

Development Variance Permit Application

Referral Form – RDCK File V2601B

Date: March 5, 2026

You are requested to comment on the attached DEVELOPMENT VARIANCE PERMIT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO APRIL 6, 2026). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

301 36TH AVE SOUTH, Erickson, Electoral Area 'B'
 LOT 1 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 10845 (PID: 012-856-088)

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:

The subject property is located approximately 2 km east of the Town of Creston in the community Erickson and is within the ALR. The property is 2.4 hectares in size, fronts directly on 36th Ave South and is zoned Agriculture 1 (AG1). The property is presently vacant, however there was previously a single detached dwelling in approximately the same location where the new dwelling is proposed. There are existing services (e.g. concrete septic tank, water service lines, hydro pole for FortisBC overhead electrical service) from 36th Ave South to the proposed homesite. Access to the property is provided by a gravel driveway that is shared with the property directly to the south.

The purpose of this Development Variance Permit (DVP) is to authorize the farm residential footprint to be a maximum of 120 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING	OCP
2.4 ha (6 acres)	Within the ALR	Agriculture 1 (AG1) in Comprehensive Land Use Bylaw No. 2316, 2013	Agriculture (AG) in Comprehensive Land Use Bylaw No. 2316, 2013

APPLICANT: Roderick E. Goertzen and Lorena C. Goertzen

Please provide your response via email. If your agency's interests are 'Unaffected' no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this permit.

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

<input checked="" type="checkbox"/> MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE <input checked="" type="checkbox"/> HABITAT BRANCH (Environment) <input checked="" type="checkbox"/> FRONTCOUNTER BC (MFLNRORD) <input checked="" type="checkbox"/> AGRICULTURAL LAND COMMISSION <input checked="" type="checkbox"/> REGIONAL AGROLOGIST <input type="checkbox"/> ENERGY & MINES <input checked="" type="checkbox"/> ARCHAEOLOGY BRANCH <input checked="" type="checkbox"/> INTERIOR HEALTH, HBE TEAM <input checked="" type="checkbox"/> WATER SYSTEM OR IRRIGATION DISTRICT (ERICKSON RDCK WATER SYSTEM) <input checked="" type="checkbox"/> UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)	REGIONAL DISTRICT OF CENTRAL KOOTENAY DIRECTORS FOR: <input type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K ALTERNATIVE DIRECTORS FOR: <input type="checkbox"/> A <input checked="" type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input checked="" type="checkbox"/> APHC AREA 'B' <input checked="" type="checkbox"/> CRESTON VALLEY AGRICULTURE ADVISORY COMMISSION (CVAAC) <input checked="" type="checkbox"/> RDCK FIRE SERVICES <input type="checkbox"/> RDCK EMERGENCY SERVICES <input checked="" type="checkbox"/> RDCK BUILDING SERVICES <input checked="" type="checkbox"/> RDCK UTILITY SERVICES (ERICKSON WATER SYSTEM) <input type="checkbox"/> RDCK RESOURCE RECOVERY <input type="checkbox"/> RDCK REGIONAL PARKS
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The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, use and disclosure of personal information are subject to the provisions of FIPPA. Any submissions made are considered a public record for the purposes of this application. Only personal contact information will be removed. If you have any questions about the collection of your personal information, contact the Regional District Privacy Officer at 250.352.6665 (toll free 1.800.268.7325), info@rdck.bc.ca, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

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

RDCK Map



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

Legend

- Place Names
- Lakes and Rivers
- Streams and Shorelines
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines

Map Scale:

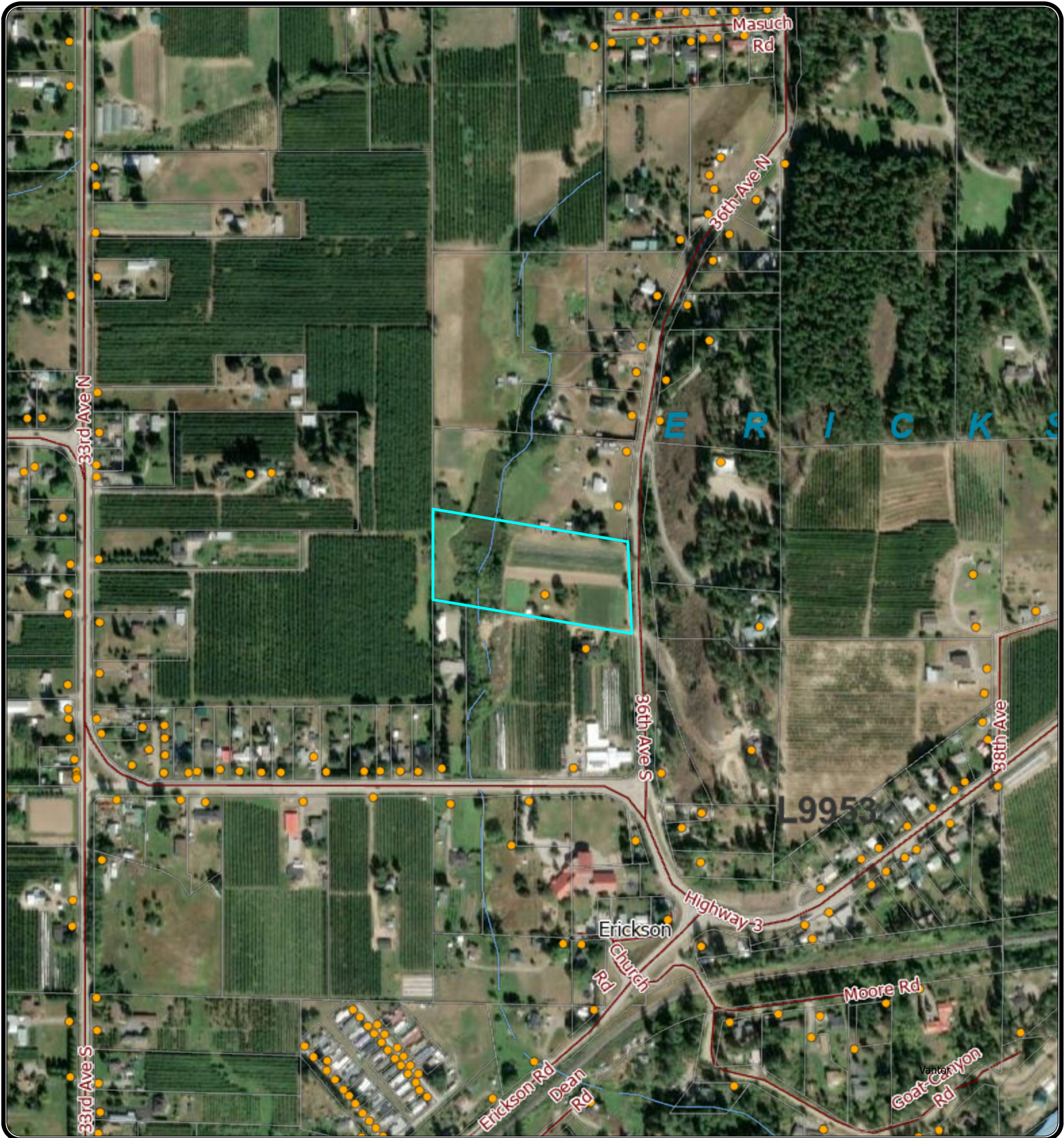
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Date: February 17, 2026









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

RDCK Map



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Legend

- Place Names
-  Lakes and Rivers
-  Streams and Shorelines
-  Electoral Areas
-  RDCK Streets
-  Cadastre - Property Lines
-  Address Points

Map Scale:

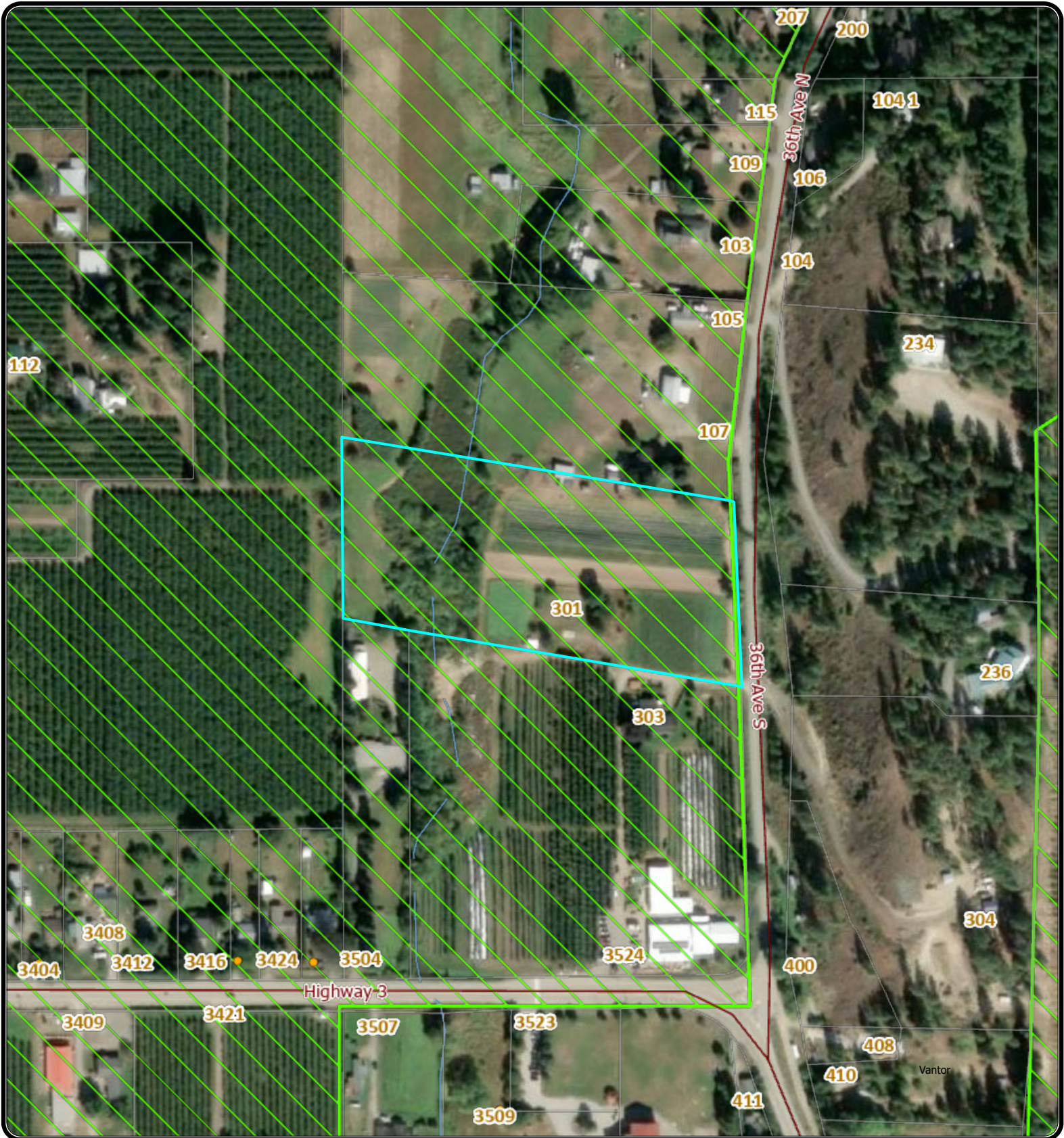
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Date: February 17, 2026



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Legend

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

Map Scale:

1:4,514

Date: February 17, 2026



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Official Community Plan

- Agriculture
- Community Services
- Suburban Residential

Legend

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

Map Scale:

1:4,514

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Legend

Zoning Class

- Agriculture
- Community Services
- Residential 1
- Streams and Shorelines

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

Map Scale:

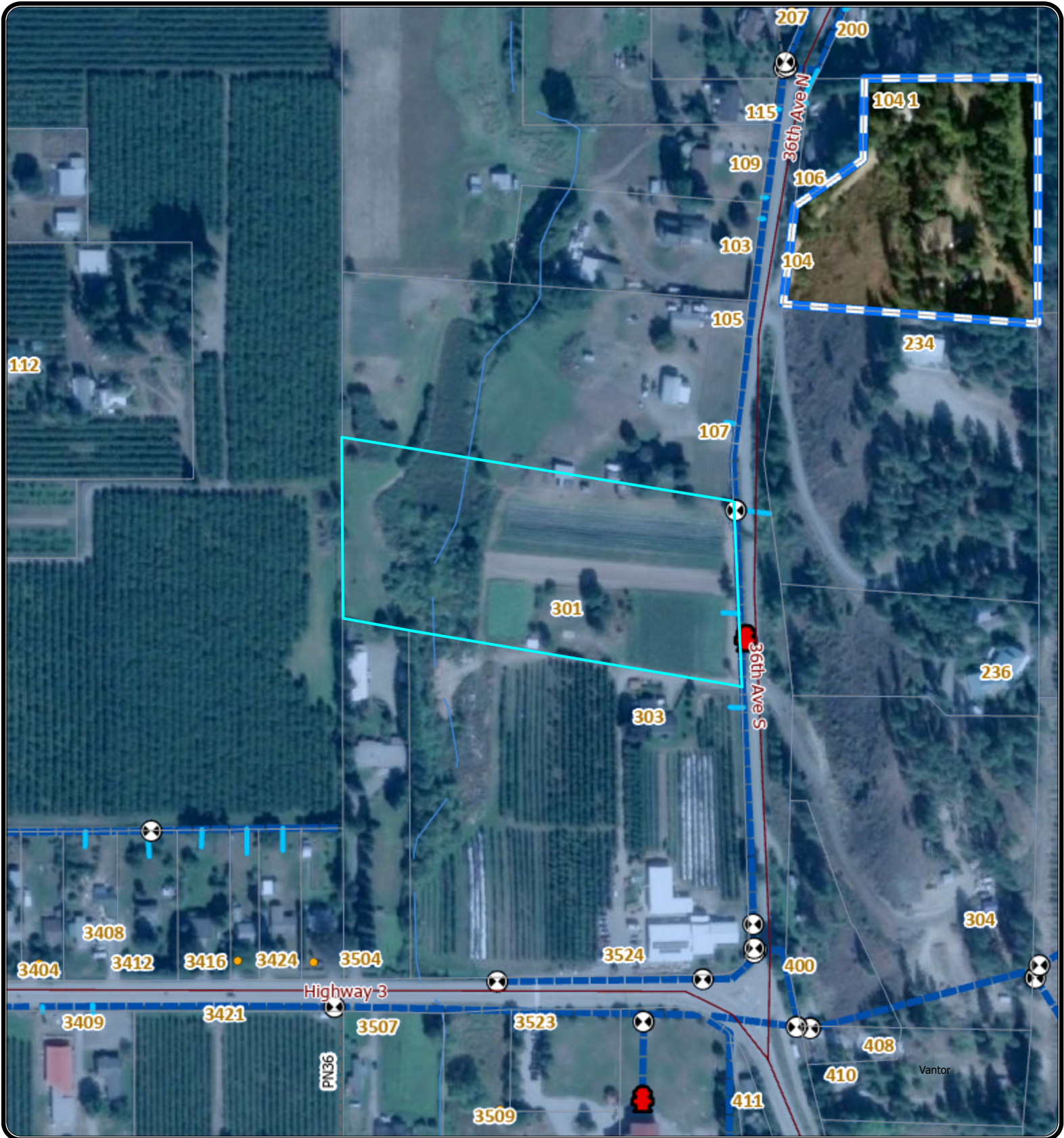
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RDCK Map



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Legend

--- Decommissioned Mainline

⊗ Valves

Water Systems

RDCK OWNED

Main Line

Service Connections

Hydrants

Hydrant

Streams and Shorelines

Electoral Areas

RDCK Streets

Cadastre - Property Lines

Address Points

Map Scale:

1:4,514

Date: February 17, 2026








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Legend

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

Map Scale:

1:2,257

Date: February 17, 2026



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

Proposal Summary for 301 36th Ave S, Erickson BC LOT 1 PLAN NEP10845 DISTRICT LOT 812
KOOTENAY LAND DISTRICT (GOERTZEN)

The depth of the FRF in this site plan would require a variance as it would be 120m rather than the 60m permitted by regulation 23(5). We request a variance to section 23(5) of the bylaw to permit the FRF to not exceed 120m from the front lot line. This allows a house to be built upon the previous house location and the submission has the intent to maintain the existing yard site as it existed upon our 1993 purchase of the property. There would be no impact to the adjacent properties. The current yard site has a concrete septic tank, a power pole which Fortis allowed power to be maintained, and there are existing underground water/irrigation lines from the property front to the yard site. Frank Wlokas (adjacent property to the south) had a natural gas line for his usage installed along our roadway/property line of sufficient size so we could connect to the gas line at a later date. Pilings and concrete slabs of the first house remain on site. The proposal continues to use the established and shared road between the properties (south side) with this proposal using the existing driveway in the yard site. No new road construction is required. The proposal also allows the current ALR land used for agricultural purposes to continue as is. An agricultural use out building on the yard site is proposed to allow storage and maintenance of the land use equipment and materials so the long term ALR land usage of the property can continue.



23.0 AGRICULTURE 1 (AG1)

Permitted Uses

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

Agriculture

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

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Detached Housing

Standard Cultivation, Cannabis

Standard Processing, Cannabis

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

Accessory Uses:

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

Development Regulations

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

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

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro

processing or cannabis nurseries shall not exceed 250 square metres.

17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

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