefighting apparatus, Retrofit and modernization of existing firehalls, and attached building space. This project falls under the stream of Fire Halls and Fire Stations – Fire hall and fire station infrastructure.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Financial Plan Amendment:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Debt Bylaw Required:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Public/Gov’t Approvals Required:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

This application is the responsibility of Area F and no other areas are being asked to contribute to the project. The Director for the area is supportive of the application and has sufficient 2024 funds to allocate to the project.

As of August 2024, the Community Works balance for Area F is \$531,506.15. There are three (3) potential Community Works Area F applications for approval within the month of August 2024:

NORTH SHORE FIRE HALL-HVAC HEAT PUMP UPGRADE PROJECT - \$67,900.33

NORTH SHORE FIRE HALL-STAND-BY GENERATOR PROJECT - \$87,550.00

BEASLEY FIRE HALL-PAVING PROJECT - \$113,100.00

Should all three (3) projects be funded the remaining balance will be \$262,955.82 in Area F Community Works funding.

The RDCK - Fire Services plans to outlay these projects by utilizing internal RDCK Project Management services, and external suppliers / contractors through a competitive procurement processes.

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

Community Works (formerly Gas Tax) funded projects aim to achieve three objectives: a clean environment; strong cities and communities; and productivity and economic growth. Board policy dictates that applications to the Community Works Fund be reviewed by staff and the Rural Affairs Committee for compliance with program guidelines. Staff is of the opinion that this project falls within the broad program category of 'Fire Halls and Fire Stations – Fire Hall and Fire Station Infrastructure'.

3.3 Environmental Considerations

None at this time

3.4 Social Considerations:

The Beasley Fire Hall serves the community at large through the provision of fire protection service and also hosts FireSmart educational opportunities and other training exercises.

3.5 Economic Considerations:

The proposed project costs are eligible based on Community works funding criteria

3.6 Communication Considerations:

None at this time.

3.7 Staffing/Departmental Workplace Considerations:

The project team includes, AJ Evenson, Project Manager, with assistance from the Beasley Fire Department Chief, Regional Chief, and Deputy Fire Chief (Operations).

RDCK staff resources will need to be allocated to track, process and ensure the project applicant fulfills the reporting requirements on an annual basis (5 years).

3.8 Board Strategic Plan/Priorities Considerations:

This project is aligned with the Board's strategic priority to *Excel in Governance and Service Delivery* and to *Manage our Assets and Operations in a Fiscally Responsible Manner*.

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

THAT the Community Works Fund application submitted by **Regional District of Central Kootenay (RDCK)** for the project titled **“Beasley Fire Hall Paving Project”** in the amount of \$113,100.00 be approved and that funds be disbursed from Area F Community Works and allocated to Fire Protection – Areas F (Beasley/Blewett) – Service 144.

Respectfully submitted,

Melissa Djakovic, Auxiliary Administrative Assistant

CONCURRENCE

Mike Morrison – Manager of Corporate Administration/Corporate Officer **APPROVE**

Stuart Horn – Chief Administrative Officer *Digitally approved*

ATTACHMENTS:

Attachment A – Community Works Fund Application: Regional District of Central Kootenay (RDCK) “Beasley Fire Hall Paving Project”



Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
250-352-6665 1-800-939-9300 Email info@rdck.bc.ca

Community Works Fund Application (Appendix-A)			
Gas Tax Program Services – CWF Funding (UBCM)			
"The Project"	Beasley Fire Hall Pavig		
Date of Application	2024/06/20		
Applicant Information			
Name of Organization	Regional District of Central Kootenay		
Address	Box 590, 202 Lakeside Drive		
City, Prov. Postal	Nelson, BC V1L 6X1		
Phone No.	250-352-6665	Fax No.	250-352-9300
Organization's Email	info@rdck.bc.ca		
Name of Contact	AJ Evenson	Contact's Email	aevenson@rdck.bc.ca
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Tom Newell	F	\$ 113,100.00	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy/mm/dd)	
2024/09/01		2024/10/31	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)	PID 012-493-325		
Registered Owners of Land(s)	RDCK		
Crown Land Tenure/License No./Permit No.(s)	n/a		
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	<input checked="" type="checkbox"/>	Yes	
	<input type="checkbox"/>	No	
Have you applied and received a building permit?	<input type="checkbox"/>	Yes, Permit No. _____	
	<input checked="" type="checkbox"/>	No	
If No, please explain: Site paving does not require regulatory approvals.			

Application Content

Must include all of the following:

- 1.0 - Description of the Project including management framework
- 1.1 - Project timeline and supporting documents
- 2.0 - Project budget
- 3.0 - Accountability Framework Financial statements that adhere to Project accountability

1.0 Description of the Project including management framework

The Beasley Fire Hall is located in Electoral Area F and was originally built in 1991. Since then, significant improvements have occurred including a new bay addition, a detached accessory building, building residing, backup generator, heat pumps and most recently the installation of a new well and waterline to the building. Numerous cuts in the existing asphalt were required to install the new well and waterlines and the old asphalt is starting to deteriorate making patching difficult.

Staff have contacted two local paving outfits to request quotes on repairs and both advised that due to the age and condition of the asphalt and the number of low spots, that it is advisable to remove the asphalt, regrade and shape and replace the asphalt rather than try and fix it.

The RDCK - Fire Services plans to outlay these projects by utilizing internal RDCK Project Management services, and external suppliers / contractors through a competitive procurement processes.

(If needed, please provide additional information on separate page)

1.1 Project Costs including Timeline and Supporting Documents

The anticipated additional project cost and Community Works application for the Beasley Fire Hall is \$113,100.00 This includes the supply and installation costs for:

- asphalt removal and disposal;
- grading and shaping base gravel to ensure minimum 1% drainage
- supply and installation of a new manhole in the parking area
- supply and installation of 75mm of compacted asphalt

Contingencies of 10% have been included in this budget along with Project Management fees of 8% on the construction portion of the budget.

It is expected that the project will be completed in 3 consecutive days; 1 to remove asphalt and undertake grading and compaction, 1 day to install paving and 1 day for cooldown prior to fire equipment being able to drive and turn on the new surface.

Procurement will occur in the summer of 2024, with a construction start slated for mid September 2024. We have set a project completion date of October 31, 2024 as most asphalt plants close early in November due to low temperatures and high probability of frost and precipitation.

The project team will ensure that all MOTI is made aware of the project as it may impact highway traffic with trucks turning into and out of the facility.

(If needed, please provide additional information on separate page)

1.2 Project Impact

This project overall will allow fire services to continue in Area F in a safe and sustainable manner by replacing assets in poor condition.

(If needed, please provide additional information on separate page)

1.3 Project Outcomes

Strategic upgrades to the Beasley Fire Hall will be completed during this project.

Outcomes include:

Facility components at end of life will be replaced.

Beasley Fire Hall will continue to operate with moderate asset management renewal budgets.

(If needed, please provide additional information on separate page)

Community Works Fund Application (Appendix-A)

1.4 Project Team and Qualifications

The project team includes:

David Zayonce - Regional Fire Chief, RDCK
 Grant Hume- Deputy Fire Chief (Operations), RDCK
 AJ Evenson - Project Manager, RDCK
 Monica Spencer - Beasley Fire Department Chief, RDCK

(If needed, please provide additional information on separate page)

2.0 Project Budget

List anticipated and confirmed Project revenue and expenses that have been deemed necessary for the implementation of the Project. Schedule B outlines eligible costs for eligible recipients (see attached).

Project Revenue

(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Revenue	Value (\$)
Beasley Fire Hall Paving Project	Area F Community Works Grant	\$ 113,100.00
		\$
		\$
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 113,100.00

Project Expenses

(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Expenses	Value (\$)
Paving	Remove existing, regrade add 3/4" crush, compact	\$ 95,000.00
Manhole installation	Supply and install additional manhole to grade	\$ 1,500.00
Project Management	Project Management fee to create specification, etc	\$ 7,000.00
		\$
Contingency	10% contingency	\$ 9,600.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 113,100.00

Project Revenue (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
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Project Expenses (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
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		\$
	Total Project Expenses	\$ 113,100.00

2.1 Additional Budget Information
Quote rationale to be reviewed by RDCK Chief Administrative Officer

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3.0 Accountability Framework

The eligible recipient will ensure the following:

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- Funding is used for eligible Project and eligible costs
- Project is implemented in diligent and timely manner
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-

4.0 Schedule of Payments

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- b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures.

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By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 5 years) is to be submitted to the RDCK prior to October 31st of each year detailing the beneficial impacts on the community as a result of the completed Project.

Authorized Signature for Proponent	Name	Date
	AJ Evenson	2024/06/20