



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE
Open Meeting Agenda

Date: Wednesday, December 11, 2024
Time: 9:00 am
Location: Hybrid Model - In-person and Remote

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

Pages

1. ZOOM REMOTE MEETING INFO

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

Meeting Time:

9:00 a.m. PST

Join by Video:

<https://rdck-bc-ca.zoom.us/j/97680577792?pwd=EP9NSldqQdnfhcw8HmMmt7YvyyJz1S.1&from=addon>

Join by Phone:

- 855 703 8985 Canada Toll-free

Meeting ID: 976 8057 7792

Meeting Password: 149660

In-Person Location: RDCK Head Office - Board Room, 202 Lakeside Drive, Nelson, BC

2. ELECTION

- 2.1 ELECTION OF CHAIR
ALL FOR NOMINATIONS (3 Times)**

Director _____ nominated Director _____.
Director _____ nominated Director _____.
Director _____ nominated Director _____.

OPPORTUNITY FOR CANDIDATES TO ADDRESS THE RURAL AFFAIRS COMMITTEE

Two minutes per address.

VOTE BY SECRET BALLOT

DECLARATION OF CHAIR

Chair Watson ratifies the appointed Director _____ as Chair of the Rural Affairs Committee for 2025.

DESTROY BALLOTS

RECOMMENDATION:

That the hard copy and email votes used in the election of the December 11, 2024 Rural Affairs Committee Meeting be destroyed.

3. CALL TO ORDER

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

4. TRADITIONAL LANDS ACKNOWLEDGEMENT STATEMENT

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

5. ADOPTION OF THE AGENDA

RECOMMENDATION:

The agenda for the December 11, 2024 Rural Affairs Committee meeting be adopted as circulated.

6. RECEIPT OF MINUTES

The November 13, 2024 Rural Affairs Committee meeting minutes, have been received.

8 - 13

7. DELEGATIONS

No delegations.

8. PLANNING & BUILDING

8.1 BUILDING BYLAW CONTRAVENTION – RICHARD

File No.: 3135-20- G-707.05877.130-28182
125 Wesco Road
(Jeremy Richard)
Electoral Area G

14 - 17

The letter dated October 1, 2024 from Mike Morrison, Corporate Officer, re: Building Bylaw Contravention – Richard, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 125 Wesco Road , Electoral Area G legally described as LOT C PLAN NEP23239 DISTRICT LOT 1242 KOOTENAY LAND DISTRICT PID 023-482-176 (BP28182), 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.

8.2 BUILDING BYLAW CONTRAVENTION – RICHARD

18 - 20

File No.: 3135-20- G-707.05877.130-28183

**125 Wesco Road
(Jeremy Richard)
Electoral Area G**

The letter dated October 1, 2024 from Mike Morrison, Corporate Officer, re: Cancel - Building Bylaw Contravention – Richard, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 125 Wesco Road , Electoral Area G legally described as LOT C, PLAN NEP23239, DISTRICT LOT 1242, KOOTENAY LAND DISTRICT PID 023-482-176 (BP28183), 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.

8.3 DEVELOPMENT VARIANCE PERMIT - PRITCHARD

21 - 43

File No.: V2409B - Pritchard

**No address assigned, Highway 95
(Eva and Jonathan Pritchard)
Electoral Area B**

The Committee Report dated November 18, 2024 from Sadie Chezenko, Planner, re: Development Variance Permit - Pritchard, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board NOT APPROVE the issuance of Development Variance Permit V2409B to Ryan Richmond for the property located on Highway 95 with no assigned address, Electoral Area B and legally described as DISTRICT LOT 10093 KOOTENAY DISTRICT, EXCEPT (1) PART INCLUDED IN PLAN 1215 (2) THAT PART ASSIGNED PARCEL A ON PLAN 1215 (3) THAT PART ASSIGNED PARCEL B ON PLAN 1215 (4) PARCEL A (SEE 190639I) AND (5) PART ON PLAN NEP91140 (PID: 010-873-546) to vary Part 7.01 and Part 8 and Part 9 of the *RDCK's Subdivision Bylaw No. 2159, 2011* to waive the requirements for proof of water for lots 1, 2, 4, 5 and 6 and to waive the requirement for confirmation of septic capacity for lot 6 for RDCK subdivision file S2239B.

8.4 ZONING BYLAW AMENDMENT - SCHEFFELMAIER

44 - 64

File No.: Z2309F

2842 Six Mile Lakes Road

(Danielle, James & Matthew Scheffelmaier)

Electoral Area F

The Committee Report dated October 29, 2024 from Sadie Chezenko, Planner, re: Zoning Amendment Bylaw - Scheffelmaier, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board take no further action in regard to *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2988, 2024*.

8.5 OFFICIAL COMMUNITY PLAN & ZONING BYLAW AMENDMENT - SPEARHEAD

65 - 111

File No.: Z2410F – Spearhead

4612 and 4614 - 4616 Starlight Road, and 4643 Highway 3A

(Spearhead)

Electoral Area F

The Committee Report dated November 26, 2024 from Zachari Giacomazzo, Planner, re: Official Community Plan & Zoning Bylaw Amendment - Spearhead, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That *Regional District of Central Kootenay Electoral Area 'F' Official Community Plan Amendment Bylaw No. 3002, 2024* being a bylaw to amend *Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

RECOMMENDATION:

That it be recommended to the Board:

That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3003, 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.

RECOMMENDATION:

That it be recommended to the Board:

That prior to consideration of THIRD READING for *Regional District of Central Kootenay Electoral Area 'F' Official Community Plan Amendment Bylaw No. 3002, 2024* and *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3003, 2024*, the applicant is required to provide the following additional information to support the proposed Land Use Bylaw Amendment Application:

- Archaeological assessment prepared by a consulting Archaeologist;
- On-site wastewater assessment prepared by a qualified professional (e.g. ROWP or P.Eng);
- Groundwater impact assessment prepared by a Hydro-geotechnical Engineer or other qualified professional;
- Traffic Study prepared to the satisfaction of the Ministry of Transportation and Infrastructure;
- Noise Study prepared by a qualified professional.

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 F Director Tom Newell is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

8.6 OFFICIAL COMMUNITY PLAN REVIEW – INITIAL CONSIDERATION - SENTINEL MOUNTAIN (ELECTORAL AREA I)

112 - 216

File No.: 10-5100-20-I-OCP

Electoral Area I

Rural Affairs Committee

Referred from November 13, 2024 to December 11, 2024

The Committee Report dated November 27, 2024 from Stephanie Johnson, Planner, re: Sentinel Mountain (Electoral Area I) Official Community Plan Review – Initial Consideration, has been received.

RECOMMENDATION:

That it be recommended to the Board:

THAT the *Sentinel Mountain Electoral Area I Official Community Plan Bylaw No. 2821, 2024* be read a first and second time and referred to a

public hearing.

RECOMMENDATION:

That it be recommended to the Board:

That the *Sentinel Mountain Electoral Area I Official Community Plan Bylaw No. 2821, 2024* has met the following requirements:

1. The engagement planning process for the public consultation in accordance with Section 475 of the *Local Government Act*;
2. Is consistent with respect to the RDCK's Financial Plan and applicable RDCK Waste and Resource Management Plan in accordance with Section 477 of the *Local Government Act*;

AND FURTHER, THAT *Bylaw No. 2821, 2024* be referred to affected First Nations, Provincial agencies and ministries including the Agricultural Land Commission.

RECOMMENDATION:

That it be recommended to the Board:

THAT *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw 2967, 2024* being a Bylaw to amend *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* be read a first and second time and referred to a public hearing.

RECOMMENDATION:

That it be recommended to the Board:

THAT *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2968, 2024* being a Bylaw to amend *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* be read a first and second time 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 I Director Andy Davidoff is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

9. ENVIRONMENTAL SERVICES

10. RURAL ADMINISTRATION

**10.1 COMMUNITY WORKS FUND APPLICATION – YAHK FIRE HALL –
OVERHEAD DOOR REPAIR AND HEAT PUMP UPGRADE
File No.: 1850-20-CW-311
Electoral Area B**

217 - 227

The Committee Report dated November 19, 2024 from Ashley Grant,

Grants Coordinator, re: Community Works Fund Application - Yahk Fire Hall, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Community Works Fund application submitted by the Yahk Fire Hall for the project titled “Overhead Door Repair and Heat Pump Upgrades” in the amount of \$90,618.00 be approved and that funds be disbursed from Community Works Funds allocated to Area B.

10.2 CHANGES TO COMMUNITY WORKS FUND ELIGIBILITY

228 - 236

File No.: 05-1850-20

All Electoral Areas

The Committee Report dated December 1, 2024 from Mike Morrison, Manager of Corporate Administration / Corporate Officer, re: Changes to Community Works Fund Eligibility, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board direct staff to prepare updates to RDCK Policy 300-09-06-Community Works Fund to reflect recent changes to program requirements and that the draft policy be brought forward for Rural Affairs Committee consideration in 2025.

10.3 PLANNING WORKSHOP - DECEMBER 3, 2024

RECOMMENDATION:

That it be recommended to the Board:

That stipend and expenses be paid to Rural Directors from Rural Administration Service S101 for attendance at the Rural Planning Workshop held on December 3, 2024.

11. PUBLIC TIME

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

12. ADJOURNMENT

RECOMMENDATION:

The meeting be adjourned at _____



Regional District of Central Kootenay

RURAL AFFAIRS COMMITTEE MEETING

Open Meeting Minutes

Wednesday, November 13, 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 – In-person
Director A. Davidoff	Electoral Area I
Director H. Hanegraaf	Electoral Area J
Director T. Weatherhead	Electoral Area K – In-person

GUEST DIRECTOR

Director L. Main	Village of Silverton – In-person
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STAFF PRESENT

S. Horn	Chief Administrative Officer
S. Sudan	General Manager of Development and Community Sustainability
N. Wight	Planning Manager
S. Johnson	Planner
S. Chezenko	Planner
C. Scott	Planner
U. Wolf	General Manager of Environmental Services

T. Johnston
C. Hopkyns

Environmental Coordinator
Corporate Administrative Coordinator–
Meeting Coordinator

1. ZOOM REMOTE MEETING INFO

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Join by Video:

<https://rdck-bc-ca.zoom.us/j/95879979960?pwd=YT4OIFfmmaMTDh8CViYaGMeW3aqrwa.1&from=addon>

Join by Phone:

- 833 955 1088

Meeting Number (access code): 958 7997 9960

Meeting Password: 399035

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 November 13, 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 October 16, 2024 Rural Affairs Committee meeting minutes, have been received.

STAFF PRESENT: Director Cunningham join the meeting at 9:01 a.m.

6. DELEGATIONS

No delegations.

7. PLANNING & BUILDING

7.1 CANCEL - BUILDING BYLAW CONTRAVENTION - TERSIGNI

File No.: 3130-20-G-707.05570.020-BP28078

6410 Highway 3

(Lori & Frank Tersigni)

Electoral Area G

The Committee Report dated October 1, 2024 from Manda McIntyre, Building Manager, re: Cancel - Building Bylaw Contravention - Tersigni, has been received.

- No delegation was present.
- Staff 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 6410 Highway 3, Electoral Area G, currently owned by Lori and Frank Tersigni, property legally described as LOT 2, DISTRICT LOT 1237, KOOTENAY DISTRICT PLAN 4145, 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 DEVELOPMENT VARIANCE PERMIT - GERRARD

File No.: V2408I c/o Ben Gordon

1970 Sandy Road

(Daniel, Ralph and Katty Gerrard)

Electoral Area I

Rural Affairs Committee

Referred from October 16, 2024 to November 13, 2024

NOTE: The property owner has withdrawn their application.

**7.3 OFFICIAL COMMUNITY PLAN REVIEW – INITIAL CONSIDERATION - SENTINEL MOUNTAIN (ELECTORAL AREA I)
File No.: 10-5100-20-I-OCP
Electoral Area I**

The Committee Report dated October 30, 2024 from Stephanie Johnson, Planner, re: Sentinel Mountain (Electoral Area I) Official Community Plan (OCP) Review – Initial Consideration, has been received.

Stephanie Johnson, Planner, provided a presentation on Sentinel Mountain - Electoral Area I Official Community Plan, sharing background and reviewing the work plan. She provided an overview of the structure of the OCP, sharing the required and optional OCP content. Stephanie shared how this OCP was developed and the next steps.

The Committee asked staff questions and had a discussion regarding the Sentinel Mountain (Electoral Area I) Official Community Plan Review, discussing the process and timeline. Due to a constituents inquiry, the Area Director is recommending referral to the December 11, 2024 Rural Affairs Committee meeting.

Moved and seconded,
And resolved:

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

THAT the Sentinel Mountain Electoral Area I Official Community Plan Bylaw No. 2821, 2024 be read a first and second time and referred to a public hearing.

Carried

Moved and seconded,
And resolved:

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

That the *Sentinel Mountain Electoral Area I Official Community Plan Bylaw No. 2821, 2024* has met the following requirements:

1. The engagement planning process for the public consultation in accordance with Section 475 of the *Local Government Act*;
2. Is consistent with respect to the RDCK's Financial Plan and applicable RDCK Waste and Resource Management Plan in accordance with Section 477 of the *Local Government Act*;

AND FURTHER, *THAT Bylaw No. 2821, 2024* be referred to affected First Nations, Provincial agencies and ministries including the Agricultural Land Commission.

Carried

Moved and seconded,
And resolved:

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

THAT Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw 2967, 2024 being a Bylaw to amend *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* be read a first and second time and referred to a public hearing.

Carried

Moved and seconded,
And resolved:

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

THAT Regional District of Central Kootenay Zoning Amendment Bylaw No. 2968, 2024 being a Bylaw to amend *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* be read a first and second time and referred to a public hearing.

Carried

Moved and seconded,
And resolved:

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

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

Carried

8. ENVIRONMENTAL SERVICES

8.1 INFRASTRUCTURE PLANNING GRANT APPLICATION – WYNNDEL IRRIGATION DISTRICT ASSET MANAGEMENT PLANNING File No.: 1845-20-IPG INFRASTRUCTURE-PLANNING-GRANT

Electoral Area A & C

The Committee Report dated November 4, 2024 from Todd Johnston, Environmental Services Coordinator, re: Infrastructure Planning Grant Application – Wynndel Irrigation District Asset Management Planning, has been received.

Todd Johnston, Environmental Services Coordinator, provided an overview to the Committee regarding the application to the Infrastructure Planning Grant Program on behalf of the Wynndel Irrigation District (WID), for the December 2024 intake.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board direct staff to submit an Infrastructure Planning Grant Program application on behalf of the Wynndel Irrigation District for the Wynndel Irrigation District Asset Management Planning for consideration during the December 2024 intake; AND FURTHER, if the application is not immediately successful, then to submit again upon subsequent intakes.

Carried

9. RURAL ADMINISTRATION

No items.

10. PUBLIC TIME

The Chair called for questions from the public and member of the media at 10:30 a.m.

No public or media had questions.

11. ADJOURNMENT

Moved and seconded,

And resolved:

The meeting be adjourned at 10:30 a.m.

Carried

Digitally approved

Garry Jackman, Chair



File 3135-20- G-707.05877.130-28182

October 1, 2024

RICHARD, JEREMY J
597 CARLAW AVE
WINNIPEG MB R3L 0V3

SUBJECT: Notice on Title **CIVIC ADDRESS:** 125 Wesco Road

Please be advised that RDCK staff, in accordance with Section 57 of the Community Charter(SBC 2003) are recommending that the RDCK Board place a notice against the land title of your property located at LOT C PLAN NEP23239 DISTRICT LOT 1242 KOOTENAY LAND DISTRICT PID 023-482-176. The staff memo containing the background information on this matter is enclosed for your reference. Section 57 requires that property owners be given the opportunity to be heard on this matter prior to a decision to place the notice.

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

- Date:** December 11, 2024
Time: Delegations will be received beginning at **9:00 am**. Please follow the instructions provided by the Administration Department and wait until your item is called to be dealt with by the Committee. **(Maximum 15 minutes for each delegation 10 minutes presentation, 5 minutes question)**
Location: In-person: RDCK Head Office - Board Room, 202 Lakeside Dr, Nelson BC
Hybrid meeting - please refer to our website **rdck.ca**.

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

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

If you wish to avoid the possibility of having a Notice on Title placed on your property, you must contact the building department **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the RDCK Building department at 1-800-268-7325 or (250) 352-1500

Yours truly,

Originally signed

Mike Morrison, Corporate Officer



MEMORANDUM

File 3135-20- G-707.05877.130-28182

Oct 1, 2024

TO: RDCK Board

FROM: Manda McIntyre, Building Manager

SUBJECT: Filing of Section 57-Notice on Title- Jeremy Richard-125 Wesco Road

The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property described as LOT C PLAN NEP23239 DISTRICT LOT 1242 KOOTENAY LAND DISTRICT PID 023-482-176 as a consequence of a building bylaw contravention-Commencing construction without a valid building permit.

Oct 23, 2023- Building Officials Shawn Denny and Dan Siminoff attended the above mentioned property to review possible construction due to a complaint submitted to the Building Department. It was discovered that construction was commencing to renovate an existing building, and change the use of the building from an accessory building (garage with loft) to a Single Family Dwelling, without a valid building permit as required by the RDCK Building Bylaw No. 2200

A Stop Work Order, SWO File No. SWO00317, was placed on the building at the time of the visit. At the time of the visit, Director Cunningham was called to the site by the Property Owner.

Upon further review of RDCK files, it was discovered that the subject building had an original permit (BP015556 – aka BP 20040483), to construct a garage with loft, that was issued in 2004 expired prior to final inspection in 2007. Building Permit 015556 was lapsed in February 2010 and never completed.

October 30, 2023 – An application was submitted to the RDCK Building Department to complete Building Permit BP2004/0483, and change the use of the building into a dwelling unit.

Nov 13, 2023 – Due to no further contact from the property owner. RDCK Building staff including Mr. Siminoff and Building Manager Chris Gainham, attended site again with RDCK Bylaw staff and the RCMP. The Site visit was to reinstate the SWO's and place Do Not Occupy Notices on the two SFD Buildings. See Photos 1, 2 and 3 below. SWO placed on Accessory building in the rear of the property. DNO was placed on the building being

renovated to a Single Family Dwelling (the structure this report is for) to accompany the SWO. SWO and DNO was placed on the Single Family Dwelling being occupied. The property originally had a Manufactured home on it which is no longer on the property, and a Single Family Dwelling was constructed in its place with out a valid building permit as required by RDCK Building Bylaw No.2200. Fines were issued to the owner and sent out with the registered mail SWO and DNO letters. Bylaw confirmed that fines were paid for by the Owner.

Nov 22/23 – Upon initial review of the permit application it was determined that a full accessory dwelling, new complete application required. *Bylaw allows 1/lot, max 90m2 GFA - use and siting appear to meeting R2 zoning subject to no only one other dwelling (principle) and max aggregate GFA for accessory buildings of 200m2*.

February 7, 2024 – Graham Gordon, RDCK Plan Checker, sent an email to the owner outlining the outstanding items required for the permit application.

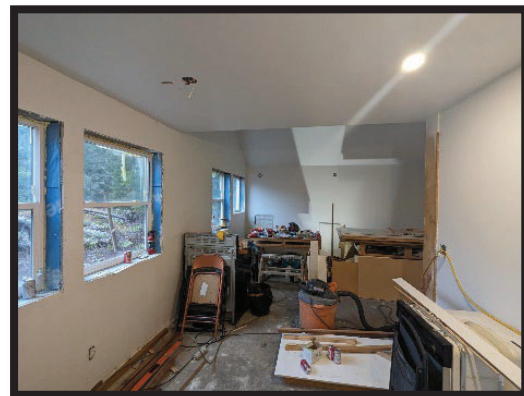
February 16, 2024 – John Purdy, Building Department Development Technician, sent follow up email to add bylaw restrictions regarding maximum number of dwelling units (only one single family dwelling/two family dwelling (duplex) and one accessory dwelling, either attached or detached, is permitted on an R2 zoned parcel). The email closed with the following pathway options:

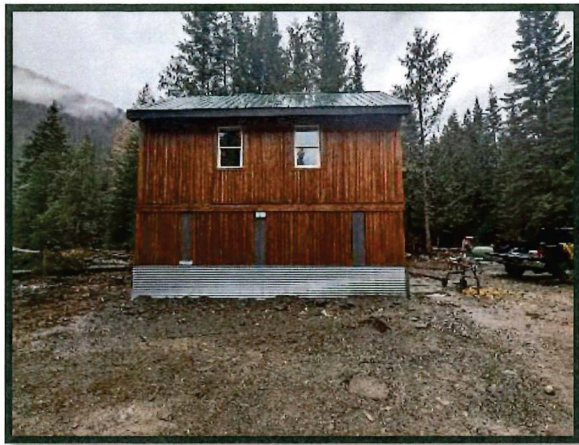
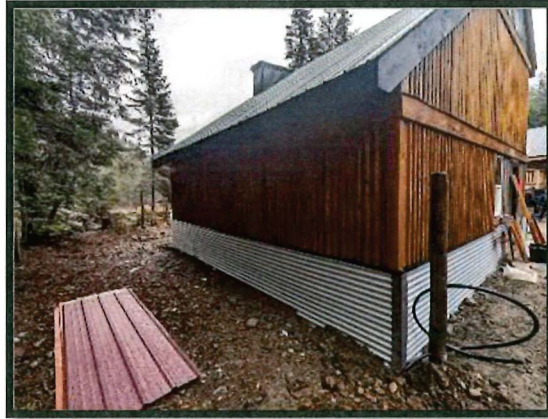
- Decommission all dwelling units on the parcel that exceed the bylaw requirement.
- Apply and receive approval for a zoning amendment which would allow the scope of development proposed and/or existing on the parcel

June 25, 2024 – Owner came into the RDCK Nelson office and spoke with Chris Gainham, Building Manager. A follow up email with an invitation to meet with Staff on July 3, 2024 was sent by the manager to the Owner.

July 4, 2024- Owner did not make it to the online meeting scheduled on the 3rd of July. Senior Building Official Manda McIntyre resent email request to see preferred /best way to open correspondence with Owner.

Aug 8, 2024 - proceed with NOT recommendation as no response or further communication with owner has occurred and neighbour sent another follow up that work is continuing.





Manda McIntyre, Building Manager **Originally signed**
Sangita Sudan, Sangita Sudan/General Manager of Development and Community Sustainability Services **Approved**
Stuart Horn, Stuart J. Horn/Chief Administrative Officer **Approved**



File 3135-20- G-707.05877.130-28183

October 1, 2024

RICHARD, JEREMY J
597 CARLAW AVE
WINNIPEG MB R3L 0V3

SUBJECT: Notice on Title **CIVIC ADDRESS:** 125 Wesco Road

Please be advised that RDCK staff, in accordance with Section 57 of the Community Charter(SBC 2003) are recommending that the RDCK Board place a notice against the land title of your property located at LOT C PLAN NEP23239 DISTRICT LOT 1242 KOOTENAY LAND DISTRICT PID 023-482-176. The staff memo containing the background information on this matter is enclosed for your reference. Section 57 requires that property owners be given the opportunity to be heard on this matter prior to a decision to place the notice.

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

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Location: In-person: RDCK Head Office - Board Room, 202 Lakeside Dr, Nelson BC
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At this meeting committee members will consider making a recommendation to the Regional District Board to direct the Corporate Officer to file a Notice, in the Land Title Office under Section 57 of the *Community Charter*, against the above noted property.

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

If you wish to avoid the possibility of having a Notice on Title placed on your property, you must contact the building department **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the RDCK Building department at 1-800-268-7325 or (250) 352-1500

Yours truly,

Originally signed

Mike Morrison, Corporate Officer



MEMORANDUM

File 3135-20- G-707.05877.130-28183

Oct 1, 2024

TO: RDCK Board

FROM: Manda McIntyre, Building Manager

SUBJECT: Filing of Section 57-Notice on Title- Jeremy Richard-125 Wesco Road

The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property described as LOT C PLAN NEP23239 DISTRICT LOT 1242 KOOTENAY LAND DISTRICT PID 023-482-176 as a consequence of a building bylaw contravention-Commencing construction without a valid building permit.

Oct 23, 2023- Building Officials Shawn Denny and Dan Siminoff attended the above mentioned property to review possible construction due to a complaint submitted to the Building Department. It was discovered that construction was commencing to renovate an existing building, and change the use of the building from an accessory building to a duplex, without a valid building permit as required by the RDCK Building Bylaw No. 2200.

A Stop Work Order, SWO File No. SWO00316, was placed on the building at the time of the visit. At the time of the visit, Director Cunningham was called to the site by the Property Owner.

Nov 13, 2023 – Due to no further contact from the property owner, RDCK Building staff including Mr. Siminoff and Building Manager Chris Gainham, attended site again with RDCK Bylaw staff and the RCMP as well as to reinstate the SWO's and place Do Not Occupy Notices on the buildings. See Photos 1 and 2 below. Fines were also administered and later paid by the owner.

Nov 13, 2023- SWO placed on Accessory building in the rear of the property (the structure this report is for). DNO was placed on the building being renovated to a Single Family Dwelling to accompany the SWO. SWO and DNO was placed on the Single Family Dwelling being occupied. The property originally had a Manufactured home on it which is now gone and a Single Family Dwelling was constructed in its place.

February 7, 2024 – Graham Gordon, RDCK Plan Checker, sent an email to the owner outlining the outstanding items required for the permit application.

February 16, 2024 – John Purdy, Building Department Development Technician, sent follow up email to add bylaw restrictions regarding maximum number of dwelling units (only one single family dwelling/two family

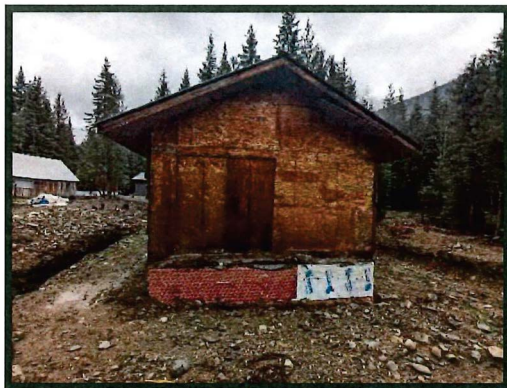
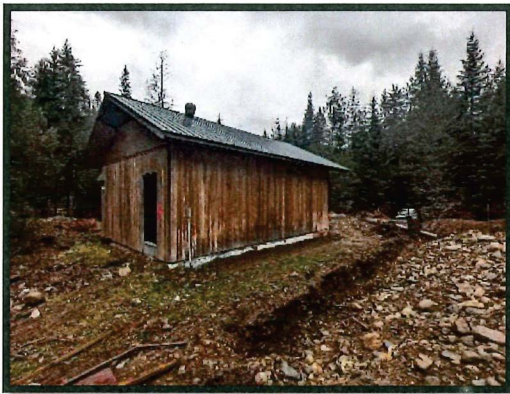
dwelling (duplex) and one accessory dwelling, either attached or detached, is permitted on an R2 zoned parcel). The email closed with the following pathway options:


- Decommission all dwelling units on the parcel that exceed the bylaw requirement.
- Apply and receive approval for a zoning amendment which would allow the scope of development proposed and/or existing on the parcel

June 25, 2024 – Owner came into the RDCK Nelson office and spoke with Chris Gainham, Building Manager. A follow up email with an invitation to meet with Staff on July 3, 2024 was sent by the manager to the Owner.

July 4, 2024- Owner did not make it to the online meeting scheduled on the 3rd of July. Senior Building Official Manda McIntyre resent email request to see preferred /best way to open correspondence with Owner.

Aug 8, 2024 - proceed with NOT recommendation as no response or further communication with owner has occurred and neighbour sent another follow up that work is continuing.



Manda McIntyre, Building Manager  Originally signed
Sangta Sudan, Sangita Sudan/General Manager of Development and Community Sustainability Services Approved
Stuart Horn, Stuart J. Horn/Chief Administrative Officer Approved



Committee Report

Date of Report: November 18, 2024
Date & Type of Meeting: December 11, 2024 – Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2409B - Pritchard
Electoral Area: B

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Regional Board to consider a Development Variance Permit (DVP) application in Electoral Area ‘B’ to facilitate a six lot subdivision. The applicant is requesting to vary the requirements of RDCK Subdivision Bylaw No. 2159, 2011 so as to not provide proof of water for five lots and to not demonstrate septic capacity for one lot.

Staff do not support approval of this Development Variance Permit (DVP), because the variance, if granted:

- Would shift the risks and costs of development to future owners who are less able to adjust to site constraints
- Could result in the creation of lots that are unserviceable and undevelopable
- Would be a significant departure from the intent of the regulation, best practice, and past practice, as there is nothing unique about this proposal that would justify the variance in this case
- May violate Section 25 of the Community Charter that prohibits “assistance to business”
- May signal to the development industry a precedent to be exploited in possible future applications, which the RDCK would not want repeated
- Is generally not supported by the Interior Health Authority (IHA)

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Property Owner: Eva and Jonathan Pritchard
Agent: Ryan Richmond
Property Location: No address assigned, Highway 95, Electoral Area ‘B’
Legal Description: DISTRICT LOT 10093 KOOTENAY DISTRICT, EXCEPT (1) PART INCLUDED IN PLAN 1215 (2) THAT PART ASSIGNED PARCEL A ON PLAN 1215 (3) THAT PART ASSIGNED PARCEL B ON PLAN 1215 (4) PARCEL A (SEE 190639I) AND (5) PART ON PLAN NEP91140 (PID: 010-873-546)
Property Size: 21.53 hectares (ha)
Current Zoning: None
Current Official Community Plan Designation: None

SURROUNDING LAND USES
North: No zoning
East: No zoning
South: No zoning
West: No zoning

Background Information and Site Context

The subject property is located approximately 6 km south of Yahk in Electoral Area ‘B’. This property and the surrounding area are not subject to a zoning bylaw or Official Community Plan. The surrounding parcels are classified by BC Assessment as either vacant or residential, with the exception of the Yahk-Kingsgate Volunteer Fire Department which borders this parcel on the western side.

The subject property is currently vacant and—other than an existing well—is undeveloped.. The existing parcel has archaeological, topographical and environmental constraints which limit the development potential of the site. The parcel is flat on the west side, mountainous in the middle and has a gently rolling area to the east. This varied topography is shown in Figures ‘1,’ ‘2,’ ‘3’ and ‘4.’ There is also a covenant registered on title restricting building on the parcel in certain areas due to hazards associated with rock falls, flood, and alluvial fans. The covenanted area is shown on the proposed subdivision plan in Figure ‘5.’



Figure 1: Location Map

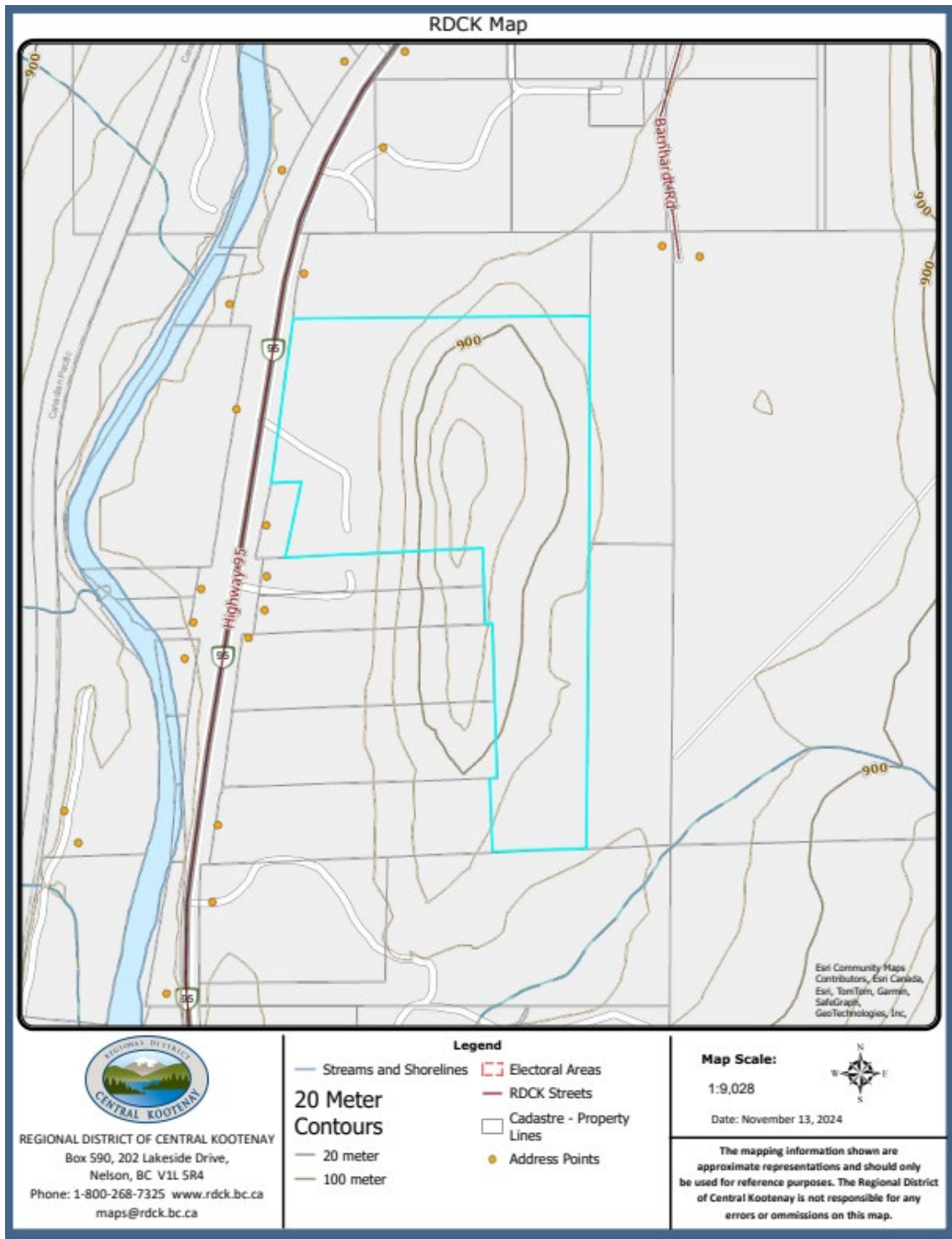


Figure 2: Topographic Map



Figure 3: Google Earth Imagery of Subject Property and Surrounding Area



Figure 4: View of Subject Property from Neighbouring Fire Hall

Development Proposal

The owners have submitted an application to the Ministry of Transportation and Infrastructure (MOTI) to subdivide the subject property into six lots as shown in Figure '5.' This application is referred to as MOTI File 2022-00818 and RDCK File S2239B.

In order to complete the subdivision, the applicant must comply with the provisions of RDCK Subdivision Bylaw No. 2159, 2011. The bylaw specifies in Part 7.01 that each lot shall be supplied with a sufficient supply of water through connection to a community water system; a license under the Water Sustainability Act to divert and use water; or having proof of availability of sufficient groundwater sources to the standards required under Part 8 of the Bylaw. It further requires that each lot shall be assessed for sanitary sewage disposal based on on-site sewage disposal or connection to a community wastewater system to the standards required under Part 9 of the Bylaw. The applicant has submitted this Development Variance Permit application to request that these basic servicing standards not be required for this development.

The applicant is requesting to waive the servicing requirements to provide groundwater for proposed lots 1, 2, 4, 5 and 6, and is also requesting to waive the requirement to provide confirmation of sewerage assessment capabilities for proposed Lot 6. The applicant's rationale for requesting these variances is to "to ease the financial burden for the land owner."

PLAN OF PROPOSED SUBDIVISION OF
 DISTRICT LOT 10093 KOOTENAY DISTRICT EXCEPT
 (1) PART INCLUDED IN PLAN 1215 (2) THAT PART ASSIGNED PARCEL A ON PLAN 1215
 (3) THAT PART ASSIGNED PARCEL B ON PLAN 1215 (4) PARCEL A (SEE 190639I) AND
 (5) PART ON PLAN NEP91140

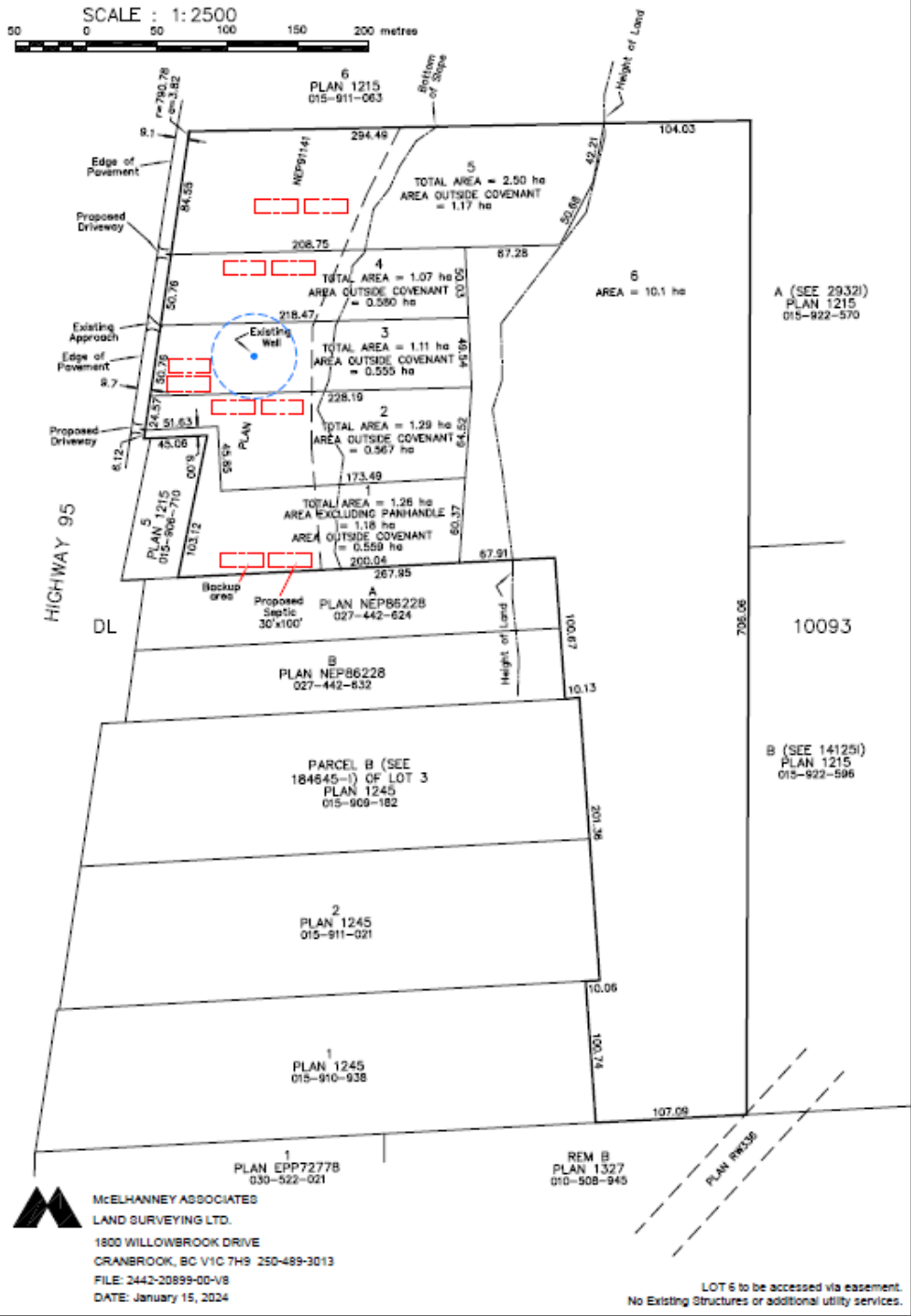


Figure 5: Proposed Subdivision Plan

Planning Policy

RDCK Subdivision Bylaw No. 2159, 2011 specifies the following regarding servicing unless the application is for a boundary adjustment, lot consolidation or when the proposed lots meet criteria set out in Part 7.03:

- Each lot shall be supplied with a sufficient supply of water through connection to a community water system; a license under the Water Act to divert and use water; or having proof of availability of sufficient groundwater sources to the standards required under Part 8 of this Bylaw.
- Each lot shall be assessed for sanitary sewage disposal based on on-site sewage disposal or connection to a community wastewater system to the standards required under Part 9 of this 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

None anticipated.

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

Under Section 506 of the Local Government Act, a local government, such as the Regional District, may adopt a bylaw to set minimum development standards that will apply to the subdivision of land. The RDCK has adopted Subdivision Bylaw No. 2159, 2011 in accordance with this. Section 87 of the Land Title Act authorizes the Approving Officer to refuse a subdivision if it does not conform to these bylaws.

Section 25 of the Community Charter prohibits assistance to business. This legislation is referenced here, given the concern that approval of this application may be considered “assistance to business”. Staff recommend that—should the Board wish to consider approving this variance application—they first seek legal advice to determine if it is or is not in violation of this section.

Community Charter Section 25 - General prohibition against assistance to business and exceptions

- 25 (1)Unless expressly authorized under this or another Act, a council must not provide a grant, benefit, advantage or other form of assistance to a business, including
- (a)any form of assistance referred to in section 24 (1) [publication of intention to provide certain kinds of assistance], or
 - (b)an exemption from a tax or fee.
- (2)A council may provide assistance to a business for one or more of the following purposes:
- (a)acquiring, conserving and developing heritage property and other heritage resources;
 - (b)gaining knowledge and increasing public awareness about the community's history and heritage;
 - (c)any other activities the council considers necessary or desirable with respect to the conservation of heritage property and other heritage resources.
- (3)A council may, by an affirmative vote of at least 2/3 of all the members of council, provide assistance to a business for the conservation of any of the following property:
- (a)property that is protected heritage property;
 - (b)property that is subject to a heritage revitalization agreement under section 610 of the Local Government Act;
 - (c)property that is subject to a covenant under section 219 of the Land Title Act that relates to the conservation of heritage property.

3.3 Environmental Considerations

This proposal would not ensure sustainable development and could result in negative environmental impacts.

3.4 Social Considerations:

There is no community benefit associated with this proposal.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

In accordance with Schedule 'E' 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 properties within 100 metres of the subject property. No responses were received from the public.

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

Archaeology Branch

There are archaeological considerations in relation to the proposed development.

Area B Advisory Planning and Heritage Commission

Moved and seconded,

AND Resolved:

That the Area B Advisory Planning Commission NOT SUPPORT the Development Variance Permit Application to Ryan Richmond for the property located Highway 95, Kingsgate, Electoral Area 'B' and legally described as LOT PLAN 1215 (3) NEP91140 DISTRICT LOT 10093 KOOTENAY LAND DISTRICT.

BC Hydro

Thank you for your referral concerning the proposed variance permit for the above property. After reviewing our records, BC Hydro has no objection to this variance.

Interior Health

Thank you for the opportunity to provide comments for consideration regarding the above referenced application.

This DVP application seeks to vary Section 8.02 'Individual Groundwater Services' and Section 9.01 'On-Site Sewage Disposal' under the RDCK's Subdivision Bylaw No. 2159, 2011. We understand the applicant seeks to waive the servicing requirement to provide evidence that there are sufficient quantities for ground water for proposed lots 1, 2, 4, 5 and 6, and is also requesting that the requirement to provide confirmation of sewerage assessment capabilities be waived for proposed Lot 6 only.

This referral has been reviewed from Healthy Community Development and Environmental Public Health perspective. We are in full support of the RDCK's servicing requirements contained within existing Subdivision Bylaw 2159, 2011, when proposed lots are to be serviced by individual groundwater sources and individual septic systems.

We have no concerns with those requirements being waived for the larger proposed lot 6.

We offer that for smaller proposed lots 1, 2, 3, 4 and 5, and with the understanding that development areas appear to be restricted due to an existing covenant, it would make sense from a sustainable land use planning

and development perspective to ensure that each of these lots are able to support a water source and sewerage disposal areas prior to their creation.

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. If you have any questions or require additional information, please feel free to email me directly at hbe@interiorhealth.ca.

Ministry of Forests

The Ministry of Forests has no concern with this application of works in the Elmira area.

Ministry of Water, Land and Resource Stewardship - Permitting Transformation Division (Water Authorizations)

Permitting Transformation Division (Water Authorizations) staff of the Ministry of Water, Land and Resource Stewardship (WLRS) have reviewed information provided in RDCK Referral V2409B and provide the following comments at this time.

1. WLRS staff do not have any concerns with the requested variance to vary RDCK servicing requirements detailed in Sections 8.02 'Individual Groundwater Services' and Section 9.01 'On-Site Sewage Disposal' of the RDCK's Subdivision Bylaw No. 2159, 2011 as the variance does not trigger any regulatory requirements of the provincial Water Sustainability Act.
2. Information provided in the referral indicates that one well will provide water to multiple lots. Where a single well provides water to multiple lots/users, a water license is required for a waterworks purpose use. 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. Should you wish to discuss further, please contact Rod Shead, Licensed Authorizations Officer, WLRS at 778-463-5601.

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

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
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 weed 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 from the RDCK Emergency Management for this variance application.

3.7 Staffing/Departmental Workplace Considerations:

None anticipated.

3.8 Board Strategic Plan/Priorities Considerations:

One of the RDCK Board’s Strategic Priorities is “Energy Efficiency and Environmental Responsibility.” Specifically regarding environmental responsibility, this variance, if issued, would result in the waiving of important servicing requirements prior to subdivision. This is not a best practice for sustainable development.

SECTION 4: SUMMARY

Planning Discussion

The RDCK Subdivision Bylaw plays a valuable role in ensuring sustainable development by requiring that all new lots have proven water supply and septic capacity prior to subdivision. This is the ideal time to ensure that servicing can be accommodated as it prevents the creation of unserviceable lots. When servicing is addressed by the developer, a subdivision plan can be adjusted to ensure the lots are usable, which would not be possible once the subdivision is complete.

The current Subdivision Bylaw has been in place since 2011. Since that time, there have been three variance requests to this bylaw. The requested variances and decisions are outlined in the table below:

File	Request	Decision
V1901F (Tedesco)	To permit proof of water to be satisfied via a connection to a community system on a boil water advisory	Approved
V2311G (Filippo)	To not provide proof of water for an existing Parks and Recreation lot (Nordic ski trails) that did not require a water supply	Approved
V2404A (Crowe)	To permit type 2 septic systems rather than type 1 septic systems to demonstrate septic capacity	Approved

On average, the RDCK receives over 50 subdivision referrals a year. Since 2014, there have been over 600 subdivision referrals received. In all of those cases except the three noted above, if the subdivisions were completed, the servicing requirements were met. The applicant is requesting to waive portions of the servicing requirements for their proposed six lot subdivision to “to ease the financial burden for the land owner.”

Staff do not support approval of this Development Variance Permit (DVP), because the variance, if granted:

- Would shift the risks and costs of development to future owners who are less able to adjust to site constraints
- Could result in the creation of lots that are unserviceable and undevelopable
- Would be a significant departure from the intent of the regulation, best practice, and past practice, as there is nothing unique about this proposal that would justify the variance in this case
- May violate Section 25 of the Community Charter that prohibits “assistance to business”
- May signal to the development industry a precedent to be exploited in possible future applications, which the RDCK would not want repeated

- Is generally not supported by the Interior Health Authority (IHA)

Consequently, Staff recommend “Option 1 – Do Not Approve”. Should the Board wish to consider granting approval, Staff recommend that they refer the matter to a future meeting to allow time to seek legal advice on whether approval of this variance would violate Section 25 of the Community Charter, which prohibits assistance to business.

Options

Option 1 – Do Not Approve

That the Board **NOT APPROVE** the issuance of Development Variance Permit V2409B to Ryan Richmond for the property located on Highway 95 with no assigned address and legally described as DISTRICT LOT 10093 KOOTENAY DISTRICT, EXCEPT (1) PART INCLUDED IN PLAN 1215 (2) THAT PART ASSIGNED PARCEL A ON PLAN 1215 (3) THAT PART ASSIGNED PARCEL B ON PLAN 1215 (4) PARCEL A (SEE 190639I) AND (5) PART ON PLAN NEP91140 (PID: 010-873-546) to vary Part 7.01 and Part 8 and Part 9 of the RDCK’s *Subdivision Bylaw No. 2159, 2011* to waive the requirements for proof of water for lots 1, 2, 4, 5 and 6 and to waive the requirement for confirmation of septic capacity for lot 6 for RDCK subdivision file S2239B.

Option 2 – Refer and Seek Legal Advice

That the consideration of Development Variance Permit V2409B to Ryan Richmond for the property located on Highway 95 with no assigned address and legally described as DISTRICT LOT 10093 KOOTENAY DISTRICT, EXCEPT (1) PART INCLUDED IN PLAN 1215 (2) THAT PART ASSIGNED PARCEL A ON PLAN 1215 (3) THAT PART ASSIGNED PARCEL B ON PLAN 1215 (4) PARCEL A (SEE 190639I) AND (5) PART ON PLAN NEP91140 (PID: 010-873-546) **BE WITHHELD** until the following item has been obtained:

- a) A legal opinion on whether approval of this application would violate Section 25 of the Community Charter that prohibits “assistance to business”

SECTION 5: RECOMMENDATIONS

That the Board **NOT APPROVE** the issuance of Development Variance Permit V2409B to Ryan Richmond for the property located on Highway 95 with no assigned address and legally described as DISTRICT LOT 10093 KOOTENAY DISTRICT, EXCEPT (1) PART INCLUDED IN PLAN 1215 (2) THAT PART ASSIGNED PARCEL A ON PLAN 1215 (3) THAT PART ASSIGNED PARCEL B ON PLAN 1215 (4) PARCEL A (SEE 190639I) AND (5) PART ON PLAN NEP91140 (PID: 010-873-546) to vary Part 7.01 and Part 8 and Part 9 of the RDCK’s *Subdivision Bylaw No. 2159, 2011* to waive the requirements for proof of water for lots 1, 2, 4, 5 and 6 and to waive the requirement for confirmation of septic capacity for lot 6 for RDCK subdivision file S2239B.

Respectfully submitted,

Originally signed by



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 – Development Variance Permit

Attachment B –Excerpt from Subdivision Bylaw No. 2159, 2011



Development Variance Permit

V2409B (Richmond)

Date:

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

TO: Eva and Jonathan Pritchard

AGENT: Ryan Richmond

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: No address assigned, Highway 95, Electoral Area 'B'

Legal: DISTRICT LOT 10093 KOOTENAY DISTRICT, EXCEPT (1) PART INCLUDED IN PLAN 1215 (2) THAT PART ASSIGNED PARCEL A ON PLAN 1215 (3) THAT PART ASSIGNED PARCEL B ON PLAN 1215 (4) PARCEL A (SEE 190639I) AND (5) PART ON PLAN NEP91140

PID: 010-873-546

CONDITIONS

5. Development Variance

RDCK Subdivision Bylaw No. 2159, 2011 - Part 7.01 is varied as follows:

From:

7.01 Works and Services

Works and Services shall be provided in accordance with the following:

- a. Each lot shall be supplied with a sufficient supply of water through connection to a community water system; a license under the Water Act to divert and use water; or having proof of availability of sufficient groundwater sources to the standards required under Part 8 of this Bylaw.
- b. Each lot shall be assessed for sanitary sewage disposal based on on-site sewage disposal or connection to a community wastewater system to the standards required under Part 9 of this Bylaw.

To:

7.01 Works and Services

Works and Services shall be provided in accordance with the following:

- a. Each lot shall be supplied with a sufficient supply of water through connection to a community water system; a license under the Water Act to divert and use water; or having proof of availability of sufficient groundwater sources to the standards required under Part 8 of this Bylaw except for proposed lots 1,2,4,5 and 6 for RDCK subdivision file S2239B
 - b. Each lot shall be assessed for sanitary sewage disposal based on on-site sewage disposal or connection to a community wastewater system to the standards required under Part 9 of this Bylaw except for proposed lot 6 for RDCK subdivision file S2239B
- 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 *[enter resolution number]* passed by the RDCK Board on the _____ day of _____, 20____.

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

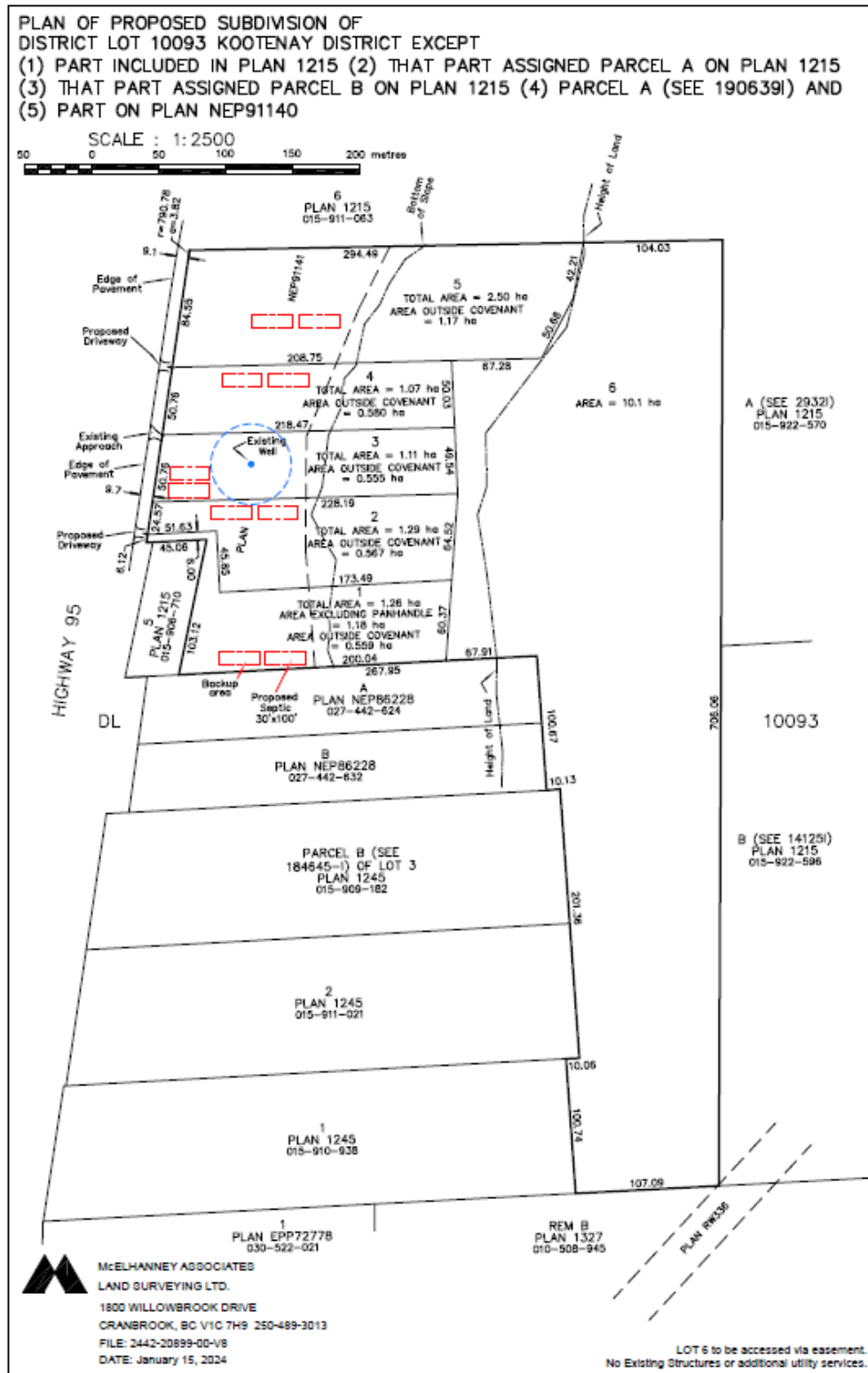
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 2: Proposed Subdivision Plan



The requirements for parkland are governed by Section 941 of the *Local Government Act*.

PART 7 – BASIC PROVISIONS

7.01 Works and Services

Works and Services shall be provided in accordance with the following:

- a. Each lot shall be supplied with a sufficient supply of water through connection to a community water system; a license under the *Water Act* to divert and use water; or having proof of availability of sufficient groundwater sources to the standards required under Part 8 of this Bylaw.
- b. Each lot shall be assessed for sanitary sewage disposal based on on-site sewage disposal or connection to a community wastewater system to the standards required under Part 9 of this Bylaw.

The requirements above shall not apply to:

- a. Subdivision involving only the consolidation of existing parcels, or the consolidation of existing parcels with closed highways.
- b. Subdivisions involving only the adjustment of boundaries between existing parcels that does not result in increasing the number of parcels, so that the level of services provided may, despite this Bylaw, conform to the level of existing services to each parcel adjusted at the time of approval of the subdivision.

7.02 Underground Utilities

Gas, cable and telephone services are not required as a condition of subdivision. However, where an owner proposes to provide underground utilities/wiring, the services and appurtenances must be constructed and installed in accordance with the requirements of the applicable authority having jurisdiction, utility company and this Bylaw.

7.03 Servicing Not Required

The requirements of Parts 7.01 do not apply where a parcel being created is to be used solely for:

- a. A surface parking lot;

- b. A wildlife management area designated under the *Wildlife Act*;
- c. An archaeological reserve designated under the *Heritage Conservation Act*, provided that no building or structure in which food is served or where washrooms are located are to be located on the proposed parcel;
- d. A cemetery;
- e. The unattended equipment necessary for the operation of a public utility;
- f. A sanitary landfill site or transfer station;
- g. An emergency water supply system/storage;
- h. A private utility lot provided that the lot is used for utility purposes only; or
- i. A common lot created pursuant to the *Land Title Act Regulation 334/79* provided that the common lot is restricted to access and utility purposes only.

PROVIDED that the owner enters into a covenant under Section 219 of the *Land Title Act* with the Regional District in a form satisfactory to the Regional District. The cost of preparation of the covenant shall be bourn by the developer.

PART 8 - WATER SUPPLY

8.01 Source within the Terms of the Water Act

Where a water source comes within the terms of the *Water Act*, the following are required:

- a. Proof of application for a new water license or an amendment to an existing water license suitable for diversion, which entitles each lot in the proposed subdivision to at least 2,270 litres (500 imp. gal.) of water per day for domestic purposes upon confirmation there is adequate water to meet the intent of the application from the authority having jurisdiction;
- b. Proof of application for new water licenses shall be restricted to Kootenay Lake, Little Slokan River, Slokan Lake, Arrow Lakes, Kootenay River, Slokan River or the Columbia River or an alternative water body at the discretion and where the requirements of the authority having jurisdiction have been met;
- c. A construction permit pursuant to the *Drinking Water Protection Act* if a new water supply system or extension and alteration to a water supply system is proposed;
- d. If untreated surface water is to be used as proof of adequate water supply, a covenant under Section 219 of the *Land Title Act* shall be placed on Title that advises of the potential health risks associated with consuming untreated

surface water.

8.02 Individual Groundwater Services

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

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

8.03 Community Water Systems

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

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

- c. Confirmation of existing connection(s) to community water systems currently on boil water advisory shall be accepted as proof of water for the purposes of subdivision where the connection currently serves an existing residence as long as no new connections to the community water system are involved.

Where an applicant proposes to establish a new community water system, the applicant must submit to the Regional District:

- d. A copy of the construction permit issued pursuant to the *Drinking Water Protection Act*;
- e. Where a community water system is to be acquired by the Regional District, the design of such shall be submitted to the Regional District for approval prior to the commencement of construction as required by this Bylaw;
- f. That the water source to be used by the system is adequate to serve each parcel to be served by the system as determined by the authority having jurisdiction over the system.

PART 9 - SEWAGE

9.01 On-Site Sewage Disposal

Where no community wastewater system exists, or is proposed, soil and site conditions for on-site sewage disposal systems shall be subject to the following:

- a. Each lot be assessed on the basis of Type 1 (septic tank) treatment and trench disposal systems;
- b. Each lot must be self-contained, providing an initial and replacement sewage disposal area;
- c. Sewerage holding tanks will not be considered an acceptable method of waste water disposal.

9.02 Community Wastewater Systems

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

- a. A letter from the Owner/Operator of the community wastewater system confirming that all parcels proposed can be connected to the wastewater system and that fees have been paid for connection to the wastewater system. Confirmation must be submitted prior to final Approval of the subdivision;

Where a new community wastewater system is proposed, conditions for approval shall include:

- b. Each community wastewater system shall be designed and constructed to the standards prescribed by the *Environmental Management Act* and the *Public Health Act* and regulations pursuant to those Acts; or where standards are not provided, in accordance with standards generally accepted as good engineering practice;
- c. Where a community wastewater system is to be acquired by the Regional District, the design of such shall be submitted to the Regional District for approval prior to the commencement of construction as required by this Bylaw;
- d. Where a community wastewater system is to be installed, it shall be installed by the applicant or by the authority having jurisdiction at the applicant's expense and be approved by the authority having jurisdiction before the subdivision is Approved;
- e. The Approving Officer, on behalf of the Regional District may require that part of a sewage collection system have greater capacity than is needed to serve the proposed subdivision. The cost of providing excess capacity shall be paid for pursuant to Section 939 of the *Local Government Act*.

9.03 Ownership of a Community Wastewater System

Ownership of community wastewater systems must be by one of the following:

- a. The strata corporation of a bare land strata subdivision;
- b. A company registered under the *Company Act* provided the sewage system has been constructed under the *Waste Management Act*; or
- c. A local service area of the Regional District.

9.04 Operation, Maintenance and Monitoring

For community systems that fall under the jurisdiction of the Ministry of Environment, operation maintenance and monitoring shall be in accordance with the requirements of the *Environmental Management Act*.

For community systems that fall under the jurisdiction of the Ministry of Health, operation maintenance and monitoring shall be in accordance with the requirements of the *Public Health Act* and Sewerage System Regulation 326/2004.



Committee Report

Date of Report: October 29, 2024
Date & Type of Meeting: November 13, 2024, Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: BYLAW AMENDMENT
File: Z2309F
Electoral Area/Municipality F

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Regional Board to consider a land use bylaw amendment application in Electoral Area 'F' to rezone the subject property from Suburban Residential F (R1F) to Suburban Residential F (R1F) Site Specific. The only change proposed to the zoning is to reduce the minimum lot size from 0.5 hectares to 0.4 hectares with on-site servicing to facilitate a two lot subdivision.

Given that the creation of lots less than 1.0 hectare with on-site servicing does not align with best practices for sustainable long-term development, staff recommend that no further action be taken regarding this application.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Property Owner: Danielle, James and Matthew Scheffelmaier
Applicant: Matthew Scheffelmaier
Property Location: 2842 Six Mile Lakes Road, Six Mile, Electoral Area F
Legal Description: LOT B DISTRICT LOT 8788 KOOTENAY DISTRICT PLAN NEP63567 (024-362-140)
Property Size: 1.2 Hectares (2.95 Acres)
Current Zoning: Suburban Residential F (R1F)
Current Official Community Plan Designation: Suburban Residential (SR)

SURROUNDING LAND USES
North: General Commercial (C2) / Suburban Residential F (R1F)
East: Suburban Residential F (R1F)
South: Suburban Residential F (R1F)
West: Country Residential (R2)

Background and Site Context

The subject property is located on the Northshore in the Six Mile area. Six Mile is a residential node that is primarily residentially zoned but also has some commercial, industrial and park zoned parcels. The properties surrounding the subject property to the south, west and east are residentially zoned and developed with dwellings while the property to the north is commercially zoned to accommodate 6 Mile RV and Storage. The surrounding lots on the north, south and east have sufficient lot size to be subdivided in the future under the current zoning.

The subject property is a panhandle lot that is 1.2 hectares (2.95 acres) in size. The property was last subdivided in 1998. The parcel is mostly flat and treed and is currently vacant except for an old accessory building on the south side. There is no existing water or septic services on the lot.

Development Proposal

The applicant is proposing to rezone the subject property from Suburban Residential F (R1F) to Suburban Residential F (R1F) Site Specific to facilitate a subdivision. The only change proposed to the existing zoning is to reduce the minimum lot size permitted from 0.5 hectares to 0.4 hectares to achieve this.

The property is 1.19 hectares (2.95 acres) in size. The panhandle is approximately 20 meters wide and proposed as a common access lot. As such, the panhandle does not count towards the minimum lot size. Given the exclusion of the panhandle, the proposed lot sizes are approximately 0.43 hectares (1.06 acres) each.

Under the current zoning, a 0.4 hectare minimum lot size is permitted if the proposed lots are connected to a community water system. If not connecting to a community system and instead providing on-site servicing only, a 0.5 hectare minimum lot size is required. The applicant has indicated that there is a community water system in this area (not RDCK owned Duhamel Creek water system), but that due to concerns about pressure, and to make the lots more appealing for sale, wells are proposed instead.

The applicant has submitted a septic report from a Registered Onsite Wastewater Practitioner indicating that the proposed lots have suitable soils to accommodate two Type 1 septic systems on each lot as required by RDCK Subdivision Bylaw 2159, 2011. The report also noted that “there are no known wells within 30 meters of the proposed subdivision. Nearest body of water, Duhamel Creek is approximately 160 meters from the east property line.” The report did not include the location of the wells on the subject property as these have not been drilled yet. To fulfill the requirements for subdivision, the report will need to be revised to ensure sufficient setbacks of proposed septic systems from drilled wells. The applicant has indicated that this will be sought if the bylaw amendment is approved.

The applicant has submitted a subdivision application to the Ministry of Transportation and Infrastructure (MOTI). The application was referred to the RDCK for review and the applicant was issued the RDCK Letter of Requirements in July 2024. MOTI issued the applicant a Preliminary Layout Review (PLR) in September 2024.



Figure 1: Overview Map

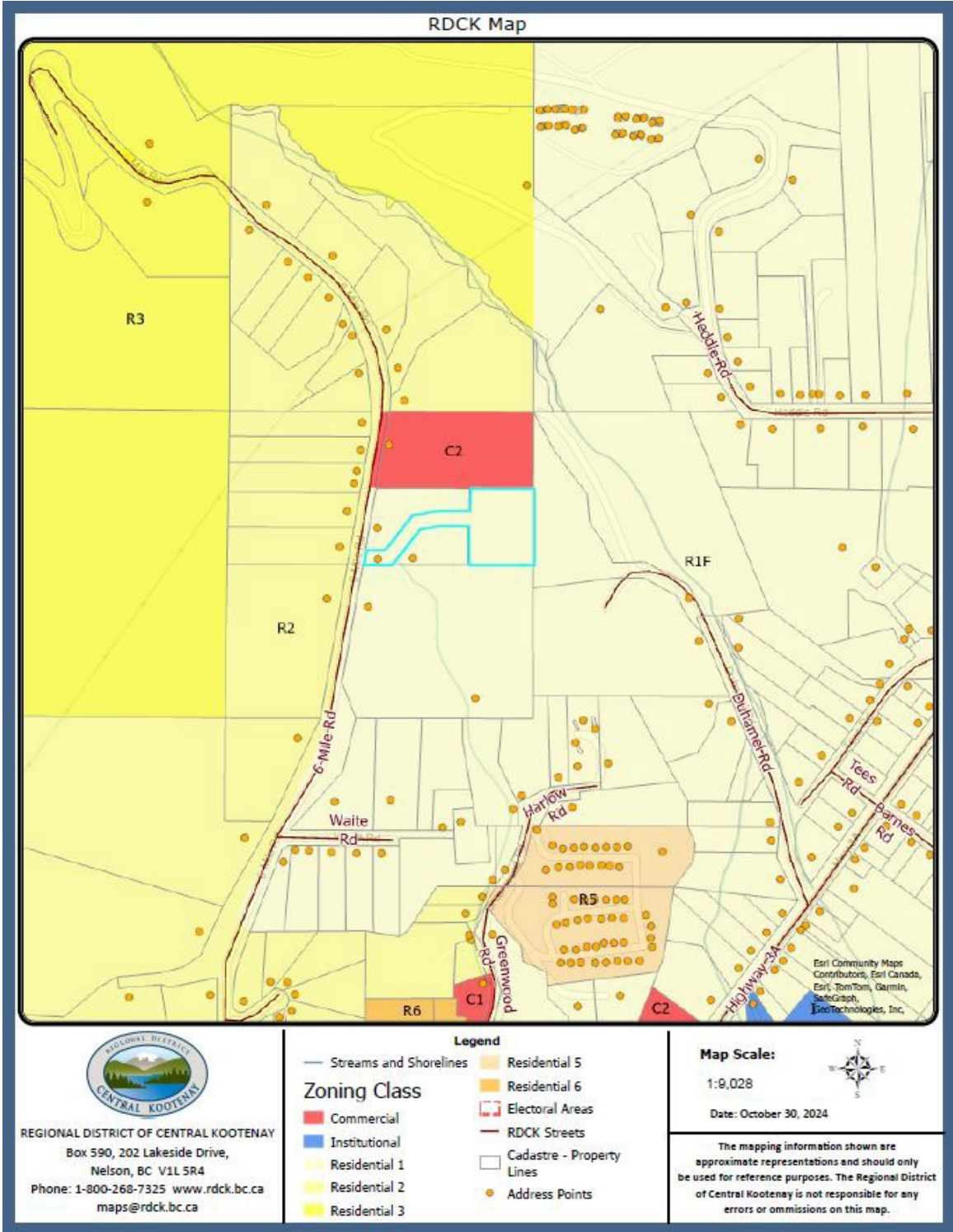


Figure 2: Zoning Map

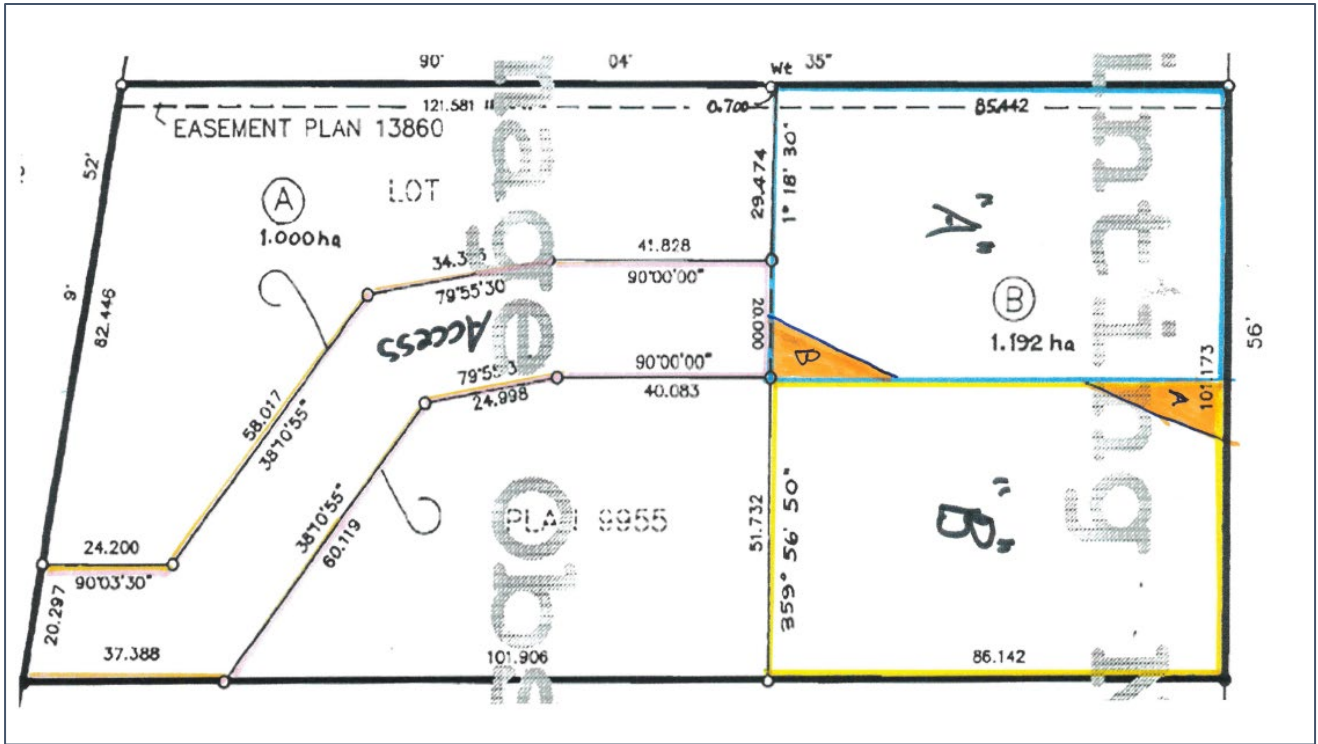


Figure 3: Proposed Subdivision Plan



Figure 4: Photo of panhandle access showing neighbouring property in the foreground and subject property in the background

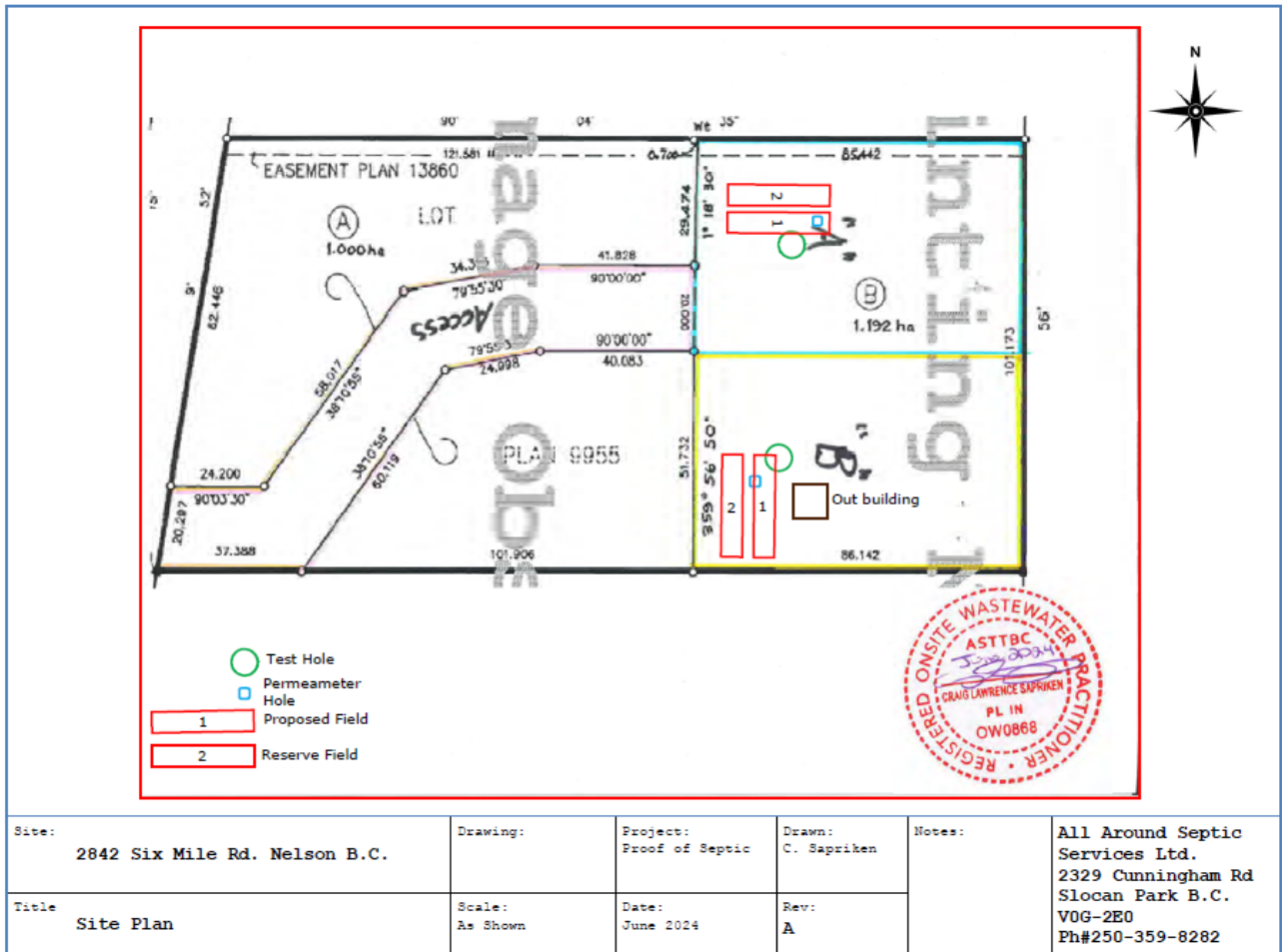


Figure 5: Septic Report Site Plan

Planning Policy

Relevant General Residential Objectives

1. Encourage a variety of residential locations, types, tenures, and densities, including mixed use buildings in commercial areas.
2. Protect the existing quality of life and character of existing neighbourhoods
3. Allow safe residential access to residential areas and services
4. Encourage high quality design, building, development and landscaping standards that improve energy efficiency and maintain and enhance rural character

Relevant General Residential Policies

1. Will assess and evaluate proposed residential development based on the following criteria, in addition to the criteria found in the corresponding Residential policies where appropriate:
 - a. capability of accommodating on-site domestic water and sewage disposal; or community water and sewer
 - b. capability of the natural environment to support the proposed development, and its impact on important habitat and riparian areas

- c. susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk
- d. compatibility with adjacent land uses and designations, and how its form and character enhances the character of the rural area
- e. proximity and access to existing road network, and other community and essential services

Relevant Suburban Residential Policies

The Regional Board:

1. Considers that new Rural, Country, and Suburban Residential development may be created in the rural area, but that the development must respect the character of the rural area, and therefore, the Regional Board will use the following criteria, in addition to those listed under General Residential policies where appropriate, to assess future development:
 - a. location near parks or community facilities, and connected by pedestrian circulation to these amenities;
 - b. exhibits an attractive and safe streetscape by providing for adequate off-street parking requirements, on-site landscaping and screening, and appropriate signage;
 - c. respects lake and mountain views, and access to sunlight of adjacent properties; and,
 - d. provides access without constructing new roads or utility corridors through Environmental Reserves, hazard areas, and without creating permanent scarring on slopes visible from major roads or residential areas.

Relevant Growth Management Objectives

1. Manage and direct development to where it will have the most positive and least negative impacts on community networks, agricultural lands and the natural environment.
2. Ensure development is located in accordance with the long-term planning vision in areas suitable for new residential development and infrastructure in advance of individual or site-specific bylaw amendments and subdivision applications.
3. Encourage development in areas where infrastructure, amenities and services are already established, or could be established where appropriate and supported by the local community.
4. Utilize existing developed land with greater efficiency and to its full potential.

Relevant Growth Management Polices

That the Regional Board:

1. Encourages development to be contiguous to or within existing developed areas, taking into account topography, natural features, and natural hazards of the area, to capitalizing on existing infrastructure and community services while developing with the capacity of existing areas and minimize the length of infrastructure extensions
2. Encourages directing higher density development to municipalities or existing or proposed residential nodes where infrastructure, services and employment opportunities sustain higher densities.

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.

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

Not applicable.

3.3 Environmental Considerations

While there are no land-altering activities planned as a result of this application, the rezoning if approved will result in a higher development potential on the lot. Development of lots less than one hectare with independent on-site water systems and on-site sewage disposal systems is not a best practice for sustainable development. That said, specific to this development, servicing (proof of septic capacity and proof of water) would be required prior to subdivision in accordance with Regional District of Central Kootenay Subdivision Bylaw No. 2159, 2011.

3.4 Social Considerations:

None anticipated.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

In accordance with Schedule 'C' of the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, a 'Notice of Proposal' sign was placed in a visible location on the subject property and adjacent property owner notification was mailed to properties within 100 metres of the subject property. One response opposing the proposal was received from the neighbouring property owner and is included as Attachment 'B'.

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

Archaeology Branch

Thank you for your archaeological information request regarding 2842 Six Mile Lakes Road, Six Mile, BC, PID 024362140, LOT B DISTRICT LOT 8788 KOOTENAY DISTRICT PLAN NEP63567. 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 information request.

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 brown 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 15 to 35 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.

FortisBC

There are no FortisBC Inc (Electric) (“FBC(E)”) facilities affected by this application. As such FBC(E) has no concerns with this circulation.

Ministry of Water, Lands and Resource Stewardship (Kootenay-Boundary Ecosystems Section)

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
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 weed 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.

Ministry of Transportation and Infrastructure

The Ministry does not have concerns with the proposed bylaw amendment to vary the minimum lot size. Should a subdivision application be submitted to MOTI for review, the Approving Officer will consider the application including how access to each lot will be provided. It appears the proposed plan currently outlines an access to Lot A with Lot B being "landlocked." As such, revisions to the plan may be required, which may affect the proposed lot sizes.

Staff note: The applicant has since submitted a subdivision application to MOTI as well as a revised proposed subdivision layout to address access through the provision of a common access lot. See Figure 3 of this report.

Okanagan Indian Band

The Territorial Stewardship Division would like to acknowledge receipt of the above referral. The Okanagan Indian Band ("OKIB") has conducted a desktop review of the project. The location of the project to which the referral relates is within Syilx (Okanagan Nation) territory, and may have impacts on Syilx Aboriginal Title and Rights, which OKIB holds as part of the Syilx. However, 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 and Lower Similkameen Indian Band for a more in depth review. Please keep us informed of any updates or changes to the project as this may change our assessment and our view on the need for further consultation with OKIB.

liml?mt | Thank You

Penticton Indian Band

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.

Staff note: The applicant paid the referral processing fee.

Penticton Indian Band (2)

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 at ak+kəkni?. ak+kəkni? is a culturally significant hunting, fishing and harvesting camp 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 Maryssa Bonneau, Natural Resources Referrals Coordinator at mbonneau@pib.ca to arrange within 30 days.

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. limlāmt

Staff note: The applicant is in the process of arranging to have a Cultural Heritage Resource Assessment completed.

3.7 Staffing/Departmental Workplace Considerations:

The application falls under the operational role of Planning Services.

3.8 Board Strategic Plan/Priorities Considerations:

One of the RDCK Board's Strategic Priorities is "Energy Efficiency and Environmental Responsibility." Specifically regarding environmental responsibility, this proposal would result in the reduction of a minimum lot size for the purposes of subdivision. Development of lots less than 1.0 hectare with independent on-site water and on-site sewage disposal systems is not a best practice for sustainable development.

SECTION 4: SUMMARY

Planning Discussion

The Area F Official Community Plan (OCP) highlights that the type of growth and development that takes place and where it is situated is vital to the sustainability of the RDCK. It states that development should have a long-term benefit to the area and consider implications for environmental impact, resource consumption, transportation and servicing costs.

The location of the subject property is reasonable for some additional densification as it meets the many of the criteria listed above as it is already an established residential node. It is also in fairly close proximity to Nelson for employment and other opportunities and there is a bus stop approximately 1.0 km away. The property is outside of any RDCK identified hazard area, floodplain or sensitive riparian area. However, the proposal to reduce the lot size for a parcel with on-site servicing has implications for long term sustainability.

Minimum lot sizes for subdivision are set out in zoning bylaws to address various community priorities including density and sustainable development. In this case, the community has already established that smaller lot sizes are acceptable from a density perspective. Interior Health cautions that development of lots less than 1.0 hectare with independent on-site water and on-site sewage disposal systems is not a sustainable form of development. A 1.0 hectare minimum lot size is considered to be a long-term sustainable practice as it ensures adequate area for a septic system, back up septic field area, and minimum separation to drinking water sources. The minimum 1.0 hectare lot size also provides enough land for future property owners to locate buildings and impervious surfaces (such as driveways and cement patios) without negatively impacting the sustainability of independent on-site water and an on-site sewage disposal systems.

The R1F zone is the only zone in this zoning bylaw which permits 0.5 hectare lot sizes for properties with on-site servicing. The other seven country residential and suburban residential zones all require a 1.0 hectare minimum lot size instead. That this zone exists in an RDCK bylaw with such a small minimum lot size is due to the evolution of best practices and ideally should be updated. While the applicant is requesting a lot size only 0.1 hectares smaller than what is currently permitted, what is currently permitted is contrary to best practices for sustainable development.

Staff asked the owner about the potential to connect to an existing community water system rather than pursuing a reduction of minimum lot size through the bylaw amendment process. The applicant indicated that this is not being pursued as the pressure from the nearby existing non-RDCK community system may be lacking. While Duhamel Water System is accepting new connections, the property is not within the boundaries of this system and connecting would require a large financial investment as well as a water system boundary amendment. The RDCK Subdivision Bylaw 2159, 2011 also allows the option of establishing a new community water system as proof of water. If the applicant was to establish or connect to a community system, the 0.4 hectare lot size would be sufficient for subdivision.

Ultimately, staff do not support this bylaw amendment for the following reasons:

- While the applicant is only requesting a 0.1 hectare lot size reduction, the minimum 0.5 hectare lot size is already half what is recommended by Interior Health to ensure the long-term sustainable use of a new parcel with independent on-site water and on-site sewage disposal systems.
- Parcels less than 1.0 hectare utilizing on-site water and on-site sewage disposal systems increase the potential for contaminated water sources that result in negative health impacts.
- The type and location of growth are crucial for RDCK's sustainability; approving this bylaw amendment would signal support for undersized lots with on-site servicing, potentially encouraging similar future proposals.

Options

Option 1

That the Board take no further action in regard to Regional District of Central Kootenay Zoning Amendment Bylaw No. 2988, 2024.

Option 2

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2988, 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.

SECTION 5: RECOMMENDATIONS

That the Board take no further action in regard to Regional District of Central Kootenay Zoning Amendment Bylaw No. 2988, 2024.

Respectfully submitted,

Originally signed


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 – Draft Zoning Amendment Bylaw No. 2988, 2024

Attachment B – Public Correspondence

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2988

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 LOT B DISTRICT LOT 8788 KOOTENAY DISTRICT PLAN NEP63567 (PID 024-362-140) from Suburban Residential F (R1F) to Suburban Residential F (R1F) 'Site Specific,' as shown on the attached Map to enable a reduction of minimum lot size from 0.5 hectares to 0.4 hectares with on-site servicing for this lot only to facilitate a two lot subdivision.
- 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. 2988, 2024.***"

READ A FIRST TIME this 14 day of November , 2024.

READ A SECOND TIME this 14 day of November , 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

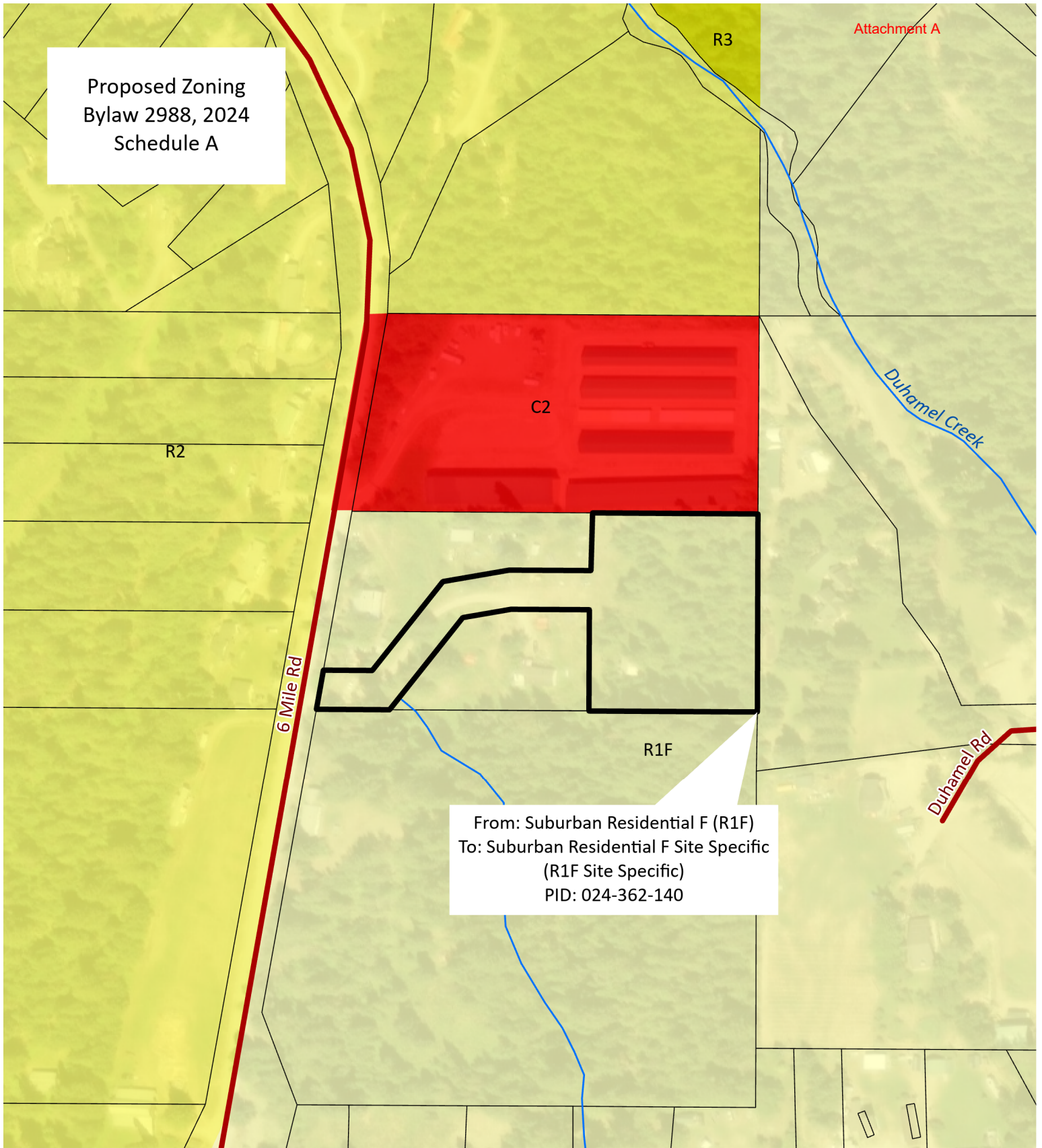
ADOPTED this [Date] day of [Month] , 20XX.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer





Proposed Zoning
Bylaw 2988, 2024
Schedule A





Attachment A

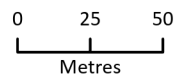


From: Suburban Residential F (R1F)
To: Suburban Residential F Site Specific
(R1F Site Specific)
PID: 024-362-140



-  Subject Property
-  Property Lines
-  Road
-  Stream

- Zoning Class**
-  Commercial
 -  Suburban Residential F (R1F)
 -  Country Residential (R2)
 -  Rural Residential (R3)



October 28, 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.

To Stephanie Johnson
:RDCK PLANNING DEPARTMENT

Regarding Matt Scheffelmair proposed rezoning application for:

2842 Six Mile Lakes Road
LOT B DISTRICT LOT 8788
File Z2309F:

Our Comments and Concerns are as follows:

--the preposed reduction of lot size down to 0.4 hectares is unacceptable, as all surrounding lots are 1.5 to 20 acres.
See map attached from BC ASSESSMENT

--he emphasizes that the Property does not have the same rural appearance given its proximity to 6 Mile Storage but to the contrary...
being on the backside of the storage facility it is quiet and there is no visual access to the facility itself, also being on the bottom field away from the main road and a 20 acre treed lot to the south also adds privacy.

--having 2 small multi family dwelling lots next door would only create more traffic, noise and congestion for ourselves and neighbours.
We do not see that as being a benefit in anyway. We live in a rural community not the city!

-- Panhandle through our property was originally designed to access one lot not 2 multi family lots

-- in order to upgrade road and still maintain proper slope requirements, on either side of right of way they may encroach on our property which is unacceptable.

--there are existing lines running under road which need to be protected

-- upgrade to road may consist of ditching and culverts which may inadvertently effect our property from the water run off

-- our points of access to panhandle would need to be maintained

--as per the subdivision drawing it shows the one lot has no road frontage which land locks it.

--the ministry may require a cul-de-sac at roads end to address frontage issue, which would further diminish lot size.

-- We will not be responsible for any cost for road upgrades

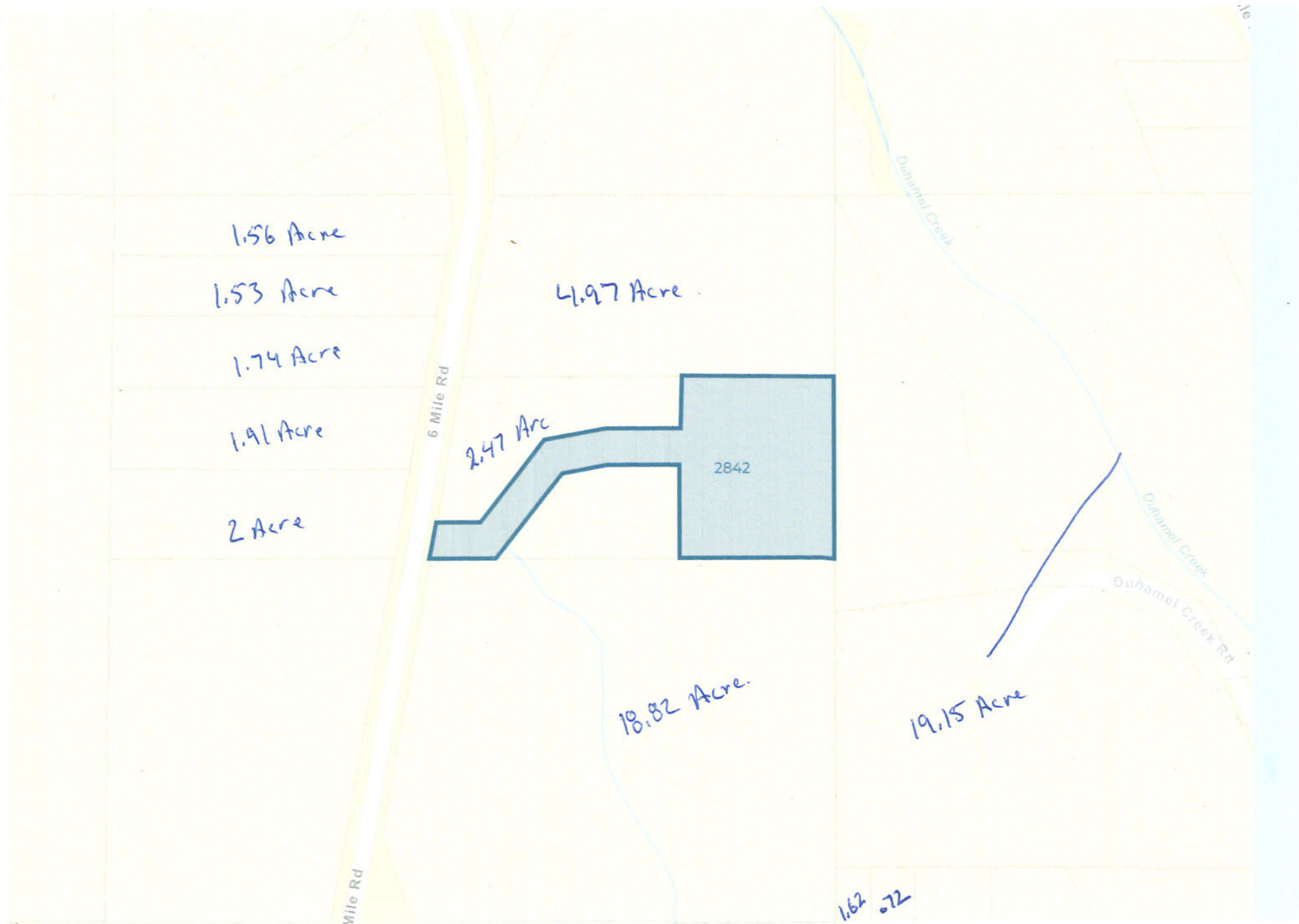
In closing we are not in favour of this subdivision in any way as it would only open up the doors to other possible rezoning Application's.

Regards

Ted, John, and Rita Wickens
2846 SIX MILE LAKES ROAD

[Redacted signature line]

[Redacted signature line]





RDCK Staff Note: The applicant revised his proposed plan to provide both lots access as shown in Figure 3 of the committee report.

Handwritten notes:
 11
 22



Committee Report

Date of Report: November 26, 2024
Date & Type of Meeting: December 11, 2024 Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: LAND USE BYLAW AMENDMENT
File: Z2410F – Spearhead
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 land use and zoning designations for three existing lots: 4612 Starlight Road, 4614-4616 Starlight Road, and 4643 Highway 3A, at 12 Mile in Electoral Area ‘F’.

This application seeks to rezone the subject lands from Country Residential (R2) to Comprehensive Development (CD3) and amend the land use designation in the Area F Official Community Plan from Country Residential (CR) to Industrial (M) in order to authorize the expansion of the existing wood product manufacturing business.

Staff recommend that Official Community Plan and Zoning Bylaws be given 1st and 2nd reading, and referred to a Public Hearing. However, Staff further recommend that the applicant be required to provide the following additional information to support the proposed Land Use Bylaw Amendment Application:

- Archaeological assessment
- On-site wastewater assessment
- Groundwater impact assessment
- Traffic Study prepared to the satisfaction of the Ministry of Transportation and Infrastructure
- Noise Study

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Property Owner: Spearhead
Location of Properties: 4612 and 4614-4616 Starlight Road, and 4643 Highway 3A, 12 Mile, Electoral Area ‘F’
Legal Descriptions: 4612 Starlight Road, LOT 5 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-282-228) 4614-4616 Starlight Road, LOT 4 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-567) 4643 Highway 3A, LOT 3 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-559)
Property Sizes: 4612 Starlight Road – 0.53 ha 4614-4616 Starlight Road – 0.68 ha 4643 Highway 3A – 0.81 ha

Current Zoning: Country Residential (R2) in Zoning Bylaw No. 1675, 2004
--

Current Official Community Plan Designation: Country Residential (CR) in Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011

SURROUNDING LAND USES

North: Residential

East: Industrial

South: Residential

West: Residential

Site Context

The subject property is located approximately 15 km north east of the City of Nelson in a predominantly Rural Residential Area which is comprised of a small number of commercial properties in a predominantly residential area. The subject lands are 3 existing residential lots that are west of the existing Spearhead wood product manufacturing business and directly adjacent to and accessed from Highway 3A.

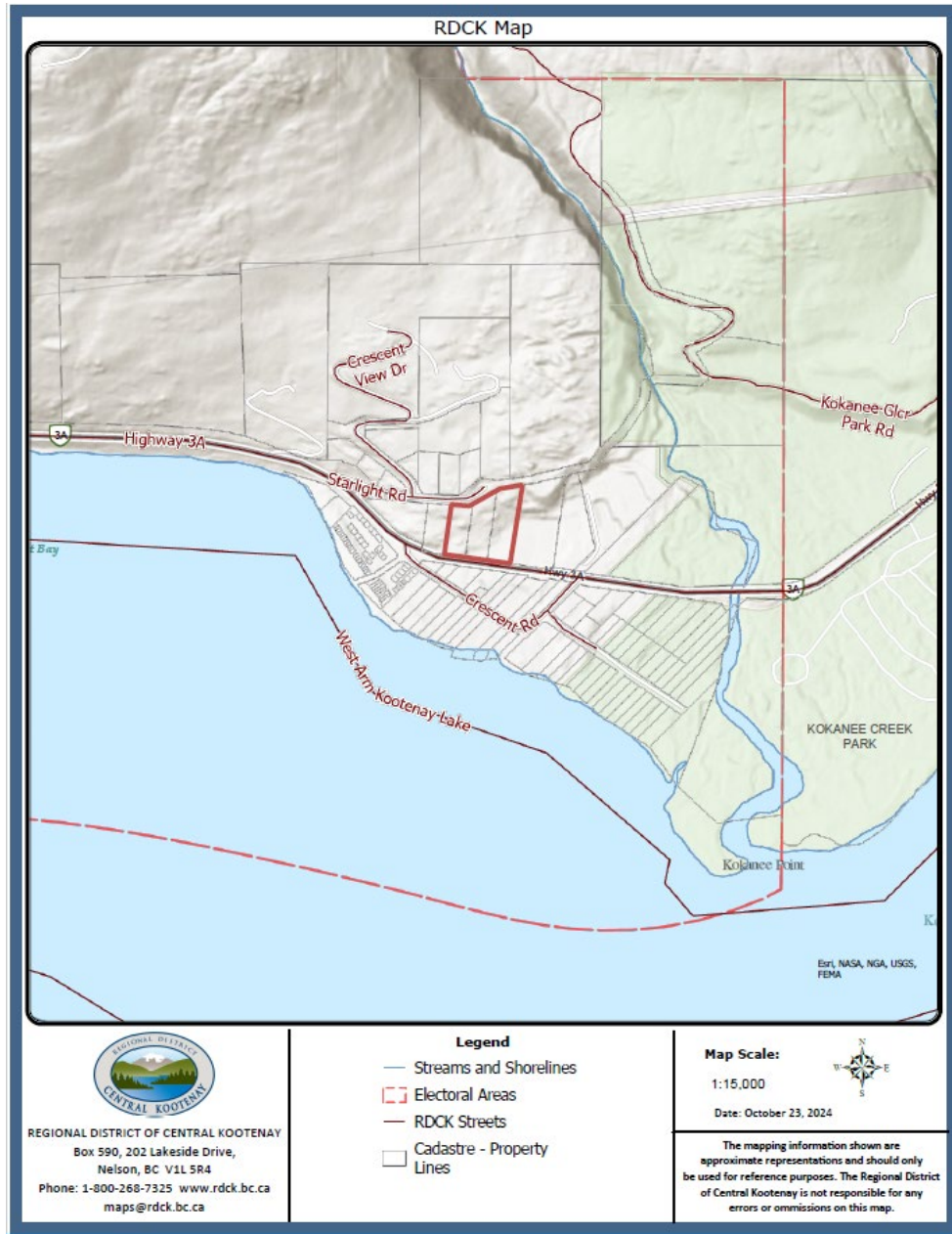


Figure 1 - Location Map

Land Use Bylaw Amendments Proposed

The purpose of this application would authorize a proposed expansion to the existing wood product manufacturing business and would consist of a 1 storey workshop and an attached 3 storey office and child care facility. Phase 1 of the proposal would involve the consolidation of the 3 existing lots and the construction of the 1 storey workshop. Phase 2 would involve the 3 storey office with space dedicated for a child care facility on the west side of the workshop and a supplemental expansion to the workshop on the east side of the building. See Figure 3 for a Site Plan which shows Phase 1 of the proposal. The full size site plan drawings are also included as Attachment 'E' to this report.

In the event that the Board supports the proposed Land Use Bylaw Amendment a Commercial, Industrial, and High Density Residential Development Permit (CIHDRDP) application would be required in order for RDCK staff to review the proposed landscaping, screening, parking, building design, and site layout details. The development permit would need to be issued prior to the issuance of a building permit for the proposed workshop/office building.

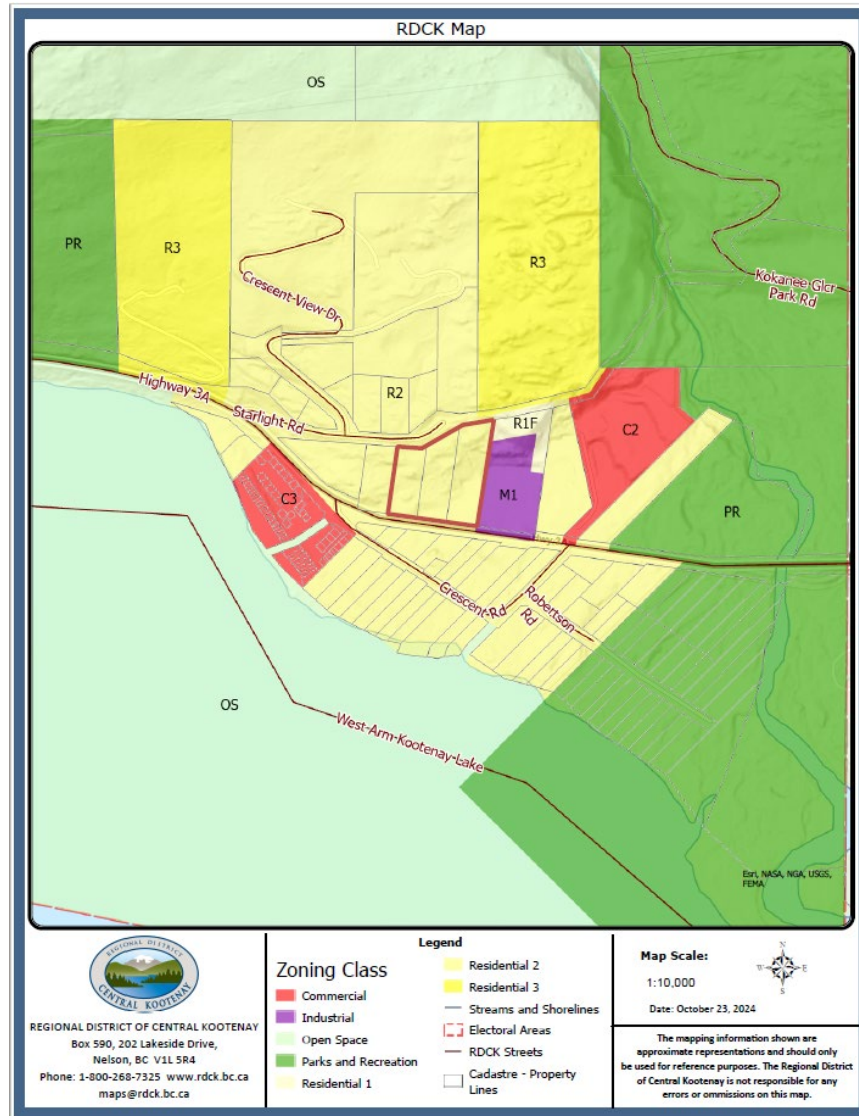


Figure 2 - Zoning Map

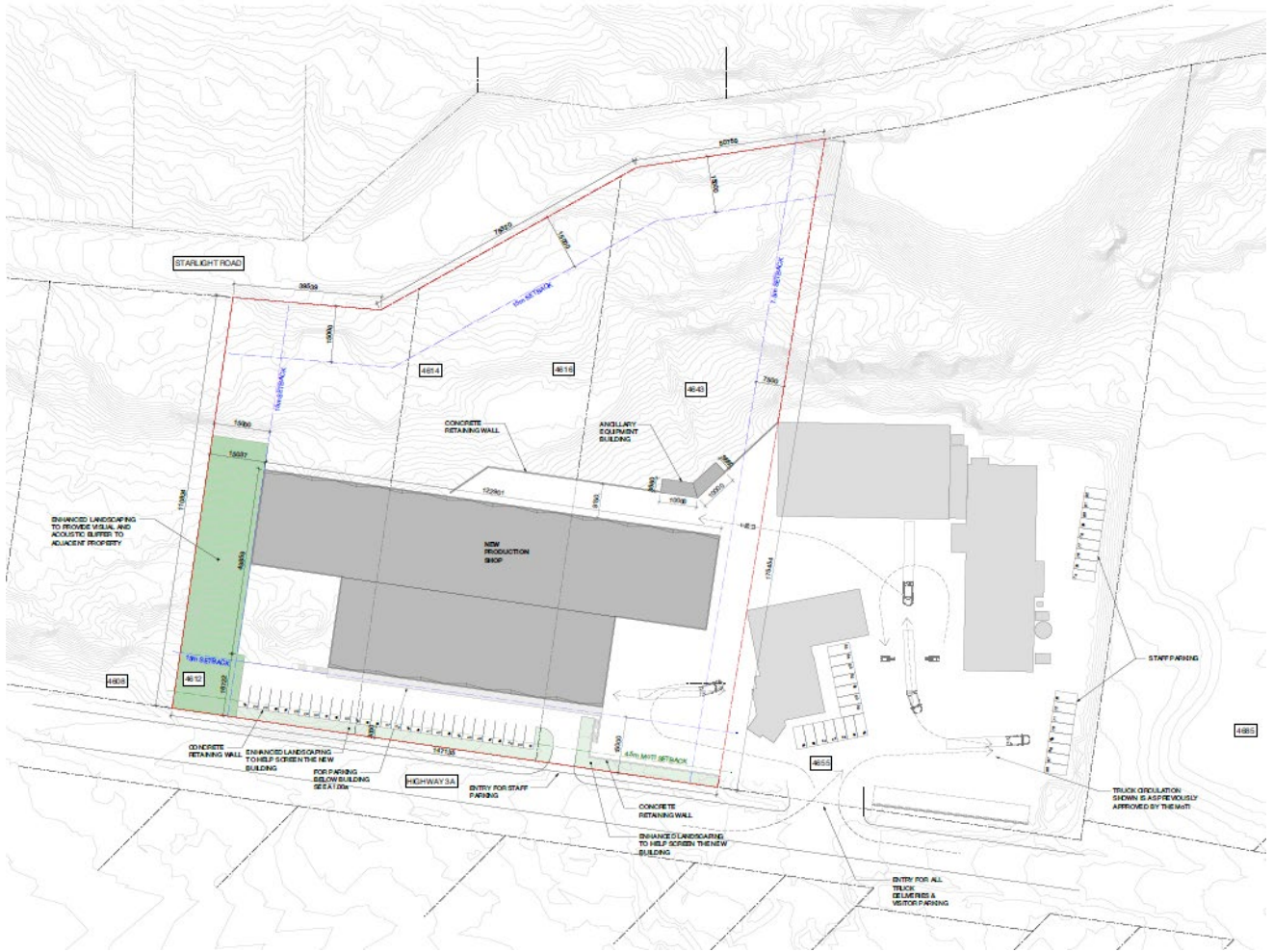


Figure 3 - Site Plan showing development proposed as part of Phase 1



Figure 4 – View from Highway 3A of the approximate location where the proposed building would be constructed.

Planning Policy

8.0 ECONOMIC DEVELOPMENT

8.1 Background

The current economy of the RDCK is largely based on agriculture and resource-based industries, manufacturing, tourism and hospitality, arts and culture, renewable energies, and health and life sciences. Supporting new and fostering existing businesses in Area F is encouraged.

8.2 Objectives

- .1 Encourages economic growth and maintenance of our area’s unique character through small business.
- .2 Create a strong and sustainable tourism economy within a strong economic mix.
- .3 Attract and maintain the operation of responsible, renewable resource based industries to the region.
- .4 Minimize conflicts between resource based industries and other land uses.

8.3 Policies

General

The Regional Board:

- .1 Supports efforts to diversify and strengthen the local economy.
- .2 Continues to support the traditional economic base of the resource sectors, but recognizes and supports the shift towards emerging sustainable resource management opportunities as the new core of the local economy, e.g. tourism, education, value added.
- .3 Supports a business friendly environment through streamlined approval processes, improved fee structure, open and responsive governance, efficient use of taxation resources and timely delivery of services.
- .4 Recognizes the jurisdiction of the Province over public Crown land.
- .5 Promotes growth and expansion of value added forestry, fishing and agriculture.

- .6 Encourages the development of high-speed internet in the region.
- .7 Supports enforcement of the Noise and Unsightly Premises Bylaws.

9.0 FOOD, ADGRICULTURE & RURAL LAND

9.2 Objectives

- .4 Retain and enhance the natural character of rural / country residential areas.

Industrial

The Regional Board:

- .29 Designates land shown as Industrial on Schedule B for industrial uses.
- .30 Shall protect the industrial land base to promote a diversified local economy, healthy tax base and stable, well paid labour force.
- .31 Encourages future industrial areas to be located with consideration of the existing and intended uses adjacent to the area and the associated impacts so as to ensure they are context sensitive and harmonize with adjacent land uses. Screening and buffering are required to mitigate land use impacts.
- .32 Supports the development of a light industrial sector, including clean/green, technological, sustainable industries and renewable energy opportunities.

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 Zoning Bylaw Amendment Application fee of \$1800 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.

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

The purpose of this policy is to establish a consistent process to comply with Local Government Act (LGA) consultation requirements during a minor amendment to an official community plan. A minor amendment to an Official Community Plan is defined as any official community plan amendment application made by the public for a single property or multiple properties functioning as one site. This application meets the definition of a minor amendment to an Official Community Plan.

Based on the fact that the proposed OCP amendment affects three existing lots that function as one site and would be consolidated if the proposed development is to proceed, staff have ensured that the consultation requirements for a minor amendment have been satisfied.

3.3 Environmental Considerations

Not applicable.

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 26 adjacent property owners within 100 metres of the subject lands.

3.5 Economic Considerations:

Spearhead is recognized as a significant employer within the area. The proposed warehouse/office building will showcase some of the company’s lumber products and will provide for a more suitable building for business administration.

3.6 Communication Considerations:

In accordance with Schedule ‘C’ of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, two ‘Notice of Proposal’ signs were placed in visible locations on the subject property and adjacent property owner notification was mailed to 26 properties within 100 metres of the subject property.

At the time this report was prepared, seven (7) responses were received from neighbouring property owners that identified concerns related to noise, dust, traffic, emissions, impacts to the use and enjoyment of their properties and the overall incompatibility of the proposed expansion to the existing business with surrounding residential uses. One (1) submission in support of the application was received. The responses from the neighbouring property owners are summarized at the end of this section and are included as Attachment ‘D’.

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

Agency/ Department	Referral Response
RDCK Environmental Services	Thank you for the referral. I have reviewed this referral and the three lots in question are not within our water systems, nor are they in proximity to any intakes or wells. Water Services has no concerns with this proposed amendment.
RDCK Building Services	<p>Please see the comments from the Building Department Below.</p> <ol style="list-style-type: none"> 1. Survey will be required at the time of BP, 3 separate shall be consolidated (a building is not permitted to span across property lines. 2. BPs will be required for the demolition any existing buildings on the existing lot areas. 3. Qualified Professional including Geotechnical Letter of Assurance (LOAs) – Schedule B’s are required for the projects including a CRP (Coordinating Registered Professional) 4. Property is located in an area serviced by a volunteer Fire Department – delayed FRT is applicable. BCBC Code Analysis shall comply with all spatial separations requirements with consideration of delayed FRT. 5. NFPA 1270 – applicable for organization and deployment of Fire suppression operations and special operations to the Public by Volunteer Fire Departments. 6. Building shall comply to NECB or Part 10 of the BCBC (for portions of applicable occupancy classifications) <p><u>Building Code Compliance:</u></p> <ol style="list-style-type: none"> 1. Building shall comply with Part 3 of the current BCBC 2. Fire Department access shall comply with BCBC Article 3.2.5.5.5. Access routes shall be provided to a building so that <ol style="list-style-type: none"> 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

	<p>the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 90 m, and</p> <p>c) the unobstructed path of travel for the firefighter from the vehicle to the building is not more than 45 m</p> <p><u>3.2.5.6. Access Route Design</u></p> <p>1.) 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>The Building Department may request more documentation and clarification after the submission of the Building Permits (prior to issuance), upon review of your applications.</p>
RDCK Fire Services	<i>No comments provided.</i>
Ministry of Transportation and Infrastructure (MoTI)	<p>Thank you for the opportunity to comment on this proposal.</p> <p>MoTI accepts the proposed amendment in principle.</p> <p>Highway 3A is a high-volume-high-speed travel corridor and is classified as a controlled access highway. MoTI restricts the number of access points to controlled access highways in order to maintain highway safety and service through these corridors. The applicant should explore the feasibility of using a shared existing access and be prepared to provide justification if they request a new access point. The applicant must apply for an Access to a Controlled Access Highway Permit. If permitted, a new access point must meet MoTI design specifications. Approval of an access permit may be contingent on receiving a report from a licensed traffic engineer and completing any recommendations included in the report. The property(ies) must be able to accommodate all vehicle turning movements and provide suitable off-street parking. All</p>

	structures related this proposal must be at least 4.5m from the property line fronting Highway 3A.
Ktunaxa Nation Council	As this property has not been included in an Archaeological Overview Assessment (AOA), KNC would like an AOA to be completed for this project. The AOA report should be completed by a professional consulting archaeologist with local knowledge of the area. Once completed, the report will have arch recommendations to follow. <i>RDCK Staff Note: Staff have informed the applicant that an AOA shall be completed.</i>
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.
Nelson Hydro	<i>No comments provided.</i>
Interior Health Authority	<i>See attachment 'F' for complete IHA comments.</i>
Ministry of Forests – Selkirk District	The ministry of forests, selkirk district have no concerns about this amendment.
Ministry of Water – Land and Resource Stewardship	Permitting Transformation Division (Water Authorizations) staff of the Ministry of Water, Land and Resource Stewardship (WLRS) have reviewed information provided in RDCK Referral Number Z2410F and provide the following comments at this time. 1. A review of the RDCK Public Web Map page indicates the three subject parcels and adjacent Spearhead facility are not located within a water system service area, as such, each of the parcels is responsible for obtaining water to support the land use. 2. Staff advise that use of surface water (including spring water) for any purpose (with a few exceptions) requires a water license in accordance with the Water Sustainability Act (WSA). Additionally, with exception of groundwater for domestic use, use of groundwater for non-domestic purposes (e.g., irrigation, industrial, storage, power, waterworks) requires a license in accordance with the WSA. (Staff note that use of groundwater for domestic purpose does not require a water license, but well owners are encouraged to register their groundwater well to support the management of groundwater quality and quantity.) 3. A review of WLRS water licensing data indicates the Spearhead facility located at 4655 Highway 3A does not hold a surface or groundwater water license to support the existing light industrial use. If the facility was using groundwater prior to March 1, 2016 then it was eligible to submit an "existing use groundwater" (EUG) application by March 1, 2022 to allow the use of groundwater to lawfully continue until such time the application was adjudicated. If an EUG application was submitted, it could be in the application submission portal backlog and hasn't been entered into the water licensing system for WLRS staff to see it. Please have the applicant confirm the water source for the 4655 Highway 3A parcel. If an EUG application was submitted, please have applicant provide the Front Counter BC tracking number for WLRS staff to search the application submission portal. 4. A review of WLRS water licensing data indicates the three residential parcels that are subject of application do not hold water licenses. Please have the applicant confirm the source of water for the three parcels. WLRS staff note the three parcels are currently zoned for residential use and, as discussed above, if water is supplied to these parcels through groundwater then a water license is not required.

	<p>5. Should the proposed zoning be successful and the proposed land use proceed as described in the referral package, use and diversion of surface or groundwater water must be in accordance with the requirements of WSA and associated regulations; any non-domestic use of surface water or groundwater will require a water license. If a water license application is required to support existing and future land use, 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. Should you wish to discuss further, please contact Rod Shead, Licensed Authorizations Officer, WLRS at 778-463-5601.</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
Herons	Aug 15 – Jan 30
Other Birds	Aug 1 – March 31

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

Neighbour Responses

Responses were received from 7 individuals indicating that they are opposed to the proposed land use bylaw amendment. Their comments and concerns are included as Attachment ‘D’ to this report and are also summarized as follows:

- Decrease in the value of their properties
- Negative impact to the residential/rural character of the area

	<ul style="list-style-type: none"> - Concerns related to the proximity of the proposed industrial building to neighbouring residential properties/dwellings - Noise from the expanded industrial use - Potential impact to neighbouring groundwater wells - Concerns about the noise/dust pollution and truck traffic associated with the development and construction process - Negative impact to the quality and enjoyment of private property - Overall concerns of increased noise and air pollution - Concerns related to how “waste wood” will be disposed of and if it will be incinerated on-site in a wood fired boiler or cogeneration plant - Concern about the removal of a significant number of trees - Overall concerns about the compatibility of the proposed industrial use and the surrounding residential properties
--	--

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 the Planning Fees and Procedures Bylaw No. 2457, 2015.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: SUMMARY

PLANNING DISCUSSION

The building proposed to be constructed on the subject lands is approximately the same size as the total of all the existing buildings and structures within Spearhead’s current operation and represents a substantial increase to the size and scale of the industrial “Wood Product Manufacturing” business. Consequently, there is the potential for the proposed expansion of the industrial operation to negatively impact the residents living in the vicinity of this development. This concern is noted in the feedback already received, which includes seven (7) letters from neighbouring residents noting concerns and opposition to the proposal.

The existing site has been in operation for 25 years, with recent expansions on that original site. Recent expansions following various approvals from the RDCK in 2020 permitted construction of a large “fabrication and assembly shop” and installation of a visual screen along the front property line adjacent to Highway 3A. Through the review of the Development Variance Permit (DVP) application required to address various zoning bylaw regulations for that project, some area residents also raised concern with negative impacts from that expansion. Consequently, conditions of the DVP included mitigations to address noise and air quality. Since that expansion, the RDCK has not received any complaints from area residents.

Despite the concerns regarding potential negative impact to the surrounding residential properties, Staff consider that there is sufficient merit in the proposal to consider first and second reading of the amending bylaws and refer the application to a public hearing. However, Staff recommend that the Board require additional information from the applicant in order to assist them in making a decision on this important land use decision. This recommendation is detailed in “Option 1 – Proceed with 1st and 2nd Readings, refer to Public Hearing, and Additional Information Be Provided” below.

Alternatively, should the Board prefer that this information be provided prior to consideration of 1st and 2nd readings, a referral motion is provided in “Option 2 – Refer to Future Meeting and Additional Information Required” below.

“Option 3 – No Further Action” is provided, should the Board consider that there is no merit in pursuing the matter further. This would send a signal for the applicant to consider siting this facility in an alternate location with existing land uses more compatible to the activity proposed.

SECTION 5: OPTIONS

Option 1 - Proceed with 1st and 2nd Readings, refer to Public Hearing, and Additional Information Be Provided

That Regional District of Central Kootenay Electoral Area ‘F’ Official Community Plan Amendment Bylaw No. 3002 being a bylaw to amend Electoral Area ‘F’ Official Community Plan Bylaw No. 2214, 2011 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 3003 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.

And Further

That the applicant be required to provide the following additional information to support the proposed Land Use Bylaw Amendment Application:

- Archaeological assessment prepared by a consulting Archaeologist
- On-site wastewater assessment prepared by a qualified professional (e.g. ROWP or P.Eng)
- Groundwater impact assessment prepared by a Hydro-geotechnical Engineer or other qualified professional
- Traffic Study prepared to the satisfaction of the Ministry of Transportation and Infrastructure
- Noise Study prepared by a qualified professional

Option 2 - Refer to Future Meeting, and Additional Information Be Provided

That further consideration of Regional District of Central Kootenay Electoral Area ‘F’ Official Community Plan Amendment Bylaw No. 3002 being a bylaw to amend Electoral Area ‘F’ Official Community Plan Bylaw No. 2214, 2011 and Regional District of Central Kootenay Zoning Amendment Bylaw No. 3003 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be referred to the January Rural Affairs Committee Meeting in order for the following information to be provided prior to FIRST and SECOND Readings:

- Archaeological assessment prepared by a consulting Archaeologist
- On-site wastewater assessment prepared by a qualified professional (e.g. ROWP or P.Eng)
- Groundwater impact assessment prepared by a Hydro-geotechnical Engineer or other qualified professional
- Traffic Study prepared to the satisfaction of the Ministry of Transportation and Infrastructure
- Noise Study prepared by a qualified professional

Option 3 - No Further Action

That no further action be taken with respect to Regional District of Central Kootenay Electoral Area 'F' Official Community Plan Amendment Bylaw No. 3002 being a bylaw to amend Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2012 and Regional District of Central Kootenay Zoning Amendment Bylaw No. 3003 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 Electoral Area 'F' Official Community Plan Amendment Bylaw No. 3002 being a bylaw to amend Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 3003 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.

That prior to consideration of THIRD READING for Regional District of Central Kootenay Electoral Area 'F' Official Community Plan Amendment Bylaw No. 3002 and Regional District of Central Kootenay Zoning Amendment Bylaw No. 3003, the applicant is required to provide the following additional information to support the proposed Land Use Bylaw Amendment Application:

- Archaeological assessment prepared by a consulting Archaeologist;
- On-site wastewater assessment prepared by a qualified professional (e.g. ROWP or P.Eng);
- Groundwater impact assessment prepared by a Hydro-geotechnical Engineer or other qualified professional;
- Traffic Study prepared to the satisfaction of the Ministry of Transportation and Infrastructure;
- Noise Study prepared by a qualified professional.

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.

Respectfully submitted,

Zachari Giacomazzo, Planner

CONCURRENCE

Planning Manager – Nelson Wight **Approved**

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

Chief Administrative Officer – Stuart Horn **Approved**

ATTACHMENTS:

Attachment A – DRAFT Official Community Plan Amendment Bylaw No. 3002

Attachment B – DRAFT Zoning Amendment Bylaw No. 3003

Attachment C – Referral responses from Shuswap Band, Okanagan Indian Band and Penticton Indian Band.

Attachment D – Written submissions from neighbouring property owners

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

Attachment F – Referral Comments from Interior Health Authority, dated November 27, 2024

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 3002

A Bylaw to amend Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011

WHEREAS it is deemed expedient to amend the Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011, 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 'Schedule B' of Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2011 be amended by changing the Land Use Designation of LOT 3 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-559), LOT 4 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-567), and LOT 5 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-282-228) from Country Residential (CR) to Industrial (M), 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 Electoral Area F Official Community Plan Amendment Bylaw No. 3002, 2004**"

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

READ A SECOND TIME this 12th day of December, 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.

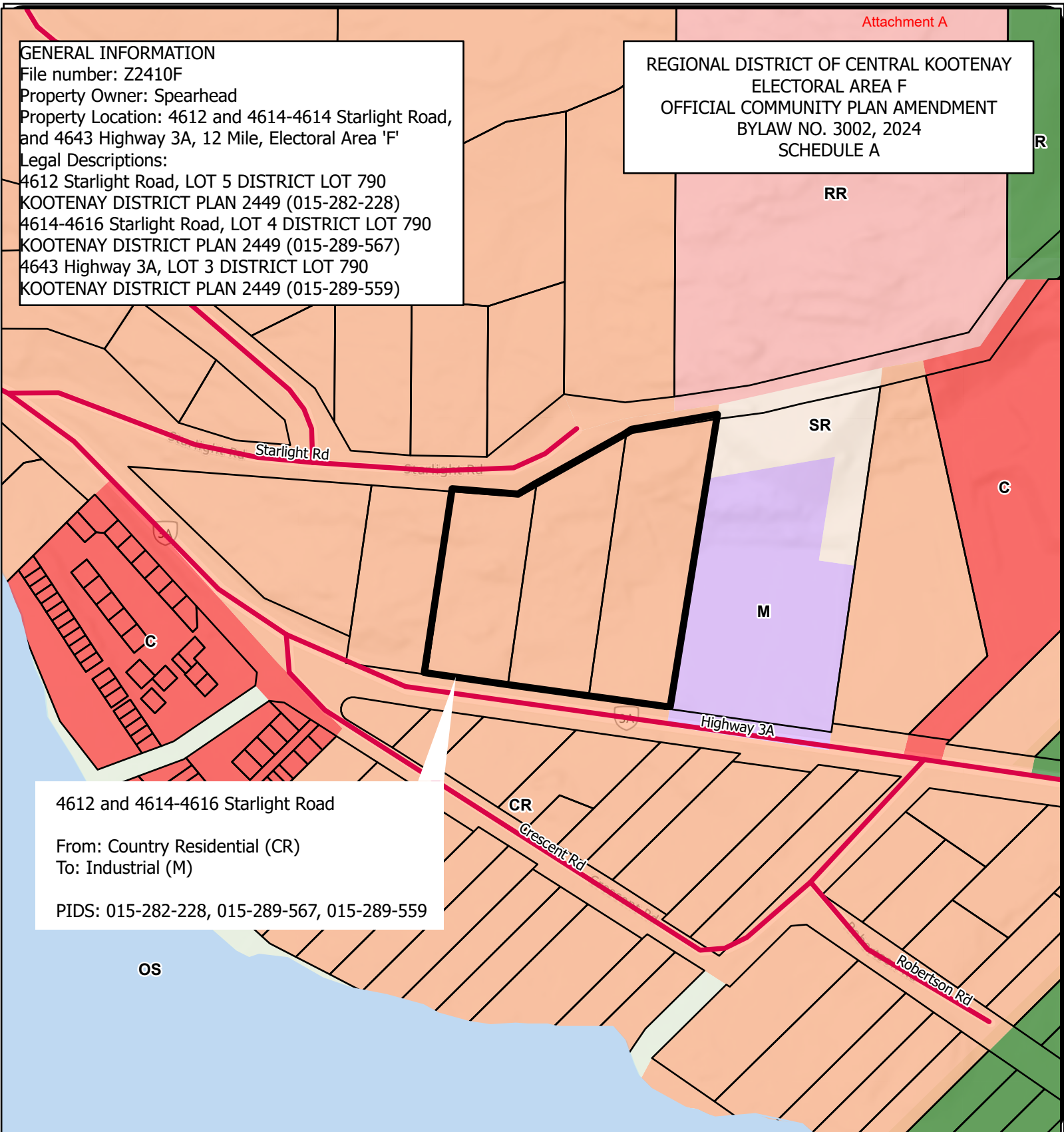
[Name of Board Chair], Board Chair

[Name of CO], Corporate Officer

GENERAL INFORMATION

File number: Z2410F
Property Owner: Spearhead
Property Location: 4612 and 4614-4614 Starlight Road, and 4643 Highway 3A, 12 Mile, Electoral Area 'F'
Legal Descriptions:
4612 Starlight Road, LOT 5 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-282-228)
4614-4616 Starlight Road, LOT 4 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-567)
4643 Highway 3A, LOT 3 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-559)

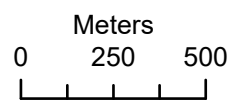
REGIONAL DISTRICT OF CENTRAL KOOTENAY
ELECTORAL AREA F
OFFICIAL COMMUNITY PLAN AMENDMENT
BYLAW NO. 3002, 2024
SCHEDULE A



4612 and 4614-4616 Starlight Road
From: Country Residential (CR)
To: Industrial (M)
PIDS: 015-282-228, 015-289-567, 015-289-559



- Road
- Subject Property
- Lakes and Streams
- Lot Lines
- Official Community Plan**
- Industrial
- Commercial
- Country Residential
- Open Space
- Parks and Recreation
- Rural Residential
- Suburban Residential



Scale: 1 : 3,000
Plotted: Wednesday, November 27, 2024
Datum/Projection: NAD83/UTM Zone11N

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

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 3003

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 LOT 3 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-559), LOT 4 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-567), and LOT 5 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-282-228) from Country Residential (R2) to Comprehensive Development (CD3), as shown on the attached Map.

- a. ADDING the following:

DIVISION 55 COMPREHENSIVE DEVELOPMENT (CD3)

Permitted Uses	
5500	<p>Land, buildings and structures in the Comprehensive Development (CD3) zone shall be used for the following purposes only:</p> <p>Principal Uses: Commercial Workshops: Machine Shops Construction, Sales, Repair and Storage of: Prefabricated Buildings Wood Product Manufacturing</p> <p>Accessory Uses: Day Care Facility Office</p>
Development Regulations	
5501	
1	All development in the Comprehensive Development (CD3) zone shall be subject to the requirements of a Development Permit.
2	The minimum lot area shall be 2 hectares
3	The maximum site coverage shall be 50 percent of the lot area
4	Excepting a fence, no building or structure may be located within:

a.	15 metres of the front lot line
b.	15 metres of the rear lot line
c.	7.5 metres of the interior side lot line
d.	15 metres of an interior side lot line that abuts an agricultural or residential zone
5	The maximum height of any building or structure shall be 15 metres
6	Landscaping shall comply with the requirements of Sections 620 and 621
7	The following parking requirements shall apply:
a.	A minimum of 65 parking spaces shall be provided on the subject property
b.	19 parking spaces shall be provided on the adjacent lot (PID: 029-966-574) in the form of a covenant under Section 219 of the Land Title Act
c.	A minimum of 2 of the required number of parking spaces shall be provided as accessible parking spaces
d.	Minimum Parking Space Dimensions (w \times l \times h): Above Grade: 2.75 m x 6 m x 2.2 m Below Grade: 3.05 m x 6 m x 2.675 m Below Grade (adjacent to wall): 3.2 m x 6 m x 2.675 m

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. 3003, 2024**”

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

READ A SECOND TIME this 12th day of December, 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.

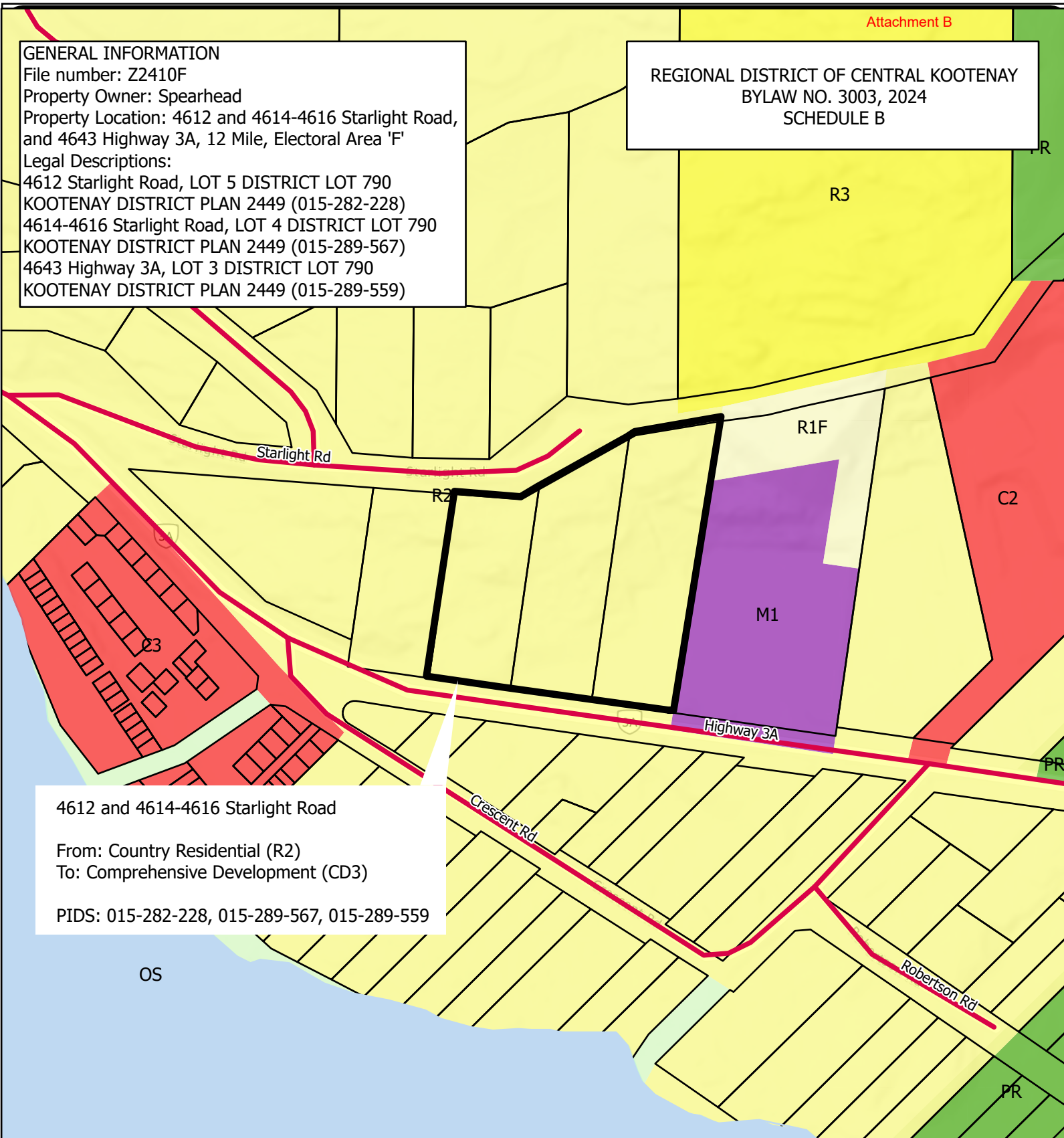
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

GENERAL INFORMATION

File number: Z2410F
Property Owner: Spearhead
Property Location: 4612 and 4614-4616 Starlight Road, and 4643 Highway 3A, 12 Mile, Electoral Area 'F'
Legal Descriptions:
4612 Starlight Road, LOT 5 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-282-228)
4614-4616 Starlight Road, LOT 4 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-567)
4643 Highway 3A, LOT 3 DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 2449 (015-289-559)

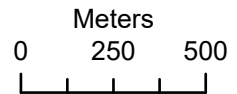
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BYLAW NO. 3003, 2024
SCHEDULE B



4612 and 4614-4616 Starlight Road
From: Country Residential (R2)
To: Comprehensive Development (CD3)
PIDS: 015-282-228, 015-289-567, 015-289-559



- Road
- Subject Property
- Lakes and Streams
- Lot Lines
- Zoning**
- Industrial
- Open Space
- Parks and Recreation
- Residential 1
- Residential 2
- Residential 3
- Commercial



Scale: 1 : 3,000
Plotted: Wednesday, November 27, 2024
Datum/Projection: NAD83/UTM Zone11N

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



Shuswap Band

Project Name:

Bylaw Amendment Application - Z2410F

FN Consultation ID:

Z2410F

Consulting Org Contact:

Laura Christie

Consulting Organization:

[Regional District of Central Kootenay](#)

Date Received:

Monday, October 28, 2024

October 29, 2024

Weyt-k (Hello),

Shuswap Band is in receipt of the project information for: -Bylaw Amendment Application - Z2410F.

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



Okanagan Indian Band

12420 Westside Road • Vernon, BC, • V1H 2A4

Telephone: 250-542-4328 • Facsimile 250-542-4990

Email: [REDACTED]

“This correspondence will not be construed so as to prejudice, limit, or derogate from any rights, claims or interests in respect of any Aboriginal title, rights and interests of Okanagan or Syilx Nation recognized and affirmed under Section 35 of the Constitution Act, 1982 and nothing in this letter indicates acceptance by Okanagan of federal or provincial Crown jurisdiction over or ownership of land, water or other resources within the Territory.”

November 12, 2024

Attention: Laura Christie

RE: Bylaw Amendment Application - Z2410F

The Territorial Stewardship Division would like to acknowledge receipt of the above referral. The Okanagan Indian Band (“OKIB”) has conducted a desktop review of the project. The location of the project to which the referral relates is within Syilx (Okanagan Nation) territory, and may have impacts on Syilx Aboriginal Title and Rights, which OKIB holds as part of the Syilx. However, the project is located outside the OKIB’s Area of Responsibility as a member of the Syilx. At this time, we defer to the Lower Similkameen Indian Band and Penticton Indian Band for a more in depth review. Please keep us informed of any updates or changes to the project as this may change our assessment and our view on the need for further consultation with OKIB.

liml?mt | Thank You

Julie Richard
 Referrals Management Clerk
 Territorial Stewardship Division
 Okanagan Indian Band
 12420 Westside Road
 Vernon BC, V1H 2A4
 Office: [REDACTED]
 Cell: [REDACTED]



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8

[Redacted] | www.pib.ca

Telephone: [Redacted]

Fax: [Redacted]

Project Name:

Bylaw Amendment Application - Z2410F

FN Consultation ID:

L-241030-Z2410F

Consulting Org Contact:

Laura Christie

Consulting Organization:

[Regional District of Central Kootenay](#)

Date Received:

Monday, October 28, 2024

October 30, 2024

WITHOUT PREJUDICE

Attention: Laura Christie

File number: Z2410F

RE: 40 (forty) day extension

Thank you for the above application that was received on 2024-10-28.

This letter is to inform you that due to current levels of internal capacity, we are unable to review your referral in your proposed timeline. With additional time, snpink'tn (Penticton Indian Band) will be able to ensure that an informed review process will occur. We are setting the new timeline to be 40 days from the existing timeline.

syilx (Okanagan Nation) Title includes snpink'tn right to proactively use and manage our resources. In Tsilhqot'in, the Supreme Court of Canada emphasizes the need to seek the consent of the title-holding Aboriginal group, and warns, without consent for a project, the proponent risks having the project cancelled. The obligation to seek free, prior and informed consent is further required by the United Nations Declaration on the Rights of Indigenous People (UNDRIP). UNDRIP requires that Indigenous peoples shall be consulted and cooperated with in good faith in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

Please note that not receiving a response regarding a referral from snpink'tn in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

limləmt,

Maryssa Bonneau

Referrals Coordinator

snpink'tn (Penticton Indian Band)

Natural Resources

email: [REDACTED]
office: [REDACTED]
address: 841 Westhills Drive
Penticton, British Columbia
Canada V2A 0E8

IN REFERENCE TO RDCK FILE NO. Z2410~~0~~F

RE; APPLICATION FOR LAND BYLAW AMENDMENT Z2410F/ APPLICANT; BEN HALL, SPEARHEAD

I LIVE NEXT TO THE SAID PROPERTIES LISTED AS LOT A DISTRICT LOT 790 KOOTENAY DISTRICT PLAN 13690. SHARED OWNERSHIP BY MYSELF- MR. EUGENE JOSAY AND MARIA RAVESTEIN. BOTH RETIRED.

I WOULD LIKE TO NOTIFY RDCK OF MY STRONG OPPOSITION FOR ANY CHANGES TO THE LAND USE BYLAW AMENDMENT BY THE APPLICANT.

THE CHANGES WOULD DEVALUE OUR PROPERTY AND FURTHER CHANGE THE RESIDENTIAL STATUS OF THE AREA. THE OWNERS DO NOT LIVE IN THE AREA AND THEREFORE HAVE NO INTEREST IN THE AREA EXEPT FOR PROFIT.

SINCERELY EUGENE JOSAY



Zachari Giacomazzo

From: Tom Klein [REDACTED]
Sent: November 17, 2024 9:03 AM
To: Zachari Giacomazzo; Planning
Subject: Response to Spearhead proposal

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

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

Hi Zachari,

My name is Tom. I own the property at 4608 Starlight rd. As you know, Spearhead has recently proposed to rezone 3 lots to the East of our property. This new rezoning would make our property the only adjacent property to this new change. I recently had a look at the site plan for the proposal. The scale of this project is significantly more than I expected after reading Spearhead's letter that arrived in the mail a few weeks ago. The impact that this rezoning will have on our property and daily lives is undoubtedly large.

The location of our house on the property and the proposed new industrial structure will make it so we will be living in very close proximity. When I purchased the property, I noted that there was industrial activity several lots to the east. I concluded that there was enough of a buffer there as the lots to the East of us are zoned for residential purposes. Based on this I felt assured that I would never have to live next to an industrial site. Had I known that this proposal was possible, I would have never considered buying this property. Now, it appears that I will be living adjacent to an industrial zoned area. Already, with this proposal in action, the face value and appeal of this property has plummeted. I can't help but feel like we are going to be squeezed out of our quiet neighbourhood. Should this happen, we will have a hard time selling the property for what it *was* worth before this proposal was put forth. The bottom line here is that we do not want to live next to an industrial zoned area. No shielding or fence is going to hide a structure of that size from us. Our house is situated at the edge of a large cliff that looks over the proposed structure that will be similar in size to our entire lot. We already hear noise from the current operations of Spearhead. The noise is minimal as there is lots of space to drown it out. Now that activity will be within 100' of our house. No soundproofing or vegetation is going to drown out that type of noise.

Another major concern is the proximity of our water well to the proposed building site. A significant amount of bedrock will have to be removed in preparation for this new structure. This means blasting the bedrock to remove it. There is a risk here of disrupting the ground water. Our well is within 55' of the new building site. What if our well is affected by this site work?

In conclusion to this initial response, I would like to say that I do not want to hinder any development plans, whether it be residential or commercial. However, the scale of this proposal is gargantuan when you look at the surrounding neighbourhood and area. It is such that it puts us uncomfortably close to this activity. I can't help but feel like it is going to negatively affect our daily lives. So where does that leave us? Where do we go from here? What voice do we have in this? We are just one family that happens to be living very close to someone's multi million dollar dream. Should the project move forward, how can we be compensated for this profound change?

I hope you can address this and we can come to some sort of agreement. Right now I do not know what that is. I would like to hear from you (the RDCK) with what our options are and how they can be mitigated. I feel like our situation is much different than the rest of the neighbourhood. I have also sent an email to Ben Hall, asking him to meet me in person so we can discuss this further, as neighbours.

I hope to hear from you soon,
Tom

Zachari Giacomazzo

From: stardes [REDACTED]
Sent: November 11, 2024 11:34 AM
To: Planning
Cc: [REDACTED]
Subject: re zoning proposal for Starlight road lots.

You don't often get email from [REDACTED] [Learn why this is important](#)

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

To: Zachari Giacomazzo,Planner

Development and Community Sustainability services

R.D.C.K

November 11, 2024

Re: Re-zoning proposal.

We are writing to express our disapproval and disappointment with the re zoning proposal of lots 4612, and 4614 on Starlight road.

When we purchased our property at 4609 Starlight road, in 2001, we did so believing we were establishing ourselves in a residential area. Had we known the zoning was going to change and that the neighboring semi industrial business would expand we would not have purchased it.

We already have experienced a spring summer and fall of extensive dump truck traffic, and blasting, during the first expansion of the Spearhead business. The noise, traffic and dust pollution was high and this was not the kind of peaceful enjoyment life style we expect. Although the business was expanding on its own lot, they used their upper property, which we believe is also zoned residential, to store all the material excavated during their building. We don't believe that this next business expansion will restrict itself only to the lots in question, and that further expansion is likely, as well as the subsequent use of the upper lot. Also the lots on Starlight road both have driveways from that road and Spearhead will likely be accessing their properties from them. It may not be actual shipping and receiving but will necessarily be business related access. This type of traffic is far greater in volume then usual resident traffic. Our residential neighborhood will then be surrounded by a semi industrial business, with its noise, visual and air pollution. The final band of trees separating us from the highway will disappear and the noise and visual impact from the highway will be significant. We will no longer

be residing in a residential neighborhood and the impact of that fact on the value of our home will certainly be negative to say nothing of the quality of the quiet life we had expected when we purchased our property. (We certainly expect that our property taxes should reflect that fact when it unfolds)

We understand and agree that Spearhead is a worthwhile business, mindful of the community with the goal of minimizing the impact of their expansion, but possibly their current location is inadequate. Rezoning the lots on Starlight road opens the door to any other semi industrial business should Spearhead move its location, one that might not be as environmental and community minded. As a mitigating factor we would welcome any guarantee that Starlight road will never be used for industry traffic if such regulation exists and can be enforced.

We see many examples of semi industrial businesses that have been allowed to invade residential neighborhoods in the RDCK district, such as the lumber yard on the upper Balfour road and the usage of Annabelle road by dump trucks to access a gravel pit. This does nothing to build our trust that RDCK has all its residents interests in mind and that, furthermore, they favor business development interests over housing needs, and the right homeowners have to a peaceful and undisturbed home.

Anne Desjardins

Jack Starr

4609 Starlight Road.



Zachari Giacomazzo

From: Pedram Sheirzad [REDACTED]
Sent: November 14, 2024 8:38 AM
To: Zachari Giacomazzo
Subject: Application Z2410F

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from [REDACTED] [Learn why this is important](#)

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

Hi Zachari,

What type of glue will they be using for the production of the gluelam beams?

Phenol resorcinol formaldehyde adhesives

are the most common but which glue will they use. These adhesives are highly toxic until they are cured. We live within breathing distance of the glue constantly being cured. What is their method for capturing the fumes before they are released into the atmosphere? How many hours per week will they be venting?

Thanks,
Pedram Sheirzad

Zachari Giacomazzo

From: Ursula Lowrey <[REDACTED]>
Sent: November 26, 2024 2:50 PM
To: Zachari Giacomazzo
Subject: Spearhead rezoning

You don't often get email from [REDACTED] [Learn why this is important](#)

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Dear Sir,

Regarding the proposed rezoning of three lots adjacent to the Spearhead Advanced Timber facility located at 4655 Hwy 3A, I have some concerns. Since we moved to this residential neighbourhood in 1986, we have seen a number of changes away from its quiet residential character. While Spearhead is not heavy industry, they have created noise and air pollution in the past. While they seem to have remedied these problems now, I am somewhat concerned that additional growth of this facility may cause more noise, air, or water pollution. Our household is dependent on ground water from a shallow well, and the facility is close enough that we are certainly exposed to any noise and air pollution they may emit. My other concern is that all businesses seem to be interested in continuous growth. I sincerely hope that after this current proposal, they will not sprawl farther onto other residential lots. The work they do is innovative and good employment, so as long as they can keep it contained, I shouldn't object.

There is other industrial creep in our neighbourhood. Two lots along Crescent Road have been stripped of their trees and large "shops" or "warehouses" have been erected. Starlight Tool Services at 4655 Crescent Road has piled up much unsightly material in front of the house. 12 Mile Storage has expanded far up the mountainside. Even Kokanee Creek Provincial Park next door has "paved paradise, put up a parking lot" and expanded their campground to within 100 meters of our home.

I realize that this area has very limited flat land to build on. And I don't want to be a "NIMBY". But I would hate to be surrounded by an industrial park since we moved here expecting to live the rest of our lives in a quiet residential neighbourhood.

Thank you for allowing me to express my concerns.

Yours sincerely,
Ursula Lowrey
4718 Robertson Road
Nelson, BC V1L 6N4

Zachari Giacomazzo

From: terry lowrey [REDACTED]
Sent: November 26, 2024 7:20 PM
To: Zachari Giacomazzo
Subject: Re: RDCK FILE NO,: Z2410F

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

November 26, 2024

Attention: Zachari Giacomazzo, Planner RDCK

As per our conversation regarding the Spearhead Timberworks proposed rezoning of Country Residential (R2) lots to Comprehensive Development (CD) along Starlight Road and Highway 3A in order to authorize the "expansion" of an existing workshop for custom timber milling: It is not an expansion (as indicated) of the workshop but an entirely new stand-alone structure dwarfing anything presently there. I feel the proposal is not being represented fairly and is misleading in its magnitude.

My main concern with the expansion is the long range but hitherto not discussed plan to use waste wood in a Biomass Cogeneration Plant or Wood Fired Boiler on site. This information came to light in conversation with the owner and the manager of Spearhead. Both devices burn wood to create hot water or steam. Regardless of the industry hype being heaped on them, both are very polluting systems. When wood is used to heat water, the water inevitably cools the combustion chamber temperatures, resulting in incomplete combustion and increased emissions. The pollutants include fine particulate matter (PM), nitrogen dioxide (NO2), carbon monoxide (CO), sulfur dioxide (SO2), and a host of other hazardous air pollutants such as arsenic, chromium, mercury, and dioxins/furans.

This is a totally unacceptable development coming from this proposal and therefore unless guaranteed assurance can be given that no Biomass Cogeneration Plant or Wood Fired Boiler will be installed, I must oppose the granting of the rezoning proposal.

If this isn't possible, then I request that RDCK implement guidelines/regulations restricting the use of these devices/systems in residential areas, certainly in the Kokanee Creek/Crescent Beach area. Unlike wood burning stoves for home heating, Biomass Cogeneration Plants generally operate 24/7, compounding the pollution problem year round. The health effects impact the well being of the public at large but particularly those with respiratory illness, heart conditions, asthma, and can even result in birth defects, neurodegenerative diseases and death, among many other health impacts. In general the smoke from these wood burning devices is unhealthy. This is well known and acknowledged by the Ministry of Environment of British Columbia. These devices should be banned outright!

In closing I ask that this concern be addressed and restrictions on installing either a Biomass Cogeneration Plant or Wood Fired Boiler on site be part of the granting of the rezoning application.

Sincerely, Kenneth
Lowrey

4718 Robertson

Road

Nelson, B.

C.

V1L6N4

[REDACTED]

Zachari Giacomazzo

From: Lisa Bramson [REDACTED]
Sent: November 26, 2024 9:39 PM
To: Zachari Giacomazzo
Subject: Spearhead Zoning application

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Hello,

Thank you for receiving “late “ input. We were waiting for Ted Hall to schedule the site visit he invited us to. We just had the visit and have also walked the proposal areas.

Spearhead has mostly been a decent business in our residential neighborhood. I understand their growth plans and needs. However, the new construction will be 5 times as large as the existing main building. This means removal of trees, which otherwise buffer highway noise. We don't support commercial operations including truck traffic in the residential neighborhood of Starlight Road.

We feel that the people on Starlight Rd who bought property in the middle of a rural residential area would be negatively impacted by the proposed development to the extent that it would no longer allow them to enjoy the rural aspects that existed when they bought the property.

Thank you for considering this input. We live on Robertson Road, off Crescent Road, which is across from the Spearhead site, so this development proposal is in our neighborhood.

Sincerely,

Lisa Bramson and Gusti Callis
4722 Robertson Road
Nelson V1L6N4

Zachari Giacomazzo

From: Ben Hall [REDACTED]
Sent: November 14, 2024 4:59 PM
To: Zachari Giacomazzo
Cc: Ted Hall; Josh Hall; Ken Foot; Noam Ironi
Subject: Fw: Expansion - plant visit
Attachments: LOCTITE HB X PURBOND products (statement VOC content).pdf; GREENGUARD Gold Certification 227797-420_Loctite HB X.pdf

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Zachari,

See below for a very supportive and enthusiastic follow-up email after Bryon and Sue visited today. They are our neighbours on Starlight Road.

Does this constitute a 'letter of support' or should we request a formal letter?

Regards,
Ben

SPEARHEAD

Ben Hall - Partner, Project Manager

Office [REDACTED]
Mobile [REDACTED]
www.spearhead.ca



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From: Ben Hall [REDACTED]
Sent: November 14, 2024 4:54 PM
To: Bryon Brideau [REDACTED] Josh Hall [REDACTED]
Cc: Ken Foot [REDACTED] Ted Hall [REDACTED]
Subject: Re: Expansion - plant visit

Bryon, Sue,

Thank you for taking the time to come and see us today. It was a pleasure meeting you, and I am glad to hear you found the visit worthwhile.

Your engagement, interest, and perspective are certainly appreciated.

Please feel free to reach out as any additional questions come up.

We touched briefly on glues while you were here. I have attached the Greenguard Gold certification as well as a statement from Henkel on the zero VOC nature of the glue. In two weeks, I will be visiting Henkel's main lab in Switzerland as we explore their research on bio-based glues and how we can bring them into practice. Impressive how far the technology has come!

Warm Regards,
Ben

From: Bryon Brideau [REDACTED]
Sent: November 14, 2024 3:40 PM
To: Josh Hall [REDACTED]
Cc: Ben Hall [REDACTED] Ken Foot [REDACTED]
Subject: Expansion - plant visit

Sue and I would like to thank everyone for taking the time to reach out to us and explain what the plant expansion and related activities will entail. We were genuinely impressed by scope and quality of Spearheads work as seen during the tour. Everyone was friendly and very relaxed.

Nice to have a local company that recognizes the importance of the workforce and community. Very European.

Again thanks and if there is anything from our end I could do for your group, it would be my pleasure.

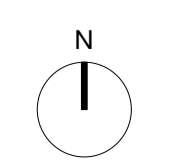
Best regards

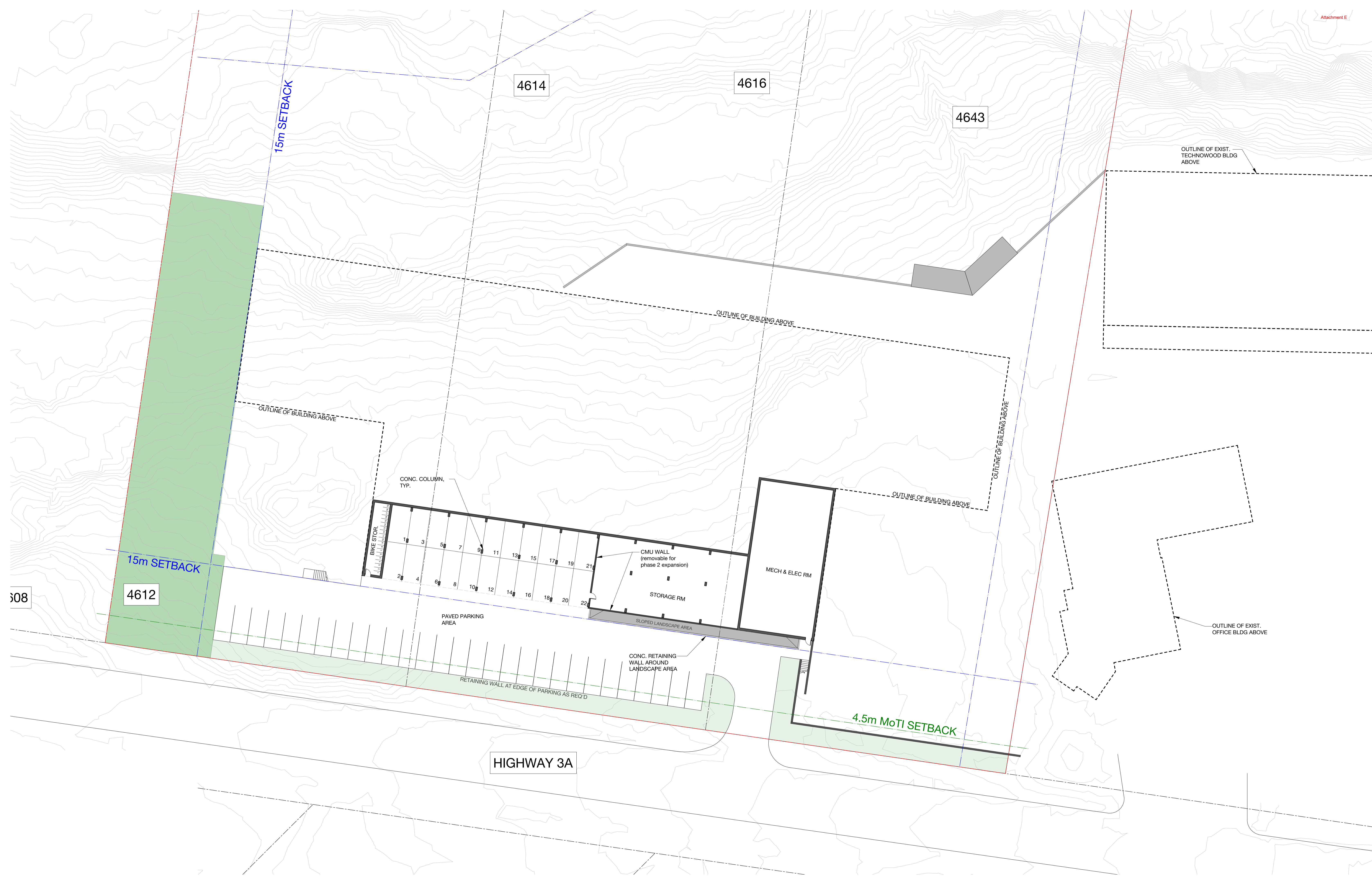
Bryon Brideau
Cell [REDACTED]

PS: I did not have Ken's email so please if the address is incorrect forward this note to him.
Sent from my iPad



NOTE:
 WHERE ACCESS / LOADING ROUTES &
 PARKING ARE SHOWN ON ADJACENT
 PROPERTY, IT IS UNDER THE SAME
 OWNERSHIP AND COVENANTS WILL BE
 REGISTERED ON THE SITE AS REQUIRED.

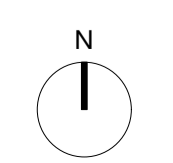


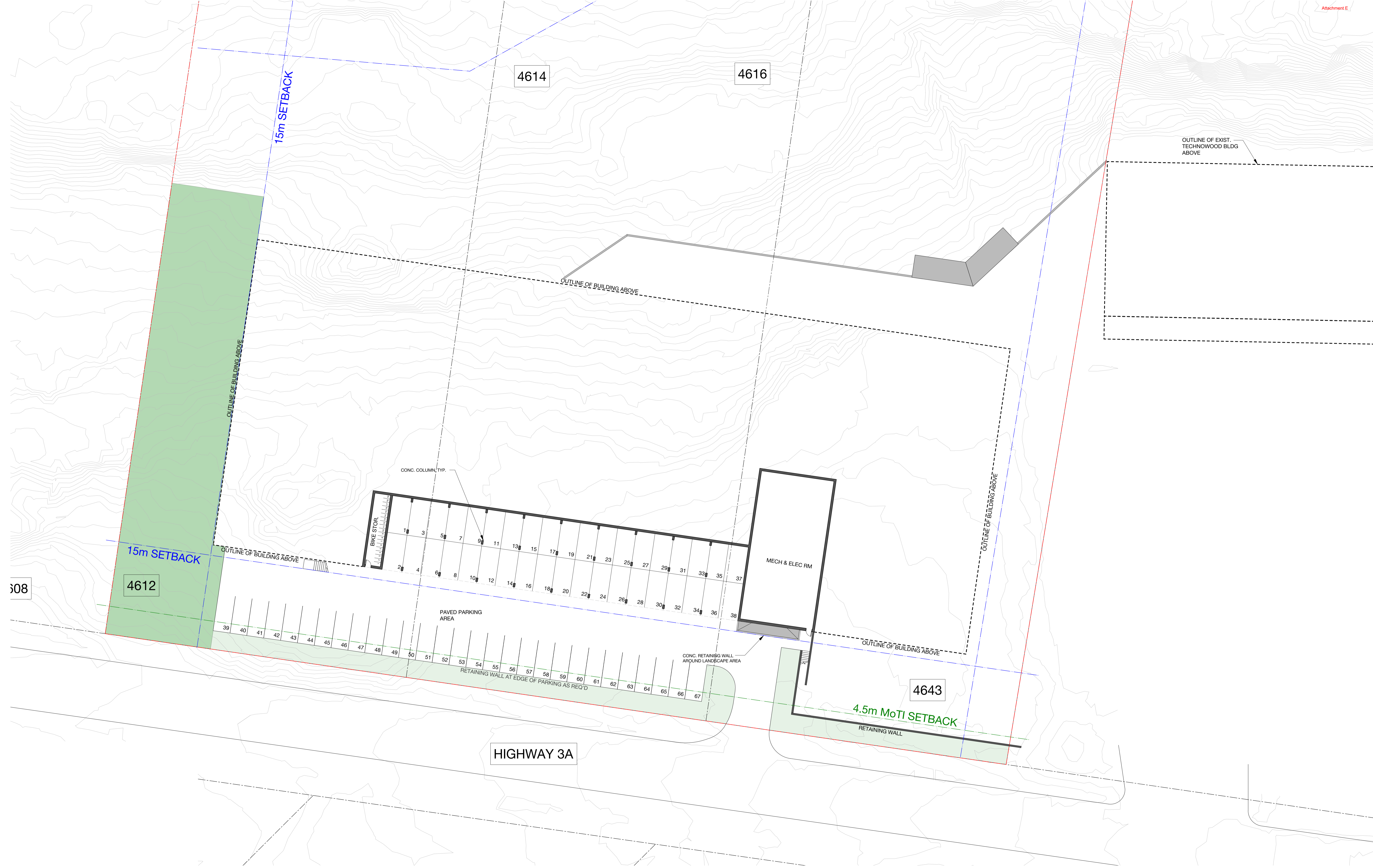


508



NOTE:
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 PROPERTY, IT IS UNDER THE SAME
 OWNERSHIP AND COVENANTS WILL BE
 REGISTERED ON THE SITE AS REQUIRED.





508

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OWNER:
 NAME OF OWNER HERE

Spearhead Expansion

4655 Highway 3A,
 Nelson, BC V1L 6N3

NOT FOR CONSTRUCTION

2	241015	Issue for OCP and Zoning Amendment
1	241010	Proposed CD
ISSUE	DATE	DESCRIPTION

REGISTERED ARCHITECT
 NELSON P. ROCH
 BRITISH COLUMBIA

PROJECT #: 231106
 DRAWN BY: AW
 CHKD BY: NR
 COPYRIGHT: 2024 STUDIO 9 ARCHITECTURE + PLANNING LTD.

CD Zone
A103
 SCALE: 1 : 1500

REQUESTED DEVELOPMENT REGULATIONS

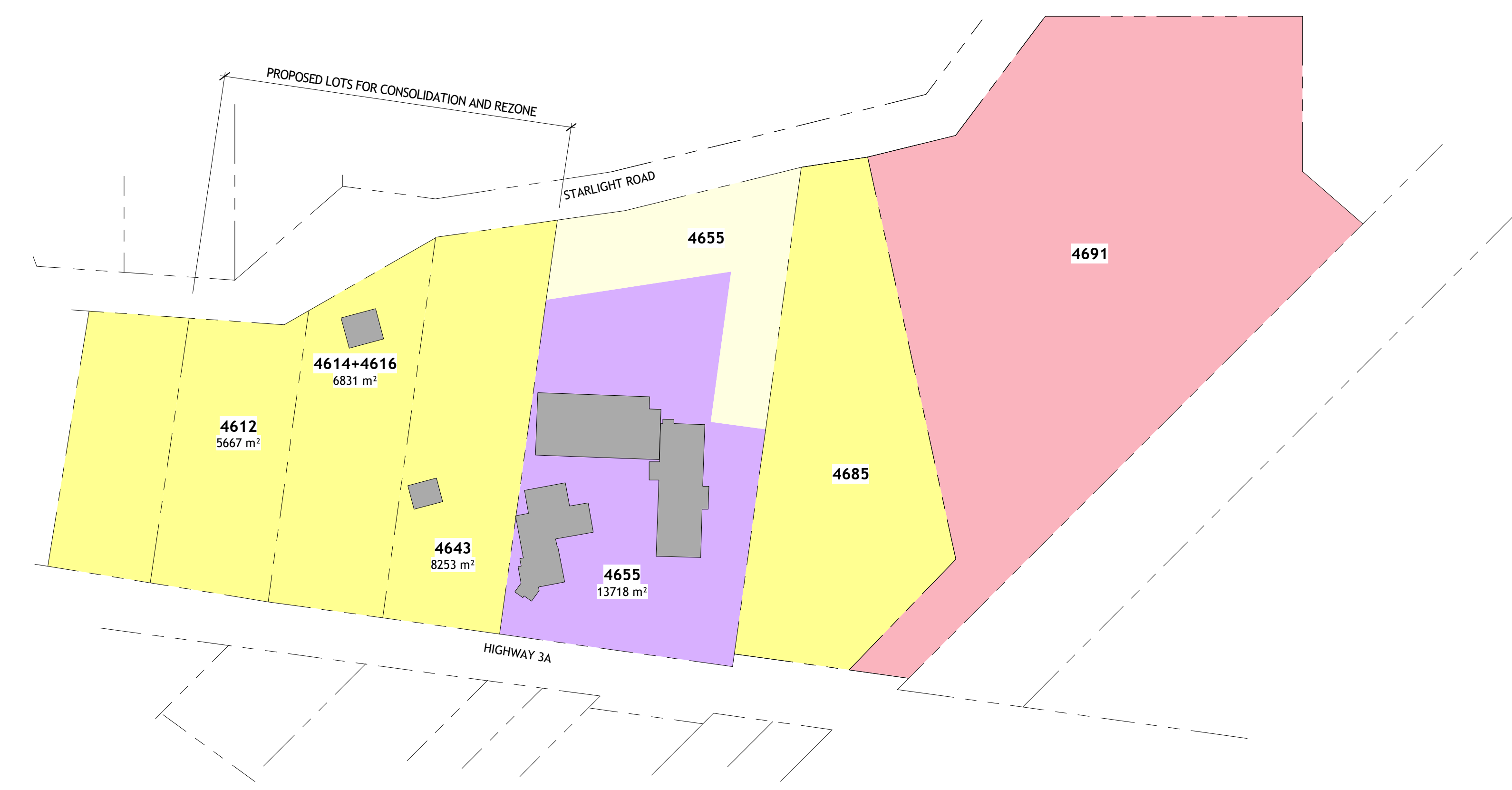
Permitted Uses
 Land, buildings and structures in the proposed Industrial CD zone shall be used for the following purposes only:

Commercial Workshops:
 Machine Shops
 Construction, Sales, Repair and Storage of:
 Prefabricated Buildings
 Wood Product Manufacturing
 Office
 Day Care Facility

1 The maximum site coverage permitted shall be 50 percent of the lot area.
 2 Excepting a fence, no building or structure may be located within:
 a. 15 meters of the front lot line
 b. 15 meters of the rear lot line
 c. 7.5m of the interior side lot line; or
 d. 15 meters of a rear or interior side lot line that abuts an agricultural or residential zone.
 3 The maximum height of any structure on a lot shall be 15 meters.
 4 Landscaping shall comply with the requirements of sections 621 and 622.
 5 An Industrial Development Permit is required for developments on Industrial zoned land.

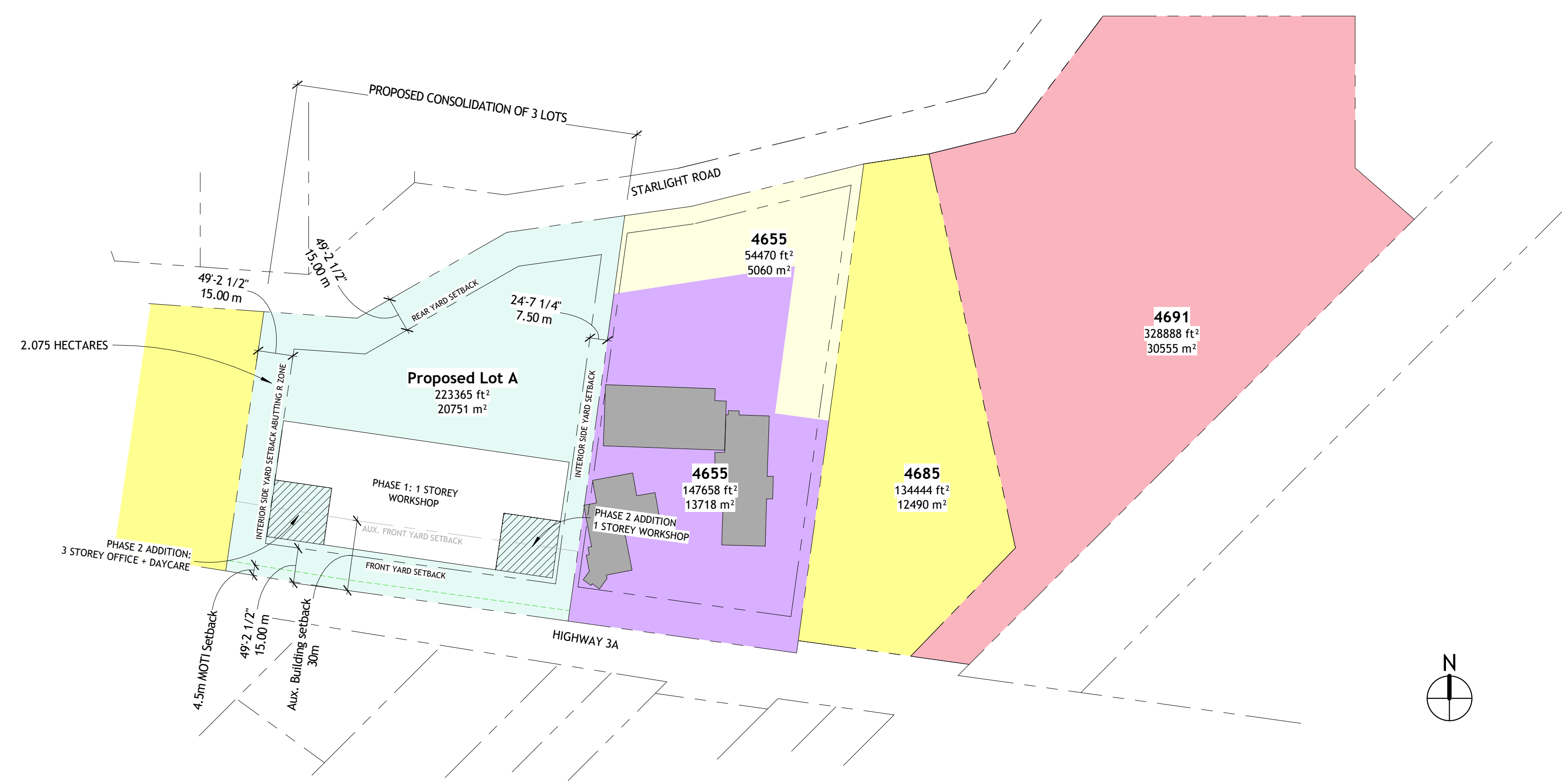
Zoning Legend

- C2
- CD
- M1
- R1F
- R2



1 Existing Zoning.
 1 : 1500

PROJECT DATA		
Legal Description	LOT 5, LOT 4 & LOT 3, PLAN NEP2449, DISTRICT LOT 790, KOOTENAY LAND DISTRICT	
PID	015-282-228/015-289-567/015-289-559	
Land Use	NONE/DUPLICATION/SFH	
Development Permit Area	AREA F	
Zoning	Custom Light Industrial (Proposed) - Change from R2	
ZONING REQUIREMENTS		
Item	Required	Proposed
Parcel Size and Coverage		
Parcel Area	20751m ² (2.075 H)	
Parcel Width	146.2 m	
Site Coverage	50%	
Principal Buildings		
Setbacks		
front yard	15 m	
rear yard	15 m	
interior side yard that abuts agricultural or residential	15 m	
interior side yard	7.5 m	
Height (maximum)	15 m	
Auxiliary Buildings		
Setbacks		
front yard	30 m	
rear yard	15 m	
interior side yard that abuts agricultural or residential	15 m	
interior side yard	7.5 m	
Height	15 m	
Parking		
Number of spaces		
Industrial (7,294m ²)	1.5 spaces per 100m ² of GFA, 1 space/employee plus one for every commercially licensed vehicle for that address (110 total)	1 for every person expected to be working at the facility (30)
Childcare Center (67m ²)	4.4 spaces per 100 m ² GFA (3 total)	1 for every person expected to be working at the facility (2)
Office (1,003m ²)	3.4 spaces per 100m ² of GFA (33 total)	1 for every person expected to be working at the facility (33)
Total	146	65 (+19 for adjacent lot) = 84
Number of accessible spaces	provide one (1) disabled person's parking space for every ten (10) parking spaces required (8 total)	1 for every 100 spaces (per BCBC) x2 = 2
standard	2.6 m x 5.8 m x 2.2 m (wxbh) Adjacent to Wall 3.2 m x 5.8 m x 2.2 m (wxbh)	Abv. Grade 2.75 m x 6 m x 2.2 m (wxbh) Below Grade 3.05 m x 6 m x 2.675 m (wxbh) Below Grade (adjacent to wall) 3.2 m x 6 m x 2.675 m (wxbh)
accessible	2.4 m-1.5m aisle x 5.4 m x 2.2 m (wxbh)	2.4 m-1.5m aisle x 5.4 m x 2.2 m (wxbh)
Parking provided for an alternate parcel	Where some or all of the off-street parking is provided on a parcel other than that on which the use, building or structure being served is located, a covenant under Section 219 of the Land Title Act must be registered in the Land Title Office in favour of the Regional District of Central Kootenay against the parcel to be used for parking, reserving the off-street parking spaces that are not on the same parcel as the use, building or structure that they are intended to serve, for as long as that use, building or structure exists.	19 Spaces to be registered for existing facility - PARCEL A, PLAN NEP2449, DISTRICT LOT 790, KOOTENAY LAND DISTRICT, (BEING A CONSOLIDATION OF LOTS 1 & 2 SEE CA5564282)PID: 029-966-574-



2 Proposed Development
 1 : 1500

Zachari Giacomazzo

From: HBE [IH] <HBE@interiorhealth.ca>
Sent: November 27, 2024 10:44 AM
To: Planning
Subject: RE: RDCK Referral - Proposed Bylaw Amendment Application Z2410F

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Good day Zachari,

Thank you for the opportunity to provide comments for consideration regarding the above referenced application. It is our understanding purpose of the proposed land use bylaw amendment application is to rezone the subject lands from Country Residential (R2) to Comprehensive Development (CD) and amend the land use designation from Country Residential (CR) to Comprehensive Development (CD) in order to authorize the expansion of the existing wood product manufacturing business. We also understand that this property is currently serviced by onsite drinking water (e.g. a well) and wastewater disposal (sewerage system).

Please note that this referral has been reviewed from Healthy Community Development and Environmental Public Health perspective, and the following comments are offered in consideration of both phases (1 and 2) of the proposed development for your consideration. Based on the current application and information provided by the Regional District of Central Kootenay, we do have some concerns with this proposal. Our rationale is provided below.

Community Planning, Density and Services

[Healthy Built Environment \(HBE\)](#) is a term used to describe community environments which population health research has demonstrated are linked to improved health outcomes at the population level. From this perspective, it is important that workplaces be relatively close to where people live so that fewer resources are used for transportation (lowering living costs), and people have the opportunity to be more physically active and social. This supports reduced chronic diseases, increased mental health and overall well-being. Best practice is to guide that industrial areas are located close, but not too close, to residential areas. However, agreeing on suitable locations for industrial use within a community is often difficult because these uses are often not compatible with other uses (e.g. noise, dust and heavy machinery near residential or commercial uses).

We do acknowledge that having a robust and diversified economy is very important for supporting the health of community members because when families have stable, well-paid jobs they are better able to achieve what they need to live a healthy life (e.g. stable, suitable housing, adequate healthy food, education, recreation, etc.).

Community planning must be conducted carefully to limit the production of, and exposure to air pollution, noise pollution and other environmental hazards. Housing proximity to dense, busy areas or industrial sites is also related to noise levels inside the home. Residents in small and medium-sized communities can be affected by noise exposure where residential areas are located close to dense, busy areas such as roadways and industrial areas. Higher levels of noise exposure are associated with sleep disturbance, fatigue, and other mental and physical health problems.

We note that the proposed expansion of the existing wood product manufacturing business (industrial operation) is located in an area the is primarily zoned and designated residential, with some limited commercial. This would be a significant change to the local are community / neighbourhood area and may create conflict between the different land users because of their incompatibility.

Drinking Water

A cornerstone of healthy built rural development is keeping drinking source water and potential contamination sources (far) apart. Drinking water is more reliably safe when there are more safeguards in place from source water to tap. Ensuring source water is free from contaminants is a very important safeguard. We note in the case of this application, this consideration would appear to be even more paramount from a community planning perspective, understanding that there are 2 groundwater aquifers located in the proposed development, one (Aquifer 1018) being considered moderately vulnerable, while the other (Aquifer 994) being considered highly vulnerable. Please see the images below for more detailed information on each of them.

Aquifer Search

Basic Search

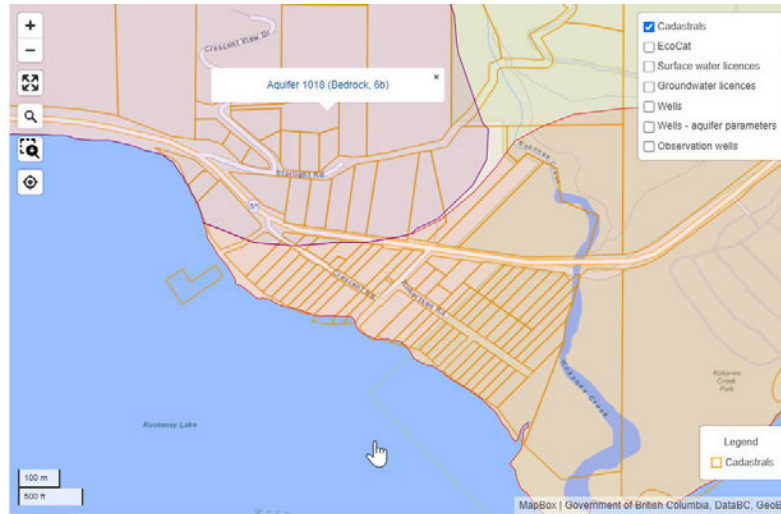
Search by aquifer name or number (leave blank to see all aquifers)

Advanced Search

- Any field match All field match
- Advanced mapping
- Aquifer notations
- Aquifer parameters
- Drilling and operation advisory
- Groundwater surface water interactions
- Numerical model
- Other information
- Water budget

Download all aquifers

- [Aquifer extract \(XLSX\)](#)
- [Aquifer extract \(CSV\)](#)



Showing 1 to 1 of 1

Aquifer number	Aquifer name	Descriptive location	Material	Litho stratigraphic unit	Subtype	Vulnerability	Size-km ²	Productivity	Demand	Year of mapping
1018	1018	Crescent Bay	Bedrock	Granodioritic rock; Nelson Batholith Group; Mesozoic Era	Fractured crystalline bedrock	Moderate	8.4	Moderate	Low	2012

Aquifer Search

Basic Search

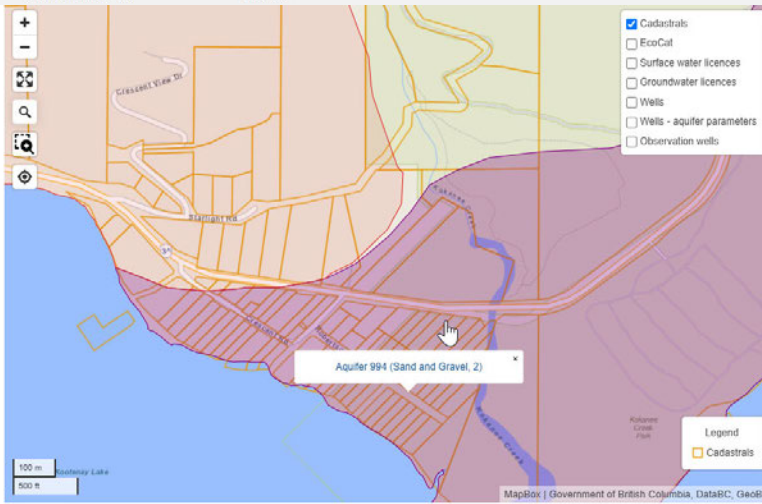
Search by aquifer name or number (leave blank to see all aquifers)

Advanced Search

- Any field match All field match
- Advanced mapping
- Aquifer notations
- Aquifer parameters
- Drilling and operation advisory
- Groundwater surface water interactions
- Numerical model
- Other information
- Water budget

Download all aquifers

- [Aquifer extract \(XLSX\)](#)
- [Aquifer extract \(CSV\)](#)



Showing 1 to 1 of 1

Aquifer number	Aquifer name	Descriptive location	Material	Litho stratigraphic unit	Subtype	Vulnerability	Size-km ²	Productivity	Demand	Year of mapping
994	994	Kokanee Point	Sand and Gravel	Fluvial sand & gravel deposits	Unconfined sand and gravel - deltaic	High	1.2	Moderate	Moderate	2012

We note that with the aquifer identified as 994 being highly vulnerable (aquifer has little natural protection against contamination introduced at the ground surface), any additional development should be carefully assessed. We are aware of smaller communities or settlement areas in the BC interior that have been developed / densified based on onsite services (wells and septic systems), and that over time have experienced the groundwater in the aquifer being impacted or contaminated. This can lead to the drinking water for all users not being considered safe to consume or use, and/or expensive solutions required to fix and treat it.

Regarding the proposed expansion of the wood product manufacturing business, it makes mention in Phase 2 of developing a daycare. For the applicants information, any public facility (or open to the public, e.g. the children attending the daycare and the staff working at the daycare) on it's own water source is considered a water supply system under the [Drinking Water Protection Act](#) and [Regulations](#). More information on permits or approvals required to provide drinking water to consumers can be found on our public website here [Drinking Water Providers & Operators | Businesses | IH \(interiorhealth.ca\)](#).

Sewerage Disposal

Any home or building that is not connected to a community sewer system needs a method for getting rid of human waste. All buildings with indoor plumbing must have a sewerage system in compliance with the [BC Sewerage System Regulation](#). Ensuring there is enough unencumbered space (undeveloped, untouched and left available in perpetuity) for a primary and reserve disposal system is a critical consideration for any proposed development on it's on disposal system. More information on constructing a new or expanding an existing sewerage disposal system can be found on our public website here [Sewerage, Subdivisions & Healthier Industries | IH \(interiorhealth.ca\)](#).

Based on the above healthy community development and population health comments and perspectives, we recommend that the Regional District of Central Kootenay carefully consider whether to support amending the land use designation and rezoning of the subject lands given the concerns we've identified. 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.

If you have any questions or require additional information, or would like to discuss our response further, please feel free to email me directly at hbe@interiorhealth.ca.

Regards,

Mike Adams (he/him/his)

Team Leader, Healthy Community Development
Interior Health

c: [Redacted]
p: [Redacted]
e: [Redacted]
www.interiorhealth.ca



Interior Health

Interior Health would like to recognize and acknowledge the traditional, ancestral, and unceded territories of the Dākelh Dené, Ktunaxa, Nlaka'pamux, Secwépemc, St'át'imc, Syilx, and Tsilhqot'in Nations where we live, learn, collaborate and work together.

From: Planning <PlanDept@rdck.bc.ca>

Sent: Wednesday, October 23, 2024 2:38 PM

To: Planning <PlanDept@rdck.bc.ca>

Cc: [Redacted]

Subject: RDCK Referral - Proposed Bylaw Amendment Application Z2410F

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Good Afternoon,

Attached is a referral package for the above noted file.

Please return your comments, if any, to plandept@rdck.bc.ca prior to November 22, 2024.

Kind regards,

Zachari Giacomazzo | Planner

Regional District of Central Kootenay

Phone: 250.352.8190 | Fax: 250.352.9300

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rdck.ca



Committee Report

Date of Report:	November 27, 2024
Date & Type of Meeting:	December 11, 2024 Rural Affairs Committee Meeting
Author:	Stephanie Johnson, Planner
Subject:	Sentinel Mountain (Electoral Area I) Official Community Plan Review – Initial Consideration
File:	10-5100-20-I-OCP
Electoral Areas:	I

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to provide the Regional Board with an overview of the key changes recommended in the Sentinel Mountain Official Community Plan (OCP) for Electoral Area I following the final phase of public consultation and receipt of stakeholder referral comments for initial consideration.

The Sentinel Mountain OCP and associated mapping, was created based on land use planning best practices, extensive community engagement opportunities, workshop sessions with the Area I Advisory Planning and Heritage Commission (APHC), referral responses received from government agencies and internal RDCK departments before seeking additional input via the statutory public hearing requirement.

Staff recommend that the Regional Board consider first and seconding readings of the new Sentinel Mountain OCP, and the following applicable amending bylaws: removal of those relevant references to Electoral Area I in the *Kootenay-Columbia Rivers OCP Bylaw No. 1157, 1996* and addition of new Development Permit Areas (DPAs) for Area I only in the *RDCK's Zoning Bylaw No. 1675, 2009*.

SECTION 2: BACKGROUND/ANALYSIS

2.1 BACKGROUND

The *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157* was adopted in 1996, and commencement of the Electoral Area I OCP review project started in 2016. Work including community engagement took place in 2016 and 2017. The OCP update was paused to collect further information on the Shoreacres aquifer and Brilliant Head Ponds riparian area, and then due to the COVID-19 pandemic. In addition to the above studies, the RDCK also completed some region wide projects, such as, flood mapping, a Housing Needs Assessment and Community Heritage Register, which this OCP speaks to in its proposed policy direction. Other more recent projects, have also been incorporated to the Plan including, the RDCK's Housing Action Plan, Riparian Protection and wildfire Development Permit(s) consideration and the recently completed Castlegar to Nelson Active Transportation Corridor feasibility study relevant to Area I.

In collaboration with the Local Area Director and APHC for Area I Planning staff revised the work and engagement plans to relaunch this project in the fall of 2022. At the December 8, 2022 Open meeting the Board resolved to “direct staff to undertake the proposed engagement activities for the Area I Official Community Plan Update as described in the Area I Official Community Plan Update – Engagement Plan report dated November 24, 2022”.

On June 14, 2023, the Board received the “*What We Heard Report*” detailing all of the community feedback and information collected to date prior to the drafting of the OCP for information (Attachment D).

The project work plan for the OCP re-launch was broken up into five phases. This project is currently in **Phase 4 Finalize and Implement**.

Phase 1 Project Re-introduction: COMPLETE

- created continued awareness of project (and understanding of what an OCP is);
- re-established communication channels;
- re-initiated ongoing conversations; and,
- determined the best ways to continue engagement.

Phase 2: Snap Shot of Current Conditions and Determining a Path Forward: COMPLETE

- presented available baseline data, including land use analysis and best management practices;
- continued to gather information from technical advisors;
- aligned existing plans/projects/priorities; and,
- obtained feedback on draft policy directions for each theme.

Phase 3: Review and Refinement: COMPLETE

- sought feedback on draft policies and future land use scenarios;
- On November 6, 2023 a community open house was held to present the draft policies proposed in the new Area I OCP for community feedback; and,
- evaluated alternatives revising as required based on preliminary referral feedback.

Phase 4: Finalize and Implement – Fall/Winter 2024 - Active

During Phase 4 staff will meet its formal engagement requirements by advertising and hosting a public hearing.

Phase 5: Project Closure staff will inform the Regional Board’s decision through communication channels, providing a project debrief and thank you to the community and stakeholders.

2.2 DISCUSSION

Required OCP Content

The authority and requirements for an OCP can be found in Part 14, Division 4 of the *Local Government Act (LGA)*. An OCP is intended to be a statement of “*objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government,*” and “*to the extent that it deals with these matters, an OCP should work towards the purpose and goals referred to in Section 428 (‘purpose of a regional growth strategy’) of the LGA*”. An OCP sets out a clear vision for how the Plan area will grow and develop over the next 25 years and guides decisions on planning, land use and community services.

Pursuant to the above legislation, there are topics an OCP **must** include statements on, and topics that an OCP *may* include statements on. An OCP **must** include statements and map designations for the following:

- Approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least five years;

- Approximate location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
- Approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
- Restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
- Approximate location and phasing of any major road, sewer and water systems; and,
- Approximate location and type of present and proposed public facilities, including schools, parks and waste treatment and disposal sites.

Since 1992, OCPs have also been required to include housing policies of the local governments respecting affordable housing, rental housing and special needs housing. OCPs must also include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets.

Optional OCP Content

In addition to the mandatory context prescribed in Section 473 of the *LGA*, Section 474 expressly permits, but does not require, the inclusion of several other matters in an OCP:

- Policies relating to social needs, well-being and social development;
- Policies respecting the maintenance and enhancement of farming on land in a farming area or in an area designated for agricultural use in the community plan;
- Policies relating to the preservation, protection, restoration and enhancement of the natural environmental, its ecosystems and biological diversity;
- Development Approval Information Area(s) designation;
- Development Permit Areas; and,
- Temporary Use Permits.

How was this OCP made?

The making of an OCP is a collaborative process with extensive engagement with the public, local business owners, community associations, non-profits, First Nations, servicing providers, school districts, and other government agencies.

This OCP update is the culmination of an extensive multi-year community engagement process, which included children, youth, elders, community organizations, First Nation members, governments, agencies and partners, have participated in its development. Engagement activities were designed to involve and consult the community on important topics and decisions to guide a shared future for the communities covered in the OCP.

Below is an explanation of the proposed Sentinel Mountain OCP, which is split into 6 parts for ease of use.

Part 1 Introduction

This section provides information on the purpose of the plan, scope, relationship to other plans and policies, and public engagement.

Part 2 The Context for Planning

This section provides important information and context that sets the stage for planning in Area I. This includes the history of the area, important statistics and an analysis of current land use. It also includes important themes provided by the community that need to be addressed in this plan.

Part 3 Vision and Guiding Principles

This section presents a community vision and broad goals that reflect the feedback and priorities of Area I residents and are the guiding principles of this OCP. These goals will be used by the RDCK to help guide future decisions on development proposals, environmental protection initiatives, and infrastructure development in Area I.

Part 4 Objectives and Policies

The objectives and policies laid out in this section pertain to all of Area I and are intended to provide a decision-making framework in relation to development and land use in Area I over the next 25 years. They are organized into 10 different themes from Residential Lands & Housing, Health and Social Wellbeing to Climate Mitigation and Energy to name a few.

Part 5 Development Strategy

This section includes policies on land use that will guide future development. This includes policies for growth management, future land use designations and specific communities.

Part 6 Implementation

This section includes the tools that are used to help implement the policies of the OCP, including Development Approval Information Areas, DPs and TUPs for commercial and industrial uses only.

What's New in this OCP?

Key changes proposed in the new Sentinel Mountain OCP include:

- Updated mapping Schedules A.1 to A.7, including new Community Connections mapping (A.4), Hazard Lands (A.5.1 and A.5.2) and Aquifer Protection Development Permit Area (A.7) maps attached to the Plan.
- Full redesign, modernization and reorganization of the OCP, such as, new formatting, section headings, as well as, incorporation of a new OCP vision, and community themes.
- Inclusion of the Castlegar to Nelson Active Transportation Corridor Vision in Schedule A.4.
- Inclusion of a Temporary Use Permit section explaining that temporary commercial and industrial uses only can be considered within the boundaries of the Plan area through a Temporary Use Permit application (as per OCP Policy 4.7). Based on input received this OCP does not enable “all use” TUPs to include residential uses.
- Targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets consistent with the List of RDCK Climate Action Ideas (2024).
- The following new Development Permits Areas (DPAs) proposed for incorporation in to RDCK Zoning Bylaw No. 1675, applicable for Area I ONLY: **Aquifer Protection***; **Riparian Protection**; and, **Wildfire**.
- The addition of a Development Approval Information Area (DAIA) under Section 485 of the LGA to ensure that appropriate and sufficient professionally-prepared information guides decision making on land use applications.
- Removal of all applicable references to Electoral Area I from the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* via the *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw 2967, 2024*.

* In 2019, a groundwater vulnerability study conducted by WSP Canada Inc. indicated the Shoreacres aquifer is at some level of risk to contamination based on the physical properties of the aquifer and local geography. There are areas of higher risk that may require additional land-use planning to protect the aquifer and the local rivers. There is concern in the community based on the fact that the majority of residents draw their drinking water from the aquifer and there are no community water or wastewater systems. The proposed Aquifer Protection DPA is designed to address this concern.

Implementation and RDCK Zoning Amendment Bylaw No. 2968, 2024

While DPA guidelines have more traditionally been located within OCPs, such as in the case with the current OCP, it has become better planning practice to include DPA guidelines within a zoning bylaw. There are several benefits to including DPA guidelines in a zoning bylaw, including:

- ✓ *Transparency, clarity, and ease of administration.* A zoning bylaw is a regulatory bylaw and DPA guidelines are regulatory in nature. Interested parties (members of the public, property owners, staff, developers, realtors etc.) will be able to reference the applicable zoning bylaw regulations, DPA guidelines, exemptions, and definitions in the same document instead of having to go back and forth between an OCP and Zoning Bylaw.
- ✓ *Update efficiency and harmonization.* The RDCK's Zoning Bylaw(s) receive more frequent reviews and updates, which will allow for a more regular review and update to the DPA guidelines. This will allow staff to respond to evolving best practices, changing conditions and any emergent planning issues. This will also improve link between zoning bylaw regulations, DPA guidelines and enforcement action.

2.3 COMMUNITY ENGAGEMENT

Community input is essential to the OCP planning process. The overall goal of this engagement process was to facilitate meaningful community involvement in addition to meeting our statutory consultation requirements. A summary of the engagement prior to the latest Open House can be found in Attachment 'D'.

Community Survey - 2016

A 'Community Land Use Survey' for Electoral Area I was undertaken in 2016 and **264 members of the public submitted survey responses** with submissions received from respondents living in eight (8) of the identified communities.

Community Workshops and Presentations – 2016-2017

Following the survey, Regional District planning staff held six (6) community workshops with residents of Electoral Area I during the month of November 2016 to celebrate the community and solicit dialogue on the common themes of local land use and economy, social and cultural, natural environment, and parks and recreation. Regional District staff held three (3) community meetings with residents of Electoral Area I during the summer of 2017. **A total of 211 people participated** in the above events.

Advisory Planning and Heritage Commission (APHC) – Fall 2022- Ongoing

The APHC consists of four long time community members. Three new guest advisory members were selected by the Area Director to provide better community representation and additional local feedback for the duration of the OCP review project. The APHC has been providing support on this planning project since the re-launch in fall 2022. An APHC meeting has been scheduled for December 10, 2024. The Area Director and staff will be able to provide a verbal update at the December 11th Committee meeting.

Virtual Community Open House – January 2023

A virtual community open house event was held in the evening on January 26, 2023 to re-launch the OCP review project. **Approximately 26 members of the public attended** this event (due to the virtual nature of this event staff was unable to determine the exact attendance as more than one person attending virtually from the same phone number could have occurred et al.).

Community “Kitchen Table Conversations” – March 2023

The RDCK’s Planning Services team hosted five in-person “Kitchen Table Conversations” in the communities of Pass Creek, Glade, Shoreacres/Voykin Subdivision, Brilliant and Tarrys/Thrums during the first two weeks of March 2023. In total, **over 150 people in 25 groups participated in the kitchen table conversation exercises** whether in-person led by the RDCK’s planning staff or as a self-directed group or individual.

Community Open House – November 2023

On November 6, 2023 a community open house was held from 5:30 pm to 8:30 pm at the Brilliant Cultural Centre to present the draft policies proposed in the new Area I OCP for community feedback. **Approximately 80-100 community members were in attendance.**

Referral Process – July-August 2024

The draft plan was on referral to the public, external agencies and internal RDCK departments from Jul 25, 2024 to August 26, 2024 for comment. After the referral period closed, these comments were reviewed and used to update the draft OCP before the RDCK Board considers first reading of the bylaw. Once the Board has granted first and second readings a public hearing will be scheduled.

Public Hearing – Winter 2025 (tentative)

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

Financial considerations include costs associated with advertising through traditional media in newspapers and/or mail and venue rentals for events in person in phases 3 and 4, including the public hearing. Funding source is Service 104 Planning and Land Use.

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

Section 475 of the *Local Government Act (LGA)* outlines consultation requirements during development of an OCP. The proposing local government must provide one or more opportunities in addition to the Public Hearing it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. In addition, this Plan complies with requirements set out in the following Sections of the *LGA*: s. 473 - *OCP content and process*; s. 476 - *Consultation on planning for school facilities*; and, s. 477 *Adoption procedures for an OCP*.

3.3 Environmental Considerations

This OCP includes policies relating to the preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity, and incorporates a new Riparian Protection Development Permit Area.

3.4 Social Considerations:

This OCP includes policies relating to health and social wellbeing to cultivate healthy, equitable, inclusive, and supportive environments for residents in the Plan area.

3.5 Economic Considerations:

An OCP must include statements and map designations for the approximate location, amount and type of present and proposed commercial, industrial, agricultural and public utility land uses. This OCP anticipates that commercial needs will be accommodated within existing commercial nodes with major commercial development being directed to the City of Castlegar.

3.6 Communication Considerations:

Throughout the OCP review process there have been multiple and iterative opportunities for community, stakeholder, First Nations and agency consultation in accordance with this project’s revised engagement plan. Should *OCP Bylaw No. 2821, 2024* receive first and second readings, a statutory public hearing will be held to obtain public feedback in accordance with the *LGA*.

The draft plan was on referral to the public, external agencies and internal RDCK departments from July 25, 2024 to August 26, 2024 for comment. After the referral period closed, these comments were reviewed and used to update the draft OCP before the Regional Board considers the bylaw. Please find below a summary table of the referral comments received.

Table 1: Summary of Agency Referral Comments Received

Agency	Summary of Comments	RDCK Action
Agricultural Land Commission (ALC)	Acknowledged the RDCK’s Agricultural Policy Review project (2022) and appreciated the Regional District’s strong support for agriculture. The ALC provided comments to ensure that the OCP is consistent with (as required) the <i>ALC Act</i> .	Edits made to text and mapping to ensure consistency with the <i>ALC Act</i> .
Interior Health	<i>“[IH] think[s] this OCP achieves a balance that fits the unique characteristics and geographic setting of rural communities in the Sentinel Mountain area. As such, we support adopting the proposed bylaw”.</i>	No action required.
Ministry of Agriculture	<i>Ministry staff encourage RDCK to consider adopting a Farm Protection Development Permit (FPDP) for Electoral Area I sometime in the future and would be happy to provide any assistance with such a project.</i> <i>Ministry staff suggest adding ‘distilleries’ to the AG designation, and removing the words “high density” from Policy 9 related to edge planning”.</i>	Suggested changes were made in the draft bylaws. As part of the Agricultural Policy an FPDP for Electoral Areas F, I, J and K, however, due to the engagement feedback received during this project chose not to proceed with creating an FPDP.
BC Transit	<i>“We fully support your decision to encourage infill development (Section 4.1.1) and create more nuance within your land use classifications.</i>	Some minor suggested edits made to better align with transit goals.

	<i>Many of the goals and policies stated within section 4.5 of the document are goals that can be advanced through increased transit ridership”.</i>	
City of Castlegar	<ul style="list-style-type: none"> • <i>“No objection to a regional approach that recognizes role of higher service centres such as Castlegar. As a regional stakeholder the City appreciates reciprocal opportunities to act as a referral agency for large peripheral developments that may have unintended impacts (e.g. housing needs).</i> • <i>Supportive of partnership opportunities on regional scale issues.</i> • <i>Wildfire DPA – Note shift in BCBC away from prescriptive regulations. May wish to review guidelines specific to buildings to ensure that they won’t conflict with the BCBC. However, examples of what FireSmart construction might look like can be valuable for homeowners”.</i> 	No action required. The City’s Wildfire DPA comments are captured in the RDCK Building application checklist, which was developed between Planning and Building as part of the Wildfire DPA drafting.
Penticton Indian Band (PIB)	The PIB circulated a standard referral response.	No action required.
Okanagan Indian Band (OKIB)	The OKIB has conducted a desktop review. Since the <i>“project is located outside of the OKIB’s Area of Responsibility... [the OKIB] defers to the OIB and PIB for a more in depth review”.</i>	No action required.
Osoyoos Indian Band (OIB)	<i>“Due to current levels of internal capacity, [the OIB is] unable to review your referral in the proposed timeline”.</i>	No action required.
Ministry of Transportation and Infrastructure (MOTI)	<p><i>“Thank you for the opportunity to review and provided comment on the Area I OCP.</i></p> <p><i>The overall impact of the changes to the OCP will have minimal impact on the Ministry’s interests.</i></p> <p><i>Any Active Transportation plans or projects that will take place in MOTI right-of-way will require a permit from the Ministry and we look forward to working with the RDCK and their partners on this plan”.</i></p>	No action required.
Ministry of Water Land and Resource Stewardship (WLRS)	<i>“Kootenay Boundary Water Stewardship requests that the Riparian Protection Development Permit areas be a 30m zone around all streams to align with the Riparian Area Protection Regulation Streamside Protection and Enhancement Area (SPEA) evaluation. A 15m limit will not be sufficient for many streams in this area”.</i>	Recognizing the engagement feedback for the proposed new Riparian Protection Development Permit, staff did not incorporate a 30 metre zone around all streams, and suggest monitoring to this new development permit

		area before moving to a 30 metre riparian zone.
Electoral Area I Advisory Planning and Heritage Commission (APHC)	<i>"The Area I APHC supports the OCP Review project..."</i>	No action required.
Ministry of Municipal Affairs	<i>"The Ministry values the opportunity to understand how local governments are addressing risks and managing growth, [and note] that...The updated Wildfire Development Permit Area guidelines are significant for their focus on reducing wildfire hazards"</i>	No action required.
Shuswap Indian Band	<i>"Based on our initial review... 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"</i>	No action required.
Nelson Museum	<i>"The Community Heritage Register is not and should not be the only way to undertake conservation and protection of heritage resources.... The region should be actively sourcing opportunities to support heritage resources, including participating in heritage programs offered regionally and provincially, i.e. Heritage BC"</i>	No changes made as the comments pertain more to the RDCK's heritage service delivery and priorities to be directed by the Regional Board.

3.7 Staffing/Departmental Workplace Considerations:

The project has been led by the Planner 2s with support from the Planning, GIS, Community Sustainability and Building divisions that make up the Development Services and Community Sustainability Department. Participation from other departments was also necessary to create a meaningful and useable OCP, including the Environmental and Community Services Department.

3.8 Board Strategic Plan/Priorities Considerations:

Strategic Priority – Organizational Excellence

SECTION 4: SUMMARY

The Sentinel Mountain OCP meets the statutory requirements as set out under the LGA. The efforts of community members that participated and continue to provide feedback during the various phases of the drafting of the Plan are appreciated by the RDCK's Planning Services team. Once adopted, this OCP will be implemented by the RDCK through ongoing planning decisions, actions and partnerships as guided through the Regional District's annual strategic planning. The RDCK Board should monitor the OCP on an ongoing basis to ensure it addresses current needs and aspirations of the community and reflects changing local and external conditions. In support of this initiative, the RDCK will monitor:

- population and demographic changes;
- groundwater supply, consumption and management issues;
- land supply / demand;
- changing housing needs; and
- economic, social, and environmental factors.

Based on the review of information collected from monitoring, the RDCK may choose to refine or amend the OCP accordingly as resources permit.

Given that OCP Bylaws are considered to be “*living documents*” and are not meant to be static, the occurrence of major policy changes outside of an OCP review is normal and, in some ways, preferable as it allows for more focused consideration and discussion of a specific policy change as it emerges. Staff recommend that the Regional Board consider proceeding with first and second readings of the Sentinel Mountain OCP and applicable amending bylaws, and to direct staff to schedule of the public hearing.

OPTIONS

Option 1: Initial Readings and Proceed to Public Hearing

THAT *Bylaw No. 2821, 2024* being a bylaw of the Regional District of Central Kootenay to adopt the *Sentinel Mountain Electoral Area I Official Community Plan Bylaw No. 2821, 2024* be read a first and second time and referred to a public hearing;

THAT the engagement plan for this planning process be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

THAT in accordance with Section 477 of the *Local Government Act*, *Bylaw No. 2821, 2024* be deemed compliant with respect to the RDCK’s Financial Plan and applicable RDCK Waste and Resource Management Plan.

THAT *Bylaw No. 2821, 2024* be referred to affected First Nations, Provincial agencies and ministries including the Agricultural Land Commission.

THAT *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw 2967, 2024* being a Bylaw to amend *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* be read a first and second time and referred to a public hearing;

THAT *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2968, 2024* being a Bylaw to amend *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* be read a first and second time and referred to a public hearing;

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

Option 2: Refer Bylaw(s) Consideration to a future RAC meeting

THAT first and second readings of *Bylaw No. 2821, 2024* being a bylaw of the Regional District of Central Kootenay to adopt the *Sentinel Mountain Electoral Area I Official Community Plan Bylaw No. 2821-2024* be referred to the December 11, 2024 Rural Affairs Committee meeting.

THAT first and second readings of *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw 2967, 2024* being a Bylaw to amend *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 199* be referred to the December 11, 2024 Rural Affairs Committee meeting.

THAT first and second readings of *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2968, 2024* being a Bylaw to amend *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* be referred to the December 11, 2024 Rural Affairs Committee meeting.

SECTION 5: RECOMMENDATIONS

THAT the *Sentinel Mountain Electoral Area I Official Community Plan Bylaw No. 2821, 2024* be read a first and second time and referred to a public hearing.

That the *Sentinel Mountain Electoral Area I Official Community Plan Bylaw No. 2821, 2024* has met the following requirements:

1. The engagement planning process for the public consultation in accordance with Section 475 of the *Local Government Act*;
2. Is consistent with respect to the RDCK's Financial Plan and applicable RDCK Waste and Resource Management Plan in accordance with Section 477 of the *Local Government Act*;

AND FURTHER, THAT *Bylaw No. 2821, 2024* be referred to affected First Nations, Provincial agencies and ministries including the Agricultural Land Commission.

THAT *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw 2967, 2024* being a Bylaw to amend *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* be read a first and second time and referred to a public hearing;

THAT *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2968, 2024* being a Bylaw to amend *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* be read a first and second time and referred to a public hearing;

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

Respectfully submitted,
Stephanie Johnson, MCIP, RPP Planner

CONCURRENCE

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

ATTACHMENTS:

Attachment 'A' – *Sentinel Mountain Electoral Area I Official Community Plan Bylaw No. 2821, 2024*

Attachment 'B' – *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw 2967, 2024*

Attachment 'C' – RDCK Zoning Amendment Bylaw No. 2968, 2024
Attachment 'D' – Community Engagement Summary 'What We Heard' Report



Sentinel Mountain

Electoral Area I Official Community Plan
Bylaw No. 2821, 2024



rdck.ca

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2821

A Bylaw to guide decisions in planning and land use within Electoral Area I.

WHEREAS under the provisions of Section 472 of the *Local Government Act* the Regional Board may adopt an Official Community Plan for an area, including provisions for the designation of Development Permit Areas under Section 488 and Development Approval Information under Sections 484, 485, 486 and 487 of the *Local Government Act*;

AND WHEREAS under the provisions of Section 227 of the *Local Government Act* the Regional Board may by General Bylaw, exercise any number of its powers to act by Bylaw;

AND WHEREAS the Regional Board may adopt a Bylaw and each reading of the Bylaw must receive an affirmative vote of a majority of all directors of the Regional Board who are entitled to vote on that Bylaw;

AND WHEREAS the Regional Board has consulted and complied with Sections 475, 476 and 477 as required under the *Local Government Act*;

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

APPLICATION

- 1 This Bylaw is applicable to Electoral Area I of the Regional District of Central Kootenay.

ADMINISTRATION AND ENFORCEMENT

- 2 The General Manager of Development & Community Sustainability Services, and any other person authorized by the Regional Board are authorized to administer this Bylaw and enter property at any reasonable time to determine whether the regulations of the Bylaw are being complied with.

VIOLATION AND PENALTY

- 3 A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required by this bylaw, commits an offence and shall be liable upon conviction of a fine of not less than \$5,000 and not more than \$10,000 (Ten Thousand Dollars) and subject to any other penalty or order imposed or remedies available to the RDCK pursuant to the *Local Government Act*, *Community Charter*, *Offence Act* and *Local Government Bylaw Notice Enforcement Act* and regulations thereunder, all as amended from time to time.

4 Each day that an offence continues or exists shall be deemed to be a separate and distinct offence.

VALIDITY

5 If any statement, section, sub-section, clause, sub-clause or phrase of this Bylaw and the provisions adopted by this Bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction; the decision shall not affect the validity of the remaining portions of this Bylaw.

CITATION

6 This Bylaw may be cited as **“Sentinel Mountain Official Community Plan Bylaw No. 2821, 2024.”**

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

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

REGIONAL BOARD [Date] day of [Month] , 20XX.
CONSIDERATION OF PART 14,
Sections 475 and 477 of the *Local Government Act* this

PUBLIC HEARING CONDUCTED [Date] day of [Month] , 20XX.
PERSUANT TO PART 14, section
464 of the *Local Government Act*
this

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

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

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

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Note: Schedule ‘A’ Map Series can be viewed either on the RDCK website at www.rdck.bc.ca or in hard copy at the RDCK office. Original mapping schedules are as adopted in hard copy as part of the Bylaw. Any subsequent amendments are maintained electronically.

Acronyms Used in this Document

Agricultural Land Commission	ALC
Agricultural Land Reserve	ALR
Aquifer Protection Development Permit Area	APDPA
Development Approval Information Area	DAIA
Industrial and Commercial Development Permit Area	ICDPA
Official Community Plan	OCP
Regional District of Central Kootenay	RDCK
Riparian Protection Development Permit Area	RPDPA
Temporary Use Permit	TUP
Wildfire Development Permit Area	WDPA

Future Land Use Table

The development of land within Electoral Area I following adoption of this Bylaw must be consistent with the overall pattern of land use depicted on Schedules A.1 and A.2, and based on the following land use designations.

<p>Residential Land Use Designations</p> <p>Suburban Residential (RS)</p> <p>Country Residential (RC)</p> <p>Rural Residential (RR)</p> <p>Village Residential (VR)</p>
<p>Employment Land Use Designations</p> <p>Commercial (C)</p> <p>Industrial (M)</p> <p>Agriculture (AG)</p> <p>Resource Area (RA)</p>
<p>Civic and Open Space Designations</p> <p>Community Services (CS)</p> <p>Public Utility (U)</p> <p>Parks and Recreation (PR)</p> <p>Environmental Reserve (ER)</p>

SCHEDULE A

1.0 INTRODUCTION

1.1 About the Official Community Plan

An Official Community Plan (OCP) sets out the long-term vision for a community and guides the continued evolution of the area over the next 25 years. It is a statement of objectives and policies to guide decisions on planning and land use management and the provision of services within the areas covered by the OCP.

The OCP addresses the ‘big picture’ for Electoral Area I (Sentinel Mountain), and assists in managing change and reconciling the community’s diverse interests. The OCP also offers greater certainty for residents, landowners, governments, agencies and community groups about the future of Sentinel Mountain.

1.2 Plan Administration and Scope

In compliance with the *Local Government Act*, an OCP must include land use statements and designations for the amount and location of residential, commercial, industrial, institutional, agricultural, parks and recreation, and public utility uses; and policies for the provision of affordable, rental, and special needs housing. All bylaws enacted or works undertaken by the Regional District of Central Kootenay (RDCK) Board of Directors after the adoption of an OCP must be consistent with the plan.

In circumstances where matters are outside the jurisdiction of the RDCK, this OCP states broad community objectives. This OCP cannot, and does not, commit other government agencies or other organizations to act according to community objectives or policies.

All OCP references to external and/or third party documents, such as bylaws, plans, policies and guidelines are recognized as being amended or replaced from time to time.

1.3 Relationship to Other Plans and Policies

The RDCK has undertaken the following related initiatives that have informed the development of this OCP:

- Regional District of Central Kootenay Regional Parks Strategy (2009);
- Regional District of Central Kootenay SustainABLE Central Kootenay (2010);
- Regional District of Central Kootenay Water Management Plan and Acquisition Strategy (2010);
- Regional District of Central Kootenay Agricultural Area Plan (2011);
- Regional District of Central Kootenay Waste Water Management Plan (2012);
- Regional District of Central Kootenay Strategic Community Energy and Emissions Plan (SCEEP) (2016);
- Regional District of Central Kootenay Castlegar, Area I and J Recreation Master Plan (2017);
- Brilliant Headpond Shoreline Management Guidelines (2018);

- Regional District of Central Kootenay Drastic-Based Vulnerability Study Shoreacres Aquifer (2019);
- Regional District Of Central Kootenay Flood and Steep Creek Geohazard Risk Prioritization Study (2019);
- Regional District of Central Kootenay Regional Watershed Governance Initiative (2020);
- Regional District of Central Kootenay Community Heritage Register (2020);
- Regional District of Central Kootenay Regional Housing Needs Assessment (2020);
- Castlegar & District Economic Development Strategy (2020);
- BC Transit Kootenay Lake West, Castlegar and Area and City of Nelson Transit Future Service Plan (2021);
- Regional District of Central Kootenay Resource Recovery Plan (2021);
- Regional District of Central Kootenay Affordable Housing Action Plan (2023);
- Electoral Area I Community Wildfire Resiliency Plan (2023); and,
- Nelson to Castlegar Active Transportation Corridor Vision Plan (2024).

1.4 Public Engagement

An OCP represents the vision and objectives of a community on future growth and development. This OCP was prepared in consultation with participating local residents, land owners, community groups, businesses, rights holders, the Electoral Area I Advisory Planning and Heritage Commission and advisory group, and various levels of government.

This OCP is the culmination of an extensive multi-year community engagement process designed to revisit and update the OCP for Sentinel Mountain. Over 425 participants, including children, youth, elders, community organizations, First Nation members, governments, agencies and partners, have participated in its development. Engagement activities were designed to involve and consult the community on important topics and decisions to guide a shared future for the communities covered in the OCP.

Public Consultation was undertaken in three phases, during which the community was extensively engaged on a number of issues. All feedback that was provided throughout the consultation process was considered in the development of this OCP.

Figure 1: Engagement Process



2.0 THE CONTEXT FOR PLANNING

The updated OCP objectives, broad goals and policies respond to the current context of Sentinel Mountain as well as emergent themes such as affordable housing and climate change. The updates aim to address key issues and community values that surfaced through the engagement process.

2.1 The Local Context

Electoral Area I has a total land area of 109.5 square km (2021 Census) and is part of the Regional District of Central Kootenay (RDCK). Electoral Area I is located north of Castlegar and has ten main settlement areas: Brilliant, Tarrys, Thrums, Gibson Creek, Pass Creek, Glade, Glade Central, Shoreacres, Voykin Subdivision, and Playmor Junction West.

2.1.1 Natural History

The major lakes and their tributary rivers within the RDCK are dominant physical forces in the area, impacting historical development in the region. The Central Kootenay river systems are the result of the area's glaciation 13,000 years ago. The most prominent of these systems is the Columbia River, the fourth largest river by volume in North America, which stretches nearly 2,000 kilometres from its headwaters near Canal Flats in eastern British Columbia to Oregon and the Pacific Ocean. Melting glaciers formed the Slocan River, which flows south to join the Kootenay River at Shoreacres. The Kootenay River originates in the Rocky Mountains, flows south into Montana and Idaho and through Kootenay Lake, and eventually reaches the confluence with the Columbia River at Brilliant. In large part due to this powerful geography, RDCK's more recent natural and human history has been dominated by intensive hydro-electric development.

Development in Electoral Area I primarily follows the valley bottoms along existing waterways. Sentinel Mountain, the namesake of the area, is at the center of Electoral Area I.

2.1.2 First Peoples

Sinixt, Ktunaxa, Syilx and Secwépemc peoples have existed and prospered in the lands in and around RDCK since time immemorial.

With respect for the distinct language and culture of the Sn̓ɬay̓čkstx - People of the bull trout place/or/the upper Columbia River region - this plan will use the anglicized term "Sinixt" (pronounced "sin-EYE -kuh-stuh). Full, correct pronunciation of the name we call ourselves can be found at Sinixt.com/sinixt-culture/language-revitalization/, along with other place names and vocabulary in oral recordings.

The Sinixt have lived and prospered in this area since the most recent glacial retreat 6-7,500 years ago. Prior to European contact in 1811, the Sinixt lived peacefully in these mountain valleys in a vast territory. The Sinixt developed a unique culture within the dense, old-growth cedar-hemlock ecosystem, a unique inland temperate rainforest. They travelled

unobstructed along water highways, gathered and preserved abundant ocean salmon runs, bull trout, sturgeon and kokanee, and hunted within snowy peaks where mountain goat, caribou herds and other ungulates flourished. Long winter dormancy meant time in winter pit house villages, made possible due to careful food preservation. These pit house villages signal how deeply and widely the Sinixt inhabited their territory across many thousands of years.

The establishment of the International Boundary line and agricultural settlement resulted in Sinixt villages being replaced by local saw mills and farms from Kp̓i̓ł̓ł̓ (Castlegar) to K̓y̓samlúp (Nelson) and beyond. Gradually, the Sinixt - who had once travelled freely across their territory - became known as the 'American Indians', who struggled to maintain their place in the rapidly settling region.

As towns and cities sprang up without a reserve for Sinixt people until 1902, the Sinixt were further marginalized and pushed out. Settler misunderstanding, combined with government policies of exclusion, led to the 1956 "extinction" in Ottawa. As local government systems solidified across the RDCK, the Sinixt gradually disappeared from public record too, a situation that compounded over decades, especially after the advent of BC's treaty process in the 1980-1990s.

The decision in *R. v. Desautel*, handed down by the Supreme Court of Canada on April 23, 2021, was a landmark legal challenge to restore the rights of the Sinixt people in Canada. Sinixt people fought for and won the restoration of their rights as an Aboriginal People of Canada, proving that the international boundary cannot divide and change Indigenous identity and culture. The case will have profound consequences for the Sinixt going forward.

púti? kwu? alá? (We are still here).

2.1.3 Early Settlements

The Columbia River was an important trade route that passed through First Nations territory where Electoral Area I is today. The first recorded contact between the Sinixt and Europeans occurred in 1811 when British explorer David Thompson paddled up the Arrow Lakes.

The Columbia and Kootenay Railway built in 1891 transported mining freight through this area from steamer ships that docked near Robson and Pass Creek on the Columbia River to Nelson, Revelstoke, and beyond. Paddle wheelers, including the SS Minto, carried goods, ore, and passengers between Revelstoke and Robson.

This span of Columbia and Kootenay Railway was known as the "railway from nowhere to nowhere." By 1916 and after completion of the Kettle Valley Railroad, it was part of the transcontinental railroad connecting the Atlantic and Pacific Oceans.

Between 1908 and 1913, about 6,000 Doukhobors, religious refugees from Russia, relocated to this area from Saskatchewan. Under the leadership of Peter V. Verigin, the Doukhobors

settled in Brilliant and other parts of Sentinel Mountain until the 1930s and 1940s. Brilliant was the centre of the Doukhobor community and included a jam factory, grain elevator, fruit packing shed, general store/post office, and train station.

From 1909 to 1912, the Doukhobors purchased 1,760 acres in Pass Creek, 1,902 acres in Glade, and 500 acres in Shoreacres. They cleared the land, planted fruit orchards and grain fields, established numerous villages, set up the Glade ferry in 1912, built the Brilliant Suspension Bridge in 1913, and established a number of mills, granaries, barns, and irrigation works. Doukhobor community land holdings were sold between 1961 and 1963.

2.2 Sentinel Mountain Today

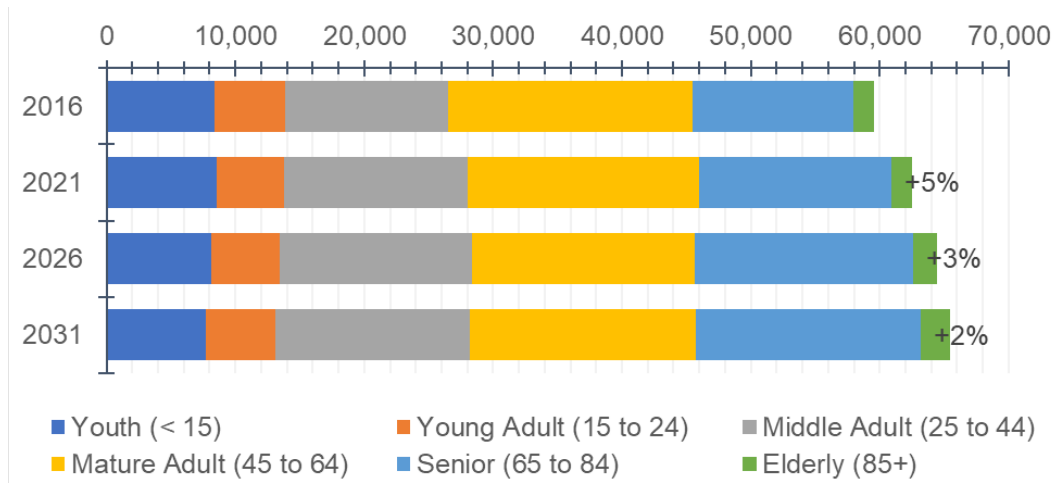
- The 2021 Census recorded 2,607 people living in Electoral Area I. Since 1996, the population of Electoral Area I has grown by 4% or 100 people with periods of growth and decline in between. As is the trend across Canada, the population of Electoral Area I is growing older. The median age was 39.8 years old in 2001 and was 47.6 years old in 2021. In the Plan area, 11.7% of the population in Electoral Area I was 65 years and older in 2001 and 20.9% of the population was 65 years and older in 2021.
- Households are changing as well. The number of households grew 12.4% from 1005 households in 2001 to 1130 households in 2021. When the number of households grow faster than the population, it often means that more people are living alone.
- Census data shows that people who live in Electoral Area I have generally lived in the area for a long time. 65% of respondents to a 2016 RDCK survey had lived in Electoral Area I for 15 years or longer.
- Census data from 2021 shows that about 80% of residents are at least third-generation Canadians. Data going back to 2011 shows most people have not moved from outside of Electoral Area I, with generally fewer than 20% of people having moved into the area from other parts of British Columbia.
- Diversity is a concept that encompasses the many ways that people experience the world differently due to race, ethnicity, class, gender, age, sexuality, ability, educational attainment, spiritual beliefs, creed, culture, tribal affiliation, nationality, immigration status, political beliefs, veteran status, and more. Since 2001, the number of people the census refers to as “visible minorities” has increased in Electoral Area I from less than 1% of the population to almost 3% in 2021. The number of people identifying as Indigenous has also increased during the same period from about 1.4% of the population 2001 to almost 6% in 2021. The 2021 census noted that about 250 people in Electoral Area I spoke Russian at home making it the most common non-official language.

2.3 Growth Projections and Housing Needs

2.3.1 Growth Projections

Between 2016 and 2021, the population of the RDCK increased by 5% to 62,515 residents. Projections anticipate the population will continue to grow to nearly 65,000 residents by 2031. New growth is almost entirely driven by increases in the population aged 65 and older. Between 2021 and 2026, seniors are expected to surpass mature adults as the largest age cohort in the RDCK.

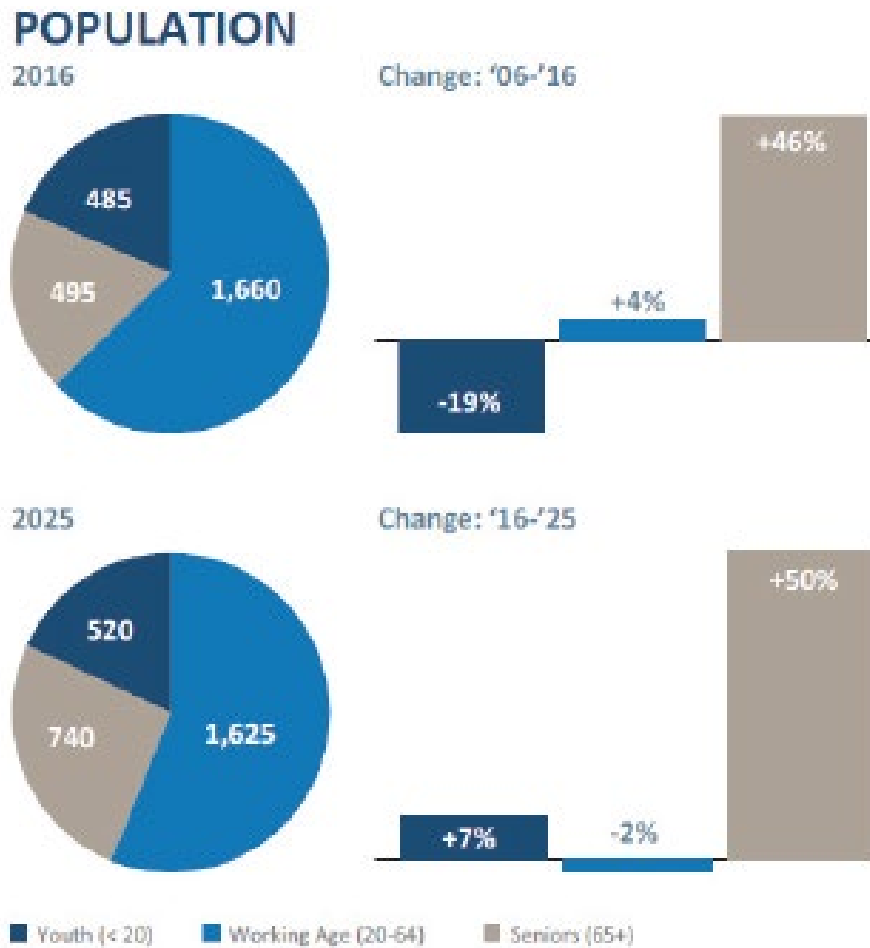
Figure 2: Current and Anticipated Population, RDCK



Source: Statistics Canada, 2016 and 2021 Census

Electoral Area I's population grew 4% between 2006 and 2016. Projections anticipate growth of 9% to 2025, potentially reaching 2,885 people. The median age is likely to continue increase from 47.2 (2016) to 48.4.

Figure 3: Electoral Area 'I' Population Change



Source: Statistics Canada, 2016 and 2021 Census

2.3.2 Housing Needs

Household Types. The most prevalent household types are one-person households and couples without children. One-person households are typically the youngest and oldest adult members of our communities and often are navigating challenging housing circumstances on low or fixed incomes. Because of the trend of smaller household sizes, fewer people now require more homes. Electoral Area I and its partners need to be outpacing its population projections just to keep up with demand.

Existing Housing Stock. Households are getting smaller, but housing is staying the same size. Most housing is still larger, single-detached dwellings (88%). 7.5% of housing in Electoral Area I is in need of major repairs.

Housing Affordability. Affordability is a concerning indicator in Electoral Area I as 14% of households were in an unaffordable home. Between 2005 and 2021, the median sale price of

homes rose from \$165,000 to \$429,000. This is a dramatic 160% increase. Although incomes have increased modestly, they have not kept pace with the change in housing cost – especially for first-time home buyers without existing equity or external financial support.

Housing Demand. Electoral Area I historically builds 5 units annually. Housing projections anticipate an annual private market demand of 16 new units. By 2025 it is estimated that a total of 880 3-bedroom, 365 2-bedroom and 35 1-bedroom units are needed (an increase of 60 2-bedroom and 90 3-bedroom units from 2016).

2.4 Existing Land Use

Schedule A.1 is a generalized view of the existing residential, commercial, industrial, institutional, agricultural, recreational, utility uses, and vacant sites currently in Electoral Area I based from BC Assessment data. The following summarizes existing uses and current capacities:

- Electoral Area I has 11 commercially zoned properties (4.3 ha) and no vacant commercially zoned properties. However, some properties are not currently in use or under developed. There are 9 industrial zoned properties (17.7 ha) and no vacant industrial zoned properties. Employment lands analysis shows land constraints for future industrial and commercial use.
- A total of 399 parcels (3% of lands in Electoral Area I) are within the ALR. The percentage of ALR in Electoral Area I that is assessed as farmland is low at 6.8% (27 parcels).
- As noted in Section 2.3, 16 new housing units may be needed annually to meet demand. Electoral Area I has 588 vacant private properties and 191 residential zoned properties whose current zoning would allow future subdivision.

2.5 Community Themes

Stemming from the community engagement opportunities, a range of identified community priorities were discussed and are summarized generally by theme below:

Exposure to natural hazards such as wildfires and flooding are an item of concern for many residents. Many participants wish to see the OCP include objectives and policies aimed at reducing risk from these hazards.

The natural beauty and access to parks and recreation is highly valued by residents. Some wish to see further protection of natural areas and the expansion of trail, parks and recreation infrastructure (i.e. boat-launches, parking, amenities etc.).

The freedom from regulation and culture of independence of the area is highly valued by residents. Some residents identified potential tensions between the desire to see limited regulation and the need to address unsafe buildings, unkept properties, bylaw enforcement, and environmental degradation.

Address lack of services and utilities including safe drinking water in locations such as Glade are a priority for some residents living in affected areas.

Many residents do not want to see rapid changes to Sentinel Mountain and envision the community looking similar in the future to how it looks now.

Accommodating growth and how residential infill opportunities should be considered was a concern with many participants commenting that the City of Castlegar and areas with existing servicing infrastructure are better suited for development.

Need for age friendly planning and understanding the changing demographic profile of Sentinel Mountain was raised routinely as a priority with participants agreeing about the importance of creating more diverse housing options, supports and facilities that can accommodate an aging population.

Strong community attachment with participants noting that residents look out for each other, but with new community members moving in there is also a desire in some communities to foster more community connections.

3.0 VISION AND BROAD GOALS

3.1 Regional Vision for the Future

“Our ambition is that our pristine natural environment and spirited communities provide a peaceful home, balanced economy, and wild recreation experiences for all residents and visitors.” – RDCK SustainABLE Central Kootenay

3.2 Broad Goals

The following broad goals reflect the feedback and priorities of Sentinel Mountain residents and are the guiding principles of this OCP. These goals will be used by the RDCK to help guide future decisions on development proposals, environmental protection initiatives, and infrastructure development in Sentinel Mountain. The broad goals outline the key priorities according to input from Sentinel Mountain residents, which was provided through community engagement activities.

1. **Agriculture.** Support the area’s existing and future agricultural activity and farmers by supporting agricultural systems and protecting agricultural lands that contribute to the area’s economic base, character and sense of place.
2. **Community connection.** Work to increase the sense of community and social interaction of residents of all ages by investing in existing community halls, parks and facilities to provide spaces for community events, gatherings and programming.
3. **Economic development.** Contribute to the area’s economy and support local jobs by allowing a variety of land uses that complement the rural character.
4. **Heritage.** Honour the area’s Indigenous, Doukhobor and other settlement history, including heritage sites.
5. **Homes for all.** Encourage housing options in existing residential areas that are consistent with the rural character of the area. Support affordable housing and aging in place.
6. **Natural environment.** Steward and protect the area’s natural features, including sensitive ecosystems and habitat.
7. **Natural hazards and climate change.** Take action to mitigate risks from natural hazards such as wildfire and flooding, and support adaptation and carbon pollution reduction initiatives to enhance community resilience.
8. **Neighbour-friendly.** Protect and improve the quality of life of residents, promote civic responsibility and encourage good relationships between neighbours.

9. **Reconciliation.** Engage with First Nations (Sinixt, Ktunaxa, Syilx and Secwépemc) on matters that affect all communities within Sentinel Mountain.
10. **Transportation.** Maintain a safe and efficient multi-modal transportation system for all road users working in cooperation with the Ministry of Transportation and Infrastructure.
11. **Water resources.** Protect and manage water resources, including both surface and groundwater, for residential, agriculture and ecosystem health.

4.0 OBJECTIVES AND POLICIES

The objectives and policies laid out in this section of the OCP pertain to all of Sentinel Mountain and are intended to provide a decision-making framework in relation to development and land use over the next 25 years.

4.1 Residential Lands and Housing

4.1.1 Objectives

1. Accommodate anticipated residential growth in a manner that protects the rural character, environmental integrity, and the social and cultural diversity of the Sentinel Mountain.
2. Encourage new infill housing forms that complement existing single detached housing neighbourhoods to increase affordable housing, support aging in place and promote rental opportunities.
3. Direct new residential development to established residential areas and municipalities to ensure efficient use of existing services, amenities, and infrastructure and to avoid continuous sprawl-like development.
4. Encourage high quality design, building, development and landscaping standards that improve energy efficiency and maintain and enhance rural character.
5. Support accessibility in housing to ensure that seniors and those with mobility challenges are able to reside safely in their respective communities.

4.1.2 Policies

The Regional Board:

1. Supports anticipated residential growth in the areas designated as Suburban Residential and Country Residential on Schedule A.2 (Future Land Use).
2. Encourages increased housing diversity and choice for all of Sentinel Mountain by allowing for accessory dwellings such as: secondary suites, carriage houses and garage suites to increase the number of dwellings available for rental occupancy and for single occupancy households.
3. Supports initiatives to provide for special needs housing required for seniors and those with mobility issues or in need of support, within the communities of Brilliant, Thrums or Tarrys where servicing and transportation needs can be met.
4. Will assess and evaluate proposed residential development based on the following:
 - a. ability to meet identified community housing needs;
 - b. capability of accommodating domestic water and waste water disposal that does not negatively affect human health and safety nor the environment;

- c. capability of the natural environment to support the proposed development, and any impacts on habitat and riparian areas;
 - d. susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
 - e. compatibility with adjacent land uses and designations, and how the form and character complements the surrounding area;
 - f. proximity and access to existing road networks and other community and essential services if they exist; and
 - g. mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas.
5. Encourages the clustering of new residential subdivisions to create separation between neighbouring developments and to avoid continuous sprawl-like development where feasible.
 6. Recognizes the limitations for further residential development in specified areas of Shoreacres, Voykin Subdivision, and Playmor Junction West where water supply may be vulnerable or septic servicing at capacity.
 7. Should investigate the establishment of a retro-fit program to support long term repair and maintenance associated with renovation of existing housing stock and enhanced energy standards.
 8. Encourages *adaptable housing* standards in housing to ensure that seniors and those with mobility challenges are able to reside safely in their respective communities.
 9. Does not support the use of housing as short-term rentals.

4.2 Food, Agriculture and Rural Lands

4.2.1 Objectives

1. Recognize the importance of local food production to the local economy and the health of the community.
2. Preserve and promote the use of agriculturally viable land for current and future agricultural production.
3. Protect agriculturally viable land from uses that are inconsistent with agriculture or are incompatible with existing agricultural uses in the area.
4. Encourage the agricultural sector's viability by adopting supportive land use policies within and adjacent to farming areas.
5. Ensure adequate water and land resources for agricultural purposes.
6. Minimize conflicts between agriculture and other land uses.

7. Discourage rural sprawl.

4.2.2 Policies

The Regional Board:

1. Anticipates that agricultural production will be accommodated on existing lands within the ALR and lands designated as Agricultural on Schedule A.2.
2. Supports the protection of non-ALR land with high soil value for existing and future agricultural activity to help meet local food demands.
3. Discourages applications to the ALC for subdivision and non-farm use in the ALR unless the proposal provides evidence that it has a net benefit to agriculture.
4. Supports the consolidation of lots that may support more efficient agricultural operations.
5. May work with the City of Castlegar if practicable on a co-operative approach to agricultural lands within the urban/ rural interface that will mitigate the loss of agricultural land to future growth.
6. Directs residential and non-farm uses to lands where there is low agricultural capability.
7. Discourages agricultural land uses that adversely impact the surrounding environment or compromise the capability of the land for future food production.
8. Should examine potential impacts on water resources in agricultural areas when considering land use amendment applications not related to agriculture or subdivision and non-farm use proposals in the ALR.
9. May consider buffering of commercial, industrial and residential development adjacent to agricultural areas.
10. Allows for off-site accommodations for farmers and farm workers as an accessory use in Rural Residential designations.
11. Supports community gardens and backyard livestock in all designations to promote food security.
12. Supports the policies within the *RDCK Agricultural Area Plan*.
13. Encourages and promotes the *Environmental Farm Plan Program* to farmers in the Region.
14. Will support the Province, other agencies, non-profit societies and the agricultural community with the development of tools for the management of invasive and nuisance plant species to conserve agricultural values in the area.

4.3 Economy and Jobs

4.3.1 Commercial Objectives

1. Maintain the current level of local commercial sites to serve the existing communities and consider expanded services as future growth may dictate.
2. Enhance the long-term vitality and economic sustainability of Sentinel Mountain by supporting more regional economic diversification through the facilitation of new and existing businesses and the creation of employment.
3. Recognize the commercial and service center role of the City of Castlegar and Playmor Junction and direct that commercial development in Sentinel Mountain will primarily be oriented toward serving local community needs.
4. Encourage neighbour-friendly home based businesses as a means of strengthening the economic base.

4.3.2 Commercial Policies

The Regional Board:

1. Anticipates that commercial needs will be accommodated within existing commercial nodes within the communities of Thrums, Tarrys, Brilliant and Pass Creek as designated on Schedule A.2 (Future Land Use).
2. Directs major commercial development to the City of Castlegar.
3. Limits commercial lands to those existing designated areas, or to areas where they may be considered in conjunction with future residential or mixed-use developments.
4. Encourages the clustering of commercial development rather than strip-style development along the highway
5. Supports the revitalization of commercial properties not currently in use or that are under developed.
6. Supports the development of guidelines for the form and character of new and expanded commercial developments within the community in order to enhance and protect the surrounding rural and natural environment.
7. Will accommodate temporary commercial uses in appropriate locations.

4.3.3 Home-based Business and Accessory Tourist Accommodation Policies

The Regional Board:

1. Supports neighbour-friendly home based businesses to satisfy local employment needs provided they do not negatively impact the natural environment or strongly conflict with the residential character of communities.

2. Encourages home based business opportunities to remain flexible and accommodate expanded employment needs.
3. Will provide for accessory tourist accommodation as a secondary use to a residence in the form of bed and breakfast operations and camping facilities.

4.3.4 Industrial Objectives

1. Ensure there is opportunity for neighbour-friendly light industrial uses in support of the local economy.
2. Support and enhance industrial uses while minimizing incompatibility with surrounding land uses through requirements for screening and/ or landscaping.
3. Encourage value added resource manufacturing and production to maximize the value of raw materials within the local community.

4.3.5 Industrial Policies

The Regional Board:

1. Anticipates that industrial development needs will be accommodated within existing industrial areas as designated on Schedule A.2 (Future Land Use).
2. Encourages new large-scale industrial activities to locate in the City of Castlegar.
3. Supports neighbour-friendly new light industry and value added manufacturing so that a broader employment base can be achieved and economic benefits be retained in the local community.
4. Public hearings for industrial developments should not be waived, if eligible under the *Local Government Act*.
5. Directs that new or expanded industrial developments take place on existing brownfield lots as to minimize further contamination of lands within the area.
6. Supports the clustering of industrial uses rather than furthering strip-style development along the highway.
7. Requires good arterial access for new industrial development.
8. Supports the development of guidelines for the form and character of new and expanded industrial developments within the community.
9. Will accommodate temporary industrial uses in appropriate locations.

4.3.6 Aggregate and Mineral Resources Objectives

1. Identify lands having recoverable deposits of sand and gravel and protect those lands from land uses that would limit or prohibit extraction.
2. Protect sources of domestic and irrigation water supply from potential negative impacts.

3. Minimize impacts to existing residential uses.
4. Advocate for engagement with affected local communities.
5. Support the rehabilitation and reclamation of resource extraction lots.

4.3.7 Aggregate and Mineral Resources Policies

The Regional Board:

1. Anticipates that recoverable deposits of sand and gravel needs will be accommodated within existing quarry properties as indicated on Schedule A.3 (Aggregate Resources) and that any new lands will be subject to application for a land use amendment or temporary use permit where applicable.
2. Discourages new aggregate or mineral extraction in the Shoreacres Aquifer. Existing activities should abide by the recommendations of the *Drastic-Based Vulnerability Study - Shoreacres Aquifer* as their Mines Permits are renewed.
3. Discourages the Province from issuing permits for mineral extraction and processing within 1 kilometre of Suburban Residential and Country Residential Designations.
4. Will consider support for the processing of aggregate or mineral resources on the basis of a variety of criteria, including but not limited to the:
 - a. extent of visual screening, and other mitigation works proposed;
 - b. type of processing proposed;
 - c. potential for noise and dust nuisance for nearby properties;
 - d. compatibility with adjacent land uses;
 - e. potential for light pollution;
 - f. potential for vibration from blasting of materials;
 - g. environmental sensitivity of the lot and adjacent land;
 - h. accessibility; and
 - i. the characteristics of the aggregate deposit and groundwater resources.
5. Encourages full utilization of existing recoverable deposits prior to development in areas where new recoverable deposits are located.
6. Encourages that the recommendations of the *Directorate of Aggregate Services* be followed with respect to aggregate extraction in community interface areas.
7. Encourages the Province to refer mineral exploration proposals to the RDCK for comments and to give due consideration to the impact of resource extraction activities on surrounding land uses, sources of domestic and irrigation water supply, and development activity.

8. Strongly encourages the Province to inform, meet and meaningfully communicate with affected communities before public land is utilized for aggregate or mineral extraction or processing.
9. Encourages the Province to include in their permitting the on-going rehabilitation of aggregate extraction and mineral processing lots.
10. Recognizes that the terms or conditions of this Bylaw have limited application to any management activity relating to the exploration or production of minerals, sand, gravel, coal or quarries that is classified as a 'mineral' or a 'mine' under Provincial Acts and Statutes, so long as the Province manages the activities and land for that purpose.

4.4 Natural Resources

4.4.1 Objectives

1. Retain and diversify resource-based land uses that contribute to the local economy and nature of communities in Sentinel Mountain.
2. Recognize the importance of public lands for recreational values and opportunity.
3. Work with the Province and private landowners to ensure that resource based activities do not result in an increased occurrence or magnitude of natural hazards in areas where there is risk to persons or property and that such activities include safeguards for water supply.
4. Maintain the renewable natural resource land base and protect it from activities that may diminish the resource value and potential.

4.4.2 Policies

The Regional Board:

1. Recognizes the jurisdiction of the Province over public land.
2. Will strive to work with the Province to ensure community watersheds and sources of domestic water supply are recognized and protected.
3. Supports the development of community owned and managed woodlots in consultation and with the support of the community.
4. Encourages low impact recreational uses that avoid critical habitats and minimize disturbance and will work with the Province and others to ensure there are adequate staging areas with off-road parking for such uses.
5. Supports participation by First Nations communities in the management and development of public land in resource areas.
6. Supports activities that improve range and forage conditions, including the continuation of the Noxious Weed Control Program to help control the invasion and spread of noxious weeds.

7. Where there is forestry use, encourages selective logging to maintain undiminished capacity of the land to absorb and retain water, prevent erosion and permit groundwater recharge throughout the harvest cycle.
8. Encourages more stringent oversight of erosion and sedimentation of tributary streams to protect healthy gravel transport for fish.
9. Discourages logging in old-growth forests.
10. Encourages the Province to have due consideration for the impact of resource activities on existing adjacent residential developments and infrastructure such as roads.
11. Encourage the Province to recognize *environmentally sensitive areas*, hazard areas, and areas upstream of alluvial fans and uphold the strictest regulation for natural resource development in these areas.
12. Encourages the Province to refer applications for licences, permits, the disposition of public land, mineral exploration proposals involving surface disturbance, and any other development or activity to the RDCK.

4.5 Health & Social Wellbeing

4.5.1 Objectives

1. Cultivate healthy, equitable, inclusive, and supportive environments for the overall health and wellness of the community.
2. Support inclusive participation of all citizens with diverse means, needs, ages, and abilities in all aspects of community life.
3. Advance collaborative multi-sector partnerships that support human health.
4. Foster spaces where the community can come together.
5. Promote good neighbourliness.
6. Recognize the variety of leisure, social, cultural and spiritual activities important to residents of Sentinel Mountain communities.
7. Commit to initiating a long-term journey towards Truth, Healing and Reconciliation.
8. Celebrate the culture and heritage of the people and communities, including Indigenous communities.

4.5.2 Community Services Policies

The Regional Board:

1. Anticipates that community service's needs are accommodated within existing and proposed facilities within Sentinel Mountain as indicated on Schedule A.2 (Future Land Use) and that each community will have access to spaces where community members can come together.
2. Directs new community service and administrative developments to areas where services and amenities are more readily available and where they best serve the needs of the community.
3. Will work with the Province, Kootenay-Columbia School District No. 20 and Kootenay Lake School District No. 8 to ensure public education needs are being met through the provision of educational facilities and student transportation.
4. Supports the establishment of daycare facilities and small group care facilities within residential or community service areas.
5. Recognizes the importance of maintaining health service facilities and larger group care facilities centrally within the City of Castlegar, though consideration may be given to other areas where deemed appropriate and supported by the community.
6. Will work cooperatively with the City of Castlegar, City of Nelson, adjacent Rural Electoral Areas and the Province to direct community service and administrative facilities to areas where they are central, accessible and meet the needs of the broader community.
7. Will collaborate with support service partners in the City of Castlegar, City of Nelson and adjacent Rural Electoral Areas with regard to efforts to reduce poverty levels in the community. Effort will be made toward providing choice of housing, enhanced access to affordable childcare options, access to services, and enabling the production of and access to local food.
8. Will support the use of public and private lands for local community events as important contributors to the social and cultural values of the area, provided that such events are supported by communities and are neighbour-friendly.
9. Encourages that public spaces and buildings are designed or re-designed to accommodate accessibility.
10. Encourages a strong sense of community through support to local volunteer organizations.

4.5.3 Parks and Recreation Policies

The Regional Board:

1. Supports the existing and proposed network of public outdoor recreation lots and trails as indicated on Schedules A.2 (Future Land Use) and A.4 (Community Connections).

2. Encourages the Province to provide on-going access to public recreation sites, trails and forest service roads for the purposes of outdoor recreation, foraging and wild harvesting.
3. May partner with the City of Castlegar and adjacent Rural Electoral Areas if practicable to ensure that the long-term recreational needs of the community are met.
4. Supports the enhancement of opportunities for children, youth, and adult recreational and leisure activity and the creation of inter-generational programs to improve youth engagement and encourage social interaction for rural seniors.
5. Recognizes the vital contribution of community members and volunteers in the long-term operation and maintenance of indoor and outdoor recreational facilities, including parks and trails.
6. Seeks to provide universal access to recreational amenities in Sentinel Mountain, including parks, trails, facilities and programs.
7. Will identify and work to acquire parks and recreation sites in the region to meet the present and future needs of residents.
8. Supports the establishment and maintenance of public access points along the Slokan, Kootenay and Columbia Rivers for the purposes of swimming, fishing and other recreational pursuits.
9. Seeks to continue to work towards developing a broad system of linear parks, trails and linkages to access community parks, recreation areas, public open space and amenities that accommodate a variety of active user.
10. Encourages continued participation in the establishment of an integrated network of trails to access Campbell Fields, Slokan Pools and Slokan Valley Rail Trail as part of the Slokan Valley Greenbelt initiative.
11. Supports the Trans Canada Trail as an important connection between South Slokan and Castlegar.
12. Support the development of correct interpretive signage about First Nations in all RDCK parks.
13. For the purposes of Section 510(2) of the *Local Government Act*, designates residential lands suitable for subdivision in the Sentinel Mountain Plan area as having future park potential.
14. Recognises that Sentinel Mountain is generally rural or semi-rural in nature, and that when land is acquired for parkland it should be focused upon passive recreation opportunities such as water accesses, greenway linkages and trails.
15. May consider, when determining a potential park land dedication under Section 510 of the *Local Government Act*, the following policies:
 - a. proximity to settlement areas, other parks & trails, and bodies of water;
 - b. distance from environmental hazard areas;
 - c. average slope should be 10% or less;

- d. adequate accessibility;
 - e. cultural or natural features of significance;
 - f. potential for additional dedication of parkland from subdivision applications of surrounding parcels; and
 - g. potential for recreation (active park), conservation (passive park) or enhancement of public access.
16. Where environmentally sensitive areas of critical habitat for species at risk have been identified, encourages developers to donate such lands to a conservation organization within the RDCK in addition to the parkland or cash in-lieu required by the *Local Government Act*.

4.5.4 Heritage Policies

The Regional Board:

1. Should undertake the conservation and protection of heritage resources through the Community Heritage Register.
2. Supports properties with sufficient heritage value or heritage character to be nominated by the community for inclusion on the Community Heritage Register.
3. Supports incorporation of Indigenous cultural and heritage resource objectives within the Community Heritage Register, where appropriate.
4. Encourages developers to consider cultural and heritage protection opportunities in project planning and design.
5. Supports collaboration with local First Nations in the identification and protection of areas of archaeological and cultural value, including maintaining access for fishing and hunting, resource gathering and processing, burial sites, pictographs and other places of cultural significance.
6. Support the Province, senior governments, First Nation communities, individuals and interest groups in identifying and protecting features and places of scenic, architectural, historical, spiritual, archaeological and cultural significance.
7. Recognizes the value associated with recognition of Doukhobor heritage sites and culture.
8. May consider the range of authorities established under the RDCK's Heritage Conservation Extended Service Establishment Bylaw in the inclusion of heritage conservation in all aspects of community planning.

4.6 Local Infrastructure and Servicing

4.6.1 Objectives

1. Encourage coordination of land use planning and service delivery among the RDCK, City of Castlegar, adjacent rural Electoral Areas and senior levels of government to ensure that costs are minimized and services are provided in an effective and efficient manner.
2. Support expanded utility services where there is community need and desire.
3. Support the maintenance of high water quality of groundwater and surface sources of domestic and irrigation water supply.
4. Work toward supporting community health and safety within existing and proposed water and sewer systems through appropriate and affordable standards of service.
5. Protect groundwater and surface water sources from degradation through improper disposal of liquid waste.
6. Encourage reduction of solid waste through consumer habits, recycling, re-use and composting.

4.6.2 Policies

The Regional Board:

1. Anticipates that public utility needs will be accommodated within existing facilities as designated on Schedule A.1 (Existing Land Use).
2. Encourages the cooperation and coordination with and among utility companies in utilizing existing and proposed utility corridors for multiple uses, where feasible and compatible.
3. Supports minimizing the number of new antenna sites by encouraging co-location.
4. Will investigate options for improved or expanded utility services where it is deemed necessary or desirable by the community, with consideration given to long-term feasibility and availability of resources. Decisions on improved or expanded utility services shall be made by the authority having jurisdiction and the community on a case by case basis.
5. Will investigate options for enhanced service delivery through regional partnerships where services or activities cannot be sustainably supported within the rural areas.
6. Will investigate options for enhanced cell coverage in communities such as Pass Creek, where emergency response may be limited or constrained by lack of service.
7. Requires that any extension or modification of local infrastructure or creation of new infrastructure necessitated by the approval of subdivision or issuance of a building permit, including all costs for upgrades and design, be the responsibility of the developer or those benefiting from such improvements.
8. Encourages water license holders to register any undocumented wells or unrecorded domestic and irrigation surface water sources.

9. Promotes water resource conservation strategies and reduced water demand through educative materials and voluntary incentives, particularly in areas where the water resource has already been over-subscribed.
10. Encourages all users and agencies having jurisdiction of water sources for domestic and irrigation use to use best management practices for conservation.
11. Will investigate options and alternatives for improving the quality of domestic water supply for small and un-organized water systems in collaboration with the Province and Interior Health Authority.
12. Applies the precautionary principle to ensure that the density and intensity of land use is not increased beyond available servicing capacity in areas known to have concerns with domestic and irrigation water supply.
13. Requires proposed private development in the Shoreacres Aquifer to provide the RDCK with information from a Qualified Professional to properly assess any impacts to the aquifer and existing servicing.
14. Supports investigation into alternative and innovative servicing techniques for residential, industrial and commercial construction reflective of the needs of rural communities and supportive of green infrastructure.

4.7 Transportation and Connectivity

4.7.1 Objectives

1. Work with the Province to plan for the provision of a road network capable of safely servicing existing and future development to ensure accommodation of public transit and active transportation investments.
2. Encourage community consultation and discussion during any initiative that reviews the transportation capacity of local roads, ferries, pedestrian and recreational corridors, and commercial development strategies.
3. Work with the Ministry of Transportation and Infrastructure to ensure the local road network is safe, effective, equally accessible and inviting for use by cyclists, pedestrians, equestrians, agricultural equipment and motorists.
4. Create an active transportation corridor with secure trail networks with connections and linkages through Sentinel Mountain and end of trip facilities which will take into account fiscal viability and practicality of projects.
5. Investigate options for the provision of expanded and enhanced public and shared transit throughout Sentinel Mountain.

4.7.2 Policies

The Regional Board:

1. Encourages the Province to require traffic impact studies as part of major future development proposal or which impact safety and mobility on network roadways to ensure that:
 - a. existing and future roads and alignments are designed with due consideration for watercourses and critical habitat areas;
 - b. safety is maintained through access management and control;
 - c. disruption to farming operations is minimized; and
 - d. projected traffic volumes do not reduce the present service levels for the existing roadway.
2. Supports the creation and/ or enhancement of cycling and pedestrian systems in new and existing developments.
3. Supports the development of a comprehensive network of pedestrian and bicycle routes on public and private lands and along existing and future road networks, including an active transportation corridor between Castlegar and Nelson with connections to the Slokan Valley corridor.
4. Supports acquisition of easements and right of ways or funding applications that secure the active transportation corridor shown on Schedule A.4 (Community Connections).
5. Recognizes that ferry service to the community of Glade has been designed to accommodate greater fluctuation of Kootenay River levels and encourages that such fluctuations under the Kootenay Canal Agreement be limited to the extent possible due to concerns with erosion and upland impacts.
6. Advocates for improvement to and expansion of public transportation service opportunities, bus shelters, and cross walks in cooperation with BC Transit.
7. Will work with BC Transit to improve transit service throughout the day.
8. Will investigate ways to support a community ride share program specific to meeting the needs of seniors and people who do not drive.

4.8 Natural Environment

4.8.1 Objectives

1. Foster an awareness of the values associated with the natural environment and protect sensitive and significant natural features from potential negative impacts of development.

2. Encourage the maintenance of biodiversity important to the biological functioning and ecological integrity of Sentinel Mountain.
3. Protect, restore and enhance environmentally sensitive areas and important habitats.
4. Protect, restore and enhance watersheds and riparian areas.
5. Establish an interconnected ecosystem network of protected areas and corridors, wherever feasible, in order to preserve and support landscape connectivity.
6. Value and support Traditional Ecological Knowledge.

4.8.2 Policies

The Regional Board:

1. Will identify and preserve environmentally sensitive areas, important habitats and connections between them in a natural condition and maintain these areas free of development and human activity to the maximum extent possible.
2. Will collaborate with other levels of government, First Nations, non-governmental organizations, and neighbouring local governments in inventorying, mapping, and conserving environmentally sensitive areas, as well as developing consistent approaches to managing shared watersheds.
3. Supports the establishment of an Environmental Reserve designation for areas along the Kootenay River and at kp'itl'els.
4. Supports the establishment of an Environmental Reserve designation in domestic watersheds and other environmentally sensitive areas as identified.
5. Encourages on-going efforts and a collaborative approach toward the remediation and restoration of riparian areas, with an emphasis on those that have been modified or determined to be at risk.
6. Supports projects currently underway to restore river shorelines and fish habitat.
7. Will continue to support the efforts of the Brilliant Head Pond Stewardship Collaborative, the Province and First Nations in the maintenance of the Shoreline Guidance Document for the Kootenay River between Brilliant and Slocan Pools.
8. Supports the development and implementation of guidelines for protection of the natural environment, its ecosystems and biological diversity to ensure the long-term maintenance and health of domestic water supplies and riparian areas.
9. Will protect the Shoreacres Aquifer and require the assessment of future development to understand potential impacts and protect the aquifer.
10. Encourages private landowners and developers to protect environmentally sensitive areas through the registration of conservation covenants, land management agreements or through planned donation of lands.

11. Supports best management practices for land developers found in applicable provincial guidelines such as The Province of BC's Develop with Care.
12. Recognizes the importance of containing and controlling invasive species.

4.9 Hazard Lands

4.9.1 Objectives

1. Prevent injury and loss of life and prevent or minimize property damage as a result of natural hazards.
2. Support development outside of areas subject to known hazardous conditions, unless the hazard has been sufficiently addressed and mitigated.
3. Support inventories and studies to further determine the nature, extent and risk of development below, on and adjacent to identified natural hazard areas.
4. Inform hazard mitigation and emergency preparedness efforts with data.
5. Improve public awareness of hazardous conditions.
6. Recognize that important habitat may also be found in natural areas that are considered hazardous, and that disruption of these areas should be minimized.

4.9.2 General Hazard Lands Policies

The Regional Board:

1. Directs development away from those lands that may have a potential natural hazard or have been identified as hazardous by the RDCK or other agencies having jurisdiction.
2. Encourages the Provincial Approving Officer to ensure that technical reports for hazard lands that are to be subdivided are prepared by Qualified Professionals and that any recommended conditions for safe use of the land are registered as a s. 219 covenants to inform future property owners.
3. Support land use decisions that accommodate emergency response through provision of adequate access to developments and facilities for fire protection services and emergency first response where such services are provided.
4. Directs that new subdivision development considers evacuation routes and that future growth is not located on limited access roads with one way in and out.
5. Should continue to implement the RDCK Civic Addressing Bylaw to ensure that properties are appropriately addressed and that such addresses are posted in a manner as to facilitate emergency response.

6. Supports development and implementation of guidelines for the protection of development from hazardous conditions to address known hazards where deemed appropriate and feasible.

4.9.3 Flood Hazard Management Policies

The Regional Board:

1. Directs development away from land susceptible to flooding as identified on Schedule A.5.2 (Hazard Lands) and additionally any land identified as a flood hazard by a Qualified Professional.
2. Encourages flood prone areas to be used for parks, open spaces, habitat conservation, recreation or agricultural uses.
3. Requires that the construction and siting of buildings and structures to be used for habitation, business, industry, or the storage of goods damageable by flood waters to be flood proofed to geotechnical standards and certified by a Qualified Professional as safe for the use intended, where land that may be prone to flooding is required for building and no alternative is available.
4. Encourages the Ministry of Transportation and Infrastructure to undertake annual inspections, and as-needed inspections after large storms, runoff or flooding events, at the highest risk areas for impacts, such as, steep slopes and major culvert outfalls.
5. Supports the use of Section 86 of the *Land Title*, Section 56 of the *Community Charter* and Sections 488 (1) (b) and 524 of the *Local Government Act* to regulate development in a floodplain and provide for the safe use of the land for the intended purpose.

4.9.4 Fire Management Policies

The Regional Board:

1. Requires that all new developments be designed to incorporate best practice interface forest fire mitigation techniques for buildings and landscaping.
2. Will foster wildfire awareness and resiliency through public education materials, programs and events using FireSmart Guides as a principal guidance document.
3. Encourages property owners to adhere to the relevant Provincial FireSmart guidelines to protect properties and communities from wildfire risk through such measures as reducing fuel loads. Such measures should be supportive of the natural environment and mimic the natural effects of localized ground fire such as thinning and spacing trees and vegetation, removal of debris and dead material from the ground, and removal of lower tree branches.

4. Residents are strongly encouraged to obtain a Wildfire Mitigation Assessment under the BC FireSmart Wildfire Mitigation Program, offered through the RDCK to better understand what materials can be combustible in the event of a wildfire.
5. Supports the development of an inventory of accessible water sources that could be enhanced to support water extraction by firefighting equipment including dry-hydrant access to Kootenay, Slocan and Columbia Rivers.
6. Supports protection of accesses to water sources such as hydrants, standpipes, lakes, and streams to remain free of obstructions for fire protection purposes.
7. Supports the implementation of the Community Wildfire Protection Plan and associated adjacent forest management strategies in areas of high to moderate wildfire risk.
8. Will review and update wildfire protection approaches based on changing community circumstances, climate change driven ecosystem conditions, and mitigation techniques.
9. Will evaluate opportunities to assist in interface fire fuel reduction treatment in collaboration with forest and other tenure holders.
10. Supports pursuing provincial funding and resources to undertake wildfire risk reduction in the community/ forest interface areas.

4.9.5 Geotechnical Hazard Management Policies

The Regional Board:

1. Directs development away from land susceptible to hazardous geotechnical conditions as identified on Schedule A.5.2 (Hazard Lands) and additionally any land identified as having hazardous geotechnical conditions such as steep slopes or erosion areas by a Qualified Professional.
2. Discourages development on slopes with grades greater than 30% to avoid geotechnical hazards.
3. Encourages new development areas with slopes greater than 30%, including those areas that may be regarded to be less than 30% after development, to be reviewed for soil instability and potentially hazardous conditions with any development subject to the recommendations of a geotechnical report.

4.9.6 Radon Gas Hazard Mitigation Policies

The Regional Board:

1. Encourages provincial and/ or federal agencies to conduct further research on possible radon health risks in and around Sentinel Mountain.
2. Encourages residents to test their homes for radon exposure and to take appropriate mitigation measures where radon levels are found to be higher than recommended levels.

3. Supports providing information on radon and radon mitigation opportunities to residents.

4.10 Climate Mitigation and Energy

4.10.1 Objectives

1. Understand the likely impacts and vulnerabilities of regional climate change within Sentinel Mountain.
2. Demonstrate leadership in energy conservation, energy efficiency and carbon pollution reductions and work toward carbon neutrality.
3. Reduce energy consumption and carbon pollution and encourage energy efficiency in planning, design and construction of neighbourhoods and buildings.
4. Work toward future settlement patterns that give residents the option to reduce dependency on private automobiles and encourage other forms of transportation such as walking, cycling and transit, where realistic and achievable.

4.10.2 Greenhouse Gas Emissions Reduction Targets

The Regional Board:

1. Will work collaboratively with our partners and interested community members to reduce carbon pollution in the rural areas by 50% from baseline levels (2018) by 2030 and by 100% from baseline levels (2018) by 2050 as established by the Board's commitment in 2022.
2. Will foster the development of renewable energy supply options as established in the Board's commitment to 100% renewable energy by 2050.

4.10.3 Policies

The Regional Board:

1. Encourages the reduction of landfill waste through the RDCK zero waste policy.
2. Supports collaboration with and supports partners that raise awareness and provide education on energy and emissions to local businesses, residents, and other organizations in the community.
3. Encourages energy efficient retrofits of older buildings, including both residential and commercial buildings.
4. Encourages the use of local materials and green building techniques in new and retrofitted developments.

5. Supports a voluntary reduction of personal vehicle transportation emissions by promoting use of public transit and shared transit, including the use of buses, car co-operatives and delivery services, more efficient vehicles, use of alternative fuels, providing sufficient pedestrian and cycling facilities and routes, encouraging home based businesses and encouraging changes in travel patterns.
6. Supports the expansion and enhancement of electric vehicle charging stations and infrastructure throughout the region through the *Accelerate Kootenays Program*.
7. Supports the exploration of renewable energy opportunities in the agricultural and forestry industries such as biomass energy production.
8. Supports the creation of a renewable energy service for the RDCK.
9. Encourages identification, establishment and maintenance of natural and managed carbon sinks for the purposes of conservation, maintenance of biodiversity, and enhanced community resilience with consideration to local ecosystem values and socio-economic drivers.

4.10.4 Actions

1. Work with Ministry of Transportation and Infrastructure, BC Parks, and other potential collaborators to increase connectivity and multi-modal options for mobility and active transportation.
2. Promote and provide community outreach and education related to climate change and reduction of carbon pollution.
3. Investigate ways to increase waste diversion through strategies identified in the *RDCK Resource Recovery Plan*.
4. Develop a sustainability checklist for the evaluation of land use and building applications and supports the investigation into the creation of associated incentives for developers that develop buildings to a high level of building performance.
5. Seek out partnerships with utility companies, independent power producers, Non Government Organizations, member municipalities, Provincial and Federal agencies and others to further local energy strategies and concurrent planning efforts.
6. Investigate and development of renewable energy consistent with the Regional Board's commitment to 100% by 2050, including supply options such as district energy, ground-source heat pumps, solar and heat recovery systems where practicable opportunities might be present.

5.0 PLANNING AND LAND USE MANAGEMENT STRATEGY

5.1 Growth Management

Growth Management is a critical aspect of planning for a community's future. It allows a community to forecast growth, based on trends and aspirations, and to direct anticipated growth to areas that align with the community's vision and broad goals.

Sentinel Mountain has several constraints that may impede where any new residential growth can occur. These constraints includes the amount of land within the ALR, the amount of public land, hazards lands, and lack of servicing infrastructure to support new development.

Strong growth management polices will ensure Sentinel Mountain evolves in a manner that contributes to its rural character and reflects the community's vision, values and needs without compromising those of future generations. Carefully managing growth avoids sprawl, preserves natural areas, maintains a working land base reducing the reliance on long distance highway commuting, and preserves green infrastructure such as potable water.

5.1.1 Objectives

1. Accommodate residential growth within existing settlement areas that comprise the Residential Land Use Designations on Schedule A.2 (Future Land Use).
2. New development focuses on sensitive infill where services currently exist in keeping with this OCP's broad goals, objectives and policies.
3. Incremental growth is encouraged while maintaining the rural character and conserving the natural environment of Sentinel Mountain.
4. Servicing capacity is to be carefully considered when growth is proposed to protect human health and safety and environmental well-being.

5.1.2 Policies

The Regional Board:

1. Recognizes improving the completeness of Sentinel Mountain's existing small communities which may provide for local employment, services, shopping, school and/or recreation opportunities.
2. Requires that new subdivision development be sustainably serviced in accordance with the requirements of the RDCK Subdivision Bylaw, applicable Provincial legislation and Interior Health Authority best practices.
3. Encourages residential development be located away from hazard lands, environmentally sensitive areas and designated agricultural areas.

4. Supports all new parcels less than 1.0 hectare in size to connect to a community wastewater and/ or water system.
5. Encourages infill growth where community infrastructure is already in place or where new development will directly improve capacity.

5.2 Future Land Use Designations

Residential Land Use Designations

5.2.1 Rural Residential (RR)

1. Development of this type is directed to remote areas.
2. Preserve natural and rural settings with large lots typically at least two hectares in size.
3. Residential uses are situated in a safe area outside of hazardous or environmentally sensitive lands.
4. There is minimal disturbance to the surrounding environment.
5. Properties in this designation have onsite water and sewerage systems.
6. The principal use shall be single detached homes (plus permitted accessory dwelling units) or duplexes, horticulture or veterinary clinics.

5.2.2 Country Residential (RC)

1. Development of this type is directed to residential areas with access to main roads outside of hazardous or environmentally sensitive land.
2. Properties in this designation typically have onsite water and sewerage systems.
3. Directs that the principal use shall be single detached homes (plus permitted accessory dwelling units), duplexes or horticulture.
4. Lots are considered acreages or hobby farms and are typically at least one hectare in size.

5.2.3 Suburban Residential (RS)

1. Development of this type is directed to residential areas with access to main roads, transit and local amenities.
2. Supports housing with rural country character, where homes typically face and front a street.

3. Directs that the principal use shall be single detached homes (plus permitted accessory dwelling units) or duplexes.
4. Lot sizes and density shall be determined by the level of available or proposed servicing.
5. Density may increase with the provision of community water and/ or wastewater systems.

5.2.4 Village Residential (RV)

1. Enable a variety of housing types near community centres including affordable housing and special needs housing.
2. Properties in this designation have access to infrastructure services, such as community water and wastewater systems.
3. Transportation choices are available with access to bus routes.
4. Supported building types include missing middle housing.
5. A maximum density of 30 units per hectare is supported.

Employment Land Use Designations

5.2.5 Commercial (C)

1. Intent for smaller-scale, neighbourhood-serving commercial activities.
2. Support small-scale buildings up to two storeys in height.
3. Encourage residential uses above and/ or behind the primary ground floor commercial uses.
4. Allowable density will be dictated by access to infrastructure services, such as water and sewerage systems.

5.2.6 Industrial (M)

1. Supports light industrial uses that support local employment and are neighbour-friendly.
2. Permits industrial buildings and structures on large lots.
3. Directs that requirements for screening and/ or landscaping be incorporated into the design of new and expanded industrial developments.
4. Requires surface runoff to be adequately captured and or treated.

5.2.7 Agriculture (AG)

1. The principal use shall be farm use.

2. The average lot size for subdivision of Agricultural land should be greater than two hectares.
3. Food processing activities and broadened market opportunities are encouraged such as: market gardens, craft wineries, breweries, distilleries and meaderies, and farm gate sales.
4. Single detached housing is permitted. May consider accessory dwellings as permitted by the ALC where the additional density does not negatively impact the existing or future farm use.
5. Supports the use of maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations.
6. Encourages diversification and enhancing farm income by enabling uses secondary to and related to agricultural use consistent with the provisions of the *Agricultural Land Commission Act*, associated regulations, orders and decisions of the ALC.

5.2.8 Resource Area (RA)

1. Permitted uses include the extraction of natural resources, such as forestry, gravel and mines.
2. These uses generally should be located in isolated locations on public land under Provincial jurisdiction and away from community centres.
3. Where located near existing residential uses, conditions should be required to mitigate impacts such as noise, dust, traffic, slope stability, water quality and visual impacts.
4. Appropriate small-scale forest related activities is supported, such as sustainable gathering of products, food crops, hiking, bird watching and wildlife viewing, education and value added resource industries.

Civic and Open Space Land Use Designations

5.2.9 Community Services (CS)

1. Development of this type includes institutional uses that support a complete community. This includes schools, recreation centres, fire halls, places of worship, libraries, daycares, special needs housing and other community-focused services.

5.2.10 Public Utility (U)

1. Ensure effective distribution of public utilities by permitting existing and future civic infrastructure, like railways, gas and hydro right of ways.

5.2.11 Parks and Recreation (PR)

1. Applies to lands permanently set aside for: provincial and regional parks, recreational facilities, trails, fields and open spaces.
2. Provides for community uses and amenities such as social gathering and activity spaces, civic facilities, recreation access and play spaces, gardening and respite spaces.

5.2.12 Environmental Reserve (ER)

1. Applies to natural areas with high environmental values intended for conservation including important wildlife habitat and corridors, environmentally sensitive areas, old-growth areas, foreshore and riparian areas, and steep slopes.
2. Compatible development should be limited and have the oversight of a Qualified Professional.

5.3 Community Specific Policies

5.3.1 Pass Creek and Gibson Creek

The Regional Board:

1. Recognizes that residential development within the community of Pass Creek will be primarily a combination of Agriculture and Rural Residential.
2. Acknowledges that storm water drainage and slope stability is a concern in localized areas.
3. Supports enhanced high-speed internet and cellular service within the community.
4. Recognizes the constraints associated with Pass Creek Road in supporting increased industrial and commercial traffic and increased recreational use.
5. Encourages the continued multi-use of the Pass Creek Community Hall for childcare services and recreational programming. Consider the addition of affordable housing and/ or special needs housing subject to servicing capacity.
6. Supports the establishment of access and a trail network to Norns Creek and Pass Creek.
7. Encourages the establishment of standpipes or dry-hydrants for emergency water access purposes at Norns Creek and Goose Creek.

5.3.2 Brilliant

The Regional Board:

1. Recognizes that residential development within the community of Brilliant will be primarily Suburban Residential.
2. Development of cultural and non-profit commercial facilities designed to support the operations of the Brilliant Cultural Centre such as, but not limited to: museums,

theatres, libraries, arts/crafts, food preparation, exhibition/training centres are encouraged to be located in conjunction with the Brilliant Cultural Centre.

3. Development of affordable housing and/ or special needs housing in conjunction with the Brilliant Cultural Centre is encouraged.
4. Recognizes that additional capacity for residential infill will be determined by improvements to the quality and available quantity of services by the Brilliant Improvement District.
5. Recognizes the continued responsible management and operation of local commercial and industrial properties and encourages working toward enhanced screening and landscaping of commercial and industrial operations in proximity to residential developments and visitor attractions.
6. Recognizes the value of kp'it'els and the surrounding area to the Sinixt and other First Nations. Will work with the Province and First Nation partners to preserve Indigenous values and continue conservation planning at the site.

5.3.3 Tarrys, Thrums and Glade Central

The Regional Board:

1. Recognizes that residential development within the communities of Tarrys, Thrums and Glade Central will be a combination of Agriculture and Country Residential.
2. Will consider investigation into establishment of residential nodes where higher density may be considered to increase options for rental and market housing choices.
3. Encourages the continued multi-use of the Tarrys Community Hall for childcare services and recreational programming. Consider the addition of affordable housing and/ or special needs housing subject to servicing capacity.
4. Supports investigation into ALR boundaries within the community as being not reflective of agricultural potential and the constraints associated with local topography.
5. Encourages a collaborative approach to resolving issues associated with utility easements throughout the community and the associated costs for surveying and disposition of such lands.
6. Recognizes that the narrow lots associated with this area require consideration with regard to the keeping of farm animals and agricultural activities.
8. Encourages investigation into boat-launch facilities and public access points on the Kootenay and Slocan Rivers to enhance access.
9. Encourages property owners along the Kootenay River to investigate options for the authorization or removal of docks as historically established.
10. Encourages the establishment of standpipes or dry-hydrants for emergency water access purposes on the Kootenay River.

5.3.4 Glade

The Regional Board:

1. Recognizes that residential development within the community of Glade will be primarily Agricultural.
2. Recognizes that additional capacity for residential infill will be determined by improvements to the quality and available quantity of services by the Glade Irrigation District.
3. Supports investigation into the establishment of low profile housing for senior's within the community.
4. Encourages the continued multi-use of Glade Community Hall for childcare services and recreational programming. Consider the addition of affordable housing and/ or special needs housing subject to servicing capacity.
5. Supports investigation of options for access and transportation for emergency response and egress if ferry service is disrupted.
6. Encourages investigation into boat-launch facilities and public access points on the Kootenay River to enhance access.
7. Encourages the establishment of standpipes or dry-hydrants for emergency water access purposes on the Kootenay River.

5.3.5 Shoreacres

The Regional Board:

1. Encourages the precautionary principle for residential infill with consideration to the vulnerability of the aquifer providing domestic water supply and constraints to sewerage disposal.
2. Supports investigation into the establishment of a trail system that enables connectivity to local school facilities and Slocan Pools in collaboration with private property owners and the Canadian Pacific Railway company.
3. Encourages the multi-use of Shoreacres Community Hall for childcare services and recreational programming. Consider the addition of affordable housing and/ or special needs housing subject to servicing capacity.
4. Encourages investigation into boat-launch facilities and public access points on the Slocan River and Kootenay River to enhance access.
5. Encourages the establishment of standpipes or dry-hydrants for emergency water access purposes on the Kootenay River.

5.3.6 Voykin and Playmor Junction West

The Regional Board:

1. Recognizes that residential development within the community of Voykin and Playmor will be primarily Suburban Residential.

2. Recognizes that additional capacity for residential infill will be determined by improvements to the quality and available quantity of services by the Voykin Improvement District and any future community water systems.
3. Encourages that options for screening and landscaping of adjacent commercial and industrial properties within Electoral Area H be considered if land use regulation is to be investigated in the future, to minimize visual impacts and nuisance in adjacent residential communities.

6.0 IMPLEMENTATION

6.1 Development Approval Information Areas

6.1.1 Designation

The *Local Government Act* provides local governments with the authority to establish Development Approval Information Areas (DAIAs). The designation of a DAIA allows the RDCK to require an applicant to provide information about a land use application at their own expense. The main objective of using this legislative provision is to ensure that appropriate studies and information are provided to enable the Regional District to evaluate an application prior to consideration of approval. Development Approval Information may be required for:

- a Bylaw Amendment;
- Temporary Use Permits; or
- Development Permits.

6.1.2 Area

The entire area covered by this OCP is designated as a DAIA under Section 485 of the *Local Government Act* in order to ensure that appropriate and sufficient professionally-prepared information guides decision making on land use applications.

6.1.3 Justification

The purpose of designating a DAIA is to ensure that possible impacts by proposed development are identified and documented as part of the development review process and to provide the RDCK with complete information to properly assess and mitigate unfavourable conditions caused by that development. In cases where the potential for negative impacts are identified, the RDCK may request or require that certain mitigation measures be implemented by the applicant to minimize negative impacts on surrounding lands. The RDCK may require applicants to provide information to minimize the effect of developments on lands undergoing development and surrounding lands, especially with respect to transportation, servicing, facilities, the environment, and the character of the surrounding neighbourhood. Procedures and requirements for DAIAs are established in the Planning Procedures and Fees Bylaw.

6.2 Development Permit Areas

The OCP may designate Development Permit Areas under the authority of local government legislation. Unless otherwise specified, a development permit must be approved by the Regional Board, or delegate of the Board, prior to any development or subdivision of land within a designated Development Permit Area.

Development Permit Area designations include purposes to allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of

development within the Plan Area. Development Permit Areas can also be used to meet targets for carbon emission reductions and energy and water conservation.

Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the applicable guidelines of all such Areas.

Development Permit Areas (DPAs) are designated under Section 488

Guidelines and exemptions for all DPAs are identified in Zoning Bylaw No. 1675, 2004.

6.2.1 Aquifer Protection Development Permit (APDP) Area

6.2.1.1 Purpose

The APDP area is designated pursuant to the *Local Government Act* section 488(1)(a) protection of the natural environment, its ecosystems and biological diversity and section 488(1)(i) establishment of objectives to promote water conservation.

6.2.1.2 Justification

Aquifers are sensitive to impact from development and disturbance by human activity and require special treatment in order to protect their ecological value, and community value as a drinking water source now and for the future.

Aquifers and surface water are connected and interact with each other as typically, surface waters recharge aquifers with precipitation and snowmelt. The groundwater system contributes to base flow in rivers and streams, maintaining habitat for fish, wildlife and plants and is the sole domestic water supply for many residents. Maintaining both water quality and quantity requires careful management for the long-term sustainability of ecosystems and drinking water values.

Care must be taken in construction methods, excavation, surface drainage and the storage, handling and manufacture and use of products on parcels of land within the APDP area to avoid contamination of the underlying aquifer and to protect and promote its sustainable use as a drinking water source.

In 2019 a groundwater vulnerability study conducted by WSP Canada Inc. indicated the Shoreacres aquifer is at some level of risk to contamination based on the physical properties of the aquifer and local geography. There are areas of higher risk that may require additional land-use planning to protect the aquifer and the local rivers. There is concern in the community based on the fact that the majority of residents draw their drinking water from the aquifer and there are no community water or wastewater systems.

6.2.1.3 Objectives

The APDP area supports the goals, objectives and policies of this OCP, and seeks to achieve the following objectives in its implementation:

1. To protect the subsurface aquifer forming part of the Electoral Area I water supply against possible pollution from land use and development activities.
2. To promote the efficient use of water to ensure a sustainable hydrologic system in the watershed.
3. To protect the quality of drinking water supplies, including safeguarding the surface water and groundwater supplies for that identified part of Electoral Area I and private wells.

6.2.1.4 Area

All properties within the APDP area defined by the map in Schedule A.7.

6.2.3 Industrial and Commercial Development Permit (ICDP) Area

6.2.3.1 Purpose

The ICDP area is designated under Section 488(1)(f) of the *Local Government Act* for the establishment of objectives for the form and character of industrial and commercial uses within Electoral Area I.

6.2.3.2 Justification

The OCP recognizes the distinct rural residential character of Electoral Area I and that there are commercial and industrial development opportunities provided that such development is compatible with existing uses. Commercial and industrial uses are designated along the Highway 3A corridor and are highly visible.

6.2.3.3 Objectives

The ICDP area supports the goals, objectives and policies of this OCP, and seeks to achieve the following objectives in its implementation:

1. To ensure that new commercial and industrial development is compatible with the surrounding residential and rural character.
2. To ensure that new commercial and industrial development is aesthetically pleasing.

6.2.3.4 Area

The ICDP area is comprised of all privately owned or leased lands designated as Industrial (M) or Commercial (C) and all commercial and industrial development generally within remaining areas of Electoral Area I on Schedule A.2.

6.2.4 Riparian Protection Development Permit (RPDP) Area

6.2.4.1 Purpose

The RPDP area is designated under Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

6.2.4.2 Justification

The RPDP Area is primarily concerned with the protection of riparian areas. Riparian areas make critical contributions to a healthy aquatic environment. They stabilize slopes, absorb storm water runoff, provide fish and wildlife habitat, and increase landscape connectivity and biodiversity. They are also important natural assets because of their role in buffering adjacent areas and watercourses from pollution, sedimentation, erosion and the impacts of temperature and weather changes, which may continue to have increasing impacts with climate change.

A biophysical assessment report, as described further in the RPDP Area Guidelines, is required as Development Approval Information in order to recognize the important functions of riparian areas and protect them in their natural state, as well as repair and enhance them, in order to preserve their ecological importance as well as the critical role they play in increasing climate change resilience.

6.2.4.3 Objectives

The RPDP area supports the goals, objectives and policies of this OCP, and seeks to achieve the following objectives in its implementation:

1. To preserve and restore riparian areas in order to enhance the function of their adjacent ecosystems, watercourses, and natural features.
2. To protect biodiversity and ensure landscape connectivity between watercourses and upland riparian areas.
3. To protect water quality and prevent pollution and contamination of watercourses through the preservation and enhancement of riparian areas.
4. To ensure activities within riparian areas are undertaken in a way that is sensitive to the natural environment and encourages shoreline stewardship.

6.2.4.4 Area

RPDP area width is based on the Aquatic Habitat Index (AHI) ratings contained within the Brilliant Headpond Shoreline Management Guidelines. The RPDP area is comprised of all lands within:

1. 30.0 metres of the stream boundary of Brilliant Headpond, where shoreline segments are classified as having a 'very high', 'high', or 'moderate' AHI rating;
2. 15.0 metres of the stream boundary of Brilliant Headpond, where shoreline segments are classified as having a 'low' or 'very low' AHI rating;
3. 30.0 metres of the stream boundary of the Slocan River; and,
4. 15.0 metres of the stream boundary of all other watercourses.

6.2.4.5 Activities that require a Development Permit

The owner of land within the RPDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of matters identified in section 489 of the *Local Government Act*, including but not limited to the following activities wherever they occur on land within the RPDP Area (subject only to exemptions explicitly listed in Section 5510 of the RDCK Zoning Bylaw):

1. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
2. disturbance of soils;
3. construction or erection of buildings and structures;
4. creation of non-structural impervious or semi-impervious surfaces;
5. flood protection works including shoreline protection works;
6. construction of roads, trails, *retaining walls*, docks, wharves and bridges;
7. provision and maintenance of sewer and water services;
8. installation, maintenance, repairs and replacement of drainage systems;
9. installation, maintenance, repairs and replacement of utility corridors;
10. subdivision as defined in section 455 of the *Local Government Act*; and
11. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*.

6.2.5 Wildfire Development Permit (WDP) Area

6.2.5.1 Purpose

The WDP area is designated to establish guidelines for the protection of development from hazardous conditions pursuant to section 488(1)(b) of the *Local Government Act*.

6.2.5.2 Justification

The WDP area is designated in recognition that communities within Electoral Area I interface with densely forested areas and because of this, wildfire is an ever-present threat. Wildfire can spread quickly and burning debris can be thrown up to two kilometers ahead of a wildfire and ignite materials and structures.

The adverse impact that wildfire poses to the environment, people, and property can be managed and mitigated in part through the implementation of *FireSmart* principles. The WDP area and its guidelines seek to implement *FireSmart* principles as minimum standards for subdivision, construction of new homes, and certain property modifications.

6.2.5.3 Objectives

The WDP area supports the goals, objectives and policies of this OCP, and seeks to achieve the following objectives in its implementation:

1. To prevent personal injury and property loss.
2. To protect structures from damage.
3. To ensure stable and accessible building sites.

4. To increase the community's resilience to wildfire hazards and climate change by reducing wildfire impacts as part of the land development process.

6.2.8.4 Area

All lands within the entirety of Electoral Area I are designated as WDP area.

6.3 Temporary Use Permits

6.3.1 Background

Temporary Use Permits (TUPs) may be issued by the RDCK under section 493 of the *Local Government Act*. The temporary use may continue in accordance with the provisions of the permit until the date that the permit expires, or three years after the permit was issued, whichever occurs first. TUPs may be renewed only once, after which the use must be either permanently designated in the OCP Bylaw and Zoning Bylaw or cease. TUPs are not a substitute for a land use designation amendment in accordance with the Zoning Bylaw.

6.3.2 Objective

1. Permit temporary uses to provide short-term opportunities when considered appropriate by the Regional Board, without negatively affecting surrounding properties or the environment.

6.3.3 Policies

The Regional Board:

1. Shall only consider Temporary Use Permits for commercial or industrial uses.
2. May consider the issuance of Temporary Use Permits throughout Electoral Area I, subject to the following:
 - a. demonstration that the use is temporary or seasonal in nature;
 - b. potential conflict with nearby land uses;
 - c. potential impacts on *environmentally sensitive areas*;
 - d. provision of adequate servicing that meets health requirements; and
 - e. relevant policies within other sections of this plan.
3. May require conditions under which a temporary use may be allowed, including but not limited to: the buildings or structures that may be used; the period of applicability of the permit; the area, duration or timing of use; and required site rehabilitation upon cessation of the use.
4. May require security deposits, site restoration plans or letters of undertaking to ensure conditions are met.

6.4 Integration of Plans, Studies, Policies and Bylaws

The OCP sets out broad objectives, policies and directions for Sentinel Mountain, but does not provide all the tools for implementing its policies. The RDCK has several additional tools and methods available for implementing the OCP and additional steps that must be taken to implement the tools that are identified in the OCP effectively (e.g. DAIA procedures). The purpose of this section is to set out specific steps the RDCK can take to implement this OCP. Some of the steps include refining the OCP, amending existing bylaws, adopting new bylaws, conducting studies to obtain more information and direction, and working closely with other jurisdictions and government agencies. Some of the specific steps are set out in the subsections below.

While some areas within Sentinel Mountain may desire additional regulatory tools to protect the values and interests or health of residents, in general, the residents of Sentinel Mountain have expressed an interest to maintain the sometimes competing interests of a ‘minimal’ level of growth and regulation.

Zoning Bylaw. Amend and/or prepare zoning regulations to add development permit guidelines and exemptions that are consistent with the development strategy of this OCP.

Planning Procedures and Fees Bylaw. Amend bylaw to implement the Development Approval Information Area including procedures and policies on the process for requiring development approval information and the substance of the information that may be required.

Terms of Reference for Professional Reports. Create a single terms of reference document that includes the reporting requirements for all professional reports required by the Development Permit Areas of this plan.

Follow-up Studies and Initiatives. The following are studies and initiatives that have been identified as actions that could implement portions of or be used to refine this plan:

- Housing Needs Assessment (2024);
- Environmentally Sensitive Areas Mapping; and,
- Continue to support community led water quality monitoring and reporting.

Other Agencies. The RDCK will continue to coordinate work with Provincial, Federal and other agencies to help implement and complement portions of this OCP.

- Continue to support the Province and First Nations partners in planning efforts at kp’it’els.

6.5 Monitoring, Evaluation and Reporting

The RDCK Board should monitor the OCP on an ongoing basis. The OCP should be revised when necessary to ensure it addresses current needs and aspirations of the community and reflects changing local and external conditions. In support of this initiative, the RDCK will monitor:

- population and demographic changes;
- groundwater supply, consumption and management issues;
- land supply / demand;
- changing housing needs; and
- economic, social, and environmental factors.

Based on the review of information collected from monitoring, the RDCK may choose to refine or amend the OCP accordingly as resources permit.

6.6 Plan Amendment and Review

An OCP is not a static document and is meant to respond to changes in the community. Refinements to the OCP may be proposed by RDCK staff to keep the plan up-to-date. The *Local Government Act* regulates the process for an OCP amendment which requires public notification and consultation, public hearing, and opportunities for consideration of the application by the RDCK Board. Refinements may include but are not limited to the following:

- Periodic assessment of the OCP;
- Accommodation of future housing needs every five years via a Housing Needs Assessment;
- Coordination with changes to Provincial legislation (e.g. *Local Government Act*, *Community Charter*, *Agricultural Land Commission Act* etc.);
- Coordination with new or revised Provincial plans and policies that relate to land use and community issues in Sentinel Mountain;
- Coordination with new or revised regional plans and policies;
- Changes resulting from asset management planning and capital improvements; and,
- Changes to the known geographic extent of environmentally sensitive or known hazard areas, as determined through the review of plans, reports and applications submitted by project proponents to the RDCK.

This OCP should be reviewed comprehensively every five to ten years.

Appendix A

Glossary

Accelerate Kootenays Program is a collaborative strategy with Regional Districts of East Kootenay, Central Kootenay and Kootenay Boundary with support from Columbia Basin Trust, the Federation of Canadian Municipalities, Teck, the Province of BC, FortisBC, and BC Hydro to build a clean transportation network. The project created an electric vehicle (EV) charging station network so EV travel to and within the region is convenient and reliable.

Active Floodplain, in relation to a watercourse, refers to land that is:

- a) adjacent to the watercourse;
- b) inundated by the 1 in 5 year return period flow of the watercourse; and,
- c) capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land.

Active Transportation refers primarily to non-motorized human-powered transportation such as cycling, walking and skateboarding.

Adaptable Housing is housing that is designed and built so that accessibility features can be added easily and inexpensively during or after construction, summarized by the following key features:

- a) All entry and internal doors are 36" (915 mm), providing a clear opening of 33.5" (850 mm).
- b) All internal corridors/hallways provide a 36" (915 mm) clear opening.
- c) No steps are required to access the adaptable unit.
- d) A bathroom, bedroom and kitchen provide a 5 ft. (1500 mm) turning radius and are located on the main floor.
- e) Bathroom, kitchen and door hardware is lever-type.
- f) Blocking is installed in the main floor bathroom walls.

Affordable Housing generally means housing that costs less than 30% of total before-tax household income, usually focusing on households earning 80% or less than the average median income in an area.

Agriculture Plan is a plan to ensure that the agricultural capability of the area is realized and protected as part of a secure food supply for the region.

Brilliant Headpond Shoreline Management Guidelines are guidelines that are intended to clarify and streamline land use decision-making processes between different regulatory agencies, proponents, and stakeholders as they relate to riparian, fish and fish habitat. These guidelines provide a visual description of the locations of sensitive habitats for fish and

riparian wildlife in the Brilliant Headpond, highlighting the risk associated with various activities based on environmental values present in a given shoreline area.

Brownfield generally means abandoned, vacant, derelict or underutilized sites with active potential for redevelopment that may have contamination or the perception of contamination from a previous use. These sites are often former commercial or industrial properties.

Community Heritage Register is an official list of places recognized by a local government as having heritage value or heritage character.

Community Wildfire Protection Plan is a plan that assists local governments in identifying the risks of wildfire to their community as well as opportunities to reduce those risks. The purpose is to identify the wildfire risks within and surrounding a community, to describe the potential consequences if a wildfire was to impact the community, and to examine possible ways to reduce the wildfire risk.

Complete Community refers to communities, which provide a diversity of housing to meet identified community needs and accommodate people at all stages of life, and provide a wider range of employment opportunities, amenities, and services. And in a regional district, complete communities could be seen as the hubs that are part of a connected network.

Directorate of Aggregate Services refers to the recommendations issued by the Aggregate Advisory Panel in 2000. The Panel was given a mandate to review provincial policy concerning aggregate on private and Crown land throughout British Columbia. The Panel issued its report in 2001 making 47 recommendations to improve aggregate extraction and to improve how the process considers and deals with land use issues.

Develop with Care is a comprehensive guide to maintaining environmental values during the development of urban and rural lands. It sets out the program priorities of the Ministry of Forests, Lands and Natural Resource Operations, the Ministry of Environment, and other provincial and federal agencies, promoting ways to retain and create environmental function and resilience as communities grow.

Development, in the context of interpreting Section 6.2 Development Permit Areas, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation.

Drastic-Based Vulnerability Study - Shoreacres Aquifer refers to a Vulnerability Study based on the DRASTIC methodology for parts of the Shoreacres Aquifer. The objective of this study is to develop aquifer vulnerability mapping to assist with land management and land use practices in an area of known groundwater quality issues that is under development pressure.

Environmental Farm Plan Program is a Provincial program where farmers learn how to reduce agriculture's impact on the environment.

Environmentally Sensitive Area includes land and water areas containing natural features or ecological functions of significance or that are susceptible to damage from human activities.

FireSmart refers to various guides that provide information to property owners on how they you can reduce the potential impacts of wildfire on their home, neighbourhood, and community.

Green Infrastructure refers to ecological components, both natural and engineered, that are essential and contribute to managing rainwater, protecting water and air quality, providing flood control, and conserving soils. Includes riparian areas (ditches, rivers, creeks, and streams) and wetlands (natural or engineered), undeveloped areas, parks and greenways, trees, rooftop gardens, and working lands such as agriculture and forested areas.

Missing Middle Housing is a range of house-scale buildings with multiple units that are compatible in scale and form with single detached homes.

Noxious Weed Control Program is a partnership with RDCK and the Central Kootenay Invasive Species Society to protect ecosystems and communities by preventing and reducing the harmful impacts of invasive species.

Precautionary Principle is an approach to decision making in risk management, which justifies preventive measures or policies despite scientific uncertainty about whether detrimental effects will occur.

Qualified Professional means an applied scientist, technologist, or other expert acting alone or together with another qualified professional, where:

- a) The individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association.
- b) The individual's area of expertise is recognized by the Regional District as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and, the individual is acting within that individual's area of expertise

Retaining Wall means a structure constructed to hold back, stabilize, or support soil.

Resource Recovery Plan is a required plan that guides recycling, composting, landfilling; and ensures sustainable waste management practices for years to come.

Special Needs Housing includes but is not limited to supportive or transitional housing, seniors housing, accessible housing and other forms of housing that is consistent with the policies in the Plan and the RDCK's Housing Needs Report in which care, support and/or training is provided to occupiers of the facility in which the housing is provided.

Stream Boundary, in relation to a watercourse, means whichever of the following is farther from the centre of the stream:

- a) the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;
- b) the boundary of the active floodplain, if any, of the watercourse.

Sustainability means the concept of sustainable development (World Earth Summit, Rio, 1992). Today, there is no universally accepted or single definition, but in general, sustainability is a condition where ecological health, economic prosperity and social justice must be balanced for the well-being and quality of life of both present and future generations.

Watercourse means a natural body of water, whether or not it has been modified including, without limitation, a lake, pond, river, creek, spring, gulch, wetland or glacier whether or not usually containing water, including ice, but does not include an aquifer.

Wetland means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2967

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 Kootenay – Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 be amended as follows:
 - A. That Section II. Application be amended by removing reference to Electoral Area I.
 - B. That Section III. Purpose of the Plan be amended by removing reference to Electoral Area I.
 - C. That Section III. Purpose of the Plan be amended by removing reference to Electoral Area I.
 - D. That Section VI. Definition of the Official Community Plan be amended by removing reference to the Advisory Planning Commission for Area I.

- 2 That Kootenay – Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 Schedule 'A' – General Objectives and Policies be amended as follows:
 - A. That Section 3.2.4.3 Country Residential 2 Policies be amended as follows:
The minimum lot size shall be one (1) hectare with the exception of Lot 1, District Lot 11912, Kootenay District Plan EPP82210 which shall be 0.79 hectare.
 - B. That Section 3.7.2.4 Parks and Recreation be amended as follows:
Historical interpretation sites and archaeological sites which describe the past and reflect major achievements of residents of the area. Included in this category are the Doukhobor Historical Centre, Robson Community Memorial Church & Cemetery, CPR Train Bridge, Ootischenia Cemetery, Champion Creek Cemetery and the archaeological sites as identified on Schedule 'B' - Land Use Designations.
 - C. That Section 3.8.2.8 Transportation Policies be deleted in its entirety.
 - D. That Section 3.10.4 Brilliant be deleted in its entirety.

- E. That Section 3.10.5 Playmor Junction/Shoreacres be deleted in its entirety.
 - F. That Section 3.10.6 Glade be deleted in its entirety.
 - G. That Section 3.10.7 Tarrys/Thrums be deleted in its entirety.
 - H. That Section 3.10.8 Pass Creek be deleted in its entirety.
 - I. That Section 4.1.2 Justification be amended as follows:
The portions of Electoral Area J – Lower Arrow/Columbia are subject to this Official Community Plan includes the communities of Blueberry Creek, Fairview, Ootischenia and Robson. The OCP recognizes the distinct residential character of these communities and also recognizes that there is the opportunity for commercial, industrial and multifamily development provided that such development is compatible with existing uses. The overall objective of this designation then is to ensure that new commercial, industrial or multi-family development is compatible with its surrounding residential and rural character, that it be aesthetically pleasing and environmentally sensitive.
- 3 That Kootenay – Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 Schedule ‘B’ – Maps be amended by removing all lands within Electoral Area I.
 - 4 That Kootenay – Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 Schedule ‘C’ – Trail Development be amended by removing all lands within Electoral Area I.
 - 5 By making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and Table of Contents of the bylaw.
 - 6 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 7 This Bylaw may be cited as **“Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2967, 2024.”**

READ A FIRST TIME this _____ day of _____, 202X.

READ A SECOND TIME this _____ day of _____, 202X.

WHEREAS A PUBLIC HEARING was held on the _____ day of _____, 202X

READ A THIRD TIME this _____ day of _____, 202X.

ADOPTED this _____ day of _____, 202X.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2968

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 Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be amended as follows:
 - A. That the following definitions be added to Division 5 Interpretation:

ACTIVE FLOODPLAIN, in relation to a watercourse, means land that is:

- a. adjacent to the watercourse;
- b. inundated by the 1 in 5 year return period flow of the watercourse; and,
- c. capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land.

DEVELOPMENT means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation;

REGISTERED PROFESSIONAL FORESTER means a professional forester as defined in the *Professional Governance Act*.

HIGH WATER MARK means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain;

LAKE means any area of year round open water covering a minimum of 1.0 hectares (2.47 acres) of area and possessing a maximum depth of at least 2.0 metres. Smaller and shallower areas of open water may be considered to meet the criteria of a wetland.

APPROVED under **Section 52 (3)(a) of the Transportation Act** this
day of _____, 202X.

Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this _____ day of _____, 202X.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule A

DIVISION 55 Development Permit Areas

5500. For the area covered by this Zoning Bylaw, the Sentinel Mountain Electoral Area I Official Community Plan Bylaw No. 2821, 2022 designates Development Permit Areas (DPAs) and describes the special conditions or objectives that justify their designation. The exemptions and guidelines for all DPAs are contained within this Zoning Bylaw. Where “Post Development Guidelines” are specified in the DPA, they are incorporated as conditions into all Development Permits for the DPA issued by the Regional District of Central Kootenay.

5501. The following general DPA guidelines apply:

1. As part of a development permit application made prior to any of the applicable triggers for a development permit identified in section 489 of the *Local Government Act* and RDCK’s bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:

- a. providing the information identified in the following guidelines;
- b. proposing only activities and development consistent with the following guidelines;
- c. not undertaking any activities or development inconsistent with the following guidelines; and,
- d. not undertaking any activities or development without a development permit.

2. If disturbance to a DPA occurs outside of the scope of the conditions of an issued development permit then the property owner must submit a new development permit application including all accompanying documentation, fees, and Development Approval Information.

3. Post Development Guidelines for DPAs designated under Section 488(1)(a) of the *Local Government Act*:

- a. Unless explicitly excluded in a development permit issued by the Regional District of Central Kootenay, the owner of the applicable land must provide a post development report prepared by the relevant qualified professional(s) of an assessment of all permit conditions. The report must assess if the development is in compliance with the applicable development permit conditions and the land has been developed in accordance with the qualified professional’s recommendations within their report.

4. Compliance with DP Standards, Requirements and Conditions of Development Permit:

The owner of land within a DPA must:

- a. comply with all applicable standards set out within, and the requirements and conditions of, a development permit.
- b. In an Aquifer Protection Development Permit Area or Riparian Protection Development Permit Area, provide a report prepared by a qualified professional, as described further in the sections below.
- c. In an Aquifer Protection Development Permit Area or Riparian Protection Development Permit Area, provide a post development guideline report as described in section 5501.3.

Electoral Area 'I' Aquifer Protection Development Permit (APDP) Area

5502. Activities that require a Development Permit

The owner of land within the APDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of the following activities wherever they occur on land within the APDP Area:

- a. disturbance of soils;
- b. construction or erection of buildings and structures;
- c. creation of non-structural impervious or semi-impervious surfaces;
- d. construction of roads, trails, retaining walls, docks, wharves and bridges;
- e. provision and maintenance of sewer and water services;
- f. development of drainage systems;
- g. development of utility corridors;
- h. subdivision as defined in section 455 of the *Local Government Act*; and
- i. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*.

5503. Exemptions

A Development Permit is not required for the following activities:

- a. Construction, renovation, repair to an existing building that does not increase the building's footprint;
- b. Construction of a driveway to a residence except for excavation of a depth greater than 1.5 metres;
- c. Construction of unserviced buildings accessory to residential use such as a garage or greenhouse;
- d. Construction of a single detached home on a lot least one hectare in area or greater and is the only dwelling unit present;
- e. Digging of observation holes for percolation testing under supervision of a Registered Onsite Wastewater Practitioner or Professional Engineer, and digging of test pits for geotechnical investigation under supervision of a Professional Engineer;
- f. Onsite wastewater disposal system installation meeting the requirements of the *Sewerage System Regulation of the Public Health Act*;
- g. Subdivision of land where the proposed lots sizes are at least one hectare in area or greater;
- h. Technical subdivision for road widening, parcel line adjustment, or lot consolidation of a parcel that does not create a new lot; and
- i. The activity is part of a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act* and the lands are assessed as 'farm' under the *BC Assessment Act*.

5504. Guidelines

1. All applications for an APDP shall be accompanied by a report prepared by a Professional Engineer or Geoscientist with experience in hydrogeology as Development Approval Information. The report should follow any applicable Terms of Reference of the Regional

District for preparation of hydrogeological assessment reports and should also include, but is not limited, to the following:

- a. definition of study area and the relationship of the proposed property development to the protected aquifer;
 - b. capture zone analysis for existing and proposed new wells;
 - c. identification of the location of any existing or proposed above ground or underground fuel storage tanks, abandoned or operational water wells, septic tanks and drainage fields, and underground pipelines such as water, sewer or natural gas;
 - d. identification of potential impacts on adjacent properties and land uses;
 - e. inventory of potential contamination sources and how the applicant will manage hazardous materials storage, handling and disposal so as not to compromise the integrity of the underlying aquifer; and
 - f. identification of appropriate site-specific groundwater protection measures to ensure the quality and quantity of water in the aquifer is protected.
2. Where a proposed development will include any of the purposes or activities listed in Schedule 2 of the *Contaminated Sites Regulation*, (B.C. Reg. 375/96), the report prepared by a Professional Engineer or Geoscientist with experience in hydrogeology (as described in Guideline 1) shall be required to confirm the protection of the aquifer in relation to the intended uses. In this case, the professional report should additionally include the following:
 - a. indicate the site location of activities listed in above mentioned regulation;
 - b. assess the potential for contamination and the expected results should a spill occur; and,
 - c. address site design, and best management practices for site drainage, sewage disposal and hazardous material use, handling, storage, disposal and spill response.
 3. The report will form part of the Development Permit terms and conditions and may include recommendations pertaining to registration of a Section 219 Covenant, with the RDCK as Covenant Holder, to prohibit particular high risk land uses or activities or to specify other restrictions on use of the property.
 4. The use or disposal of substances or contaminants that may be harmful to area aquifers is discouraged and steps must be taken to ensure the proper disposal of such contaminants.
 5. During construction, the creation of any building piles and test holes drilled for geotechnical purposes must be reported to the RDCK, and must be properly closed upon completion, to prevent the migration of contaminants to the aquifer.
 6. Land stripping, excavations, ditching and trenching must be minimized.
 7. Control mechanisms should be used to minimize erosion and siltation.
 8. Impervious surfaces should be minimized.
 9. The use of permeable paving and other methods to reduce rainwater runoff are encouraged.
 10. Xeriscape, and other low water use approaches, is the preferred landscaping technique.

Electoral Area 'I' Industrial and Commercial Development Permit (ICDP) Area

5505. Prohibition

Land within the ICDP area must not be subdivided and construction of, addition to or alteration of a building or other structure must not be started without first obtaining a ICDP unless otherwise exempt in this Bylaw.

5506. Exemptions

A Development Permit will not be required for any of the following activities:

- a. subdivision;
- b. development associated with agricultural, residential or institutional land uses and activities;
- c. construction of, addition to, or alteration of a building or structure involving only: interior renovation; repair or maintenance; façade improvement to an area less than 20% of the existing façade; an addition to a principal building less than 55 square meters and construction of an accessory building; and,
- d. temporary buildings and structures associated with permitted construction or permitted by a Temporary Use Permit.

5507. Guidelines

Form and Character of Buildings:

1. Buildings and structures should be sited and shaped in such a manner as to be visually unobtrusive and aesthetically pleasing.
2. The shape, siting, roof line and exterior finish of buildings should be sufficiently varied to reduce the visual impact and apparent massing on adjacent areas.
3. Parking should be in smaller clusters to the rear or side of the building and be screened from view from adjacent residential uses.

Landscaping and Screening:

4. The retention of natural vegetation and mature trees is encouraged.
5. Outside storage and manufacturing areas should be located to the rear of buildings where appropriate and should be adequately screened.
6. Landscaping should be provided along all perimeter roads.
7. Industrial development adjacent to residential development should utilize a combination of landscaping and planted berms to provide visual and acoustic buffering between uses.
8. Landscaping features and finishing details should be provided to reduce the negative visual impact of chain link fencing visible from roads or residences.

Miscellaneous:

9. Lighting of facilities visible from roads or residences should be kept to the minimum necessary for safety and visibility. Lighting equipment should be carefully chosen to focus light on the area to be illuminated and avoid spillage of light into other areas. Fixtures with a full cut-off angle should be used. Lighting should be directed and shielded away from roads or residences to prevent light pollution.
10. Signage should be low, visually unobtrusive and grouped whenever possible. Particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting and boldness to be effective.

Electoral Area 'I' Riparian Protection Development Permit (RPDP) Area

5508. Interpretation

1. Unless otherwise defined in this Bylaw, the definitions contained within this Section shall have the same meaning as those terms defined in the *Riparian Areas Protection Regulation (RAPR)*, as amended from time to time

5509. Activities that require a Development Permit

The owner of land within the RPDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of the following activities wherever they occur on land identified as a riparian assessment area within the RPDP Area:

- a. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
- b. disturbance of soils;
- c. construction or erection of buildings and structures;
- d. creation of non-structural impervious or semi-impervious surfaces;
- e. flood protection works including shoreline protection works;
- f. construction of roads, trails, retaining walls, docks, wharves and bridges;
- g. provision and maintenance of sewer and water services;
- h. development of drainage systems;
- i. development of utility corridors;
- j. subdivision as defined in section 455 of the *Local Government Act*; and
- k. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*.

5510. Exemptions

A Development Permit is not required for the following activities:

1. A Development Permit or Section 219 Covenant has already been registered against the title of land, with the RDCK as a Covenant Holder, that has addressed that all RPDP Area guidelines for the proposed activities, the conditions of the Development Permit or covenant have been met, and the development activity will not impact the conditions of the previous approval or covenant.
2. All development activity will occur outside of the RPDP area and the RPDP area is delineated by brightly coloured snow fencing for the duration of the development activities occurring on the lands.
3. The RPDP area has been identified by a Qualified Environmental Professional (QEP) and is permanently protected, to the satisfaction of the RDCK, by a Section 219 Covenant with the RDCK as a Covenant Holder, return to Crown land, or dedication to the RDCK as a public park.
4. There is a change of use or renovation of a building where all of the following can be achieved within the RPDP Area:
 - a. the building footprint will not be altered or increased;
 - b. no heavy machinery will be present; and,
 - c. the riparian area is delineated by brightly coloured snow fencing and silt fencing for the duration of the development activities occurring on the lands.

5. Removal of noxious weeds and/or invasive species in accordance with the Central Kootenay Invasive Species Society's "Integrated Pest Management Options" for specific invasive species.
6. Restoration or enhancement as part of an approved local stewardship project and carried out under the recommendations and guidance of a QEP.
7. The planting of riparian species that are native to the Central Kootenay using non-mechanized methods.
8. Where a QEP has inspected the site and confirms to the satisfaction of the General Manager of Development and Community Sustainability that the actual location of the riparian area is not on the lands proposed for development.
9. Development activity that has been permitted by an authorization under the *Water Sustainability Act* or *Fisheries Act* where no disturbance will occur on the upland property unless otherwise permitted by the authorization. A copy of the authorization must be provided to the RDCK to demonstrate that the proposed works will not impact the riparian area.
10. Subdivisions, including lot consolidations and lot line adjustments, where the newly proposed lot lines do not fall within the RPDP Area, or where all of the following criteria are satisfied:
 - a. the plan of subdivision demonstrates that all development activities and building platform areas, or minimum site areas where zoning is in place, for each lot can be accommodated entirely outside of the RPDP Area;
 - b. no disturbance (such as grading, clearing, trenching, and the installation of site infrastructure) to the RPDP Area will occur as a result of the creation of lots or provision of services to those lots;
 - c. the RPDP Area has been identified by a Qualified Environmental Professional (QEP) and clearly delineated on site; and
 - d. a Section 219 Covenant, with the RDCK as a Covenant Holder, that contains recommendations to ensure adverse development impacts will be effectively mitigated must be registered over the RPDP Area against the titles of all newly created lots.
11. Lot line adjustments to the natural boundary of a watercourse resulting from the approval of an accretion.
12. Land alterations involving emergency measures to prevent or reduce immediate threats to life or property, where notice is provided to the General Manager of Development Services and Community Sustainability, in the following instances:
 - a. emergency works conducted under the direction of local or provincial government;
 - b. tree limbing, topping, or removal, where the trees are identified as an immediate threat to the safety of life or buildings, and all works are to be completed, by an arborist certified in BC in accordance with the relevant legislation as well as Provincial Best Management Practices regarding streamside vegetation. Limbing and topping are preferred and proposals for removal must be accompanied with a rationale for why the other actions are unsuitable;
 - c. the environmentally sensitive removal of trees, shrubs or landscaping designated as hazardous in a FireSmart Assessment or fuel management prescription, prepared by a Registered Professional Forester (RPF) or RDCK Wildfire Mitigation Specialist, where such trees, shrubs or landscaping are compensated for elsewhere within the RPDP

- Area using the replacement ratios provided in the RDCK's "Terms of Reference for Riparian Assessment Reports"; or,
- d. land alteration or vegetation removal deemed necessary to prevent or reduce immediate threats to life or property by a local, provincial, or federal government, or its agencies or contractors, performed under a declared state of emergency.
13. The land is located within British Columbia's Agricultural Land Reserve (ALR) and the activities:
- a. are responsible, normal agricultural practices carried out in accordance with the *Farm Practices Protection Act* and Farm Practice in BC Reference Guide. Interpretation or disagreements will be resolved through the provisions of the *Act*. Activities not covered by the *Act* or Guide will require a Development Permit; and,
 - b. adhere to the "Riparian Protection Setbacks from Watercourses for Buildings and Facilities in Farming Areas" contained within the Ministry of Agriculture Guide for Bylaw Development in Farming Areas.

5511. Guidelines

1. An owner of land within the RPD Area seeking to develop such land under a development permit must seek to implement the requirements of the *Riparian Areas Protection Act* and *Riparian Areas Protection Regulation*.
2. A development application must include, as Development Approval Information, a Biophysical Assessment Report and *Riparian Areas Protection Regulation (RAPR)* Assessment prepared by a QEP as defined in, and in accordance with, the *Riparian Areas Protection Regulation* established by the Provincial and/or Federal governments as used elsewhere in the Province. The assessment report must include certification from the QEP that:
 - a. the QEP is qualified to carry out the assessment;
 - b. the assessment methods have been followed;
 - c. in their professional opinion the development will not negatively affect the functioning of a watercourse or riparian area and that the requirements of the *Riparian Areas Protection Regulation* have been fulfilled;
 - d. contain recommendations that reflect Provincially-recognized best management practices as well as the Brilliant Headpond Shoreline Management Guidelines;
 - e. demonstrate a coordinated approach with other professionals involved with the project, such as, but not limited to Engineers, Hydrologists, Geoscientists, and Foresters; and,
 - f. be consistent with the RDCK's "Terms of Reference for Riparian Assessment Reports", as amended from time to time.
3. Development activities and the siting of buildings and structures will be carried out in a way that results in the least impact to the riparian area.
4. Demonstrate that a diligent effort has been made to preserve existing riparian vegetation, woody debris, boulders, and other natural features.
5. Retain mature vegetation wherever possible and incorporate it into the design of the project.
6. Parcels created by subdivision must demonstrate on a Site Plan that there is adequate space for a building platform area and associated services outside of the designated setback, and in

areas where zoning applies the minimum parcel size should be accommodated entirely outside of the setback area.

7. Where fencing is proposed within the RPDP Area, or to delineate the RPDP Area or a covenant area, wildlife-friendly fencing must be utilized to maintain landscape connectivity between aquatic and upland ecosystems.
8. Development proposals will be evaluated based on individual site characteristics (such as, but not limited to, sensitive habitat features, parcel size, topography, and access) and must adhere to the following priority sequence of mitigation options, as detailed further in the Brilliant Headpond Shoreline Management Guidelines, as amended from time to time and which is incorporated into these guidelines:
 - a. Avoidance of environmental impacts and associated components;
 - b. Minimization of unavoidable impacts on environmental values and associated components;
 - c. Restoration of on-site environmental values and associated components; and,
 - d. Offsetting impacts to environmental values for residual impacts that cannot be minimized.
9. The QEP must provide a recommended minimum setback from the stream boundary, consistent with the Provincial *RAPR* methodology, and from other habitat features present on the site (e.g. raptor nests) that is to remain undisturbed by development activities.
10. Limits of disturbance, such as silt fencing and/or snow fencing, to the setback must be in place prior to the commencement of any development activity or issuance of a Building Permit.
11. The setback shall remain free of development activities, except in unique circumstances where an applicant can demonstrate that all of the following criteria are fulfilled:
 - a. the parcel was created by subdivision in accordance with the laws in force in British Columbia at the time the parcel was created;
 - b. the applicant demonstrates that size or topographical constraints severely limit the ability to develop elsewhere on the property;
 - c. every alternative site and building design that could minimize the impact on the riparian area has been explored, which may include variances or reductions in all possible requirements (including, but not limited to, setbacks and height);
 - d. the Report adequately justifies why there are no other suitable alternatives to development activity within the setback and provides that, in the QEP's professional opinion the activity, as proposed, will not result in any harmful alteration, disruption or destruction of fish, fish habitat, or natural features that support fish life processes;
 - e. development is directed to areas already subject to human disturbance; and,
 - f. on-site environmental values will be restored in accordance with a restoration plan prepared by a QEP.
12. Development should be avoided on slopes greater than 30% (approximately 7 degrees) due to the high risk of erosion, bank slippage, and resulting sedimentation into watercourses.
13. Storm water will be managed in a way that utilizes natural approaches and on-site water recycling as well as preserves natural drainage patterns on the lands.
14. Preference will be given to flood and erosion protection works that utilize bio-engineering for the protection of both private property and the riparian area.
15. The conditions of the issuance of a Development Permit for the RPDP Area may require any of the following:

- a. areas of land that must remain free of development except in accordance with conditions in the permit;
- b. the preservation, protection, restoration or enhancement of natural features and watercourses;
- c. dedication of natural watercourses;
- d. construction works to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment;
- e. protection measures to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect banks;
- f. all works to be in accordance with a QEP's recommendations, as provided in the biophysical assessment report;
- g. monitoring of the development activities by a QEP;
- h. specific timing or sequence of development activities to minimize impacts to the natural environment;
- i. limits of disturbance to be in place for the duration of the development activities; and,
- j. a security deposit in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, as amended from time to time.

16. Other Provincial and Federal Requirements: The *Riparian Areas Protection Regulation* implemented through the RPDP does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.

Electoral Area 'I' Wildfire Development Permit (WDP) Area

5512. Interpretation

1. Development, in the context of this development permit area, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation.

5513. Activities that require a Development Permit

The owner of land within the WDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of the following activities wherever they occur on land within the WDP Area:

- a. construction, erection or alteration of, or addition to, buildings and structures;
- b. subdivision as defined in section 455 of the *Local Government Act*; and
- c. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*.

5514. Exemptions

A Development Permit is not required for any of the following activities:

1. Where an applicant for a Building Permit has submitted plans for construction that show compliance with these guidelines, and the owner has entered into a Section 219 Covenant, with the RDCK as a Covenant Holder, for compliance with the plans submitted which has been registered on the title of the property;
2. The construction of or alterations to accessory buildings or structures that are not in excess of 55 square meters and are further than 10 meters from other buildings;
3. Additions to existing approved buildings that are not in excess of 25% of the existing gross floor area;
4. Technical subdivision for road widening, parcel line adjustment, or lot consolidation of a parcel;
5. Subdivisions creating less than 4 new parcels;
6. Subdivisions creating more than 4 new parcels, where both of the following conditions are met:
 - a. the owner agrees to register a Section 219 Covenant, with the RDCK as Covenant Holder, on the titles of all new and remainder lots created through subdivision, to ensure compliance with Section 5517 of these guidelines which regulate building materials and landscaping;
 - b. that a Registered Professional Forester, specializing in wildfire risk and fuel hazard assessments and fuel management, has submitted a report that indicates that the subdivided properties have a low wildfire hazard rating within 30 meters (the home ignition zone) of the building envelope areas; and,
 - c. the Report(s) shall be attached to the Section 219 Covenant;
7. Interior renovations to existing buildings;
8. A new roof or a complete roof replacement using material that conforms to Class A, B or C , or equivalent, fire resistance as defined in the BC Building Code;
9. Any development comprised entirely of non-combustible materials such as metal, stone or concrete;
10. New accessory buildings and decks will not trigger landscaping requirements noted in Section 5515, except for Accessory Dwelling Units, provided they are located farther than 10 meters from other buildings;
11. Addition of rooftop equipment (e.g. HVAC), canopies, or other decorative roof structures that do not require a Building Permit.
12. The activity proposed on the site is a land alteration that relates solely to normal farm practices in accordance with the *Farm Practices Protection Act* and the landowner follows other regulations listed in the *Act*.
13. Landscape maintenance, installation, internal alterations, renovations, and land alteration activities that do not increase wildfire risk.

5515. Guidelines

Landscaping:

1. All areas within 1.5 metres of principal buildings should be free of coniferous vegetation and combustible materials (such as patio furniture, hot tub covers, etc.).

2. Individual coniferous trees may be located within 3 metres of a building, provided:
 - a. no other conifers are within 6 metres (measured from trunk to trunk) of the conifer;
 - b. exterior portions of the building fronting the tree's existing and eventual canopy are clad in fire resistant materials such as stucco, metal siding, brick, cement shingles or boards, concrete block, poured concrete, logs or heavy timbers and rock as defined in the *BC Building Code*; and
 - c. building roofing is comprised of metal, clay tile, fiber-cement, asphalt shingle or similar material; wood shakes of any kind are not acceptable.
3. No bark, mulch, or any other combustible material should be located within 10 metres of the outer edge of any building structure.
4. Separate any fencing built with combustible materials to be at least 1.5 metres from any dwellings.

Building Materials – Roofing

5. The roof covering shall conform to Class A, B, or C fire resistance as defined in the *BC Building Code*.
6. Gutters shall be made of metal.

Building Materials – Exterior Cladding

7. Untreated combustible materials should make up less than 20% of the surface area of an exterior elevation. Window and door trim, fascia, eaves, soffits, the underside of decks, siding and cladding are included in the determination of 20% combustible surface area per elevation. Roofing is excluded in the determination.
8. Manufactured homes shall be skirted with skirting that has a fire-resistance rating in accordance with CAN/ULC-S101.

Building Materials – Overhanging Projections

9. Balconies, decks, and porches (no exposed joists) shall be sheathed with fire-resistant materials.

Building Materials - Eaves, Soffits, and Vents

10. Eaves and soffits shall be closed so no joists are exposed.
11. Ventilation openings in exterior walls, roofs, eaves, and soffits shall be covered with corrosion-resistant 3 mm non-combustible wire mesh. Wall-mounted exterior vents are exempt from having wire mesh with 3 mm openings if vents with mobile flaps are used (subject to venting requirements in the *BC Building Code*).

Building Materials - Chimneys

12. Chimneys for wood burning fireplaces must have spark arrestors in compliance with NFPA 211.

Site Design

13. Building sites are encouraged to be located on the flattest areas of the property, avoiding gullies or draws that accumulate fuel and funnel winds.

14. Buildings are encouraged to be sited, and road accesses designed, in order to accommodate fire fighting vehicles and equipment.
15. A fire-resistant zone of at least 10 metres, where practical, should be managed around buildings and structures with the goal of eliminating fuel and combustible debris, reducing risks from approaching wildfire and reducing the potential for building fires to spread to the forest.
16. Auxiliary buildings and fuel tanks should be located as far away from buildings as possible. A distance of 15 metres or more is ideal. Where a distance of 15 metres or more is impractical, guidelines in this section that apply to principal buildings should be applied to accessory buildings.

Subdivision

17. As part of the subdivision process, the RDCK should receive a Wildfire Hazard Assessment prepared in accordance with the Regional District's Terms of Reference for Wildfire Hazard Assessments. The Wildfire Hazard Assessment and plan of subdivision should address the following guidelines:
 - a. Provide firefighting and emergency access to adjacent forested areas (such as through an access encircling the development, periodic access to the forest edge, or by placing access adjacent to forested areas). Consider, where the subdivision abuts forested areas, placing accesses so that they act as fuel breaks to protect the development and buildings;
 - b. Provide a minimum of two means of access points with road systems capable of supporting evacuation and the movement of fire suppression equipment. The number of access points and their capacity should be determined during subdivision design and be based on threshold densities of houses and vehicles within the subdivision. Single access may be considered where the development contributes to a future road network with multiple access points or where an emergency access route can be constructed;
 - c. Set back development a minimum of 10 m from the top of ridgelines, cliffs, ravines, or the top of slopes exceeding a 20% grade for a minimum horizontal distance of 10 m. Variation of the setback may be considered if a Wildfire Hazard Assessment can justify a change in the setback; and,
 - d. Where wildfire hazard levels are high, as determined by a Registered Professional Forester in a Wildfire Hazard Assessment, mitigation measures should be taken as recommended by the Registered Professional Forester to reduce the wildfire hazard rating to moderate or low.
18. Proposed deviations from the guidelines outlined in Section 5514.1-19 [Landscaping, Building Materials, Site Considerations, Subdivision Requirements] may be appropriate if the report verifies that the expected level of performance meets or exceeds the level of fire safety conferred by the guidelines outlined in the Wildfire Development Permit Area.



Area 'I' Official Community Plan Review

Interim Engagement Summary

"What We Heard" Report

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1.0 Introduction

The *Kootenay-Columbia Rivers Official Community (OCP) Plan Bylaw No. 1157* was adopted in 1996, and a Board resolution to approve the work plan to create a new OCP for Area 'I' was passed in 2016. Work including community engagement (neighbourhood meetings and a survey) took place in 2016 and 2017. The OCP update was paused to collect further information on the Shoreacres aquifer and Brilliant Head Ponds riparian area, and then due to the COVID-19 pandemic. In addition to the above studies, the RDCK also completed some region wide projects, such as, flood mapping, a Housing Needs Assessment and Community Heritage Register that will support the drafting of this OCP. Current projects that are currently underway that can also be incorporated include, the RDCK's Housing Action Plan, Wildfire Development Permit Consideration and the active transportation Castlegar-Nelson corridor feasibility study. Sub-regional OCP policy review ensures consistency in plans and that sub-regional growth is coordinated with RDCK municipalities.

In collaboration with the Local Area Director and Advisory Planning and Heritage Commission (APHC) for Area 'I' Planning staff revised the work and engagement plans to relaunch this project in the fall of 2022. At the December 8, 2022 Open meeting the Board resolved to *“direct staff to undertake the proposed engagement activities for the Area I Official Community Plan Update as described in the Area 'I' Official Community Plan Update – Engagement Plan report dated November 24, 2022”*.

Community input is essential to the OCP planning process. This Interim Engagement Summary - “What We Heard” Report summarizes the community feedback received so far. The engagement process was voluntary and the results summarized in this report may or may not reflect the views of the entire community. This report reflects the opinions of those who participated at the community meetings, workshops and kitchen table conversations held and or answered the community land use survey.

2.0 “What we did” - Phase One: Project Launch and Background Work

In 2016 and 2017, RDCK staff began the process of community engagement for the Area 'I' OCP review project.

2.1 Community Survey

In 2016, a *Community Land Use Survey for Electoral Area 'I'* was undertaken and 264 members of the public submitted survey responses with submissions received from respondents living in 8 of the identified communities. The majority of responses came from Pass Creek (24.24%), Glade (18.6%) and Shoreacres (15.9%).

A summary of the survey responses is provided below.

- Approximately 65% of those responding had lived in Area 'I' for 15 years or longer
- Home ownership accounted for 99.5 % of the housing tenure
- Approximately 85% of the housing stock was single detached
- Approximately 65% of the existing dwelling units were built before 1989
- Out of the 264 respondents only 41 answered the question about whether they had any rental accommodation (i.e. house, suite, manufacture home or room) on their property.
- Almost 75% of the respondents either agreed or strongly agreed that agriculture was important to their community with over 80% agreeing that local food production was important
- Respondents felt that commercial services could be expanded the most in Playmor Junction West, Thrums, Tarrys and Brilliant

- Approximately 77% of those surveyed felt like industrial expansion would be best suited for the Playmor Junction West community
- Approximately 15% of respondents indicated that they operated a home based business, and less than 1% operated a bed and breakfast operation
- 80% of respondents support enhanced recreation opportunities in their community
- 30% of respondents were on a community water system with 53% accessing water from a private well and the remainder accessing water via a surface licence
- Over 85% of respondents agreed or strongly agreed that land use regulations protecting riparian areas (similar to those existing in other RDCK Electoral Areas) be introduced
- To address tree removal 62% support some type of local government regulation (i.e. tree removal bylaw or development permit) to address localized land slip and or drainage issues
- Approximately 73% of respondent supported the creation of a wildfire development permit area to address development in moderate to high risk zones
- The vast majority of respondents has concerns with existing environmental issues ranging from foreshore erosion, aquatic invasive species, logging and pesticide use to name a few

2.2 Community Planning Workshops

Following the survey, Regional District planning staff held several community workshops with residents of Electoral Area 'I' during the month of November 2016 to celebrate the community and solicit dialogue on the common themes of local land use and economy, social and cultural, natural environment, and parks and recreation. The meetings were held as working group discussions to build upon the land use survey conducted over the summer months. Notice of the workshops were made through the Pennywise, community mail drops, and by posters placed in the communities of Pass Creek, Brilliant, Thrums, Glade, Shoreacres and Playmor Junction West.

After a brief presentation as to the intent and format of the workshop, participants were broken into working groups comprised of residents or property owners of the same community. Working groups were then provided a package of table topics to discuss. Please see the below summary of meeting locations, dates and number of participants:

Meeting Location	Date	Number of Participants
Pass Creek Community Hall	November 9, 2016	18
Brilliant Cultural Centre	November 10, 2016	3
Tarrys Community Hall	November 16, 2016	16
Glade Community Hall	November 17, 2016	22
Shoreacres Community Hall	November 23, 2016	37
Crescent Valley Fire Hall	November 24, 2016	3

TOTAL: 99

Figure 1: Community Planning Workshop Attendance by Meeting Location

2.3 Community Planning Presentations

Regional District staff held three community meetings with residents of Electoral Area 'I' during the summer 2017 and providing presentation on the OCP, Community Wildfire Protection Plan and Brilliant Head Ponds Stewardship

Collective. Staff presenting included the RDCK's Community Fire Smart Coordinator; an expert on Community Wildfire Protection Plans; the regional district's Planning Manager; and a staff member from Living Lakes Canada. The first meeting was held at the Glade Community Hall on July 12, 2017 **with 40 attendees**. The next presentation session was held for the communities of Pass Creek and Brilliant on July 13, 2017 and **40 attendees participated**. On August 9, 2017 the last of the community planning presentations was held for the communities of Shoreacres, Voykin Subdivision and Playmor Junction West with **32 people in attendance**. A total of 112 members of the public attended these community meetings.

3.0 "What we heard" – Phase One

The below feedback was received from the community workshop and presentation sessions held in 2016 and 2017, and community survey undertaken in 2016, and provides a summary of "what we heard" during Phase One of the Area 'I' OCP review project.

General Themes

- Aging in Place
- Lack of public space and community amenities
- Wildfire interface issues
- Water – quality, quantity, governance and community specific aquifer vulnerability
- Creating a Diversity of housing options consistent with rural character
- Agriculture
- Improvements to existing Recreation Amenities
- Highway Safety

In 2016 and 2017 we asked residents about their priorities for the community. Broken down into the categories of community, environment, economy, governance, housing, and community (social) connections.

This is **What we Heard**:

Community

- 80% of survey respondents support enhanced recreation opportunities in their community.
- There are many special places in Area I, such as Kp'itl'els, Doukhobor Community settlement areas, cemeteries, community halls, and more.
- Need more day care options and places for children to play.
- Need more support and programming for seniors, including care facilities.
- Losing former school sites also means losing community programming. There are limited places in Area I to gather or socialize.
- A meeting place or general store could be a real asset.
- Need to provide more and also protect and enhance existing walking trails, mountain biking trails, and water access points. Connecting trails in different areas to create a network is a priority.
- There are many loved natural areas, such as Brilliant Flats, Sentinel Mountain Trails, the Trans Canada Trail, and more.
- Opportunities to improve existing parks and community buildings.

Environment

- Almost 75% of survey the respondents either agreed or strongly agreed that agriculture was important to their community with over 80% agreeing that local food production was important.

- 30% of survey respondents were on a community water system, with 53% accessing water from a private well and the remainder accessing water via a surface licence.
- Over 85% of respondents agreed or strongly agreed that land use regulations protecting riparian areas (similar to those existing in other RDCK Electoral Areas) should be introduced,
- 62% of survey respondents support some type of local government regulation (i.e. tree removal bylaw or development permit) to address localized land slip and or drainage issues.
- Approximately 73% of survey respondents supported the creation of a wildfire development permit area to address development in moderate to high risk zones.
- The vast majority of respondents has concerns with existing environmental issues ranging from foreshore erosion, aquatic invasive species, logging and pesticide use to name a few. Brilliant Head Pond was noted as an area with sensitive habitat, along with a Blue Heron site between Sorokin Road and Pass Creek Road.
- Concerns raised about water quality, quantity, and the vulnerability of aquifers.
- Concern was noted that forestry practices are increasing wildlife conflicts, particularly with bears.
- Concerns were raised about illegal burning and air quality issues from wildfire smoke. Some participants raised Fire Smart measures as an idea to explore.

Economy

- Almost 75% of survey respondents either agreed or strongly agreed that agriculture was important to their community with over 80% agreeing that local food production was important.
- Survey respondents felt that commercial services could be expanded the most in Playmor Junction West, Thrums, Tarrys and Brilliant.
- Approximately 77% of those surveyed felt like industrial expansion would be best suited for the Playmor Junction West community.
- Approximately 15% of survey respondents indicated that they operated a home based business, and less than 1% operated a bed and breakfast operation.
- Concerns raised in community events include concerns about logging on the environment, concerns about the impact heavy equipment has on roads, and concerns that industrial and commercial land uses are not appropriate in certain communities. People expressed a desire to see more vacation rentals.

Governance

- Many survey respondents would be willing to take on more regulations (i.e. development permit areas) in order to protect watercourses and their habitats and to reduce risks from natural disasters like floods and fires.
- Community priorities raised in public engagement included some areas the province is responsible for, such as forestry practices, illegal dumping, childcare spaces, affordable housing, transit, and highway safety.
- Making it possible to walk/bike safely on Highway 3A and improving bus service routes and frequency will take active advocacy to the province and collaboration.

Housing

- Being able to “age in place” or stay in community as people age is important.
- People are open to RDCK reviewing minimum lot sizes and subdivision potential for land to support infill development.
- Accessory dwelling units (i.e. carriage houses) should be considered as long as they fit in with the rural character of the area.
- People support short-term and vacation rentals.
- There’s concern that if manufactured homes are allowed for immediate family members that they will become rental units instead.
- Small apartment complexes like the one in Crescent Valley could be appropriate.

Community (social) Connections

- There is a lack of public space and community amenities. There is no real place for people to socialize, no general store, coffee shop, or other meeting place.
- Need a dedicated indoor children’s play area.
- Need more day care options.
- Community halls and existing community places should be maintained and looked at for various improvements, maintenance, and programming options for creative community multi-purpose use.
- Opportunity to use former school sites.
- Concerns about bus routes and scheduling as well as walking and cycling options (Highway 3A not safe).
- Cemeteries are important cultural places.

Where are we in the planning process?

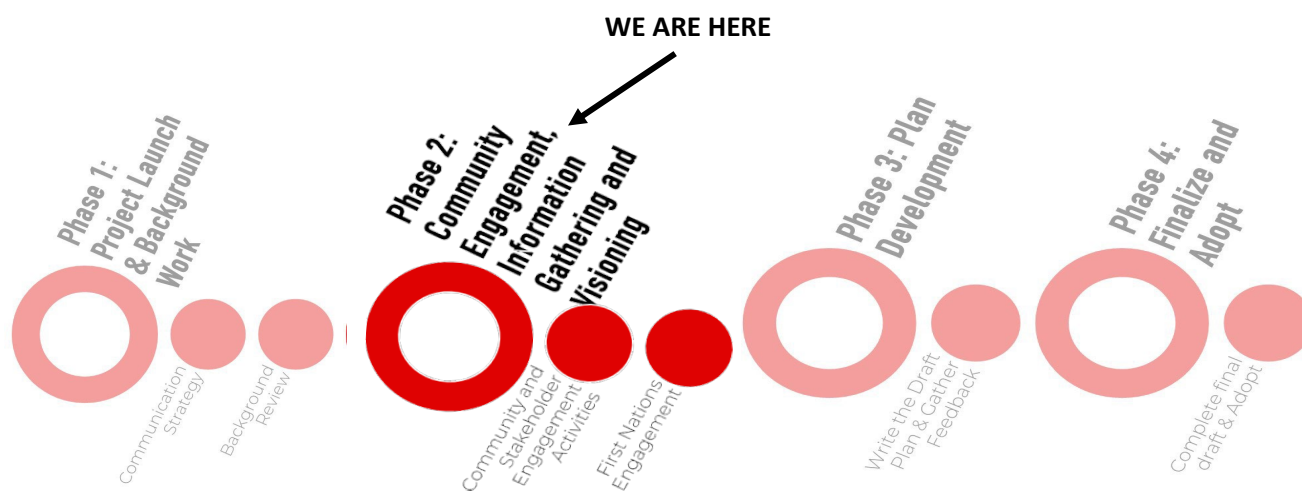


Figure 2: Where We Are in the OCP Review Process

4.0 “What we just did” – Phase Two: Community Engagement, Information Gathering and Visioning

In December 2022, Planning staff updated the OCP review project page website to re-launch the Area ‘I’ OCP review project as a place where community members and other interested parties were and continue to be invited to learn more about this project.

The project website - <https://www.rdck.ca/EN/main/services/community-planning/area-i-community-plan-review.html>

Project email is - OCPReview@rdck.bc.ca

The Area 'I' OCP review project page provides:

- Project background information including timelines.
- Project backgrounders on various land use planning themes ranging from Residential Land and Housing, Economy and Jobs, Climate Resilience, Mitigation and Energy to Local Infrastructure and Servicing, and Food, Agriculture and Rural Lands.
- Relevant Projects and Studies, such as, the Brilliant Head Ponds Stewardship Collaborative, Aquifer Vulnerability Assessment for Shoreacres Aquifer, the Community Heritage Register and Regional Housing Needs Assessment.
- Kitchen Table Conversation Discussion Guide and Workbook.
- Engagement opportunities/how to get involved.

4.1 Virtual Community Open House – Area 'I' OCP Review Re-launch

A virtual community open house event was held on January 26, 2023 at 6:00 pm using the RDCK's Webex virtual meeting platform. The open house provided a chance for residents to learn about the re-launch of the OCP rewrite project, to ask questions and provide initial feedback on emerging direction and considerations. **Approximately 26 members of the public attended** this event (* due to the virtual nature of this event staff was unable to determine if there was more than one person attending virtually from the same phone number et al.).

A presentation (Attachment 'A') by Planning staff was delivered that covered:

- Electoral Area 'I' Community Profile
- What's an OCP?
- Emerging Planning Themes
- Project Overview
- Next Steps & Your Feedback
- Questions & Answers
- Closing

The virtual open house re-launch presentation can be found in Appendix 'A'.

4.2 Kitchen Table Community Conversations

The RDCK's Planning Services team hosted five in-person "Kitchen Table Conversations" in the communities of Pass Creek, Glade, Shoreacres/Voykin Subdivision, Brilliant and Tarrys/Thrums during the first two weeks of March 2023.

Kitchen Table Conversations are small table discussions and are generally considered a good alternative to larger public engagement events where some people may feel intimidated or self-conscious about sharing with a bigger group. The intent was to generate and receive ideas for the new OCP in a fun and relaxing way to share big ideas and aspirations for the Electoral Area. The in-person sessions included a presentation made by staff with opportunities for questions followed by staff facilitated small group kitchen table conversations to obtain feedback for the goals, objectives and policy direction for this OCP review. To help guide these conversations a discussion guide and workbook were created and handed out at each small group table (Appendix 'B').

Meeting Location	Date	Number of Participants
Pass Creek Community Hall	March 7, 2023	43
Glade Community Hall	March 8, 2023	27
Shoreacres Community Hall	March 9, 2023	26
Brilliant Cultural Centre	March 15, 2023	22
Tarrys Community Hall	March 16, 2023	33

TOTAL: 151

Figure 2: Kitchen Table Community Conversations Attendance by Meeting Location

4.3 Kitchen Table Discussion Guide and Workbook Kits

The kitchen table discussion guides and workbooks were available from the project webpage for use by the community from the beginning of March to March 31, 2023. The intent was to empower members of the public to host their own kitchen table conversations with their family, friends and neighbours about the OCP process and to provide another option for residents who were unable to attend the five in-person sessions. The kits provided participants with the same background information and discussion guides used at the staff hosted in-person community kitchen table conversation meetings. In response to this self-directed exercise the OCP review email address received one completed workbook, two partially completed workbooks and three general comments letters or emails.

The engagement exercise (whether in-person or held on their own) provided participants with background information about an OCP including what stage we are in the OCP review process, and discussion guides for each activity. In total, there were three activities:

1. **Ice breaker exercise** to warm up the group discussion
2. **Review background material** in the discussion guide and **pick a topic as a group for discussion.**
3. **Generate objectives and actions for the topic(s)** discussed as a group.

5.0 Who got involved?...and “What we heard” – Phase Two

In total, **over 150 people in 25 groups participated in the kitchen table conversation exercises** whether in-person led by the RDCK’s planning staff or as a self-directed group or individual.

This is a summary of **WHAT WE HEARD** from our community engagement in spring 2023.

In a regional district, complete communities could be seen as the hubs that are part of a connected network to our member municipalities. Coming out of the pandemic, it’s arguably, not surprising to uncover that many participants spoke about a preference to **enhance community connections and social hubs**. All communities, whether urban, suburban or rural have the potential to be more complete, regardless of their existing context and physical characteristics. A range of identified community goals with many interrelated benefits were discussed, and are summarized generally by theme below (but not limited to):

General Themes:

- Accommodating slow growth while maintaining rural character and lifestyle
- Maintaining ALR land for primarily farming and food production
- Protecting the natural environment
- Protection of groundwater (i.e. aquifer) water quality and quantity

- Housing options
- Climate Change
- Protecting rural character and quality of life
- Governance (i.e. exploration of how the RDCK regulates land use)
- Increased transportation options
- Highway safety
- Improved accessibility and age-friendliness planning
- Understanding growth in the context of the Area's existing servicing and infrastructure limitation
- Fostering and promoting opportunities for community connections

Residents and community members provided feedback that included comments on:

- **Exposure to Natural Hazards such as wildfires and flooding** are an item of concern for many residents. Many participants wish to see the OCP include objectives and policies aimed at reducing risk from these hazards.
- **The natural beauty and access to parks and recreation** is highly valued by residents. Some wish to see further protection of natural areas and the expansion of trail, parks and recreation infrastructure (i.e. boat launches, parking, amenities etc.).
- **The freedom from regulation and culture of independence** of the area is highly valued by residents. Some residents identified potential tensions between the desire to see limited regulation and the need to address unsafe buildings, unkept properties, bylaw enforcement, etc.
- **Lack of services and utilities** including safe drinking water in locations such as Glade were a priority for some residents living in affected areas.
- **Many residents do not want to see rapid changes to Electoral Area '1'** and envision the community looking similar in the future to how it looks now.
- **Accommodating growth** and how residential infill opportunities should be considered was a concern with many participants commenting that the City of Castlegar and areas with existing servicing infrastructure would be better suited for development.
- **Need for "Age-Friendly" planning** and understanding the changing demographic profile of the Electoral Area was raised routinely as a priority with participants agreeing about the importance of creating more diverse housing options, supports and facilities that can accommodate an aging population.
- **Strong Community Attachment** with participants noting that residents look out for each other, but with new community members moving in there is also a desire in some communities to foster more community connections.

Table 1: What is Needed to Make Area 'I' Even Better

Rural lifestyle	<ul style="list-style-type: none"> • Allow incremental growth while maintaining the rural character and conserving the natural environment of the Electoral Area. • Support sensitive infill development where community infrastructure is already in place. • Focus growth in existing municipal centres and adjacent semi-urban areas with appropriate community servicing infrastructure to maintain “slow growth”.
Community Connections	<ul style="list-style-type: none"> • Promote the use of community hubs (i.e. community halls) via enhance programming to foster more opportunities for social connections with a specific focus on the area’s aging population and youth. • Work to increase the sense of community and social interactions of residents by maintaining and investing in existing community halls, parks and facilities to provide spaces for community events, gatherings and programming (i.e. daycare space(s), activities for seniors and youth, outdoor community garden spaces etc.) •
Natural environment	<ul style="list-style-type: none"> • Steward and protect the area’s natural features, including sensitive ecosystems and habitat. • Manage and protect watercourses to maintain their natural habitat and environmental quality. • Integrate measures to sustain environmental quality and consider impacts on the environment in future land use decisions.
Housing	<ul style="list-style-type: none"> • Allow for sensitive residential infill development on existing lots for secondary suites or accessory dwellings where servicing and lot size permits • Create incentives to foster the construction of more diverse housing forms, including multi-generational housing, secondary suites, carriage homes, duplexes etc. • Understand the concern behind some residents not wanting “renters” in their communities • Support affordable housing to allow for aging in place
Transportation	<ul style="list-style-type: none"> • Support an expanded regional transit system with increased service levels (i.e. more bus drivers) • Safe, reliable and accessible transportation options for everyone (i.e. transit stops) • Advocate to the Ministry of Transportation and Infrastructure (MOTI) for highway improvements to improve overall safety (i.e. Highway 3A and Pass Creek Road) and better road maintenance and road clearing (particularly in winter) • Look at car sharing opportunities • Create an active transportation corridor with secure trail networks with connections and linkages through Area ‘I’ and end of trip facilities (i.e. bicycle parking etc.)
Water Resources	<ul style="list-style-type: none"> • Support efforts to protect and manage water resources, including both surface and ground water for residential, agricultural and ecosystem health. • Integrate measures to sustain environmental quality and consider impacts on the environment in future land use decisions. • Increase cooperation with provincial ministries, local purveyors and landowners to better conserve, protect and enhance surface, ground and aquifer water sources.
Recreation	<ul style="list-style-type: none"> • Work to build and promote the area’s trail systems and look at improvements to existing park and recreational spaces (i.e. existing beaches and boat launches).
Natural hazards and Climate Change	<ul style="list-style-type: none"> • Explore ways to reduce risks from natural hazards, such as wildfire and flooding, and support the adaption and greenhouse gas reduction initiatives to enhance community

resilience.

- Minimize flood and wildfire hazards to people and property in existing and any proposed new development.
 - Review and update wildfire protection approaches based on changing community circumstances, climate change driven conditions and mitigation techniques.
-

Taking it one step further many kitchen table conversation groups began drafting possible OCP objectives, which include the following:

- *“To create and enhance gathering places and public spaces like parks to ensure they accommodate everyone’s needs.”*
- *“Develop community infrastructure and services that fosters a healthy and engaged community.”*
- *“Support the development of community activities, programing and facilities that encourages residents to meet and get to know each other.”*
- *“Work to increase the sense of community and social interaction for everyone by creating gathering places for everyone.”*
- *“To promote conservation best practices to ensure abundant and healthy wildlife in the area and human-wildlife conflicts are significantly reduced.”*
- *“Ensure a healthy intact river system by maintaining and enhancing habitat values in aquatic, riparian and upland forest ecosystems.”*
- *“To maintain...agricultural use of land for future generations through supporting the ALR, and promoting best practices for land stewardship and food security.”*
- *“Preserve the Shoreacres and Glade aquifers by limiting residential density to protect groundwater quality and quantity.”*
- *“Promote regenerative farming practices.”*
- *“Ensure ongoing safe, abundant and affordable water resources for area residents.”*
- *“Improving the completeness of Electoral Area ‘1’s existing small communities from which people travel to developed municipal cores for employment, services, shopping, school and or recreation.”*

5.2 Youth Engagement – Update

The Regional District’s Planning team have been working with the City of Castlegar’s OCP review consultants to specifically target three different high school social studies classes due to its curriculum at Stanley Humphries Secondary School. Acknowledging that an OCP is a long range planning document that ultimately sets out a community’s vision and future development and land use management strategy for the next 25 + years connecting with the community’s youth was a priority to obtain feedback from our younger populations.

Youth (and children in general) are not usually included in decision making that shapes their environment, their communities, and the places they visit and use daily. This cohort(s) are users of specific places such as schools and parks, but it is adults who give shape to these places and control how youth/children use them. Planning staff have found their ideas are especially helpful in planning cities that are more sustainable, user-friendly, and inclusive.

To avoid duplication with students and to collaborate with the City’s OCP review process, Castlegar’s consulting team facilitated the youth engagement sessions in May 2023 that involved three different social studies classes, which focused discussion on the four OCP themes below:

- Where youth gather and play - focus on recreation amenities
- How youth move - focus on trails, bike lanes, connectivity
- How young people connect - focus on what you love about your community, what's important, community spaces and services
- Where we live - what kinds of housing are missing and where do young people go

Students worked in table groups to identify “key places/things” on large format maps related to the above themes. For most students, they expressed that many youth amenities are lacking (e.g. a youth centre to hang out in the evenings, feel safe, connect, play games, etc.). More detailed feedback from these engagements sessions will be included at the next community open house, and will inform the first draft of this OCP.

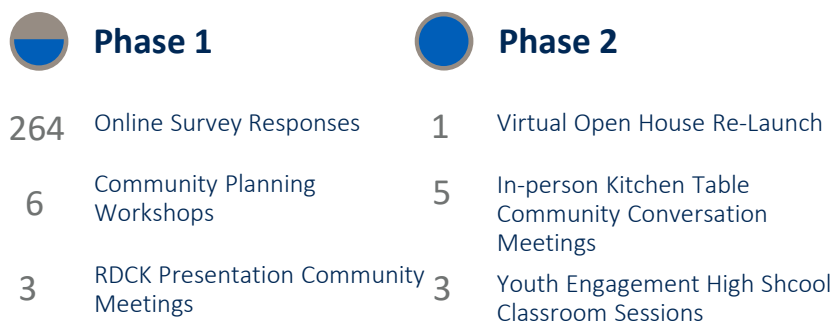


Figure 3: Snapshot of Community Engagement to date

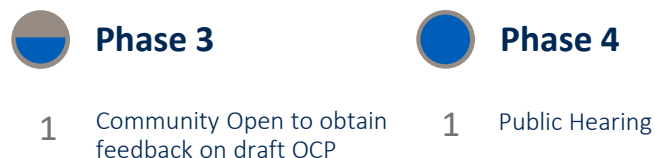


Figure 4: Community Engagement to still to come

6.0 Next Steps

Moving into **Phase Three: Review and Refinement**, the RDCK's Planning Services team's next step is to write a first draft of the OCP for Area 'I' that includes staff, the Area 'I' APHC and Board input, community feedback and technical expertise (RDCK interdepartmental staff and external stakeholders, including First Nations). Many of the great ideas raised in the survey, community workshops, public meetings and at the most recent kitchen table conversations will inform the first draft of the OCP. The OCP can respond to community values and circumstances such as population growth, housing, protection of environmentally sensitive areas, strengthen farming and it will set targets for the reduction of greenhouse gases.

Once the first draft of the OCP is complete (summer 2023 target), the RDCK will once again ask the community, adjacent municipalities and government agencies, rights holders for their input as required under the *Local Government Act*. The Planning team will work with the local APHC to review the initial draft, and then determine the best date and venue for hosting one community engagement session to present the draft OCP, and to obtain feedback from residents on the policy direction before reviewing and refining the draft Plan.



Committee Report

Date of Report: November 19, 2024
Date & Type of Meeting: December 11, 2024 Rural Affairs Committee
Author: Ashley Grant, Grants Coordinator
Subject: COMMUNITY WORKS FUND APPLICATION – YAHK FIRE HALL –
OVERHEAD DOOR REPAIR AND HEAT PUMP UPGRADE
File: 1850-20-CW-311
Electoral Area/Municipality B

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by Yahk Fire Hall for the project titled “Overhead Door Repair and Heat Pump Upgrade” in the total amount of \$90,618.00 and that funds be disbursed from Community Works Funds:

Electoral Area B in the amount of \$90,618.00

The Fire Hall Project seeks to secure funding for maintenance and asset upgrade projects within the Yahk Fire Hall.

SECTION 2: BACKGROUND/ANALYSIS

Fire Services, a service within the RDCK, coordinates fire protection with 16 separate service areas. This project is part of RDCK's plan to upgrade all fire hall infrastructure across the region.

The Yahk Fire Hall was originally built in the 1990s and has aging infrastructure. Although the hall's annual operations and management budgets allow for some repairs and upgrading, unplanned expenses are challenging to accommodate due to the limited budgets allocated for outlying fire services. Recently, critical infrastructure has failed, necessitating immediate replacement to ensure continued effective operation.

This project will comprise of:

- Design, permitting and installation of a new heat pump system: The existing heating system has failed, and the fire hall lacks sufficient alternative heating sources. Replacing this system is essential for maintaining operations. Additionally, this upgrade will enhance the building's energy efficiency, aligning with the RDCK's ongoing efforts to improve energy performance across all fire halls.
- Replacement of the overhead door operator: The current door operator has failed, requiring manual operation. As part of this replacement, safety modifications will also be made to meet the safety standards consistent with other RDCK fire halls.

The RDCK Fire Services will manage this project by leveraging internal RDCK project management resources and engaging external consultants and contractors through a competitive procurement process.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

This application is the responsibility of Area B and no other areas are being asked to contribute to the project. The Director is supportive of the application and has sufficient 2024 funds to allocate to this project. Should this project be funded, Area B will have \$617,207.18 in Community Works funds remaining.

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

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

3.3 Environmental Considerations

Energy efficiency upgrades will lower annual energy usage and related costs.

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

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

3.6 Communication Considerations:

None at this time

3.7 Staffing/Departmental Workplace Considerations:

The project team includes RDCK Project Managers and RDCK Fire Staff

3.8 Board Strategic Plan/Priorities Considerations:

This project is aligned with the Board's strategic priority to *Manage our assets and service delivery in a fiscally responsible manner.*

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

That the Community Works Fund application submitted by the Yahk Fire Hall for the project titled "Overhead Door Repair and Heat Pump Upgrades" in the amount of \$90,618.00 be approved and that funds be disbursed from Community Works Funds allocated to Area B.

Respectfully submitted,

Ashley Grant, Grants Coordinator

CONCURRENCE

Manager of Corporate Administration/Corporate Office – Mike Morrison **Digitally approved**
Chief Administrative Officer – Stuart Horn **Digitally approved**

ATTACHMENTS:

Attachment A – Community Works Fund Application – Yahk Fire Hall “Overhead Door repairs and Heat Pump Upgrades”



Regional District of Central Kootenay Attachment A

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

Community Works Fund Application (Appendix-A)			
Gas Tax Program Services – CWF Funding (UBCM)			
"The Project"	Yahk Fire Hall – Overhead Door Repair and Heat Pump Upgrade		
Date of Application	2024/09/31		
Applicant Information			
Name of Organization	Regional District of Central Kootenay		
Address	Box 590 - 202 Lakeside Drive		
City, Prov. Postal	Nelson, BC V1L 5R4		
Phone No.	250 352 6665	Fax No.	250 352 9300
Organization's Email	info@rdck.bc.ca		
Name of Contact	Jeannine Bradley	Contact's Email	jbradley@rdck.bc.ca
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Roger Tierney	B	\$ 90,618.00	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy\mm\dd)	
2024/10/17		2024/03/31	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)	PID 015-906-710		
Registered Owners of Land(s)	RDCK		
Crown Land Tenure/License No./Permit No.(s)	n/a		
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	<input checked="" type="checkbox"/>	Yes	
	<input type="checkbox"/>	No	
Have you applied and received a building permit?	<input type="checkbox"/>	Yes, Permit No. _____	
	<input checked="" type="checkbox"/>	No	
If No, please explain: Building Permit will be obtained prior to commencement of work			

Application Content

Must include all of the following:

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

1.0 Description of the Project including management framework

Fire Services, a service within the RDCK, coordinates fire protection with 16 separate service areas. This project is part of RDCK's plan to upgrade all fire hall infrastructure across the region.

The Yahk Fire Hall was originally built in the 1990s and has aging infrastructure. Although the hall's annual operations and management budgets allow for some repairs and upgrading, unplanned expenses are challenging to accommodate due to the limited budgets allocated for outlaying fire services. Recently, critical infrastructure has failed, necessitating immediate replacement to ensure continued effective operation.

This project will comprise of:

- Design, permitting and installation of a new heat pump system: The existing heating system has failed, and the fire hall lacks sufficient alternative heating sources. Replacing this system is essential for maintaining operations. Additionally, this upgrade will enhance the building's energy efficiency, aligning with the RDCK's ongoing efforts to improve energy performance across all fire halls.
- Replacement of the overhead door operator: The current door operator has failed, requiring manual operation. As part of this replacement, safety modifications will also be made to meet the safety standards consistent with other RDCK fire halls.

The RDCK Fire Services will manage this project by leveraging internal RDCK project management resources and engaging external consultants and contractors through a competitive procurement process.

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

1.1 Project Costs including Timeline and Supporting Documents

The anticipated project cost for the Yahk Fire Hall upgrades is \$ 91,618.00 and includes:

- Supply and installation costs for the heat pump system;
- Supply and installation costs of replacement parts and safety components for overhead doors;
- Fees associated with building permits (Consulting and permit fees);
- Contingency 15-20%;
- Project management 12%
- Grant administration (service funded).

A 20% contingency is included in the heat pump project to account for uncertainties in scope and cost.

It is expected that the project will be completed by the end of spring 2025.

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

1.2 Project Impact

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

- End-of-life building components will be replaced.
- Energy efficiency upgrades will lower annual energy usage and related costs.

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

1.3 Project Outcomes

Strategic upgrades to the Yahk Fire Hall will be completed during this project. Outcomes include:

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

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

1.4 Project Team and Qualifications

The project team includes:

Tristan Fehst, Acting Regional Fire Chief, RDCK
 Grant Hume, Regional Deputy Fire Chief, RDCK
 Jeannine Bradley, Project Manager, RDCK
 Shane Dye, Yahk Fire Department Chief, RDCK

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

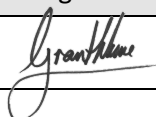
2.0 Project Budget
 List anticipated and confirmed Project revenue and expenses that have been deemed necessary for the implementation of the Project. Schedule B outlines eligible costs for eligible recipients (see attached).

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

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

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

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

2.1 Additional Budget Information Quote rationale to be reviewed by RDCK Chief Administrative Officer		
(If needed, please provide additional information on separate page)		
3.0 Accountability Framework		
The eligible recipient will ensure the following: <ul style="list-style-type: none"> - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices - 		
4.0 Schedule of Payments		
The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments: <ol style="list-style-type: none"> a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures. 		
5.0 Acknowledgement of Requirements		
Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth.		
By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 5 years) is to be submitted to the RDCK prior to October 31 st of each year detailing the beneficial impacts on the community as a result of the completed Project.		
Authorized Signature for Proponent	Name	Date
	Grant Hume, Regional Deputy Fire Chief	2024-11-01



Committee Report

Date of Report: 12-01-2024
Date & Type of Meeting: 12-11-2024 Rural Affairs Committee
Author: Mike Morrison, Manager of Corporate Administration / Corporate Officer
Subject: Changes to Community Works Fund Eligibility
File: 05-1850-20
Electoral Area/Municipality: All Electoral Areas

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to explain recent changes to eligibility for the Community Works Fund (CWF) program funding for non-RDCK infrastructure projects.

SECTION 2: BACKGROUND/ANALYSIS

In August 2024 the Board approved entering into the 2024-2034 CWF Agreement with the Union of British Columbia Municipalities (UBCM) who administers the fund in BC under contract with Canada under the Canada Community Building Fund.

The CWF program was originally designed as a municipal infrastructure program, and within BC it evolved differently to meet the unique needs of regional districts. Specifically, the funding of third party projects in areas where there may not be regional district infrastructure is unique to BC. UBCM staff identified that around 300 third party projects are funded annually in BC, whereas in all other provinces combined there has been only one third party project funded in the past ten years. In any given year the RDCK would account for roughly between 5%- 15% of the BC total. Since the inception of the CWF program 203 of the 308 (or 66%) of CWF projects funded by the RDCK have been delivered by third parties.

Like other regional districts, the RDCK has historically allocated out the funds to each electoral area. Prior to 2014, much of the RDCK's CWF funds went to greenhouse gas and energy efficiency projects as this was Canada's focus for the program. In this period some funds were pooled funds for internal projects, but in areas with little or no RDCK infrastructure UBCM permitted the funds to be used for third party projects such energy upgrades at community halls. When the list of eligible project categories expanded significantly in the 2014 - 2024 funding agreement, UBCM intended that this change would redirect CWF funding toward regional district-owned projects to better align with Canada's intent for the program. Many of the projects funded under the new categories went to third parties. The continued proliferation of smaller, low \$ value, third party projects in BC was flagged by Infrastructure Canada and changes to UBCM's delivery of the program to address these concerns were included within the 2024-2034 funding agreement.

In November 2024 UBCM denied funding to third party CWF applications submitted by the RDCK that otherwise met the eligibility requirements. UBCM staff identified the following requirements in the CWF Program Guide as the basis for the denial:

Projects relating to an asset not owned by a local government must be approved through a board or council resolution on which identifies the project meets the following criteria:

- 1. Board or council has identified the project as a regional or municipal priority within a long-term capital investment plan;**
- 2. Board or council has not prioritized the 3rd party project over a local government owned priority project;**
- 3. The project is supported by asset management planning**
- 4. The project meets the minimum outcomes reporting criteria as identified below. Any project that receives more than \$25,000 of CWF funding must complete annual outcomes reporting which will include the following information:**

- o Population directly served by the project***
- o First Nation Population directly served by the project***
- o Output metric***
- o Outcome metric***

The new requirements described above were introduced within the CWF Program Guide (updated June 2024) and are specifically intended to nudge regional districts to allocate their CWF funding to regional district-owned projects. Third party projects can still be funded but they must be tied to a regional district planning process, meet a reasonable test to ensure they are not prioritized over regional district projects, and be supported by asset management planning. A very small proportion of the third party-owned projects the RDCK has funded through CWF would qualify under the new rules. UBCM has noted to staff that these new requirements are mandatory, and that continuing to fund projects that do not meet the new criteria would be grounds for compliance measures against the RDCK.

Additionally within the UBCM Funding agreement there was a change to the definition of Ultimate Recipient. Prior to 2024 only a local government could be considered an Ultimate Recipient. The definition was changed to allow other parties to be considered Ultimate Recipients. UBCM confirmed that any third party funded by the RDCK would be considered an Ultimate Recipient and be required to meet all of the obligations of an Ultimate Recipient. The RDCK, as the signatory of the agreement with UBCM, would retain legal responsibility for meeting the contractual obligations. In practice, these risks are managed through the funding agreements which pass through UBCM's requirements to the third party. However there are due diligence obligations upon the RDCK to verify that the third parties meet UBCM's requirements.

Staff also note that there are new requirements in the UBCM/ RDCK CWF funding agreement for Ultimate Recipients to adhere to RDCK procurement policies, the asset management best practices identified by UBCM, and the UBCM communications protocols. If the RDCK were to continue CWF funding to third parties as it has done in the past it would be very challenging to achieve proper oversight on these three items with our current staff resources. Further, the new definition of Ultimate Recipient requires that any third party funded through CWF "delivers a service typical of local government", which adds to eligibility considerations for third party projects.

These new requirements affect all regional districts. UBCM has not provided clear guidance regarding specific and objective standards that must be attained in relation to the new eligibility requirements for a proposed third party project to receive CWF funding. For example these requirements can be interpreted in different ways. As an example- it is not yet clear what standard of proof is required to show that the third party project hasn't been

prioritized over and RDCK project. Staff expect clearer guidance will be provided by UBCM as regional districts adjust to the new requirements. Going forward - project eligibility will be considered by UBCM on a case-by-case basis and they have encouraged RDCK staff to consult with UBCM early when we are approached by third parties for proposed CWF projects. Generally speaking, we can expect the following relevant considerations regarding third party eligibility:

- RDCK Grant-In –Aid services funded through taxation may be given special consideration for meeting the new requirements or possibly considered as internal RDCK projects ;
- Master plans for RDCK services that include capital projects delivered by third parties would satisfy the UBCM requirement for capital investment plans. Where these plans are not in place, the Board could direct that they be developed;
- Third party water infrastructure projects may be given special consideration on the basis of strong ties to CWF program goals, the alignment with ‘typical local government services’, and these projects often being supported by asset management planning. While the Board has made some commitments to support non –RDCK water systems these could be formalized to better align with UBCM requirements;
- Many of the third parties historically receiving funding through the RDCK CWF program will become ineligible for future funding through this program;

The changes to CWF eligibility will impact how rural Directors may approach the allocation of assigned CWF funds over the coming years. The following circumstances are relevant:

- The upcoming completion of formal RDCK asset management plans will identify infrastructure priorities eligible for CWF funding;
- Recreation planning processes currently underway may identify new infrastructure project priorities;
- Expansion of eligible project categories within the 2024 funding agreement, such as those related to disaster mitigation, fire halls, and housing planning provide new outlets for CWF funds;

Going forward, staff will undertake the following actions:

1. Develop an initial screening matrix for use with proposed third party CWF applications for the purpose of establishing conformance with the new UBCM requirements prior to a full application being prepared.
2. Update the Community Works Fund agreement template for third party projects that the RDCK uses with third parties to align with the new requirements in the 2024 UBCM/ RDCK agreement and to effectively manage risk for the RDCK. While staff expect that the template will be used less frequently it still must be updated.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

None specifically at this time. Changes to the CWF program eligibility may result in funding being prioritized for RDCK infrastructure projects. RDCK financial risk exposure will be reduced with more stringent eligibility requirements.

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

Staff propose that RDCK Policy 300-09-06 Community Works Fund (attached to this report) be updated to reflect the new requirements. This policy is out of date and does not reflect the current standard for RDCK policy. An updated policy would be helpful for all parties involved in the granting process and provide clarity on program requirements.

3.3 Environmental Considerations

None at this time

3.4 Social Considerations:

The changes to the CWF program will limit opportunities for community groups to access funding for projects that benefit the community. This will be perceived negatively by the groups that have been eligible for funding in the past.

3.5 Economic Considerations:

Many of the community groups funded through the CWF program in the past develop infrastructure that helps drive tourism-related economic development. Specifically, the outdoor recreation and sports sectors will be negatively impacted by these changes.

3.6 Communication Considerations:

The changes to funding eligibility are being imposed by the funder and are not the choice of the RDCK Board. Directors are asked to be mindful of the changes to the CWF program when discussing grant funding opportunities with community groups. Given that the CWF program will no longer be an option for many groups, Directors may wish to consider funding projects through the Community Development or Discretionary Grant program.

3.7 Staffing/Departmental Workplan Considerations:

A reduction in the number of third party CWF applications will reduce workload on the Grants Coordinator by estimated 2-3 hours per week and allow that position to focus on other administrative priorities.

3.8 Board Strategic Plan/Priorities Considerations:

The changes to the CWF program support the following Area of Focus in the Board's strategic plan:

Use RDCK asset management plans to finance asset replacement over defined periods.

The changes to the CWF program will create barriers to delivering on the following Area of Focus in the Board's strategic plan:

Work with societies and organizations to support recreational assets.

SECTION 4: OPTIONS & PROS / CONS

No practical options exist for the RDCK at this time other than to achieve compliance with the new requirements. UBCM considers the new requirements to be mandatory and non-compliance could jeopardize future funding to the RDCK. To mitigate long-term impacts to groups affected by the changes the Board could initiate planning processes that identify third party infrastructure as RDCK priorities.

SECTION 5: RECOMMENDATIONS

That the Board direct staff to prepare updates to RDCK Policy 300-09-06- Community Works Fund to reflect recent changes to program requirements and that the draft policy be brought forward for Rural Affairs Committee consideration in 2025

Respectfully submitted,

Mike Morrison,
Manager of Corporate Administration / Corporate Officer

CONCURRENCE

CAO – Stuart Horn **Digitally approved**
CFO – Yev Malloff **Digitally approved**
GM of Environmental Services- Uli Wolf **Digitally approved**

ATTACHMENTS:

Attachment A - RDCK Policy 300-09-06- Community Works Fund



Number: 300-09-06
REGIONAL DISTRICT OF CENTRAL KOOTENAY
Policy Manual

Chapter: Finance

Section: Transfers to Organizations

Subject: Community Works Fund

Board Resolution:	323/06, 324/06, 792/06, 919/07, 275/08, 893/09, 588/14, 589/14, 332/18, 333/18, 942/19	Established Date:	25 MAR 2006, 23 SEPT 2006, 24 NOV 2007, 26 APR 2008, 10 OCT 2009, 17 MAY 2018, 12 DEC 2019	Revised Date:	December 12, 2019
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PURPOSE

The purpose of this policy is to guide staff and elected officials on how to prioritize and disseminate Community Works Fund (CWF) monies provided by Federal Gas Tax funding to eligible projects and recipients. Any modifications to this policy must be approved by the RDCK Board.

SCOPE

This policy outlines applicant and project eligibility requirements for any initiative being formally considered for Community Works funding. It also offers a framework for the required CWF application requirements, including the supporting documentation that must accompany any submitted application, and the final and annual project reporting requirements that must be met by any successful applicant.

DEFINITIONS

UBCM means Union of BC Municipalities

Asset Management includes planning processes, approaches or plans that support integrated, lifecycle approaches to effective stewardship of infrastructure assets in order to maximize benefits and manage risk. Asset Management can include: an inventory of assets; the condition of assets; level of service; risk assessment; a cost analysis; community priority setting; and long-term financial planning.

Eligible Project(s) means projects as described in the Administrative Agreement on the Federal Gas Tax Fund in British Columbia. Found in Schedule B (Eligible Project Categories), these include investments in infrastructure for its construction, renewal or material enhancement in each of the following categories: Local roads, bridges; Highways; Short-line rail; Regional and local airports; Broadband connectivity; Public transit; Drinking water; Wastewater; Solid waste; Community energy systems; Brownfield redevelopment; Sports infrastructure; Recreational infrastructure; Cultural infrastructure; Tourism infrastructure; Disaster mitigation; and Capacity building.

GTA means Gas Tax Agreement



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CWF means Community Works Fund

Public Ownership refers to government provisions of goods and services; the commercial or business activities of the state. Generally refers to enterprises, wholly or partially government owned, which sell goods and services at a price according to use.

Ultimate Recipient means:

- i. a Local Government or its agent (including its wholly owned corporation);
- ii. a non-municipal entity, including for-profit, non-governmental and not-for-profit organizations, on the condition that (a) the Local Government where the Eligible Project(s) would be located, if applicable, has indicated support for the project through a formal resolution of its board.

Tangible Capital Assets are non-financial assets having physical substance that: are held for use in the production or supply of goods and services, for rental to others, for administrative purposes or for the development, construction, maintenance or repair of other tangible capital assets; have useful economic lives extending beyond an accounting period; are to be used on a continuing basis; and are not for sale in the ordinary course of operations.

POLICY

Administrative Costs

324/06

Administrative costs associated with the Community Works Fund be recovered from interest derived from the funds with shortfalls charged to Rural Administration.

919/07

To mitigate costs associated with administration of the Community Works Fund Program and to reduce potential corporate liabilities, the initial focus for the RDCK's Community Works Funds be RDCK-owned or supported assets or assets having a long history of public ownership.

Application Process

792/06

The process for approving projects and authorizing expenditures from the Community Works Fund be as follows:

- Funds shall be allotted to each rural area based on population;
- Applications or proposals will be brought forward by Electoral Area Directors individually or jointly if the project covers more than one electoral area;
- Staff may bring forward specific priorities identified by working directly with the Electoral Area Director(s) for submission;
- Staff as designated by the CAO will review all proposals (applications) to ensure consistency with the "New Deal for Cities and Communities" agreement;



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Policy Manual

- Proposals will be reviewed by the Electoral Area Directors Select Committee for recommendation to the Board for approval.

588/14

Section 792/06, bullet point four, it be amended to read *“Directors will be responsible for reviewing the initial application, providing guidance to the applicant and work with staff to ensure that the application meets the criteria of the UBCM Community Works Fund Agreement”*;

AND FURTHER in section 792/06, bullet point five, it be amended to read *“Directors will confirm their support for the review of the draft application prior to staff undertaking a final review to ensure consistency with the UBCM Community Works Fund Agreement”*.

The process for approving projects and authorizing expenditures from the Community Works Fund be as follows:

- Funds shall be allotted to each rural area based on population;
- Applications or proposals will be brought forward by Electoral Area Directors individually or jointly if the project covers more than one electoral area;
- Staff may bring forward specific priorities identified by working directly with the Electoral Area Director(s) for submission;
- Directors will be responsible for reviewing the initial application, providing guidance to the applicant and work with staff to ensure that the application meets the criteria of the UBCM Community Works Fund Agreement;
- Directors will confirm their support for the review of the draft application prior to staff undertaking a final review to ensure consistency with the UBCM Community Works Fund Agreement.

Election Period

332/18

In the event of an election for the position of Director being scheduled in an Electoral Area, the Board neither consider a request, nor approve the release of money, from such Electoral Area Director for disbursement of Community Works Funds during the period of 45 days prior to the election up to the Inaugural Meeting; AND FURTHER, that the following exemptions apply:

- Community Works Funds disbursements from an Electoral Area Director who has been declared by the Chief Elections Officer to be elected by acclamation;
- Community Works Funds disbursements deemed to be emergency allocations having received an affirmative vote of at least 2/3 of the votes cast.

Funding Agreement

275/08

The revised format for the Community Works Fund Agreement, as attached to the April 10, 2008 General Affairs Committee minutes, be endorsed.



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Fund Allocation

323/06

Distribution of Community Works Funds be allocated to the individual Regional District of Central Kootenay Electoral Areas on the basis of population.

Minimum Grant Amount

333/18

That RDCK Policy 300-09-06 Community Works Funds be amended to establish a minimum grant amount of \$10,000 for Community Works Fund program projects.

Policy Approval

589/14

That the Board approve the revised Community Works Policy No. 300-09-06

Reporting

942/19

That Policy Number 300-09-06 Community Works Fund be amended to indicate a five (5) year reporting period instead of ten (10) years.