



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE
Open Meeting Agenda

Date: Wednesday, October 18, 2023
Time: 9:00 am
Location: Hybrid Model - In-person and Remote

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

Pages

1. WEBEX REMOTE MEETING INFO

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

Meeting Time:

9:00 a.m. PST

Join by Video:

<https://nelsonho.webex.com/nelsonho/j.php?MTID=mef1f4eac7990f902998ba18261df6270>

Join by Phone:

1-844-426-4405

Meeting Number (access code): 2770 744 5399

Meeting Password: HPywJMjJ285

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

2. CALL TO ORDER

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

3. TRADITIONAL LANDS ACKNOWLEDGEMENT STATEMENT

We acknowledge and respect the indigenous peoples within whose traditional

lands we are meeting today.

4. ADOPTION OF THE AGENDA

RECOMMENDATION:

The agenda for the October 18, 2023 Rural Affairs Committee meeting be adopted as circulated.

5. DELEGATIONS

No delegations.

6. PLANNING & BUILDING

6.1 CANCEL - BUILDING BYLAW CONTRAVENTION - PIUZE

7

File No.: 3130-20-E-707.02052.200 BP25426, BP25427 and BP25428
2206 South Sheppard Road
(Matt Piuze)
Electoral Area E

The Committee Report dated September 16, 2023 from Chris Gainham, Building Manager, re: Cancel - Building Bylaw Contravention - Piuze, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer be authorized to remove the Notice on Title relating to 2206 South Sheppard Road, Electoral Area E, currently owned by Matt Piuze, property legally described as LOT 1, DISTRICT LOT 304, KOOTENAY DISTRICT, PLAN 12530, the RDCK Building Department has confirmed that a building permit has been obtained and the deficiencies associated with the construction have been rectified.

6.2 BUILDING BYLAW CONTRAVENTION - NATURE'S GALLERY LIMITED

8 - 13

File No.: 3135-20-G-707.05662.200-BP21819
3838 Highway 3B – Manufactured Home
(Nature's Gallery Limited, Inc.# 0814650)
Electoral Area G

The Committee Report dated March 31, 2023 from, re: Building Bylaw Contravention – Nature's Gallery Limited, has been received.

Rural Affairs Committee

Referred July 19, 2023 to August 16, 2023

Referred August 16, 2023 to October 18, 2023

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be

directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 3838 Highway 3B, Electoral Area G, and legally described as LOT 2, PLAN NEP13779, DISTRICT LOT 1237, KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 98880., and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

- 6.3 BUILDING BYLAW CONTRAVENTION - NATURE'S GALLERY LIMITED**
File No.: 3135-20-G-707.05662.200-BP21819
3838 Highway 3B - Two Accessory Buildings
(Nature's Gallery Limited, Inc. #0814650)
Electoral Area G

14 - 19

The Committee Report dated March 31, 2023, re: Building Bylaw Contravention - Nature's Gallery Limited, has been received.

Rural Affairs Committee

Referred July 19, 2023 to August 16, 2023

Referred August 16, 2023 to October 18, 2023

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 3838 Highway 3B, Electoral Area G, and legally described as LOT 2, PLAN NEP13779, DISTRICT LOT 1237, KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 98880., and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

- 6.4 BUILDING BYLAW CONTRAVENTION - DOMBROWSKI**
File No.: 3135-20-I-709.08960.000-22475and25333
1696 Pass Creek Road
(Joachim & Joy Dombrowski)
Electoral Area I

20 - 27

The Committee Report dated June 8, 2023, re: Building Bylaw Contravention - Dombrowski, has been received.

Rural Affairs Committee

Referred August 16, 2023 to October 18, 2023

RECOMMENDATION:

That it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 1696 Pass Creek Road, Electoral Area I, and legally described as LOT E, PLAN NEP2116, DISTRICT LOT 7455, KOOTENAY LAND DISTRICT FOR MHR #4937 SEE 709-08960.001, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

- 6.5 BYLAW AMENDMENT AND DEVELOPMENT VARIANCE PERMIT - HALLAM & PEJSKI**
File No.: Z2210J & V2210J
5383 Allendale Crescent
(Christopher Hallam & Tara Pejski)
Electoral Area J

28 - 61

The Committee Report dated September 27, 2023 from Zachari Giacomazzo, Planner, re: Bylaw Amendment And Development Variance Permit - Hallam & Pejski, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2872, 2022* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

RECOMMENDATION:

That it be recommended to the Board:

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

- 6.6 UNSIGHTLY PROPERTY BYLAW NO. 1687, 2004 – REMEDIAL ACTION REQUIREMENT - SHEREMETO**
File No.: 3310-20-23-K-710.02983.000
221 Maple Street
(Joseph Sheremeto)
Electoral Area K

62 - 68

The Committee Report dated October 1, 2023 from Charmaine Daoust, Bylaw Department, re: Unsightly Property Bylaw No. 1687, 2004 –

Remedial Action Requirement - Sheremeto, has been received.

RECOMMENDATION:

That it be recommended to the Board:

The Regional Board order Joseph D. Sheremeto to meet compliance with the *Unsanitary Property Bylaw No. 1687, 2004* within thirty (30) days, as per the *Community Charter*. If the work is not completed within the thirty (30) day timeline, the Board authorize Bylaw Enforcement Officers and their Agents to enter onto the property located at 221 Maple Street, Electoral Area K and legally described as LOT 23, PLAN NEP6172, DISTRICT LOT 9156, KOOTENAY LAND DISTRICT, PID 014-220-989 with a contractor to remove all offending matter such as rubbish, garbage, bottles, building materials, broken glass or other discarded materials or unwholesome materials or ashes, not properly stored or piled in a neat and organized manner, as well as all or part of any machinery such as a tractor, backhoe or similar construction equipment, or equipment which is not capable of performing the task it was originally intended to perform, all wrecked vehicles; and demolish any structure deemed unsafe with all cost incurred by the RDCK being billed to the owner of the property, identified as Mr. Joseph D. Sheremeto; AND FURTHER, the interim costs be paid from Rural Administration Service S101.

RECOMMENDATION:

That it be recommended to the Board:

All cost incurred be added to the property tax as “taxes in arrears” should the property owner identified as Joseph D. Sheremeto not pay the bill by December 31st of the year the cleanup occurs at the property located at 221 Maple Street, Electoral Area K and legally described LOT 23, PLAN NEP6172, DISTRICT LOT 9156, KOOTENAY LAND DISTRICT, PID 014-220-989.

7. ENVIRONMENTAL SERVICES

No items.

8. RURAL ADMINISTRATION

**8.1 COMMUNITY WORKS FUND APPLICATION – OOTISCHENIA FIRE HALL
File No.:1850-20-CW-293
Electoral Area J**

69 - 79

The Committee Report dated October 12, 2023 from Micah Nakonechny, Grants Coordinator, re: Community Works Fund Application – Regional District Of Central Kootenay “Ootischenia Fire Hall”, has been received.

RECOMMENDATION:

That it be recommended to the Board:

THAT the Community Works Fund application submitted by the Regional District of Central Kootenay for the project titled “Ootischenia Fire Hall

Bay Addition” in the amount of \$413,377.82 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area J.

8.2 DIRECTOR DAVIDOFF: POLICY GUIDELINES FOR HOME-BASED BUSINESSES EXPANDING INTO COMMERCIAL ENTERPRISES REQUIRING REZONING

Director Davidoff requested a discussion regarding situations where home-based businesses expand into commercial enterprises and require rezoning.

9. PUBLIC TIME

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

10. IN CAMERA

10.1 MEETING CLOSED TO THE PUBLIC

RECOMMENDATION:

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

AND FURTHER, in accordance with Section 90 of the *Community Charter*, the meeting is to be closed on the basis(es) identified in the following Subsections:

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

- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

10.2 RECESS OF OPEN MEETING

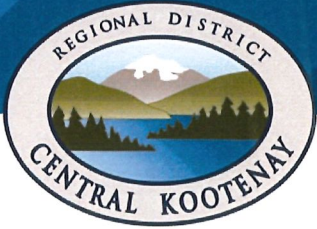
RECOMMENDATION:

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

11. ADJOURNMENT

RECOMMENDATION:

The meeting be adjourned at _____



MEMORANDUM

File 3130-20-E-707.02052.200 BP25426, BP25427 and BP25428

September 16, 2023

TO: RDCK Board

FROM: Chris Gainham, Building Manager

SUBJECT: Cancellation of Notice on Title – Piuze-2206 South Sheppard Rd

Please be advised that the condition that gave rise to adopting the following resolution on Oct 19, 2017 has been rectified by Building Permit 25426, 25427 and 25428. We can now file for a Cancellation Notice to cancel bylaw offence CA6390734.

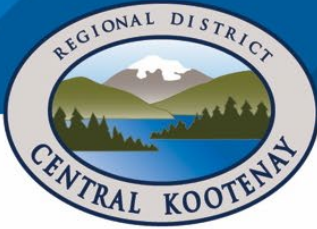
632/17 That the Secretary of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the Community Charter by the Regional District Board relating to land at 2206 South Sheppard Road, Electoral Area E, legally described as Lot 2, District Lot 304, Kootenay District, Plan 12530, and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

The owner, Matt Piuze, has requested removal of the Notice on Title in writing and has paid the administration fee of \$750.00

As a result of the above, I am recommending cancellation of the said Notice on Title.

Originally signed by

Chris Gainham
Building Manager



Committee Report

Notice on Title

Date of Report: Mar 31, 2023
Date & Type of Meeting: July 19, 2023 , Rural Affairs Committee
Author: Dan Siminoff_Bulding/Plumbing Official
Subject: NOTICE ON TITLE REPORT
File: 3135-20-G-707.05662.200-BP21819
Electoral Area: G
Registered Owners: Nature's Gallery Limited, Inc.# 0814650
Civic Address: 3838 Highway 3B – Manufactured Home
Legal Description: Lot 2 Plan Nep13779 District Lot 1237 Kootenay Land District
Manufactured Home Reg. # 98880.
Zoning: Unzoned
ALR: No

SECTION 1: EXECUTIVE SUMMARY

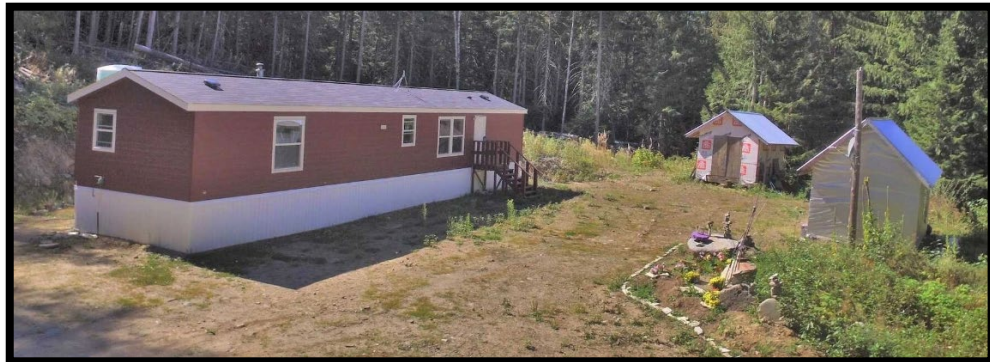
The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property as a consequence of a building bylaw contravention-**Expired permit.**

NOTE: The RDCK has initiated two NoT reports simultaneously for this one property.

SECTION 2: BACKGROUND/ANALYSIS

Sep 12, 2014 Building Permit BP21819 was issued.
Jan 28, 2016 No inspection letter sent.
Aug 29, 2017 Pending expiry letter sent.
Sep 12, 2017 Owner called, requesting an extension on his BPs; he advised he is a retired veteran with health issues and is currently unable to cope with the process. Building Department (BD) advised an inspection would be necessary to renew the permit and that the department could help him to go through the process. Owner said he would call back before the end of the month.
Oct 02, 2017 Final expiry letter sent.
Oct 05, 2017 Owner called to let us know that the MH is not being lived in. BD suggested that the permit be cancelled under such time they are ready to hook up the utilities and move in and we would consider the MH as storage.
Oct 17, 2017 Owner called about expired permits and his health issues; BD told him we'd connect in a few months.
Feb 05, 2020 BD manager (BM) emailed the Owner, hoping to arrange an inspection. BM presumes that no compliance will ultimately be achieved and refers to Notice on Title (NoT).

Feb 12, 2020 Building Official (BO) conducted a site visit to talk to the Owner after no response by phone or email; the Owner was uncooperative during the visit. BO gave his card to respond about an inspection time.



Mar 04, 2020 BO met with Owner at Salmo Village office to discuss the Permit situation, and wants to follow up in two weeks. BO to follow up Mar 18 set in calendar.

Jan 25, 2022 BO observed that the house was for sale; Contacted the Owner to inform them of their responsibility to disclose to potential purchasers that these buildings have yet to be approved for any occupancy or use pending completion of a building permit and may be recommended for placement of a NoT to this effect.

Mar 31, 2023 No Further contact from the Owner. No inspection to date. Property Title remains in name of Nature Gallery Limited, Inc. #0814650.

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

In keeping with past practice, and further to Building Bylaw Section 22, the following estimate of penalties and costs are provided:

Notice on Title Removal Fee	\$750.00
RDCK Building Permit Fee based upon total value of construction in the case of a Stop Work Order (estimated)	\$1500.00
Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit fee) minimum	\$200.00

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

1. Section 57 Community Charter;
2. BC Building Code;
3. RDCK Policy # 400-01-03 Action for Compliance – Notice on Title Procedures;
4. Building Bylaw Contravention – This contravenes RDCK Building Bylaw 2200, Section 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system or other work related to construction unless a building official has issued a valid and subsisting permit for the work.

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

N/A

3.6 Communication Considerations:

N/A

3.7 Staffing/Departmental Workplace Considerations:

N/A

3.8 Board Strategic Plan/Priorities Considerations:

N/A

SECTION 4: OPTIONS & PROS / CONS

1. Do not accept recommendation as presented – the property will remain in contravention of the BC Building Code and RDCK Building Bylaw.
2. Accept recommendation as presented – file Notice on Title.

SECTION 5: RECOMMENDATIONS

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 3838 Highway 3b Electoral Area G, legally described as Lot 2 Plan Nep13779 District Lot 1237 Kootenay Land District Manufactured Home Reg. # 98880., and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

Respectfully submitted,

Dan Siminoff_Building/Plumbing Official

Digitally approved by John Southam for BO

CONCURRENCE

Chris Gainham/Building Manager

Digitally approved by Chris Gainham

Sangita Sudan/General Manager of Development and Community Sustainability Services

Digitally approved by Sangita Sudan

Stuart J. Horn/Chief Administrative Officer

Digitally approved by Stuart J. Horn



BY REGISTERED MAIL

File: 3135-20-3135-20-G-707.05662.200-BP21819

REGISTERED OWNERS:

Nature's Gallery Limited, Inc. # 0814650
3838 Highway 3b
Ross Spur BC, V0G 1L1

SUBJECT: Notice on Title

CIVIC ADDRESS: 3838 Highway 3b

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting, the **Jul 19, 2023** RAC Committee. To promote openness, transparency and provide accessibility to the public we provide the ability to attend all RDCK meetings in-person or remote.

Date: Jul 19, 2023

Time: 9:00 a.m. PST

Hybrid Meeting: **In-Person Location** - RDCK Board Room, 202 Lakeside Drive, Nelson, BC
Remote Attendance - Please visit rdck.ca for meeting call-in information

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

Please advise in advance whether you and/or a representative, who may be legal council, will be present at the Rural Affairs Committee meeting by contacting the Administration Department at (250) 352-1575 or by email chopkyns@rdck.bc.ca **no less than 3 business days prior to the meeting.**

Should you have no objection to the filing of the subject Notice, please sign and return the attached statement in the stamped, self-addressed envelope. All owners named on the statement must sign this statement. This will allow the Corporate Officer to proceed with filing of the Notice against your property in the Land Title Office. A copy of the Notice will be forwarded for your records.

A copy of the building official's report relative to your property is attached for your reference, as well as a copy of Section 57 of the *Community Charter*.

In order to avoid a Notice on Title, you must contact the building department to resolve concerns noted in the building official's report **no later than 3 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the writer at either 1-800-268-7325 or (250) 352-8156.

Yours truly,

Notice on Title 00734– Nature's Gallery Limited, Inc.# 0814650
3838 Highway 3b

Building Official

Enclosures

CC: Electoral Director Area G



REGIONAL DISTRICT OF CENTRAL KOOTENAY

FILING OF SECTION 57 NOTICE

Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

I, Nature's Gallery Limited, Inc.# 0814650 hereby confirm that we have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the *Community Charter* against our/my property legally described as Lot 2 Plan Nep13779 District Lot 1237 Kootenay Land District Manufactured Home Reg. # 98880.

DATE

Nature's Gallery Limited, Inc.# 0814650

DATE

Nature's Gallery Limited, Inc.# 0814650



Committee Report

Notice on Title

Date of Report: Mar 31, 2023
Date & Type of Meeting: Jul 19, 2023 , Rural Affairs Committee
Author: Dan Siminoff_Bulding/Plumbing Official
Subject: NOTICE ON TITLE REPORT
File: 3135-20-G-707.05662.200-BP21819
Electoral Area: G
Registered Owners: Nature's Gallery Limited, Inc. #0814650
Civic Address: 3838 Highway 3B
Legal Description: Lot 2 Plan Nep13779 District Lot 1237 Kootenay Land District
Manufactured Home Reg. # 98880.
Zoning: Unzoned
ALR: No

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property as a consequence of a building bylaw contravention-**Expired permit.**

NOTE: The RDCK has initiated two NoT reports simultaneously for this one property

SECTION 2: BACKGROUND/ANALYSIS

Oct 01, 2014	Building Permit BP21820 was issued.
Jan 28, 2016	No inspection letter sent.
Oct 24, 2016	No inspection letter sent.
Aug 29, 2017	Pending expiry letter sent
Sep 12, 2017	Owner called, requesting an extension on his BPs; he advised he is a retired veteran with health issues and is unable to cope with the process. Building Department (BD) advised an inspection would be necessary to renew the permit and that the department could help him to go through the process. Owner said he would call back before the end of the month.
Oct 17, 2017	Owner called about expired permits and health issues; BD told him we'd connect in a few months.
Oct 31, 2017	Final expiry letter sent.
Jun 26, 2019	Building Official (BO) called to follow up; contact said he would call back because he is too busy to answer the phone.
Nov 02, 2020	BO made a follow-up call; still awaiting an answer.



Jan 25, 2022 BO observed that the property was for sale; BO contacted the Owner to inform them of their responsibility to disclose to potential purchasers that these buildings have yet to be approved for any occupancy or use pending completion of a building permit. BO may be recommend placement of a Notice On Title to this effect.

Mar 31, 2023 No Further contact from the Owner. No inspection to date. Property Title remains in name of Nature Gallery Limited, Inc. #0814650.

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

In keeping with past practice, and further to Building Bylaw Section 22, the following estimate of penalties and costs are provided:

Notice on Title Removal Fee	\$750.00
RDCK Building Permit Fee based upon total value of construction in the case of a Stop Work Order (estimated)	\$1500.00
Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit fee) minimum	\$200.00

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

1. Section 57 Community Charter;
2. BC Building Code;
3. RDCK Policy No. 400-01-03 Action for Compliance – Notice on Title Procedures;
4. Building Bylaw Contravention – This contravenes RDCK Building Bylaw 2200, Section 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system or other work related to construction unless a building official has issued a valid and subsisting permit for the work.

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

N/A

3.6 Communication Considerations:

N/A

3.7 Staffing/Departmental Workplace Considerations:

N/A

3.8 Board Strategic Plan/Priorities Considerations:

N/A

SECTION 4: OPTIONS & PROS / CONS

1. Do not accept recommendation as presented – the property will remain in contravention of the BC Building Code and RDCK Building Bylaw.
2. Accept recommendation as presented – file Notice on Title.

SECTION 5: RECOMMENDATIONS

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 3838 Highway 3b Electoral Area G, legally described as Lot 2 Plan Nep13779 District Lot 1237 Kootenay Land District Manufactured Home Reg. # 98880., and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

Respectfully submitted,
Dan Siminoff_Building/Plumbing Official
Digitally approved by John Southam for BO

CONCURRENCE

Chris Gainham/Building Manager
Digitally approved by Chris Gainham
Sangita Sudan/General Manager of Development and Community Sustainability Services
Digitally approved by Sangita Sudan
Stuart J. Horn/Chief Administrative Officer
Digitally approved by Stuart J. Horn



BY REGISTERED MAIL

File: 3135-20-3135-20-G-707.05662.200-BP21819

REGISTERED OWNERS:

Nature's Gallery Limited, Inc. #0814650
3838 Highway 3B
Ross Spur BC, V0G 1L1

SUBJECT: Notice on Title

CIVIC ADDRESS: 3838 Highway 3b

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting, the **Jul 19, 2023** RAC Committee. To promote openness, transparency and provide accessibility to the public we provide the ability to attend all RDCK meetings in-person or remote.

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Time: 9:00 a.m. PST

Hybrid Meeting: **In-Person Location** - RDCK Board Room, 202 Lakeside Drive, Nelson, BC
Remote Attendance - Please visit rdck.ca for meeting call-in information

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

Please advise in advance whether you and/or a representative, who may be legal council, will be present at the Rural Affairs Committee meeting by contacting the Administration Department at (250) 352-1575 or by email chopkyns@rdck.bc.ca **no less than 3 business days prior to the meeting.**

Should you have no objection to the filing of the subject Notice, please sign and return the attached statement in the stamped, self-addressed envelope. All owners named on the statement must sign this statement. This will allow the Corporate Officer to proceed with filing of the Notice against your property in the Land Title Office. A copy of the Notice will be forwarded for your records.

A copy of the building official's report relative to your property is attached for your reference, as well as a copy of Section 57 of the *Community Charter*.

In order to avoid a Notice on Title, you must contact the building department to resolve concerns noted in the building official's report **no later than 3 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the writer at either 1-800-268-7325 or (250) 352-8156.

Yours truly,

Notice on Title 00735– Nature's Gallery Limited, Inc. # 0814650
3838 Highway 3B

Building Official

Enclosures

CC: Electoral Director Area G



REGIONAL DISTRICT OF CENTRAL KOOTENAY

FILING OF SECTION 57 NOTICE

Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

I, Nature's Gallery Limited, Inc.No. 0814650 hereby confirm that we have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the *Community Charter* against our/my property legally described as Lot 2 Plan Nep13779 District Lot 1237 Kootenay Land District Manufactured Home Reg. # 98880.

DATE

Nature's Gallery Limited, Inc. #0814650

DATE

Nature's Gallery Limited, Inc. #0814650



Committee Report

Notice on Title

Date of Report: Jun 08, 2023
Date & Type of Meeting: Aug 16, 2023, Rural Affairs Committee
Author: Tony Hadfield_Building/Plumbing Official
Subject: NOTICE ON TITLE REPORT
File: 3135-20-I-709.08960.000-22475and25333
Electoral Area: I
Registered Owners: Dombrowski, Joachim E And Dombrowski, Joy R
Civic Address: 1696 Pass Creek Rd
Legal Description: Lot E Plan Nep2116 District Lot 7455 Kootenay Land District For Mhr #4937 See 709-08960.001.
Zoning: 1675-R2I
ALR: Confirm

SECTION 1: EXECUTIVE SUMMARY

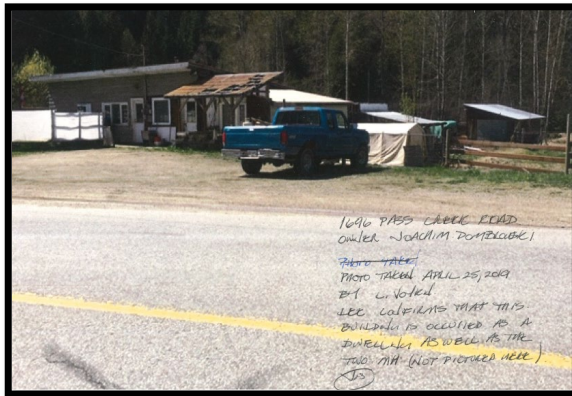
The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property as a consequence of a building bylaw contravention-**Expired permit.**

SECTION 2: BACKGROUND/ANALYSIS

- Aug 08, 15** Stop Work Order (SWO) posted on the placement of a manufactured home.
- Aug 10, 15** Stop Work Order letter sent.
- Aug 13, 15** Building Department (BD) received an incomplete Building Permit (BP) application submitted to place a manufactured home; Application requires proof of septic and construction drawings.
- Oct 19, 15** BD contacted Mr. Erich Dombrowski requesting missing information for issuing the BP.
- Jan 08, 16** Mr. Erich Dombrowski replied to Oct 19, 2015, explaining his work on the septic system and that he will need to wait until the spring for completion or modification; He stated that the old trailer would be removed and talked about an accessory building he would like applying for.
- Jan 12, 16** BD Development Technician (DT) answered the Owner and asked for confirmation from a Registered Onsite Practitioner (ROWP) or engineer stating that an approved septic system services the Manufactured Home.
- Sep 12, 16** BD contacted Owners to reassess the situation and the next step for completing the pending application.
- Sep 22, 16** Owners came into the office to discuss the Sep 12, 2016 letter. They said they would complete the building permit application form and meet with the Building Official next Tuesday.

Notice on title 00741 – Dombrowski, Joachim E And Dombrowski, Joy R
1696 Pass Creek Rd

- Sep 30, 16** An email was received from Owners of the property, advising that Mr. Erich Dombrowski has left the area and that they have bought out his share in the property and are now living in the manufactured home in question. They understood that drawings and forms had been filed, but the RDCK requires the Owners signature and a cheque. They advised the septic has been inspected and repaired and is in good working order. All that remains is the engineer's report. Owners will submit it as soon as he has the funds to pay for it. They also noted that the site had been occupied since 1978. In 1982, the house burned down. In 1989, the original trailer was set up as a construction trailer. The project was then abandoned, and the Owners bought it soon after. Their eldest daughter lived in the construction trailer before their son.
- Oct 03, 16** BD DT replied to an email advising before issuing the building permit for the placement of the manufactured home, the RDCK requires proof of an approved septic system. Additionally, the zoning of the property allows for one residence plus one manufactured home for a relative of the occupant of the principal residence.
- Oct 03, 16** Owner replied advising the original manufactured home is being renovated and will be attached to the new one. He stated that he and his wife would be living on the Shukin Road section of the property. No one else lives here.



- Mar 10, 17** No inspections have been requested to date. BP renewed.
- Mar 10, 17** Notice on Title (NoT) recommended for May 17, 2017, RAC meeting.
- Apr 05, 17** BO visited the site and spoke to Mrs. Dombrowski, as Mr. Dombrowski had just left. She had no answers to BO queries as she has left all that's related to BP and their requirements for her husband to deal with. She will ask him to contact the RDCK.
- Feb 13, 19** No further contact; no other documentation received; manufactured home needs to be compliant; water source unknown; Referred to NoT.
- Apr 03, 19** BD advised Owner by email that the report will be considered at the May 15, 2019, RAC meeting.
- Apr 25, 19** BO attended the site and confirmed that the very old existing dwelling immediately adjacent to Pass Creek Rd is occupied as a residence. Manufactured homes and adjacent factory-constructed storage buildings are also occupied as a residence. See the photo attached. Committee Report (NoT00561) report should proceed to the May 15 2019, RAC meeting for consideration.

Notice on title 00741 – Dombrowski, Joachim E And Dombrowski, Joy R
1696 Pass Creek Rd



- May 15, 19** NoT00561 referred to Jun 18, 2019, RAC meeting.
- Jun 18, 19** Item referred to Sep RAC meeting; BP25333 obtained to a factory-built Atco trailer; Mr. Dombrowski will bring in another application for change of use of the other MH to a shop.
- Jun 18, 19** NoT00561 referred to Sep 18, 2019, RAC meeting.
- Sep 18, 19** NoT00561 referred to Nov 20, 2019, RAC meeting.
- Sep 26, 19** BO left a note at the Owner's house: "Appointment for a site meeting to consider BP Application and NoT process. No one at home; Please recall for another day [...]"
- Dec 01, 20** NoT00561 referred to Feb 19, 2020, RAC meeting.
- Jan 21, 20** Mr. Dombrowski was emailed: permit ready for payment and pick up.
- Jan 27, 20** Mr. Dombrowski was emailed: permit ready for payment and pick up.
- Feb 03, 20** BP022475 was approved (permit issued).
- Feb 20, 20** Board Res 45/20 no further action req'd.
- Aug 05, 21** BO took pictures of the ATCO trailer still standing.



- Jun 22, 22** Emailed Owner final expiry for BP25333.
- Dec 22, 22** Emailed first expiry letter notice.
- Dec 22, 22** Emailed first expiry letter notice.
- Mar 02, 23** Emailed Owner final expiry for BP22475.
- Mar 15, 23** Posted Stop Work Order (SWO); if there is no renewal application by Mar 31, BD recommending NoT.
- Jun 08, 23** No Further contact from the Owner. No inspection to date.

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

In keeping with past practice, and further to Building Bylaw Section 22, the following estimate of penalties and costs are provided:

Notice on Title Removal Fee	\$750.00
RDCK Building Permit Fee based upon total value of construction in the case of a Stop Work Order (estimated)	\$1500.00
Penalty as per Clause 22.3 of Building Bylaw (25% of the Building Permit fee) minimum	\$200.00

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

1. Section 57 Community Charter;
2. BC Building Code;
3. RDCK Policy No. 400-01-03 Action for Compliance – Notice on Title Procedures;
4. Building Bylaw Contravention – This contravenes RDCK Building Bylaw 2200, Section 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building, structure or plumbing system or other work related to construction unless a building official has issued a valid and subsisting permit for the work.
4.3 It is the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work, in respect of which a permit is issued under this Bylaw, in compliance with the Building Code, this Bylaw and other applicable enactments respecting safety.
13.3.3 The permit shall expire and the rights of the owner shall terminate in the event and at the time that either of the above conditions is not met or in any event thirty-six months after the date the permit was issued.

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

N/A

3.6 Communication Considerations:

N/A

3.7 Staffing/Departmental Workplace Considerations:

N/A

3.8 Board Strategic Plan/Priorities Considerations:

N/A

SECTION 4: OPTIONS & PROS / CONS

Notice on title 00741 – Dombrowski, Joachim E And Dombrowski, Joy R
1696 Pass Creek Rd

1. Do not accept recommendation as presented – the property will remain in contravention of the BC Building Code and RDCK Building Bylaw.
2. Accept recommendation as presented – file Notice on Title.

SECTION 5: RECOMMENDATIONS

That the Corporate Officer of the Regional District of Central Kootenay be directed to file a Notice with the Land Title and Survey Authority of British Columbia, stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District Board relating to land at 1696 Pass Creek Rd, Electoral Area I, legally described as Lot E Plan Nep2116 District Lot 7455 Kootenay Land District For Mhr #4937 See 709-08960.001 , and further, if an active Building permit or Building application is in place, that it be cancelled; and finally, that information respecting the resolution may be inspected at the office of the Regional District of Central Kootenay on normal working days during regular office hours.

Respectfully submitted,
Tony Hadfield_Building/Plumbing Official
Digitally approved by Chris Gainham

CONCURRENCE

Chris Gainham/Building Manager
Digitally approved by Chris Gainham
Sangita Sudan/General Manager of Development and Community Sustainability Services
Digitally approved by Sangita Sudan
Stuart J. Horn/Chief Administrative Officer
Digitally approved by Stuart J. Horn



BY REGISTERED MAIL

File: 3135-20- I-709.08960.000-22475and25333

REGISTERED OWNERS:

Dombrowski, Joachim E And Dombrowski, Joy R
1696 Pass Creek Rd
Pass Creek, Bc V1N4S5

SUBJECT: Notice on Title

CIVIC ADDRESS: 1696 Pass Creek Rd

The Rural Affairs Committee members (RAC) hereby invite you to attend and address their meeting, the **Aug 16, 2023** RAC Committee. To promote openness, transparency and provide accessibility to the public we provide the ability to attend all RDCK meetings in-person or remote.

Date: Aug 16, 2023
Time: 9:00 a.m. PST
Hybrid Meeting: **In-Person Location** - RDCK Board Room, 202 Lakeside Drive, Nelson, BC
Remote Attendance - Please visit rdck.ca for meeting call-in information

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

Please advise in advance whether you and/or a representative, who may be legal council, will be present at the Rural Affairs Committee meeting by contacting the Administration Department at (250) 352-1575 or by email chopkyns@rdck.bc.ca **no less than 3 business days prior to the meeting.**

Should you have no objection to the filing of the subject Notice, please sign and return the attached statement in the stamped, self-addressed envelope. All owners named on the statement must sign this statement. This will allow the Corporate Officer to proceed with filing of the Notice against your property in the Land Title Office. A copy of the Notice will be forwarded for your records.

A copy of the building official's report relative to your property is attached for your reference, as well as a copy of Section 57 of the *Community Charter*.

In order to avoid a Notice on Title, you must contact the building department to resolve concerns noted in the building official's report **no later than 3 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the writer at either 1-800-268-7325 or (250) 352-8156.

Yours truly,

Building Official

Notice on title 00741 – Dombrowski, Joachim E And Dombrowski, Joy R
1696 Pass Creek Rd

Enclosures

CC: Electoral Area I Director Andy Davidoff



REGIONAL DISTRICT OF CENTRAL KOOTENAY

FILING OF SECTION 57 NOTICE

Building / Plumbing Official
Regional District of Central Kootenay
Box 590
202 Lakeside Drive
NELSON, BC
V1L 5R4

We/ I, «Name1»«Name2» hereby confirm that we have no objection to the Corporate Officer of the Regional District of Central Kootenay filing a Notice in the Land Title Office under Section 57 of the *Community Charter* against our/my property legally described as Lot E Plan Nep2116 District Lot 7455 Kootenay Land District For Mhr #4937 See 709-08960.001.

DATE

Dombrowski, Joachim E

DATE

Dombrowski, Joy R



Committee Report

Date of Report: September 27, 2023
Date & Type of Meeting: October 18, 2023, Rural Affairs Committee
Author: Zachari Giacomazzo, Planner
Subject: BYLAW AMENDMENT AND DEVELOPMENT VARIANCE PERMIT
File: Z2210J & V2210J - Pejski
Electoral Area/Municipality J

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and RDCK Board to consider applications for a bylaw amendment to permit a kennel as an accessory use and a development variance permit to reduce a setback for a kennel building in Electoral Area 'J'.

Staff recommend that Amending Bylaw No. 2872, 2022 being a bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be given FIRST and SECOND reading by content and referred to a Public Hearing.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Christopher Ronald Hallam and Tara Renee Pejski

Property Location: 5383 Allendale Crescent

Legal Description: LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID 012-727-253)

Property Size: 2 hectares (5 acres)

Current Zoning: Rural Residential (R3) in RDCK Zoning Bylaw No. 1675, 2004

Current Official Community Plan Designation: Rural Residential (RR) in Kootenay-Columbia Rivers Official Community Plan No. 1157, 1996

SURROUNDING LAND USES

North: Rural Resource (R4) (Crown Land)

East: Rural Residential (R3)

South: Suburban Residential (R1)

West: Rural Residential (R3)

Background and Site Context

The subject property is located approximately 13 km west of the City of Castlegar in Electoral Area 'J'. The property is 2 hectares in size and was created by a subdivision application in 1978. The lot has been improved

with a one-family dwelling and uses accessory to a residential use (detached garage, gazebo, chicken coop). The lot is surrounded by 2 hectare residential lots to the east and west, and a large tract of Crown Land to the north.

The proposal is to add an accessory use of “Kennel” to the subject property. This use must be in place in order to have more than four dogs on a property. The application was originally submitted to rezone the property from R3 to R4, which would have had the effect of permitting a kennel as a principal use with no restrictions on the number of dogs. At that time, referral responses received from neighbours expressed concerns related to noise, overall disturbance and the fact that there was no limit on the number of dogs that could be kept on the property. A public information meeting was hosted by the applicant to solicit additional feedback and they have since revised the proposal to seek a site-specific R3 zone that will allow a kennel as an accessory use with a maximum of 9 dogs to be kept at the kennel at any one time. A Development Variance Permit Application to reduce the minimum required setback for a kennel building from 30 metres to 7.5 metres was also submitted. That matter is also discussed in this report.



Figure 1 - Location map of the subject property

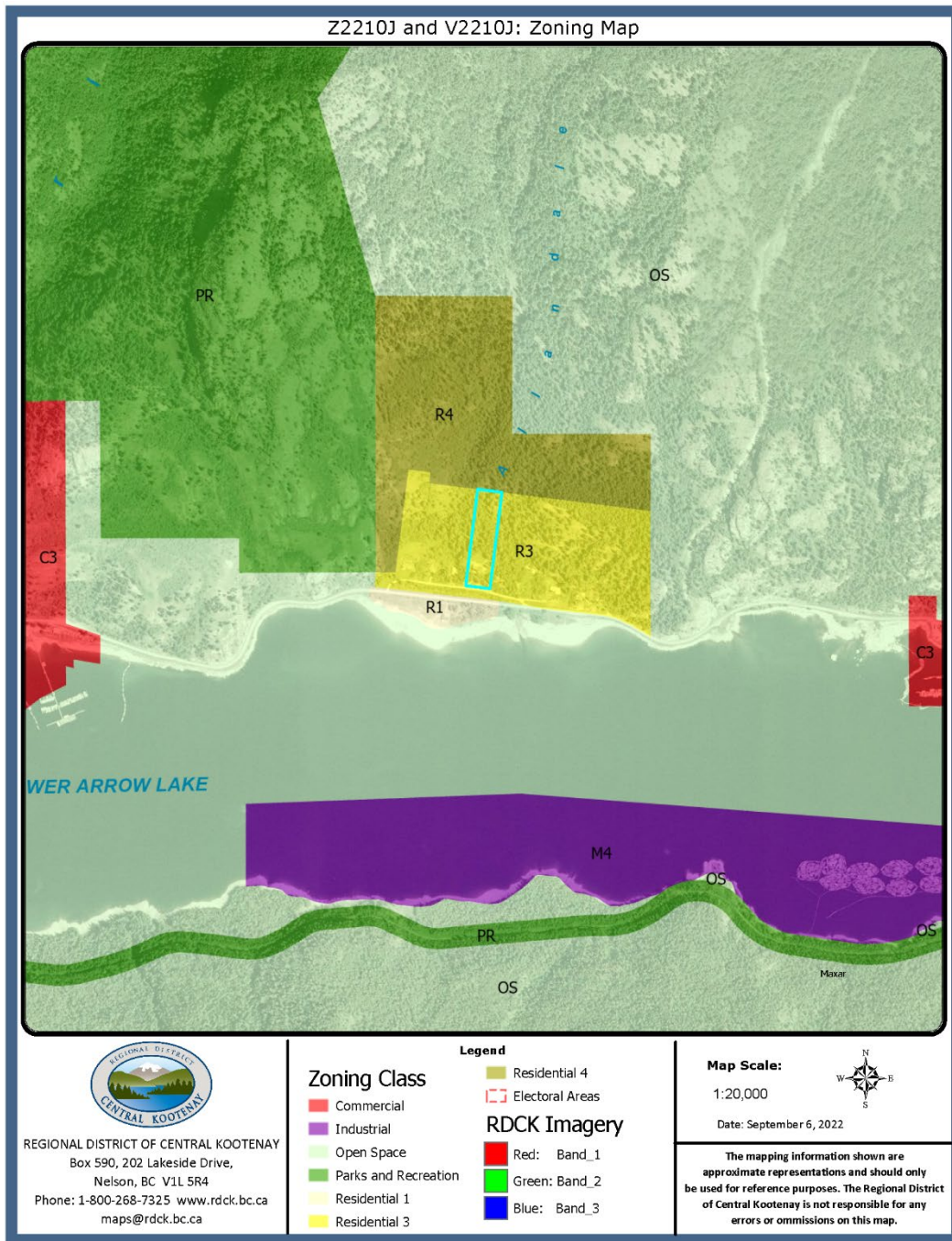


Figure 2 - Zoning map

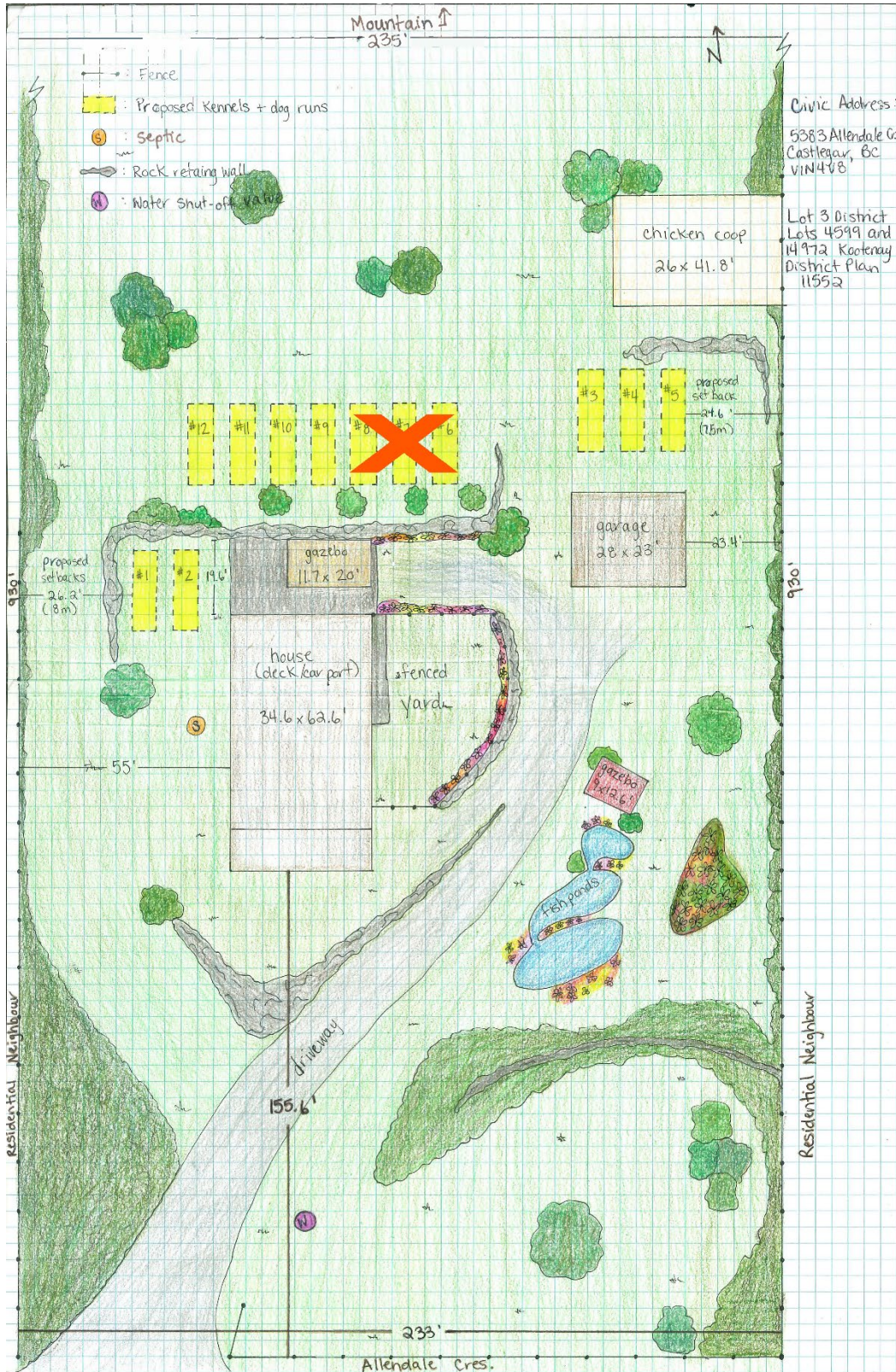


Figure 3 - Site Plan showing the location of the proposed kennel structures. Note

that kennel structures #6-8 are no longer being propose.



Figure 4: Looking north to the proposed location of the first 3 kennel structures beyond the tree, adjacent to the rock retaining wall



Figure 5: Looking west to the proposed location of the first 3 kennel structures



Figure 6: Additional kennel structures may be located in the grassed area to the rear of the existing dwelling

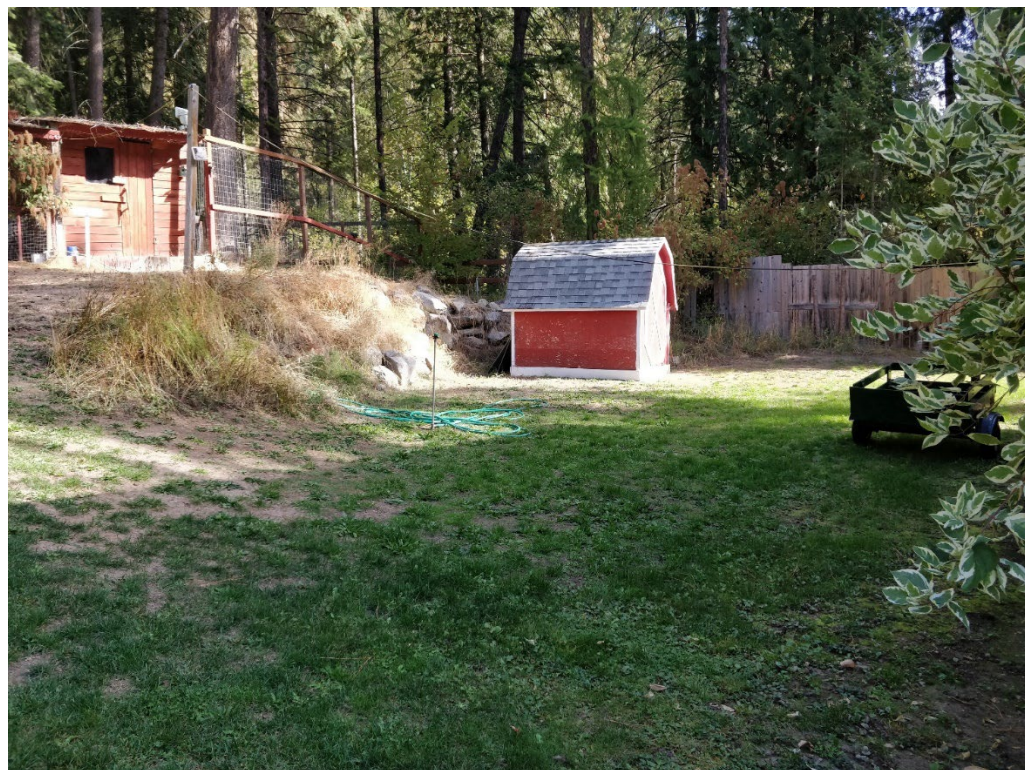


Figure 7: Additional kennel structures may also be located in the foreground of the small red garden shed.

Planning Policy

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

3.2.5 Rural Residential Policies (As shown on Schedule 'B' - Land Use Designations)

- 3.2.5.1 The principal use shall be residential or agricultural.
- 3.2.5.2 One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every two (2) hectares of lot area over two (2) hectares.
- 3.2.5.3 The average lot size for subdivision of Rural Residential land shall be at least two (2) hectares.
- 3.2.5.4 Within this designation a number of different zones may be applied allowing differing levels of uses accessory to residential uses.
- 3.2.5.5 The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on non-agricultural lands will be considered and encouraged by the Board of the Regional District.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

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

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

The proposal is for a kennel to be permitted as an accessory use. This means that it must remain secondary, incidental and accessory to the principal residential use.

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

A written notice of the revised proposal was mailed to 14 neighbouring property owners on July 24, 2023. A total of seven (7) opposition letters were received. The written responses opposing the application have been included as Attachment "B". Seven (7) letters of support have been received and these responses are included as Attachment "C". The concerns raised by neighbours are mostly related to:

1. Noise from barking dogs
2. Disruption in quality of life
3. Disturbance of peace and tranquility

3.5 Economic Considerations:

The proposal to permit a kennel with a maximum of 9 dogs would make the business economically viable for the property owners.

3.6 Communication Considerations:

The application was sent to 14 neighbouring property owners, relevant government agencies and First Nations.

The following responses were received from government agencies and First Nations:

Ktunaxa National Council – Guardianship Referrals Administrator – Lands & Resources

The Ktunaxa has no concerns with this Bylaw.

Penticton Indian Band – Referrals Coordinator

The Penticton Indian Band acknowledges receipt of your referral dated 2022-09-21. The PIB has insufficient information to begin review of your referral. Please provide the information indicated below. If the bylaw amendment were to be granted, what level of land altering or ground disturbance activity would occur? Without this information, we cannot make an informed decision and we would have no other alternative but to reject the proposed activity/development. We look forward to your response.

***Note:** The applicant responded directly to Penticton Indian Band (PIB) stating the following: “I received your letter inquiring about our proposed bylaw amendment at 5383 Allendale Crescent. I would like to respond by letting you know that with our proposal there would not be any land altering or ground disturbance activity taking place.” A supplementary response from PIB has not been received.*

RDCK Bylaw Enforcement Department – Bylaw Enforcement Officer

I have reviewed the proposal and the main concern would be the noise impact. As electoral area J is in the service area of the RDCK Noise Control Bylaw regulations, it is a concern even though noise mitigations measure may be used by the proponent. However, during the warmer and hotter months, ventilation is required for kenneled dog so it is anticipated noise (barking etc.) may not be sufficiently addressed.

The area in question is becoming increasingly populated, so this could increase the bylaw department’s response to any noise complaints that may be received.

In closing, this is preliminary input and will require public/neighboring properties support as proposed.

Ministry of Forests – Archaeology Branch – Archaeology Information Administrator

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

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

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

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

Interior Health Authority – Team Leader, Health Community Development

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

Ministry of Transportation and Infrastructure – District Technician

No concerns.

Electoral Area ‘J’ Advisory Planning and Heritage Commission (comments are from the approved minutes of August 2, 2023 meeting):

That the Area J Advisory Planning Commission SUPPORT the Zoning Bylaw Amendment to Tara Pejski for the property located at 5383 Allendale Crescent, Rural Castlegar and legally described as LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID: 012-727-253) to rezone the property from Rural Residential (R3) to a site specific Rural Residential (R3) that will permit a Kennel with a maximum of 9 dogs.

That the Area J Advisory Planning Commission SUPPORT the Development Variance Permit to Tara Pejski for the property located at 5383 Allendale Crescent, Rural Castlegar and legally described as LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID: 012-727-253) to permit a setback of 7.5 metres for a Kennel.

The following was discussed:

- Commissioner expressed that main concern was and still is around neighbourhood / community and noise*
- Applicant gave an overview of the application and explained what has changed since the initial application*
- Applicant explains that there have not been any concerns or complaints from neighbours since the operations have been running with 2-3 dogs at a time*

FortisBC – Property Services

Land Rights Comments

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

Operational & Design Comments

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

BC Hydro – Property Coordinator

We have reviewed the application and we have no concerns with the proposed use.

3.7 Staffing/Departmental Workplace Considerations:

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

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: OPTIONS

Planning Discussion

The proposal is to add a kennel as an accessory use on the subject property and permit kennel structures to be 7.5 metres from the interior lot lines. The property is currently zoned Rural Residential (R3) and is 2 hectares (5 acres) in size. It is located in a Rural Area of Electoral Area 'J' and is adjacent to similarly sized lots on Allendale Crescent. There are a number of smaller residential lots south of Broadwater Road and adjacent to Arrow Lake.

The applications being considered are:

1. **Z2210J:** An amendment to Zoning Bylaw No. 1675 from R3 to R3 (Site Specific) in order to permit a kennel with a maximum of 9 dogs as an accessory use; and
2. **V2210J:** A Development Variance Permit in order to reduce the required setback for kennel buildings from 30 metres to 7.5 metres.

With regard to the proposed variance to permit a setback of 7.5 m for kennel buildings, staff acknowledge that the dimensions of the lot make it difficult to comply with the 30 m setback. The lot is approximately 71.5 m wide and it would therefore be very difficult to site the kennel structures 30 m from each of the interior lot lines. Compliance with the 30 m setback requirement would leave 11.5 m in the middle of the property for the location of the kennel structures. During the Public Information Meeting in November 2022, there was minimal concern related to the proposed Development Variance Permit and the concern was focused on the proposed kennel use on the property. The attendees noted that there would be little to no difference to the noise of the kennel whether that structures are sited 7.5 m, 15 m, or 30 m from the property lines.

The applicant is proposing mitigation measures to minimize the noise that would potentially be generated from the kennel. Dogs will be kept in individual 3.3 m² structures that are insulated and soundproofed with attached 4.5 m² fenced outdoor runs. This will keep dogs separated when they are sleeping or not being exercised.

The proposed kennel would permit a maximum of 9 dogs at any one time and would only be permitted as an accessory use to the principal residential use. This means that the kennel business would need to remain secondary or incidental to the residential use, and the property could not be used principally for a commercial kennel.

Concerns were raised by neighbours related to the size of the property and the proximity of the proposed Kennel use to surrounding residential uses. For consideration, the Rural Resource (R4) zone in Zoning Bylaw No. 1675 permits a Kennel as a principal use with no limitation on the maximum number of dogs that can be kept. The R4 zone requires the same 2 hectare minimum lot size, as the Rural Residential (R3) zone.

The Zoning Bylaw defines a kennel as follows:

KENNEL means a building, structure, compound, group of pens or cages or property where four (4) or more adult dogs (dogs aged six (6) months and older) are, or are intended to be trained, cared for, bred, boarded or kept either for commercial, hobby or not-for-profit purposes; and where dogs bred on the same property and pet supplies may be made available for auxiliary sale.

Based on the above definition caring for 3 or fewer dogs is permitted and does not require a development application or approval from the RDCK. The applicant proceeded with a trial period caring for 2-3 dogs during the months of May, June, July and August of 2023. During that time, the applicant has indicated that they have not received any complaints or concerns.

Staff recommend first and second reading by content and referral to a public hearing for the proposed Zoning Bylaw Amendment to permit a kennel as an accessory use for the following reasons:

- The applicant has made an effort to consider the concerns and feedback from surrounding residents and have revised their proposal to limit the maximum number of dogs to nine (9).
- If the application proceeds as submitted, the kennel will only be permitted as an accessory use. This means that the principal use of the property must remain as residential and the kennel must be related to and incidental to the principal residential use.
- The size of the property is consistent with the requirements for kennel uses as permitted in the Rural Resource (R4) zone.
- There will be additional opportunity for consultation and feedback at a public hearing.

At this time, Staff has no concerns with granting the Development Variance Permit to permit a 7.5 m setback for the kennel structures. Should the rezoning application proceed, Staff will bring include a resolution for consideration of the Board to approve the DVP at the same time that they consider approval of the Zoning Bylaw Amendment.

Option 1

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2872, 2022 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

And Further

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

Option 2

That no further action be taken with respect to Regional District of Central Kootenay Zoning Amendment Bylaw No. 2872, 2022 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004.

That the Board NOT APPROVE the issuance of Development Variance Permit V2210J to Christopher Ronald Hallam and Tara Renee Pejski for the property located at 5383 Allendale Crescent and legally described as LOT 3 DISTRICT

LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID 012-727-253) to vary Section 1801 (7) of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004: FROM 30 metres TO 7.5 metres.

SECTION 5: RECOMMENDATIONS

That Regional District of Central Kootenay Zoning Amendment Bylaw No. 2872, 2023 being a bylaw to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

And Further

That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area J Director Henny Hanegraaf 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 Amending Bylaw

Attachment B – Referral Responses (Non-support)

Attachment C – Referral Responses (Support)

Attachment D – Draft Development Variance Permit

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2872

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

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

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

APPLICATION

1 That Schedule ‘B’ of Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be amended by changing the Zoning Designation of LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID: 012-727-253) from Rural Residential (R3) to Rural Residential (R3) Site Specific as shown on Schedule ‘A’ which is attached hereto and forms part of this bylaw:

A. Division 15, Rural Residential (R3) by ADDING the following to the list of permitted accessory uses: “Kennel” on the following parcel only:

LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552 (PID 012-727-253)

SUBJECT TO: the kennel being limited to a maximum of nine (9) dogs

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

CITATION

3 This Bylaw may be cited as “**Regional District of Central Kootenay Zoning Amendment Bylaw No. 2872, 2023.**”

READ A FIRST TIME this 19th day of October, 2023.

READ A SECOND TIME this 19th day of October, 2023.

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

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

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

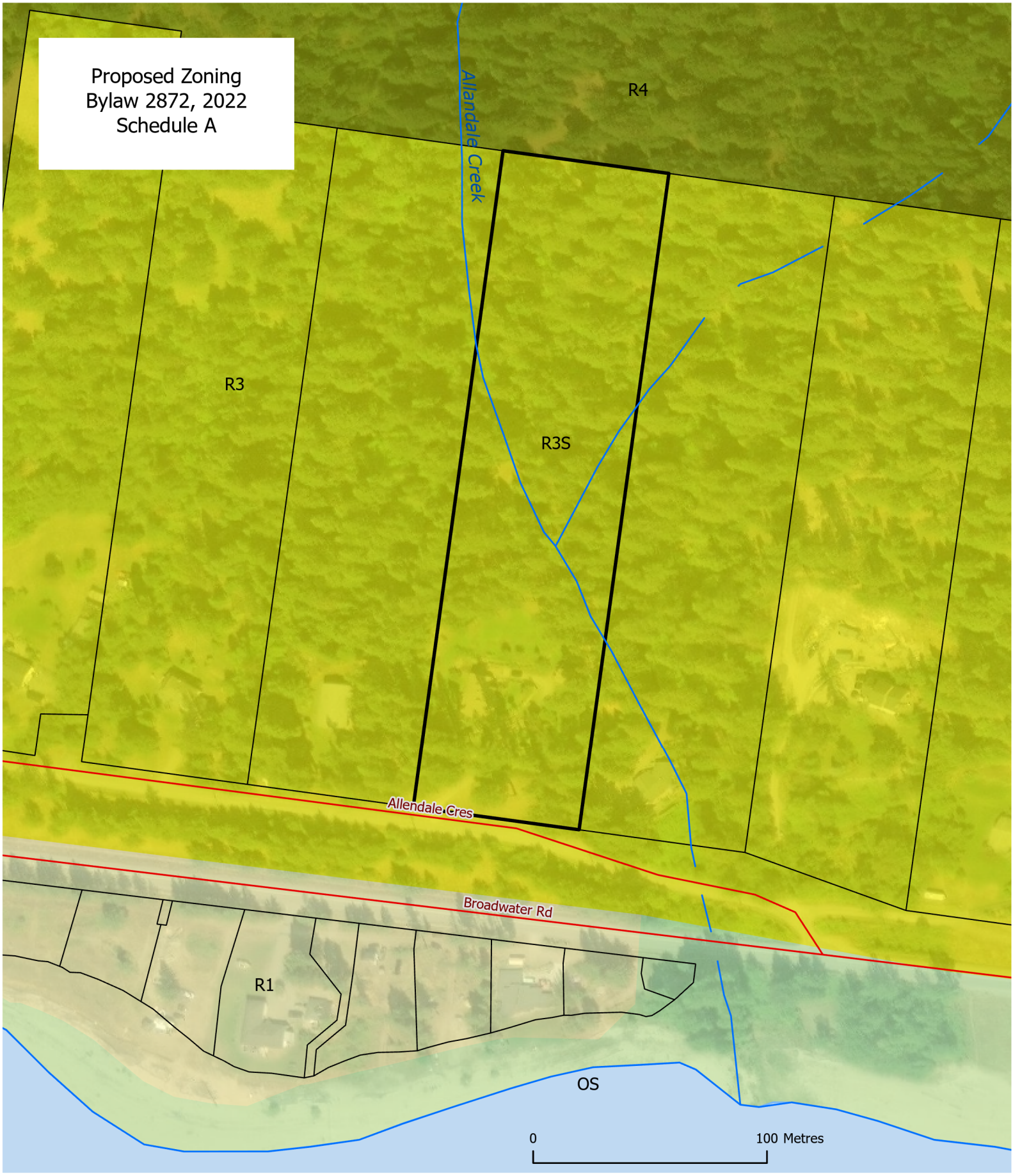
Approval Authority,
Ministry of Transportation and Infrastructure

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

[Name of Board Chair], Board Chair

[Name of CO], Corporate Officer

Proposed Zoning
Bylaw 2872, 2022
Schedule A



Zoning Class

- Open Space
- Residential 1
- Residential 3
- Residential 4

Zachari Giacomazzo

From: Jeremy Lodge [REDACTED] >
Sent: August 3, 2023 1:43 PM
To: Zachari Giacomazzo
Subject: File: Z2210J and V2210J Tara Pejski

CAUTION

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

Good afternoon Zachari,

My name is Jeremy Lodge and I own the property located at 5386 Broadwater rd. Zachari, I would like to thank you for keeping myself and neighbours up to date on the application as well as Tara for inviting us all over to discuss her business plan and the communities concern.

I understand the change in the application to have a site variance to allow for a maximum of 9 dogs within 7.5meters of a setback. For the time that I have been out at my property, I did witness dogs barking and the echo through the valley and water was extremely noticeable. I purchased my property due to the natural beauty, ruralness, and zoning requirements. This email is to comment on my **Disapproval of this Re-Zoning and Variance.**

The reasons for my disapproval are as follows

- The location of the property is not appropriate for this type of business, hence why it is currently zoned Rural Residential R3.
- The property is too narrow for this business and will disrupt the quality of life of their neighbours with the 30 meter distance from the neighbours
- The property is too narrow for this business and will disrupt the quality of life of their neighbours with the variance to 7.5 meters from their property line.
- The property is not large enough to facilitate this type of business;
- Rural Residential Zone R3 properties are not to be used for dog kennels. People bought their properties expecting this quality of life.
- Disruption in quality of life
- Potential Stress

Allowing a dog kennel at 5383 Allendale would be disruptive in multiple aspects. Firstly, Tara Pejski's property (5383 Allendale) is located in a valley with mountains on both sides and a lake in the middle. This mountainous terrain allows sound waves to be "funneled" and therefore concentrated and intensified. The sound waves will travel extremely far distances when being located in such a valley as where I live. Additionally, dogs have a loud bark that is measured in decibels. A dog's bark can reach a decibel level of 115 db when in a kennel (Environmental Health and Safety, 2013 and Malone, 2022). A dog's bark can be louder than a factory due to its decibel rating (Odd news, 2004) . On a side note, British Columbia's Occupational Health and Safety requires hearing protection for any workers exposed to noise over 85 decibels. This shows how loud a dog's bark can be. As you could imagine, the multiple dogs barking up to 115 decibels while being located in a mountainous valley with a lake that carries the sound to extreme distances would be disruptive to myself, my neighbours and our quality of life. I work shift work that includes working between day shift/night shift and this would put a lot of stress on myself that could potentially put me at risk while working due to lack of sleep.

There are multiple bylaws and guidelines from other jurisdictions that discuss the minimum setbacks and minimum sized lot to allow a dog kennel. Another good article describes how far a kennel must be from homes to resolve the noise impact that was written by Community & Environmental Defense Services. Here is a quote from their website. "Noise declines an average of six decibels for every doubling of distance. If the noise level is 100 dB at a distance of 50 feet from an outside dog run, then the level from an outside run with no noise abatement measures would be 81 dB at the outside of a home 400 feet away and 74 dB at 1,000 feet.". As you can tell, there have been multiple studies completed and this would have a direct impact on all neighbours.

For instance, the Niagara Escarpment Commission - Dog Kennel Guidelines says "A dog kennel shall not be established on any property that has less than a minimum lot size of 10.0 hectares (25.0 acres). as well as "A minimum setback distance of 150 m (492 ft) is required from all kennel- related facilities (including any outdoor runs or other areas to be used by the dogs) to the nearest dwelling located on a separate lot (<https://escarpment.org/wp-content/uploads/2021/05/Dog-Kennel-Guidelines.pdf>). These articles, bylaws, and guidelines all indicate that a minimum of 400-500 feet is required from an adjacent lot to reduce the impact of noise to their neighbours.

I invite you to come to my property during the day and the night to test the decibel rating of a dog at 115 db and to hear how far the sound travels.

Thank you for your time.

Sincerely

Jeremy Lodge

Resources:

Community & Environmental Defense Services. Dog Kennel's & Other K-9 Facilities.
<https://ceds.org/kennels/>

Environmental Health and Safety (2013) Inside a kennel: Chorus of barking dogs can reach 115 decibels
<https://www.ishn.com/articles/95001-inside-a-kennel-chorus-of-barking-dogs-can-reach-115-decibels>

Odd news (2004) Dog barks can be louder than a factory
https://www.upi.com/Odd_News/2004/03/21/Dog-barks-can-be-louder-than-a-factory/32851079887846/

Malone Maureen (2022) Decibel Level of a Barking Dog
<https://www.cuteness.com/blog/content/decibel-level-of-a-barking-dog>

Zachari Giacomazzo

From: JOHN KITCHENER [REDACTED]
Sent: August 5, 2023 10:12 AM
To: Zachari Giacomazzo
Subject: Land use amendment and variance Z2210J and V2210J

CAUTION

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

Dear Sir,

I am the resident at 5407 Allendale Crescent (2 doors down from 5383) and am writing to you to voice my objections, in the strongest possible terms, to the above land use and development variations.

I purchased 5407 back in 2002, hoping to enjoy the peace and wildlife of the Kootenays for the rest of my life. Since then, the peace and quiet have been slowly eroded, firstly by the construction of 57 condo units at Syringa Marina. After a year of blasting and two+ years of construction, much of the wildlife has left the area and traffic along Broadwater Road has increased many-fold.

Next, a zoning variation from Rural Residential was granted by RDCK, to allow subdivision from one plot to nine, across the road at 5408 Broadwater Rd. Although only some of the tiny plots have yet been sold and one permanent house constructed, this has increased traffic and noise and is a sign of things to come.

A couple of years ago, the subject property, 5385, changed hands. For a year, the new "neighbours" kept a very low profile, until 2022, when they applied for the original zoning and land use changes to allow them to open a kennel with up to 20 dogs, including allowing kennels to be placed as little as 7.5 metres from their property boundary.

Despite objections from all residents nearby and a petition with well over 100 signatures from local residents who enjoy the peace of the nearby "Sandy Beach", RDCK choose to ignore the objections and granted a watered-down application of up to 3 dogs.

Now, less than a year later, Ms Pejski has applied to increase the number of dogs to 9 and to be granted the 7.5 metre allowance. This is clearly just step 2 in the plan to get back to the original 20 dogs. The noise-nuisance level from dog kennels is well known. It is also known that the noise level to dog-number ratio is not linear but logarithmic. That is to say that doubling the number of dogs from 3 to 6 will double the noise levels, adding another 3 to make 9 doubles it again and so on until 20 dogs would likely produce 64 times the noise that 3 would produce (6 increases of 3 equals existing noise level to the power of 6.) This is because any barking dog sets off all the others, the greater the number of dogs, the greater the likelihood of a "serial-barker" causing havoc. Feeding times are also problematic, once food is seen (or smelt), those yet to be fed start barking and the whole thing starts off.

I therefore request that the lifestyle of local residents are taken into consideration this time and the 3 dog limit is maintained. At this level we only sometimes hear her dogs and are prepared to "live and let live" as a sign conciliation, although I think the very idea was extremely selfish.

Thank you for taking the time to read this letter and I hope you will take note of its arguments,

Best regards,

John Kitchener

Zachari Giacomazzo

From: Elroy Switlishoff [REDACTED]
Sent: August 7, 2023 4:37 PM
To: Zachari Giacomazzo
Subject: RE: RDCK Files Z2210J and V2210J

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

Hi Zachari,
I received a letter the other day regarding the files referenced above with notice that the applicant submitted a revised application seeking a site-specific rezoning to allow a kennel with up to nine dogs, and a reduction in the setback from 30 meters to 7.5 meters. I am opposed to the site-specific rezoning request.
My children were visiting earlier this summer and staying in a tent on my property. They complained they were woken up by barking dogs at around 6:30-7 AM, and the barking appeared to be coming from the other side of Broadwater Road. The applicant’s property is on the other side of Broadwater Road from mine.
I note also that several households in the surrounding area have dogs. I have observed that when dogs hear other dogs barking, especially unfamiliar dogs, they tend to bark in return. Of course, most responsible dog owners discourage their dogs from barking needlessly, but this may not be the case for dogs being lodged in a kennel. The likelihood of a chorus of barking dogs would increase dramatically with a kennel of nine random dogs, unfamiliar with each other, or with the other dogs in the neighbourhood.
Finally, I have observed a large number of people enjoying the beaches to the east (“Sandy Beach”) and west of my property. It is quite common on sunny weekend in July and August to see 20, 30 and even 40 cars parked alongside Broadwater Road to get access to these beaches. These beaches have no official designation nor patrols or posted rules of any kind. As a result, these beaches attract dog owners that allow their dogs to run off leash. This is not good conduct, but with no posted rules or enforcement, there is nothing to prevent this conduct. Again, I have observed that barking dogs attract other dogs, and with the number of beach-goers’ dogs running off leash, it is only a matter of time that an unleashed dog attempts to cross Broadwater Road and gets hit by traffic, endangering both the dog and the public. The speed limit in this area of Broadwater Road is 80 km/h, and drivers would have no time to react to a dog darting across the road from in between the congested parking situation.
Thank you for the opportunity to comment.

Elroy Switlishoff
[REDACTED]
[REDACTED] (phone & fax)
[REDACTED] (cell)

From: Zachari Giacomazzo [mailto:ZGiacomazzo@rdck.bc.ca]
Sent: July 21, 2023 2:03 PM
To: [REDACTED]
Cc: [REDACTED]

Castlegar, August 13 2023

To whom it may concern,

We are writing to you with our objection towards the rezoning application for files Z2210J and V2210J, applicant Tara Pejski, package attached.

We the family at 5375 Allendale Crescent are the direct neighbours to Tara Pejski and are strongly against the proposal to add a dog kennel to our quiet and rural neighbourhood. One of the reasons we moved to Allendale Crescent 17 years ago was due to the peacefulness the neighbourhood entails. Due to the location of our home and the mountainside acoustics the noise that would come from a proposed dog kennel would significantly disrupt the quietness of the neighbourhood and our daily lives. We have many wild animals within our neighbourhood which would easily trigger dogs and cause excessive noise throughout both the day and night especially for dogs who are in an unfamiliar environment. As well, the traffic and noise associated with the dogs being picked up and dropped off on our small neighbourhood street. We believe there are already additional dogs boarding at the property as they can be heard and noise levels have already increased. This highlights that 9 dogs would cause excessive noise within our neighbourhood and greatly disturb the peacefulness.

We would ask you to please consider the excessive noise and disruption this proposed kennel would instill onto our quiet and peaceful neighbourhood. Please feel free to contact us if you need further clarification and please keep us updated on any public consultation meetings or important information regarding this proposed development.

Kind Regards,

Silvia and Martin Scheulin ([REDACTED])

The image shows two handwritten signatures in cursive. The top signature is 'S. Scheulin' and the bottom signature is 'M. Scheulin'. Both are written in dark ink on a white background.

Zachari Giacomazzo

From: Brian Allarie [REDACTED]
Sent: August 17, 2023 3:59 PM
To: Zachari Giacomazzo
Subject: Re: RDCK Files Z2210J and V2210J

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION

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

Hi Zachari
 In reply to file Z2210J
 Both Jeremy Lodge and Elroy Swetlishoff's letters sum up the proposal by the Pajeski's very well
 I really don't think I can add any more.
 Colleen and Brian Allarie are against this zoning change.
 If you have any questions, do not hesitate to contact me.

Thanks
 Brian Allarie
 5408 Broadwater road
 Castlegar BC
 Bus [REDACTED]
 Cell [REDACTED]
[Outlook for iOS](#)

From: Elroy Switlishoff [REDACTED]
Sent: Monday, August 7, 2023 4:36 PM
To: 'Zachari Giacomazzo' [REDACTED]
Subject: RE: RDCK Files Z2210J and V2210J

Hi Zachari,

I received a letter the other day regarding the files referenced above with notice that the applicant submitted a revised application seeking a site-specific rezoning to allow a kennel with up to nine dogs, and a reduction in the setback from 30 meters to 7.5 meters. I am opposed to the site-specific rezoning request.

My children were visiting earlier this summer and staying in a tent on my property. They complained they were woken up by barking dogs at around 6:30-7 AM, and the barking appeared to be coming from the other side of Broadwater Road. The applicant's property is on the other side of Broadwater Road from mine.

I note also that several households in the surrounding area have dogs. I have observed that when dogs hear other dogs barking, especially unfamiliar dogs, they tend to bark in return. Of course, most responsible dog owners discourage their dogs from barking needlessly, but this may not be the case for dogs being lodged in a

Zachari Giacomazzo

From: RDCK Info
Sent: August 18, 2023 10:55 AM
To: 'Carlie O'Brien'; RDCK Info
Subject: RE: RDCK Files Z2210J and V2210J

Categories: Zac Responding

Hello Dale & Caroline,

I have forwarded your email to the Bylaw and Planning department to respond to your inquiry.

Have a great day,

Carly Feeney | Auxiliary Administrative Assistant

Regional District of Central Kootenay
Phone: 250.352.6665 | **Fax:** 250.352.9300
Follow us on [Facebook](#)

From: Carlie O'Brien [REDACTED]
Sent: August 18, 2023 9:28 AM
To: RDCK Info <Info@rdck.ca>
Subject: RDCK Files Z2210J and V2210J

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

We, who are long time residents of the Allendale subdivision, as well as the newcomers, do NOT approve of a dog kennel being introduced into our neighbourhood. The majority of the residents bought properties in this area for the peace and tranquility and we would like to maintain our lifestyles. Dogs barking all day and night absolutely do not fit with our philosophy of the peace we have enjoyed for many years. After talking to the residents here we know that the majority do not support the thrusting of this kennel upon us.

Sincerely,
Dale Wright
Caroline O'Brien

[REDACTED]

From: [Tara Pejski](#)
To: [Zachari Giacomazzo](#)
Subject: Fwd: dog Kennel
Date: August 28, 2023 1:47:44 PM

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

Hi Zachari,

I wanted to forward this letter right away as it is from our immediate neighbors at 5401 Allendale Crescent.

Warmly,
Tara Pejski

----- Forwarded message -----

From: Rosemary Enefer [REDACTED]
Date: Fri, Aug 25, 2023 at 9:31 PM
Subject: dog Kennel
To: [REDACTED]

Dear Tara and family;

We are writing this letter in support of you having dog kennels on your property; please forward to all interested parties as you see fit.

We live next door to you and the current kennels are located on the side of your home that borders our property, as a result we feel that we would be most impacted by any increase in noise levels. We have not noticed any increase in noise at all, in fact the neighbourhood dogs and roosters make more noise than your kennel. The noise from the people, dogs and vehicles on the beach properties make more noise than your kennel. Five out of the eight homes on Allendale Crescent have dogs, the two homes on the beach have dogs. This in my opinion is a dog friendly neighbourhood.

We have no concerns about anything to do with you having kennels, you are a very kind and considerate neighbour who has approached us several times to ensure that if we have any concerns to please come and let you know. You have communicated exceptionally well with the neighbourhood about your plans and have respected everyone's opinion towards it, this has resulted in you modifying your original plans to help alleviate your neighbours concerns. This in my opinion makes you a wonderful and responsible neighbour and therefore please - bring on the dogs.

Sincerely yours;
Rosemary Enefer and Lisa Kinahan

16 September 2023

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Re: Revised Referral Package: Z2210J & V2210J

I, Louise Hamazaki, fully support the operation of Happy Hounds Pet Resort operated by Tara Pejski, located at 5383 Allendale Crescent, Castlegar.

I have been fortunate that Tara accepted caring for my high anxiety, timid dog that I rescued as a pup. The playhouses complimented with individual dog runs, that they chose to build (instead of small, regular dog houses) are amazing, indicating the care that they personify. Tara and her family are the only people that I have found, locally, that have taken the time to understand and nurture my dog and have provided a place where she feels comfortable and most importantly, safe.

It is my hope that you will approve Ms Pejski's application to rezone the property to Rural Residential (R3) zone to permit the operation of a kennel at 5383 Allendale Crescent.

Sincerely,

Louise Hamazaki

Louise Hamazaki



Zachari Giacomazzo

From: Sam [REDACTED]
Sent: September 23, 2023 10:15 PM
To: Zachari Giacomazzo
Cc: [REDACTED]
Subject: Letter of Support: Happy Hounds Pet Resort

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

Good evening Zachari,

I am writing this note in support of Happy Hounds Pet Resort.

There is an incredible need for dog boarding services like Happy Hounds in this area and I am so thankful we found Tara to board our large-breed dog.

Tara offers care that fits our individual dog's needs in a safe environment and we could not feel more confident that he is in good hands when we are away.

Unlike previous dog boarding experiences, we have never experienced the loud chorus of barking dogs when we drop off, pick up or drive by. Not a sound. This speaks to how well the dogs are exercised, stimulated, rested as well as the thought put into the dog facilities - new, soundproof and designed with care. Our pooch is so spoiled when he's there! The dog area and yard of the property is kept in pristine condition - there's no unpleasant evidence of dogs in the yard.

For all of the reasons above, this business is a great asset to the community of the west Kootenays. We are very lucky to have found Happy Hounds Pet resort, and hope that they can continue to grow their well-run business.

Please contact me with any additional questions.

Thank you,

Sam Loewen
[REDACTED]

Michelle Anderson
[REDACTED]

November 14, 2022

Re: Letter of Support for the Proposed Kennel at 5383 Allendale Crescent, Castlegar, BC

To whom it may concern,

I am writing to express my full support for the proposed kennel at 5383 Allendale Crescent, Castlegar, BC.

As a dog owner who moved to the area and does not have any family close by, I have found myself, throughout the years, in a situation where I have searched for a professional, safe, clean place to take my dog and often, to my disappointment, I have been unsuccessful in finding anything suitable, leaving me in a situation where I was unable to go away.

Over the years, I have spoke with many other dog owners who are finding themselves in the same situation as myself, unable to find a suitable place for their dog.

I strongly urge you to consider allowing the proposed kennel at 5383 Allendale Crescent which will fill a service void in Castlegar and the surrounding communities.

Please feel free to contact me by email at [REDACTED] or phone at [REDACTED] should you have any questions.

Sincerely,



Michelle Anderson

October 28, 2022

To Whom it May Concern,

I am writing this letter to express my support for the proposed kennel at 5383 Allendale Crescent.

As a dog lover, and someone who likes to travel, I often find myself looking for a suitable place to send my labradoodle when we travel. We are lucky to have family and friends who love taking our dog when they can. Recently, we were in a position where our regular network was not able to help.

I went online and started searching for a place where we felt comfortable leaving our dog while we were away. Unfortunately, I was not able to find anything professional, safe, clean, and with enough room for a small number of dogs to stay together.

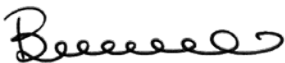
During my struggle to find space for our dog, I spoke to more than ten other families with dogs that said they were looking for a similar service they all felt was missing in our community.

I urge you to seriously consider allowing the proposed kennel at 5383 Allendale Crescent which will fill a service void in the West Kootenay.

If you have any questions, please contact me at [REDACTED] or

[REDACTED]

Sincerely,



Bree Seabrook

To whom it may concern;

I am writing this letter in support of Happy Hounds Pet Resort. Tara has established a very professional and needed dog boarding facility for residents of Castlegar and RDCK. My experience with Happy Hounds has been the best dog boarding facility I have used for my dogs over the past 10 years. They are well taken care of, in a quiet and safe environment, walked regularly and treated as if they were their own pets. The dog houses are always clean and tidy, and well built to provide the most suitable home for my dog when she can't be at home with me. As a frequent customer of Tara's, I can, with confidence, say I have never heard excessive barking from the dogs while dropping off or picking up my dog. The dogs are exercised regularly and always kept under control when at Happy Hounds Pet Resort.

Dog boarding in the West Kootenays is not something that is widely available and was a big concern of mine when relocating to the area with my dog. I had done a bunch of research before moving to Castlegar in October 2022 and was concerned with the lack of dog boarding facilities. In fact, I could only find one in the West Kootenays on google. Which was a huge cause for concern for me, as I know how popular these services and needed, they are. One facility for all the West Kootenays is not adequate for the amount of dog owners. Since discovering Happy Hounds Pet Resort and meeting with Tara, I was so relieved to have someone who cares about my dog as much as I do.

I have utilized Happy Hounds Pet Resort regularly since moving here and I know there is no other service like this in the area for boarding dogs. This is an essential service for dog owners in the West Kootenays and would be devastating to myself and others I know rely on Tara to take care of our fur babies when we are away.

Kind regards,



McKenna Stitzenberger

From: [Dan Wallace](#)
To: [Zachari Giacomazzo](#)
Subject: Rezoning of property at 5383 Allendale Crescent
Date: August 25, 2023 10:05:11 PM

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

To whom it may concern

I fully support the rezoning of the property at 5383 Allendale Crescent Castlegar B.C. to allow the operation of a dog kennel. This service is needed in the area. The property is in an ideal location being close to the city of Castlegar and rural enough that the large property allows any noise created by the kennel to not disturb the peaceful enjoyment of the area by the neighbors. I am the owner of 2 golden retrievers. The location of the proposed kennel is ideal for dogs that like the water and the owner of the proposed kennels indicated that dogs that wish to participate in walks to the beach will be accommodated. I fully look forward to being able to utilize this business.

Sincerely
Dan Wallace

[Sent from Yahoo Mail on Android](#)



Development Variance Permit

V2210J (Pejski)

Date: September 27, 2023

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

TO: Tara Pejski

ADMINISTRATION

1. This Development Variance Permit (DVP) is issued subject to compliance with all of the bylaws of the Regional District of Central Kootenay (RDCK) applicable thereto, except as specifically varied or supplemented by this Permit.
2. The land described shall be developed strictly in accordance with the terms and conditions and provisions of this DVP, and any plans and specifications attached to this Permit that shall form a part thereof.
3. This DVP is not a Building Permit.

APPLICABILITY

4. This DVP applies to and only to those lands within the RDCK described below, and any and all buildings, structures and other development thereon, substantially in accordance with Schedules '1' and '2':

Address: 5383 Allendale Crescent, Rural Castlegar, Electoral Area 'J'
 Legal: LOT 3 DISTRICT LOTS 4599 AND 14972 KOOTENAY DISTRICT PLAN 11552
 PID: 012-727-253

CONDITIONS

5. Development Variance
 Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, Section 1801 (7) is varied as follows:

 From: The minimum setback for a kennel shall be 30 metres from any lot line.
 To: The minimum setback for a kennel shall be 7.5 metres from any lot line.
6. Schedule

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

7. Other

Authorized resolution *[enter resolution number]* passed by the RDCK Board on the _____ day of _____, 2023.

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

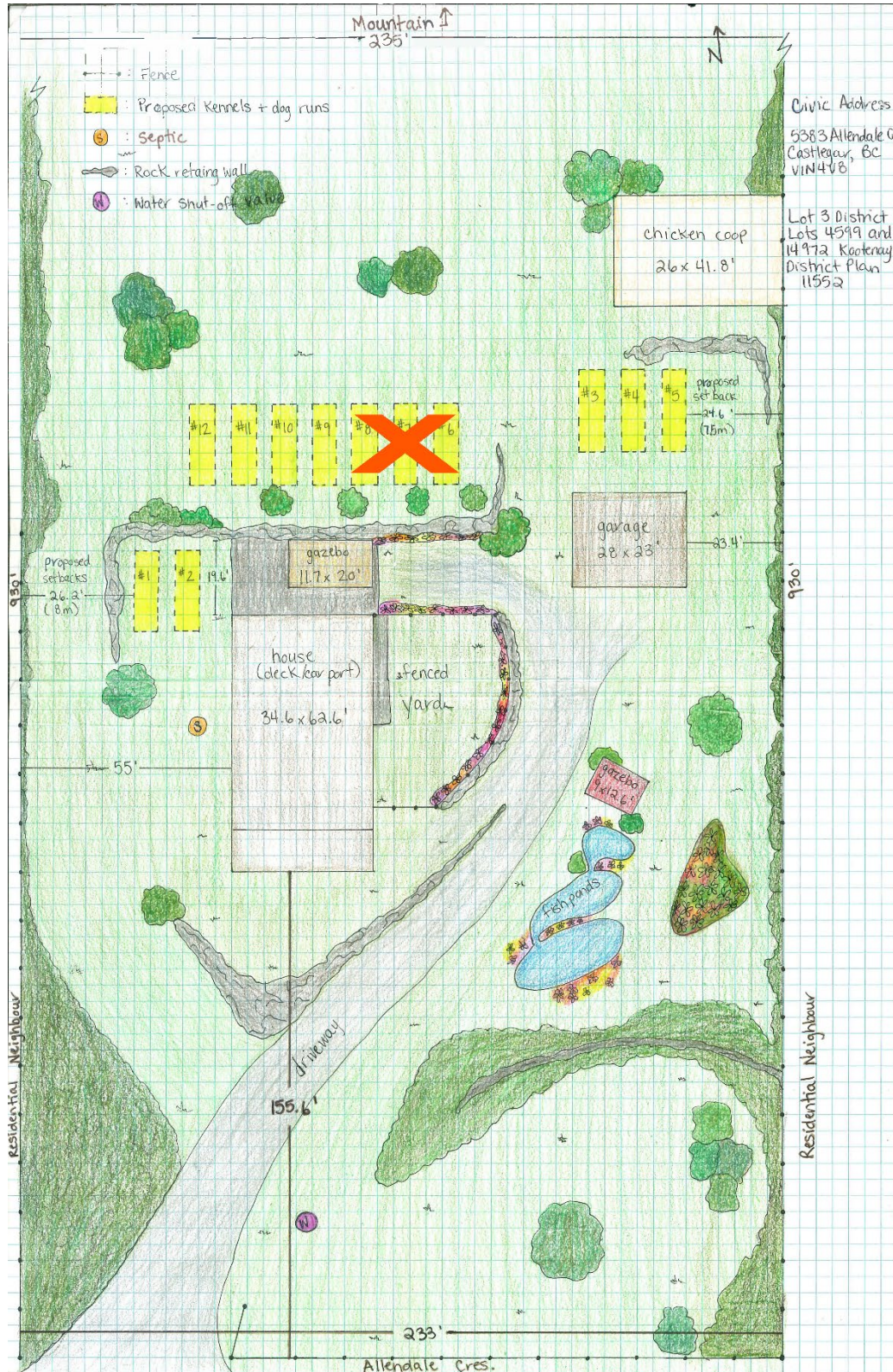
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 2: Site Plan





Committee Report

Date of Report: October 1, 2023
Date & Type of Meeting: October 18, 2023 Rural Affairs Committee
Author: Charmaine Daoust, Bylaw Department
Subject: Unsightly Property Bylaw No. 1687, 2004 – Remedial Action Requirement
File: 3310-20-23-K-710.02983.000
Electoral Area/Municipality: K

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to provide a file update and seek the Board's authority to enter onto and clean up an unsightly property located at 221 Maple St, Fauquier, BC within Electoral Area K. The property owner/occupier is Mr. Joseph David Sheremeto. On September 25, 2023 Bylaw Enforcement Team (BET) attended the property and noted that the property is in severe lack of compliance with (RDCK) Unsightly Property Bylaw No. 1687, 2004 regulations.

SECTION 2: BACKGROUND/ANALYSIS

This property is located in Electoral Area K and is subject to the Regional District of Central Kootenay (RDCK) Unsightly Property Bylaw No. 1687, 2004 regulations.

Joseph Sheremeto purchased this property in 1974 and has resided there since, and is now the only resident. The property is legally described as Lot 23, Plan NEP6172, District Lot 9156, Kootenay land District PID 014-220-989. The lot size is 15,682 square feet and would be described as a suburban neighborhood with neighbors on either side and across the street.

It is physically difficult to walk through this yard due to the dozens of vehicles, mechanical parts, wood and metal construction materials, garbage and miscellaneous items on the property. BEO Daoust took over this file in March of 2023 and connected with the complainant who stated that the fire lane at the rear of the property was also completely obstructed due to the hoarding for years. BEO Daoust attended on April 05, 2023 to take photos and noted the following: the front, side and rear lawn were barely visible due to the amount of derelict vehicles and recreational vehicles as well as a multitude of parts and miscellaneous items strewn about. There were about 12 vehicles counted on the front lawn alone to the point where one was slightly obstructing the roadway.

On April 12, 2023 a letter with Bylaw Offence Notice (BON) ticket was sent to Joseph Sheremeto. As BEO did not receive any contact from Joseph Sheremeto, another BON was mailed with a letter on May 18, 2023.

On May 23, 2023 Joseph Sheremeto called and spoke with BEO Daoust at length and said that he understood and was agreeable to start cleaning his property. An agreement was reached that Bylaw would keep in touch and any progress would be considered a positive step moving forward. Every few weeks, BEO Daoust called asking for a progress report and encouragement was given to continue any clean up. In June 2023, Joseph Sheremeto expressed that he was financially tight and BEO Daoust inquired on his behalf as to whether the RDCK would be able to waive any dump fees in order to assist him but this was not possible.

On August 10, 2023 Joseph Sheremeto advised BEO Daoust that the cleanup was going well and on August 17, 2023 BEO's Daoust and Dupuis met Sheremeto at his property. BEO Daoust was able to walk the property with him for a good hour, take photos and discuss in detail the reasons for non compliance, what support system if any is available to him and tried to encourage him and convey the seriousness of the situation and the effect of the state of his property on the neighborhood. The front yard specifically was discussed and a plan for some clean up to start was made. Sheremeto explained the various reasons why he wasn't able to clean in the past and acknowledged that he needed to tidy up.

During the August 17 meeting Mr. Sheremeto also informed he no longer has electricity in the house which is why there was a box of rotting food in the front yard adjacent to the road. He said that he now had to run a generator to keep a small amount of food cool and to provide some electricity. It was also noted that the side of the roof of his home is collapsing in. His children do not appear to be able to help him with any kind of assistance or clean up. It was obviously very difficult for him to deal with tackling such a monumental task. He was encouraged to start with a very small area and said he would bring some wood to the back of the yard within a week and try to get rid of a few vehicles. Most of the vehicles observed on the front lawn were full of items to the point where only a driver would be able to get into the vehicles.

On September 19 and September 20, 2023 a voice mail was left with Joseph Sheremeto asking how things were progressing and also letting him know that Bylaw would be up to visit with him on the following Monday.

On September 25, 2023 BEO's Daoust and Dupuis went to the property but Joseph Sheremeto was not home. The rotting food and the van that had been obstructing the roadway were removed but no other cleanup was observed. A neighbor gentleman happened to be coming home at that time and Bylaw spoke with him. He stated that he was raised in Fauquier and that Joseph Sheremeto was a kind man but had been a hoarder as long as he could remember. He also said that all of Joseph Sheremeto's properties were in the same state which is consistent with RDCK records.

On September 28, 2023 a voice mail was left with Joseph Sheremeto asking him to get in touch with BEO Daoust. No call back was received.

The RDCK has been working with Joseph Sheremeto since at least 2012 until 2021 on the clean up his 8.13 rural property located on Crescent Bay in Fauquier which had approximately 100 (one hundred) vehicles stored on it. It is believe that to date, no cleanup has been conducted.

On September 28, 2023 a voice mail was left with Joseph Sheremeto asking him to get in touch with BEO Daoust and again a callback was not received.

The Fire department was contacted and informed this property in their opinion, presented the most risk in the region due to the close proximity of neighboring houses, similar to another property in Fauquier that was approved from remedial action requirement by the Board in September. There is a long hoarding history by the homeowner and the Fire Department has given up hope of a self generated clean up.

The local towing company was contacted and said they normally can tow vehicles for free in Nakusp but for Fauquier each vehicle could cost \$125.

Last month, the board ordered remedial action on a property located in Fauquier on Willow St. If the Board should approve staff moving forward on this application for remedial action, the bylaw team will be able to coordinate

site visits with potential contractors, owners and any follow up required for both properties. A visit to Fauquier is a full day and it would be much more cost effective to cover two properties at the same time. BEO Daoust is confident that Joseph Sheremeto is incapable of tackling what is required to meet even the minimum standards set out in the Unsightly Bylaw.

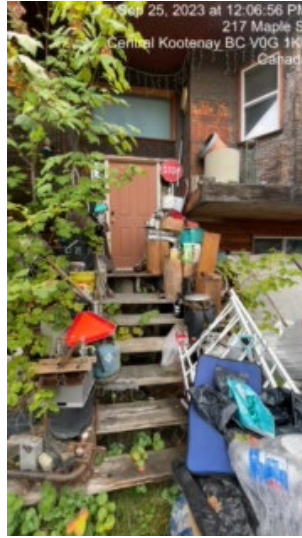
View from the neighbor's house across the street.



Front yard



Side and backyard





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

Should the Regional Board authorize Bylaw Enforcement staff by way of a contractor to remove the unsightly materials, the RDCK will be required to pay up front all cost of the cleanup and then apply all costs to the property owner. Should the bill remain unpaid by December 31st of the year the cleanup occurred, the costs may be added to the property tax as taxes in arrears. The cost incurred by the RDCK will be determined by the bids received from the interested contractors.

Cost will be billed to Rural Administration Service S101. Funds will need to be spent up front by the RDCK and depending on the repayment by the property owner, could take up to three years to be received back. If approved, this would be the third significant clean up the RDCK will be undertaking this year. In order to fund this, the Board could be looking at a large tax increase in S101 in 2024.

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

RDCK Unsightly Property Bylaw No. 1687, 2004.
Local Government Act – Section 305 (1) and Section 325 (c) (ii) {RSBC 2015} CHAPTER 1

3.3 Environmental Considerations

There are presently dozens of old vehicles, mechanical parts, construction materials etc. on the property. Failing to clean up the subject property may have negative environmental impacts through leaching of oils and gas as well as unknown contaminants that may result from the numerous derelict vehicles and garbage on the property. A fire at the property would affect most of the residents of Fauquier as this is the main residential area.

3.4 Social Considerations:

Continued non-compliance with the RDCK Unsightly Property Bylaw No. 1687, 2004 may:

- Encourage other properties to become or remain unsightly in appearance in contravention of the Unsightly Property Bylaw provisions;
- Effect of the value of surrounding properties;
- Ruin the visual aspect of the neighborhood and surrounding properties.

Currently, the adjacent property directly to the North also has a few vehicles on the front lawn, giving the appearance of a continuation of Joseph Sheremeto's unsightliness which reflects the point of the first bullet.

3.5 Economic Considerations:

Should the Board authorize the Remedial Action Requirement (RAR) be taken against this property, all cost incurred by the RDCK will have to be paid by the RDCK and the RDCK can invoice the property owner for all cost. If unpaid by December 31st of the calendar year this action was taken, can be added to the property tax as tax in arrears.

Any contract for clean-up is likely to be awarded to a local resident due to the remoteness of the location thus providing an economic opportunity to generate local temporary employment.

3.6 Communication Considerations:

Should the RDCK Board pass resolution authorizing Bylaw Enforcement to enter onto the property with a contractor to remove all offending matter will demonstrate to the general public and other non-compliant property owners that the Board is serious about enforcing its bylaws.

The state of this property is well known in the local community and it would be beneficial for the community to observe that the RDCK taking this issue seriously and enforcing the bylaw where appropriate.

3.7 Staffing/Departmental Workplan Considerations:

Enforcing the unsightly property bylaw is within the Bylaw Enforcement Teams work plan. To ensure staff time is utilized well staff will coordinate unsightly property clean up on another property in close proximity to this and was approved by the Board at their September meeting.

3.8 Board Strategic Plan/Priorities Considerations:

Bylaw enforcement is part of the core services offered by the RDCK.

SECTION 4: OPTIONS & PROS / CONS

Option 1. That the Regional Board order a Remedial Action Requirement to Mr. Sheremeto to reach compliance with the RDCK Unsightly Property Bylaw No.1687, 2004, provisions within 30 (thirty) days from the date of the Board hearing.

Pro: A deadline may motivate Mr. Sheremeto to cleanup his property within 30 days which may keep the RDCK from incurring further cost on this matter and demonstrates that there are consequences for failing to comply with bylaws.

Should cleanup of the property be delayed, contractors may become unavailable due to accepting other contracts for the autumn months. Winter snow will hinder any cleanup for six more months. The amount of household garbage stockpiled onto the property may become an animal attractant (bear, cougar).

Con: This property has been in an unsightly condition for many years. If the RDCK fails to take action this will have undesired reputational impact.

SECTION 5: RECOMMENDATIONS

1. The Regional Board order Joseph D. Sheremeto to meet compliance with the Unsightly Property Bylaw No. 1687, 2004 within thirty (30) days, as per the Community Charter. If the work is not completed within the thirty (30) day timeline, the Board authorize Bylaw Enforcement Officers and their Agents to enter onto the property located at 221 Maple Street, Electoral Area K and legally described as Lot 23, Plan NEP6172, District Lot 9156, Kootenay Land District, PID 014-220-989 with a contractor to remove all offending matter such as rubbish, garbage, bottles, building materials, broken glass or other discarded materials or unwholesome materials or ashes, not properly stored or piled in a neat and organized manner, as well as all or part of any machinery such as a tractor, backhoe or similar construction equipment, or equipment which is not capable of performing the task it was originally intended to perform, all wrecked vehicles; and demolish any structure deemed unsafe with all cost incurred by the RDCK being billed to the owner of the property, identified as Joseph D. Sheremeto; AND FURTHER, the interim costs be paid from Rural Administration Service S101.
2. All cost incurred be added to the property tax as “taxes in arrears” should the property owner identified as Joseph D. Sheremeto not pay the bill by December 31st of the year the cleanup occurs at the property located at 221 Maple Street, Electoral Area K and legally described Lot 23, Plan NEP6172, District Lot 9156, Kootenay Land District PID 014-220-989.

Respectfully submitted,

Charmaine Daoust, Bylaw Enforcement Officer

CONCURRENCE

Supervisor Bylaw Enforcement – Jordan Dupuis **Digitally approved**

General Manager of Development and Community Sustainability – Sangita Sudan **Digitally approved**

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



Committee Report

Date of Report: October 12, 2023
Date & Type of Meeting: October 18, 2023, Rural Affairs Committee
Author: Micah Nakonechny, Grants Coordinator
Subject: COMMUNITY WORKS FUND APPLICATION – REGIONAL DISTRICT OF CENTRAL KOOTENAY “OOTISCHENIA FIRE HALL”
File: 1850-20-CW-293
Electoral Area/Municipality J

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the RDCK Community Works Fund application submitted by the Regional District of Central Kootenay for the project titled “Ootischnia Fire Hall Bay” in the total amount of \$413,377.82 and that funds be disbursed from Community Works Funds allocated to Electoral Area J. This Fire Hall Infrastructure project seeks to secure additional funding to bring the fire hall’s proposed bay addition into compliance with BC Building Code regulations.

SECTION 2: BACKGROUND/ANALYSIS

Constructed in 1990, the Ootischnia Fire Hall does not have adequate bay space to house a newly purchased rescue truck. The fire hall also has a deck that is end of life and requires replacement for safety.

In 2022, a Community Works Fund Application was approved for the supply and install of a vehicle bay addition, deck replacement and energy efficiency work for a total value of \$409,899.00 as part of CW-249. NDB Construction Ltd. was awarded a design/build contract for these services and subsequently submitted a building permit application. Subsequently, RDCK building officials concluded that the building was incorrectly designed to the Part 9 BC Building Code 2018 (BCBC) regulations, whereas a fire hall should comply with the more comprehensive Part 4 Post-Disaster and related BCBC regulations. This necessitated that an architect be retained to produce design documents to bring the fire hall into compliance.

In July 2023, a revised building permit application and 95% construction drawings were submitted to the RDCK. Subsequently, NDB provided a proposed change order reflecting the additional cost required to construct the redesigned building. These revised costs, plus additional costs incurred due to the redesign to comply with BCBC form the basis of this Community Works Fund Application. The requested amount (\$413,377.82) is in addition to the amount previously approved in 2022 (\$409,899.00). A detailed budget for this Community Works application is included in Attachment A.

At the October 19, 2023 Board meeting, subject to this application’s approval, the Board will be asked to approve the award of the Fire Hall addition contact to NDB, which will be partially funded (\$201,518) via this CWF application.

RDCK Fire Services plans to outlay this project by utilizing internal RDCK Project Management services and external suppliers/contractors through a competitive procurement process.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

This application is the responsibility of Area J and no other areas are being asked to contribute to the project. The Director for the area is supportive of the application and has sufficient 2023 funds to allocate to the project. Should this project be funded, Area J will have \$174,429.03 in Community Works funds remaining.

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

Community Works (formerly Gas Tax) funded projects aim to achieve three objectives: a clean environment; strong cities and communities; and productivity and economic growth. Board policy dictates that applications to the Community Works Fund be reviewed by staff and the Rural Affairs Committee for compliance with program guidelines. Staff is of the opinion that this project falls within the broad program category of 'Fire Hall Infrastructure'.

3.3 Environmental Considerations

None at this time.

3.4 Social Considerations:

The proposed addition will allow fire services in Area J to continue in a safe and sustainable manner, while providing safe, reliable access to the hall for service vehicles, volunteers, and visitors.

3.5 Economic Considerations:

The proposed project costs are eligible based on Community Works funding criteria.

3.6 Communication Considerations:

None at this time.

3.7 Staffing/Departmental Workplace Considerations:

The project team includes:

- Nora Hannon – Regional Fire Chief
- Grant Hume – Deputy Fire Chief (Operations)
- Jeannine Bradley – Project Manager
- Ootischenia Fire Department Chief

RDCK staff resources will need to be allocated to track, process and ensure reporting requirements are fulfilled on an annual basis for a five-year period.

3.8 Board Strategic Plan/Priorities Considerations:

None at this time.

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

THAT the Community Works Fund application submitted by the Regional District of Central Kootenay for the project titled “Ootischenia Fire Hall Bay Addition” in the amount of \$413,377.82 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area J.

Respectfully submitted,

Micah Nakonechny, Grants Coordinator

CONCURRENCE

Mike Morrison – Manager of Corporate Administration/Corporate Officer **Digitally approved**

Uli Wolf – General Manager of Environmental Services **Digitally approved**

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

ATTACHMENTS:

Attachment A – Community Works Fund Application: Regional District of Central Kootenay “Ootischenia Fire Hall Bay Addition”



Regional District of Central Kootenay

Attachment A

Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
 250-352-6665 1-800-939-9300 Email info@rdck.bc.ca

Community Works Fund Application (Appendix-A)			
Gas Tax Program Services – CWF Funding (UBCM)			
"The Project"	RDCK Area J Building Improvements Project - Ootischenia Fire Hall		
Date of Application	2023/10/03		
Applicant Information			
Name of Organization	Regional District of Central Kootenay		
Address	Box 590, 202 Lakeside Drive		
City, Prov. Postal	Nelson, BC V1L 6X1		
Phone No.	250-551-7367	Fax No.	250-352-9300
Organization's Email	info@rdck.bc.ca		
Name of Contact	Jeannine Bradley	Contact's Email	jbradley@rdck.bc.ca
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Henny Hanegraaf	J	\$ 413,377.82	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy\mm\dd)	
2022/03/28		2024/08/31	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)	LOT A, PLAN EPP78088, DISTRICT LOT 4598, KOOTENAY LAND DISTRICT		
Registered Owners of Land(s)	Regional District of Central Kootenay		
Crown Land Tenure/License No./Permit No.(s)	n/a		
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	<input checked="" type="checkbox"/>	Yes	
	<input type="checkbox"/>	No	
Have you applied and received a building permit?	<input type="checkbox"/>	Yes, Permit No. _____	
	<input checked="" type="checkbox"/>	No	
If No, please explain: Building permit application is in progress			

Application Content

Must include all of the following:

- 1.0 - Description of the Project including management framework
- 1.1 - Project timeline and supporting documents
- 2.0 - Project budget
- 3.0 - Accountability Framework Financial statements that adhere to Project accountability

1.0 Description of the Project including management framework

Fire Services (a service within the RDCK) coordinates fire protection within 18 separate service areas. This project is part of RDCK's plan to upgrade all fire hall infrastructure across the region to ensure they continue to be able to service their local communities.

The Ootischenia Fire Hall in Electoral J was constructed in 1990 and is in need of improvements:

- The service has purchased a new rescue truck and has inadequate bay space available to house the vehicle;
- The fire hall has a deck that is end of life, requiring replacement for safety;
- The fire hall is due to receive a vehicle exhaust system to manage contamination of turnout gear which otherwise poses a health risk;
- An energy audit completed in 2021 made several recommendations to improve the performance of the existing building.

In 2022, a Community Works Fund Application was approved for a total value of \$409,899.00 for the supply and install of:

- Vehicle bay addition;
- Deck replacement;
- Vehicle exhaust extraction system; and
- Energy efficiency improvements.

Additional funds are required to complete these projects for several reasons:

1. NDB Construction Ltd. was retained through a competitive procurement process to design the bay expansion to Part 9 BC Building Code 2018 (BCBC) regulations. On submission of the building permit application, it was found that the fire hall's design must be completed to the more onerous Part 4 Post-Disaster and related BCBC regulations which requires an architectural consultant's involvement, and the design to have capacity to withstand greater loads. Additional funding is required to cover the additional costs associated with the redesign and construction of the new bay to these more onerous BCBC regulations.
2. During a structural review of the existing fire hall in anticipation of the exhaust system's install, one component of the structure was identified did not comply with BCBC regulations requiring that additional design, and structural and fire protection upgrading be completed prior to the exhaust system's install. It was also identified that a second exhaust system would be necessary to comply with BCBC regulations.

Some funding will be re-allocated within the original Community Works Fund approved application to help manage these increased costs.

The RDCK - Fire Services plans to outlay this project by utilizing internal RDCK project management services, and external suppliers / contractors through a competitive procurement process.

(If needed, please provide additional information on separate page)

1.1 Project Costs including Timeline and Supporting Documents

The anticipated project costs for the Ootischenia Fire Hall Bay Addition project is \$709,454.88.

This includes:

- Redesign of vehicle bay addition for one vehicle plus storage room to Part 4 Post Disaster BCBC standards;
- Supply of materials and construction of new bay addition and required modifications to existing building;
- External paving around bay addition;
- Partial lights retrofit;
- Contingency (10%);
- Project management fees (10%)

Pending funding approval, it is expected that the construction will commence in November 2023, and be complete by end of August 2024.

The anticipated project costs for the Ootischenia Fire Hall vehicle exhaust extraction project is \$196,381.94.

This includes:

- Supply and install of 2 independent vehicle exhaust extraction systems for 3 bays;
- Modifications to existing vehicles and building electrical relating the exhaust system's install;
- Structural review of existing building, and design and construction of structural upgrades to comply with BC Building Code 2018 regulations;
- Architectural review of existing building, and design and install of fire protection upgrades to comply with BC Building Code 2018 regulations;
- Contingency (10%);
- Project management fees (10%)

Pending funding approval, it is expected that the design will be complete by December 2023, and construction complete by end of August 2024.

(If needed, please provide additional information on separate page)

1.2 Project Impact

This project will serve to allow fire services to continue in Area J in a safe and sustainable manner.

(If needed, please provide additional information on separate page)

1.3 Project Outcomes

Outcomes include:

- Provision of safe and reliable access to the hall for service vehicles and members and all visitors alike.

(If needed, please provide additional information on separate page)

1.4 Project Team and Qualifications

The project team includes:

Nora Hannon - Regional Fire Chief, RDCK
 Grant Hume - Regional Deputy Fire Chief, RDCK
 Jeannine Bradley - Project Manager, RDCK
 Ootischenia Fire Chief, RDCK

(If needed, please provide additional information on separate page)

2.0 Project Budget
 List anticipated and confirmed Project revenue and expenses that have been deemed necessary for the implementation of the Project. Schedule B outlines eligible costs for eligible recipients (see attached).


Project Revenue
 (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Revenue	Value (\$)
See following page		\$
		\$
		\$
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 0.00

Project Expenses
 (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Expenses	Value (\$)
See following page		\$
		\$
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 0.00

Project Revenue (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
Vehicle Bay Addition	Community Works Fund (this application)	\$ 413,377.82
Vehicle Bay Addition	Growing Communities Fund (previously approved)	\$ 73,885.00
Vehicle Bay Addition	Community Works Fund (previously approved)	\$ 286,224.45
Replacement of back deck	Community Works Fund (previously approved)	\$ 20,000.00
Exhaust extraction system	Community Works Fund (previously approved)	\$ 49,720.00
Timer, DDC system, LED Upgrade	Community Works Fund (previously approved)	\$ 12,161.00
Building Permit Fees	Community Works Fund (previously approved)	\$ 3,780.00
Contingency	Community Works Fund (previously approved)	\$ 37,188.55
Project Management Fees	Service Funds	\$ 9,500.00
	Total Project Revenue	\$ 905,836.82
Project Expenses (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
NDB Construction Ltd.	Construction of bay addition, deck, LED retrofits	\$ 487,832.00
Cover Architecture Collaborative Ltd	Architectural bay addition design, construction admin	\$ 74,125.00
Hinterland Surveying	Land survey to aid bay addition design	\$ 3,030.00
Crowsnest Engineering	Geotechnical engineering to aid bay addition design	\$ 5,960.00
Fortis	New electrical service drop for bay addition	\$ 1,000.00
McElhanney Ltd.	Structural review/design of existing building	\$ 6,235.29
Architectural fire protection review	Fire protection review/design of structural upgrade con	\$ 5,695.25
Structural upgrades construction	Install of structural upgrade per design (estimate)	\$ 50,000.00
Fire protection upgrade construction	Install of fire protection per design (estimate)	25,000.00
Trican Filtration Group	Supply+ install of 2 independent exhaust systems	\$ 79,720.00
Exhaust system misc.	Wireless transmitter install, tailpipe mods, electrical.	\$ 1,703.77
RDCK	Building Permit	\$ 6,461.50
RDCK	Project Management Fees	\$ 85,768.12
Other	Contingency	\$ 73,305.89
		\$
		\$
	Total Project Expenses	\$ 905,836.82

2.1 Additional Budget Information		
Quote rationale to be reviewed by RDCK Chief Administrative Officer		
<p>Quotes have been provided for all estimated with the exception of:</p> <ul style="list-style-type: none"> - Structural upgrades construction - Fire protection upgrades construction. 		
(If needed, please provide additional information on separate page)		
3.0 Accountability Framework		
<p>The eligible recipient will ensure the following:</p> <ul style="list-style-type: none"> - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices - 		
4.0 Schedule of Payments		
<p>The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments:</p> <ol style="list-style-type: none"> a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures. 		
5.0 Acknowledgement of Requirements		
<p>Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth.</p> <p>By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 5 years) is to be submitted to the RDCK prior to October 31st of each year detailing the beneficial impacts on the community as a result of the completed Project.</p>		
Authorized Signature for Proponent	Name	Date
	Jeannine Bradley	2023/10/11