



**REGIONAL DISTRICT OF CENTRAL KOOTENAY**

**CRESTON VALLEY AGRICULTURAL ADVISORY  
COMMISSION  
OPEN MEETING AGENDA**

**2:00pm**

**Friday, July 19, 2024**

**In Person Meeting**

**Location:** Creston and District Community Complex – Erickson Room

**1. CALL TO ORDER**

Chair Meyer called the meeting to order at \_\_\_\_ p.m

**2. TRADITIONAL LANDS ACKNOWLEDGEMENT STATEMENT**

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

**3. ADOPTION OF AGENDA**

**MOVED** and seconded,  
AND Resolved:

The Agenda for the July 19, 2024 Creston Valley Agricultural Advisory Commission meeting, be adopted as circulated.

**Carried/Defeated**

**4. RECEIPT OF MINUTES**

The April 22, 2024 Creston Valley Agricultural Advisory Commission minutes, have been received.

**5. STAFF REPORTS**

**5.1 Development Variance Permit Application - Greg and Janice McGinn (V2410B)**

The Referral Package dated June 19, 2024 from Planner Stephanie Johnson, has been received.

**Moved** and seconded,

AND Resolved that it be recommended to the Board:

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

**Carried/Defeated**

**Moved** and seconded,

AND Resolved that it be recommended to the Board:

That the Creston Valley Agricultural Advisory Commission **SUPPORT/NOT SUPPORT** the Development Variance Permit to Greg and Janice McGinn for the property located 4560-44<sup>th</sup> Street, Canyon and legally described as PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 to vary Sections 23.6 of *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316* to permit a dwelling with a maximum Gross Floor Area (GFA) of 323 m<sup>2</sup> whereas the bylaw permits a maximum GFA of 300 m<sup>2</sup>.

**Carried/Defeated**

## **5.2 Agricultural Land Reserve Referral – Jon Blackmore (A2402B)**

The Referral Package dated June 12, 2024 from Planner Stephanie Johnson, has been received.

**Moved** and seconded,

AND Resolved that it be recommended to the Board:

That the Creston Valley Agricultural Advisory Commission **SUPPORT/NOT SUPPORT** the Agricultural Land Reserve Referral for Non-Farm Use to Jon Blackmore for the property located 2445 Lloyd Road, Creston and legally described as LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT

**Carried/Defeated**

## **6. NEW BUSINESS**

### **6.1 Sub Regional Approach to Housing**

At the Thursday, July 04, 2024 Creston Valley Services Committee (CVSC), the Committee requested that this agenda item be added to the next Creston Valley Agricultural Advisory Commission meeting. The excerpt from the CVSC meeting minutes are attached.

## **7. PUBLIC TIME**

The Chair will call for questions from the public at \_\_\_\_ p.m.

## **8. NEXT MEETING**

The next Creston Valley Agricultural Advisory Commission Meeting is not yet scheduled.

**ADJOURNMENT**

**MOVED** and seconded,  
AND Resolved:

The Creston Valley Agricultural Advisory Commission meeting be adjourned at \_\_\_\_ p.m.



**REGIONAL DISTRICT OF CENTRAL KOOTENAY**

**CRESTON VALLEY AGRICULTURAL ADVISORY  
COMMISSION  
OPEN MEETING MINUTES**

**7:00pm PST  
Monday, April 22<sup>nd</sup>, 2024  
Hybrid Meeting**

**In-Person Location:** Erickson Room, Creston and District Community Complex, Creston, BC

**COMMISSIONERS**

Commissioner Randy Meyer	Electoral Area B, Chair
Commissioner David Mutch	Electoral Area B
Commissioner Owen Edwards	Electoral Area B
Commissioner Dean Eastman	Electoral Area C
Commissioner Dale McNamar	Electoral Area C

**COMMISSIONERS ABSENT**

Commissioner Larry Rast	Electoral Area C
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**DIRECTORS**

Garry Jackman	Electoral Area A, Director
Roger Tierney	Electoral Area B, Director

**STAFF**

Sadie Chezenko	Planning Technician
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**5 out of 6 voting Commission/Committee members were present – quorum was met.**

**1. CALL TO ORDER**

Chair Meyer called the meeting to order at 7:06 p.m

**2. TRADITIONAL LANDS ACKNOWLEDGEMENT STATEMENT**

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

**3. ADOPTION OF AGENDA**

**MOVED** and seconded,

AND Resolved:

The Agenda for the April 22nd, 2024 Creston Valley Agricultural Advisory Commission meeting, be adopted with the addition of item 5.2.

**Carried**

**4. RECEIPT OF MINUTES**

The March 4<sup>th</sup>, 2024 Creston Valley Agricultural Advisory Commission minutes, have been received.

**5. STAFF REPORTS**

**5.1 Zoning Bylaw Amendments Referral – RDCK all zoned areas**

The Referral Package dated March 28th, 2024 from Dana Hawkins, Planner, regarding the proposed bylaw amendments to implement the requirements of Provincial Bill 44 Housing Statutes (Residential Development) Amendment Act, has been received.

The following was discussed: the short time frame to review the provincial changes, concern about additional density, definitions of bed and breakfast, short term rentals and vacation rentals, water systems and water provisions, the response from the Agricultural Land Commission. The commission expressed that they did not want to see additional density on ag lands or changes that would undo the changes that were adopted as a result of the recent agricultural policy review.

**Moved** and seconded,

AND Resolved that it be recommended to the Board:

That the Creston Valley Agricultural Advisory Commission SUPPORT the proposed RDCK bylaw amendments, as applicable to Electoral Areas A, B and C, to implement the requirements of Provincial Bill 44 Housing Statutes (Residential Development) Amendment Act given that for Ag zones:

- there are no changes to the maximum sizes of principal residences
- there are no changes to the maximum sizes of secondary suites
- there is no additional density proposed and;
- the spirit of the recent changes from the ag policy review (amending bylaws no. 2834, 2835, 2836) are maintained.

**Carried**

**5.2 Bylaw Enforcement Review**

The commission discussed the recent bylaw enforcement session including the following: the reactivity and challenge of doing Bylaw enforcement in the RDCK, the challenge of escalating bylaw enforcement to court injunctions, loopholes in the system, the value of fines, health and safety, the cost of demolition, the notice on title process and issues on and off Crown land.

**6. PUBLIC TIME**

The Chair will call for questions from the public at 9.00 p.m.

**7. NEXT MEETING**

The next Creston Valley Agricultural Advisory Commission Meeting is to be determined at a future date.

**ADJOURNMENT**

**MOVED** and seconded,  
AND Resolved:

The Creston Valley Agricultural Advisory Commission meeting be adjourned at 9:01 p.m.



# Development Variance Permit Application

Referral Form – RDCK File V2410B

Date: June 19, 2024

You are requested to comment on the attached DEVELOPMENT VARIANCE PERMIT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO July 19, 2024). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

**LEGAL DESCRIPTION & GENERAL LOCATION:**

4560 – 44<sup>th</sup> STREET, CANYON (ELECTORAL AREA 'B')  
PARCEL A (REFERENCE PLAN 113289I) LOT 145 DISTRICT LOT 812 (PID: 012-254-991)

**PRESENT USE AND PURPOSE OF PERMIT REQUESTED:**

The subject property is surrounded on all sides by parcels within the Agricultural Land Reserve (ALR), designated Agriculture and zoned Agriculture One (AG1) except for the lot immediately to the south which lies within the ALR, but is designated and zoned for General Commercial use. Camp Run Creek runs through the southern portion of the subject lot. Two accessory buildings (to be used for farm use) currently occupy the site. The applicants seek these variances to construct a residence on the subject property.

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

**Section 23.5:** To allow a Farm Residential Footprint with a maximum depth of 151 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

**Section 23.6:** To permit a dwelling with a maximum Gross Floor Area (GFA) of 323 m<sup>2</sup> whereas the bylaw permits a maximum GFA of 300 m<sup>2</sup>.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
3.5 hectares	Within the ALR	Agriculture One (AG1)	Agriculture (AG)

**APPLICANT:**

Greg and Janice McGinn

**OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:**

If your Advisory Planning Commission plans to hold a meeting to discuss this Development Variance Permit 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.

STEPHANIE JOHNSON, PLANNER  
REGIONAL DISTRICT OF CENTRAL KOOTENAY

MINISTRY OF TRANSPORTATION AND  
INFRASTRUCTURE

REGIONAL DISTRICT OF CENTRAL KOOTENAY  
DIRECTORS FOR:

<input checked="" type="checkbox"/> HABITAT BRANCH (Environment) <input type="checkbox"/> FRONTCOUNTER BC (MFLNRORD) <input checked="" type="checkbox"/> AGRICULTURAL LAND COMMISSION <input checked="" type="checkbox"/> REGIONAL AGROLOGIST <input type="checkbox"/> ENERGY & MINES <input type="checkbox"/> MUNICIPAL AFFAIRS & HOUSING <input checked="" type="checkbox"/> INTERIOR HEALTH, HBE TEAM <input type="checkbox"/> KOOTENAY LAKES PARTNERSHIP (FORESHORE DEVELOPMENT PERMITS) <input type="checkbox"/> SCHOOL DISTRICT NO. <input type="checkbox"/> WATER SYSTEM OR IRRIGATION DISTRICT <input checked="" type="checkbox"/> UTILITIES (FORTIS, BC HYDRO, COLUMBIA POWER)	<input type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K ALTERNATIVE DIRECTORS FOR: <input type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input checked="" type="checkbox"/> APHC AREA 'B' <input checked="" type="checkbox"/> RDCK FIRE SERVICES <input type="checkbox"/> RDCK EMERGENCY SERVICES <input checked="" type="checkbox"/> RDCK BUILDING SERVICES <input type="checkbox"/> RDCK UTILITY SERVICES <input type="checkbox"/> RDCK RESOURCE RECOVERY <input type="checkbox"/> RDCK REGIONAL PARKS <input checked="" type="checkbox"/> CRESTON VALLEY AGRICULTURAL ADVISORY COMMISSION  INSERT COMMENTS ON REVERSE . . .
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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](mailto:info@rdck.bc.ca), or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

**RESPONSE SUMMARY**  
**FILE: V2410B APPLICANT: GREG MCGINN**

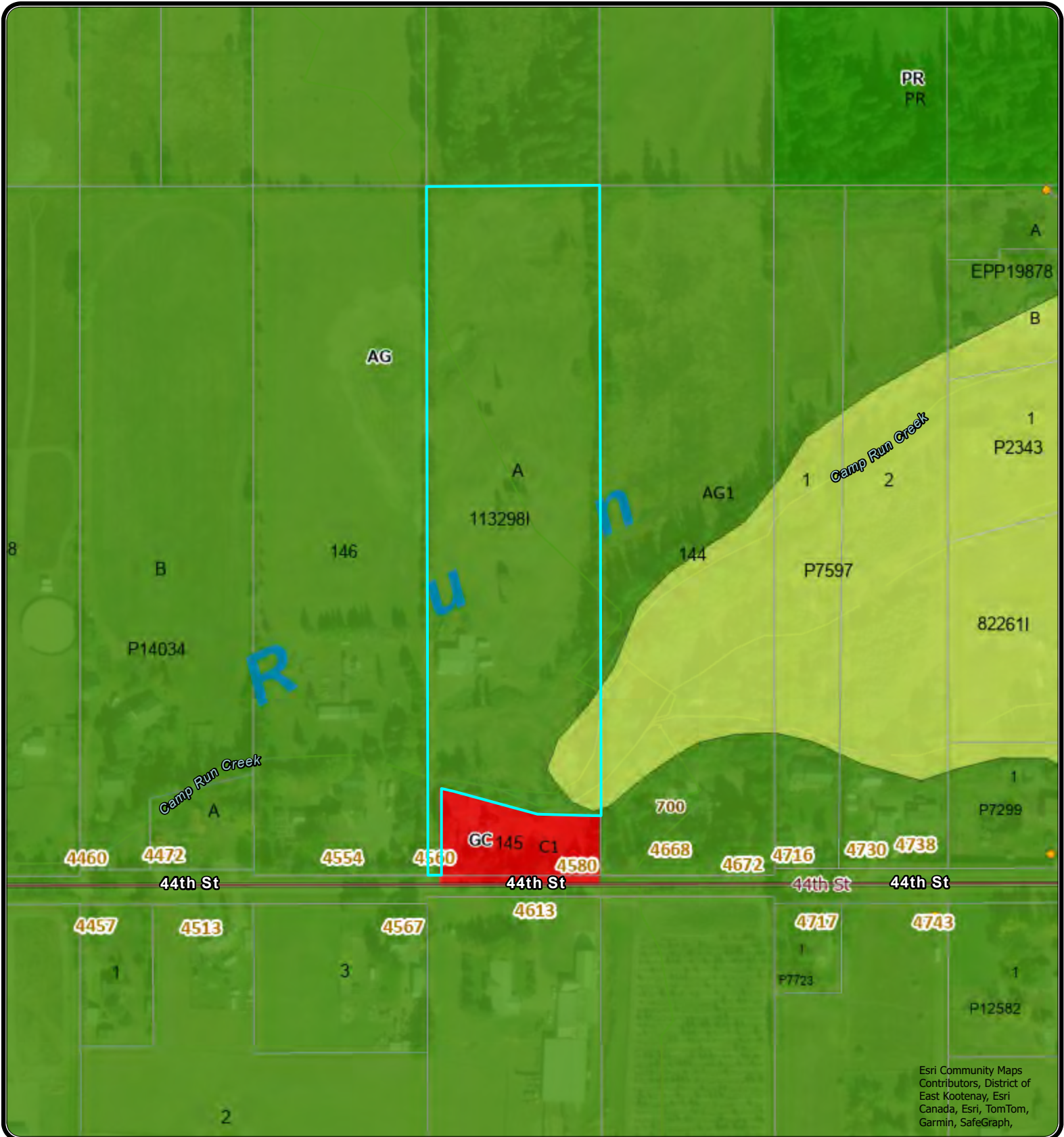
**Name:**

**Date:**

**Agency:**

**Title:**

RETURN TO: STEPHANIE JOHNSON, 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](mailto:plandept@rdck.bc.ca)



Esri Community Maps  
Contributors, District of  
East Kootenay, Esri  
Canada, Esri, TomTom,  
Garmin, SafeGraph,



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

Official  
Community Plan

- Agriculture
- Commercial
- Parks and Recreation
- Non Standard Flooding Erosion Area

Zoning Class

- Agriculture
- Commercial
- Parks and Recreation

20 Meter  
Contours

- 100 meter

Legend

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

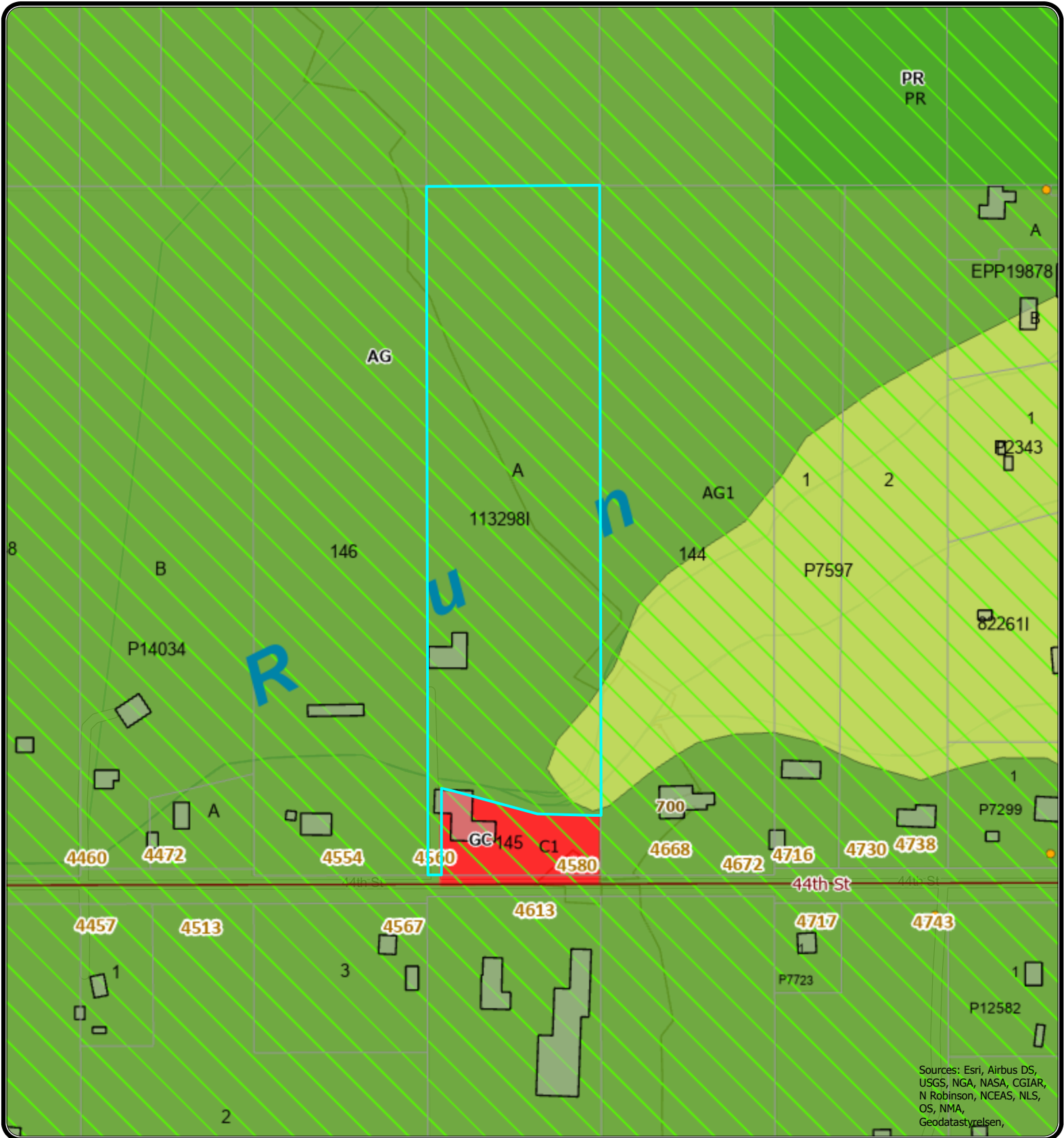
Map Scale:

1:4,514

Date: June 4, 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.



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,



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

**Official Community Plan**

- Agriculture
- Commercial
- Parks and Recreation
- Building Footprints

**20 Meter Contours**

- 100 meter
- Streams and Shorelines
- Non Standard Flooding Erosion Area

**Zoning Class**

- Agriculture

**Legend**

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

**Map Scale:**

1:4,514

Date: June 4, 2024



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Esri Community Maps Contributors, District of East Kootenay, Esri Canada, Esri, TomTom, Garmin, SafeGraph,



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**Legend**

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

**20 Meter Contours**

**Map Scale:**

1:4,514

Date: June 4, 2024



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## **Proposal Summary**

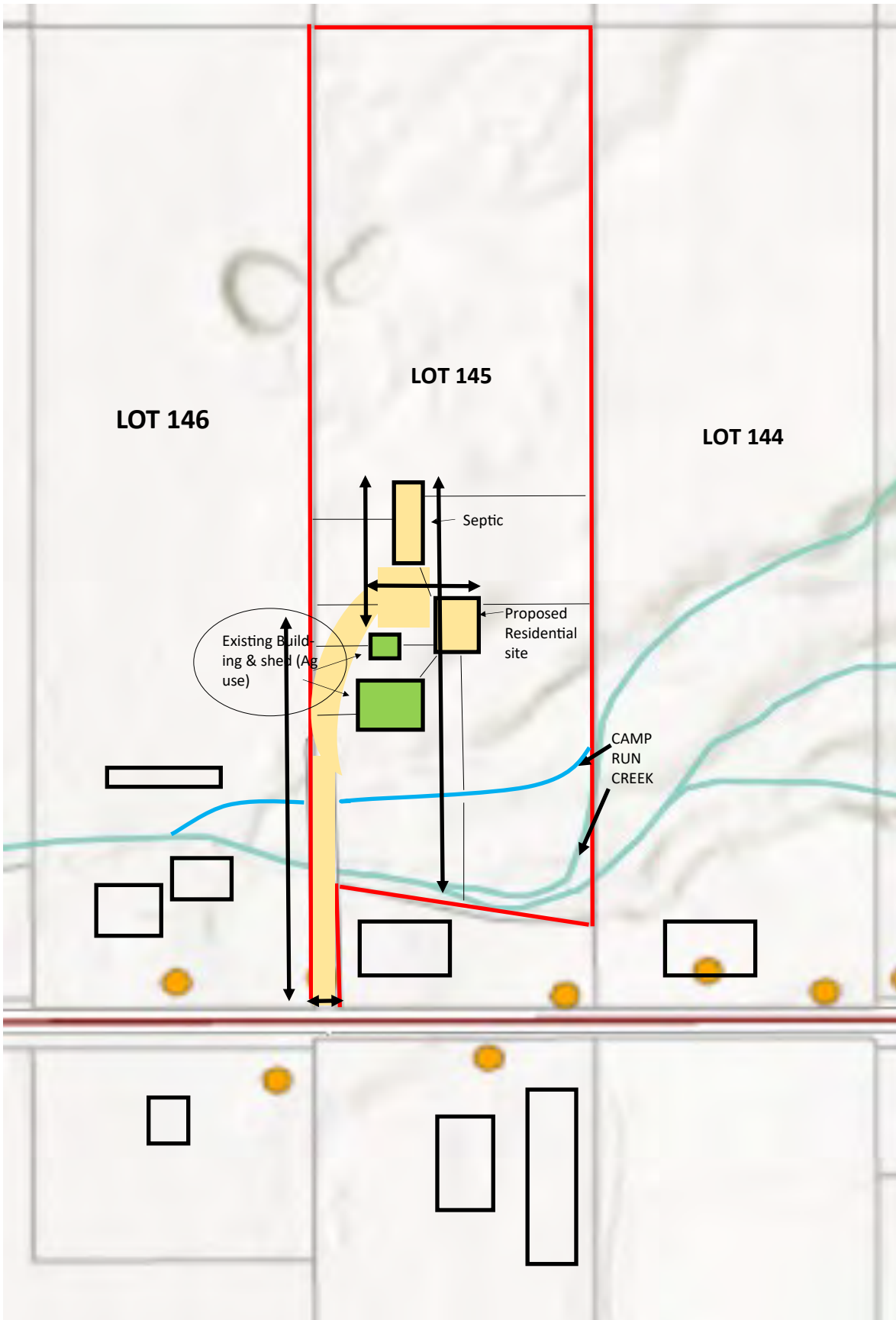
For Development Variance Permit at 4560 44 St located in Canyon, BC

We are applying for a Variance at our location so that we may build our residence. As the access point for our property is a 20-foot wide by 60 meter long panhandle driveway it is virtually impossible to build a house on our property according to the Farm Residential Footprint.


Near the far end of the driveway is the first of 2 creeks (Camp Run Creek), and the distance between the 2 creeks is 150 feet (45.72m). This area between the 2 creeks is the most arable land on the property and we have future plans to plant in this area.

The site we have chosen to place our residence is the most logical location on the property to have a residence, especially once one considers the contours and water (creek locations) of the land and the future use for our farm.

Our residence as designed is 1736 square feet per floor, it has a basement and a main floor making our maximum gross floor area 3472 square feet or 323 square meters for our multi-generational family of 5 people.



 Residential Footprint (1683.4 sq. m.)

 Agricultural Use

Subject Property: 4560 44 St  
 Parcel A (Reference Plan 113289) Lot 145  
 District Lot 812 Kootenay District Plan 730C  
 PID: 012-254-991

Driveway: 523 feet (length) X 20 feet (width) = 10460 sq. ft.

Parking: 80 feet (length) X 30 feet (width) = 2400 sq. ft.

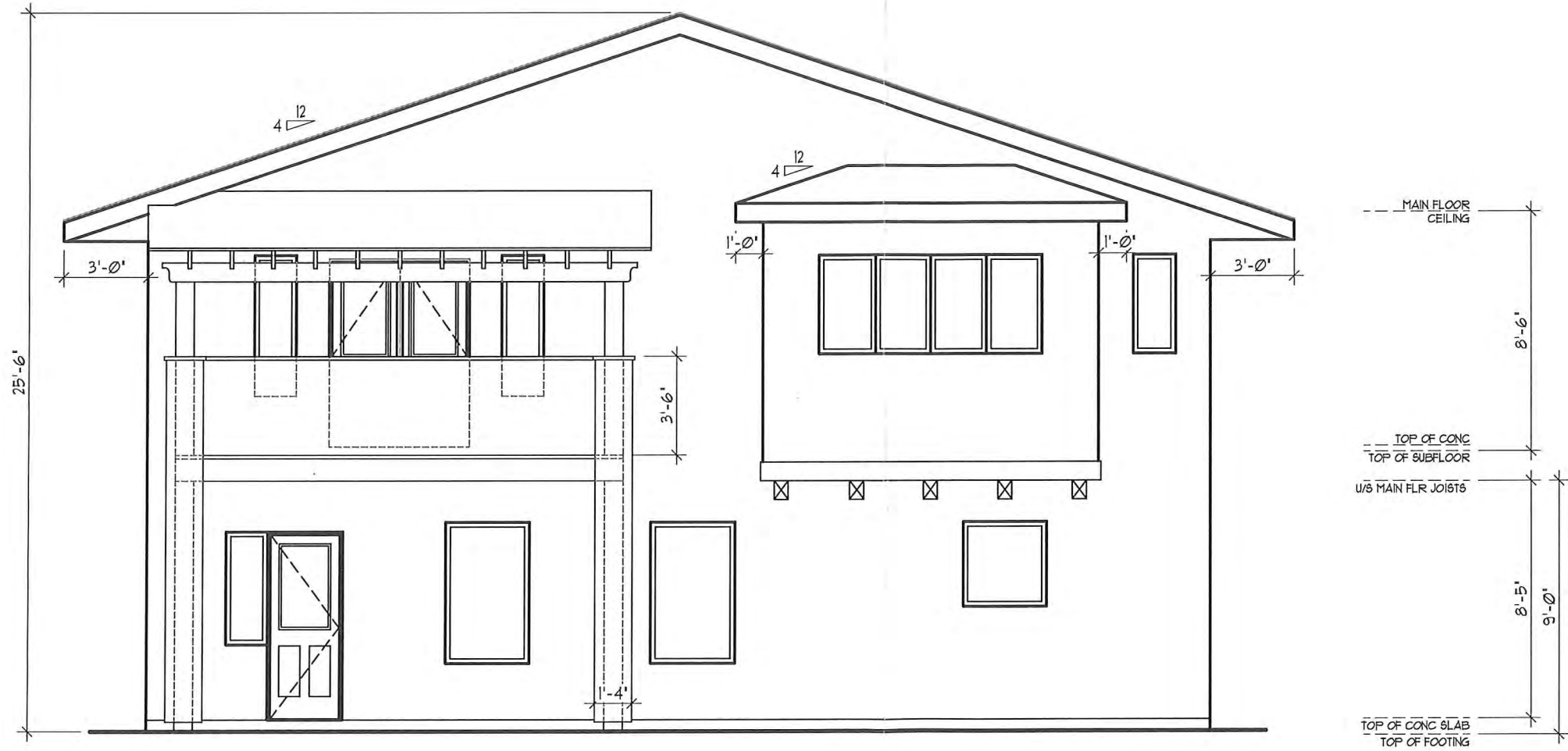
House: 59 feet (length) X 38 feet (width) = 2400 sq. ft.

Space between house & septic: 62 feet (length) X 30 feet (width) = 1860 sq. ft.

Septic field: 100 feet (length) X 10 feet (width) = 1000 sq. ft.

TOTAL: 18120 sq. ft. (1683.4 sq. m.)

TOTAL distance from first creek to back of septic field is: 493 feet



**SOUTH ELEVATION**  
FRONT

Dimensions are "framing" for plans and nominal for elevations and take precedence over scaled dimensions. Details are best representations and may be adjusted due to site or material limitations. Contractors to contact designers over discrepancies.

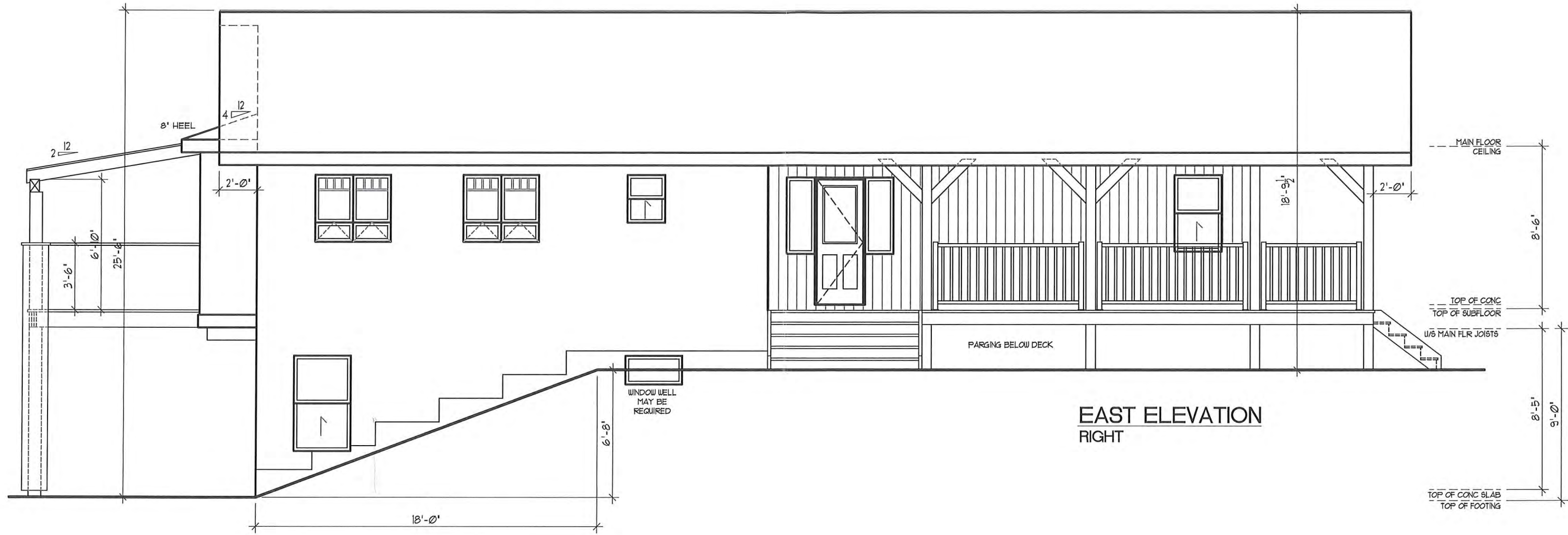
<b>MCGINN RESIDENCE</b>		TOTAL: 1736 SQ FT		1 of 10 Sheet #
		main: 1736 SQ FT	bsmt: 1178 SQ FT	
drawn by: TGB	date: NOV 22, 2023	PARCEL A REF. PLAN 113289		job #:
checked by: -	revised: -	LOT 145, DISTRICT LOT 730C		
scale: 3/16" = 1'-0"	address: 4560 44th STREET CANYON, BC	rear/side decks: 540 SQ FT	front deck: 192 SQ FT	





Dimensions are "framing" for plans and nominal for elevations and take precedence over scaled dimensions. Details are best representations and may be adjusted due to site or material limitations. Contractors to contact designers over discrepancies.

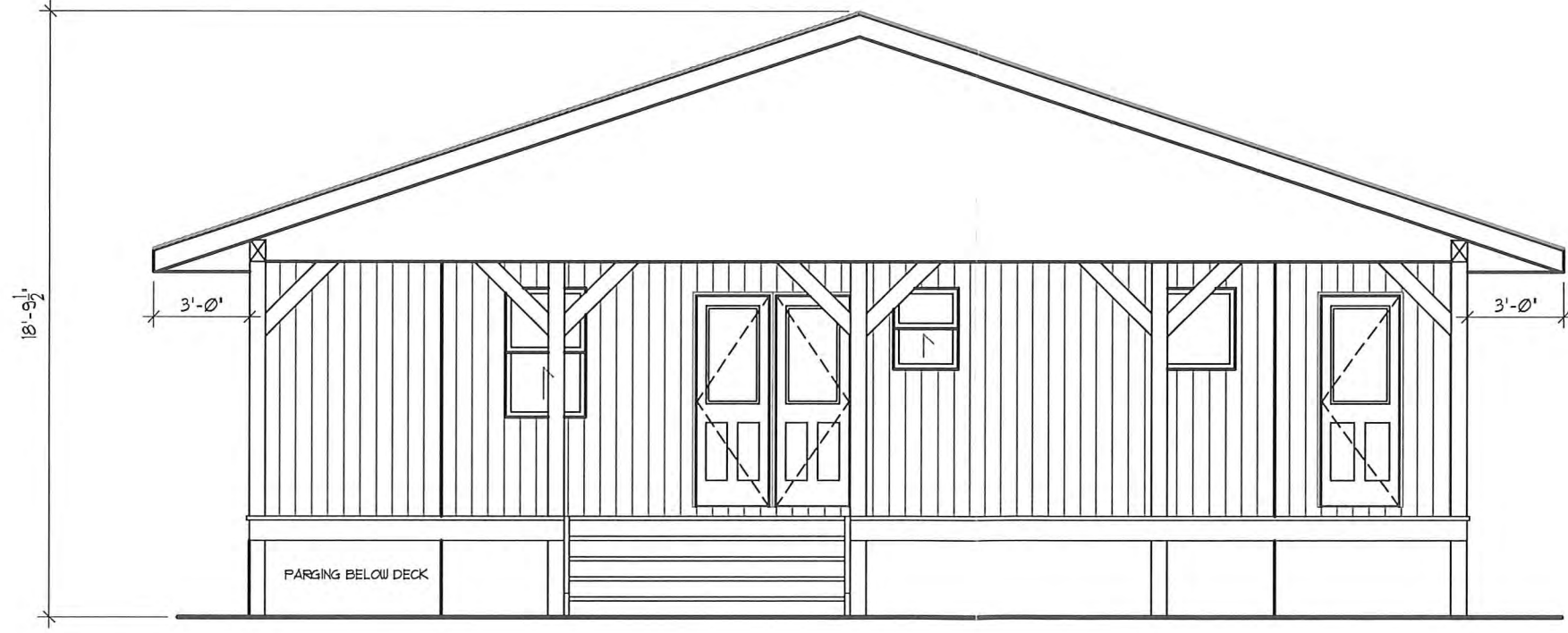
		<b>MCGINN RESIDENCE</b>				TOTAL:	1736 SQ FT	<b>2 of 10</b> sheet #:
						main:	1736 SQ FT	
drawn by:	TGB	date:	NOV 22, 2023	PARCEL A REF. PLAN 113289		bsmt:	1178 SQ FT	
checked by:	-	revised:	-	LOT 145, DISTRICT LOT 730C		rear/side decks:	540 SQ FT	
scale:	3/16" = 1'-0"	address:	4560 44th STREET CANYON, BC	job #:		front deck:	192 SQ FT	



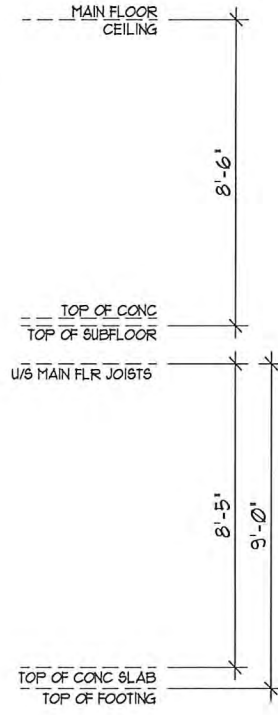
**EAST ELEVATION  
RIGHT**

Dimensions are "framing" for plans and nominal for elevations and take precedence over scaled dimensions. Details are best representations and may be adjusted due to site or material limitations. Contractors to contact designers over discrepancies.

		<b>MCGINN RESIDENCE</b>				TOTAL:	1736 SQ FT	<b>3 of 10</b> sheet #:
						main:	1736 SQ FT	
drawn by:	TGB	date:	NOV 22, 2023	PARCEL A REF. PLAN 113289		bsmt:	1178 SQ FT	
checked by:	-	revised:	-	LOT 145, DISTRICT LOT 730C		rear/side decks:	540 SQ FT	
scale:	3/16" = 1'-0"			address:	4560 44th STREET CANYON, BC	front deck:	192 SQ FT	



**NORTH ELEVATION**  
REAR



Dimensions are "framing" for plans and nominal for elevations and take precedence over scaled dimensions. Details are best representations and may be adjusted due to site or material limitations. Contractors to contact designers over discrepancies.

drawn by: TGB		date: NOV 22, 2023	<b>MCGINN RESIDENCE</b>		TOTAL:		1736 SQ FT	4 of 10 Sheet #
checked by: -		revised: -			main:	1736 SQ FT		
scale: 3/16" = 1'-0"		address: LOT 145, DISTRICT LOT 730C	bsmt:	1178 SQ FT				
		address: 4560 44th STREET CANYON, BC	rear/side decks:	540 SQ FT				
		job #:	front deck:	192 SQ FT				

## 23.0 AGRICULTURE 1 (AG1)

### Permitted Uses

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

#### Agriculture

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

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Family Dwelling

Standard Cultivation, Cannabis

Standard Processing, Cannabis

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

#### Accessory Uses:

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

### Development Regulations

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



# Agricultural Land Reserve Referral

Referral Form – RDCK File A2402B

Date: June 12, 2024

**You are requested to comment on the attached AGRICULTURAL LAND RESERVE APPLICATION for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO July 12). If no response is received within that time, it will be assumed that your agency's interests are unaffected.**

**LEGAL DESCRIPTION & GENERAL LOCATION:**

2445 LLOYD ROAD, CRESTON, ELECTORAL AREA 'B'  
LOT 10 PLAN NEP1494 DISTRICT LOT 812 KOOTENAY LAND DISTRICT (PID: 015-750-698)

**PRESENT USE AND PURPOSE OF PROPOSED APPLICATION:**

The majority of this 24.5 hectare (ha) subject parcel lies within the Agricultural Land Reserve (ALR) - approximately 23.1 ha with a 1.4 ha section occupying the southwest corner of the parcel lying outside of the ALR. The entire parcel is designated Agriculture under the *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316* and zoned Agriculture 2 (AG2). The property is vacant and not currently used for agricultural purposes.

The purpose of this application is to allow a Non-Farm Use within the ALR to permit the excavation of rock from the non-ALR portion of the parcel to process aggregate on the ALR portion of the site for the *"development of Lloyd Road and future development on the property"*. Approximately, 252, 150 m<sup>3</sup> of rock material is proposed to be excavated and placed on the ALR portion. Once the excavation is complete and the processed rock has been removed from the site this storage area will be reclaimed with the *"saved topsoil"*. The project is proposed to be completed within a six (6) year timeframe.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
1.4 ha (Non-ALR)	Yes (partially) 23.1 ha	Agriculture Two (AG2)	Agriculture (AG)

**APPLICANT:** Jon Blackmore

**PLANNING STAFF COMMENT:** Pursuant to *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013*, the proposed use is not permitted in the Agriculture 2 (AG2) Zone. Should the non-farm use be supported approval of a Temporary Use Permit would be required to allow for the rock extracting and processing on site.

**OTHER INFORMATION: ADVISORY PLANNING AND HERITAGE COMMISSION/CRESTON VALLEY AGRICULTURAL ADVISORY COMMISSION PLEASE NOTE:**

If your 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.

Stephanie Johnson, **PLANNER**  
**REGIONAL DISTRICT OF CENTRAL KOOTENAY**

- REGIONAL AGROLOGIST
- CRESTON VALLEY AGRICULTURAL ADVISORY COMMISSION
- RDCK BUILDING SERVICES
- KTUNAXA NATION COUNCIL (ALL REFERRALS)
- YAQAN NU?KIY (LOWER KOOTENAY)

- 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 B

INSERT COMMENTS ON REVERSE:

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](mailto:info@rdck.bc.ca), or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

### RESPONSE SUMMARY

**FILE: A2402B**

**APPLICANT: JON BLACKMORE**

**Name:**

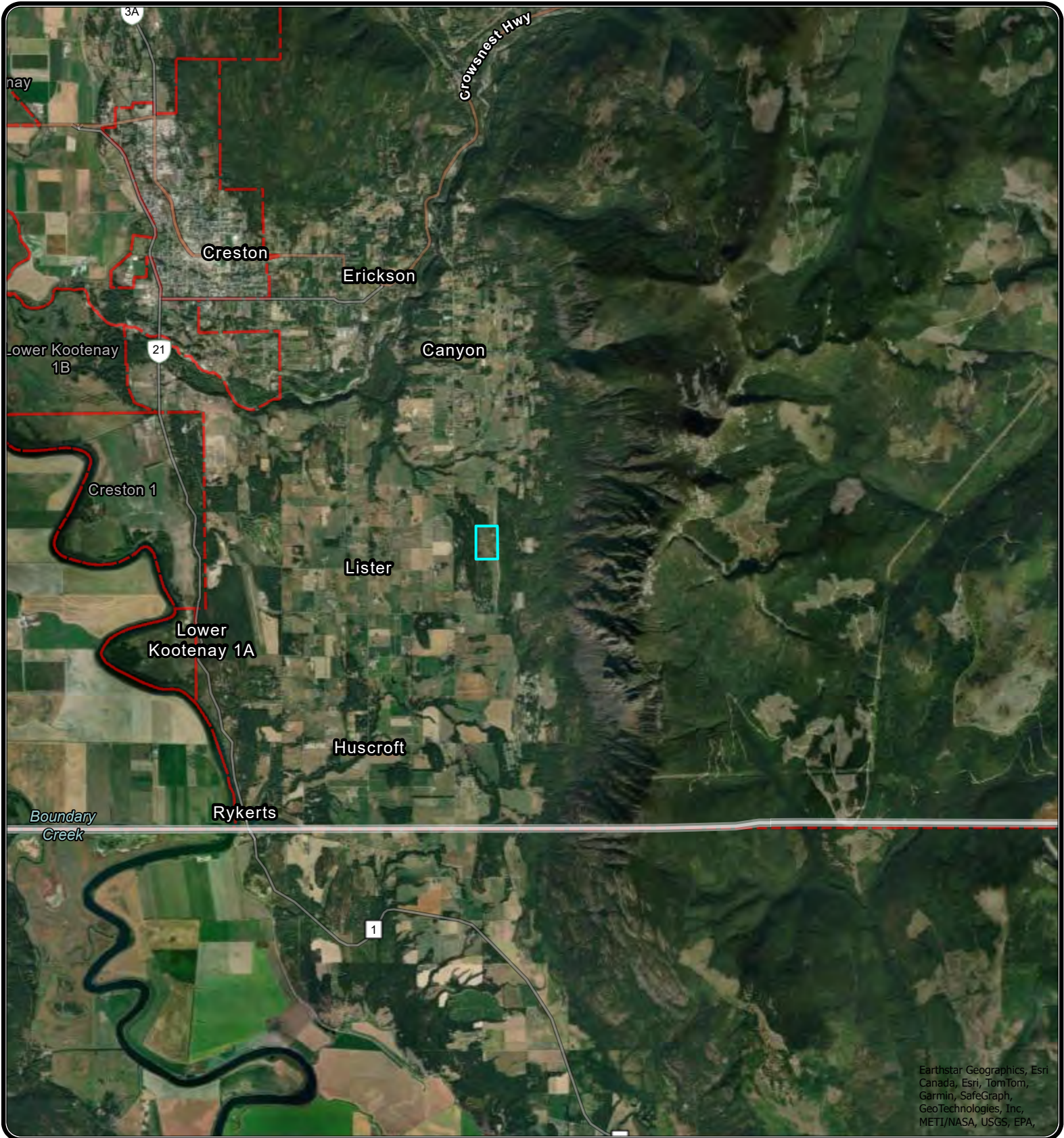
**Date:**

**Agency:**

**Title:**

RETURN TO: **STEPHANIE JOHNSON**, PLANNER  
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES  
REGIONAL DISTRICT OF CENTRAL KOOTENAY  
BOX 590, 202 LAKESIDE DRIVE  
NELSON, BC V1L 5R4  
Ph. 250-352-8175  
Email: [plandept@rdck.bc.ca](mailto:plandept@rdck.bc.ca)

# RDCK Map



Earthstar Geographics, 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:**

1:144,448

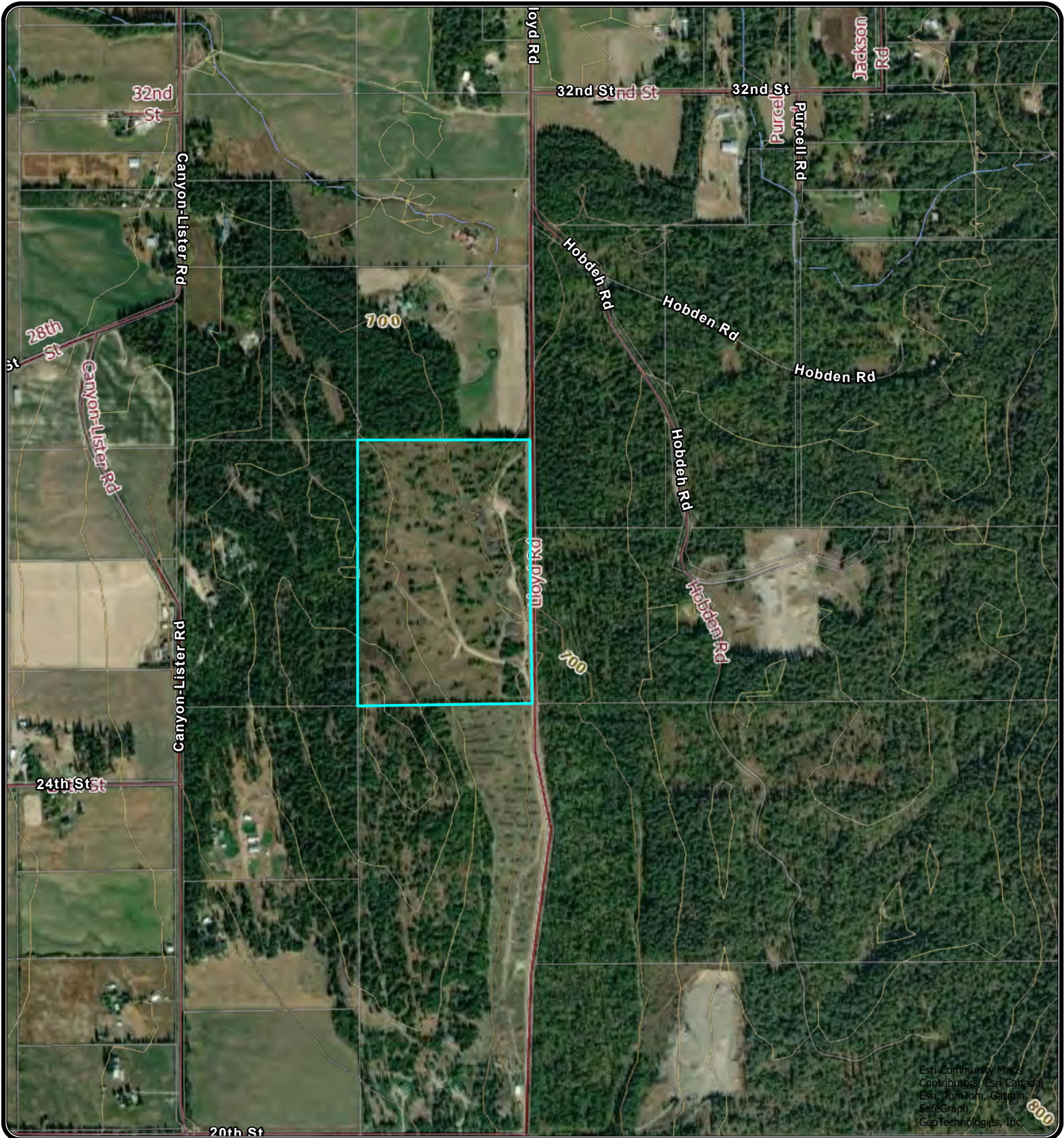
Date: April 3, 2024



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# RDCK Map







Esri Community Maps  
 Contributors: Esri Canada,  
 Esri, TomTom, Garmin,  
 SafeGraph,  
 GeoTechnologies, Inc.

800





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 maps@rdck.bc.ca

### Legend

-  Streams and Shorelines
-  Electoral Areas
-  RDCK Streets
-  Cadastre

### 20 Meter Contours

-  20 meter
-  100 meter

### Map Scale:

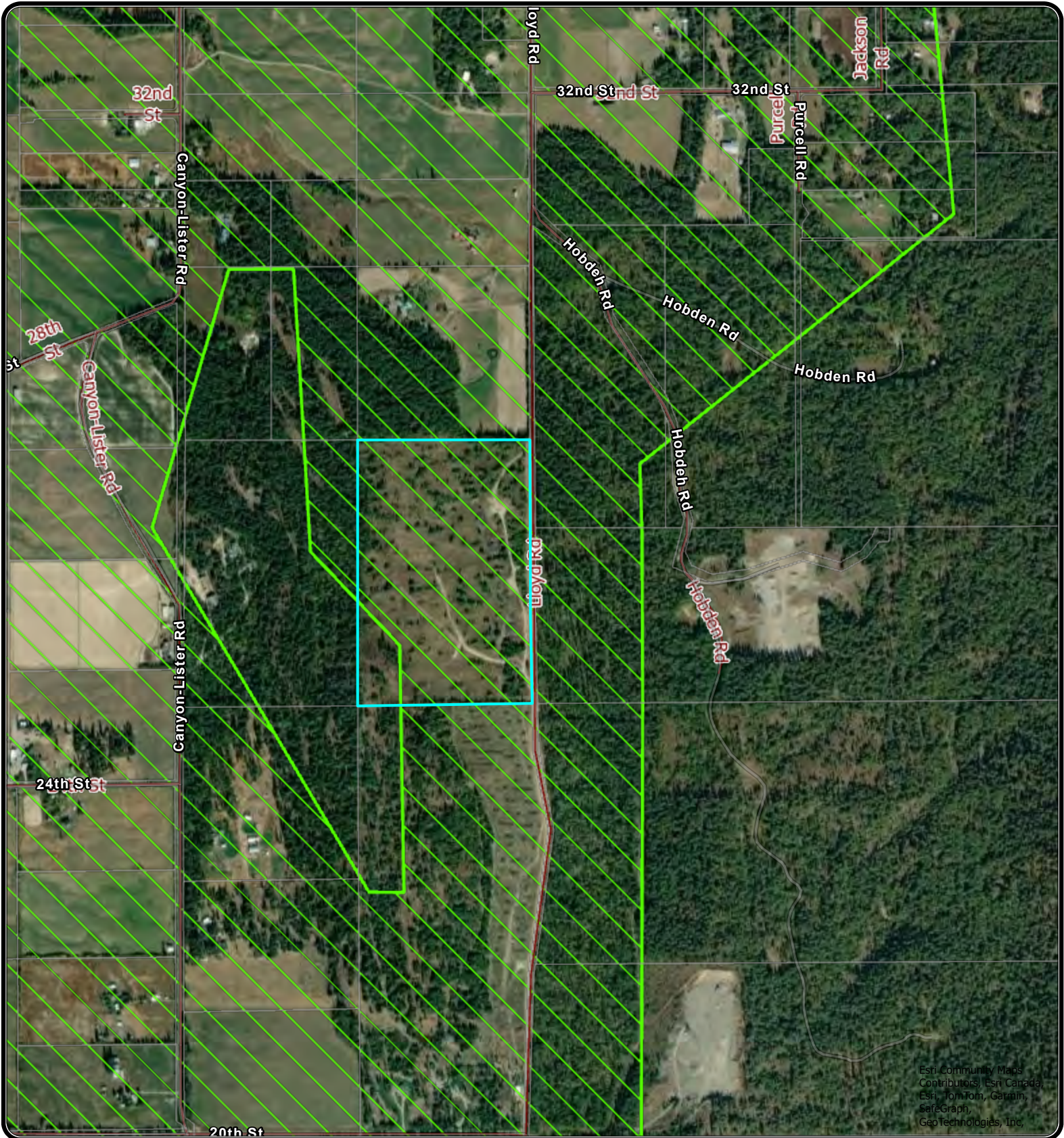
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Date: April 3, 2024



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 maps@rdck.bc.ca

### Legend

-  Agriculture Land Reserve
-  Electoral Areas
-  RDCK Streets
-  Cadastre

### Map Scale:

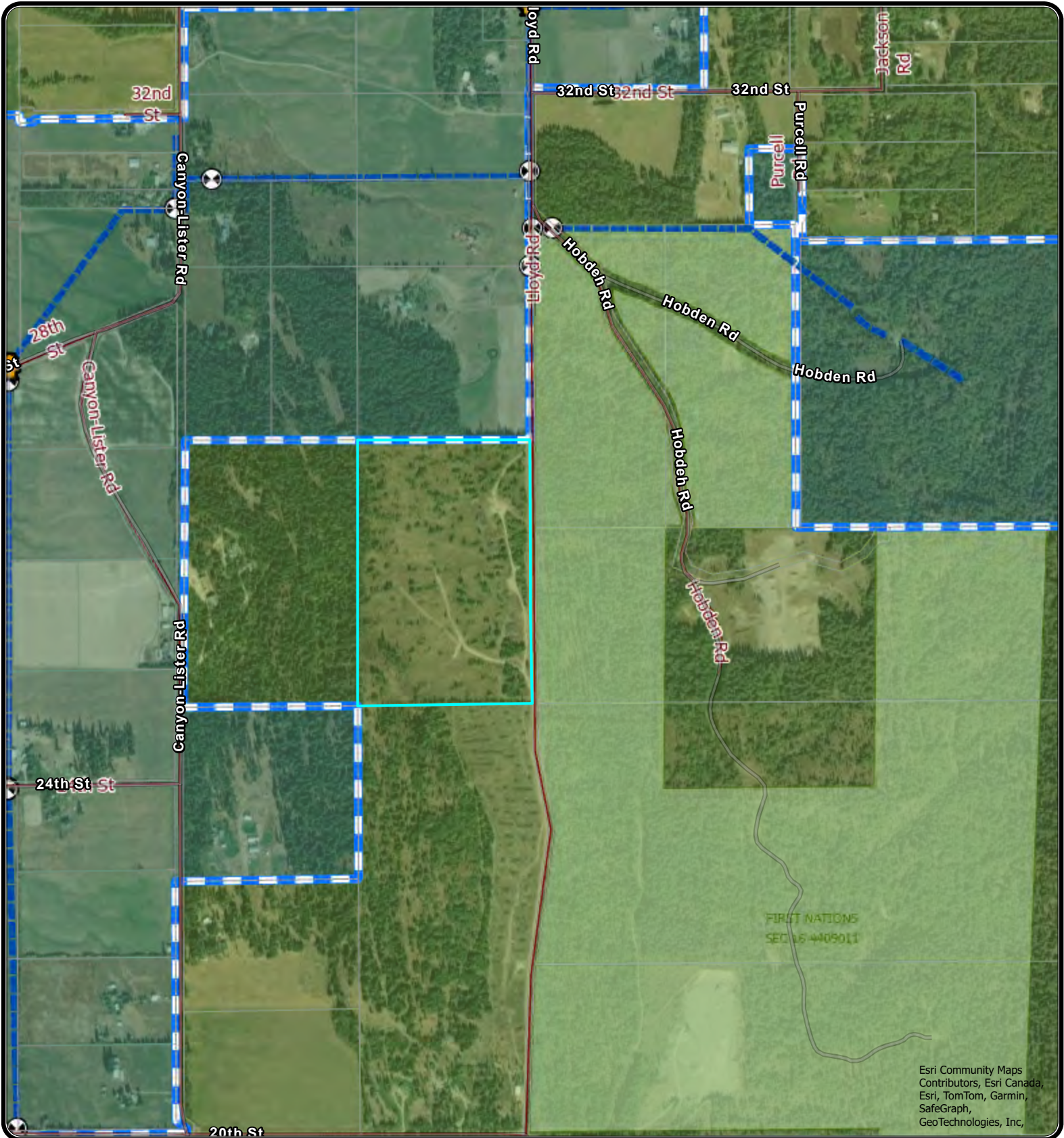
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## Legend

### Fire Service Areas

- LISTER-CANYON
- Parks and Rec
- Valves

### Water Systems

- RDCK OWNED

- Main Line

### Hydrants

- Stand Pipe
- Electoral Areas
- RDCK Streets
- Cadastre

### Map Scale:

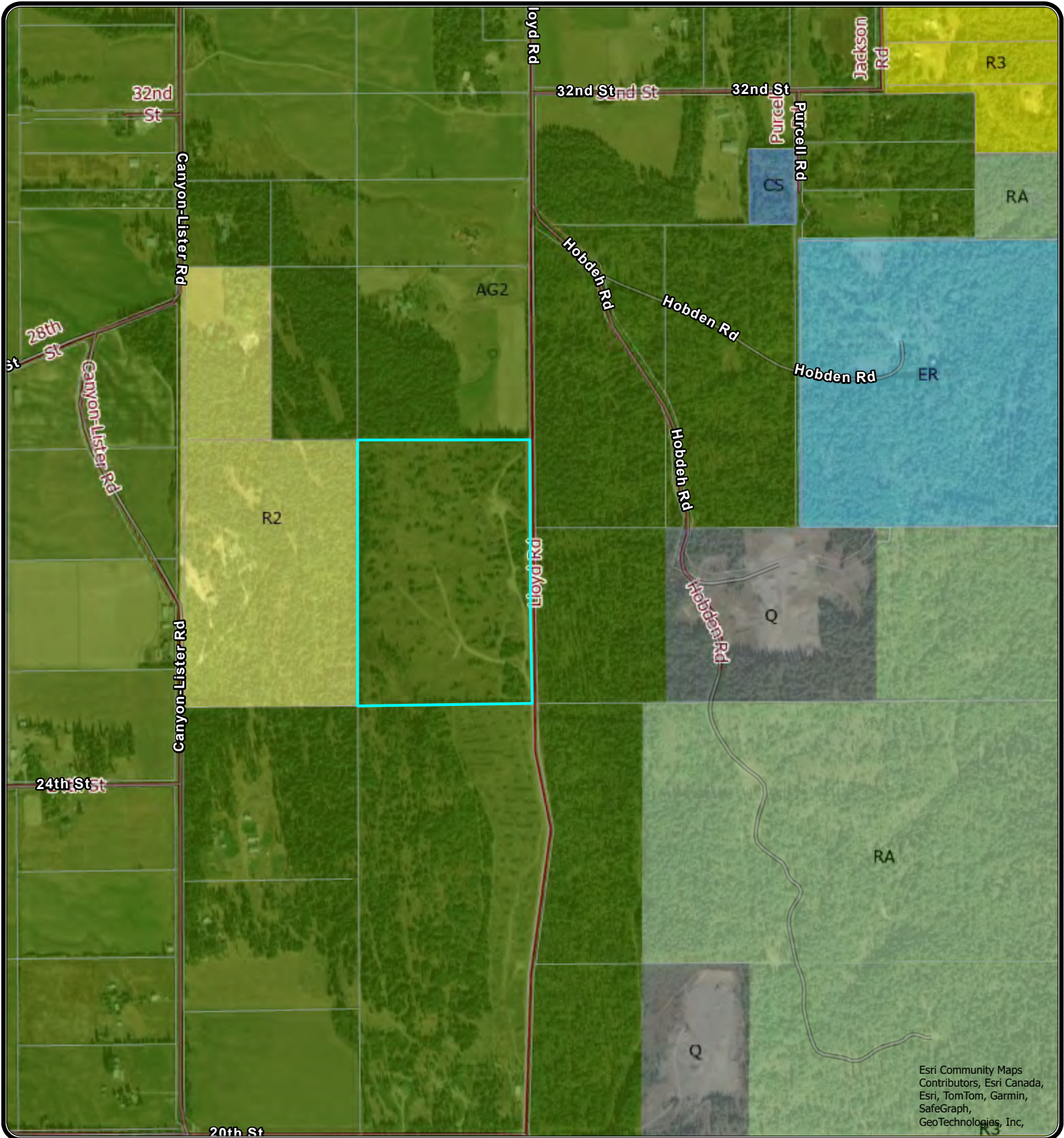
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Date: April 3, 2024



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maps@rdck.bc.ca

## Legend

### Zoning Class

- Agriculture
- Community Services
- Environmental Reserve
- Quarry
- Residential 2
- Residential 3
- Resource Area
- Electoral Areas
- RDCK Streets
- Cadastre

### Map Scale:

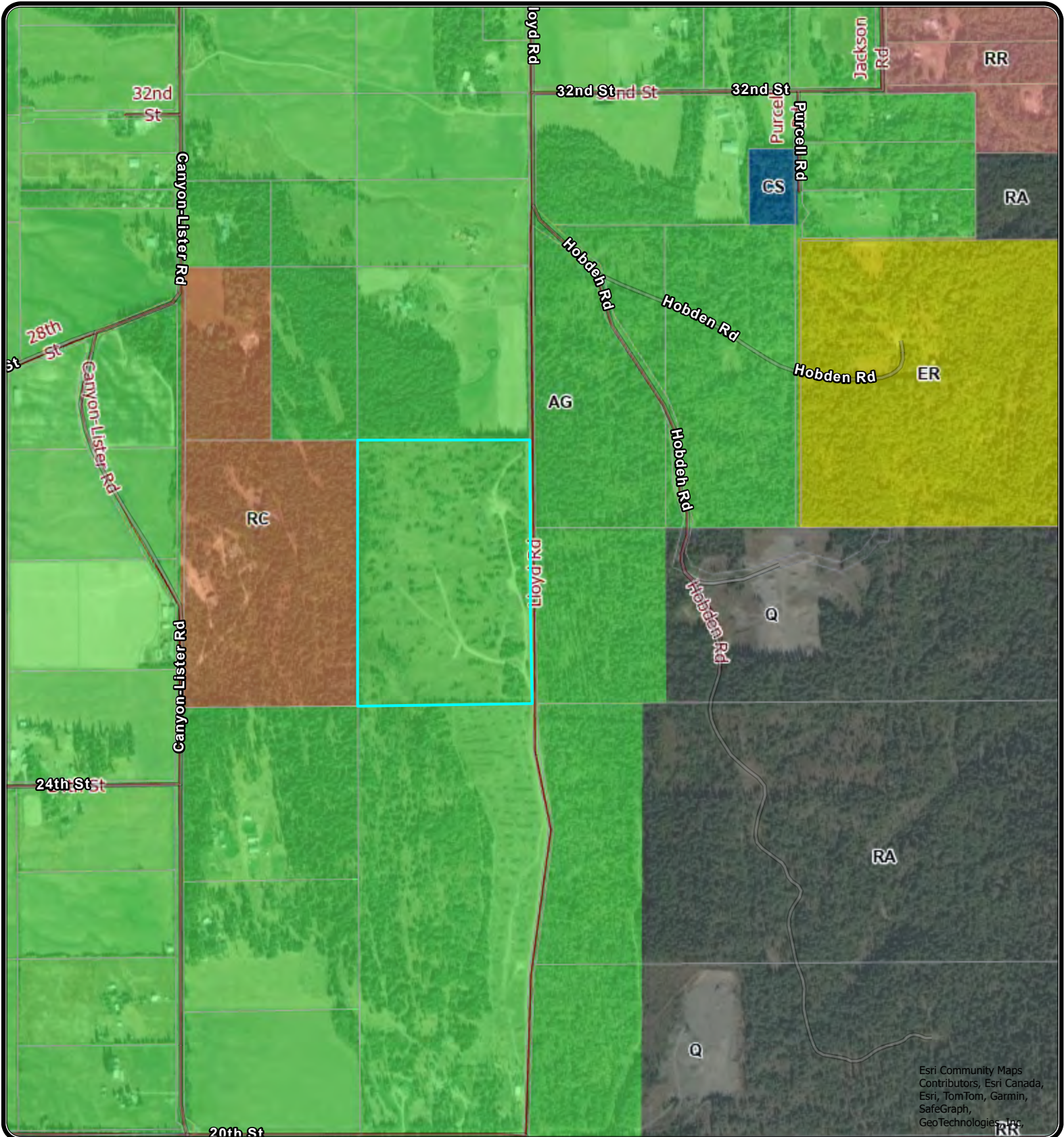
1:18,056

Date: April 3, 2024



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maps@rdck.bc.ca

## Official Community Plan

- Agriculture
- Community Services
- Country Residential

### Legend

- Environmental Reserve
- Resource Area
- Rural Residential
- Electoral Areas
- RDCK Streets
- Cadastre

### Map Scale:

1:18,056

Date: April 3, 2024



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## Provincial Agricultural Land Commission - Applicant Submission

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

### 1. Parcel(s) Under Application

#### Parcel #1

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

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

## 2. Other Owned Parcels

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

## 3. Primary Contact

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

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

## 4. Government

**Local or First Nation Government:** Central Kootenay Regional District

## 5. Land Use

### Land Use of Parcel(s) under Application

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

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

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

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

## Choose and describe neighbouring land uses

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

## 6. Proposal

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

**What is the purpose of the proposal?**

We are applying for the non farm use permit we want to excavate rock from the Southeast portion of the property which is outside the ALC on the same property and move it onto the ALC portion of the property to process the rock and use it for the development of Lloyd Rd and further development of the property. The portion of the rock once excavated down will be the future location of our shop. 252,149.98m<sup>3</sup> of rock in total will be placed on the area but not at one time. Once the excavation is complete and the processed rock has been removed from the area the storage area will be recovered with the saved topsoil.

**Could this proposal be accommodated on lands outside of the ALR?**

Where we are digging down the rock face it does not allow us enough room to process the rock in the area we will be extracting the rock from.

**Does the proposal support agriculture in the short or long term?**

Yes it will as the area we will be using for processing and storage will be put back to its natural state after the project is complete.

**Proposal Map / Site Plan**

map 3.pdf



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

## Soil and Fill Components

**Describe the type and amount of fill proposed to be placed.** A total of 252149.98 m<sup>3</sup> of rock will be placed in our projected processing area but not at one time.

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

**Placement of Fill Project Duration** 6 years

### Fill to be Placed

<b>Volume</b>	252149.98 m <sup>3</sup>
<b>Area</b>	252149.98 ha
<b>Maximum Depth</b>	0.3 m
<b>Average Depth</b>	0.03 m

## 7. Optional Documents

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

# Work map

Legend

Topsoil salvage excavation area

Crusher Area / Rock storage 2.32 Acres

Excavation Area 1.4ha

Topsoil Salvage crusher area

Lloyd Rd

Google Earth

Image © 2024 Maxar Technologies



100 m

**TOPOGRAPHIC SURVEY**  
**OF**  
**LOT 10 DISTRICT LOT 812**  
**KOOTENAY DISTRICT PLAN 1494**  
**PLAN 1494**



The intended plot size of this plan is 560 mm in width by 432 mm in height (C size) when plotted at a scale of 1:2 000.

**NOTES:**

Distances are in metres and decimals thereof  
 Distances shown are horizontal and at ground level.  
 Drawing and associated coordinates are Grid (UTM NAD 83, Zone 11 CM 117°W)  
 Combined Scale factor is 0.999519.  
 Elevations are based on geodetic datum (CGVD28 HT2\_0) derived from GNSS  
 Observations to British Columbia Active Control Point 382358, Elevation = 459.287  
 Contours derived from (Feb 14, 2024) UAV data.  
 Parcel boundary dimensions are derived from Kootenay District Plan NEP1494.

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**LEGEND:**

**ABBREVIATIONS AND SYMBOLS THAT MAY APPEAR ON THIS PLAN.**

- Major Contour shown thus..... — 801.00
- Minor Contour shown thus..... — 800.00
- Building Envelope Area shown thus.....
- Lot Setback Area shown thus.....
- Road shown thus.....
- Agricultural Land Commission shown thus.....
- Standard Iron Post shown thus..... ●
- Major Contour spacing is 5.0m
- Minor Contour spacing is 1.0m

**LAND SURVEYOR**

**Adam Brash, B.C.L.S.**

Date of Survey: February 15th, 2024  
 Certified Correct this 28th day of February, 2024

Civic Address: 2445 Lloyd Road, Creston, BC  
 PID: 015-750-698  
 Title No: CB84795  
 Title Search: February 12th 2024

Lot 10 is subject to the following non financial charges and interests which may affect the positioning of structures on the property:

Undersurface Rights: F8583

\*\*\* This plan represents the best information available at the time of survey. GLOBAL RAYMAC SURVEYS INC. and its employees take no responsibility for the location of any underground conduits, pipes or other facilities whether shown on or omitted from this plan. All underground installations should be located by the respective authorities prior to construction. \*\*\*

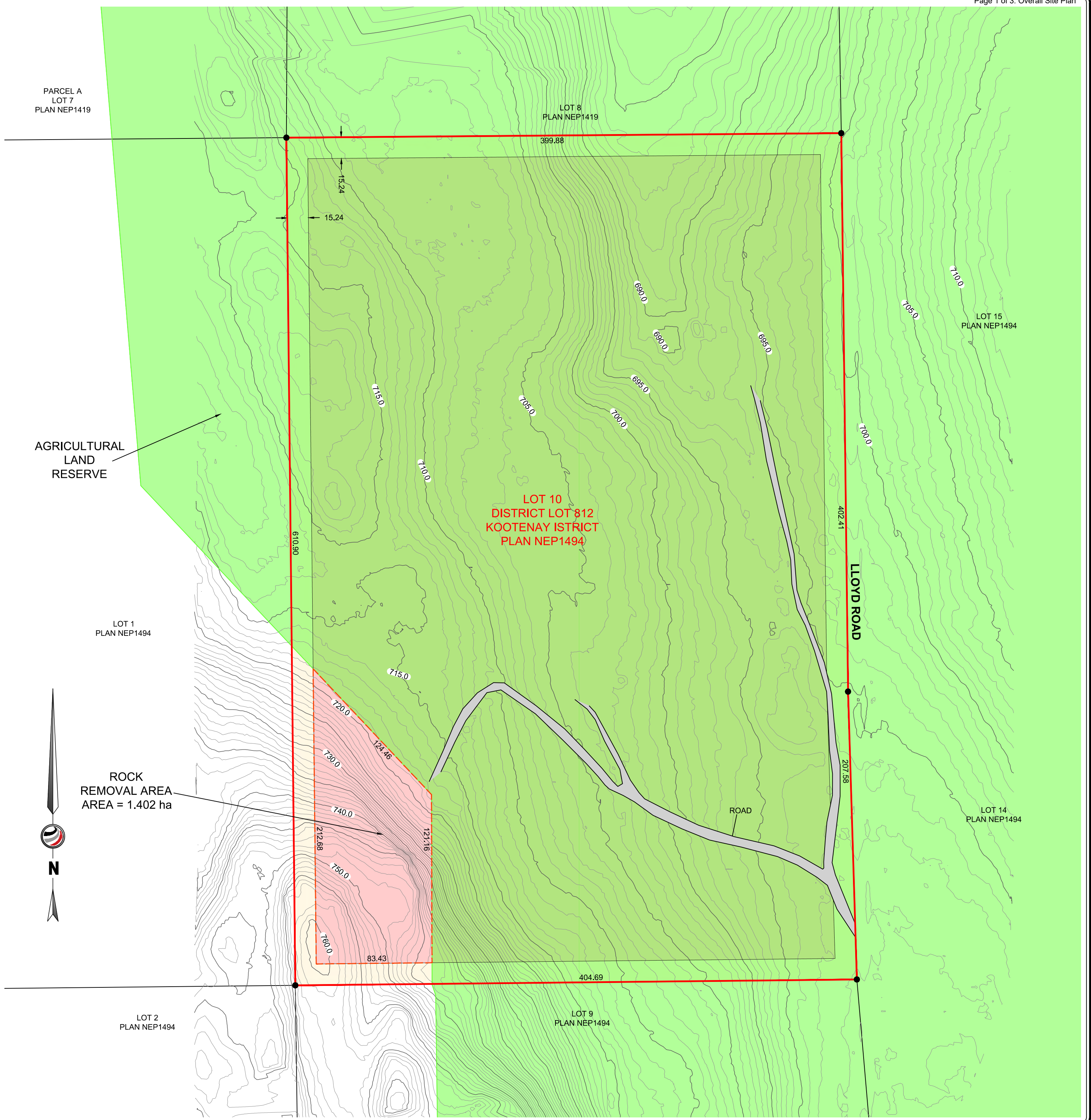
CALL BC ONE CALL: 1-800-474-6886 bc1c.ca

**REVISIONS**

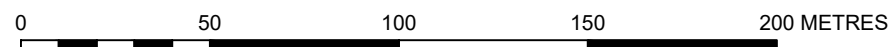
REV.	DESCRIPTION	DATE
0	ORIGINAL PLAN ISSUED	28 Feb 2024



Client: Jonathon & Julia Blackmore Client File No. : XXXXXXXX  
 Date: February 28th, 2024  
 Job No. : 24IC0020 GRS File No. : 24IC0020.dwg  
 Surveyed : DH Checked: AB/DRS Drawn: VK



**TOPOGRAPHIC SURVEY**  
**OF**  
**LOT 10 DISTRICT LOT 812**  
**KOOTENAY DISTRICT PLAN 1494**  
**PLAN 1494**



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- Major Contour spacing is 5.0m
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CALL BC ONE CALL: 1-800-474-6886 bc1c.ca

**REVISIONS**

REV.	DESCRIPTION	DATE
0	ORIGINAL PLAN ISSUED	28 Feb 2024

**global raymac**  
 GLOBAL RAYMAC LAND SURVEYING  
 & ENGINEERING LTD  
 1022B 7th Avenue, Invermere, BC V0A 1K0  
 Ph: 250.409.5157 www.globalraymac.ca

Client: Jonathon & Julia Blackmore	Client File No. : XXXXXXXX
Date: February 28th, 2024	
Job No. : 24IC0020	GRS File No. : 24IC0020.dwg
Surveyed : DH	Checked: AB/DRS
	Drawn: VK

PARCEL A  
 LOT 7  
 PLAN NEP1419

LOT 1  
 PLAN NEP1494

ROCK  
 REMOVAL AREA  
 AREA = 1.402 ha

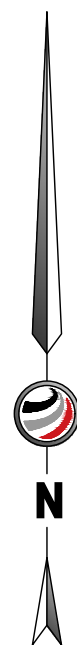
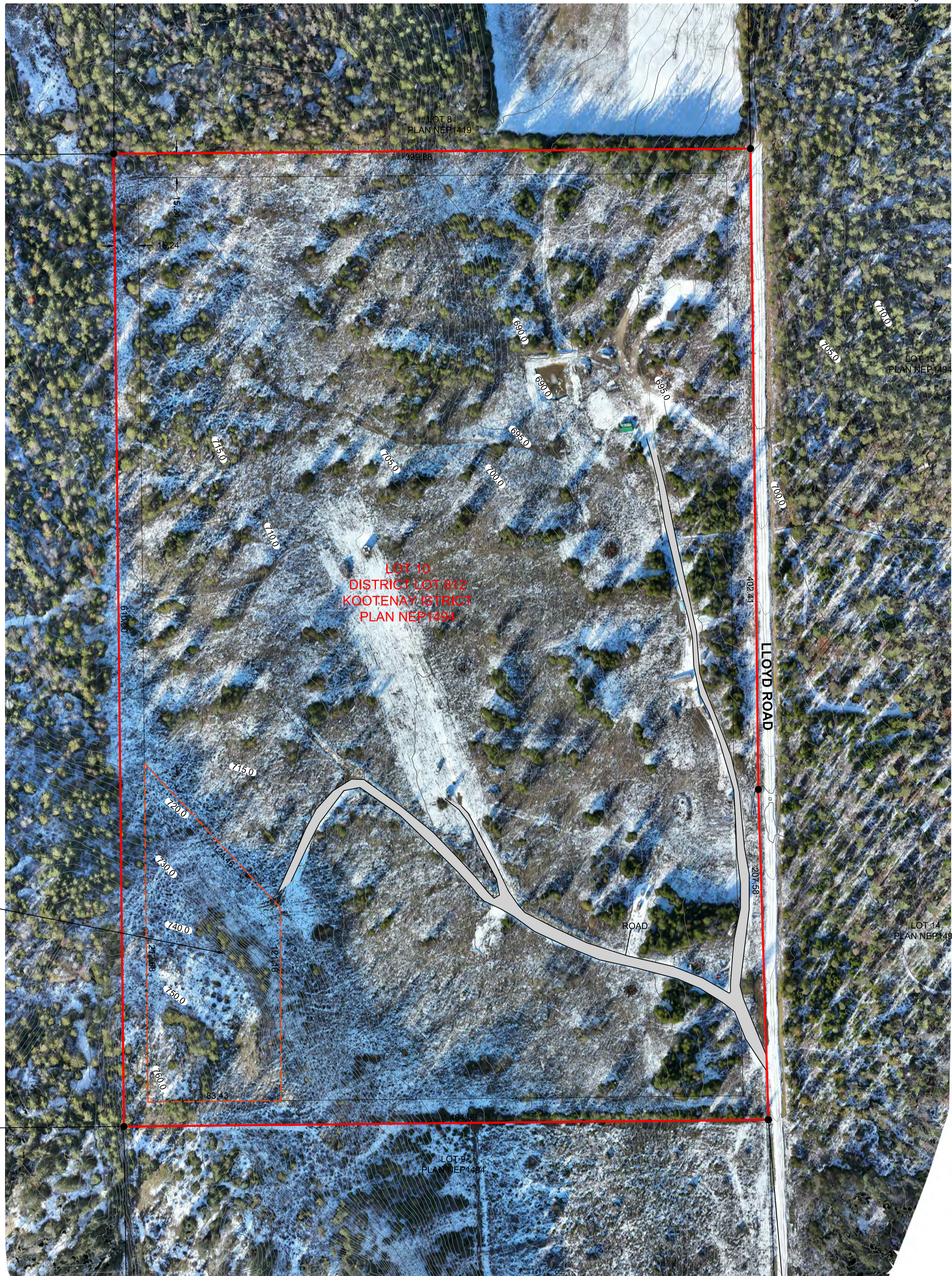
LOT 2  
 PLAN NEP1494

LOT 8  
 PLAN NEP1419

LOT 15  
 PLAN NEP1494

LOT 14  
 PLAN NEP1494

LOT 9  
 PLAN NEP1494



**TOPOGRAPHIC SURVEY**  
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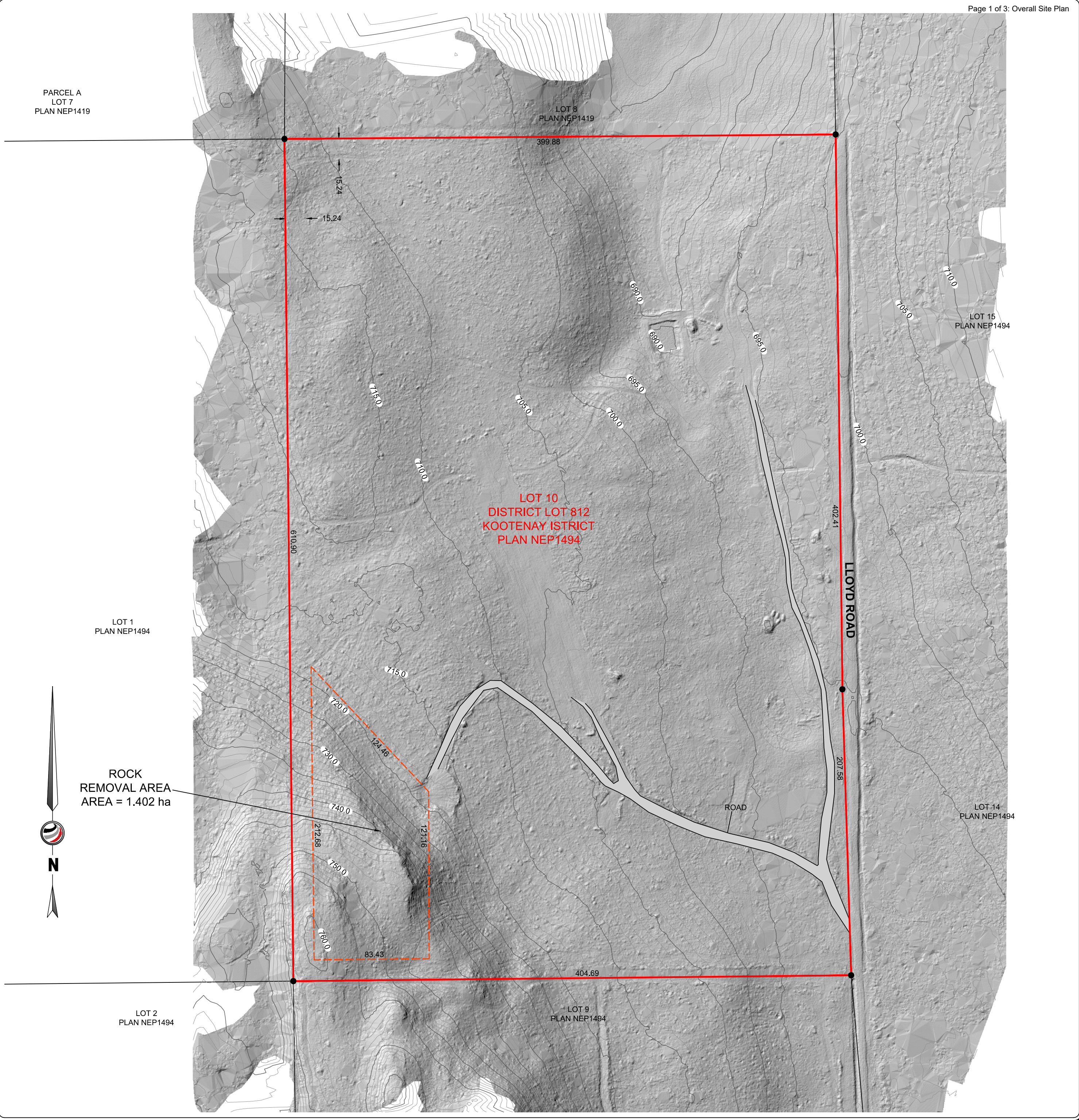
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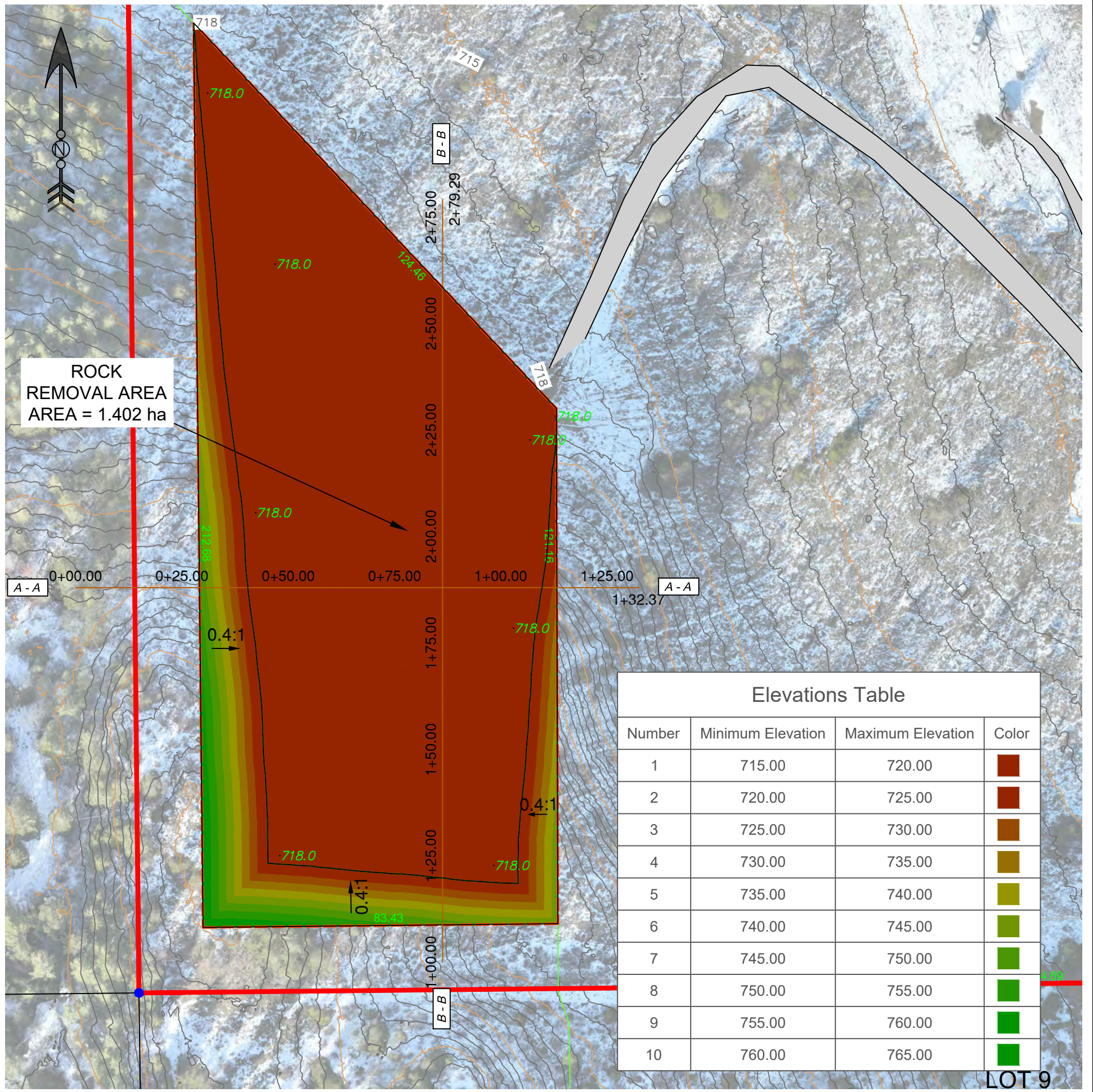
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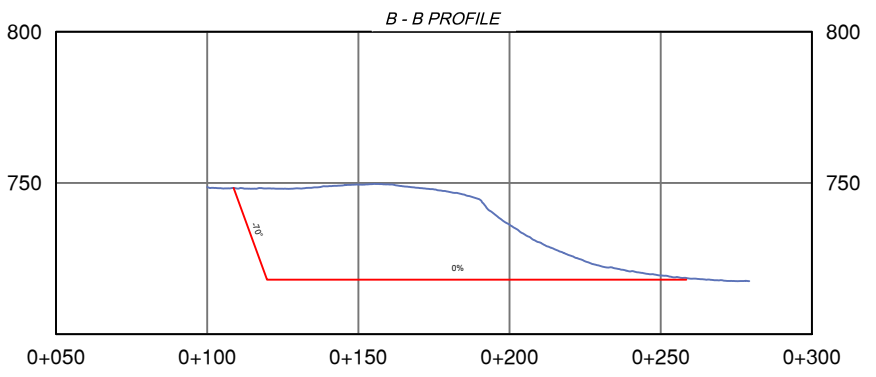
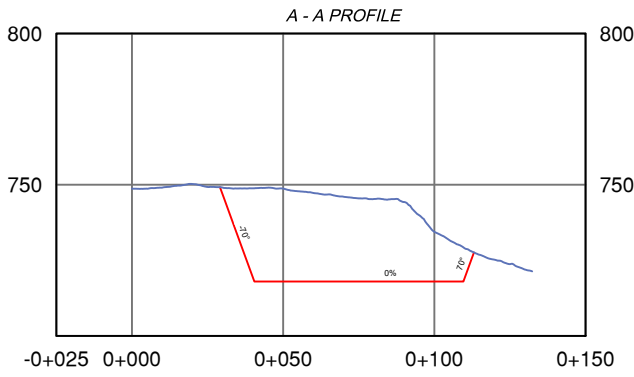
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 Job No.: 24IC0020 GRS File No.: 24IC0020.dwg  
 Surveyed: DH Checked: AB/DRS Drawn: VK





LOT 9



**NOTES:**

- Excavation volume = 252,149.98 m<sup>3</sup>



Ph: 403.283.5455 www.globalraymac.ca

Rev.	Date	Description
	Mar 5, 2024	ISSUED

Job No. 24IC0020

Drawn by: JK

PLAN & PROFILES SHOWING  
**VOLUME REPORT**  
 FOR  
 LOT 10 DISTRICT LOT 812

8.2 DISCUSSION ITEM: SUB-REGIONAL APPROACH TO HOUSING

Director Vandenberg requested a discussion with the Committee around Sub-regional approach to housing.

The Town of Creston is working on plans for future sustainable projects and concerns with the Agriculture Land Reserve (ALR) complicates the efforts. There was discussion to approach UBCM to relax some of the ALR requirements so that more opportunities can be available for more development. Bill 44 amendment to our OCP, why are we restricting to two units to a lot which forces people to subdivide, if when the land can support water, sewage and multiple buildings let them be.

Suggestion to look closely if there are other uses of the land rather than agriculture. Look at percentage of existing farm doesn't make sense to include in ALR.

Suggestion to examine ALR maps to verify if land use is correctly categorized. Residential Farm Footprint is working against the housing shortage because the less farmable lands at the back of a lot you can't have a road to access. Let the housing and development be based on what the land will support. The zoning of R2, R3, R4 makes little sense, are we becoming overly restrictive. Examine ways to increase housing without encroaching on agricultural land.