

Have Your Say.

Notice of Two Public Hearings

Wednesday December 18, 2024 | 6:00 pm

Learn more.

Two proposed land use bylaw amendments can be reviewed from December 9, 2024 - December 18, 2024.

Please be advised that two separate amendments are being considered at this hearing (Bylaw No. 2984 and Bylaw No. 2986)

Online: rdck.ca/landuseapplications

In Person: RDCK Office, 202 Lakeside Drive, Nelson, BC

Tell us what you think.

Make a verbal submission at the public hearing or send a written submission before 4:00 pm on December 18, 2024.*

Attend a public hearing.

Online: Via Zoom | <https://rdck-bc-ca.zoom.us/j/98142446557?pwd=8qabKhjcXbXferATcEWxOGZF0godfc.1>

Phone: +1 778 907 2071 (Toll free: 833 955 1088)

Meeting ID: 981 4244 6557

Meeting Password: 831664

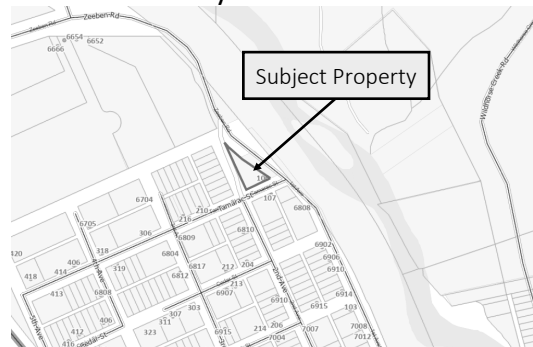
In Person: Ymir Community Hall (7210 First Ave, Ymir, BC)

Visit rdck.ca/publichearings for further details.



**All written submissions are public information pursuant to the Freedom of Information and Protection of Privacy Act.*

1 - Bylaw No. 2986



From: Town site Residential (RS/R1)

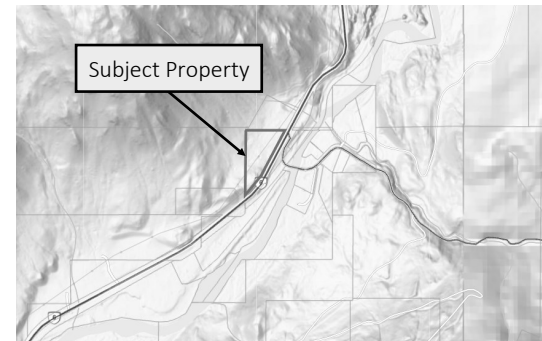
To: Tourist Commercial (TC/C3)

Location and Legal Description:

106 Tamarac Street, Ymir, Electoral Area 'G', LOT A BLOCK 35 DISTRICT LOT 1242 KOOTENAY DISTRICT PLAN EPP131954
PID: 032-102-780

Bylaw 2986: Being a bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018 by changing the Land Use Designation from Town-site Residential (RS) to Tourist Commercial (TC) and the Zoning from Town site Residential (R1) to Artisan Tourist Commercial (C3) to facilitate the development of a multi-purpose arts, culture and events facility.

2 - Bylaw No. 2984



From: General Commercial (GC/C1)

To: Country Residential (RC/R2)

Location and Legal Description:

8114 Highway 6, Ymir, Electoral Area 'G'
LOT 1 DISTRICT LOT 276 KOOTENAY DISTRICT PLAN 10571
PID: 012-929-409

Bylaw 2984: Being a bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018 by changing the Land Use Designation from General Commercial (GC) to Country Residential (RC) and the Zoning from General Commercial (C1) to Country Residential (R2) to recognize the existing non-conforming residential use on the property and provide the property owner with an opportunity to construct an accessory dwelling unit in the future.

rdck.ca/publichearings

Please direct enquiries to the Planning Department | 250.352.1536
1.800.268.7325 | planning@rdck.bc.ca



Land Use Bylaw Amendment Application

RDCK File Z2404G

Proposed Amendment to Land Use Bylaw No. 2452

Date: May 15, 2024

You are requested to comment on the attached LAND USE BYLAW AMENDMENT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO June 15, 2024). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PRESENT USE AND PURPOSE OF THE BYLAW AMENDMENT:

The subject property is located in Electoral Area 'G' in the unincorporated village of Ymir at the north west corner of Tamarac Street and 1st Avenue. The fee simple lot is presently vacant and partially forested.

The purpose of this application is to rezone the subject property from Town-site Residential (R1) to Tourist Commercial (C2) Site Specific and amend the land use designation from Town-site Residential (RS) to Tourist Commercial (TC). This is being sought to facilitate the development of a multi-purpose building that will contain artist studios, gallery space, event space and a self contained dwelling unit.

LEGAL DESCRIPTION & GENERAL LOCATION:

106 Tamarac Street, Ymir, Electoral Area 'G'
LOT A BLOCK 35 DISTRICT LOT 1242 KOOTENAY DISTRICT PLAN EPP131954
PID: 032-102-780

| AREA OF PROPERTY AFFECTED | ALR STATUS | ZONING DESIGNATION | OCP DESIGNATION |
|---------------------------|------------|----------------------------|----------------------------|
| 0.12 hectares (0.3 acres) | n/a | Town-site Residential (R1) | Town-site Residential (RS) |

APPLICANT:

Cover Architecture Collaborative c/o Anna Wynne

OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:

If your Advisory Planning Commission plans to hold a meeting to discuss this Bylaw Amendment application, please note that the applicants must be provided with an opportunity to attend such meeting, in accordance with Section 461, subsection (8) of the *Local Government Act*, which reads as follows:

"If the commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard."

Please fill out the Response Summary on the back of this form. If your agency's interests are 'Unaffected' no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this permit.

**ZACHARI GIACOMAZZO, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY**

| | |
|--|--|
| <input checked="" type="checkbox"/> TRANSPORTATION West Kootenay <input checked="" type="checkbox"/> HABITAT BRANCH <input checked="" type="checkbox"/> FRONT COUNTER BC (FLNRORD) <input type="checkbox"/> AGRICULTURAL LAND COMMISSION <input type="checkbox"/> REGIONAL AGROLOGIST <input type="checkbox"/> ENERGY & MINES <input type="checkbox"/> MUNICIPAL AFFAIRS & HOUSING <input checked="" type="checkbox"/> INTERIOR HEALTH HBE Team, Nelson <input checked="" type="checkbox"/> ARCHAEOLOGY BRANCH <input type="checkbox"/> SCHOOL DISTRICT NO. | FIRST NATIONS <input checked="" type="checkbox"/> KTUNAXA NATION COUNCIL (ALL REFERRALS) YAQAN NU?KIY (LOWER KOOTENAY) ?AKINK'UM?ASNUQ?IT (TOBACCO PLAINS) ?AKISQNUK (COLUMBIA LAKE) ?AQ'AM (ST. MARY'S) <input checked="" type="checkbox"/> OKANAGAN NATION ALLIANCE <input type="checkbox"/> C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN) <input checked="" type="checkbox"/> K?K'ƏR'MÍWS (LOWER SIMILKAMEEN) <input checked="" type="checkbox"/> SNPÍNTKTN (PENTICTON) |
|--|--|

- WATER SYSTEM OR IRRIGATION DISTRICT
- UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)
- REGIONAL DISTRICT OF CENTRAL KOOTENAY
- DIRECTORS FOR:
- A B C D E F G H I J
- K
- ALTERNATIVE DIRECTORS FOR:
- A B C D E F G H I J
- K
- APHC AREA G
- RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA)
- RDCK EMERGENCY SERVICES
- RDCK BUILDING SERVICES
- RDCK UTILITY SERVICES (YMIR WATER SYSTEM)
- RDCK REGIONAL PARKS

- STQA?TKWƏ+WT (WEST BANK)
- SUKNAQÍN (OKANAGAN)
- SWÍWS (OSOYOOS)
- SPAXOMƏN (UPPER NICOLA)
- SHUSWAP NATION TRIBAL COUNCIL
- KENPÉSQT (SHUSWAP)
- QW?EWT (LITTLE SHUSWAP)
- SEXQELTQÍN (ADAMS LAKE)
- SIMPCW ((SIMPCW)
- SKEMTSIN (NESKONLITH)
- SPLATSÍN (SPLATSÍN FIRST NATION)
- SKEETCHESTN INDIAN BAND
- TK'EMLUPS BAND

The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, use and disclosure of personal information are subject to the provisions of FIPPA. Any submissions made are considered a public record for the purposes of this application. Only personal contact information will be removed. If you have any questions about the collection of your personal information, contact the Regional District Privacy Officer at 250.352.6665 (toll free 1.800.268.7325), info@rdck.bc.ca, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RESPONSE SUMMARY

FILE: Z2404G APPLICANT: COVER ARCHITECTURE c/o Anna Wynne

Name:

Date:

Agency:

Title:

RETURN TO: ZACHARI GIACOMAZZO, PLANNER
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
Ph. 250-352-8190
Email: plandept@rdck.bc.ca

RDCK Map



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



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

Legend

 Electoral Areas

Map Scale:

1:36,112

Date: May 1, 2024



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

RDCK Map



Maxar, Microsoft, Esri
Community Maps
Contributors, Esri Canada,
Esri, TomTom, Garmin,
SafeGraph,



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Development Permit Areas

- Watercourse
- Electoral Areas

Legend

- RDCK Streets
- Cadastre - Property Lines
- Address Points

Map Scale:

1:2,257

Date: May 1, 2024



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

RDCK Map



Maxar, Microsoft, Esri
Community Maps
Contributors, Esri Canada,
Esri, TomTom, Garmin,
SafeGraph,



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Legend

Zoning Class

- Environmental Reserve
- Forest Resource/
Reserve
- Parks and Recreation
- Residential 1

- Residential 2
- Electoral Areas
- RDCK Streets
- Cadastre - Property
Lines
- Address Points

Map Scale:

1:2,257

Date: May 1, 2024



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

RASS YMIR ARTS STATION REZONING APPLICATION

APRIL 26, 2024

cover



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

RE-ZONING APPLICATION

BYLAW REVIEW

TAMARAC ST SITE BYLAW REVIEW:
Preliminary Review 2024-03-24

RDCK ELECTORAL AREA G:

ZONING:
Current Zoning: R-1 Residential

PROPOSED ZONING:
A Site Specific variant based on the requirements for Tourist Commercial (C-2)

PERMITTED USE OF C-2:
Artisan Craft Production and Sales, Accessory Dwellings, Mixed Use Development, Retail Store, Accessory Building or Structures

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

LOT COVERAGE:
Maximum Lot Coverage: 50%

SETBACKS:
Front Lot Line: 4.5m
Exterior Side Lot Line: 4.5m
Interior Side Lot Line: 2.5m
Rear Lot Line: 2.5m

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

REQUIRED PARKING:
Off-street parking requirements for C2: 4 spaces per 100m².
260m² = ~10 spaces

SEPTIC SYSTEM:
Proposed system would comprise 2 septic tanks in series, a pump chamber, and an Eljen bed 10 ft wide by 66 ft long. It would use 48 Eljen units.

OCP DESIGNATION:

Current: RS

Proposed:
Tourist Commercial (TC) Policies
The Regional Board:

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

LEGAL DESCRIPTION OF PROPERTY

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

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

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

COMMUNITY SPECIFIC POLICIES (YMIR):

14. Recognizes that Ymir will continue to be a mixed development community with both existing Town-site Residential, Commercial and Community Service developments contributing to its role as a service center for the area.
16. Supports expanded opportunities for home based business development, tourist accommodation and facilities, horticulture and local food and drink production, such as craft breweries, wineries and farmer markets.
20. Recognizes the importance of local cultural venues and events as contributing to the social fabric of the community, such as: the ice rink, skateboard facilities, community campground, community hall and various community events.
21. Encourages that new construction and renovation to existing commercial and community service buildings within the commercial core area maintain the heritage values of the community.
23. Supports the development of community based skill sharing and enhanced arts and cultural programs.
24. Supports the development of a community amenity audit and plan that identifies long term needs and guides future resource allocations.



SITE FROM 1ST AVE



PROPOSAL SUMMARY

PROPOSAL SUMMARY

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

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

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

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

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

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

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

RURAL ARTS CONTEXT YMIR:

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

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

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

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

LOCAL AREA ARTS INFRASTRUCTURE:

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

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

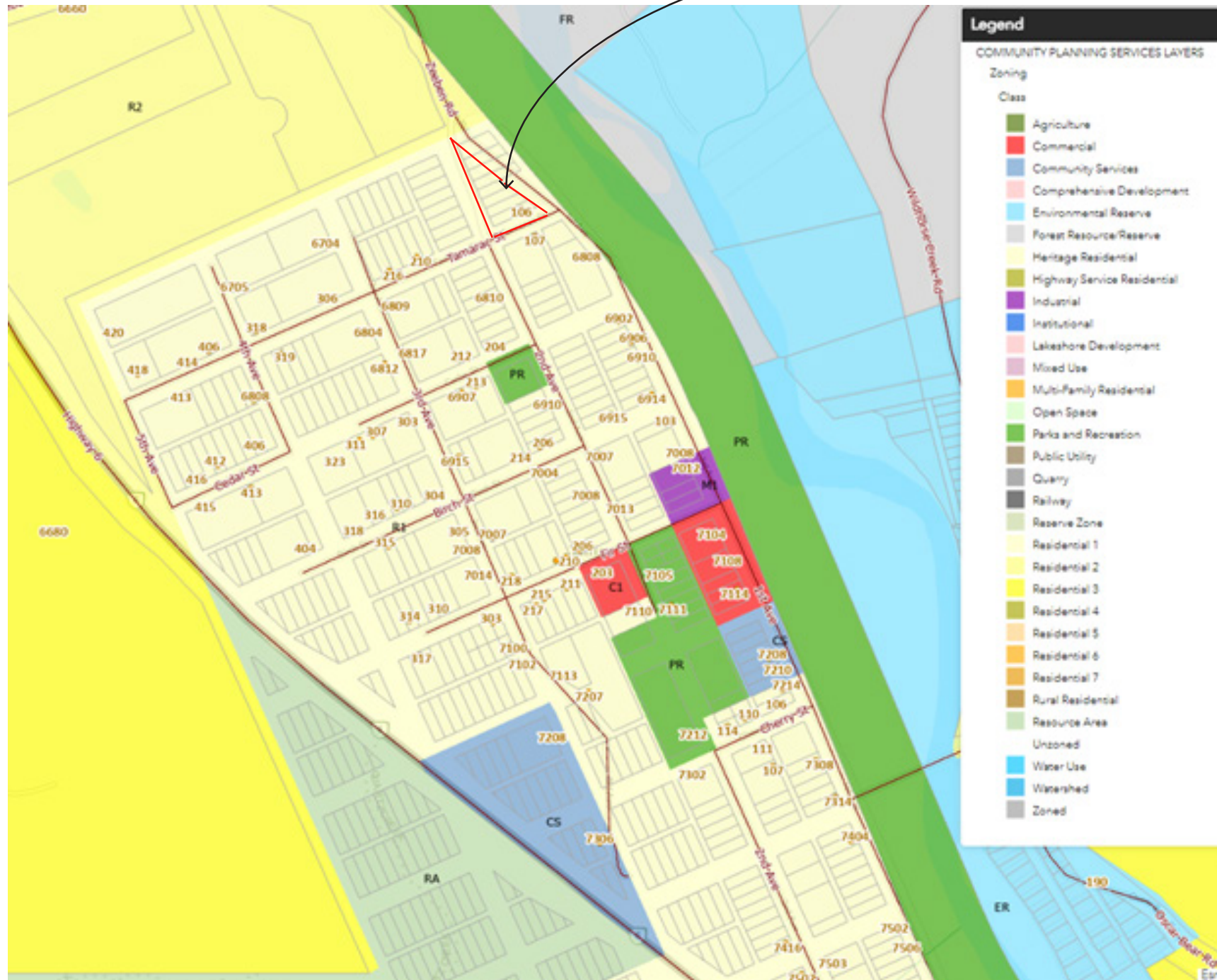
The new site will encourage the opportunity for artists to create, display, and perform their work, connect with the natural environment, and offer their art for sale in a small on-site gallery. An on-site suite would be part of the new building to provide accommodation for a resident artist and manager, this being the rationale for the Site Specific C2 Zoning rather than C1, to include allowance for the residential element of the project.

SITE LOCATION



RDCK Electoral Area G
Current Zoning: Residential R1
Proposed Zoning: Tourist Commercial C2 (SITE SPECIFIC VARIANT)

SITE



25.0 TOURIST COMMERCIAL (C2)

| PERMITTED USES TABLE FOR C2 ZONE | |
|----------------------------------|---|
| 1 | <p>Principal Uses</p> <ul style="list-style-type: none"> Artisan Craft Production and Sales Breweries and Distilleries Campground Commercial Back Country Recreation Dwellings, Multi-Family Eating and Drinking Establishment Golf Course Tourist Accommodation Interpretive Facilities Mixed Use Development Museum Outdoor Recreational Activities Resort Vacation Rental <p>Accessory Uses to 'Tourist Accommodation' and 'Campgrounds'</p> <ul style="list-style-type: none"> Laundromat Liquor Store Personal Service Establishment Retail Store <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures Accessory Dwelling |

SITE

SEPTIC SYSTEM

Initial calculations for the septic system, compact yet meeting code. Based on using the Eljen system. It would need a rectangle 10 ft wide by 66 ft long, and at least 10 ft from the building.

If the building is 15 ft from the south property line and is 40 ft wide, that puts the far side of the building 55 ft from the south property line. Then the seepage bed is at least 10 ft from that, so we are 65 ft into the property where the seepage bed starts. The far end of the seepage bed would be 131 ft from the south property boundary. Bed is 10 ft wide and at least 10 ft from the property lines on either side. (We could reduce that setback?).

The system would comprise 2 septic tanks in series, a pump chamber, and an Eljen bed 10 ft wide by 66 ft long. It would use 48 Eljen units.



Proposed footprint of
new Art Centre
261m²



PARKING AND LANDSCAPING PLAN

LANDSCAPE SCREENING

33. Where any off-street parking area for four (4) or more vehicles is located within 4.5 metres of a front or exterior side lot line, it shall be screened by an evergreen hedge not less than 1.5 metre in height at the time of planting. The minimum width of soil area for the hedge shall be 0.75 metres. The hedge shall be planted one (1) metre from curbs or wheel stops.
34. The design, installation and maintenance of any landscaping area or screen should be in conformity with the current specifications of the British Columbia Landscape Standard prepared by the B.C. Society of Landscape Architects and the B.C. Nursery Trades Association. These standards do not apply where endemic, native plantings are used for landscaping.

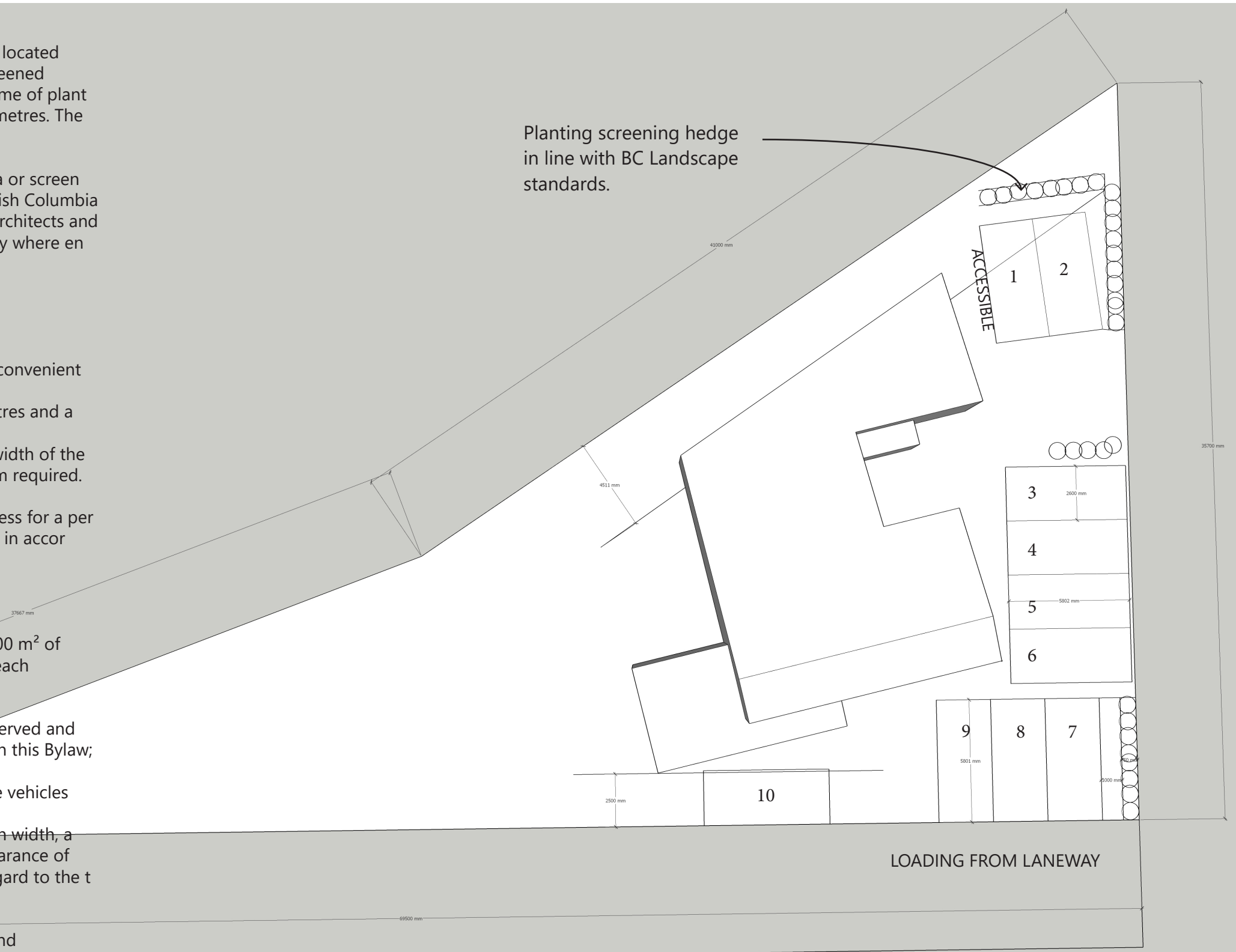
OFF STREET PARKING SPACE STANDARDS

49. Off-street parking spaces shall:
- a. be a minimum of 17 square metres and shall have at all times convenient vehicular access to a public thoroughfare;
 - b. each parking space shall have a length of not less than 5.8 metres and a width of not less than 2.6 metres; and
 - c. where a parking space is adjacent to a wall along its side, the width of the parking space shall be increased by 0.6 metres from the minimum required.
50. Where off-street parking is required by this Bylaw and where access for a person with disabilities is required, parking space(s) will be provided in accordance with the British Columbia Building Code.

OFF STREET PARKING AND LOADING FACILITIES

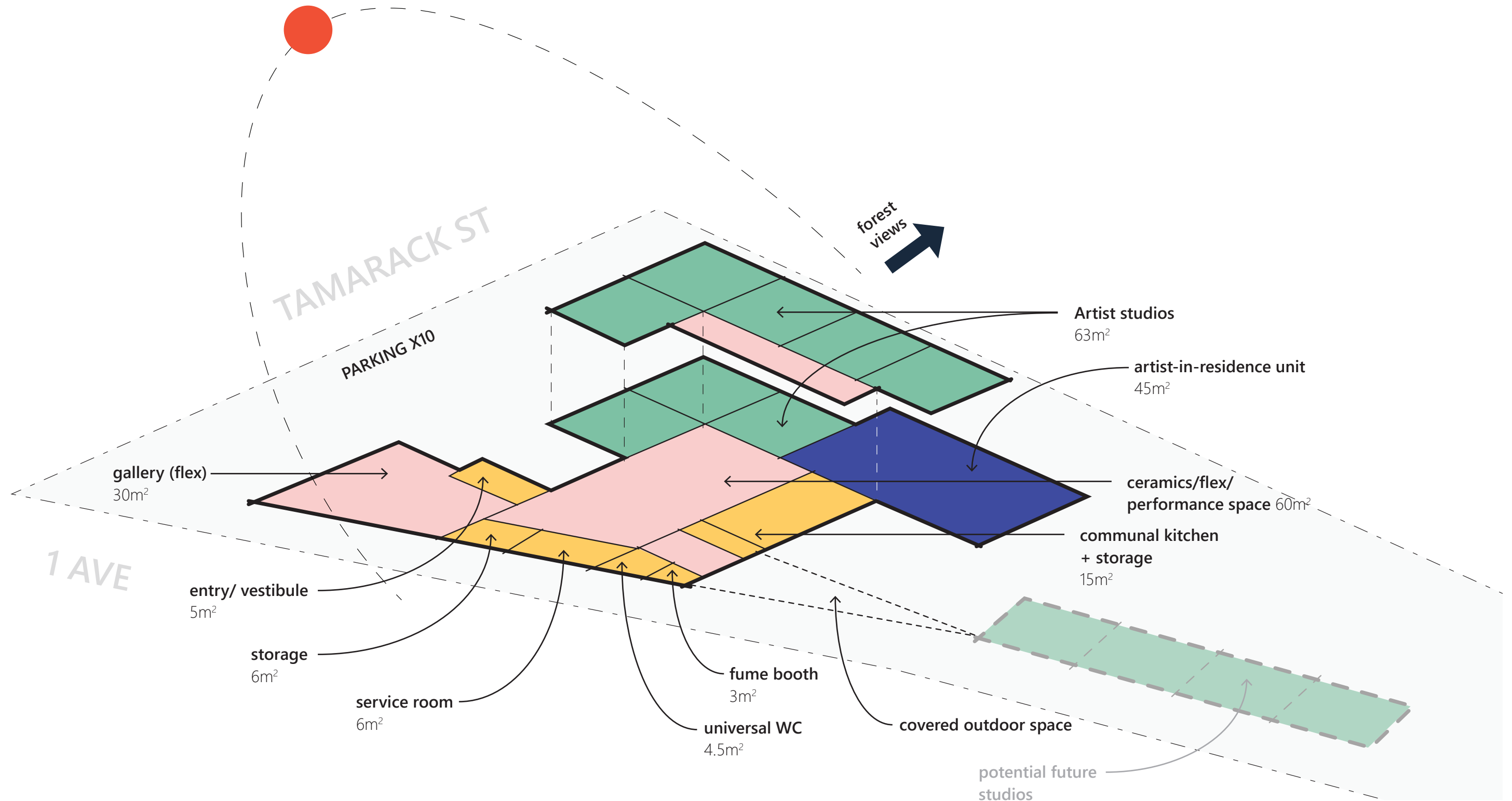
52. Off-street loading facilities shall be one (1) space for the first 1,200 m² of gross floor area or fraction thereof, plus an additional space for each additional 2,000 m² of gross floor area or fraction thereof.
53. Off-street loading facilities shall:
- a. be provided entirely within the lot of the development being served and shall be subject to all setback requirements specified elsewhere in this Bylaw;
 - b. shall be oriented away from residential developments;
 - c. shall be of adequate size and accessibility to accommodate the vehicles expected to load and unload;
 - d. each loading space shall have a minimum of three (3) metres in width, a minimum of nine (9) metres in length and maintain overhead clearance of four (4) metres, unless larger dimensions are required, having regard to the type of vehicle loading and unloading;
 - e. not project into any highway or laneway;
 - f. have unobstructed vehicular access to a highway or laneway; and
 - g. have a durable dust free surface.

Planting screening hedge in line with BC Landscape standards.



LOADING FROM LANEWAY

DESIGN CONCEPT



Existing Zone

19.0 TOWN-SITE RESIDENTIAL (R1)

| PERMITTED USES TABLE FOR R1 ZONE | |
|---|--|
| 1 | Principal Uses Dwelling, One Family Dwelling, Two Family Dwelling, Multi-Family Accessory Uses Accessory Building or Structures Accessory Dwellings Accessory Tourist Accommodation Home-based Business Horticulture Keeping of Farm Animals |

| DEVELOPMENT REGULATIONS TABLE FOR R1 ZONE | | |
|--|---|--|
| 2 | Minimum site area for each Principal Use: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal | 0.1 hectares 0.2 hectares 1.0 hectares |
| 3 | Minimum front setback | 4.5 metres |
| 4 | Minimum exterior side setback | 4.5 metres |
| 5 | Minimum interior side setback | 2.5 metres |
| 6 | Minimum rear setback | 2.5 metres |
| 7 | Maximum lot coverage | 50 percent |
| 8 | Maximum building height: Principal buildings Accessory buildings and structures | 10.0 metres 6.0 metres |
| 9 | Maximum gross floor area of any accessory building or structure | 100 square metres |
| 10 | Cumulative gross floor area of all accessory buildings or structures | 200 square metres |
| | | |
| 11 | Minimum lot area for subdivision: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System | 0.1 hectares 0.2 hectares |

| | | |
|--|---|--------------|
| | Individual Water Source and On-site Wastewater Disposal | 1.0 hectares |
|--|---|--------------|

Proposed Zone (note that proposed zone will be a site specific C2 zone in order to address specific development regulations in the C2 zone)

25.0 TOURIST COMMERCIAL (C2)

| PERMITTED USES TABLE FOR C2 ZONE | |
|----------------------------------|---|
| 1 | <p>Principal Uses</p> <ul style="list-style-type: none"> Artisan Craft Production and Sales Breweries and Distilleries Campground Commercial Back Country Recreation Dwellings, Multi-Family Eating and Drinking Establishment Golf Course Tourist Accommodation Interpretive Facilities Mixed Use Development Museum Outdoor Recreational Activities Resort Vacation Rental <p>Accessory Uses to 'Tourist Accommodation' and 'Campgrounds'</p> <ul style="list-style-type: none"> Laundromat Liquor Store Personal Service Establishment Retail Store <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures Accessory Dwelling |

| DEVELOPMENT REGULATIONS TABLE FOR C2 ZONE | | |
|---|---|---|
| 2 | <p>Minimum lot area for each Principal Use:</p> <ul style="list-style-type: none"> Community Water System and Community Wastewater System <ul style="list-style-type: none"> Tourist Accommodation, Resort <ul style="list-style-type: none"> First sleeping room Each additional sleeping room Other permitted uses Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System <ul style="list-style-type: none"> Tourist Accommodation, Resort <ul style="list-style-type: none"> First sleeping room Each additional sleeping room Other permitted uses | <p>0.2 hectares</p> <p>200 square metres</p> <p>0.2 hectares</p> <p>0.4 hectares</p> <p>400 square metres</p> <p>0.4 hectares</p> |

| | | |
|---|--|---|
| | <p>On-site Water Source and On-site Wastewater Disposal</p> <p>Tourist Accommodation, Resort</p> <p>First sleeping room</p> <p>Each additional sleeping room</p> <p>Other permitted uses</p> | <p>1.0 hectares</p> <p>600 square metres</p> <p>1.0 hectares</p> |
| 3 | Minimum front setback | 4.5 metres |
| 4 | Minimum exterior side setback | 4.5 metres |
| 5 | Minimum interior side setback | 2.5 metres |
| 6 | Minimum rear setback | 2.5 metres |
| 7 | Maximum lot coverage | 50 percent |
| 8 | <p>Maximum building height:</p> <p>Principal buildings</p> <p>Accessory buildings and structures</p> | <p>10.0 metres</p> <p>6.0 metres</p> |
| | | |
| 9 | <p>Minimum lot area for subdivision:</p> <p>Community Water System and Community Wastewater System</p> <p>Community Water System and On-site Wastewater Disposal</p> <p>Individual Water Source and Community Wastewater System</p> <p>Individual Water Source and On-site Wastewater Disposal</p> | <p>0.1 hectares</p> <p>0.2 hectares</p> <p>0.2 hectares</p> <p>1.0 hectares</p> |



Committee Report

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

SECTION 1: EXECUTIVE SUMMARY

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

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

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

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Renascence Arts and Sustainability Society

Agent: Cover Architecture Collaborative c/o Anna Wynne

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

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

Property Size: 0.12 hectare

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

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

SURROUNDING LAND USES

North: Country Residential (R2)

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

South: Town-site Residential (R1)

West: Town-site Residential (R1)

Background and Site Context

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



Figure 1 - Location Map

Land Use Bylaw Amendments Proposed

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

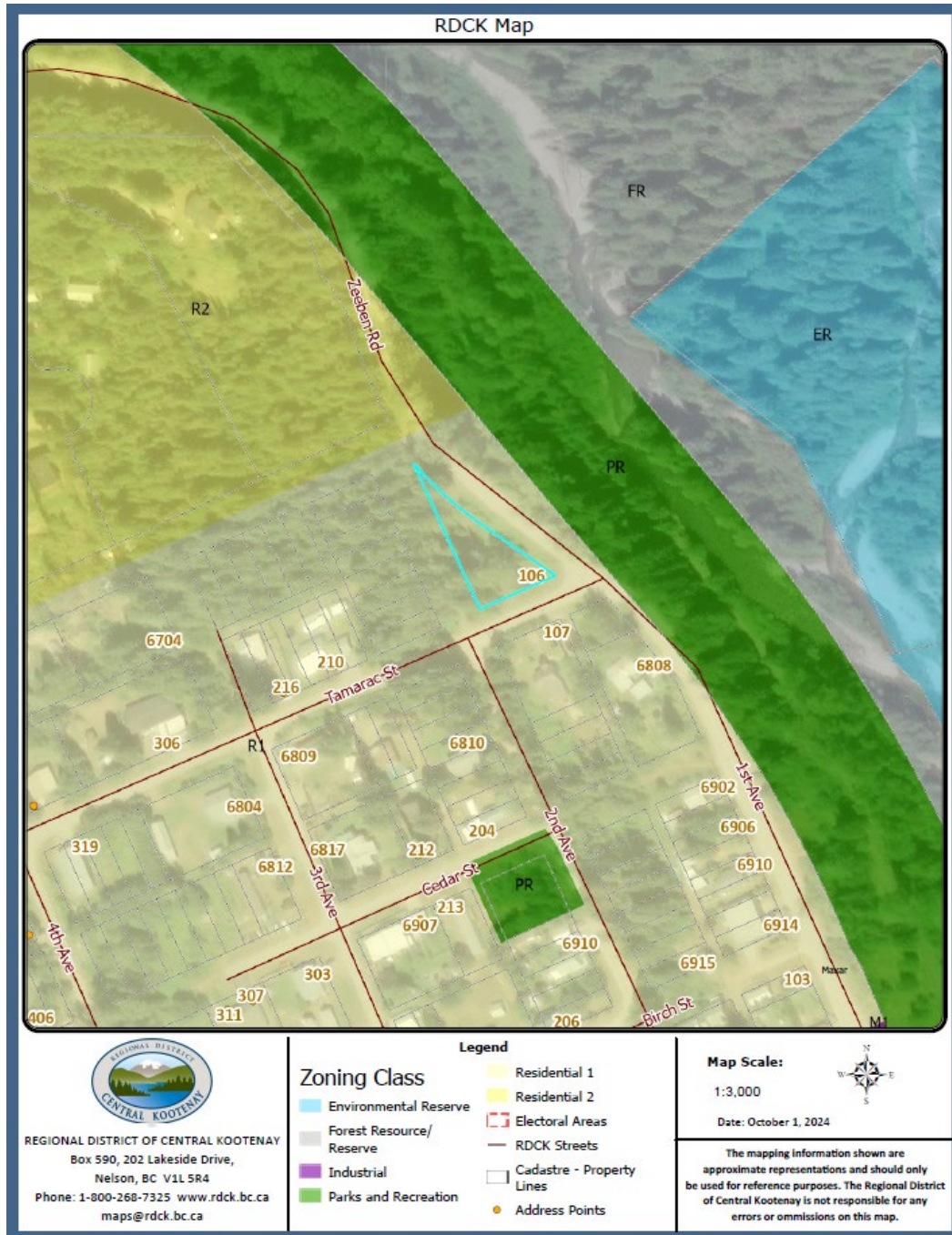


Figure 2 - Zoning Map (present zoning designations)

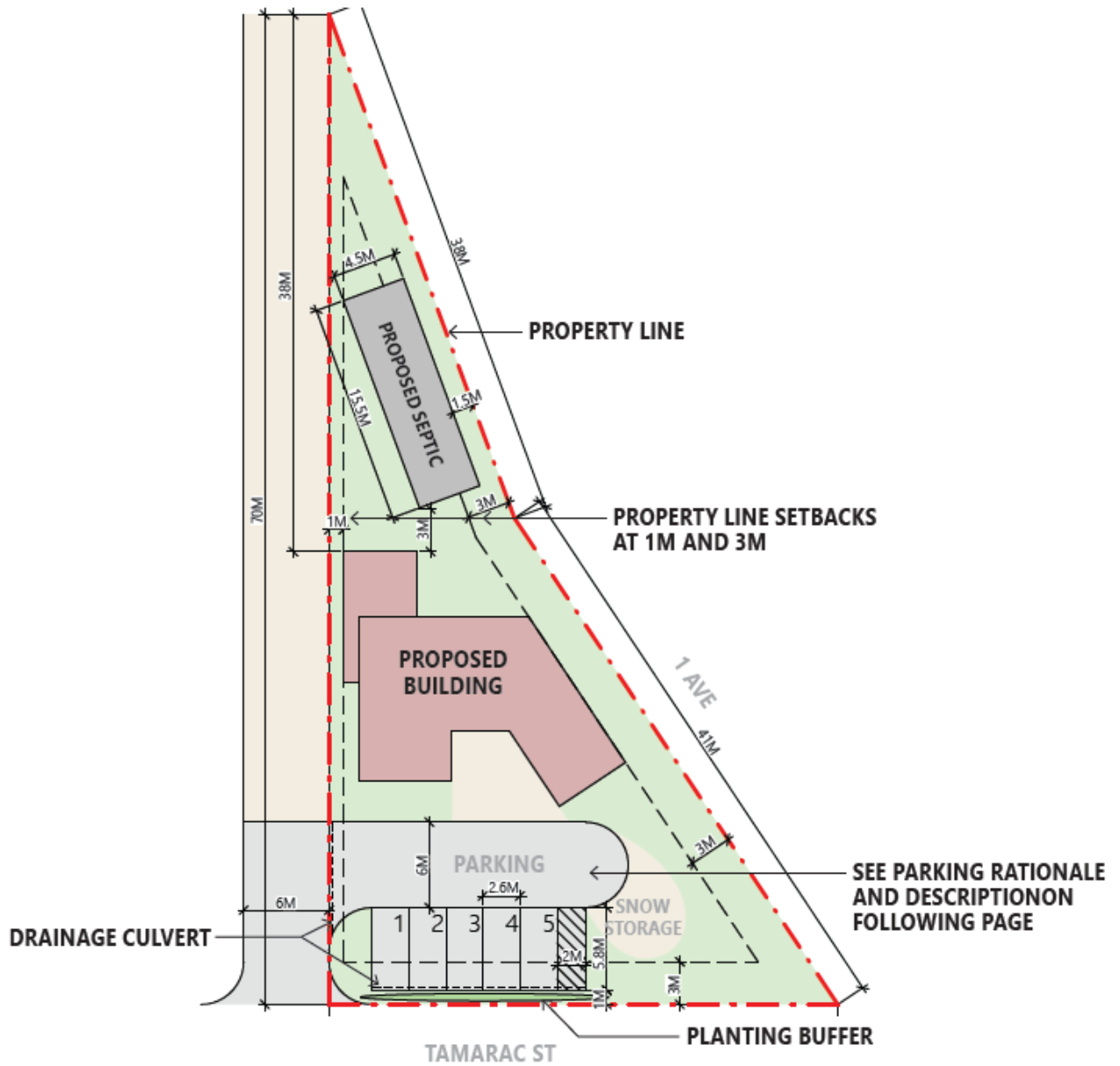


Figure 3 - Site Plan showing proposed development

Planning Policy

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

4.0 COMMERCIAL AND INDUSTRIAL

Commercial Objectives

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

Tourist Commercial Policies

The regional Board:

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

15.0 COMMUNITY SPECIFIC POLICIES

Ymir

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

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

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

Pursuant to Planning Fees and Procedures Bylaw No. 2457, 2015 the applicant has paid the Land Use Bylaw amendment fee of \$1600 in full.

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

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

3.3 Environmental Considerations

Not applicable.

3.4 Social Considerations:

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

3.5 Economic Considerations:

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

3.6 Communication Considerations:

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

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

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

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

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| <p>Ministry of Transportation and Infrastructure (MoTI)</p> | <p>Our office has concerns about the development layout and the suitability of the property for commercial use.</p> <p>The parking layout shows multiple ingress and egress points onto the property for parking. MoTI only permits a single access point onto properties and requires that all vehicle parking and turning movements can be accommodated within the property. The landowner will need to apply for a commercial access permit for this development.</p> <p>The layout also shows parking and a loading zone off the undeveloped 2nd st right of way. The developer will need to upgrade this undeveloped portion of road to ministry standards if they wish to use it to access their property. The property is subject to a reduced setback distance of 3m because it adjacent to highway right of way on two or more sides. This should allow for more room for development. With that said, MoTI may request that a fence be built around the property to prevent potential encroachments onto ministry right of way.</p> <p>MoTI supports the zoning amendment if these requirements can be met. Please reach out if you have any questions about MoTI’s concerns.</p> |
| <p>Electoral Area ‘G’ APHC</p> | <p>The Area ‘G’ APHC was not able to discuss this application due to lack of quorum.</p> |
| <p>Ktunaxa Nation Council</p> | <p>The Ktunaxa Nation Council has no concerns with this application.</p> |
| <p>Fortis BC</p> | <p><u>Land Rights Comments</u></p> <ul style="list-style-type: none"> • There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric (“FBC(E)”) services, if required. <p><u>Operational & Design Comments</u></p> <ul style="list-style-type: none"> • There are FortisBC Electric (“FBC(E)”) primary distribution facilities along Tamarac Street. • All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant. • The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries. • <u>To proceed, the applicant should contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.</u> <p>In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.</p> <ul style="list-style-type: none"> • Electrician’s Name and Phone number • FortisBC Total Connected Load Form • Other technical information relative to electrical servicing |

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

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| | <p>Production and Sales to ensure sustainability of a lot serviced by a community water system and onsite sewerage disposal, to which this particular lot is 30 % (~1/3rd) of that required size. The subject property is further constrained by it's orientation and the nature of the proposed development.</p> <p>We recognize the existing zoning is for residential use and do not object to this parcel continuing to be zoned for simple residential use. However, we are concerned this parcel could unintentionally be overdeveloped if zoned for commercial use. In order for the parcel to be self-sufficient in the long-term, it is very important that an area of land suitable for an onsite sewerage dispersal field be available for future needs (potentially decades in the future). This is because all sewerage systems have a finite lifespan and will need to be replaced. The BC Sewerage Systems Regulation only requires present day proposed uses be considered when designing a system.</p> <p>We are fully supportive of community arts and culture; we understand it's value within a community from a community health and wellness perspective, including for social, physical and mental health. Having said this, in relation to this application and the proposed rezoning to commercial on this property, we also comprehend the need to balance long term sustainable development from an onsite services and community planning perspective.</p> <p>Interior Health is committed to working collaboratively with the Regional District of Central Kootenay to support healthy, sustainable community development, land use planning and policy creation.</p> |
| <p>Ministry of Forests – Archaeology Branch</p> | <p>Thank you for your referral regarding 106 Tamarac Street, Ymir, PID 032102780, LOT A BLOCK 35 DISTRICT LOT 1242 KOOTENAY DISTRICT PLAN EPP131954. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.</p> <p>Results of Provincial Archaeological Inventory Search According to Provincial records, there are no known archaeological sites recorded on the subject property.</p> <p>However, archaeological potential modelling for the area (shown as the purple areas in the screenshot below) indicates there is high potential for previously unidentified archaeological sites to exist on the property. Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites and their results may be refined through further assessment.</p> <p>Archaeology Branch Advice If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned on the subject property, a Provincial heritage permit is not required prior to commencement of those activities.</p> |

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

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

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

If there are no plans for land-altering activities on the property, no action needs to be taken at this time.

Rationale and Supplemental Information

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

How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility,

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| | <p>ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist’s eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website (www.bcapa.ca) and in local directories. Please note, the Archaeology Branch cannot provide specific recommendations for consultants or cost estimates for archaeological assessments. Please contact an eligible consulting archaeologist to obtain a quote.</p> <p>Questions? For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.</p> <p>For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.</p> |
| <p>Ministry of Forests – Selkirk District</p> | <p>The MOF has no objection to this zoning amendment.</p> |
| <p>Ministry of Water, Land and Resource Stewardship – Crown Land Authorizations</p> | <p>Thank you for the opportunity to comment on the above noted file. On behalf of Crown Land Authorizations (Ministry of WLRS), I have a few considerations for the proposed development as these may impact the use and disposition of adjacent Crown Land.</p> <ul style="list-style-type: none"> - How will the parking lot be accessed? - Will there be overflow parking within road allowance or on adjacent Crown Land? - How will the lot/building be serviced? - Is there intent to submit a Crown Land application for utilities? - Where is the connection to community water system? |
| <p>Ministry of Water, Land and Resource Stewardship – Ecosystems Section Head – Kootenay-Boundary Region</p> | <p>The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:</p> <ol style="list-style-type: none"> 1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to. 2. Changes in and about a “stream” [as defined in the Water Sustainability Act (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the Water Sustainability Regulation. Authorized changes must also be compliant with the Kootenay-Boundary Terms and Conditions and Timing Windows documents. Applications to conduct works in and about streams can be submitted through FrontCounter BC. 3. No “development” should occur within 15 m of the “stream boundary” of any “stream” [all as defined in the Riparian Areas Protection Regulation (RAPR)] in the absence of an acceptable assessment, completed by a |

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

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

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

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

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

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

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

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

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

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

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

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

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

Option 1: Initial readings and refer to public hearing

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

And Further

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

Option 2: Not move the application forward

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

SECTION 5: RECOMMENDATIONS

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

And Further

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

Respectfully submitted,

Zachari Giacomazzo, Planner

CONCURRENCE

Planning Manager – Nelson Wight **Digitally Approved**

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

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

ATTACHMENTS:

Attachment A – Draft Amendment Bylaw No. 2986, 2024

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

Attachment C – Referral responses from First Nations

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2986

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

WHEREAS it is deemed expedient to amend the Electoral Area 'G' Land Use Bylaw No. 2452, 2018, and amendments thereto.

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

APPLICATION

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

- a. ADDING the following:

25.B.0 ARTISAN TOURIST COMMERCIAL (C3)

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

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

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

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

CITATION

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

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

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

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

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

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

Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this XX day of XX, 202X.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

RASS YMIR ARTS STATION REZONING APPLICATION - UPDATED

September 24, 2024



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

RE-ZONING APPLICATION

BYLAW REVIEW

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

CURRENT ZONING:
R-1 Residential

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

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

LOT COVERAGE:
Maximum Lot Coverage: 50%

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

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

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

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

OCP DESIGNATION:
Current: RS

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

The Regional Board:

8. Anticipates that tourist commercial needs will
be accommodated throughout the Plan area on lands
designated as such on Schedule A.1 mapping.

9. Encourages the development of a range of tourist
accommodation types including campgrounds, lodges,
resorts, and bed and breakfast establishments to diversify
tourism opportunities in the community.

10. Enable commercial outdoor recreation, resort
commercial, agri-tourism and eco-tourism opportunities
such as trail rides, campgrounds and wilderness tours
provided they do not have demonstrated detrimental
impact on important habitat, riparian areas, or adjacent
land uses.

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

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

LEGAL DESCRIPTION OF PROPERTY

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

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

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

ADDITIONAL CONSIDERATIONS

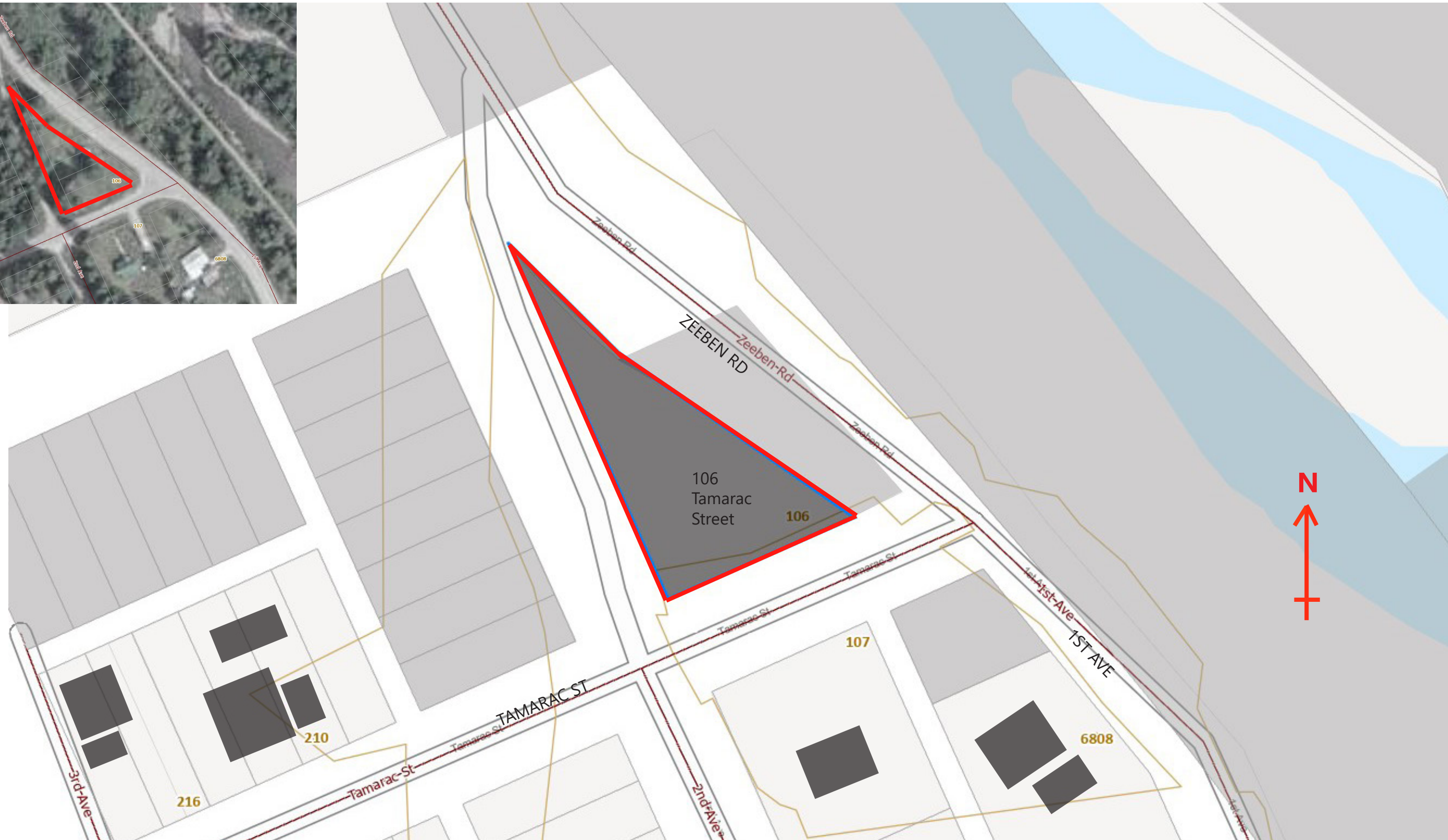
As the project progresses, these additional considerations will be
congruent with the re-zoning of the site:

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

SITE LOCATION



106 Tamarac Street,
Ymir, BC



PROPOSAL SUMMARY

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

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

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

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

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

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

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

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

RURAL ARTS CONTEXT YMIR:

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

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

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

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

LOCAL AREA ARTS INFRASTRUCTURE:

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

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

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

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

COMMUNITY SPECIFIC POLICIES (YMIR):

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

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

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

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

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

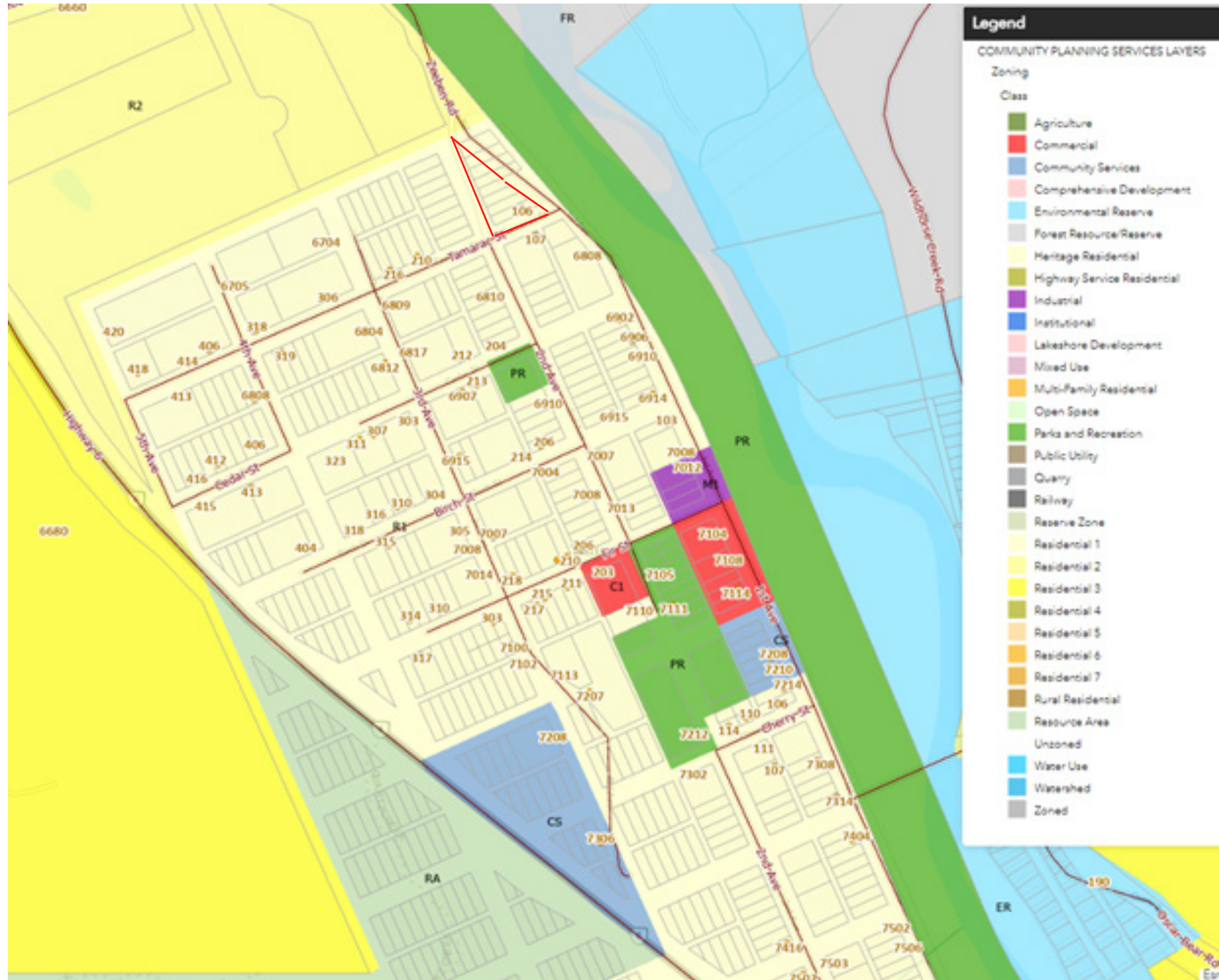
24. Supports the development of a community amenity audit and plan that identifies long term needs and guides future resource allocations.



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



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



C2 PERMITTED USES
(SITE SPECIFIC VARIANT)

25.0 TOURIST COMMERCIAL (C2)

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

Variant for site specific include:

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

SITE

SEPTIC SYSTEM

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

WATER

Connection to community water system

ROADS

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

SITE SIZE

1149 m²
12367.73 sqft

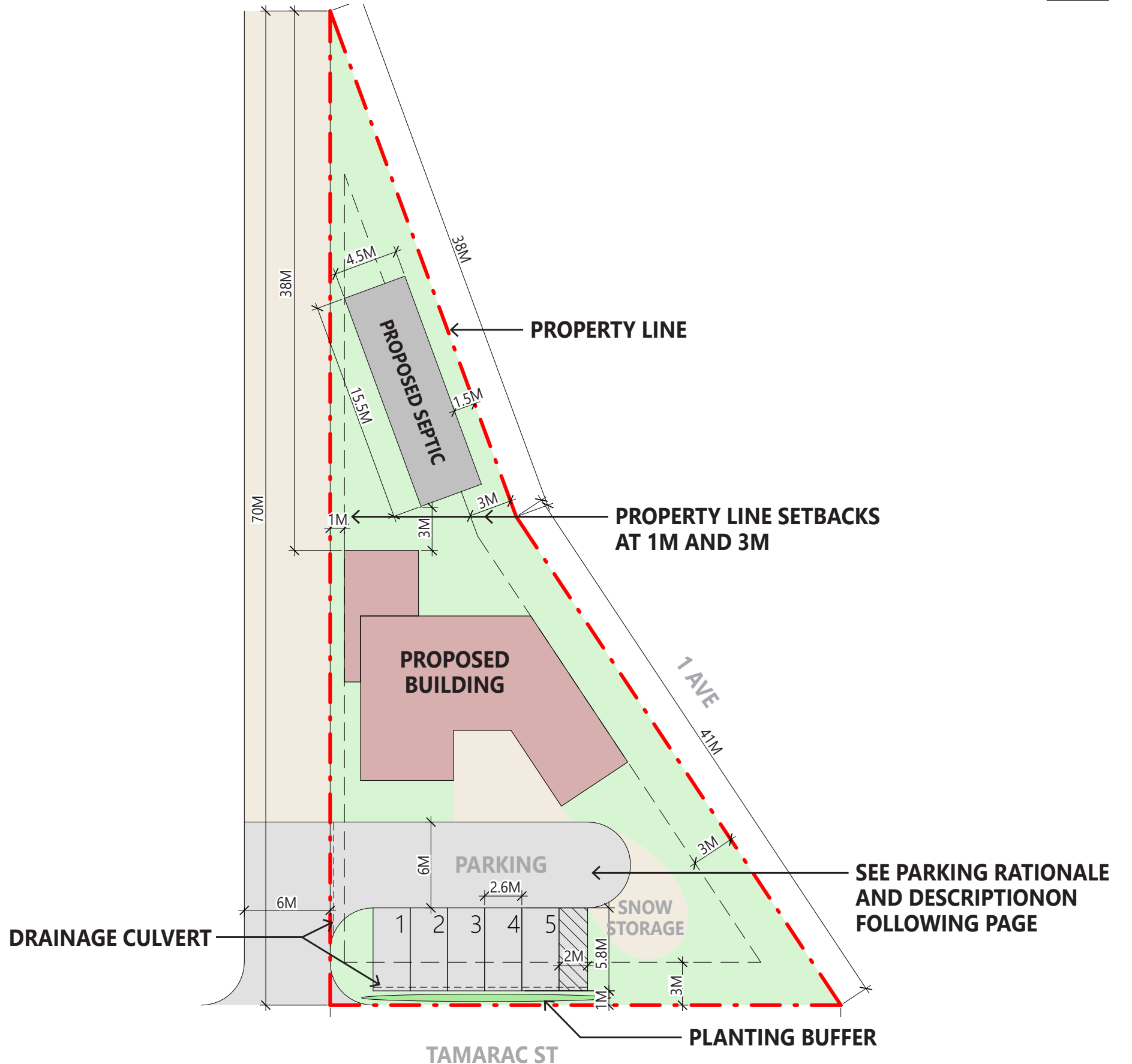
APPROXIMATE NEW BUILDING FOOTPRINT

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

Total footprint 1937 sqft / 180 m²

Total floor area over two floors
2517 sqft / 234 m²

Total GFA excluding the suite
2085 sqft / 193.7 m²



SEE PARKING RATIONALE AND DESCRIPTION FOLLOWING PAGE

PARKING

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

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

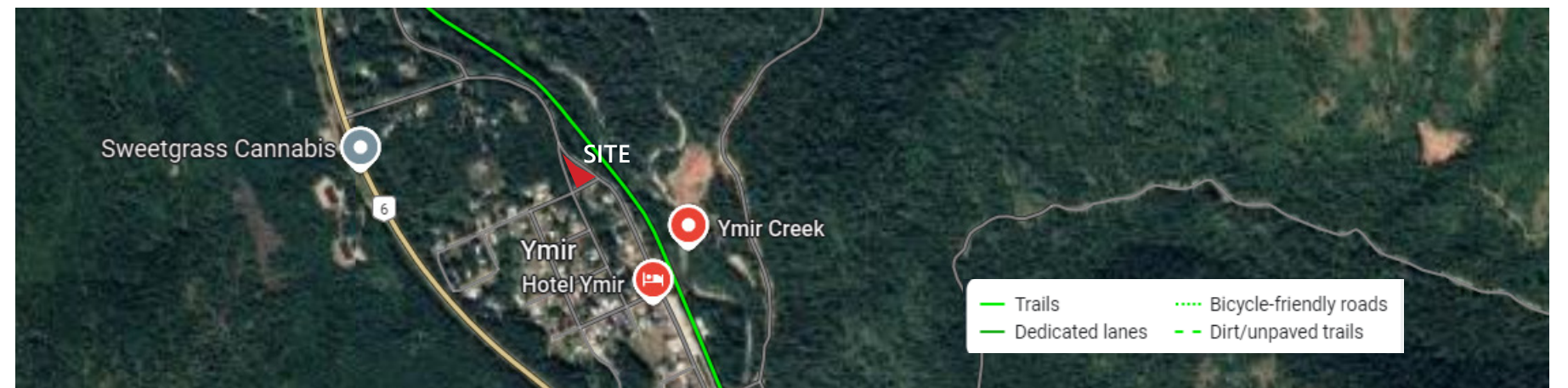
- Parking in Ymir is not in short supply, there is a long area of public parking following 1st Avenue through the centre of the village, that follows the Great Northern Rail Trail and the Ymir Creek.
- The existing local services share the use of the public parking, as you can see from the photographs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

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

EXISTING LOCAL PARKING ALONG 1 AVE



ACTIVE TRANSPORTATION ROUTE



PARKING AND LANDSCAPING BYLAW

RDCK BYLAW - LAND USE

LANDSCAPE SCREENING

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

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

OFF STREET PARKING SPACE STANDARDS

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

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

OFF STREET PARKING AND LOADING FACILITIES

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

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

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

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

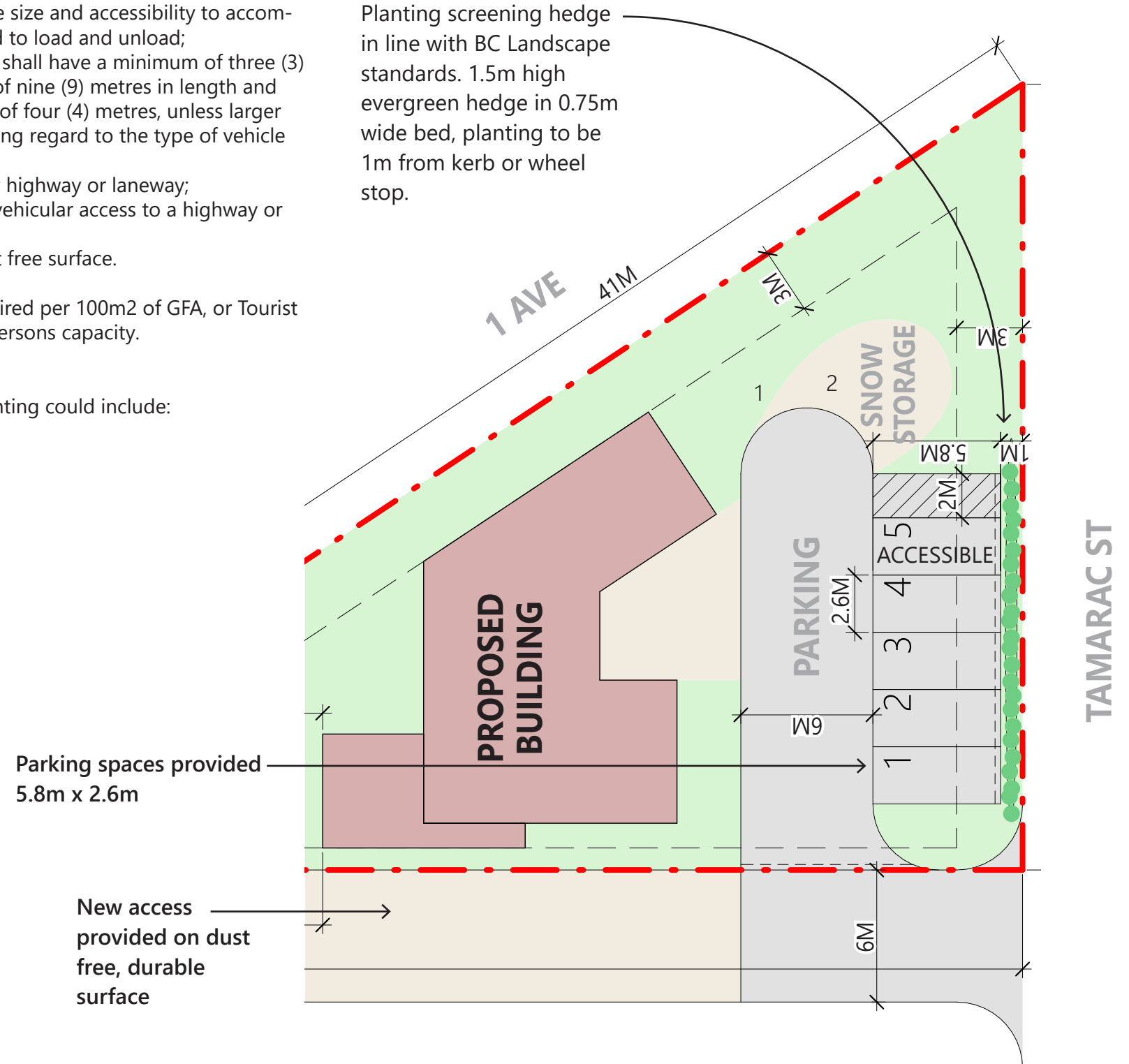
e. not project into any highway or laneway;
f. have unobstructed vehicular access to a highway or laneway; and
g. have a durable dust free surface.

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

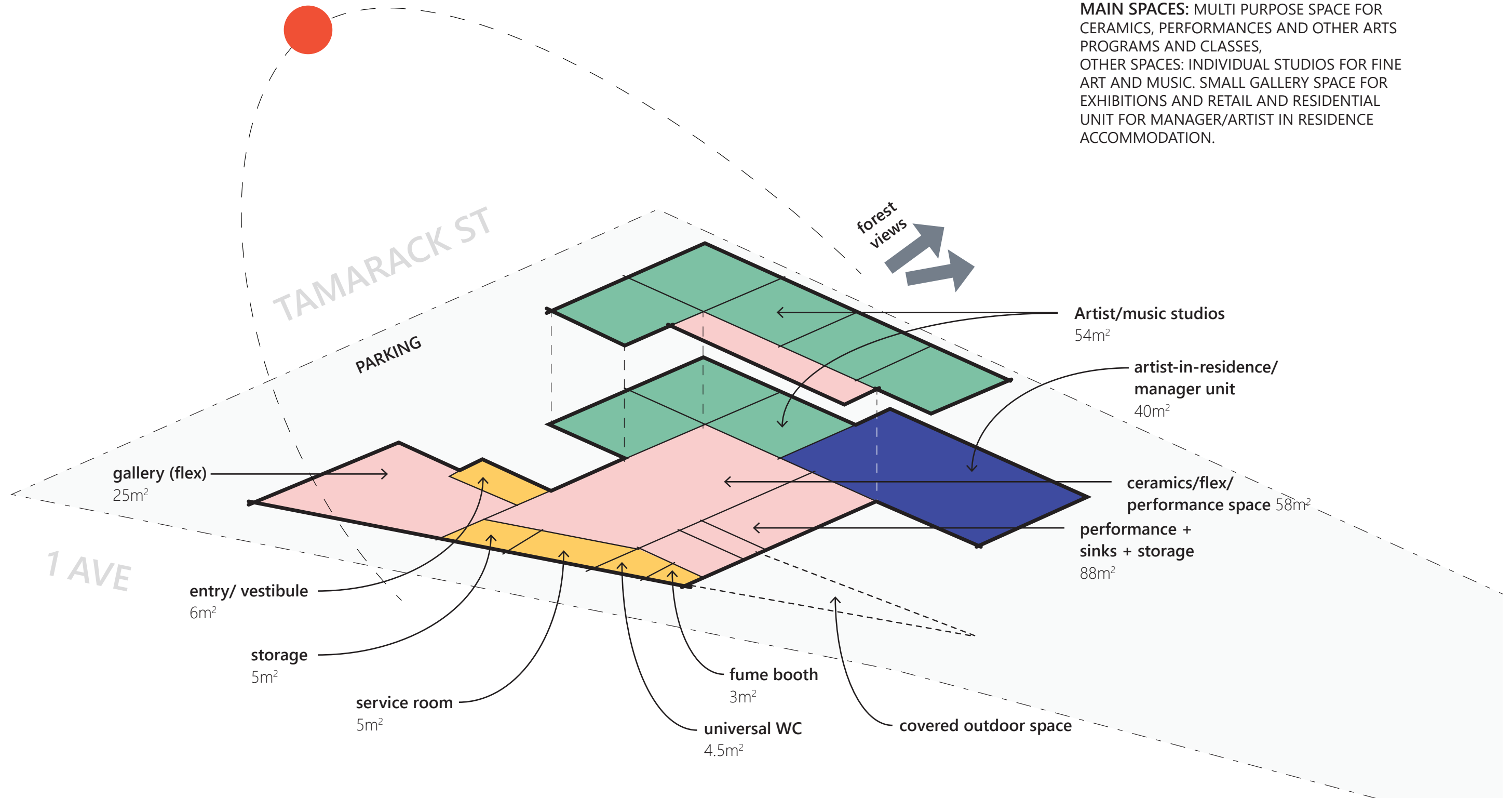
Possible Firesmart hedge planting could include:

- Chokeberry
- Willow
- Privet
- Lilac
- Elderberry

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



DESIGN CONCEPT





FOURWAYS
ENVIRONMENTAL
septic and water systems design

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

June 1, 2024

Shawn Stephenson
Renaissance Arts + Sustainability Society
Ymir, BC

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

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

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

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

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

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

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

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

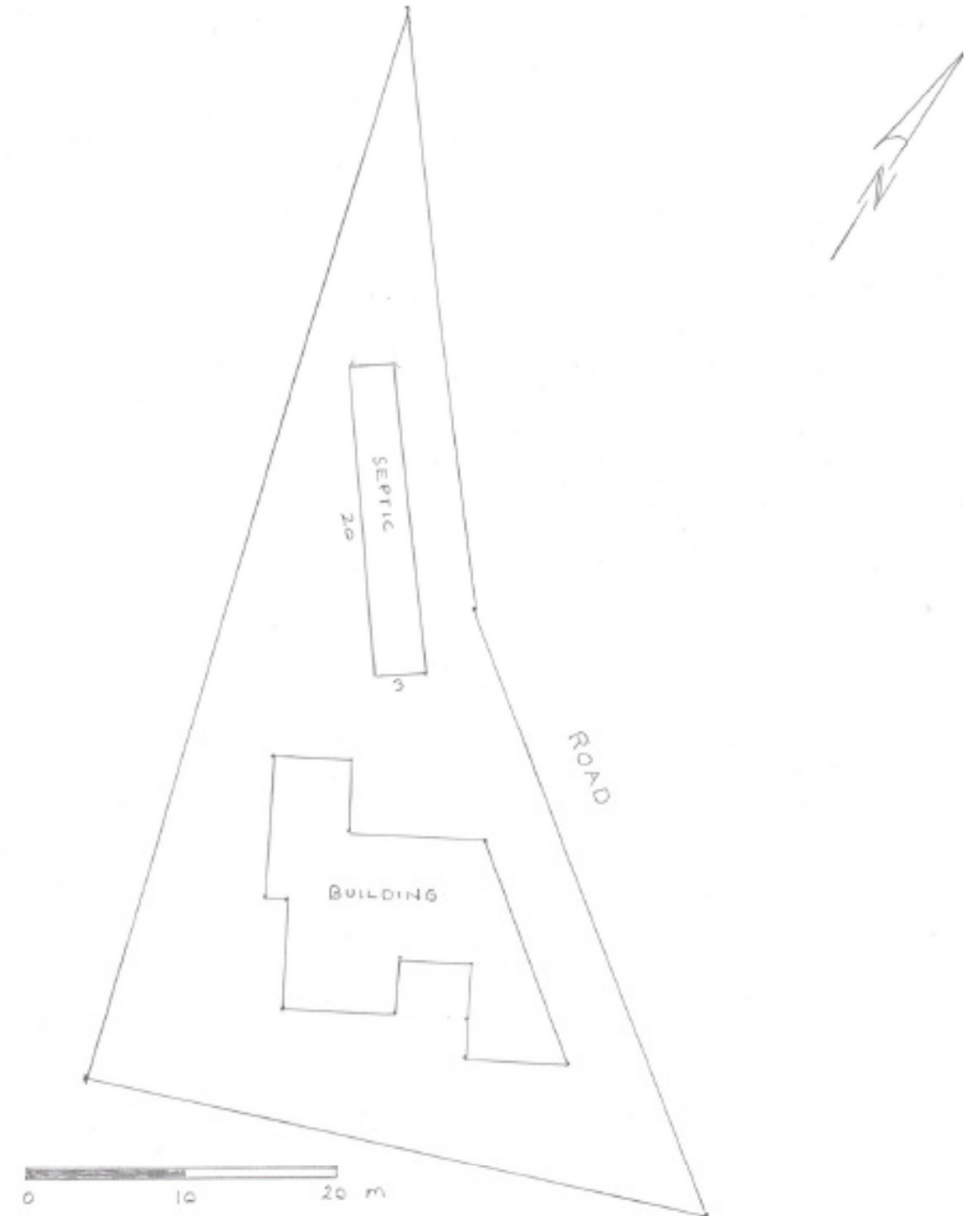
Please contact me if you have any questions,

Sincerely,

Phillip Jackson
Registered Onsite Wastewater Practitioner



Fourways Environmental



SEE 'SITE' INFORMATION FOR ONGOING SEPTIC DESIGN DEVELOPMENT



Shuswap Band

Project Name:

Proposed Bylaw Amendment Application

FN Consultation ID:

Z2404G

Consulting Org Contact:

Laura Christie

Consulting Organization:

[Regional District of Central Kootenay](#)

Date Received:

Thursday, June 6, 2024

June 26, 2024

Weyt-k (Hello),

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

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

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

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

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

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

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

Kukwstsétsemc (Thank you).

Referrals Coordinator

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

cc: Barb Cote - Chief, Shuswap Band

Mark Thomas - Councilor, Shuswap Band

Richard Martin - Councilor, Shuswap Band

Manon Moreau - Director, Territorial Stewardship, Shuswap Band

Travis Yeats - Referrals Coordinator, Shuswap Band

Joshua Martin - Guardian Manager, Shuswap Band

Enola Eugene - Culture, Shuswap Band



The Sh̓ŋaýckstx (Sinixt)
Confederacy

P.O. Box 150, Nespelem, WA 99155

The Confederated Tribes of
the Colville Reservation

Regional District of Central Kootenay

June 18, 2024

To whom it may concern:

Re: Z2404G: Proposed Bylaw Amendment Application

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

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

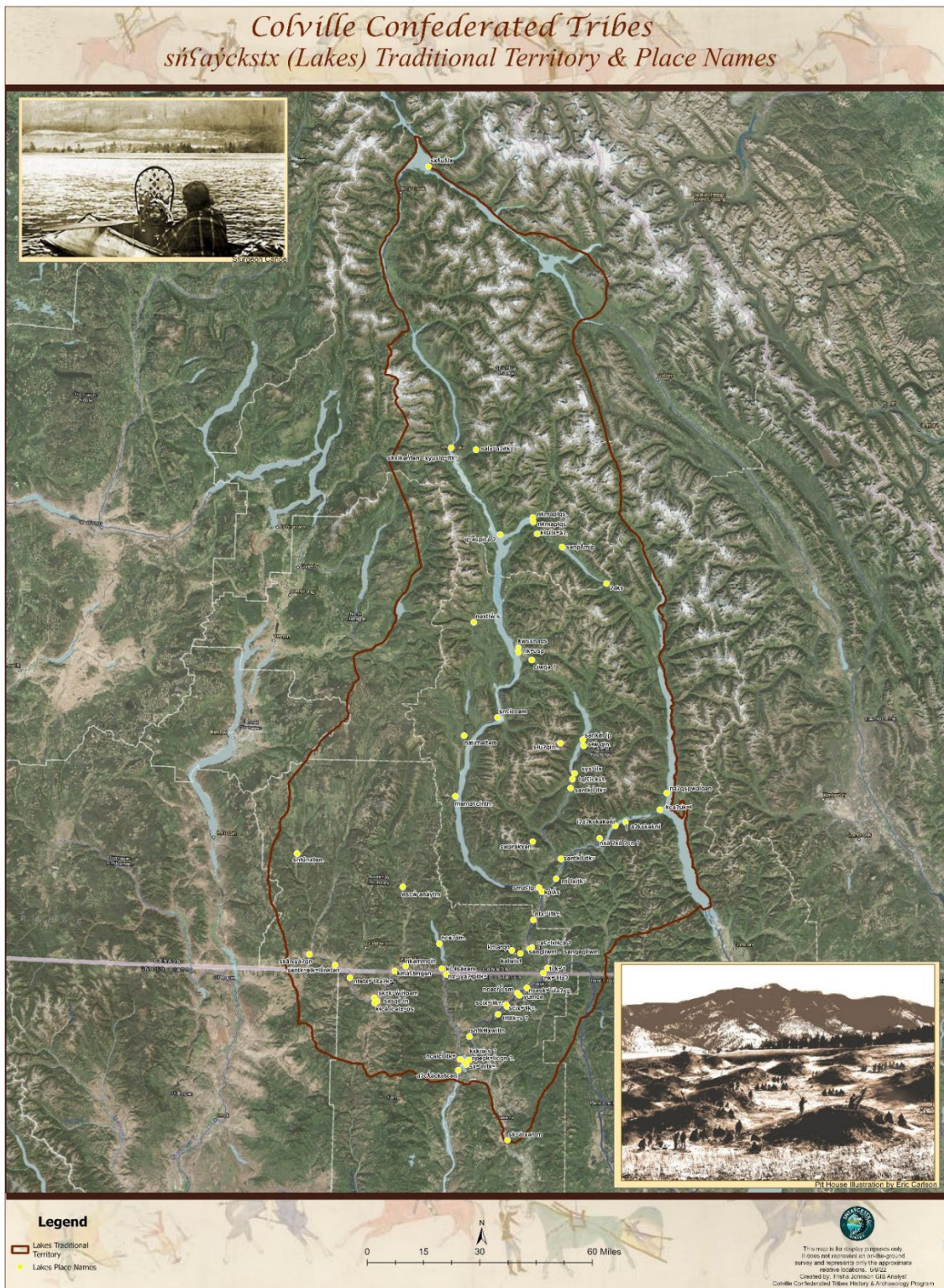
CTCR has formed the Sinixt (Arrow Lakes) Confederacy, formerly known as the Arrow Lakes Aboriginal Society, to represent Sinixt people on both sides of the international border, regardless of tribal or band affiliation, in a manner consistent with Indigenous law and traditions.

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

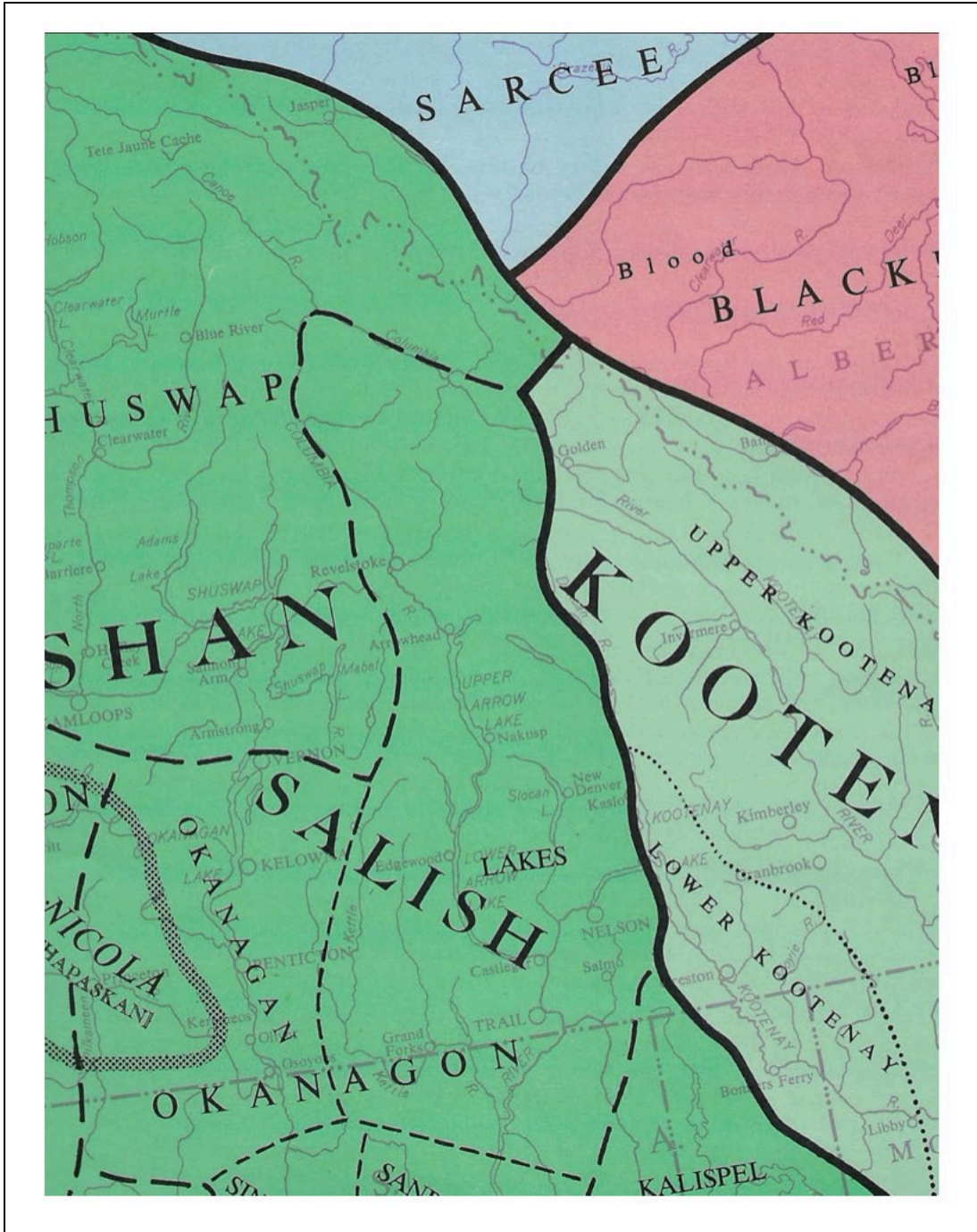
We have no opposition to the bylaw amendment.

Sincerely,

Rebecca Hunt
Natural Resources Director
Confederated Tribes of the Colville Reservation



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



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



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

Project Name:

Proposed Bylaw Amendment Application

FN Consultation ID:

L-240606-Z2404G

Consulting Org Contact:

Laura Christie

Consulting Organization:

[Regional District of Central Kootenay](#)

Date Received:

Thursday, June 6, 2024

File number:

Z2404G

July 11, 2024

Attention: Laura Christie

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

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

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

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

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

Respectfully,

Madison Terbasket

Interim Referrals Coordinator

Penticton Indian Band

Natural Resources

Email: mterbasket@pib.ca

Office: 250-492-0411

