



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE
Open Meeting Addenda

Date: Wednesday, January 15, 2025
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
10:00 a.m. MST

Join by Video:

<https://rdck-bc-ca.zoom.us/j/97918675110?pwd=GmVSuFaa2RntNTq5nTyh8CpcKj5tAL.1>

Join by Phone:

833 955 1088 Canada Toll-free

Meeting ID: 979 1867 5110

Meeting Password: 527524

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

2. CALL TO ORDER

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

3. TRADITIONAL LANDS ACKNOWLEDGEMENT STATEMENT

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

4. ADOPTION OF THE AGENDA

RECOMMENDATION:
The agenda for the January 15, 2025 Rural Affairs Committee meeting be adopted with the inclusion of Item 7.6 Development Variance Permit - Pritchard before circulation.

5. RECEIPT OF MINUTES 7 - 18
The December 11, 2024 Rural Affairs Committee meeting minutes, have been received.

6. DELEGATIONS

6.1 COMMUNITY WORKS FUND - PROGRAM CHANGES 19 - 27
Brant Felker, UBCM - Manager, Canada Community-Building Fund and Toby Simpson, UBCM - Program Officer - Canada Community-Building Fund, will provide an overview to the Committee regarding the changes to the Community Works Fund program and eligibility requirements.

The Committee Report presented at the December 11, 2025 Rural Affairs Committee meeting, dated December 1, 2024 from Mike Morrison, Manager of Corporate Administration / Corporate Officer, re: Changes to Community Works Fund Eligibility, has been received for information.

7. PLANNING & BUILDING

7.1 BUILDING BYLAW CONTRAVENTION – RICHARD 28 - 31
File No.: 3135-20- G-707.05877.130-28182
125 Wesco Road
(Jeremy Richard)
Electoral Area G

Rural Affairs Committee
Referred from December 11, 2024 to January 15, 2025

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

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

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 125 Wesco Road , Electoral Area G and 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.

7.2 BUILDING BYLAW CONTRAVENTION – RICHARD

32 - 34

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

125 Wesco Road

(Jeremy Richard)

Electoral Area G

Rural Affairs Committee

Referred from December 11, 2024 to January 15, 2025

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 (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.

7.3 DEVELOPMENT VARIANCE PERMIT - DEMMAN

35 - 54

File No.: V2418A – Demman

1180 Wigen Road

(Agent: Forrest Demman)

Electoral Area A

The Committee Report dated December 18, 2024 from Zachari Giacomazzo, Planner, re: Development Variance Permit - Demman, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2418A to Forrest Demman for the property located at 1180 Wigen Road, Electoral Area A and legally described as LOT C, DISTRICT LOT 9551, KOOTENAY DISTRICT PLAN 1489 (PID: 015-750-132) to vary Sections 25.4, 25.5 and 25.6 of *Electoral Area 'A' Comprehensive Land Use Bylaw No.*

2315, 2013 in order to:

- permit a Farm Residential Footprint of 5100 m² whereas the bylaw permits a maximum Farm Residential Footprint of 2000 m²;
- permit a maximum depth of the Farm Residential Footprint of 75 m whereas the bylaw indicates that the maximum depth of the Farm Residential Footprint shall not exceed 60 m;
- increase the maximum permitted GFA for a Single Detached Dwelling from 185 m² to 300 m².

7.4 DEVELOPMENT VARIANCE PERMIT - WYNNDEL FOODS LTD.

55 - 76

File No.: V2412A
5128 Highway 3A
(Agent: Cy Atkinson and David Atkinson)
Electoral Area A

The Committee Report dated December 09, 2024 from Sadie Chezenko, Planner, re: Development Variance Permit - Wynndel Foods LTD., has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2412A to Wynndel Foods LTD (INC NO. BC1181324) c/o Five Star Permits (Cy Atkinson and David Atkinson) for the property located at 5128 Highway 3A, Electoral Area A and legally described as LOT B, DISTRICT LOT 191, KOOTENAY DISTRICT PLAN NEP72950 (PID: 025-606-158) to vary Sections 18.83, 18.84(a), 18.84(b), 18.84(c) and 18.84(d) of *Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013* in order to permit the upgrade of three signs on the subject property.

7.5 FOR INFORMATION: 2024 PLANNING SERVICES YEAR END REPORT

77 - 87

All Electoral Areas

The Planning Services Report, re: Planning Services Year End Report - New Applications and Referrals (2024), has been received.

7.6 DEVELOPMENT VARIANCE PERMIT - PRITCHARD

88 - 110

File No.: V2409B - Pritchard
No address assigned, Highway 95
(Eva and Jonathan Pritchard)
Electoral Area B

Rural Affairs Committee

Referred from December 11, 2024 to January 15, 2025.

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

NOTE: The property owner has requested more time. Staff are recommending referral to the February 19, 2025 Rural Affair Committee meeting.

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. ENVIRONMENTAL SERVICES

No items.

9. RURAL ADMINISTRATION

9.1 COMMUNITY WORKS FUND APPLICATION – YAHK FIRE HALL – OVERHEAD DOOR REPAIR AND HEAT PUMP UPGRADE

File No.: 1850-20-CW-311

Electoral Area B

Rural Affairs Committee

Referred from December 11, 2024 to January 15, 2025

NOTE: The above item was amended and passed at the December 12, 2024 Board meeting.

10. PUBLIC TIME

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

11. CLOSED

11.1 MEETING CLOSED TO THE PUBLIC

RECOMMENDATION:

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

AND FURTHER, in accordance with Section 90 of the *Community*

Charter, the meeting is to be closed on the basis(es) identified in the following Subsections:

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

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

11.2 RECESS OF OPEN MEETING

RECOMMENDATION:

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

12. ADJOURNMENT

RECOMMENDATION:

The meeting be adjourned at _____



Regional District of Central Kootenay

RURAL AFFAIRS COMMITTEE MEETING

Open Meeting Minutes

Wednesday, December 11, 2024

9:00 a.m.

Hybrid Model - In-person and Remote

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

COMMITTEE MEMBERS

PRESENT

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

COMMITTEE MEMBERS

ABSENT

Director C. Graham	Electoral Area E
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GUEST DIRECTOR

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

S. Horn	Chief Administrative Officer
Y. Malloff	General Manager of Finance, IT & Economic Development
S. Sudan	General Manager of Development and Community Sustainability
M. McIntyre	Building Manager
D. Carmichael	Building Administrative Assistant
M. Djakovic	Auxiliary Administrative Assistant

N. Wight	Planning Manager
S. Johnson	Planner
S. Chezenko	Planner
Z. Giacomazzo	Planner
U. Wolf	General Manager of Environmental Services
A. Lund	Deputy Corporate Officer
C. Hopkyns	Corporate Administrative Coordinator– Meeting Coordinator

1. ZOOM REMOTE MEETING INFO

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

Join by Video:

<https://rdck-bc-ca.zoom.us/j/97680577792?pwd=EP9NSldqQdnfhcw8HmMmt7YvvyJz1S.1&from=addon>

Join by Phone:

- 855 703 8985 Canada Toll-free

Meeting Number (access code): 976 8057 7792

Meeting Password: 149660

Location:

Boardroom
202 Lakeside Drive, Nelson, BC

2. ELECTION

2.1 ELECTION OF CHAIR

Chair Watson called for nominations a first time.

Director Newell nominated Director Jackman.

Director Watson nominated Director Jackman.

Chair Watson called for nominations a second and third time.

DECLARATION OF CHAIR

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

Chair Jackman thanked the Committee.

3. CALL TO ORDER

Chair Jackman called the meeting to order at 10:01 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

Moved and seconded,
And resolved:

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

Carried

Moved and seconded,
And resolved:

Director Main have freedom of the floor.

Carried

6. RECEIPT OF MINUTES

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

7. DELEGATIONS

Item 8.1 & 8.2 – Jeremy Richard and Susan Cormack

Item 8.3 – Jon Pritchard and Ryan Richmond

Item 8.4 - Matthew Scheffelmaier

Item 8.5 – Ben Hall and Noam Ironi

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

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

- Manda McIntyre, Building Manager, provide the Committee with an update, sharing she met in an online meeting with the property owner to discuss the file and staff are recommending the Notice on Title.
- The property owner, Jeremy Richard, provided background to the Committee regarding the property. He shared he is waiting on clarification from the engineer regarding on zoning and he answered the Committee's questions.
- Chair Jackman thanked staff and referred the recommendation to Committee for consideration.

Moved and seconded,

And resolved:

That the following motion **BE REFERRED** to the January 15, 2025 Rural Affairs Committee meeting:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 125 Wesco Road , Electoral Area G and 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.

Carried

8.2 BUILDING BYLAW CONTRAVENTION – RICHARD

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: Building Bylaw Contravention – Richard, has been received.

- Manda McIntyre, Building Manager, shared that staff are recommending the Notice on Title.
- The property owner, Jeremy Richard, requested clarification from staff regarding this item.
- Chair Jackman thanked staff and referred the recommendation to Committee for consideration.

Moved and seconded,

And resolved:

That the following motion **BE REFERRED** to the January 15, 2025 Rural Affairs Committee meeting:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 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.

Carried

8.3 DEVELOPMENT VARIANCE PERMIT - PRITCHARD

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.

Sadie Chezenko, Planner, provided an overview to the Committee regarding Development Variance Permit (DVP) application in Electoral Area 'B' to facilitate a six lot subdivision. Staff do not support approval of this Development Variance Permit.

The agent representing the property owner, Ryan Richmond, provided background to the Committee regarding the application. He shared information regarding the proposed six lot subdivision and answered the Committee's questions.

The Committee had a discussion regarding the property and other application options.

Staff answered the Committee's questions. The Committee recommended referral the January 15, 2025 Rural Affairs Committee meeting to allow time for staff and the property owner to investigation options.

Moved and seconded,
And resolved:

That the following motion **BE REFERRED** to the January 15, 2025 Rural Affairs Committee meeting:

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.

Carried

8.4 ZONING BYLAW AMENDMENT - SCHEFFELMAIER

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.

Sadie Chezenko, Planner provided an overview to the Committee regarding 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 property owner, Matthew Scheffelmaier, provided background to the Committee regarding the application and answered the Committee's questions.

The Committee had a discussion regarding the application and staff answered questions.

Moved and seconded,

And resolved that it be recommended to the Board:

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.

Carried

Moved and seconded,

And resolved 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.

Carried

8.5 OFFICIAL COMMUNITY PLAN & ZONING BYLAW AMENDMENT - SPEARHEAD

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.

Zachari Giacomazzo, Planner, provided an overview to the Committee regarding application to amend the land use and zoning designations for three existing lots: 4612 Starlight Road, 4614-4616 Starlight Road, and 4643 Highway 3A. He shared 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.

Property owner Ben Hall and agent, Noam Ironi, shared with the Committee that they have hired a consultant to address all five questions. They answered the Committee's questions.

The Committee had a discussion regarding the application and staff answered questions.

Moved and seconded,

And resolved 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.

Carried

Moved and seconded,
And resolved 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.

Carried

Moved and seconded,
And resolved 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.

Carried

Moved and seconded,
And resolved 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.

Carried**RECESS/
RECONVENE**

The meeting recessed at 10:20 a.m. for a break and reconvened at 10:33 a.m.

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

Stephanie Johnson, Planner, provided an update to the Committee sharing that she attended the Area I Advisory Planning & Heritage Commission meeting and the Committee fully supports the Sentinel Mountain Official Community Plan (OCP).

Moved and seconded,

And resolved 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.

Carried

Moved and seconded,

And resolved 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.

Carried

Moved and seconded,

And resolved 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 .

Carried

Moved and seconded,

And resolved 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 .

Carried

Moved and seconded,

And resolved 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.

Carried

9. ENVIRONMENTAL SERVICES

No items.

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

The Committee Report dated November 19, 2024 from Ashley Grant, Grants Coordinator, re: Community Works Fund Application - Yahk Fire Hall, has been received.

Director Tierney discussed concern regarding the heat pump cost and inquired about the option of a natural gas system instead. As well, he had questions regarding the overhead door cost. He requested referral to the January 15, 2025 meeting to allow time to get clarity regarding his questions.

The Committee had a discussion and staff answered questions.

Moved and seconded,

And resolved:

That the following motion **BE REFERRED** to the January 2025 Rural Affairs Committee meeting:

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.

Carried

10.2 CHANGES TO COMMUNITY WORKS FUND ELIGIBILITY

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.

Mike Morrison, Manager of Corporate Administration / Corporate Officer, provided an overview to the Committee regarding the recent changes to eligibility for the Community Works Fund (CWF) program funding for non-RDCK infrastructure projects.

The Committee had a discussion regarding concerns regarding the recent changes to eligibility and advocacy options. Staff answered the Committee's questions.

DIRECTOR ABSENT: Director Davidoff left the meeting at 11:15 a.m.

Moved and seconded,

And resolved 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.

Carried

Moved and seconded,

And resolved that it be recommended to the Board:

That staff prepare a briefing note outlining the Committee's concerns regarding the recent changes to Community Works Fund program requirements, incorporating the concerns regarding equity and the need to support community groups who provide required services.

AND FURTHER, that the Board Chair send the Community Works Fund briefing note and staff report to Jerrilyn Kirk, Electoral Area Representative on the UBCM Executive, requesting the briefing note be added to the 2025 Elected Area Directors' Forum agenda.

Carried

10.3 PLANNING WORKSHOP - DECEMBER 3, 2024

Moved and seconded,
And resolved 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.

Carried

11. PUBLIC TIME

The Chair called for questions from the public and member of the media at 11:39 a.m.

No public or media had questions.

12. ADJOURNMENT

Moved and seconded,
And resolved:

The meeting be adjourned at 11:40 a.m.

Carried

Digitally approved

_ Chair Jackman, Chair



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



Number: 300-09-06
REGIONAL DISTRICT OF CENTRAL KOOTENAY
Policy Manual

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;



Number: 300-09-06
 REGIONAL DISTRICT OF CENTRAL KOOTENAY
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.



Number: 300-09-06
REGIONAL DISTRICT OF CENTRAL KOOTENAY
Policy Manual

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.



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.

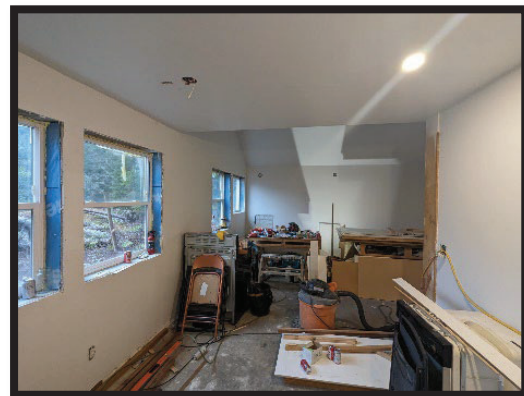
February 16, 2024 – John Purdy, Building Department Development Technician, sent follow up email to add bylaw restrictions regarding maximum number of dwelling units (only one single family dwelling/two family dwelling (duplex) and one accessory dwelling, either attached or detached, is permitted on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

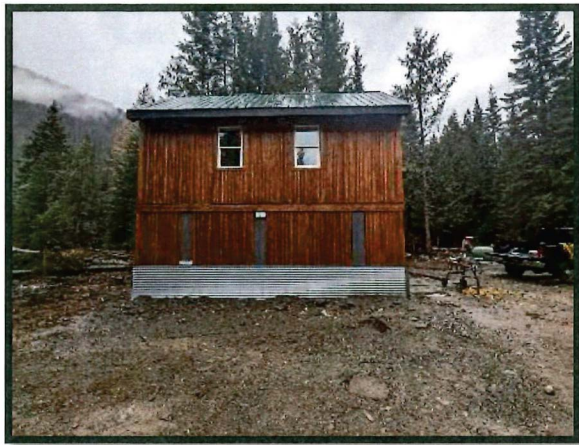
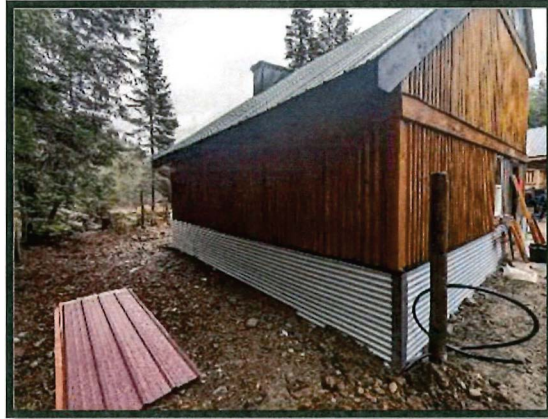
- Decommission all dwelling units on the parcel that exceed the bylaw requirement.
- Apply and receive approval for a zoning amendment which would allow the scope of development proposed and/or existing on the parcel

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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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.

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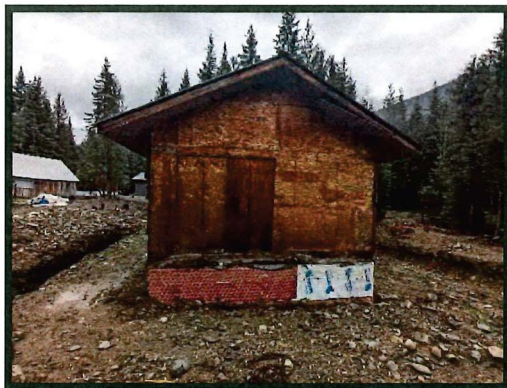
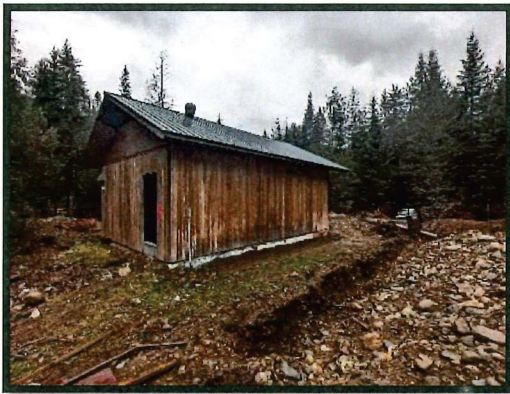
dwelling (duplex) and one accessory dwelling, either attached or detached, is permitted on an R2 zoned parcel). The email closed with the following pathway options:


- Decommission all dwelling units on the parcel that exceed the bylaw requirement.
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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: December 18, 2024
Date & Type of Meeting: January 15, 2025 Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2418A – Demman
Electoral Area/Municipality A

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Regional Board to consider a Development Variance Permit (DVP) in Electoral Area ‘A’. The purpose of this application is to allow the applicant to re-construct a dwelling that was destroyed by a fire on March 31, 2024.

The following variances are required:

- Section 25.4** – To permit a Farm Residential Footprint of 5100 m² whereas the bylaw permits a maximum Farm Residential Footprint of 2000 m².
- Section 25.5** – To permit a maximum depth of the Farm Residential Footprint of 75 m whereas the bylaw indicates that the maximum depth of the Farm Residential Footprint shall not exceed 60 m.
- Section 25.6** – To increase the maximum permitted GFA for a Single Detached Dwelling from 185 m² to 300 m².

Staff recommend that the Board approve the variances to Sections 25.4, 25.5 and 25.6 of the Zoning Bylaw.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Property Owner(s): Forrest and Tashina Demman
Agent: Forrest Demman
Property Location: 1180 Wigen Road, Wynndel, Electoral Area ‘A’
Legal Description: LOT C DISTRICT LOT 9551 KOOTENAY DISTRICT PLAN 1489 (PID: 015-750-132)
Property Size: 2.4 hectares (5.94 acres)
Current Zoning: Agriculture 1 (AG1)
Current Official Community Plan Designation: Agriculture (AG)
SURROUNDING LAND USES
North: Industrial (M)
East: Industrial (M)
South: Industrial (M)
West: Agriculture (AG)

Background Information and Subject Property

The subject property is located in Electoral Area 'A' at the north end of the Creston Valley directly adjacent to Canfor's Wynndel Mill, approximately 7 km north of the Town of Creston.

The property is presently being used for residential and agricultural purposes and there are existing agricultural and non-agricultural accessory buildings as well as existing gravel driveways that provided access to original single detached dwelling. The original dwelling was destroyed by a fire in March 2024 and the applicant is seeking the necessary variances in order to construct a new dwelling that is a similar size to the original dwelling, but in a different location, closer to Wigen Road.

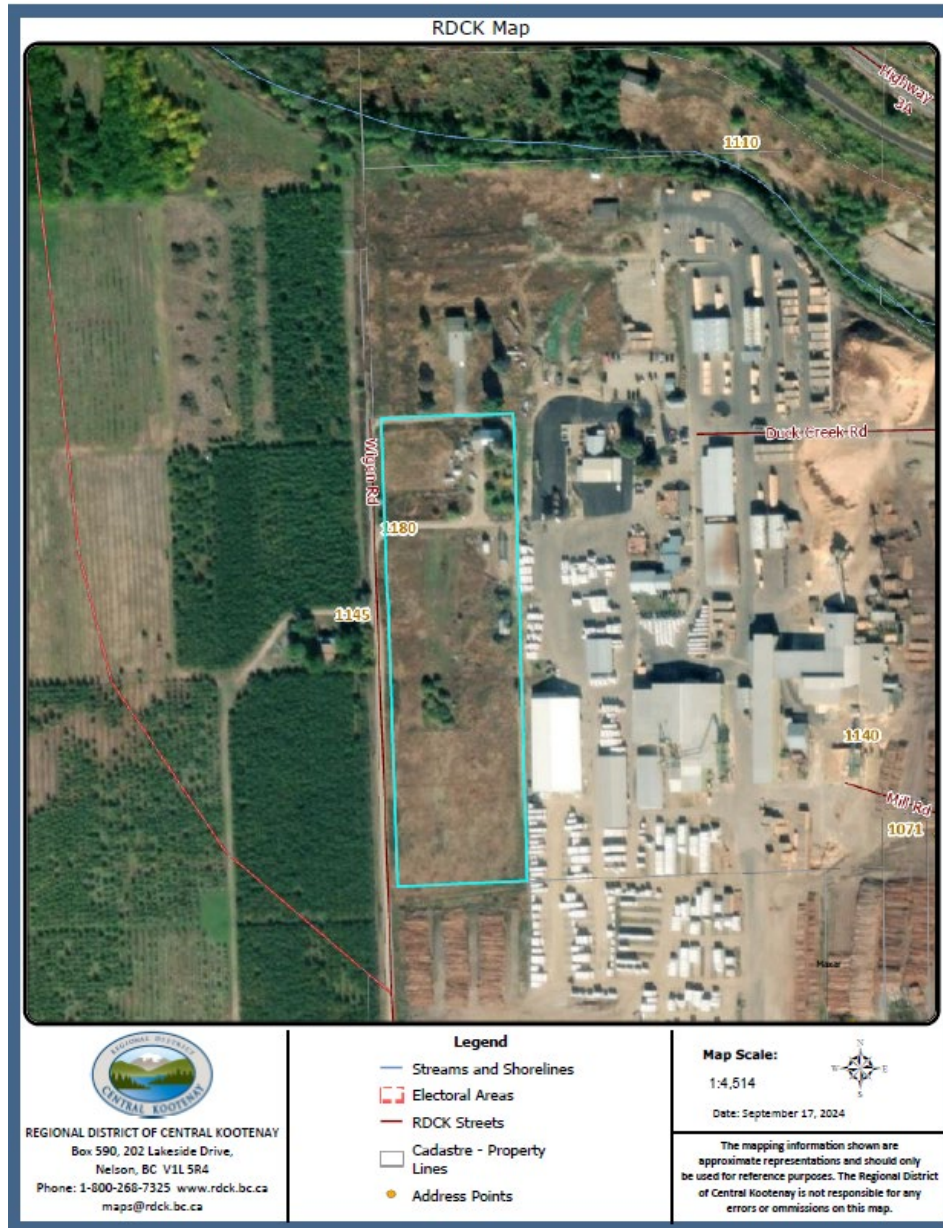


Figure 1 – Overview Map

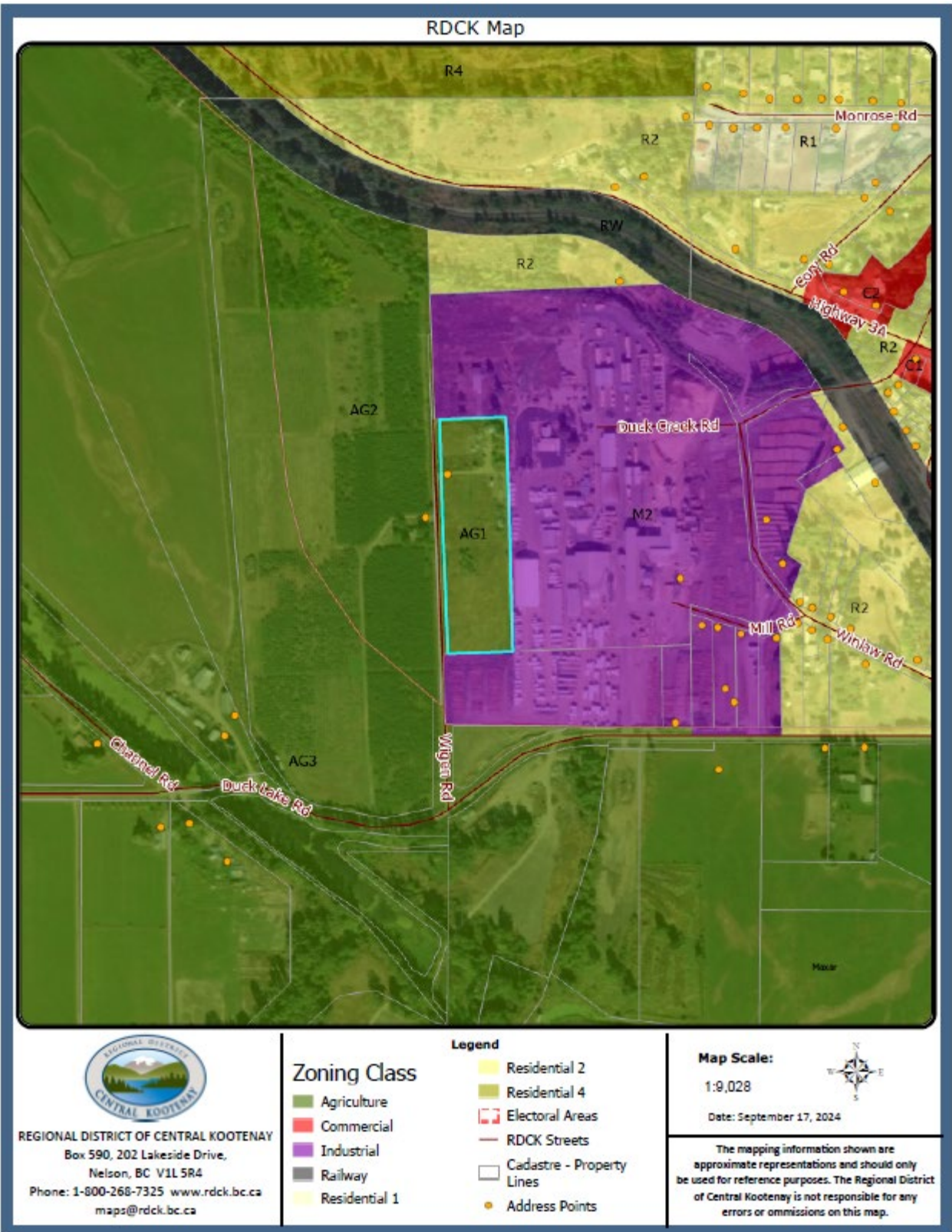
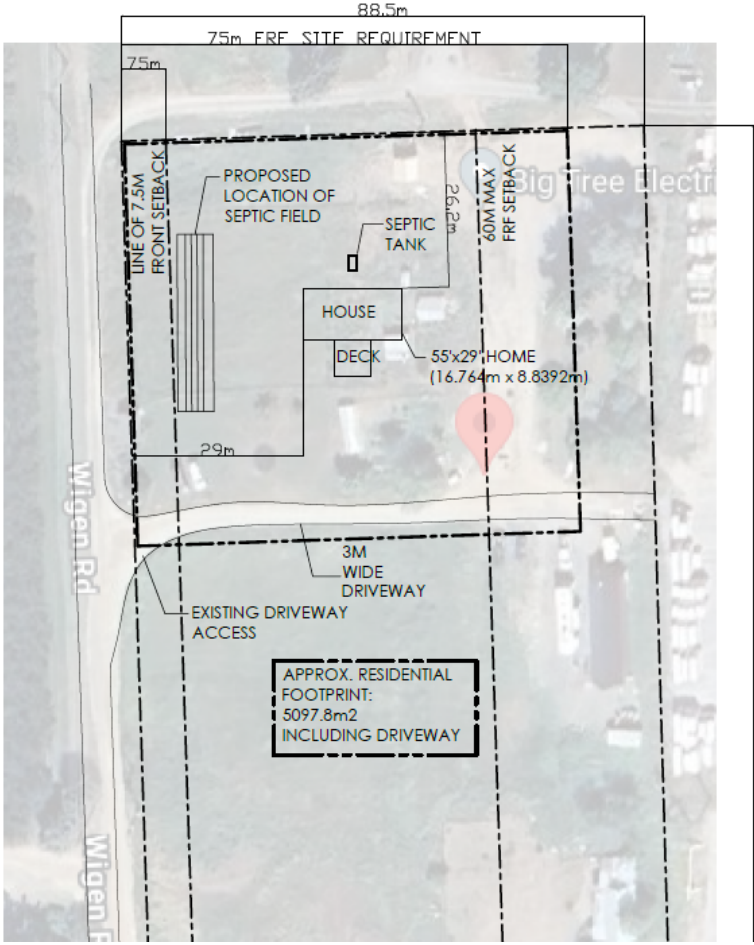


Figure 2 – Zoning Map

FULL SITE
1:1000 SCALE



1180 WIGEN ROAD, WYNNDAL
 LOT C
 AG1
 PLAN - NEP1489
 LAND DISTRICT - KOOTENAY
 DISTRICT LOT - 9551
 P.I.D. - 015-750-132
 LOT AREA: 6.78 ACRES OR 27437.69m²
 148.18m² MAIN FLOOR HOME
 148.18m² BASEMENT
 TOTAL BUILDING - 296.36m²

Figure 3 – Partial Site Plan showing the location of the proposed dwelling and the extent of the proposed Farm Residential Footprint



Figure 4 - Map showing the extent of the Kootenay River Floodplain (transparent blue overlay) on the north western portion of the subject property. The floodplain also covers part of the southwestern corner of the lot. Note that this aerial photo was taken prior to the original dwelling (top right corner) being destroyed by a fire.



Figure 5 – Approximate location proposed for the new single detached dwelling.



Figure 6 – Location of the original dwelling that was destroyed by fire.

Planning Policy

Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013

Agriculture Objectives

1. To identify lands that have continuing, or future, value for agriculture.
2. To encourage the protection and agricultural use of land with continuing value for agriculture.
3. To encourage optimum use and development of agricultural activities on agricultural land associated with the production and processing of livestock, poultry, farmed game, fur bearing animals, crops, fruit, grain, vegetables, milk, eggs, honey, mushrooms, fibre crops and horticultural and aquaculture products provided the activity serves local producers and is small scale.
4. To encourage agricultural practices that do not adversely impact the surrounding environment; nor compromise the capability of the land for future food production.
5. To minimize conflict between agriculture and other land uses.

Agricultural Policies

7. Encourages that the principal use of Agricultural lands shall be of an agricultural nature. In addition, the Regional Board encourages the development of small scale food processing facilities within Agricultural zones provided the facility operates in an environmentally sustainable fashion and ensure that such facilities have obtained all necessary licenses and permits from appropriate regulatory bodies.
9. Supports that the minimum lot size shall be two (2) hectares.
10. Will encourage food processing activities within the Plan Area, and uses secondary to, and complementary to agricultural production; such as market gardens, agritourism, farmers markets and farm gate sales.
13. May consider accessory dwellings where there is a need for farm worker housing on an operating farm, and where the additional density can be sustainably serviced.
14. 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.
15. Encourages and promotes the Environmental Farm Plan program to farmers in the Region.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

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

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

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

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

None anticipated.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

The application was referred to internal departments, other government agencies and 3 surrounding property owners. No responses were received from the surrounding property owners. The following responses were received from government agencies.

RDCK Building Services

No comments. Spatial Separation looks fine.

Electoral Area 'A' Advisory Planning and Heritage Commission (APHC)

These comments are from the approved minutes of October 21, 2024 meeting

*That the Area A Advisory Planning Commission **SUPPORT** the Development Variance Permit Application to Forrest Demman for the property located 1180 Wigen Road, Wynndel, and legally described as LOT C DISTRICT LOT 9551 KOOTENAY DISTRICT PLAN 1489*

Creston Valley Agriculture Advisory Commission (CVAAC)

These comments are from the approved minutes of the October 29, 2024 meeting:

Discussion:

- *The present Commission members participated in a site visit of the property located at 1180 Wigen Road, Wynndel.*
- *The Applicant answered the Commission's questions regarding the residential footprint of the proposed dwelling.*
- *The Commission discussed the probability of the existing driveway gravel be scraped back to dirt in order to plant trees as an example.*

Moved and seconded,

AND Resolved:

*That the Creston Valley Agricultural Advisory Commission **SUPPORT** the Development Variance Permit Application to Forrest Demman for the property located 1180 Wigen Road, Wynndel, and legally described as LOT C DISTRICT LOT 9551 KOOTENAY DISTRICT PLAN 1489 to vary Section 25.4 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 to permit a Farm Residential Footprint of 4012 m² whereas the bylaw permits a maximum Farm Residential Footprint of 2000 m² and Section 25.6 to increase the maximum permitted GFA for a Single Detached Dwelling from 185 m² to 300 m². The above variances are being requested to authorize the construction of a dwelling that is a similar size to the original dwelling that was destroyed by a fire.*

Interior Health Authority – Team Leader: Healthy Community Development

Thank you for the opportunity to provide comments on this application.

It is our understanding that the applicant proposes to rebuild a home on ALR land that will vary in size and location as the previous home.

We have no objections to this proposal.

We recommend that the Regional District ensure the new home is connected to an onsite septic system that can support the daily design flows of the new build. This should be confirmed by an Authorized Person (as defined in the Sewerage System Regulation) prior to occupancy.

Ministry of Transportation and Infrastructure – Development Officer

Thank you for the opportunity to comment on this variance.

MoTI has no comments or concerns as our interests are unaffected by the proposal.

Fortis BC – Property Services

Land Rights Comments

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

Operational & Design Comments

- There are FortisBC Electric (“FBC(E)”) primary distribution facilities along Wigen Road.
- All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.
- The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.
- **To proceed, the applicant should contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.**

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

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

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

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

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

Ministry of Agriculture and Food

Thank you for providing Ministry of Agriculture and Food (Ministry) staff the opportunity to comment on File V2418A that proposes to vary the Farm Residential Footprint (FRF) regulations as outlined in Section 25.4, 25.5 and 25.6 of Comprehensive Land Use Bylaw No. 2315, 2013. From an agricultural planning perspective, Ministry staff offer the following comments:

- The applicant proposes to construct a new 300 m² principal residence on the Subject Property as the previous residence was recently destroyed by fire.
- Typically, Ministry staff would not be supportive of a proposal to construct a principal residence that is approximately 115 m² larger than what is permitted in the local government bylaw on a small, 2.4 hectare property that is used for hay production. Ministry staff however, recognize the hardship faced by the applicant and also note that the size of the proposed residence will not exceed the size of the previous residence.

- *The applicant proposes to construct the new residence near the centre of the northern portion of the Subject Property. Ministry staff however, note that this area of the Subject Property appears to be covered with grass and is likely capable of agricultural production. A more suitable location would be to locate the new residence on the footprint of the previous residence which has already been impacted/disturbed and could utilize the existing driveway. Further, the proposed location for the new residence would likely require an extension from the existing driveway.*
- *While Ministry staff appreciate the applicant's proposal to reduce the size of the existing residential footprint from 6000 m² to 5097 m², it is not clear how/why the existing footprint is measured at 6000 m² given that the western half of this area appears to only grass. While Ministry staff recognize that the location of pre-existing structures and the driveway may require a FRF slightly larger than 2000 m², 5097 m² seems excessive. If the new residence was constructed on the footprint of the previous residence, it appears as though a FRF of less than 3000 m² could be feasible.*
- *Ultimately, Ministry staff support the increase to the Maximum Gross Floor Area but not the increase to the FRF. Additionally, and as proposed, Ministry staff do not support the increase to the depth of the FRF but would support an increase in depth if the new residence was proposed to be constructed on the footprint of the previous residence.*

3.7 Staffing/Departmental Workplace Considerations:

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

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS

Planning Discussion

The purpose of the variances being requested are to allow the construction of a new dwelling with a similar gross floor area to the previous dwelling because the original dwelling on the property was destroyed by a fire. The size and location of the original dwelling did not conform to the current Farm Residential Footprint and maximum dwelling size zoning regulations that were developed through the RDCK's Agriculture Policy Review Project and implemented through the adoption of Bylaw No. 2834 on October 13, 2022. The adoption of Bylaw No. 2834 made the original dwelling a non-conforming use.

Pursuant to Section 532 (1) of the Local Government Act, a non-conforming structure that is completely destroyed must not be re-constructed except for a conforming use in accordance with the Bylaw:

532 (1) If a building or other structure, the use of which does not conform to the provisions of a land use regulation bylaw, is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, the structure must not be repaired or reconstructed except for a conforming use in accordance with the bylaw.

Based on the above, the applicant does not have the authority to rebuild a home of the same size without the benefit of a variance application. If the three variances being considered by this application were being proposed

on a greenfield site (undeveloped agricultural land) staff would generally not recommend that the Board approve the application, however due to the hardship that the applicant is facing due to the destruction of the original dwelling and the following considerations, staff recommend that the Board approve the requested variances:

- The applicant is seeking Board approval to construct a dwelling that is the same size (300 m² GFA) as the original dwelling that was destroyed in order to accommodate the size of their family.
- An effort is being made to site the new dwelling in a way that complies with the Bylaw Requirements (within 60 metres of the front property line)
- Constructing the new dwelling in the same location as the original dwelling would place the structure directly adjacent to an industrial use. By siting the proposed dwelling closer to Wigen Road, there will be space for the property owner to establish a suitable landscape screen to buffer the industrial use from the agricultural/residential use.
- The proposed Farm Residential Footprint recognizes the historic development (driveways, buildings etc.) and keeps the residential uses clustered to the northern portion of the lot. This ensures that the southern 2 hectares of land (>80% of the lot) remains available for agricultural uses.

Option 1: Approve farm residential footprint variance and dwelling size.

That the Board APPROVE the issuance of Development Variance Permit V2418A to Forrest Demman for the property located at 1180 Wigen Road and legally described as LOT C DISTRICT LOT 9551 KOOTENAY DISTRICT PLAN 1489 (PID: 015-750-132) to vary Sections 25.4, 25.5 and 25.6 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to:

- permit a Farm Residential Footprint of 5100 m² whereas the bylaw permits a maximum Farm Residential Footprint of 2000 m².
- permit a maximum depth of the Farm Residential Footprint of 75 m whereas the bylaw indicates that the maximum depth of the Farm Residential Footprint shall not exceed 60 m.
- increase the maximum permitted GFA for a Single Detached Dwelling from 185 m² to 300 m².

Option 2: Approve farm residential footprint variances, not approve dwelling size.

That the Board APPROVE the issuance of Development Variance Permit V2418A to Forrest Demman for the property located at 1180 Wigen Road and legally described as LOT C DISTRICT LOT 9551 KOOTENAY DISTRICT PLAN 1489 (PID: 015-750-132) to vary Sections 25.4, 25.5 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to:

- permit a Farm Residential Footprint of 5100 m² whereas the bylaw permits a maximum Farm Residential Footprint of 2000 m².
- permit a maximum depth of the Farm Residential Footprint of 75 m whereas the bylaw indicates that the maximum depth of the Farm Residential Footprint shall not exceed 60 m.

And further, that the Board NOT APPROVE the request to vary Section 25.6 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to authorize a dwelling with a maximum Gross Floor Area (GFA) of 300 m² whereas the bylaw permits a maximum GFA of 185 m².

Option 3: Not approve any of the requested variances

That the Board NOT APPROVE the issuance of Development Variance Permit V2418A to Forrest Demman for the property located at 1180 Wigen Road and legally described as LOT C DISTRICT LOT 9551 KOOTENAY DISTRICT

PLAN 1489 (PID: 015-750-132) to vary Sections 25.4, 25.5 and 25.6 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to:

- permit a Farm Residential Footprint of 5100 m² whereas the bylaw permits a maximum Farm Residential Footprint of 2000 m².
- permit a maximum depth of the Farm Residential Footprint of 75 m whereas the bylaw indicates that the maximum depth of the Farm Residential Footprint shall not exceed 60 m.
- increase the maximum permitted GFA for a Single Detached Dwelling from 185 m² to 300 m².

SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2418A to Forrest Demman for the property located at 1180 Wigen Road and legally described as LOT C DISTRICT LOT 9551 KOOTENAY DISTRICT PLAN 1489 (PID: 015-750-132) to vary Sections 25.4, 25.5 and 25.6 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to:

- permit a Farm Residential Footprint of 5100 m² whereas the bylaw permits a maximum Farm Residential Footprint of 2000 m².
- permit a maximum depth of the Farm Residential Footprint of 75 m whereas the bylaw indicates that the maximum depth of the Farm Residential Footprint shall not exceed 60 m.
- increase the maximum permitted GFA for a Single Detached Dwelling from 185 m² to 300 m².

Respectfully submitted,

Zachari Giacomazzo

CONCURRENCE

Planning Manager – Nelson Wight **Digitally approved**

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

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

ATTACHMENTS:

Attachment A – Development Variance Permit

Attachment B – Excerpt from Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013

Attachment C – Full size site plan and construction plans



Development Variance Permit

V2418A (Demman)

Date: December 17, 2024

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

TO: Forrest Demman

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: 1180 Wigen Road, Wynndel, Electoral Area 'A'

Legal: LOT C DISTRICT LOT 9551 KOOTENAY DISTRICT PLAN 1489

PID: 015-750-132

CONDITIONS

5. Development Variance

Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 Sections 25.4, 25.5 and 25.6 are varied as follows:

From:

Section 25.4: The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit

Section 25.5: The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line.

Section 25.6: The Maximum Gross Floor Area of the Single Detached Housing is 185.0 square meters.

To:

Section 25.4: The maximum Farm Residential Footprint shall be a maximum of 5100 square meters

Section 25.5: Allow a Farm Residential Footprint with a maximum depth of 75 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

Section 25.6: The Maximum Gross Floor Area of the Single Detached Housing is 300 square meters.

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

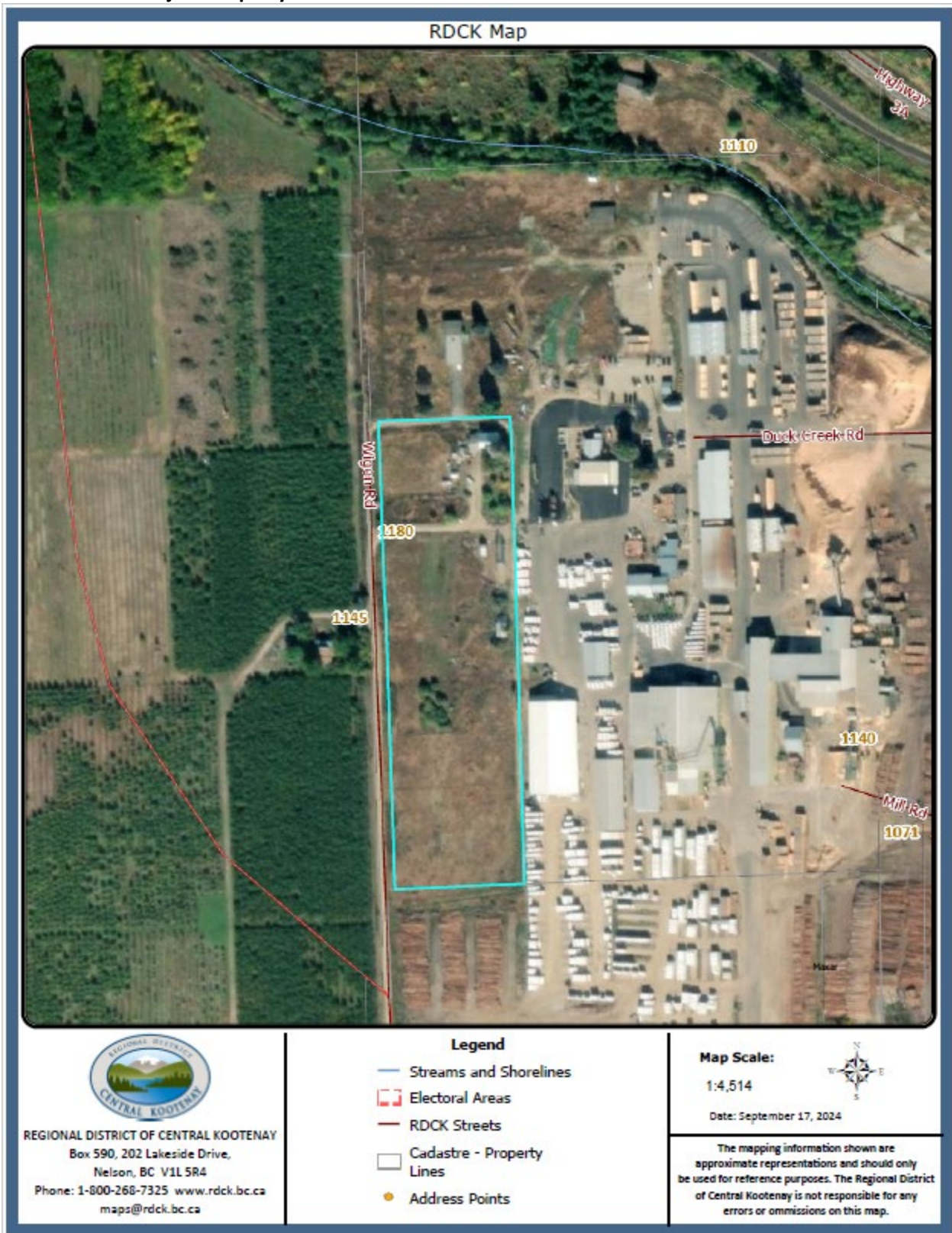
Authorized resolution *[enter resolution number]* passed by the RDCK Board on the _____ day of _____, 20__.

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



25.0 AGRICULTURE 1 (AG1)

Permitted Uses

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

Agriculture

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

Kennel

Micro Cultivation,

CannabisMicro

Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and

Florist

Single Detached Housing

Standard Cultivation, Cannabis

Standard Processing, Cannabis

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

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Farmworker Dwelling Unit
- Portable Sawmills for processing of material harvested on site only
- Secondary Suite
- Temporary Farmworker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2. The minimum lot area shall be 2.0 hectares.
- 2b. The maximum density is 2 Dwelling Units not including a Farmworker Dwelling Unit.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional

permitted dwelling unit.

5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 meters measured from the Front Lot Line or Exterior Side Lot Line.
6. The Maximum Gross Floor Area of the Single Detached Housing is 185.0 square meters.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square meters;
 - b. The lot is classified as a farm under the *Assessment Act*;
 - c. The lot is 2 hectares or larger; and
 - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing shall be limited to 6 campsites, provided that:
 - a. The lot is classified as a farm under the *Assessment Act*;
 - b. The lot is 1.2 hectares or larger;
 - c. The minimum setback is 6.0 meters from the Front Lot Line and Exterior Lot Line and 15.0 meters from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 meters, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 meters in height and 1.5 meters in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 meters of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 meters from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

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

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

FULL SITE
1:1000 SCALE



1180 WIGEN ROAD, WYNNDDEL
LOT C
AG1
PLAN - NEP1489
LAND DISTRICT - KOOTENAY
DISTRICT LOT - 9551
P.I.D. - 015-750-132
LOT AREA: 6.78 ACRES OR 27437.69m²

148.18m² MAIN FLOOR HOME
148.18m² BASEMENT
TOTAL BUILDING - 296.36m²

NOTE:
DIMENSIONS ARE APPROXIMATE
BASED ON THE RDCK WEB MAP AND
ARE TO BE CONFIRMED ON SITE.

PAGE #

PLOT

CUSTOMER APPROVAL

X

REVISIONS
14AUG2024
28OCT2024

X

WITHOUT THE WRITTEN CONSENT OF THE DESIGNER *

CLIENT: DEMMAN
ADDRESS: 1180 WIGEN ROAD, WYNNDDEL

LOT: C
DISTRICT LOT: 9551
PLAN: NEP1489
LAND DISTRICT: KOOTENAY

P.I.D.: 015-750-132

SCALE: SEE PLANS
DRAWN: KJ

* THIS DRAWING IS PROPERTY OF KT-J DESIGN
AND SHALL NOT BE REPRODUCED IN ANY FORM





Committee Report

Date of Report: December 09, 2024
Date & Type of Meeting: January 15, 2024 – Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2412A – Wynndel Foods LTD c/o Five Star Permits (Cy Atkinson and David Atkinson)
Electoral Area/Municipality A

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Regional Board to consider a Development Variance Permit (DVP) in Electoral Area ‘A’. The applicant is proposing to vary the sign regulations in order to update three signs at their gas station/convenience store. The variances are to sections 18.83, 18.84(a), 18.84(b), 18.84(c) and 18.84(d) and are related to the total number of signs, size of signs and setbacks.

Given the established use of the property, the proposal's alignment with the existing signage on the site, and the lack of significant opposition from the public or other agencies, staff recommend that the Board approve this DVP.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Property Owner(s): Wynndel Foods LTD
Agent: Cy Atkinson and David Atkinson
Property Location: 5128 Highway 3A, Wynndel, Electoral Area ‘A’
Legal Description: LOT B DISTRICT LOT 191 KOOTENAY DISTRICT PLAN NEP72950 (PID: 025-606-158)
Property Size: 1.23 hectares (3.04 acres)
Current Zoning: General Commercial (C2)
Current Official Community Plan Designation: General Commercial (GC)

SURROUNDING LAND USES
North: Country Residential (R2)
East: Country Residential (R2)
South: Railway (RW)
West: Country Residential (R2)

Background Information

The subject property is located along Highway 3A and Cory Road in Electoral Area ‘A’ in Wynndel. The surrounding area is a mix of residential, commercial and industrial uses. The subject property is zoned General Commercial (C2) and is currently used as a gas station and convenience store.

Development Proposal

The branding for this business is changing from “FasGas” to “Canco,” and the applicant is proposing to upgrade their three signs to reflect this. This Development Variance Permit (DVP) seeks to vary the sign regulations of Comprehensive Land Use Bylaw No. 2315, 2013 to permit the upgrades. These are for a freestanding sign, roof sign and fascia sign. The variances requested are detailed below:

For the freestanding sign:

- Section 18.83:
 - From: Setback 1.5 meters from lot line
 - To: Setback 0.0 meters from lot line
- Section 18.84(a):
 - From: Maximum height of 5.0 metres
 - To: Maximum height of 6.3 metres
- Section 18.84(b):
 - From: Maximum area of 6.0 square metres
 - To: Maximum area of 9.03 square metres

For the fascia sign:

- Section 18.84(c):
 - From: Maximum width of 2.5 metres
 - To: Maximum width of 5.5 metres

For the freestanding, fascia and roof signs:

- Section 18.84(d):
 - From: One (1) sign for each public road access
 - To: One (1) sign for each public road access, plus one additional sign for this property.

This permit, if issued, would authorize the installation of the three signs as shown in Figures 3-10.

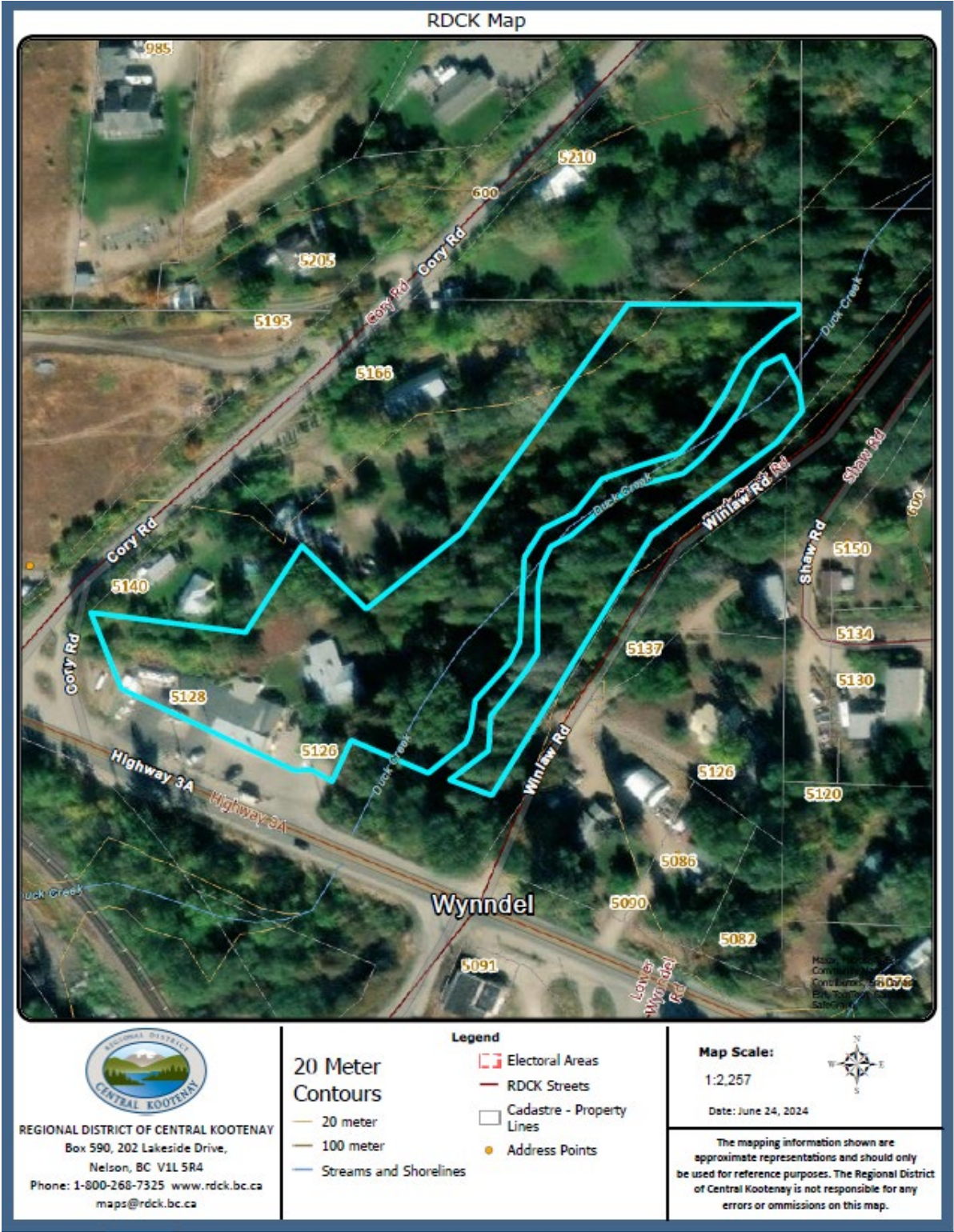


Figure 1: Overview Map

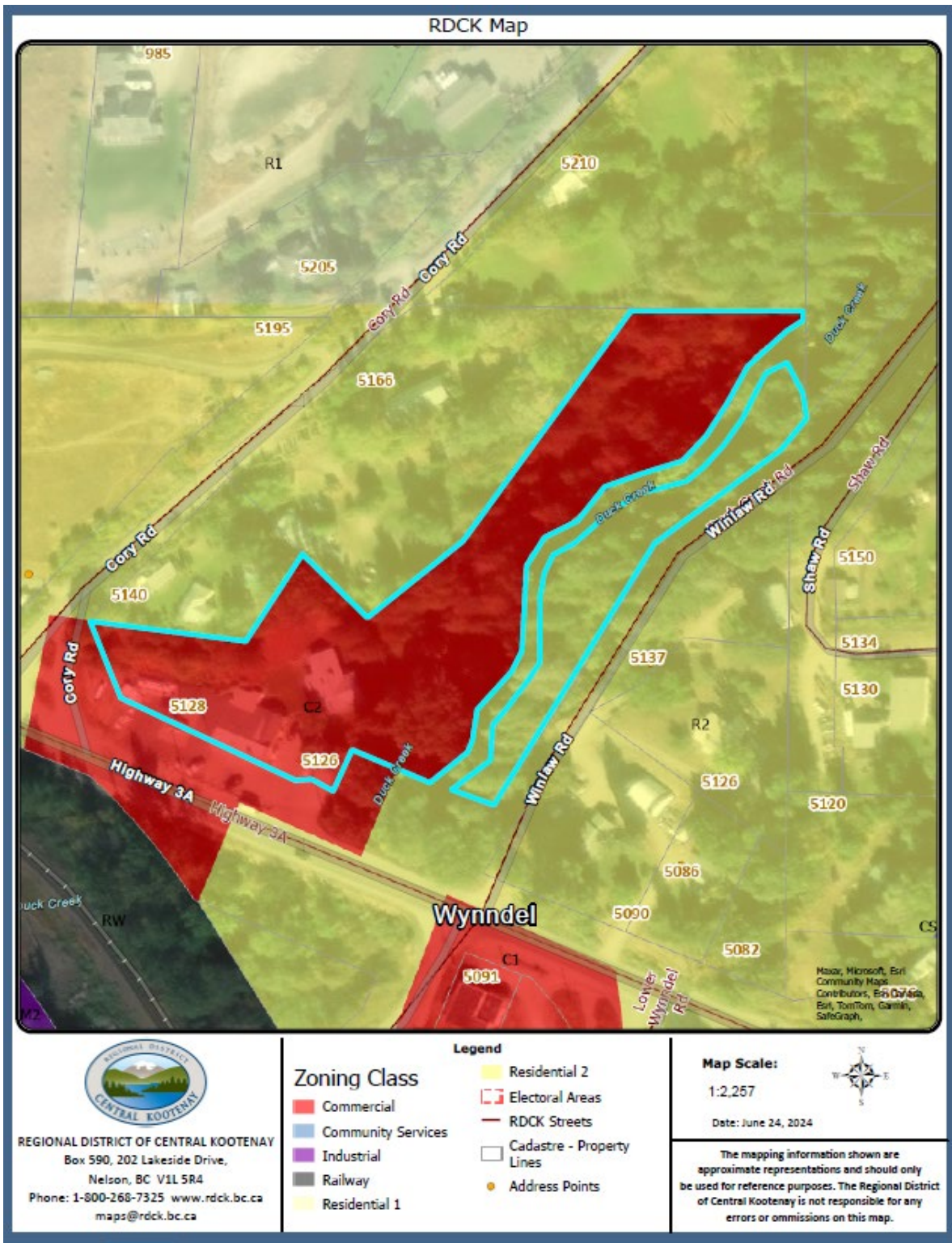


Figure 2: Zoning Map



Figure 3: Site Plan

24_WYNNDEL_CANCO_24-6644_P01

P:\24-6644_Canco_Wynndel, BC\Design



Customer: Canco Address: Wynndel, BC Project Manager: Cacey Byrd Designer: MI Date: 03/07/24



PH: 250.426.8121 FAX: 250.426.8882
 437 Kathleen St. W. Cranbrook, BC V1C 6T3
 www.selkirksigns.com

MEMBER OF



Page: 2 of 2



DESCRIPTION

Photo Overlay

Quantity: 1

Scale: NTS

Revisions

#1 Date: Details:

#2 Date: Details:

Client Approval

Signature:

Date:

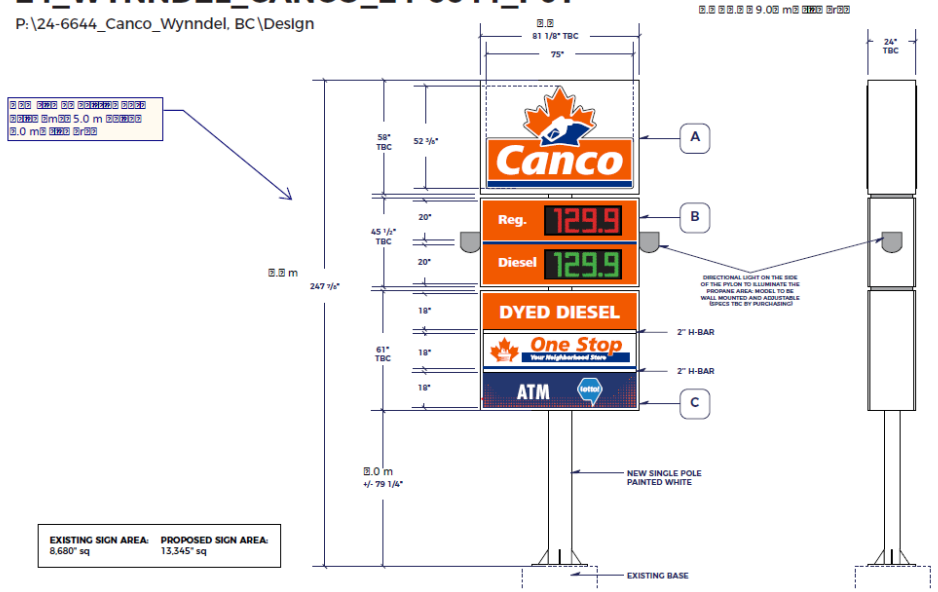
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 This design is the sole property of Selkirk Signs & Services Ltd. and may not be used, or duplicated in any form without the express written permission of Selkirk Signs & Services Ltd.

Perspective renditions in this drawing are by the designer. Only approximate sizes and perspectives of the signs are being achieved.

Figure 4: Freestanding Sign (Proposed and Existing)

24_WYNNDEL_CANCO_24-6644_P01

P:\24-6644_Canco_Wynndel, BC\Design



Customer: Canco Address: Wynndel, BC Project Manager: Cacey Byrd Designer: MI Date: 05/07/24

(A) CONSTRUCTION: ROUTER & PUSH - THRU LETTERS & SHAPES
 SUBSTRATE: 0.125" WHITE ALUMINUM FACE & SIDES
 WITH 3/4" CLEAR ACRYLIC ROUTERED & PUSHED THROUGH FACE
 C/W GRAPHICS FIRST SURFACE & DIFFUSER SECOND SURFACE
 ILLUMINATION: WHITE LED

(B) CONSTRUCTION: D/F CABINETS
 PRICE CHANGERS: 12" UNITS 2 RED AND 2 GREEN
 SUBSTRATE: 4.5MM WHITE POLYCARBONATE
 C/W APPLIED VINYL
 CABINET: WHITE
 RETAINER: EX-7 WHITE
 ILLUMINATION: WHITE LED

(C) CONSTRUCTION: D/F CABINETS
 SUBSTRATE: WHITE POLYCARBONATE
 C/W APPLIED VINYL GRAPHICS
 CABINET: WHITE
 RETAINER: EX-7 WHITE
 H-BAR: 2" WHITE
 ILLUMINATION: WHITE LED

COLOUR SPECIFICATIONS:
 CANCO ORANGE: 3630-44 ORANGE
 CANCO BLUE: 3630-157 SULTAN BLUE
 LOTTO LOGO: DIGITAL PRINT



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Page: 1 of 2
Canco CORPORATE PROGRAM

Description
 New D/S Pylon /w existing base

Quantity: 1
 Scale: 1/4"=1'-0"

Revisions
 #1
 Date:
 Details:

#2
 Date:
 Details:

Client Approval
 Signature:
 Date:

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Figure 5: Freestanding Sign Design

24_WYNNDEL_CANCO_24-6644_F01

P:\24-6644_Canco_Wynndel, BC\Design

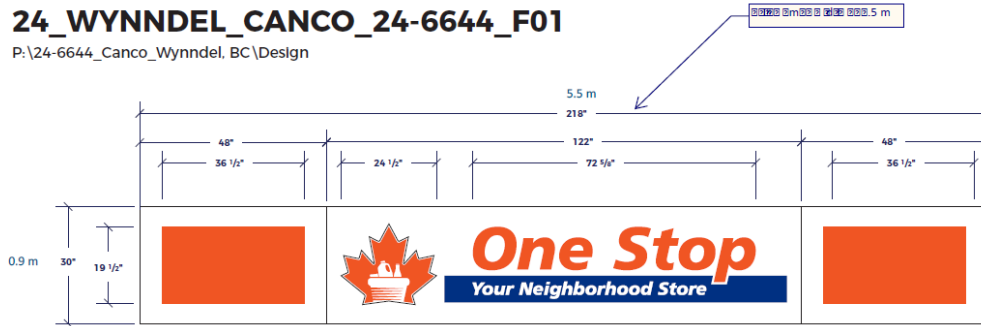


Customer: Canco Address: Wynndel, BC Project Manager: Cacey Byrd Designer: MI Date: 03/07/24

Figure 6: Fascia Sign (Proposed and Existing)

24_WYNNDEL_CANCO_24-6644_F01

P:\24-6644_Canco_Wynndel, BC\Design



Customer: Canco Address: Wynndel, BC Project Manager: Cacey Byrd Designer: MI Date: 03/07/24

CONSTRUCTION: ROUTERED & PUSHED - THRU LETTERS & SHAPE
SUBSTRATE: 0.125" ALUMINIUM FACE & SIDES
 WITH 1/2" CLEAR ACRYLIC ROUTERED & PUSHED THROUGH FACE
 WHITE DIFFUSER FIRST & SECOND SURFACE C/W 3M VINYL FIRST SURFACE
ILLUMINATION: LED
INSTALLATION DETAILS: MOUNT CENTERED TO EXISTING WOOD STRAPPING

"Canco" COLOUR SPECIFICATIONS:
 ■ ORANGE: 3M 3630-44
 ■ SULTAN BLUE: 3M 3650-157

Figure 7: Fascia Sign Design



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MEMBER OF

Page: 2 of 2

Canco CORPORATE PROGRAM

Description
 Photo Overlay

Quantity: 1

Scale: NTS

Revisions

#1
 Date:
 Details:

#2
 Date:
 Details:

Client Approval

Signature: _____

Date: _____

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Page: 1 of 2

Canco CORPORATE PROGRAM

Description
 S/F Pushed-Thru Cabinet

Quantity: 1

Scale: 1/2" = 1'-0"

Revisions

#1
 Date:
 Details:

#2
 Date:
 Details:

Client Approval

Signature: _____

Date: _____

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24_WYNNDEL_CANCO_24-6644_F02

P:\24-6644_Canco_Wynndel_BC\Design



Customer: Canco Address: Wynndel, BC Project Manager: Cacey Byrd Designer: MI Date: 03/07/24

Figure 8: Roof Sign (Proposed and Existing)



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Page: 2 of 2



Description
Photo Overlay

Quantity: 1

Scale: NTS

Revisions

#1

Date:

Details:

#2

Date:

Details:

Client Approval

Signature:

Date:

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24_WYNNDEL_CANCO_24-6644_F02

P:\24-6644_Canco_Wynndel_BC\Design



Customer: Canco Address: Wynndel, BC Project Manager: Cacey Byrd Designer: MI Date: 03/07/24

CONSTRUCTION: FACE & FRAME REPLACEMENT FOR S/F CABINET
SUBSTRATE: POLYCARBONATE FACE C/W 3M VINYL
CABINET: EXISTING
RETAINERS: EX-7 PAINTED WHITE
ILLUMINATION: LED
INSTALLATION DETAILS: REPLACE EXISTING FACE & FRAME
AW EXISTING CABINET & STRUCTURE
14.00 x 8.50 in

Canco COLOUR SPECIFICATIONS:
ORANGE: 3M 3630-44
SULTAN BLUE: 3M 3630-157

Figure 9: Roof Sign Design



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421 Pattinson St. W. Cranbrook, BC V1C 6T5
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Page: 1 of 2



Description
Face & Frame replacement for S/F Cabinet

Quantity: 1

Scale: 3/4"=1'-0"

Revisions

#1

Date:

Details:

#2

Date:

Details:

Client Approval

Signature:

Date:

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Figure 10: Site Photo and Sign Locations

Planning Policy

Relevant Commercial Objectives

1. To provide for commercial activities servicing the needs of local communities.
2. To ensure that the scale of all commercial developments harmonize with the natural surroundings and the rural character of the Plan Area.

Relevant General Commercial (GC) Policies

The Regional Board:

1. Recognizes the regional commercial and service centre roles of the City of Nelson and the Town of Creston, therefore commercial development in Electoral Area 'A' will primarily be oriented toward East Shore, neighbourhood, and tourist and traveller markets. Commercial and service nodes should occur throughout the Plan Area in a manner that services neighbourhood and tourist commercial needs.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

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

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

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

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

None anticipated.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

The application was referred to internal departments, the Area 'A' Advisory Planning and Heritage Commission, other government agencies and surrounding property owners. One response from the public was received and is included as Attachment 'C'. The following responses were received from departments, agencies and the APHC:

Area 'A' Advisory Planning and Heritage Commission

That the Area A Advisory Planning Commission SUPPORT the Development Variance Permit Application to Wynndel Foods Ltd c/o Five Star Permits (Cy Atkinson and David Atkinson) for the property located 5128 Highway 3A, Wynndel, and legally described as LOT B DISTRICT LOT 191 KOOTENAY DISTRICT PLAN NEP72950 for the variances to Sections 18.83, 18.84 a, 18.84 b, however not in support of 18.84 c in order to require them to maintain the maximum sign width (2.5 m), and not in support of 18.84 d because they already have 2 signs which is in accordance with the zoning bylaw regulations.

FortisBC

Land Rights Comments

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

Operational & Design Comments

- *There are FortisBC Electric ("FBC(E)") primary distribution facilities along Highway 3A.*
- *All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.*
- *The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.*
- *For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.*

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

- *Electrician's Name and Phone number*
- *FortisBC Total Connected Load Form*
- *Other technical information relative to electrical servicing*

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

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

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

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

Ministry of Transportation and Infrastructure

Thank you for the opportunity to comment on this variance permit. This applicant has already been working with MoTI to ensure the correct permits are in place, and we are pleased to see they are also seeking the proper approval from other agencies.

As these are all existing signs, MoTI has no concerns with the requested variances. We ask that the applicant applies for a Setback Variance Permit or Highway Sign Permit for any signs or other structures that are within 4.5m from the property line.

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:

<i>rd Species Least Risk Timing Windows</i>	
<i>ptors (eagles, hawks, falcons, & owls)</i>	<i>lg 15 – Jan 30</i>

perons	vg 15 – Jan 30
ther Birds	vg 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.

3.7 Staffing/Departmental Workplace Considerations:

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

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: SUMMARY

Planning Discussion

The subject property is currently used as a gas station and convenience store. The branding for business is changing from “FasGas” to “Canco,” and the applicant is proposing to update their three signs to reflect this.

The sign regulations in the Comprehensive Land Use Bylaw No. 2315, 2013 apply broadly to all signs in zoned areas of Electoral Area ‘A’ whether they be related to residential, commercial or industrial development. Given that these regulations apply so broadly, it is not surprising that some sites may require variances to accommodate the signage that is appropriate for their developments. Gas stations generally require large signage to communicate information to the public who are travelling in vehicles. This is especially true when gas stations are fronting higher speed roads such as highways as is the case with this application.

Planning staff support the issuance of this Development Variance Permit since:

- There was only one response from the public to this application and that respondent did not oppose the requested variance
- No significant concerns were raised by other agencies or departments
- The RDCK has not been informed of complaints with the existing signage on the site and the proposal will not result in a significant change to what already exists:
 - The proposed roof sign is the same as the existing sign other than the branding change
 - The proposed freestanding sign will have a greater area than the existing sign, but it will be located in the same place as the existing sign, and will be shorter than the existing sign
- While the fascia sign is larger than what is permitted, it is approximately 30m from the midline of Highway 3A which limits the visual impact
- The requested variances are not excessive for the use and location

Based on the above, staff recommend that the Board approve the issuance of the DVP Application.

Option 1

That the Board APPROVE the issuance of Development Variance Permit V2412A to Wynndel Foods LTD (INC NO. BC1181324) c/o Five Star Permits (Cy Atkinson and David Atkinson) for the property located at 5128 Highway 3A, Wynndel and legally described as LOT B DISTRICT LOT 191 KOOTENAY DISTRICT PLAN NEP72950 (PID: 025-606-158) to vary Sections 18.83, 18.84(a), 18.84(b), 18.84(c) and 18.84(d) of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to permit the upgrade of three signs on the subject property.

Option 2

That the Board NOT APPROVE the issuance of Development Variance Permit V2412A to Wynndel Foods LTD (INC NO. BC1181324) c/o Five Star Permits (Cy Atkinson and David Atkinson) for the property located at 5128 Highway 3A, Wynndel and legally described as LOT B DISTRICT LOT 191 KOOTENAY DISTRICT PLAN NEP72950 (PID: 025-606-158) to vary Sections 18.83, 18.84(a), 18.84(b), 18.84(c) and 18.84(d) of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to permit the upgrade of three signs on the subject property.

SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2412A to Wynndel Foods LTD (INC NO. BC1181324) c/o Five Star Permits (Cy Atkinson and David Atkinson) for the property located at 5128 Highway 3A, Wynndel and legally described as LOT B DISTRICT LOT 191 KOOTENAY DISTRICT PLAN NEP72950 (PID: 025-606-158) to vary Sections 18.83, 18.84(a), 18.84(b), 18.84(c) and 18.84(d) of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to permit the upgrade of three signs on the subject property.

Respectfully submitted,

Originally signed

Sadie Chezenko, Planner 1

CONCURRENCE

Planning Manager – Nelson Wight Digitally approved

General Manager Development & Sustainability – Sangita Sudan Digitally approved

Chief Administrative Officer – Stuart Horn Digitally approved

ATTACHMENTS:

Attachment A – Development Variance Permit

Attachment B – Excerpt from *Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013*

Attachment C – Public Correspondence



Development Variance Permit

V2412A (Wynndel Foods LTD)

Date: 2024-01-06

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

TO: Wynndel Foods LTD (INC NO.
BC1181324)

AGENT: Five Star Permits (Cy Atkinson and
David Atkinson)

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: 5128 Highway 3A, Wynndel
Legal: LOT B DISTRICT LOT 191 KOOTENAY DISTRICT PLAN NEP72950
(PID: 025-606-158)

CONDITIONS

5. Development Variance

Comprehensive Land Use Bylaw No. 2315, 2013, **Section 18.83** is varied as follows:

From: No sign shall be located within 1.5 meters of any lot line or on any portion of the lot subject to vision triangle requirements

To: No sign shall be located within 1.5 meters of any lot line or on any portion of the lot subject to vision triangle requirements except for the freestanding sign which may be located at 0.0m, as shown on Schedule '1' and '2' and '3'

Comprehensive Land Use Bylaw No. 2315, 2013, **Section 18.84(a)** is varied as follows:

From: Signs shall be limited to a maximum height of 5.0 metres

To: Signs shall be limited to a maximum height of 6.3 metres for the freestanding sign, as shown on Schedule '1' and '2' and '3'

Comprehensive Land Use Bylaw No. 2315, 2013, **Section 18.84(b)** is varied as follows:

From: Signs shall be limited to a maximum area of 6.0 square metres

To: Signs shall be limited to a maximum area of 9.03 square metres for the freestanding sign, as shown on Schedule '1' and '2' and '3'

Comprehensive Land Use Bylaw No. 2315, 2013, **Section 18.84(c)** is varied as follows:

From: Signs shall be limited to a maximum width of 2.5 metres

To: Signs shall be limited to a maximum width of 5.5 metres for the fascia sign, as shown on Schedule '1' and '2' and '3'

Comprehensive Land Use Bylaw No. 2315, 2013, **Section 18.84(d)** is varied as follows:

From: Signs shall be limited to a one (1) sign for each public road access

To: Signs shall be limited to one (1) sign for each public road access, plus one additional sign, as shown on Schedule '1' and '2' and '3'

6. Schedule

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

7. Other

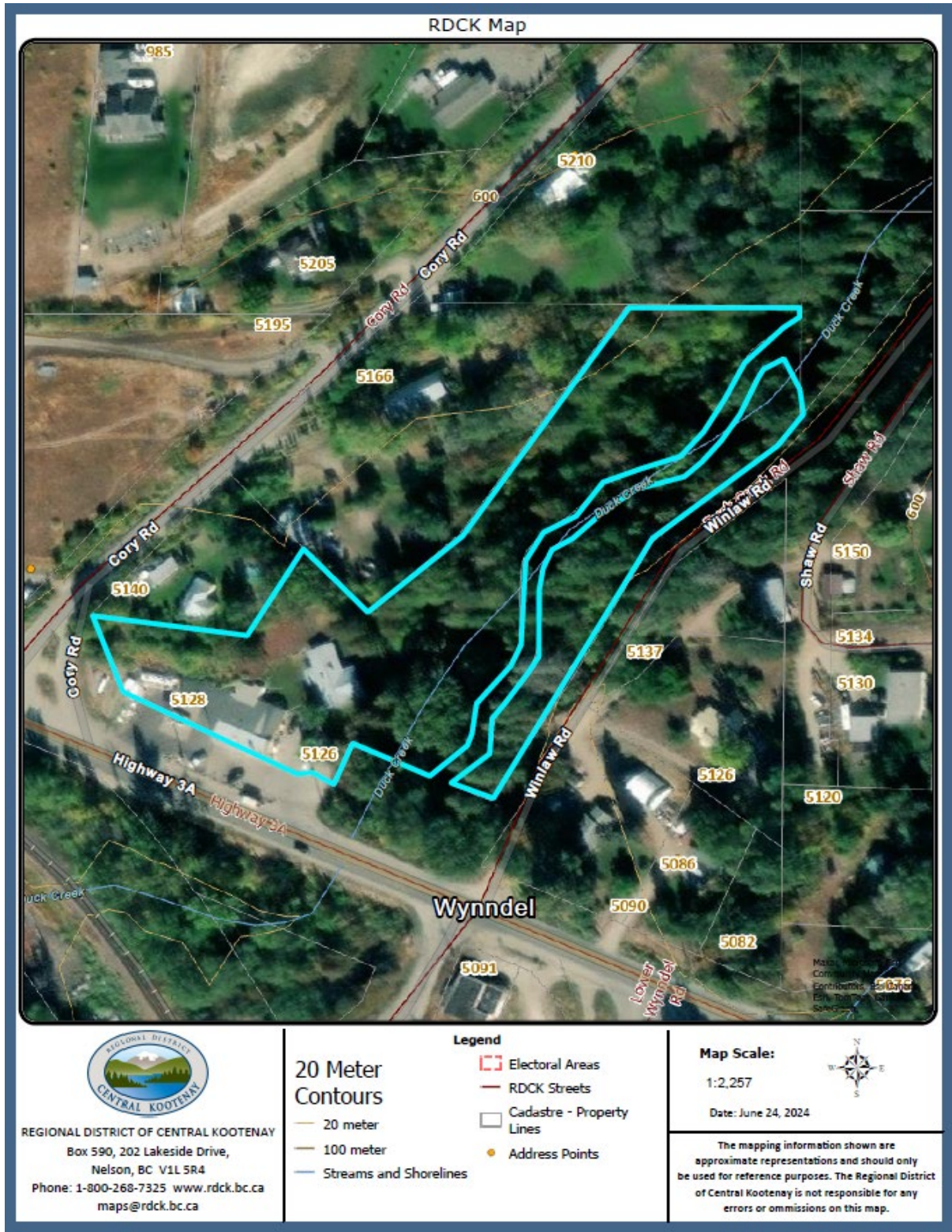
Authorized resolution [*enter resolution number*] passed by the RDCK Board on the _____ day of _____, 20____.

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



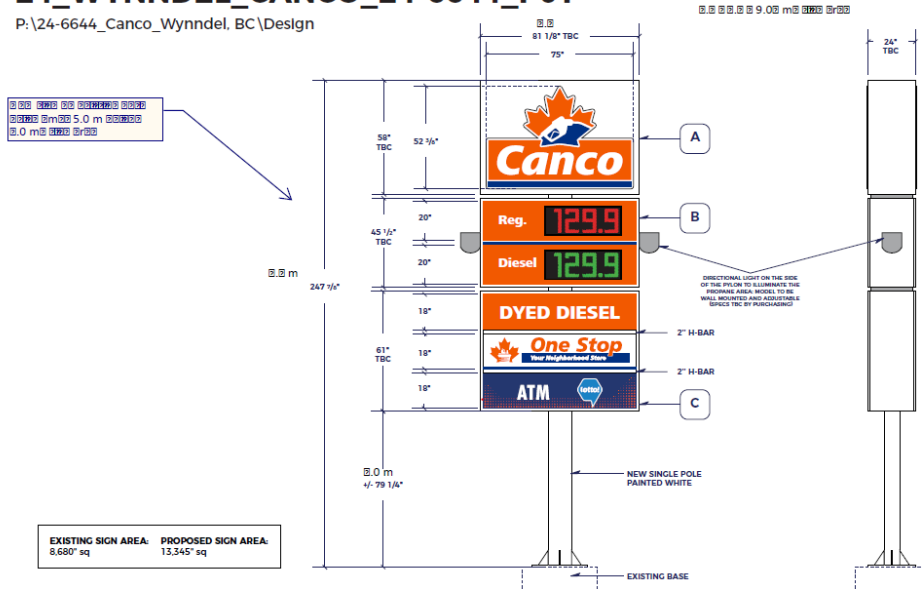
Schedule 2: Site Plan



Schedule 3: Design Plans

24_WYNNDEL_CANCO_24-6644_P01

P:\24-6644_Canco_Wynndel, BC\Design



Customer: Canco Address: Wynndel, BC Project Manager: Cacey Byrd Designer: MI Date: 05/07/24

(A) CONSTRUCTION: ROUTER & PUSH - THRU LETTERS & SHAPES
 SUBSTRATE: 0.125" WHITE ALUMINUM FACE & SIDES
 WITH 3/4" CLEAR ACRYLIC ROUTERED & PUSHED THROUGH FACE
 C/W GRAPHICS FIRST SURFACE & DIFFUSER SECOND SURFACE
 ILLUMINATION: WHITE LED

(B) CONSTRUCTION: D/F CABINETS
 PRICE CHANGERS: 12" UNITS 2 RED AND 2 GREEN
 SUBSTRATE: 4.5MM WHITE POLYCARBONATE
 C/W APPLIED VINYL
 CABINET: WHITE
 RETAINER: EX-7 WHITE
 ILLUMINATION: WHITE LED

(C) CONSTRUCTION: D/F CABINETS
 SUBSTRATE: WHITE POLYCARBONATE
 C/W APPLIED VINYL GRAPHICS
 CABINET: WHITE
 RETAINER: EX-7 WHITE
 H-BAR: 2" WHITE
 ILLUMINATION: WHITE LED

COLOUR SPECIFICATIONS:
 CANCO ORANGE: 3630-44 ORANGE
 CANCO BLUE: 3630-157 SULTAN BLUE
 LOTTO LOGO: DIGITAL PRINT

Figure 1: Freestanding Sign

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 431 Patterson St. W. Cranbrook, BC V1C 6T2
 www.selkirksigns.com

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Page: 1 of 2

Canco

CORPORATE PROGRAM

Description
 New D/S Pylon /w existing base

Quantity: 1
Scale: 1/4"=1'-0"

Revisions
 #1
 Date:
 Details:

#2
 Date:
 Details:

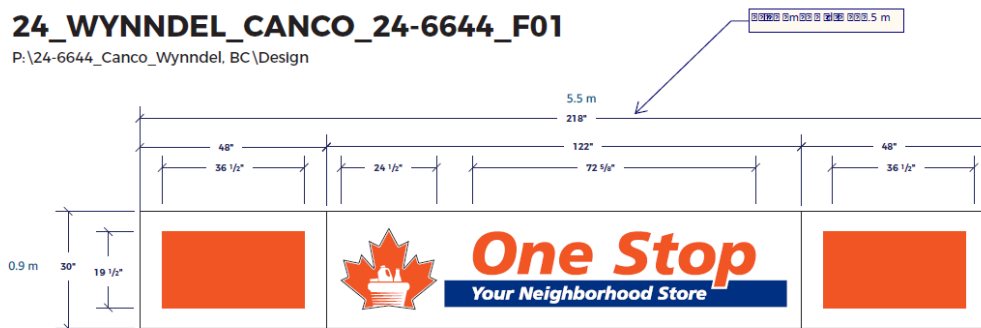
Client Approval

Signature: _____
 Date: _____

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24_WYNNDEL_CANCO_24-6644_F01

P:\24-6644_Canco_Wynndel, BC\Design



Customer: Canco Address: Wynndel, BC Project Manager: Cacey Byrd Designer: MI Date: 03/07/24

CONSTRUCTION: ROUTERED & PUSHED - THRU LETTERS & SHAPE
SUBSTRATE: 0.125" ALUMINIUM FACE & SIDES
 WITH 1/2" CLEAR ACRYLIC ROUTERED & PUSHED THROUGH FACE
 WHITE DIFFUSER FIRST & SECOUND SURFACE C/W 3M VINYL FIRST SURFACE
ILLUMINATION: LED
INSTALLATION DETAILS: MOUNT CENTERED TO EXISTING WOOD STRAPPING

"Canco" COLOUR SPECIFICATIONS:
 ■ ORANGE: 3M 3630-44
 ■ SULTAN BLUE: 3M 3630-157

Figure 2: Fascia Sign

24_WYNNDEL_CANCO_24-6644_F02

P:\24-6644_Canco_Wynndel, BC\Design



Customer: Canco Address: Wynndel, BC Project Manager: Cacey Byrd Designer: MI Date: 03/07/24

CONSTRUCTION: FACE & FRAME REPLACEMENT FOR S/F CABINET
SUBSTRATE: POLYCARBONATE FACE C/W 3M VINYL
CABINET: EXISTING
RETAINERS: EX-7 PAINTED WHITE
ILLUMINATION: LED
INSTALLATION DETAILS: REPLACE EXISTING FACE & FRAME
 /W EXISTING CABINET & STRUCTURE

"Canco" COLOUR SPECIFICATIONS:
 ■ ORANGE: 3M 3630-44
 ■ SULTAN BLUE: 3M 3630-157

14.00 x 8.50 in

Figure 3: Roof Sign



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Page: 1 of 2



CORPORATE PROGRAM

Description
 S/F Pushed-Thru Cabinet

Quantity: 1

Scale: 1/2"=1'-0"

Revisions

#1
 Date:
 Details:

#2
 Date:
 Details:

Client Approval

Signature:

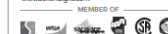
Date:

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Page: 1 of 2



CORPORATE PROGRAM

Description
 Face & Frame replacement for S/F Cabinet

Quantity: 1

Scale: 3/4"=1'-0"

Revisions

#1
 Date:
 Details:

#2
 Date:
 Details:

Client Approval

Signature:

Date:

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Perspective renditions in this drawing are by the designer. Only approximate sizes and perspectives of the signs are being achieved.

Attachment B - Excerpt from Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013

Agricultural Land Commission

81. Despite any other provision of this bylaw, development of lands within the Agricultural Land Reserve shall comply with all applicable regulations of the *British Columbia Agricultural Land Commission Act*, Regulations and Orders as amended or replaced from time to time.

Mining Activities

82. Any mineral or mining activity relating to the exploration or production of minerals, sand, gravel, coal or quarries that is classified a 'mineral' under the *Mineral Tenure Act* or a 'mine' under the *Mines Act* shall not be restricted by any terms or conditions of this bylaw so long as the Province manages the activities and land for that purpose.

Signs

Unless otherwise prescribed in this bylaw, all signs are subject to the requirements that:

83. No sign shall be located within 1.5 meters of any lot line or on any portion of the lot subject to vision triangle requirements.
84. Signs shall be limited to the following:
- a. a maximum height of 5.0 metres;
 - b. a maximum area of 6.0 square metres;
 - c. a maximum width of 2.5 metres; and
 - d. one (1) sign for each public road access.
85. *Removed by Bylaw 2686.*
86. Signs advertising community events or public service announcements or political campaign signs during an election are exempt from the requirements of sub-sections 83 and 84.
87. Signs associated with the operation of on-site businesses and activities such as parking, loading, vehicle movement, employee and visitor safety and other similar signs are exempt from the requirements of subsections 83 and 84.
88. Signs may be illuminated provided that glare is contained on-site when adjacent to any residential, agricultural, institutional, park and recreation zoned property.

Attachment C - Public Correspondence

From: [REDACTED]
To: [Planning](#)
Subject: Attention: Sadie Chezenko
Date: September 30, 2024 10:06:28 PM

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

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

Re: proposed sign change at Wynndel Foods

Good morning Sadie,

Could you please tell me what time the signage will be shut off at night and turned on in the morning? We're directly behind this property and wouldn't like to see it on past 9 p.m.

Thanks kindly,

Sharon Finkbiner



Planning Services Year End Report

New Applications and Referrals (2024)

RDCK Applications

Bylaw Amendment Applications

Electoral Area	File Number	Applicant	Proposal	Bylaw(s)	Status
K	Z2401K	Edgewood Community Club Society	OCP and zoning amendments to facilitate the development of a ten unit affordable senior's housing project	1675 2022	In Progress
J	Z2402J	Whitehead	OCP and zoning amendments to facilitate the development of a day care	1675 1157	Completed
G	Z2403G	Nelson Land Corporation	Zoning amendment to allow for the construction of one dwelling unit as a principal use on each parcel	2452	On Hold
G	Z2404G	Renescence Arts and Sustainability Society	OCP and zoning amendments to facilitate the development of a multi-purpose building that will contain artist studios, gallery space, event space and a self-contained dwelling unit	2452	In Progress
I	Z2405I	Glade General Store LTD	Application intake underway	1675 1157	On Hold
F	Z2406F	531131 BC Ltd. Taghum Stop	Zoning amendment to facilitate the construction of an addition and to permit a larger commercial gross floor area (GFA)	1675	In Progress
G	Z2407G	Pallagi	OCP and zoning bylaw amendments to recognize the existing non-conforming residential use and allow for future construction of an Accessory Dwelling Unit	2452	In Progress
A	Z2408A	Elliott	Zoning bylaw amendment to allow temporary guest	2315	Cancelled

			accommodation as an accessory use on the site		
I	Z2409I	Desilets	Zoning bylaw amendment to Ag1 zone to allow for Accessory Dwelling Unit for the owner's family	1675	In Progress
F	Z2410F	596324 BC LTD	OCP and zoning bylaw amendment to authorize expansion of the existing wood product manufacturing business to include a new workshop, office space and child care facility	1675	In Progress
J	Z2411J	Rysen	Application intake underway	1675	New

Board of Variance Applications

Electoral Area	File Number	Applicant	Proposal	Bylaw	Status
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None

Development Permit Applications

Electoral Area	File Number	Applicant	Proposal	Status
A	DP2401A	RDCK	Environmentally Sensitive Development Permit to upgrade existing trails, create a new trail and replace an old bridge in Crawford Creek Regional Park	Complete
E	DP2402E	Pruett	Watercourse Development Permit for residential development near Kootenay Lake	Completed
A	DP2403A	Crowe	Environmentally Sensitive Development Permit to address unauthorized development of a deck, stairway and beach modifications and to facilitate a subdivision on Kootenay Lake	In-Progress
H	DP2404H	Mackay	Watercourse Development Permit for residential development near a watercourse	Completed
J	DP2405J	Mitchell Supply LTD	Application on hold	On Hold
A	DP2406A	May	Application intake underway	In-Progress
J	DP2407J	Benson Oil	Industrial and Commercial Development Permit to allow the	In-Progress

			construction of a 'card lock' style fueling station on a portion of the property	
E	DP2408E	Erlam	Watercourse Development Permit to facilitate subdivision	In-Progress

Development Variance Permit Applications

Electoral Area	File Number	Applicant	Proposal	Bylaw	Status
J	V2401J	Kanigan	Size and height variance	1675	Cancelled
A	V2402A	Campbell	Setback variance	2315	Complete
J	V2403J	Gienger	Setback variance	1675	Complete
A	V2404A	Crowe	Servicing variance	2315	Complete
B	V2405B	McBlain	Setback variance	2316	Complete
J	V2406J	McCarthy	Size variance	1675	On Hold
B	V2407B	Neufeld	Setback variance	2316	On Hold
I	V2408I	Gerrard	Size and height variance	1675	Cancelled
B	V2409B	Pritchard	Servicing variance	2316	In-Progress
B	V2410B	McGinn	Size and farm residential footprint variance	2316	Complete
A	V2411A	May	Setback variance	2315	Complete
A	V2412A	Wynndel Foods LTD	Signage variance	2315	In-Progress
J	V2413J	Haigh	Gross floor area and height of accessory building	1675	Complete
K	V2414K	Serghe	Size and depth of Farm Residential Footprint	1675	In-Progress
J	V2415J	Benson Oil	Landscape requirement - screening	1675	In-Progress
C	V2416C	Johnson	Gross floor area of dwelling and size of Farm Residential Footprint	2317	In-Progress
G	V2417G	Pallagi	Gross floor area of dwelling	2452	In-Progress
A	V2418A	Demman	Gross floor area of dwelling and size of Farm Residential Footprint	2315	In-Progress
I	V2419I	Kosiancic	Gross floor area and height of accessory building	1675	On Hold

Floodplain Exemption Applications

Electoral Area	File Number	Applicant	Proposal	Bylaw	Status
E	F2401E	Pruett	To reduce the floodplain setback from Kootenay Lake from 15 metres to 8.86 metres for residential development.	2080	Complete
H	F2402Hs	Wooley	A re-application to amend a previously approved SSFF to further reduce the setback from the Slocan River	2080	Complete

Soil Removal and Deposit Applications

Electoral Area	File Number	Applicant	Proposal	Bylaw	Status
None					

Manufactured Home Park Applications

Electoral Area	File Number	Applicant	Proposal	Bylaw	Status
None					

Strata Title Conversion Applications

Electoral Area	File Number	Applicant	Proposal	Status
None				

Temporary Use Permit Applications

Electoral Area	File Number	Applicant	Proposal	Bylaw	Status
K	T2401K	Janssen	To permit the construction of an accessory building prior to a dwelling	1675	On Hold
B	T2402B	Blackmore	Application on hold	2316	On Hold
J	T2403J	Carlson	To permit the construction of an accessory building prior to a dwelling	1675	Cancelled
J	T2404J	Romaine	To permit the construction of an accessory structure prior to establishing a principal use	1675	Cancelled
A	T2405A	Venning	To permit aggregate extraction	2315	Cancelled

Referrals sent to the RDCK

Accretion Applications (Referred from Surveyor General)

Electoral Area	File Number	Applicant	Proposal
E	R24113	Stanger	Accretion on Kootenay Lake
A	R2412A	Gavel	Accretion on Kootenay Lake
E	R2413E	Mann	Accretion on Kootenay Lake
A	R2422A	DeYoung	Accretion on Kootenay Lake
A	R2423A	Anderson	Accretion on Kootenay Lake
F	R2431F	Jardin	Accretion on Kootenay Lake
F	R2432F	Hall	Accretion on Kootenay Lake
A	R2437A	Blobel	Accretion on Kootenay Lake
A	R2438A	Sommerfeld	Accretion on Kootenay Lake

Agricultural Land Reserve Applications (Referred from the Agricultural Land Commission)

Electoral Area	File Number	Applicant	Type	Proposal	Status
G	A2401G	Measures	Non Adhering Residential Use	To permit an oversized second dwelling	Support
B	A2402B	Blackmore	Non-Farm Use	To permit the excavation and processing of aggregate	Non-support
K	A2403K	Cropo	Subdivision	Two lot subdivision	Awaiting payment
H	A2404Hs	Perepolkin	Subdivision	Three lot subdivision	New

Crown Applications (Referred by the Province)

Electoral Area	File Number	Applicant	Intended Use
D	R2401D	Cook	Boat rail

F	R2402F	City of Nelson	Battery energy storage system and substation
ADE	R2404ADE	Kalso InfoNet Society	Utilities telecommunications line
H	R2405Hs	FortisBC	Powerline
B	R2410B	Hopgood and Hutsebaut	Roadway
E	R2418E	Balfour Recreation Commission	Disc golf course
K	R2420K	Edgewood Community Internet Society	Internet tower
AC	R2421AC	Creston Valley Forest Corp	Trail maintenance and construction
H	R2428H	de Weever	Culvert over creek on private land
B	R2440B	0887581 BC LTD	Wind power installation

Forestry Applications (Referred by Forestry Companies)

Electoral Area	File Number	Applicant	Intended Use
BC	R2406BC	Creston Community Forest	Timber harvesting, road construction and wildfire mitigation
K	R2409K	BCTS	Timber harvesting and road construction
D	R2416D	Cooper Creek Cedar	Forest Operations Map for Forest License A30171
B	R2419B	Creston Community Forest	Timber harvesting and wildfire mitigation
D	R2423D	BC Timer Sales	Proposed roads and cut blocks
D	R2426D	Cooper Creek Cedar (Porcupine)	Fire salvage access road
H	R2427H	Cabin Resource Management	Fuel management treatments
J	R2429J	Atco Wood Products	Road building and salvage timber harvesting
G	R2434G	Atco Wood Products	Proposed cut blocks – Erie Creek area
G	R2435G	Atco Wood Products	Proposed cut blocks – Clearwater Creek area
J	R2436J	Atco Wood Products	Proposed cut blocks – Shields Creek/Big Sheep area
H	R2439H	Ministry of Forests	Project to re-establish Idaho Peak FSR road

Industry Canada Applications (Referred by Industry Canada)

Electoral Area	File Number	Applicant	Intended Use
B	R2405B	Rogers	Telecommunications tower
B	R2417B	Telus	Telecommunications tower

LCRB Applications (Referred by the LCRB)

Electoral Area	File Number	Applicant	Intended Use
B	R2414B	Creston Golf Club	Structural change
E	R2403E	Balfour Gold and Country Club	Change of hours of operation
F	R2424F	Baldface Lodge	Liquor sale and consumption
K	R2425K	Royal Canadian Legion Branch No. 203	Capacity increase
D	R2441D	White Grizzly Adventures	Liquor Primary License

Municipal Applications (Referred from Local Governments)

Municipality	File Number	Applicant	Intended Use
CAS	R2407CAS	City of Castlegar	Development Permit
CRE	R2408CRE	Town of Creston	Parking Variance
G	R2422G	Village of Salmo	Subdivision on boundary of Village
NEL	R2430NEL	City of Nelson	Amendment to development servicing bylaw
CAS	R2433CAS	City of Castlegar	Subdivision and Development Variance Permit

Mines Applications (Referred by Companies)

Electoral Area	File Number	Applicant	Intended Use
E	R2415E	Cherry	Notice of Work for Sand and Gravel and Quarrying of Rock

Subdivision Applications (Referred from the Ministry of Transportation and Infrastructure)

Electoral Area	File Number	Applicant	Type	Lots
K	S2401K	Monashee Boys Ventures LTD	Subdivide	3
E	S2402E	Zukowski	Subdivide	5
H	S2403Hs	Lumley	Subdivide	4
D	S2404D	Smith	Subdivide	2
F	S2405F	Maxwell	Subdivide	2
E	S2406E	Erlam	Subdivide	2
J	S2407J	Rysen	Subdivide	2
F	S2408F	Scheffellaier	Subdivide	2
B	S2409B	Blackmore	Subdivide	3
J	S2410J	McLean and Becher	Subdivide	2
E	S2411E	Wright	Subdivide	2
H	S2412Hs	Merry	Subdivide	2
A	S2413A	Kootenay Bay Properties LTD	Subdivide	17
J	S2414J	Scott	Subdivide	2
A	S2415A	Wakelin	Subdivide	3
A	S2416A	Croft	Subdivide	2
A	S2417A	Douville	Boundary Adjustment	3
H	S2418H	Hadikin	Subdivide	2
J	S2419J	Sutherland	Boundary Adjustment	2
H	S2420Hs	Cournoyer	Boundary Adjustment	2
E	S2421E	McCracken and Poznikoff	Subdivide	2
D	S2422D	Hain and Hume	Subdivide	2
B	S2423B	Sommerfeldt	Subdivide	4
E	S2424E	1312853 BC LTD	Subdivide	10
D	S2425D	Veri	Subdivide	2

J	S2426J	Sherstobitoff	Subdivide	2
E	S2427E	Jensen	Subdivide	17
E	S2428E	Casselman	Lot line adjustment	2
B	S2429B	Murphy Group	Lot line adjustment	2
I	S2430I	Sherbinin	Conventional	Cancelled
B	S2431B	1417288 BC LTD	Conventional	3
J	S2432J	McPhillips	Conventional	2
F	S2433F	McLeod	Conventional	2
H	S2434Hs	Darnell	Conventional	2
B	S2435B	Palmer	Conventional	2
B	S2436B	Lyons	Conventional	2
E	S2437E	Pelant	Strata	4
H	S2438Hs	Munson	Lot line adjustment	2
K	S2439K	Coates	Conventional	2
H	S2440Hs	Fountain Capital Corp. Inc. No. BC1356053	Conventional	8
G	S2441G	Verigin	Conventional	2
F	S2445F	Jardin	Lot line adjustment	Cancelled
H	S2446Hs	Olsen	Lot line adjustment	2
B	S2447B	Gudjonson	Conventional	2
B	S2448B	Curzon Developments Ltd	Conventional	4
D	S2449D	Brinkman	Conventional	4
B	S2450B	McBain-Angus	Boundary-Adjustment	2

Summary of Applications and Referrals (2024)

January 1 – December 31	Electoral Area												Total
	Multi/Muni	A	B	C	D	E	F	G	H	I	J	K	
RDCK Applications													
Bylaw Amendment	0	1	0	0	0	0	2	3	0	2	2	1	11
Board of Variance	0	0		0	0	0	0	0	0	0	0	0	0
Development Permit	0	3	0	0	0	2	0	0	1	0	2	0	8
Development Variance Permit	0	5	4	1	0	0	0	1	0	2	5	1	19
Floodplain Exemption	0	0	0	0	0	1	0	0	1	0	0	0	2
Manufactured Home Park	0	0	0	0	0	0	0	0	0	0	0	0	0
Soil Removal & Deposit Permit	0	0	0	0	0	0	0	0	0	0	0	0	0
Strata Title Conversion	0	0	0	0	0		0	0	0	0	0	0	0
Temporary Use Permit	0	1	1	0	0	0	0	0	0	0	2	1	5
													45
Referrals to the RDCK													
Accretion Referrals	0	5	0	0	0	2	2	0	0	0	0	0	9
ALR Applications			1	0	0	0	0	1	1	0	0	1	4
Inclusion	0	0	0	0	0	0	0	0	0	0	0	0	
Subdivision	0	0	0	0	0	0	0	0	1	0	0	1	2
Non-Farm Use	0	0	1	0	0	0	0	0	0	0	0	0	1
Non-Adhering Residential Use	0	0	0	0	0	0	0	1	0	0	0	0	1
Crown Referrals	2	0	2	0	1	1	1	2	0	0	0	1	10
Forestry Referrals	1	0	1	0	3	0	0	2	2	0	2	1	12
Industry Canada Referrals		0	2	0	0	0	0	0	0	0	0	0	2
LCRB Referrals		0	1	0	1	1	1	0	0	0	0	1	5
Mines Referrals		0	0	0	0	1	0	0	0	0	0	0	1
Municipal Referrals	5	0	0	0	0	0	0	0	0	0	0	0	5
Subdivision Referrals		4	9	0	4	8	4	1	8	1	6	2	47
													95
Total Applications and Referrals	8	19	21	1	9	16	10	10	13	5	19	9	140

5-Year Summary of Applications and Referrals (2020-2024)

Type	2020	2021	2022	2023	2024
Bylaw Amendment	9	8	11	11	11
Board of Variance	0	0	0	2	0
Development Permit	8	18	11	16	8
Development Variance Permit	24	15	12	14	19
Floodplain Exemption	2	5	4	5	2
Manufactured Home Park	0	0	0	0	0
Soil Removal & Deposit Permit	0	0	0	0	0
Strata Title Conversion	1	0	0	1	0
Temporary Use Permit	3	5	3	1	5
Accretion Referrals	11	9	7	8	9
ALR Applications	27	21	11	11	4
Inclusion	0	0	2	1	
Subdivision	5	11	5	5	2
Non-Farm Use	0	2	3	2	1
Non-Adhering Residential Use	7	8	1	3	1
Exclusion	15	0	0	0	
Crown Referrals	24	36	12	15	10
Forestry Referrals	12	17	14	12	12
Industry Canada Referrals	0	2	3	3	2
LCRB Referrals	0	4	4	2	5
Mines Referrals	10	9	5	7	1
Municipal Referrals	6	3	9	2	5
Subdivision Referrals	50	75	68	51	47
Total Applications and Referrals	187	227	174	161	140



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

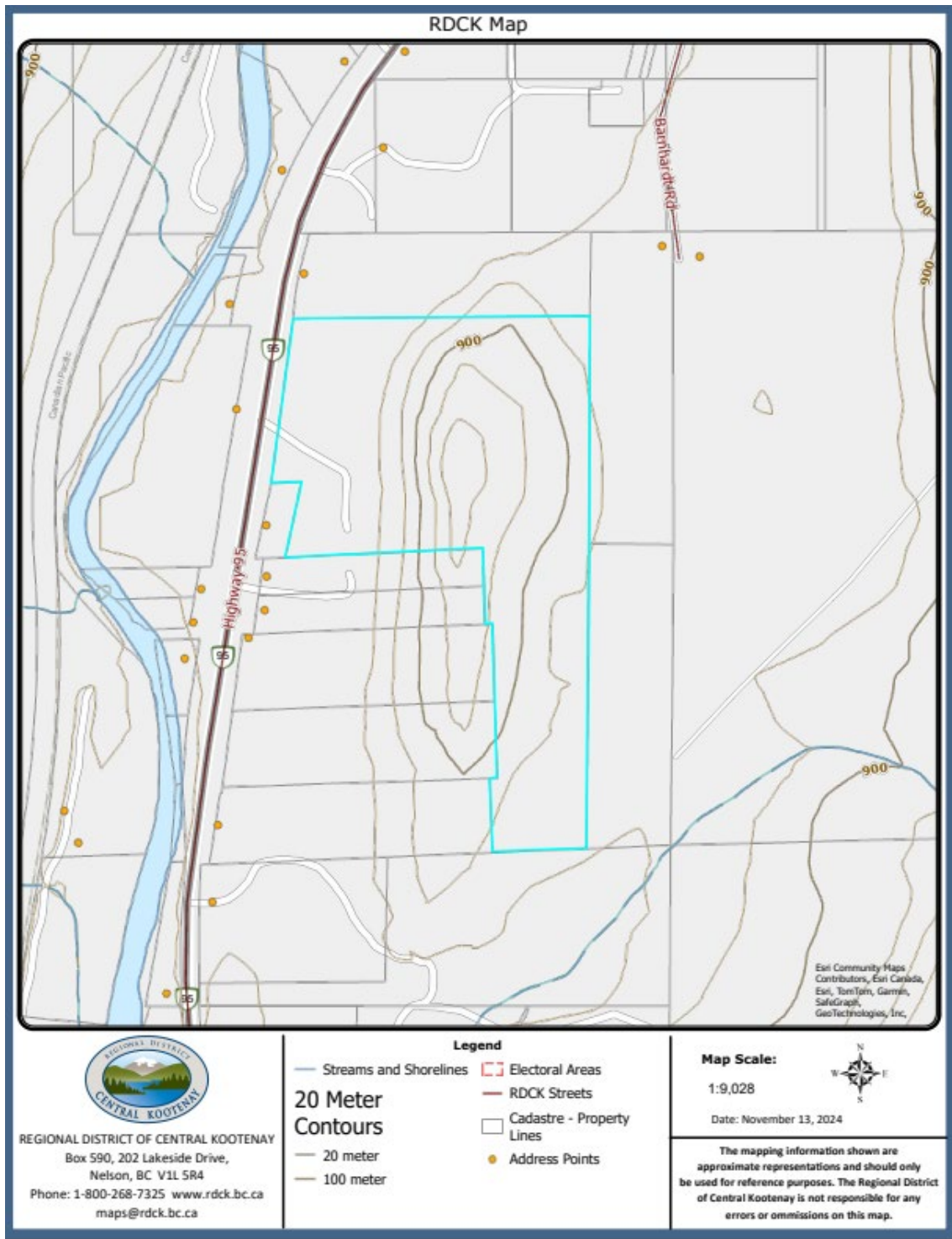


Figure 2: Topographic Map



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

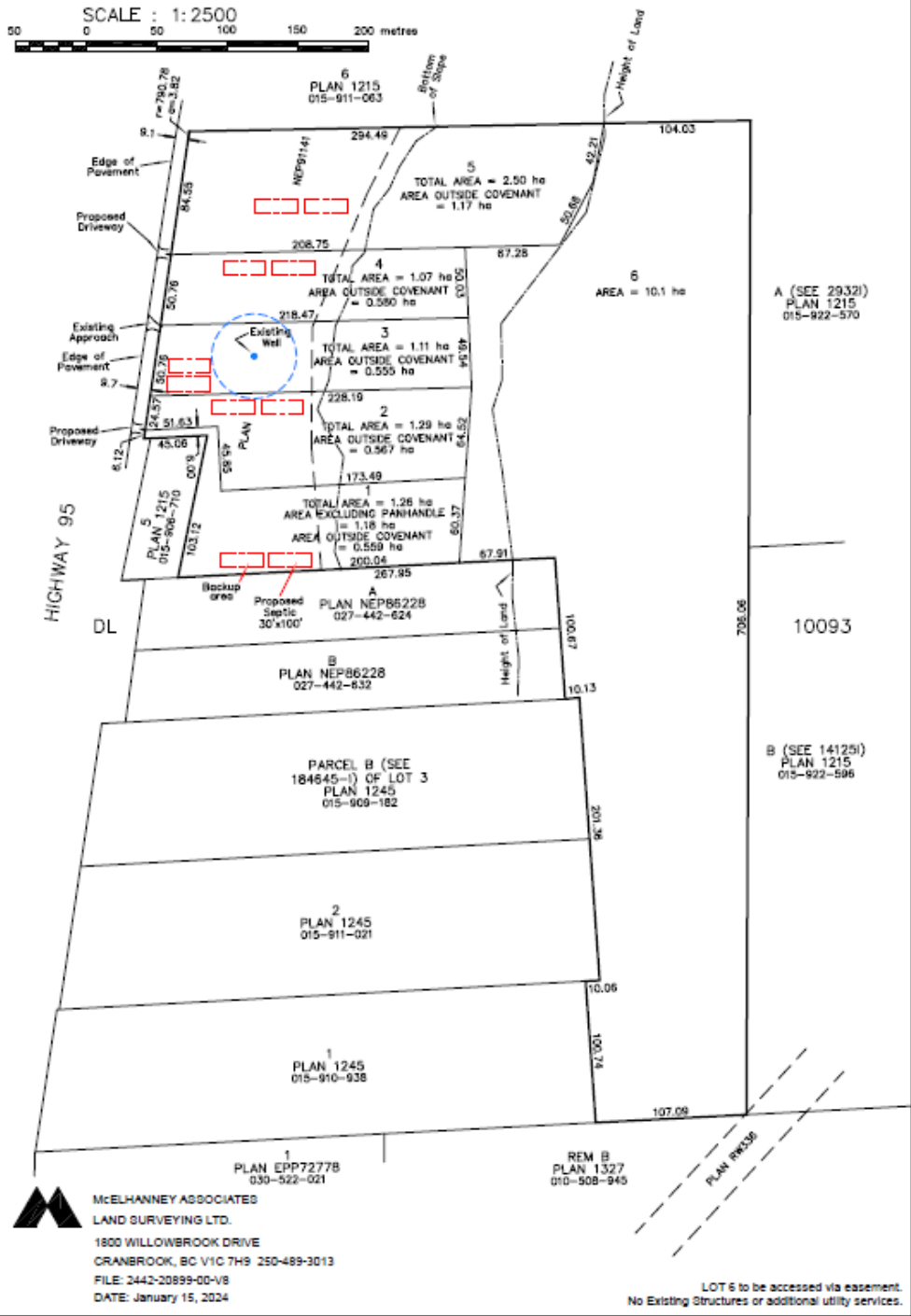


Figure 5: Proposed Subdivision Plan

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

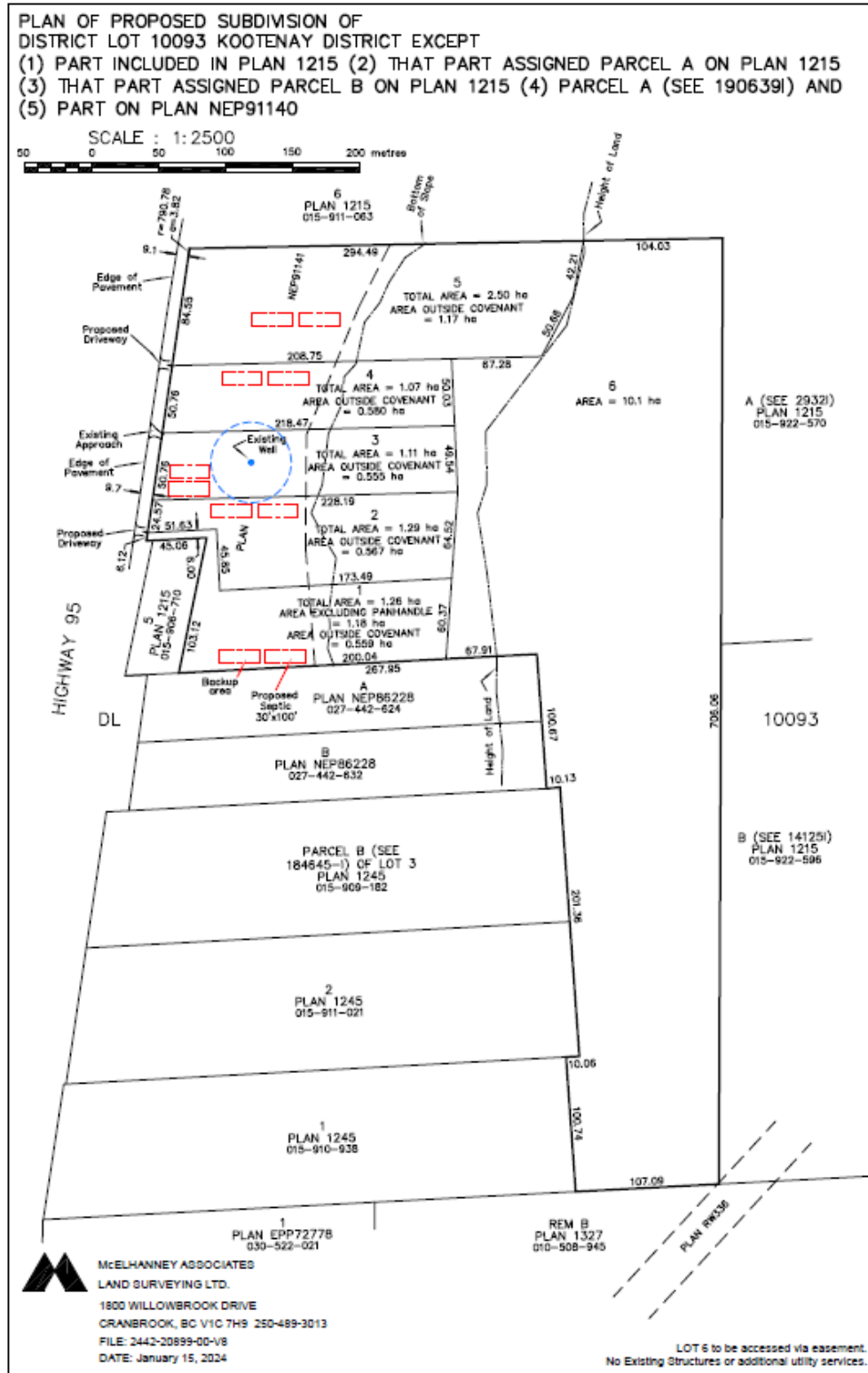
Aimee Watson, Board Chair

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 Slovan River, Slovan Lake, Arrow Lakes, Kootenay River, Slovan 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.