



# REGIONAL DISTRICT OF CENTRAL KOOTENAY

## Board Report

**Date of Report:** June 6, 2019  
**Date & Type of Meeting:** June 20, 2019 Open Regular Board Meeting  
**Author:** Meeri Durand, Senior Project Planner  
**Subject:** LAND USE AMENDMENT Z1805I-MAKWAY  
**File:** 4600-20-Z1805I-07595.320/MAKWAY/BA000020

### SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to consider adoption of land use amendments to the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 and Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004.

If successful, the proposed land use amendments will authorize amendments to the OCP designation and Zoning designation for lands located at 1005 Robson Access Road for the purposes of residential occupancy of a former heritage commercial building and school house.

**OCP Designation:** From Commercial (C) to Suburban Residential (SR)

**Zoning Designation:** From Heritage Commercial (C4) to NEW Heritage Residential I (HR-I)

### SECTION 2: BACKGROUND / ANALYSIS

GENERAL INFORMATION	
<b>Property Owner:</b> Rod and Kelly Makway	<b>Agent:</b> Rod Makway
<b>Property Location:</b> 1005 Robson Access Road	
<b>Legal Description:</b> Lot 1 District Lot 4598 Kootenay Land District Plan NEP5848 (PID 014-327-929)	
<b>Property Size:</b> 7.78 acres	

#### Site Context

The land subject to the land use amendment proposal is located at 1005 Robson Access Road in the community of Robson in Electoral Area 'I' of the Regional District of Central Kootenay (RDCK). The land under application is 3.15 hectares (7.78 acres) in site area and was historically developed as a school house in the 1920s that ceased operations in 1997. The site was used briefly by the Columbia Basin Trust (CBT) for office space in 1998 and converted to a restaurant following a successful zoning amendment in 2004. The property has been used as a private residence since the restaurant was closed in 2007 (refer to Figure 1).

#### Development Proposal

The applicant is proposing to maintain the existing heritage school house as a private residence and initially wished to further subdivide the property to create an additional two lots on the portion of the property to the west adjacent to other residential developments. Access in this location and drainage were identified as possible constraints to further subdivision and the applicant has expressed that they are no longer pursuing this option for the property.

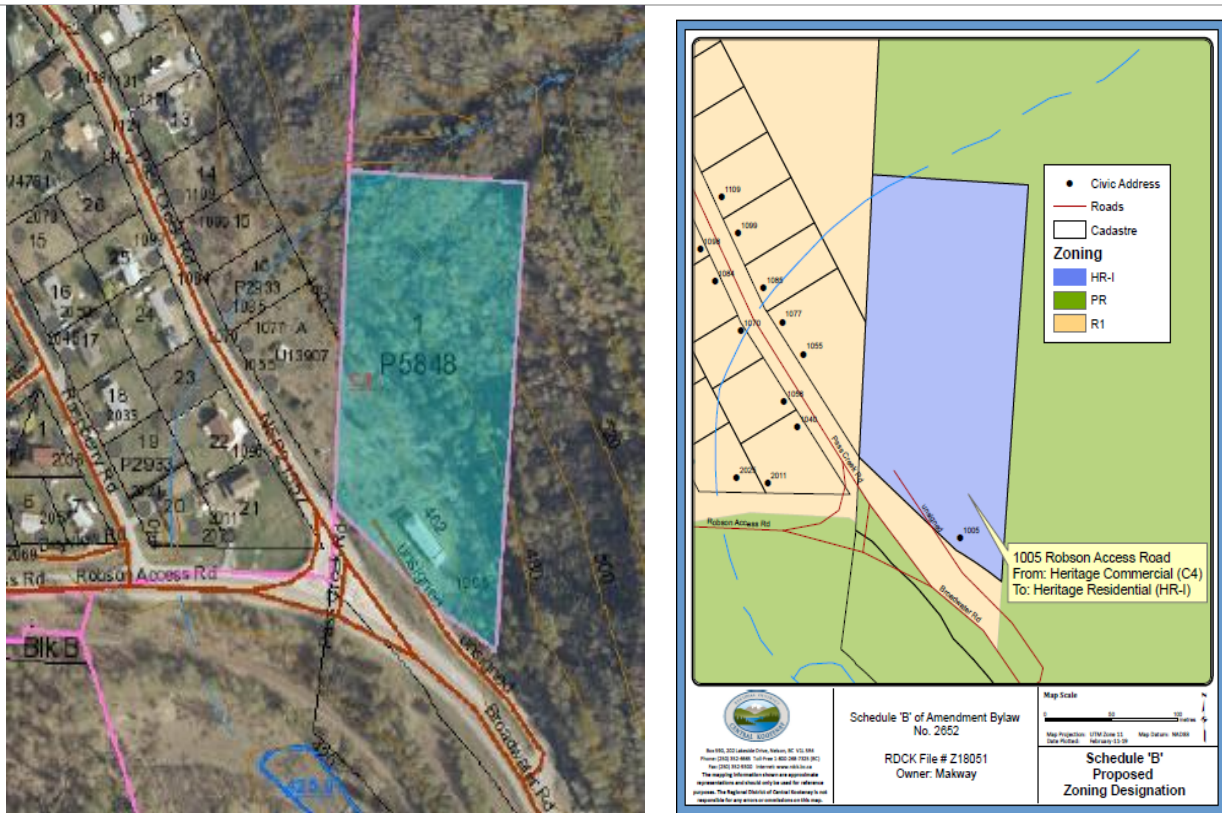


Figure 1: Location of Proposed Amendments

Land uses on adjoining properties are as follows:

Orientation	Zoning	Land Use
North	Parks and Recreation (PR)	Vacant
East	Parks and Recreation (PR)	Vacant
South	Medium Industrial (M2)	Dell Transport and City of Castlegar Lands
West	Suburban Residential (R1)	Residential

**Public Hearing**

A Public Hearing was held at the Robson Community Hall in Robson B.C. on February 28th, 2019 and was attended by fourteen (14) members of the public and the applicant. Six (6) written submissions were received prior to the Public Hearing and an additional four (4) submissions were made at the Public Hearing.

Concerns raised include: the historic value of the Raspberry School House and drainage and water supply if there is to be further development on the subject property.

**Community Considerations**

There is significant opposition to any land use change that would have negative implications for the preservation and continued conservation of the Raspberry School House. The Regional District Board passed the following resolution on April 11, 2019:

*“THAT ADOPTION of Regional District of Central Kootenay Amendment Bylaw No. 2651, 2018 and Regional District of Central Kootenay Amendment Bylaw No. 2652, 2018 be withheld until such a time as restrictive covenant for the purposes of heritage conservation is registered on Title.”*

Heritage Development Permit Area Guidelines are not applicable to the property once it is re-designated to a residential land use designation. This tool no longer exists in the Local Government Act and when it was enabled it was restricted in its use to commercial, industrial, multi-family and intensive residential development. In addition, this tool lacked enforcement capabilities. A restrictive covenant is the only tool available at this time to enable the intent of continued heritage conservation on the property. The applicant has agreed to the registration of a ‘Heritage Conservation Covenant’ as a means to be responsive to community interests and final registration at Land Titles has been submitted.

**SECTION 3: DETAILED ANALYSIS**

**a. Financial Considerations – Cost and Resource Allocations:**

<b>Included in Financial Plan:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>Financial Plan Amendment:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>Debt Bylaw Required:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<b>Public/Gov’t Approvals req’d:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

The applicable fee for a Land Use Bylaw Amendment application was received in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*.

**b. Legislative Considerations (Applicable Policies and/or Bylaws):**

A Public Hearing was held to allow for public comment on the proposed bylaw amendments in accordance with Section 464 of the *Local Government Act* on February 28th, 2019.

**c. Environmental Considerations:**

The subject property is already developed. There are no identified environmental sensitivities identified on the subject property.

**d. Social Considerations:**

Potential impacts to the use and enjoyment of land for neighbouring property must be considered. Notification of the proposal was distributed by mail to adjacent property owners within 150 metres of the subject property.

**e. Economic Considerations:**

The cost of maintaining a heritage building can be quite high due to keeping the integrity of the building maintained. These costs could be off set by including the Raspberry School House in a heritage registry that allows the applicants access to funding through various heritage grants while protecting the interests of the community in maintaining the structure long term.

**f. Communication Considerations:**

A Public Hearing was held as per Schedule 'D' of the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015 on February 28, 2019.

**g. Staffing/Departmental Work Plan Considerations:**

Upon receipt of an application accompanied by the required fees and attachments, Planning Department staff follows the 'Land Use Amendment Procedure' identified in Schedule 'D' of the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015.

**h. Board Strategic Plan/Priorities Considerations:**

This application falls under the operational role of Planning Services.

**SECTION 4: OPTIONS & PROS / CONS**

**OPTION ONE:**

1. THAT *Regional District of Central Kootenay Amendment Bylaw No. 2651, 2018* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* is hereby ADOPTED; AND FURTHER that the Chair and Corporate Officer be authorized to sign the same.
2. THAT *Regional District of Central Kootenay Amendment Bylaw No. 2652, 2018* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby ADOPTED; AND FURTHER that the Chair and Corporate Officer be authorized to sign the same.

**PROS:**

- ✓ The applicant has fulfilled the conditions of adoption as set forth by the Regional District Board in April by agreeing to a 'Heritage Conservation Covenant' to protect the heritage significance of the Raspberry School House.
- ✓ The proposed land use amendment and development would enable continued use of the subject property as a private residence.
- ✓ The property owner would be enabled to register the Raspberry School House under the RDCK Heritage Registry to access funding to off set the costs associated with long term maintenance of the building.

**OPTION TWO:**

1. THAT no further action be taken with respect to the *Regional District of Central Kootenay Amendment Bylaw No. 2651, 2018* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996*.
2. THAT no further action be taken with respect to the *Regional District of Central Kootenay Amendment Bylaw No. 2652, 2018* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*.

**SECTION 5: RECOMMENDATION(S)**

1. THAT *Regional District of Central Kootenay Amendment Bylaw No. 2651, 2018* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* is hereby ADOPTED; AND FURTHER that the Chair and Corporate Officer be authorized to sign the same.

2. THAT *Regional District of Central Kootenay Amendment Bylaw No. 2652, 2018* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby ADOPTED; AND FURTHER that the Chair and Corporate Officer be authorized to sign the same.

Respectfully submitted,



Meeri Durand, RPP  
Senior Project Planner

**CONCURRENCE**

**Initials:**

Planning Manager  
General Manager of Development Services  
Chief Administrative Officer

**ATTACHMENTS:**

Attachment A – Amendment Bylaw No. 2651  
Attachment B – Amendment Bylaw No. 2652