



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE
Open Meeting Agenda

Date: Wednesday, October 16, 2024
Time: 9:00 am
Location: RDCK Board Room, 202 Lakeside Dr., Nelson, BC

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

Pages

1. ZOOM REMOTE MEETING INFO

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

Meeting Time:

9:00 a.m. PST

Join by Video:

<https://rdck-bc-ca.zoom.us/j/93833781849?pwd=7DACdcVt1kfHsbYejRZPkNYICEzvxb.1&from=addon>

Join by Phone:

+1 778 907 2071 Canada
833 955 1088 Canada Toll-free

Meeting ID: 938 3378 1849

Meeting Password: 806930

In-Person Location:

RDCK 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 October 16, 2024 Rural Affairs Committee meeting be adopted as circulated.

5. RECEIPT OF MINUTES

7 - 24

The September 11, 2024 Rural Affairs Committee meeting minutes, have been received.

6. DELEGATIONS

No delegations.

7. PLANNING & BUILDING

7.1 DEVELOPMENT VARIANCE PERMIT - MAY

25 - 41

**File No.: V2411A
10377 Highway 3A
(Bevan and Rhonda May)
Electoral Area A**

The Committee Report dated September 23, 2024 from Sadie Chezenko, Planner 1, re: Development Variance Permit - May, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2411A to Bevan and Rhonda May for the property located at 10377 Highway 3A, Electoral Area A and legally described as LOT A, DISTRICT LOT 4595, KOOTENAY DISTRICT PLAN EPP129647 (PID: 032-204-451) to vary Section 18.17 of *Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013* in order to permit a 0.2 metre setback from the western interior lot line whereas the bylaw requires a 2.5 metre setback from an interior lot line.

7.2 DEVELOPMENT VARIANCE PERMIT - GERRARD

42 - 67

**File No.: V24081 c/o Ben Gordon
1970 Sandy Road
(Daniel, Ralph and Katty Gerrard)
Electoral Area I**

The Committee Report dated September 16, 2024 from Sadie Chezenko,

Planner 1, re: Development Variance Permit - Gerrard, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board NOT APPROVE the issuance of Development Variance Permit V2408I to Daniel, Ralph and Katty Gerrard c/o Ben Gordon for the property located at 1970 Sandy Road, Electoral Area I and legally described as LOT 32, DISTRICT LOT 7244, KOOTENAY DISTRICT PLAN 4784 (PID: 017-973-350) to vary Section 1201.8, 1201.9, and 1201.10 of the *Regional District of Central Kootenay's Zoning Bylaw No. 1675, 2004* to permit, as follows:

1. To permit an accessory building that is 9.75m in height whereas the bylaw states that the maximum height of any accessory building or structure shall not exceed 8 metres
2. To permit an accessory building with a gross floor area of 446 square meters whereas the bylaw states that the maximum gross floor area of any accessory building or structure shall not exceed 200 square metres
3. To permit a cumulative gross floor area of all accessory buildings or structures of 466.1 square metres whereas the bylaw states that the cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres

7.3 NON FARM USE IN THE AGRICULTURAL LAND RESERVE - BLACKMORE
File No.: A2402B
2445 Lloyd Road
(Julia and Jonathon Blackmore)
Electoral Area B

68 - 108

The Committee Report dated August 28, 2024 from Sadie Chezenko, Planner 1, re: Non Farm Use in the Agricultural Land Reserve - Blackmore has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board NOT APPROVE application A2402B for the proposed Non-Farm Use in the Agricultural Land Reserve proposed by Jon Blackmore for property located at 2445 Lloyd Road, Electoral Area B and legally described as LOT 10, PLAN NEP1494, DISTRICT LOT 812, KOOTENAY LAND DISTRICT (PID: 015-750-698) and that the Board directs Staff to NOT ADVANCE the subject application to the Agricultural Land Commission for consideration.

7.4 LAND USE BYLAW AMENDMENT - RENASCENCE ARTS AND SUSTAINABILITY SOCIETY
File No.: Z2404G
106 Tamarac Street

109 - 147

**(Renaissance Arts and Sustainability Society)
Electoral Area G**

The Committee Report dated September 24, 2024 from Zachari Giacomazzo, Planner, re: Bylaw Amendment - Renaissance Arts and Sustainability Society, has been received.

Note: Schedule A and B of Bylaw 2986 has been added.

RECOMMENDATION:

That it be recommended to the Board:

That *Electoral Area 'G' Land Use Amendment Bylaw No. 2986, 2024* being a bylaw to amend *Electoral Area 'G' Land Use Bylaw No. 2452, 2018* is hereby given FIRST and SECOND reading by content and referred to a public hearing.

RECOMMENDATION:

That it be recommended to the Board:

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

7.5 LAND USE BYLAW AMENDMENT - PALLAGI

148 - 169

**File No.: Z2407G
8114 Highway 6
(Dianne Pallagi)
Electoral Area G**

The Committee Report dated September 26, 2024 from Zachari Giacomazzo, Planner, re: Bylaw Amendment, Planner, has been received.

Note: Schedule A and B of Bylaw 2984 has been added.

RECOMMENDATION:

That it be recommended to the Board:

That *Electoral Area 'G' Land Use Amendment Bylaw No. 2984, 2024* being a bylaw to amend *Electoral Area 'G' Land Use Bylaw No. 2452, 2018* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

RECOMMENDATION:

That it be recommended to the Board:

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

7.6 ZONING BYLAW AMENDMENT - TAGHUM SHELL

170 - 215

File No.: Z2406F
5644 Highway 3A and 6
(531131 B.C. LTD., INC.NO. 531131)
Electoral Area F

The Committee Report dated October 1, 2024 from Zachari Giacomazzo, Planner, re: Zoning Bylaw Amendment - Taghum Shell, has been received.

Note: Schedule A of Bylaw 2976 has been added.

RECOMMENDATION:

That it be recommended to the Board:

That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2976, 2024* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given FIRST and SECOND reading by content.

7.7 OFFICIAL COMMUNITY PLAN AND ZONING BYLAW AMENDMENT - TSL DEVELOPMENTS LTD.

216 - 238

File No.: Z2307I
2016 Highway 3A
(TSL Developments Ltd., Inc. No. BC1085036 c/o Jordan Baer)
Electoral Area I

The Committee Report dated September 12, 2024 from Sadie Chezenko, Planner 1, re: Bylaw Amendment - TSL Developments Ltd, has been received.

Note: Schedule A of Bylaw 2932 and Schedule B of 2931 has been added.

RECOMMENDATION:

That it be recommended to the Board:

That *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2932, 2024* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* is hereby given THIRD reading by content.

RECOMMENDATION:

That it be recommended to the Board:

That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2931, 2024* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given THIRD reading by content.

RECOMMENDATION:

That it be recommended to the Board:

That the consideration of adoption BE WITHHELD for *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2932, 2024* and

Regional District of Central Kootenay Zoning Amendment Bylaw No. 2931, 2022 until the following item has been obtained:

- a. Approval from the Ministry of Transportation and Infrastructure pursuant to Section 52(3)(a) of the Transportation Act (Controlled Access).

7.8 COMPLETE COMMUNITIES PROJECT INTRODUCTION - LICKER GEOSPATIAL AND MODUS PLANNING, ENGAGEMENT & DESIGN

239 - 249

The presentation from the Licker Geospatial and Modus Planning, Engagement & Design re: Complete Communities Project Introduction has been received.

8. ENVIRONMENTAL SERVICES

No items.

9. RURAL ADMINISTRATION

No items.

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, September 11, 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 C. Graham	Electoral Area E
Director H. Cunningham	Electoral Area G - In-person
Director W. Popoff	Electoral Area H – In-person
Director A. Davidoff	Electoral Area I
Director H. Hanegraaf	Electoral Area J - In-person
Director T. Weatherhead	Electoral Area K – In-person

COMMITTEE MEMBERS

ABSENT

Director A. Watson	Electoral Area D
Director T. Newell	Electoral Area F

GUEST DIRECTORS

Director K. Page	City of Nelson
Director D. Lockwood	Village of Salmo
Director L. Main	Village of Silverton

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	Building Manager
D. Carmichael	Building Services Administrative Assistant
Z. Giacomazzo	Planner
S. Johnson	Planner
C. Scott	Planner

S. Chezenko

Planner

A. Grant

Grant Coordinator

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/96773779268?pwd=oEGpepVogZXinHMHXtPhbro3JsbUbU.1&from=addon>

Join by Phone:

- 833 958 1164 Canada Toll-free

Meeting Number (access code): 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 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 September 11, 2024 Rural Affairs Committee meeting be adopted as circulated.

Carried

Moved and seconded,

And resolved:

Director Page have freedom of the floor.

Carried

5. RECEIPT OF MINUTES

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

6. DELEGATIONS

Item 7.2 – Anitra Winje

Item 7.3 – Janice & Gregory McGinn

Item 7.4 – Beryl & Lorne Haigh

Item 7.5 – Nelson Wadel & Joe Dick

DIRECTOR PRESENT: Director Graham joined the meeting at 9:04 a.m.

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

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.

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

- The delegation, Anitra Winje was present. She reviewed information from the letter, dated August 12, 2024, re: Tiny structure at 8923 Slocan West Road (BP028114), which she submitted for the meeting agenda. Ms. Winje provided background on her property and shared her concerns regarding the Notice on Title process. She signed the Filing of Section 57 Notice, confirming she has no objection to the RDCK filing a Notice of Title against her property.
- Manda McIntyre, Senior Building Official, shared that the Notice on Title was started because property owner did not submit a building permit for the structure. She answered the Committee's questions.
- Chair Jackman thanked staff and referred the recommendation to Committee for consideration.

Moved and seconded,

And resolved:

Director Main have freedom of the floor.

Carried

Moved and seconded,

And resolved 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.

Carried

7.3 DEVELOPMENT VARIANCE PERMIT - MCGINN

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.

Janice and Gregory McGinn, property owners, provided an overview to the Committee regarding their application. They provided background and plans for their property, sharing the property was a golf course that they are converting back to agriculture. They are requesting to permit a dwelling with a maximum Gross Floor Area (GFA) of 323 m².

Sadie Chezenko, Planner, answered the Committee's questions.

The Committee had a discussion regarding the application options and Gross Floor Area concerns.

Moved and seconded,

And resolved 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, Canyon and legally described as PARCEL A (REFERENCE PLAN 1132891) 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.

Carried

7.4 DEVELOPMENT VARIANCE PERMIT - HAIGH

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.

Beryl and Lorne Haigh, property owners, provided a presentation to the Committee regarding the application. They provided background on the property and are requesting the variances be approved with the Gross Floor Area (GFA) 183 m² instead of the zoning bylaw allows for a maximum GFA of 100 m² for accessory buildings. They answered the Committee's questions.

Zac Giacomazzo, Planner, answered the Committee's questions.

The Committee had a discussion regarding the application and the Gross Floor Area concerns.

Moved and seconded,

And resolved 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 183 m².

Carried

**7.5 LAND USE BYLAW AMENDMENTS - HEARTLAND MENNONITE BROTHERHOOD
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.

Nelson Wadel and Joe Dick, Heartland Mennonite Brotherhood, provided an overview to the Committee regarding the application. Mr. Wadel provided background regarding the

property and their plans for construction of a place of worship and related accessory uses.

Zac Giacomazzo, Planner, answered the Committee's questions.

The Committee had a discussion regarding the application options.

Moved and seconded,

And resolved that it be recommended to the Board:

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; AND FURTHER 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.

Carried

**RECESS/
RECONVENE**

The meeting recessed at 10:14 a.m. for a break and reconvened at 10:25 a.m.

Moved and seconded,

And resolved:

Director Lockwood have freedom of the floor.

Carried

**7.6 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

Referred August 14th, 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.

Nelson Wight, Planning Manager, provided a presentation to the Committee regarding an update on the work the department is 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 is looking for direction from the Committee. Nelson answered the Committee's questions.

The Committee had a discussion regarding the work plan and the direction they would like to go.

Moved and seconded,

And resolved 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;
- 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 – NELSON CYCLING CLUB “ENHANCING THE TRAILS PROJECT”

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.

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 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.

Carried

10. PUBLIC TIME

The Chair called for questions from the public and members of the media at 11:45 a.m.

No public or media had questions.

11. ADJOURNMENT

Moved and seconded,
And resolved:

The meeting be adjourned at 11:46 a.m.

Carried

Digitally approved

Chair Jackman, Chair



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

Digitally approved

Chair Jackman, Chair



Committee Report

Date of Report: September 23, 2024
Date & Type of Meeting: October 16, 2024 – Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2411A - May
Electoral Area/Municipality A

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) in Electoral Area ‘A’. The applicant is seeking this variance to authorize the construction of a boathouse on their property near Kootenay Lake. The boathouse is proposed to be 0.2 meters from the rear lot line whereas the bylaw requires that all buildings be setback a minimum of 2.5 meters.

Staff recommend that the Board approve this DVP.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Property Owner(s): Bevan and Rhonda May
Property Location: 10377 Highway 3A, Sanca, Electoral Area ‘A’
Legal Description: LOT A DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN EPP129647 (PID: 032-204-451)
Property Size: 1.24 hectares (3.06 acres)
Current Zoning: Country Residential (R2)
Current Official Community Plan Designation: Country Residential (RC)

SURROUNDING LAND USES
North: Resource Area (RA)
East: Resource Area (RA)
South: Resource Area (RA)
West: Resource Area (RA)

Background Information and Development Proposal

The subject property is located in Electoral Area ‘A’ on the west side of Highway 3A between Sanca and Kuskanook. This property is zoned Country Residential (R2) under Electoral Area ‘A’ Comprehensive Land Use Bylaw No. 2315, 2013. The 1.24 hectare property is presently being used for residential purposes. An accretion was completed in August 2023 which confirmed the location of the natural boundary.

The applicants are requesting to vary Section 16.17 of Electoral Area ‘A’ Comprehensive Land Use Bylaw No. 2315, 2013 in order to reduce the setback at the rear lot line from 2.5m to 0.2m. This variance is being requested to permit the construction of a 57m², single-storey boathouse.

If this DVP is issued, an Environmentally Sensitive Development Permit (EDSP) would need to be issued prior to the issuance of a Building Permit and construction. Boathouses are exempt from both the Floodplain Setbacks and the Flood Construction Levels specified in Floodplain Management Bylaw No. 2080, 2009 provided that they are not used for Habitable Area and the land owner has registered a covenant in favour of the Province and the Regional District of Central Kootenay which states that the deck or boathouse will not be used as a Habitable Area.



Figure 1: Overview Map

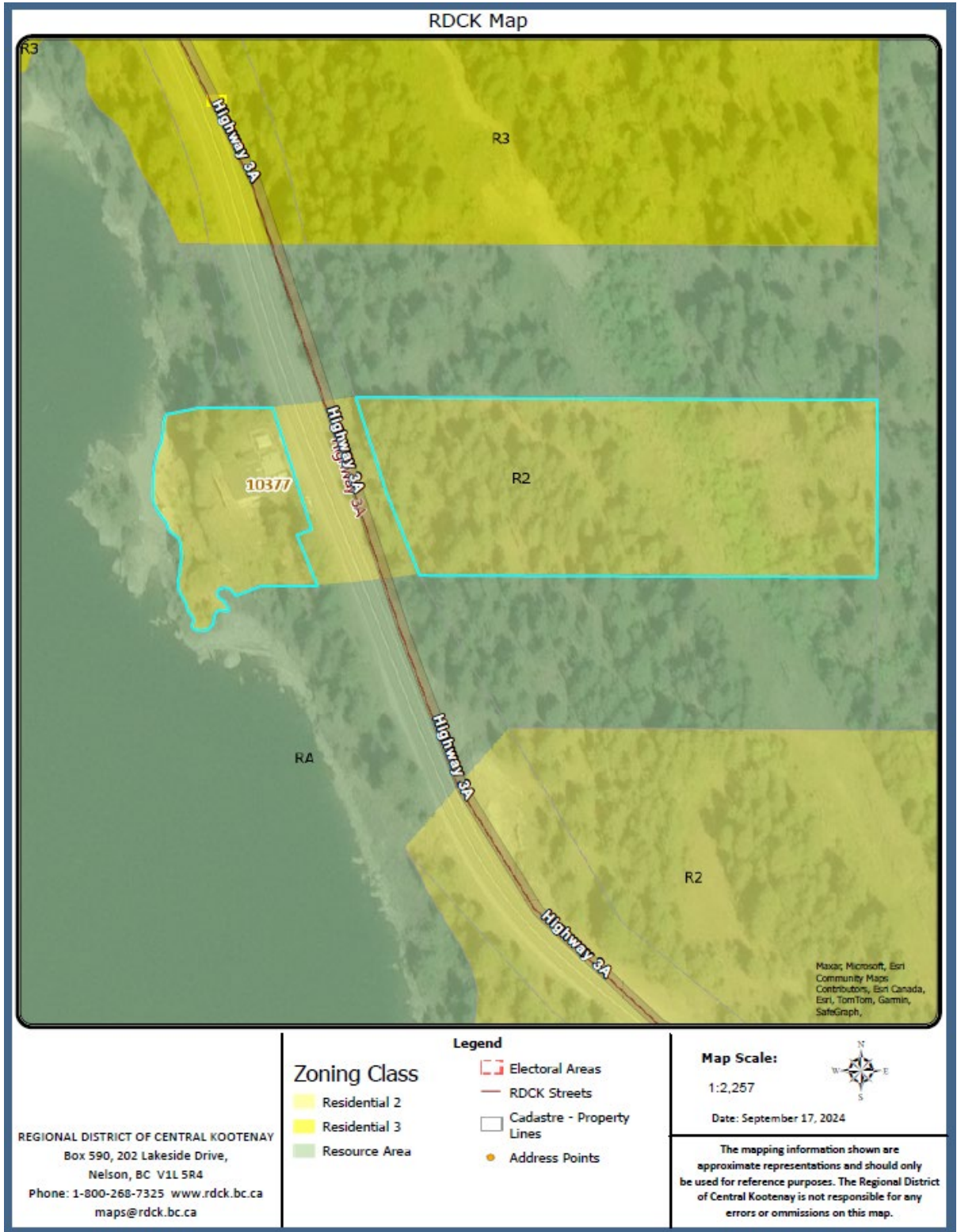


Figure 2: Zoning Map

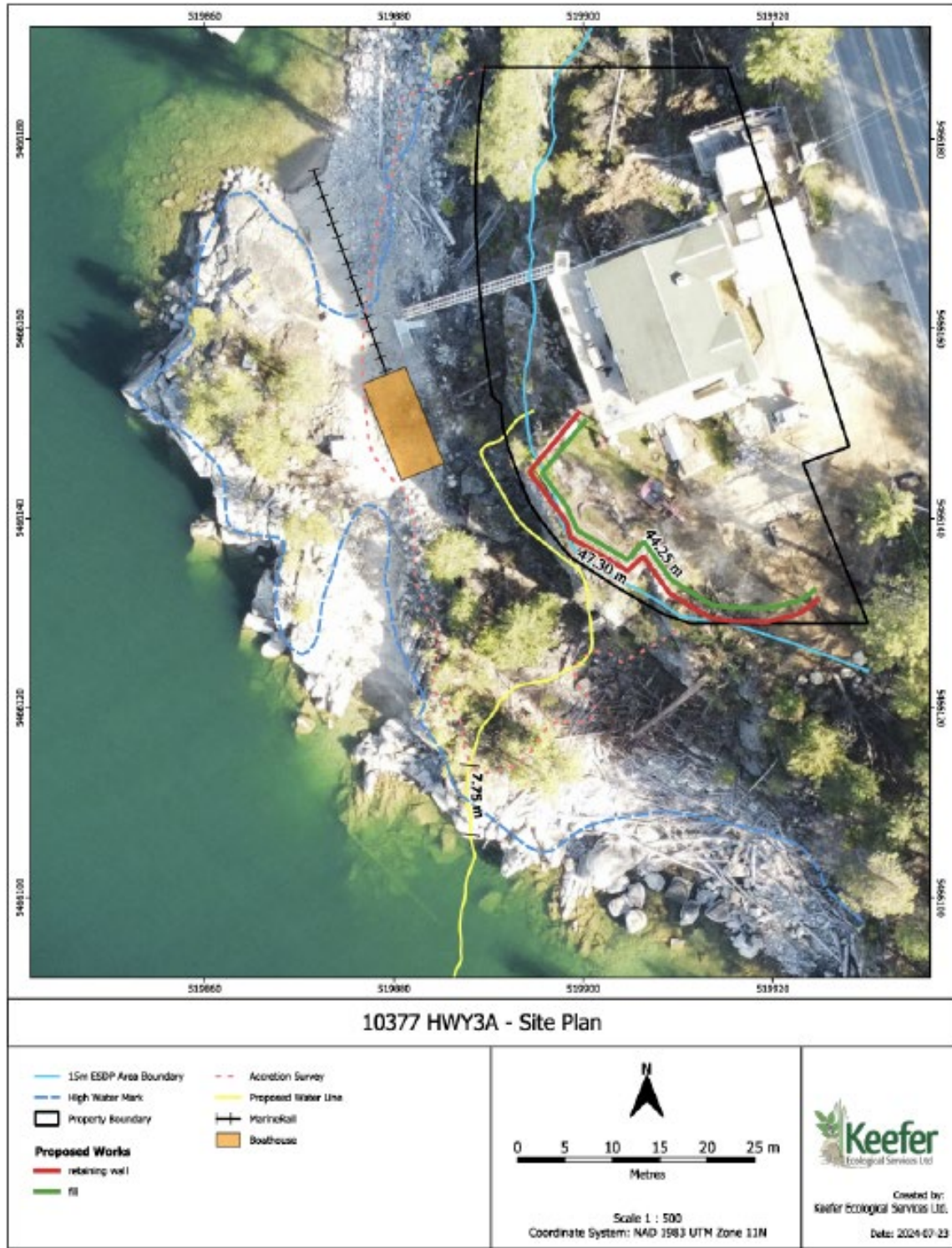


Figure 3: Site Plan

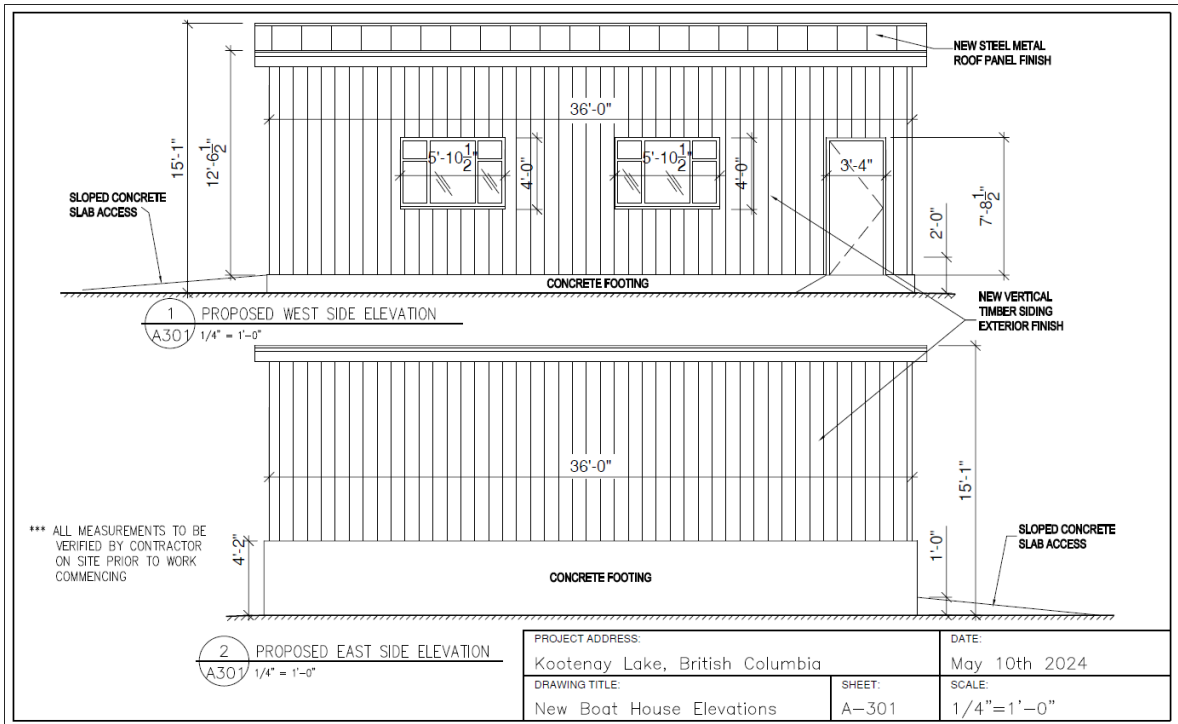


Figure 4: Boathouse Plan (1)

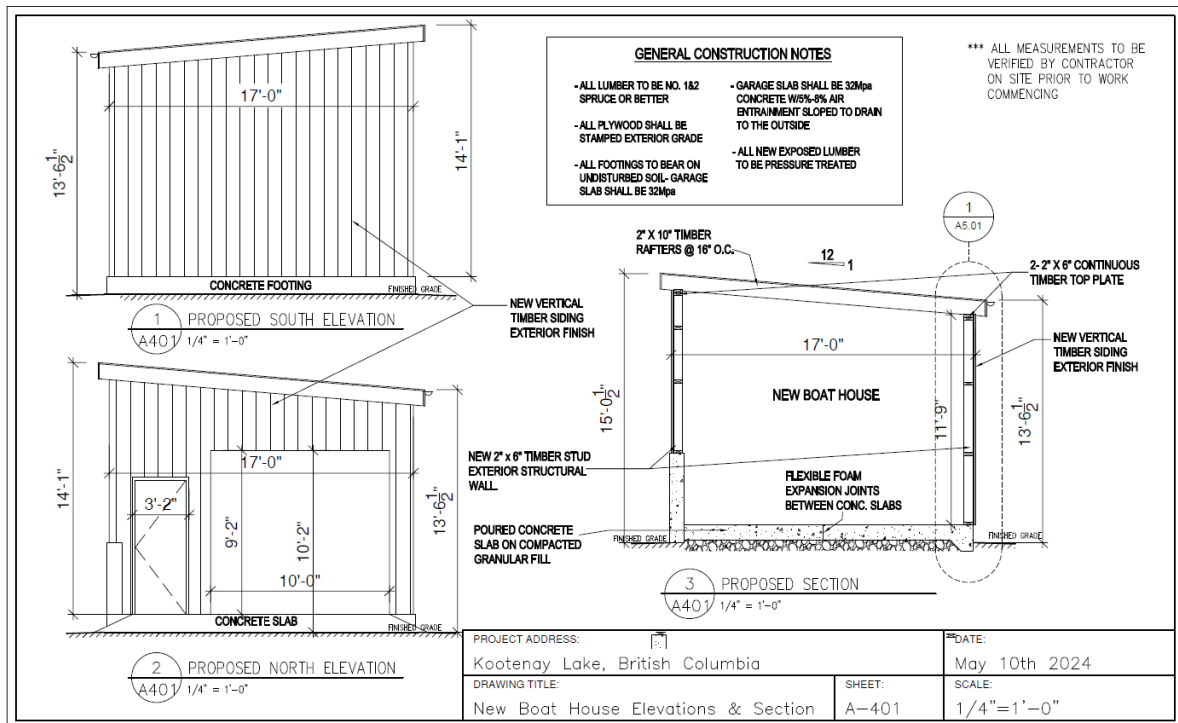


Figure 5: Boathouse Plan (2)

Planning Policy

Relevant General Residential Objectives

1. To minimize conflict between housing and other adjacent non-residential land uses.
2. To encourage residential development that is compatible with neighbouring properties

Relevant Country Residential (RC) Policies

The Regional Board:

1. Directs that the principal use shall be one-family or two-family dwellings.

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):

Section 18.17 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 indicates that no principal or accessory building or structure except a fence may be located within 7.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line.

Section 498 of the Local Government Act gives authority to vary provisions of a zoning bylaw provided that they do not affect use and density.

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, the Area 'A' Advisory Planning and Heritage Commission, other government agencies and surrounding property owners. No responses were received from the surrounding property owners. The following responses were received from departments, agencies and the APHC:

Archaeology Branch

According to Provincial records, there are no known archaeological sites recorded on the subject property. However, given the lot's waterfront location and its proximity to a previously recorded archaeological site, there is high potential for a previously unidentified archaeological site to exist on the property.

Archaeology Branch Advice

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

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

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

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

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

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.

Area 'A' Advisory Planning and Heritage Commission

That the Area A Advisory Planning Commission SUPPORT the Development Variance Permit Application to Bevan and Rhonda May for the property located 10377 Highway 3A, Sanca, and legally described as LOT A DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN EPP129647

BC Hydro

This area is serviced by Fortis not BC Hydro. BC Hydro does not have any plant in the area so therefore no objection.

Fortis BC

Land Rights Comments

- *There are no immediate concerns or requests for additional land rights based on the plans provided.*

Operational & Design Comments

- *There are FortisBC Electric ("FBC(E)") primary distribution and transmission facilities bisecting the subject property. The existing FBC(E) facilities do not appear to be affected by the proposed subdivision.*
- *For any changes to the existing service, the applicant must contact an FBC(E) designer at 1-866-4FORTIS (1-866-436-7847) for more details regarding design, servicing solutions, and land right requirements.*

Ministry of Water, Land and Resource Stewardship (1)

The proposed boathouse will be on an environmentally sensitive riparian area, and we would like the opportunity to provide a more detailed review when the Environmentally Sensitive Development Permit is applied for. At that time, we would hope for more detailed design information to be provided. If you have any questions, please direct them to Steven.Arndt@gov.bc.ca.

Ministry of Water, Land and Resource Stewardship (2)

Thank you for the opportunity to review and comment on this referral. The site plan indicated an accretion survey boundary. It is unclear if the accretion survey has been approved and registered with the Land Title Office. The accretion survey should be registered prior to the approval of any development permits on the subject parcel. Additionally, the site plan indicated there will be boat rails on the foreshore which is untitled Crown Land. If the accretion survey is not approved and registered, the boathouse would also be on Crown Land. As of August 13, 2024, no application has been submitted to or received by FrontCounter BC and the Ministry of WLRS. Authorization is required prior to any construction on Crown Land. Any work, improvements or other forms of modification on Crown Land are prohibited and subject to Compliance and Enforcement action. There is currently no tenure on the foreshore of the subject property. If the boat rails, or any other improvements, are already in place, they are in trespass.

Staff note: The accretion has been completed and the applicant has noted that a schedule 11 application will address any concerns related to work around the water body for the marine rail system installation.

Ministry of Water, Land and Resource Stewardship (3)

Permitting Transformation Division (Water Authorizations) staff of the Ministry of Water, Land and Resource Stewardship (WLRS) have reviewed information provided in RDCK Referral V2411A and provide the following comments at this time.

1. It is understood that a 2023 survey (i.e., EPP129647) updated the location of the Natural Boundary of Kootenay Lake as shown on the 1961 survey plan (i.e., NEP4523) and the surveyed Natural Boundary is coincident with the rear property line. From a Water Sustainability Act (WSA) perspective, the boathouse must be placed on private land and above the Natural Boundary of Kootenay Lake and, should the requested variance (i.e., 0.2 metres from the rear property boundary) be approved, the proposed boathouse would be sited in compliance with the WSA. Given the short distance from the boathouse to the rear property line, it is recommended a BC Land Survey (BCLS) professional be retained to mark the rear property boundary to ensure correct siting.

2. A marine rail is proposed to be constructed between the boathouse and lake. A portion of the marine rail is located below the Natural Boundary of Kootenay Lake and, as such, a Change Approval application in accordance with section 11 of the WSA is required. The proponent should place an application with FrontCounterBC as soon as possible as Water Authorizations in the Kootenay Boundary Region has a significant backlog and processing of the application may take considerable time.

3. A portion of the marine rail is located on Crown Land and placement of the marine rail on Crown Land requires an Authorization in accordance with Land Act. It is noted that a "general permission" may be granted for ocean, lake and river docks located on aquatic Crown land. As long as a person constructs and uses their dock in accordance with the terms and conditions contained in the General Permission (https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/general_permission_checklist_and_interpretive_guide.pdf) the dock is deemed to be authorized and Crown land application is not required. The applicant should review the above noted information to determine if the proposed marine rail is considered a dock and, if so, it meets the general permission requirements. If the marine rail is considered a dock, but the general permission requirements are not met then an application for a Specific Permission (or possibly a lease) will be required to be submitted to the Authorizing Agency before the dock can be authorized. If the marine rail is not considered a dock, then an application for Crown Tenure for placement of the marine rail would be required. (Note the above is provided for information purposes only and Water Stewardship staff are not familiar with details of the Land Act. It is the applicant's responsibility to ensure proposed works meet all regulatory requirements and it is recommended the applicant explore all regulatory requirements, including the provincial Land Act, to further inform the proposal.) Should you wish to discuss further, please contact Rod Shead, Licensed Authorizations Officer, WLRS at 778-463-5601.

Ministry of Transportation and Infrastructure

Thank you for the opportunity to comment on this variance. MoTI has no concerns with proposed setback revision on the lake side of the property. The property must still adhere to MoTI's 4.5m setback where they front MoTI right of way.

RDCK Building Department

1- The proposed building location could require a Geotechnical Engineer

2- Accessory buildings greater than 55 sqm in size require a frost protected foundation unless the entire building location is on solid bedrock. A part 4 engineered design for frost protection measures can also be provided if the building is over 55sqm and not on solid bedrock

3- Survey required

RDCK Emergency Management

No concerns from the Emergency Management point of view.

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. An Environmentally Sensitive Development Permit and Building Permit would then be required prior to constructing the accessory structure. Single-storey boathouses are exempt from both the Floodplain Setbacks and the Flood Construction Levels specified in Floodplain Management Bylaw No. 2080, 2009 provided that they are not used for Habitable Area and the land owner has registered a covenant in favour of the Province and the Regional District of Central Kootenay which states that the deck or boathouse will not be used as a Habitable Area.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Planning staff support the issuance of this DVP since:

- The site's topography constrains other possible sites for a boathouse
- The proposed site is a previously disturbed area without vegetation thereby ensuring minimal environmental impact
- There has been no opposition or feedback from surrounding landowners in response to the notice of proposal sign posted on the subject property or the notice of application that was sent by mail.
- The form and character of the surrounding residential area will not be impacted by the request to reduce the setback
- The proposal is consistent with all other applicable zoning regulations in Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013

Based on the above, staff recommend that the Board approve the issuance of the Development Variance Permit Application.

Option 1

That the Board APPROVE the issuance of Development Variance Permit V2411A to Bevan and Rhonda May for the property located at 10377 Highway 3A and legally described as LOT A DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN EPP129647 (PID: 032-204-451) to vary Section 18.17 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to permit a 0.2 metre setback from the western interior lot line whereas the bylaw requires a 2.5 metre setback from an interior lot line.

Option 2

That the Board NOT APPROVE the issuance of Development Variance Permit V2411A to Bevan and Rhonda May for the property located at 10377 Highway 3A and legally described as LOT A DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN EPP129647 (PID: 032-204-451) to vary Section 18.17 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to permit a 0.2 metre setback from the western interior lot line whereas the bylaw requires a 2.5 metre setback from an interior lot line.

SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2411A to Bevan and Rhonda May for the property located at 10377 Highway 3A and legally described as LOT A DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN EPP129647 (PID: 032-204-451) to vary Section 18.17 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to permit a 0.2 metre setback from the western interior lot line whereas the bylaw requires a 2.5 metre setback from an interior lot line.

Respectfully submitted,



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 'A' Comprehensive Land Use Bylaw No. 2315, 2013*



Development Variance Permit

V2411A (May)

Date: September 16, 2024

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

TO: Bevan and Rhonda May

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: 10377 Highway 3A, Sanca, Electoral Area 'A'

Legal: LOT A DISTRICT LOT 4595 KOOTENAY DISTRICT PLAN EPP129647 (PID: 032-204-451)

CONDITIONS

5. Development Variance

Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013, Section 18.17 is varied as follows:

From:

Unless otherwise stated, no principal or accessory building or structure except a fence may be located within 7.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line.

To:

Unless otherwise stated, no principal or accessory building or structure except a fence may be located within 7.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line except the rear lot line which is reduced to 0.2 meters to permit a boathouse

As shown on Schedule '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 17th day of October, 2024.

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

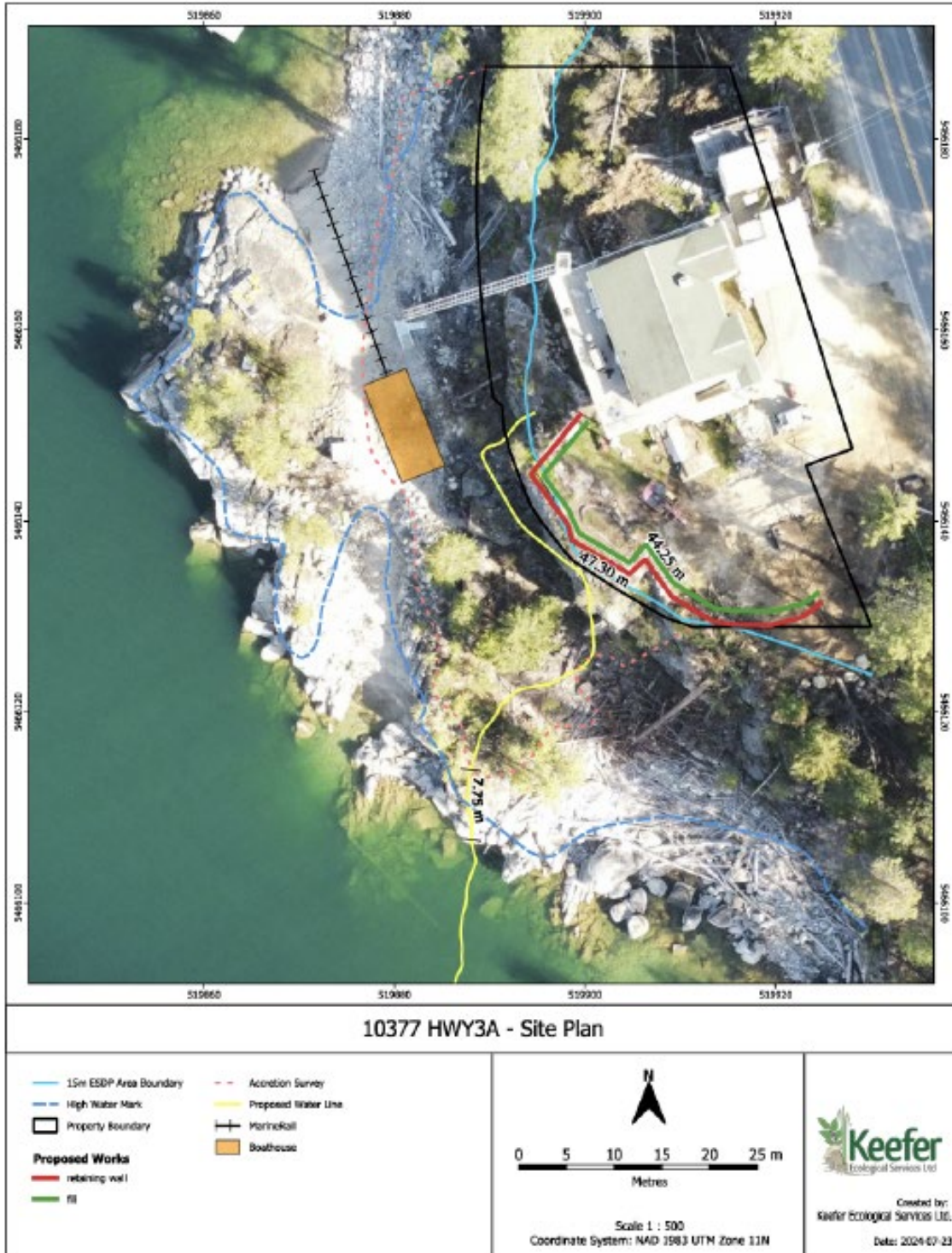
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 2: Site Plan



allow property owners to legitimize the structure as long as no lot is reduced in lot size.

Subdivision Servicing Requirements

14. All subdivisions shall comply with the provisions of the *Local Services Act* and the Subdivision Regulations thereto.
15. All subdivisions shall be in full compliance with any Regional District of Central Kootenay Subdivision Bylaw currently in effect for the area.
16. All subdivisions shall comply with the *Drinking Water Protection Act*, the *Health Act* and the *Waste Management Act*.

Setback Requirements

17. Unless otherwise stated, no principal or accessory building or structure except a fence may be located within 7.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line. Lands on the Kootenay Lake side of Highway 3A shall be permitted a 3.0 metre setback from front or exterior side lot line due to general topographical constraints, subject to approval by the Ministry of Transportation and Infrastructure.
18. Despite sub-section 17, buildings or structures shall be setback a minimum of fifteen (15) metres from lot lines adjacent to the Agricultural Land Reserve.
19. Unless otherwise stated, no portable sawmill may be located within 100 metres from a property line.
20. Despite sub-section 17, on all lots less than 0.2 hectares in area, the minimum setback to front or exterior lot lines shall be 4.5 metres, with the exception of lots on the Kootenay Lake side of Highway 3A that shall be permitted a 3.0 meter setback from front or exterior side lot lines due to general topographical constraints, subject to approval by the Ministry of Transportation and Infrastructure.

Setback Exceptions

21. Where the top surface of an underground structure projects no more than 0.6 metre above the average finished ground elevation, that structure may be sited in any portion of a lot.
22. Freestanding lighting poles, warning devices, antennae, masts, solar collectors, utility poles, wires, flagpoles, up to ten (10) metres in height may be sited on any portion of a lot.
23. Where chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, or ornamental features project beyond the face of the building, the minimum distance to an abutting lot line as permitted elsewhere in this bylaw may



Committee Report

Date of Report: September 16, 2024
Date & Type of Meeting: October 16, 2024, Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2408I - Gerrard c/o Ben Gordon
Electoral Area/Municipality |

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. The subject property is located at 1970 Pass Creek Road in Electoral Area '1'.

This Development Variance Permit (DVP) seeks to vary certain regulations pertaining to the size and height of accessory buildings. Specifically, the applicant seeks permission through this application to construct an 446 m² (4,800 sqft), two-storey accessory building containing a shop, storage area, garage and accessory dwelling unit, where the zoning bylaw regulations would permit one less than half that size.

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

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owners: Daniel, Ralph and Katty Gerrard
Applicant: Ben Gordon
Property Location: 1970 Sandy Road, Pass Creek, Electoral Area '1'
Legal Description: LOT 32 DISTRICT LOT 7244 KOOTENAY DISTRICT PLAN 4784 (PID: 017-973-350)
Property Size: 0.97 hectares (2.4 acres)
Current Zoning: Country Residential I (R2I)
Current Official Community Plan Designation: Country Residential 2 (CR2)

SURROUNDING LAND USES

North: Country Residential I (R2I)
East: Country Residential I (R2I)
South: Country Residential I (R2I)
West: Country Residential I (R2I)

Background Information and Development Proposal

The subject property is located at 1970 Pass Creek Road in Pass Creek. The surrounding area is residentially zoned with the exception of one institutionally zoned parcel which is the location of the Pass Creek Community Hall. The subject property is 0.97 hectares (ha), has an existing 153 m² (1651 sqft) residence and a 20.1 m² (216

sqft) accessory structure. The applicant has stated that the aforementioned accessory structure will be removed prior to, or once the proposed building is constructed.

The applicant is requesting three variances to facilitate the development of a two-storey accessory building which is proposed to contain a shop, storage area, garage and accessory dwelling unit. The applicants state that the purpose of this building “is so that myself and my family can park our vehicles, and recreational vehicles in the organized fashion to clean up my yard so the neighbours are no longer seeing my stuff spread out across my property as well to accommodate living space.”

This Development Variance Permit (DVP) seeks to vary Sections 1201.8, 1201.9, and 1201.10 of the *RDCK’s Zoning Bylaw No. 1675* as follows:

1. **Section 1201.8** To permit an accessory building that is 9.75 metres (32 ft) in height whereas the bylaw states that the maximum height of any accessory building or structure shall not exceed 8 metres (26 ft)
2. **Section 1201.9** To permit an accessory building with a gross floor area of 446 square meters (4800 sqft) whereas the bylaw states that the maximum gross floor area of any accessory building or structure shall not exceed 200 square metres (2153 sqft)
3. **Section 1201.10** To permit a cumulative gross floor area of all accessory buildings or structures 466.1 square meters (5017 sqft) whereas the bylaw states that the cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres (4306sqft).

Section	Regulation	Permitted	Proposed
1201.8	Height	8.0 m (26.2 ft)	9.75 m (32 ft)
1201.9	GFA	200 m ² (2153 sqft)	446 m ² (4800 sqft)
1201.10	Cumulative GFA	400 m ² (4306 sqft)	466.1 m ² (5017 sqft)

For clarity, *Zoning Bylaw No. 1675* defines GFA as the following:

GROSS FLOOR AREA (G.F.A) means the sum of the horizontal areas of each storey of the building measured from the exterior faces of the exterior walls. The gross floor area measurement is exclusive of areas of crawl spaces, unfinished attics, attached garages, carports, and unenclosed porches, balconies and terraces;

Although not calculated in the GFA, the proposed building’s roof structure will extend 4.57 m (15 ft) on each side and 3m (10ft) at the front. This will create two covered areas on each side as can be seen in figures 4, 5, 6 and 8. As such, the roof structure will cover 715 m² (7700 sqft). This area is not included in the GFA calculation but will contribute to the overall massing of the structure and is considered “building area” under the BC Building Code.



Figure 1: Overview Map

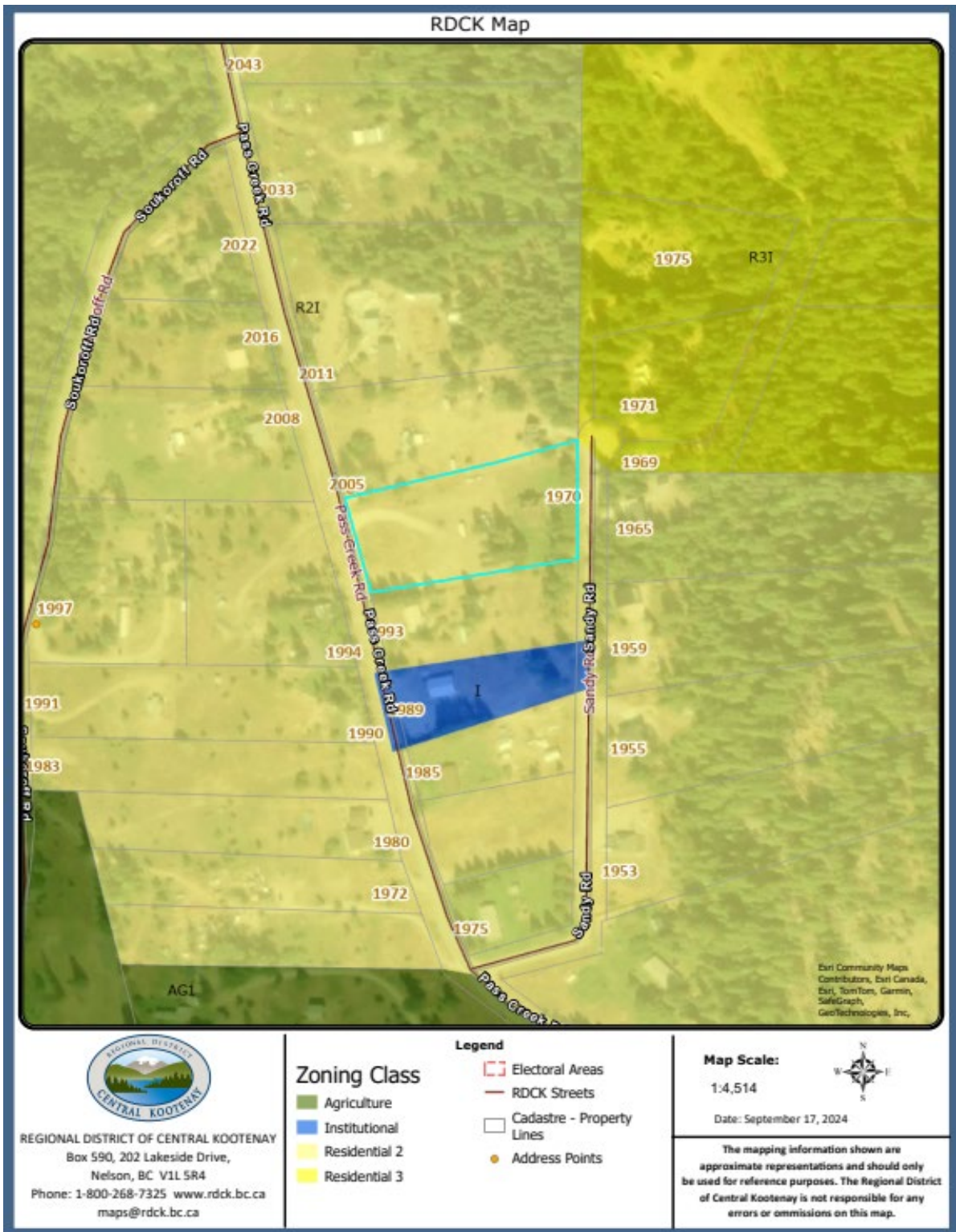


Figure 2: Zoning Map

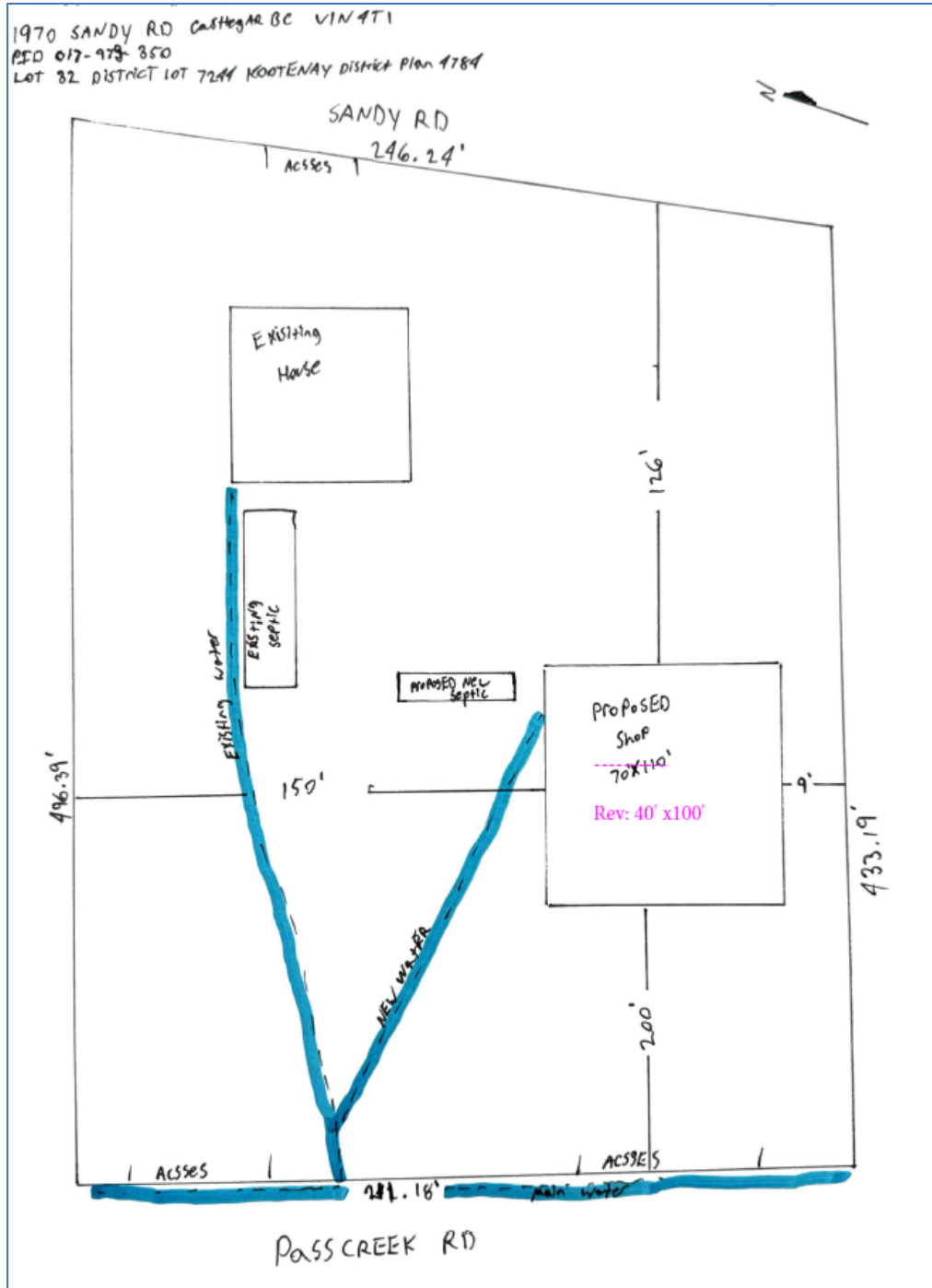


Figure 3: Site Plan

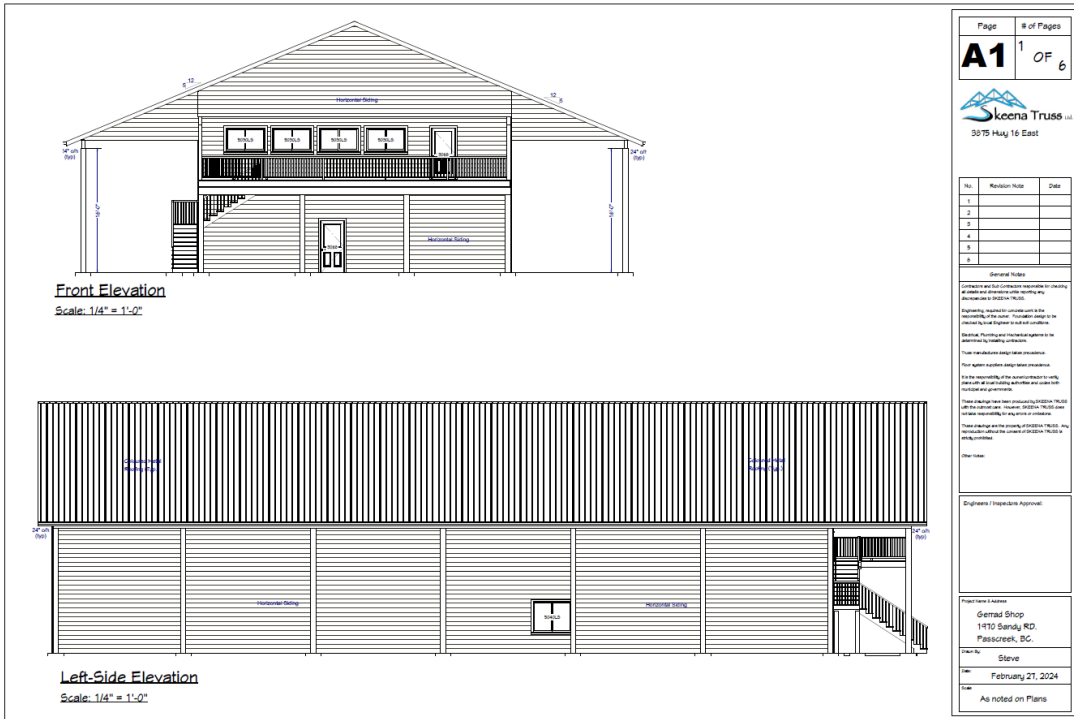


Figure 4: Building Plans 1

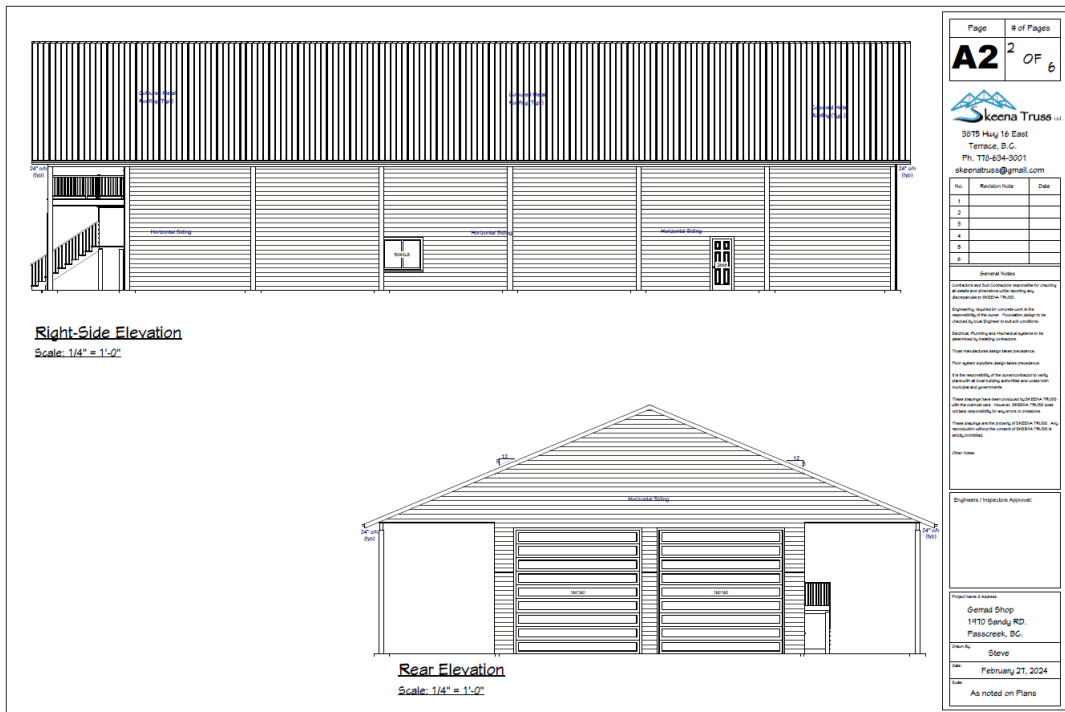


Figure 5: Building Plans 2

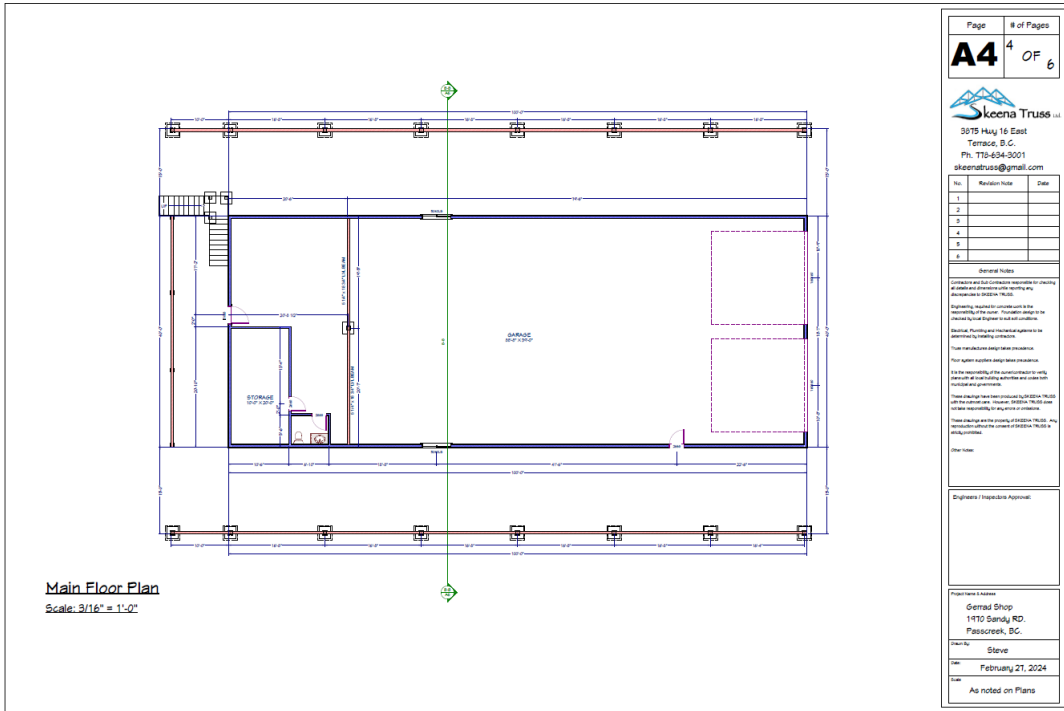


Figure 6: Building Plans 3

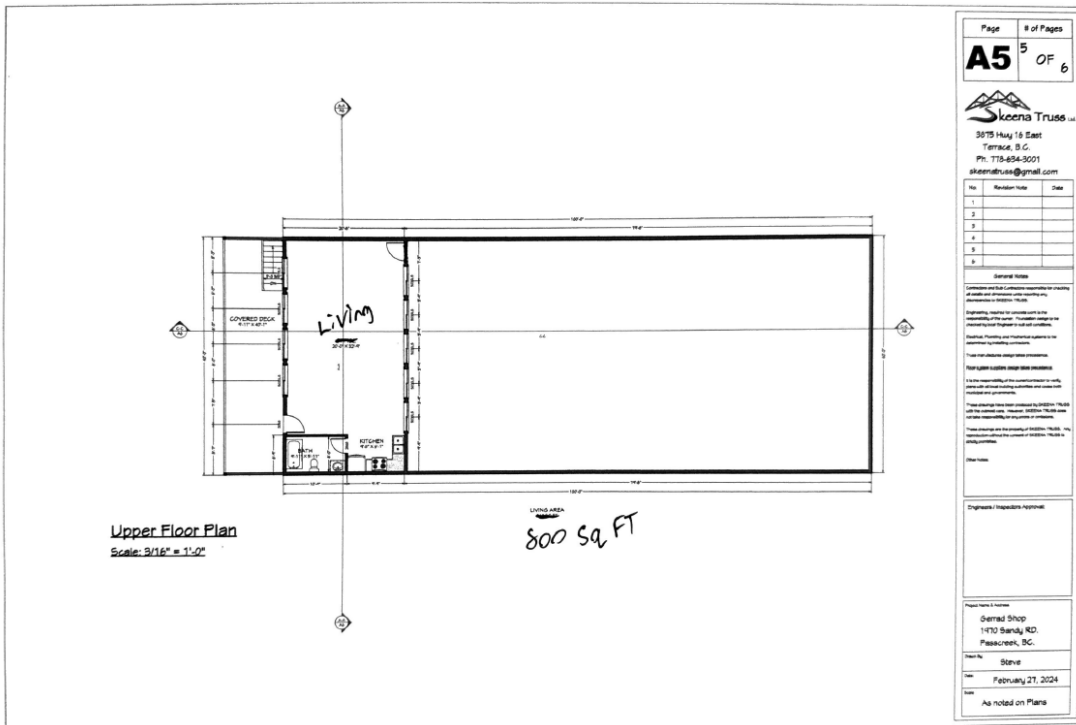
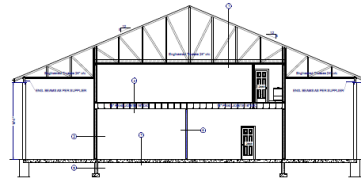


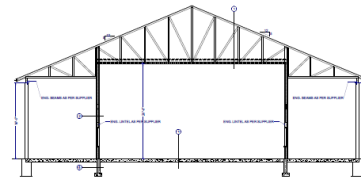
Figure 7: Building Plans 4

Specifications / General Assemblies

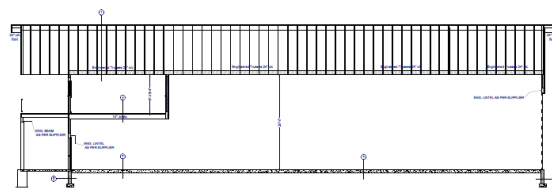
- 1) **Roof Construction**
 Metal Roofing
 underlayment to code
 1/2" Plywood Roof Sheathing
 Engineered Roof Trusses @ 24" o/c
 R-50 fiberglass blown insulation
 6 mil poly V.B.
 5/8" drywall
- 2) **Exterior Wall Construction**
 Smart Siding / Trim Package
 House Wrap
 3/8" OSB wall sheathing
 R-24 batt insulation
 2x6 studs @ 24" o/c
 1/2" drywall
 6 Mil V.P.
- 3) **Eave Construction**
 Metal Fascia Wrap On 2" x 4" Sub - Fascia
 Vented Metal Soffit
 Eavesstrough & downspouts
- 4) **Floor Construction**
 Finish Floor
 3/4" Engineered OSB T&G sheathing
 (glued Nailed & screwed)
 14" Engineered TJI Floor System @ 16"
- 5) **Foundation Construction**
 6" Concrete Wall
 Damp Proof Coe. Below Grade
 1/2" dia x 10" Anchor Bolts @ 48" o/c
 18" x 6" concrete strip footing
 undisturbed soil
- 6) **Interior Wall Construction**
 1/2" drywall
 2x4 studs @ 16" o/c
 1/2" drywall
- 7) **Slab Construction**
 6" concrete Minimum
 10M bar @ 24" o/c Grid (Storage Only)
 Radiant In-Floor Heat (Optional)
 6 mil poly V.B. Sealed Continuous
 4" clean Radon rock
 4" Radon Pipe Accordingly
- 8) **Heating and Ventilation**
 Radiant In Concrete Floor Optional
 HRV system sized & Balanced



Section A-A
 Scale: 5/32" = 1'-0"



Section B-B
 Scale: 5/32" = 1'-0"



Section C-C
 Scale: 5/32" = 1'-0"

Page	# of Pages
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Skena Truss
 3075 Hwy 16 East
 Terrace, B.C.
 Ph. 778-604-2001
 skenatruss@gmail.com

No.	Revision	Date
1		
2		
3		
4		
5		
6		

General Notes

1. Construction shall conform to the applicable building codes and standards in effect at the time of construction. The Engineer is not responsible for any changes or omissions in the drawings after the date of issue.

2. Engineering is required to comply with the applicable building codes and standards in effect at the time of construction. The Engineer is not responsible for any changes or omissions in the drawings after the date of issue.

3. The Contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

4. The Contractor shall be responsible for providing all necessary materials and labor for the construction of the project.

5. The Contractor shall be responsible for maintaining the safety of the construction site at all times.

6. The Contractor shall be responsible for protecting the existing structures and utilities on the site.

7. The Contractor shall be responsible for providing all necessary safety equipment and personnel for the construction of the project.

8. The Contractor shall be responsible for providing all necessary site access and egress for the construction of the project.

9. The Contractor shall be responsible for providing all necessary site security for the construction of the project.

10. The Contractor shall be responsible for providing all necessary site cleanup and restoration for the construction of the project.

Other notes:

Engineer's Inspection Approval:

Project Name: **General Shop**
 1470 Sandy Rd.
 Passcreek, BC

Drawn by: **Steve**
 Date: **February 21, 2024**
 Scale: **As noted on Plans**

Figure 8: Building Plans 5



Figure 9: Subject property photo from Pass Creek Road



Figure 10: Subject property from Sandy Road



Figure 11: Subject property from Sandy Road showing proposed build site

Planning Policy

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

Country Residential 2 Policies

1. The principal use shall be residential and/or agriculture.

Area I DVP Applications Table

The following table outlines the previous DVP applications received and their decisions in Electoral Area ‘I’ in the last decade.

Year	Name	Address	Property Size	Variance Type	Building Type	Variance From	Variance To	Outcome
2024	Gerrard	1970 Sandy Road, Pass Creek	0.97 ha	Size/cumulative size/height	Accessory Building (garage/shop/ADU)	200 m2 and 400 m2 and 8.0 m	446 m2 And 466.1 m2 and 9.75 m	TBD
2023	Sperling	2464 Pass Creek Road, Pass Creek	127.6 ha	Size	Accessory Dwelling Unit	90 m2	136 m2	Issued

2022	Wheaton	2721 Jacks Crescent, Voykin Subdivision	0.59 ha	Size/height	Accessory Building (storage/shop/office)	100 m2 and 6.0 m	186 m2 and 7.62 m	Denied
2022	Tait	1915 Kalesnikoff Road, Brilliant	0.33 ha	Size/height	Accessory Building (garage/storage)	100 m2 and 6.0 m	164m2 and 7.4 m	Issued
2021	Bloodoff	833 Trubetskoff Road, Brilliant	0.26 ha	Size	Accessory Building (storage/shop)	100 m2	156 m2	Issued
2020	Marks	2528 Shoreacres Goose Creek Road, Shoreacres	0.26 ha	Height	Accessory building (storage/shop)	8.0 m	8.6 m	Issued
2020	Johnson	190 Suncrest Rd, Pass Creek	2.61 ha	Size	Accessory Building (garage/storage)	56 m2	140 m2	Issued
2019	Sherbinin	2580 Bird Road (Shoreacres)	1.01 ha	Size	Accessory Building	200m2	231 m2	Issued

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):

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

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

None anticipated.

3.5 Economic Considerations:

None anticipated.

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:

Archeology Branch

Thank you for your archaeological referral regarding 1970 Sandy Road, Pass Creek, PID 017973350, LOT 32 DISTRICT LOT 7244 KOOTENAY DISTRICT PLAN 4784. 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

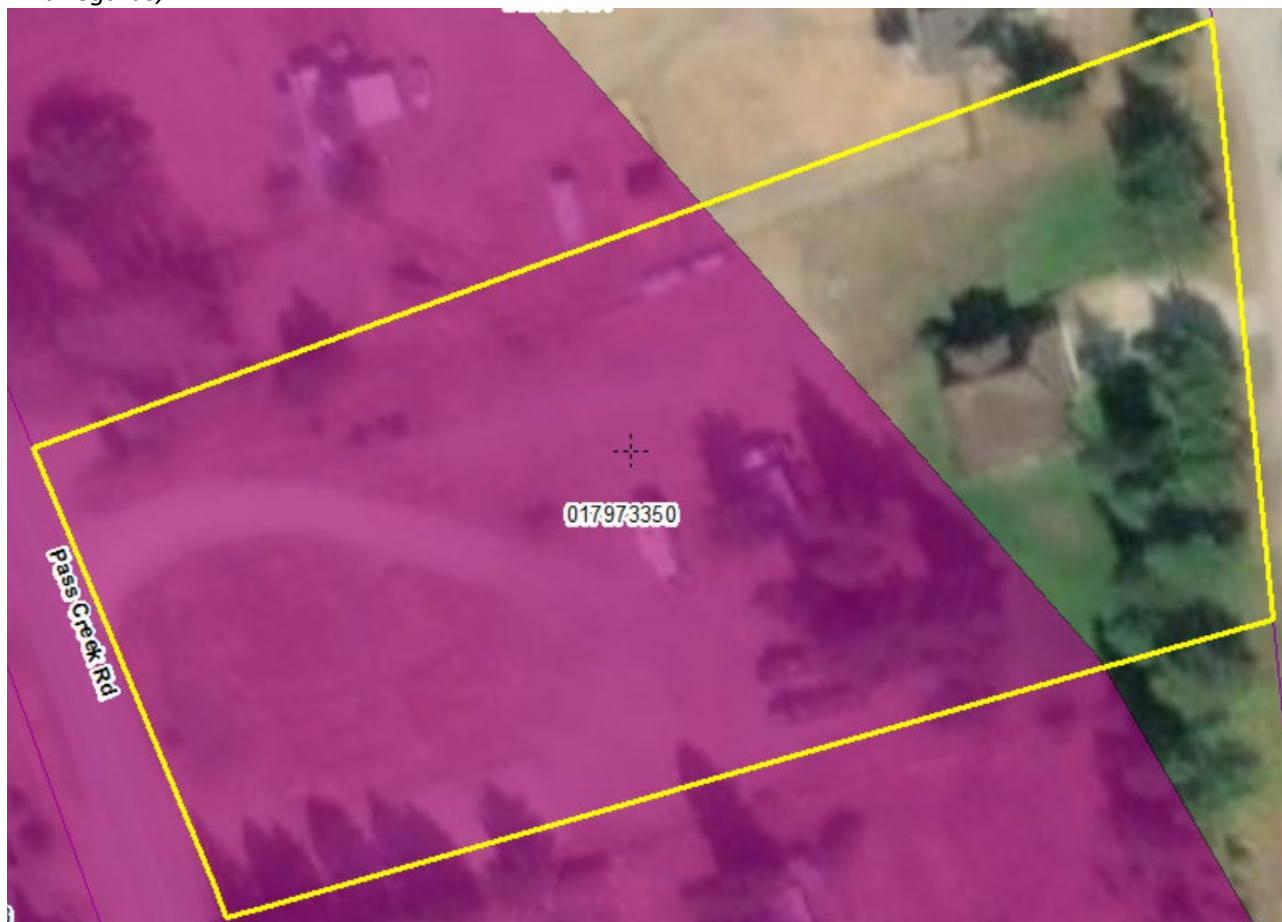
An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's 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.

Kind regards,



Please note that subject lot boundaries (yellow) and areas of archaeological potential (purple) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change. If you are experiencing difficulties viewing the layers in the above screenshot, please contact us.

Area 'I' Advisory Planning and Heritage Commission

That a recommendation be made to the Regional District Board that the Development Variance Permit application to Daniel, Ralph and Kitty Gerrard for the property located 1970 Sandy Road, Pass Creek, Electoral Area 'I' and legally described as LOT 32 DISTRICT LOT 7244 KOOTENAY LAND DISTRICT PLAN 4784 proceed to public hearing.

Staff Note: Public Hearings are not held for Development Variance Permit (DVP) applications as per the procedure outlined in the RDCK Planning Procedures and Fees Bylaw No. 2457, 2015. Opportunities for public comment on DVP applications come from the notice of proposal sign posted on the property as well as a mail out notice for neighbours within 100 metres (328 feet) of the subject property.

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 Sandy Road and Pass Creek Road*
- *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>

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

Ministry of Transportation and Infrastructure

The Ministry has no concerns with development variance application.

Ministry of Water, Land and Resource Stewardship

The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:

- 1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to.*
- 2. Changes in and about a "stream" [as defined in the [Water Sustainability Act \(WSA\)](#)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the [Water Sustainability](#)*

Regulation. Authorized changes must also be compliant with the [Kootenay-Boundary Terms and Conditions and Timing Windows](#) documents. Applications to conduct works in and about streams can be submitted through [FrontCounter BC](#).

3. No “development” should occur within 15 m of the “stream boundary” of any “stream” [all as defined in the [Riparian Areas Protection Regulation \(RAPR\)](#)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of [RAPR](#) are required to ensure that all development is compliant with [RAPR](#).

4. The federal [Species at Risk Act \(SARA\)](#) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are adversely affected by the proposed activities. The [BC Species and Ecosystem Explorer](#) website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to [Resource Inventory Standard Committee \(RISC\)](#) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific [Recovery Strategy or Management Plan](#) documents, and to ensure proposed activities will not adversely affect SEAR or their [Critical Habitat for Federally-listed Species at Risk \(Posted\)](#).

5. Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: [Natural Resource Best Management Practices - Province of British Columbia \(gov.bc.ca\)](#) and [Develop with Care 2014 - Province of British Columbia](#).

6. Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial [Wildlife Act](#) and the federal [Migratory Birds Convention Act](#). Guidelines to avoid harm to migratory birds can be found at: [Guidelines to avoid harm to migratory birds - Canada.ca](#). If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:

Bird Species Least Risk Timing Windows

Raptors (eagles, hawks, falcons, & owls) Aug 15 – Jan 30

Hérons Aug 15 – Jan 30

Other Birds Aug 1 – March 31

7. The introduction and spread of invasive species is a concern with all developments. The provincial [Weed Control Act](#) requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at:

Invasive species - Province of British Columbia. The [Invasive Species Council of BC](#) provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.

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

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

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

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

RDCK Emergency Management

No concerns.

RDCK Building Department

1. Survey will be required at the time of BP. The Architect shall review the spatial separation requirements and confirm limiting distance from adjacent property lines. As it is shown on the proposed drawings, non-combustible construction and cladding systems with a fire-resistance rating would likely be required. Fire separations between the dwelling unit and the F2- occupancy will be required – refer to Architect for additional compliance requirements.

2. Under the BCBC, and [Architects Regulation](#) (under the Professional Governance Act) Due to the sized of the building (greater than 600m²) an Architect is required to be engaged for the project to act as the Coordinating Registered Professional.

3. Sealed Architectural Drawings, [letters of Assurance](#) (LOAs).

4. As per BCBC 10.2.2.1.(1).(b) – The building shall be designed and constructed to conform to the National Energy Code for Buildings (NECB) a pre-construction compliance report is required prior to issuance of the BP, and a Post-construction compliance report prior to issuance of occupancy.

5. Due to the size of the building, a Mechanical Engineer is required to confirm compliance with Part 6 of the BCBC.

6. A Structural Engineer is required to submit sealed drawings and Schedules (letters of assurance)

7. Structural and Geotechnical Letter of Assurance (LOA) – Schedule B's are required for the projects. Based on the Structural Engineer, a geotechnical engineer may be required to confirm soil bearing capacity and foundation conditions prior to placement of concrete and may be required to submit a Schedule B and subsequent C-B for geotechnical.

8. Proof of sewer system shall be provided prior to approval of the Building Permit. Record of Sewerage system (RSS) and a Certification of Sewerage system (LOC – prior to occupancy).

Building Code Compliance:

1. *Spatial Separation and Limiting Distances: a) Limiting distance and fire department response (3.2.3 BCBC) – the RDCK has volunteered fire departments resulting in a reduced response time, all spatial separation and limiting distances described in the code clause.*

2. *Fire Department access to buildings 3.2.5.6.(1) the BCBC Article 3.2.5.5.5. Access routes shall be provided to a building so that*

a) for a building provided with a fire department connection, a fire department pumper vehicle can be located adjacent to the hydrants referred to in Article 3.2.5.15.,

b) for a building not provided with a fire department connection, a fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 90 m, and

c) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45 m

3.2.5.6. Access Route Design

1.) *A portion of a roadway or yard provided as a required access route for fire department use shall*

a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory,

b) have a centre-line radius not less than 12 m,

c) have an overhead clearance not less than 5 m,

d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m,

e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,

f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and

g) be connected with a public thoroughfare. (See Note A-3.2.5.6.(1).)

2.) *For buildings conforming to Article 3.2.2.50. or 3.2.2.58., no portion of the access route described in Sentence 3.2.2.10.(3) shall be more than 20 m below the uppermost floor level*

A-3.2.5.6.(1) Fire Department Access Route. The design and construction of fire department access routes involves the consideration of many variables, some of which are specified in the requirements in the Code. All these variables should be considered in relation to the type and size of fire department vehicles available in the municipality or area where the building will be constructed. It is appropriate, therefore, that the local fire department be consulted prior to the design and construction of access routes.

The Building Department may request more documentation and clarification after the submission of the Building Permits (prior to issuance), upon review of your applications.

RDCK Fire Services

I am very concerned that they are proposing a warehouse size structure on a residential and then making it over 9 meters tall. I see all sorts of problems for a fire prospective. The fuel load would be tremendous and the height is beyond our capabilities. From a Fire Prevention standpoint, I am firmly against this proposal and do not support a variance that is this excessive.

3.7 Staffing/Departmental Workplace Considerations:

Should the Board support 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 for the construction of the building.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS & PROS / CONS

In several previous meetings with the applicant, Staff have recommended against this application coming forward to the Board for consideration in its current form. However, the applicant has insisted we do so. Our opposition to it coming forward in its current form is because the requested variances seek to permit a building far in excess of the size limits that would be considered "accessory". In addition to this excessive building size, the presence of commercial vehicles onsite suggests that the building is intended for commercial/industrial purposes. Since DVP's cannot vary use, a rezoning application--as opposed to a DVP application--would be the recommended path to seek approval from the Board to build this building in this location. That said, Staff have indicated that they would recommend against rezoning this site to and industrial or commercial use, and would recommend locating the activity to an area that would be more suitable, as opposed to this residential area.

Planning staff do not support the issuance of this DVP based on the following rationale:

- Accessory means a use or structure naturally and normally incidental, subordinate and devoted to the principal use or structure and located on the same lot or site". This proposed building cannot be considered an accessory building due to its size, and that resulting conflict with the zoning bylaw cannot be resolved through approval of a development variance permit
- The size and massing of the building is excessive:
 - The GFA of the proposed building is over twice the size of what the zoning permits for any individual accessory building
 - The GFA of the proposed building is larger than what is permitted for all accessory buildings combined
 - The large roof structure and overhangs will result in the building's massing appearing to be significantly larger than what is calculated in the GFA. The proposed "building area" is 715 m2 (7700 sqft)
- The variance being requested is not minor in nature:
 - The proposed building's GFA will be nearly three times larger than the GFA of the existing residence
 - It appears that the intention is to continue or intensify commercial/industrial activities, which would be better located in an area that better supports those uses and does not present conflict with the surrounding residential neighbourhood
- The proposal is incompatible with surrounding uses and will create a large visual impact:
 - Although there are trees on the east side of the property near Sandy Road, the building would be readily visible from Pass Creek Road as well as the neighbouring properties as the lot is 0.97 ha and is relatively flat and open

- The form and character of the proposed building is not consistent with the surrounding low density residential area
- The safety concerns:
 - RDCK fire services has concerns with the proposal due to the fuel load and building height

Option 1:

That the Board NOT APPROVE the issuance of Development Variance Permit V2408I to Daniel, Ralph and Katty Gerrard c/o Ben Gordon for the property located at 1970 Sandy Road and legally described as LOT 32 DISTRICT LOT 7244 KOOTENAY DISTRICT PLAN 4784 (PID: 017-973-350) to vary Section 1201.8, 1201.9, and 1201.10 of the *Regional District of Central Kootenay's Zoning Bylaw No. 1675, 2004* to permit, as follows:

1. To permit an accessory building that is 9.75m in height whereas the bylaw states that the maximum height of any accessory building or structure shall not exceed 8 metres
2. To permit an accessory building with a gross floor area of 446 square meters whereas the bylaw states that the maximum gross floor area of any accessory building or structure shall not exceed 200 square metres
3. To permit a cumulative gross floor area of all accessory buildings or structures of 466.1 square metres whereas the bylaw states that the cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres

Option 2:

That the Board APPROVE the issuance of Development Variance Permit V2408I to Daniel, Ralph and Katty Gerrard c/o Ben Gordon for the property located at 1970 Sandy Road and legally described as LOT 32 DISTRICT LOT 7244 KOOTENAY DISTRICT PLAN 4784 (PID: 017-973-350) to vary Section 1201.8, 1201.9, and 1201.10 of the *Regional District of Central Kootenay's Zoning Bylaw No. 1675, 2004* to permit, as follows:

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3. To permit a cumulative gross floor area of all accessory buildings or structures of 466.1 square metres whereas the bylaw states that the cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres

SECTION 5: RECOMMENDATIONS

That the Board NOT APPROVE the issuance of Development Variance Permit V2408I to Daniel, Ralph and Katty Gerrard c/o Ben Gordon for the property located at 1970 Sandy Road and legally described as LOT 32 DISTRICT LOT 7244 KOOTENAY DISTRICT PLAN 4784 (PID: 017-973-350) to vary Section 1201.8, 1201.9, and 1201.10 of the *Regional District of Central Kootenay's Zoning Bylaw No. 1675, 2004* to permit, as follows:

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3. To permit a cumulative gross floor area of all accessory buildings or structures of 466.1 square metres whereas the bylaw states that the cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres

Respectfully submitted,



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



Development Variance Permit

V2408I (Gerrard c/o Gordon)

Date: September 16, 2024

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

TO: Daniel, Ralph and Katty Gerrard

AGENT: Ben Gordon

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: 1970 Sandy Road, Pass Creek

Legal: LOT 32 DISTRICT LOT 7244 KOOTENAY DISTRICT PLAN 4784

PID: 017-973-350

CONDITIONS

5. Development Variance

Regional District of Central Kootenay Zoning Bylaw no. 1675, 2004, Section 1201.8, 1201.9 and 1201.10 is varied as follows:

Section 1201.8

From: The maximum height of any accessory building or structure shall not exceed 8 metres.

To: The maximum height of any accessory building or structure shall not exceed 9.75 metres.

Section 1201.9

From: The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.

To: The maximum gross floor area of any accessory building or structure shall not exceed 446 square metres.

Section 1201.10

From: The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

To: The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

as shown on Schedule '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 17th day of October, 2024.

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

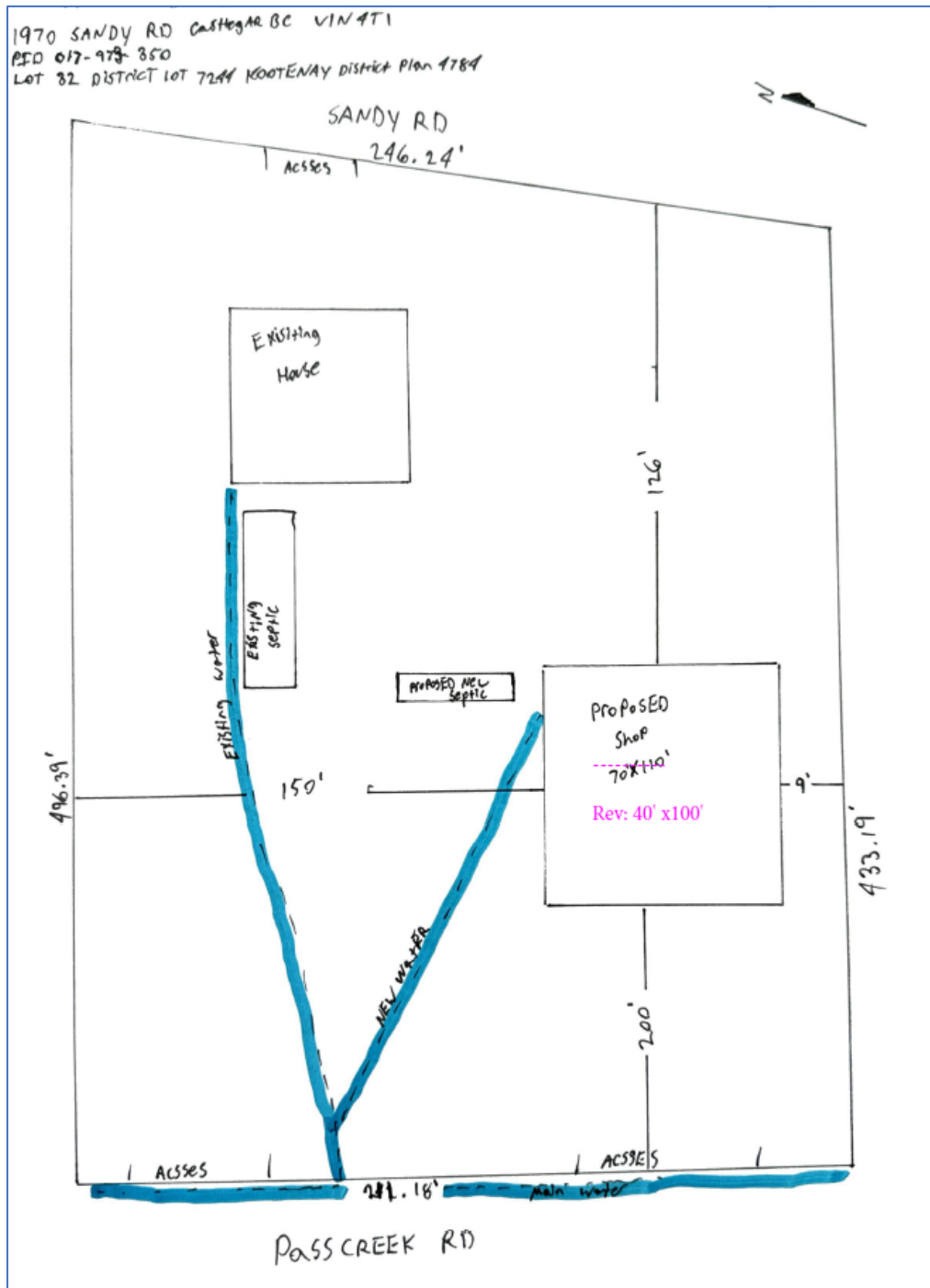
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 2: Site Plan



Permitted Uses

1200 Land, buildings and structures in the Country Residential I (R2I) zone shall be used for the following purposes only:

Dwellings:

- Single Detached Housing
- Duplex Housing

Horticulture

Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit
- Accessory Tourist Accommodation
- Home Based Business
- Keeping of Farm Animals
- Sale of Site Grown Farm Products
- Portable Sawmills for processing of material harvested on site only

Development Regulations

1201

- 1 The minimum lot size is 1.0 hectare.
- 2 The maximum density is 2 Dwelling Units.
- 3 The minimum lot size for a parcel subdivided for a relative under Section 514 of the *Local Government Act* with the approval of the Interior Health Authority shall be 0.8 hectare.
- 4 The maximum site coverage permitted shall be 50 percent of the lot area.
- 5 The keeping of farm animals shall comply with the requirements of section 613.
- 6 Portable sawmills shall be located a minimum of 30 metres from any property line.
- 7 *Deleted by Bylaw 2757.*
- 8 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 9 The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.
- 10 The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.



Committee Report

Date of Report: August 28, 2024
Date & Type of Meeting: October 07, 2024, Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: Non Farm Use in the Agricultural Land Reserve
File: A2402B – Blackmore
Electoral Area/Municipality B

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Board to consider an Agricultural Land Commission (ALC) application for a Non-Farm Use within the Agricultural Land Reserve (ALR) in Electoral Area ‘B’.

The applicant is proposing to place, crush and process 252,150 m³ of rock on a 0.94ha portion of the property within the ALR. This rock is proposed to be excavated from the non-ALR portion of the property. The applicant has stated that once the excavation is complete and the processed rock has been removed from the site, the area where the rock was placed and processed will be reclaimed with the “saved topsoil”. The project is proposed to be completed within a six (6) year timeframe.

Staff have received significant feedback from the community expressing opposition to this proposal. In addition, the proposed industrial activity is inconsistent with the property’s agricultural designation and zoning. Given the community opposition, conflict with the current policies and regulations and lack of proposed benefit to agriculture, staff recommend that the Board deny this application, and thereby not advance it to the ALC for further consideration.

SECTION 2: BACKGROUND/ANALYSIS

The Agricultural Land Reserve (ALR), is a provincial land use zone in which agriculture is recognized as the priority use. An ALC application is required when a property owner wants to use their ALR land for a “Non-Farm Use.”

GENERAL INFORMATION

Property Owner: Julia and Jonathon Blackmore

Property Location: 2445 Lloyd Road, RDCK Region

Legal Description: LOT 10 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 1494 (PID: 015-750-698)

Property Size: 24.6 hectares (60.78 acres)

Current Zoning: Agriculture 2 (AG2) – Comprehensive Land Use Bylaw No. 2316, 2013

Current Official Community Plan Designation: Agriculture (AG) – Comprehensive Land Use Bylaw No. 2316, 2013

SURROUNDING LAND USES

North: Agriculture (within the ALR)
East: Agriculture/Quarry (partially within the ALR)
South: Agriculture (partially within the ALR)
West: Country Residential (partially within the ALR)

Site Context

The subject property is located in the Canyon/Lister area of Electoral Area ‘B.’ The property is mostly within ALR, except for approximately 1.8 ha on the southwest corner. The surrounding properties are also partially or entirely within the ALR. The parcel is zoned Agriculture 2 (AG2) and designated Agriculture (AG) under *Electoral Area ‘B’ Comprehensive Land Use Bylaw No. 2316, 2013*. The property is not used for agricultural production and is currently vacant.

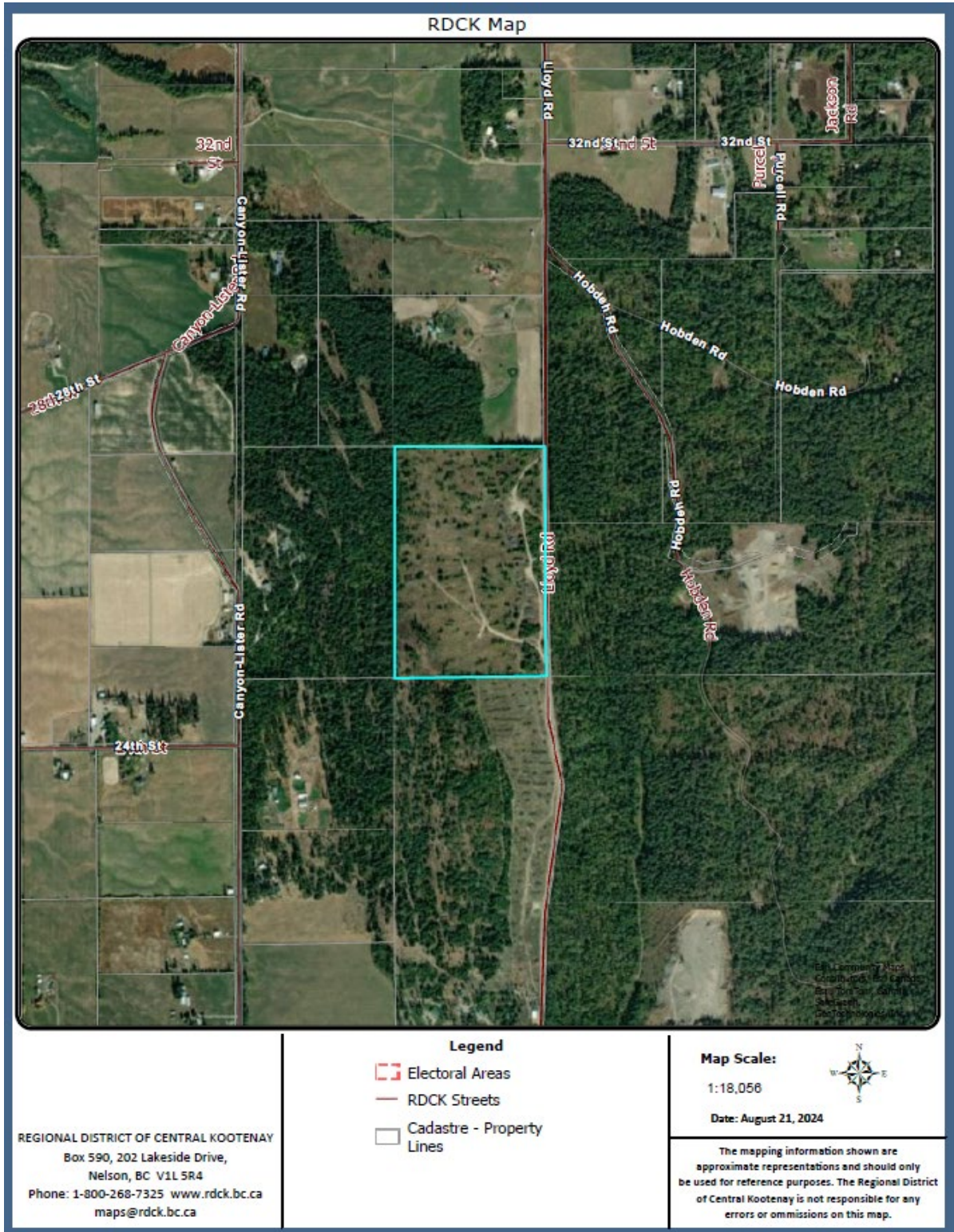


Figure 1: Subject Property

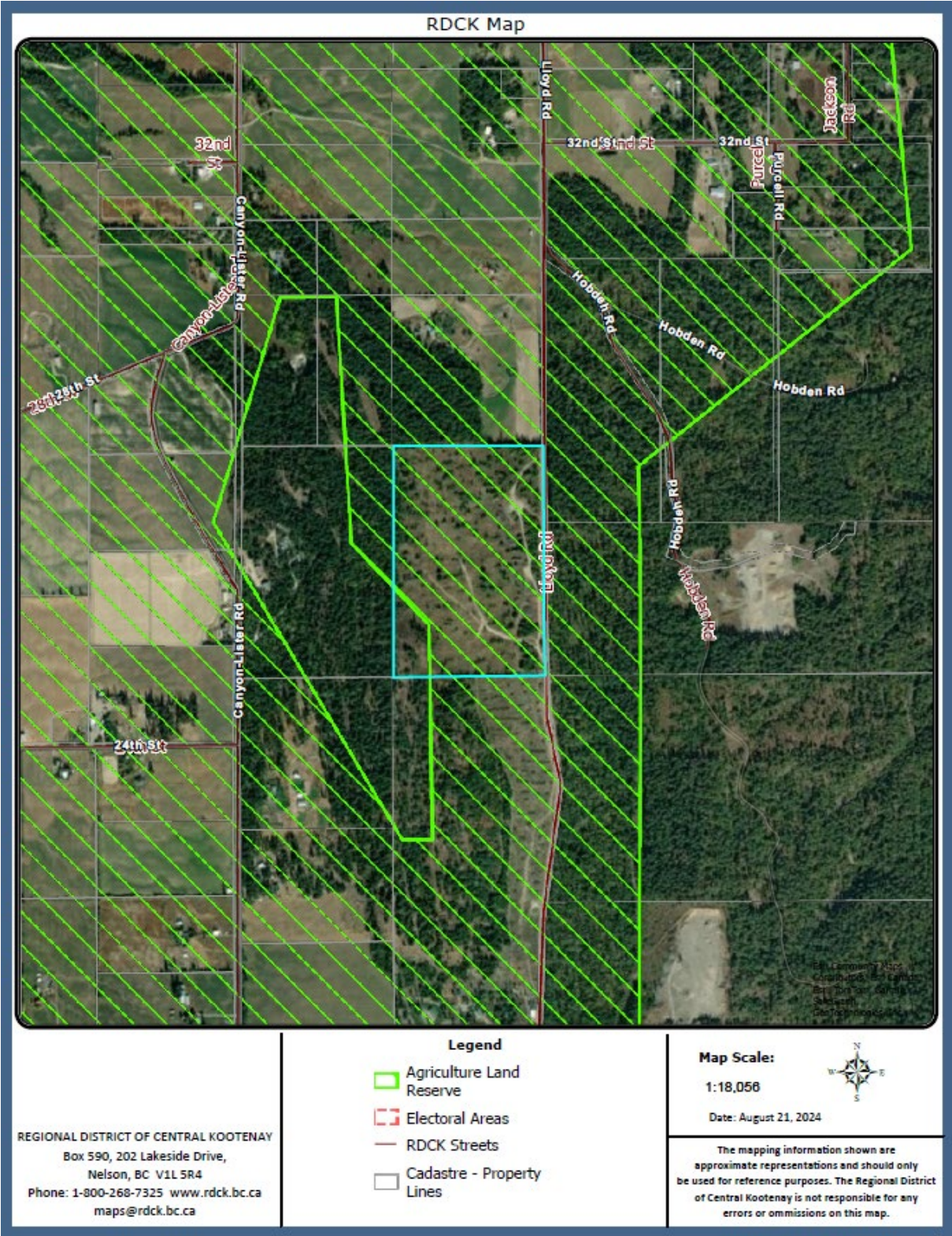


Figure 2: ALR Zoning

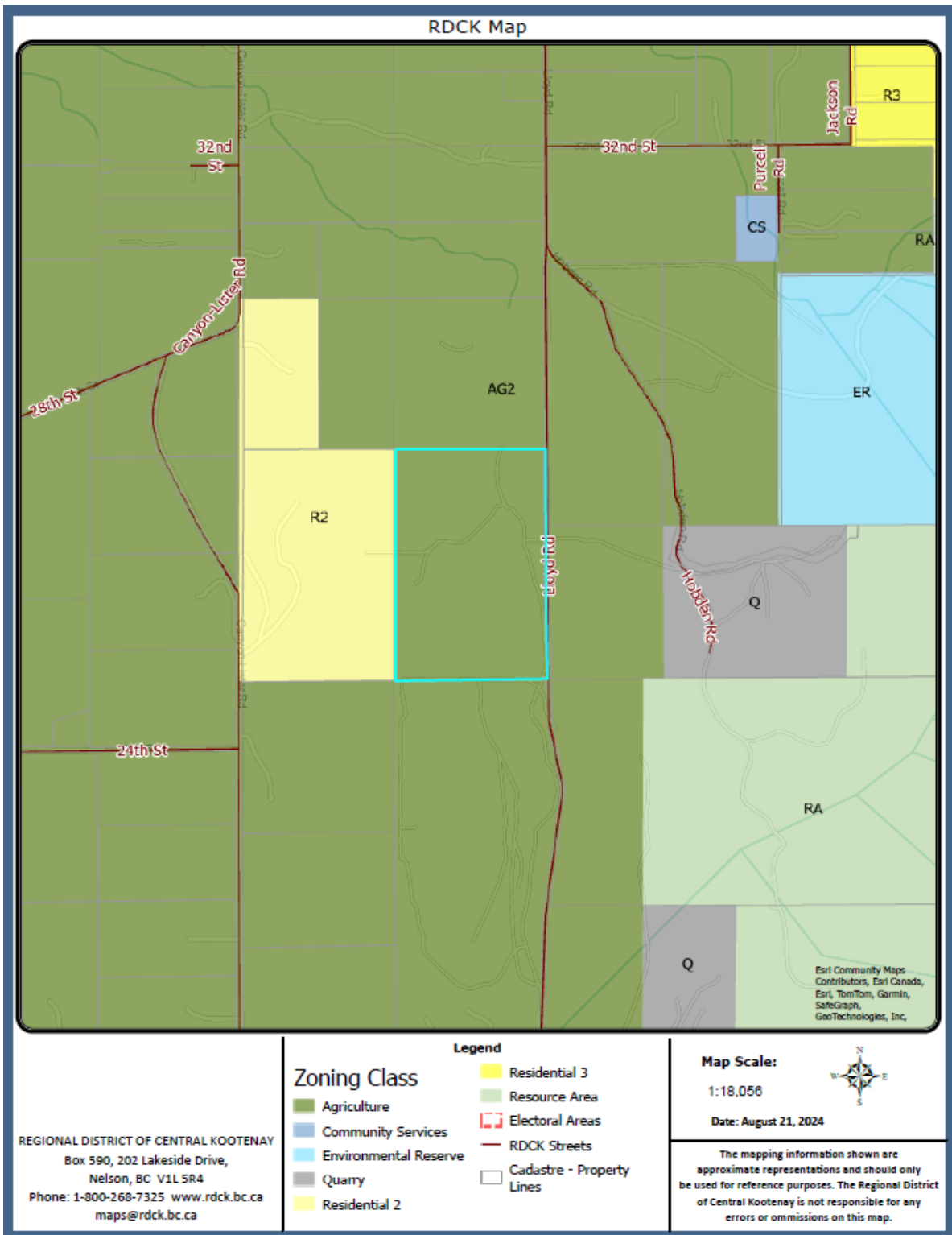


Figure 3: RDCK Zoning

Development Proposal

The applicant is requesting approval to place, crush and process 252,150 m³ of rock on a 0.94ha (2.32 ac) portion of the property within the ALR. This rock is proposed to be excavated from a 1.402ha, non-ALR portion of the property. The applicant has stated that he is requesting to do this processing on ALR land because there is not enough room to process the rock on the non-ALR portion of the property. The applicant stated that once the excavation is complete and the processed rock has been removed from the site, the area where the rock was placed and processed will be reclaimed with "saved topsoil". The applicant has indicated that the ALR portion of the property will be returned to its natural state once complete. The project is proposed to be completed within a three (3) to six (6) year timeframe.



Figure 4: Applicant's Map of Proposed Works

RDCK Agriculture Plan

The Regional District's Agricultural Plan (2011) aims to both realize and protect the agricultural potential of the area, reflecting the priorities and needs of Central Kootenay residents. The plan is designed to support a secure food supply for the region by ensuring that agricultural capabilities are effectively utilized and preserved. Agriculture in the region is diverse, with larger operations primarily in the Creston Valley and numerous small farms distributed throughout the RDCK. The plan's recommendations cover all types and sizes of farming operations. During its development, public consultation highlighted various challenges faced by farmers and food producers. The report includes several recommendations addressing agricultural viability, capability, and food security. Relevant recommendations for this application are listed below:

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

Agricultural Land Use Inventory

The RDCK's Agricultural Land Use Inventory (ALUI) was created to foster a comprehensive understanding of agriculture within the RDCK.

The ALUI details the types and extents of agricultural activities within the ALR and identifies areas with potential for farming. This includes areas with natural and semi-natural vegetation without physical or operational constraints; areas in managed vegetation (managed for landscaping, dust or soil control); and non-built or bare areas. Parcel size is a key factor in evaluating agricultural potential. Larger parcels offer farmers greater flexibility to adapt or expand their operations in response to economic and market changes. In the RDCK, 15% of ALR parcels are smaller than 1 hectare, while only 1.6% exceed 128 hectares. Most parcels fall within the 4 to 8 hectare range. The subject property is large by RDCK standards, approximately 24 ha in size and vacant. The land cover is natural/semi-natural vegetation and this property lies within an agricultural area.

Agricultural activities in the area include the following:

- Livestock: Horse, beef, alpaca
- Crop: Trees, forage/pasture, herb
- Cereals and Oilseeds: Wheat, oats, barley, rye, canola
- Fruits and Vegetables: Mixed vegetables, root vegetables
- Nursery Trees: Forestry stock, grass, rough grass, Christmas trees

The ALUI identifies that the Creston Valley will continue to be the hub of agriculture in the RDCK.

Agricultural Capability Rating

Approximately 19ha of the subject property has an unimproved agricultural capability rating of Class 3 (70%) with the limitations being topography and undesirable soil structure and Class 4 (30%) with the limitations being topography and stoniness. This is shown as yellow in 'Figure 5.' The remaining portion of the subject property, approximately 5.5ha has an unimproved agricultural capability rating of Class 6 with the limitations being topography and shallow soil over bedrock and/or bedrock outcroppings. This is shown as brown in 'Figure 5.' More details regarding soil classes and limitation subclasses can be found in the tables below:

Approximate area of property	Unimproved Capability Class	Improved Capability Class
19 ha	7:3TD~3:4TP	7:3TD~3:4TP
5.5 ha	6TR	6TR

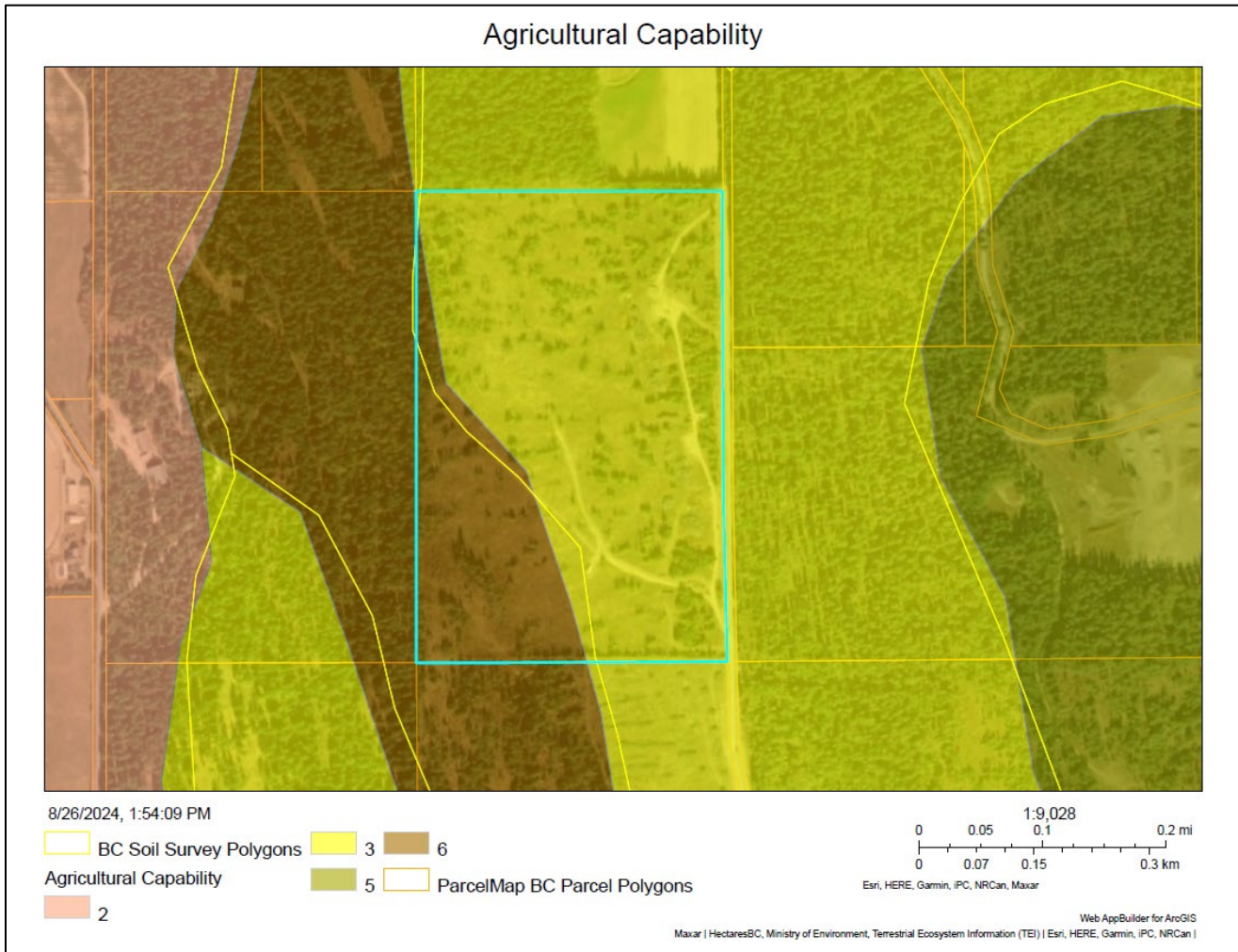


Figure 5: Unimproved Agricultural Capability Rating

Soil Class	Description
Class 3	Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
Class 4	Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
Class 6	Land in this class is non-arable but is capable of producing native and/or uncultivated perennial forage crops.

Limitation Subclass	Description
D	Undesirable soil structure
P	Stoniness

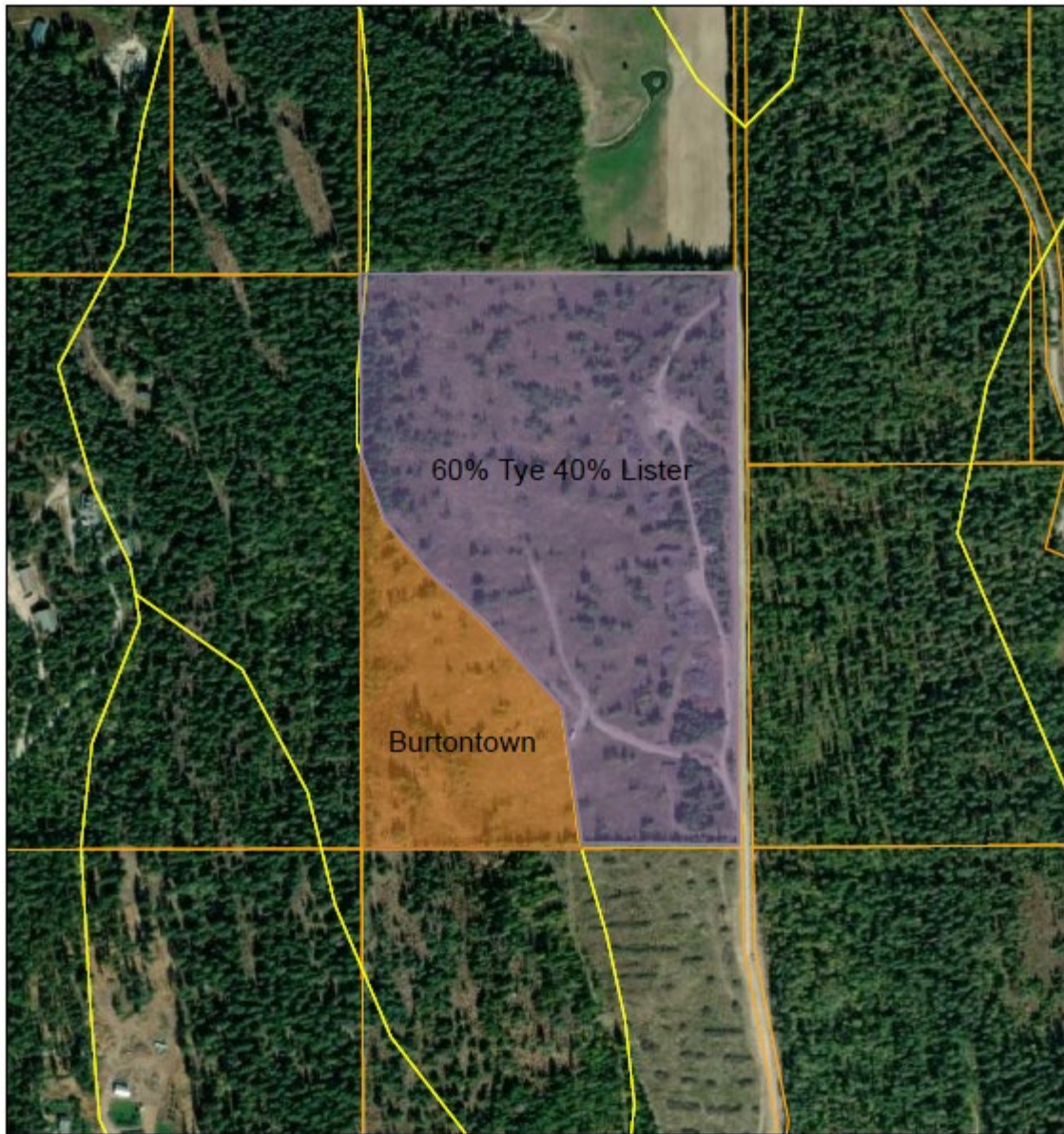
R	Shallow soil over bedrock and/or bedrock outcroppings
T	Topography

Soil Type



The Soil Resources of the Nelson Area published by the BC Ministry of Environment categorizes soils having similar agriculturally important characteristics into 'soil association descriptions'. The subject property is composed of soils from the Tye, Lister and Burtontown Soil Associations. The shaded areas in 'Figure 6' identifies the portions of the lot that are composed of each soil type. Descriptions of each soil type are included in table below:

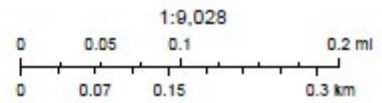
Soil Class	Description
Tye	Tye soils are moderately suitable for agriculture. The main limitations are topography and stoniness.
Lister	Lister soils are mostly arable and are good "dry-farming" soils. Their high soil water holding capacities diminish the need of irrigation for most crops. The main limitations are adverse topography and poor soil structure.
Burtontown	Burtontown soils are non-arable because of steep topography and shallow stony soils, These soils have moderate grazing

Soil Survey



8/27/2024, 10:19:57 AM

-  BC Soil Survey Polygons
-  ParcelMap BC Parcel Polygons



Esri, HERE, Garmin, IPC, NRCAN, Measur

Figure 6: BC Soil Survey

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

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

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

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

Agricultural Land Commission Act (ALCA)

Section 25(3) of the ALCA states that a non-farm use application may not be proceed to the Agricultural Land Commission (ALC) unless authorized by resolution of the local government. Section 34.1(2) states that a local government may include comments and recommendations regarding an application should it resolve to forward the application to the ALC.

Section 25(1) of the Act states that when making a decision on an application for a non-farm use in the ALR, the ALC may do one of the following:

- (a) refuse permission;
- (b) grant permission with or without limits or conditions;
- (c) grant permission for an alternative non-farm use with or without limits or conditions.

Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 (Official Community Plan)

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.
5. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.
6. To recognize distinct agricultural areas reflecting unique historical development trends, soils and climate.

Relevant Agricultural Policies:

The Regional Board:

1. Directs that the principal use of land designated 'Agriculture' shall be for agricultural use.
2. Supports that all new land use and subdivision of land within the ALR shall be in accordance with the provisions of the Agricultural Land Commission Act, associated regulations, orders and decisions of the Provincial Agricultural Land Commission (ALC).
3. May require that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing or landscaping.

4. Supports directing intensive agricultural operations to larger lots or increasing building setbacks and other possible mitigation measures to prevent potential conflicts with adjacent land uses

Aggregate and Mineral Resources Objectives:

1. To identify land having recoverable deposits of sand and gravel from adjacent uses that would limit or prohibit extraction.
2. To minimize conflict between sand and gravel processing operations and adjacent land uses.
3. To support Provincial requirements for rehabilitation and reclamation of resource extraction sites.

Relevant Aggregate and Mineral Resources Policies:

The Regional Board:

1. Encourages that priority shall be placed on the extraction and processing of sand and gravel on lands having recoverable deposits and situated in locations having minimal conflict with adjacent land uses. Other development in conformity with long-term land uses proposed within the Plan area may be considered after extraction is complete and rehabilitation has occurred. Areas designated for future settlement uses and which contain sand and gravel deposits should have the resource extracted prior to final development.
2. Encourages the protection and maintenance of sources of domestic and irrigation water supply as an integral part of the extraction and processing process for aggregates and other resources.
3. Encourages full utilization of recoverable deposits prior to development in areas where recoverable deposits are located

Electoral Area ‘B’ Comprehensive Land Use Bylaw No. 2316, 2013 (Zoning Bylaw)

The subject property is zoned Agriculture 2 (AG2) under *Electoral Area ‘B’ Comprehensive Land Use Bylaw No. 2316, 2013*. The AG2 zone contemplates activities such as agriculture, nurseries and single detached housing as principal uses. The AG2 zone does not authorize the use of the property for the excavation or processing of rock or aggregate. This type of use is permitted only in the Quarry (Q) zone.

3.3 Environmental Considerations

The proposed industrial activities have the potential to adversely impact the property and the surrounding environment from the creation of noise, dust and contamination. A more fulsome understanding of these impacts and mitigation measures would be reviewed as part of a Temporary Use Permit or Bylaw Amendment application.

3.4 Social Considerations:

There has been significant opposition from the community to this application. The RDCK received correspondence from eight members of the public as well as a petition signed by 53 members of the public. The petition cites opposition to the development proposal for various reasons including potential noise pollution, groundwater contamination and impacts to the ALR. In addition, 55 members of the public attended the Creston Valley Agricultural Advisory Commission meeting where this application was considered. Attendees asked questions and express concerns about this proposal. A summary of their questions/concerns from that meeting are also included for information. The above noted correspondence and petition is attached to this report as ‘Attachment B.’

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

Pursuant to the Planning Fees and Procedures Bylaw no. 2457, 2015, the application was referred to RDCK departments, Local Area Directors, Ministry of Agriculture staff, the Creston Valley Agricultural Advisory Commission and First Nations.

The following responses were received for this referral:

Area B Advisory Planning and Heritage Commission

Moved and seconded,

AND Resolved:

That the Area B Advisory Planning Commission (APHC) defer the decision on the Agricultural Land Reserve Referral to Jon Blackmore for the property located 2445 Lloyd Road, Creston, Electoral Area 'B' and legally described as LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT until the APHC obtains additional information on the impacts to water and the wildlife corridor, as well as input from the Creston Valley Agricultural Advisory Commission.

Creston Valley Agricultural Advisory Commission

Moved and seconded,

AND Resolved:

That the Creston Valley Agricultural Advisory Commission SUPPORT the Agricultural Land Reserve Referral for Non-Farm Use to Jon Blackmore for the property located 2445 Lloyd Road, Creston and legally described as LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT AND FURTHER that we recommend any future Temporary Use Permit applications that apply to the property located at 2445 Lloyd Road, Creston require a Contract Security to ensure site remediation.

Ktunaxa Nation Council

The Ktunaxa Nation Council would like to share the Chance Find Procedures. The entire bench lands in Canyon Lister have archaeological potential. Yaqaan Nukiy also feels a number of surveys are required before we can comment further. This would include Surveys by a QP regarding wildlife, birds, SAR, etc. Also a Management Plan needs to be developed for dust management, noxious weeds, etc.

Ministry of Agriculture and Food

Thank you for providing Ministry of Agriculture and Food (Ministry) staff the opportunity to comment on File A2402B that proposes to use a portion of the Subject Property that is located within the Agricultural Land Reserve (ALR) to store and process rock material that will be excavated from the non-ALR portion of the Subject Property. From an agricultural planning perspective, Ministry staff offer the following comments:

- Ministry staff are aware that the Subject Property is not currently being used for agricultural purposes and from the information provided, the applicant has no future plans to commence a farm operation.*
- Ministry staff suggest that, if not already done, RDCK review the applicant's reclamation plan in relation to ALC Policy P-13 Reclamation Plans for Aggregate Extraction, including Appendix A 'Best Management Practices for Aggregate Extraction Activities Occurring in the Agricultural Land Reserve'. Particular attention to the prevention of invasive plants and weeds is recommended, as under the provincial Weed Control Act the land occupier has a legal obligation to control noxious weeds on the site.*
- In viewing the Subject Property on Google Earth, Ministry staff note that the extraction area is approximately 500 metres from the nearest residences located on adjacent properties to the west and southwest of the Subject Property. Despite this considerable distance, blasting and other extraction related activities will generate dust and noise which may impact surrounding properties.*
- Ultimately, although the applicant proposes to strip and store the topsoil and place it back on the impacted area after extraction activities are complete, this project is unlikely to benefit agriculture on the Subject Property.*

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

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

RDCK Water Services

The property is outside of the Lister Water System service area boundary, and so our interests are unaffected. Should the applicant apply for a Temporary Use permit in the future, the RD would have the ability to request a study that identifies impacts on the aquifer at that time.

3.7 Staffing/Departmental Workplace Considerations:

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

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS & PROS / CONS

Although the relevant application before the Board at this time is to consider approval of a non-farm use in the ALR, the owner has also applied for a Temporary Use Permit (TUP). That application is on hold pending the outcome of this non-farm use application process. Should the Board recommend advancing this application to the ALC for a decision, and should the ALC grant that approval of the non-farm use application, the TUP application process would then be activated. The RDCK would subsequently process the TUP application in accordance with the LGA and the RDCK Planning Procedures and Fees Bylaw. In this case, Staff recommend the non-farm use application not advance to the ALC for further consideration, and the reasons for that area explained below.

New applications for industrial or aggregate uses often face community opposition, especially in established areas. In this case, there has been significant concern from local residents regarding the proposed activities. Issues raised include noise, environmental impacts, effects on farming, groundwater contamination, dust, increased truck traffic, diminished property values, and conflicts with adjacent land uses.

While local sources of aggregate are important for construction and infrastructure development, the current policy in Electoral Area B does not support new industrial activities on lands not designated for such uses or where they conflict with neighboring land uses. Additionally, there are no policies supporting new industrial activities on land designated for agriculture, even on a temporary basis.

The agricultural designation of this property underscores the need to preserve and protect land for agricultural use. Although the applicants have indicated that the processing area will be restored to its “natural state” after the project concludes, the proposed activities will prevent agricultural use during the operation, which is expected to last 3-6 years, and do not align with the property’s agricultural purpose. The activities area also incompatible with existing agricultural uses in the area.

Given the community opposition, potential negative impacts, and the lack of benefit to agriculture, staff recommend that the Board not support the application and not forward the application to the ALC.

Options

Option 1

That the Board DENY application A2402B for the proposed Non-Farm Use in the Agricultural Land Reserve proposed by Jon Blackmore for property located at 2445 Lloyd Road, Electoral Area ‘B’ and legally described as LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT (PID: 015-750-698)

and that the Board directs Staff to NOT ADVANCE the subject application to the Agricultural Land Commission for consideration.

Option 2

That the Board PROVIDE NO COMMENT regarding application A2402B for the proposed Non-Farm Use in the Agricultural Land Reserve proposed by Jon Blackmore for property located at 2445 Lloyd Road, Electoral Area ‘B’ and legally described as LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT (PID: 015-750-698)

and that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

SECTION 5: RECOMMENDATIONS

That the Board NOT APPROVE application A2402B for the proposed Non-Farm Use in the Agricultural Land Reserve proposed by Jon Blackmore for property located at 2445 Lloyd Road, Electoral Area ‘B’ and legally described as LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT (PID: 015-750-698)

and that the Board directs Staff to NOT ADVANCE the subject application to the Agricultural Land Commission for consideration.

Respectfully submitted,



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 – ALC Application

Attachment B – Community Correspondence



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 100716
Application Type: Non-Farm Uses within the ALR
Status: Submitted to L/FNG
Applicant: Blackmore et al.
Local/First Nation Government: Central Kootenay Regional District

1. Parcel(s) Under Application

Parcel #1

Parcel Type Fee Simple
Legal Description LOT 10 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 1494
Approx. Map Area 24.47 ha
PID 015-750-698
Purchase Date Jul 15, 2019
Farm Classification No
Civic Address 2445 Lloyd Road
Certificate Of Title TITLE-CB84795-PID-015-750-698.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Jon Blackmore	No Data	2504219360	jonrockypine@gm ail.com	Not Applicable
Julia Blackmore	No Data	2504219360	jonrockypine@gm ail.com	Not Applicable

2. Other Owned Parcels

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

3. Primary Contact

Will one of the landowners or government contacts added previously be the primary contact? Yes

Type Land Owner
First Name Jon
Last Name Blackmore
Organization (If Applicable) No Data
Phone 2504219360
Email jonrockypine@gmail.com

4. Government

Local or First Nation Government: Central Kootenay Regional District

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s). As such time vacant Land

Describe all agricultural improvements made to the parcel(s). Fenced the stumped the East side of the property

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

In the process of securing a temporary use permit from the RDCK, and ALC to start property development.

Choose and describe neighbouring land uses

	Main Land Use Type	Specific Activity
North	Agricultural / Farm	Hay fields
East	Other	Crown Land
South	Agricultural / Farm	Mountain grazing
West	Agricultural / Farm	Forest

6. Proposal

How many hectares are proposed for non-farm use? 1 ha

What is the purpose of the proposal? We are applying for the non farm use permit we want to excavate rock from the Southeast portion of the property which is outside the ALC on the same property and move it onto the ALC portion of the property to process the rock and use it for the development of Lloyd Rd and further development of the property. The portion of the rock once excavated down will be the future location of our shop. 252,149.98m3 of rock in total will be placed on the area but not at one time. Once the excavation is complete and the processed rock has been removed from the area the storage area will be recovered with the saved topsoil.

Could this proposal be accommodated on lands outside of the ALR? Where we are digging down the rock face it does not allow us enough room to process the rock in the area we will be extracting the rock from.

Does the proposal support agriculture in the short or long term? Yes it will as the area we will be using for processing and storage will be put back to its natural state after the project is complete.

Proposal Map / Site Plan map 3.pdf

Do you need to import any fill to construct or conduct the proposed Non-farm use? Yes

Soil and Fill Components

Describe the type and amount of fill proposed to be placed. A total of 252149.98 m3 of rock will be placed in our projected processing area but not at one time.

Briefly describe the origin and quality of fill. The origin of the material is from a prortion of the same property that is outside the ALC portion. The rock will be free of all topsoil's and vegetations prior to being moved to the processing area.

Placement of Fill Project Duration 6 years

Fill to be Placed

Volume	252149.98 m ³
Area	252149.98 ha
Maximum Depth	0.3 m
Average Depth	0.03 m

7. Optional Documents

Type	Description	File Name
Professional Report	Global Raymac Survey	24IC0020_SS.pdf
Professional Report	volume survey	24IC0020-Volume Report.pdf
Other files that are related	application to RDCK temp use	04012024094452.pdf

Written Correspondence # 1

From: [Stephanie](#)
To: [Johnson](#)
Subject: Concerns of Gravel Pit and Subsequent Development Proposal Lloyd Road in Canyon
Date: Monday, July 15, 2024 2:25:54 PM

You don't often get email from dshamilja.egli@alumni.uleth.ca. [Learn why this is important](#)

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

Good afternoon Stephanie Johnson,

I am writing to express concerns over the gravel pit and subsequent development proposal at the end of Lloyd Road in Canyon, at 2445 LLOYD ROAD, CRESTON, ELECTORAL AREA 'B' LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT (PID: 015-750-698), File A2402B. As we understand it, there is a plan to develop the property for housing after the gravel is taken out. Where would the water come from if this went ahead? Nelson Wight said the RDCK is not aware of any subsequent housing development planned; however, in the application it does say "development of Lloyd Road and future development on the property". Please see the screenshot attached. In a time of such climate change challenges as we have, it is an obligation of governing bodies such as the RDCK and ALC to ensure water sources are not depleted, and to be proactive in protecting all water sources that have the potential to be depleted. If it already says in the application that there will be future development on the property, it is only likely that the applicants will sooner or later be seeking water connection to the property.

Many thanks,

Dshamilja Egli

Sadie Chezenko

From: Gary Cote
Sent: Friday, July 19, 2024 8:17:19 PM
To: Roger Tierney <RTierney@rdck.bc.ca>
Subject: Re: John Blackmore Gravel Pit

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Hey Roger, this is Gary. We spoke briefly at the meeting today.

After letting things percolate a little it's becoming clear the intent of the development is not to improve Lloyd road but rather to improve Lloyd road so that dump trucks can access the gravel pit there. When you look at it in that light, the intent is to turn a property in the ALR into a commercial property, even if only temporarily. Recently we had a young guy forced to stop selling lumber from his yard because he was in the ALR. This is absolutely no different.

The road development is solely to exploit the resources there. The resulting truck traffic will have a long term, cumulative, detrimental effect on the roads. In the quest for money the residents along the route will have to endure the increase of heavy truck traffic, and the diesel emissions that accompany it. We'll also have to deal with the degradation of the roads. How many loads have the projected? 23,000? Can that be right? Would you like 23,000 dump trucks driving past your house? What right do they have to impinge upon my right to peace? How does their right to exploit their natural resources become more important than my right to enjoy my property?

If the RDCK can't see it's more about greed and avarice than developing a place to build a home then they need to take a step back. Seeing it from another perspective shows you the true intent of the development. It's about exploitation at any cost.

I will vehemently defend and voice my opposition to the development. Please add me to the email list for upcoming meetings.

Kind regards,

Gary Cote
[REDACTED]

Jeff and Crystal Karbonik
[REDACTED]

July 15, 2024

Stephanie Johnson, Planner
Development and Community Sustainability
Services Regional District of Central Kootenay
Box 590, 202 Lakeside Drive
Nelson BC V1L 5R4
plandept@rdck.bc.ca

Re: ALR Referral RDCK File A2402B

Dear Ms. Johnson,

We are writing to express our concerns regarding Agricultural Land Reserve Referral File A2402B to allow non-farm use of Lot 10 Plan NEP1494 District Lot 812 Kootenay Land District (PID: 015-750-698). This application is to permit for the destruction of a natural rock structure and the creation of a gravel operation that is expected to be in operation for six (6) years.

Why is this important?

The impact of mining and excavation projects spill out into the surrounding commons. While this project may not be the first of its kind proposed in the area, each application must be assessed on its merits and impacts to the surrounding area. The process used to assess the request must be carried out in a planned and thoughtful way to ensure the needs of the community are considered along with the needs of the applicant. Any decision to quickly pass a project such as this may set an unsustainable development precedent by enabling regulatory slippage, which describes “the situation where something that is legally mandated to happen fails to happen” (Farber 1999). Whole and complete planning processes; including an Environmental Impact Assessment (EIA) must be conducted.

After assessing the ALR variance request we have identified the following concerns which need to be taken into consideration when making a decision that will have a lasting impact on the people and environment.

1. Fair and Meaningful Participation

The planning process has caused significant worry among local residents due to a lack of transparency. Directly affected parties were not given complete information or advanced notice of planning events. This lack of transparency suggests the possibility of something untoward occurring and raises serious concerns about the social and regulatory due diligence being observed. Going forward we ask that the RDCK Planning Committee adhere to the Impact Assessment Act of Canada, which will

ensure meaningful participation and informational transparency for all directly affected parties and concerned residents.

2. Impacts on Agricultural Land Reserve (ALR)

The proposed gravel operation contravenes the designated use of the ALR, threatening the agricultural viability of the land. This land is vital for local agricultural activities and food production, and converting it to industrial use, even for the short-term, undermines the purpose of the ALR, which is to preserve agricultural land for future generations.

3. Groundwater Contamination, Disruption and Ecological Impacts

Blasting and / or fracking operations pose significant risks to groundwater, which is the primary water source for many local residents. The potential for groundwater contamination and disruption of the aquifer system cannot be overlooked. Studies have shown that such industrial activities can have long-lasting impacts on water quality and availability, critical concerns for rural communities dependent on groundwater (refer to guidelines from the Groundwater Foundation and other water management authorities). The use of fracking or foam injection to fracture rock poses several environmental risks including, but not limited to:

- Chemical Contamination - Foam injection involves the use of various chemical additives to create the foam. These chemicals can be hazardous if they migrate into groundwater or surface water sources (e.g. either directly or as a result of spills or leaks).
- Groundwater Contamination - Foam and its associated chemicals can potentially migrate through fractures created in the rock, reaching groundwater aquifers or adjacent wells.
- Soil Contamination - Some chemicals used in foam injections can persist in the environment and may not break down easily, leading to long-term contamination issues.
- Air Quality Impact - The chemicals used in foam can include Volatile Organic Compounds, which can be released into the atmosphere during the injection process, contributing to air pollution and posing health risks to nearby communities.
- Climate Change – Fracturing of rock can release methane, a potent greenhouse gas, into the atmosphere, exacerbating climate change.
- Ecological Impact - The chemicals used in fracking and / or foam agents used to fracture rock can be toxic to aquatic and terrestrial wildlife if they enter water bodies or soil ecosystems. Further, the physical process of foam injection and the associated infrastructure can disrupt local habitats, affecting biodiversity.

4. Noise Pollution

The continuous operation of heavy machinery, along with the possibility of blasting will generate substantial noise pollution, adversely impacting the wildlife in the area (most notably, the elk corridor and various birds; including Species at Risk) and disrupting the quiet rural lifestyle that residents moved to the valley to enjoy.

The rock fracture process will generate excessive noise through one or more of the following activities:

- Drilling Operations - Drilling involves the use of heavy machinery and equipment, which generates significant noise levels.
- Injection Equipment - High-pressure pumps and compressors used to inject fracking or foam agents into the rock create continuous and loud operational noise.
- Heavy Machinery and Vehicles - The movement and operation of trucks and other heavy machinery involved in transporting equipment, fracking or foam agents, and water contribute to the overall noise pollution. This includes engine noise, loading and unloading operations, and general site activity.
- Fracturing Process - The actual process of fracturing the rock with blasting, fracking or foam agents will produce loud cracking or popping sounds as the rock breaks apart.
- Generators and Auxiliary Equipment - Generators used to power equipment and other auxiliary machinery on-site also contribute to noise levels.

This project is scheduled to last six years and is expected to remove over 252,150 M3 of rock material. The rock aggregate will be stored on ALR designated lands. 36,000 tons of rock, necessitating the operation of one gravel truck every 13 minutes throughout the project's duration.

This prolonged noise exposure can lead to adverse health effects, including stress, sleep disturbances, and cardiovascular problems for nearby residents, which contradicts best practice planning principles that prioritize the well-being and quality of life of residents (see World Health Organization guidelines on noise pollution). Noise created through the extraction and transportation of rock materials will disturb the daily lives of people living near the site, affecting their quality of life and considering the extended time period that is being proposed may lead to potential conflicts between residents, the company conducting the operations and the group proposing the change in land use.

In addition noise pollution will disrupt local wildlife, affecting their natural behaviors, communication, mating patterns, and habitat use. This can lead to displacement and increased mortality rates for sensitive species.

5. Traffic and Road Infrastructure

At the June 25th, 2024 meeting, one of the RDCK Planning Committee members indicated that there would be approximately 35,000 truckloads of gravel extracted from the area. Assuming a 6-month season and a 6 year project term, residents can expect to have a truck travel past their property or travel on one or more of the connector roads once every 10 minutes on work days. The rural roads leading to and from the proposed extraction site / gravel pit are not rated to support the anticipated heavy truck traffic. The increase in heavy vehicle traffic will accelerate road degradation, increase maintenance costs, and pose safety risks to residents. Best practices in transportation planning emphasize the need for infrastructure assessments before approving projects that significantly alter traffic patterns (refer to the American Planning Association's guidelines on transportation and infrastructure planning).

6. Environmental and Community Impact

The environmental impact of this project extends beyond wildlife and groundwater. The cumulative effects of blasting, industrial noise, increased traffic, dust, and habitat destruction will degrade the local environment, contradicting sustainable development principles. Moreover, the community's proximity to nature and its quiet, rural character will be fundamentally altered, affecting property values and residents' quality of life.

7. Wildlife Corridor Disruption

The proposed site is within a sensitive wildlife corridor that supports elk, deer, wolves, coyotes, bears, and other species. Heavy industrial activity, heavy machinery operation and the irreparable destruction of the natural habitat will cause the displacement and potential harm to local wildlife. Preserving these corridors is crucial for maintaining biodiversity and ecological balance, as supported by best practices in environmental planning (e.g., the Wildlife Corridors Initiative).

8. Reclamation Ambiguity

There is deep concern related to the absence of clear guidelines and processes that will be used to ensure proper land reclamation. It is essential to ensure that the impacted lands will be restored to a state that harmonizes with the surrounding environment, enabling the return of the natural landscape and indigenous wildlife. We also emphasize the need for dedicated funding to guarantee that reclamation activities are carried out effectively and overseen by the appropriate approving body.

9. Governance

There appears to be a lack of governance with respect to how, if approved, the gravel extraction operations will be monitored. This includes noise and pollution management, long-term impacts to the health and wellness of the residents and wildlife. Adherence to the appropriate standards and management of the reclamation of the impact lands. Until the governance framework can be identified along with the standards and processes that will be used to manage the operations this request must not be allowed to move forward.

Its important to note that Agricultural Land Reserve Referral File A2402B will irreparably change the area. In light of this and the issues raised above, we urge the RDCK Planning Committee to reject the application for the gravel operation. The substantial risks to the ALR, groundwater, community lifestyle, local infrastructure, and wildlife cannot be adequately mitigated. Preserving the land for agricultural and environmental purposes, in adherence to established planning guidelines and best practices, is clearly in the best interest of the community and environment.

Thank you for considering our concerns. I trust that the RDCK Planning Committee will make a decision that prioritizes the long-term welfare of our community and environment.

Respectfully,

Jeff and Crstal Karbonik

Stephanie Johnson, Planner
Development and Community Sustainability Services
Regional District of Central Kootenay
Box 590, 202 Lakeside Drive
Nelson BC V1L 5R4
plandept@rdck.bc.ca

Re: ALR Referral RDCK File A2402B

Dear Ms. Johnson,

I own and reside [REDACTED] involved in this application (file A2402B). I have several serious concerns in regards to this applications and the potential and real impacts on my land and the surrounding area.

1) My well is on the same ridge where the intended rock wall demolition and blasting is to occur. This creates the concern that with any blasting there may be an effect on the fractures in the rock which in turn will negatively impact on my wells water production. It was stated by the proposal presenter that the rock in the area is extremely fractured and based on that statement there can be no guarantees as to how this might affect surrounding rock. My well on this same ridge provides our only source of potable household water. While we do have access to the Lister system, due to the elevation of our home, we are not permitted to connect that system to our home.

2) I object to the develop of this ALR land as heavy industrial land, even as a “temporary” situation. The application makes it clear that they intend this development to be at least 6 years, with extensions expected (mentioned several times during the June 25, 2024 meeting). I did not move to an agricultural area to reside next to rock crushers, aggregate trammels and other heavy duty equipment that may end up running any number of hours any number of days of the week. Not only is my peace and enjoyment of my property negatively affected, but there will be a negative affect on my property value. People seeking to buy agricultural properties such as ours would not chose an industrial aggregate operation as a neighbour.

As I have specifically chosen to purchase, reside and try to develop an agricultural business in an agricultural zone, I find it very unsettling that this development is being considered as a Non-Farm Use within the ALR. (Versus a development on industrial zoned property.)

3) The “35,000” gravel trucks of aggregate that will be produced by this project (the number quoted to us in the meeting of June 25, 2024 by the individual presenting the proposal) causes me concern. If this number of trucks runs past my home over a 6 month season over 6 years, that work out to almost 6 trucks / hour, or one every 10 minutes. I am sure I do not need to explain why this is an issue to me.

Further, the current roads in the area, including the currently existing Lloyd Road and 36th Street, which is the access from the north of the subject property to Canyon-Lister road, is not, in my opinion, able to support this type of traffic. It already suffers from the short term trucking that occurs some summers from the Hobden Road gravel pit (used seasonally and sporadically for road repairs in the area but which do provide community benefit - ie improved roads).

4) I am very concerned and upset by the lack of engagement of stakeholders in this proposal. While it was sent out to some of the local organizations as listed on the application, it was not shared with even the direct neighbours [REDACTED] and yet will have a direct affect on myself and my property.


This application was not, to the best of my ability to search, even listed on the RDCK website prior to the meeting or the day after when I did a search for the application by the File Number A2402B the following day. I do see that it is as of today (July 11) now posted on the Active RDCK Land Use Applications. This does raise questions in my mind about the project transparency.

5) Much of the wildlife in the area will be negatively affected by this proposed development. [REDACTED] in this application, we have pictures from our game cameras on that ridge of wolves, grizzlies, elk, deer, and bobcats. This was one of the reasons for us purchasing in this area. While many human developments affect wildlife in many ways, some of my own development being part of that (fencing to keep elk out of the garlic patch), I am not happy about the heavy duty industrial nature of this proposal in ALR land as that effect will likely have a much broader and more drastic effect on the said wildlife than usual agricultural pursuits.

In closing, I would appreciate being notified of this proposal as it moves forward, including updates to the proposal when posted to the RDCK website, any open meetings at which it will be discussed and any requests for comments from organizations, the public, and affected individuals, which includes direct neighbours.

Sincerely,
Laura Koop

[REDACTED]



July 19, 2024

To Whom It May Concern.

As a resident of Canyon and as a valley resident, I feel compelled to speak out against the recent proposal of a gravel operation in my neighbourhood on Lloyd Road. The OCP clearly defines what types of developments are permitted throughout our valley in order to ensure best development practises. This proposal is clearly in contravention of that. You will have already seen a letter outlining all the harmful outcomes including traffic, dust, water wastage etc. but I wish to draw your attention to harm that will ensue from diminished air quality, hillside disturbance and noise.

Having lived in the valley for over 30 years, I have helped to develop individual OCP's for most areas it encompasses. We now have unique Official Community Plans for each area within our valley; whereas prior, it was one OCP for all. I ran CASM, Creston Airshed Management for over 25 years and was successful in far reducing Idaho field smoke, smoke from woodburning stoves, application and removal of winter road abrasives which caused air particulation and secured the two months free dropoff of backyard debris at our landfill, to minimize burning and further improve air quality. All this was done as a volunteer. I worked with the Idaho Conservation League to stop plans for the Waste to Energy Incinerator some years back that was being considered by the Kootenay Tribe of Idaho for use as a garbage burner for trucked-in garbage from Eastern Washington, Western Montana and Northern Idaho and which would have sent dioxins directly into our valley. This is not a complete list by any means, but it serves to hopefully illustrate that I love this valley and work voluntarily to preserve its environment and the resultant health of its residents.

As anyone who lives on the Skimmerhorns as I do will attest, echoes from it reverberate along its slopes North and South and certainly outward from it. Rocks rolling down its shale slopes or a gunshot at the current Hedland gravel dump is heard in my backyard on Jackson Road as though it originated from my property. We hear elk bugling, coyotes howling and many different species of birds that have their natural sounds magnified for our enjoyment. My 30 acres of forest is my own species habitat and it connects along the mountain side as the sound does, to other species of animals and birds, creating what oldtimers here refer to as the "Lister Forest".

To think that a gravel operation would be allowed to destroy our property values and our natural peace and quiet of our neighbourhood leaves me feeling disturbed beyond words. Why have I used my retirement to voluntarily serve on numerous boards, Area B APC, OCP input meetings etc. to now be facing a proposal that will negatively impact our air quality, quiet surroundings etc with no benefit to the community beyond one individual's desire to profit? Why would a Regional District which also works so hard to protect this valley and beyond, even consider such a proposal?

No matter what is being promised and by whom, there is only one guarantee: that is, that outcomes both immediate and in the future, will never manage to compensate for what is being done if this project goes ahead.

I therefore urge the reader to take into account my concerns of damage to the Skimmerhorns and the surrounding area where noise will be heard all the way to the Kootenay Meadow Dairy, the golf course and other parts of the valley. On some occasions, I hear the Hushcroft Mill across the river in Erickson, so noise travels so much farther than many realize. Industry must remain on land zoned for it, not in the middle of residential and environmentally valued areas; not in this valley and not while I live and breathe.

With Sincere Candor,
Ms. Patricia Martin

I had the pleasure of being invited by Jon Blackmore along with my neighbours, Jo and Jeremy Ferris, to view the site at which he is seeking to build his home and to use a portion of his property to mine rock with a rock crusher in order to build the road from Lloyd Road and 20th to the home site. Here are my thoughts from that field trip.

----personal information about the applicant removed by RDCK staff ---- He talks about a fence on the property in question to allow the elk herd that visits regularly to pass without impedence. A road to his property access needs gravel. thus the impetus for the rock crusher. His plan is to sell excess crush to buyers.

He doesn't seem to have a detailed understanding of how it works in terms of water usage and volume or of noise that will ensue. This needs to be further investigated. He claims that export of crush will only involve 2 dump truck fulls per day over a normal work week and will involve no dump truck loads when road bans are on.

With the crush created, he will build his dream of a home in a magnificent view location. A single residence will appear on it as he crushes more rock over a 6 year period. I discussed with him the subject of posting a bond and he seemed a little surprised but not shocked. He stated he had posted bonds in the past of eg \$200K. He also stated that Dept of Transportation wants him to gravel the road at least to his home on Lloyd Road and to maintain it. He offered that he would use the 20th and Lloyd Rd. route for his dump trucks. He has a contractor from Cranbrook who would be involved.

He has promised to not go further north to 32nd which is non negotiable anyway because the community is adamant it does not want that. But the noise and the water usage and why the need for 6 years is where I have concerns.

I have learned he must obtain a mining license from the Ministry of Mines and Resources as well as being successful with his application to the Agriculture Land Commission to store mined matter on the portion of his land that is in the ALR. The portion that is being mined is approximately 3 acres and is not in the ALR.

There may be a reason for the proposed 6 year time frame that originates in a requirement by the ALC for a three year term that has the option to be increased to another 3 years if needed and that may be where the 6 year term of license comes from. Mr. Blackmore may not have requested a 6 year period in which to complete his rock crushing venture

My contacts at the RDCK have been Stephanie Johnson (RDCK planner) who is out of office and in the field with all the emergency plans for the wildfires but should be back in the office next week. Also, I have sent my letter to her via Roger Tierney, our director. I had a phone call with

Nelson Wight | Planning Manager
Regional District of Central Kootenay
Phone: 250.352.8184 | Cell: 250.354-8781 | Fax: 250.352.9300

And he has indicated that concerns in the form of letters should now be sent to

Plandept@rdck.bc.ca Or to:

sjohnson@rdck.bc.ca

So I would urge each household to send an email outlining concerns, questions or suggestions and these should be sent now. It will take a period of sometimes months before an ALR application is approved or declined and when that happens, the RDCK planning staff will have a better idea as to the situation if letters are already in hand.

In addition, I would like to share with you my personal feelings on this matter. I have always been someone who likes communities to be congenial and to be ones where we are tolerant and understanding of different factions within a community. I am so hoping that this request is handled in a businesslike manner and that facts are shared and not rumours. If a meeting on the issue is called at some point, I would feel devastated if tempers flared or oppositional talk mounted to the state where rifts were formed.


[REDACTED] I like that he now owns the Canyon Store and I wish nothing but the best for those still within the Bountiful community as well as for Jon Blackmore and his family.

Having sent my original letter, which I now somewhat regret as I got up on my high horse with indignation as I have been known to do, I now know more about the project and want to send a second letter to one of the email addresses above with some remaining concerns that may, if provided with answers that satisfy those concerns, be far more conciliatory. That letter will be asking:

- bond amount and protocol if project fails ie enforcement agency
- how do we determine in advance the noise factor (decibels)? Are there maximums enforced by Min of Environment
- How is it determined in advance, the volume of water required for a rock crusher

I do not wish to imply that I am in any way “taking the lead” on this issue. I am just one resident making an attempt to clear away some misconceptions in order to assist in bringing this issue to a satisfactory conclusion for all.

Your neighbour,
Pat Martin


July 26, 2024

Planning Department
RDCK

My concerns for the gravel producing project proposed on Lloyd Road in Canyon are the result of having looked at the proposal more closely. My initial response was shock that such a plan was even being considered. But after walking on the property with the applicant, I still have questions. I have sent a letter to you indicating that, after taking part in a field trip on July 23rd.

Now, I am focusing on specifics as follows:

Noise: Is there a way of determining how loud a rock crushing endeavour of this type would be? I presume a visit to a rock crusher of the same size might answer this question.

Water usage: There must be a way to determine how much water such a project would waste.

Bond: What amount will a bond be and how will it be enforced if the project fails to stop at the required term or is left unfinished by unforeseen circumstances?

Chemicals: Now that dynamite has been abandoned as a means of loosening rock surfaces, what are the effects both immediate and longterm of any chemical treatment that is replacing it?

Alternatives: This project is situated right beside the Hedlund Gravel dump where gravel for this project already exists in a closer supply than others in the valley would have to pay to access for roads on their property. There is a cost, but is this not the case in building a project of this type?

Precedent: Will approval set precedent for other landowners wishing to make profit or provide crush for their own road systems?

In closing, provided approval is acquired from the agencies which have received application for this project, it seems to me that the questions I have raised here need to be answered to the satisfaction of the community. I would expect that the onus is on the applicant and his contractor to provide these answers. Once provided, there is useful information available to community members when a public meeting is scheduled.

Towards reaching a fair conclusion,

Pat Martin

Jeff and Crystal Karbonik

July 15, 2024

Stephanie Johnson, Planner
Development and Community Sustainability Services
Regional District of Central Kootenay
Box 590, 202 Lakeside Drive
Nelson BC V1L 5R4
plandept@rdck.bc.ca

Re: ALR Referral RDCK File A2402B

Dear Ms. Johnson,

We are writing on behalf of the local residents to express our collective concerns regarding Agricultural Land Reserve Referral File A2402B to allow non-farm use of Lot 10 Plan NEP1494 District Lot 812 Kootenay Land District (PID: 015-750-698). This application is to permit for the destruction of a natural rock structure and the creation of a gravel operation that is expected to be in operation for six (6) years.

Why is this important?

The impact of mining and excavation projects spill out into the surrounding commons. While this project may not be the first of its kind proposed in the area, each application must be assessed on its merits and impacts to the surrounding area. The process used to assess the request must be carried out in a planned and thoughtful way to ensure the needs of the community are considered along with the needs of the applicant. Any decision to quickly pass a project such as this may set an unsustainable development precedent by enabling regulatory slippage, which describes "the situation where something that is legally mandated to happen fails to happen" (Farber 1999). Whole and complete planning processes; including an Environmental Impact Assessment (EIA) must be conducted.

The impacted community has identified the following concerns which need to be taken into consideration when making a decision that will have a lasting impact on the people and environment.

1. Fair and Meaningful Participation

The planning process has caused significant worry among local residents due to a lack of transparency. Directly affected parties were not given complete information or advanced notice of planning events. This lack of transparency suggests the possibility of something untoward occurring and raises serious concerns about the social and regulatory due diligence being observed. Going forward we ask that the RDCK Planning Committee adhere to the Impact Assessment Act of Canada, which will

ensure meaningful participation and informational transparency for all directly affected parties and concerned residents.

2. Impacts on Agricultural Land Reserve (ALR)

The proposed gravel operation contravenes the designated use of the ALR, threatening the agricultural viability of the land. This land is vital for local agricultural activities and food production, and converting it to industrial use, even for the short-term, undermines the purpose of the ALR, which is to preserve agricultural land for future generations.

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Blasting and / or fracking operations pose significant risks to groundwater, which is the primary water source for many local residents. The potential for groundwater contamination and disruption of the aquifer system cannot be overlooked. Studies have shown that such industrial activities can have long-lasting impacts on water quality and availability, critical concerns for rural communities dependent on groundwater (refer to guidelines from the Groundwater Foundation and other water management authorities). The use of fracking or foam injection to fracture rock poses several environmental risks including, but not limited to:

- **Chemical Contamination** - Foam injection involves the use of various chemical additives to create the foam. These chemicals can be hazardous if they migrate into groundwater or surface water sources (e.g. either directly or as a result of spills or leaks).
- **Groundwater Contamination** - Foam and its associated chemicals can potentially migrate through fractures created in the rock, reaching groundwater aquifers or adjacent wells.
- **Soil Contamination** - Some chemicals used in foam injections can persist in the environment and may not break down easily, leading to long-term contamination issues.
- **Air Quality Impact** - The chemicals used in foam can include Volatile Organic Compounds, which can be released into the atmosphere during the injection process, contributing to air pollution and posing health risks to nearby communities.
- **Climate Change** – Fracturing of rock can release methane, a potent greenhouse gas, into the atmosphere, exacerbating climate change.
- **Ecological Impact** - The chemicals used in fracking and / or foam agents used to fracture rock can be toxic to aquatic and terrestrial wildlife if they enter water bodies or soil ecosystems. Further, the physical process of foam injection and the associated infrastructure can disrupt local habitats, affecting biodiversity.

4. Noise Pollution

The continuous operation of heavy machinery, along with the possibility of blasting will generate substantial noise pollution, adversely impacting the wildlife in the area (most notably, the elk corridor and various birds; including Species at Risk) and disrupting the quiet rural lifestyle that residents moved to the valley to enjoy.

The rock fracture process will generate excessive noise through one or more of the following activities:

- Drilling Operations - Drilling involves the use of heavy machinery and equipment, which generates significant noise levels.
- Injection Equipment - High-pressure pumps and compressors used to inject fracking or foam agents into the rock create continuous and loud operational noise.
- Heavy Machinery and Vehicles - The movement and operation of trucks and other heavy machinery involved in transporting equipment, fracking or foam agents, and water contribute to the overall noise pollution. This includes engine noise, loading and unloading operations, and general site activity.
- Fracturing Process - The actual process of fracturing the rock with blasting, fracking or foam agents will produce loud cracking or popping sounds as the rock breaks apart.
- Generators and Auxiliary Equipment - Generators used to power equipment and other auxiliary machinery on-site also contribute to noise levels.

This project is scheduled to last six years and is expected to remove over 252,150 M3 of rock material. The rock aggregate will be stored on ALR designated lands. 36,000 tons of rock, necessitating the operation of one gravel truck every 13 minutes throughout the project's duration.

This prolonged noise exposure can lead to adverse health effects, including stress, sleep disturbances, and cardiovascular problems for nearby residents, which contradicts best practice planning principles that prioritize the well-being and quality of life of residents (see World Health Organization guidelines on noise pollution). Noise created through the extraction and transportation of rock materials will disturb the daily lives of people living near the site, affecting their quality of life and considering the extended time period that is being proposed may lead to potential conflicts between residents, the company conducting the operations and the group proposing the change in land use.

In addition noise pollution will disrupt local wildlife, affecting their natural behaviors, communication, mating patterns, and habitat use. This can lead to displacement and increased mortality rates for sensitive species.

5. Traffic and Road Infrastructure

At the June 25th, 2024 meeting, one of the RDCK Planning Committee members indicated that there would be approximately 35,000 truckloads of gravel extracted from the area. Assuming a 6-month season and a 6 year project term, residents can expect to have a truck travel past their property or travel on one or more of the connector roads once every 10 minutes on work days. The rural roads leading to and from the proposed extraction site / gravel pit are not rated to support the anticipated heavy truck traffic. The increase in heavy vehicle traffic will accelerate road degradation, increase maintenance costs, and pose safety risks to residents. Best practices in transportation planning emphasize the need for infrastructure assessments before approving projects that significantly alter traffic patterns (refer to the American Planning Association's guidelines on transportation and infrastructure planning).

6. Environmental and Community Impact

The environmental impact of this project extends beyond wildlife and groundwater. The cumulative effects of blasting, industrial noise, increased traffic, dust, and habitat destruction will degrade the local environment, contradicting sustainable development principles. Moreover, the community's proximity to nature and its quiet, rural character will be fundamentally altered, affecting property values and residents' quality of life.

7. Wildlife Corridor Disruption

The proposed site is within a sensitive wildlife corridor that supports elk, deer, wolves, coyotes, bears, and other species. Heavy industrial activity, heavy machinery operation and the irreparable destruction of the natural habitat will cause the displacement and potential harm to local wildlife. Preserving these corridors is crucial for maintaining biodiversity and ecological balance, as supported by best practices in environmental planning (e.g., the Wildlife Corridors Initiative).

8. Reclamation Ambiguity

There is deep concern related to the absence of clear guidelines and processes that will be used to ensure proper land reclamation. It is essential to ensure that the impacted lands will be restored to a state that harmonizes with the surrounding environment, enabling the return of the natural landscape and indigenous wildlife. We also emphasize the need for dedicated funding to guarantee that reclamation activities are carried out effectively and overseen by the appropriate approving body.

9. Governance

There appears to be a lack of governance with respect to how, if approved, the gravel extraction operations will be monitored. This includes noise and pollution management, long-term impacts to the health and wellness of the residents and wildlife. Adherence to the appropriate standards and management of the reclamation of the impact lands. Until the governance framework can be identified along with the standards and processes that will be used to manage the operations this request must not be allowed to move forward.

Its important to note that Agricultural Land Reserve Referral File A2402B will irrepriably change the area. In light of this and the issues raised above, we urge the RDCK Planning Committee to reject the application for the gravel operation. The substantial risks to the ALR, groundwater, community lifestyle, local infrastructure, and wildlife cannot be adequately mitigated. Preserving the land for agricultural and environmental purposes, in adherence to established planning guidelines and best practices, is clearly in the best interest of the community and environment.

Thank you for considering our concerns. I trust that the RDCK Planning Committee will make a decision that prioritizes the long-term welfare of our community and environment.

Respectfully,

Residents of Canyon Lister and Surrounding Area

The undersigned have reviewed and agree with the request to oppose the applicant's proposal to develop a gravel operation (see RDCK File A2402B) on lands designated for agricultural use under the existing Agriculture Land Reserve statute. The undersigned believe that approving this development would contravene the intended purpose of the Agriculture Land Reserve and adversely and irreparably affect the community and environment. We urge the RDCK Planning Committee to reject the application and preserve the integrity of our agricultural lands.

Date	Name (Print)	Signature
July 18/24	Amanda Friesen	Amanda Friesen
July 18, 2024	Ryan Friesen	R
July 18, 2024	CARTER FRIESESEN	CF
July 18/24	LUCAS FRIESEN	LF
July 18/24	Lorraine Sommerfeld	L Sommerfeld
July 18/24	Scott Sommerfeld	Scott Sommerfeld
July 18/24	GARY C. SMITH	G C Smith
July 18/24	SUSAN L. SMITH	S L Smith
July 18-24	Barbara Agnew	B Agnew
July 18/24	Mike Ramarathya	M Ramarathya
July 18/24	Wayne Stewart	W Stewart
July 18/24	GUNDA STEWART	G Stewart
July 18/24	Ulrike Egli-Mueller	Ulrike Egli-Mueller
July 18/24	Peter Egli	P Egli
July 18/24	Dshamila Egli	Dshamila Egli
July 18/24	Flavia Egli	Flavia Egli
July 18.24	BERND STENGL	Bernd Stengl
July 18.24	Lynn Russell	Lynn Russell
July 18 24	Joanne Gailius	J Gailius
July 18 24	DREW GAILIUS	D Gailius
July 18 24	Grace Hamilton	G. Hamilton
July 18 24	C. HAMILTON	C Hamilton
July 18 24	Shayla Stuart	Shayla Stuart

	PRINT	Signature
July 18	BEN YARSCHEWKO	<i>[Signature]</i>
July 18	Adam Kleitsch	<i>[Signature]</i>
July 18	4341 Muzzey Road Canyon BC. Jean Blackstock	<i>[Signature]</i>
July 18	4322-36th St. Canyon, BC.	<i>[Signature]</i>
July 19	36th. Street	<i>[Signature]</i>
July 19	Claudio Herrera	<i>[Signature]</i>
July 19	1335-36th St. Luna Jackson Canyon	<i>[Signature]</i>
July 19	James Johnson	<i>[Signature]</i>
July 19	Jo Ferris	<i>[Signature]</i>
July 19	Jeremy Ferris	<i>[Signature]</i>
July 19	Rita Berikoff	<i>[Signature]</i>
July 19	Pat Martin	<i>[Signature]</i>
July 19	Kevin Kelly	<i>[Signature]</i>
July 19	DANIEL KELLY	<i>[Signature]</i>
July 19	Rebecca Kelly	<i>[Signature]</i>
July 19	Shrene Dubeau	<i>[Signature]</i>
July 19	Roland Dubeau	<i>[Signature]</i>
July 19-24	Kendra Lee	<i>[Signature]</i>
July 19-24	Susan Isaac	<i>[Signature]</i>
July 19-24	Bryan Isaac	<i>[Signature]</i>
July 19/24	Sydney Karbonik	<i>[Signature]</i>
JULY 19/24	Crystal Kelly	CRYSTAL KARBONIK.
JULY 19/24	Jeff Karbonik	JEFF KARBONIK
July 19/24	Dets Nelius	<i>[Signature]</i>
July 19/24	Rick Low	<i>[Signature]</i>
July 19	Marcus Olson	<i>[Signature]</i>
July 19	JEFF TAYLOR	<i>[Signature]</i>

The undersigned have reviewed and agree with the request to oppose the applicant's proposal to develop a gravel operation (see RDCK File A2402B) on lands designated for agricultural use under the existing Agriculture Land Reserve statute. The undersigned believe that approving this development would contravene the intended purpose of the Agricultural Land Reserve and adversely and irreparably affect the community and environment. We urge the RDCK Planning Committee to reject the application and preserve the integrity of our agricultural lands.

Date	Name (Print)	Signature
July 19	Wayne Sikora	Wayne Sikora
July 19, 2024	Sunley Parent	Sunley Parent
" "	Dave Wilson	Dave Wilson
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Questions from the public:

- **Question:** When it comes to cracking, how deep are they going to go?

Answer (Agent): Using foam the depth allows is what the surveyor shows. Twenty feet standard drill round for blasting which includes 200 holes. The whole area will get worked before we go town a bench. Take a full layer off the top.

This is just for them to build a shop and their house. The house will go on this site...this Shelf will be leveled. The plan is for three years with no guarantee of renewal. Taking down level by level by level. At the end they need to put a road up to their house.

- **Question:** Does the rock shelf...go over the property lines?

Answer: Geo technical review or study needs to be done first.: if you want to return it to the ALR...data point to what it was...to take it back to the AG. Back to it's original this process to be reviewed

- **Question:** Future development was referred to. If the land is being brought back to the ALR what future developments could happen?

Answer (Commission): There is crown land...we don't know what the future is.

- **Question:** What is the future development???

Response (RDCK Planner): if there was future development...if it's not allowed RDCK and ALR zoning...it has to come back to the RDCK and ALR for non-farm use, etc...require new applications.

- **Question:** is the fracking material environmentally friendly?

Answer (Agent): When it breaks down the ground...agent has to be cleaned up and moved away...taken to the landfill. It cannot be mixed with gravel for road...

- **Question:** You are tearing down that mountain...lots of damage...it's not that simple.

Answer (Commission): We are here to just Agriculture 2 zone. Perhaps there could be Security to ensure that the land will be brought back to Agricultural Land Reserve.

- **Question:** Fracking is worse than blasting. Are there institution in this process. Will the ground water be protected? Limit the damage...someone in the government needs to confirm...

Answer (Area A Director): These questions cannot be answered by the Creston Valley Agricultural Advisory Commission.

- **Question:** Gravel is being made then a house to be built. A document was circulated around the that the next planning stage was going to create 25 lots.

Response (Sadie): The Planning Department has not seen any applications...but any applications for subdivision would go through the Ministry of Transportation and Infrastructure.

- **Question:** When we bought the farm In Lister...we had a patch the size of this room...went down 16 feet culvert ...dried up. Aquafer....fracking could change the path of a water supply...water protection.

- **Question:** Is there any consideration for all the Agricultural Land Reserve? With the vibrations - how it affects the land, animals and nearby farms...the dump trucks are noisy.

- **Zoom Question:** What is the chemical make of the foam or brand of the patent?

Answer (Agent): Will send the information to the RDCK Planner. Fracking uses chemicals, sand mud and oil and a lot of water. Pumped into one hole with lots of pressure to break bedrock...thousands of feet deep down.

This cracking agent is nothing like that. You can put it in your back yard...moves slow high expanding foam that will split rock...moves outwards. Cracking agent can only expand in the hole.

- **Question:** When you did the site visit did you see any surface water on that property?? Any creeks? Above ground water?

Answer (Commission): We did not see any water.

- **Question:** There is a lot of concern...the process is not transparent....how we can have the opportunity to be heard. This discussion was not seen in the last meeting minutes. You are discounting other conversations. I hope in the meeting minutes...consider the questions and feedback and the amount of people are represented here today.

This process by no means do they address the process of harm along this path if this gets approved. We are not backing off. You are here to represent us. How do we understand how the vote looks?

How can we engage as a community? How are we going to be engaged...there are more people want to be heard....what steps is the RDCK making to ensue everyone is heard? I need some assurances...next steps are visible....I want a push of information....I want the info delivered to me. I don't want to look for it.

Many steps....there is hope there is an opportunity that these issues will be heard.

Understanding of the process...written a letter and signatures collected. I want it recorded.

Response (RDCK Planner): Bylaw procedures are helpful with any application. This is an Agricultural Land Reserve referral. This is not our application we were asked to review it. I can send anyone the procedures; no one is trying to hide anything.

- **Question:** Where is the water coming from?

Answer (Agent): Water trucks.

- **Question:** We heard that he was going to sell gravel.

Answer (Agent): Yes, to recoup costs for building the road. The site is to build a house. It is NOT a prime piece of property.



Committee Report

Date of Report: September 24, 2024
Date & Type of Meeting: October 16, 2024 – Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: BYLAW AMENDMENT
File: Z2404G – Renaissance Arts and Sustainability Society
Electoral Area/Municipality: G

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Regional Board to consider an application for a land use bylaw amendment in Electoral Area ‘G’ to rezone a property from Town-site Residential (R1) to Tourist Commercial (C2) site specific and change the land use designation from Town-site Residential (RS) to Tourist Commercial (TC)

The application would facilitate the proposed development of a multi-purpose building that will contain artist studios, gallery space, event space and a self contained dwelling unit.

Staff recommend that Amending Bylaw No. 2986, 2024 being a bylaw to amend Electoral Area ‘G’ Land Use Bylaw No. 2452, 2018 be given FIRST and SECOND reading by content and referred to a public hearing.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Renaissance Arts and Sustainability Society

Agent: Cover Architecture Collaborative c/o Anna Wynne

Property Location: 106 Tamarac Street, Ymir, Electoral Area ‘G’

Legal Description: LOT A BLOCK 35 DISTRICT LOT 1242 KOOTENAY DISTRICT PLAN EPP131954 (PID: 032-102-780)

Property Size: 0.12 hectare

Current Zoning: Town-site Residential (R1) - Salmo River Valley Electoral Area G Land Use Bylaw No. 2452, 2018

Current Official Community Plan Designation: Town-site Residential (RS) - Salmo River Valley Electoral Area G Land Use Bylaw No. 2452, 2018

SURROUNDING LAND USES

North: Country Residential (R2)

East: Parks and Recreation (PR) – Great Northern Rail Trail

South: Town-site Residential (R1)

West: Town-site Residential (R1)

Background and Site Context

The subject property is located in Electoral Area 'G' at the north end of the unincorporated town of Ymir. The triangular parcel is presently vacant and bound by Zeeben Road to the east, an unimproved lane to the west, and Tamarac Street to the south. The property was purchased by Renaissance Arts and Sustainability Society (RASS) in 2023 with the intention of establishing a mixed-use building with artist studios, a gallery, event/performance space and a dwelling unit. The proposed building will be serviced by a connection to the RDCK owned Ymir Water Supply System and a private on-site wastewater (septic) system.



Figure 1 - Location Map

Land Use Bylaw Amendments Proposed

The vacant property is presently zoned and designated town-site residential in Electoral Area 'G' Land Use Bylaw No. 2452, 2018. The proposed site specific C2 zone would address several zoning regulations including the minimum lot area, minimum building setbacks and a limited number of off-street parking spaces that can be accommodated on the property.

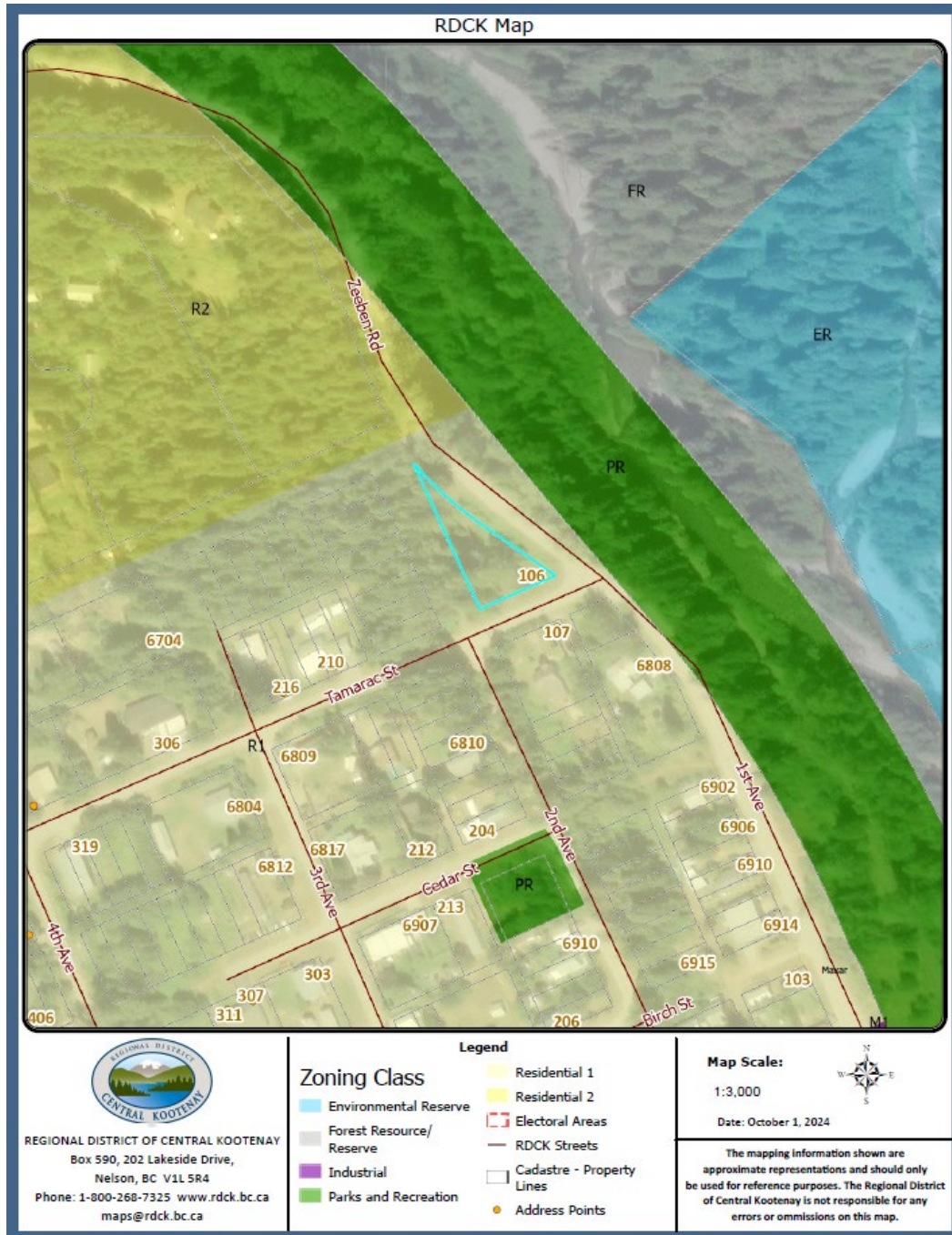


Figure 2 - Zoning Map (present zoning designations)

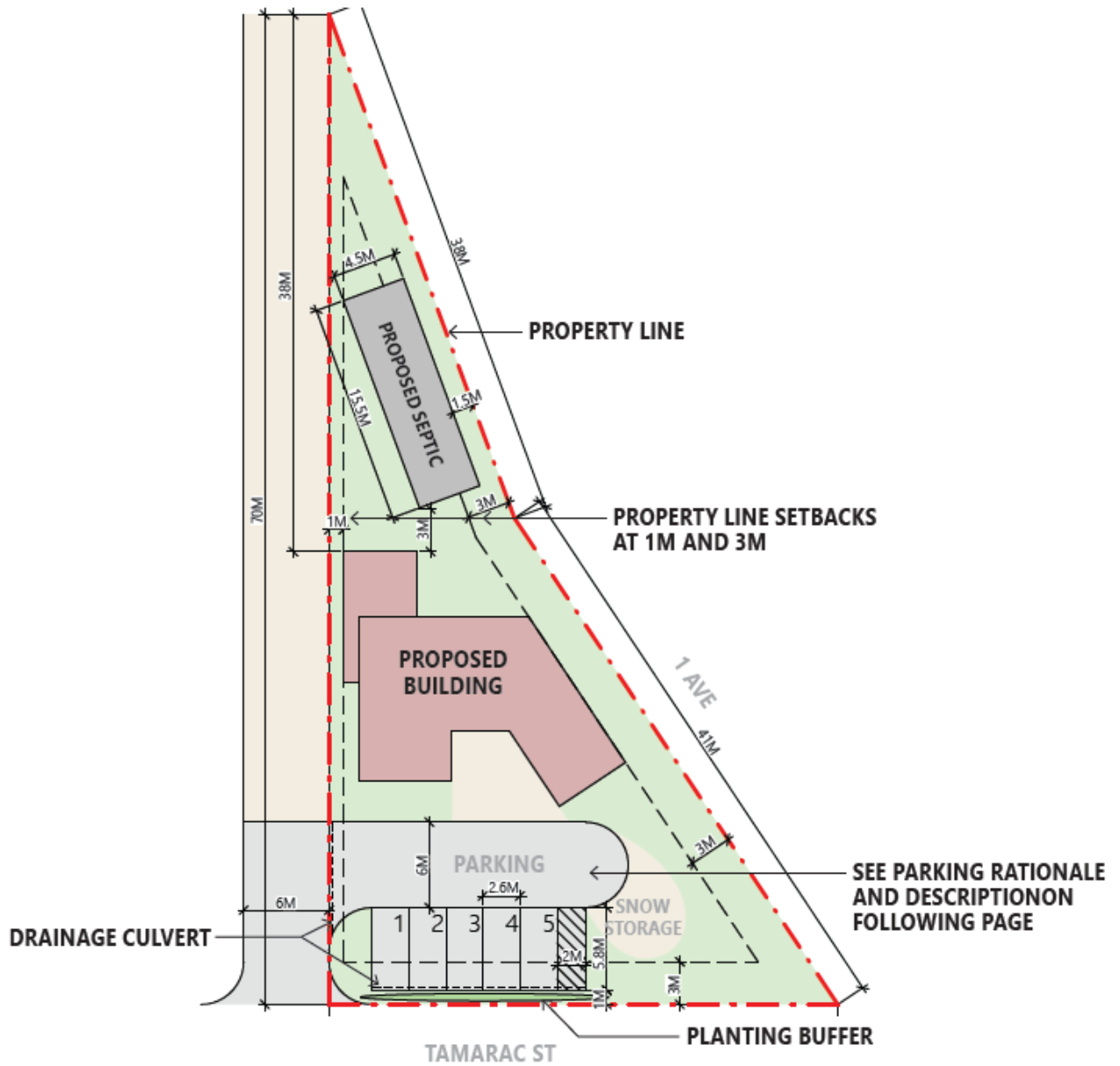


Figure 3 - Site Plan showing proposed development

Planning Policy

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

4.0 COMMERCIAL AND INDUSTRIAL

Commercial Objectives

1. Enhance the long term vitality and economic sustainability of the Plan area by supporting new and existing businesses and the creation of employment.
2. Provide for commercial activities servicing the needs of local residents and visitors
3. Recognize the commercial and service center role of the City of Nelson and Village of Salmo and direct that commercial development in the rural communities will primarily be oriented toward serving local community needs and visitor needs.
4. Encourage home based businesses as a means of strengthening the economic base.
5. Expand employment opportunities associated with home based businesses and occupations.

Tourist Commercial Policies

The regional Board:

8. Anticipates that tourist commercial needs will be accommodated throughout the Plan area on lands designated as such on Schedule A.1 mapping
9. Encourages the development of a range of tourist accommodation types including campgrounds, lodges, resorts, and bed and breakfast establishments to diversify tourism opportunities in the community.
10. Enable commercial outdoor recreation, resort commercial, agri-tourism and ecotourism opportunities such as trail rides, campgrounds and wilderness tours provided they do not have demonstrated detrimental impact on important habitat, riparian areas, or adjacent land uses.

15.0 COMMUNITY SPECIFIC POLICIES

Ymir

14. Recognizes that Ymir will continue to be a mixed development community with both existing Town-site Residential, Commercial and Community Service developments contributing to its role as a service center for the area.
20. Recognizes the importance of local cultural venues and events as contributing to the social fabric of the community, such as: the ice rink, skate-board facilities, community campground, community hall and various community events.
21. Encourages that new construction and renovation to existing commercial and community service buildings within the commercial core area maintain the heritage values of the community.
23. Supports the development of community based skill sharing and enhanced arts and cultural programs.

25. Recognizes that further community development and in-fill is constrained by waste water servicing capabilities and that Crown land dispositions may impact the future ability of the community to expand or establish services in the future.

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 Land Use Bylaw amendment 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

Not applicable.

3.4 Social Considerations:

A written notice of the proposed bylaw amendment was mailed to 13 neighbouring property owners. No responses have been received from neighbouring property owners.

3.5 Economic Considerations:

The proposed land use bylaw amendment would facilitate the development of a presently vacant lot in a small community and would provide a space for a non-profit society (RASS) to run some of their events and programming.

3.6 Communication Considerations:

The application was sent to 13 neighbouring property owners, relevant government agencies and First Nations.

The following responses were received from internal departments, external agencies and First Nations:

Agency/Department	Referral Response
RDCK Environmental Services (Water Services)	Water Services has no requirements at this time. If the zoning amendment is approved, and the applicant applies for a Building Permit (BP) they will be required to apply for a New Water Service, prior to issuance of the BP, and pay the associated deposit and fees (Bylaw 2951 Schedule A). There would be Capital Infrastructure Charges for the creation of Serviced Dwelling or Commercial Units after the initial Dwelling or Commercial Units (Bylaw 2951, Schedule A). Upon completion of the build billing would commence and would include commercial and dwelling charges as (Bylaw 2951, Schedule B).
RDCK Building Services	1. Due to the use of the building, A2, an Architect is required to be engaged and provide BCBC Schedule A & Schedule B for the permit application.

	<p>2. Most of the structure is supporting occupancies that fall within Part 4 of the BCBC – A Structural Engineer will be required to submit sealed design drawings and a letter of assurance BCBC Schedule B.</p> <p>3. Spatial Separation calculations shall be illustrated on the Permit application site plan with applicable delayed fire-response time.</p> <p>4. An Energy Model with Report complying to Part 10 of the BCBC shall be submitted with the BP application. – This requires the engagement of a Registered Professional (Energy Modeller)</p> <p>5. Along with design drawings a Site Access Plan shall be submitted to the RDCK Building Department:</p> <p>-3.2.5.6. Access Route Design A portion of a roadway or yard provided as a required access route for fire department use shall</p> <p>a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory,</p> <p>b) have a centre-line radius not less than 12 m,</p> <p>c) have an overhead clearance not less than 5 m,</p> <p>d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m,</p> <p>e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions,</p> <p>f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and</p> <p>g) be connected with a public thoroughfare. (See Note A-3.2.5.6.(1).)</p> <p>2) For buildings conforming to Article 3.2.2.50. or 3.2.2.58., no portion of the access route described in Sentence 3.2.2.10.(3) shall be more than 20 m below the uppermost floor level</p> <p>A-3.2.5.6.(1) Fire Department Access Route. The design and construction of fire department access routes involves the consideration of many variables, some of which are specified in the requirements in the Code. All these variables should be considered in relation to the type and size of fire department vehicles available in the municipality or area where the building will be constructed. It is appropriate, therefore, that the local fire department be consulted prior to the design and construction of access routes.</p> <p>Site water for suppression: please see attached FUS – Water supply for public fire protection in Canada and NFPA 1720 – standard for rural firefighting. – If determined a suppression system is required by the Architect.</p> <p>Please note that the items noted above are based on a preliminary review of the documentation provided for the Planning Referral. The Building Department may request further clarification / documentation upon review of the Building Permit application.</p>
RDCK Fire Services	No comments provided at this time.

<p>Ministry of Transportation and Infrastructure (MoTI)</p>	<p>Our office has concerns about the development layout and the suitability of the property for commercial use.</p> <p>The parking layout shows multiple ingress and egress points onto the property for parking. MoTI only permits a single access point onto properties and requires that all vehicle parking and turning movements can be accommodated within the property. The landowner will need to apply for a commercial access permit for this development.</p> <p>The layout also shows parking and a loading zone off the undeveloped 2nd st right of way. The developer will need to upgrade this undeveloped portion of road to ministry standards if they wish to use it to access their property. The property is subject to a reduced setback distance of 3m because it adjacent to highway right of way on two or more sides. This should allow for more room for development. With that said, MoTI may request that a fence be built around the property to prevent potential encroachments onto ministry right of way.</p> <p>MoTI supports the zoning amendment if these requirements can be met. Please reach out if you have any questions about MoTI’s concerns.</p>
<p>Electoral Area ‘G’ APHC</p>	<p>The Area ‘G’ APHC was not able to discuss this application due to lack of quorum.</p>
<p>Ktunaxa Nation Council</p>	<p>The Ktunaxa Nation Council has no concerns with this application.</p>
<p>Fortis BC</p>	<p><u>Land Rights Comments</u></p> <ul style="list-style-type: none"> • 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. <p><u>Operational & Design Comments</u></p> <ul style="list-style-type: none"> • There are FortisBC Electric (“FBC(E)”) primary distribution facilities along Tamarac 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. • <u>To proceed, the applicant should contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.</u> <p>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.</p> <ul style="list-style-type: none"> • Electrician’s Name and Phone number • FortisBC Total Connected Load Form • Other technical information relative to electrical servicing

	<p>For more information, please refer to FBC(E)'s overhead and underground design requirements:</p> <p>FortisBC Overhead Design Requirements http://fortisbc.com/ServiceMeterGuide</p> <p>FortisBC Underground Design Specification http://www.fortisbc.com/InstallGuide</p> <p>If you have any questions or comments, please contact us at your convenience.</p>
BC Hydro	<p>Thank you for your email. BC Hydro has <u>no objection</u> in principle to the proposed bylaw amendment</p> <p>The following comments are for the property owner's information:</p> <ol style="list-style-type: none"> 1. For new construction, BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors, including those utility works installed within road allowance adjacent to the property. 2. It is the responsibility of the Architect and Electrical Engineer of Record (EEOR) to ensure compliance with the Canadian Electrical Code (CEC), Canadian Safety Association (CSA) and WorkSafeBC (WSBC). The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach). 3. Should the development require distribution service, changes to the property's service or the relocation of distribution lines, please contact BC Hydro's Electrical Service Coordination Centre (ESCC) at 1-877-520-1355.
Interior Health Authority	<p>Thank you for the opportunity to provide comments for consideration regarding the above referenced application.</p> <p>It is our understanding that purpose of this application is to rezone the subject property from Town-site Residential (R1) to Tourist Commercial (C2) Site Specific and amend the land use designation from Town-site Residential (RS) to Tourist Commercial (TC).</p> <p>This referral has been reviewed from Healthy Community Development and Environmental Public Health perspective.</p> <p>From an onsite servicing perspective, we have concerns regarding the small lot size and the limited amount of useable land available for sewage dispersal fields, including a suitable back-up area. The C2 zoning identifies a minimum parcel size of 0.4 hectares for all permitted uses including Artisan Craft</p>

	<p>Production and Sales to ensure sustainability of a lot serviced by a community water system and onsite sewerage disposal, to which this particular lot is 30 % (~1/3rd) of that required size. The subject property is further constrained by it's orientation and the nature of the proposed development.</p> <p>We recognize the existing zoning is for residential use and do not object to this parcel continuing to be zoned for simple residential use. However, we are concerned this parcel could unintentionally be overdeveloped if zoned for commercial use. In order for the parcel to be self-sufficient in the long-term, it is very important that an area of land suitable for an onsite sewerage dispersal field be available for future needs (potentially decades in the future). This is because all sewerage systems have a finite lifespan and will need to be replaced. The BC Sewerage Systems Regulation only requires present day proposed uses be considered when designing a system.</p> <p>We are fully supportive of community arts and culture; we understand it's value within a community from a community health and wellness perspective, including for social, physical and mental health. Having said this, in relation to this application and the proposed rezoning to commercial on this property, we also comprehend the need to balance long term sustainable development from an onsite services and community planning perspective.</p> <p>Interior Health is committed to working collaboratively with the Regional District of Central Kootenay to support healthy, sustainable community development, land use planning and policy creation.</p>
<p>Ministry of Forests – Archaeology Branch</p>	<p>Thank you for your referral regarding 106 Tamarac Street, Ymir, PID 032102780, LOT A BLOCK 35 DISTRICT LOT 1242 KOOTENAY DISTRICT PLAN EPP131954. 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.</p> <p>Results of Provincial Archaeological Inventory Search According to Provincial records, there are no known archaeological sites recorded on the subject property.</p> <p>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.</p> <p>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.</p>

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,

	<p>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.</p> <p>Questions? For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.</p> <p>For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.</p>
<p>Ministry of Forests – Selkirk District</p>	<p>The MOF has no objection to this zoning amendment.</p>
<p>Ministry of Water, Land and Resource Stewardship – Crown Land Authorizations</p>	<p>Thank you for the opportunity to comment on the above noted file. On behalf of Crown Land Authorizations (Ministry of WLRS), I have a few considerations for the proposed development as these may impact the use and disposition of adjacent Crown Land.</p> <ul style="list-style-type: none"> - How will the parking lot be accessed? - Will there be overflow parking within road allowance or on adjacent Crown Land? - How will the lot/building be serviced? - Is there intent to submit a Crown Land application for utilities? - Where is the connection to community water system?
<p>Ministry of Water, Land and Resource Stewardship – Ecosystems Section Head – Kootenay-Boundary Region</p>	<p>The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:</p> <ol style="list-style-type: none"> 1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to. 2. Changes in and about a “stream” [as defined in the Water Sustainability Act (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the Water Sustainability Regulation. Authorized changes must also be compliant with the Kootenay-Boundary Terms and Conditions and Timing Windows documents. Applications to conduct works in and about streams can be submitted through FrontCounter BC. 3. No “development” should occur within 15 m of the “stream boundary” of any “stream” [all as defined in the Riparian Areas Protection Regulation (RAPR)] in the absence of an acceptable assessment, completed by a

Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of RAPR are required to ensure that all development is compliant with RAPR.

4. The federal Species at Risk Act (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to Resource Inventory Standard Committee (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific Recovery Strategy or Management Plan documents, and to ensure proposed activities will not adversely affect SEAR or their Critical Habitat for Federally-listed Species at Risk (Posted).
5. Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: Natural Resource Best Management Practices - Province of British Columbia (gov.bc.ca) and Develop with Care 2014 - Province of British Columbia.
6. Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial Wildlife Act and the federal Migratory Birds Convention Act. Guidelines to avoid harm to migratory birds can be found at: Guidelines to avoid harm to migratory birds - Canada.ca. If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:

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

7. The introduction and spread of invasive species is a concern with all developments. The provincial Weed Control Act requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that

	<p>person. Information on invasive species can be found at: Invasive species - Province of British Columbia. The Invasive Species Council of BC provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.</p> <ol style="list-style-type: none"> 8. Section 33.1 of the provincial Wildlife Act prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict. 9. If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277). 10. Developments must be compliant with all other applicable statutes, bylaws, and regulations.
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3.7 Staffing/Departmental Workplace Considerations:

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

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Staff have not received any submissions from surrounding property owners expressing concerns or opposition to the proposed Land Use Bylaw Amendment. Although concerns have been raised by Interior Health Authority related to the size of the lot and servicing constraints, the applicants have worked with a Registered Onsite Wastewater Practitioner to determine an appropriate location for an onsite wastewater (septic) system and the proposed development would be serviced by a connection to the Ymir Water Supply system.

A site specific zone is required mostly due to the size of the existing lot. The overall size and shape of the parcel create site constraints which are being addressed by the proposed zone which will authorize reduced building setbacks and fewer off-street parking spaces than what is typically required in the C2 zone. The site specific zone will have a more restrictive set of uses but will allow the applicants to use the proposed arts building for a broad set of "arts related" accessory uses such as an Interpretive Facility, Museum, Office and a Dwelling Unit (to be used as an artist-in-residence unit).

The proposal is consistent with the intent and the spirit of the OCP, and specifically the following policy direction from the Community Specific Policies for Ymir:

20. Recognizes the importance of local cultural venues and events as contributing to the social fabric of the community, such as: the ice rink, skate-board facilities, community campground, community hall and various community events.
21. Encourages that new construction and renovation to existing commercial and community service buildings within the commercial core area maintain the heritage values of the community.
23. Supports the development of community based skill sharing and enhanced arts and cultural programs.

Staff recommend that the Board complete first and second reading of the amendment bylaw and refer the amendment to a public hearing for the following reasons:

- The development of an underutilized vacant lot is a benefit for the community.
- The proposed use (community based arts facility) is consistent with the policy direction in the OCP to support local arts and culture.
- Staff have not received any submissions from neighbours identifying concerns or opposition to this proposed development.
- There are opportunities for the applicant to provide more detailed servicing information prior to consideration of adoption of the amendment bylaw.

Option 1: Initial readings and refer to public hearing

That Electoral Area 'G' Land Use Amendment Bylaw No. 2986, 2024 being a bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018 is hereby given FIRST and SECOND reading by content.

And Further

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

Option 2: Not move the application forward

That no further action be taken with respect to Electoral Area 'G' Land Use Amendment Bylaw No. 2986, 2024 being a bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018

SECTION 5: RECOMMENDATIONS

That Electoral Area 'G' Land Use Amendment Bylaw No. 2986, 2024 being a bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018 is hereby given FIRST and SECOND reading by content and referred to a public hearing.

And Further

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

Respectfully submitted,

Zachari Giacomazzo, Planner

CONCURRENCE

Planning Manager – Nelson Wight **Digitally Approved**

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

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

ATTACHMENTS:

Attachment A – Draft Amendment Bylaw No. 2986, 2024

Attachment B – Complete Applicant submission Package, dated September 24, 2024

Attachment C – Referral responses from First Nations

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2986

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

WHEREAS it is deemed expedient to amend the Electoral Area 'G' Land Use Bylaw No. 2452, 2018, 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' and 'B.1' of Electoral Area 'G' Land Use Bylaw No. 2452, 2018 be amended by changing the Land Use Designation from Town-site Residential (RS) to Tourist Commercial (TC) and the Zoning from Town-site Residential (R1) to Artisan Tourist Commercial (C3) for LOT A BLOCK 35 DISTRICT LOT 1242 KOOTENAY DISTRICT PLAN EPP131954 (PID: 032-102-780), as shown on Schedules 'A' and 'B' which are attached hereto and form part of this bylaw.

a. ADDING the following:

25.B.0 ARTISAN TOURIST COMMERCIAL (C3)

PERMITTED USES TABLE FOR C3 ZONE	
1	Principal Uses Artisan Craft Production and Sales Accessory Uses Accessory Building or Structures Dwelling Unit Interpretive Facilities Museum Office Outdoor Recreational Activities

DEVELOPMENT REGULATIONS TABLE FOR C2 (SITE SPECIFIC) ZONE		
	Minimum lot area for each Principal Use: Community Water System and Community Wastewater System	0.1 hectares
	Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System	0.1 hectares
	On-site Water Source and On-site Wastewater Disposal	1.0 hectares
2	Minimum front setback	4.5 metres

3	Minimum exterior side setback	1 metre
4	Minimum interior side setback	2.5 metres
5	Minimum rear setback	2.5 metres
6	Maximum Lot Coverage	50 percent
7	Maximum building height: Principal Buildings Accessory buildings and structures	10.0 metres 6.0 metres
8	Parking Spaces	1 parking space/50 m ² of GFA
9	Minimum lot area for subdivision: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal	0.1 hectares 0.2 hectares 0.2 hectares 1.0 hectares
10	When referring to General Regulations (Section 18.0) all references to the C2 zone shall also apply to this zone.	

2 This Bylaw shall come into force and effect upon its adoption.

CITATION

3 This Bylaw may be cited as **“Electoral Area ‘G’ Land Use Amendment Bylaw No. 2986, 2024.”**

READ A FIRST TIME this 17th day of October, 2024.

READ A SECOND TIME this 17th day of October, 2024.

WHEREAS A PUBLIC HEARING was held this day of , 2024.

READ A THIRD TIME this [Date] day of [Month], 202X.

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

Approval Authority,
Ministry of Transportation and Infrastructure

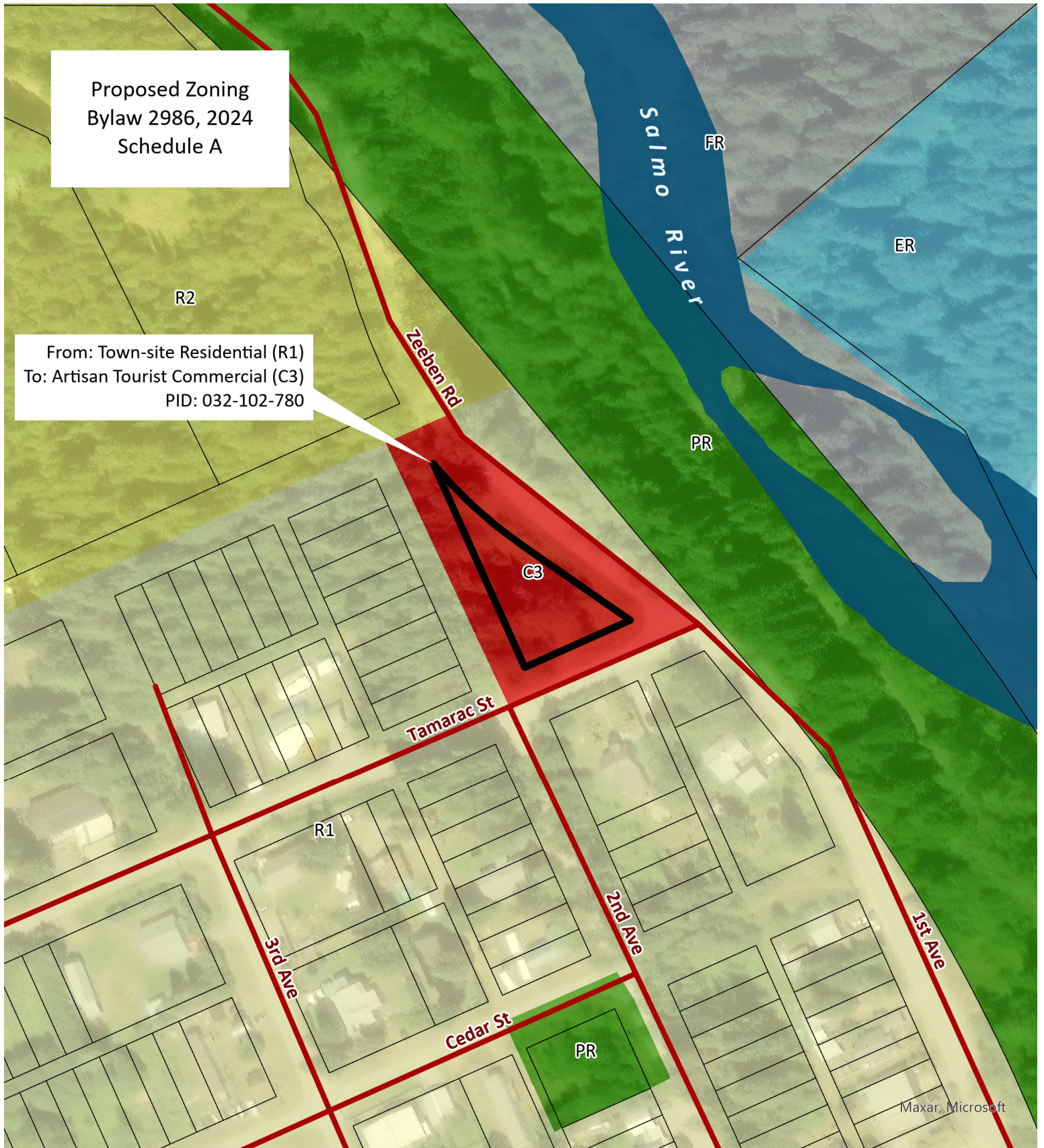
ADOPTED this XX day of XX, 202X.






Aimee Watson, Board Chair






Mike Morrison, Corporate Officer

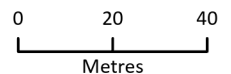
Proposed Zoning
Bylaw 2986, 2024
Schedule A

From: Town-site Residential (R1)
To: Artisan Tourist Commercial (C3)
PID: 032-102-780



-  Subject Property
-  Property Lines
-  River
-  Road
- Zoning Class**
-  Artisan Tourist Commercial (C3)¹²⁸

-  Environmental Reserve (ER)
-  Forest Resource/Reserve (FR)
-  Parks and Recreation (PR)
-  Residential 1 (R1)
-  Residential 2 (R2)



October 02, 2024
PCS: NAD83 UTM Zone11N

The map data shown are approximate representations for reference 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 Land Use
Bylaw 2986, 2024
Schedule B

From: Town-site Residential (RS)
To: Tourist Commercial (TC)
PID: 032-102-780



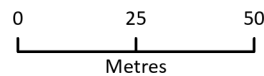
- Subject Property
- Property Lines
- River
- Road

Land Use Designation

- Tourist Commercial (TC)

- Country Residential (RC)
- Environmental Reserve (ER)
- Forest Reserve (FR)
- Parks and Recreation (PR)
- Town-site Residential (RS)

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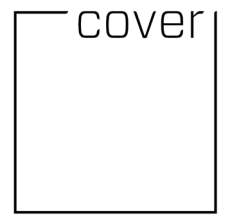


October 01, 2024
PCS: NAD83 UTM Zone11N

The map data shown are approximate representations for reference 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.

RASS YMIR ARTS STATION REZONING APPLICATION - UPDATED

September 24, 2024



The Renaissance Arts and Sustainability Society's office and activities are located on the traditional, unceded lands of the First Peoples who have inhabited them since time immemorial. We respect past, present, and future Indigenous stewards and recognize that we are uninvited guests on this territory.

RE-ZONING APPLICATION

BYLAW REVIEW

TAMARAC ST SITE BYLAW REVIEW:
Preliminary Review 2024-03-24
RDCK ELECTORAL AREA G

CURRENT ZONING:
R-1 Residential

PROPOSED ZONING:
A Site Specific variant based on the requirements for
Tourist Commercial (C-2)
PERMITTED USE OF C-2:
Artisan Craft Production and Sales, Accessory Dwellings,
Mixed Use Development, Retail Store, Accessory Building
or Structures

DENSITY:
Maximum Floor Area Ratio (FAR):
As Designed

LOT COVERAGE:
Maximum Lot Coverage: 50%

SETBACKS:
Front Lot Line: 4.5m (*reduced to 3m*)
Exterior Side Lot Line: 4.5m (*reduced to 3m*)
Interior Side Lot Line: 2.5m (*reduced to 1m*)
Rear Lot Line: 2.5m (*reduced to 1m*)

MAXIMUM BUILDING HEIGHT:
Maximum Allowed: 10 m Principal Building, 6m Accessory
Buildings & Structures

REQUIRED PARKING:
Off-street parking requirements for C2: 4 spaces per
100m².
Total GFA excluding the suite
2085 sqft / 193.7 m² = ~8 spaces (*reduced to 5 spaces*)

SEPTIC SYSTEM:
Proposed system would comprise 2 septic tanks in series, a
pump chamber, and septic field, see report included.

OCP DESIGNATION:
Current: RS

Proposed: Tourist Commercial (TC) Policies (Site specific
variant)

The Regional Board:

8. Anticipates that tourist commercial needs will be accommodated throughout the Plan area on lands designated as such on Schedule A.1 mapping.
9. Encourages the development of a range of tourist accommodation types including campgrounds, lodges, resorts, and bed and breakfast establishments to diversify tourism opportunities in the community.
10. Enable commercial outdoor recreation, resort commercial, agri-tourism and eco-tourism opportunities such as trail rides, campgrounds and wilderness tours provided they do not have demonstrated detrimental impact on important habitat, riparian areas, or adjacent land uses.

**MINIMUM LOT SIZE FOR ZONE:
Minimum lot size for C-2 (with onsite septic &
Community Water connection) is 0.2 hectares
Existing site is 1149 M sq (0.1149 of a hectare).**

**This is the primary reason for requesting a site specific
Zoning in line with C-2.**

LEGAL DESCRIPTION OF PROPERTY

Parcel Identifier: 032-102-780. Legal Description LOT A BLOCK 35
DISTRICT LOT 1242 KOOTENAY DISTRICT PLAN EPP 131954

CIVIC ADDRESS:
106 Tamarac Street, Ymir BC, V0G 2K0 (old hospital site)

Access via a 'Rural, Low-volume Rd', two-lane TAC: category 'A' with a
design speed of 30km/h.

ADDITIONAL CONSIDERATIONS

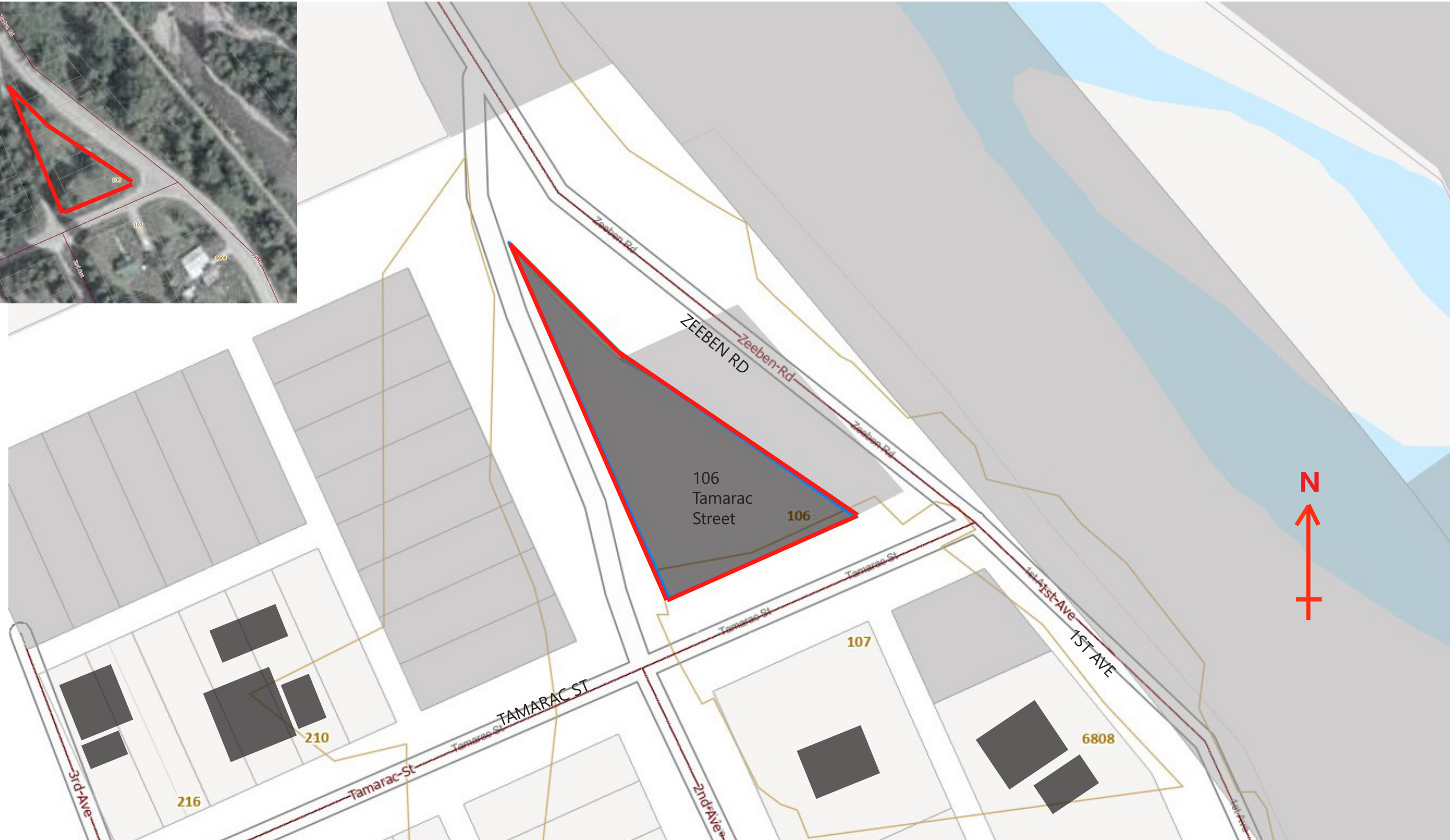
As the project progresses, these additional considerations will be
congruent with the re-zoning of the site:

- Archaeology MOF: Heritage permit only required if items found on site during land-altering activities.
- Fortis/ BC Hydro: Ensure safe clearance is maintained around the electrical equipment.
- RDCK Fire Service: Application for commercial access permit may be required.
- Ministry of water: Crown land requirement for a site specific assessment/ field study for resource inventory, ecosystems/ 'species at risk'
- MOTI: Adhere to MOTI road layout design standards and Guidelines.
- A Site specific covenant may be required to ensure that Septic provision is retained/protected for the future of the site.
- There is existing site servicing on the site for elec and water supply.

SITE LOCATION



106 Tamarac Street,
Ymir, BC



PROPOSAL SUMMARY

What the new zoning will allow you to do, and the rationale behind the change, including the effects, positive or negative, to surrounding properties:

A NEW ARTS BUILDING WITH A MAIN MULTI PURPOSE SPACE FOR CERAMICS, PERFORMANCES AND OTHER ARTS PROGRAMS AND CLASSES, SURROUNDED BY INDIVIDUAL STUDIOS FOR FINE ART AND MUSIC. PROJECT ALSO INCLUDES A SMALL GALLERY SPACE FOR EXHIBITIONS AND RETAIL AND ONE RESIDENTIAL UNIT FOR MANAGER/ARTIST IN RESIDENCE ACCOMMODATION (NO COMMERCIAL KITCHEN).

Project leads and owners, Renaissance Arts + Sustainability Society a Ymir-based non-profit society (RASS), have a proven 10 year history of revitalizing community assets for arts purposes through a sustainability and inclusion lens, creating strong community bonds and trust.

Community consultation revealed a lack of studio access in the Nelson and Ymir areas for emerging rural visual and applied artists. To fill this gap, in 2021-22 RASS rented space for a studio pilot project for visual and applied arts. The learnings from this pilot phase and a feasibility study commissioned in 2023, show that the organization no longer wishes to invest in leasehold improvements that have limitations for the organization's development. Instead, RASS has acquired its own dedicated site to invest in and to continue doing what it has so successfully done over ten years: revitalize rural spaces through the arts.

With the proving ground completed through the pilot project, and feasibility evaluated, RASS has opted to move towards proceeding with a designing and constructing, managing and renting its own property and facility, while also continuing to be a valued rental tenant of performance spaces in Ymir.

The capital project is envisioned with a creative place-based approach to an arts facility, working title: "the Arts Station". This site-specific arts building proposed for the new site will require site-upgrades, utilities, related infrastructure and parking to house artist studios and multi disciplinary facility, all sited by the old railway.

The new building will be designed to be an exciting addition to the community, and to be sustainable in its own right, to complement the existing infrastructure of Ymir and the natural surroundings of the forest, and will incorporate its own on-site parking, so as to have as little negative impact in the village as possible. There are minimal neighboring properties immediately adjacent to the site with a tree and landscape buffer existing along Tamarac St. separating the site from existing properties, and excellent direct access from 1st Ave that will not draw additional traffic past quieter residential areas.

The proposed rezoning is to a Site Specific version of a Tourist Commercial (C-2), but the site will also support a variety of programming for local youth and adults throughout the year within the community of Ymir and beyond, including virtually.

RURAL ARTS CONTEXT YMIR:

Rural arts organizations and artists are often marginalized by a system that favours large established urban organizations. The unique contributions of rural arts are often overlooked. There is a systemic lack of capacity for smaller organizations to tell their stories. There are incredible multidisciplinary place-based projects happening in remote locations, and arts are frequently at the center of rural communities.

The challenge of access is also repeated within rural organizations. In small communities, folks who have been marginalized by the dominant system are often "extreme minorities". This coupled with the lack of equity awareness in established organizations does not create true places of safety or belonging.

The organization is located in an old railway town of Ymir, a micro-rural unincorporated community of 245 people which is isolated and struggles with many of the same problems of larger jurisdictions including addiction, housing insecurity and youth retention, but without municipal support to provide programming and resources for these issues.

Through its arts-based programs, RASS often fills a service gap for those who are needing support and connection. The organization has been a notable leader for years in creating spaces of belonging. It is a valued service delivery that receives consistent funding from the BC Arts Council, Canadian Heritage, Creative BC, and the Columbia Basin Trust.

LOCAL AREA ARTS INFRASTRUCTURE:

As revealed through consultations, artists, especially those working in applied arts, such as Ceramicists, glass blowers, metal artists etc are having difficulty accessing studio space in nearby Nelson. With the exception of RASS's pilot studio project (2022), a review of local social purpose or business real estate demonstrated that there were no other artist studio spaces in Ymir or Salmo, the closest town. Consultations further showed that artists are being priced out of Nelson, Trail and Castlegar as the demographic profiles of those towns have significantly changed over the past five years.

Through its festival Tiny Lights, and other community programs, and by securing funding and assisting with grants, RASS spurred the revitalization of the local community hall, community field/stage, and the Ymir Schoolhouse, which are used as performance spaces. These spaces are rented annually; typically, RASS is the largest user group of these spaces and would continue to make use of and support these facilities.

The new site will encourage the opportunity for artists to create, display, and perform their work, connect with the natural environment, and offer their art for sale in a small on-site gallery. An on-site suite would be part of the new building to provide accommodation for a resident artist and manager, this being the rationale for aligning with a C2 Zoning rather than C1, to include allowance for the residential element of the project. The lot size is under the normal minimum size for a C2, so a 'site specific' version of this Zoning is applied for, but in all other ways the intention is to work within the requirements of a C2 Zoning.

SALMO RIVER VALLEY ELECTORAL AREA G LAND USE BYLAW NO.2452, 2018

COMMUNITY SPECIFIC POLICIES (YMIR):

14. Recognizes that Ymir will continue to be a mixed development community with both existing Town-site Residential, Commercial and Community Service developments contributing to its role as a service center for the area.

16. Supports expanded opportunities for home based business development, tourist accommodation and facilities, horticulture and local food and drink production, such as craft breweries, wineries and farmer markets.

20. Recognizes the importance of local cultural venues and events as contributing to the social fabric of the community, such as: the ice rink, skate-board facilities, community campground, community hall and various community events.

21. Encourages that new construction and renovation to existing commercial and community service buildings within the commercial core area maintain the heritage values of the community.

23. Supports the development of community based skill sharing and enhanced arts and cultural programs.

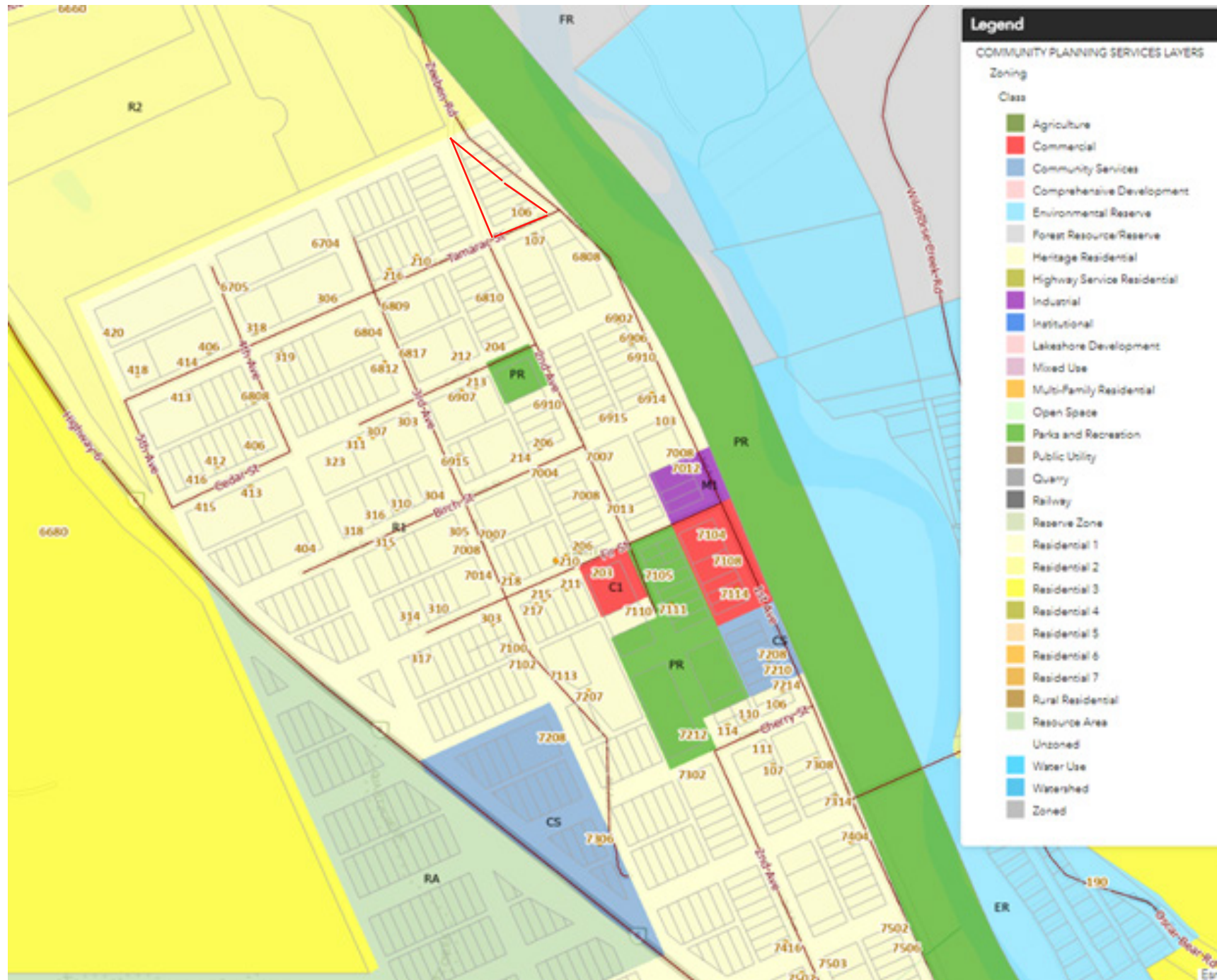
24. Supports the development of a community amenity audit and plan that identifies long term needs and guides future resource allocations.



Photos of the site at 106 Tamarac Street, Ymir, BC



RDCK Electoral Area G
Current Zoning: Residential R1
Proposed Zoning: Tourist Commercial C2 (SITE SPECIFIC VARIANT DUE TO 0.11 of Hectare LOT SIZE)



C2 PERMITTED USES
(SITE SPECIFIC VARIANT)

25.0 TOURIST COMMERCIAL (C2)

PERMITTED USES TABLE FOR C2 ZONE	
1	Principal Uses
	Artisan Craft Production and Sales
	Breweries and Distilleries
	Campground
	Commercial Back Country Recreation
	Dwellings, Multi-Family
	Eating and Drinking Establishment
	Golf Course
	Tourist Accommodation
	Interpretive Facilities
	Mixed Use Development
	Museum
	Outdoor Recreational Activities
	Resort
	Vacation Rental
	Accessory Uses to 'Tourist Accommodation' and 'Campgrounds'
	Laundromat
	Liquor Store
	Personal Service Establishment
	Retail Store
	Accessory Uses
	Accessory Building or Structures
	Accessory Dwelling

Variant for site specific include:

- Smaller site size
- Reduced setbacks to 1m Rear, and 3m Front
- Reduced parking on-site from 8 to 5 spaces

SITE

SEPTIC SYSTEM

Additional confirmation will be required but investigation has begun and a Registered Onsite Wastewater Practitioners has been consulted, including soil data on the site. Sufficient site area has been allocated for a septic field large enough to accommodate future development that may fit on the site. A covenant could be produced in addition to the septic design, if required, to ensure an appropriate dedicated amount of the site will be kept for this purpose in the future. KSP Septic Inc. out of Rossland will be engaged for further septic site assessment.

WATER

Connection to community water system

ROADS

New road layout and access point has been designed in consultation with the MOTI Officer to ensure it meets their requirements.

SITE SIZE

1149 m²
12367.73 sqft

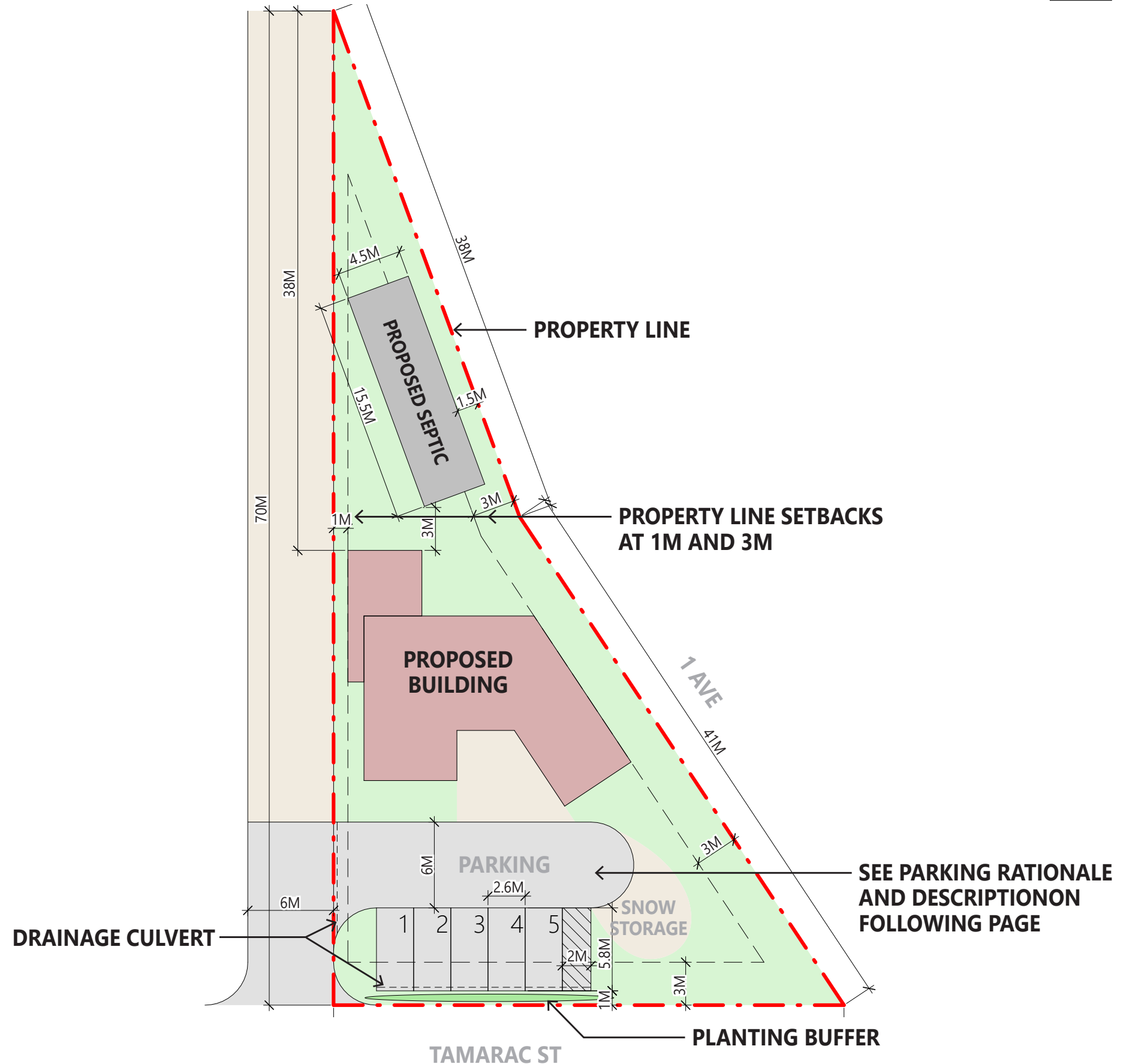
APPROXIMATE NEW BUILDING FOOTPRINT

Arts Centre 1500 sqft / 140m²
Suite 432 sqft / 40m²

Total footprint 1937 sqft / 180 m²

Total floor area over two floors
2517 sqft / 234 m²

Total GFA excluding the suite
2085 sqft / 193.7 m²



SEE PARKING RATIONALE AND DESCRIPTION FOLLOWING PAGE

PARKING

Due to the small area size of the Arts Station site, we have included in our rezoning application a request for a reduced number of on-site parking spaces (5 spaces instead of 8, as calculated by the maximum building occupancy). Every effort has been made to accommodate a balance of providing on-site vehicle parking spaces, with the overall available space needed on the site for the building itself, the lot boundary set-back distances required, and the area needed for the new dedicated septic field.

We assess that this reduced parking allocation should not pose an issue for the community for the following reasons:

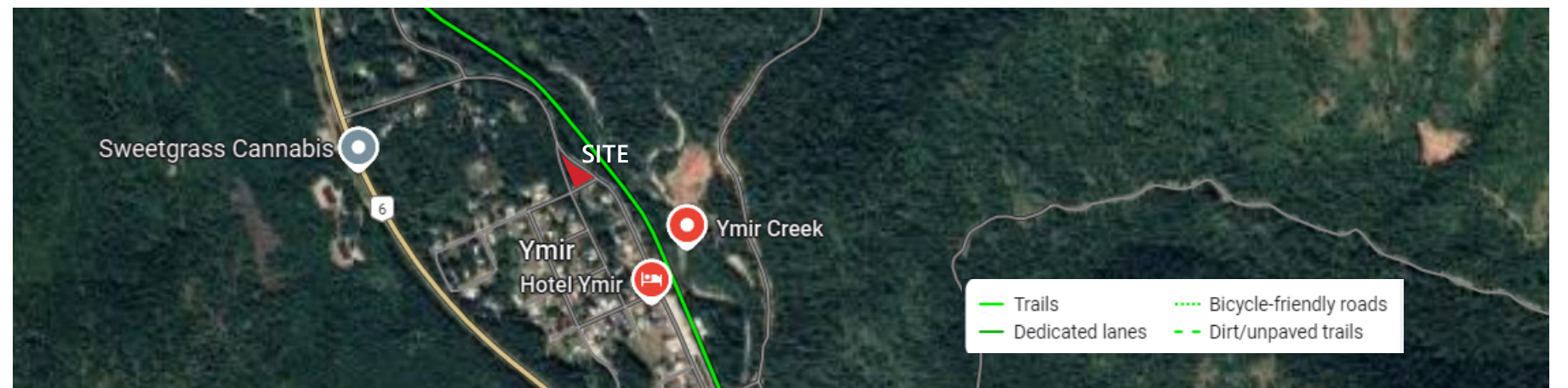
- Parking in Ymir is not in short supply, there is a long area of public parking following 1st Avenue through the centre of the village, that follows the Great Northern Rail Trail and the Ymir Creek.
- The existing local services share the use of the public parking, as you can see from the photographs provided, they are not used to anywhere near full capacity. This parking area is located directly opposite the shop, bakery, Ymir Hotel, Community Hall, and Fire Hall, and is in easy walking distance from the Arts Station site. Walking routes are directly along the mainstreet (1st Avenue) or one block away from the river on a quiet residential road, alternatively the Great Northern Rail Trail can be used as a pleasant and safe walking or cycling path to the site. The proposed Arts centre is easily linked by two broad, low-speed residential streets in the village centre that can be used for on-street parallel parking, as an option closer to the site. The private driveways are well spaced apart which will allow room for this additional parking option, whilst maintaining good site-lines and safe access to the highways.

The vast majority of the planned patrons of the building will walk or cycle from their homes in the village, but it is important to provide and maintain some vehicle parking spaces on the site (in a reduced form), in line with the local by-laws, but of a scale that is appropriate to the size of the normal expected occupancy of the Arts Station. The use of the described off-site parking is anticipated to only be required during occasional larger events through the year, accessible parking will be provided on site at the main entrance of the new building, and bike parking will be provided and encouraged on-site.

EXISTING LOCAL PARKING ALONG 1 AVE



ACTIVE TRANSPORTATION ROUTE



PARKING AND LANDSCAPING BYLAW

RDCK BYLAW - LAND USE

LANDSCAPE SCREENING

33. Where any off-street parking area for four (4) or more vehicles is located within 4.5 metres of a front or exterior side lot line, it shall be screened by an evergreen hedge not less than 1.5 metre in height at the time of planting. The minimum width of soil area for the hedge shall be 0.75 metres. The hedge shall be planted one (1) metre from curbs or wheel stops.

34. The design, installation and maintenance of any landscaping area or screen should be in conformity with the current specifications of the British Columbia Landscape Standard prepared by the B.C. Society of Landscape Architects and the B.C. Nursery Trades Association. These standards do not apply where endemic, native plantings are used for landscaping.

OFF STREET PARKING SPACE STANDARDS

49. Off-street parking spaces shall:
a. be a minimum of 17 square metres and shall have at all times convenient vehicular access to a public thoroughfare;
b. each parking space shall have a length of not less than 5.8 metres and a width of not less than 2.6 metres; and

50. Where off-street parking is required by this Bylaw and where access for a person with disabilities is required, parking space(s) will be provided in accordance with the British Columbia Building Code.

OFF STREET PARKING AND LOADING FACILITIES

52. Off-street loading facilities shall be one (1) space for the first 1,200 m² of gross floor area or fraction thereof, plus an additional space for each additional 2,000 m² of gross floor area or fraction thereof.

53. Off-street loading facilities shall:
a. be provided entirely within the lot of the development being served and shall be subject to all setback requirements specified elsewhere in this Bylaw;
b. shall be oriented away from residential developments;

c. shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload;

d. each loading space shall have a minimum of three (3) metres in width, a minimum of nine (9) metres in length and maintain overhead clearance of four (4) metres, unless larger dimensions are required, having regard to the type of vehicle loading and unloading;

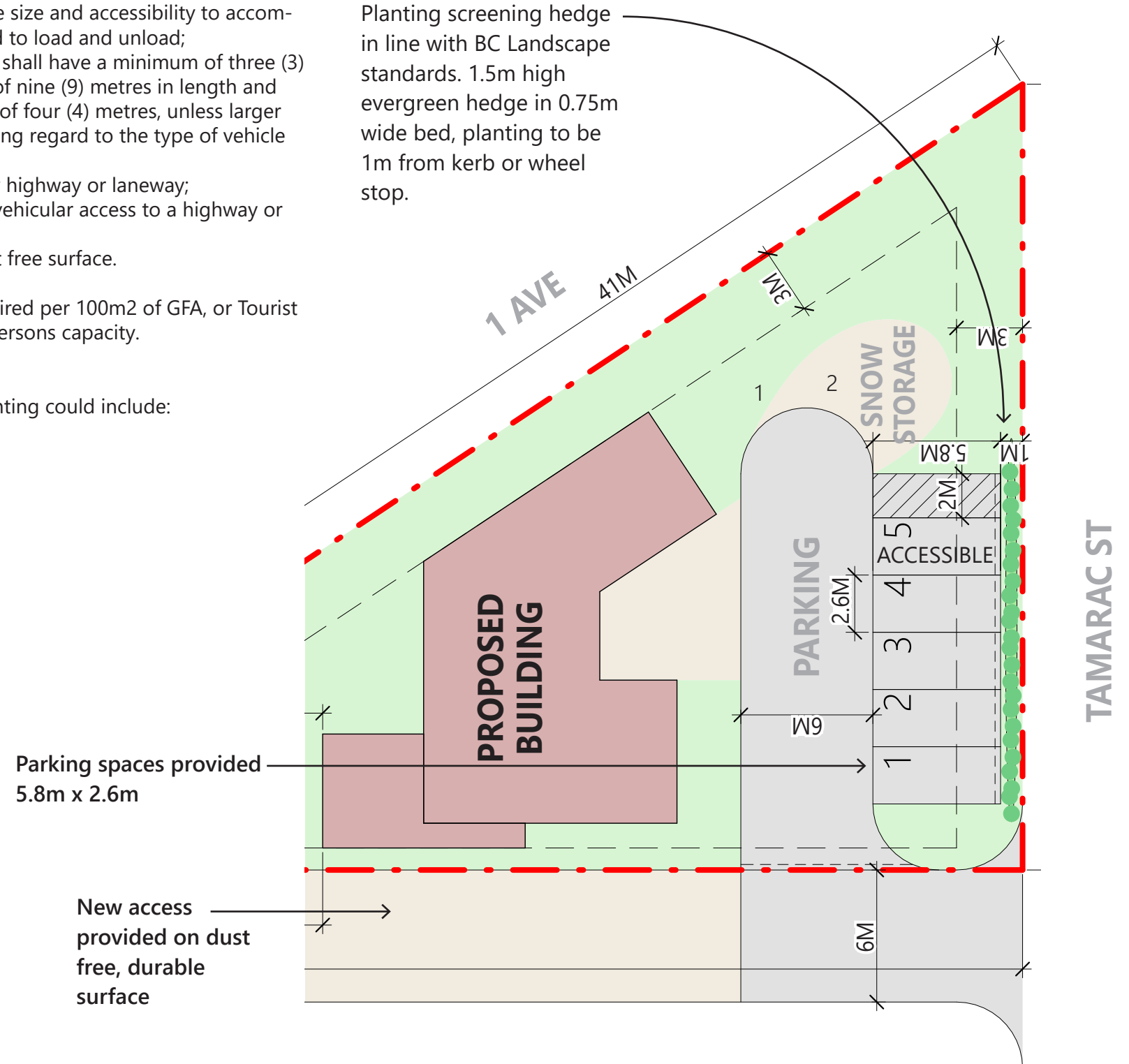
e. not project into any highway or laneway;
f. have unobstructed vehicular access to a highway or laneway; and
g. have a durable dust free surface.

54. 4 parking spaces required per 100m² of GFA, or Tourist attraction would be 1 per 4 persons capacity.

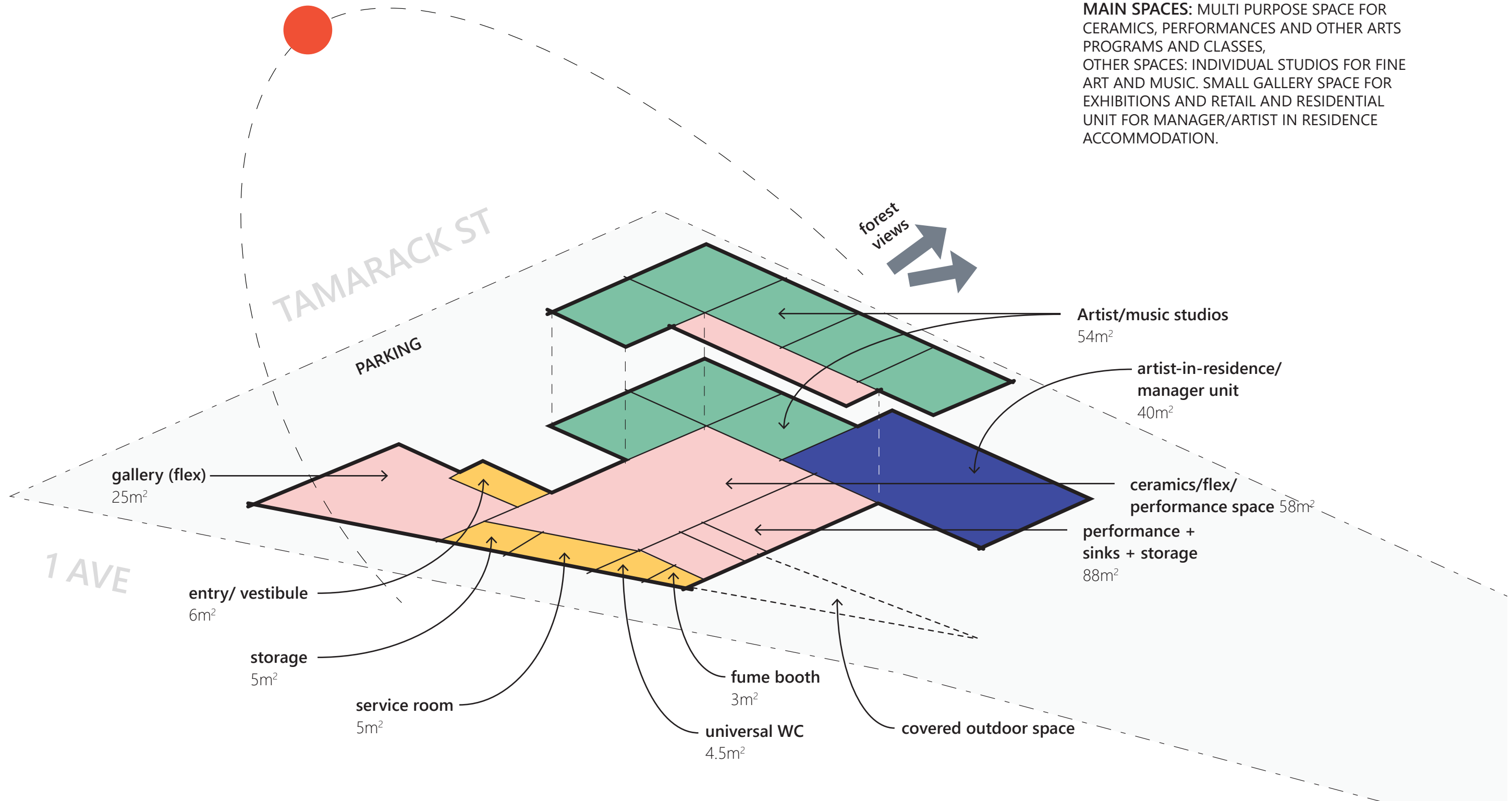
Possible Firesmart hedge planting could include:

- Chokeberry
- Willow
- Privet
- Lilac
- Elderberry

Planting screening hedge in line with BC Landscape standards. 1.5m high evergreen hedge in 0.75m wide bed, planting to be 1m from kerb or wheel stop.



DESIGN CONCEPT





FOURWAYS
ENVIRONMENTAL
septic and water systems design

3698 Sabrina Rd, Burnaby, BC V6G 2G3 250-551-2159 Fourwaysenvironmental@shaw.ca

June 1, 2024

Shawn Stephenson
Renaissance Arts + Sustainability Society
Ymir, BC

**Re: Sewerage System for Proposed Building at 106 Tamarac Street,
Ymir**

At your request, I have looked into possible options for onsite sewage disposal for this development.

Your April 26, 2024 rezoning application accurately depicts a practical option as we discussed. My tentative design is based on a Daily Design Flow of 3300 litres from a building which includes:

- One 1-bedroom apartment
- 5 artist studios
- 1 office
- Multi-use area of 50 person capacity

The Daily Design Flow is twice the estimated daily average flow so the system has capacity for occasional peak flows.

I examined test pits on the north end of the property with you in December. The soils are alluvial (riverbed) material: sand and gravelly sand in which drainage would be excellent. There was no indication of a seasonal high water table.

The system I propose includes two septic tanks, a pump chamber, and a Type-2 dispersal bed using proprietary Eljen modules. The dispersal bed would be 3 m wide by 20 m long. We would push this as far as possible to the northwest end of the property, maintaining a 3-m setback to property lines. I include here a sketch showing one possible configuration.

I trust this letter meets the requirements for your RDCK rezoning application.

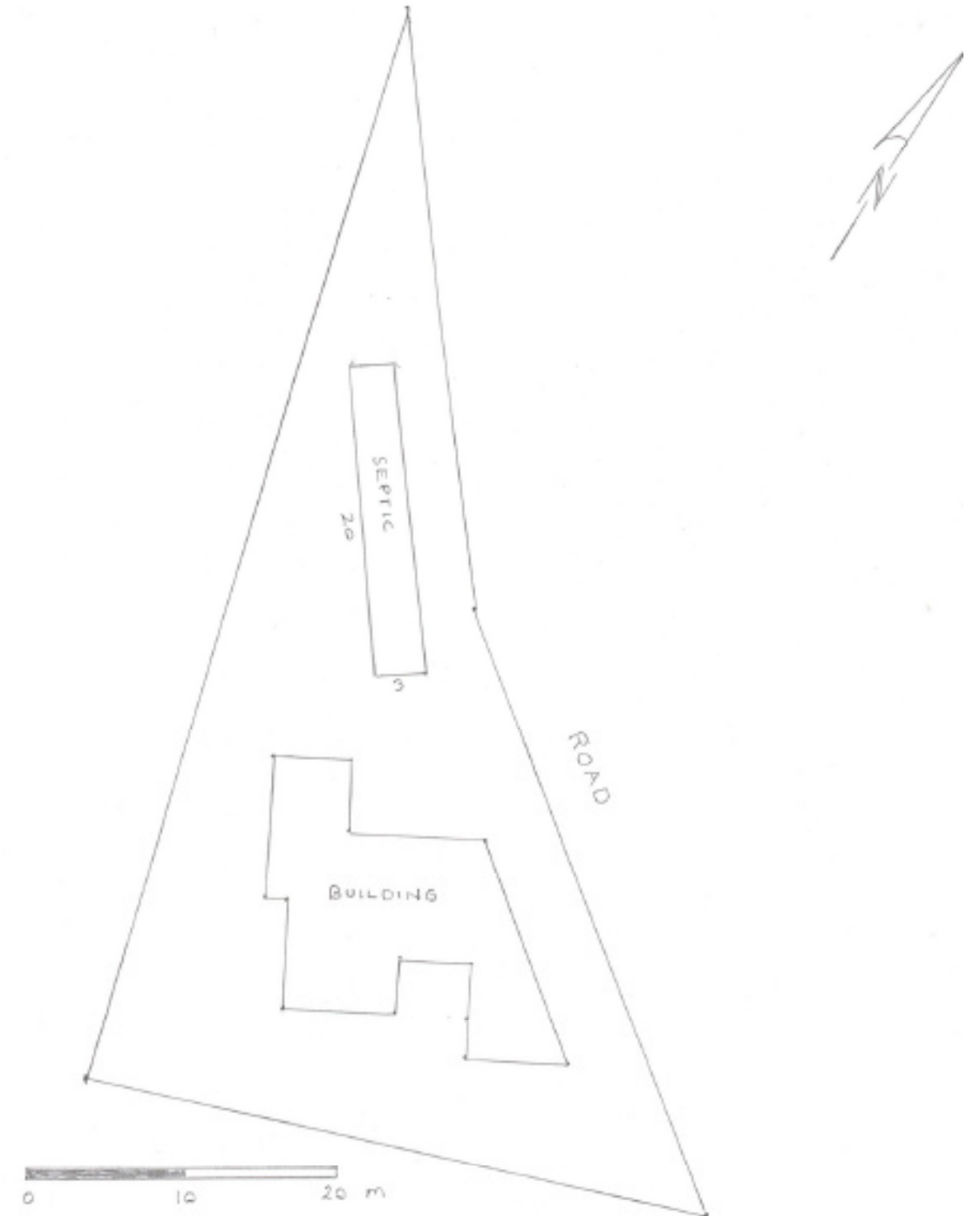
Please contact me if you have any questions,

Sincerely,

Phillip Jackson
Registered Onsite Wastewater Practitioner



Fourways Environmental



SEE 'SITE' INFORMATION FOR ONGOING SEPTIC DESIGN DEVELOPMENT



Shuswap Band

Project Name:

Proposed Bylaw Amendment Application

FN Consultation ID:

Z2404G

Consulting Org Contact:

Laura Christie

Consulting Organization:

[Regional District of Central Kootenay](#)

Date Received:

Thursday, June 6, 2024

June 26, 2024

Weyt-k (Hello),

Shuswap Band is in receipt of the project information for: -Proposed Bylaw Amendment Application .

The proposed project is located within Shuswap Band's Caretaker Area, within the greater Secwépemcúlecw (Secwepemc Traditional Territory). As land users and stewards, Shuswap Band members continue to exercise their Section 35 Aboriginal rights as their ancestors have done for generations, including hunting, trapping, gathering, and fishing, along with rights associated with spiritual and cultural traditions that are practiced in accordance with Secwepemc customs, laws, and governance structures. Secwepemc share an obligation of caretaker responsibility (stewardship) which is to act mindfully, learning from and caring for surrounding ecosystems for the health and survival of future generations, as is their Indigenous right (UNDRIP, Bill 41, Bill C15) Secwepemc culture hinges on the belief that the land responds positively to care and respect, and that tmicw (the air, lands, and resources) is interconnected at a watershed level. It is therefore critical for Shuswap Band to be actively engaged and consulted on all developments occurring within their Caretaker Area.

Based on our initial review, the nature of the proposed activity, its location, the current information available to our office at this time, we do not see any apparent significant impacts to our indigenous rights, including title at this time. However, we may at future date want to revisit consultation on this matter should new information become available.

Further, the watersheds in this area are significant to Shuswap Band's cultural heritage, as an area of ancestral land use, and presently significant as an area needing restoration and protection. Currently, Shuswap Band members collect medicines and berries in the surrounding area, fish the area waters, and camp nearby. While the area and its vitality has been impacted by industry developments, Shuswap Band has been actively involved in research and other initiatives which aim to restore this region to an ecologically and culturally thriving place.

Wherever possible, Shuswap Band recommends the reuse of existing infrastructure so as to avoid unnecessary ground disturbance and additional cumulative impacts to the region. It is Shuswap Bands expectation that all disturbed areas be reclaimed as soon as possible with the areas being monitored and treated for invasive plants to aid the ecosystem in its healing.

The province is responsible for ensuring adequate consultation and where appropriate, accommodation to address potential impacts of proposed developments on asserted Aboriginal rights including title. It is Shuswap Band expectation that continued consultation on projects and on matters that may affect our long-term traditional land use, occupancy and access, including potential cumulative impacts between proposed activity and other previous or future developments within the

project footprint and in adjacent areas (watershed, habitat type, aquifer, viewscape, etc).

Kukwstsétsemc (Thank you).

Referrals Coordinator

"Our people are our strength. Our children are our future."

cc: Barb Cote - Chief, Shuswap Band

Mark Thomas - Councilor, Shuswap Band

Richard Martin - Councilor, Shuswap Band

Manon Moreau - Director, Territorial Stewardship, Shuswap Band

Travis Yeats - Referrals Coordinator, Shuswap Band

Joshua Martin - Guardian Manager, Shuswap Band

Enola Eugene - Culture, Shuswap Band



The Sh̓ŋaýckstx (Sinixt)
Confederacy

P.O. Box 150, Nespelem, WA 99155

The Confederated Tribes of
the Colville Reservation

Regional District of Central Kootenay

June 18, 2024

To whom it may concern:

Re: Z2404G: Proposed Bylaw Amendment Application

I am the Natural Resources Director of the Confederated Tribes of the Colville Reservation (CTCR) and the Sinixt (Arrow Lakes) Confederacy, and write in respect to your June 6, 2024 referral on the above-captioned project.

By way of background, on April 23, 2021, the Supreme Court of Canada handed down its decision in *R. v. Desautel*, recognizing the Sh̓ŋaýckstx (Sinixt/Arrow Lakes) as an Aboriginal Peoples of Canada with a constitutionally protected right to hunt in their traditional territory in British Columbia, and to be duly consulted on anything that can impact that right. As the Supreme Court specifically confirmed, that territory “ran as far south as an island just above Kettle Falls, in what is now Washington State, and as far north as the Big Bend of the Columbia River, north of Revelstoke in what is now British Columbia” (for visual depictions of Sinixt territory, see the attached place names map and a map prepared by provincial experts in 1956 depicting Indigenous territories in 1850). The Court also recognized the Arrow Lakes tribe, one of the twelve constituent tribes of the CTCR with approximately 3,500 members, as a successor group to the Sinixt.

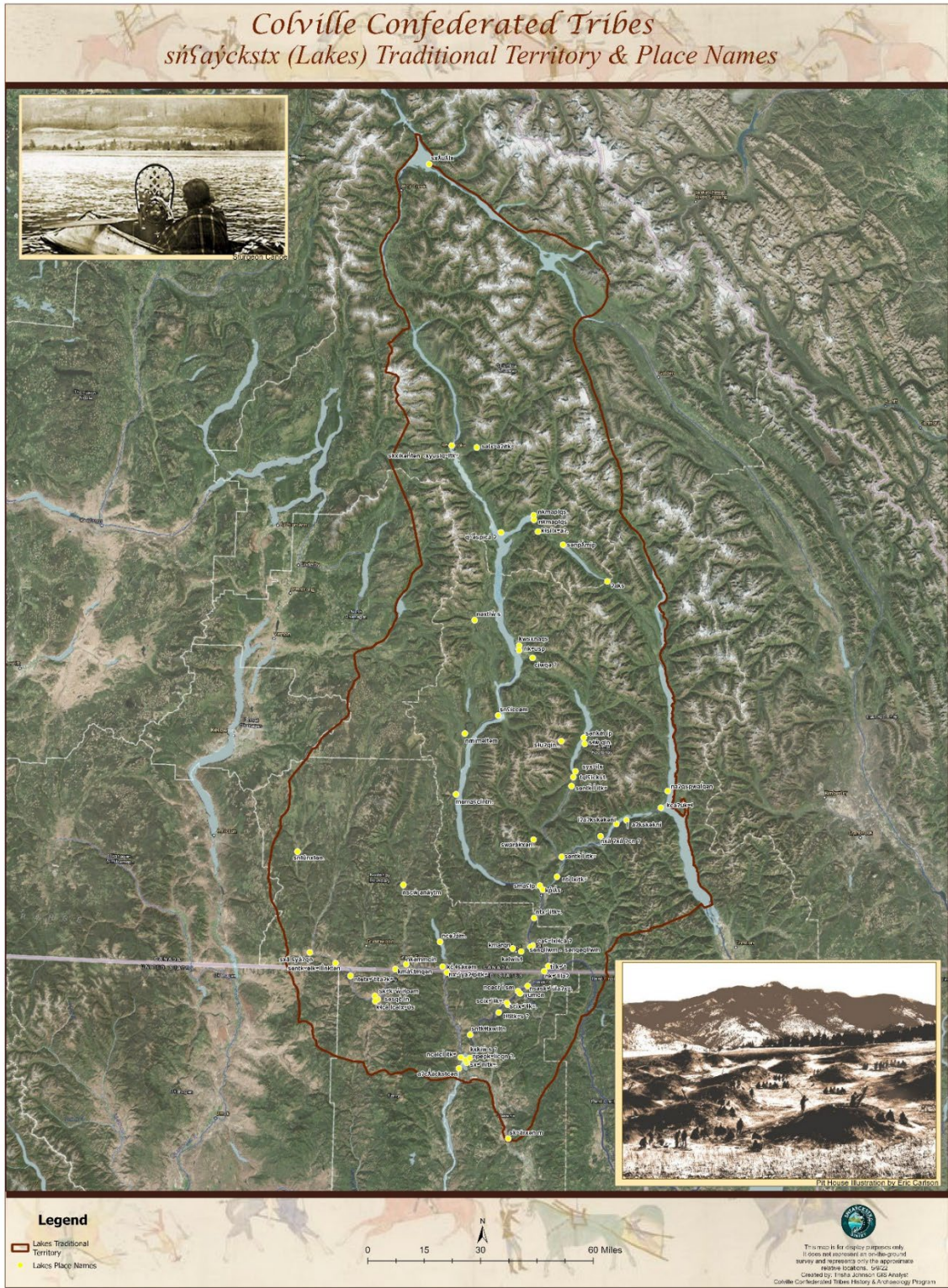
CTCR has formed the Sinixt (Arrow Lakes) Confederacy, formerly known as the Arrow Lakes Aboriginal Society, to represent Sinixt people on both sides of the international border, regardless of tribal or band affiliation, in a manner consistent with Indigenous law and traditions.

This project falls within Sinixt Traditional Territory as confirmed by the Province’s ethnohistorical report, linked here for ease of reference: https://sinixt.com/wp-content/uploads/Sinixt-Ethnohistorical-Report-3P_2023_10_23_sm.pdf

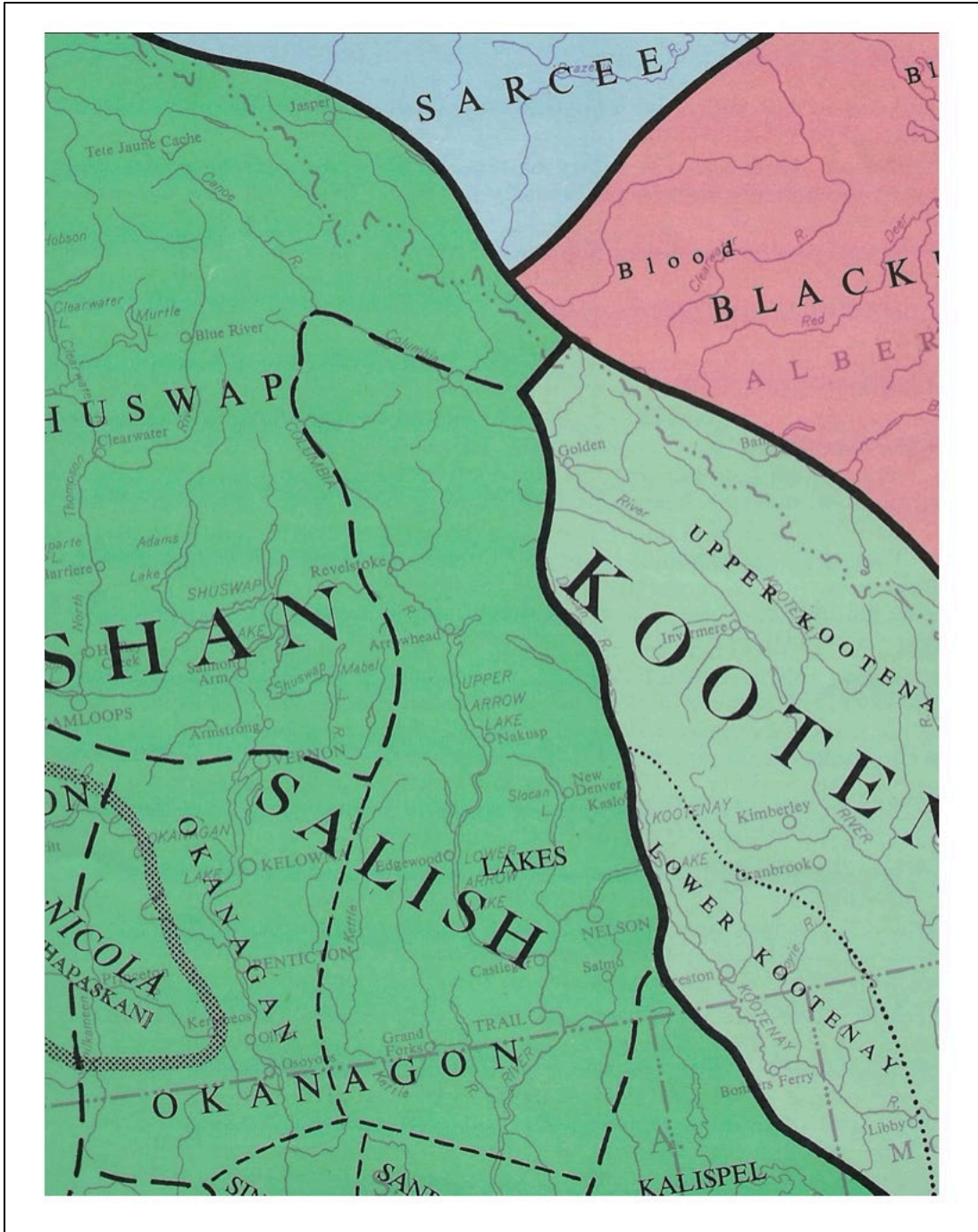
We have no opposition to the bylaw amendment.

Sincerely,

Rebecca Hunt
Natural Resources Director
Confederated Tribes of the Colville Reservation



S̓n̓ʕay̓kstx (Sinixt/Lakes) traditional territory map and place names.



Sinixt (Lakes) as shown in Map 12 on pages 25-26 of the 1956 atlas created by the British Columbia Natural Resources Conference. The caption notes the territory of the Lakes (Sinixt) is mapped as it existed in 1850.



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411
Fax: 250-493-2882

Project Name:

Proposed Bylaw Amendment Application

FN Consultation ID:

L-240606-Z2404G

Consulting Org Contact:

Laura Christie

Consulting Organization:

[Regional District of Central Kootenay](#)

Date Received:

Thursday, June 6, 2024

File number:

Z2404G

July 11, 2024

Attention: Laura Christie

We are in receipt of the above referral. The proposed activity is located within syilx (Okanagan Nation) Territory and the snpink'tn (Penticton Indian Band) Area of Interest. All lands and resources within the vicinity of the proposed development are subject to our unextinguished Aboriginal Title and Rights.

snpink'tn has now had the opportunity to review the proposed activity. Our preliminary office review has indicated that the proposed activity is located within an area of cultural significance and, as such, has the potential to impact snpink'tn cultural heritage, rights and interests. When potential impacts to snpink'tn interests have been identified, snpink'tn requires that a Cultural Heritage Resource Assessment (CHRA) be undertaken by qualified snpink'tn Cultural Heritage Technicians in an effort to determine the nature and extent of any potential impacts.

Please contact Madison Terbasket, Natural Resources Referrals Coordinator at mterbasket@pib.ca to arrange.

Please note that our participation in the referral and consultation process does not define or amend snpink'tn Aboriginal Rights and Title or does it limit the positions that we may take in future negotiations or court actions.

If you require further information or clarification, please do not hesitate to contact me.

Respectfully,

Madison Terbasket

Interim Referrals Coordinator

Penticton Indian Band

Natural Resources

Email: mterbasket@pib.ca

Office: 250-492-0411





Committee Report

Date of Report: September 26, 2024
Date & Type of Meeting: October 16, 2024 – Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: BYLAW AMENDMENT
File: Z2407G – Pallagi
Electoral Area/Municipality: G

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Regional Board to consider an application for a land use bylaw amendment in Electoral Area ‘G’ to rezone a property from General Commercial (C1) to Country Residential (R2) and change the land use designation from General Commercial (GC) to Country Residential (RC).

The application would recognize an existing non-conforming single detached dwelling and provide the property owner with the flexibility to construct an accessory dwelling unit (ADU) in the future.

Staff recommend that Amending Bylaw No. 2984, 2024 being a bylaw to amend Electoral Area ‘G’ Land Use Bylaw No. 2452, 2018 be given FIRST and SECOND reading by content and referred to a public hearing.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Dianne Pallagi
Property Location: 8114 Highway 6, Ymir, Electoral Area ‘G’
Legal Description: LOT 1 DISTRICT LOT 276 KOOTENAY DISTRICT PLAN 10571 (PID: 012-929-409)
Property Size: 3.0 hectare
Current Zoning: General Commercial (C1) - Salmo River Valley Electoral Area G Land Use Bylaw No. 2452, 2018
Current Official Community Plan Designation: General Commercial (GC) - Salmo River Valley Electoral Area G Land Use Bylaw No. 2452, 2018

SURROUNDING LAND USES

North: General Commercial (C1)
East: Country Residential (R2), Parks and Recreation (PR), Medium Industrial (M2)
South: Parks and Recreation (PR), Medium Industrial (M2)
West: Environmental Reserve (ER)

Background and Site Context

The subject property is located in Electoral Area ‘G’ on Highway 6, approximately 8 km north of the Village of Salmo. The property has been improved with a single detached dwelling, and 3 accessory buildings. The existing

dwelling is serviced by a domestic well and an on-site wastewater (septic) system. Historically, the property was used for various commercial uses including rock sales and storage.

Land Use Bylaw Amendments Proposed

The property is no longer used for any commercial uses which is why the applicant is seeking a Land Use Bylaw Amendment in order to recognize the existing residential use of the property. Under the current C1 zoning, the existing dwelling on the property is an existing non-conforming use. This prevents the property owner from expanding the existing residential use or establishing an ADU in accordance with the general provisions for residential properties in electoral area 'G'.

The applicant is seeking a Land Use Bylaw Amendment in order to legitimize the existing non-conforming residential use and to provide additional flexibility to enjoy the Accessory Dwelling Unit permissions that were adopted on June 13, 2024 in Electoral Area 'G' under the Bill 44 Provincial Housing Changes zoning updates project completed by the Planning Department.



Figure 1 - Location Map

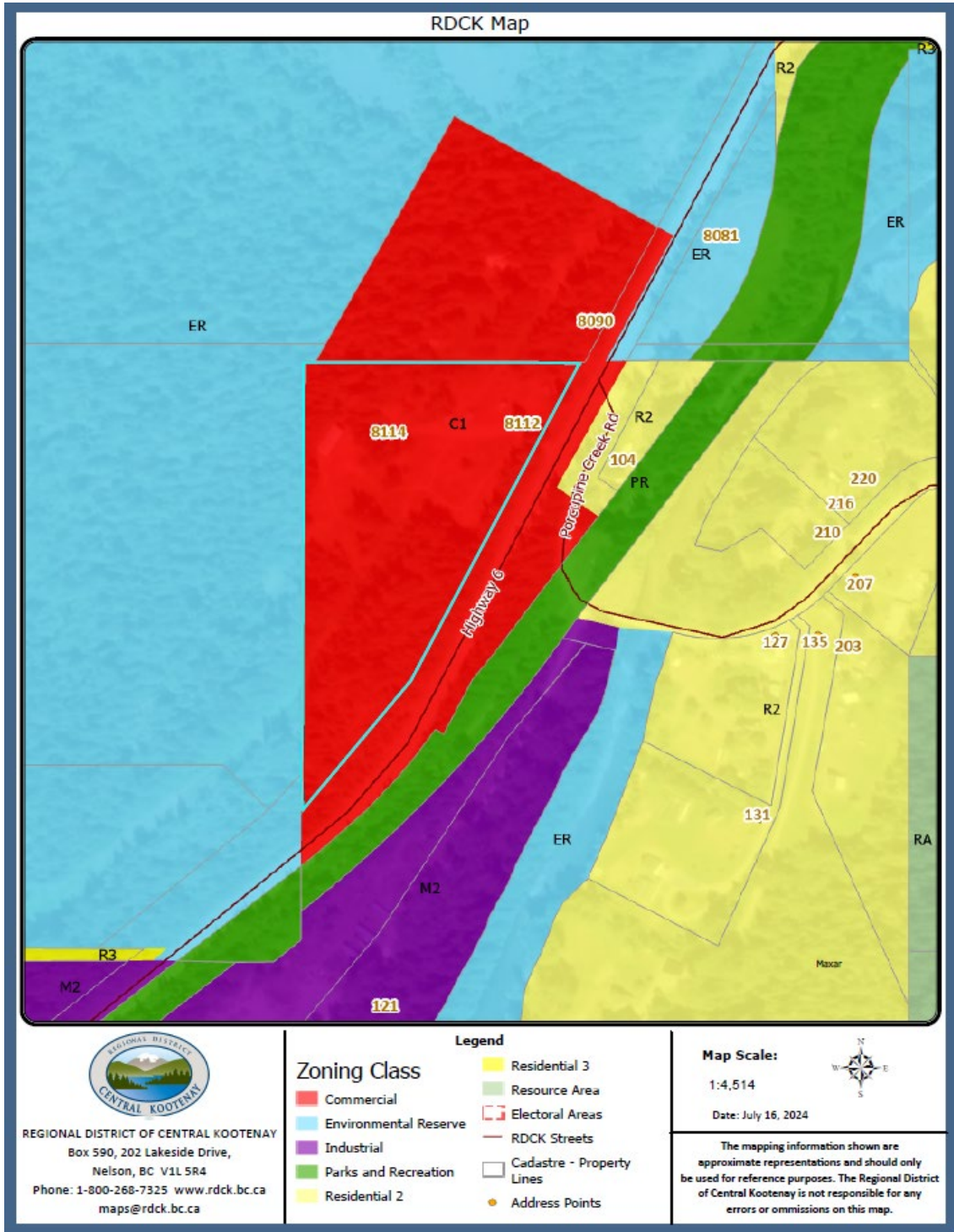


Figure 2 - Zoning Map

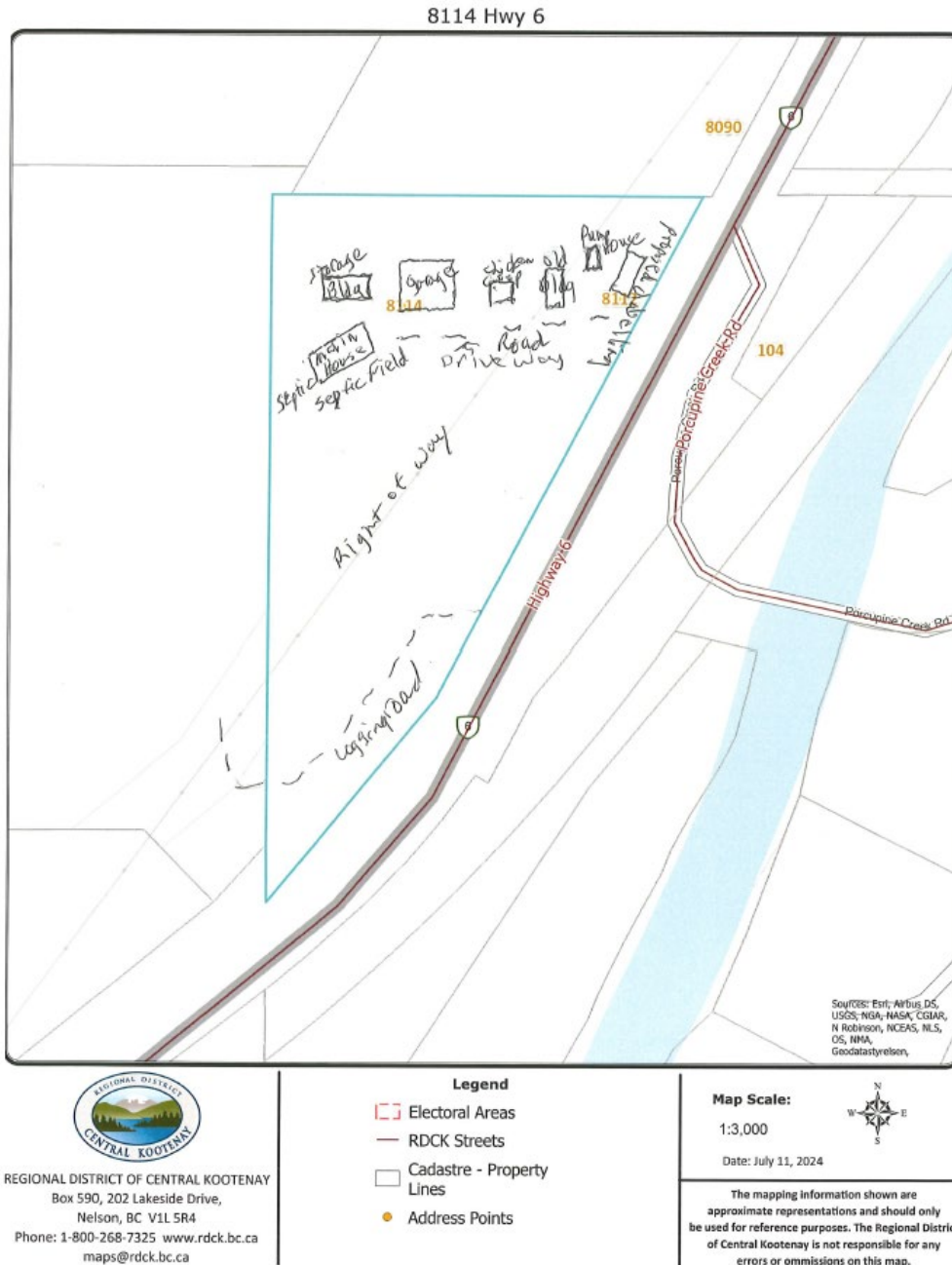


Figure 3 - Site Plan showing existing buildings and the potential location of a future Accessory Dwelling Unit

Planning Policy

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

4.0 COMMERCIAL AND INDUSTRIAL

Commercial Objectives

1. Enhance the long term vitality and economic sustainability of the Plan area by supporting new and existing businesses and the creation of employment.
2. Provide for commercial activities servicing the needs of local residents and visitors
3. Recognize the commercial and service center role of the City of Nelson and Village of Salmo and direct that commercial development in the rural communities will primarily be oriented toward serving local community needs and visitor needs.
4. Encourage home based businesses as a means of strengthening the economic base.
5. Expand employment opportunities associated with home based businesses and occupations.

General Commercial (GC) Policies

The regional Board:

7. Anticipates that general commercial needs will be accommodated within existing commercial nodes within the community of Ymir and Village of Salmo as designated on Schedule A.1 mapping.

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 Land Use Bylaw amendment 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

Not applicable.

3.4 Social Considerations:

A written notice of the proposed bylaw amendment was mailed to nine (9) neighbouring property owners. One written response was received from a neighbouring property owner who identified that they “have no objection whatsoever to this rezoning”. The letter is included as attachment ‘C’.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

The application was sent to nine (9) neighbouring property owners, relevant government agencies and First Nations.

The following responses were received from internal departments, external agencies and First Nations:

RDCK Building Department

No comments provided.

Interior Health Authority

No comments provided.

Fortis BC

Land Rights Comments

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

Operational & Design Comments

- *There are FortisBC Electric (“FBC(E)”) primary distribution and transmission facilities bisecting the subject property.*
- *All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.*
- *The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries. The applicant is further reminded that structures are typically not permitted within the right of way registered on title.*
- *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>

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

BC Hydro

Thank you for your email. BC Hydro has no objection in principle to the Land Use Bylaw Amendment application.

The following comments are for the property owner's information:

1. *For new construction, BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors, including those utility works installed within road allowance adjacent to the property.*
2. *It is the responsibility of the Architect and Electrical Engineer of Record (EEOR) to ensure compliance with the Canadian Electrical Code (CEC), Canadian Safety Association (CSA) and WorkSafeBC (WSBC).*

The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach).

- 3. Should the development require distribution service, changes to the property's service or the relocation of distribution lines, please contact BC Hydro's Electrical Service Coordination Centre (ESCC) at 1-877-520-1355.*

Let me know if you have any questions or concerns.

Ministry of Forests

The Ministry of Forests has no concern with this application of rezoning in the Ymir area.

Ministry of Transportation and Infrastructure

Thank you for the opportunity to comment on this amendment.

The subject property fronts a Controlled access Highway and there is currently no permit in place for the property's access. The property owner must apply for Access to a Controlled Access Highway Permit. Any future improvements on the property should be able to be served by a single access point. MoTI limits properties fronting Controlled Access Highways to a single driveway. Any secondary highway access points on the property must be decommissioned.

If the proponent needs help applying for a permit they can contact WKD@gov.bc.ca.

Ktunaxa Nation Council

No comments provided.

Ministry of Water, Land and Resource Stewardship – Water Officer

The interests of Kootenay Boundary Water Stewardship are unaffected.

Ministry of Water, Land and Resource Stewardship – Ecosystems Section Head – Kootenay-Boundary Region

The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:

- 1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to.*
- 2. Changes in and about a "stream" [as defined in the Water Sustainability Act (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the Water Sustainability Regulation. Authorized changes must also be compliant with the Kootenay-Boundary Terms and Conditions and Timing Windows documents. Applications to conduct works in and about streams can be submitted through FrontCounter BC.*
- 3. No "development" should occur within 15 m of the "stream boundary" of any "stream" [all as defined in the Riparian Areas Protection Regulation (RAPR)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of RAPR are required to ensure that all development is compliant with RAPR.*

4. *The federal Species at Risk Act (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to Resource Inventory Standard Committee (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific Recovery Strategy or Management Plan documents, and to ensure proposed activities will not adversely affect SEAR or their Critical Habitat for Federally-listed Species at Risk (Posted).*
5. *Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: Natural Resource Best Management Practices - Province of British Columbia (gov.bc.ca) and Develop with Care 2014 - Province of British Columbia.*
6. *Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial Wildlife Act and the federal Migratory Birds Convention Act. Guidelines to avoid harm to migratory birds can be found at: Guidelines to avoid harm to migratory birds - Canada.ca. If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:*

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

7. *The introduction and spread of invasive species is a concern with all developments. The provincial Weed Control Act requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: Invasive species - Province of British Columbia. The Invasive Species Council of BC provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder’s responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.*
8. *Section 33.1 of the provincial Wildlife Act prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.*
9. *If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).*
10. *Developments must be compliant with all other applicable statutes, bylaws, and regulations.*

Ministry of Forests – Archaeology Branch

Thank you for your referral regarding a land use bylaw amendment for 8114 Highway 6, Ymir, PID 012929409, LOT 1 DISTRICT LOT 276 KOOTENAY DISTRICT PLAN 10571. 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 indicates there is high potential for previously unidentified archaeological sites to exist on the property, as indicated by the purple area shown in the screenshot below.

Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables, such as the proximity of the Salmo River. Models are a tool to help predict the presence of archaeological sites, and their results may be refined through further assessment.

Archaeology Branch Advice

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

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

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

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

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

Rationale and Supplemental Information

- A protected archaeological site is located on the subject property, and there is high potential for previously unidentified portions of the site to extend to other parts of the property. **OR**
- There is high to moderate 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 choose to give the amending bylaw First and Second reading and refer to public hearing, staff will organize the public hearing pursuant to Planning Fees and Procedure Bylaw No. 2457, 2015.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

The purpose of this land use bylaw amendment is to authorize the existing residential use of the subject property. The property owner has no intentions to use their property for a commercial purposes and the proposed Country Residential (R2) zone is consistent with how the property is currently being used. This proposal would align the Land Use Bylaw with how the property is currently being used.

Staff recommend first and second reading by content and referral to a public hearing for the proposed Zoning/Land Use Bylaw Amendment for the following reasons:

- There has been no opposition received from surrounding landowners or the general public related to the proposed bylaw amendment application.
- There are no changes being made to the property at this time. The application seeks to bring the Land Use Bylaw into conformity with the existing use of the property.

- The proposed zoning/land use designation are consistent with the surrounding land uses and development pattern in this rural area.
- There will be additional opportunity for consultation and feedback at a public hearing

Option 1: Initial readings and refer to public hearing

That Electoral Area ‘G’ Land Use Amendment Bylaw No. 2984, 2024 being a bylaw to amend Electoral Area ‘G’ Land Use Bylaw No. 2452, 2018 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

And Further

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

Option 2: Deny the application

That no further action be taken with respect to Electoral Area ‘G’ Land Use Amendment Bylaw No. 2984, 2024 being a bylaw to amend Electoral Area ‘G’ Land Use Bylaw No. 2452, 2018

SECTION 5: RECOMMENDATIONS

That Electoral Area ‘G’ Land Use Amendment Bylaw No. 2984, 2024 being a bylaw to amend Electoral Area ‘G’ Land Use Bylaw No. 2452, 2018 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

And Further

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

Respectfully submitted,

Zachari Giacomazzo, Planner

CONCURRENCE

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

ATTACHMENTS:

- Attachment A – Zoning excerpts (existing and proposed zoning regulations)**
- Attachment B – Draft Amendment Bylaw No. 2984, 2024**

Attachment C – Letter of support from neighbour
Attachment D – Shuswap Band Response

Existing Zone

24.0 GENERAL COMMERCIAL (C1)

PERMITTED USES TABLE FOR C1 ZONE	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> Artisan Crafts Production and Sales Breweries and Distilleries Cannabis Retail Store Community Market Day Care Facility Eating and Drinking Establishment Farmer’s Market Food and Beverage Processing Golf Course Group Care Facilities Laundromat Liquor Store Mixed Use Development Offices Personal Service Establishment Repair Shop Retail Store Service Station Veterinary Clinic <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures

DEVELOPMENT REGULATIONS TABLE FOR C1 ZONE		
2	<p>Minimum lot area for each Principal Use:</p> <ul style="list-style-type: none"> Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and On-lot Wastewater Disposal Individual Water Source and On-site Wastewater Disposal 	<p>0.1 hectares</p> <p>0.4 hectares</p> <p>1.0 hectares</p>
3	Minimum front setback	7.5 metres
4	Minimum exterior side setback	7.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	50 percent
8	<p>Maximum building height:</p> <ul style="list-style-type: none"> Principal buildings Accessory buildings and structures 	<p>10.0 metres</p> <p>6.0 metres</p>

9	Minimum lot area for subdivision: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal	0.1 hectares 0.2 hectares 1.0 hectares

Proposed Zone

20.0 COUNTRY RESIDENTIAL (R2)

PERMITTED USES TABLE FOR R2 ZONE	
1	Principal Uses Single Detached Housing Duplex Housing Accessory Uses Accessory Building or Structures Accessory Dwelling Unit Accessory Tourist Accommodation Accessory Camping Accommodation Home-based Business Horticulture Keeping of Farm Animals

DEVELOPMENT REGULATIONS TABLE FOR R2 ZONE		
2	Maximum density	2 Dwelling Units
3	Minimum front setback	7.5 metres
4	Minimum exterior side setback	7.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	35 percent
8	Maximum building height: Principal buildings Accessory buildings and structures	10.0 metres 8.0 metres
9	Maximum gross floor area of any accessory building or structure	200 square metres
10	Cumulative gross floor area of all accessory buildings or structures	400 square metres
11	Minimum lot area for subdivision	1.0 hectares

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2984

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

WHEREAS it is deemed expedient to amend the Electoral Area 'G' Land Use Bylaw No. 2452, 2018, 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' and 'B.1' of Electoral Area 'G' Land Use Bylaw No. 2452, 2018 be amended by changing the Land Use Designation from General Commercial (GC) to Country Residential (RC) and the Zoning from General Commercial (C1) to Country Residential (R2) for LOT 1 DISTRICT LOT 276 KOOTENAY DISTRICT PLAN 10571 (PID: 012-929-409), as shown on Schedules 'A' and 'B' which are attached hereto and form part of this bylaw.
2 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 3 This Bylaw may be cited as "Electoral Area 'G' Land Use Amendment Bylaw No. 2984, 2024."

READ A FIRST TIME this 17th day of October, 2024.

READ A SECOND TIME this 17th day of October, 2024.

WHEREAS A PUBLIC HEARING was held this day of , 2024.

READ A THIRD TIME this [Date] day of [Month], 202X.

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

Approval Authority,
Ministry of Transportation and Infrastructure

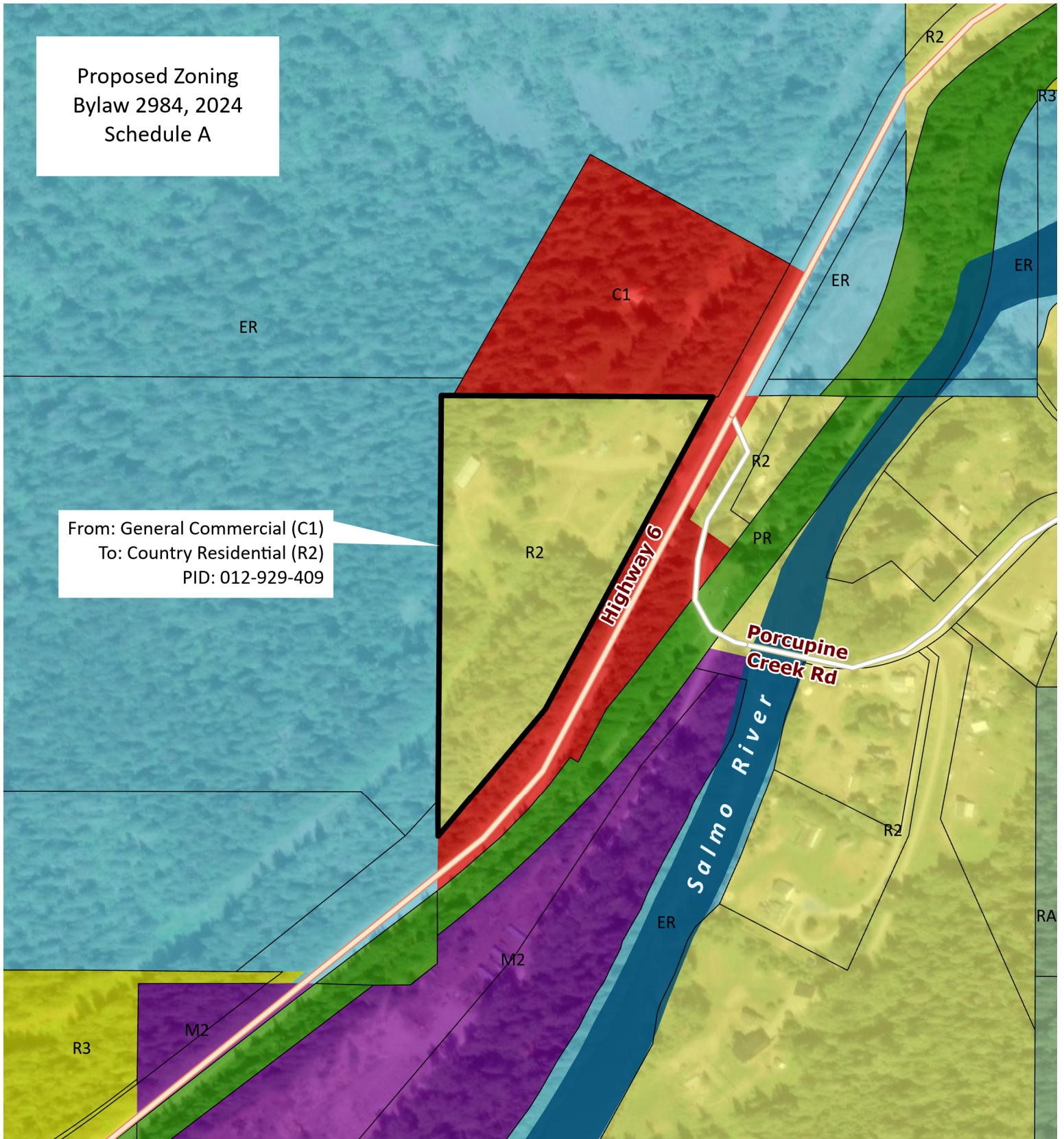
ADOPTED this XX day of XX, 202X.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

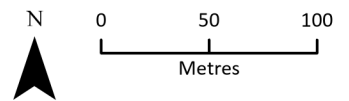
Proposed Zoning
Bylaw 2984, 2024
Schedule A

From: General Commercial (C1)
To: Country Residential (R2)
PID: 012-929-409



- Subject Property
- Property Lines
- River
- Highway
- Road
- Zoning Class**
- General Commercial (C1) 165

- Environmental Reserve (ER)
- Medium Industrial (M2)
- Parks and Recreation (PR)
- Residential 2 (R2)
- Residential 3 (R3)
- Resource Area (RA)

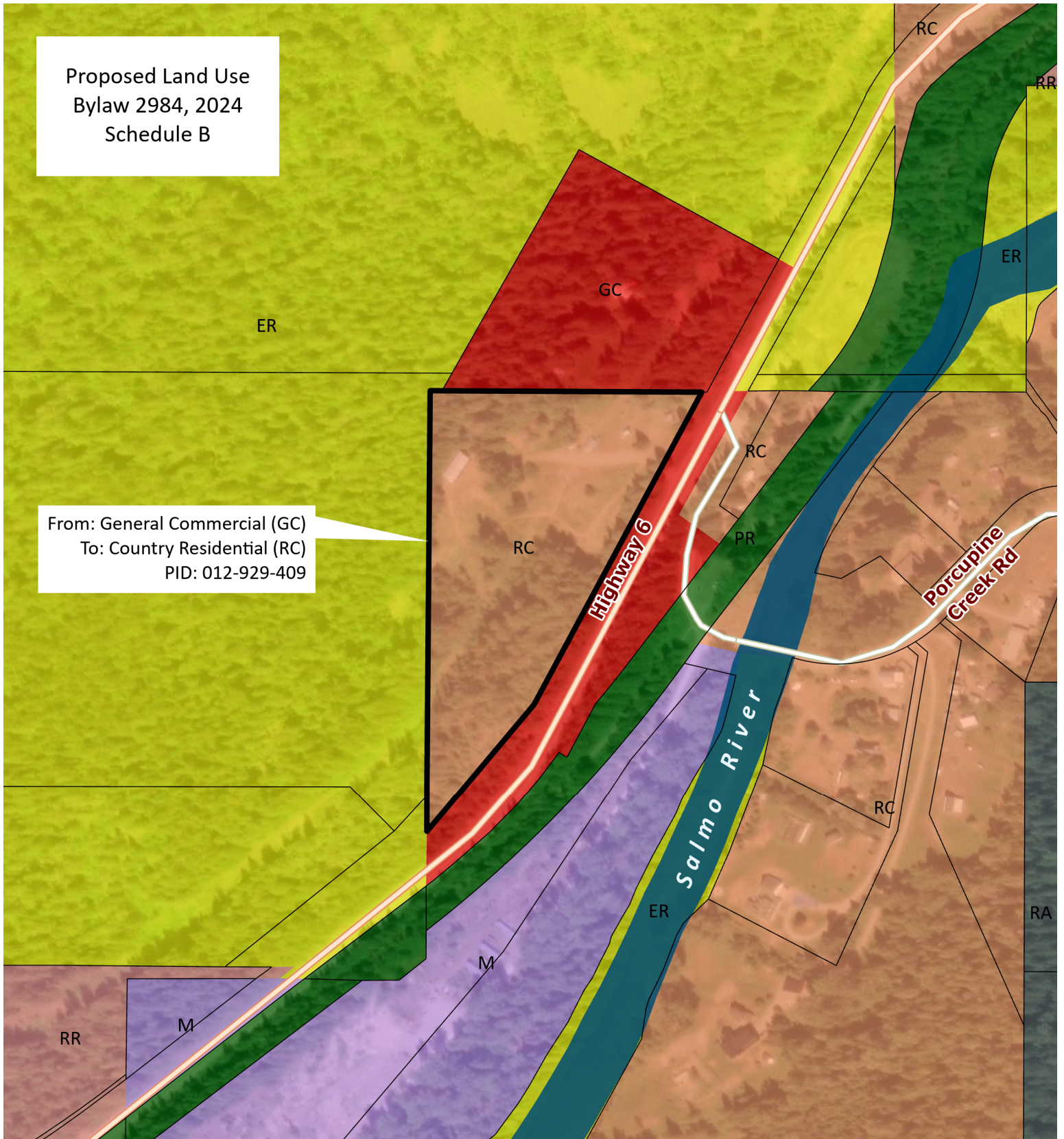


September 26, 2024
PCS: NAD83 UTM Zone11N








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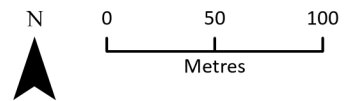
Proposed Land Use
Bylaw 2984, 2024
Schedule B

From: General Commercial (GC)
To: Country Residential (RC)
PID: 012-929-409



-  Subject Property
-  Property Lines
-  Highway
-  Road
-  River
- Land Use Designation**
-  General Commercial (GC)

-  Country Residential (RC)
-  Environmental Reserve (ER)
-  Industrial (M)
-  Parks and Recreation (PR)
-  Resource Area (RA)
-  Rural Residential (RR)
-  166



September 26, 2024
PCS: NAD83 UTM Zone11N

The map data shown are approximate representations for reference 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.

Zachari Biacomazzo,
(Planner)

September 12, 2024

This letter is with regards to our next door neighbour Diannal Pallagi and her property at 8114 Hwy. #6 kmir electoral area B. being rezoned to country residential.

We Sharon von Micks and Stacy J. von Micks have no objection whatsoever to this rezoning.

Sharon von Micks
Stacy



Shuswap Band

Project Name:

Land Use Bylaw Amendment - Pallagi

FN Consultation ID:

Z2407G

Consulting Org Contact:

Zachari Giacomazzo

Consulting Organization:

[Regional District of Central Kootenay](#)

Date Received:

Wednesday, August 7, 2024

August 8, 2024

Weyt-k (Hello),

Shuswap Band is in receipt of the project information for: -Land Use Bylaw Amendment - Pallagi.

The proposed project is located within Shuswap Band's Caretaker Area, within the greater Secwépemcúlecw (Secwepemc Traditional Territory). As land users and stewards, Shuswap Band members continue to exercise their Section 35 Aboriginal rights as their ancestors have done for generations, including hunting, trapping, gathering, and fishing, along with rights associated with spiritual and cultural traditions that are practiced in accordance with Secwepemc customs, laws, and governance structures. Secwepemc share an obligation of caretaker responsibility (stewardship) which is to act mindfully, learning from and caring for surrounding ecosystems for the health and survival of future generations, as is their Indigenous right (UNDRIP, Bill 41, Bill C15) Secwepemc culture hinges on the belief that the land responds positively to care and respect, and that tmicw (the air, lands, and resources) is interconnected at a watershed level. It is therefore critical for Shuswap Band to be actively engaged and consulted on all developments occurring within their Caretaker Area.

Based on our initial review, the nature of the proposed activity, its location, the current information available to our office at this time, we do not see any apparent significant impacts to our indigenous rights, including title at this time. However, we may at future date want to revisit consultation on this matter should new information become available.

Further, the watersheds in this area are significant to Shuswap Band's cultural heritage, as an area of ancestral land use, and presently significant as an area needing restoration and protection. Currently, Shuswap Band members collect medicines and berries in the surrounding area, fish the area waters, and camp nearby. While the area and its vitality has been impacted by industry developments, Shuswap Band has been actively involved in research and other initiatives which aim to restore this region to an ecologically and culturally thriving place.

Wherever possible, Shuswap Band recommends the reuse of existing infrastructure so as to avoid unnecessary ground disturbance and additional cumulative impacts to the region. It is Shuswap Bands expectation that all disturbed areas be reclaimed as soon as possible with the areas being monitored and treated for invasive plants to aid the ecosystem in its healing.

The province is responsible for ensuring adequate consultation and where appropriate, accommodation to address potential impacts of proposed developments on asserted Aboriginal rights including title. It is Shuswap Band expectation that continued consultation on projects and on matters that may affect our long-term traditional land use, occupancy and access, including potential cumulative impacts between proposed activity and other previous or future developments within the

project footprint and in adjacent areas (watershed, habitat type, aquifer, viewscape, etc).

Kukwstsetsemc (Thank you).

Referrals Coordinator

"Our people are our strength. Our children are our future."

ec: Barb Cote - Chief, Shuswap Band

Mark Thomas - Councilor, Shuswap Band

Richard Martin - Councilor, Shuswap Band

Manon Moreau - Director, Territorial Stewardship, Shuswap Band

Travis Yeats - Referrals Coordinator, Shuswap Band

Joshua Martin - Guardian Manager, Shuswap Band

Enola Eugene - Culture, Shuswap Band



Committee Report

Date of Report: October 1, 2024
Date & Type of Meeting: October 16, 2024 Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: ZONING BYLAW AMENDMENT
File: Z2406F – Taghum Shell
Electoral Area/Municipality F

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Board to consider an application to amend the zoning designation for the subject property at 5644 Highway 3A and 6 in Taghum, Electoral Area 'F'.

This application seeks to rezone the subject property from Neighbourhood Commercial (C1) to General Commercial (C2) in order to facilitate the construction of a proposed addition to the existing commercial building.

Staff recommend that Regional District of Central Kootenay Zoning Amendment Bylaw No. 2976, 2024 being a bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be given FIRST and SECOND reading by content.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: 531131 B.C. LTD., INC.NO. 531131
Agent: Lukas Armstrong, STAND Architecture
Property Location: 5644 Highway 3A and 6, Taghum, BC, Electoral Area 'F'
Legal Description: THAT PART OF AMENDED LOT 1 (REFERENCE PLAN 52262I) LYING SOUTH OF RIGHT OF WAY PLAN R66 DISTRICT LOT 2355 KOOTENAY DISTRICT PLAN 759 EXCEPT (1) PARCEL 1 (REFERENCE PLAN 100313I) AND (2) PART INCLUDED IN PLAN 7805 (PID: 013-526-774)
Property Size: 0.7 hectares (1.7 acres)
Current Zoning: Neighbourhood Commercial (C1) in RDCK Zoning Bylaw No. 1675, 2004
Current Official Community Plan Designation: Commercial (C) in Area 'F' Official Community Plan Bylaw No. 2214, 2012

SURROUNDING LAND USES

North: Commercial and Residential
East: Residential
South: Residential and Open Space
West: Residential

Site Context

The subject property is located approximately 8 km west of the City of Nelson in the Rural Area of Taghum which is comprised of a small number of commercial properties in a predominantly residential area. The lot is directly adjacent to and accessed from Highway 3A and 6. The property has been improved with a gas station, retail store and associated parking areas and is commonly referred to as Taghum Shell.

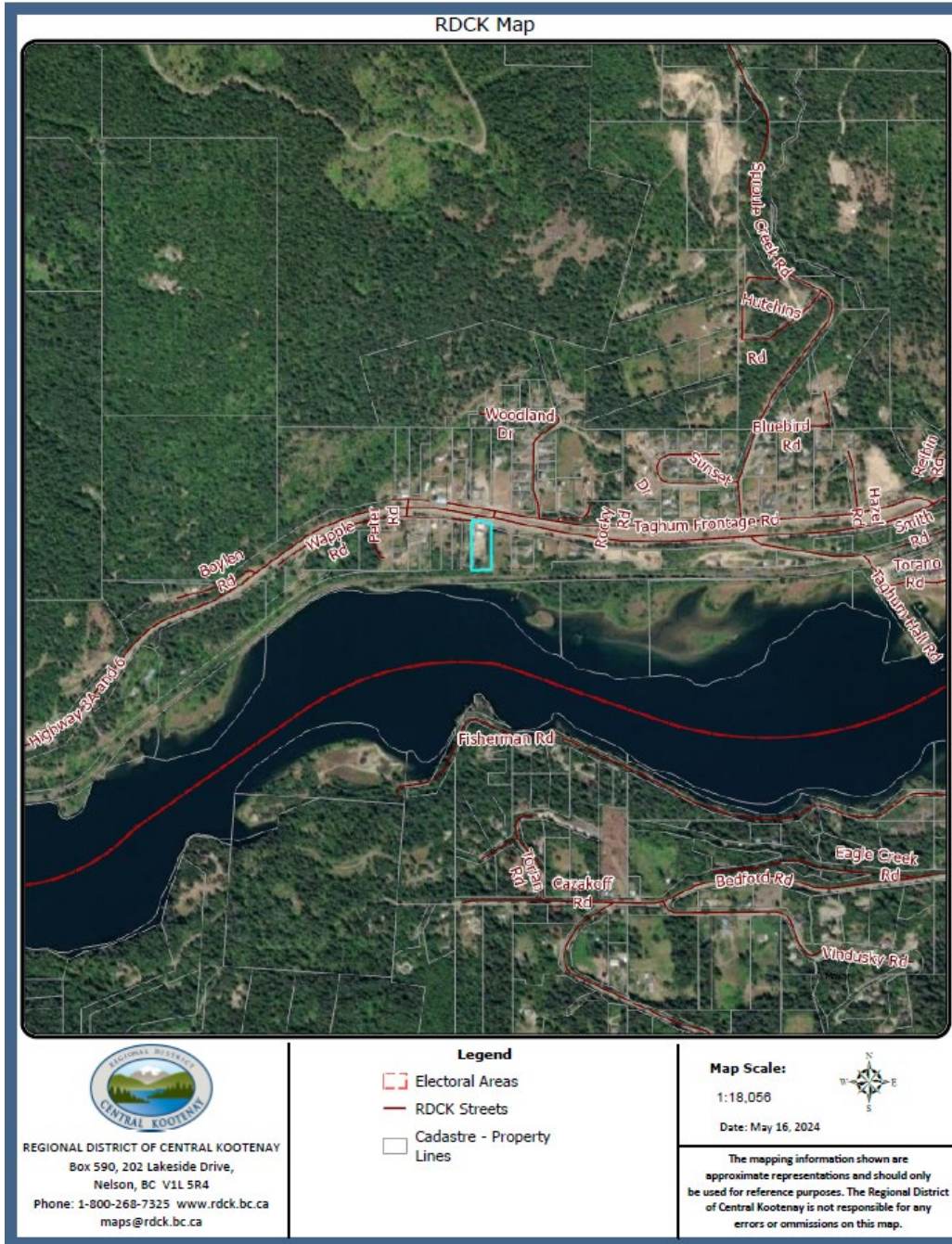


Figure 1 - Location Map

Land Use Bylaw Amendments Proposed

The purpose of this application is to rezone the subject property from Neighbourhood Commercial (C1) to General Commercial (C2). This is being sought to facilitate the construction of a 370 m² two storey addition to the existing commercial building on the property. Under the present C1 zoning regulations, the maximum commercial floor area within all buildings on a lot is limited to a maximum of 500 m². The applicants submitted a Development Permit application (DP2303F) in February 2023 to authorize the construction of an addition to the existing retail store that would bring the total commercial floor area to 657 m².

The zoning regulation limiting the “commercial floor area” to 500 m² is a density regulation as it specifies the maximum area for a category of uses in the zoning bylaw rather than simply limiting the overall size of a building. This is why a rezoning application is required, whereas most “building size” regulations in the zoning bylaw can be addressed through a Development Variance Permit application.

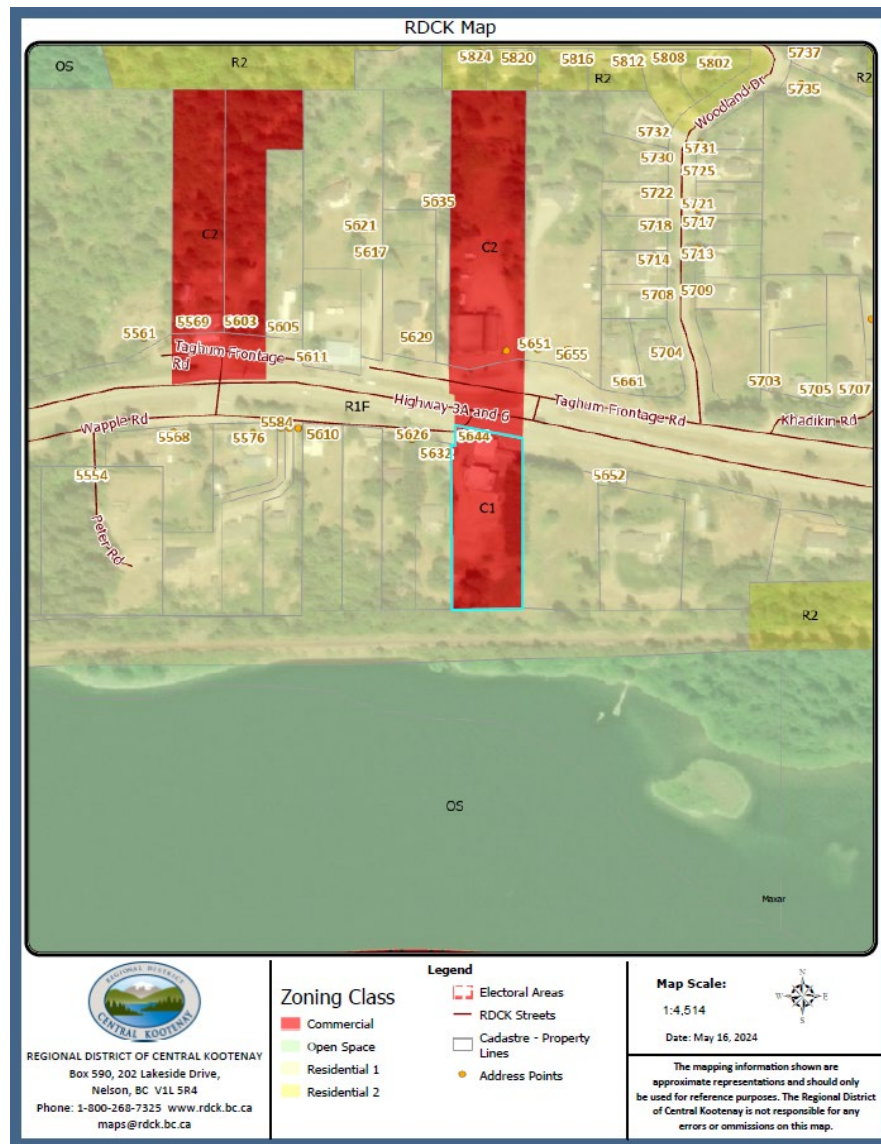


Figure 2 - Zoning Map

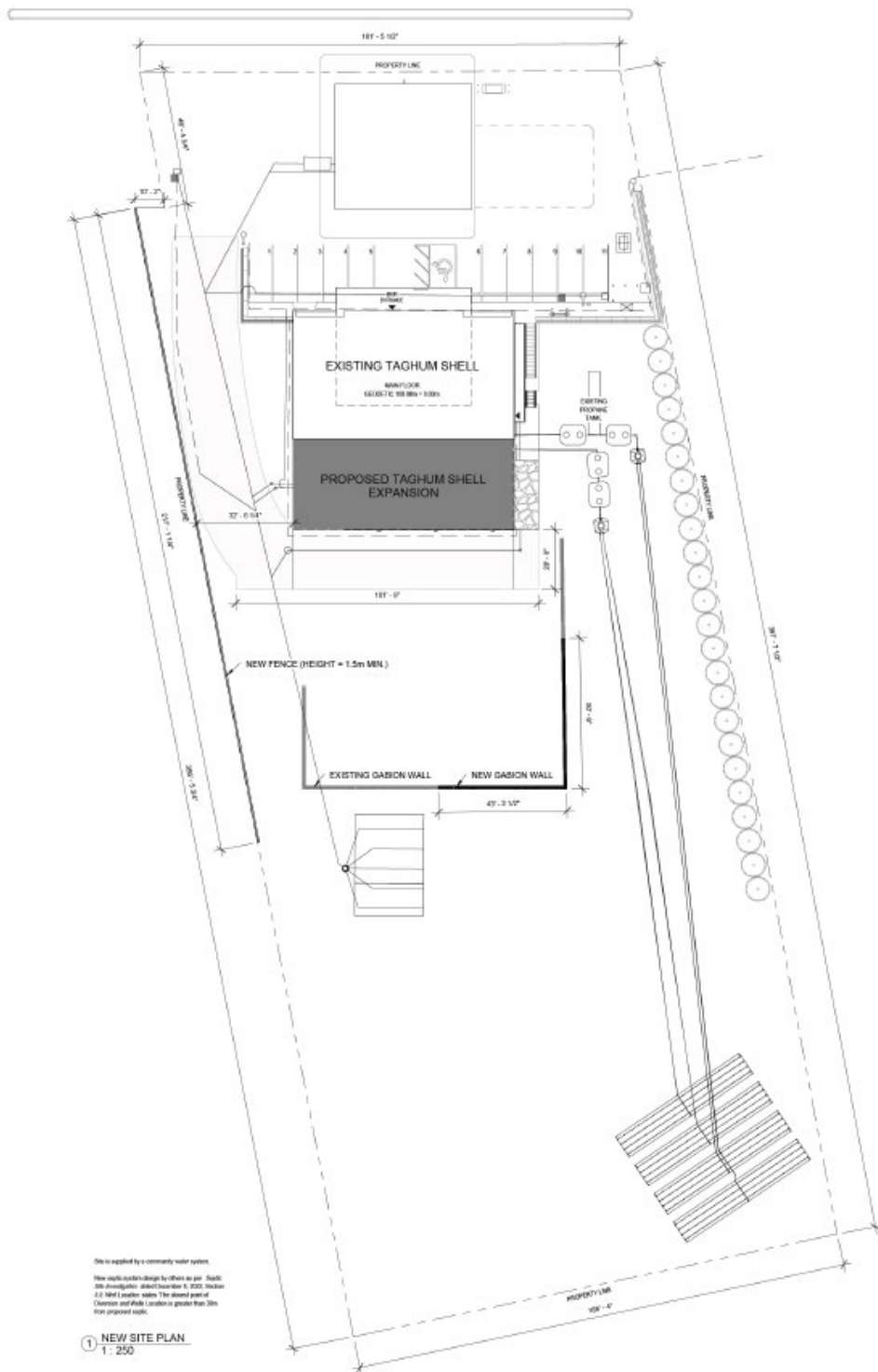


Figure 3 - Site Plan showing proposed addition to the existing building.



Figure 4 - Aerial photo showing the approximate footprint of the proposed addition (orange) and the property boundaries (light blue)



Figure 5 - Photo from the rear of the subject property where the addition would be constructed showing the nearest dwelling on the adjacent residential property.

Planning Policy

12.2 Objectives

- .1 Provide small scale commercial activities servicing the needs of local residents and tourists, expanding services as future growth may dictate.
- .2 Direct commercial development to existing residential nodes and municipalities where services and amenities are more readily available.
- .3 Support new commercial development in combination with residential use, to promote mixed-use, walkable, community areas.
- .4 Ensure that all commercial development is at a scale appropriate to the rural form and character of the community and its natural environment.
- .5 Minimize land use incompatibility and conflicts between commercial activities and surrounding land uses.

12.3 Policies

General

The Regional Board:

- .1 Establishes land identified as Commercial on Map Schedule B for commercial uses.

.2 Supports maintaining and enhancing existing commercial land uses, and supports new small scale commercial development proposals that reflect the needs of the local community and the anticipated demand from tourism, and will use the following criteria, in addition to the criteria for large scale service and commercial development where appropriate, to assess future development:

- a. capability of accommodating on-site domestic water and sewage disposal;
- b. capability of the natural environment to support the proposed development;
- c. compatibility with adjacent land uses and designations, and the character of the existing area;
- d. susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
- e. mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas;
- f. proximity and access to existing road network, and other community and essential services;
- g. exhibits an attractive and safe streetscape by providing for adequate off-street parking requirements, on-site landscaping and screening, and appropriate signage; and,
- h. type, timing and staging of the development.

.3 Considers the provision of reduced parking in lieu of providing additional amenities to facilitate other modes of transportation such as walking, cycling, and transit loading areas in keeping with existing rural form and character.

.4 Considers alternatives to large scale service and commercial development in the rural area, such as directing it to existing residential nodes and municipalities which has the necessary infrastructure and support services. A proposal to introduce major commercial development in the rural area should clearly articulate the need for it, analyse its impact on the rural community, and demonstrate how it will respect the character of the rural area. The Regional Board will use the following criteria, in addition to the criteria small scale commercial development, to assess future applications:

- a. provides access without constructing new roads or utility corridors through Environmental Reserves, and without creating a permanent visible scar on slopes;

Public Hearing Not Required

The proposed General Commercial (C2) zone is consistent with the Commercial Objectives Policies in the Electoral Area 'F' Official Community Plan Bylaw No. 2214 (the OCP). Only an amendment to the Zoning Bylaw is being proposed and the subject property will retain the current Commercial (C) Land Use designation in the OCP. In accordance with Section 464 (2) of the Local Government Act, which is copied below for convenience, a Public Hearing is not required for a Zoning Bylaw Amendment that is consistent with the applicable Official Community Plan. However, there is no prohibition on holding a public hearing, and this could be done, should the Board prefer that one be held prior to further consideration of the amending bylaw.

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

Pursuant to Planning Fees and Procedures Bylaw No. 2457, 2015 the applicant has paid the Zoning Bylaw 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.

Local Government Act Section 464 (2):

A local government is not required to hold a Public Hearing on a proposed Zoning Bylaw if

- a) an official community plan is in effect for the area that is the subject of the zoning bylaw, and
- b) the bylaw is consistent with the official community plan.

Pursuant to Section 466 and 467 in the LGA and Section 94.2 of the Community Charter, in order to not hold a Public Hearing on a proposed Zoning Bylaw Amendment, staff are required to:

1. Publish a notice in a local newspaper
2. Send a written notice letter to properties within a specified distance (100 m) of the subject property
3. Post a notice in a public place at the RDCK office
4. Post the notice to the RDCK Facebook Page

Staff have taken the necessary steps to complete the notice in accordance with the above 4 items.

3.3 Environmental Considerations

Not applicable. The property is already used as a “Service Station” and this application is only considering an expansion to the retail store.

3.4 Social Considerations:

Potential impacts to the use and enjoyment of land for neighbouring property must be considered. Notification of the proposal was distributed by mail to 14 adjacent property owners within 100 metres of the subject property.

3.5 Economic Considerations:

Not applicable.


3.6 Communication Considerations:

In accordance with Schedule ‘C’ of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, a ‘Notice of Proposal’ sign was placed in a visible location on the subject property and adjacent property owner notification was mailed to 14 properties within 100 metres of the subject property. Two (2) responses were received from neighbouring property owners that identified concerns related to noise, light pollution, traffic, vehicle emissions, impacts to the use and enjoyment of their properties and the incompatibility of the proposed/existing use with surrounding residential uses. The responses from the neighbouring property owners are summarized at the end of this section and are included as Attachment ‘C’.

The following responses were received from external agencies, internal departments and first nations:

Agency/ Department	Referral Response
Taghum Improvement District (TID)	<p>See attached response summary provided by TID.</p> <p>Zoning Bylaw Amendment approval does not imply water availability and you must contact TID to assess whether the expansion would be permitted on the TID water system, and if so under what conditions.</p> <p>Written confirmation from TID indicating that they do not have concerns with the proposal will be required prior to consideration of adoption of the proposed Bylaw Amendment.</p>

<p>RDCK Building Services</p>	<p>Please see the Building Department notes below.</p> <ol style="list-style-type: none"> 1. Updated MOTI access permit. 2. Due to the use of the building, size of the building over 600m², and over 470 sq m (5059 square feet) – as per the Architects Regulation, an Architect is required to be engaged and provide BCBC Schedule A & Schedule B for the permit application. 3. Structure is supporting occupancies that fall within Part 4 of the BCBC – A Structural Engineer will be required to submit sealed design drawings and a letter of assurance BCBC Schedule B. 4. Spatial Separation calculations shall be illustrated on the Permit application site plan with applicable delayed fire-response time. 5. Along with design drawings a Site Access Plan shall be submitted to the RDCK Building Department: <p>-3.2.5.6. Access Route Design</p> <p>A portion of a roadway or yard provided as a required access route for fire department use shall</p> <ol style="list-style-type: none"> a) have a clear width not less than 6 m, unless it can be shown that lesser widths are satisfactory, b) have a centre-line radius not less than 12 m, c) have an overhead clearance not less than 5 m, d) have a change of gradient not more than 1 in 12.5 over a minimum distance of 15 m, e) be designed to support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt or other material designed to permit accessibility under all climatic conditions, f) have turnaround facilities for any dead-end portion of the access route more than 90 m long, and g) be connected with a public thoroughfare. (See Note A-3.2.5.6.(1).) <p>2) For buildings conforming to Article 3.2.2.50. or 3.2.2.58., no portion of the access route described in Sentence 3.2.2.10.(3) shall be more than 20 m below the uppermost floor level</p> <p>A-3.2.5.6.(1) Fire Department Access Route. The design and construction of fire department access routes involves the consideration of many variables, some of which are specified in the requirements in the Code. All these variables should be considered in relation to the type and size of fire department vehicles available in the municipality or area where the building will be constructed. It is appropriate, therefore, that the local fire department be consulted prior to the design and construction of access routes.</p> <p>Site water for suppression: please see attached FUS – Water supply for public fire protection in Canada and NFPA 1720 – standard for rural firefighting. – If determined a suppression system is required by the Architect.</p> <p>Please note that the items noted above are based on a preliminary review of the documentation provided for the Planning Referral. The Building Department may</p>
--------------------------------------	--

	request further clarification / documentation upon review of the Building Permit application.
RDCK Fire Services	<p>Beasley Fire Chief Thank you for this.</p> <p>I don't have any particular concerns with this plan.</p> <p>However, I think this is a good time to revisit the water supply situation in that area. The fire hydrants on the other side of the highway are not certified, and I believe they're an RDCK system. I think this is a good time to look into whether there's a way to upgrade the hydrants (and better yet have one installed on the Taghum Shell side of the highway).</p> <p>Staff Comment: <i>This property is serviced by Taghum Improvement District, not an RDCK water system.</i></p> <p>Regional Assistant Fire Chief I would agree that an improved water system in the area should be a priority for the local residents and the RDCK.</p>
Ministry of Transportation and Infrastructure (MoTI)	<p>Thank you for the opportunity to respond to the above noted application.</p> <p>The Ministry has no concerns with the bylaw amendment as the Highway access points are constructed to manage additional traffic. However, there are safety concerns regarding the lack of protective railing on the lock block wall parallel to the highway on the East side of the property. Please ask the proponent to install these railings as soon as possible. A photo has been attached for reference.</p>  <p>If the proponent wished to discuss this further, please share my contact information.</p> <p>Crystal Swan Development Services Officer Phone: (778) 463-5605 Email: Crystal.Swan@gov.bc.ca</p>
Ktunaxa Nation Council	No comments provided.

Fortis BC	There are no FortisBC Inc (Electric) ("FBC(E)") facilities affected by this application. As such FBC(E) has no concerns with this circulation.
BC Hydro	Thank you for your email, the area is serviced by Nelson Hydro. BC Hydro Reservoir Rights has no comments to add at this time.
Nelson Hydro	Nelson Hydro had no foreseeable issues with the proposed zone change.
Interior Health Authority	No comments provided. Staff have followed up with IHA to request their comments.
Ministry of Forests – Archaeology Branch	<p>Thank you for your referral regarding 5644 Highway 3A and 6, Taghum BC, PID 013526774, THAT PART OF AMENDED LOT 1 (REFERENCE PLAN 52262I) LYING SOUTH OF RIGHT OF WAY PLAN R66 DISTRICT LOT 2355 KOOTENAY DISTRICT PLAN 759 EXCEPT (1) PARCEL 1 (REFERENCE PLAN 100313I) AND (2) PART INCLUDED IN PLAN 7805. 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.</p> <p>Results of Provincial Archaeological Inventory Search According to Provincial records, there are no known archaeological sites recorded on the subject property.</p> <p>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.</p> <p>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.</p> <p>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 <i>Heritage Conservation Act</i> 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.</p> <p>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.</p>

	<p>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.</p> <p>If there are no plans for land-altering activities on the property, no action needs to be taken at this time.</p> <p>Rationale and Supplemental Information</p> <ul style="list-style-type: none"> • There is high potential for previously unidentified archaeological deposits to exist on the property. • Archaeological sites are protected under the <i>Heritage Conservation Act</i> 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 <i>Heritage Conservation Act</i>. • Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit. <p>How to Find an Eligible Consulting Archaeologist</p> <p>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.</p> <p>Questions?</p> <p>For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.</p> <p>For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.</p>
<p>Ministry of Forests – Selkirk District</p>	<p>The MOF have no objection to this zoning change.</p>

<p>Ministry of Water, Land and Resource Stewardship – Ecosystems Section Head – Kootenay- Boundary Region</p>	<p>The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:</p> <ol style="list-style-type: none"> 1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to. 2. Changes in and about a “stream” [as defined in the Water Sustainability Act (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the Water Sustainability Regulation. Authorized changes must also be compliant with the Kootenay-Boundary Terms and Conditions and Timing Windows documents. Applications to conduct works in and about streams can be submitted through FrontCounter BC. 3. No “development” should occur within 15 m of the “stream boundary” of any “stream” [all as defined in the Riparian Areas Protection Regulation (RAPR)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of RAPR are required to ensure that all development is compliant with RAPR. 4. The federal Species at Risk Act (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to Resource Inventory Standard Committee (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific Recovery Strategy or Management Plan documents, and to ensure proposed activities will not adversely affect SEAR or their Critical Habitat for Federally-listed Species at Risk (Posted). 5. Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: Natural Resource Best Management Practices - Province of British Columbia (gov.bc.ca) and Develop with Care 2014 - Province of British Columbia. 6. Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial Wildlife Act and the federal Migratory Birds Convention Act. Guidelines to avoid harm to migratory birds can be found at: Guidelines to avoid harm to migratory birds - Canada.ca. If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:
--	--

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

7. The introduction and spread of invasive species is a concern with all developments. The provincial Weed Control Act requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: Invasive species - Province of British Columbia. The Invasive Species Council of BC provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.
8. Section 33.1 of the provincial Wildlife Act prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.
9. If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).
10. Developments must be compliant with all other applicable statutes, bylaws, and regulations.

Neighbour Responses

Responses were received from two individuals indicating that they are opposed to the proposed zoning amendment. Their comments and concerns are summarized as follows:

- Increase in traffic, noise, light pollution, emissions from vehicles
- Decreased privacy and obstructed views
- Decrease in their quality of life and negative impact to the use and enjoyment of their property
- Decrease in the value of their properties
- Increased dust from traffic in the rear parking area
- Disturbance from garbage collection schedule
- Noise from delivery vehicles (lift gates and back up alarms)
- Discarded items/old signs being stored in the rear of the property
- Noise from HVAC system
- Noise from employee break area

3.7 Staffing/Departmental Workplace Considerations:

Should the Board choose to give the amendment bylaw First and Second reading, staff will bring the Bylaw back to the next available Board meeting for third reading.

3.8 Board Strategic Plan/Priorities Considerations:

N/A

SECTION 4: OPTIONS & PROS / CONS

PLANNING DISCUSSION

The present C1 zone limits the maximum commercial gross floor area to 500 m² whereas under the C2 zone, there is no maximum commercial gross floor area. Further development on the subject property would be limited by the maximum site coverage regulation (Section 3301.2) that limits the maximum site coverage to 50% of the lot area.

Should this rezoning change be approved, an industrial commercial development permit (DP) application will need to be issued by the RDCK prior to the issuance of building permits or site alteration taking place. This Development Permit application will provide staff with the opportunity to review the proposal in more detail including but not limited to a review of landscaping, screening and parking requirements. The applicant has indicated that all applicable zoning regulations and DP guidelines related to landscaping, screening, parking, loading and lighting will be adhered to. Staff will be reviewing all of these details through the requisite Development Permit application in order to ensure that the proposal is consistent with the DP guidelines and complies with all applicable zoning regulations.

Based on the fact that the proposed zoning bylaw amendment is consistent with the OCP, staff have taken the necessary steps pursuant to Section 467 of the LGA to provide notice that a public hearing is not being held. However, the Board can still request that a public hearing is held prior to further consideration of this proposed amendment if they feel that it is necessary or appropriate to do so. For this specific proposal, staff are of the opinion that the Industrial-Commercial Development Permit Guidelines and applicable landscaping/screening zoning regulations would sufficiently mitigate the impact of the proposed addition on adjacent residential properties.

Option 1: Initial readings and public hearing not required

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2976, 2024 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 is hereby given FIRST and SECOND reading by content.

Option 2: Initial readings and proceed to public hearing

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2976, 2024 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

And Further

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

Option 3: Deny the application

That no further action be taken with respect to Regional District of Central Kootenay Zoning Amendment Bylaw No. 2976, 2024 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004.

SECTION 5: RECOMMENDATIONS

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2976, 2024 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 is hereby given FIRST and SECOND reading by content.

Respectfully submitted,

Zachari Giacomazzo, Planner

CONCURRENCE

Planning Manager – Nelson Wight **Digitally Approved**

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

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

ATTACHMENTS:

Attachment A – DRAFT Zoning Amendment Bylaw No. 2976, 2024

Attachment B – Referral responses from Shuswap Band, Colville Confederated Tribes of Colville Reservation (Sinixt Confederacy) and Penticton Indian Band.

Attachment C – Written submissions from neighbouring property owners

Attachment D – Applicant response letter

Attachment E – Existing and proposed zoning regulations

Attachment F – Architectural plans (site plan, elevations and renderings)

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2976

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

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

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

APPLICATION

- 1 That Schedule 'E' of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be amended by changing the Zoning Designation of THAT PART OF AMENDED LOT 1 (REFERENCE PLAN 52262I) LYING SOUTH OF RIGHT OF WAY PLAN R66 DISTRICT LOT 2355 KOOTENAY DISTRICT PLAN 759 EXCEPT (1) PARCEL 1 (REFERENCE PLAN 100313I) AND (2) PART INCLUDED IN PLAN 7805 (PID: 013-526-774) from Neighbourhood Commercial (C1) to General Commercial (C2), as shown on the attached Map.
- 2 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 3 This Bylaw may be cited as "**Regional District of Central Kootenay Zoning Amendment Bylaw No. 2976, 2024**"

READ A FIRST TIME this 17th day of October, 2024.

READ A SECOND TIME this 17th day of October, 2024.

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

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

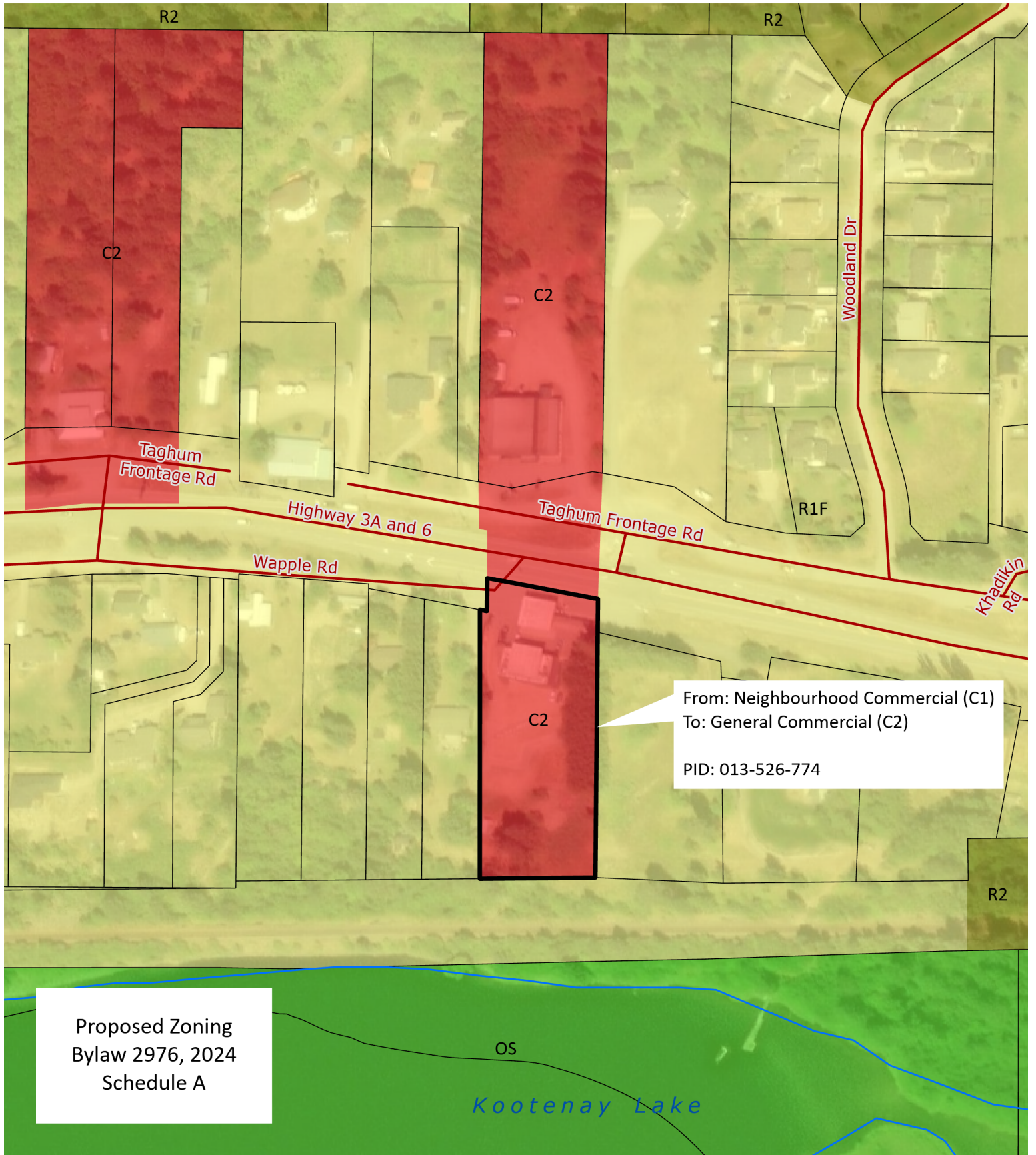
[Controlled Highway or Exceeds 4500 sq.m] APPROVED under **Section 52 (3)(a) of the Transportation Act** this [Date] day of [Month], 20XX.

Approval Authority,
Ministry of Transportation and Infrastructure

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

Aimee Watson, Board Chair





Mike Morrison, Corporate Officer







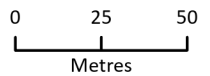
Proposed Zoning
Bylaw 2976, 2024
Schedule A

From: Neighbourhood Commercial (C1)
To: General Commercial (C2)
PID: 013-526-774



-  Subject Property
-  Property Lines
-  Road
-  Stream or Shoreline

- Zoning Class**
-  General Commercial (C2)
 -  Open Space (OS)
 -  Residential 1 (R1)
 -  Residential 2 (R2)



August 27, 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.



Shuswap Band

Project Name:

Proposed Bylaw Amendment - Taghum Shell

FN Consultation ID:

Z2406F

Consulting Org Contact:

Laura Christie

Consulting Organization:

[Regional District of Central Kootenay](#)

Date Received:

Wednesday, June 5, 2024

June 5, 2024

Weyt-k (Hello),

Shuswap Band is in receipt of the project information for: -Proposed Bylaw Amendment - Taghum Shell.

The proposed project is located within Shuswap Band's Caretaker Area, within the greater Secwépemcúlecw (Secwepemc Traditional Territory). As land users and stewards, Shuswap Band members continue to exercise their Section 35 Aboriginal rights as their ancestors have done for generations, including hunting, trapping, gathering, and fishing, along with rights associated with spiritual and cultural traditions that are practiced in accordance with Secwepemc customs, laws, and governance structures. Secwepemc share an obligation of caretaker responsibility (stewardship) which is to act mindfully, learning from and caring for surrounding ecosystems for the health and survival of future generations, as is their Indigenous right (UNDRIP, Bill 41, Bill C15) Secwepemc culture hinges on the belief that the land responds positively to care and respect, and that tmicw (the air, lands, and resources) is interconnected at a watershed level. It is therefore critical for Shuswap Band to be actively engaged and consulted on all developments occurring within their Caretaker Area.

Based on our initial review, the nature of the proposed activity, its location, the current information available to our office at this time, we do not see any apparent significant impacts to our indigenous rights, including title at this time. However, we may at future date want to revisit consultation on this matter should new information become available.

Further, the watersheds in this area are significant to Shuswap Band's cultural heritage, as an area of ancestral land use, and presently significant as an area needing restoration and protection. Currently, Shuswap Band members collect medicines and berries in the surrounding area, fish the area waters, and camp nearby. While the area and its vitality has been impacted by industry developments, Shuswap Band has been actively involved in research and other initiatives which aim to restore this region to an ecologically and culturally thriving place.

Wherever possible, Shuswap Band recommends the reuse of existing infrastructure so as to avoid unnecessary ground disturbance and additional cumulative impacts to the region. It is Shuswap Bands expectation that all disturbed areas be reclaimed as soon as possible with the areas being monitored and treated for invasive plants to aid the ecosystem in its healing.

The province is responsible for ensuring adequate consultation and where appropriate, accommodation to address potential impacts of proposed developments on asserted Aboriginal rights including title. It is Shuswap Band expectation that continued consultation on projects and on matters that may affect our long-term traditional land use, occupancy and access, including potential cumulative impacts between proposed activity and other previous or future developments within the

project footprint and in adjacent areas (watershed, habitat type, aquifer, viewscape, etc).

Kukwstsétsemc (Thank you).

Referrals Coordinator

"Our people are our strength. Our children are our future."

cc: Barb Cote - Chief, Shuswap Band

Mark Thomas - Councilor, Shuswap Band

Richard Martin - Councilor, Shuswap Band

Manon Moreau - Director, Territorial Stewardship, Shuswap Band

Travis Yeats - Referrals Coordinator, Shuswap Band

Joshua Martin - Guardian Manager, Shuswap Band

Enola Eugene - Culture, Shuswap Band



The Sh̓ḡay̓ckstx (Sinixt)
Confederacy

P.O. Box 150, Nespelem, WA 99155

The Confederated Tribes of
the Colville Reservation

Regional District of Central Kootenay

June 18, 2024

To whom it may concern:

Re: Z2406F: Proposed Bylaw Amendment - Taghum Shell

I am the Natural Resources Director of the Confederated Tribes of the Colville Reservation (CTCR) and the Sinixt (Arrow Lakes) Confederacy, and write in respect to your June 6, 2024 referral on the above-captioned project.

By way of background, on April 23, 2021, the Supreme Court of Canada handed down its decision in *R. v. Desautel*, recognizing the Sh̓ḡay̓ckstx (Sinixt/Arrow Lakes) as an Aboriginal Peoples of Canada with a constitutionally protected right to hunt in their traditional territory in British Columbia, and to be duly consulted on anything that can impact that right. As the Supreme Court specifically confirmed, that territory “ran as far south as an island just above Kettle Falls, in what is now Washington State, and as far north as the Big Bend of the Columbia River, north of Revelstoke in what is now British Columbia” (for visual depictions of Sinixt territory, see the attached place names map and a map prepared by provincial experts in 1956 depicting Indigenous territories in 1850). The Court also recognized the Arrow Lakes tribe, one of the twelve constituent tribes of the CTCR with approximately 3,500 members, as a successor group to the Sinixt.

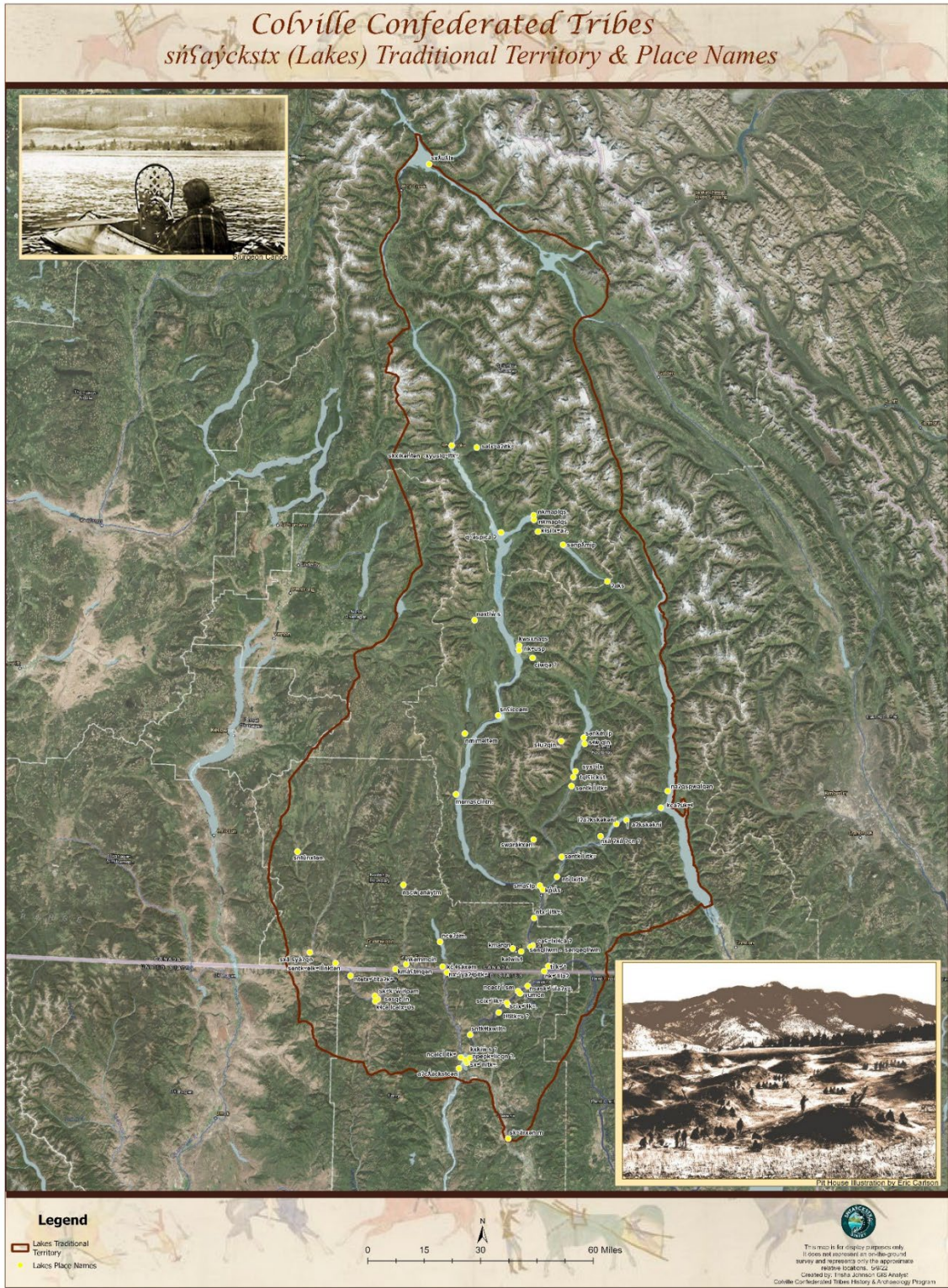
CTCR has formed the Sinixt (Arrow Lakes) Confederacy, formerly known as the Arrow Lakes Aboriginal Society, to represent Sinixt people on both sides of the international border, regardless of tribal or band affiliation, in a manner consistent with Indigenous law and traditions.

This project falls within Sinixt Traditional Territory as confirmed by the Province’s ethnohistorical report, linked here for ease of reference: https://sinixt.com/wp-content/uploads/Sinixt-Ethnohistorical-Report-3P_2023_10_23_sm.pdf

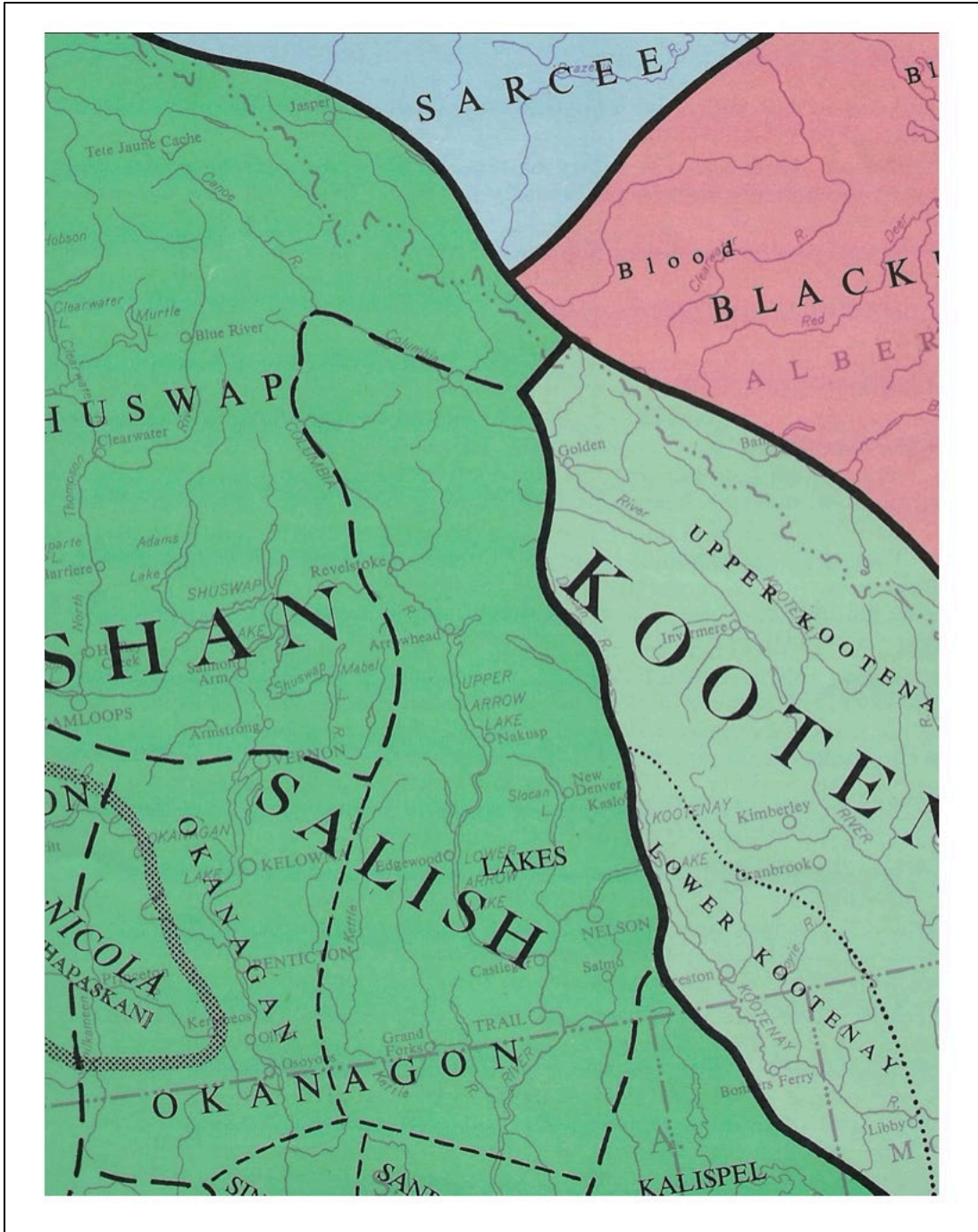
We have no opposition to the bylaw amendment.

Sincerely,

Rebecca Hunt
Natural Resources Director
Confederated Tribes of the Colville Reservation



S̓n̓ʕay̓kstx (Sinixt/Lakes) traditional territory map and place names.



Sinixt (Lakes) as shown in Map 12 on pages 25-26 of the 1956 atlas created by the British Columbia Natural Resources Conference. The caption notes the territory of the Lakes (Sinixt) is mapped as it existed in 1850.



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411
Fax: 250-493-2882

Project Name:

Proposed Bylaw Amendment - Taghum Shell

FN Consultation ID:

L-240605-Z2406F

Consulting Org Contact:

Laura Christie

Consulting Organization:

[Regional District of Central Kootenay](#)

Date Received:

Wednesday, June 5, 2024

File number:

Z2406F

June 5, 2024

WITHOUT PREJUDICE

Attention: Laura Christie

We are in receipt of the above referral. This proposed activity is within the PIB Area of Interest within the Okanagan Nation's Territory, and the lands and resources are subject to our unextinguished Aboriginal Title and Rights.

The Supreme Court of Canada in the *Tsilhqot'in* case has confirmed that the province and Canada have been applying an incorrect and impoverished view of Aboriginal Title, and that Aboriginal Title includes the exclusive right of Indigenous People to manage the land and resources as well as the right to benefit economically from the land and resources. The Court therefore concluded that when the Crown allocates resources on Aboriginal title lands without the Indigenous peoples' consent, it commits a serious infringement of constitutionally protected rights that will be difficult to justify.

PIB has specific referral processing requirements for both government and proponents which are integral to the exercise of our management right and to ensuring that the Crown can meet its duty to consult and accommodate our rights, including our Aboriginal title and management rights. According to this process, proponents are required to pay a \$500 processing fee for each referral. This fee must be paid within 30 days. Proper consultation and consideration of potential impacts cannot occur without the appropriate resources therefore it is only with payment that proper consultation can begin and the proposed activity/development can be reviewed.

1. Invoice Number: L-240605-Z2406F

Referrals Processing Fee

Sub Total \$ 500.00

Tax \$ 0.00

Total \$ 500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

We accept cash and cheque via mailing as well as EMT. Our mailing address is 841 Westhills Drive Penticton BC, V2A 0E8. Our EMT is PIBPayments@pib.ca.

Please have 'ATTN: Natural Resources File # [insert referral number] PC:132 ' in the notes if you are using EMT or if you are using another method, please supply the referral number with it .

Upon receipt of the processing fee, we will commence our review. You may then expect to receive a letter from us notifying you of the results of our review of potential impacts of the project within 30 to 90 days.

If the proposed activity requires a more in-depth review, PIB will notify the proponent and all parties will negotiate a memorandum of agreement regarding a process for review of the proposed activity.

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

If you require further information or clarification, please do not hesitate to contact me.

limləmt,

Madison Terbasket
Interim Referrals Coordinator
Penticton Indian Band
Natural Resources
email: mterbasket@pib.ca
office: 250-492-0411
address: 841 Westhills Drive
Penticton, British Columbia
Canada V2A 0E8

Zachari Giacomazzo

From: Liz k [REDACTED]
Sent: July 1, 2024 9:06 AM
To: RDCK Info; Planning
Subject: bylaw amendment Z2406F

You don't often get email from eakunkle@gmail.com. [Learn why this is important](#)

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

Good Morning,

I am writing to oppose the rezoning from C1 to C2 involving the property on 5644 Highway 3A.

The earlier renovation to its current size has changed the living experience for the neighbours and to increase its size will impose less privacy, more noise and decrease their quality of living.

While the business is valuable and an asset to our area there should be limits to how such a business among residential areas affect people in rural areas. The noise, light pollution, vehicle emissions, traffic, decreased privacy and obstructed views are not acceptable.

The renovations and expansion would no doubt increase the value of the asset for the business owner but it will continue to decrease the value of the residential properties bordering it. Is the RDCK and Nelson going to compensate the neighbours by lowering their property taxes .

Sincerely,

Elizabeth Kunkle

Zachari Giacomazzo

From: [REDACTED]
Sent: June 25, 2024 7:52 AM
To: Planning; Zachari Giacomazzo
Cc: [REDACTED]
Subject: Land use plan z2406G
Attachments: rdck_development_concern.pdf; Gmail - neighbors.PDF; Fwd_ development permit complaint.PDF

[Some people who received this message don't often get email from kjlaron23@proton.me. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION

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

Good morning, in response to the proposal for file z2406f, taghum shell development please find our concerns attached Included is historical concerns brought forward after the initial development of the property. Also the email history of the stop work request.

I can be reached for questions anytime

[REDACTED]

Regards
Jason Larson

Subject : Zoning Bylaw Amendment App Z2406F

Areas for concern

Owners History of Bad Faith

Email from 2017-06-06 – email acknowledged from Cam Robertson, no follow up, no action

Items noted in email, dust mitigation, fencing – parking screening(offered at our expense but on Shell property), dumpster location – safety leading out of our driving, fencing to screen garbage collection around the dumpster

Backyard location of discarded items from Shell, old sign, storage container, other miscellaneous garbage items

Landscaping designated in original development permit not adhered too – weeds, long grass around entire property is example

We expressed safety concern on snowplowing, owners create high snow banks around the front of the driveway making exiting onto Wapple road difficult

Knowingly pushing possibly contaminated material into our front yard where our water well exists.

We have politely asked them to not push the snow off their lot into our yard with no avail.

Repurposed old banged up concrete blocks to face our property rather than use new ones, neither which met RDCK standard for appearance.

March 2022, Owners started developing additional parking area with unexpected gabian walls claiming they had the development permit, RDCK issued a Stop Work order.

Owners have Zero credibility in upholding agreements or being respectful neighbors, we have 23 year of history with them to make this decision, they are enthusiastic business owners but lousy neighbors

Vehicle Noise concerns

Driving entering and exiting the staff area is steep, vehicles leaving have to accelerate and exhaust noise is quite loud – ie red truck without MOT approved muffler – exceeds 80 DB – accelerates heavily out of the shell creating excessive noise

If increased delivery is to the rear of the Shell the larger delivery trucks will have to accelerate more and there will be a substantial increase in noise

Backup alarms from delivery vehicles

Noise from lift gates on delivery trucks

Operating hours noise

Currently garbage is collected at 615 to 630 on Tuesdays, other delivery vehicles arrive sometimes as early as 545 – what will be used to enforce some quiet hours of neighborhood

Lights on building- what is the enforceable limit to hours which building lights are on?

HVAC noise

If there is more cooling required in the building as a result of grocery and expanded liquor sales, what screening is required to soften the noise from the HVAC equipment, existing unit hammers on and off constantly all night

Snow Clearing

With increase in parking and delivery to the rear of the building an increased amount of time needed for snow clearing will required, what are the enforceable hours for this? Currently it occurs at any and all hours without regard for time of day

Building Lights

Existing building lights illuminate our house and yard, with expanded parking area for employee safety lighting will likely be increased – what will be used to reduce or eliminate this light pollution, In other jurisdiction it is common to design lighting that does not extend beyond border of property RDCK has yet to adopt any Light Pollution bylaw

Dust from driveway and parking area

Currently the existing development permit required some type of dust mitigation, the owners have shown no effort to mitigate this

Privacy/Safety concern

With the increase in traffic to the Shell we frequently have people parked in our driveway, blocking our driveway

Urinating in our front yard or near the top of the driveway by dumpsters

Intoxicated customers parking in our driveway, getting sold additional alcohol and driving impaired away from the Shell

Proposed fencing height of 1.5 meters is wholly inadequate for useful screening, 3m or 10 ft would be a minimum height with extensive vegetation screen to mitigate dust, noise etc

Fence should be constructed with picket side facing neighbors and existing fence removed and corrected with new properly stained durable material.

What enforcement exists to ensure that the required vegetation screen and fence screen is maintained

Staff area

Staff will take breaks in vehicles which includes idling vehicle and playing music in car, with the cars being parked along the building the noise is manageable however once parking is on the gabion wall the parking is the same level as our windows and above our backyard patio, will lose any sense of enjoyment of our backyard area

Future Commercial property use

Cannabis sales, increases potential for intoxication of customers, not enough time available for existing staff to assess state of clarity

What are the hours of business for c2 property

Owners had previously rented basement space of old building as a Sound studio and we frequently had to ask them to stop playing music at 130am – no assistance offered by owners to curtail this behavior

STAND

ARCHITECTURE

To: Zachari Giacomazzo
Planner, RDCK
(250) 352 8190
zgiacomazzo@rdck.bc.ca

Re: Rezoning application - Neighbor Concerns
531131 B.C. Ltd dba Taghum Stop
5644 Hwy 3A West
Nelson B.C.
V1L 6Y3
(250) 354-1222

Mr. Giacomazzo,

As per the referral responses returned to myself and the client, and dated July 19th 2024, The following concerns were voiced to the RDCK concerning the proposed Rezoning.

Here I have included responses to these concerns, developed in conjunction with the client.

- Increase in traffic, noise, light pollution, emissions from vehicles

- Traffic, Noise, Emissions; The property is a commercially zoned service station and has been operating as such for over 60 years. The properties are also adjacent to a main highway, which is one of the busiest highways per capita in the province of B.C. The proposed zoning change does not increase the forecourt area of the property where the majority of the vehicular traffic currently utilizes.
- Light Pollution; Exterior building lighting systems are necessary for employee and customer safety while on the property. The exterior lighting system is on a timer system for the safety and security of staff, customers and energy efficiency. The timers are set for approx. 1 hour before we open and set to turn off approx. 1 hour after we close for safety and security of staff. The lighting systems are angled to avoid overexposure on adjacent properties.

All new lighting on the site will be "Dark Sky compliant", and follow the same timing protocols.

Lukas Armstrong, Principal, Architect AIBC
3457 Bedford Rd. Nelson BC V1L 6X7
lukas@standarchitecture.com
1.250.219.1878

- Decreased privacy and obstructed views

- Privacy: There will be a fence plan proposed for the west side of the property line to secure privacy. Not less than the required 1.5 meters in height. The property line on the east side of the property has an existing vegetation buffer currently in place. The northern property line is the service forecourt area adjacent to the highway. The southern property line is buffered by a CPR rail line Right of way.

- Decrease in their quality of life and negative impact to the use and enjoyment of their property

- The property is utilized for its intended purpose which is commercial. The north side of the property is the forecourt service area where we handle the majority of the customers that utilize our products and services. The south side of the property is for limited staff parking and is not utilized frequently or considered a high traffic area.

The rezoning will not significantly change the current conditions. The intended addition to the store will add more choice and variety, but should not affect the traffic volume. The staff parking that is partially complete in the rear of the building can likely proceed with or without the rezoning, and as such should not influence the decision to support the rezoning.

- Decrease in the value of their properties

- Property values are based on current market supply and demand. We don't believe our current operations as a commercial property has significant effect on property values in the area.

- Increased dust from traffic in the rear parking area

- There is limited vehicle traffic in the rear parking area. This is the dedicated staff parking area which only gets utilized as staff enter or leave for their shifts. The staff parking that is partially complete in the rear of the building can likely proceed with or without the rezoning, and as such should not influence the decision to support the rezoning.

- Disturbance from garbage collection schedule

- Garbage and/or recycling collection is scheduled every Tuesday morning, unless informed otherwise from Waste Management. The trucks are onsite for less than 10 min and utilize the forecourt service area while onsite
- "Regional District of Central Kootenay Noise Control Bylaw No. 2440, 2015" - Exemption 5G

STAND

ARCHITECTURE

- Noise from delivery vehicles (lift gates and back up alarms)

- Delivery vehicles are a necessity for our commercial business. The majority of deliveries are made during business operating hours, with very few, if any, beyond those hours. Back up alarms are required for commercial vehicles for safety.
- “Regional District of Central Kootenay Noise Control Bylaw No.2440, 2015” Exemption 5B

- Discarded items/old signs being stored in the rear of the property

- Items within our property boundary are stacked and/or organized as efficiently as possible. We do not believe any place or items we have on our property contravenes the unsightly property bylaw.

- Noise from HVAC system

- The HVAC system has been installed as per required. It is programmed for both energy efficiency and for the safety and comfort of staff/customers and product temperature stabilization. We do not believe this contravenes the noise bylaw.
- “Regional District of Central Kootenay Noise Control Bylaw No.2440, 2015”

- Noise from employee break area

- We do not have a designated employee break area. Employees are free to take their breaks at a location of their choice, whether on our property or any public property around the area. At any one time we have only 1 employee on break. We do not believe this contravenes the noise bylaw.
- “Regional District of Central Kootenay Noise Control Bylaw No. 2440, 2015”

These responses indicate that the client is largely compliant with the zoning and bylaws pertinent to both his current zoning and the requested rezoning.

As part of the rezoning and future DP/BP application, the owner of the property will commit to addressing the neighbors concerns as indicated above, particularly in the case of the fence and the lighting.

Lukas Armstrong, Principal, Architect AIBC
3457 Bedford Rd. Nelson BC V1L 6X7
lukas@standarchitecture.com
1.250.219.1878



EXISTING ZONE

DIVISION 32 NEIGHBOURHOOD COMMERCIAL (C1)

Permitted Uses

3200 Land, buildings and structures in the Neighbourhood Commercial (C1) zone shall be used for the following purposes only:

- Cannabis Retail Stores
- Horticulture
- Farmer’s Market
- Mixed Use Developments
- Offices
- Pubs
- Personal Service Establishments
- Recycling Depot
- Restaurants
- Retail Stores
- Service Stations
- Tourist Accommodation
- Accessory Uses:
 - Accessory Buildings and Structures
 - One Dwelling Unit.

Development Regulations

3201

1 The minimum site area for each permitted use shall be provided as follows:

	Community Water Supply and Community Sewer System	Community Water Supply Only	On-Site Servicing Only
Hotel, Motel, Lodge and Similar Uses	0.2 hectares (first unit), 200 square metres for each additional sleeping or housekeeping unit	0.4 hectares, 300 square metres for each additional sleeping unit, 400 square metres for each additional housekeeping unit	1.0 hectare (up to 10 units), 600 square metres for each additional sleeping unit, 0.1 hectares for each additional housekeeping unit
All Other Uses	0.4 hectare	0.4 hectare	1.0 hectare

For Mixed Use Developments, the minimum site area restrictions identified above apply for each permitted principal use within the Mixed Use Development.

- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 The maximum commercial floor area within all buildings on a lot shall be 500 square metres.
- 4 Landscaping shall comply with the requirements of sections 621 and 622.

PROPOSED ZONE

DIVISION 33 GENERAL COMMERCIAL (C2)

Permitted Uses

3300 Land, buildings and structures in the General Commercial (C2) zone shall be used for the following purposes only:

- Building and Plumbing Sales
- Cannabis Retail Stores
- Manufactured Home and Trailer Sales
- Mixed Use Developments
- Motor Vehicle Sales and Rentals
- Offices
- Plumbing, Heating and Glass Sales and Service
- Personal Service Establishments
- Recycling Depot
- Repair Shops (enclosed) of:
 - boats and light marine equipment
 - awnings and canvas products
 - small equipment and machinery
 - automobiles
- Restaurants
- Retail Stores
- Service Stations
- Tourist Accommodation
- Veterinary Clinics
- Warehousing, restricted to:
 - mini warehouses
 - cold storage plants
 - feed and seed storage and distribution
- Accessory Uses:
 - Accessory Buildings and Structures
 - Caretaker Suite

Development Regulations

3301

- 1 The minimum site area for each permitted use shall be provided as follows:

Community Water Supply and Community Sewer System	Community Water Supply Only	On-Site Servicing Only
--	--------------------------------	---------------------------

Hotel, Motel, Lodge and Similar Uses	0.2 hectares (first unit), 200 square metres for each additional sleeping or housekeeping unit	0.4 hectares, 300 square metres for each additional sleeping unit, 400 square metres for each additional housekeeping unit	1.0 hectare (up to 10 units), 600 square metres for each additional sleeping unit, 0.1 hectares for each additional housekeeping unit
All Other Uses	0.4 hectare	0.4 hectare	1.0 hectare

For Mixed Use Developments, the minimum site area restrictions identified above apply for each permitted principal use within the Mixed Use Development.

- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 Landscaping shall comply with the requirements of sections 621 and 622.

TAGHUM SHELL EXPANSION

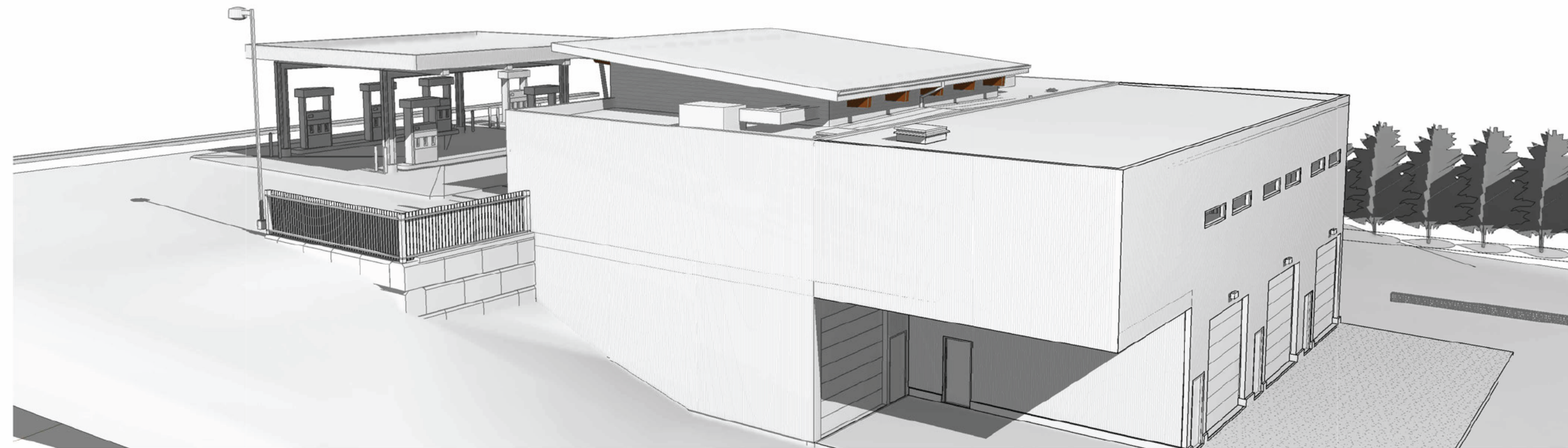
5644 Highway 3A West, Nelson, BC

ISSUED FOR DEVELOPMENT PERMIT

JANUARY 25, 2023

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NO	DATE	DESCRIPTION
1	22/11/18	ISSUED FOR REVIEW
2	23/01/25	ISSUED FOR DEVELOPMENT PERMIT



CLIENT

Taghum Shell
5644 Highway 3A West
Nelson, BC

531131 BC Ltd.

LEGAL ADDRESS
LOT 1 PLAN NE759 DISTRICT
LOT 2355 KOOTENAY LAND DISTRICT
AMENDED (REF PL 522621) LYING SOUTH
OF R/W PL R66 EXC (1) PCL 1 (REF PL
(REF PL 100313) & (2) PL 7805

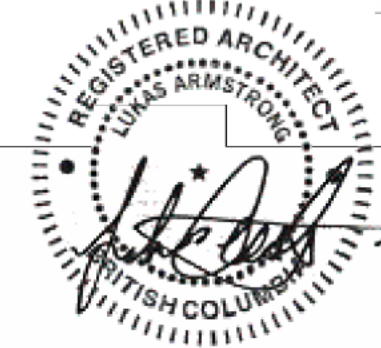
CONSULTANTS

Architect - Prime Consultant	Structural	Site	Mechanical	Electrical	Geotech
Cover Architectural Collaborative Inc.	EffiStruc Consulting Inc.	Highland Consulting LTD.	Rocky Point Engineering (Design-Build)	Ready Engineering (Design-Build)	Crowsnest Engineering
Contact: Lukas Armstrong, Principal email: Cell: Office:	Contact: Don Willems email: Office:	Contact: Paul Kernan email: Office:	Office:	Office:	Office:

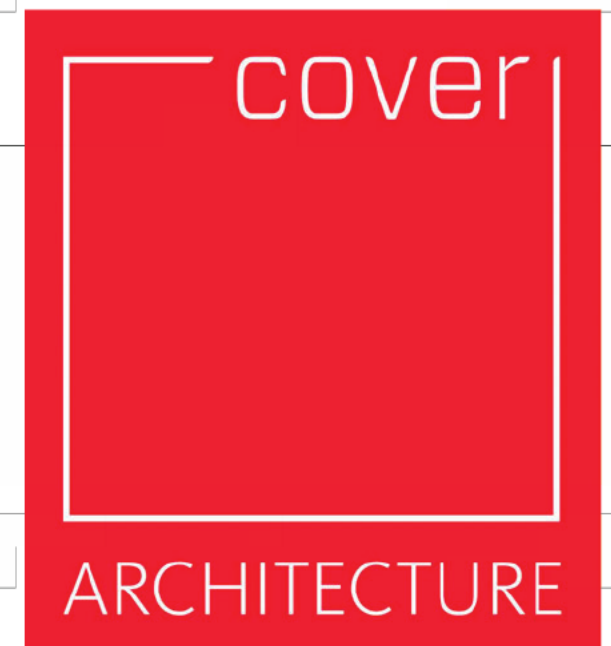
DRAWING LIST

Architectural	Structural	Site	Mechanical	Electrical	Geotech
Sheet Number	Sheet Name	C00 C02	GENERAL LAYOUT DETAILS		
A001	COVER SHEET				
A002	NOTES & ASSEMBLIES				
A003	CODE & BYLAW				
A004	LIFE SAFETY PLAN				
A101	DEMOLITION PLAN				
A102	OVERALL SITE PLAN & CONTEXT PLAN				
A103	NEW SITE PLAN				
A104	FOUNDATION PLAN				
A105	BASEMENT FLOOR PLAN				
A106	MAIN FLOOR PLAN				
A107	ROOF PLAN				
A108	REFLECTED CEILING PLAN - BASEMENT				
A109	REFLECTED CEILING PLAN - MAIN FLOOR				
A208	ELEVATIONS				
A209	ELEVATIONS				
A301	BUILDING SECTIONS				
A401	WALL SECTIONS				
A402	STAIR PLAN & SECTION				
A501	PLAN DETAILS				
A502	SECTION DETAILS				
A503	TYPICAL DETAILS				
A601	WASHROOM PLANS				
A701	WINDOW & DOOR SCHEDULE				

The proposed expansion to the Taghum Shell Gas Station (210m²) is an extension of the existing use of this Commercially-zoned lot. The expansion has been reviewed to be in alignment with the applicable "Community Guiding Principles" of the Official Community Plan for RDCK Electoral Area 'F' (Section 5.3). Further, '12.0 Commercial Land' and 12.3 Policies have been reviewed and form the guiding framework for the proposed development; specifically: accommodating on-site sewage disposal, trees planted along the west property line in consideration of adjacent lot, maintaining and enhancing existing commercial land uses, as well as incorporating the remaining criteria lettered b-d and f-h.



2023-01-25



These drawings are issued for permitting purposes only. Not intended for construction. If they are used for construction, COVER assumes no liability.

#6-320 Vernon St
Nelson BC V1L 4E4
250.364.4444
info@cover.ca

TAGHUM SHELL - EXPANSION

5644 Highway 3A West	PROJECT CODE	STATUS
	22132	SCHEMATIC
	SCALE	DATE
	1 1/2" = 1'-0"	01-25-2023

BC BUILDING CODE ANALYSIS – Taghum Shell

The following codes and regulations apply:

BCBC – British Columbia Building Code 2018
 BCFC – British Columbia Fire Code 2012
 Regional District of Central Kootenay Zoning Bylaw No. 1675 (2004)

Project Information

Building Area: 506.97 m² (5456.98 ft²)
 Construction: Combustible & non-combustible
 Building Height: 2 Storeys
 Fire Protection: Non-sprinklered
 Streets: Facing 1 street
 Major Occupancy: E – Mercantile

1.3.3.3. Application of Part 9

- Part 9 of Division B applies to all buildings described in Article 1.1.1.1. of 3 storeys or less in building height, having a building area not exceeding 600 m², and used for major occupancies classified as c) Group E, mercantile occupancies

1.4.1.2. Defined Terms

Heavy timber construction means that type of combust ble construction in which a degree of fire safety is attained by placing limitations on the sizes of wood structural members and on the thickness and composition of wood floors and roofs and by the avoidance of concealed spaces under floors and roofs.

Major occupancy means the principal occupancy for which a building or part thereof is used or intended to be used, and shall be deemed to include the subsidiary occupancies that are an integral part of the principal occupancy.

Mercantile occupancy means the occupancy or use of a building or part thereof for the displaying or selling of retail goods, wares or merchandise.

3.1.17.1. Occupant Load Determination

- The occupant load of a floor area or part of a floor area shall be based on c) the number of persons for which the area is designed, but not less than that determined from Table 3.1.17.1. for occupancies other than those descr bed in Clauses (a) and (b), unless it can be shown that the area will be occupied by fewer persons.

Table 3.1.17.1.
 Business and personal services uses - offices 9.3 p.p. (sq m)
 Mercantile uses - first storey 3.7 p.p. (sq m)
 Other uses - kitchen 9.3 p.p. (sq m)
 Other uses - storage 4.6 p.p. (sq m)

Occupant loads for the presented design:

Main Level	74 occupants
Office uses (6.5 m ²)	3 occupants
Mercantile uses (250 m ²)	67 occupants
Kitchen (20.36 m ²)	3 occupants
Storage (41.71 m ²)	1 occupant
Basement Level	5 occupants
Storage (242.2 m ²)	5 occupants

3.7.2.2. Water Closets

- If a single universal toilet room is provided in accordance with the requirements of Section 3.8., the total number of persons in the building used to determine the number of water closets to be provided, is permitted to be reduced by 10 before applying Sentences (6), (7), (8), (12), (13) or (14).
 - Both sexes are permitted to be served by a single water closet if the occupant load in an occupancy referred to in Sentence (6), (10), (12), (13), (14) or (16) is not more than 10.
 - Except as permitted by Sentence (4), the number of water closets required for a business and personal services occupancy shall conform to Table 3.7.2.2.B
 - Except as permitted by Sentences (4) and (16), the number of water closets required for a mercantile occupancy shall be at least one for each 300 males and one for each 150 females.
 - Except as permitted by Sentence (4), the number of water closets required for an industrial occupancy shall conform to Table 3.7.2.2.C
- Main Level: mercantile incl. kitchen (48 occupants) - 1 Water Closets for Each Sex.
 Main Level: storage incl. office (2 occupants) - 1 Water Closets for both sexes according to sentence (4).
 Basement Level: mercantile option (51 occupants) - 1 Water Closet for Each Sex.
 Basement Level: office option (21 occupants) - 1 Water Closets for Each Sex.
 Basement Level: storage option (4 occupants) - 1 Water Closets for both sexes according to sentence (4).

3.7.2.10. Accessible Washrooms

- A universal toilet room shall have:
 - a floor space of not less than 3.7m² with no dimensions less than 1700mm when the door swings out and 4.0m² with no dimensions less than 1800 mm when the door swings in.

3.8.2.1. Applications and Exemptions

- Except as provided in Sentence (2), access shall be provided to all storeys of buildings of new construction.
- This subsection does not apply to:
 - the storey next above or below the accessible storey in a building not more than two storeys in building height, provided the storeys next above or below the access ble storey.
 - is less than 600m² in floor area,
 - does not contain facilities integral to the principle function of the accessible storey.

3.8.2.3. Specific Requirements

- Except where stated otherwise buildings and occupancies to which this Subsection applies shall, in addition to the requirements listed for specific occupancies, have
 - access from the street to at least one main entrance conforming to Article 3.8.3.5.,
 - where off-street parking is provided for persons with disabilities, access from the parking area to an entrance conforming to Article 3.8.3.5. that serves the parking area unless the entrance in Clause (a) is located so as to conveniently serve both the parking area and the street,
 - access to all areas where work functions can reasonably be expected to be performed by persons with disabilities,
 - accessible washrooms conforming to Sentence (2), and
 - on each floor area to which access is required, egress conforming to Article 3.8.3.19.
- In buildings and occupancies where water closets are required,
 - at least one universal toilet room that conforms to Sentence 3.7.2.10(9) shall be provided

3.8.2.36. Mercantile Occupancies

- In Group E buildings, access shall be provided to all public facilities and to all areas to which the public is admitted.

3.8.3.4. Parking stalls for persons with disabilities

- Where more than 50 parking stalls are provided, parking stalls for persons with disabilities shall be provided in the ratio of 1 for every 100 or part thereof.

9.5.2.1. General (Access for Persons with Disabilities)

- Every building shall be designed in conformance with Section 3.8

9.5.5.5. Doorways to Public Water-Closet Rooms

- Doorways to public water-closet rooms shall be not less than 810 mm wide and Ø30 mm high.

9.10.6.2. Heavy Timber

- Heavy timber construction shall be considered to have a 45 min fire-resistance rating when it is constructed in accordance with the requirements for heavy timber construction in Article 3.1.4.7.

9.8.2.1. Stair Width

- Required exit stairs and public stairs serving buildings of other than residential occupancy shall have a width of not less than the greater of
 - 900 mm, or
 - 8 mm per person based on the occupant load limits specified in Table 3.1.17.1. (N/A)

9.8.3.3. Maximum Height of Stairs

- The vertical height of any flight of stairs shall not exceed 3.7 m.

9.8.4.1. Dimensions for Risers

Max. 180 mm, min. 125 mm,

9.8.4.2. Dimensions for Rectangular Treads

Run: min. 280 mm
 Tread depth: min. 280mm

9.8.4.7. Tactile Warning

- Stairs shall be provided with tactile warning strips conforming to Article 3.8.3.11., except for b) exit stairs not normally used for access purposes, and

9.8.7.1. Required Handrails

Stairs 1100 mm wide or more: handrails on both sides

9.8.7.4. Height of Handrails

Min. 865 mm, max. 965 mm

9.8.8.3. Height of Guards

- Guards for flights of steps, except in required exit stairs, shall be not less than 900 mm high.

9.9.1.3. Occupant Load

- Except for dwelling units, the occupant load of a floor area or part of a floor area shall be the number of persons for which such areas are designed, but not fewer than that determined from Table 3.1.17.1., unless it can be shown that the area will be occupied by fewer persons.

9.9.3.2. Exit Width

- Except for doors and corridors, the width of every exit facility shall be not less than 900 mm.

9.9.3.3. Width of Corridors

- The width of every public corridor, corridor used by the public, and exit corridor shall be not less than 1100 mm.

9.9.4.2. Fire Separation for Exits

- Except as provided in Sentences (2) and (5) and Article 9.9.8.5., every exit other than an exterior doorway shall be separated from each adjacent floor area or from another exit
 - where there is a floor assembly above the floor area, by a fire separation having a fire-resistance rating not less than that required for the floor assembly above the floor area (see Article 9.10.9.10.), and
 - where there is no floor assembly above the floor area, by a fire separation having a fire-resistance rating not less than the greater of
 - that required by Subsection 9.10.8. for the floor assembly below, or
 - 45 min.
- A fire separation common to 2 exits shall be smoke-tight and not be pierced by doorways, duct work, piping or any other opening that may affect the continuity of the separation.
- A fire separation that separates an exit from the remainder of the building shall have no openings except those for electrical wiring, noncombustible conduit and noncombustible piping that serve only the exit, and for standpipes, sprinkler piping, exit doorways and wired glass and glass block permitted in Article 9.9.4.3.

9.9.6.3. Clear Opening Width at Doorways

Exits and access to exits: min. 800mm if one leaf, 1210mm if two active leaves

9.9.8.2. Number of Required Exits

- Except as provided in Sentence (2) and Subsection 9.9.9., at least 2 exits shall be provided from every floor area, spaced so that the travel distance to the nearest exit is not more than
 - 30 m for all other occupancies.

9.10.2.1. Occupancy Classification

- Except as provided in Article 9.10.2.2. (N/A), every building or part thereof shall be classified according to its major occupancy as belonging to one of the groups or divisions descr bed in Table 9.10.2.1.

Group E – Mercantile Occupancies

9.9.11.3. Exit Signs

None required.

9.10.8.1. Fire-Resistance Ratings for Floors and Roofs

Mercantile Occupancy, 2 storeys:
 Floors except floors over crawl spaces: 45 min FRR
 Roofs: N/A

9.10.8.3. Fire-Resistance Ratings for Walls, Columns and Arches

- Except as otherwise provided in this Subsection, all loadbearing walls, columns and arches in the storey immediately below a floor or roof assembly shall have a fire-resistance rating of not less than that required for the supported floor or roof assembly.

9.10.9.4. Floor Assemblies

- Except as permitted in Sentences (2) to (4) (N/A), all floor assemblies shall be constructed afire separations.

9.10.10.3. Separation of Service Rooms

- Except as provided in Sentence (2) and Articles 9.10.10.5. and 9.10.10.6. (N/A) service rooms shall be separated from the remainder of the building by a fire separation having a fire-resistance rating of not less than 1 h when the floor area containing the service room is not sprinklered.
- Where a room contains a limited quantity of service equipment and the service equipment does not constitute a fire hazard, the requirements in Sentence (1) shall not apply.

9.10.10.6. Storage Rooms

- Rooms for the temporary storage of combustible refuse in all occupancies or for public storage in residential occupancies shall be separated from the remainder of the building by a fire separation having not less than a 1 h fire-resistance rating, except that a 45 min fire separation is permitted where the fire-resistance rating of the floor assembly is not required to exceed 45 min, or where such rooms are sprinklered.

9.10.14.4. Openings in Exposing Building Face

See attached letter regarding exposing building face.

9.10.20.3. Fire Department Access to Buildings

- Access for fire department equipment shall be provided to each building by means of a street, private roadway or yard. (See Appendix A and A-3.2.5.6.(1) in Appendix A.)
- Where access to a building as required in Sentence (1) is provided by means of a roadway or yard, the design and location of such roadway or yard shall take into account connection with public thoroughfares, weight of firefighting equipment, width of roadway, radius of curves, overhead clearance, location of fire hydrants, location of fire department connections and vehicular parking.

9.31.1.1. Application (Plumbing Facilities)

- In occupancies other than dwelling units, plumbing facilities, grab bars, floor drains, and floor and wall finishes around urinals shall conform to Subsection 3.7.2. (See also Article 3.7.2.10. regarding accessible plumbing facilities.)

National Energy Code of Canada for Buildings 2015 – Taghum Shell

3.2.2. Above-ground Components of the Building Envelope

Table 3.2.2.2.
 Overall Thermal Transmittance of Above-ground Opaque Building Assemblies

Above-ground Opaque Building Assembly	Heating Degree-Days of Building Location, Celsius Degree-Days	
	Zone 5: 3000 to 3999	
Maximum Overall Thermal Transmittance, in W/(m ² -K)		
Walls	0.278 (R2.4)	
Roofs	0.183 (R31)	
Floors	0.183 (R31)	

3.2.2.3. Thermal Characteristics of Fenestration

Table 3.2.2.3.
 Overall Thermal Transmittance of Fenestration

Component	Heating Degree-Days of Building Location, in Celsius Degree-Days	
	Zone 5: 3000 to 3999	
Maximum Overall Thermal Transmittance, in W/(m ² -K)		
All fenestration	2.2 (R2.6)	

3.2.2.4. Thermal Characteristics of Doors and Access Hatches

Table 3.2.2.4.
 Overall Thermal Transmittance of Doors

Component	Heating Degree-Days of Building Location, in Celsius Degree-Days	
	Zone 5: 3000 to 3999	
Maximum Overall Thermal Transmittance, in W/(m ² -K)		
All doors	2.2 (R2.6)	

3.2.3. Building Assemblies in Contact with the Ground

3.2.3.1. Thermal Characteristics of Walls in Contact with the Ground

Table 3.2.3.1.
 Overall Thermal Transmittance of Building Assemblies in Contact with the Ground

Above-ground Opaque Building Assembly	Heating Degree-Days of Building Location, Celsius Degree-Days	
	Zone 5: 3000 to 3999	
Maximum Overall Thermal Transmittance, in W/(m ² -K)		
Walls	0.379 (R15)	
Roofs	0.379 (R15)	
Floors	0.757 for 1.2m (R7.5)	

BYLAW REVIEW

DIVISION 32 NEIGHBOURHOOD COMMERCIAL (C1)

Permitted Uses

3200 Land, buildings and structures in the Neighbourhood Commercial (C1) zone shall be used for the following purposes only:

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Development Regulations

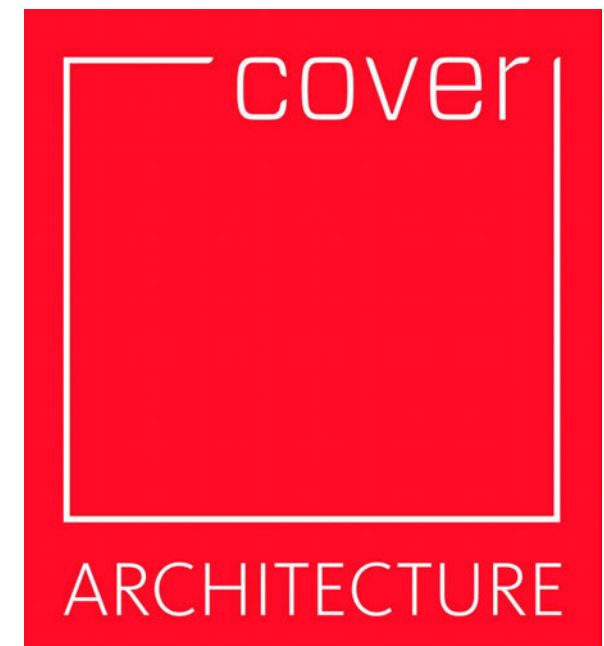
3201	1	The minimum site area for each permitted use shall be provided as follows:			
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		Hotel, Motel, Lodge and Similar Uses	0.2 hectares (first unit), 200 square metres for each additional sleeping or housekeeping unit	0.4 hectares, 300 square metres for each additional sleeping unit, 400 square metres for each additional housekeeping unit	1.0 hectare (up to 10 units), 600 square metres for each additional sleeping unit, 0.1 hectares for each additional housekeeping unit
		All Other Uses	0.4 hectare	0.4 hectare	1.0 hectare
		For Mixed Use Developments, the minimum site area restrictions identified above apply for each permitted principal use within the Mixed Use Development			
	2	The maximum site coverage permitted shall be 50 percent of the lot area.			
	3	The maximum commercial floor area within all buildings on a lot shall be 500 square metres.			
		Commercial Area: 224.63 m ² (2417.90 ft ²) Non-commercial Area: 433.21 m ² (4663.03 ft ²)			
	4	Landscaping shall comply with the requirements of sections 621 and 622.			

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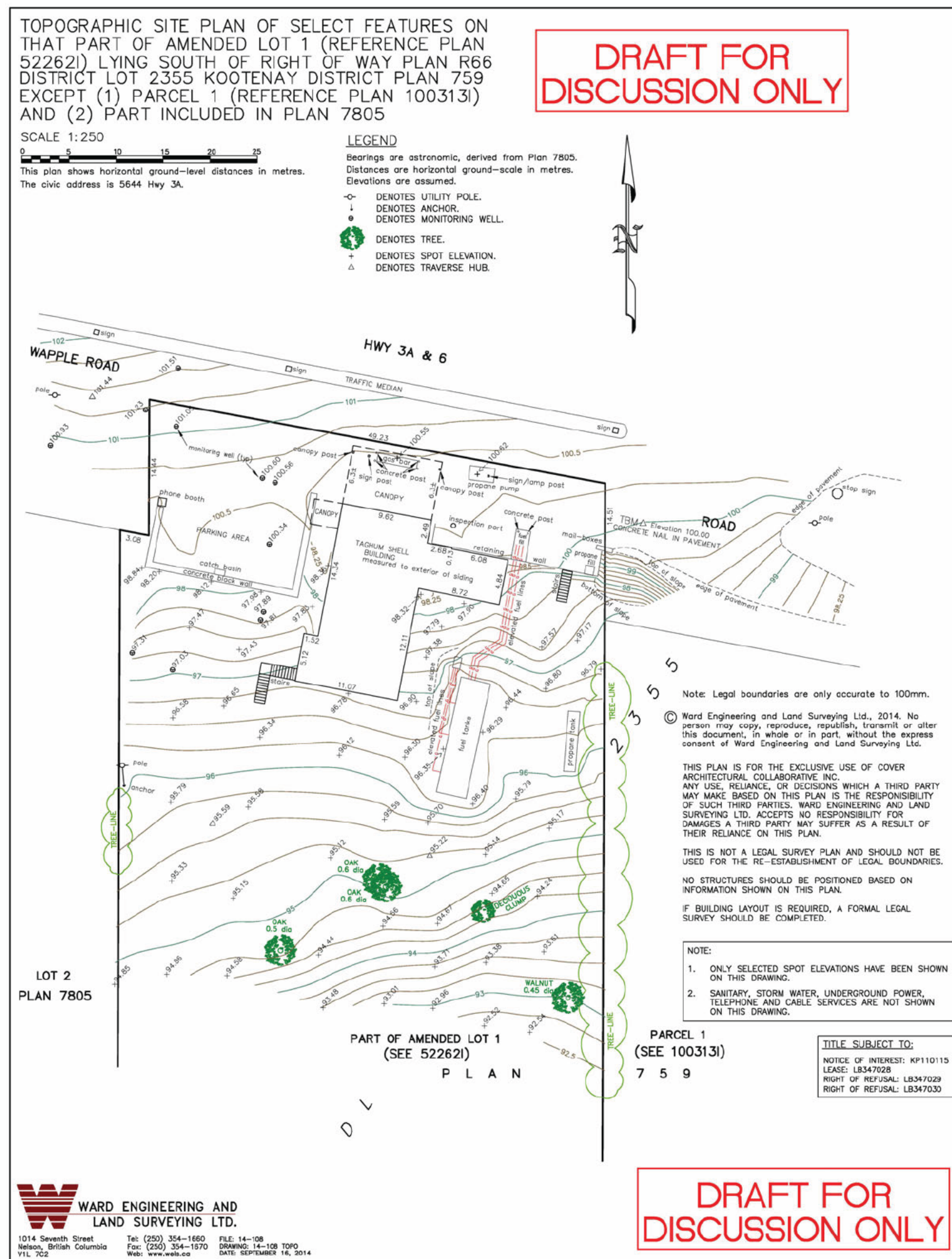
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 Nelson BC V1L 4E4
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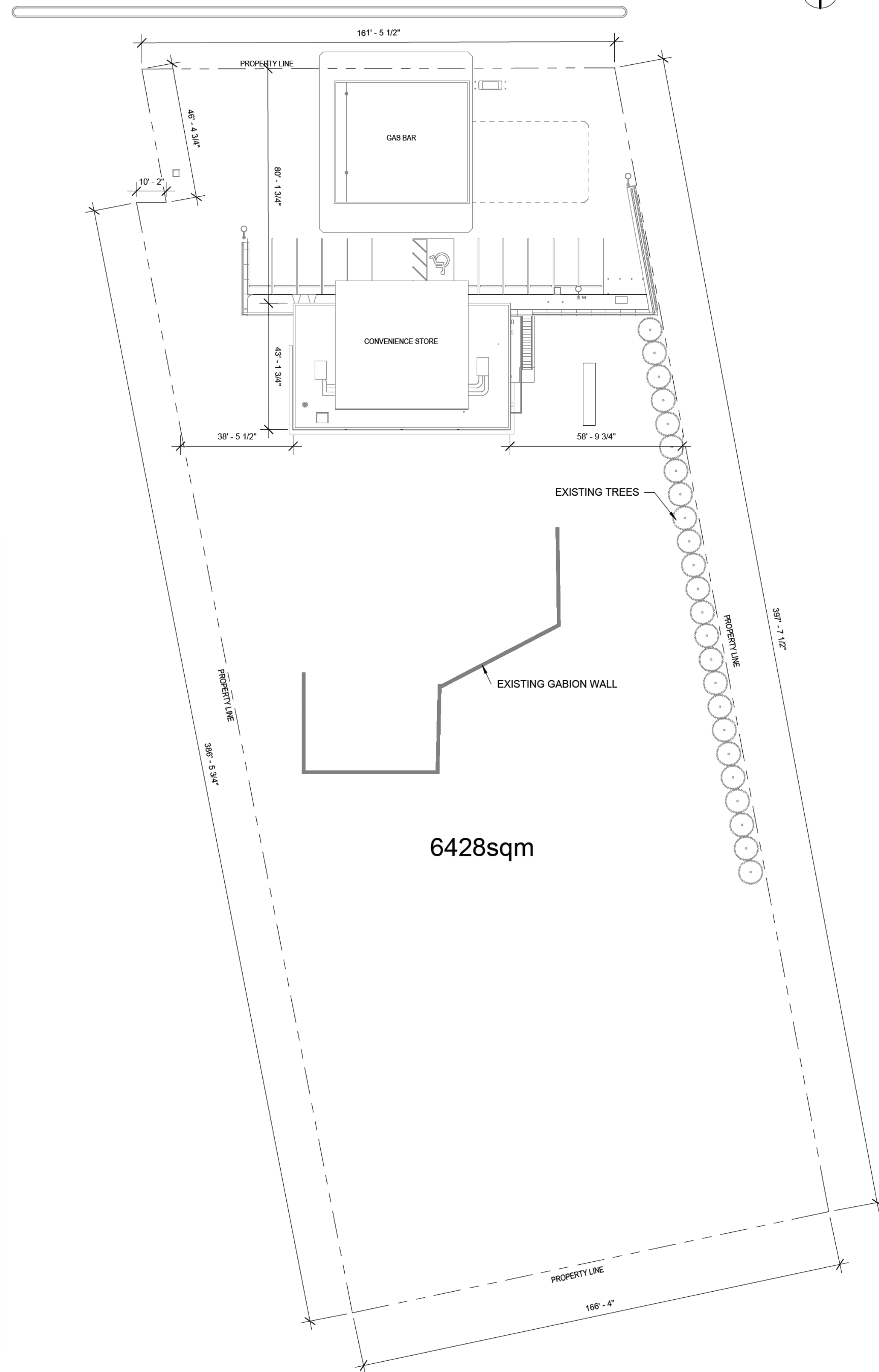
5644 Highway 3A West	
PROJECT CODE	STATUS
22132	SCHEMATIC
SCALE	DATE
1 : 10	01-25-2023



1 SITE CONTEXT
1 : 500



3 EXISTING SURVEY
1 : 500



Site is supplied by a community water system.

New septic system design by others

2 OVERALL EXISTING SITE PLAN
1 : 300

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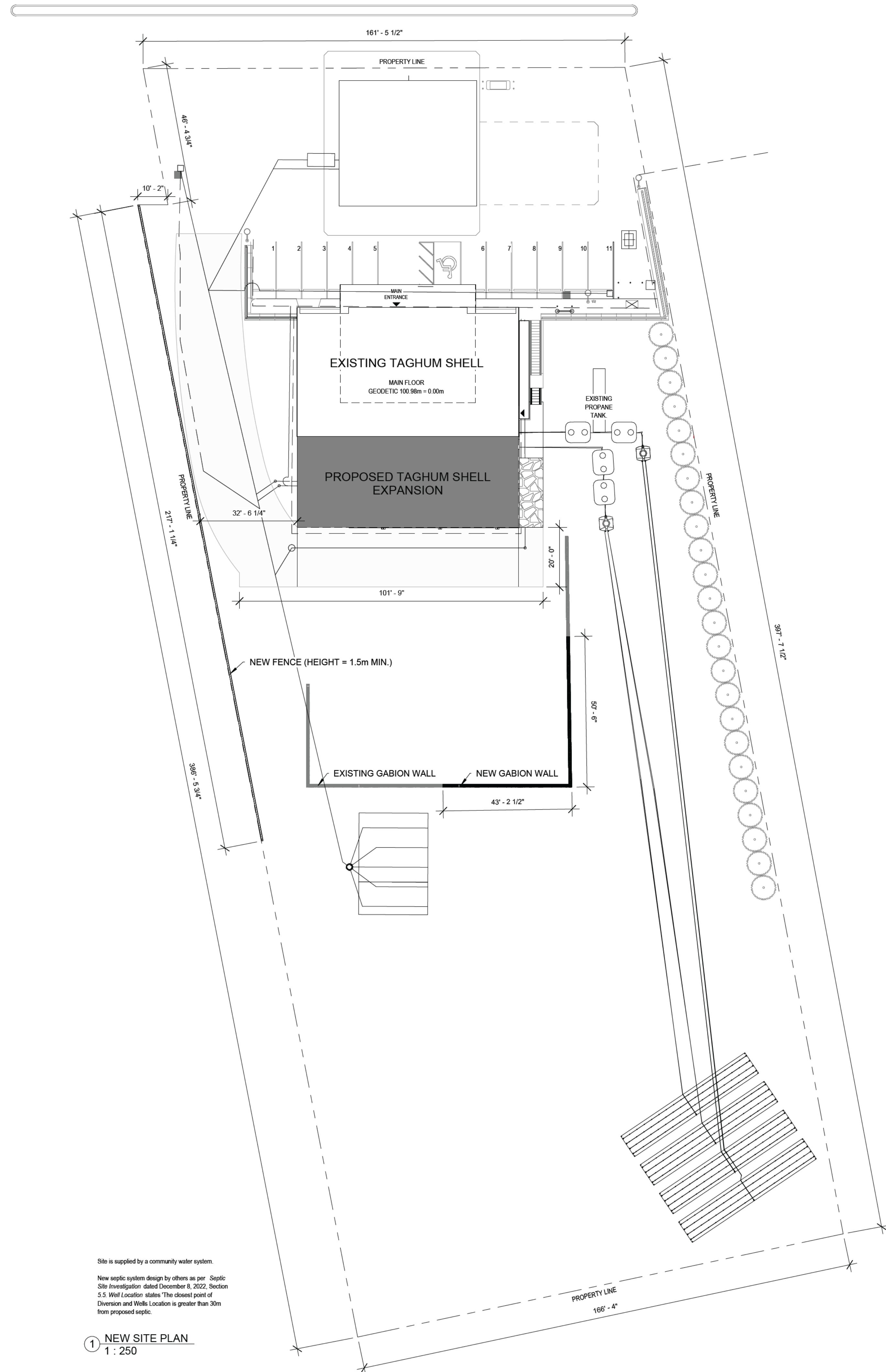
5644 Highway 3A West
PROJECT CODE: 22132 STATUS: SCHEMATIC
SCALE: As indicated DATE: 01-25-2023

OVERALL SITE PLAN & CONTEXT PLAN

SHEET
A102

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Site is supplied by a community water system.
 New septic system design by others as per Septic Site Investigation dated December 8, 2022, Section 5.1. Well Location states "The closest point of Diversion and Wells Location is greater than 30m from proposed septic."

1 NEW SITE PLAN
1 : 250



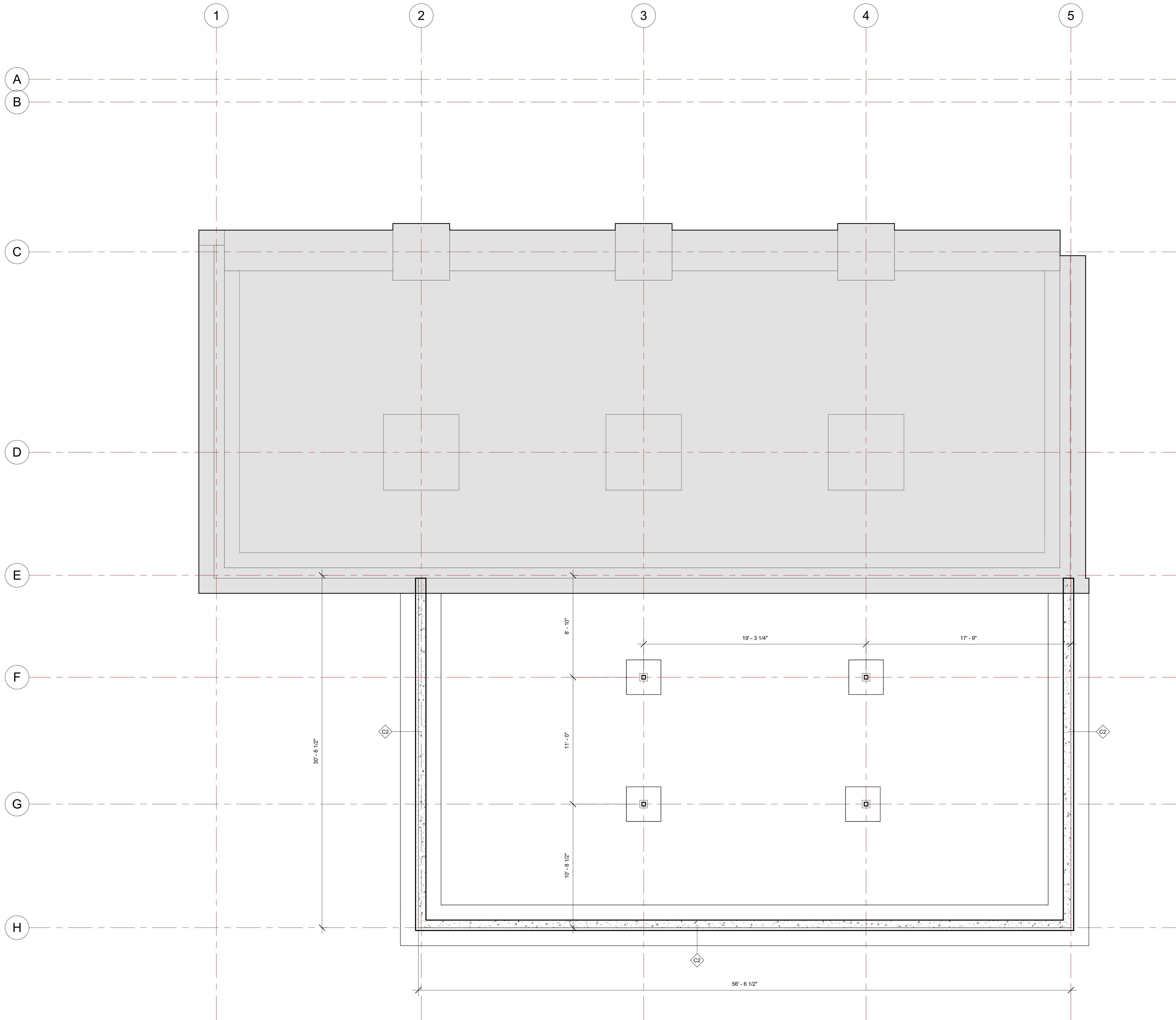
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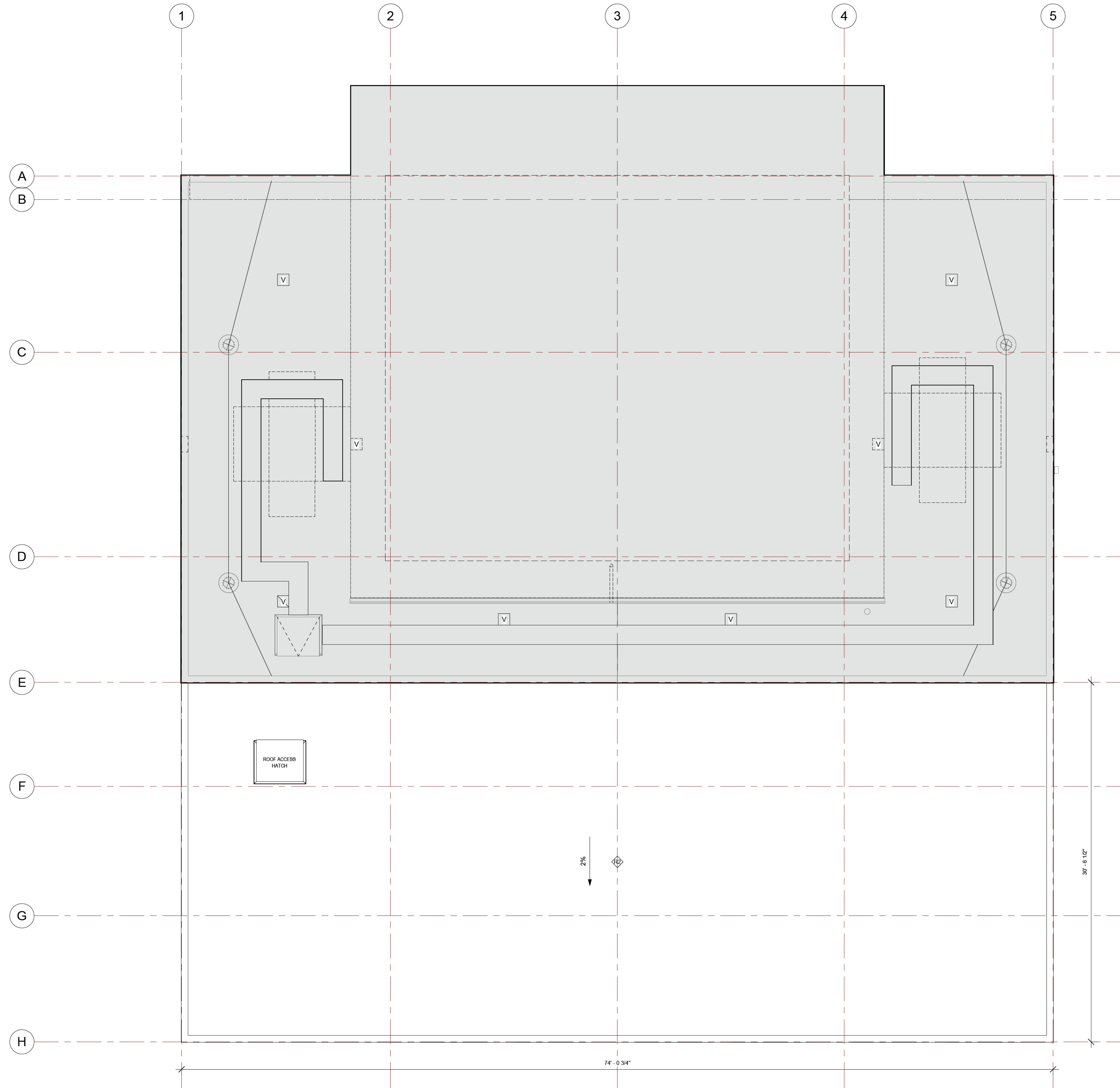
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SCALE 1 : 50	DATE 01-25-2023

① FOUNDATION PLAN
1 : 50

FOUNDATION PLAN
SHEET
A104



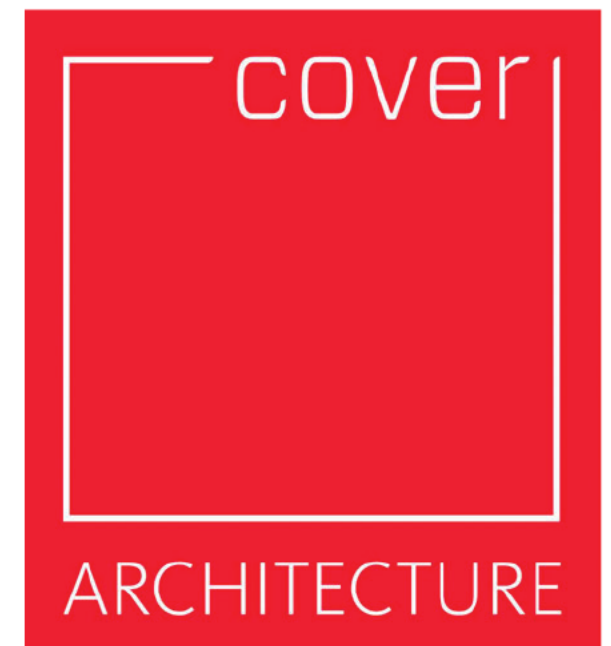
NOTE:
 ALL PENETRATIONS THROUGH ROOF MEMBRANE TO MEET BCBC
 WARRANTY REQUIREMENTS. SEE ALSO TYPICAL DETAILS ON DRAWING A503

SEE PLAN FOR ROOF AND WALL VENT LOCATIONS. CONTRACTOR TO ENSURE
 UNCONDITIONED ATTIC SPACE ABOVE INSULATION IS VENTED AS REQUIRED TO MEET
 REQUIREMENTS OF BCBC PART 5.

CONFIRM ALL RTU LOCATIONS, INCLUDING REFRIGERATOR RTUS (NOT SHOWN) ON SITE
 PRIOR TO CONSTRUCTION. EXTEND SERVICE WALKWAY AROUND ALL RTUS INCLUDING
 REFRIGERATOR RTUS (NOT SHOWN). CO-ORDINATE ON SITE.

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5644 Highway 3A West

PROJECT CODE 22132	STATUS SCHEMATIC
SCALE 1 : 50	DATE 01-25-2023

1 ROOF PLAN
 1 : 50

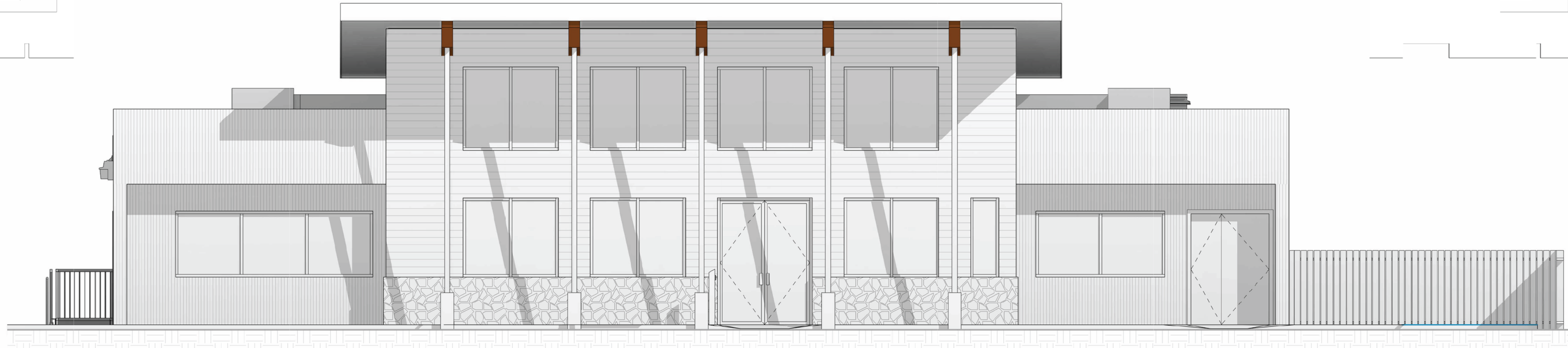
ROOF PLAN
 SHEET
 A107

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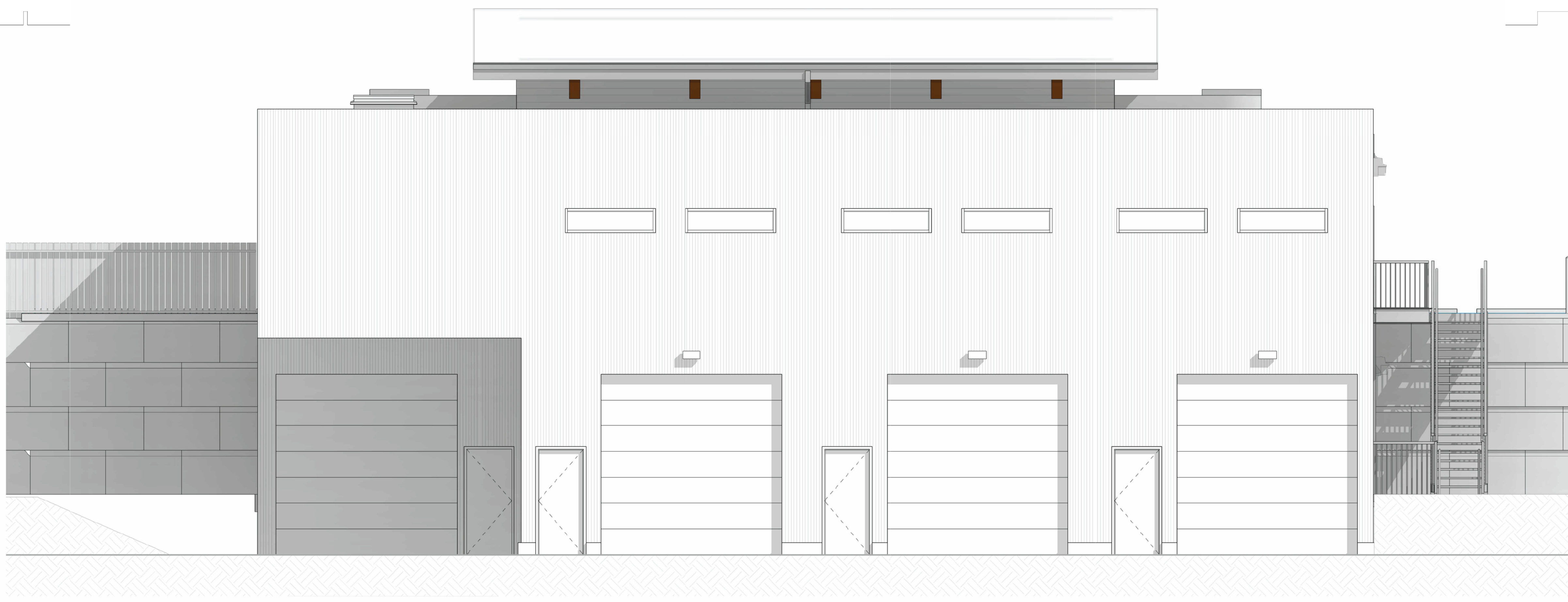
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EXTERIOR FINISHES KEY

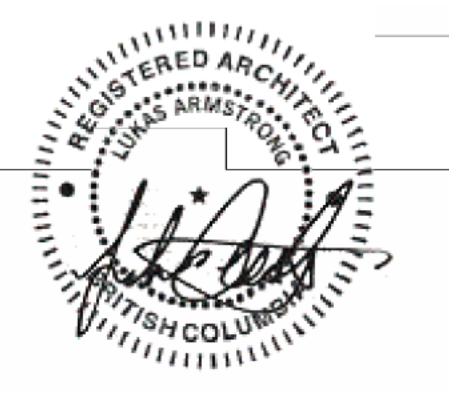
M1	METAL CLADDING SYSTEM - CHARCOAL GREY
M2	METAL CLADDING SYSTEM - LIGHT GREY
M3	PREFINISHED METAL FASCIA - CHARCOAL GREY
ST1	STONE VENEER CLADDING SYSTEM - BLACK SLATE
WD1	WOOD CLADDING SYSTEM
WD2	T&G WOOD SOFFIT
WD3	HEAVY TIMBER WOOD STRUCTURE
GL1	GLAZING UNITS AS SCHEDULED
PT1	STEEL COLUMNS - PAINTED COLOUR TO MATCH CLADDING: CHARCOAL GREY
PT2	METAL DOORS & FRAMES - PAINTED COLOUR TO MATCH CLADDING: CHARCOAL GREY
PT3	PREFINISHED METAL STAIR / RAILING COLOUR TO MATCH CLADDING: CHARCOAL GREY



① NORTH ELEV.
1 : 50



② SOUTH ELEV.
1 : 50



2023-01-25



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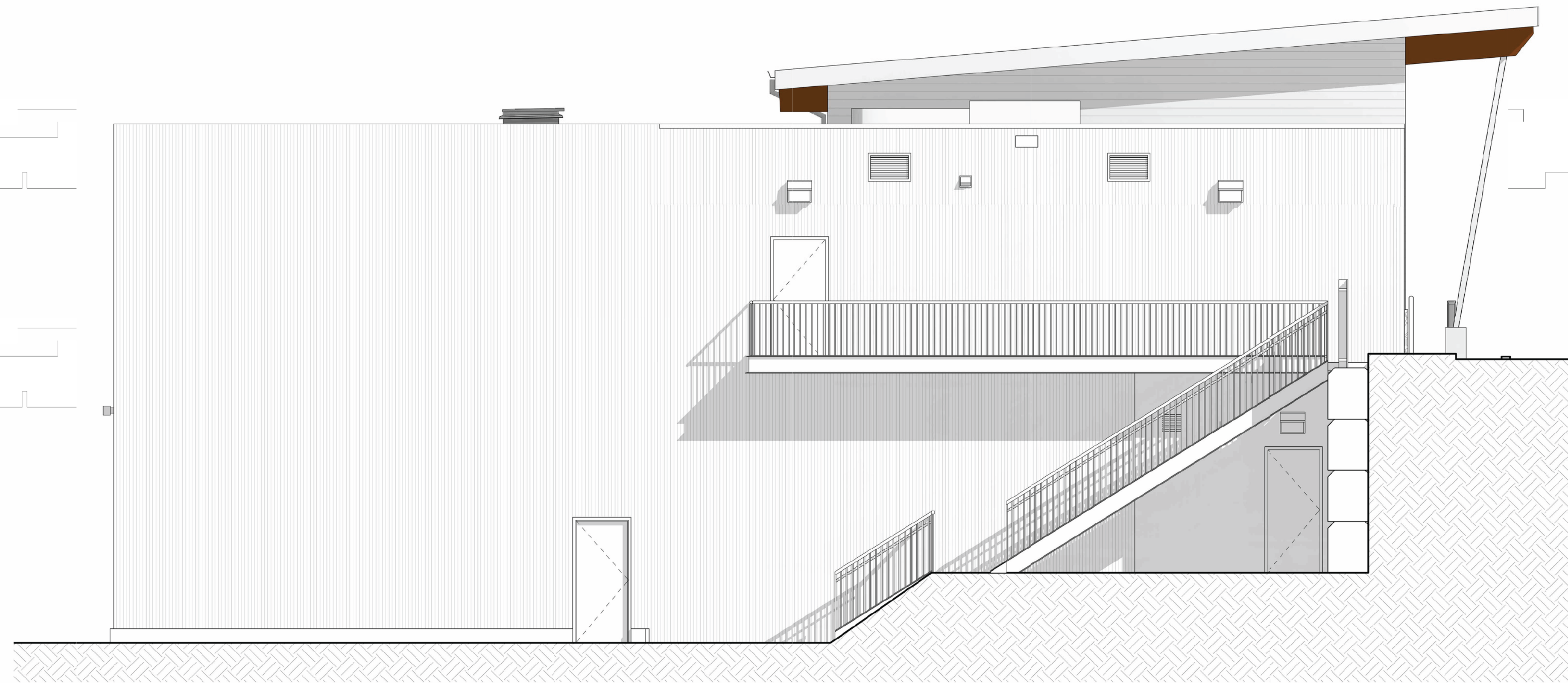
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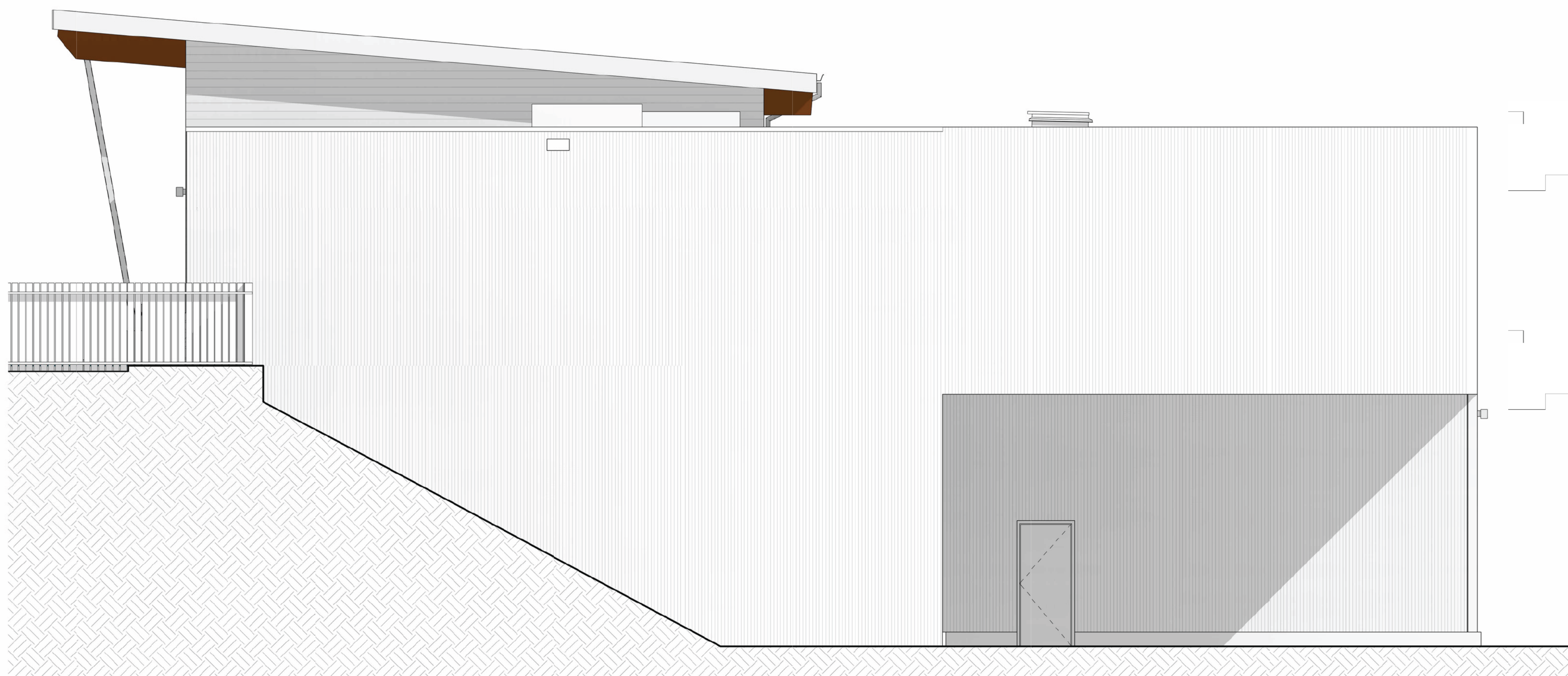
PROJECT CODE	STATUS
22132	SCHEMATIC
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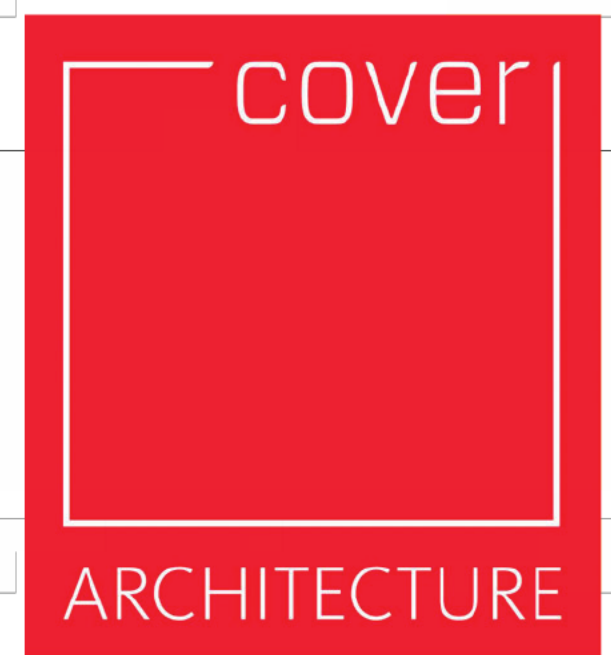
① EAST ELEV.
1:50



② WEST ELEV.
1:50



2023-01-25



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5644 Highway 3A West

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SCALE	DATE
1:50	01-25-2023

ELEVATIONS
SHEET
A209



Committee Report

Date of Report: September 12, 2024
Date & Type of Meeting: October 16, 2024, Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: BYLAW AMENDMENTS
File: Z23071 – TSL Developments Ltd.
Electoral Area/Municipality: I

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to present the public hearing minutes for the proposed amendments to the Official Community Plan (OCP) Bylaw and Zoning Bylaw to consider the development of a place of worship at 2016 Highway 3A in Tarrys, Electoral Area ‘I’. The proposed amendments are as follows:

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

Following the Board approval of first and second reading to the amending bylaws in March 2023, a public hearing was held on May 13, 2024.

Staff recommend that the Board give THIRD reading to the amending bylaws, and that final adoption be withheld pending approval by Ministry of Transportation and Infrastructure (MOTI).

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Property Owner: TSL Developments Ltd., Inc. No. BC1085036 c/o Jordan Baer
Property Location: 2016 Highway 3A, Tarrys, Electoral Area I
Legal Description: THAT PART OF LOT 4 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857 LYING BETWEEN PLAN 857 AND RW PLAN 638D, EXCEPT THAT PART WHICH LIES EAST OF THE PRODUCTION NORTHERLY OF THE MORE WESTERLY PORTION OF THE WESTERN BOUNDARY OF THE SAID RIGHT OF WAY AT THIS POINT (PID: 016-735-242)
Property Size: 1.5 Hectares (3.8 Acres)
Current Zoning: Comprehensive Development (CD1)
Current Official Community Plan Designation: Comprehensive Development (CD)

SURROUNDING LAND USES
North: Country Residential I (R2I) / Residential land uses and Highway 3A
East: Country Residential I (R2I) / Residential land uses
South: Comprehensive Development (CD1) / Undeveloped
West: Country Residential I (R2I) / Residential land uses

Background and Site Context

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

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

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

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

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



Figure 1: Overview Map

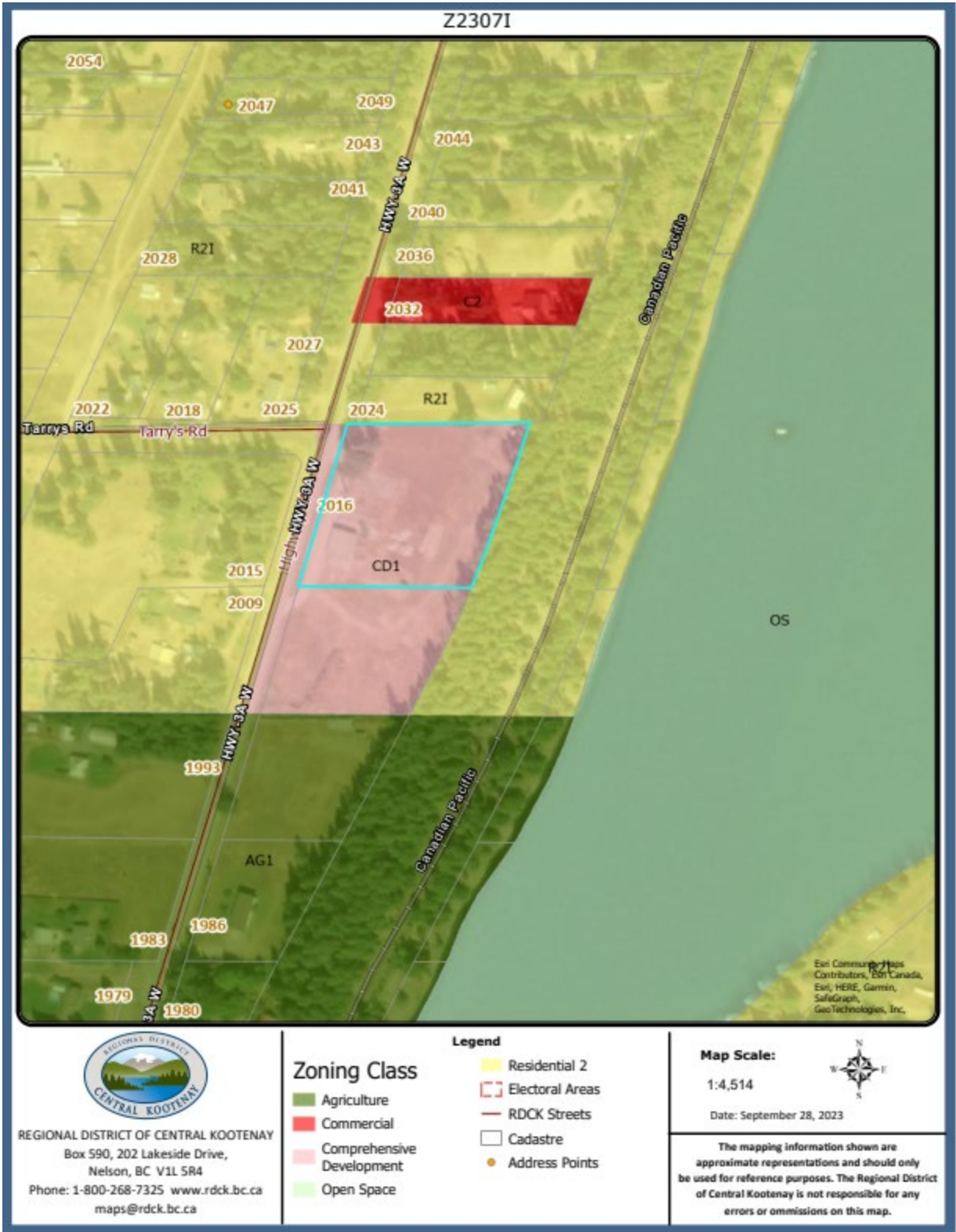


Figure 2: Zoning Map

Development Proposal

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

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

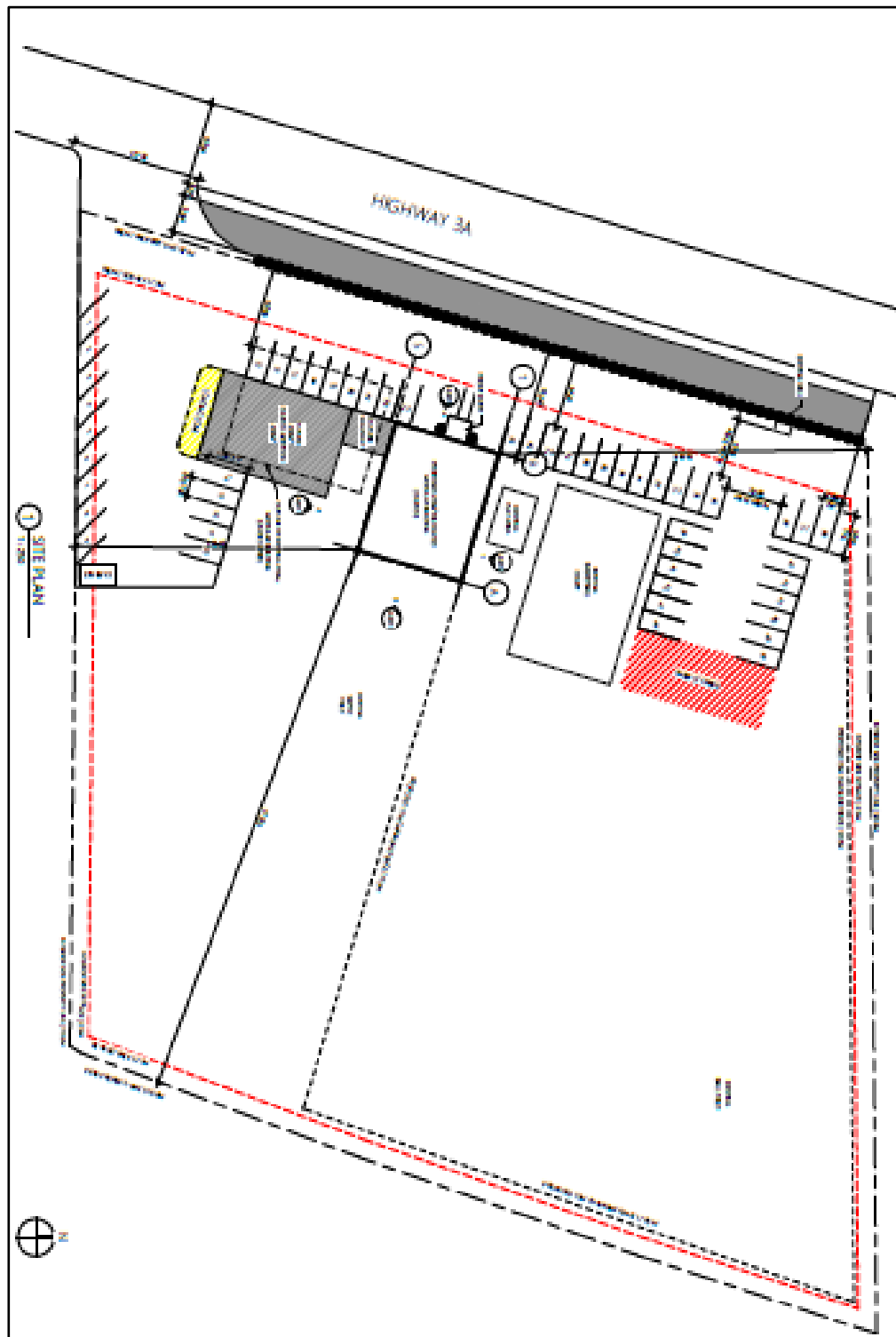


Figure 3: Site Plan



Figure 4: View of Subject Property facing South



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

Planning Policy

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

3.11 Comprehensive Development Policies:

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

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

3.9 Community Service Policies:

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

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

3.9.11 Institutional zoning shall be provided for public institutional uses

Recreation and Culture Master Plan 2016

Goal 4: Supportive Environments

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

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

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

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

None anticipated.

3.3 Environmental Considerations

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

3.4 Social Considerations:

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

A Notice of Public Hearing was mailed to a total of 19 neighbouring properties. The Notice of Public Hearing was also advertised in the May 02nd and May 09th editions of the Castlegar News. Two (2) written submissions by one person were received prior to the Public Hearing.

3.5 Economic Considerations:

No negative economic consideration are anticipated.

3.6 Communication Considerations:

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

RDCK Building Department

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

Further, [staff] do not see any indication on the drawing of water supply for Fire Fighting, typically a large tank (similar to that installed at the Kalesnikoff sawmill just down the road). Water supply for firefighting, either supply from a tank with hydrants attached or from a utility with hydrants attached to a water distribution system (typical of most municipalities), would be a minimum requirement, with plans for same to be provided at the time of building permit application for change of use from unoccupied existing modular building to Assembly use.

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

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

Complex buildings are defined in the Building Bylaw as:

Complex Building means:

(a) all buildings used for major occupancies classified as

(i) assembly occupancy,

(ii) care or detention occupancy,

(iii) high hazard industrial occupancy, and... The building code defines Assembly uses as:

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

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

Interior Health (IH)

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

Ministry of Transportation and Infrastructure (MOTI)

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

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

Advisory Planning and Heritage Commission (APHC)

It was resolved, "THAT the Area I APHC recommend the application Z23071 go to Public Hearing"

Ministry of Forests

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

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

timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:

7. The introduction and spread of invasive species is a concern with all developments. The provincial Weed Control Act requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive

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

species can be found at: *Invasive species - Province of British Columbia. The Invasive Species Council of BC provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder’s responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.*

8. Section 33.1 of the provincial Wildlife Act prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.
9. If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).
10. Developments must be compliant with all other applicable statutes, bylaws, and regulations.

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

Fortis BC

“Land Rights Comments:

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

Operational & Design Comments:

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

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

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

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

BC Hydro

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

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

Archaeology Branch

“According to Provincial records, there are no known archaeological sites recorded on the subject property. However, archaeological potential modelling for the area indicates there is high potential for previously unidentified archaeological sites to exist on the property. Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites, and their results may be refined through further assessment.

Archaeology Branch Advice

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

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

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

Penticton Indian Band (PIB)

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

Ktunaxa Nation Council

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

Okanagan Indian Band (OKIB)

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

3.7 Staffing/Departmental Workplace Considerations:

Upon receipt of an application, accompanied with the relevant documents and fee, staff review the application in accordance with the Land Use Amendments Procedures within Schedule ‘D’ of the *Planning Procedures and Fees Bylaw No. 2547, 2015*. Should the Board give the amending bylaws third readings, staff will send them to MOTI for consideration and signing.

3.8 Board Strategic Plan/Priorities Considerations:

The application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Public Hearing

A public hearing was held on May 13, 2024. Eleven (11) members of the public attended as did the applicant, and this is noted in the public hearing minutes attached to this report. Written submissions received are noted in those minutes. There were two verbal submissions made at the public hearing which are also noted in the minutes. The questions and comments at the Public Hearing were related to the size of the congregation, type of church and the easement on the subject property.

Planning Discussion

Staff recommend that the Board give *Amendment Bylaw No. 2932, 2024 and Amendment Bylaw No. 2931, 2024* third reading and that adoption be withheld until MOTI approves the bylaw for the following reasons:

- Only one neighbour has raised concerns in response to the proposed development.
- The existing CD designation and zoning (to allow for a forest service 'Fire Attack Base' for lease by the Province, and a 17 site Recreation Vehicle park with accessory uses) is restricting redevelopment of the subject property. Given the uniqueness of the existing CD Zone, virtually all future development proposals would require at least a rezoning application.
- The applicant, in coordination with MOTI will be improving the existing access to the site, and lot to the south, which will promote greater highway safety and traffic circulation for this section of the Highway 3A corridor.
- This development proposal represents an opportunity to activate an institutional use on this site that has otherwise sat dormant since 2005 when the Tarrys Elementary School burned down.
- This land use application seeks to remedy the unauthorized placement of the existing modular building on site.
- Given the pattern of land use in the surrounding area, this institutional development proposal is not expected to cause conflict with adjacent land uses, and may enhance the semi-rural suburban / mixed use character of this section of the highway 3A corridor especially when compared to other previous land use applications proposing redevelopment.

Options

Option 1

1. That *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2932, 2024* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* is hereby given THIRD reading by content.
2. That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2931, 2024* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given THIRD reading by content.
3. That the consideration of adoption BE WITHHELD for *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2932, 2024* and *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2931, 2022* until the following item has been obtained:
 - a. Approval from the Ministry of Transportation and Infrastructure pursuant to Section 52(3)(a) of the Transportation Act (Controlled Access).

Option 2

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

SECTION 5: RECOMMENDATIONS

1. That *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2932, 2024* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* is hereby given THIRD reading by content.
2. That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2931, 2024* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given THIRD reading by content.
3. That the consideration of adoption BE WITHHELD for *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2932, 2024* and *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2931, 2022* until the following item has been obtained:
 - a. Approval from the Ministry of Transportation and Infrastructure pursuant to Section 52(3)(a) of the Transportation Act (Controlled Access).

Respectfully submitted,



Sadie Chezenko, Planner 1

CONCURRENCE

Nelson Wight – Planning Manager **Digitally Approved**

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

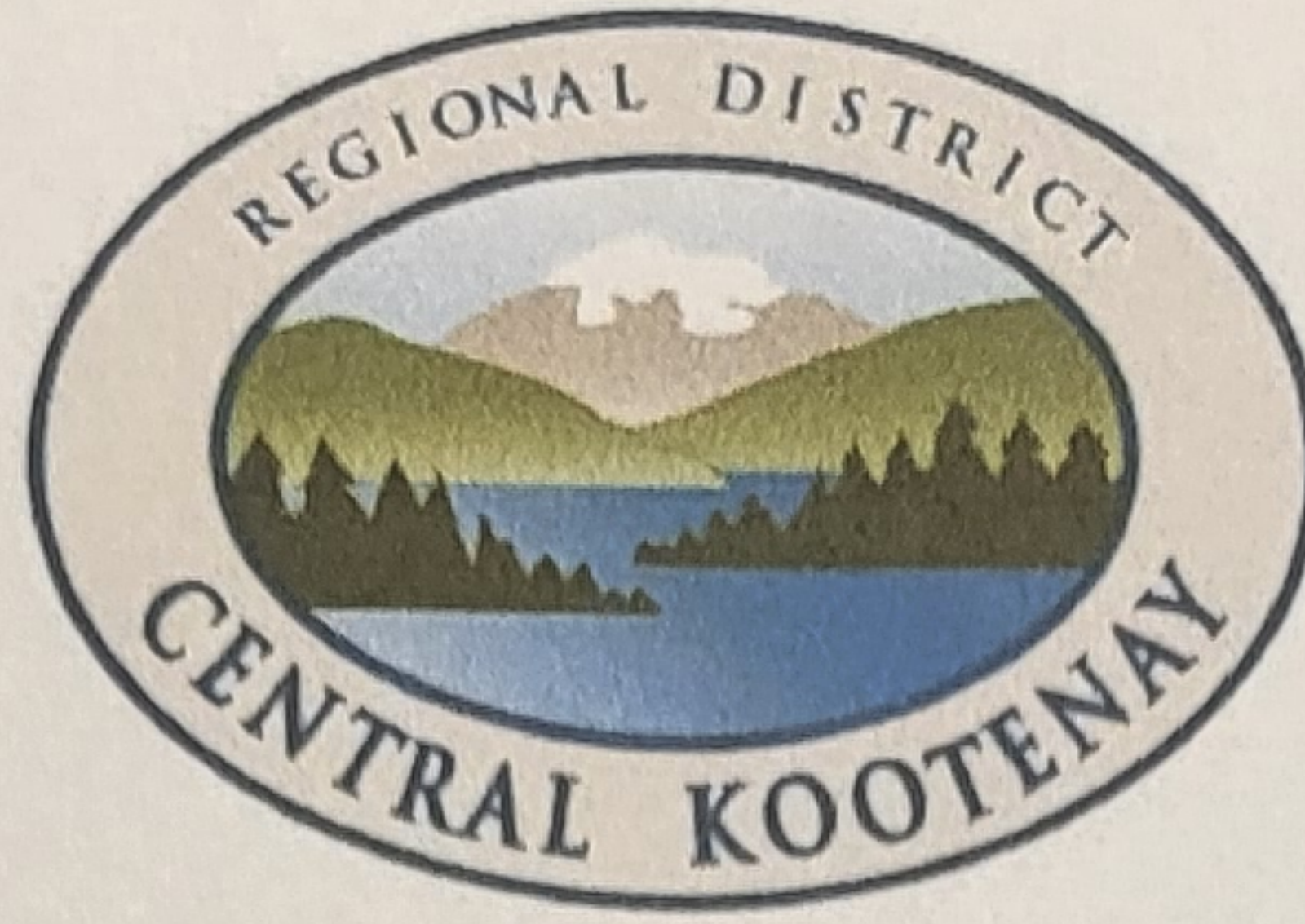
Stuart Horn – Chief Administrative Officer **Digitally Approved**

ATTACHMENTS:

Attachment A – Public Hearing Minutes

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

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



REGIONAL DISTRICT OF CENTRAL KOOTENAY

PUBLIC HEARING MINUTES
AMENDMENT BYLAW NO. 2931 and 2932

A Public Hearing for Bylaw No. 2391 and 2392, a proposed amendment to Zoning *Bylaw No. 1675* and *Official Community Plan Bylaw No. 1157*, was held on May 13 at 7:00 p.m. remotely via Webex and at the Brilliant Cultural Centre in Brilliant, BC. The Hearing commenced at 7:00 p.m. There were 11 members of the public in attendance including the applicant.

PRESENT

Director Andy Davidoff
Stephanie Johnson, RPP
Sadie Chezenko

Chair of Public Hearing
Planner
Public Hearing Secretary

CALL TO ORDER

Director Davidoff called the meeting to order at 7:00 p.m.

INTRODUCTIONS

Director Davidoff introduced himself and the RDCK staff to the public.

OVERVIEW OF PROPOSAL

Planner Stephanie Johnson gave an overview of the proposal.

PRESENTATION BY APPLICANT

The applicant made a presentation to the proposal.

QUESTIONS and ANSWERS

The public asked questions which were answered by the Planner and the applicant.

Questions and concerns are summarized as follows:

Question: How many lots are on the property?

Staff Answer: Just one lot, 2016 Highway 3A

Question: What is proposed on neighbouring lots?

Staff Answer: This application only concerns 2016 Highway 3A and no neighbouring properties will change as a result of this application.
Applicant answer: Nothing planned for the other lots at this time
Question: How many people will use this facility?
Applicant Answer: Small congregation would use this facility (50-60 members)
Question: I have an easement on the property for a helipad and hanger. Would that affect this development in the future?
Applicant Answer: I don't have an answer, but I am aware of the easement. I haven't really thought about it before. Staff would need to look into the implications of the zoning change. The applicant indicated that they would reach out to their neighbour to discuss.
Staff answer: Staff are aware of the easement which appears on the title. The RDCK is not a party to the easement, which is between the two neighbouring property owners. The two property owners would need to engage in discussion and moving forward, this easement area should be shown on the site plan, and a decision of how to move forward considering that will be discussed. The easement does not take precedence over the zoning.
Question: Is there a hanger on the property?
Staff Answer: No, there is not.
Question: What type of church is this?
Applicant Answer: Mennonite Church – it will be open to anyone who wants to come, and will possibly to be made available to non-congregation members and the broader community
Question: Did you consider any other land uses for this property?
Applicant Answer: No

FORMAL SUBMISSIONS FOR OR AGAINST PROPOSED BYLAW No. 2931 and 2932

Written Formal Submissions received prior to the Public Hearing are attached and form part of these minutes:

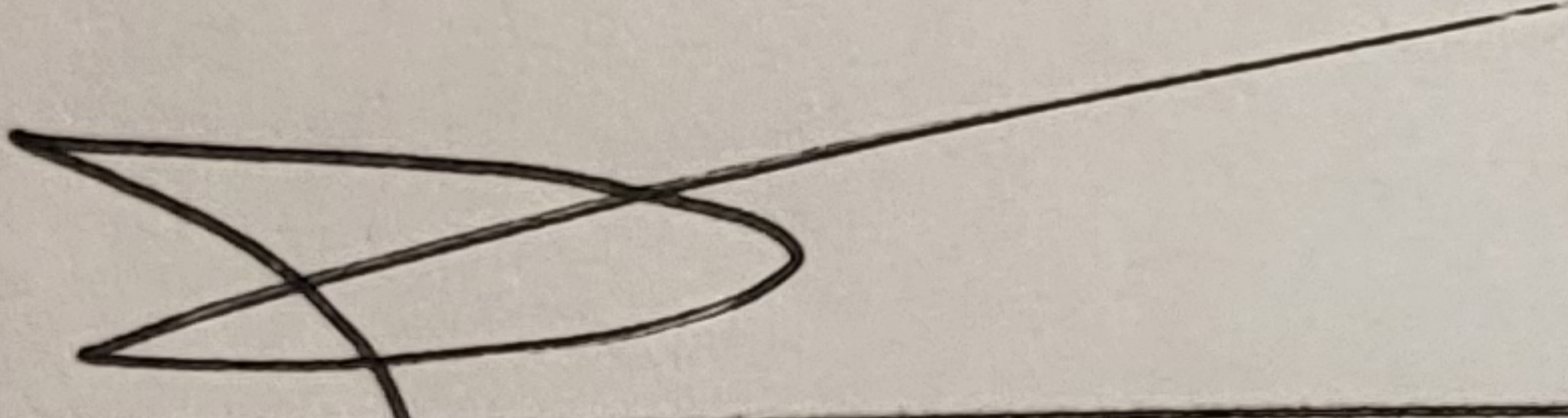
Dale Hoodicoff	I do not want people turning around in my driveway. I do not want to worship down the road from my house.
Dale Hoodifcuff	I do not want a worship down the road from my house

VERBAL and WRITTEN formal submissions received during the Public Hearing:

Name	Comment
Jordan Baer (Applicant)	I appeal to the RDCK board to consider the historical usage of the property and that we are not seeking to change the historic use. This property has had a tumultuous history and ask that the board return it to its institutional use so that we can clean up this eyesore.
Wade Hicks	I am from the area, my mother grew up on Loff Road and I think this is a positive move forward for the area and this property. It would be more aesthetically pleasing and I am looking forward to something good happening there.

ADJOURNMENT OF PUBLIC HEARING

The hearing was adjourned at 7:44 p.m.



Andy Davidoff, Director
Electoral Area I

Stephanie Johnson

Stephanie Johnston, Planner

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2932

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

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

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

APPLICATION

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

CITATION

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

READ A FIRST TIME this 21 day of March, 2024.

READ A SECOND TIME this 21 day of March, 2024.

WHEREAS A PUBLIC HEARING was held this 13 day of May, 2024.

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

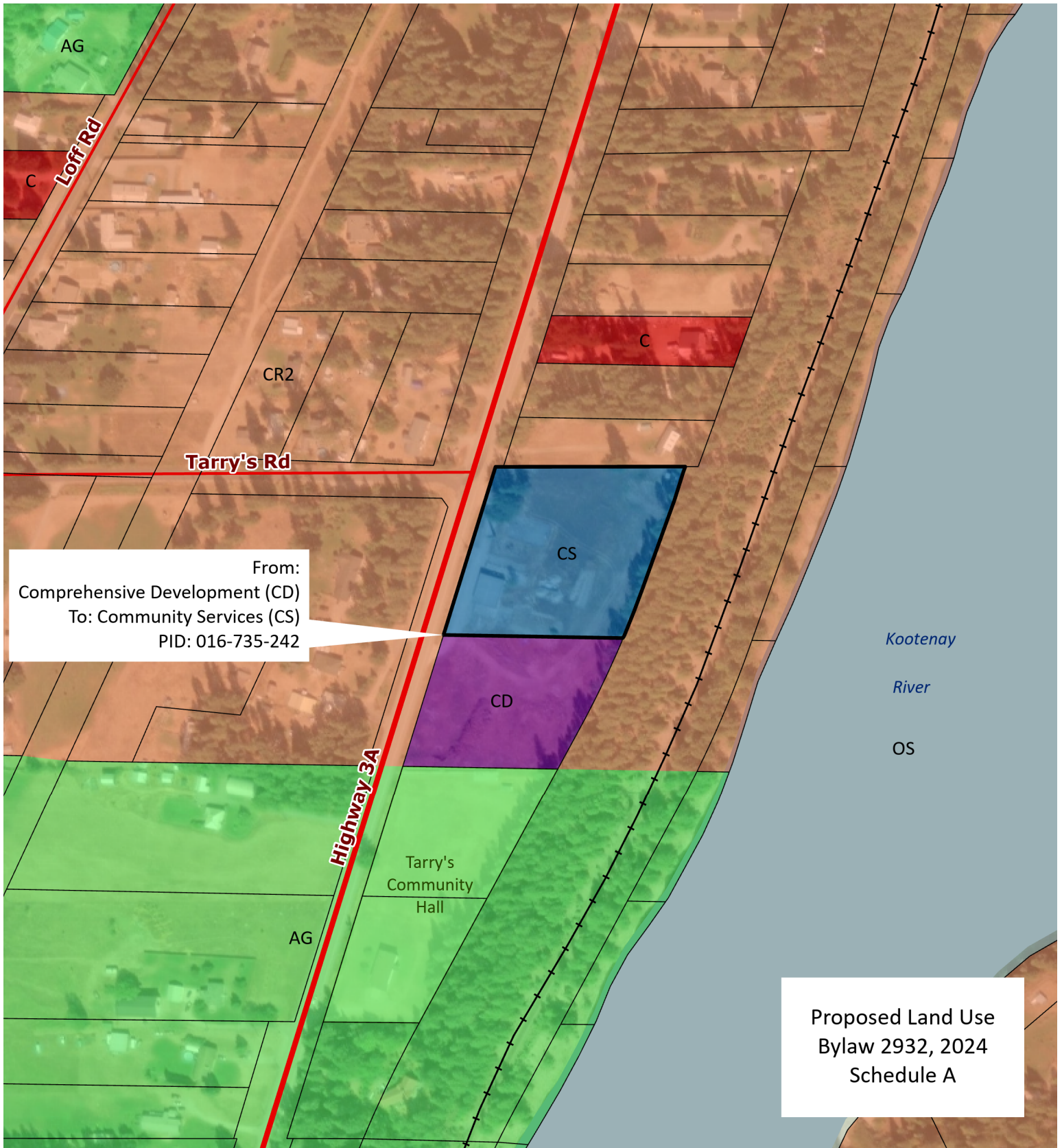
[Controlled Highway or Exceeds 4500 sq.m] APPROVED under **Section 52 (3)(a) of the Transportation Act** this [Date] day of [Month], 20XX.

Approval Authority,
Ministry of Transportation and Infrastructure

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

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer



From:
Comprehensive Development (CD)
To: Community Services (CS)
PID: 016-735-242

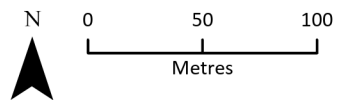
Proposed Land Use
Bylaw 2932, 2024
Schedule A



- Subject Property
- Property Lines
- Highway
- Road
- Rail Line

Land Use Designation

- Agriculture (AG)
- Commercial (C)
- Community Services (CS)
- Comprehensive Development (CD)
- Country Residential (CR2)
- Open Space (OS)



September 18, 2024
PCS: NAD83 UTM Zone11N

The map data shown are approximate representations for reference 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.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2931

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

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

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

APPLICATION

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

CITATION

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

READ A FIRST TIME this 21 day of March, 2024.

READ A SECOND TIME this 21 day of March, 2024.

WHEREAS A PUBLIC HEARING was held this 13 day of May, 2024.

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

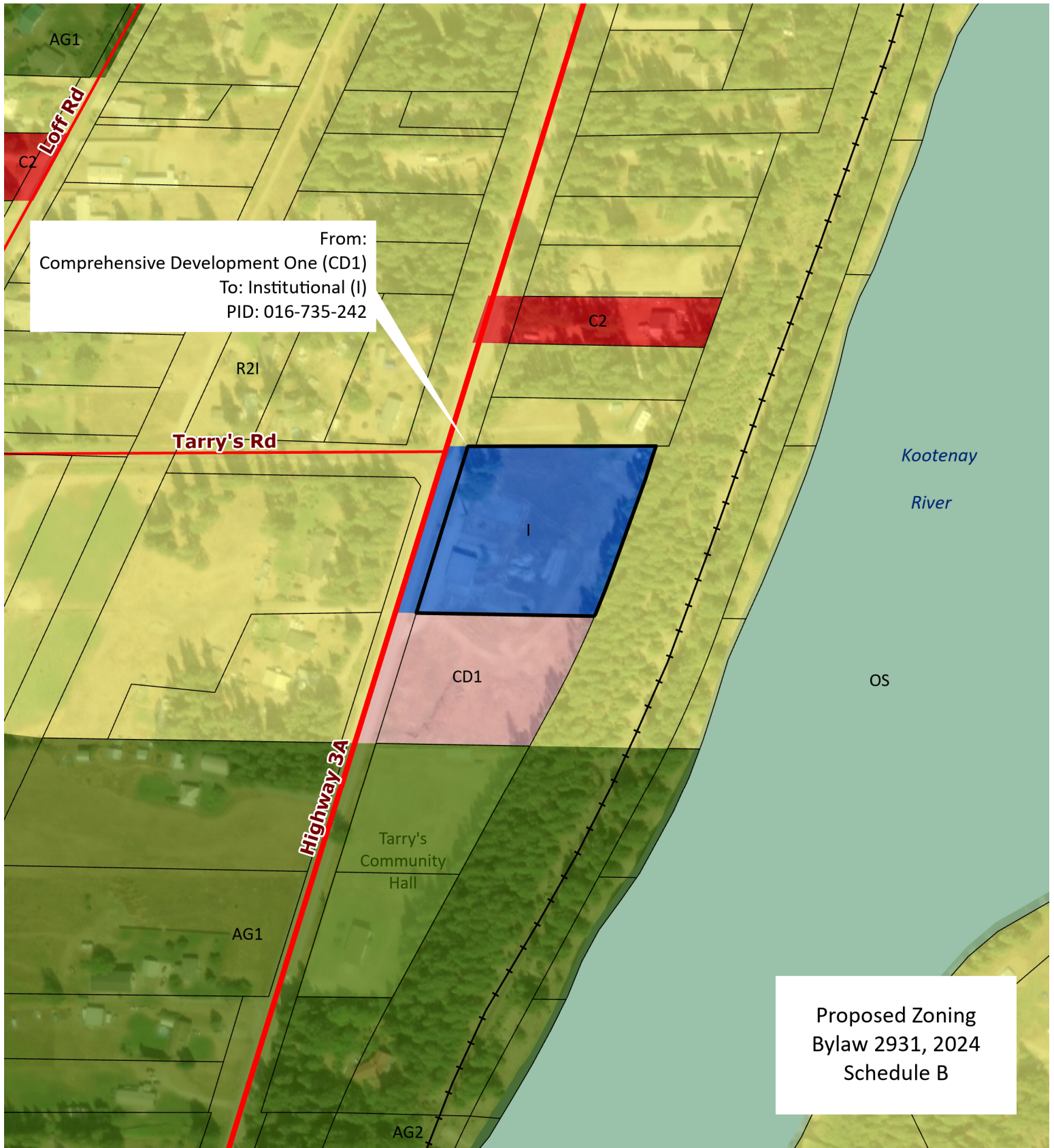
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Approval Authority,
Ministry of Transportation and Infrastructure

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

Aimee Watson, Board Chair

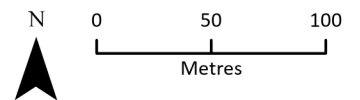
Mike Morrison, Corporate Officer



- Subject Property
- Property Lines
- Highway
- Road
- Rail Line

Zoning Class

- Agriculture (AG1)
- General Commercial (C2)
- Comprehensive Development (CD1)
- Institutional (I)
- Open Space (OS)
- Residential 2 (R2I)



September 18, 2024
PCS: NAD83 UTM Zone11N

The map data shown are approximate representations for reference 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.



Regional Growth Planning Analysis Project

October 17th, 2024



A Collaborative Effort



Village of
Kaslo

CASTLEGAR

City of
NELSON

CRESTON  **VALLEY**

TOWN of CRESTON

The Project Team - Licker Geospatial



Aaron Licker
Principal and
Senior GIS
Analyst



Afie Ebrahimi
GIS Analyst



Russell Prentice
Spatial Modeler



Camille Gay
GIS Analyst

The Project Team - MODUS Planning, Design & Engagement



Patrick Oystryk
Senior Planner



Azlan Nur Saidy
Planner and
Engagement
Specialist



Serena Yang
Planning and
Engagement
Support

About the Regional Growth Planning Analysis Project



Complete Communities

A guide to geospatial land use assessments for British Columbia's communities

The Complete Communities Grant

- The Regional District of Central Kootenay was awarded a Union of British Columbia Municipalities (UBCM) Complete Communities grant.

A complete community:

Provides a diversity of housing to meet identified community needs and accommodate people at all stages of life, and provides a wider range of employment opportunities, amenities, and services within a reasonable distance.



Complete Community Lenses

Housing:

- Quality and availability of housing, including affordable options and different choices that match residents' needs.

Daily Needs:

- How easily residents can access jobs, important city facilities, and services using sustainable transportation.

Transportation:

- How we can reduce greenhouse gas emissions by encouraging sustainable and active transportation methods (i.e. walking, cycling, scooters, wheelchairs, etc.) and ensure transportation infrastructure meets the needs of residents.

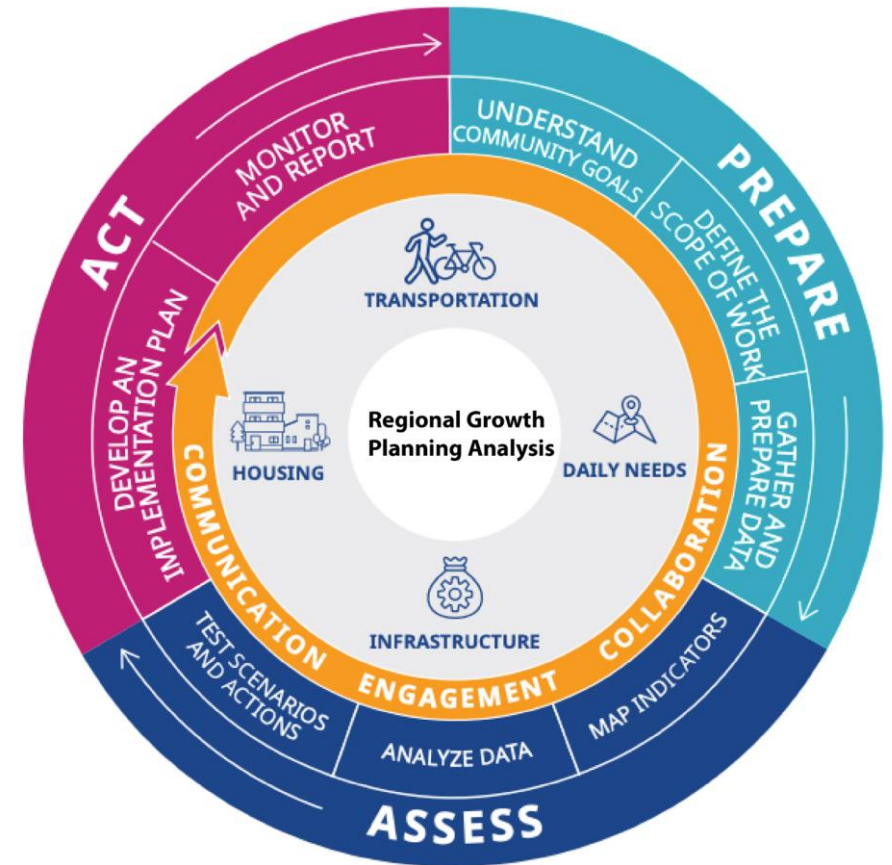
Infrastructure:

- The sustainability of infrastructure investments, considering costs over time and whether they effectively meet community needs.

About the Complete Communities Framework

What are we doing?

- The Complete Communities funding is being used to assess growth management in all 11 electoral areas within the RDCK as well as the 7 partnering municipalities
- This work will support the RDCK in better addressing residents' daily transportation and housing needs while ensuring efficient expansion of servicing and infrastructure in line with community development goals



Project Goals

- Establish a shared baseline for community planning efforts across 7 municipalities and 1 regional district
- Understand the current environmental, infrastructure, demographic and policy context in the RDCK
- Identify the most appropriate locations for new growth and community needs in the region, through technical analysis and community engagement results
- Analyze, comprehend and mitigate the impacts of growth and community expansion
- Develop implementation and monitoring recommendations
- Ensure that the project provides meaningful and useful outcomes and information for future planning in the RDCK



Project Process

Phase 1: Project Start-up

- Project Initiation
- Community Goal Development
- Initial Community Engagement
- Indicator Development
- Data Collection

Phase 2: Technical Analysis

- Indicator Evaluation
- Indicator Weighting and Site Selection
- Growth Workshop
- Scenario Modelling
- Impact Evaluation
- Community Workshops

Phase 3: Reporting

- Implementation Recommendations
- Monitoring Recommendations
- Final Report

September - October 2024

October - February 2024

February - April 2024

Phase 1: Prepare

Phase 2: Assess

Phase 3: Act

Engagement Activities

Phase 1: Prepare

Public Launch

- Social media
- Webpages
- Infographics
- Video

Online Survey

Community values and priorities

Phase 2: Assess

Virtual Community Workshops

Explore benefits and drawbacks of community needs scenarios

Phase 3: Act

Project Close

Information out on final report and recommendations

Engagement with First Nations

Regional District of Central
Kootenay

Regional Growth Planning Analysis Project

Thank you!

