



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE
Open Meeting Agenda

Date: Wednesday, September 11, 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 Board, Commission and Committee meetings in-person or remote (hybrid model).

Meeting Time:

9:00 a.m. PDT

Join by Video:

<https://rdck-bc-ca.zoom.us/j/96773779268?pwd=oEGpepVogZXinHMHXtPhbro3JsbUbU.1&from=addon>

Join by Phone:

- 833 958 1164 Canada Toll-free

Meeting ID: 967 7377 9268

Meeting Password: 415460

In-Person Location: RDCK Head Office - Board Room, 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 September 11, 2024 Rural Affairs Committee meeting be adopted as circulated.

5. RECEIPT OF MINUTES

7 - 15

The August 14, 2024 revised Rural Affairs Committee meeting minutes with a correction to Item 7.1 Cancel - Building Bylaw Contravention - Arnott & Irvine file number in the item description, have been received.

6. DELEGATIONS

No delegations.

7. PLANNING & BUILDING

7.1 BUILDING BYLAW CONTRAVENTION - PICCOLO
File No.: 3130-20-H-707.21971.162 BP24210
4610 Highway 6
(Trevor Piccolo)
Electoral Area H

16 - 19

Rural Affairs Committee
Referred August 14, 2024 to September 11, 2024

The letter from Mike Morrison, Corporate Officer and 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.

7.2 BUILDING BYLAW CONTRAVENTION - WINJE
File No.: 3130-20-H-707.21197.030 BP28114
8923 Slocan West Rd
(Anitra Winje)

20 - 33

Electoral Area H

Rural Affairs Committee

Referred August 14, 2024 to September 11, 2024

The letter from Mike Morrison, Corporate Officer and the Memorandum dated July 12, 2024 from Manda McIntyre, Building Manager, re: Building Bylaw Contravention - Winje, has been received.

The letter dated August 12, 2024 from Anitra Winje, property owner, re: Tiny structure at 8923 Slocan West Road (BP028114), 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.

7.3 DEVELOPMENT VARIANCE PERMIT - MCGINN

34 - 52

File No.: V2410B - McGinn
4560 – 44th Street
(Janice & Gregory McGinn)
Electoral Area B

The Committee Report dated August 23, 2024 from Sadie Chezenko, Planner, re: Development Variance Permit - McGinn, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE the issuance of the Development Variance Permit to Greg and Janice McGinn for the property located 4560-44th Street, Electoral Area B and legally described as PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 (PID: 012-254-991) to vary Section 23.5 of *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316* to allow a Farm Residential Footprint with a maximum depth of 151 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

RECOMMENDATION:

That it be recommended to the Board:

That the Board NOT APPROVE the issuance of the Development Variance Permit to Greg and Janice McGinn for the property located 4560-44th Street, Electoral Area B and legally described as PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 (PID: 012-254-991) to vary Section 23.6 of *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316* to permit a dwelling with a maximum Gross Floor Area (GFA) of 323 m2 whereas the bylaw permits a maximum GFA of 300m2.

7.4 DEVELOPMENT VARIANCE PERMIT - HAIGH

53 - 73

**File No.: V2413J – Haigh
1298 McPhee Road
(Beryl & Lorne Haigh)
Electoral Area J**

The Committee Report dated August 28, 2024 from Zachari Giacomazzo, Planner, re: Development Variance Permit - Haigh, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2413J to Beryl Haigh and Lorne Haigh for the property located at 1298 McPhee Road, Electoral Area J and legally described as LOT 2, DISTRICT LOT 4598, KOOTENAY DISTRICT PLAN 62162 (PID: 029-970-083) to vary:

1. Section 6.10.A.1.A in order to permit 2 shipping containers;
2. Section 801.7 in order to permit a maximum building height of 6.4 metres;
3. Section 801.8 in order to permit a Maximum GFA of 150 m2.

7.5 LAND USE BYLAW AMENDMENTS - HEARTLAND MENNONITE BROTHERHOOD

74 - 102

**File No.: Z2101C – Heartland Mennonite Brotherhood
2702 Highway 3A
(Heartland Mennonite Brotherhood)
Electoral Area C**

The Committee Report dated August 26, 2024 from Zachari Giacomazzo, Planner, re: Land Use Bylaw - Heartland Mennonite Brotherhood, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That NO FURTHER ACTION be taken regarding *Electoral Area 'C' Comprehensive Land Use Amendment Bylaw No. 2786, 2024* being a bylaw to amend the *Comprehensive Land Use Bylaw No. 2317, 2013*.

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

103 - 132

Rural Affairs Committee

Referred July 17, 2024 to August 14, 2024
Referred August 14, 2024 to September 11, 2024

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 – NELSON CYCLING CLUB
“ENHANCING THE TRAILS PROJECT”**

133 - 144

File No.: 1850-20-CW-309
Electoral Area E & F

The Committee Report dated August 27, 2024 from Melissa Djakovic, Auxiliary Administrative Assistant, re: Community Works Fund Application - Nelson Cycling Club “Enhancing the Trails Project”, has been received.

RECOMMENDATION:

That it be recommended to the Board:

THAT the Community Works Fund application submitted by the Nelson Cycling Club for the project titled “Enhancing the Trails” in the amount of \$28,596.00 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area E and F, with \$14,298.00 being contributed by each.

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, August 14, 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
Director T. Newell	Electoral Area F – In-person
Director H. Cunningham	Electoral Area G
Director W. Popoff	Electoral Area H
Director A. Davidoff	Electoral Area I
Director H. Hanegraaf	Electoral Area J - In-person
Director T. Weatherhead	Electoral Area K

GUEST DIRECTOR

Director L. Main	Village of Silverton – In-person
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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
M. McIntyre	Senior Building Official
D. Carmichael	Building Services Administrative Assistant
Z. Giacomazzo	Planner
S. Johnson	Planner
C. Scott	Planner
C. Hopkyns	Corporate Administrative 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/93201328393?pwd=tTRDKCjYY7WsZXwCureBLWD43RtW0X.1&from=addon>

Join by Phone:

- +1 778 907 2071 Canada
- 855 703 8985 Canada Toll-free

Meeting Number (access code): 932 0132 8393

Meeting Password: 469088

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 August 14, 2024 Rural Affairs Committee meeting be adopted as circulated.

Carried

Moved and seconded,
And resolved:

Director Main have freedom of the floor.

Carried

5. RECEIPT OF MINUTES

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

Director Davidoff join the meeting at 9:03 a.m.

6. DELEGATIONS

Item 7.4 - Robert Filippo

7. PLANNING & BUILDING**7.1 CANCEL - BUILDING BYLAW CONTRAVENTION - ARNOTT & IRVINE****File No.: 3130-20-E-707.01282.090-BP27093** Revised file number**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.

- No delegation was present.
- Manda McIntyre, Senior Building Official, had no additional information.
- Chair Jackman thanked staff and referred the recommendation to Committee for consideration.

Moved and seconded,
And resolved 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.

Carried

7.2 BUILDING BYLAW CONTRAVENTION - PICCOLO**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.

Stuart Horn, Chief Administrative Officer, shared that staff are recommending referral to the September 11, 2024 Rural Affairs Committee meeting to allow time for the staff to notify the applicant.

Moved and seconded,
And resolved:

That the following motion BE REFERRED to the September 11, 2024 Rural Affairs Committee meeting:

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.

Carried

7.3 BUILDING BYLAW CONTRAVENTION - WINJE
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.

Stuart Horn, Chief Administrative Officer, shared that staff are recommending referral to the September 11, 2024 Rural Affairs Committee meeting to allow time for the staff to notify the applicant.

Moved and seconded,
And resolved:

That the following motion BE REFERRED to the September 11, 2024 Rural Affairs Committee meeting:

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.

Carried

7.4 DEVELOPMENT VARIANCE PERMIT - FILIPPO
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.

Stephanie Johnson, Planner, provided an overview to the Committee regarding the Development Variance Permit (DVP) application to waive the proof of water requirement for a remainder parcel under the Subdivision Bylaw.

The delegation, Robert Filippo, was available to answer 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 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.

Carried

7.5 NON-ADHERING RESIDENTIAL USE - MEASURES
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.

Zac Giacomazzo, Planner, provided an update to the Committee regarding the application. He shared that this application was first considered by RAC at the May 15th, 2024 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.

Moved and seconded,

And resolved 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).

Carried

7.6 SITE SPECIFIC EXEMPTION TO THE FLOODPLAIN MANAGEMENT BYLAW – WOOLEY

**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.

Corey Scott, Planner, provided an overview to the Committee regarding the application. He shared that 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. He 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, 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.

Carried

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

**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 11, 2024 RAC meeting.

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

Moved and seconded,
And resolved:

That the following motion BE REFERRED to the September 11, 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

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”
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.

Staff answered the Committee's questions.

Moved and seconded,

And resolved 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.

Carried

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

Staff answered the Committee's questions.

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 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.

Carried

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

Staff answered the Committee’s questions.

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 “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.

Carried

10. PUBLIC TIME

The Chair called for questions from the public and members of the media at 9:28 a.m.

No public or media had questions.

11. ADJOURNMENT

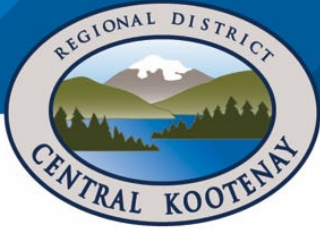
Moved and seconded,

And resolved:

The meeting be adjourned at 9:29 a.m.

Carried

Chair Jackman, Chair



BY REGISTERED MAIL

File: 3130-20-H-707.21971.162 BP24210

REGISTERED OWNERS:

PICCOLO, TREVOR T
6249 WILLS RD
NELSON BC V1L 7A4

SUBJECT: Notice on Title

CIVIC ADDRESS: 4610 HIGHWAY 6

Please be advised that RDCK staff, in accordance with Section 57 of the Community Charter(SBC 2003) are recommending that the RDCK Board place a notice against the land title of your property located at LOT B PLAN EPP61349 DISTRICT LOT 7689 KOOTENAY LAND DISTRICT. The staff memo containing the background information on this matter is enclosed for your reference. Section 57 requires that property owners be given the opportunity to be heard on this matter prior to a decision to place the notice.

This letter serves as notification that the RDCK Rural Affairs Committee will consider this matter at the date and time noted below. Alternatively, you may participate in this meeting online. If you choose to attend, you will be provided with the opportunity to address the Committee regarding this matter.

Date: September 11, 2024

Time: Delegations will be received beginning at **9:00 am**. Please follow the instructions provided by the Administration Department and wait until your item is called to be dealt with by the Committee. **(Maximum 15 minutes for each delegation 10 minutes presentation, 5 minutes question)**

Location: In-person: RDCK Head Office - Board Room, 202 Lakeside Dr, Nelson BC
Hybrid meeting - please refer to our website rdck.ca.

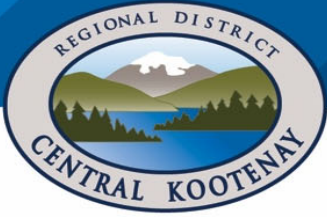
At this meeting committee members will consider making a recommendation to the Regional District Board to direct the Corporate Officer to file a Notice, in the Land Title Office under Section 57 of the *Community Charter*, against the above noted property.

Please advise us in advance if you will be present at the Rural Affairs Committee meeting by contacting the Administration Department at (250) 352-1575 or by email chopkyns@rdck.bc.ca no less than 3 business days prior to the meeting.

If you wish to avoid the possibility of having a Notice on Title placed on your property, you must contact the building department **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the RDCK Building department at 1-800-268-7325 or (250) 352-8156.

Yours truly, Originally signed

Mike Morrison, Corporate Officer



MEMORANDUM

File 3135-20-H-707.21197.030 BP28114

July 12, 2024

TO: RDCK Board

FROM: Manda McIntyre, Building Manager

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

Please be advised that permit BP28114 has expired. The owner has requested to proceed with placing a notice on title in lieu of applying for a replacement permit and bringing the subject permit to BC Building Code.. As a result of the above, I am recommending filing a Notice on Title. The said property legal description is LOT B PLAN EPP61349 DISTRICT LOT 7689 KOOTENAY LAND DISTRICT.

Manda McIntyre
Building Manager

Nov 30, 2017 – Building Inspector Sam Ellison posted a Stop Work Order 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 only 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.



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

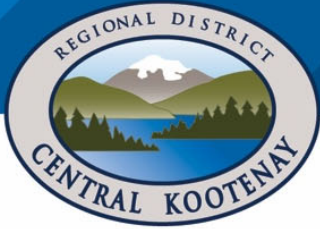
Trevor Piccolo

DATE

RECEIVED

MAR 21 2024

REGIONAL DISTRICT OF
CENTRAL KOOTENAY
NELSON, B.C.



BY REGISTERED MAIL

File: 3135-20-H-707.21197.030 BP28114

REGISTERED OWNERS:

WINJE, ANITRA M
315A HOOVER ST
NELSON BC V1L 7A7

SUBJECT: Notice on Title

CIVIC ADDRESS: 8923 SLOCAN WEST RD RURAL SLOCAN BC

Please be advised that RDCK staff, in accordance with Section 57 of the Community Charter (SBC 2003) are recommending that the RDCK Board place a notice against the land title of your property located at PLAN NEP648 DISTRICT LOT 1532 KOOTENAY LAND DISTRICT PARCEL D, (BEING A CONSOLIDATION OF LOTS 27, 28 & 29, SEE CA5426962) PID 029-910-935. The staff memo containing the background information on this matter is enclosed for your reference. Section 57 requires that property owners be given the opportunity to be heard on this matter prior to a decision to place the notice.

This letter serves as notification that the RDCK Rural Affairs Committee will consider this matter at the date and time noted below. Alternatively, you may participate in this meeting online. If you choose to attend, you will be provided with the opportunity to address the Committee regarding this matter.

Date: September 11, 2024

Time: Delegations will be received beginning at **9:00 am**. Please follow the instructions provided by the Administration Department and wait until your item is called to be dealt with by the Committee. **(Maximum 15 minutes for each delegation 10 minutes presentation, 5 minutes question)**

Location: In-person: RDCK Head Office - Board Room, 202 Lakeside Dr, Nelson BC
Hybrid meeting - please refer to our website rdck.ca.

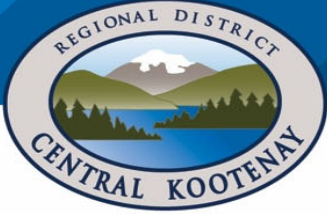
At this meeting committee members will consider making a recommendation to the Regional District Board to direct the Corporate Officer to file a Notice, in the Land Title Office under Section 57 of the *Community Charter*, against the above noted property.

Please advise us in advance if you will be present at the Rural Affairs Committee meeting by contacting the Administration Department at (250) 352-1575 or by email chopkyns@rdck.bc.ca no less than 3 business days prior to the meeting.

If you wish to avoid the possibility of having a Notice on Title placed on your property, you must contact the building department **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the RDCK Building department at 1-800-268-7325 or (250) 352-8156.

Yours truly, *Originally signed*
Mike Morrison, Corporate Officer

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



MEMORANDUM

File 3135-20-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. 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. As a result of the above, I am recommending filing a Notice on Title.

The said property legal description is PLAN NEP648 DISTRICT LOT 1532 KOOTENAY LAND DISTRICT PARCEL D, (BEING A CONSOLIDATION OF LOTS 27, 28 & 29, SEE CA5426962).

Manda McIntyre
Building Manager

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

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 Slokan 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 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.

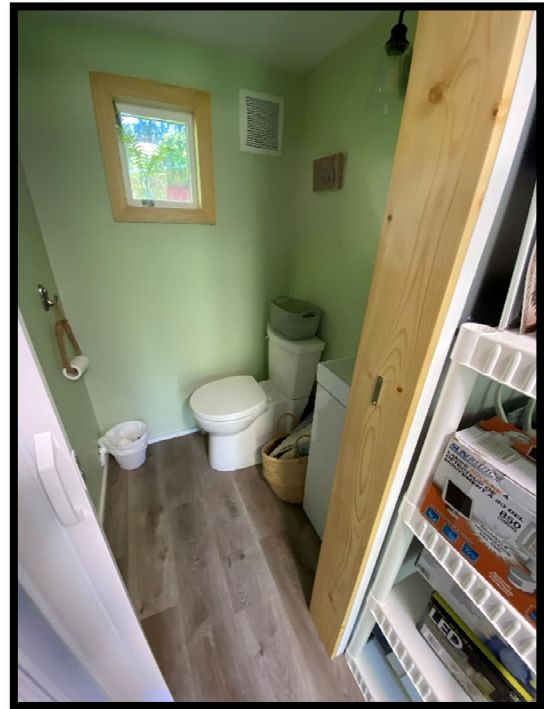
July 8, 2024 – Building Department received a form from owner requesting Notice on Title be placed on property for the non-conforming building.

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

Timeline photos



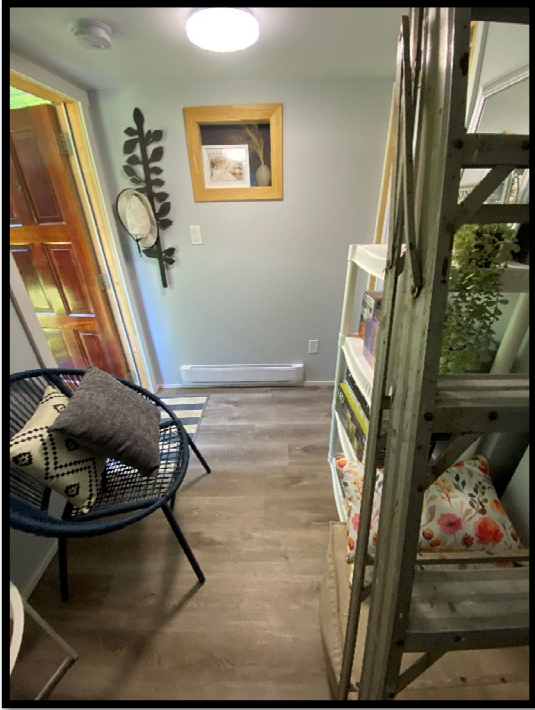
Photo 1. Aug 24, 2023 - Photo of SWO placed



July 4, 2024 – Washroom



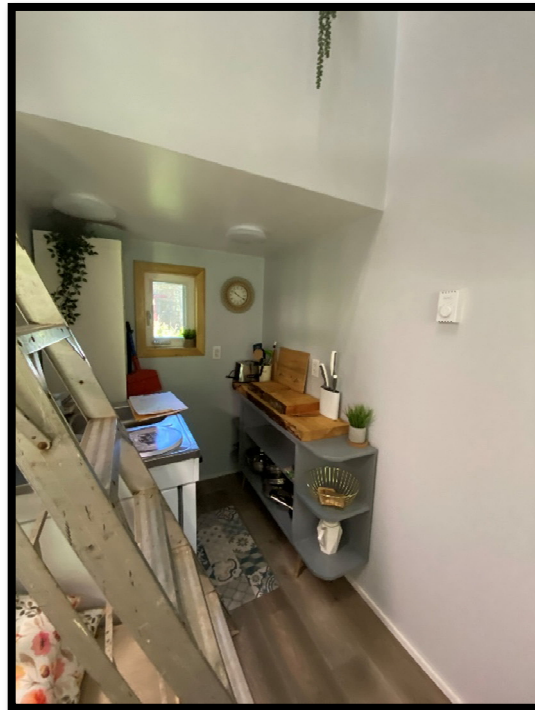
Upper loft area - used for additional habitable space (not storage)



July 4, 2024 – Interior view towards washroom



July 4, 2024 - Kitchen Area – Electric stovetop



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



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 NE648 DISTRICT LOT 1532 KOOTENAY LAND DISTRICT PARCEL D, (BEING A CONSOLIDATION OF LOTS 27, 28 & 29, SEE CA5426962).

July 9, 2024
DATE

Originally signed

Anitra Winje

A handwritten signature in black ink, appearing to be "Anitra Winje".

August 12, 2024

Chair Jackman and members of the Rural Affairs Committee
Regional District of Central Kootenay

By email

Dear Chair Jackman and members of the Rural Affairs Committee,

Re: Tiny structure at 8923 Slocan West Road (BP 028114)

I am writing in response to the report regarding the above-noted file on the September 11th, 2024, Rural Affairs Committee agenda.

This letter is similar to the one I submitted to the RDCK's building inspection department on July 10th, 2024.

I would like to address a number of points:

- Firstly, the RDCK **did not meet its statutory obligations** as per the *Community Charter*, section 57(2) when it failed to invite me to the meeting in August at which my tiny structure was to have originally been discussed. The *Community Charter* states:

(2)A recommendation under subsection (1) must be given in writing to the corporate officer, who must

(a)give notice to the registered owner of the land to which the recommendation relates, and

(b)after notice under paragraph (a), place the matter before the council.

Further, section 57(3) states that

(3)After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that

(a)a resolution relating to that land has been made under this section, and

(b)further information about it may be inspected at the municipal hall.

The fact that I, as the property owner, requested that a Notice on Title be placed on the property does not negate the fact that the RDCK has an obligation on under section 57 of the CC. In fact, were it not for my husband, who happened to see my property on the upcoming RAC agenda, I would not have known at which meeting the matter would be discussed.

- I once again express my *mea culpa* for having begun construction on the structure without first having applied for a building permit. The footprint of said structure was 10 x 10 (not including the deck) so I erroneously believed at the same that I did not require a building permit. However, ever since I was issued a Stop Work Notice, I have been working to come into compliance.
- Building Official Dan Seminoff issued the Stop Work Notice in August of 2023. Upon receipt of the Notice, I emailed and called Mr. Seminoff.
- In the RDCK's email of July 5th, it was stated that I did not pick up the BP package. I did not pick it up as it was emailed to me by Donna Carmichael.
- The RDCK noted that the required setback from the river is 98". This structure is 142" from the Slocan River. The Building Official did not measure the distance from the building to the river, nor did he measure the distance from the building to the fence that separates my property from the neighbour's land. On September 18, 2023, I sent this email to Suzanne McBriar:

I'm not sure about the floodplain part. It's set way back from the river. Also, between the structure and the river is what my engineer called a tongue of land. When he engineered my septic he said the land is so high there that there would be no danger of flooding. My mother, who had lived in Slocan for 75 years, has never seen the river come up to my property. Sadly, the river has been exceptionally low the last two years in these drought conditions.

I also wrote:

Sorry I don't know what 539 GSC means?

I never received a response to this query.

- As per the engineer's report, the snowload is 88 psf.
- The RDCK stated that the building must comply with RDCK zoning. There is no zoning in Electoral Area H.
- The RDCK stated that I must have "Bedroom egress windows." There are no bedrooms. As the RDCK has directed, the loft shall only be used for storage, not sleeping. Ergo, how can there be bedrooms? It was further stated that a carbon monoxide detector must be installed in the bedroom(s). Again, there are NO bedrooms in this unit. There is a storage loft. Further, the only source of heating in the structure is one small baseboard heater (electric). There is no gas nor woodstove. Why then would a carbon monoxide detector be required?
- I was told I had to provide a letter from a Registered Onsite Wastewater Practitioner affirming that the septic system could handle the "additional" load of the toilet in the tiny structure. I told

the RDCK that there is NO additional load on the system; the toilet is the only fixture draining into the septic. My septic system was engineered and approved by Interior Health. The RDCK had those approvals in my file yet despite this, I was still required to provide this letter. It cost me \$550. I have been told by other building officials that the RDCK had no right to ask for that that letter.

- Building Official Denny called the structure a “three-season cabin.” This is not a cabin. I have repeatedly told the RDCK it is a writers’ studio. It was originally constructed to be a playhouse for my niece. It also serves as an outhouse and a place to take refuge from the elements and the mosquitoes.
- When Building Official Denny visited the site on Thursday, July 4, 2024, he said “we should be golden” as the Engineer had passed the structure. My father was witness to this comment.
- In his email dated December 5, 2023, Graham Gordon wrote:

“Documents required if you wish to keep the building are as follows.

- o A letter from a ROWP confirming that the additional load to the septic system can be handled by the existing system.
- o The electrical permit from Technical safety BC as the work done requires a permit per TSBC guidelines.
- o As the structure is so far out of compliance to Part 9 an engineer will need to be retained to provide a sealed letter covering the structure of the building or well done legible plans that accurately show all of the components of the building and the construction proposed to bring it into part 9 compliance with the BC building code.

The other option is to issue this as a demolition permit and remove the structure.”

Firstly, I have provided all the above-noted documents. Secondly, **at no point** did the RDCK mention that a Notice on Title could be placed on the structure.

On December 5th, 2023, I sent this email to CAO Horn and Chris Gainham:

Hi Chris and Stuart,

I hope you're both doing well.

I left voice messages for you both regarding a rather unpleasant email I received from your building department today threatening to demolish a 140 square foot playhouse I had built for my niece.

I submitted my building permit application 13 weeks ago and heard back today, after I'd contacted the RDCK again about the status of the application.

Admittedly, I did not apply for a permit initially as the footprint of the

building was 10 x 10 so I thought a permit was not required. That is my bad and I explained that in the letter accompanying the application.

Upon learning of a stop work order being taped to my structure, I immediately applied for the permit and submitted numerous photos of all stages of construction, as well as detailed building information.

At the time, I left messages with Dan Seminoff (two) and I have never heard back from him. Those messages were left in August. It is now December 5th.

The plan checker is now requiring proof that my septic system can handle the additional load. There is NO load on the system as no other toilet drains into the system.

I have literally flushed the toilet under 50 times since the septic system was installed.

I have to say, I was shocked at the fact that the inspector has never returned my call, that it took 13 weeks to get a response and that demolition was threatened in the letter.

I am contacting an engineer but I would like to discuss the possibility of putting a Notice on Title or a covenant on title.

I will add that my building inspector colleagues assisted me in preparing my building permit application.

The structure is NOT meant to be inhabited. It does not even contain a shower.

If I could speak with one or both of you about this matter, I would be most appreciative.

Kind regards and thanks in advance,

On December 6, 2023, Chris Gainham stated that:

"The option of removing the structure via a demolition permit was not intended as an offence, but rather to provide you with all of the options available to you for compliance."

On May 3, 2024, Chris Gainham sent me the following email (he copied Director Popoff, Graham Gordon, Donna Carmichael and Mike Morrison):

Hi Anita

No offence was intended in providing the demolition option. We provide Owners their suite of options where there is an unpermitted structure and possible NOT, and this includes bringing the structure into compliance via a building permit for construction, or an Owner also has the option to apply for a building permit for demolition if they deem that a suitable solution for them. We don't "issue" a demolition permit unless you apply for one, and wouldn't typically require demolition except for exceptional circumstances and typically this is via court injunction - this is definitely not the case here.

Again, at no time were all of my options presented. A Notice on Title **was never suggested** by the RDCK. As a corporate officer and a secretary as per legislation, I am shocked that the RDCK would not convey this option to me.

I have spent thousands of dollars trying to bring a playhouse/140 square foot writers' studio that will be used possibly 14 times per year, into compliance. Now I'm being asked to swap out windows in a bedroom that doesn't exist, install a carbon monoxide detector in a non-existent bedroom, open up my walls so that the inspector can see the insulation (even though my father answered the inspector's questions regarding insulation on July 5th) and obtain a survey of my land to the tune of \$8,000. In the 1977, my neighbor to the north subdivided her land; hence a new survey plan was created (the RDCK will have this). It clearly shows that lots are 72" wide. My father and I located the survey marker a few years ago, and with the aid of a transit and measuring tape, confirmed that the fence that separates my land from the neighbours is on the property line. If the RDCK would like to measure the distance between my building and the river and my building and the neighbour's property, it is welcome to do so. I actually offered Building Official Denny the use of any tools he might need onsite on July 5th. Further, the iron pins are clearly indicated on the survey plan. The RDCK should be able to lay that survey over its web mapping program to determine that the structure is indeed sited on my property.

As a public servant who works for local government I understand our responsibility to keep our residents safe. But I also believe we have a duty to provide exceptional customer service and to apply common sense and reasonableness when appropriate. We are also in a climate where affordable housing is paramount and made a priority by our provincial government. While my structure will not be lived in, the actions of the RDCK concern me as they seem obstructionist.

My family and I have received numerous reports from other property owners in the Slocan Valley complaining of the concerning treatment they have received by the building department. I have spent thousands of dollars and much time and effort trying to meet the RDCK's seemingly ever-changing expectations over a 140 square foot structure that will see minimal use. As someone from the Slocan Valley, I have seen many structures throughout the area that would surely benefit from oversight and advice from the building inspection department.

The engineer stated that my building is "structurally perfect." My father, who built the structure and has constructed other, much larger structures, has always received approval from the regional district for anything he has built. He has been a builder for 60 years. I find it disappointing that the Building Official

only asked one question of my father when he was onsite. The wiring was done by a Red Seal electrician and passed by Technical Safety BC. The person who installed the minimal plumbing has been doing such jobs for several decades. An architect who viewed the building said it was a work of art. A building inspector from another jurisdiction viewed the building and could not believe the hassle I have been going through. A building official toured the structure and commented that it was constructed in a “meticulous” manner.

I am satisfied that the building is safe for the minimal use it will receive.

I take great pride in my property and improvements thereon. I am disappointed in the RDCK’s approach in this matter. I have spent thousands of dollars trying to come into compliance for this tiny building that WILL NOT be lived in. Section 1.4.1.2 of the *BC Building Code* states that a “Dwelling unit means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.” As I have reiterated, this structure WILL NOT be lived in. The building does not contain sleeping facilities. Further, as it does not contain a shower nor a bath, it could be argued that it does not contain sanitation facilities either. Is this section of the 2024 Code not open to interpretation?

I absolve the RDCK for any responsibility regarding this structure and ask that the following recommendation be placed on an upcoming Rural Affairs Committee agenda:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority, 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 and 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.

I will also add that I have email documentation to support everything I have referenced in this letter.

Sincerely,

Originally signed by

-
Anitra Winje
8923 Slocan West Road



Committee Report

Date of Report: 08-23-2024
Date & Type of Meeting: 09-11-2024, Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2410B - McGinn
Electoral Area/Municipality B

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Regional Board to consider a Development Variance Permit (DVP) application.

This DVP application seeks to vary Sections 23.5 and 23.6 in the Agriculture One (AG1) Zone under the *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316*, as follows:

- Section 23.5: To allow a Farm Residential Footprint with a maximum depth of 151 metres from the front lot line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.
- Section 23.6: To permit a dwelling with a maximum Gross Floor Area (GFA) of 323 m² whereas the bylaw permits a maximum GFA of 300 m².

Staff recommend that the Board approve the request to vary Section 23.5 of the bylaw and not approve the request to vary Section 23.6 of the bylaw.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Janice and Gregory McGinn
Property Location: 4560 – 44 th Street, Canyon, Electoral Area 'B'
Legal Description: PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 (PID: 012-254-991)
Property Size: 3.5 hectares (ha)
Current Zoning: Agriculture One (AG1)
Current Official Community Plan Designation: Agriculture (AG)

SURROUNDING LAND USES

North: Agriculture One (AG1) / Agricultural Land Reserve (ALR) lands
East: Agriculture One (AG1) / ALR lands
South: Neighbourhood Commercial (C1) / ALR lands
West: Agriculture One (AG1) / ALR lands

Background Information and Site Context

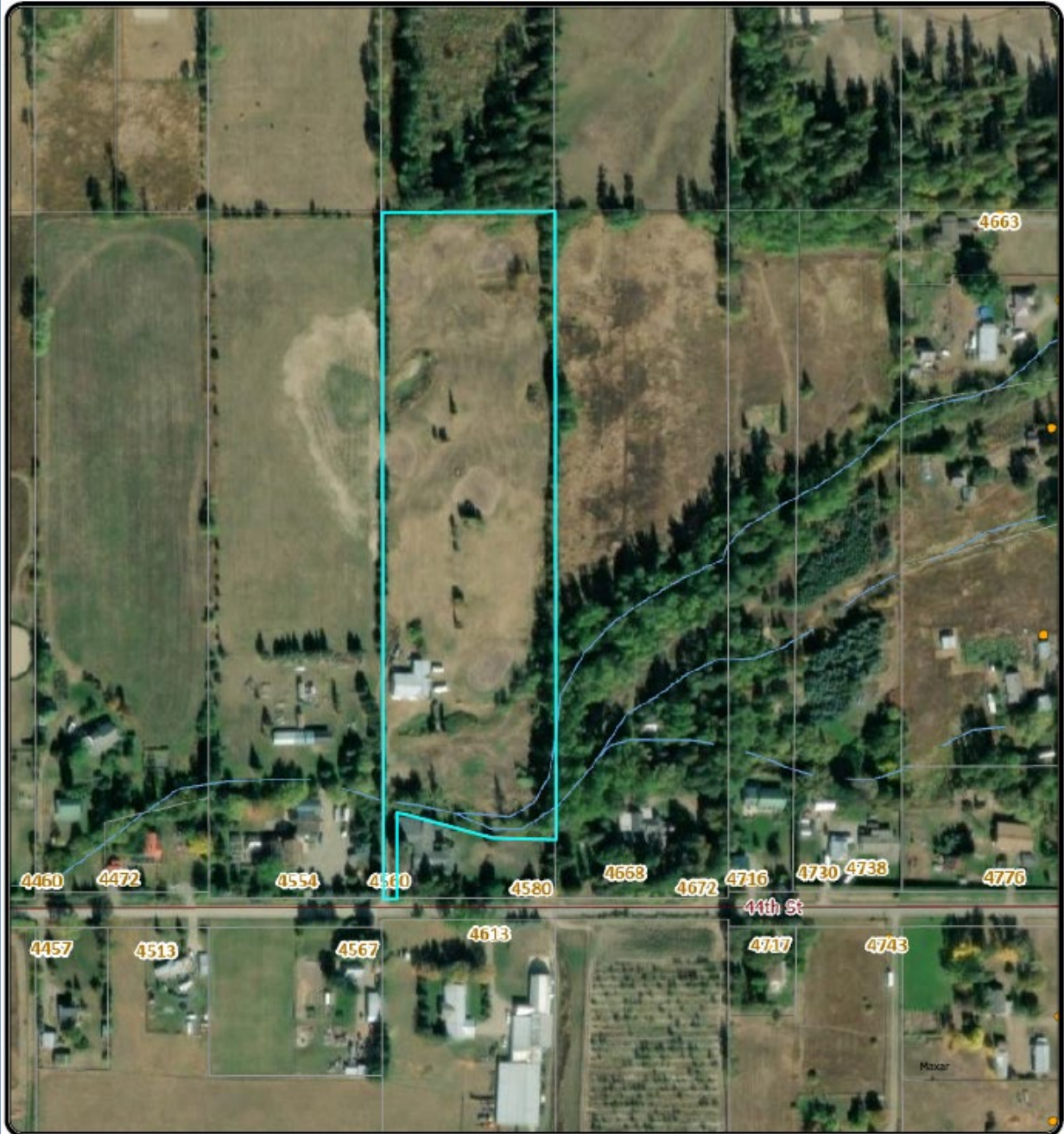
The subject property is surrounded on all sides by parcels within the Agricultural Land Reserve (ALR), designated Agriculture and zoned Agriculture One (AG1) except for the lot immediately to the south which lies within the ALR, but is designated and zoned General Commercial (GC).

The subject property has a panhandle that is approximately 50m long. Two channels of Camp Run Creek run through the southern portion of the lot. Existing on the site are two accessory farm buildings, a driveway and a personal garden. The owners began site preparation in advance of their building permit application but halted immediately upon compliance review advising of the variance requirement.

The owners purchased the property in 2022 and have stated that they plan to do agricultural activities in the future. This includes expanding their personal garden into a market garden, planting fruit between the creek channels and raising and/or training a variety of animals.






The applicants are seeking two variances to construct a residence, which would exceed the maximum allowable floor area, on the subject property near the existing farm buildings. They assert that the location of the residence best supports the future planned agricultural activities and that the size of the building is necessary for their multi-generational family of five.

RDCK Map



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

Legend

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

Map Scale:

1:4,514

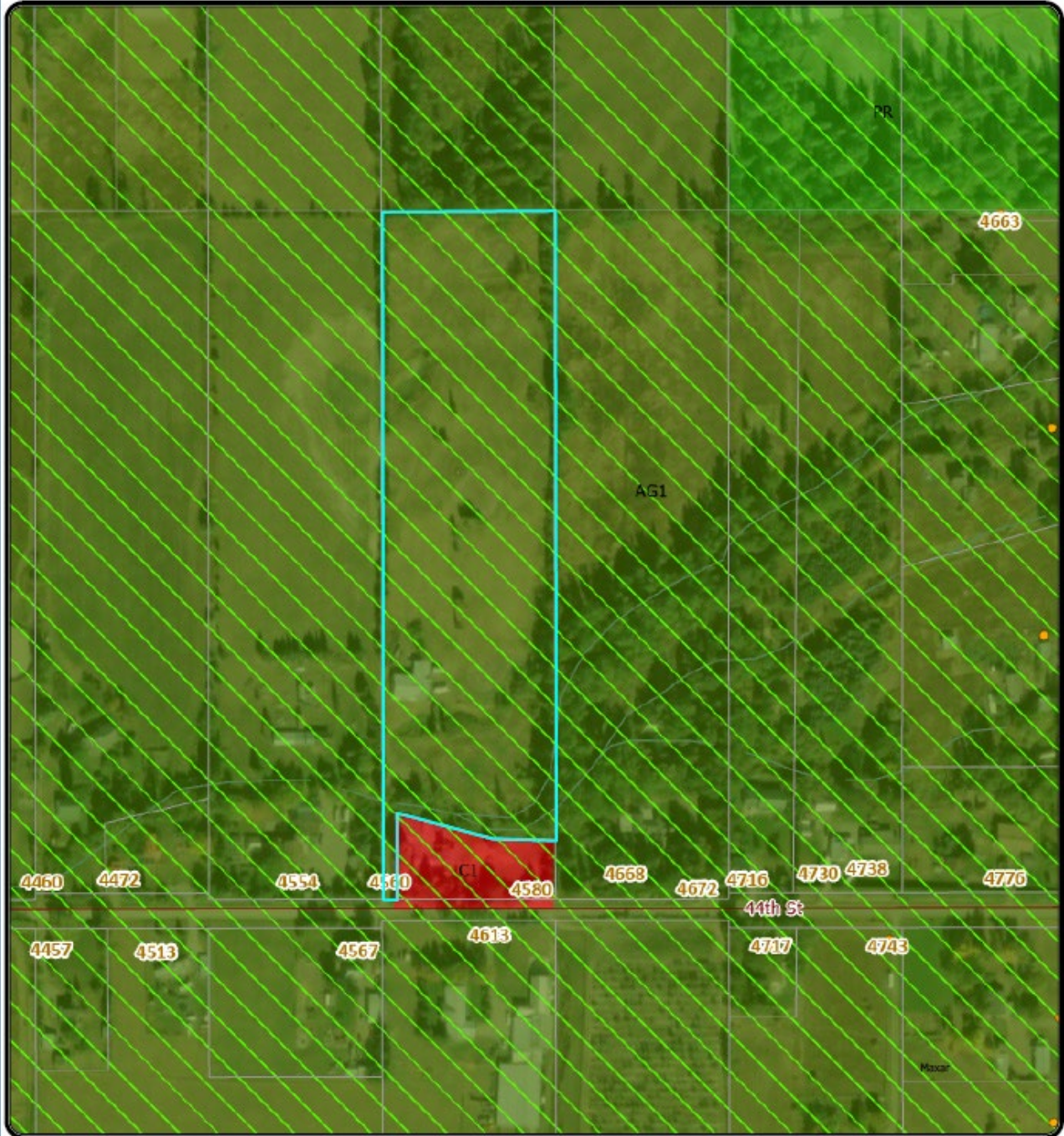


Date: August 9, 2024

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.

Figure 1: Subject Property

RDCK Map



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

Zoning Class

- Agriculture Land Reserve
- Agriculture
- Commercial
- Parks and Recreation
- Streams and Shorelines
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

1:4,514

Date: August 9, 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.

Figure 3: RDCK and ALR Zoning

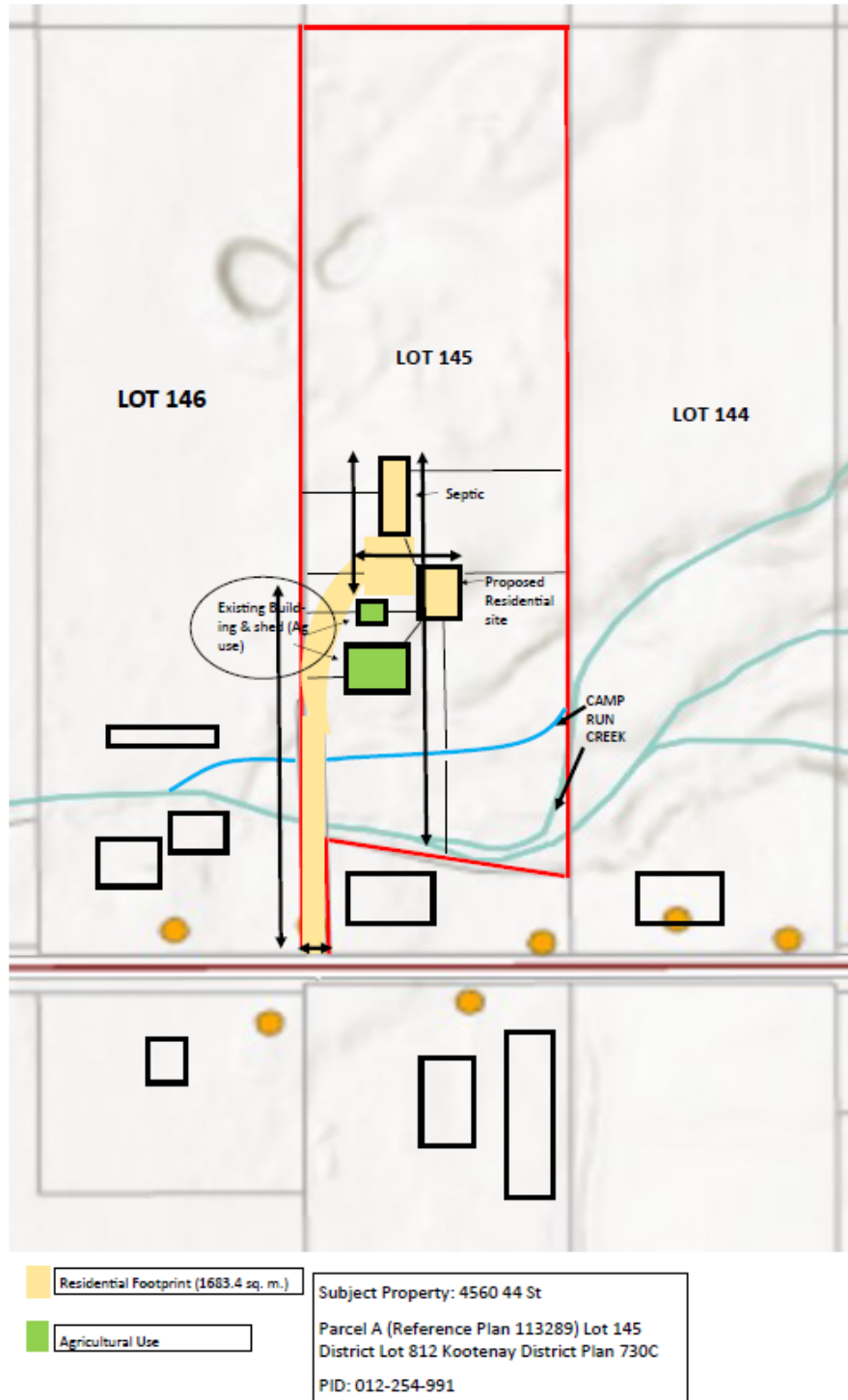


Figure 4: Site Plan



Figure 5: View of the existing farm building and stream from the driveway looking north



Figure 6: Proposed Build Site



Figure 7: Camp Run Creek

Planning Policy

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

Agriculture Objectives

1. To preserve and promote the use of agricultural land for current and future agricultural production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.
2. To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
3. To support agricultural land use practices that do not adversely affect the surrounding environment not compromise the capability of the land for future food production.
4. To support agricultural land use practices within and adjacent to farming areas that seek to minimize conflicts between agriculture and other land uses.
5. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.

7. To recognize distinct agricultural areas reflecting unique historical development trends, soils and climate.

Agriculture Policies

The Regional Board:

9. Directs that the principal use of land designated ‘Agriculture’ shall be for agricultural use.
14. May require that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing or landscaping.
16. Supports the use of minimum and maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations.

Community Specific Policies

Canyon

9. Recognizes that the community is primarily characterized by a mix of small residential parcels and medium lot agricultural parcels, the majority of which are located within the ALR and will allow for a mix of parcel sizes dependent of type of land use and agricultural activity.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

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

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

Under Section 498 of the Local Government Act, the Board has the authority to vary provisions of a Zoning Bylaw other than use or density through a DVP.

3.3 Environmental Considerations

The proposed location of the residence would minimize the environmental impact of this development proposal by directing development away from the creek.

3.4 Social Considerations:

No negative social considerations are anticipated from the requested variance.

3.5 Economic Considerations:

No economic considerations are anticipated from the requested variance.

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, Directors, and Commissions for review. The following comments were received:

Agricultural Land Commission

ALC staff have no comments on the proposed variances to the Gross Floor Area and Farm Residential Footprint.

If the variances are approved and more than 1000 m2 of fill (which includes gravel) is needed, the submission of a Notice of Intent to the ALC would be required for the fill. As the combined footprint of the driveway, parking area, and house exceed 1000 m2, (and these uses typically require gravel) it is likely that an NOI would be necessary.

Area B Advisory Planning and Heritage Commission

Moved and seconded,

AND Resolved:

That the Area B Advisory Planning and Heritage Commission SUPPORT the Development Variance Permit Application to Greg and Janice McGinn for the property located 4560 – 44th St, Canyon, Electoral Area ‘B’ and legally described as PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812.

Creston Valley Agricultural Advisory Commission

Moved and seconded,

AND Resolved:

That the Creston Valley Agricultural Advisory Commission SUPPORT the Development Variance Permit to Greg and Janice McGinn for the property located 4560-44th Street, Canyon and legally described as PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 to vary Sections 23.5 of Electoral Area ‘B’ Comprehensive Land Use Bylaw No. 2316 to allow a Farm Residential Footprint with a maximum depth of 151 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line

Moved and seconded,

AND Resolved:

That the Creston Valley Agricultural Advisory Commission SUPPORT the Development Variance Permit to Greg and Janice McGinn for the property located 4560-44th Street, Canyon and legally described as PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 to vary Sections 23.6 of Electoral Area ‘B’ Comprehensive Land Use Bylaw No. 2316 to permit a dwelling with a maximum Gross Floor Area (GFA) of 323 m2 whereas the bylaw permits a maximum GFA of 300 m2.

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 facilities along 44 Street.

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

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

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

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

Electrician’s Name and Phone number

FortisBC Total Connected Load Form

Other technical information relative to electrical servicing

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

Ministry of Agriculture and Food

Thank you for providing Ministry of Agriculture and Food (Ministry) staff the opportunity to comment on File V2410B that proposes to vary Sections 23.5 and 23.6 in the Agriculture One (AG1) Zone in Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316. From an agricultural planning perspective, Ministry staff offer the following comments:

Ministry staff recognize that due to the panhandle nature of the Subject Property and that the southern portion of the Subject Property in the vicinity of Camp Run Creek appears to be capable and a desirable location for agricultural production, locating the residence beyond 60 metres from the front lot line is necessary and logical.

Ministry staff note that the proposed location for the residence utilizes an existing driveway which minimizes the impact on the Subject Property. Ministry staff also recognize the importance of clustering buildings and note that the residence is proposed to be constructed in close proximity to two existing buildings that the applicant states will be used for agricultural purposes.

To reduce the impact on any future farming activity that may occur on the Subject Property, Ministry staff understand and support the applicant's rationale for requesting a variance to the maximum depth of the Farm Residential Footprint.

However, Ministry staff note that no agricultural rationale has been supplied to justify an increase to the Maximum Gross Floor Area of the proposed residence. Further, the applicant has only indicated that they will 'plant' a small portion of the Subject Property in the vicinity of Camp Run Creek.

Ultimately, Ministry staff support the proposed location of the new residence but not the increase to the Maximum Gross Floor Area.

Ministry of Transportation and Infrastructure (MoTI)

MoTI has no concerns with the variance described in the referral package.

RDCK Building Department

The placement of the building will have to comply to 9.10 of the BC building code.

RDCK Fire Services

The length of the driveway is a concern as driveways on private property do not have to meet the BC Building Code requirements for fire department access. In the event of an emergency, suppression tactics may be delayed as they have to be started from the road.

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. Once registered, staff would inform the Building Department to proceed with the applicant's Building Permit.

3.8 Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

According to the RDCK Agricultural Area Plan, only 2.5% of the RDCK's land base is suitable for agriculture. To protect agricultural land, the RDCK updated its policies and regulations following the 2022 Agriculture Policy Review, which included input from farmers, experts and the public. As a result, agricultural zoning regulations in Electoral Area B now limit the size of residences and the depth of Farm Residential Footprints (FRF). The applicants are seeking variances to these regulations.

Regarding the FRF variance request, staff note that the property's 50m panhandle access complicates building within 60m of the front lot line. In addition, Camp Run Creek is within this 60m area, making it less suitable for construction and more desirable for agriculture. The applicants state that they intend to plant fruit in this area. The alternative residence location proposed is clustered with existing buildings and utilizes an existing access. This reduces the impact to agricultural potential and operations and thus supports agriculture.

Regarding the size variance request, staff note that the intent of residential size limits is to preserve land for farming and maintain its affordability for future generations.

Although the applicants have plans to farm in the future, the property is not currently classified as a farm under the Assessment Act, nor does it have agricultural activity beyond that for personal use. As such, there is not a basis for increasing the GFA based on current agricultural operations. Should farming activities commence in the future and remain established for three years, the bylaw would permit a 90m² "Farmworker Dwelling Unit" to support the agricultural operation.

Given this information, issuing the variance at this time would favor residential preferences over the intended agricultural protections, contrary to the recent bylaw changes. Consequently, staff find that the applicants' rationale does not adequately support the proposed increase in GFA.

For the reasons noted above, planning staff support the variance to the maximum depth of the FRF but do not support the variance to the size of the residence.

Option 1

That the Board APPROVE the issuance of the Development Variance Permit to Greg and Janice McGinn for the property located 4560-44th Street, Canyon and legally described as PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 (PID: 012-254-991) to vary Section 23.5 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316 to allow a Farm Residential Footprint with a maximum depth of 151 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

That the Board NOT APPROVE the issuance of the Development Variance Permit to Greg and Janice McGinn for the property located 4560-44th Street, Canyon and legally described as PARCEL A (REFERENCE PLAN 113289I) LOT

145 DISTRICT LOT 812 (PID: 012-254-991) to vary Section 23.6 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316 to permit a dwelling with a maximum Gross Floor Area (GFA) of 323 m2 whereas the bylaw permits a maximum GFA of 300m2.

Option 2

That the Board APPROVE the issuance of the Development Variance Permit to Greg and Janice McGinn for the property located 4560-44th Street, Canyon and legally described as PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 (PID: 012-254-991) to vary Section 23.5 and Section 23.6 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316 to allow a Farm Residential Footprint with a maximum depth of 151 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line and to permit a dwelling with a maximum Gross Floor Area (GFA) of 323 m2 whereas the bylaw permits a maximum GFA of 300m2.

Option 3

That the Board NOT APPROVE the issuance of the Development Variance Permit to Greg and Janice McGinn for the property located 4560-44th Street, Canyon and legally described as PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 (PID: 012-254-991) to vary Section 23.5 and Section 23.6 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316 to allow a Farm Residential Footprint with a maximum depth of 151 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line and to permit a dwelling with a maximum Gross Floor Area (GFA) of 323 m2 whereas the bylaw permits a maximum GFA of 300m2.

SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of the Development Variance Permit to Greg and Janice McGinn for the property located 4560-44th Street, Canyon and legally described as PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 (PID: 012-254-991) to vary Section 23.5 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316 to allow a Farm Residential Footprint with a maximum depth of 151 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

That the Board NOT APPROVE the issuance of the Development Variance Permit to Greg and Janice McGinn for the property located 4560-44th Street, Canyon and legally described as PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 (PID: 012-254-991) to vary Section 23.6 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316 to permit a dwelling with a maximum Gross Floor Area (GFA) of 323 m2 whereas the bylaw permits a maximum GFA of 300m2.

Respectfully submitted,

Originally signed

Sadie Chezenko, Planner 1

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 – Development Variance Permit

Attachment B – Excerpt from *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013*



Development Variance Permit

V2410B (McGinn)

Date: August 23, 2024

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

TO: Janice and Gregory McGinn

ADMINISTRATION

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

APPLICABILITY

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

Address: 4560 – 44th Street, Canyon

Legal: PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812

PID: 012-254-991

CONDITIONS

5. Development Variance

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

From:

The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line

To:

The maximum depth of the Farm Residential Footprint shall not exceed 151.0 metres measured from the Front Lot Line

As shown on Schedules '1' and '2'

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

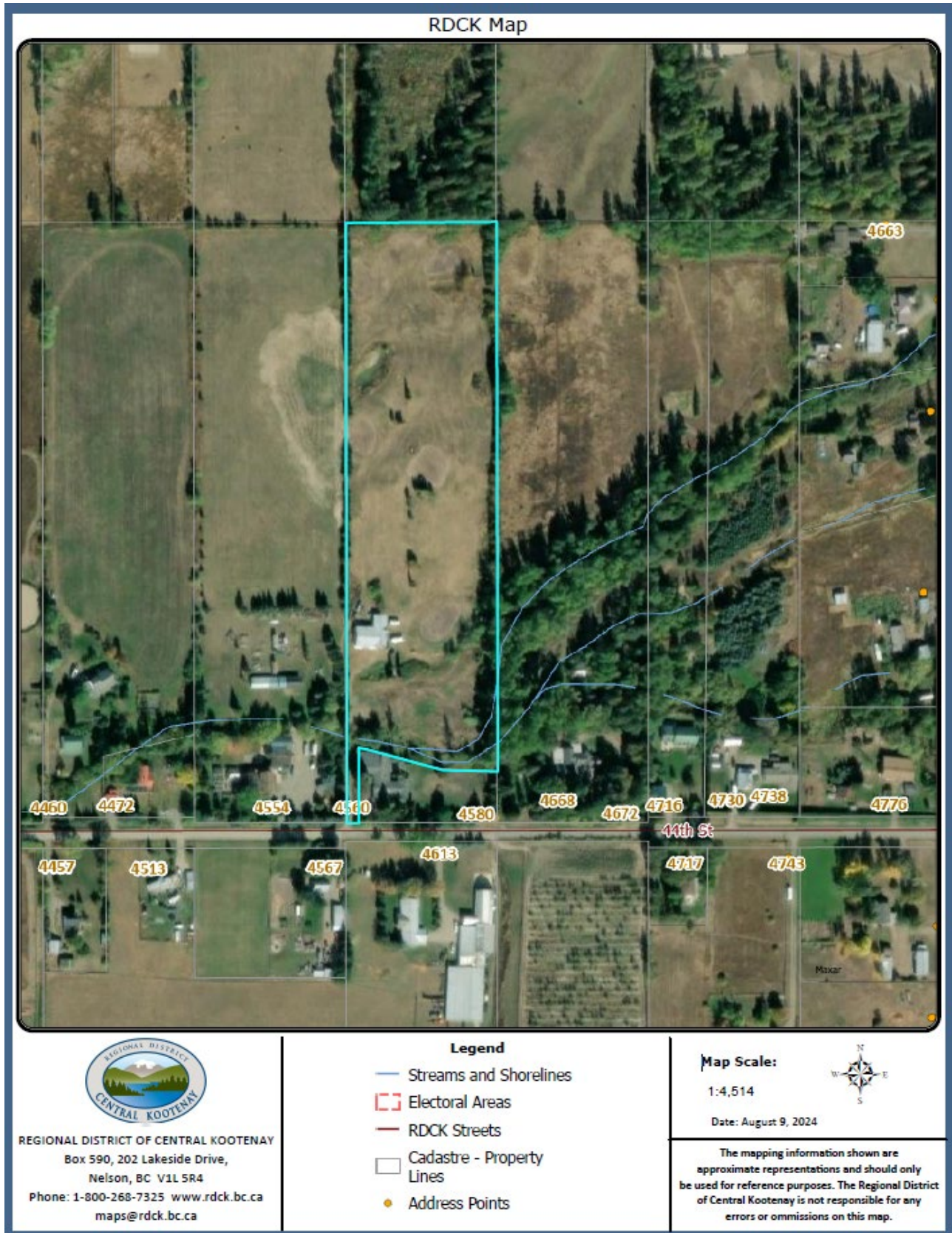
Authorized resolution --/24 passed by the RDCK Board on the 12 day of September, 2024.

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

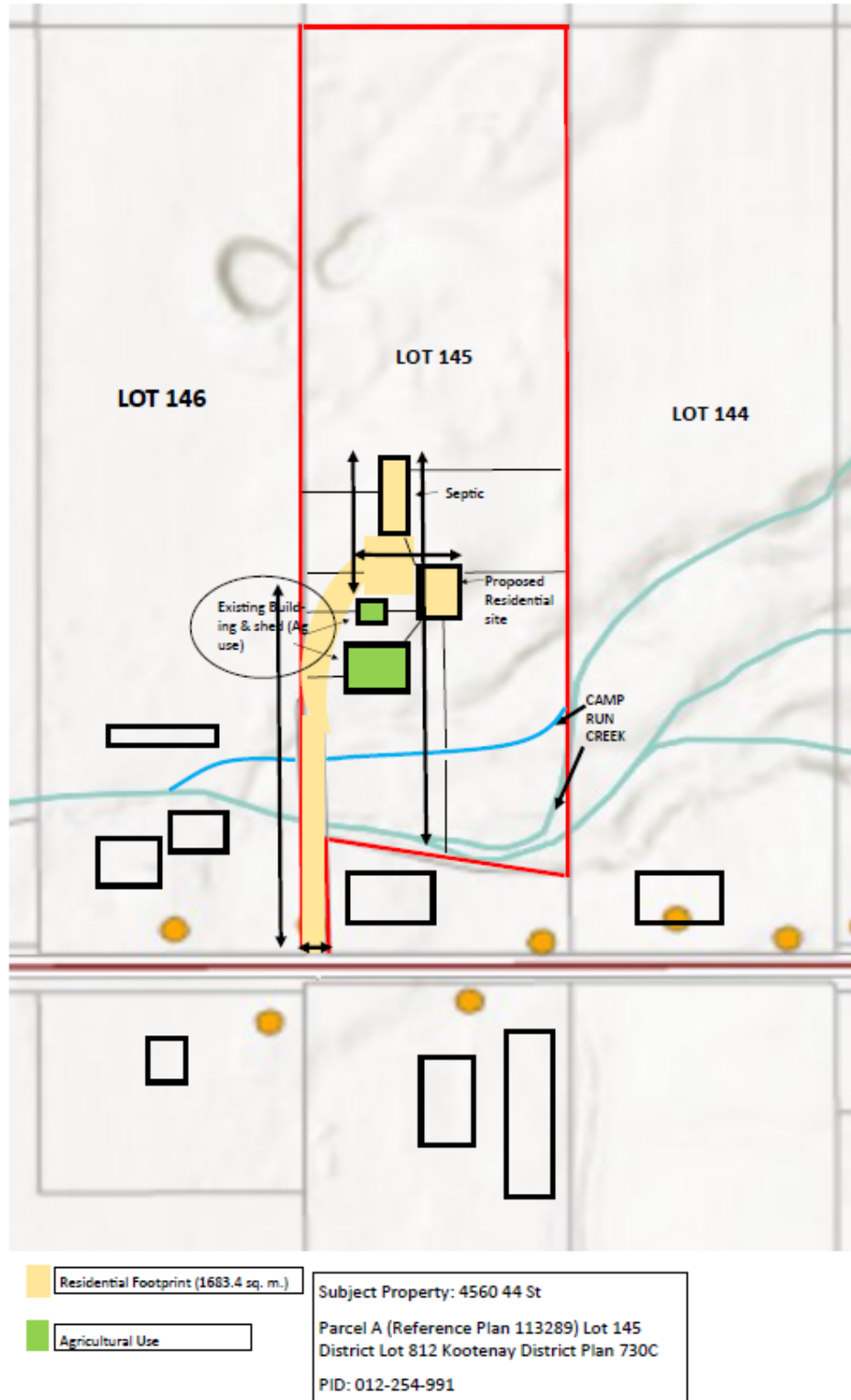
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 2: Site Plan



23.0 AGRICULTURE 1 (AG1)

Permitted Uses

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

Agriculture

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

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

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

Accessory Uses:

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

Development Regulations

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



Committee Report

Date of Report: August 28, 2024
Date & Type of Meeting: September 11, 2024 Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2413J – Haigh
Electoral Area/Municipality J

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) for an accessory building in Electoral Area ‘J’ for the following:

1. To authorize two shipping containers on the property whereas the zoning bylaw does not allow shipping containers
2. To authorize a building height of 6.4 metres whereas the zoning bylaw allows a building height of 6 metres
3. To authorize an accessory building with a Gross Floor Area (GFA) of 183 m² whereas the zoning bylaw allows for a maximum GFA of 100 m² for accessory buildings.

Staff recommend support for elements #1 and #2 listed above, but do not recommend support for #3.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Property Owner(s): Beryl Haigh and Lorne Haigh
Applicant: Beryl Haigh and Lorne Haigh
Property Location: 1298 McPhee Road, Ootischenia, Electoral Area ‘J’
Legal Description: LOT 2 DISTRICT LOT 4598 KOOTENAY DISTRICT PLAN 62162 (PID: 029-970-083)
Property Size: 0.5 hectares (1.2 acres)
Current Zoning: Ootischenia Suburban Residential (R1A)
Current Official Community Plan Designation: Suburban Residential (SR1)

SURROUNDING LAND USES
North: Suburban Residential (R1A)
East: Open Space (OS) – Crown Land
South: Suburban Residential (R1A)
West: Suburban Residential (R1A)

Background Information and Subject Property

The subject property is located in Electoral Area 'J' on the east side of McPhee Road in a residential area of Ootischia. The property is presently being used for residential purposes and has been improved with a one-family dwelling that is serviced by an on-site wastewater (septic) system and a connection to the Ootischia Improvement District water system. It is surrounded by similarly sized residential properties with individual driveways to access McPhee Road. The applicant is proposing a 183 m² accessory building (detached garage) with a height of 6.4 metres whereas the Bylaw permits a maximum size of 100 m² and a maximum height of 6 metres for accessory buildings. The applicant has indicated that the proposed size and height are required so that they can park a large recreational vehicle inside the building. There are two non-complying shipping containers presently on the property. The applicant is seeking to legalize those structures through this application.

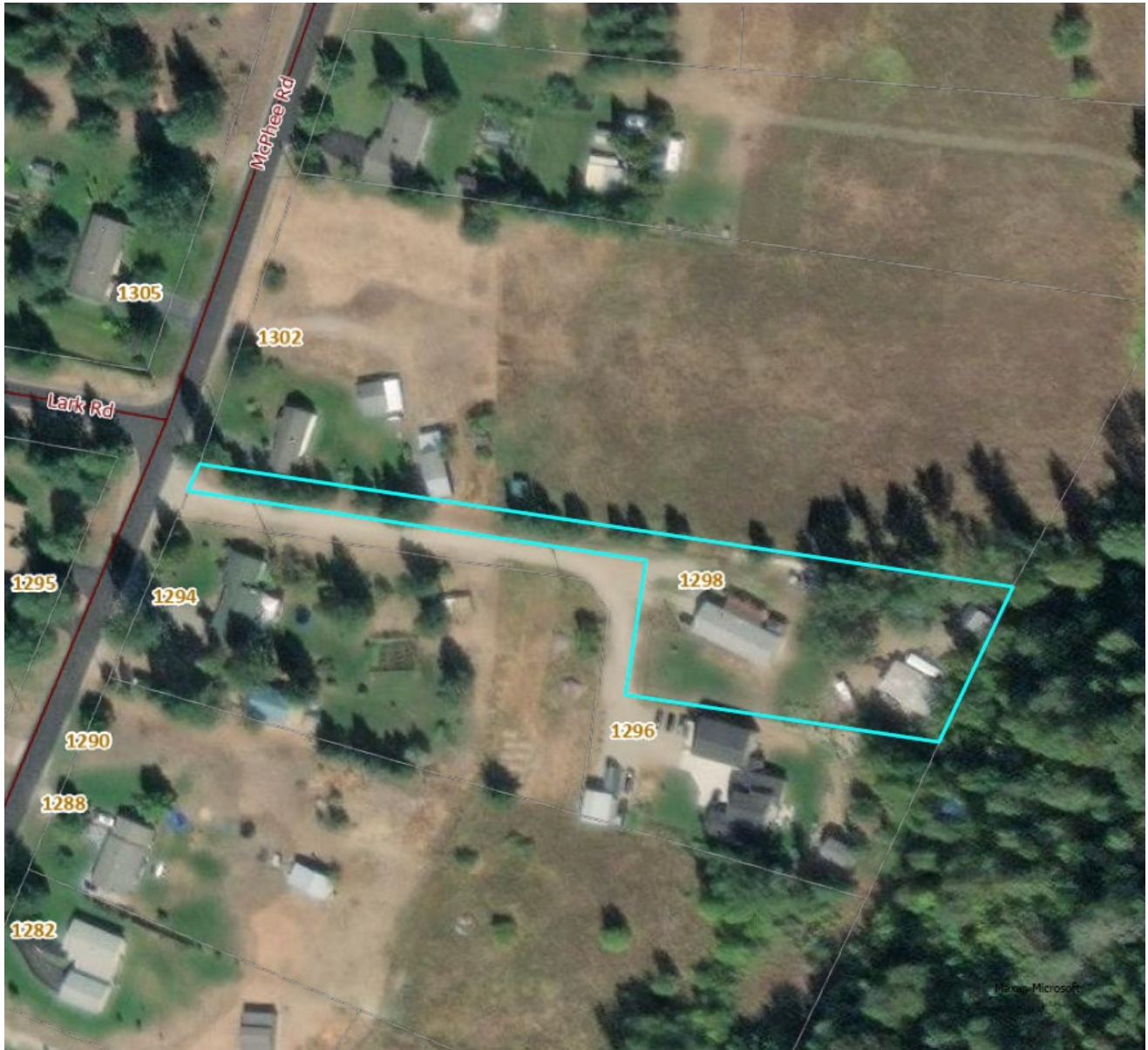


Figure 1 – Overview Map



Figure 2 – Zoning Map



Figure 3 - This existing roof structure would be removed in order for the proposed building to be constructed in approximately the same location. The shipping containers would be incorporated into the new building.

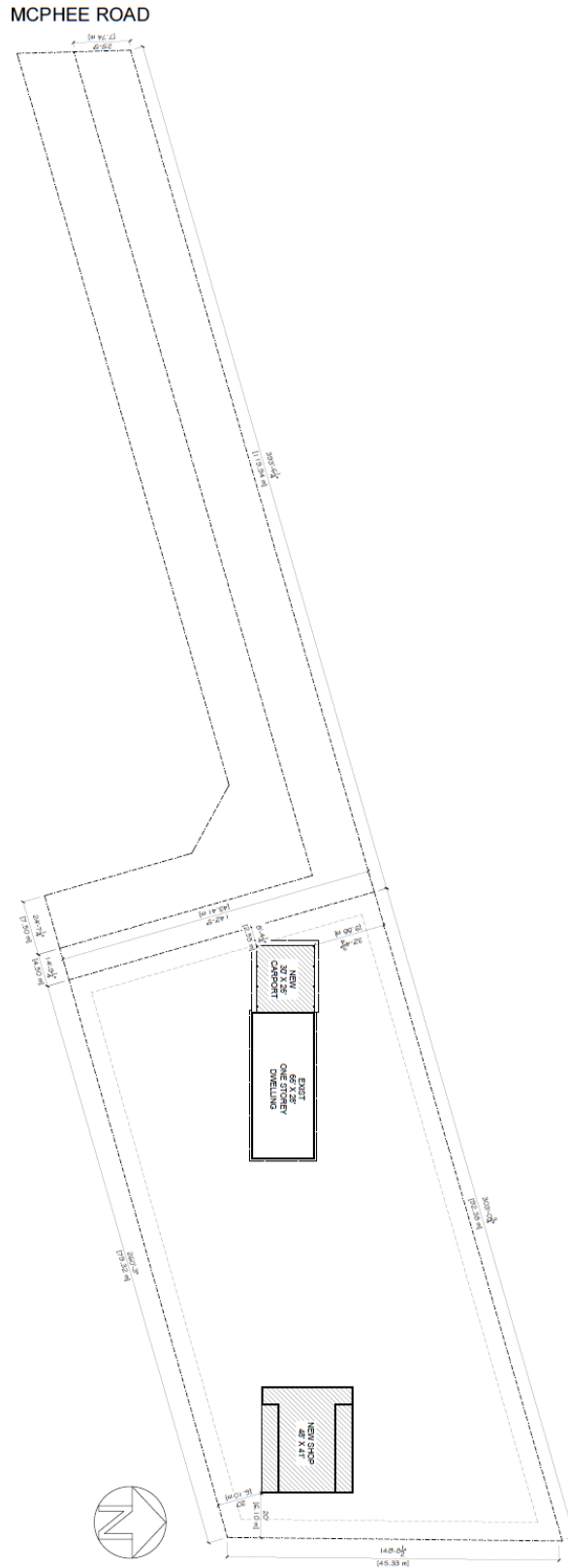


Figure 4 – Site plan showing the location of proposed accessory building

Planning Policy

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

3.10.3 Ootischenia Community Specific Policies

3.10.3.1 Residential Development Policies

3.10.3.1.12 On land designated Ootischenia Suburban Residential as shown on Schedule 'B' the gross floor area of an accessory building or structure shall not exceed 150 square meters and the total gross floor area devoted to all accessory buildings and structures shall not exceed the cumulative gross floor area of all permitted dwellings.

3.2.2 Suburban Residential Policies

3.2.2.1 The principal use shall be residential.

3.2.2.2 The minimum lot size shall be 2000 square metres.

3.2.2.3 One dwelling unit shall be permitted per 2000 square metres of site area.

3.2.2.4 Shall be serviced by a community water system.

3.2.2.5 In areas where individual septic systems are adversely affecting the environment or the quality of water, a sewer system may be required where the minimum lot size for a single detached dwelling shall be 700 square metres.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

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

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

The applicant is requesting variances to the Maximum Gross Floor Area (section 801.8) and Maximum Building Height (Section 801.7) regulations for accessory structures. In addition, they seek to vary Section 6.10.A.1.A which does not permit shipping containers in the Ootischenia Suburban Residential (R1A) Zone in order to incorporate 2 existing shipping containers into the proposed accessory building.

Section 498 of the Local Government Act (LGA) gives authority to vary provisions of a zoning bylaw provided that they do not affect use and density. Further, Section 478 (2) of the LGA, see below excerpt, requires that all works undertaken by the Board must be consistent with the relevant plan (in this case the Kootenay-Columbia Rivers OCP), which limits the accessory building to a maximum GFA of 150 m².

Effect of official community plan

478 (2) All bylaws enacted or works undertaken by a council, board or greater board, or by the trustees of an improvement district, after the adoption of

(a) an official community plan, or

(b) an official community plan under section 711 of the Municipal Act, R.S.B.C. 1979, c. 290, or an official settlement plan under section 809 of that Act, before the repeal of those sections became effective, must be consistent with the relevant plan.

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 internal departments, other government agencies and 11 surrounding property owners. No responses were received from the surrounding property owners. The following responses were received from government agencies.

RDCK Building Services

If a shipping container is proposed to be used as a building and intended to support any type of occupancy, then this would fall outside of the scope of Part 9 of the BCBC. Full Structural (Part 4) and Geotechnical, and Mechanical Engineering (Part 6), depending on the specific use of a building and whether or not is for private or public services, it may also require the involvement of other types of consultants which include but are not limited to Architects (safety within floor areas, accessibility, environmental separation (Part 3 &5), Building Envelope Consultants (Part 5), Energy Compliance Consultants and Modellers (Part 10 for use other than a residential dwelling).

Regarding your specific inquiry below, if it is applied for as an accessory storage building to a SFD on a property – then a Structural Engineer and Geotechnical would be required to be engaged to ensure compliance with the BCBC as this type of structure falls outside of the scope of Part 9. Since the building would not support an occupancy other than storage, the architectural aspects could be reviewed and approved by us without the involvement of an Architect.

Something else to note is the concern for required venting and limitation of storage of fuels and other hazardous materials that typically come from the Fire Department. Typically, in the City of Nelson, the Fire Department would also be heavily involved with the permitting – whether permanent or temporary. Here is a link to the [FCABC Bulletin on Shipping Containers](#) that you might find helpful too.

RDCK Fire Services

I'm never in favour of shipping containers being used as Permanent fixtures in new construction. – Local Fire Chief

I would agree with the Chief on this. Containers are inherently dangerous to firefighters and must be properly vented to be used safely.

We believe that the uses of these containers requires more regulation as to how and where they could be used. For this application the Fire Service is opposed to the suggestion of using shipping containers in permanent construction. – Regional Assistant Fire Chief

Ministry of Transportation and Infrastructure – Development Services Officer

Thank you for the opportunity to review and provide comment on the above noted application.

The Ministry has no concerns regarding this application.

Fortis BC

No comments provided.

Provincial Archaeology Branch

Thank you for your archaeological referral regarding 1298 MCPHEE ROAD, OOTISCHENIA, PID 029970083, LOT 2 DISTRICT LOT 4598 KOOTENAY DISTRICT PLAN EPP62162. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

Results of Provincial Archaeological Inventory Search

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

However, archaeological potential modelling for the area (shown as the purple areas in the screenshot below) indicates there is high potential for previously unidentified archaeological sites to exist on the property. Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites and their results may be refined through further assessment.

Archaeology Branch Advice

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned on 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 needs to be taken at this time.

Rationale and Supplemental Information

- *There is high potential for previously unidentified archaeological deposits to exist on the property.*

- *Archaeological sites are protected under the Heritage Conservation Act and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.*
- *If a permit is required, be advised that the permit application and issuance process takes approximately 20 to 40 weeks; the permit application process includes referral to First Nations and subsequent engagement.*
- *The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.*
- *The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the Heritage Conservation Act.*
- *Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.*

How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website (www.bcapa.ca) and in local directories. Please note, the Archaeology Branch cannot provide specific recommendations for consultants or cost estimates for archaeological assessments. Please contact an eligible consulting archaeologist to obtain a quote.

Questions?

For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

3.7 Staffing/Departmental Workplace Considerations:

Should the Board approve the requested variance, staff would issue the Permit and register a Notice of Permit on the property's Title. A Building Permit would then be required prior to constructing the accessory structure.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS

Planning Discussion

The table below identifies the three different zoning bylaw regulations that the applicant is requesting to vary through this application:

Zoning Bylaw Section	Zoning Regulation	Proposal	Staff Recommendation
6.10.A.1.A	Shipping Containers not permitted	2 shipping containers	Support.
801.7	Maximum Building Height of 6 m	6.4 m	Support.
801.8	Maximum GFA of 100 m ²	183 m ²	Not support. Staff support a maximum size of 150 m ² .

The applicant has indicated that the variances are required because the subject property backs onto a densely forested public land and the shipping containers offer secure storage from wildlife and pests. The proposed height and the size variances are required in order to park a recreational vehicle inside the building as well as store other equipment and tools. The storage building would remain accessory to the residential use and would not be used for commercial purposes.

The request to authorize a GFA of 183 m² is not aligned with the Ootischenia Suburban Residential Policies in the *Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* (The OCP). Therefore, Staff recommend that the Board not approve the variance to authorize a 183 m² GFA for the accessory building as submitted by the applicant, but instead permit a GFA of 150 m², which is the maximum size allowed, pursuant to Section 3.10.3.1.12. of the OCP:

3.10.3.1.12 On land designated Ootischenia Suburban Residential as shown on Schedule 'B' the gross floor area of an accessory building or structure shall not exceed 150 square meters and the total gross floor area devoted to all accessory buildings and structures shall not exceed the cumulative gross floor area of all permitted dwellings.

The location of the proposed accessory building is at the rear of the panhandle lot and sited more than 180 metres from McPhee Road. It would be screened from neighbouring lots by mature trees to the north, a berm to the south and a densely forested hillside on crown land to the east. Based on the information obtained from the site visit and the referral of the application, Staff recommend that the Board approve the variances to permit the shipping containers and authorize a building height of 6.4 metres. Staff do not recommend that the Board approve the size of the building proposed by the applicant (183 m²) as it exceeds the maximum GFA contemplated under the OCP and would therefore be inconsistent with Section 478 (2) of the LGA. Option 1, below proposes an alternate GFA variance that is consistent with the maximum GFA allowed in the OCP.

Option 1: Approve variances with a reduced GFA

That the Board APPROVE the issuance of Development Variance Permit V2413J to Beryl Haigh and Lorne Haigh for the property located at 1298 McPhee Road and legally described as LOT 2 DISTRICT LOT 4598 KOOTENAY DISTRICT PLAN 62162 (PID: 029-970-083) to vary:

1. Section 6.10.A.1.A in order to permit 2 shipping containers
2. Section 801.7 in order to permit a maximum building height of 6.4 metres
3. Section 801.8 in order to permit a Maximum GFA of 150 m²

Option 2: Refuse the variances

That the Board NOT APPROVE the issuance of Development Variance Permit V2413J to Beryl Haigh and Lorne Haigh for the property located at 1298 McPhee Road and legally described as LOT 2 DISTRICT LOT 4598 KOOTENAY DISTRICT PLAN 62162 (PID: 029-970-083) to vary:

1. Section 6.10.A.1.A in order to permit 2 shipping containers
2. Section 801.7 in order to permit a maximum building height of 6.4 metres
3. Section 801.8 in order to permit a Maximum GFA of 183 m²

SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2413J to Beryl Haigh and Lorne Haigh for the property located at 1298 McPhee Road and legally described as LOT 2 DISTRICT LOT 4598 KOOTENAY DISTRICT PLAN 62162 (PID: 029-970-083) to vary:

1. Section 6.10.A.1.A in order to permit 2 shipping containers
2. Section 801.7 in order to permit a maximum building height of 6.4 metres
3. Section 801.8 in order to permit a Maximum GFA of 150 m²

Respectfully submitted,

Zachari Giacomazzo

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 – DRAFT Development Variance Permit**
- Attachment B – Applicable regulations from RDCK Zoning Bylaw No. 1675, 2004**



Development Variance Permit

V2413J (Beryl Haigh and Lorne Haigh)

Date: August 26, 2024

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

TO: Beryl Haigh and Lorne Haigh

ADMINISTRATION

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

APPLICABILITY

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

Address: 1298 MCPHEE ROAD, OOTISCHENIA, ELECTORAL AREA 'J'

Legal: LOT 2 DISTRICT LOT 4598 KOOTENAY DISTRICT PLAN 62162 (PID: 029-970-083)

CONDITIONS

5. Development Variance

The following sections in RDCK Zoning Bylaw No. 1675, 2004, are varied as follows and must be substantially in compliance with Schedules 1, 2 and 3:

Zoning Bylaw Section	Zoning Regulation	Approved Variance
6.10.A.1.A	The maximum number of shipping containers for storage or other accessory use permitted on a lot at any one time shall be limited to:	The maximum number of shipping containers for storage or other accessory use permitted on a lot at any one time shall be limited to 2 shipping containers.

	None for lots in any R1, R5, R6, R7, MFR-F, HR-I or ER zone;	
801.7	The maximum height of any accessory building or structure shall not exceed 6 metres.	The maximum height of any accessory building or structure shall not exceed 6.4 metres.
801.8	The maximum gross floor area of any accessory building or structure shall not exceed 100 square metres.	The maximum gross floor area of any accessory building or structure shall not exceed 150 square metres.

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 ---/24 passed by the RDCK Board on the 12th day of September, 2024.

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

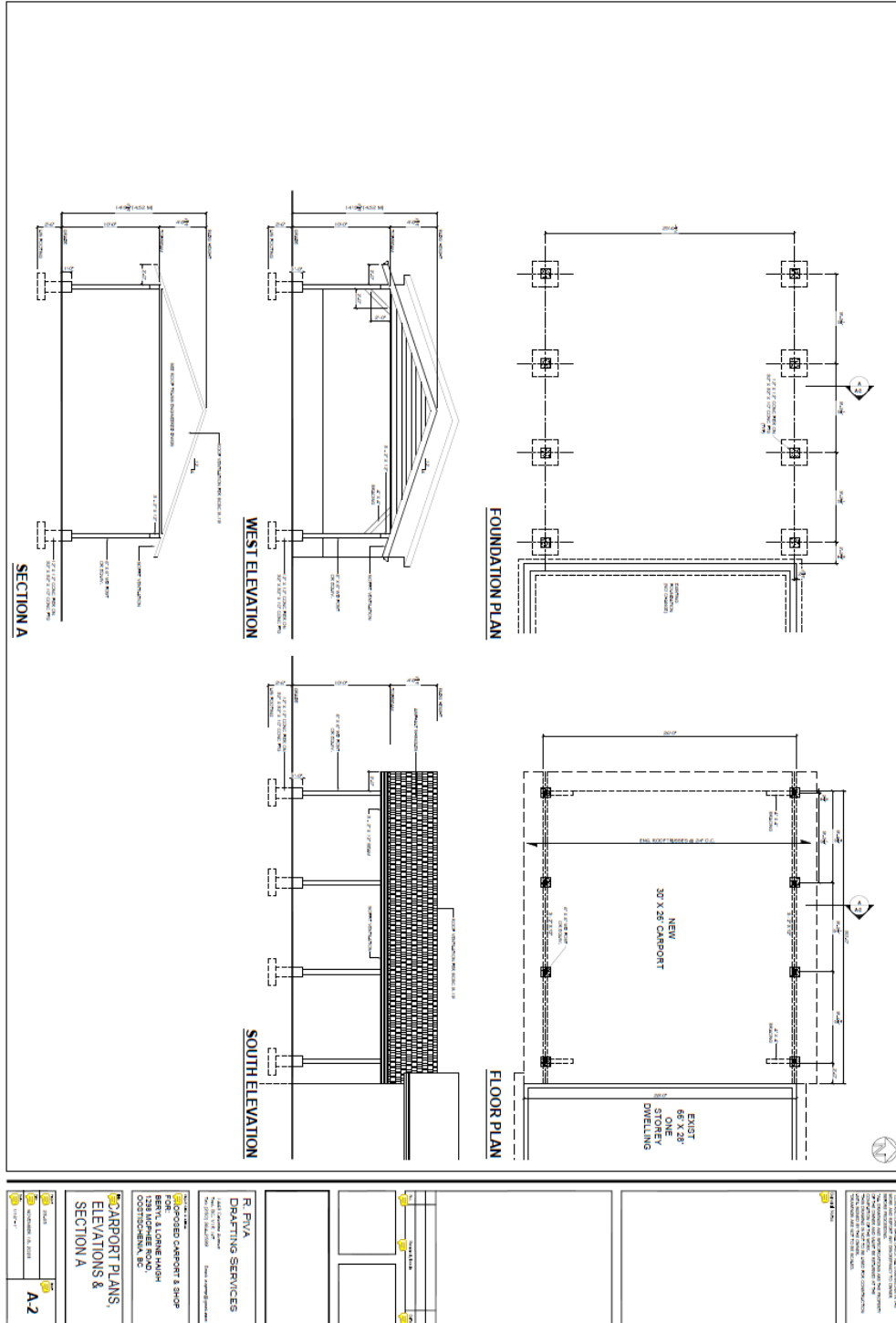
 Aimee Watson, Board Chair

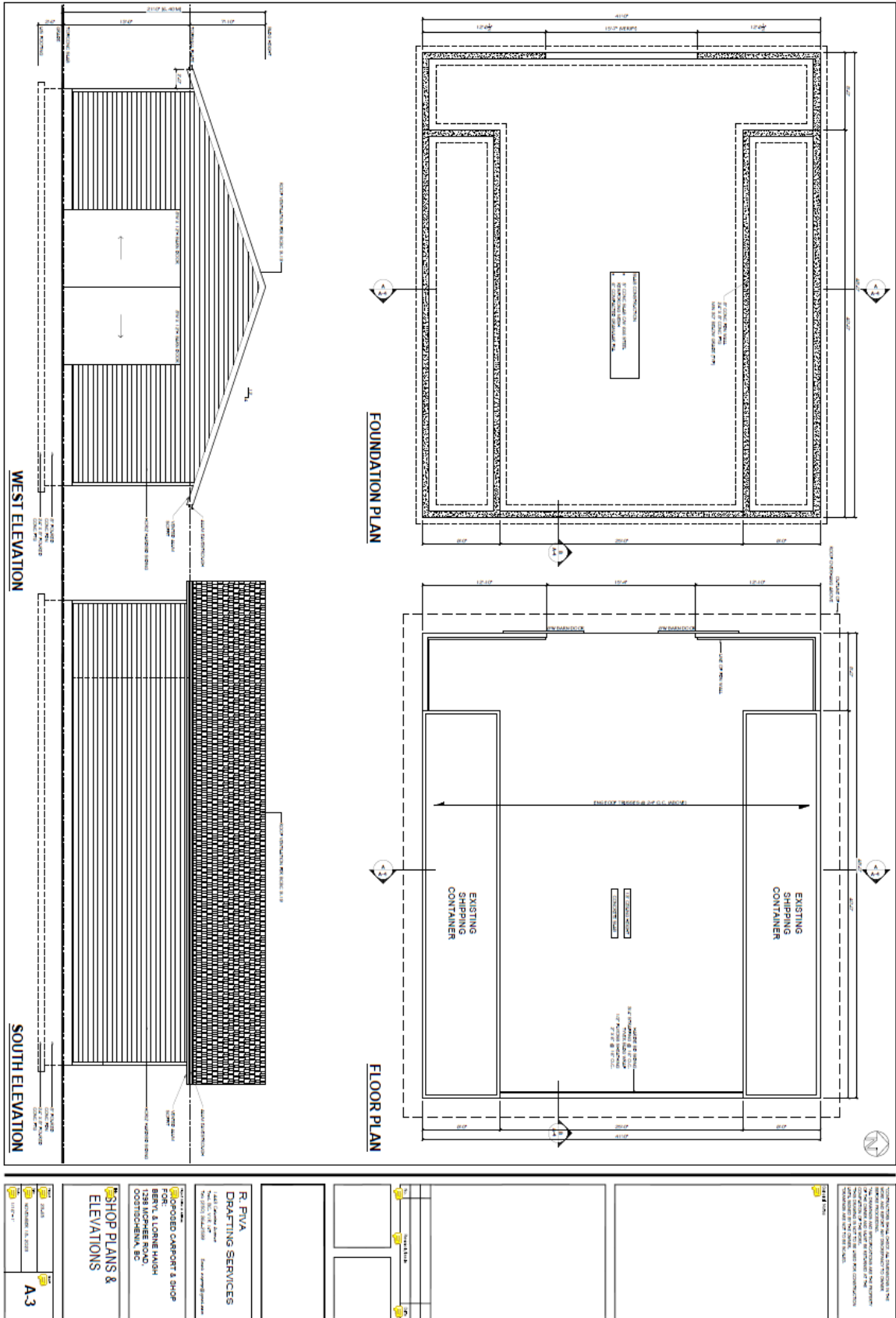
 Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 3: Building Plans





- 9 Accessory tourist accommodation camping operations shall only be permitted on lots 1.2 hectares or larger;
- 10 Subject to the requirements of the Interior Health Authority, accessory tourist camping operations shall be required to provide washroom facilities and may offer full or partial hook-ups, laundry facilities and other similar facilities;
- 11 Accessory tourist camping operations shall not include recreation centres, marinas, boat launches, retail stores and other similar facilities.

Storage

609 Except in the M2 and M3 zones, no lot may be used as a junkyard, auto wrecking yard or for the outdoor storage of more than two (2) wrecked vehicles in any R1, R2, R5 and R6 zones or more than six (6) wrecked vehicles in any R3, R4 and AG zone.

Uses Permitted in All Zones

610 The following uses shall be permitted in any zone:

- 1 ecological and archeological conservation areas retained in their natural state;
- 2 passive recreation for informal, low intensity recreation activities such as walking, hiking and biking trails and wildlife viewing platforms;
- 3 Park established by the Regional District of Central Kootenay, Provincial or Federal Government;
- 4 Park established by Section 510 of the Local Government Act where the land is dedicated as park by a plan deposited in the Land Title Office;
- 5 Fire halls; and
- 6 Unattended public utility buildings and structures.

Shipping Containers

610A Shipping containers shall be permitted for use as accessory buildings subject to the requirements that:

- 1 The maximum number of shipping containers for storage or other accessory use permitted on a lot at any one time shall be limited to:
 - a. None for lots in any R1, R5, R6, R7, MFR-F, HR-I or ER zone;
 - b. One (1) for lots in any R2, C5, or I zone;
 - c. Two (2) for lots in any R3, R4, AG, C1, C2, C3, C6, M1 or M2 zone; and

- d. unlimited in other zones.
- 2 Any shipping container used as an unattended utility building or structure is exempt from the provisions of Section 610A(1).
 - 3 Any shipping container placed on a lot as an accessory building must comply with site coverage, siting, size and setback requirements for that zone.
 - 4 Any shipping container used as an accessory building must be screened from view from the roadway(s) and adjacent residential properties using a landscape screen or fencing of a height no less than 2.5 metres.

Recreational Vehicles

610B

- 1 A recreational vehicle may be parked or stored on a property to a maximum of two (2) vehicles.
- 2 A recreational vehicle may only be used as temporary living or sleeping quarters as per Accessory Tourist Accommodation, Temporary Guest Accommodation and Campground regulations, but can not be connected to services associated with the principal or an accessory dwelling.
- 3 Notwithstanding 610B(2) a recreational vehicle may be used to provide temporary accommodation on a property during construction of a principal or accessory dwelling on a lot, provided that:
 - a. a building permit has been issued for the principal or accessory dwelling and the dwelling is under construction; and
 - b. the occupancy of the recreational vehicle shall not continue beyond commencement of occupancy of the permanent dwelling.

Parking Space Requirements

- 611 Off-street parking spaces for each building and use shall be provided in accordance with the following:

Application of Regulations

The Ministry of Transportation and Infrastructure standards for required parking spaces will apply when dealing with matters that are within its jurisdiction, such as highway access permits.

Regional District standards will apply with respect to the location, design and construction of the parking spaces. Regional District standards with respect to the required number of spaces will also apply in any situations where the Ministry of Transportation and

DIVISION 8 OOTISCHENIA SUBURBAN RESIDENTIAL (R1A)

Permitted Uses

800 Land, buildings and structures in the Ootischia Suburban Residential (R1A) zone shall be used for the following purposes only:

Dwellings:

One-Family

Two-Family

Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Horticulture

Keeping of Farm Animals

Sale of Site Grown Farm Products

Development Regulations

801

1 The minimum site area for the following uses shall be required as follows:

	Community Water Supply Only	On-Site Servicing Only
One-Family Dwelling	0.2 hectare	1.0 hectare
Two-Family Dwelling	0.4 hectare	1.0 hectare

2 The maximum site coverage is 50 percent of the site area.

3 Buildings and structures shall not cover more than 33 percent of the site area.

4 The keeping of farm animals shall comply with the requirements of section 613 except that under all circumstances swine shall not be kept on any lot.

5 Farm animals and poultry shall be caged, fenced or housed at all times.

6 No principal building may exceed ten (10) metres in height.

7 The maximum height of any accessory building or structure shall not exceed 6 metres.

8 The maximum gross floor area of any accessory building or structure shall not exceed 100 square metres.

9 The cumulative gross floor area of all accessory buildings or structures shall no exceed 200 square metres.

10 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.

- 11 Landscape screens or fences not exceeding a height of one (1) metre may be sited on any portion of a lot.
- 12 Fences not exceeding a height of two (2) metres may be sited to the rear of the required front lot line setback only.



Committee Report

Date of Report: August 26, 2024
Date & Type of Meeting: September 11, 2024 Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: LAND USE BYLAW AMENDMENTS
File: Z2101C – Heartland Mennonite Brotherhood
Electoral Area/Municipality C

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Board to consider an application to amend the Comprehensive Land Use Bylaw’s land use designation, and to rezone the subject property at 2702 Highway 3A in Wynndel, Electoral Area ‘C’.

This application seeks to amend the OCP designation from Agriculture (AG) to Community Services and Administration (CS) and to rezone the subject property from Agriculture 2 (AG2) to Community Services (CS) to permit the construction of a place of worship and related accessory uses on the subject property. The 3.1 hectare (ha) subject property is presently vacant.

Staff recommend that no further action be taken with regard to *Regional District of Central Kootenay Bylaw No. 2786, 2024*.

SECTION 2: BACKGROUND/ANALYSIS

SITE CONTEXT

The 3.1 ha fee simple lot is located in Wynndel, east of Highway 3A and approximately 3 km north of the Town of Creston in an area comprised mostly of residential and agricultural land uses. The subject property is designated Agriculture (AG) and zoned Agriculture Two (AG2) under the *Electoral Area ‘C’ Comprehensive Land Use Bylaw No. 2317, 2013*. The site is presently vacant and a domestic well has recently been drilled on the property. A temporary unsurfaced driveway access has been established at the south western corner of the property close to the parking area for the Mountain Barn café. The property is mostly flat however there is a natural depression that runs north to south through the middle of the property and directs surface water runoff and snowmelt to a low area on the adjacent property to the south (2688 Highway 3A).

GENERAL INFORMATION
Property Owner: Heartland Mennonite Brotherhood
Property Location: 2702 Highway 3A, Wynndel, Electoral Area ‘C’
Legal Description: LOT 2 DISTRICT LOT 892 KOOTENAY DISTRICT PLAN EPP53196 (029-709-458)
Property Size: 3.1 hectares (7.8 acres)

SURROUNDING LAND USES

North: Agriculture and private road

East: Agriculture and private road

South: Agriculture

West: Agriculture (ALR) Rural Residential and private road



Figure 1 - Location Map

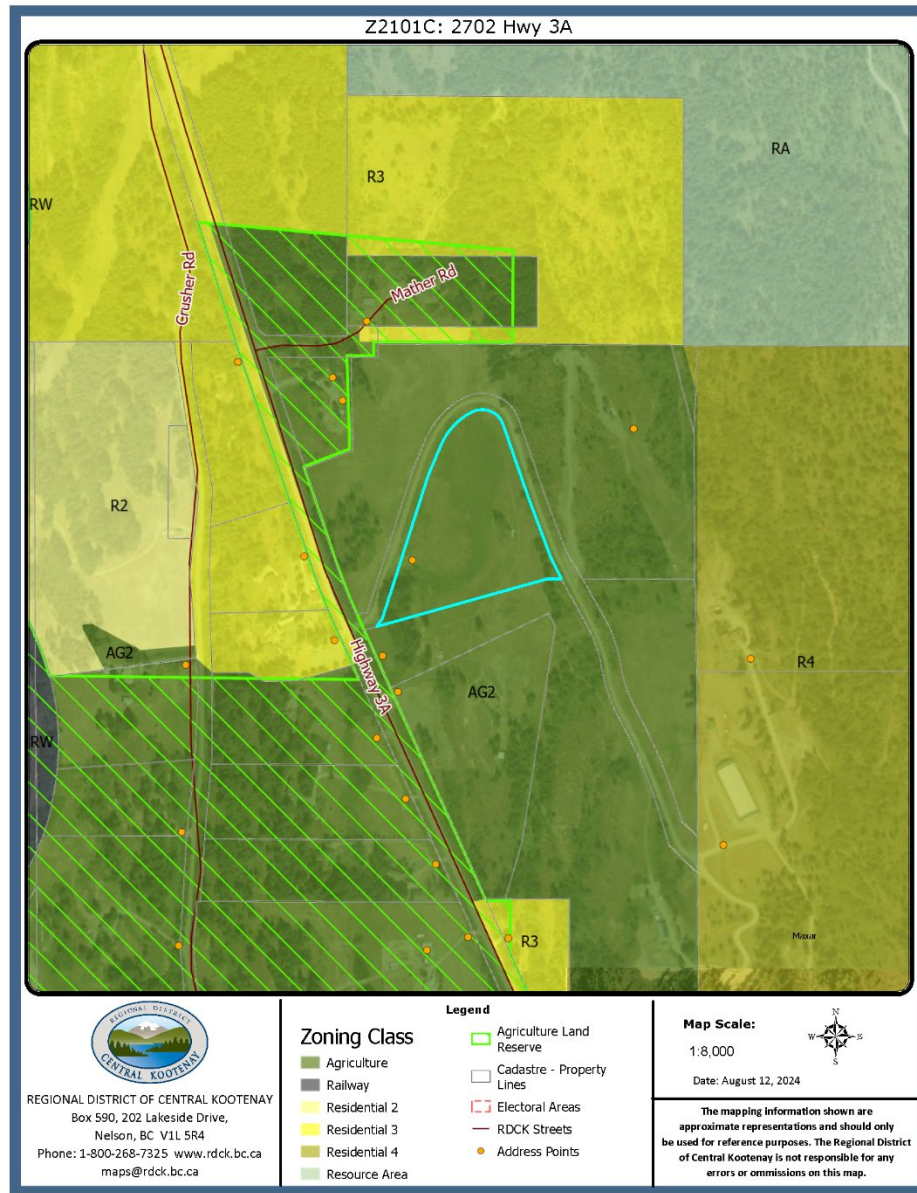


Figure 2 - Zoning Map

DEVELOPMENT PROPOSAL

This application seeks to amend the land use designation from Agriculture (AG) to Community Services and Administration (CS), and to rezone the subject property from Agriculture 2 (AG2) to Community Services (CS). The applicant seeks these bylaw amendments to facilitate the construction of a place of worship and related accessory uses on the subject property.



Figure 3 - Proposed Site Plan (not to scale)



Figure 4 - View looking south towards the subject property from the private road that surrounds the north, east and west sides of the lot.

EXISTING PLANNING POLICY

Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013

The following policies from the Electoral 'C' Official Community Plan (OCP) were noted as being relevant to the current application. These policies are intended to guide decision making when considering land use amendments and development applications.

3.0 AGRICULTURE

Agriculture Objectives

1. To preserve and promote the use of agricultural land for current and future agricultural production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.

2. To encourage the agricultural sector’s viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
3. To support agricultural land use practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production.
4. To support agricultural land use practices within and adjacent to farming areas that seek to minimize conflicts between agriculture and other land uses.

Agriculture Policies

The Regional Board:

9. To work with the Town of Creston on a co-operative approach to agricultural lands within the urban / rural interface that will mitigate the loss of agricultural land to future growth.
12. May require that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing or landscaping.
20. Supports the RDCK Agricultural Area Plan (2011).

6.0 COMMUNITY SERVICES AND ADMINISTRATION

Community Services and Administration Objectives

2. To direct administrative and community service development to areas where services and amenities are more readily available and where they best serve the needs of the community.
9. To recognize the variety of spiritual and cultural activities important to residents of the unincorporated communities within Electoral Area ‘C’.

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 recommendations relevant to this application are listed below:

CAPABILITY RECOMMENDATION #2 It is recommended that the RDCK work with member municipalities to investigate a co-operative approach to agricultural lands within the urban / rural interface that will mitigate the loss of agricultural land to urban boundary expansions. (“build up, not out”).

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.

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

Pursuant to Planning Fees and Procedures Bylaw No. 2457, 2015 the applicant has paid the CLUB Amendment Application fee of \$1600 in full.

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

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

3.3 Environmental Considerations

The development of Agricultural land is not easily reversed or undone. Once Agricultural land is developed for a commercial, industrial, residential or institutional purposes, the use of the land is rarely returned to agriculture. The associated infrastructure and services (wastewater system, parking areas, buildings/structures) inherently sterilizes the land for intensive agricultural uses.

3.4 Social Considerations:

Staff have received written responses from 3 surrounding land owners. 2 of the responses are in opposition and 1 is in support of the proposed Land Use Bylaw Amendment. The responses are attached to this report as Attachment D.

Policies within the Area C CLUB recognize that a variety of spiritual and cultural activities are important to residents of the unincorporated communities within Electoral Area 'C'. Places of worship can be utilized as important community gathering spaces as well as hubs for community engagement and social programming.

3.5 Economic Considerations:

Not applicable.

3.6 Communication Considerations:

Pursuant to the Planning Fees and Procedures Bylaw, the application was referred to 8 households in the community, the Ministry of Transportation, Ministry of Water, Lands and Resource Stewardship, Interior Health Authority, RDCK Fire Services, RDCK Building Services, Fortis BC, BC Hydro, the Director and Alternate Director for Electoral Area 'C', and all First Nations identified as having interests through use of the Consultative Areas Database tool.

The following government agencies and First Nations responded to the referral:

Ministry of Transportation and Infrastructure – Development Officer

The subject property was created by subdivision in 2015 (see attached plan EPP53196). At that time, road right of way was dedicated along the north and east side of the property, but the road was not constructed. Therefore, access to this property is currently via private driveway within a public right of way. The applicant will be required to submit to us a permit application for access to Highway 3a and use of the right of way for the new

use, prior to construction. If the applicant wishes to receive public maintenance of the driveway within the public right of way, they will need to construct it to MOTI public road standards. Otherwise, they can continue to use it as a driveway, and privately maintain it to suite their needs. It is recommended they contact us for further details if they would like to construct the road to public road standards.

MOTI does not have any opposition to the zone change application.

Staff note: The applicant has provided RDCK staff with a copy of an Access Permit issued by MoTI (2021-02226) dated August 25, 2021.

Ministry of Agriculture and Food

Ministry of Agriculture and Food (Ministry) staff are pleased to see that the applicants have selected a property outside of the Agricultural Land Reserve (ALR) for their proposed church. While Ministry staff acknowledge the difficulties that the applicants have had with selecting a suitable property, churches and other associated institutional uses/buildings are better suited to properties that are not zoned for agricultural use.

Ministry staff note that the applicant proposes to construct a parking lot to accommodate 25-30 vehicles. While this is not a substantial amount of vehicles, RDCK may wish to consider requiring a traffic impact assessment that assesses the impact that additional traffic along Hwy 3A may have on nearby agricultural operations.

Thank you for the opportunity to comment on the above noted rezoning application.

Fortis BC – Contract Land Agent

There are no FortisBC Inc (Electric) (“FBC(E)”) primary distribution facilities adjacent the subject property. Significant extension work will likely be required to bring electrical service to the property and potential building site locations.

To date, arrangements have not been made to initiate the design process and complete the servicing requirements.

To proceed, the applicant should contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements. All costs and land right requirements associated with servicing the proposed lots are the responsibility of the applicant.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician’s Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

For more information, please refer to FBC(E)’s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

Otherwise, FBC(E) has no concerns with this circulation.

It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

If you have any questions or comments, please contact me at your convenience.

Interior Health Authority – Healthy Community Development

Any water system providing water to something other than a single family residence, or where the public has access to is considered a “water supply system” under the provincial Drinking Water Protection Act and Regulation.

Appreciate the RDCK’s support in including Interior Health’s requirements as a condition of approval in relation to the Land Use Bylaw Amendment.

The applicant can find more information about what is required of drinking water providers and operators (e.g. what is necessary to comply with the provincial legislation, obtain the required permits) at [Drinking Water Providers & Operators | Businesses | IH \(interiorhealth.ca\)](#).

RDCK Building Department – Senior Building Official

No comments provided.

Ktunaxa Nation Council – Guardianship Referrals Administrator

Regarding two referrals from RDCK to Ktunaxa Nation Council:

- 1. A2101C: Agricultural Land Reserve Referral – Cantrell, KNC file 2549*
- 2. Z2101C: Heartland Mennonite Brotherhood, KNC File 2607*

KNC has no comments on either of these referrals.

Area ‘C’ Advisory Planning and Heritage Commission

The Area ‘C’ APC assents to this application.

3.7 Staffing/Departmental Workplace Considerations:

Upon receipt of an application, accompanied with the relevant documents and fee, staff review the application in accordance with the Land Use Amendments Procedures within Schedule ‘C’ of the Planning Procedures and Fees Bylaw No. 2547, 2015.

3.8 Board Strategic Plan/Priorities Considerations:

The application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

PLANNING DISCUSSION

This application proposes to amend the OCP land use designation from Agriculture (AG) to Community Services and Administration (CS) and to rezone the subject property from Agriculture 2 (AG2) to Community Services (CS) in order to facilitate the development of a Church.

Policies within the Area C CLUB recognize that a variety of spiritual and cultural activities are important to residents of the unincorporated communities within Electoral Area 'C'. Places of worship can be utilized as important community gathering spaces as well as hubs for community engagement and social programming. However, additional policies in this document and the Agriculture Area Plan discourage greenfield development (Section 6.2), and more specifically seek to protect agricultural land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area (Sections 3.1 – 3.4). Places of worship are, generally, best located within existing settlement areas where they are more easily accessed by their congregants, connected to existing services, and can be accommodated on underutilized sites first before considering greenfield locations.

The proposed Land Use Bylaw Amendment is not consistent with the Agricultural Policies and Objectives in the Official Community Plan or the recommendations of the RDCK Agriculture Area Plan. The proposal would remove land from the existing agricultural land base and forego opportunities to better locate this important community asset in an existing settlement area, accessible to services and congregants.

Based on the foregoing, Staff recommend that no further action be taken with respect to Electoral Area 'C' Comprehensive Land Use Amendment Bylaw No. 2786, 2024.

OPTIONS

Option 1

That NO FURTHER ACTION be taken regarding Electoral Area 'C' Comprehensive Land Use Amendment Bylaw No. 2786, 2024 being a bylaw to amend the Comprehensive Land Use Bylaw No. 2317, 2013.

Option 2

1. That Electoral Area 'C' Comprehensive Land Use Amendment Bylaw No. 2786, 2024 being a bylaw to amend the Comprehensive Land Use Bylaw No. 2317, 2013 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.
2. That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area 'C' Director Kelly Vandenberghe is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Option 3

Electoral Area 'C' Comprehensive Land Use Amendment Bylaw No. 2786, 2024 being a bylaw to amend the Comprehensive Land Use Bylaw No. 2317, 2013 be referred to the October 16, 2024 Rural Affairs Committee meeting.

SECTION 5: RECOMMENDATIONS

That NO FURTHER ACTION be taken regarding Electoral Area 'C' Comprehensive Land Use Amendment Bylaw No. 2786, 2024 being a bylaw to amend the Comprehensive Land Use Bylaw No. 2317, 2013.

Respectfully submitted,

Originally signed

Zachari Giacomazzo, Planner

CONCURRENCE

Planning Manager – Nelson Wight **Digitally approved**

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

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

ATTACHMENTS:

Attachment A – Zoning Bylaw Excerpts

Attachment B – Draft Land Use Amendment Bylaw No. 2786, 2024

Attachment C – Development Plans prepared by Cover Architecture, dated August 13, 2024

Attachment D – Referral Responses from neighbouring land owners

25.0 AGRICULTURE 2 (AG2)

Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 2 (AG2) zone shall be used for the following purposes only:

Agriculture

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

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Detached Housing

Standard Cultivation, Cannabis

Standard Processing, Cannabis

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

Accessory Uses:

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

Development Regulations

2. The minimum lot area shall be 8 hectares in the Agricultural Land Reserve and 4 hectares outside the Agricultural Land Reserve.
- 2B. The maximum density is 2 Dwelling Units not including a Farmworker Dwelling Unit.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0

metres measured from the Front Lot Line or Exterior Side Lot Line.

6. The Maximum Gross Floor Area of the Single Detached Housing is 300.0 square metres.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square metres;
 - b. The lot is classified as a farm under the Assessment Act;
 - c. The lot is larger than 2 hectares; and
 - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
 - a. The lot is classified as a farm under the Assessment Act;
 - b. The lot is larger than 1.2 hectares;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro

processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.

14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

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

34.0 COMMUNITY SERVICES (CS)

Permitted Uses

1. Land, buildings and structures in the Community Services (CS) zone shall be used for the following purposes only:

- Cemeteries
- Churches
- Community Care Facilities
- Community Halls
- Day Care Centres
- Educational Facilities
- Group Care Facilities
- Historic Interpretative Facilities
- Hospitals
- Government Offices
- Recycling Depot
- Retreat Centre
- Group Care Accommodation (up to a maximum of 15 units)
- Horticulture
- Keeping of Farm Animals
- Accessory Uses:
 - Accessory Buildings or Structures
 - Caretaker Suite
 - accessory tourist accommodation
 - accessory agri-tourism
 - therapeutic and public horseback riding
 - small-scale food processing
 - retail sales and manufacturing of heritage products

Development Regulations

2. The minimum site area for each permitted use shall be one (1) hectare.
3. The maximum site coverage shall be 50 percent of the lot area.
4. The maximum size of accessory use structures for Historical Interpretative Facilities shall be 300 square metres.
5. Landscaping shall comply with all requirements of Sections 17.0 (93) to (106).

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2786, 2024

A Bylaw to amend Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013.

WHEREAS it is deemed expedient to amend the Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013, and amendments thereto.

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

APPLICATION

- 1 That Schedule 'A.1' of Regional District of Central Kootenay Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013 be amended by changing the Land Use Designation of LOT 2 DISTRICT LOT 892 KOOTENAY DISTRICT PLAN EPP53196 (029-709-458) from Agriculture (AG) to Community Services and Administration (CS), as shown on Schedule 'A', attached.
2 That Schedule 'B.1' of Regional District of Central Kootenay Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013 be amended by changing the Zoning Designation of LOT 2 DISTRICT LOT 892 KOOTENAY DISTRICT PLAN EPP53196 (029-709-458) from Agriculture Two (AG2) to Community Services (CS), as shown on Schedule 'B', attached.
3 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 4 This Bylaw may be cited as "Electoral Area 'C' Comprehensive Land Use Amendment Bylaw No. 2786, 2024."

READ A FIRST TIME this 12th day of September, 2024.

READ A SECOND TIME this 12th day of September, 2024.

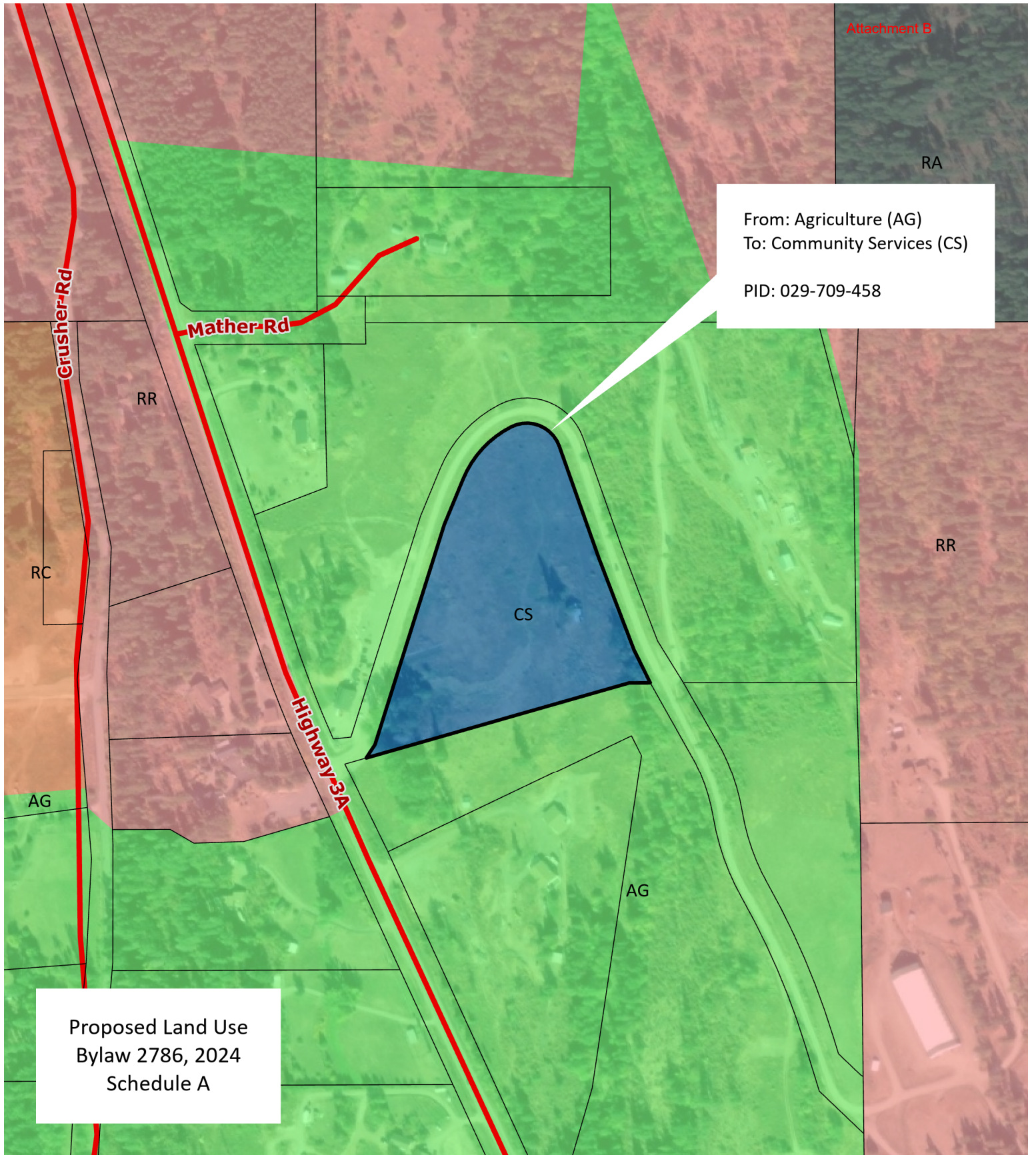
WHEREAS A PUBLIC HEARING was held this [Date] day of [Month], 20XX.





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





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

Aimee Watson, Board Chair


Mike Morrison, Corporate Officer



-  Subject Property
-  Property Lines
-  Road
- Land Use Designation**
-  Agriculture (AG)

-  Community Services (CS)
-  Country Residential (RC)
-  Resource Area (RA)
-  Rural Residential (RR)

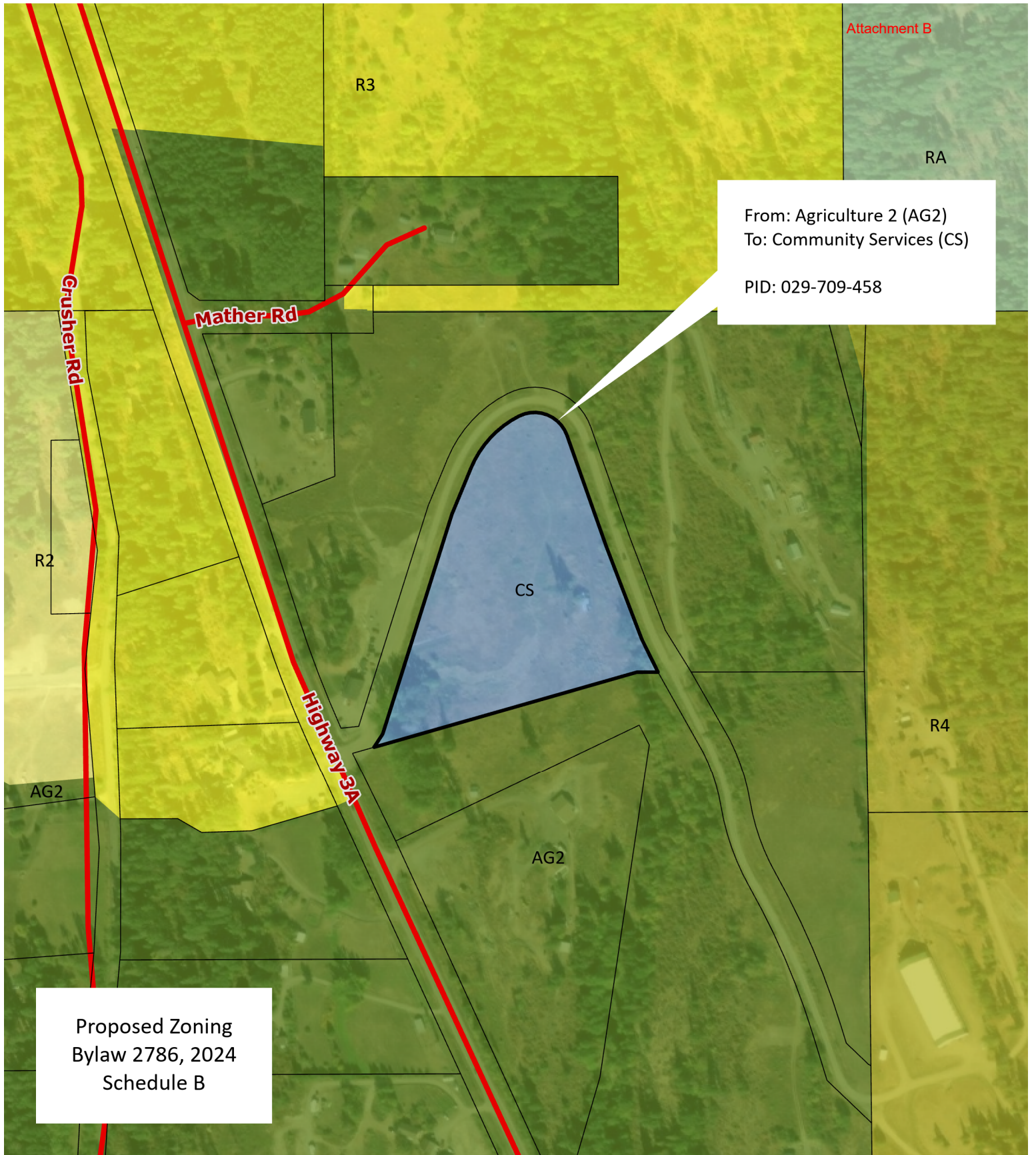
N



0 50 100
Metres

August 26, 2024
PCS: NAD83 UTM Zone11N





The map data shown are approximate representations for reference purposes only. The Regional District of Central Kootenay is not liable for any errors or omissions on this map nor any loss or damage resulting from the use of this map.








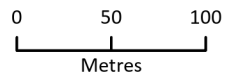
Proposed Zoning
Bylaw 2786, 2024
Schedule B

From: Agriculture 2 (AG2)
To: Community Services (CS)
PID: 029-709-458



-  Subject Property
-  Property Lines
-  Road
- Zoning Class**
-  Agriculture 2 (AG2)

-  Community Services (CS)
-  Residential 2 (R2)
-  Residential 3 (R3)
-  Residential 4 (R4)
-  Resource Area (RA)
- 92



August 26, 2024
PCS: NAD83 UTM Zone11N

The map data shown are approximate representations for reference purposes only. The Regional District of Central Kootenay is not liable for any errors or omissions on this map nor any loss or damage resulting from the use of this map.

2702 Hwy 3A Rezoning Application - Church

Plans for Rezoning information only



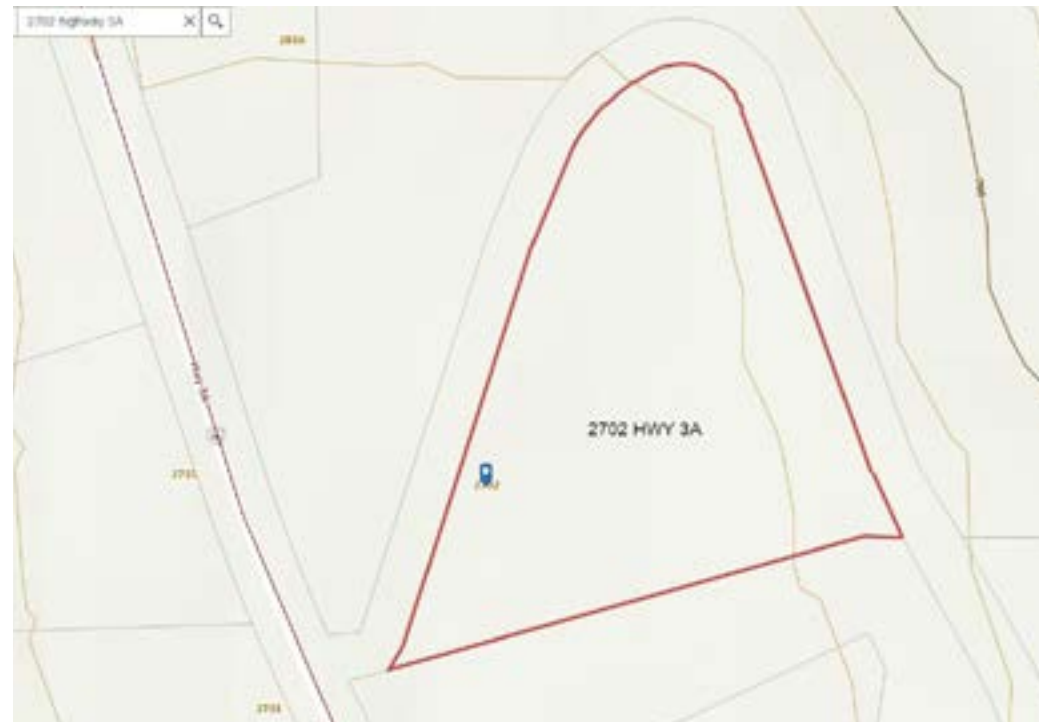
DOCUMENTATION TO SUPPORT REZONING APPLICATION FOR 2702 HWY 3A
PRODUCED BY COVER ARCHITECTURE, NELSON, BC FOR HEARTLAND MENNONITE CHURCH
2702 HWY 3A, WYNDELL, BC

COVERAC.CA

2702 Hwy 3A Rezoning Application - Church

Plans for Rezoning information only

COVER



SITE BOUNDARY

SITE PLAN NOTES

- Trees and plantings to be planted adjacent to Hester Road to obscure public view of parking lot and will comply with the applicable requirements of General Regulations for Landscaping 105. (Pg 60 of ELECTORAL AREA 'C' COMPREHENSIVE LAND USE BYLAW NO. 2317, 2013)
- Parking lot and proposed church to be located beyond required front setback of 7.5m (Pg 47 of ELECTORAL AREA 'C' COMPREHENSIVE LAND USE BYLAW NO. 2317, 2013)
- Septic field shown as 30' x 200'. Exact required dimensions to be confirmed.
- Proposed well location to be located more than 30 meters from septic field in compliance with BC Plumbing Code standards.



PROPOSED SITE PLAN - Not to scale

2702 Hwy 3A Rezoning Application - Church

Plans for Rezoning information only



MAIN FLOOR

12m x 22m + Porch
264m²

INCLUDES:

WASHROOM for:

MEN 2 + Urinal (inc. 1 accessible)

WOMEN 3 (inc. 1 accessible)

Separate Disabled washroom could also be added at back of Creche

CRECHE

25.8m²

OFFICE for 1

9.4m²

SANCTUARY for 159

Seating for 125, + standing 34
150m²

DRIVE THROUGH PORCH

LOWER FLOOR

11m x 22m

242m²

INCLUDES:

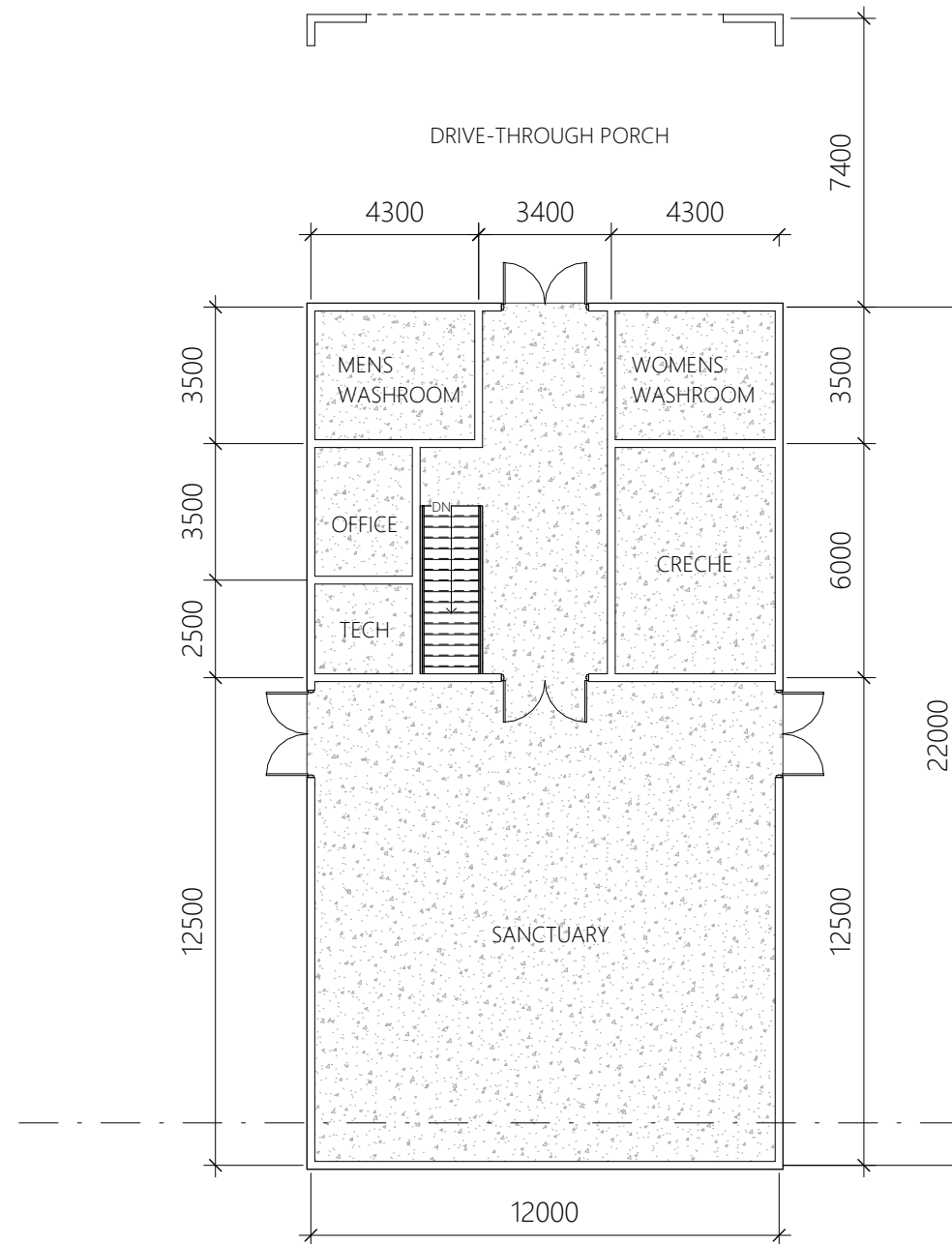
FLEX SPACE

STORAGE

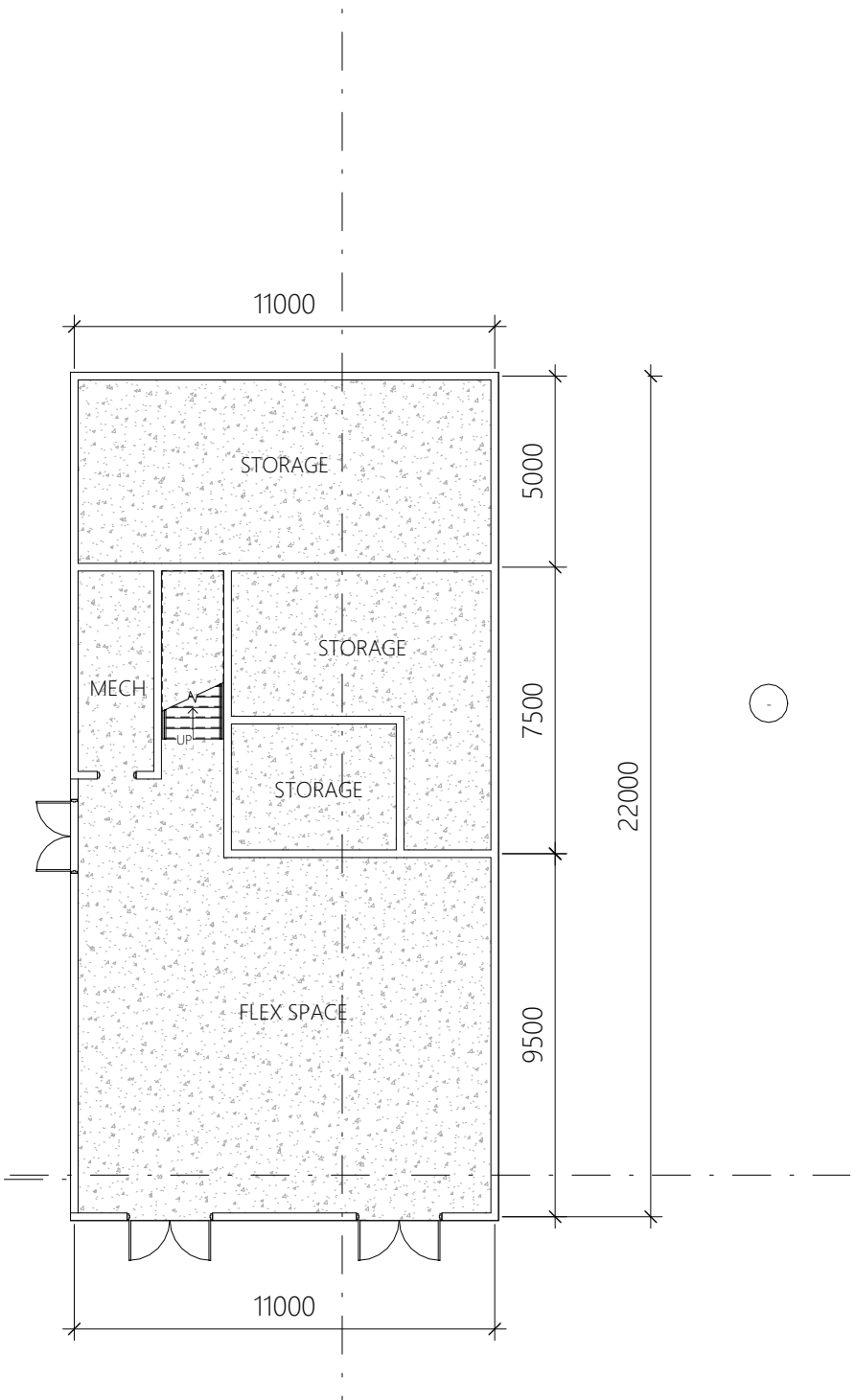
EXTERNAL SPACES

PARKING AND ORCHARD TO BE PLANTED

MAIN FLOOR



LOWER FLOOR

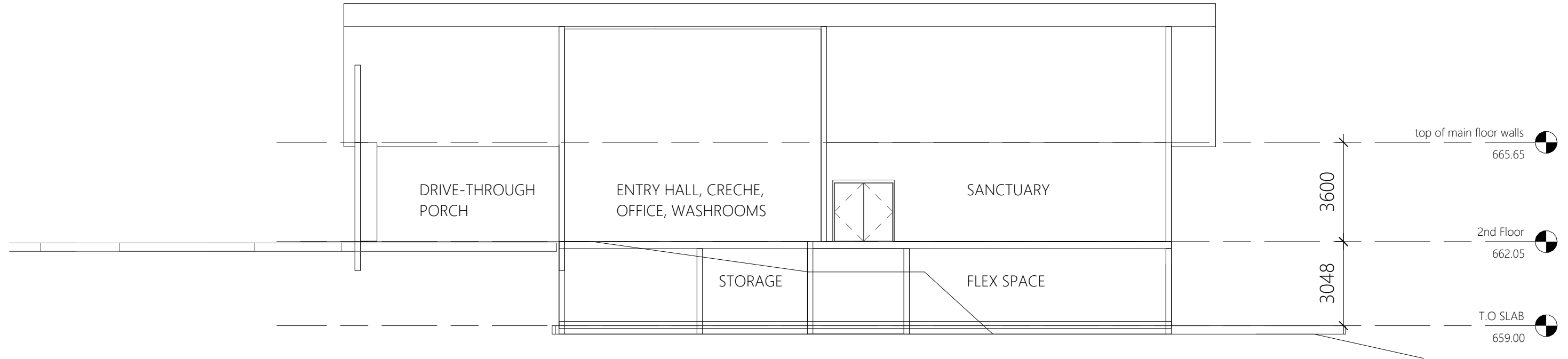


2702 Hwy 3A Rezoning Application - Church

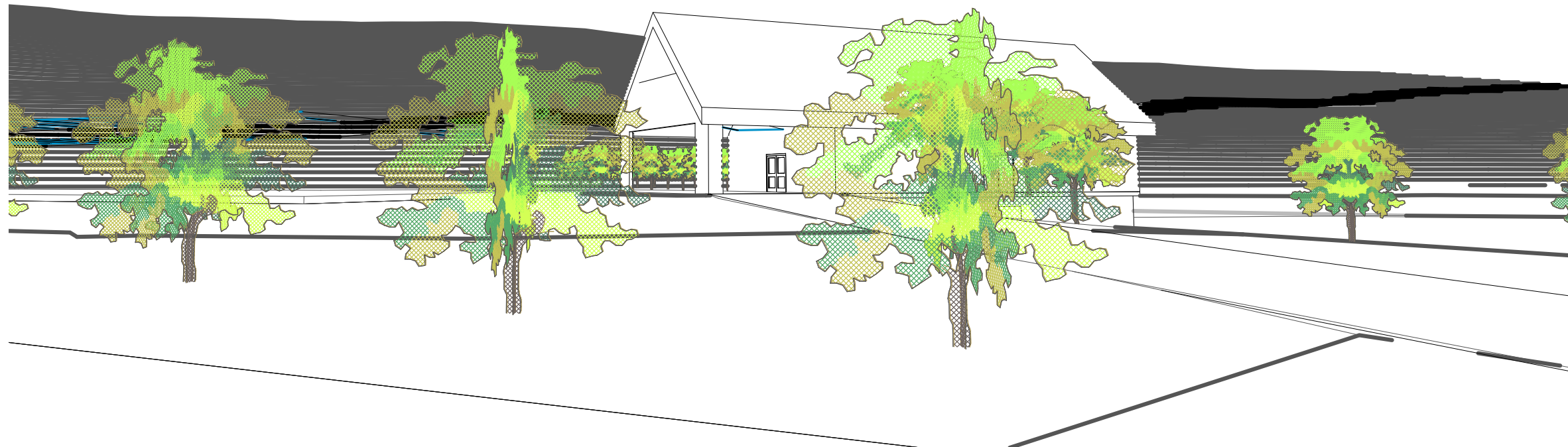
Plans for Rezoning information only



SECTION



PERSPECTIVE VIEW



2702 Hwy 3A Rezoning Application - Church

Plans for Rezoning information only

COVER

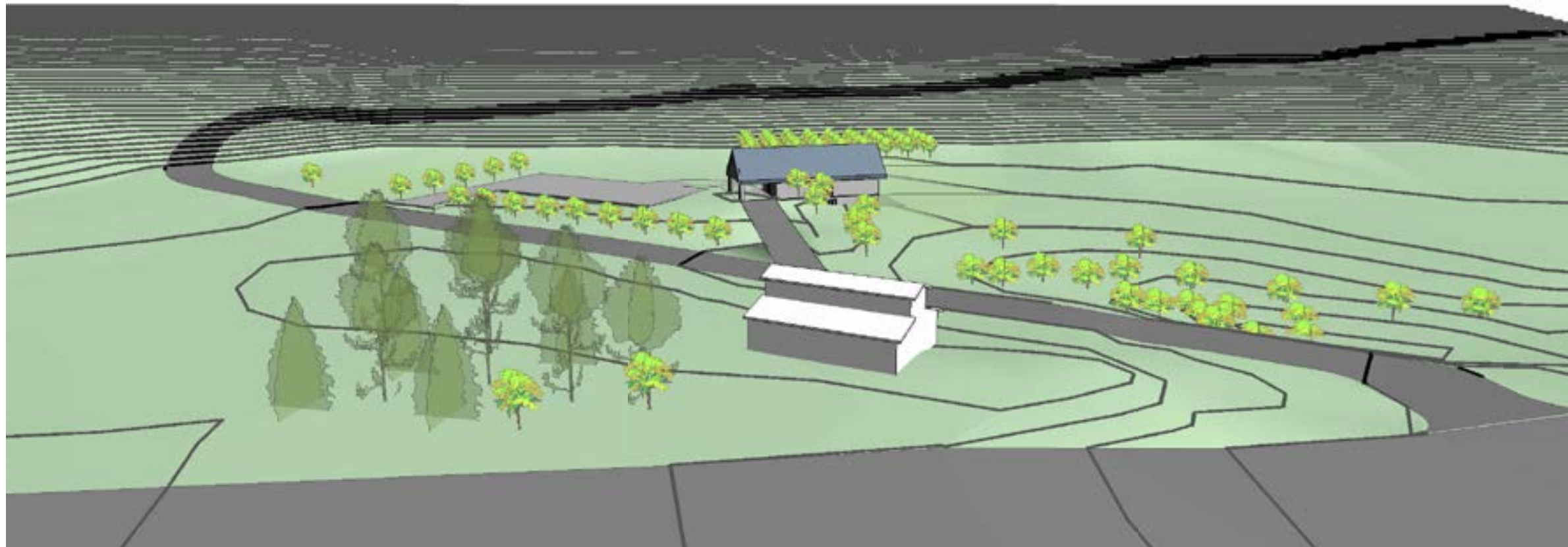


VIEW FROM BACK OF SITE

2702 Hwy 3A Rezoning Application - Church

Plans for Rezoning information only

COVER



HIGH LEVEL VIEW OF SITE FROM ROAD DIRECTION - IN RELATION TO MOUNTAIN BARN

2702 Hwy 3A Rezoning Application - Church

Plans for Rezoning information only

COVER



HIGH LEVEL VIEW OF SITE FROM ROAD DIRECTION - TREES OBSCURE SITE VIEW FROM EYE LEVEL AT ROAD

From: [Wanda Powell](#)
To: [GRP_PlanDept](#)
Cc: [Clayton Powell](#)
Subject: Z2101C Active Application
Date: Sunday, March 28, 2021 11:19:18 AM

STEPHANIE JOHNSON RPP MCIP, PLANNER DEVELOPMENT SERVICES REGIONAL DISTRICT OF
CENTRAL KOOTENAY BOX 590, 202 LAKESIDE DRIVE NELSON, BC V1L 5R4

As a neighbouring property I would strongly oppose the location of the proposed sewer field plan, because it would be located far too close to my fresh water well for use of drinking water. My well is approximately 20 ft. underground, capturing water. It is not a deep drilled well.

If my concerns for the proposed sewer field aren't able to be addressed, therefore I would be opposed to the zoning change.

Thank you,
Powell, Arnie C & Powell, Wanda Y
2674 Hwy 3a RR8 Creston, BC, V0B1G8

-Clayton's cell

April 18, 2021

RDCK Planning File Z2101C

Stephanie Johnson

Planner

SJohnson@rdck.bc.ca

Dear Ms. Johnson,

RE: Application for a land use Bylaw Amendments Z2101C

This letter is to inform the Regional District of Central Kootenay that Bell, Sharon A & Bell, Jack G as owners of the property 2912 Highway 3A, Wynndel, B.C. are not in favour of this land use bylaw amendments.

There is ample land available that is not prime Agricultural. That the owners chose not to purchase said land should not entitle a land use amendments.

The land use requested will result in much higher traffic volumes turning off a Provincial Highway where the traffic speed limit is 80kph. The resulting increase will create a tremendous safety hazard especially during the very busy summer months.

The large increase in traffic will lead to congestion, increased dust and much more noise.

There will be a great loss of the quiet and private tranquility we currently enjoy. If we wanted to live next to a busy Church and School we would have bought our retirement property in Creston beside the School.

And our last point will be the detrimental effect on our property value. No one will make up for the value we will lose on our dream.

Jack and Sharon Bell

36 Haney Court

Spruce Grove AB T7X0B3



From: [Linda Thiessen](#)
To: [GRP PlanDept](#)
Subject: File # Z2101C We support changing the lot from AG2 to CS. We have land on 2 sides and love the Heartland people to be our neighbors!
Date: Friday, July 23, 2021 11:24:17 AM

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



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.

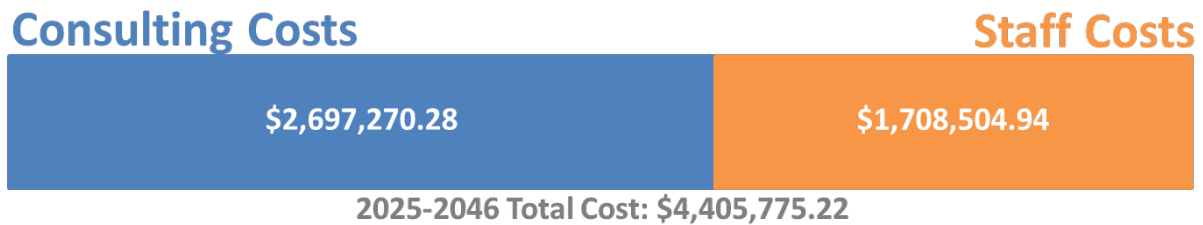


Figure 1 - Total estimated costs for completing 11 OCP reviews over the next 22 years - the "status quo" scenario.

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.

OCP Review Cycle Cost Estimates (per OCP Review)

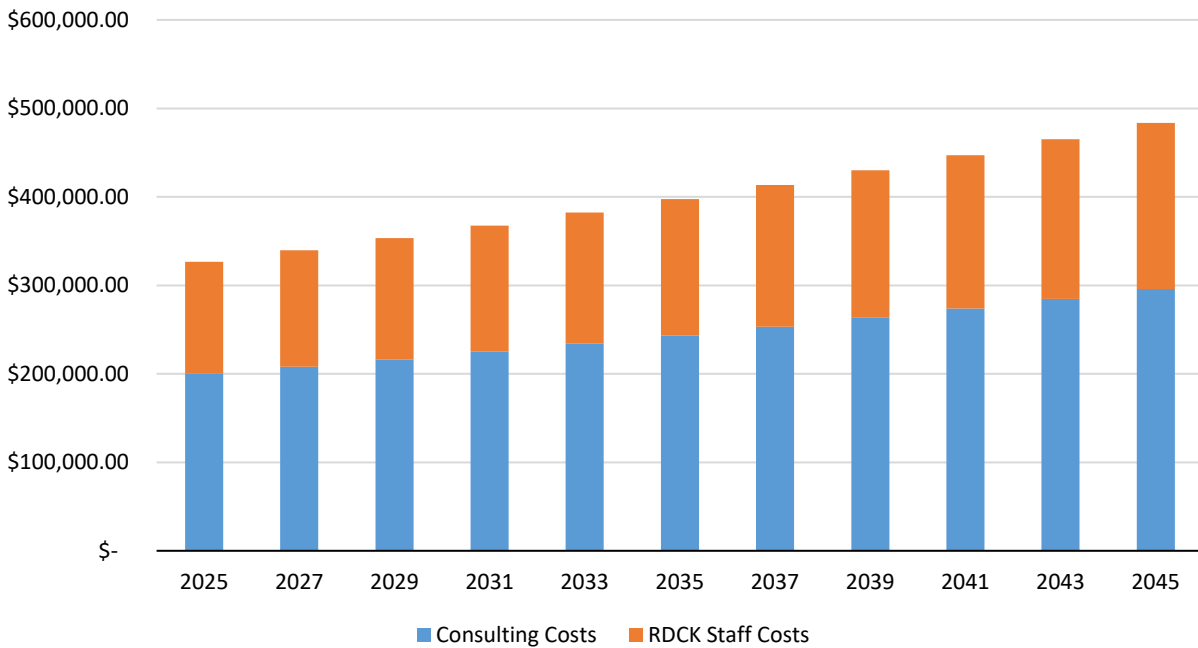


Figure 2 – OCP Review cycle cost estimate for 11 OCPs (1 OCP reviewed every 2 years).

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.

Harmonized OCP and Zoning Bylaw Cost Estimates

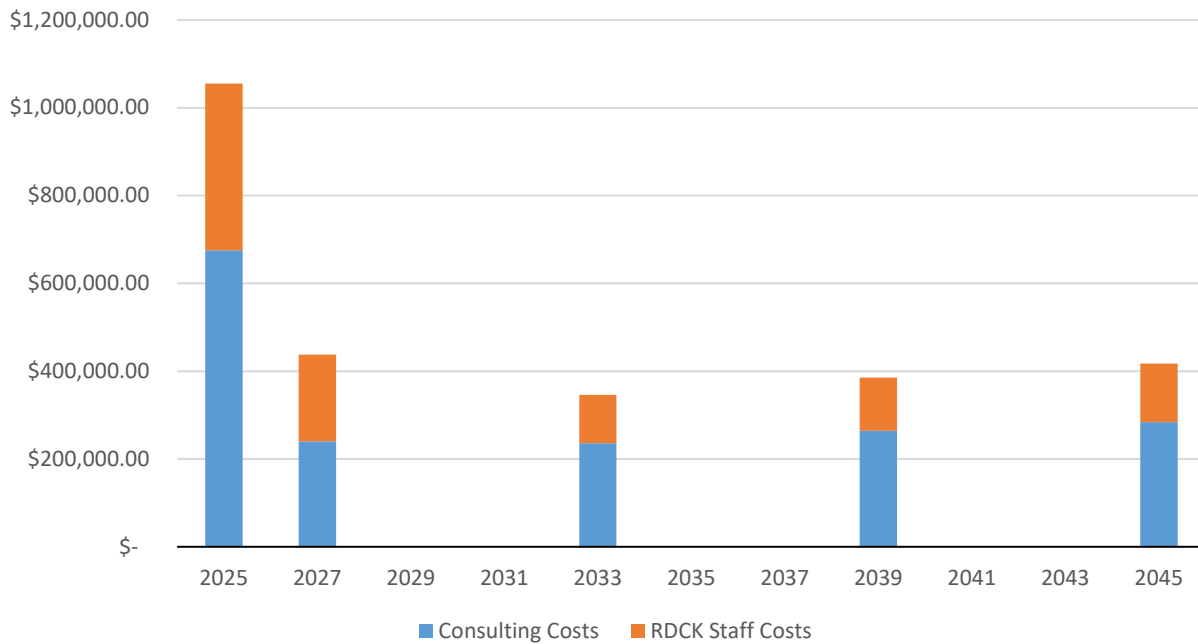


Figure 4 – Cost estimates over the 22-year timeline for a harmonized OCP and zoning bylaw approach.

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	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 Board Workshop hosted Jan. 17, 2023 Housing Action plan endorsed at the May 2023 Open Board meeting. Planning Services is currently working on implementation of prioritized action items - ongoing July 2023 - UBCM accepted final report on project and will send remaining 50% of \$25K total, or \$12,500.
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: August 27, 2024
Date & Type of Meeting: September 12, 2024, Rural Affairs Committee
Author: Melissa Djakovic, Auxiliary Administrative Assistant
Subject: COMMUNITY WORKS FUND APPLICATION – NELSON CYCLING CLUB “ENHANCING THE TRAILS PROJECT”
File: 1850-20-CW-309
Electoral Area/Municipality: E & F

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by **Nelson Cycling Club** for the project titled “**Enhancing the Trails Project**” in the total amount of \$28,596.00 and that funds be disbursed from Community Works Funds:

Electoral Area E in the amount of \$14,298.00
Electoral Area F in the amount of \$14,298.00

The Recreation Infrastructure Project seeks to secure funding for maintenance and capital upgrade projects within the Nelson trail network.

SECTION 2: BACKGROUND/ANALYSIS

The focus of this project and current CWF application is to undertake a number of capital upgrades to a targeted list of the NCC’s sanctioned trail networks, focusing on trails associated with the Morning Mountain Regional Park. Additional Community Works Funds will be leveraged as match funding for other grants to source further funding for maintenance and capital upgrade projects within the Nelson trail network.

With respect to the two electoral areas contributing funds to this project, policy alignment with RDCK priorities is as follows:

Electoral Area ‘E’ Official Community Plan Bylaw No. 2260, 2013:

- *To work toward the development of a trail system which encourages and accommodates a variety of users and uses; which is consistent and complementary to existing trail systems within the Plan area, while recognizing the need to protect domestic water sources.*

Electoral Area ‘F’ Official Community Plan Bylaw No. 2214, 2011:

- *Public Recreation Trails of all types exist throughout Area F, some of which are managed by local interest groups such as Friends of Pulpit Rock Society, Nelson Cycling Club, Kootenay Mountaineering*

Club, etc. Coordination and partnership with the RDCK and other governmental agencies ensures that land development does not inhibit the potential of establishing and maintaining an integrated trail network.

- Supports the existing network of public recreation trails identified in Schedule 'D', 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.

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

This application is the responsibility of Area E and F and no other areas are being asked to contribute to the project. The Directors for both areas is supportive of the application and has sufficient 2024 funds to allocate to the project. Should this project be funded, Area E will have \$321,045.33 in Community Works funds remaining, and Area F will have \$248,657.82 remaining.

Director Tom Newell and Cheryl Graham have approved use of the remaining service funds in Service 207 Recreation Lands and Parks-Area E and F (Blewett, Bonnington, Taghum) towards this project.

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 'Recreation Infrastructure – Recreation facilities or networks'.

3.3 Environmental Considerations

The proposed project will contribute to a reduction in local greenhouse gas emissions by linking regional park "hubs" and encouraging non-motorized travel.

3.4 Social Considerations:

The project aims to make outdoor activities more inclusive for all and will be measurable through Trailforks and trail counter data.

3.5 Economic Considerations:

The proposed project costs are eligible based on Community works funding criteria. The project will create work for local professionals and contractors.

3.6 Communication Considerations:

None at this time.

3.7 Staffing/Departmental Workplace Considerations:

The project team includes Nelson Cycling Club Board of Directors, staff and contractors.

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 *Develop Relationships and Partnerships – work with societies and organizations to support recreational assets.*

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

THAT the Community Works Fund application submitted by the Nelson Cycling Club for the project titled “Enhancing the Trails” in the amount of \$28,596.00 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area E and F, with \$14,298.00 being contributed by each.

Respectfully submitted,

Melissa Djakovic, Auxiliary Administrative Assistant

CONCURRENCE

Mike Morrison – Manager of Corporate Administration/Corporate Officer **Digitally approved**

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

ATTACHMENTS:

Attachment A – Community Works Fund Application: Nelson Cycling Club “Enhancing the Trails Project”



Regional District of Central Kootenay Attachment A

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"	Nelson Cycling Club: Enhancing the Trails		
Date of Application	2009/08/20		
Applicant Information			
Name of Organization	Nelson Cycling Club		
Address	1809 A Granite Road		
City, Prov. Postal	Nelson, BC V1L 6T8		
Phone No.	250-551-9741	Fax No.	
Organization's Email	nelsoncyclingclub@hotmail.com		
Name of Contact	Deb MacKillop	Contact's Email	deb.mackillop@gmail.com
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Tom Newell, Cheryl Graham	Area E, Area F	\$ 28,596.00	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy\mm\dd)	
2024/08/12		2025/10/31	
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)	Recreation Tenures		
Registered Owners of Land(s)	Province of British Columbia		
Crown Land Tenure/License No./Permit No.(s)	BC Parks (signed 2022); RS&T (PA21DKB-19)		
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 type="checkbox"/>	Yes	
	<input checked="" 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 permits are not applicable; all FRPA Section 56 and Section 57 requirements have been met			

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 NCC is a non-profit society managed by a volunteer board of directors who oversee the club's trail construction, fundraising, events, and public relations. Seasonally we hire a crew of ~6-10 experienced trail builders from the community; typically 5 full time, and the remainder part time, as well as a Program Manager for administration, grant writing, clinic management and other tasks as required. We have systems in place to support our existing crew size and to expand.

NCC's mandate is to build and maintain Nelson's > 250 km long trail network for both locals and visitors. Our goal is to promote and develop mountain biking opportunities and non-motorized trail use in a socially and environmentally responsible manner and to facilitate multi-use trail development, where appropriate.

Our proposed plan is to perform capital upgrades to a targeted list of trails within our expansive sanctioned trail network. We are focusing our work on trails that increase connectivity to the Regional District of Central Kootenay's Parks. Morning Mountain, Cottonwood Lake, and the BN Rail Trail function as recreation hubs that are linked by Nelson Cycling Club's trails. By conducting capital upgrades on the NCC trails, we will enhance and improve recreation experiences and opportunities for a wide range of trail users.

Most work will focus on trails associated with the Morning Mountain Regional Park. This is an extremely popular area with locals and visitors, and it sees an estimated 40,000+ visitations per year for trail use.

Trails will receive the following upgrades:

- 1) Erosion and drainage control;
- 2) Re-construction of highly popular jump trails to increase accessibility and address excessive wear;
- 3) New trail construction around old and unsustainable existing trail sections;
- 4) Removal and/or upgrading of identified hazardous sections of trail;
- 5) Regular Maintenance to existing trails --- Please note no RDCK or CWF grant funds will be used for this step ---

Attachments:

Project map, showing proposed works and areas of interest that meet RDCK CWF guidelines
Tenure documents for RS&T and BC Parks

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

1.1 Project Costs including Timeline and Supporting Documents

This CWF grant proposal aims to enhance trail safety and environmental stewardship while improving accessibility and user experience for a diverse range of trail users within and connected to Morning Mountain Regional Park. We seek to achieve these goals through targeted interventions that address safety, environmental conservation, and inclusive access, ultimately fostering a safer, more sustainable, and enjoyable trail experience for all trail users. Funds from other granting sources will supplement additional improvements to connectivity, safety, and environmental sustainability in the Nelson trail network. Additionally Community Works Funds and RDCK Service 207 funds will be leveraged as match funding for other grants to source further funding for maintenance and capital upgrade projects within the Nelson trail network.

Morning Mountain Trail Network

2024-2025

* Turnstyles - re-surface the lower half of this extremely popular "flow trail", including re-excavating the surface and re-shaping berms, jumps, and landings to make them fun and safe for a wider range of skill levels

\$20,000

* Lefty - re-surface the lower portion of this extremely popular "flow trail" to remove extruding rocks and restore flow trail surface conditions

\$10,000

2025

* Soil surface binding - apply an environmentally safe soil binder (lignosulphonate) to newly constructed trails and sections of trails to reduce wear and enhance trail longevity

\$8500

* Centre for Ants - complete construction of this new trail (2023) that connects Giveout FSR to the Turnstyles trail hub and Morning Mountain Regional Park

\$5500

2025

Rail Trail Connectivity

* Lower Eli, Atomic Speed Goat, Nine Point - these popular trails end in a crown land polygon. Excessive use by hikers, bikers, and dog walkers has led to trail braiding and a lack of an obvious trail. Work will focus on developing a more sensible and obvious route at the ends of these trails.

Note that trail work will commence once soil surface conditions are suitable and machine operation restrictions (for fire hazard) allow efficient work flow. With changing climate conditions, it is difficult to provide specific timelines, and with the current fire season, we anticipate delays until September. We will make all attempts to complete work starting in 2024, but expect weather-caused delays. Groundwork will commence as soon as snow has cleared and will proceed until conditions necessitate a slowdown or interruption due to fire hazards or dry weather. We plan to continue the work through the fall of both years.

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

1.2 Project Impact

Recreational trails are fundamental to community physical and mental health. By enhancing the quality and accessibility of local trails, this project will have significant long term impacts on the community and environment.

Community Health and Engagement

The project will improve recreational opportunities for a diverse range of users, including children, youth, older adults, beginner bikers, and hikers. By expanding and upgrading popular trails, it will encourage greater participation in active recreation, contributing to overall physical and mental health benefits for the community. Trail work will focus on the Morning Mountain Regional Park area, which has become one of the busier trail use areas from Spring through to Autumn.

Environmental Outcomes

Proposed work will target areas with erosion and drainage issues. Restoration of these areas preserving trail integrity by discouraging trail braiding or widening. Introducing easier routes will reduce excessive braking that results in skidding and ruts, limiting further degradation. Enhancing connectivity of trails to regional park "hubs" will improve the ability for the community to self-propel between communities (RDCK and Nelson), parks, and trails. In the long term this works to reduce greenhouse gas emissions and supports a more sustainable approach to outdoor recreation. Much of the work is also being done to respond to impacts of climate change; extreme heat and drought increase wear on the trails. Work will focus on mitigating impacts with design and building techniques aimed to minimize future impacts (e.g., soil binding adhesive application)

Economic Growth and Development

High quality trails attract tourists, stimulating local economic activity. A well-connected and high-quality trail network will draw more visitors, encourage longer stays, and generate more support for local businesses. The project will also contribute to local employment through direct labor costs, as well as supporting local suppliers and contractors. The successful hosting of international events like the Singletrack6 race and the TransBC Enduro will further boost the local economy and enhance the area's reputation as a premier trail destination. Morning Mountain, where much of the work will be completed, is the most popular trail-based tourist destination within the Nelson area.

Community Support and Satisfaction

The Nelson Cycling Club has received widespread positive feedback on recent trail improvements, highlighting the community's strong support and appreciation for the enhanced trail quality. This project will build on this success, further solidifying community engagement and satisfaction with the trail network.

Overall, the project's impacts will drive long-term benefits for community health, environmental sustainability, economic vitality, and overall satisfaction with local recreational facilities.

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

1.3 Project Outcomes

Improvements and upgrades to many most popular and widely used trails in the Nelson area to address safety, environmental issues, and to improve trail quality and experience. This will result in more people, including residents and visitors, enjoying nature and recreation in our community.

The trail enhancement project is anticipated to deliver several significant outcomes:

1. **Increase Trail Usage.** By improving and expanding accessible trails, the project will make outdoor activities more inclusive for all, including children, older adults, and beginners. This will be measurable through Trailforks and trail counter data, showing increased user numbers and a broader demographic diversity in trail usage.
2. **Improved Trail Conditions.** Addressing erosion and drainage issues will enhance trail conditions and reduce maintenance needs. This allows NCC's funds to be utilized in other areas of the network requiring attention. User-friendly routes will cater to various skill levels, minimizing damage from excessive braking. These upgrades will improve extend the lifespan of the trail infrastructure, ensuring it meets the growing demand from both locals and visitors.
3. **Reduction in Greenhouse Gas Emissions.** By linking regional park "hubs" and encouraging non-motorized travel, the project will contribute to a reduction in local greenhouse gas emissions and promote active transportation to trail areas.
4. **Economic Impact.** Enhancing the trail network will boost local economic activity by attracting more tourists and encouraging longer stays. Additionally, the project will create work for local trail crew professionals and machine contractors.
5. **Community Satisfaction.** The project aims to improve community satisfaction with trail quality and diversity. The trail network attracts a diverse range of users, both on and off mountain bikes.
6. **Support for Competitive Events:** Upgraded trails will facilitate high-profile events, increasing the number of such events held in Nelson. Several trails in this project were featured in the Singletrack6 race, an international event that drew over 150 racers to Nelson for two days.- Sections of the trail will also be used in the TransBC Enduro, another international race scheduled for 2025, which will bring nearly 200 participants to the area. This will also provide more opportunities for small-scale local events, enhancing community engagement.

Overall, the project will drive substantial improvements in trail accessibility, environmental sustainability, economic impact, and community satisfaction.

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

1.4 Project Team and Qualifications

Nelson Cycling Club Board of Directors - Deb MacKillop (Registered Professional Forester), Adam Ekvall (Chartered Professional Accountant), Jason Wishlow (Silviculture company owner), Jack Toma (Registered Professional Forester), Casey Smit (Professional Engineer), Garth Patterson (retired Executive Director of a research institute in Saskatchewan), Brooke Jones (Teacher)


Staff and contractors
 Wendy Lewis, Program Management (BSc in Geography)
 Chris George, Senior Trail Crew (since 2018)
 Colin Davies, Senior Trail Crew (since 2019)
 Atli Bokstrom, Senior Trail Crew (since 2020)
 Rick Schneider (Machine-built trails) - project manager and machine operator (since 2014)
 Jack Allen - Trail Crew (since 2021)
 Chris Ritchie - machine operator and trail crew (since 2023)
 Simon Gauthier - Trail Crew (since 2024)

(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 (\$)
Columbia Basin Trust	Wage subsidy, trail enhancement grant	\$ 51,500.00
Trans Canada Trail	Infrastructure and accessibility grants	\$ 40,500.00
BC Gaming	Public safety grant for trail maintenance program	\$ 38,000.00
NCC	Internal funds - membership, donations	\$ 20,500.00
RDCK	Service 207 Recreation Lands and Parks	\$ 21,404.00
Recreation Sites and Trails	Trail care	\$ 5,000.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 176,904.00

Project Expenses (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description of Expenses	Value (\$)
Wages/Contractors	Employee + contractor (incl machine + operator co	\$ 135,000.00
Consumables/Expenses	Fuel, oil, nails, chainsaw parts,	\$ 10,000.00
Professional fees/wages	Project management, accounting, admin/reports	\$ 15,000.00
Equipment	Rental chainsaws, milling equipment, brushsaws	\$ 25,000.00
Contingency (10%)	Cost and time uncertainty eg. Fire/dirt conditions	\$ 20,500.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 205,500.00

2.1 Additional Budget Information		
Quote rationale to be reviewed by RDCK Chief Administrative Officer		
<p>Funds will be allocated to capital upgrade projects and will be used (in part) as match funding for additional grants from other sources (e.g., Trans Canada Trail, Columbia Basin Trust).</p> <p>The total project expenses in the budget are based on these and additional works, including ongoing asset management. Funding for these works is provided by other sources such as BC Gaming and internal NCC fundraising (memberships, donations, events).</p> <p>NCC has over 15 years experience successfully managing complex projects and budgets.</p>		
<small>(If needed, please provide additional information on separate page)</small>		
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
	Deb MacKillop	2024/08/27