Regional District of Central Kootenay

RURAL AFFAIRS COMMITTEE

Open Meeting Agenda

**Date:** Wednesday, May 20, 2026

**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. **ZOOM 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://rdck-bc-ca.zoom.us/j/97918675110?pwd=GmVSuFaa2RntNTq5nTyh8CpcKj5tAL.1

   **Join by Phone:**

   833 955 1088 Canada Toll-free

   *6 to unmute or mute
   *9 to raise or lower your hand

   **Meeting ID:** 979 1867 5110
   **Meeting Password:** 527524

   **In-Person Location:**
   RDCK Board Room
   202 Lakeside Dr. Nelson

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 May 20, 2026 Rural Affairs Committee meeting be adopted as circulated.

## 5. RECEIPT OF MINUTES

8 - 11

The April 15, 2026 Rural Affairs Committee meeting minutes, have been received.

## 6. DELEGATIONS

No delegations.

## 7. PLANNING & BUILDING

### 7.1 BUILDING BYLAW CONTRAVENTION - DAVIS

12 - 14

**File No.: 3135-20-A-786.05502.100**
**12670 Hepher Road**
**(Siobhan Davis)**
**Electoral Area A**

The Memorandum dated April 22, 2026 from Konstantin Vassev, Senior Building Official and Erik Stout, Manager Building and Bylaw, re: Building Bylaw Contravention - Davis, has been received.

**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 12670 Hepher Road, Electoral Area A, and legally described as LOT A, PLAN EPP44483, DISTRICT LOT 5027, KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 57051.; 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.

### 7.2 BUILDING BYLAW CONTRAVENTION - COOK

15 - 18

**File No.: 3135-20-B-786.05543.100**
**3533 Dean Road**
**(Timothy Cook, Kim Cook, Kristen Mitchell, Megan Corbett, Beau Corbett,**

**Megan Corbett, Ricky Shurgelo, & Anthony Shurgelo)**
**Electoral Area B**

The Memorandum dated April 20, 2026 from Konstantin Vassev, Senior Building Official and Erik Stout, Manager Building and Bylaw, re: Building Bylaw Contravention - Cook, has been received.

**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 3533 Dean Road, Electoral Area B, and legally described as LOT 1, PLAN NEP6126, DISTRICT LOT 5617, KOOTENAY LAND DISTRICT EXCEPT PLAN 13694, & DL 9953, MANUFACTURED HOME REG. # 52640; 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.

**7.3 DEVELOPMENT VARIANCE PERMIT - GOERTZEN** 19 - 35
**File No.: V2601B – Goertzen**
**301 36th Ave South**
**(Roderick and Lorena Goertzen)**
**Electoral Area B**

The Committee Report dated April 8, 2026 from Zachari Giacomazzo, Planner, re: Development Variance Permit - Goertzen, has been received.

**RECOMMENDATION:**
That it be recommended to the Board:

That the Board APPROVE the issuance of the Development Variance Permit to Roderick E. Goertzen and Lorena C. Goertzen for the property located at 301 36th Avenue South, Electoral Area B and legally described as LOT 1, DISTRICT LOT 812, KOOTENAY DISTRICT PLAN 10845 (PID: 012-856-088) to vary Section 23.5 of *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013* to authorize the maximum depth of the Farm Residential Footprint to be 120 metres from the Front Lot Line.

**7.4 DEVELOPMENT VARIANCE PERMIT - WASYLYSHYN** 36 - 54
**File No.: V2606F - WASYLYSHYN**
**4012 Fumot Place**
**(Mark and Robert Wasylyshyn)**
**Electoral Area F**

The Committee Report dated April 21, 2026 from Sadie Chezenko, Planner, re: Development Variance Permit - Wasylyshyn, has been received.

**RECOMMENDATION:**
That it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2606F to Mark and Robert Wasylyshyn for the property located at 4012 Fumot Place, Electoral Area F and legally described as STRATA LOT 6, DISTRICT LOT 7071, KOOTENAY DISTRICT STRATA PLAN EPS2257, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID: 030-279-119) to vary Section 605.5 of *RDCK Zoning Bylaw No. 1675, 2004* in order to permit a 1.5 metre setback from the front lot line whereas the bylaw requires a 4.5 metre setback from the front lot line.

**7.5 DEVELOPMENT VARIANCE PERMIT - AKER** 55 - 77
**File No.: V2605I - AKER**
**2250 Glade Road**
**(Shane Aker)**
**Electoral Area I**

The Committee Report dated April 20, 2026 from Sadie Chezenko, Planner, re: Development Variance Permit - Aker, has been received.

**RECOMMENDATION:**
That it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2605I to Shane Aker for the property located at 2250 Glade Road, Electoral Area I and legally described as LOT B, DISTRICT LOT 302A, KOOTENAY DISTRICT PLAN EPP81680 (PID: 030-492-891) to vary Section 605.1 of *RDCK Zoning Bylaw No. 1675, 2004* in order to permit a 1.3 metre setback from the side lot line whereas the bylaw requires a 2.5 metre setback from the side lot line and also to vary Section 2701.4 of *RDCK Zoning Bylaw No. 1675, 2004* in order to permit farm residential footprint depth of 90m whereas the bylaw requires a farm residential footprint depth of 60m.

**7.6 COMPREHENSIVE LAND USE AMENDMENT BYLAW - FRIENDS OF KITCHENER SOCIETY** 78 - 98
**File No.: Z2601B – Friends of Kitchener Society**
**6253 Kitchener Road**
**(Property Owner: Friends of Kitchener Society; Agent: Katie Kendall, Columbia Basin Trust )**
**Electoral Area B**

The Committee Report dated April 30, 2026 from Zachari Giacomazzo, Planner, re: Comprehensive Land Use Amendment Bylaw - Friends of Kitchener Society, has been received.

**RECOMMENDATION:**
That it be recommended to the Board:

That *Electoral Area B Comprehensive Land Use Amendment Bylaw No. 3079, 2026* being a bylaw to amend *Electoral Area B Comprehensive Land Use Bylaw No. 2316, 2013* 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 B Director Roger Tierney is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

**7.7 LIQUOR AND CANNABIS REGULATION BRANCH REFERRAL** 99 - 108
**File No.: R2606J – Scotties Marina Ltd.**
**(Scotties Marina)**
**Electoral Area J**

The Committee Report dated May 5, 2026 from Zachari Giacomazzo, Planner, re: Liquor and Cannabis Regulation Branch Referral, has been received.

**RECOMMENDATION:**
That it be recommended to the Board:

That the Regional Board recommends support of the application proposed by Natasha McCreight (LCRB Job #142736 and RDCK File No. R2606J) for a Rural Licensee Retail Store (RLRS) licence at an existing general store (Scotties Marina) located at 5220 Broadwater Road, Electoral Area J (LOT A, DISTRICT LOT 4599, KOOTENAY DISTRICT PLAN NEP22963, PID: 023-387-378);

And that the Regional Board comments are as follows:

I. The proposed store is located on a fee simple lot that is designated Commercial (C) in the Area J Official Community Plan and zoned Tourist Commercial (C3) in *RDCK Zoning Bylaw No. 1675, 2004;*
II. The Board requests that MoTT Commercial Access Permit (2026-02144) is issued prior the RLRS Licence being issued in order to address any potential traffic and safety issues;
III. That the retail sale of unopened liquor products/containers be restricted to 7:00am to 11:00pm;
IV. No significant impact on the community is anticipated if the application is approved;
V. The Board provided opportunity for residents to submit their views on the licence application. Public notice indicating that the RDCK would accept written comments on the application until April 27, 2026 was published in the Castlegar News on April 9, 2026 and posted on the notice board at the main entrance to the RDCK head office in Nelson on March 30, 2026. The referral package was also

posted on the RDCK's website on March 26, 2026. Further, a notification sign was posted on the subject property on March 20, 2026 until the Board considered the application on May 21, 2026;
VI. The views of the residents were considered by the Board at its May 21, 2026 Regular Board meeting or delivered as late items if correspondence was received after the agenda was published;

AND FURTHER, that the Regional Board direct staff to forward the above recommendation to the Liquor and Cannabis Regulation Branch (LCRB).

**7.8 ENVIRONMENTAL DEVELOPMENT PERMIT AREA (DPA) ENFORCEMENT** 109 - 207
**File No.: 10\5110\20\COMPLIANCE AND ENFORCEMENT\DEVELOPMENT PERMIT ENFORCEMENT**
**Electoral Area A, G, H**

The Committee Report dated April 15, 2026 from Corey Scott, Planner, re: Environmental Development Permit Area (DPA) Enforcement, has been received.

**RECOMMENDATION:**
That it be recommended to the Board:

That the Board direct staff to undertake early and ongoing consultation, pursuant to Sections 475 and 476 of the *Local Government Act*, with respect to *Amendment Bylaws No. 3024, 3025, and 3026*, being bylaws to amend *Regional District of Central Kootenay Electoral Area A Land Use Bylaw No. 2315, 2013*, *Regional District of Central Kootenay Electoral Area G Land Use Bylaw No. 2452, 2018*, and *Regional District of Central Kootenay Slocan Lake North portion of Electoral Area H Official Community Plan Bylaw No. 1967, 2009*, as described in the Committee Report "Development Permit Area Compliance and Enforcement", dated April 15, 2026.

**7.9 FOR INFORMATION: PLANNING SERVICES WORK PLAN** 208 - 210
**File No.: 10\4720\01**
**All Electoral Areas**

The Committee Report dated May 20, 2026 from Nelson Wight, Planning Manager, re: Planning Services Work Plan, has been received.

**7.10 AREA D COMMUNITY PLANNING – PROJECT CHARTER** 211 - 227
**File No.: 10\5100\20\D_Ainsworth\2026 Project**
**Electoral Area D**

The Committee Report dated May 20, 2026 from Dana Hawkins, MCIP, RPP, Planner, re: Area D Community Planning – Project Charter, has been received.

**RECOMMENDATION:**
That it be recommended to the Board:

That the Board direct staff to undertake the Area D Community Planning project as described in the Area D Community Planning – Project Charter date May 1, 2026.

### 7.11 RDCK SUB REGION WEST OFFICIAL COMMUNITY PLAN PROJECT CHARTER AND ENGAGEMENT FRAMEWORK

228 - 247

**File No.: \\FILES\RDCK\10\5110\20\RDCK SUB REGIONAL PLANNING**
**Electoral Area F, J, & K**

The Committee Report dated May 20, 2026 from Rishab Gaba, Planner, re: RDCK Sub Region West Official Community Plan Project Charter And Engagement Framework, has been received.

**RECOMMENDATION:**
That it be recommended to the Board:

That the Board direct staff to undertake the RDCK Sub Region West Official Community Plan project in accordance with the Project Charter and endorse the Engagement Framework as described in the report titled "RDCK Sub Region West Official Community Plan Project Charter and Engagement Framework" dated May 20, 2026.

## 8. ENVIRONMENTAL SERVICES

No items.

## 9. RURAL ADMINISTRATION

No item.

## 10. PUBLIC TIME

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

## 11. ADJOURNMENT

**RECOMMENDATION:**
The meeting be adjourned at _____

# Regional District of Central Kootenay

## RURAL AFFAIRS COMMITTEE MEETING

## Open Meeting Minutes

Wednesday, April 15, 2026
9:00 a.m.
Hybrid Model - In-person and Remote

| | | |
|---|---|---|
| **COMMITTEE MEMBERS PRESENT** | Director G. Jackman | Electoral Area A – In Person |
| | Director R. Tierney | Electoral Area B – In Person |
| | Director K. Vandenberghe | Electoral Area C – In Person |
| | Director A. Watson | Electoral Area D – In Person |
| | Director C. Graham | Electoral Area E |
| | Director T. Newell | Electoral Area F |
| | Director H. Cunningham | Electoral Area G – In Person |
| | Director W. Popoff | Electoral Area H – In Person |
| | Director A. Davidoff | Electoral Area I |
| | Director H. Hanegraaf | Electoral Area J |
| | Director T. Weatherhead | Electoral Area K – In Person |
| **STAFF PRESENT** | S. Horn | Chief Administrative Officer |
| | S. Sudan | General Manager of Development and Community Sustainability Initiatives |
| | N. Wight | Planning Manager |
| | D. Hawkins | Planner |
| | S. Johnson | Planner |
| | C. Hopkyns | Corporate Administrative Coordinator |
| | C. Feeney | Corporate Administrative Assistant – Meeting Coordinator |

**1. ZOOM 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://rdck-bc-ca.zoom.us/j/97918675110?pwd=GmVSuFaa2RntNTg5nTyh8CpcKj5tAL.1

**Join by Phone:**
833 955 1088 Canada Toll-free

*6 to unmute or mute
*9 to raise or lower your hand

**Meeting ID:** 979 1867 5110
**Meeting Password:** 527524

**In-Person Location:**
RDCK Board Room
202 Lakeside Dr. Nelson

**2. CALL TO ORDER**

Chair Jackman called the meeting to order at 9:00 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**

Moved and seconded,
And resolved:

The agenda for the April 15, 2026 Rural Affairs Committee meeting be adopted as circulated.

**Carried**

**5. RECEIPT OF MINUTES**

The March 18, 2026 Rural Affairs Committee meeting minutes, have been received.

## 6. DELEGATIONS

No delegations.

## 7. PLANNING & BUILDING

### 7.1 FOR INFORMATION - KOOTENAY LAKE FOREST LANDSCAPE PLAN - RDCK PARTICIPATION

**File No.: 09\4340\30\2026\KLFSP**
**Electoral Areas A, B, C, D, E, F & G**

The Committee Report dated April 15, 2026 from Dana Hawkins, Planner 2, re: Kootenay Lake Forest Landscape Plan - RDCK Participation, has been received.

Dana Hawkins, Planner, provided an overview to the Committee regarding the RDCK's participation options for the Kootenay Lake Forest Landscape Planning process which was initiated by the Province. A Forest Landscape Plan (FLP) is a new type of plan replacing Forest Stewardship Plans that will provide direction for the management of healthy, resilient forests in BC.

The Committee had a discussion, and staff answered the Committee's questions.

Moved and seconded,
And resolved that it be recommended to the Board:

THAT the Board request attendance by one municipal and one rural (or more) elected officials at the next two Kootenay Lake Forest Landscape Plan Advisory Group sessions for scoping purposes only, with staff participation to continue the receipt of materials and administrative coordination, and that any technical or ongoing staff involvement return to the Board once the process reaches mapping, modelling, target-setting, or draft objective review.

**Carried**

### 7.2 FOR INFORMATION: SUBDIVISION BYLAW REVIEW PROJECT - ENGAGEMENT SUMMARY

**File No.: 10\5110\20\RDCK Subdivision Servicing**
**All Electoral Areas**

The Committee Report dated April 15, 2026 from Stephanie Johnson, Planner, re: Subdivision Bylaw Review Project - Engagement Summary, has been received.

Stephanie Johnson, Planner, provided an overview to the Committee of the engagement results for the Subdivision Bylaw Review to the Committee. She noted that recent population growth and increased development pressure have highlighted the need to advance this work to support long-term, sustainable subdivision servicing. Stephanie

added that the primary objective is to develop a new bylaw that aligns with the needs of the RDCK.

The Committee had a discussion and, staff answered the Committee's questions.

**7.3 FOR INFORMATION: PLANNING QUARTERLY REPORT - Q1**
**New Application and Referrals**
**(January - March 2026)**
**All Electoral Areas**

The Report dated January - March 2026 from the Planning Department, re: Planning Services Quarterly Report, has been received.

Staff answered the Committee's questions.

**8. ENVIRONMENTAL SERVICES**
No items.

**9. RURAL ADMINISTRATION**
No items.

**10. PUBLIC TIME**
The Chair called for questions from the public and members of the media at 10:06 a.m.

No media or public had questions.

**11. ADJOURNMENT**
Moved and seconded,
And resolved:

The meeting be adjourned at 10:06 a.m.

**Carried**

Digitally Approved By
_____

Garry Jackman, Chair

# MEMORANDUM

File No: 3135-20-A-786.05502.100

April 22, 2026

TO: RDCK Board

FROM: Konstantin Vassev, Senior Building Official
Erik Stout, Manager Building and Bylaw

SUBJECT: Filing of Section 57-Notice on Title-DAVIS, SIOBHAN H -12670 HEPHER RD

The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property described as LOT A PLAN EPP44483 DISTRICT LOT 5027 KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 57051. PID 029-559-472 as a consequence of a building bylaw contravention-Commencing construction without a valid building permit.

**EXECUTIVE SUMMARY CHOICES:**
Commencing construction without a valid building permit.

**NOTICE ON TITLE – RURAL AFFAIRS COMMITTEE REPORT – BUILDING BYLAW INFRACTIONS:**
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.

---

Dec 6, 2023: Stop Work Order posted on metal accessory building being constructed without a permit, letter mailed to owner Nepomuk Bamberg.

Dec 22, 2023: Owner submitted building permit application BP028225 to construct a 25’ x 25’ metal accessory building. Application incomplete, P.Eng stamped drawings and Schedule B required.

Mar 11, 2024: Plan Reviewer followed up with owner regarding engineering, owner responded that they would reach out to manufacturer for stamped drawings.

Oct 11, 2024: Plan Reviewer followed up with owner regarding outstanding documentation. Owner requested a list of local structural engineers, which was provided.

Jan 7, 2025: Letter sent to owner regarding outstanding documentation for application, advising that if engineered design and Schedule B or letter of engagement from a structural engineer are not submitted by Feb 3, 2025, we would be recommending Notice be placed on Title.

Feb 6, 2025: Plan Reviewer followed up with owner who advised that he had contacted another structural engineer and was awaiting a response.

Apr 7, 2025: Owner sent update to Plan Reviewer, attempting to obtain further information from manufacturer.

Jul 23, 2025: Property sold to new owner Siobhan Davis in June 2025. Letter sent to new owner regarding status of the metal accessory building.

Aug 25, 2025: Following office visit by new owner on Aug 13, 2025, Plan Reviewer sent email with options available to remove the Stop Work Order, including:

- Engaging a Professional Engineer to provide a sealed design and a Schedule B with commitment to field review for the metal building
- Removal of the metal building
- Placement of a Notice on Title on the property.

Nov 10, 2025: Plan Reviewer sent follow-up email to current owner, who responded that she was still reviewing her options.

Nov 18, 2025: Owner responded via email requesting information about the options available.

Mar 24, 2026: Plan Reviewer sent follow-up email to owner, advising that if a response is not received within 30 days we would recommend that a Notice be placed on Title.

Apr 22, 2026: No further contact from owner.



**Photo 1: SWO posted in structure 6-Dec-2023**



**Photo 2: Metal accessory structure on 6-Dec-2023**

**RECOMMENDATION**

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 12670 HEPHER RD, BOSWELL, BC, Electoral Area A, legally described as LOT A PLAN EPP44483 DISTRICT LOT 5027 KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 57051.; 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.

**ALTERNATE RECOMMENDATION**

That the Rural Affairs Committee REFER the consideration of a Notice with the Land Title and Survey Authority of British Columbia for land at 12670 HEPHER RD, BOSWELL, BC, Electoral Area A, legally described as LOT A PLAN EPP44483 DISTRICT LOT 5027 KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 57051. to the June 2026 Open Rural Affairs Committee meeting.

Erik Stout, Manager Building and Bylaw Approved
Sangita Sudan, General Manager of Development and Community Sustainability Approved
Services Stuart Horn, Chief Administrative Officer Approved

# MEMORANDUM

File No: 3135-20-B-786.05543.100

April 20, 2026

TO: RDCK Board

FROM: Konstantin Vassev, Senior Building Official
Erik Stout, Manager Building and Bylaw

SUBJECT: Filing of Section 57-Notice on Title-COOK, TIMOTHY J, COOK, KIM M and MITCHELL, KRISTEN D, CORBETT, MEGAN Q and BRENNEN, BEAU V, CORBETT, MEGAN Q and SHURGELO, RICKY B, SHURGELO, ANTHONY-3533 DEAN RD

The purpose of this report is for the RDCK Board to consider placing a Notice on Title on the above noted property described as LOT 1 PLAN NEP6126 DISTRICT LOT 5617 KOOTENAY LAND DISTRICT EXCEPT PLAN 13694, & DL 9953, MANUFACTURED HOME REG. # 52640 PID 010-296-492 as a consequence of a building bylaw contravention-Commencing construction without a valid building permit.

**EXECUTIVE SUMMARY:**
Commencing construction without a valid building permit.

**NOTICE ON TITLE – RURAL AFFAIRS COMMITTEE REPORT – BUILDING BYLAW INFRACTIONS:**
4.1 No person shall undertake work regulated by this Bylaw without a permit.

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.

---

October 16, 2025: Building Official visited property to investigate new roof construction and alterations being done on an existing building. Stop Work Order Notice was placed on the building and Building Official asked the workers on site to stop construction and make a building permit application as soon as possible. The workers indicated they would inform the property owner.

October 24, 2025: Stop Work Order letter mailed to all Registered Owners on Title.

October 28, 2025: A follow-up site visit was conducted after the Building Official observed that work was continuing. Two Building Officials attended the property. The original Stop Work Order Notice had been removed. The Building Official then posted a second Stop Work Order Notice, however the owner removed it in front of the Building Officials and stated that he has no intention of obtaining a building permit and will continue construction without one. The Building Official advised the owner that Bylaw Offense Notices would be issued for all applicable infractions under the RDCK Building Bylaw No. 2200, 2010.

Nov 6, 2025: A formal letter and four Bylaw Offense Notices were mailed to Tim Cook at PO Box Address found on Title.

Nov 18, 2025: The letter returned undeliverable. Copies were then mailed out to Tim Cook c/o 3535 Dean Road and Tim Cook c/o 1209 Lakeview Arrowcreek Road, the mailing addresses of other Registered Owners on Title.

Nov 26, 2025: The Owner then emailed the Building Official disputing the tickets and requested an extension to the 14-day period to pay tickets at a reduced rate.

Dec 4, 2025: The Owner paid the four Bylaw Offense Notices at the reduced penalty, once paid typically no appeal and deemed guilty.

Dec 8, 2025: The Owner applied to dispute the Bylaw Offense Notices, even though the tickets have been paid an adjudication hearing was arranged.

Jan 29, 2026: Adjudication hearing was held online.

Feb 3, 2026: Adjudication hearing results came back. All tickets were upheld. The adjudicators report specified the following: “The disputant states that he felt that he had the right to do this construction without a permit due to the 1982 Constitution Act… The disputant stated that he would not be applying for a Building Permit.”

Owner is continuing construction, and no building permit application has been submitted as of the date of this report.

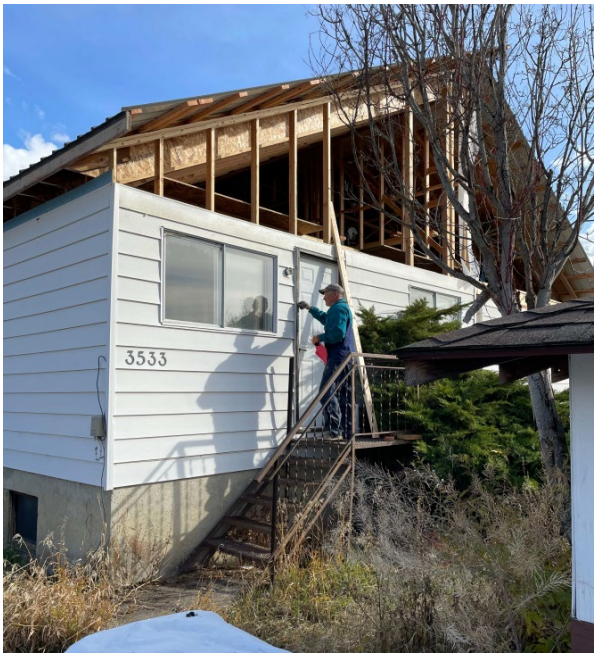
Note: There is a separate building permit BP024149 to move an outbuilding onto the property, which expired on Jan 4, 2021. The owner has not renewed the permit or obtained a replacement permit to complete work under BP024149. A final expiry notice was sent to all Registered Owners.




First Stop Work Order Notice




Second Stop Work Order Notice




Owner Removes Second SWO Notice



Owner is proceeding with work. Nov 6, 2025



Owner is proceeding with work. Feb 5, 2026

**RECOMMENDATION**

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 3533 DEAN RD, ERICKSON, BC, Electoral Area B, legally described as LOT 1 PLAN NEP6126 DISTRICT LOT 5617 KOOTENAY LAND DISTRICT EXCEPT PLAN 13694, & DL 9953, MANUFACTURED HOME REG. # 52640; 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.

**ALTERNATE RECOMMENDATION**

That the Rural Affairs Committee REFER the consideration of a Notice with the Land Title and Survey Authority of British Columbia for land at 3533 DEAN RD, ERICKSON, BC, Electoral Area B, legally described as LOT 1 PLAN NEP6126 DISTRICT LOT 5617 KOOTENAY LAND DISTRICT EXCEPT PLAN 13694, & DL 9953, MANUFACTURED HOME REG. # 52640 to the June 2026 Open Rural Affairs Committee meeting.

Erik Stout, Manager Building and Bylaw Approved
Sangita Sudan, General Manager of Development and Community Sustainability Service Approved
Stuart Horn, Chief Administrative Officer Approved

# Committee Report

**Date of Report:** April 8, 2026
**Date & Type of Meeting:** May 20, 2026, Rural Affairs Committee
**Author:** Zachari Giacomazzo, Planner 1
**Subject:** DEVELOPMENT VARIANCE PERMIT
**File:** V2601B – Goertzen
**Electoral Area/Municipality** B

## SECTION 1: EXECUTIVE SUMMARY

This DVP application seeks to vary Section 23.5 of Comprehensive Land Use Bylaw No. 2316, 2013, that requires the maximum depth of the Farm Residential Footprint to not exceed 60 metres from the Front Lot Line. The applicant is proposing the farm residential footprint to be a maximum of 120 metres from the front property line in order to allow the construction of a new dwelling in approximately the same location as a previous dwelling on the lot.

Staff recommend that the Board approve the request to vary Section 23.5 of the bylaw.

## SECTION 2: BACKGROUND/ANALYSIS

| GENERAL INFORMATION |
|---|
| **Property Owner:** Roderick E. Goertzen and Lorena C. Goertzen |
| **Applicant:** Roderick E. Goertzen |
| **Property Location:** 301 36th Ave South, Erickson, Electoral Area 'B' |
| **Legal Description:** LOT 1 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 10845 (PID: 012-856-088) |
| **Property Size:** 0.28 ha (0.68 acres) |
| **Current Zoning:** Agriculture 1 (AG1) in Comprehensive Land Use Bylaw No. 2316, 2013 |
| **Current Official Community Plan Designation:** Agriculture (AG) in Comprehensive Land Use Bylaw No. 2316, 2013 |

| SURROUNDING LAND USES |
|---|
| **North:** Agriculture |
| **East:** Residential and Community Services (Place of Worship) |
| **South:** Agriculture |
| **West:** Agriculture |

**Background Information and Site Context**

The subject property is located approximately 2 km east of the Town of Creston in the community of Erickson. It is 2.4 hectares in size and is accessed by a shared driveway from 36th Ave South. The property is presently vacant but there was formerly a single detached dwelling located in the same area as the proposed farm residential footprint. There are existing water, electrical, and wastewater services that serviced the original dwelling on the

property. The new dwelling, that this application will facilitate, would be connected to those existing services already located within the proposed farm residential footprint.




*Figure 1 - Location Map*

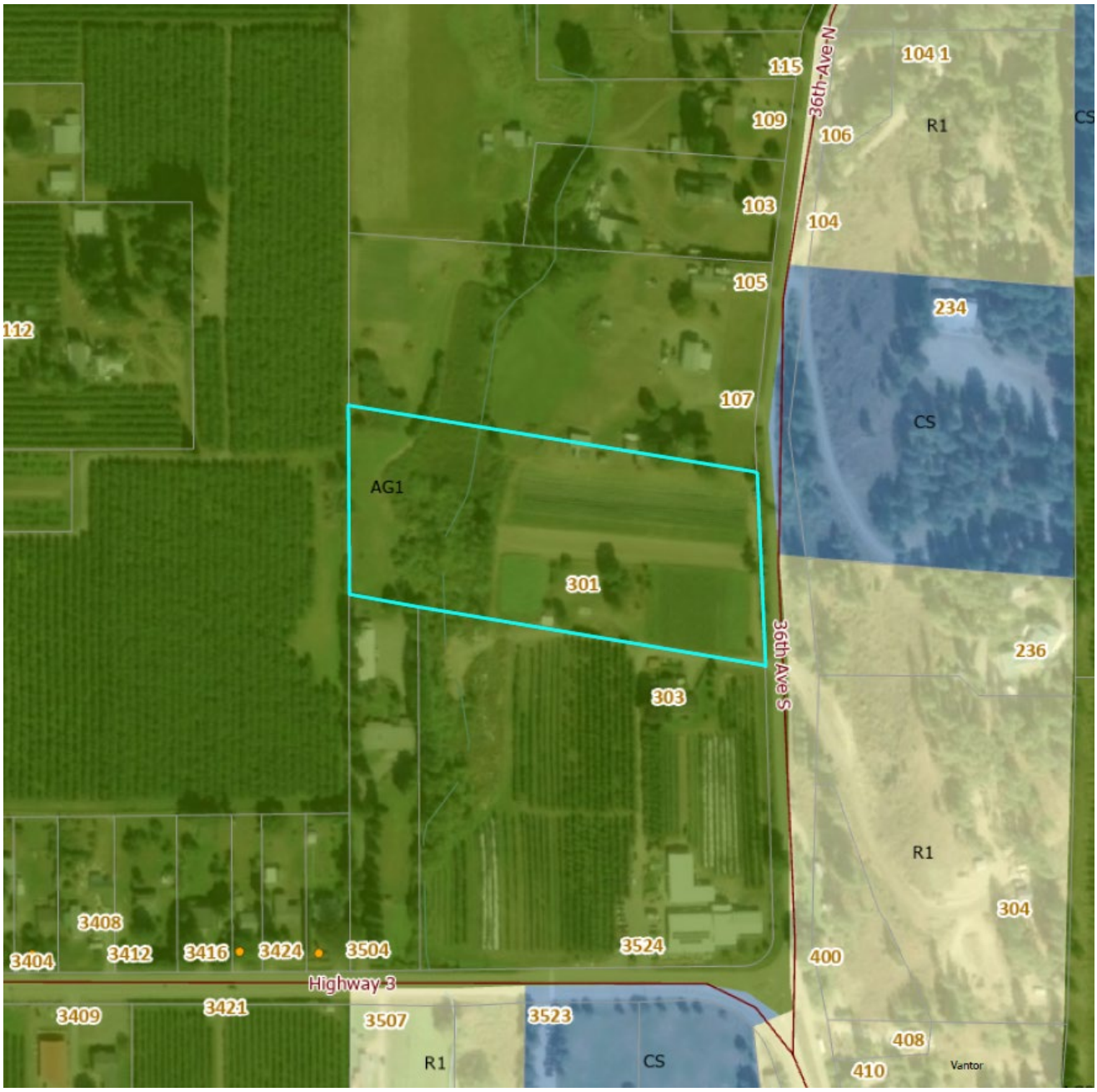



*Figure 2 - Zoning Map*

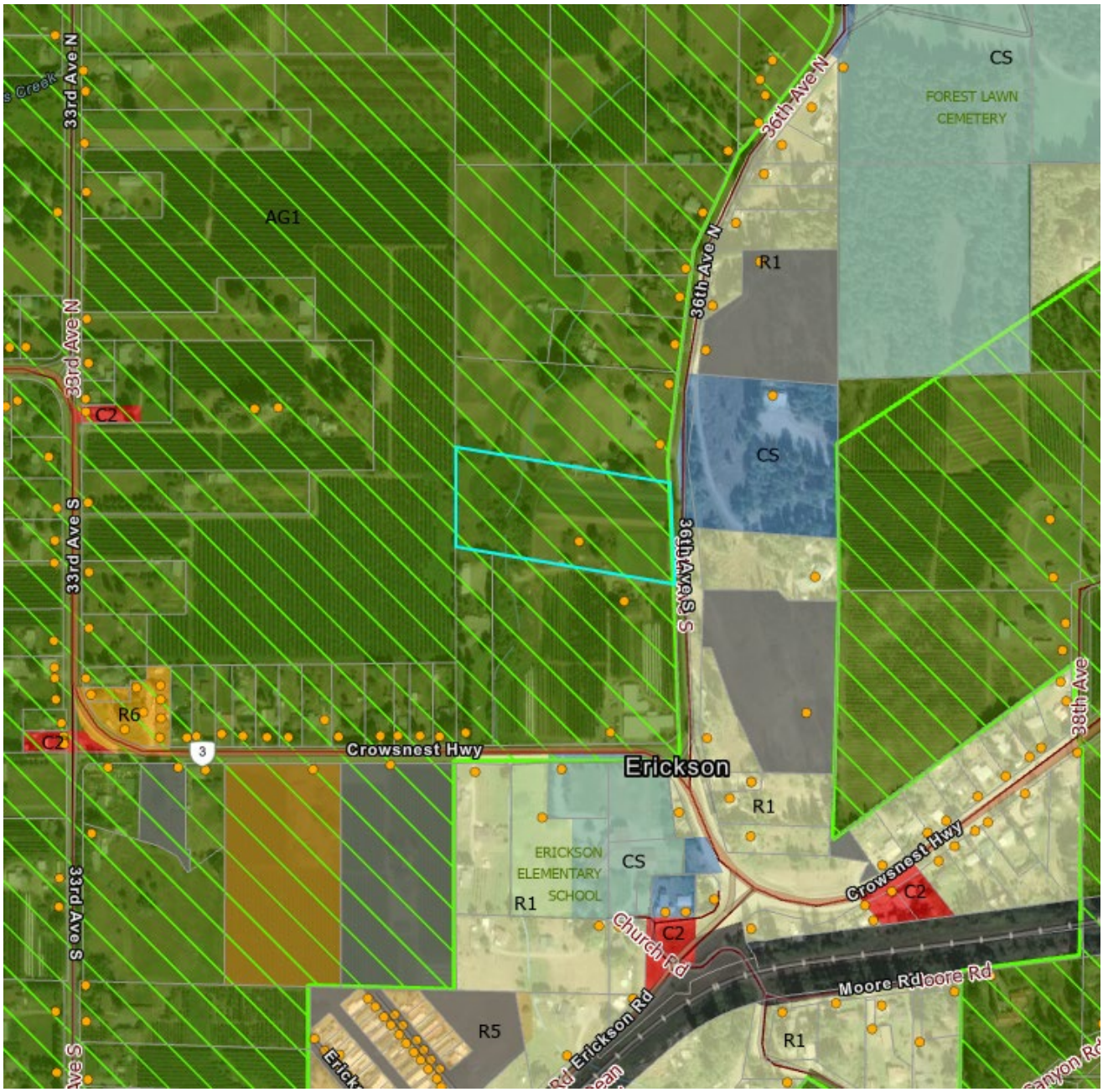



*Figure 3 - Surrounding zoning and ALR boundaries*




*Figure 4 – Approximate location, size and depth of the proposed Farm Residential Footprint.*

**Planning Policy**

***Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013***

Agriculture Objectives

1. To preserve and promote the use of agricultural land for current and future agricultural production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.
2. To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
3. To support agricultural land use practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production.
4. To support agricultural land use practices within and adjacent to farming areas that seek to minimize conflicts between agriculture and other land uses.
5. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.
7. To recognize distinct agricultural areas reflecting unique historical development trends, soils and climate.
9. To work with the Town of Creston on a co-operative approach to agricultural lands within the urban / rural interface that will mitigate the loss of agricultural land to future growth.

Agriculture (AG) Policies

The Regional Board:

10. Directs that the principal use of land designated 'Agriculture' shall be for agricultural use.
14. May require that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing or landscaping.
16. Supports directing intensive agricultural operations to larger lots or increasing building setbacks and other possible mitigation measures to prevent potential conflicts with adjacent land uses.
17. Supports the use of minimum and maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations.

Community Specific Policies

Erickson

1. Recognizes that the community is primarily characterized by a mix of small lot and large lot residential and agricultural parcels, the majority of which are located within the Agricultural Land Reserve and will allow for a mix of parcel sizes dependant on type of land use and agricultural activity.

## 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 DVP application fee has been paid in full pursuant to the *Planning Fees and Procedures Bylaw No. 2457, 2015*.

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

Under Section 498 of the Local Government Act, the Board has the authority to vary provisions of a Zoning Bylaw other than use or density through a DVP.

### 3.3 Environmental Considerations

Not applicable.

### 3.4 Social Considerations:

No negative social considerations are anticipated from the requested variance.

### 3.5 Economic Considerations:

Not applicable.

### 3.6 Communication Considerations:

In accordance with the LGA and the RDCK's Planning Procedures and Fees Bylaw No. 2457, 2015 a notice of proposal sign was posted on the subject property, and notices were mailed to surrounding neighbours within a 100 metre radius of the subject property. To date, Staff have not received any responses from neighbouring land owners.

Planning staff referred the application to all relevant government agencies, internal RDCK departments, Directors, and Commissions for review. The following comments were received:

| Agency/Department | Referral Response |
|---|---|
| **Ministry of Agriculture and Food** | Thank you for providing Ministry of Agriculture and Food (Ministry) staff the opportunity to comment on File V2601B that proposes to vary the maximum depth of the Farm Residential<br>Footprint (FRF) as outlined in Section 23 (5) of Area B Comprehensive Land Use Bylaw No. 2316, 2013. From an agricultural planning perspective, Ministry staff offer the following comments:<br>• The applicant has proposed to construct a new residence and agricultural building on the area of the Subject Property that has historically been used as a residential home plate and still contains concrete pilings and slabs.<br>• Despite the FRF being located 120 metres from the front lot line, Ministry staff concur with the rationale presented by the applicant for the proposed location of the FRF. Specifically, constructing the residence within the proposed FRF does not impact those portions of the Subject Property that are under active agricultural production while ensuring that the majority of the Subject Property remains available for both current and future agricultural use.<br>• Moreover, Ministry staff note the existing driveway will continue to be utilized to access the new residence and that no additional road construction will occur.<br>• Ultimately, Ministry staff support the proposed increase to the depth of the FRF and view this location as beneficial for current and future agricultural use of the Subject Property. |
| **Creston Valley Agricultural Advisory Commission (CVAAC)** | The Commission noted that it makes the most sense to maintain new house in the same location as the original house location due to the existing septic and established trees. The Commission would like to note that any new house planning should be within the maximum gross floor area of 300.0 square meters.<br><br>MOVED and seconded,<br>AND Resolved:<br>That the Creston Valley Agricultural Advisory Commission SUPPORT the Development Variance Permit Application to Roderick and Lorena Goertzen for the property located at 301 36 Avenue South, Erickson and legally described as LOT 1 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 10845 (PID: 012-856-088). |
| **Electoral Area 'B' Advisory Planning and Heritage Commission (APHC)** | From the approved minutes of the March 24, 2026 meeting:<br>The Referral Package dated March 5, 2026 from Planner Zachari Giacomazzo, has been received.<br>• The new house location is more than 60 meters from the front lot line<br>• Homeowners have confirmed new build will comply with the 300-meter size<br>• Septic, utilities exist where the original house was located, which is the proposed build site<br>• Driveway to the property is shared with the property to the south |

| | |
|---|---|
| | • Front of property is already developed as prime arable land<br><br>MOVED and seconded,<br>AND Resolved:<br>That the Area B Advisory Planning Commission SUPPORT the Development Variance Permit Application to Roderick & Lorena Goertzen for the property located 301 36 Avenue South, Erickson and legally described as LOT 1 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 10845 (PID: 012-856-088). |
| **RDCK Water Services – Environmental Coordinator** | Water services has no issue or requirements on this development variance application. If the development variance is allowed, we would adjust billing to include the dwelling charge once the building permit comes through, occupancy is granted and water turn on is requested. |
| **Interior Health Authority – Healthy Built Environment Specialist** | Thank you for sending this referral our way. We have no objection to this proposal. Prior to reconnecting the new dwelling to the existing septic system, it should be verified the system is in good working condition and capable to accepting septic flows from the new dwelling. We would recommend the applicant provide a Performance Inspection report for the septic system from Authorized Person (AP), as per the BC Sewerage System Regulation. If upgrades are required, then a Letter of Certification for the upgrades should be provided, prior to occupancy. |
| **Ministry of Transportation and Transit (MoTT)** | Thank you for the opportunity to comment on the above noted referral.<br><br>The Ministry has no concerns with the proposed development variance permit. There were no concerns observed on site for the existing access. In the future should the owner wish to expand farming operations on the subject property it is requested that they contact WKD@gov.bc.ca to discuss whether an agricultural access permit is required.<br><br>Please let me know if you have any questions. |
| **RDCK Building Department** | A building permit application for a change of use will be required. |
| **RDCK Fire Services** | No comments provided. |
| **FortisBC – Property Services** | Land Rights Comments<br>• 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.<br>Operational & Design Comments<br>• There are FortisBC Electric (“FBC(E)”) primary distribution facilities along 36 Avenue.<br>• All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.<br>• 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.<br>• 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. |

| | |
|---|---|
| | In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.<br>• Electrician's Name and Phone number<br>• FortisBC Total Connected Load Form<br>• Other technical information relative to electrical servicing<br><br>For more information, please refer to FBC(E)'s overhead and underground design requirements:<br>FortisBC Overhead Design Requirements<br>http://fortisbc.com/ServiceMeterGuide<br><br>FortisBC Underground Design Specification<br>http://www.fortisbc.com/InstallGuide |
| **Ministry of Water, Land and Resource Stewardship – Crown Land Authorizations** | On behalf of Crown Land Authorizations, I have no concerns with the attached referral. |
| **Agricultural Land Commission – Regional Planner, North, Interior and Kootenay Regions** | I have no comments on this. |

### 3.7 Staffing/Departmental Workplace Considerations:

Should the Regional Board approve issuance of the requested variance, staff would issue the Permit and register a Notice of Permit on the property's Title. As indicated by the Building Department, a Change of Use Building Permit would then be required to operate a business out of the existing building.

### 3.8 Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

## SECTION 4: OPTIONS & PROS / CONS

The zoning bylaw requires that specific Farm Residential Footprint regulations be considered for the development of non-farm buildings and uses on agriculturally zoned land. Key requirements are that non-farm uses and infrastructure are clustered in one specific area of a lot and contained near the front lot line to preserve the remainder of the land for agricultural purposes.

In the AG1 zone, these regulations require that the land area dedicated for the Farm Residential Footprint (FRF) is no larger than 2,500 $m^2$ (Section 23.4), that the FRF be within 60 metres of the front property line (Section 23.5), and that the maximum Gross Floor Area of a single detached dwelling is 300 $m^2$ (Section 23.6). An important consideration when assessing the merits of this specific application is the fact that there was an existing single detached dwelling located in approximately the same location as the proposed dwelling that was demolished sometime around 2022. In addition, the infrastructure and services that are required for the future dwelling still exist on the lot and are contained within the proposed FRF.

The purpose of the FRF regulations is to limit the impact of residential development on land that is being farmed, or could be farmed in the future. The information provided by the applicant confirms that they will comply with

Section 23.4 and Section 23.6 of the Zoning Bylaw. The application of Section 23.5 on this specific property would mean that the house would need to be constructed on existing arable farmland that is currently being used to grow vegetable crops. Authorizing the proposed variance to Section 23.5 of the Zoning Bylaw to allow the FRF to be 120 metres from the front lot line allows the future dwelling to be constructed in the area that has already been disturbed by past residential development on the lot and preserves the majority of the lot area for ongoing agricultural uses.

Based on the above information, Staff is recommending that the Board approve the proposed Development Variance Permit in accordance with Option 1, below.

**Option 1**
That the Board APPROVE the issuance of the Development Variance Permit to Roderick E. Goertzen and Lorena C. Goertzen for the property located at 301 36th Ave South, Erickson and legally described as LOT 1 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 10845 (PID: 012-856-088) to vary Section 23.5 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316 to authorize the maximum depth of the Farm Residential Footprint to be 120 metres from the Front Lot Line.

**Option 2**
That the Board NOT APPROVE the issuance of the Development Variance Permit to Roderick E. Goertzen and Lorena C. Goertzen for the property located at 301 36th Ave South, Erickson and legally described as LOT 1 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 10845 (PID: 012-856-088) to vary Section 23.5 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316 to authorize the maximum depth of the Farm Residential Footprint to be 120 metres from the Front Lot Line.

## SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of the Development Variance Permit to Roderick E. Goertzen and Lorena C. Goertzen for the property located at 301 36th Ave South, Erickson and legally described as LOT 1 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 10845 (PID: 012-856-088) to vary Section 23.5 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316 to authorize the maximum depth of the Farm Residential Footprint to be 120 metres from the Front Lot Line.

Respectfully submitted,

Zachari Giacomazzo, Planner

## CONCURRENCE

Planning Manager – Nelson Wight Approved
General Manager Development & Sustainability – Sangita Sudan Approved
Chief Administrative Officer – Stuart Horn Approved

**ATTACHMENTS:**
**Attachment A – Development Variance Permit**
**Attachment B – Excerpt from *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013***

# Development Variance Permit

## V2601B (GOERTZEN)

Date: April 8, 2026

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

TO: Roderick E. Goertzen and Lorena C. Goertzen

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: 301 36th Ave South, Erickson, Electoral Area 'B'
   Legal: LOT 1 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 10845
   PID: 012-856-088

CONDITIONS

5. Development Variance

   *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013,* Section 23.5 is varied as follows:

   From:
   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.

   To:
   The maximum depth of the Farm Residential Footprint shall not exceed 120 metres measured from the Front Lot Line or Exterior Side Lot Line.

   As shown on Schedules '1' and '2'

6. Schedule

**I**f 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.

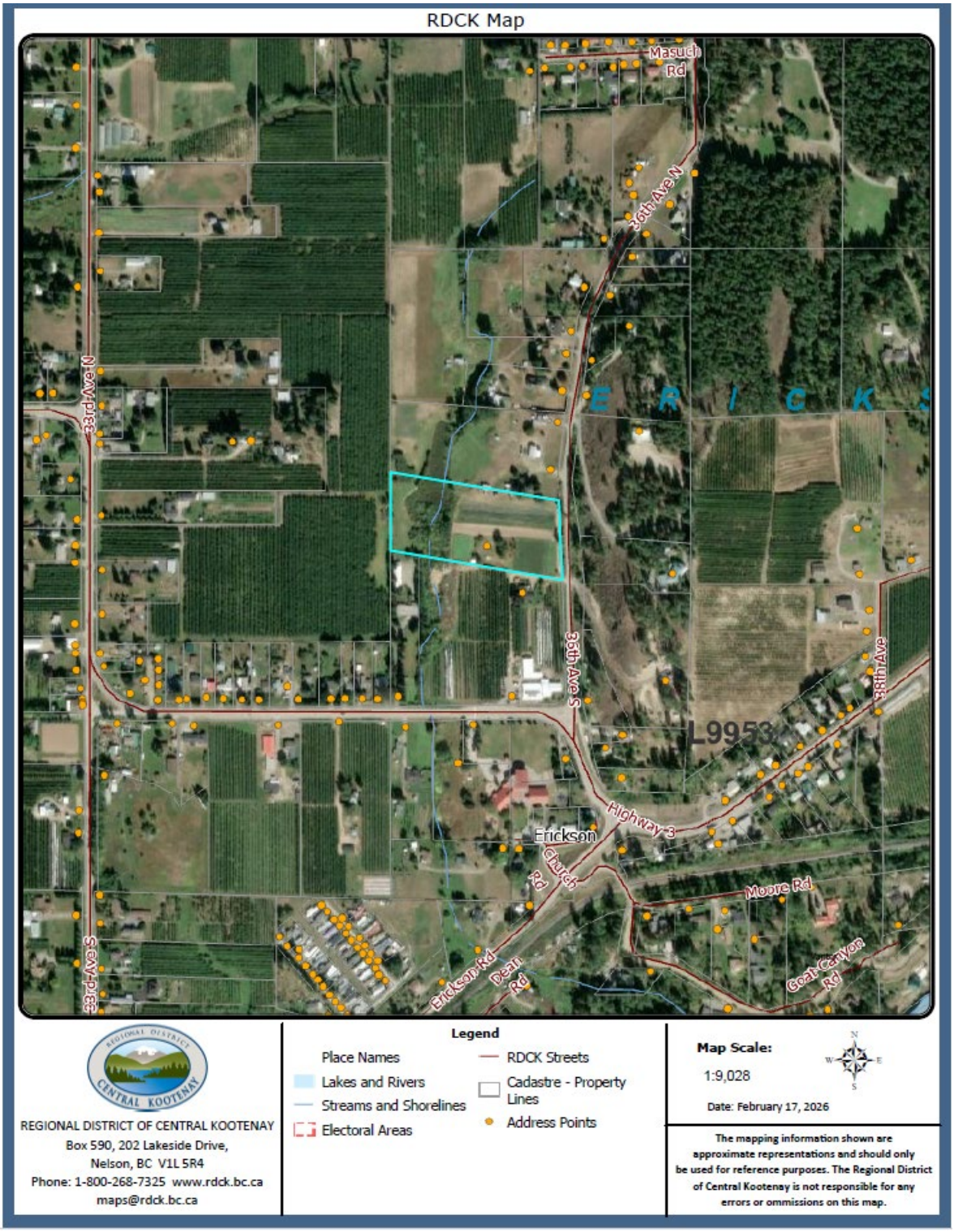
7. Other

Authorized resolution **___/26** passed by the RDCK Board on the 21st day of May 2026.

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**



# 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 LandReserve; 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 of8 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.*

# Committee Report

**Date of Report:** April 21, 2026
**Date & Type of Meeting:** May 20, 2026 – Rural Affairs Committee
**Author:** Sadie Chezenko, Planner 1
**Subject:** DEVELOPMENT VARIANCE PERMIT
**File:** V2606F - WASYLYSHYN
**Electoral Area/Municipality** F

## SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Regional Board to consider a Development Variance Permit for the property located at 4012 Fumot Place in Bonnington in Electoral Area 'F'.

The proposal is to reduce the front setback from 4.5m to 1.5m to accommodate an accessory building near a private strata road. Given the topographical constraints of the site and the support received from other strata property owners, Staff are recommending that the variance be approved.

## SECTION 2: BACKGROUND/ANALYSIS

| GENERAL INFORMATION |
|---|
| **Property Owner:** Mark and Robert Wasylyshyn |
| **Property Location:** 4012 Fumot Place, Bonnington<br>STRATA LOT 6 DISTRICT LOT 7071 KOOTENAY DISTRICT STRATA PLAN EPS2257 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID: 030-279-119) |
| **Property Size:** 1.06 ha |

**Site Context**

The subject property is located in Bonnington in Electoral Area 'F'. It is designated for Country Residential (CR) use and similarly zoned Country Residential (R2) in RDCK Zoning Bylaw no. 1675, 2004. The area surrounding the property is designated Country Residential (CR) and most properties are used for residential purposes or are vacant. The subject property is part of an eight lot strata development and has been improved with a single detached dwelling and secondary suite. The property is a relatively narrow lot which slopes downward from west to east.




*Figure 1: Overview Map*

**Proposal**

The purpose of the application is to consider allowing the construction of an 83.6m$^2$ accessory building (shop/garage) within the front setback. The owners are requesting to vary the required minimum front setback from 4.5m to 1.5m – a reduction of 3.0m to accommodate this.

The variance is requested due to the sloping topography of the lot. Accommodating the building beyond the residence would require substantial excavation and engineered retraining structures thereby significantly increasing construction complexity, cost and site disturbance. Further, flat portions of the lot other than the section near the road have already been developed. Given this, the owners are proposing to construct the accessory building near the front of the lot.

The road frontage is a privately maintained strata road and thus does not require a setback permit from the Ministry of Transportation and Transit.

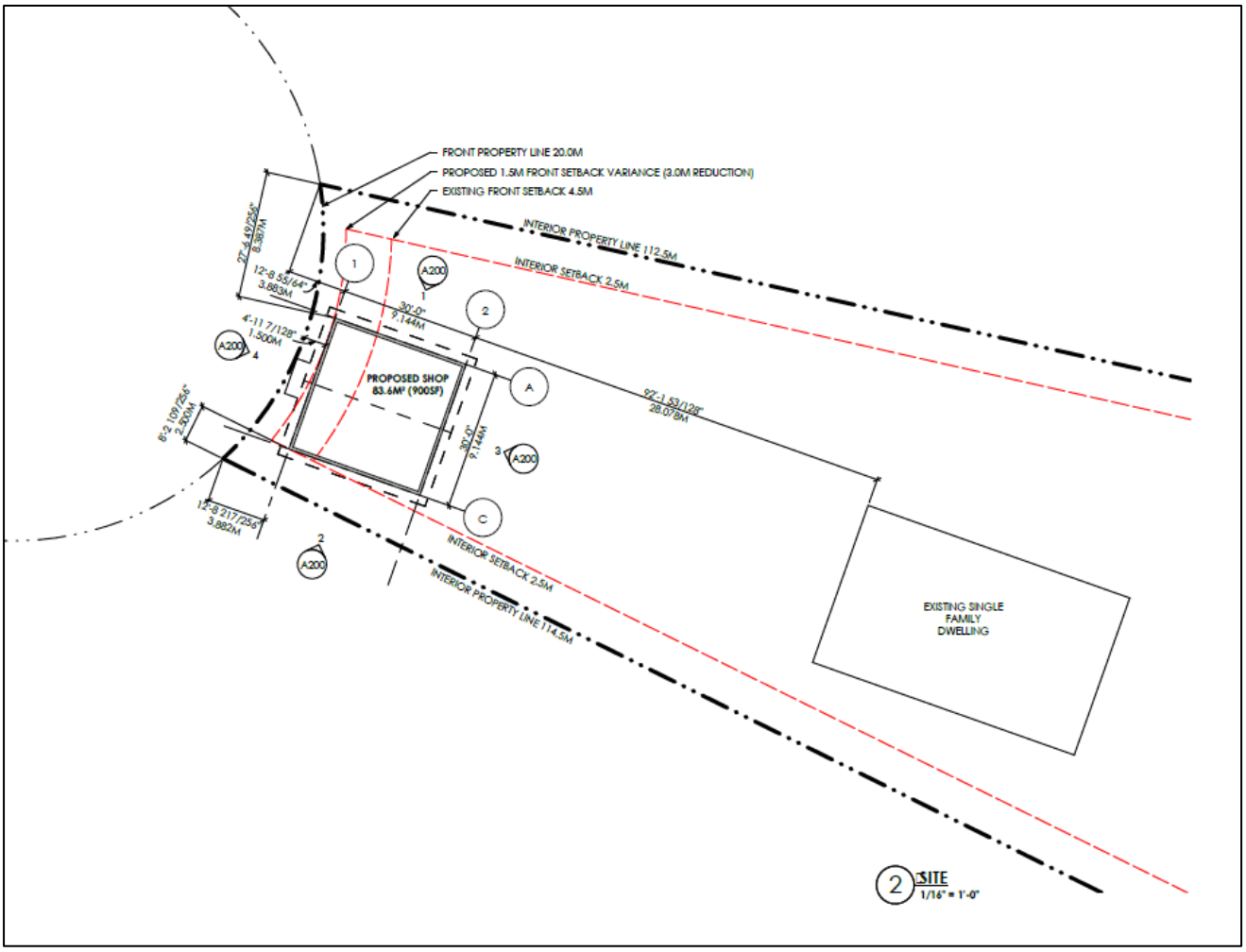



*Figure 2: Site Plan*

**Land Use Considerations**

Country Residential development generally includes single detached housing, manufactured homes, duplexes, and other buildings and uses that fit with the low-density character of the designation. The proposal is consistent with the objectives for residential land uses.

**Zoning Considerations**

RDCK setback regulations are established to accommodate infrastructure, utilities, road widening, spatial separation, form and character preferences and privacy objectives.

**Site Visit**

A site visit was conducted on April 21, 2026. The figure below shows the location of the proposed accessory building.




*Figure 3: Proposed Accessory Building Location*

## 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 has been paid in full pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015.

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

Section 498 of the Local Government Act gives authority to vary provisions of a zoning bylaw provided that they do not affect use and density.

### 3.3 Environmental Considerations

None anticipated.

### 3.4 Social Considerations:

Four neighbouring property owners provided letters in support of the proposal. These are included as Attachment C.

### 3.5 Economic Considerations:

None anticipated.

### 3.6 Communication Considerations:

**Agency Referral Responses**

In accordance with Schedule 'E' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, planning staff referred the application to all applicable Regional District departments and government ministries and agencies for a period of thirty (30) days. Responses received are included in Attachment B.

**Public and Neighbour Responses**

In accordance with Schedule 'E' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, a 'Notice of Development' sign was placed on the subject property. Notice of this proposal was sent via mail to owners and tenants of all parcels within 100 meters of the subject property. The proposal and relevant information was also posted to the RDCK Active Applications page where all current planning applications are made available to the public. Responses received were all in support of the variance and are included in Attachment C.

### 3.7 Staffing/Departmental Workplace Considerations:

Staff reviewed the application in accordance with the Development Variance Permit Procedure within Schedule 'E' of the Planning Procedures and Fees Bylaw No. 2547, 2015.

Should the Board approve the requested variance, staff would issue the Permit and register a Notice of Permit on the property's Title. At that time, the property owner could proceed with their building permit application.

### 3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

## SECTION 4: SUMMARY

**Planning Discussion**

The applicant has applied for a DVP to authorize the construction of an accessory building within the 4.5m front yard setback. The 4.5m setback of the zoning bylaw is consistent with the Ministry of Transportation and Transit's (MOTT) standard setback requirements from public roads. These setbacks protect road safety and efficiency by keeping buildings, structures and walls at a minimum distance from roads.

In this case however, the road is not a public road and instead is a privately maintained strata road. A notice of the proposal was sent to all property owners within the strata and only letters of support for the proposal were received.

The topography of the site constrains possible locations for the accessory building, and the form and character of the surrounding residential area will not be impacted by the request to reduce the setback. Given the above noted information, staff recommend that the Board approve the issuance of the DVP application.

**Options**

**Option 1 – Approve**

That the Board APPROVE the issuance of Development Variance Permit V2606F to Mark and Robert Wasylyshyn for the property located at 4012 Fumot Place, Bonnington and legally described as STRATA LOT 6 DISTRICT LOT 7071 KOOTENAY DISTRICT STRATA PLAN EPS2257 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID: 030-279-119) to vary Section 605.5 of RDCK Zoning Bylaw No. 1675, 2004 in order to permit a 1.5 metre setback from the front lot line whereas the bylaw requires a 4.5 metre setback from the front lot line.

**Option 2 – Not Approve**

That the Board NOT APPROVE the issuance of Development Variance Permit V2606F to Mark and Robert Wasylyshyn for the property located at 4012 Fumot Place, Bonnington and legally described as STRATA LOT 6 DISTRICT LOT 7071 KOOTENAY DISTRICT STRATA PLAN EPS2257 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID: 030-279-119) to vary Section 605.5 of RDCK Zoning Bylaw No. 1675, 2004 in order to permit a 1.5 metre setback from the front lot line whereas the bylaw requires a 4.5 metre setback from the front lot line.

## SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2606F to Mark and Robert Wasylyshyn for the property located at 4012 Fumot Place, Bonnington and legally described as STRATA LOT 6 DISTRICT LOT 7071 KOOTENAY DISTRICT STRATA PLAN EPS2257 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID: 030-279-119) to vary Section 605.5 of RDCK Zoning Bylaw No. 1675, 2004 in order to permit a 1.5 metre setback from the front lot line whereas the bylaw requires a 4.5 metre setback from the front lot line.

Respectfully submitted,

Sadie Chezenko, Planner 1

## CONCURRENCE

Nelson Wight – Planning Manager Approved
Sangita Sudan - General Manager of Development and Community Sustainability Approved
Stuart Horn – Chief Administrative Officer Approved

**ATTACHMENTS:**
**Attachment A – Development Variance Permit**
**Attachment B – Agency Referral Responses**
**Attachment C – Public Referral Responses**

# Development Variance Permit

V2604F (Wasylyshyn)

Date: May 21, 2026

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

TO: Mark and Robert Wasylyshyn

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: 4012 Fumot Place, Bonnington, Electoral Area 'F'
   Legal: STRATA LOT 6 DISTRICT LOT 7071 KOOTENAY DISTRICT STRATA PLAN EPS2257 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V
   PID: 030-279-119

CONDITIONS

5. Development Variance

   *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* Section 605.5 is varied as follows:

   **From:** Despite Section 605(1), for all of Electoral Area F, unless otherwise stated in the zone, no principal or accessory building or structure except a fence may be located within **4.5** metres of a front or exterior side lot line or within 2.5 metres of any other lot line.

   **To:** Despite Section 605(1), for all of Electoral Area F, unless otherwise stated in the zone, no principal or accessory building or structure except a fence may be located within **1.5** metres of a

front or exterior side lot line or within 2.5 metres of any other lot line., as shown on Schedule '1' and '2.'

6. Schedule

**I**f 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 , 20 .

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**

## Agency Referral Responses – V2604F

| Agency/Department | Response |
|---|---|
| Crown Land Authorizations – Kootenay Boundary Region Ministry of Water, Land and Resource Stewardship | On behalf of Crown Land Authorizations, I have no concerns with the attached referral. |
| Ecosystems Section Head - Kootenay-Boundary Region Ministry of Water, Land & Resource Stewardship | See attached letter |
| Fortis BC | Land Rights Comments<br>• There are no immediate concerns or requests for additional land rights based on the proposed variance request and plans provided.<br>Operational & Design Comments<br>• There are FortisBC Electric ("FBC(E)")) primary distribution facilities along Fumot Place.<br>• All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.<br>• 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.<br>• 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.<br>In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.<br>• Electrician's Name and Phone number<br>• FortisBC Total Connected Load Form<br>• Other technical information relative to electrical servicing<br>For more information, please refer to FBC(E)'s overhead and underground design requirements:<br>FortisBC Overhead Design Requirements<br>http://fortisbc.com/ServiceMeterGuide<br>FortisBC Underground Design Specification<br>http://www.fortisbc.com/InstallGuide |
| Ministry of Transportation and Transit | Thank you for the opportunity to review and provide comment on the above-noted application. The Ministry has no objections or concerns regarding this proposal. As this is a strata road not a MoTT owned road, the Ministry will not require a structure setback permit. |

| | |
|---|---|
| RDCK Building Department | Depending on site slope and soil conditions a geotechnical engineer could be required. A building permit is required. |
| RDCK Emergency Management | The EM Dept comments is that the areas in question are unaffected by any current concerns. |

July 5, 2023

Greetings,

The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:

1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to.

2. Changes in and about a "stream" [as defined in the *Water Sustainability Act* (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the *Water Sustainability Regulation*. Authorized changes must also be compliant with the Kootenay-Boundary Terms and Conditions and Timing Windows documents. Applications to conduct works in and about streams can be submitted through FrontCounter BC.

3. No "development" should occur within 15 m of the "stream boundary" of any "stream" [all as defined in the *Riparian Areas Protection Regulation* (RAPR)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of RAPR are required to ensure that all development is compliant with RAPR.

4. The federal *Species at Risk Act* (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are

Ministry of Water, Land and Resource Stewardship
Land Use Policy, Planning and Ecosystems
PO BOX 9367 Stn Prov Govt
Victoria, BC
V8W 9M3
www.gov.bc.ca/WLRS

adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to Resource Inventory Standard Committee (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific Recovery Strategy or Management Plan documents, and to ensure proposed activities will not adversely affect SEAR or their Critical Habitat for Federally-listed Species at Risk (Posted).

5. Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: Natural Resource Best Management Practices - Province of British Columbia (gov.bc.ca) and Develop with Care 2014 - Province of British Columbia.

6. Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial *Wildlife Act* and the federal *Migratory Birds Convention Act*. Guidelines to avoid harm to migratory birds can be found at: Guidelines to avoid harm to migratory birds - Canada.ca. If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:

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

7. The introduction and spread of invasive species is a concern with all developments. The provincial *Weed Control Act* requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: Invasive species - Province of British Columbia. The Invasive Species Council of BC

provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.

8. Section 33.1 of the provincial *Wildlife Act* prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.

9. If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).

10. Developments must be compliant with all other applicable statutes, bylaws, and regulations.

If the references above do not address your concerns, please do not hesitate to reach out to me for further investigation into your concerns.

Kind Regards,

Shannon White, RPBio
*Ecosystems Section Head - Kootenay-Boundary Region*
Ministry of Water, Land & Resource Stewardship
[redacted]

To the members of the Strata on Fumot Place February 26, 2026

This email is to inform and gather your opinion on a proposed garage build at 4012 Fumot Place. The garage will be located at the top of the driveway in the location which is currently filled by a green shipping container and a black tent. Our goal is to create a visually appealing building that matches our primary dwelling and will be used for storage and some woodworking equipment. We are seeking a variance for the bylaw condition for Setback Requirements, Item 5:

*"Despite Section 605(1), for all of Electoral Area F, unless otherwise stated in the zone, no principal or accessory building or structure except a fence may be located within 4.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line."*

Our goal is to apply for a variance in which we would set back 1.5 m off the cul-de-sac (as opposed to 4.5 m) to maximize the area available to us.

In order to plead our case for the variance, it is important to have the written consent of co-owners of the property when we submit our proposal.

The main concerns of the RDCK are road maintenance activities and interference with utilities, such as water. We will be contacting Lee Blackburn (road maintenance contractor) and Tom Brach (Bonnington Improvement District) to ensure that we are not in conflict with their operations. We will also be having the area surveyed and can provide an updated sketch with the total project footprint overlaid.

We are hoping to apply for the variance soon, if you have any concerns or questions about design, use, or impediment to services, please call, email, or come over for a chat.

Thank you,

Mark and Beth

If you are supportive of the proposed development, please sign below. This letter will be submitted to the RDCK to support our variance application.

Printed name:Domenic Castellano Signature:

March 2, 2026

To the members of the Strata on Fumot Place February 26, 2026

This email is to inform and gather your opinion on a proposed garage build at 4012 Fumot Place. The garage will be located at the top of the driveway in the location which is currently filled by a green shipping container and a black tent. Our goal is to create a visually appealing building that matches our primary dwelling and will be used for storage and some woodworking equipment. We are seeking a variance for the bylaw condition for Setback Requirements, Item 5:

*"Despite Section 605(1), for all of Electoral Area F, unless otherwise stated in the zone, no principal or accessory building or structure except a fence may be located within 4.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line."*

Our goal is to apply for a variance in which we would set back 1.5 m off the cul-de-sac (as opposed to 4.5 m) to maximize the area available to us.

In order to plead our case for the variance, it is important to have the written consent of co-owners of the property when we submit our proposal.

The main concerns of the RDCK are road maintenance activities and interference with utilities, such as water. We will be contacting Lee Blackburn (road maintenance contractor) and Tom Brach (Bonnington Improvement District) to ensure that we are not in conflict with their operations. We will also be having the area surveyed and can provide an updated sketch with the total project footprint overlaid.

We are hoping to apply for the variance soon, if you have any concerns or questions about design, use, or impediment to services, please call, email, or come over for a chat.

Thank you,

Mark and Beth

If you are supportive of the proposed development, please sign below. This letter will be submitted to the RDCK to support our variance application.

Printed name: ERIC MORRISON
3763 Thompson rd.
Bonnington

Signature:

July 10, 2025
June ~~25, 2025~~

To the members of the Strata on Fumot Place,

This email is to inform and gather opinions on a proposed garage build at 4012 Fumot Place. The garage will be located at the top of the driveway in the location which is currently filled by the green shipping container and black tent. Our goal is to create a visually appealing building that matches our primary dwelling and will be used for storage and some woodworking equipment. This garage could be used to reduce vehicle parking in the cul-de-sac in the winter months and reduce interference with snow removal services. We are seeking a variance for the bylaw condition for Setback Requirements, Item 5:

*"Despite Section 605(1), for all of Electoral Area F, unless otherwise stated in the zone, no principal or accessory building or structure except a fence may be located within 4.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line."*

Our goal is to apply for a variance in which we would set back 1.5 m off the cul-de-sac (as opposed to 4.5 m) to maximize the area available to us.

A condition of the variance application is signed approval of the owners of the road which it is set back from. In our case, the Strata owns the road, therefore we are seeking your written approval for this variance application.

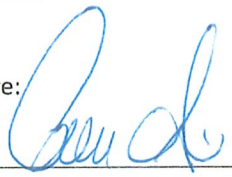
The main concerns of the RDCK are road maintenance activities and interference with utilities, such as water. We will be contacting Lee Blackburn and Tom Brach (BID) to ensure that we are not in conflict with their operations. We will also be having the area surveyed and can provide an updated sketch with the total project footprint.

We are hoping to apply for the variance soon, if you have any concerns or questions about design, use, or impediment to services, call, text, or come over for a chat.

Thank you,
Mark and Beth.

If you are supportive of the proposed development, please sign below. This letter will be submitted to the RDCK to support our variance application.

Printed name: CAMERON SU

Signature: 

July 10, 2025

To the members of the Strata on Fumot Place,

This email is to inform and gather opinions on a proposed garage build at 4012 Fumot Place. The garage will be located at the top of the driveway in the location which is currently filled by the green shipping container and black tent. Our goal is to create a visually appealing building that matches our primary dwelling and will be used for storage and some woodworking equipment. This garage could be used to reduce vehicle parking in the cul-de-sac in the winter months and reduce interference with snow removal services. We are seeking a variance for the bylaw condition for Setback Requirements, Item 5:

*"Despite Section 605(1), for all of Electoral Area F, unless otherwise stated in the zone, no principal or accessory building or structure except a fence may be located within 4.5 metres of a front or exterior side lot line or within 2.5 metres of any other lot line."*

Our goal is to apply for a variance in which we would set back 1.5 m off the cul-de-sac (as opposed to 4.5 m) to maximize the area available to us.

A condition of the variance application is signed approval of the owners of the road which it is set back from. In our case, the Strata owns the road, therefore we are seeking your written approval for this variance application.

The main concerns of the RDCK are road maintenance activities and interference with utilities, such as water. We will be contacting Lee Blackburn and Tom Brach (BID) to ensure that we are not in conflict with their operations. We will also be having the area surveyed and can provide an updated sketch with the total project footprint.

We are hoping to apply for the variance soon, if you have any concerns or questions about design, use, or impediment to services, call, text, or come over for a chat.

Thank you,
Mark and Beth.

If you are supportive of the proposed development, please sign below. This letter will be submitted to the RDCK to support our variance application.

Printed name: Sky Ziegler

Signature: _____

# Committee Report

**Date of Report:** April 20, 2026
**Date & Type of Meeting:** May 20, 2026 – Rural Affairs Committee
**Author:** Sadie Chezenko, Planner 1
**Subject:** DEVELOPMENT VARIANCE PERMIT
**File:** V2605I - AKER
**Electoral Area/Municipality** I

## SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Regional Board to consider a Development Variance Permit for the property located at 2250 Glade Road in Electoral Area 'I'.

The proposal is to reduce the minimum side setback and increase the maximum farm residential footprint (FRF) depth to accommodate an accessory building that was constructed without a valid building permit. The applicant is requesting to reduce the side setback from 2.5m to 1.3m and to increase the farm residential footprint depth from 60m to 90m.

The proposal does not significantly diminish the agricultural potential of the lot and the reduced setback does not create issues with respect to the spatial separation requirements of the BC Building Code. As such, Staff are recommending that both variances be approved.

## SECTION 2: BACKGROUND/ANALYSIS

| GENERAL INFORMATION |
|---|
| **Property Owner:** Shane Aker |
| **Property Location:** 2250 Glade Road, Glade<br>LOT B DISTRICT LOT 302A KOOTENAY DISTRICT PLAN EPP81680 (030-492-891) |
| **Property Size:** 0.56 hectares (1.38 acres) |

**Site Context**

The subject property is located on Glade Road in Electoral Area 'I'. It is designated for Agriculture (AG) use and similarly zoned Agriculture 1 (AG1) in RDCK Zoning Bylaw no. 1675, 2004. The area surrounding the property is designated for agriculture and most properties are used for residential purposes. The subject and neighbouring properties are located within the Agricultural Land Reserve (ALR).




*Figure 1: Overview Map*

The parcel currently has two structures situated on it: a single detached dwelling and an accessory building. The variance application was triggered when it came to the attention of the Regional District that the accessory building was being constructed without a building permit within the 2.5m side setback.

**Proposal**

The purpose of the application is to consider allowing the accessory building to remain in its current location as shown approximately in Figure 2.

To achieve this, the applicant is requesting to:

1. Reduce the required minimum side setback from 2.5m to 1.3m – a variance of 1.2m to accommodate the accessory building and,
2. Increase the required maximum farm residential footprint depth from 60m to 90m – a variance of 30m – to accommodate the existing building.




*Figure 2: Site Plan*

**Background and Timeline**

- April 02, 2024 – RDCK notified of accessory building being constructed on the subject property
- April 24, 2024 – RDCK Building Department issues a Stop Work Order (SWO00353) for commencing construction prior to obtaining a valid building permit
- July 31, 2024 – Property owner submits building permit application for accessory building
- August 14, 2024 – Building Department completes plan review identifying encroachment into setback. Applicant is informed of encroachment and that a DVP is required for the building to remain in its location.
- March 09, 2026 – Property owner submits DVP application to the Planning Department
- April 15, 2025 – Site Visit completed by planning staff. Accessory building is complete and is being used to store vehicles as shown in Figure 3.

**Land Use Considerations**

The objectives for agricultural land uses are generally aimed at protecting agricultural land and promoting agricultural activities. Agricultural regulations from the RDCK and the ALR both allow limited residential development to occur on agricultural land as is taking place on the subject property..

**Site Visit**

A site visit was conducted on April 15, 2026. The figures below show the accessory building and its location relative to the property boundary.



*Figure 3: Accessory Building*

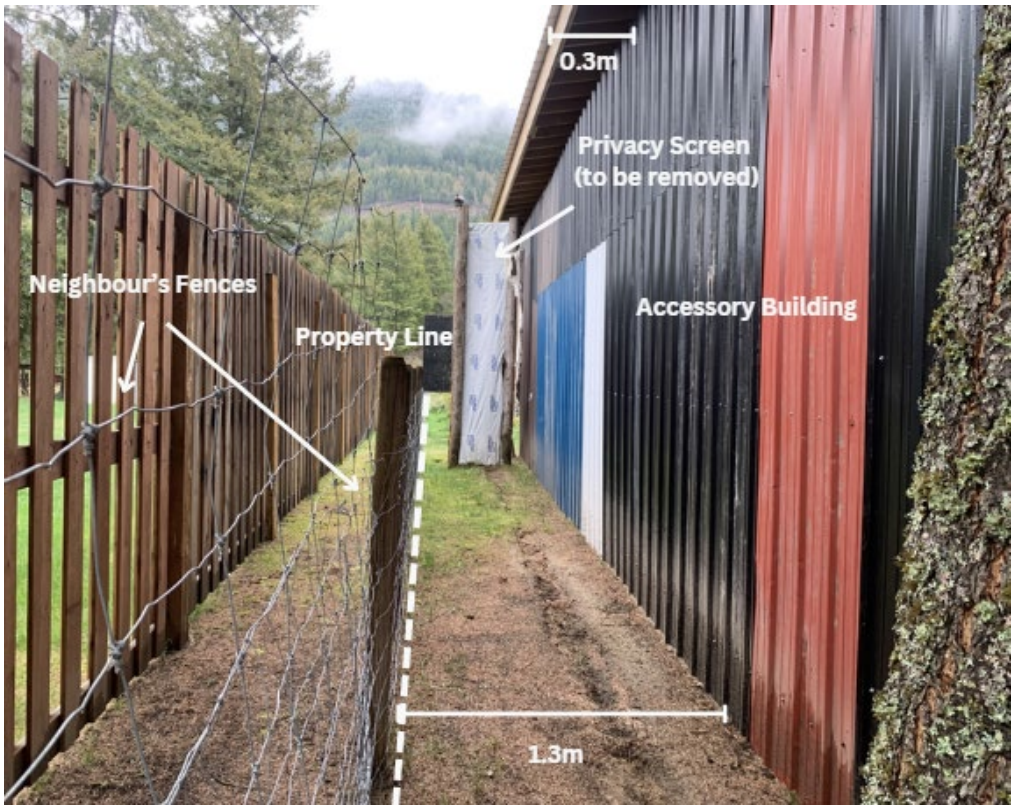



*Figure 4: Accessory Building and Neighbouring Property*

## 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 has been paid in full pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015.

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

Section 498 of the Local Government Act gives authority to vary provisions of a zoning bylaw provided that they do not affect use and density.

### 3.3 Environmental Considerations

None anticipated.

### 3.4 Social Considerations:

Several responses were received from the public supporting and opposing the proposal. These are included as Attachment C.

### 3.5 Economic Considerations:

None anticipated.

### 3.6 Communication Considerations:

**Agency Referral Responses**

In accordance with Schedule 'E' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, planning staff referred the application to all applicable Regional District departments and government ministries and agencies for a period of thirty (30) days. Responses received are included in Attachment B.

**Public and Neighbour Responses**

In accordance with Schedule 'E' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, a 'Notice of Development' sign was placed on the subject property. Notice of this proposal was sent via mail to owners and tenants of all parcels within 100 meters of the subject property. The proposal and relevant information was also posted to the RDCK Active Applications page where all current planning applications are made available to the public. Responses received are included in Attachment C.

### 3.7 Staffing/Departmental Workplace Considerations:

Staff reviewed the application in accordance with the Development Variance Permit Procedure within Schedule 'E' of the Planning Procedures and Fees Bylaw No. 2547, 2015.

Should the Board approve the requested variance, staff would issue the Permit and register a Notice of Permit on the property's Title. At that time, the property owner could proceed with their building permit application. If the Board does not approve the requested variance, the zoning would not permit the accessory to remain in its current location. The owner would need to move or remove the structure to come into compliance with the zoning bylaw.

### 3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

## SECTION 4: SUMMARY

**Planning Discussion**

The property owner has applied for a DVP to consider allowing an accessory building to remain in its current location. The accessory building was constructed without a building permit and after a zoning review, it was determined that it was built within 2.5m of the side lot line in contravention of the setback regulations of the zoning bylaw. In addition, due to the location of the existing residence on the property and the new accessory building, a variance to the farm residential footprint regulations (FRF) is also required.

RDCK farm residential footprint (FRF) regulations protect agricultural land by limiting where residential infrastructure can be placed. However, enforcing these rules can prove impractical when homes, driveways, and other structures are already established in non-compliant locations as there is no expectation to relocate them. This is especially true on very small lots like this one, where agricultural potential is already limited. While clustering development is ideal, it is not feasible here given the existing layout. Staff therefore support granting the variance to the depth of the FRF.

Setback regulations can be established to accommodate infrastructure, utilities, road widening, form and character preferences, privacy objectives and practical access for building maintenance and repairs. Further, setbacks assist in ensuring adequate spatial separation in cases of fire in accordance with the BC Building Code. A lesser setback can be possible depending on the building and property characteristics including the materials, number of unprotected openings and fire protection response times. In this case, the proposal has been reviewed by the RDCK Building Department, and they have no concerns with the reduced setback with respect to spatial separation requirements. The lesser setback does also does not appear to create issues from an infrastructure or maintenance perspective.

Multiple letters of support and of opposition were received from the public in response to this proposal. Some of the responses noted that there has been an ongoing conflict between the owner of the subject property and the neighbours. The neighbours whose property borders the subject property where the setback variance is requested noted several concerns about the accessory building's location due to the loss of sunlight as well as snow, water and other debris shedding onto their property from the building's roof. In response to this feedback, the applicant indicated that he will be installing snow guards on the roof.

Given the above noted information, staff recommend that the Board approve the issuance of the DVP application.

**Options**

**Option 1 – Approve**
That the Board APPROVE the issuance of Development Variance Permit V2605I to Shane Aker for the property located at 2250 Glade Road, Glade and legally described as LOT B DISTRICT LOT 302A KOOTENAY DISTRICT PLAN EPP81680 (PID: 030-492-891) to vary Section 605.1 of RDCK Zoning Bylaw No. 1675, 2004 in order to permit a 1.3 metre setback from the side lot line whereas the bylaw requires a 2.5 metre setback from the side lot line and also to vary Section 2701.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to permit farm residential footprint depth of 90m whereas the bylaw requires a farm residential footprint depth of 60m.

**Option 2 – Not Approve**
That the Board APPROVE the issuance of Development Variance Permit V2605I to Shane Aker for the property located at 2250 Glade Road, Glade and legally described as LOT B DISTRICT LOT 302A KOOTENAY DISTRICT PLAN EPP81680 (PID: 030-492-891) to vary Section 605.1 of RDCK Zoning Bylaw No. 1675, 2004 in order to permit a 1.3 metre setback from the side lot line whereas the bylaw requires a 2.5 metre setback from the side lot line and also to vary Section 2701.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to permit farm residential footprint depth of 90m whereas the bylaw requires a farm residential footprint depth of 60m.

## SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2605I to Shane Aker for the property located at 2250 Glade Road, Glade and legally described as LOT B DISTRICT LOT 302A KOOTENAY DISTRICT PLAN EPP81680 (PID: 030-492-891) to vary Section 605.1 of RDCK Zoning Bylaw No. 1675, 2004 in order to permit a 1.3 metre setback from the side lot line whereas the bylaw requires a 2.5 metre setback from the side lot line and also to vary Section 2701.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to permit farm residential footprint depth of 90m whereas the bylaw requires a farm residential footprint depth of 60m.

Respectfully submitted,

Sadie Chezenko, Planner 1

## CONCURRENCE

Nelson Wight – Planning Manager Approved
Sangita Sudan - General Manager of Development and Community Sustainability Approved
Stuart Horn – Chief Administrative Officer Approved

**ATTACHMENTS:**
**Attachment A – Development Variance Permit**
**Attachment B – Agency Referral Responses**
**Attachment C – Public Referral Responses**

# Development Variance Permit

V2605I (Aker)

Date: May 21, 2026

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

TO: Shane Aker

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: 2250 Glade Road, Glade, Electoral Area 'I'
   Legal: LOT B DISTRICT LOT 302A KOOTENAY DISTRICT PLAN EPP81680
   PID: 030-492-891

CONDITIONS

5. Development Variance

   *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* Section 605.1 and Section 2701.4 is varied as follows:

   **From:** Unless otherwise stated, no principal or accessory building or structure except a fence may be located within 7.5 metres of a front or exterior side lot line or within **2.5 metres** of any other lot line.

   **To:** Unless otherwise stated, no principal or accessory building or structure except a fence may be located within 7.5 metres of a front or exterior side lot line or within **2.5 metres** of any other lot line. Despite this, one accessory building may be located within **1.3 metres** of the north side lot line., as shown on Schedule '1' and '2.'

**From:** 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.

**To:** The maximum depth of the Farm Residential Footprint shall not exceed **90.0 metres** measured from the Front Lot Line or Exterior Side Lot Line., as shown on Schedule '1' and '2.'

6. Schedule

**I**f 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 , 20 .

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**



## Agency Referral Responses – V2605I

| Agency/Department | Response |
|---|---|
| Advisory Planning and Heritage Commission (Area I) | That the Area I Advisory Planning and Heritage Commission SUPPORT the Development Variance Permit Application to Shane Aker for the property located at 2250 Glade Road, Glade, LOT B DISTRICT LOT 302A KOOTENAY DISTRICT PLAN EPP81680. The APHC would like to note that the recommendation is based on the referral package which does not include public feedback. |
| Archaeology Branch | See attached letter |
| Crown Land Authorizations – Kootenay Boundary Region Ministry of Water, Land and Resource Stewardship | On behalf of Kootenay Boundary Crown Land Authorizations, there are no concerns with this development variance permit. |
| Ecosystems Section Head - Kootenay-Boundary Region Ministry of Water, Land & Resource Stewardship | See attached letter |
| Fortis BC | Land Rights Comments<br>• There are no immediate concerns or requests for additional land rights based on the proposed variance request and plans provided.<br>Operational & Design Comments<br>• There are FortisBC Electric ("FBC(E)")) primary distribution facilities along Glade Road. The existing FBC(E) facilities do not appear to be affected by the proposed variance request.<br>• For any changes to the existing service, the applicant must contact an FBC(E) designer at 1-866-4FORTIS (1-866-436-7847) for more details regarding design, servicing solutions, and land right requirements. |
| Glade Irrigation District | The GID board of Trustees has determined that there are no issues in regards to GID water system. |
| Ministry of Transportation and Transit | Thank you for the opportunity to review and provide comment on the above-noted application. The Ministry has no concerns or objections to the proposal. |
| Ministry of Agriculture and Food | Thank you for sending the attached Development Variance Permit (DVP) to Ministry of Agriculture and Food (Ministry) staff for review. Ministry staff have reviewed the DVP and note that the Subject Property is located on the western side of Glade where the properties are generally small and not used for agricultural production. Further, both the construction itself and the two requested variances are unlikely to have an impact on agriculture either on the Subject Property, or within the community of Glade. |

| | |
|---|---|
| | Thanks again for sending this DVP to Ministry staff for review.<br><br>Cheers,<br><br>Reed Bailey<br>Land Use Planner<br>Strengthening Farming Program<br>BC Ministry of Agriculture and Food |
| RDCK Building Department | Structure is ok based on the Spatial Separation requirements listed in the BC Building Code provided the use of the structure stays solely for the Single-Family Dwelling. Building is not permitted to be used as a commercial storage space without additional work to the structure being done under a valid building permit. |
| RDCK Emergency Management | The EM Dept comments is that the areas in question are unaffected by any current concerns. |

July 5, 2023

Greetings,

The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:

1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to.

2. Changes in and about a "stream" [as defined in the *Water Sustainability Act* (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the *Water Sustainability Regulation*. Authorized changes must also be compliant with the Kootenay-Boundary Terms and Conditions and Timing Windows documents. Applications to conduct works in and about streams can be submitted through FrontCounter BC.

3. No "development" should occur within 15 m of the "stream boundary" of any "stream" [all as defined in the *Riparian Areas Protection Regulation* (RAPR)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of RAPR are required to ensure that all development is compliant with RAPR.

4. The federal *Species at Risk Act* (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are

Ministry of Water, Land and Resource Stewardship
Land Use Policy, Planning and Ecosystems
PO BOX 9367 Stn Prov Govt
Victoria, BC
V8W 9M3
www.gov.bc.ca/WLRS

adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to Resource Inventory Standard Committee (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific Recovery Strategy or Management Plan documents, and to ensure proposed activities will not adversely affect SEAR or their Critical Habitat for Federally-listed Species at Risk (Posted).

5. Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: Natural Resource Best Management Practices - Province of British Columbia (gov.bc.ca) and Develop with Care 2014 - Province of British Columbia.

6. Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial *Wildlife Act* and the federal *Migratory Birds Convention Act*. Guidelines to avoid harm to migratory birds can be found at: Guidelines to avoid harm to migratory birds - Canada.ca. If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:

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

7. The introduction and spread of invasive species is a concern with all developments. The provincial *Weed Control Act* requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: Invasive species - Province of British Columbia. The Invasive Species Council of BC

provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.

8. Section 33.1 of the provincial *Wildlife Act* prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.

9. If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).

10. Developments must be compliant with all other applicable statutes, bylaws, and regulations.

If the references above do not address your concerns, please do not hesitate to reach out to me for further investigation into your concerns.

Kind Regards,

Shannon White, RPBio
*Ecosystems Section Head - Kootenay-Boundary Region*
Ministry of Water, Land & Resource Stewardship
[redacted]

[redacted]

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

Hello RDCK Planning Team,
Thank you for your referral regarding proposed construction on 2250 Glade Road, Glade, PID 030492871, LOT B DISTRICT LOT 302A KOOTENAY DISTRICT PLAN EPP81680. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

**Results of Provincial Archaeological Inventory Search**

According to Provincial records, there are no known archaeological sites recorded on the subject property.
However, archaeological potential modelling for the area indicates there is high potential for previously unidentified archaeological sites to exist on the property, as indicated by the purple colour shown over everything in the second screenshot below.
Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites, and their results may be refined through further assessment.

**Archaeology Branch Advice**

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned for 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.
If there are no plans for land altering activities on the property, no action is required at this time.

**Rationale and Supplemental Information**

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

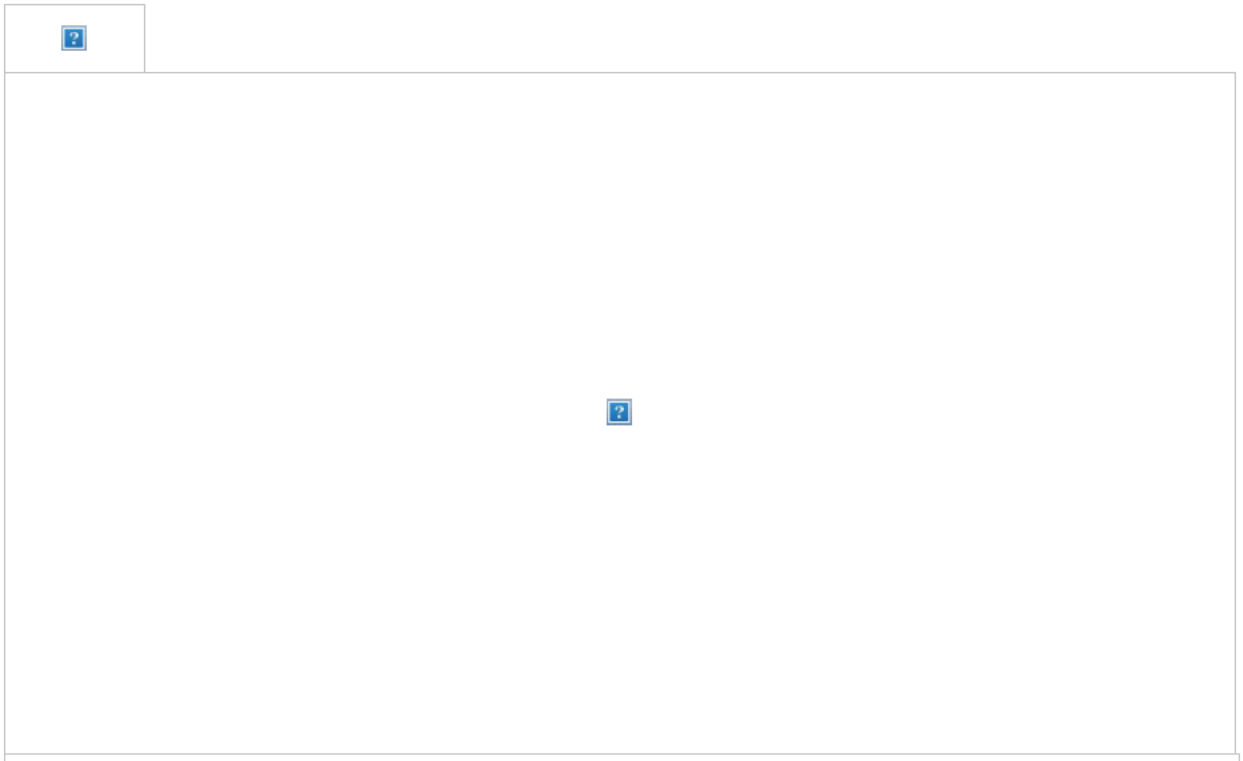
**How to Find an Eligible Consulting Archaeologist**

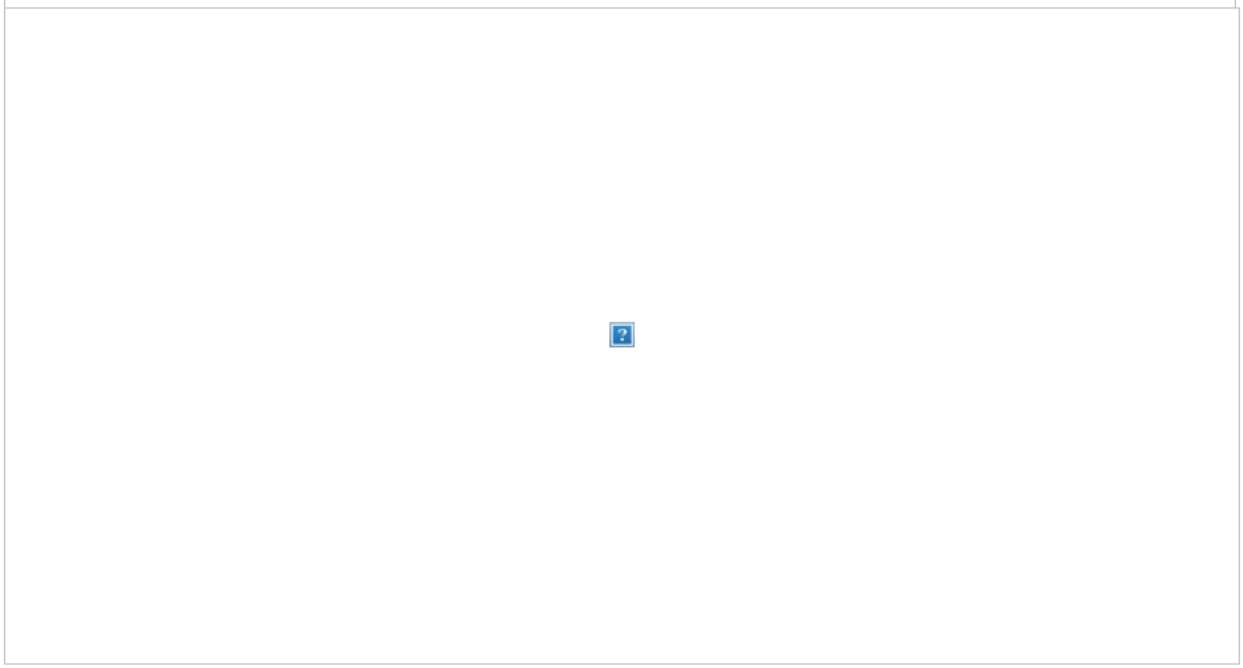
An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website (www.bcapa.ca) and in local directories. Please note, the Archaeology Branch cannot provide specific recommendations for consultants or cost estimates for archaeological assessments. Please contact an eligible consulting archaeologist to obtain a quote.

**Questions?**

For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.
For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

Kind regards,





*Please note that subject lot boundaries (yellow) and areas of archaeological potential (purple) indicated on the enclosed screenshots are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change. If you are experiencing difficulties viewing the layers in the above screenshots, please contact us.*

**Diana Cooper**
**Archaeologist/Archaeological Information Specialist**
Archaeology Branch | Ministry of Forests
[redacted]

**From:** Archaeology FOR:EX
**Sent:** Monday, March 16, 2026 3:33 PM
**To:** Arch Data Request FOR:EX

**Subject:** FW: RDCK Referral - V2506I

Hey y'all!

Another one

Stacey

## Public Referral Responses – V2506I

| Name | Response |
|---|---|
| Pete Tarasoff | I live very close to the property applying for the development variance. There has been an ongoing conflict between the owner of the property, and the adjacent 2 properties that used to be owned by Shane's family. Shane has made it very difficult on his neighbors ever since they had a falling out. He is a bully to them. He chose to build his accessory building without doing his diligence to make sure it was being built legally and with a permit, and from what I've heard from the neighbors, he continued to build after many stop work orders from the RDCK office.<br>Everyone else in the neighborhood, including myself, applied for, and were issued permits to proceed with any work on our properties. And we complied. What makes him special, that he can just do as he pleases?<br>He built that accessory building knowing that snow would fall on the neighbors fence. He told me that himself, and he didn't care.<br>In my opinion, you should make him move his accessory building to the appropriate distance, or make him remove it. If you let him get away with what he's been doing, it makes a very bad example to the rest of us who went through the proper channels. What's to stop any of us from just doing whatever we want to do. If he can do it, why can't we mentality.<br>Pete Tarasoff |
| Kathy Tarasoff | I am concerned about this variance application because the structure was put up without a building permit. If this variance is granted it would set president to others to just construct what they want without permission and then ask forgiveness later. Improper behaviour should not be rewarded. There was no permit so no inspection, is the building safe? It is very close to a neighbouring house, which puts it at risk if there is a problem with the structure. If there are guidelines in place to ensure everyone follows the rules, I don't think providing an exception to someone who ignored the bylaws is fair. Thank you for the notification.<br>Sincerely,<br>Kathy Tarasoff<br>1010 Leeside Road<br>Castlegar B.C.<br>V1N 4R4 |
| Luis Marmelo | Hi there my name is Luis Marmelo and I own the property at 1001 Leeside Road in Glade BC. This letter is in reference to:<br><br>**RE: Development Variance Permit V2605l**<br>**please be advised that the Regional District of Central Kootenay has received a Development Variance Permit application as follows:** |

| | |
|---|---|
| | **Applicant: Shane Aker**<br>**Property: 2250 Glade Road, Glade, Electoral Area T LOT B DISTRICT LOT 302A KOOTENAY DISTRICT PLAN EPP81680**<br>**030-492-891**<br><br>I strongly object to the permit being granted for the following reasons:<br><br>1. The building was built without the land owner getting a permit. Even when he had a stop order on the construction he continued to build and expand the structure. I believe that this sets a really bad precedent. The laws exist for a reason and it is to stop the building of illegal structures like this one. The fact that Mr. Aker in the past constructed another structure only feet from his southern neighbour's property line indicating that he has no respect for the RDCK bylaws. What's to prevent him from building a similar structure next to my fence on the east side of his property?<br>Allowing Mr. Aker to get a variance permit sends a message to everyone that they can build whatever illegal structure they want and then apply to legalize it.<br><br>2. The building of the structure has significantly affected the rights and enjoyment of property of the home owners at 2254 Glade Rd, Castlegar, BC V1N 4R4. The structure blocks all sunlight going into their kitchen and living room. To use their kitchen, they always have to have the lights on due to the structure blocking any sunlight from coming in.<br><br>3. I believe the structure to be unsafe and it may pose a danger to the people and property in the surrounding area. The structure was built with no RDCK inspectors making sure that Mr. Aker followed the bylaws to ensure that the structure is safe. The wood in the structure appears to have been salvaged from the surrounding woods in the mountains. When there is a lot of wind the metal panels on the side sound as if they are coming loose. The structure sounds unsafe in bad weather. In the past I have had sheet metal from another structure on his property blow onto my land in really bad wind storms.<br>Thanks for your time and have a good weekend. |
| Levin T. Prong & Lourdes G. Bonilla | 2254 Glade Road<br>Castlegar, British Columbia<br><br>April 2, 2026<br><br>Ms. Sadie Chezenko, Planner 1<br>Regional District of Central Kootenay (RDCK)<br>202 Lakeside Drive<br>Nelson, British Columbia<br><br><br>Dear Ms. Chezenko,<br><br>**RE: Development Variance Permit application V2605I** |

As the property owners adjacent to 2250 Glade Road, we received your letter dated March 16, 2026, regarding Development Variance Permit application V2605I. For the record, we object unequivocally to this variance application.

By way of context, please note that RDCK records indicate that prior building code non-compliance at 2250 Glade Road for BP023644 resulted in notice on title on the primary residence. While separate from this variance application, this history reinforces serious concern regarding a pattern of the owner's non-compliance with applicable regulatory requirements.

With respect to this case, RDCK records indicate that this structure was not an inadvertent or minor infraction, but, rather, constitutes deliberate non-compliance with RDCK setback bylaw and applicable BC Building Code regulations. For instance, after receipt of the April 24, 2024 Stop Work Order (SWO00353) and the associated Bylaw Offence Notice fine, the owner continued construction without a valid building permit. On July 29, 2024, the owner acknowledged to RDCK staff that he was "fined, but doesn't want to pay and says that the shed is being torn down" and on July 31, 2024, RDCK conducted a site inspection regarding the SWO. Nevertheless, as documented and reported, on August 10, 2024, the owner subsequently brought in heavy equipment to lift structural beams into place despite RDCK's initiative. As a result, the structure was not brought into compliance with the required 2.5m setback bylaw at an early stage of the unpermitted construction.

The massive, unpermitted structure at 2250 Glade Road - approximately 93 $m^2$ (1,000 $ft^2$) in size - significantly impacts our property as outlined below.

1. Setback and Immediate Impacts: Although the structure is reported as being setback 1.3 metres, the roof overhang extends significantly closer. The structure is actually less than 1 metre from our property line, rather than the required 2.5 metres, and extends along approximately 15.8 metres of our property line. This extreme proximity has resulted in:
   - The northwest corner of the structure's placement is a mere 6.25m from the southeast corner of our house
   - Snow and precipitation shedding directly onto our fence (inset 20 cm onto our property), which is exacerbated by the absence of roof snow guards
   - During wind storm events, debris and branches accumulate on the structure's roof and subsequently discharge onto our property creating safety risks to our property and occupants
   - Excessive shadowing and loss of sunlight on our property

2. Structural and Safety Concerns: RDCK records indicate that a structural engineering review has not been completed, nor do they confirm that the structure's materials used meet BC Building Code standards. Given apparent use of rough (non-certified) timber, the size of the structure and its close proximity to our property, the absence of an engineering report raises serious concerns regarding structural integrity, long-term stability, and potential risks to our property. During wind storm events, structural movement has been documented and reported – including the approximately 4.9m

| | |
|---|---|
| | (16ft) wall extension that is precariously attached to the main building - which further reiterates structural concerns.<br>• Please note the V2605I Referral Package diagrams (pp. 11–12), as posted on RDCK.ca, appear incomplete and potentially misleading. The building end view presents only one side (half of the building) of what is, in reality, a centre-peaked roof structure. Structural diagrams also report a centre post height of 14 ft (4.26m), though the actual height of the structure is likely greater when measured from the existing roof peak. As a result, the full width and overall mass of the structure are not accurately represented in the diagrams.<br>3. Variance and Land Use Impacts: The requested increase to a 90 metre farm residential footprint depth represents a significant departure from standard siting in the Agricultural Land Reserve (ALR). When combined with the requested significant setback bylaw reduction, these dual variances would permit the intensification of development in close proximity to neighbouring properties and undermine the intended function of the ALR to protect agricultural land for future generations.<br>In conclusion, variance application V2605I seeks to legitimize egregious non-compliance of RDCK setback requirements and applicable BC Building Codes after the fact. Approving this variance would undermine the intent of RDCK bylaws and set concerning precedent for the retroactive approval of non-compliant construction - particularly in cases involving intentional disregard for regulatory requirements and the resulting negative impacts to neighbouring properties. With the evidence at hand, we respectfully request that the variance be denied. If the structure cannot be brought into regulatory compliance, we trust the RDCK will pursue appropriate enforcement measures consistent with the authority of its bylaws and policies.<br><br>Sincerely,<br>Levin T. Prong & Lourdes G. Bonilla |
| Peter Brockley | 2249 Glade Rd<br>Castlegar<br>BC V1N4R4<br>To whom it may concern, regarding the variance at me neighbour at 2250 Glade road has my full approval.<br>Peter Brockley |
| Brian Heck | Brian Heck 2152 Glade Road<br>I have no problem with the variance on Shane's open shop on his property.<br>April 15, 2026<br>Brian Heck |
| Bill | I agree with Shane Akers Variance to pass and have no objections<br>April 16, 2026<br>*Signature illegible*<br>Bill |
| Clayton Pereversoff | I agree that Shane Akers Building is fine and doesn't affect anything off of his property. I approve the variance and have no objections.<br>April 16, 2026<br>Clayton Pereversoff |
| Darren McElhinney | Hello, I live next door to Shane and confidentially I don't object to the variance he is seeking for the existing infrastructure that is built on his property. |

| | |
|---|---|
| | Regards, Darren |
| Illegible Signature | I approve Shane's Building. |
| Scott Moojelsky | I approve the Variance. |

# Committee Report

**Date of Report:** April 30, 2026
**Date & Type of Meeting:** May 20, 2026 – Rural Affairs Committee
**Author:** Zachari Giacomazzo, Planner
**Subject:** BYLAW AMENDMENT
**File:** Z2601B – Friends of Kitchener Society
**Electoral Area/Municipality** B

## SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Regional Board to consider an application for a land use bylaw amendment in Electoral Area 'B' to rezone the property from Community Services (CS) to Park and Recreation (PR) and change the land use designation from Community Services (CS) and Rural Residential (RR) to Parks and Recreation (PR) in order to better reflect the existing and long-term use of the property as a community park and outdoor recreation space.

This land use bylaw amendment is required to authorize planned improvements that include the demolition and reconstruction of aging park structures, construction of a picnic shelter, storage buildings, and the refurbishment of sport courts and trails.

Staff recommend that Amending Bylaw No. 3079, 2026 being a bylaw to amend Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 be given FIRST and SECOND reading by content and referred to a public hearing.

## SECTION 2: BACKGROUND/ANALYSIS

| GENERAL INFORMATION |
|---|
| **Property Owner:** Friends of Kitchener Society |
| **Agent:** Katie Kendall, Columbia Basin Trust |
| **Property Location:** 6253 Kitchener Road, Kitchener, Electoral Area 'B' |
| **Legal Description:** LOT A DISTRICT LOT 4592 KOOTENAY DISTRICT PLAN NEP79222 (PID: 026-457-261) |
| **Property Size:** 1 hectare (2.52 acres) |
| **Current Zoning:** Community Services (CS) |
| **Current Official Community Plan Designation:** Community Services (CS) and Rural Residential (RR) |

| SURROUNDING LAND USES |
|---|
| **North:** Country Residential |
| **East:** Rural Residential |
| **South:** Rural Residential |
| **West:** Rural Residential |

**Background and Site Context**

The subject property is located in Electoral Area 'B' in the unincorporated rural community of Kitchener. The 1 hectare parcel is located on the south side of Kitchener Road, immediately north of Kitchener Creek and surrounded by privately owned land to the south, east and west. There is an existing well on the property and there is presently no on-site wastewater (septic) system on the lot because there are no buildings that would support an occupancy.

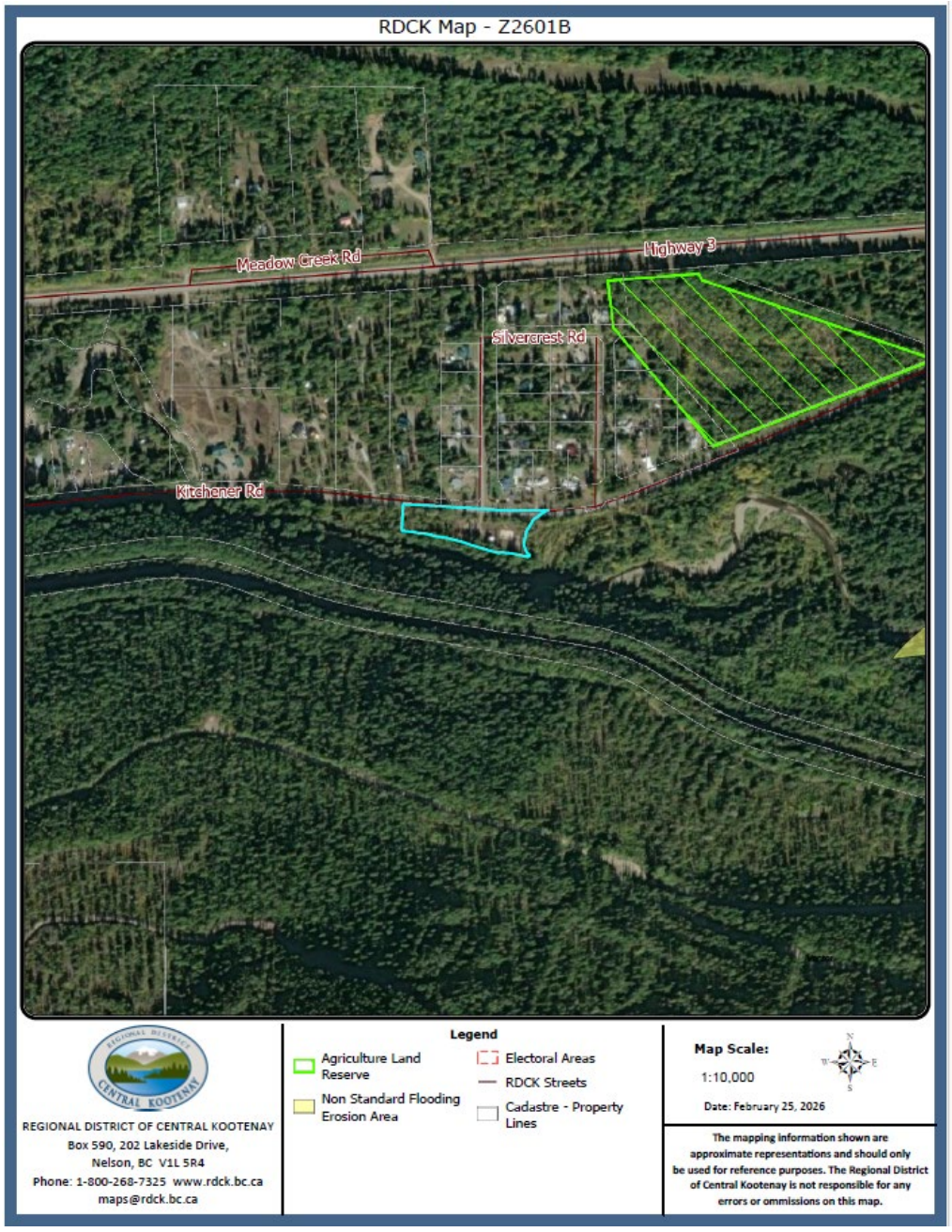



*Figure 1 - Location Map*

**Land Use Bylaw Amendments Proposed**

The property is presently zoned Community Services (CS) and designated Community Services (CS) and Rural Residential (RR) in Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013. The present CS zone is in effect due to this site formerly being the location of the Kitchener Valley Community Hall, however there is no longer a Community Hall on the subject property. The Kitchener Valley Recreation and Fire Protection Society has established a new Community Hall in another location at 101 Leadville Road. The proposed Parks and Recreation (PR) zoning and land use designation will better reflect the existing and long-term use of the property as a community park and outdoor recreation space. The application is required because Friends of Kitchener Society is working with Columbia Basin Trust on a number of improvements including the demolition and reconstruction of aging park structures, construction of a picnic shelter, storage buildings, and the refurbishment of sport courts and trails. In order to expand on the existing park and recreation use of the site, and have building permits issued, the appropriate zoning and land use designation must be assigned to the property.

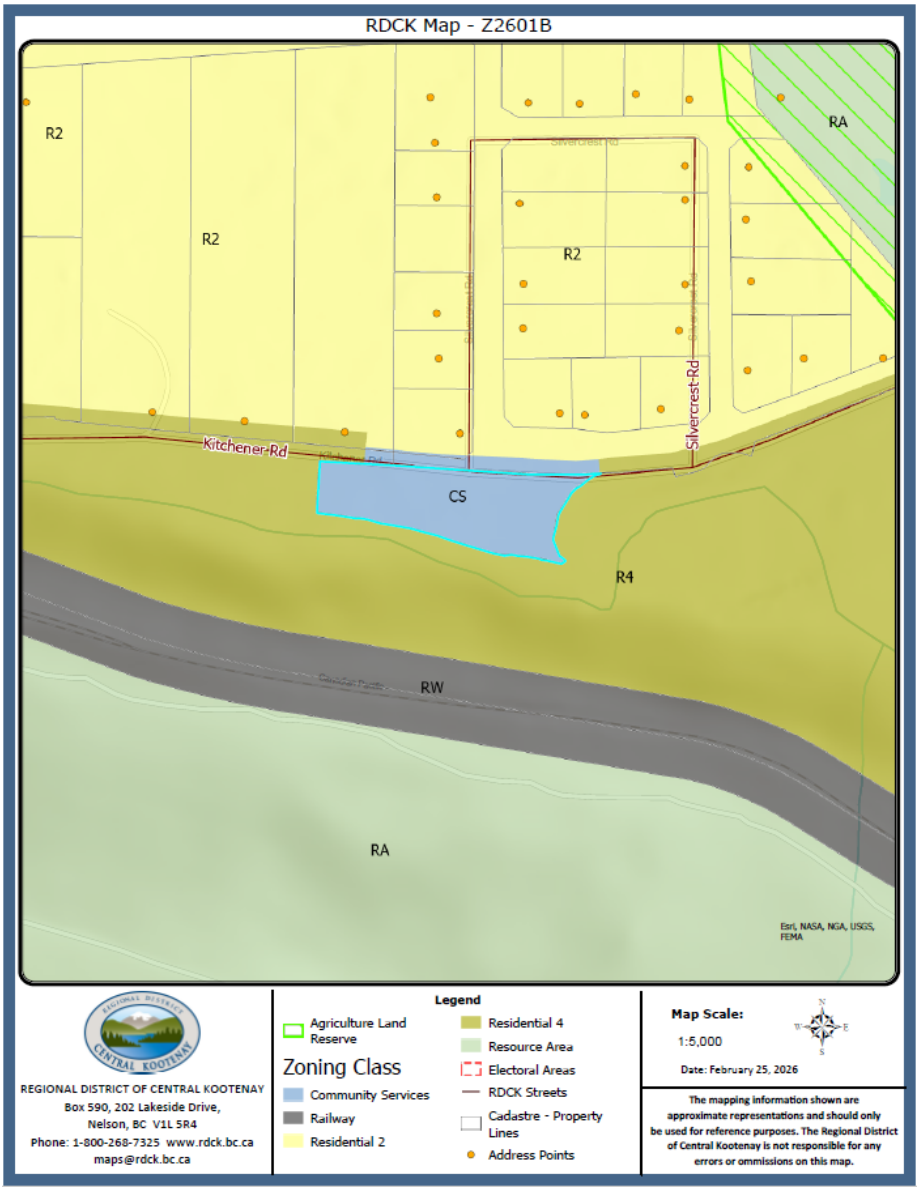



*Figure 2 - Zoning Map (present zoning designations)*

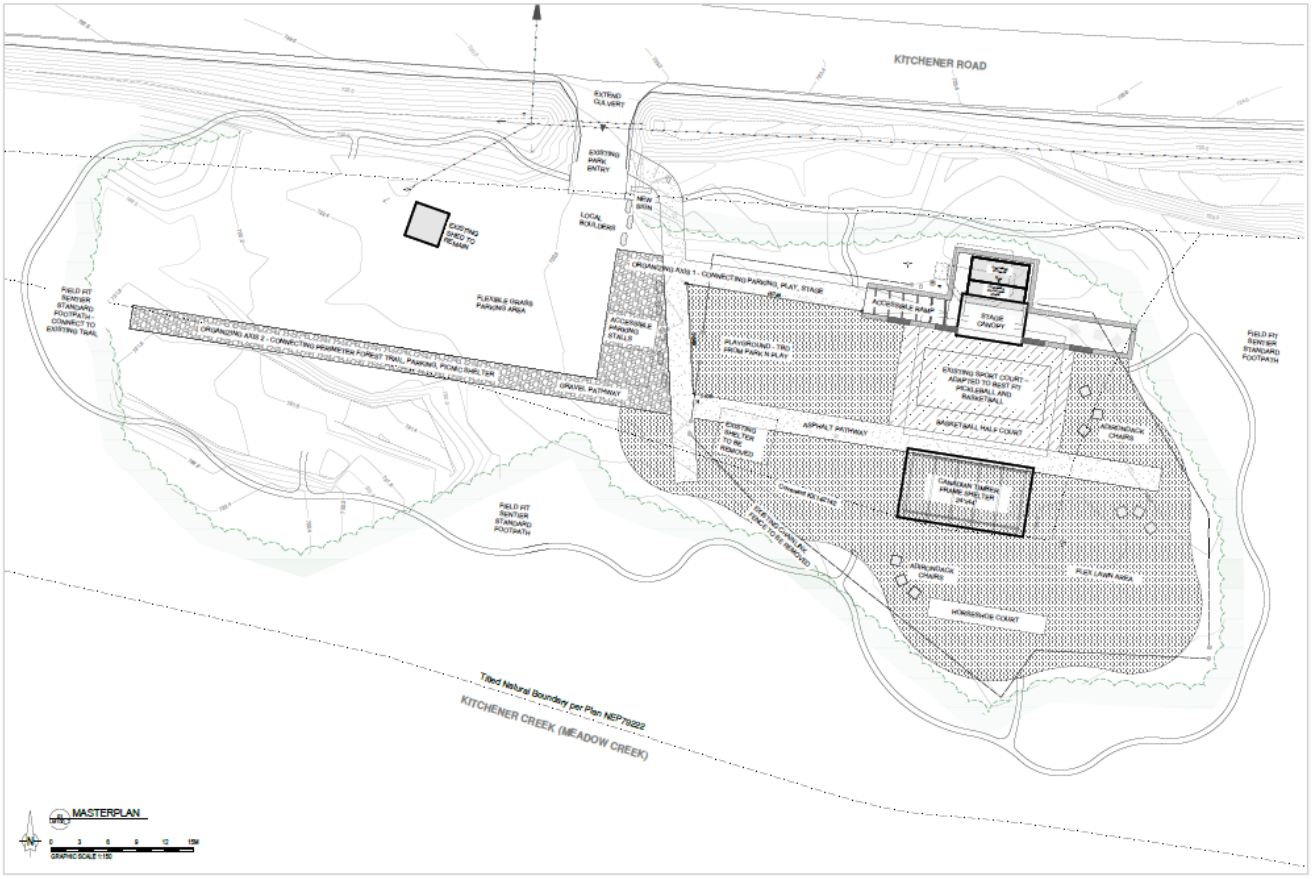



*Figure 3 - Site Plan showing proposed development (Note: large scale site plan included as Attachment 'B')*

**Planning Policy**

The proposal is consistent with the intent and the spirit of the Electoral Area 'B' Official Community Plan that forms part of Comprehensive Land Use Bylaw No. 2316, 2013, and specifically the following policy direction:

***7.0 Parks and Recreation, Culture and Heritage Objectives***

2. *To ensure the provision of recreation facilities are directed toward community needs first.*
3. *To provide local recreational opportunities for tourists that do not stress existing facilities, services, and resources; or generate undue cost to local taxpayers.*
5. *To support cultural activities and facilities throughout the Plan area.*

***Parks and Recreation, Culture and Heritage Policies***

***The regional Board:***

7. *Encourages private and public commercial recreational development provided that such proposals are compatible with adjacent land uses.*
8. *Supports the existing network of public recreation sites and trails, as well as the creation and extension of a connected network of trails and public corridors to access community parks, recreation areas, public open space and amenities, where feasible.*
9. *Proposes the establishment of a recreation system in the Plan area based on the following categories:*
    a. *community parks or open space greenbelts that provide for watershed protection, access to lake and creek shorelines, and dispersed low environmental impact recreational facilities, such as walking, cycling and equestrian trails;*

b. *community parks should be centrally located, and if possible located in association with schools and contain playgrounds, ball fields, tennis courts and/or other recreation activities;*

***14.0 COMMUNITY SPECIFIC POLICIES***

***Kitchener and Arrow Creek***

31. *Recognizes the Kitchener Community Associations role in providing important community services, such as administration of the Community Hall and Community Park.*

**SECTION 3: DETAILED ANALYSIS**

**3.1 Financial Considerations – Cost and Resource Allocations:**

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

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

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

**RDCK Planning Procedures and Fees Bylaw No. 2457, 2015**

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

**Official Community Plan Consultation, RDCK Policy No. 400-02-19**

The purpose of this policy is to establish a consistent process to comply with Local Government Act (LGA) consultation requirements during a minor amendment to an official community plan. A minor amendment to an Official Community Plan is defined as any official community plan amendment application made by the public for a single property or multiple properties functioning as one site. This application meets the definition of a minor amendment to an Official Community Plan. Staff will be implementing the consultation requirements for a minor amendment and request the Board consider whether they desire additional consultation, or otherwise confirm this is to their satisfaction.

**Local Government Act**

Section 475 of the *LGA* outlines consultation requirements when a Local Government (the RDCK) is considering amendments to an OCP. The RDCK must provide one or more opportunities in addition to the Public Hearing for consultation with persons, organizations and authorities it considers will be affected. Staff will be providing opportunities for consultation in a manner that is consistent with the RDCK's OCP Consultation Policy.

**Consideration of the RDCK's Resource Recovery Plan**

It is not anticipated that this proposed land use bylaw amendment would have an impact on the RDCK's Resource Recovery Plan. The amendment is largely considered a "housekeeping amendment" given that the subject property is already used as a park and the intent of the application is to align the land use bylaw with existing uses on the land. The proposed land use bylaw amendment is consistent with the RDCK's Resource Recovery Plan.

**Consideration of the RDCK Housing Needs Report**

This land use bylaw amendment has no effect on residential lands or housing stock. The lands are presently not zoned or designated for residential use and the proposed changes will not affect the ability to meet housing needs over the 20 year timeframe identified by section 473(1)(a) of the Local Government Act.

### 3.3 Environmental Considerations

Not applicable.

### 3.4 Social Considerations:

A written notice of the proposed bylaw amendment was mailed to 10 neighbouring property owners. No responses have been received from neighbouring property owners.

### 3.5 Economic Considerations:

Not applicable.

### 3.6 Communication Considerations:

The application was sent to 10 neighbouring property owners, relevant government agencies and First Nations.

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

| Agency/Department | Referral Response |
|---|---|
| **RDCK Emergency Management Department** | The EM Dept comments is that the areas in question are the Legal parcel is fully within the NDMP 1 - Clearwater Flood Hazard Area. |
| **RDCK Building Services** | A demolition and building permit will be required for the proposed work. |
| **RDCK Fire Services** | The RDCK does not have a Fire Service in this area, but our office has reviewed the file and finds no fire related issues with it.<br>We would however suggest that a FIRESMART assessment should be done on the property prior to any new developments. |
| **Ministry of Transportation and Transit (MoTT)** | The owner of the property has received the necessary access permit from the ministry. As such, there are no concerns from the ministry. We will await receipt of the final bylaw, if approved, for signature due to the proximity to a controlled access highway. |
| **Electoral Area 'B' APHC** | ***From the March 24, 2026 Approved meeting minutes:***<br>The Referral Package dated March 4, 2026 from Planner Zachari Giacomazzo, has been received.<br>Correct zoning needs to be adjusted to accommodate the approvements to conform zoning to the proposed site use.<br>Columbia Basin Trust is taking the lead on the project, and have put a lot of planning into the project and invested in the plan for the development of the park<br>The community engagement identified that the park was important to focus on further development versus the Kitchener hall<br><br>**MOVED** and seconded,<br>AND Resolved:<br>That the Area B Advisory Planning Commission SUPPORT the Land Use Amendment Application to Columbia Basin Trust on behalf of the Friends of Kitchener Society for the property located 301 36 Avenue South, Erickson and legally described as LOT 1 DISTRICT LOT 812 KOOTENAY DISTRICT PLAN 10845 (PID: 012-856-088). |
| **Ktunaxa Nation Council** | *No response received.* |

| | |
|---|---|
| **School Board of School District #8** | *No response received.* |
| **Fortis BC** | Land Rights Comments<br>• 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.<br>Operational & Design Comments<br>• There are FortisBC Electric ("FBC(E)") primary distribution facilities along Kitchner Road.<br>• All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.<br>• 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.<br>• 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.<br>**In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847).** Please have the following information available in order for FBC(E) to set up the file when you call.<br>• Electrician's Name and Phone number<br>• FortisBC Total Connected Load Form<br>• Other technical information relative to electrical servicing<br><br>For more information, please refer to FBC(E)'s overhead and underground design requirements:<br>FortisBC Overhead Design Requirements<br>http://fortisbc.com/ServiceMeterGuide<br><br>FortisBC Underground Design Specification<br>http://www.fortisbc.com/InstallGuide |
| **BC Hydro** | This area does not pertain to BC Hydro, so we have no objections. |
| **Interior Health Authority** | We have no objections to the re-zoning proposal, as we believe they will longitudinally benefit the health and wellbeing needs of the community. Recreation and park spaces are incredibly important to communities as they promote exercise, stress reduction and community engagement and socialization through planned activity.<br><br>Two recommendations to consider;<br><br>1) Pathway surfaces: Ideally, all pathway surfaces in the park will be finished so that they are smooth, durable and easily maintainable. This is to ensure that all members of the community can utilize the pathways, including those in wheelchairs or pushing strollers and that they are easily navigable by older residents with mobility issues. |

| | |
|---|---|
| | 2) Consider putting in adult, outdoor fitness apparatus in the park space. Kitchener does not have any local fitness amenities and Creston is a twenty minute drive away, Cranbrook an hour. An outdoor community workout area would allow community members to exercise locally and encourage healthy behaviours. Options include a simple, outdoor rated pull-up/push-up/dip setup to more involved fully featured outdoor gyms. |
| **Ministry of Forests – Archaeology Branch** | Thank you for your referral regarding 6253 Kitchener Road, Kitchener, PID 026457261, LOT A DISTRICT LOT 4592 KOOTENAY DISTRICT PLAN NEP79222. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.<br><br>**Results of Provincial Archaeological Inventory Search**<br><br>According to Provincial records, there are no known archaeological sites recorded on the subject property.<br><br>Data is not currently available to the province that describes the potential for previously unidentified archaeological sites to occur in the area. However, there is always a possibility for previously unidentified archaeological sites to exist on the property.<br><br>**Archaeology Branch Advice**<br><br>The Archaeology Branch does not identify a need for archaeological study or Provincial heritage permit(s) at the time of this information request.<br><br>Please notify all individuals (e.g., owners, developers, equipment operators) involved in land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) 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.<br><br>**Rationale and Supplemental Information**<br><br>• Archaeological study and Provincial heritage permit(s) are not required in the absence of an archaeological site.<br>• <u>There is always a possibility for previously unidentified archaeological sites to exist on the property.</u><br>• Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.<br><br>**Questions?** |

| | |
|---|---|
| | For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.<br><br>For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.<br><br>If your request was submitted to fulfill requirements for a building permit application, this response can be forwarded to Municipal or Regional District planning offices as confirmation of having contacted the Archaeology Branch. |
| **Shuswap Band** | Shuswap Band has assessed the referral and determined that the activities outlined within it do not, at this point, impact our Aboriginal interests. However, Shuswap Band would like to be kept informed of project updates and any further information related to this referral. Further, wherever possible, Shuswap Band would like the opportunity to provide cultural, environmental, and/or archaeological monitors for ongoing work. |
| **Ministry of Water, Land and Resource Stewardship – Ecosystems Section Head – Kootenay-Boundary Region** | The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:<br>1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to.<br>2. Changes in and about a "stream" [as defined in the Water Sustainability Act (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the Water Sustainability Regulation. Authorized changes must also be compliant with the Kootenay-Boundary Terms and Conditions and Timing Windows documents. Applications to conduct works in and about streams can be submitted through FrontCounter BC.<br>3. No "development" should occur within 15 m of the "stream boundary" of any "stream" [all as defined in the Riparian Areas Protection Regulation (RAPR)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of RAPR are required to ensure that all development is compliant with RAPR.<br>4. The federal Species at Risk Act (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not |

present. Detailed site-specific assessments and field surveys should be conducted by a QP according to Resource Inventory Standard Committee (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific Recovery Strategy or Management Plan documents, and to ensure proposed activities will not adversely affect SEAR or their Critical Habitat for Federally-listed Species at Risk (Posted).

5. Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: Natural Resource Best Management Practices - Province of British Columbia (gov.bc.ca) and Develop with Care 2014 - Province of British Columbia.
6. Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial Wildlife Act and the federal Migratory Birds Convention Act. Guidelines to avoid harm to migratory birds can be found at: Guidelines to avoid harm to migratory birds - Canada.ca. If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:

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

7. The introduction and spread of invasive species is a concern with all developments. The provincial Weed Control Act requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: Invasive species - Province of British Columbia. The Invasive Species Council of BC provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder's responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.
8. Section 33.1 of the provincial Wildlife Act prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could

| | |
|---|---|
| | attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.<br>9. If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).<br>10. Developments must be compliant with all other applicable statutes, bylaws, and regulations. |

### 3.7 Staffing/Departmental Workplace Considerations:

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

### 3.8 Board Strategic Plan/Priorities Considerations:

Not applicable

## SECTION 4: OPTIONS & PROS / CONS

**Planning Discussion**

The subject property has been used and maintained as a community park for an extended period of time, serving as a local recreational and gathering space for the community of Kitchener. However, the current land use designation and zoning do not authorize the park use, creating a misalignment between existing land use regulations and the existing use of the land.

The proposed amendments address this inconsistency by:

- Recognizing the long-standing park use of the property;
- Providing an appropriate policy and regulatory framework to guide future park improvements;
- Supporting continued public access and recreational opportunities; and
- Ensuring transparency and consistency in local land use planning.

Importantly, the application does not introduce a new or incompatible land use. Rather, it formalizes an existing condition and enables enhancements that are consistent with community expectations and local policy objectives.

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

- The improvement of an underutilized park facility is a benefit for the community;
- The proposed use (community park) is consistent with the policy direction in the OCP to provide local recreational opportunities for the community;
- Staff have not received any submissions from neighbours identifying concerns or opposition to this proposed development; and
- Although there has been no opposition to the proposal from the community, a public hearing is required because of the amendments to the Official Community Plan.
- The proposed Land Use Bylaw Amendment would benefit the community of Kitchener by facilitating improvements to an existing community park.

**Option 1: Initial readings and refer to public hearing**
That Electoral Area 'B' Comprehensive Land Use Amendment Bylaw No. 3079, 2026 being a bylaw to amend Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 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 'B' Director Roger Tierney is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

**Option 2: Deny the application**
That no further action be taken with respect to Electoral Area 'B' Comprehensive Land Use Amendment Bylaw No. 3079, 2026 being a bylaw to amend Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013.

## SECTION 5: RECOMMENDATIONS

That Electoral Area 'B' Comprehensive Land Use Amendment Bylaw No. 3079, 2026 being a bylaw to amend Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 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 'B' Director Roger Tierney 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 Approved
Manager of Development and Community Sustainability – Sangita Approved
Sudan Chief Administrative Officer – Stuart Horn Approved

**ATTACHMENTS:**
**Attachment A – Draft Amendment Bylaw No. 3079, 2026 Attachment B – Full size site plan**
**Attachment C – Site Visit Photos, dated January 29, 2026**

# REGIONAL DISTRICT OF CENTRAL KOOTENAY

# Bylaw No. 3079

A Bylaw to amend Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013

WHEREAS it is deemed expedient to amend the Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013, and amendments thereto.

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

**APPLICATION**

**1** That Schedule 'A.1' of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 be amended by changing the Land Use Designation of LOT A DISTRICT LOT 4592 KOOTENAY DISTRICT PLAN NEP79222 (PID: 026-457-261) from Community Services (CS) and Rural Residential (RR) to Park and Recreation (PR), as shown on the attached Map (Schedule A).

**2** That Schedule 'B.1' of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 be amended by changing the Zoning Designation of LOT A DISTRICT LOT 4592 KOOTENAY DISTRICT PLAN NEP79222 (PID: 026-457-261) from Community Services (CS) to Park and Recreation (PR), as shown on the attached Map (Schedule B).

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

**CITATION**

**4** This Bylaw may be cited as **"Electoral Area 'B' Comprehensive Land Use Amendment Bylaw No. 3079, 2026"**

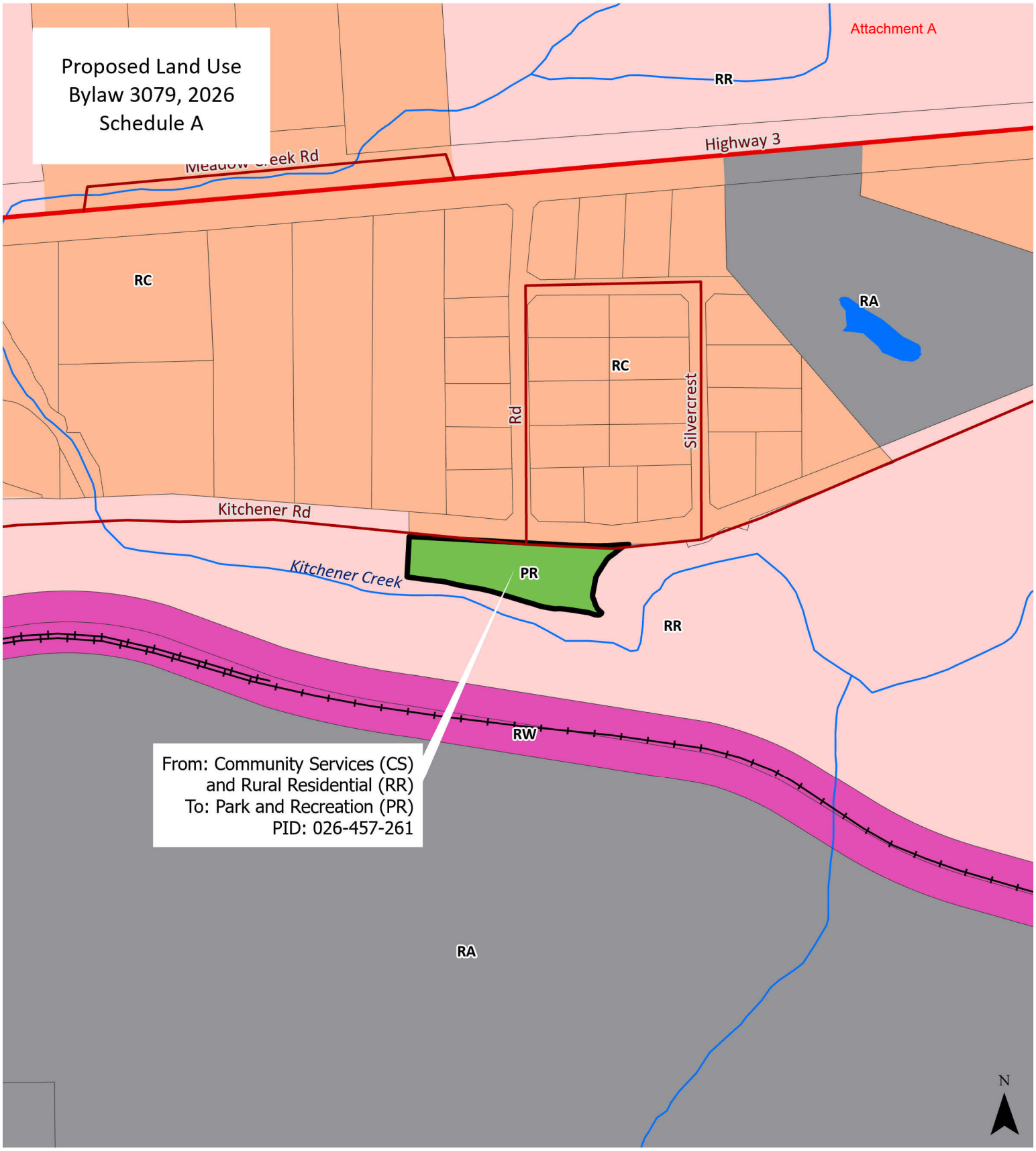
| | | | | |
|---|---|---|---|---|
| READ A FIRST TIME this | 21 | day of | May | , 2026 |
| READ A SECOND TIME this | 21 | day of | May | , 2026 |
| WHEREAS A PUBLIC HEARING was held this | [Date] | day of | [Month] | , 2026 |
| READ A THIRD TIME this | [Date] | day of | [Month] | , 2026 |

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

_____
Approval Authority,
Ministry of Transportation and Transit

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

_____ _____
Aimee Watson, Board Chair Mike Morrison, Corporate Officer




Subject Property
Property Lines
Lake
Stream
Rail Line
Highway
Road

**Land Use Designation**

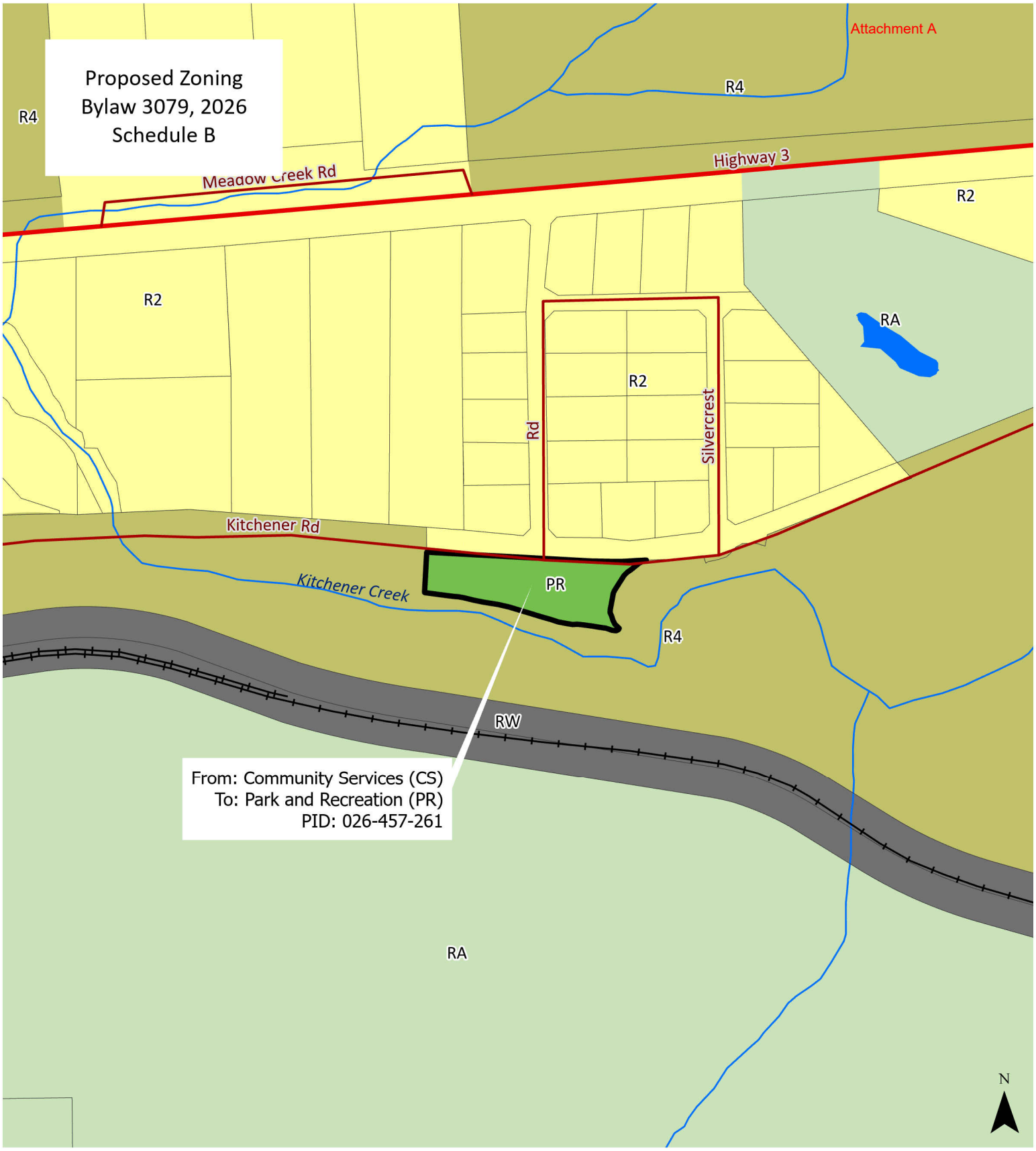
Country Residential (RC)
Resource Area (RA)
Rural Residential (RR)
Railway (RW)
Park and Recreation (PR)

0 100 200
Metres

April 30, 2026
PCS: NAD83 UTM Zone11N

The map data shown are approximate representations for reference only. The Regional District of Central Kootenay is not liable for any errors or omissions on this map nor any loss or damage resulting from the use of this map.

# Proposed Zoning Bylaw 3079, 2026 Schedule B




REGIONAL DISTRICT CENTRAL KOOTENAY

- Subject Property
- Property Lines
- Lake
- Stream
- Rail Line
- Highway
- Road

**Zoning Class**

- Park and Recreation (PR)
- Railway (RW)
- Country Residential (R2)
- Rural Resource (R4)
- Resource Area (RA)

0 100 200
Metres

April 30, 2026
PCS: NAD83 UTM Zone11N

The map data shown are approximate representations for reference only. The Regional District of Central Kootenay is not liable for any errors or omissions on this map nor any loss or damage resulting from the use of this map.

KITCHENER ROAD

EXTEND CULVERT

EXISTING PARK ENTRY

NEW SIGN

LOCAL BOULDERS

EXISTING SHED TO REMAIN

FIELD FIT SENTIER STANDARD FOOTPATH - CONNECT TO EXISTING TRAIL

ORGANIZING AXIS 2 - CONNECTING PERIMETER FOREST TRAIL, PARKING, PICNIC SHELTER

GRAVEL PATHWAY

FLEXIBLE GRASS PARKING AREA

ACCESSIBLE PARKING STALLS

ORGANIZING AXIS 1 - CONNECTING PARKING, PLAY, STAGE

18746

11590

PLAYGROUND - TBD FROM PARK N PLAY

ACCESSIBLE RAMP

CONTAINER STORAGE

Door

CONTAINER FOLD-DOWN STAGE

STAGE CANOPY

EXISTING SPORT COURT – ADAPTED TO BEST FIT PICKLEBALL AND BASKETBALL

BASKETBALL HALF COURT

ADIRONDACK CHAIRS

FIELD FIT SENTIER STANDARD FOOTPATH

EXISTING SHELTER TO BE REMOVED

ASPHALT PATHWAY

CANADIAN TIMBER FRAME SHELTER 24'x44'

Covenant KX142142

EXISTING CHAINLINK FENCE TO BE REMOVED

ADIRONDACK CHAIRS

FLEX LAWN AREA

HORSESHOE COURT

FIELD FIT SENTIER STANDARD FOOTPATH

Titled Natural Boundary per Plan NEP79222

KITCHENER CREEK (MEADOW CREEK)

01 MASTERPLAN
LM100_2

N

0 3 6 9 12 15M

GRAPHIC SCALE 1:150


KITCHENER
VALLEY
HALL
6253
EST
2005






RURAL
CRIMEWATCH

# Committee Report

**Date of Report:** May 5, 2026
**Date & Type of Meeting:** May 20, 2026 Rural Affairs Committee
**Author:** Zachari Giacomazzo, Planner
**Subject:** LIQUOR AND CANNABIS REGULATION BRANCH REFERRAL
**File:** R2606J – Scotties Marina Ltd.
**Electoral Area/Municipality** J

## SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board's consideration of a Provincial referral from the Liquor and Cannabis Regulation Branch (LCRB) for a proposed Rural Licensee Retail Store (RLRS) at the existing general store associated with Scotties Marina.

The proposed license will allow the existing general store to sell "liquor unopened containers" to patrons from 7:00 am to 11:00 pm.

Staff recommend that the Board support this application for a RLRS, and that this recommendation be forwarded to the LCRB.

## SECTION 2: BACKGROUND/ANALYSIS

| GENERAL INFORMATION |
|---|
| **Property Owner:** Scotties Marina Ltd. |
| **Applicant:** Natasha McCreight |
| **Property Location:** 5220 Broadwater Road, Rural Castlegar, Electoral Area 'J' |
| **Legal Description:** LOT A DISTRICT LOT 4599 KOOTENAY DISTRICT PLAN NEP22963 (PID: 023-387-378) |
| **Property Size:** 0.79 hectares (1.96 acres) |
| **Zoning Designation:** Tourist Commercial (C3) in RDCK Zoning Bylaw No. 1675, 2004 |
| **OCP Designation:** Commercial (C) in Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 2996 |

| SURROUNDING LAND USES |
|---|
| **North:** Open Space (Crown land) |
| **East:** Open Space (Crown land) |
| **South:** Open Space (Crown land – Arrow Lake) |
| **West:** Open Space (Crown land) |

**Background Information and Subject Property**

The subject property is 0.79 hectares in size and is located approximately 12 km west of Castlegar and 2 km east of Syringa Provincial Park. There are portions of the legal lot on the North and South side of Broadwater Road

(see Figure 1). There is currently a General Store, Marina, dwelling unit, and Tourist Accommodation uses operating at the subject property. The surrounding area is characterized by titled crown land parcels and large tracts of unsurveyed crown land. The nearest residences are located approximately 1 km to the east and west of the subject property on Broadwater Road. Based on a desktop review of surrounding land uses, there are no day cares, health care facilities, libraries, parks, playgrounds, schools or other liquor retail businesses within 300 metres of the subject property.




*Figure 1 - Location of subject property located between the City of Castlegar and Syringa Provincial Park*



*Figure 2 - View of the existing general store from Broadwater Road, where the proposed retail liquor sales would be located.*

## 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 $500 review and notification fee for a LCRB liquor and cannabis retail licence referral application was paid pursuant to the RDCK's *Planning Procedures and Fees Bylaw No. 2457, 2015.*

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

The LCRB is the provincial authority responsible for issuing liquor licenses. This includes licenses that are required for businesses where alcoholic beverages are consumed as well as licenses for the sale of liquor. RDCK Board policy #200-01-04 establishes that the Board does not wish to receive notice of any liquor license application related to consumption (e.g. liquor primary licenses, endorsement for winery lounges or picnicking at a winery) however Schedule 'R' of the RDCK Planning Procedures and Fees Bylaw No. 2457 outlines the process for RDCK/Board consideration of Licensing for Liquor and Cannabis Retail. This procedure outlines the difference between liquor licenses for the purposes of establishments (e.g. bars, pubs, restaurants) and licenses for the retail sale of liquor or cannabis.

In general, local governments have some or all of the following regulatory powers in respect of liquor retail store licences:

- Impose land use regulations, such as, Zoning Bylaw requirements regarding the use and siting of liquor retail stores.
- Municipalities may regulate businesses by terms and conditions through a Business Licensing Bylaw. For example, a municipality may limit the hours that liquor retail stores can operate or impose other conditions, such as, signage specification.
- Charging the applicant a fee if choosing to assess an application.

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

**2.4 Commercial Objectives**

2.4.1 To provide for commercial activities servicing the needs of local communities.
2.4.2 To minimize land use incompatibility between commercial activities and surrounding land uses.

**3.5 Commercial Policies (As shown on Schedule 'B' - Land Use Designations)**

3.5.3 Existing commercial uses shall be recognized.

*Planning Procedures and Fees Bylaw No. 2457, 2015*

Section 7. under "*Schedule 'R': Liquor and Cannabis Licensing Procedure"* states that, "*preference will be provided for application that take into consideration the following guidelines:*

- *Conformance with relevant Regional District bylaws and policies.*
- *Proximity to other specific land uses, such as, day cares, health care facilities, libraries, parks, playgrounds, schools and other liquor or cannabis related businesses (recommended minimum distance of 300 metres).*
- *Licenses will not be supported in a dwelling place or as a home based occupation.*

In response to the items mentioned above:

- The subject property is designated Commercial (C) in Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 2996
- The subject property is designated Tourist Commercial (C3) in RDCK Zoning Bylaw No. 1675, 2004 which authorizes Service Stations and liquor sales.
- There are no day cares, health care facilities, libraries, parks, playgrounds, schools and other liquor or cannabis related businesses within 300 metres of the subject property
- The licensed retail liquor sales are proposed in an existing commercial building

## 3.3 Environmental Considerations

Staff do not anticipate any additional environmental impacts, due to the proposed liquor sales being located entirely within an existing retail store.

## 3.4 Social Considerations:

Liquor retail stores in general may not be seen by some community members as positive growth, however, staff outline that the commercial retail use is consistent with present land use designation of the subject property

and no submissions from the public were received as part of the application's notification process (outlined in more detailed below under section 3.6.)

## 3.5 Economic Considerations:

Not applicable.

## 3.6 Communication Considerations:

In accordance with the RDCK's *Planning Procedures and Fees Bylaw No. 2457, 2015* a sign describing the proposal was posted on the subject property. The application is posted on the RDCK's website under the active applications section and the notice was posted on the notice board at the RDCK head office in Nelson. An advertisement was also placed in the April 9, 2026 edition of the Castlegar News informing the community about the proposed retail liquor store and requesting feedback from members of the public. A mailout was not sent to surrounding property owners as the RDCK's procedure requires written notice to be sent to properties within 100 metres. The notification area would need to be increased to 800 metres in order to capture the nearest private property. Where no such properties exist within the standard notification radius, it is reasonable to rely on the other notification methods to ensure that any interested parties still have the opportunity to provide input. To date, staff have not received any inquiries or written submissions.

Planning staff also referred the application to all relevant internal RDCK departments, the Local Area Director, local fire department, the RCMP and the Ministry of Transportation and Infrastructure. The following comments were received:

| Agency/Department | Referral Response |
|---|---|
| **Ministry of Transportation and Transit – Development Services Officer** | Thank you for the opportunity to review and provide comment on the above-noted application.<br><br>The Ministry has no objections or concerns to the request for proposed liquor sales. The proponent will need to apply for a new commercial access permit. The proponent can learn more about commercial access permits here: https://www2.gov.bc.ca/gov/content/transportation/funding-engagement-permits/permits/access<br><br>***Staff Note:*** *The applicant has confirmed that a MoTT Commercial Access Permit (2026-02144) has been submitted.* |
| **School District No. 20 – Superintendent** | Thanks for checking and no concerns came forward regarding the liquor license application |
| **RCMP – Castlegar Detachment** | No response received. |
| **RDCK Fire Services – Robson Fire Department** | No response received. |

## 3.7 Staffing/Departmental Workplace Considerations:

Should the Regional Board choose to support this Rural Licensee Retail Store application staff will forward the Board resolution to the LCRB for their consideration and ultimately, final decision.

### 3.8 Board Strategic Plan/Priorities Considerations:

This LCRB referral is considered under the operational requirements of Planning Services.

## SECTION 4: OPTIONS & PROS / CONS

Based on the general guidelines outlined in the *Planning Procedures and Fees Bylaw No. 2465, 2015*, a desktop review of surrounding land uses/establishments was completed and it has been determined that there are no day cares, health care facilities, libraries, parks, playgrounds, schools and other liquor or cannabis retail stores within 300 metres of the proposed liquor retail store location.

For the following reasons, Staff recommend that the Board support the proposal to authorize the Retail sale of unopened liquor products at the Scotties Marina General Store:

- The subject property is in a rural area west of Castlegar with limited commercial uses.
- The existing business (Scotties Marina) is a service centre for local residents, tourists, and people recreating in the Lower Arrow Lake region. Supporting the expansion of the existing retail services provides the public with more purchasing options in a relatively remote area.
- The proposal is consistent with the commercial policies in the Area 'J' Official Community Plan
- Staff have included a recommendation in Option 1 (below) that the LCRB require the applicant to obtain an MoTT Commercial Access permit prior to issuance of a liquor license.
- Staff acknowledge that the retail sale liquor is relatively low impact and an appropriate addition of existing products at a well-established commercial business.

**Option 1 (Support the proposed Licence for the retail sale of liquor):**

That the Regional Board recommends support of the application proposed by Natasha McCreight (LCRB Job #142736 and RDCK File No. R2606J) for a Rural Licensee Retail Store (RLRS) licence at an existing general store (Scotties Marina) located at 5220 Broadwater Road, Castlegar, BC (LOT A DISTRICT LOT 4599 KOOTENAY DISTRICT PLAN NEP22963, PID: 023-387-378);

And that the Regional Board comments are as follows:

I. The proposed store is located on a fee simple lot that is designated Commercial (C) in the Area 'J' Official Community Plan and zoned Tourist Commercial (C3) in RDCK Zoning Bylaw No. 1675
II. The Board requests that MoTT Commercial Access Permit (2026-02144) is issued prior the RLRS Licence being issued in order to address any potential traffic and safety issues.
III. That the retail sale of unopened liquor products/containers be restricted to 7:00am to 11:00pm
IV. No significant impact on the community is anticipated if the application is approved.
V. The Board provided opportunity for residents to submit their views on the licence application. Public notice indicating that the RDCK would accept written comments on the application until April 27, 2026 was published in the Castlegar News on April 9, 2026 and posted on the notice board at the main entrance to the RDCK head office in Nelson on March 30, 2026. The referral package was also posted on the RDCK's website on March 26, 2026. Further, a notification sign was posted on the subject property on March 20, 2026 until the Board considered the application on May 21, 2026.
VI. The views of the residents were considered by the Board at its May 21, 2026 Regular Board meeting or delivered as late items if correspondence was received after the agenda was published.

And further that the Regional Board direct staff to forward the above recommendation to the LCRB.

**Option 2 (Not support the proposed Licence for the retail sale of liquor):**

That the Regional Board recommends non-support of the application proposed by Natasha McCreight (LCRB Job #142736 and RDCK File No. R2606J) for a Rural Licensee Retail Store (RLRS) licence at an existing general store (Scotties Marina) located at 5220 Broadwater Road, Castlegar, BC (LOT A DISTRICT LOT 4599 KOOTENAY DISTRICT PLAN NEP22963, PID: 023-387-378);

## SECTION 5: RECOMMENDATIONS

That the Regional Board recommends support of the application proposed by Natasha McCreight (LCRB Job #142736 and RDCK File No. R2606J) for a Rural Licensee Retail Store (RLRS) licence at an existing general store (Scotties Marina) located at 5220 Broadwater Road, Castlegar, BC (LOT A DISTRICT LOT 4599 KOOTENAY DISTRICT PLAN NEP22963, PID: 023-387-378);

And that the Regional Board comments are as follows:

I. The proposed store is located on a fee simple lot that is designated Commercial (C) in the Area 'J' Official Community Plan and zoned Tourist Commercial (C3) in RDCK Zoning Bylaw No. 1675
II. The Board requests that MoTT Commercial Access Permit (2026-02144) is issued prior the RLRS Licence being issued in order to address any potential traffic and safety issues.
III. That the retail sale of unopened liquor products/containers be restricted to 7:00am to 11:00pm
IV. No significant impact on the community is anticipated if the application is approved.
V. The Board provided opportunity for residents to submit their views on the licence application. Public notice indicating that the RDCK would accept written comments on the application until April 27, 2026 was published in the Castlegar News on April 9, 2026 and posted on the notice board at the main entrance to the RDCK head office in Nelson on March 30, 2026. The referral package was also posted on the RDCK's website on March 26, 2026. Further, a notification sign was posted on the subject property on March 20, 2026 until the Board considered the application on May 21, 2026.
VI. The views of the residents were considered by the Board at its May 21, 2026 Regular Board meeting or delivered as late items if correspondence was received after the agenda was published.

And further that the Regional Board direct staff to forward the above recommendation to the LCRB.

Respectfully submitted,

Zachari Giacomazzo, Planner

## CONCURRENCE

Planning Manager – Nelson Wight Approved
General Manager of Development Services – Sangita Approved
Sudan Chief Administrative Officer – Stuart Horn Approved

**ATTACHMENTS:**
**Attachment A – LCRB Referral Letter**

BRITISH COLUMBIA

February 24, 2026 Job # 142736

**Re: Application for a Rural Licensee Retail Store (RLRS)**
**Applicant Name: Natasha McCreight**
**Proposed RLRS Establishment Name: Scotties Marina Ltd**
**Proposed RLRS Establishment Site: 5220 Broadwater Rd, Castlegar, V1N4V8**

---

The above-noted applicant has applied to the Liquor and Cannabis Regulation Branch (the Branch) for an RLRS licence at an existing general store located at the proposed establishment site.

The RLRS licence, if approved, will allow the authorized general grocery store to sell liquor unopened containers to patrons, from 7:00 AM to 11:00 PM. The licence also allows licensees to sell or serve samples of liquor in the service area to patrons.

The Branch has completed the initial review of the application to determine eligibility of the establishment type and location.

Having determined initial applicant eligibility, the application is now proceeding to the Community Input stage. If Central Kootenay Regional District opts to provide comments and recommendations on this application, you must complete the public input process, gathering the views of local residents, and comment in writing, on

- Whether the residents, First Nations (if within 10km of proposed location), and local government support the sale of liquor by the general store; and
- Provide a description of the method used to gather those views.

The written comments must be provided within 90 days after the Local Government or First Nation receives notice of the application. Additional time can be approved by the Branch if the request is received in writing prior to the end of the 90 day period.

**If the Central Kootenay Regional District chooses to "opt out" of providing input, please advise in writing by March 24, 2026, to avoid unnecessary delays for the applicant. Where a local government opts out of the process, the Branch will complete the community input process, including notification of any nearby First Nations.**

**Liquor and Cannabis Regulation Branch**

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8

Location:
400-645 Tyee Rd.
Victoria BC V9A 6X5

Phone: 250 952-5787
Facsimile: 250 952-7066

Website:
www.gov.bc.ca/liquorregulationandlicensing

Upon receipt of the written comments, the Branch will review the comments to determine if all regulatory criteria have been met in accordance with section 71 of the *Liquor Control and Licensing Regulations* and, if recommended by Local Government, assess whether the granting of the licence would be contrary to the public interest.

Upon decision of the general manager as to whether to grant approval in principle (AIP), the applicant and the Local Government will be advised in writing.

Following the AIP stage, the Liquor Inspector conducts a final inspection and if the establishment passes the inspection, the existing general store will be approved for an RLRS licence.

Further details of the liquor licensing application process can be found in Section 11 of the Liquor Policy Manual available on the Branch website at https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/liquor-licence-permits/liquor-law-policy/liquor-licence-terms-conditions-manuals.

If you require any further assistance, please do not hesitate to contact me by email at demi.henderson@gov.bc.ca .

Sincerely,

Demi Henderson

Demi Henderson
Licensing Analyst | Liquor and Cannabis Regulation Branch
[redacted]

# Committee Report

*April 15, 2026*

## Environmental Development Permit Area (DPA) Enforcement

| | |
|---|---|
| **Author:** | Corey Scott, Planner |
| **File Reference:** | 10\5110\20\COMPLIANCE AND ENFORCEMENT\DEVELOPMENT PERMIT ENFORCEMENT |
| **Electoral Area/Municipality:** | ELECTORAL AREAS 'A', 'G', 'H' |
| **Services Impacted** | Planning S104; Bylaw Enforcement (Rural Administration) S101 |

## 1.0 STAFF RECOMMENDATION

That the Board direct staff to undertake early and ongoing consultation, pursuant to Sections 475 and 476 of the *Local Government Act*, with respect to Amendment Bylaws No. 3024, 3025, and 3026, being bylaws to amend Regional District of Central Kootenay Electoral Area 'A' Land Use Bylaw No. 2315, 2013, Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018, and Regional District of Central Kootenay Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009, as described in the Committee Report "Development Permit Area Compliance and Enforcement", dated April 15, 2026.

## 2.0 BACKGROUND/HISTORY

One of the most effective tools used by local governments to protect riparian areas adjacent to watercourses such as lakes, rivers, creeks, wetlands, and other streams is Development Permit Areas (DPAs). DPAs are designated under Section 488(1)(a) of the *Local Government Act* (*LGA*) for the purpose of protecting the natural environment, its ecosystems, and biological diversity. DPAs designated under this section of the *LGA* are commonly referred to as "environmental DPAs".

Environmental DPAs are designated in the Official Community Plans (OCPs) for Electoral Areas 'A', 'D', 'E', 'G', 'H', and 'I'. The other five electoral areas do not have DPAs designated for the specific purpose of riparian area protection, although they may have other types of DPAs (e.g., commercial and industrial form and character).

While the names of the environmental DPAs may vary between the six OCPs (e.g., Environmentally Sensitive DPA in Electoral Area 'A', Watercourse DPA in Electoral Areas 'D', 'E', 'G', and 'H', and Riparian Protection DPA in Electoral Area 'I') their purpose is the same: to protect riparian areas. Similarly, the content of these environmental DPAs varies minimally between most Electoral Areas, with the main difference being the physical space that they apply to (e.g., up to 30 metres from the natural boundary in Electoral Areas 'D', 'G', 'H', and 'I' and 15 metres for Electoral Areas 'A' and 'E'). Electoral Areas 'G' and 'I's' DPAs are an exception to this statement, as they were more recently adopted (2018 and 2025, respectively) and drafted giving consideration to the lessons learned from the first iterations of environmental DPAs in the other four OCPs.

Environmental DPAs are somewhat unique because they are one of the few DPAs that are triggered by "land alterations" under *LGA* Section 489(c). Land alterations include removal, alteration, disruption or destruction of vegetation, soil disturbance, and other activities related to land disturbance generally.

On March 20, 2025, the RDCK Board passed the following resolution (208/25):

> *That the Board direct staff to prepare amendment bylaws for FIRST and SECOND reading to amend Electoral Area 'A' Land Use Bylaw No. 2315, 2013, Electoral Area 'G' Land Use Bylaw No. 2452, 2018; Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009 in order to enable better enforcement of Environmental Development Permit Area requirements;*
>
> *AND FURTHER, that the Board direct staff to prepare a staff report that details consultation considerations to accompany the aforementioned amendment bylaws.*

## 3.0 PROBLEM OR OPPORTUNITY DESCRIPTION

Increasing perceptions of lawlessness across the RDCK in recent years have resulted in more frequent un-authorized works in environmental DPAs. Un-authorized works are commonly characterized by the undertaking of land alterations prior to applying for, and receiving, a Development Permit (DP).

A key reason why this issue persists in environmental DPAs and not others is because there is often no approval process preceding land alteration works, such as building permits or subdivisions (two approvals where DP requirements are often flagged in other DPAs). This is not to say that environmental DPs are always missed, as many property owners are proactive in their due diligence and submit DP applications prior to undertaking land alterations. Rather, environmental DPA contraventions, when they do occur, account for nearly all DP-related enforcement issues.

While the core issue is un-authorized works in environmental DPAs, the consequence for the RDCK is that staff capacity becomes constrained in enforcing DPA requirements. There are currently two enforcement options:

1. Trying to compel voluntary compliance with property owners. This option is usually resource intensive, requiring significant staff time to achieve. The effectiveness of this approach depends on property owners' willingness to remediate the environmental damage they cause, a willingness that is often lacking.
2. Where voluntary compliance fails, another option is commencing civil proceedings with the Supreme Court of British Columbia to seek injunctive relief to remediate the environmental damage. This option is also resource intensive, requiring significant staff involvement as well as legal costs.

Regardless of the option used, there is always a path to compliance.

In the case of either enforcement option, timelines are usually prolonged. DP applications in the last five years that have resulted from enforcement have typically spanned multiple years to process, largely due to:

- property owners putting off submitting applications and/or moving through the process;
- incomplete application submissions;
- insufficient information being provided with application submissions;
- the riparian area being damaged in such a way that leads to a complex approval process, involving multiple approval agencies and careful timing considerations with respect to other approvals; or
- more often than not, a combination of all four.

Once a DP is issued, ensuring its conditions and associated remediation works are completed as originally intended takes another year or two at minimum. Due to the nature of the process, the typical timeline to address DPA contraventions and remediate damaged sites ranges between two to five years while fully restoring the environmental damage will take decades.

The RDCK could better utilize the enforcement tools available to it to address these challenges and reduce the administrative burden of environmental DPA compliance issues.

## 3.1 Alignment to Board Strategic Plan

Addressing environmental DPA contraventions using additional enforcement tools is consistent with the 2023-2026 Strategic Plan, specifically:

- To provide a resilient governance structure that fosters excellence in every aspect of service delivery.
    - Continue to update our policies and processes to be responsive and adaptable.
    - Continue to focus on our core services to ensure effective and efficient delivery through our Region.
- To optimize the utilization of our financial resources, ensuring maximum efficiency and delivering exceptional value.
    - Develop cost effective, practical solutions, and review and streamline outdated processes.
- To diligently respond to the expectations of our residents by actively incorporating their perspectives and prioritizing environmental stewardship in all our actions.
    - Ensuring our watersheds are protected and well governed.
    - Lead by example and implement strategies to support environmental stewardship and energy efficiency.

## 3.2 Legislative Considerations

*Local Government Act (LGA)*

Section 488 of the *LGA* authorizes local governments to designate DPAs as well as specify DPA guidelines and exemptions in a zoning bylaw, which better reflects their regulatory nature. The DPA tool is commonly used by local governments across the Province to address broader Official Community Plan (OCP) goals, objectives, and policies at the individual site level.

The RDCK has a Policy Manual for Official Community Plan Consultation (400-02-19; Resolution 343/22) to guide the consultation requirements stated in Section 475 of the *LGA*. However, the Policy does not apply to amendments of this nature as they do not meet the criteria of a "minor" amendment, which the Policy defines as "*any official community plan amendment application made by the public for a single property or multiple properties functioning as one site*." As such, a decision from the Board is needed to determine the appropriate level of consultation, which should consider Sections 464, 475, 476, and 477 of the *LGA*.

Section 475(1) of the *LGA* requires that (bold added for emphasis):

> ***During the** development of an official community plan, or the repeal or **amendment of an official community plan, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.***

Further, Section 475(2) of the *LGA* requires the local government to "*consider whether the opportunities for consultation with one or more of the persons, organizations and authorities should be **early and ongoing**, and specifically consider whether consultation is required with…:*

1. Adjacent regional districts
2. Adjacent municipalities
3. First Nations
4. Boards of education, greater boards and improvement district boards
5. The Provincial and federal governments and their agencies, including the Agricultural Land Commission where agricultural land might be affected (environmental DPAs cover some parcels in the Agricultural Land Reserve)

This consultation would be in addition to the public hearing requirements for OCPs and zoning bylaws prescribed by Sections 464[1] and 466 (public notice requirements) of the *LGA.*

Official Community Plan Policies

The Electoral Area 'A', 'G', and 'H' OCPs were created with a guiding principle to:

> "support healthy, clean and sustainable communities based on an ecosystem approach, by ensuring that environmental integrity and diversity are considered in land use decisions."

Electoral Area G and H's OCPs also contain a guiding principle to preserve and enhance the local economy, the health and well-being of their residents and property owners, and the natural environment. Additionally, Area G's OCP encourages environmental stewardship for land, water and air.

Each of the three OCPs contains objectives and policies related to the natural environment:

Electoral Area 'A'

***Table 1 - Electoral Area 'A' - Relevant Land Use Objectives and Policies***

| OBJECTIVES | POLICIES |
|---|---|
| To protect environmentally sensitive lands such as steep slopes, floodplains, alluvial fans, watersheds and soils subject to erosion from land uses. | Supports that development and subdivision adjacent to Kootenay Lake, any other identifiable lake, and tributary creeks shall be subject to a Development Permit. |
| To preserve water quality in Kootenay Lake and other identifiable lakes in Electoral Area 'A' and their tributaries. | Supports the efforts of all property owners to use Green Building and Subdivision practices for all new development and redevelopments. |
| To preserve natural values. | Will require that Development Permit areas be established to protect environmental qualities and to protect the form and character of residential areas where applicable. (Residential) |
| To protect all community watersheds within the Plan Area. | |
| To limit the use of land that is subject to hazardous conditions or that are environmentally sensitive to development. Sensitive and hazardous areas are lands that are located in alluvial fans or floodplain on Kootenay Lake. | |

Other OCP objectives and policies related to agricultural, residential, commercial, industrial, and parks and recreation land uses, as well as infrastructure and transportation, also focus on avoiding adverse impacts to the natural environment but are not listed in the table above.

Electoral Area 'G'

***Table 2 - Electoral Area 'G' - Relevant Land Use Objectives and Policies***

| OBJECTIVES | POLICIES |
|---|---|

[1] Section 464(1) LGA "*A local government must not adopt… an official community plan bylaw…*[or] *a zoning bylaw… without holding a public hearing on the bylaw for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw*."

| | |
|---|---|
| Foster an awareness of the values associated with the natural environment and conserve sensitive and significant natural features and values from the negative impacts of development. | Will assess and evaluate proposed residential development based on the capability of the natural environment to support the proposed development, and any impacts on habitat and riparian areas. (Residential Policy 12.b) |
| Maintain high water quality of groundwater and surface water sources of domestic and irrigation water supply. | Supports best management practices for land developers as found in applicable provincial guidelines and regulations. |
| Encourage the maintenance of biodiversity, important to the biological functioning and ecological integrity of the area. | Encourages on-going efforts and a collaborative approach toward the remediation and restoration of riparian areas that have been modified or determined to be at risk. |
| Protect, restore and enhance natural areas and establish an interconnected ecosystem network of protected areas and corridors, wherever feasible. | Will prioritize the protection of Federally and Provincially listed ecological communities and species at risk and their associated habitats through minimizing direct disturbance and development impacts. |
| Support the protection, enhancement and management of sensitive habitat areas for endangered or threatened species in the Plan area. | |

Other OCP objectives and policies related to home-based business and accessory tourist accommodations, residential and agricultural land uses, as well as aggregate and mineral resources, also focus on avoiding adverse impacts to the natural environment but are not listed in the table above.

Electoral Area 'H'

***Table 3 - Electoral Area 'H' - Relevant Land Use Objectives and Policies***

| OBJECTIVES | POLICIES |
|---|---|
| To preserve and protect natural values within Slocan Lake North in recognition of their importance to the local economy, residents, visitors and for wildlife and ecological functioning. | Encourages the protection of environmentally sensitive areas, important to the biodiversity and ecological functioning of the Plan area, and areas that contribute to community 'greenway' corridors that link open space areas. |
| To preserve water quality in Slocan and Summit Lakes and their tributaries. | Supports best management practices for land developers… [specific documents listed] |
| To maintain high water quality of groundwater and surface water sources of domestic water supply. | Encourages the retention of existing wildlife corridors. |
| To foster an awareness of the natural environment and protect sensitive and significant natural features and values from negative impact as a result of development. | Supports the identification, protection, and enhancement of environmentally sensitive areas, such as watercourses, wetlands, shorelines, steep rocky terrestrial areas and ungulate winter range. |

| | |
|---|---|
| To encourage Provincial and Federal governments, private organizations and private landowners to protect, enhance and manage sensitive habitat areas in the Plan area and to adhere to Federal and Provincial statutes and regulations for the protection of fish and wildlife habitats. | Will assess and evaluate proposed residential development based on the capability of the natural environment to support the proposed development, and its impact on important habitat and riparian areas. (Residential Policy 1.b) |
| To preserve the aesthetic value of the landscape. | |
| To encourage the rehabilitation, restoration and enhancement of watercourses, and sensitive or significant environmental values which have been subject to degradation in the past. | |
| To encourage the maintenance of wildlife habitat and winter range. | |

Other OCP objectives and policies related to agricultural, resource area, residential, commercial, industrial, and parks and recreation land uses, as well as servicing, also focus on avoiding adverse impacts to the natural environment but are not listed in the table above.

Unique to the Electoral Area 'H' OCP is that it lists broad goals to:

- Balance economic, social, and environmental values in land use decision making.
- Protect the natural environment.
- Ensure that development does not adversely harm or detract from identified wildlife corridors and areas with high wildlife and fisheries habitat value.
- Build upon the area's cultural and environmental heritage features as an important attraction for full-time residency and tourism.

The guiding principles, goals, objectives, and policies of the three OCPs support, and are aligned with, the proposed bylaw amendments.

## 3.3 What Are the Risks

The RDCK currently addresses DPA contraventions through:

1. staff attempts to achieve voluntary compliance through communication and site visits with property owners; and,
2. where that method fails, filing civil proceedings in the BC Supreme Court to seek injunctive relief.

The DPA enforcement framework leans on achieving voluntary compliance to ensure a reasonable process is followed for addressing contraventions. The current emphasis on voluntary compliance as the primary mechanism for resolving DPA contraventions has proven largely ineffective in achieving the desired results. The reason being that it lacks practical consequences that are straightforward and enforceable. In all but the most egregious scenarios, where legal action is taken, there is no disincentive for not complying with the DPA requirements. As a result, the RDCK relies on an ineffective enforcement framework for DPA contraventions that leads to unnecessarily prolonged timelines for addressing compliance issues.

Relying on these two tools is unsustainable from both a staffing and a financial perspective. The current approach is heavily subsidized by the taxpayer due to the limited forms of cost recovery (covered in greater detail in Section 4.1 below). Continuing to utilize the current DPA enforcement framework will result in a continuation of taxpayers

subsidizing the actions of individual property owners, with the organizational burden growing larger in instances where those individuals refuse to come into compliance voluntarily.

If the RDCK were to implement additional enforcement measures available to it, there would be more opportunities to reduce the organisational costs of DPA enforcement. It should also be noted that voluntary compliance and court injunctions would remain available to the RDCK if it pursues additional measures.

## 4.0 PROPOSED SOLUTION

The RDCK could utilize bylaw offence notices (ticketing) as an enforcement mechanism for DPA contraventions, similar to how they are applied to other regulations, such as zoning or building bylaw infractions.

Bylaw offence notices for DPA contraventions are anticipated to alleviate some of the organization's capacity challenges related to enforcement. Utilizing them could reduce the amount of staff time spent convincing property owners to apply for a DP, as well as processing DP applications, by providing a disincentive for delaying application submissions. Additionally, it is anticipated that legal involvement in these enforcement files would be less frequent, leading to additional cost savings. It should be noted that bylaw offence notices would not need to be issued in every instance where DPA requirements are contravened; the RDCK has discretion on whether or not to issue a ticket in each circumstance.

The ability to issue bylaw offence notices for DPA contraventions could shift at least a portion of the financial burden from the taxpayer to the individuals responsible for the contravention. This shift in administrative cost recovery presents a more equitable approach to DPA enforcement than the current framework. Additionally, it would be expected to result in reduced application timelines, as unnecessary prolongment of applying for a DP or moving through the approval process could result in tickets being issued.

This work would be completed through amendment bylaws to the OCPs and zoning bylaws (where applicable) for Electoral Areas 'A', 'G', and 'H' (Attachments D-F).

### 4.1 Financial Considerations of the Proposed Solution

A DP application is $500.00. Additionally, the RDCK Planning Procedures and Fees Bylaw No. 2457, 2015 contains a $2000.00 surcharge that is applied to applications arising out of bylaw enforcement matters, which can help to offset the enforcement-related costs. However, for enforcement files where property owners are unwilling to achieve voluntary compliance or where the timeline is prolonged, these fees do not cover the costs to the organization. Where legal involvement is required the $2,500.00 from the application fee and surcharge is usually a small fraction of the costs to the organization.

The majority of the costs associated with the amendment bylaws have already been incurred through the legal advice obtained prior to staff being directed to undertake this work under resolution 208/25 IC14/25.

The anticipated costs of moving forward with this solution, based on the level of consultation and engagement proposed, are anticipated to be slightly higher than those of a typical OCP and zoning bylaw amendment application. They are estimated to range between $3,000.00 and $,5000.00 for the remainder of this project with staff time over the next approximately six months, subject to the amount and nature of the feedback received as well as the amount of follow-up required to address any potential feedback. It would be funded through the Planning S104 Service.

### 4.2 Risks with the Proposed Solution

Prior to the Board directing staff to undertake this work, the topic, associated risks, and related legal advice were discussed in-camera. Section 4.4 below discusses the risks associated with public engagement and 'engagement fatigue'.

## 4.3 Resource Allocation and Workplan Impact

Maintenance and update of bylaws is a part of the Planning Department's core work.

The resource allocation for the duration of the project is 0.2FTE with a Planner 2 managing the project. This work has already been directed by the Board. Other projects will not be delayed because of this work.

Over the long term, implementation of this enforcement mechanism is anticipated to reduce staff time dealing with offenders, since they should be more motivated to comply in a timely way.

## 4.4 Public Benefit and Stakeholder Engagement of Proposed Solution

The public benefit of this work would be:

- The RDCK would be better equipped to uphold the environmental values (reflected through goals, objectives, and policies) stated in its OCPs.
- Reduced burden on the taxpayer for environmental DPA enforcement.
    - The costs of enforcement that exceed the $2,500.00 recovered through application fees and surcharges could be supplemented with the fine amounts for bylaw offence notices (tickets).
- Alleviating constraints on RDCK staff capacity through anticipated shorter timelines for achieving compliance.

Consultation is required under Sections 464 (public hearing), 475 (early and ongoing consultation), 476 (mandatory school board consultation), and 477 (adoption procedures) of the LGA. Section 475 is only required where the Board considers that organizations and authorities will be affected by the changes.

In determining the appropriate level of consultation for these OCP amendments and whether they warrant "early and ongoing consultation", consideration should be given to the nature of the changes sought. The amendments do not seek to change the intent of the DPAs or that of the natural environment goals, objectives, or policies of the OCPs; nor do they add any additional requirements for DPAs. The motivation for these amendments is the need for a better enforcement mechanism to already existing land use regulations. Any content changes in the amendment bylaws are to increase the clarity and transparency of the requirements to ensure successful enforcement in the future.

Broader public engagement is recommended to follow an "inform" approach for this work, given the procedural nature of the amendments. Staff would create an engagement page with a repository of information on the RDCK Engage website, with contact information to reach out to or meet with the project manager. The page would then be advertised in local newspaper publications covering Electoral Areas 'A', 'G', and 'H'.

This approach is recommended because the amendments are procedural in nature and a less onerous public engagement process is more practical in recognition of that. With critical OCP review projects upcoming, taking this approach will help to ensure that this work does not contribute to 'engagement fatigue' while also informing residents of the project and giving them an opportunity to learn more and provide feedback. A standard public hearing is also required should the amendment bylaws receive first and second reading.

In determining the consultation and engagement approach, it is recommended that the Board consider the following:

- Does the consultation approach create false expectations about broader DPA revisions?
    - The project focuses on improving the administration of existing DPA requirements, not changing the intent of the DPAs and associated OCP policies.
- Is public input going to be relevant to the decision?

- The changes would be procedural in nature, centered around how the RDCK can better respond to compliance issues in environmental DPAs.

- Does the consultation approach duplicate work that has already been completed?
  - The Kootenay Lake DPA Review (2020-2023) focussed on the content and requirements of DPAs, ensuring they align with community values. This project focuses on administrative improvements that were identified during that Review, not the fundamental DPA values and requirements that were explored in the Review itself.
- Will additional consultation lead to a longer project timeline?
  - A longer project timeline is likely to lead to increased strain on organizational resources due to continued reliance on the current, less effective, enforcement framework.
- Will additional consultation have budget implications?
  - Additional consultation would require more staff involvement in the project.

The recommended engagement and consultation approach is as follows:

1. "Inform" the public:
   a. create an RDCK Engage Page and post advertisements in the local newspapers directing residents to the website or contacting the RDCK Planning Department directly for more information.
2. Undertake "early and ongoing consultation", pursuant to Section 475 of the *LGA*:
   a. refer the amendment bylaws for a period of 30 days prior to first and second reading to organizations and authorities who may have shared interests or are legislatively required to be consulted, including:
      i. Member municipalities directly adjacent to Electoral Areas 'A', 'G', and 'H' – Villages of Salmo, Silverton, and New Denver (shared interests)
      ii. local First Nations (shared interests & required)
      iii. local school districts (required under *LGA* S.476)
      iv. Fisheries and Oceans Canada (DFO) (shared interests)
      **v.** BC Ministry of Water, Land, and Resource Stewardship – water and habitat branches (shared interests)
      vi. BC Natural Resource Officer Service (shared interests)
      vii. Agricultural Land Commission (ALC) (OCPs cover areas within the Agricultural Land Reserve – shared interests and required)
3. Follow standard public consultation requirements for OCP and zoning bylaw amendments (Sections 464 and 477 of the *LGA*).

## 4.5 Leveraging Technology

N/A

## 4.5 Measuring Success

Success can be measured through the following indicators:

- Destruction of riparian habitat decreased, resulting from potential offenders knowing there will be consequences to their unlawful actions in the form of immediate fines.
- Reductions in the number of days and staff attempts that it takes to compel property owners to submit a DP application once a contravention has been identified.
- Reductions in the number of days it takes to process retroactive DP applications.
- Increases in the costs recovered for DPA contraventions.

Tracking these indicators would require additional effort from staff and a change to current development application processes. If the Board wishes to track these indicators, it is recommended that specific direction be given to staff to do so through a separate Board resolution.

## 5.0 ALTERNATIVE SOLUTION(S)

An alternative to the proposed solution would be to proceed with an "early and ongoing" consultation process as required by the legislation but to not include any additional public engagement opportunities beyond the minimum legislated requirements (i.e. a public hearing).

This alternative would be similar to the recommended engagement and consultation approach outline in Section 4.4 above; however, the engagement component – described as "1.a)" in Section 4.4 would be removed.

### 5.1 Financial Considerations of the Alternative Solution(s)

The financial considerations from Section 4.1 above remain relevant. Under this option the level of staff effort required would be slightly less and project costs related to staff time would reflect that.

### 5.2 Risks with the Alternative Solution(s)

The primary risk of the alternative solution is that the public may feel uninformed about the project, which could lead to sentiments of distrust towards the RDCK.

### 5.3 Resource Allocation and Workplan Impact

The impacts outlined in Section 4.3 remain relevant, with slightly less staff time required for the project.

### 5.4 Public Benefit and Stakeholder Engagement of Proposed Solution

The alternative solution follows the same approach for "early and ongoing" consultation described in Section 4.4 above; however, it removes the additional public engagement component.

### 5.5 Measuring Success

The same indicators outlined in Section 4.5 could be applied to this alternative approach.

## 6.0 OPTIONS CONSIDERED BUT NOT PRESENTED

A third option would be to take no further action with respect to this work.

The RDCK would continue to rely on voluntary compliance, legal involvement, and court injunctions to achieve compliance with environmental DPA requirements. This option is expected to result in a sustained exhaustion of staff capacity and organizational resources.

## 7.0 OPTIONS SUMMARY

**Option 1: Recommended Solution**

This option consists of completing "early and ongoing consultation" as well as providing public information and engagement opportunities prior to first and second reading of the attached amendment bylaws, as outlined in Section 4.4.

Following completion of that consultation, staff would bring the amendment bylaws back to the Board for first and second reading and the regular procedures for OCP and zoning bylaw amendments would proceed.

**Recommendation:**

That the Board direct staff to undertake early and ongoing consultation, pursuant to Sections 475 and 476 of the *Local Government Act*, with respect to Amendment Bylaws No. 3024, 3025, and 3026, being bylaws to amend Regional District of Central Kootenay Electoral Area 'A' Land Use Bylaw No. 2315, 2013, Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018, and Regional District of Central Kootenay Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009, as described in the Committee Report "Development Permit Area Compliance and Enforcement", dated April 15, 2026.

### Option 2: Alternative Solution

This option also consists of completing "early and ongoing consultation" prior to first and second reading of the attached amendment bylaws, as outlined in Section 4.4. However, public information and engagement opportunities would not be provided beyond what is legislatively required by the public hearing process.

Following completion of consultation, staff would bring the amendment bylaws back to the Board for first and second reading and the regular procedures for OCP and zoning bylaw amendments would proceed.

**Recommendation:**

That the Board direct staff to undertake early and ongoing consultation, pursuant to Sections 475 and 476 of the *Local Government Act*, with respect to Amendment Bylaws No. 3024, 3025, and 3026, being bylaws to amend Regional District of Central Kootenay Electoral Area 'A' Land Use Bylaw No. 2315, 2013, Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018, and Regional District of Central Kootenay Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009, as described in the "Alternative Solution" section of the Committee Report "Development Permit Area Compliance and Enforcement", dated April 15, 2026.

### Option 3: No Further Action

This option would mean that staff would stop work on the amendment bylaws and that this item would be removed from the work plan.

**Recommendation:**

That no further action be taken with respect to Amendment Bylaws No. 3024, 3025, and 3026, being bylaws to amend Regional District of Central Kootenay Electoral Area 'A' Land Use Bylaw No. 2315, 2013, Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018, and Regional District of Central Kootenay Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009.

## 8.0 RECOMMENDATION

That the Board direct staff to undertake early and ongoing consultation, pursuant to Sections 475 and 476 of the *Local Government Act*, with respect to Amendment Bylaws No. 3024, 3025, and 3026, being bylaws to amend Regional District of Central Kootenay Electoral Area 'A' Land Use Bylaw No. 2315, 2013, Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018, and Regional District of Central Kootenay Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009, as described in the Committee Report "Development Permit Area Compliance and Enforcement", dated April 15, 2026.

Respectfully submitted,

Corey Scott, Planner

## CONCURRENCE

Planning Manager – Nelson Wight Approved

General Manager of Development Services and Community Sustainability – Sangita Sudan Approved
Chief Administrative Officer – Stuart Horn Approved

**ATTACHMENTS:**
Attachment A – Summary of Proposed Amendments to *Electoral Area 'A' Land Use Bylaw No. 2315, 2013*
Attachment B – Summary of Proposed Amendments to *Electoral Area 'G' Land Use Bylaw No. 2452, 2018*
Attachment C – Summary of Proposed Amendments to *Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009*
Attachment D – Draft Amendment Bylaw No. 3024: A Bylaw to amend the *Regional District of Central Kootenay Electoral Area 'A' Land Use Bylaw No. 2315, 2013*
Attachment E – Draft Amendment Bylaw No. 3025: A Bylaw to amend the *Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018*
Attachment F – Draft Amendment Bylaw No. 3026: A Bylaw to amend the Regional District of Central Kootenay *Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009*

**Attachment A: Redline Summary of Proposed Amendments to *Electoral Area 'A' Land Use Bylaw No. 2315, 2013***

Proposed changes are noted in red in the table below.

Notes about a specific change are specified in *[ITALICS]* in the table below.

| Existing Language | Proposed Change | Rationale |
|---|---|---|
| AUTHORITY (p. i)<br><br>WHEREAS under the provisions of Section 472 of the *Local Government Act* the Regional Board may adopt an Official Community Plan for an area; | AUTHORITY (p. i)<br><br>WHEREAS under the provisions of Section 472 of the *Local Government Act* the Regional Board may adopt an Official Community Plan for an area, including provisions for the designation of Development Permit Areas under Section 488 and Development Approval Information under Sections 484, 485, 486 and 487 of the *Local Government Act*; | Authorizes designation of Development Permit Areas (DPAs) and Development Approval Information (DAI) areas – areas where specific information, such as a QEP report, may be required in order to support a decision on an application. |
| ADMINISTRATION AND ENFORCEMENT (p.ii)<br><br>3. The Manager of Development Services, Planning Services, Building Services and Bylaw Enforcement Services staff and any other person authorized to assist the aforementioned persons are authorized to administer this Bylaw and enter property at any reasonable time to determine whether the regulations of the Bylaw are being complied with. | 3. The Managers of Development Services, Planning Services, Building Services and Bylaw Enforcement Services, respectively, are authorized by the Board to administer this Bylaw and enter property at any reasonable time to determine whether the regulations of the Bylaw are being complied with. The following are also so authorized and listed staff shall consult with and report to their respective Manager(s) on any instances when they exercise this authority:<br>a. Bylaw Enforcement Officers<br>b. Building Officials<br>c. Building Plan Checkers<br>d. Development Technicians<br>e. Planners<br>f. Planning Technicians | A delegate cannot sub-delegate or authorize others to administer the Bylaw. If the intent was to authorize Deputies of each of those persons then the bylaw should say that. |
| VIOLATION AND PENALTY (p. ii)<br><br>4. Penalties are subject to the conditions of any applicable RDCK Municipal Ticketing Information Bylaw and RDCK Bylaw Enforcement Notice and Dispute Adjudication System Bylaw as amended or replaced from time to time. | VIOLATION AND PENALTY (p. ii)<br><br>4. A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required by this bylaw, commits an offence and shall be liable upon conviction of a fine of not less than $5,000 and not more than $10,000 (Ten Thousand Dollars) and subject to any other penalty or order imposed or remedies available to the RDCK pursuant to the *Local Government Act*, *Community Charter*, *Offence Act* and *Local Government Bylaw Notice Enforcement Act* and | Clearly lays out penalties associated with violation. Adding "order imposed or remedies" contemplates other in house/direct enforcement options. |

| | | |
|---|---|---|
| N/A – No section previously. | regulations thereunder, all as amended from time to time.<br><br>5. Each day that an offence continues or exists shall be deemed to be a separate and distinct offence. | Unless this clause (5) is inserted, daily issuance of bylaw notices or MTIs may not have proper authority. |
| Natural Environment Policies (p. 26)<br><br>18.c. unless otherwise noted below, all land within 15 metres of the natural boundary of a watercourse, including a lake, shall be designated as an Environmentally Sensitive Development Permit Area;<br><br>19. Supports that development and subdivision adjacent to Kootenay Lake, any other identifiable lake, and tributary creeks shall be subject to a Development Permit. | Natural Environment Policies (p. 26)<br><br>18.c. unless otherwise noted below, all land within a riparian assessment area, as defined in section 16.2.4 of the OCP, ~~15 metres of the natural boundary of a watercourse, including a lake,~~ shall be designated as an Environmentally Sensitive Development Permit Area;<br><br>19. Supports that development and subdivision adjacent to a watercourse ~~Kootenay Lake, any other identifiable lake, and tributary creeks~~ shall be subject to a Development Permit unless otherwise exempt by the Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area. | 18.c. A new definition of watercourse that already includes “lake” is proposed making the definition of lake and its use here redundant.<br><br>19. The DPA was originally drafted using “watercourse”. Change in language for consistency; Revising this policy allows for the exemption of certain kinds of development. |
| Fire Management Policies (p.33)<br><br>The Regional Board:<br><br>9. May request that the Regional Subdivision Approving Authority require the developer to undertake a fire hazard risk assessment at the time of submitting a subdivision application where the Province indicates that a property may be subject to a moderate or high fire risk. The Regional Board may request the same assessment during a land use designation amendment or Development Permit process. The assessment will provide a recommended fire hazard mitigation strategy, that will be submitted to both the RDCK and the Province, and is recommended to include, but is not limited to the following:<br>g. ensuring the provision of access to local water sources, lakes and watercourses as part of access requirements; | Fire Management Policies (p.33)<br><br>The Regional Board:<br><br>9. May request that the Regional Subdivision Approving Authority require the developer to undertake a fire hazard risk assessment at the time of submitting a subdivision application where the Province indicates that a property may be subject to a moderate or high fire risk. The Regional Board may request the same assessment during a land use designation amendment or Development Permit process. The assessment will provide a recommended fire hazard mitigation strategy, that will be submitted to both the RDCK and the Province, and is recommended to include, but is not limited to the following:<br>g. ensuring the provision of access to local water sources~~, lakes~~ and watercourses as part of access requirements; | Reference to “lakes” removed, as its inclusion in the watercourse definition makes its separate use redundant. |
| 16.0 Development Permit Areas (p.42-49) | 16.0 Development Permit Areas (p.42-49) | |

| | | |
|---|---|---|
| *SECTION NUMBERING* | *SECTION NUMBERS WILL BE REVISED TO STRENGTHEN ENFORCEMENT SCHEME.* | Inconsistent Section numbering can reduce clarity. |
| Background (p.42)<br><br>Development Permit Areas allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of development within the Plan Area. Development Permit Areas can also be used to meet targets for carbon emission reductions and energy and water conservation.<br>…<br>Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the guidelines of all such Areas. | 16.1 Background (p.42)<br><br>Development Permit Area designations include purposes to allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of development within the Plan Area. Development Permit Areas can also be used to meet targets for carbon emission reductions and energy and water conservation.<br><br>…<br>Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the applicable guidelines of all such Areas. | Minor changes to language for clarity. |
| Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area<br><br>Category (p.42)<br><br>The ESDP area is designated under Section 488.1(1) (a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. | 16.2 Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area<br><br>16.2.1 Category (p.42)<br><br>The ESDP Area is designated under Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity. The ESDP Area is designated as a Development Approval Information (DAI) area under Section 485 of the *Local Government Act* in order to ensure that appropriate and sufficient professionally-prepared information guides application of the DP Guidelines to the applicable property in order to achieve the purposes and objectives of the ESDP Area designation; the justification for the DP designation below also supports the justification for the DAI designation. | Language added to Category sub-section to strengthen legal authority to require a QEP report and rely on the information contained within it for the purposes of making a decision on an application. |
| Justification (p. 42)<br><br>The primary objective of this Development Permit Area | 16.2.2 Justification (p. 42-43)<br><br>This Development Permit Area designation seeks to regulate development activities in | Language revised to expand on the rationale for having |

| | | |
|---|---|---|
| designation is to regulate development activities in watercourses, lakes and wetlands and their adjacent riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas. | watercourses and their riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.<br><br>Riparian areas make critical contributions to a healthy aquatic environment. They stabilize slopes, absorb storm water runoff, provide fish and wildlife habitat, and increase landscape connectivity and biodiversity. They are also important natural assets because of their role in buffering adjacent areas and watercourses from pollution, sedimentation, erosion and the impacts of temperature and weather changes, which may continue to have increasing impacts with climate change.<br><br>The ESDP Area's primary objectives are to:<br>• protect riparian areas, biodiversity, and water quality by ensuring activities within them are undertaken in a way that is sensitive to the natural environment;<br>• maintain landscape connectivity between watercourses and upland riparian areas; and,<br>• prevent pollution and contamination of watercourses through the preservation and enhancement of riparian areas.<br><br>The ESDP Area is designated as a Development Approval Information Area under Section 485 of the *Local Government Act*. A biophysical assessment report, as described further in the ESDP Area Guidelines, is required in order to recognize the important functions of riparian areas and protect them in their natural state, as well as repair and enhance them, in order to preserve their ecological importance as well as the critical role they play in increasing climate change resilience.<br><br>The impact of development on watercourses can be minimized by carefully examining the proposed development and taking appropriate measures in relation to the environmentally sensitive riparian area. | the DPA and added specific objectives into this section to lay out exactly what the DPA is trying to achieve to strengthen legal authority of the DPA. |
| Area (p.42)<br><br>The ESDP area is comprised of: 1. Riparian assessment areas (Figure 1) | 16.2.3 Area (p.43)<br><br>The ESDP area is comprised of: 1. Riparian assessment areas ~~(Figure 1)~~ for fish and | Figure 1 moved to interpretation section. |

| | | |
|---|---|---|
| for fish and wildlife habitat and drinking water, including: a. All areas within 15 metres of the high water mark of a watercourse, including the natural boundary of a lake; | wildlife habitat and drinking water, including: a. All areas within 15 metres of the high water mark of a watercourse, including: ~~the natural boundary of a lake~~ | Revised watercourse definition (see below) makes the specific reference to lake unnecessary. |
| [definitions] (p. 43-44) *[Note: only definitions that have been added or revised are included in this table. Unaltered definitions are not included in this table but would remain in the bylaw in proposed Section 16.2.4 Interpretation].*<br><br>Where the following definitions apply: | 16.2.4 Interpretation. (p.44)<br><br>~~Where~~ The following definitions apply: | Definitions added or otherwise amended for greater certainty and alignment with the *Riparian Areas Protection Regulation (RAPR)* methodology that the DPA requires to be utilized. |
| No definition of active floodplain in current DPA. | Active floodplain, in relation to a watercourse, means land that is:<br>a. adjacent to the watercourse;<br>b. inundated by the 1 in 5 year return period flow of the watercourse; and,<br>c. capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land. | Definition of active floodplain proposed for certainty – better distinction between wetlands and other watercourses. |
| No definition of development in current DPA. | Development, in the context of interpreting sections of this development permit area, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation. | Definition of development proposed for greater certainty. |
| No definition of retaining wall in current bylaw | Retaining wall means a structure constructed to hold back, stabilize, or support soil. | Definition of retaining wall added for greater clarity |
| FIGURE 1: (for illustrative purposes only) RIPARIAN ASSESSMENT AREA: means…. | Riparian Assessment Area means the area within 15 m of the high water mark of a watercourse; within 15 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 5 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse. ~~This DPA applies only to~~ | Riparian Assessment Area definition moved from illustrative figure into interpretation section and applicability language removed, as it is inconsistent with the intent of the DPA. |

| | | |
|---|---|---|
| | ~~residential, commercial and industrial designations.~~ | |
| [Figure 1: riparian assessment area placement/order in the bylaw] | [Figure 1: riparian assessment area inserted from current "area" section of the bylaw] | The figure would be more informative if placed with the riparian assessment area definition. |
| Watercourse means any natural or man-made depression with well-defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year and/or having a drainage area of two square kilometres (0.8 square miles) or more upstream of the point of consideration. | Watercourse means a natural body of water, whether or not it has been modified including, without limitation, a lake, pond, river, creek, spring, gulch, wetland or glacier whether or not usually containing water, including ice, but does not include an aquifer. | The original definition of watercourse is more relevant to floodplains than riparian areas. Definition revised to be more consistent with the *Riparian Areas Protection Regulation* and meet the intent of this DPA. |
| Wetland means any areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. | Wetland means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse other than Kootenay Lake. | Revise definition to be consistent with the *Riparian Areas Protection Regulation (RAPR)* while still being consistent with Natural Environment Objective #7. |
| No section previously. Included as an un-numbered Guideline in the current bylaw although these are actually trigger activities and not necessarily guidelines. | 16.2.5 Activities that require a Development Permit<br><br>16.2.5.1 The Owner of land within the ESDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of matters identified in section 489 of the *Local Government Act*, including but not limited to the following activities wherever they occur on land identified as a riparian assessment area within the ESDP Area (subject only to exemptions explicitly listed in Section 16.2.6 below or Section 41.1.2 of the Zoning Bylaw):<br><br>a. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;<br>b. disturbance of soils; | This Section is proposed to become its own section because these are triggers for requiring a development permit and not guidelines that development should adhere to in order to be environmentally sensitive.<br><br>Language revised for greater clarity and enforceability.<br><br>Greater specificity in triggers added for enhanced clarity. |

| | | |
|---|---|---|
| | c. construction or erection of buildings and structures;<br>d. creation of non-structural impervious or semi-impervious surfaces;<br>e. flood protection works, including shoreline protection works;<br>f. construction of roads, trails, retaining walls, docks, wharves and bridges;<br>g. provision and maintenance of sewer and water services;<br>h. installation, maintenance, repairs and replacement of drainage systems;<br>i. installation, maintenance, repairs and replacement of utility corridors; and<br>j. subdivision as defined under Section 455 of the *Local Government Act*;<br>k. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*. | |
| Exemptions (p.45)<br><br>*[ORDER]: Currently this section is placed after the guidelines sub-section.*<br><br>The ESDP area does not apply to the following:<br><br>5. existing construction, alteration, addition, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes;<br><br>6. existing institutional development containing no residential, commercial or industrial aspect;<br><br>No exemption previously | 16.2.6 Exemptions (p. 45)<br><br>*[RE-ORDER and re-insert exemptions sub-section before the guidelines]*<br><br>A development permit is not required for the following activities:<br><br>16.2.6.1 ~~existing construction,~~ alteration, addition, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes;<br><br>~~6. Institutional development containing no residential, commercial or industrial aspect;~~<br><br>16.2.6.2 Subdivisions, including lot consolidations and lot line adjustments, where the newly proposed lot lines do not fall within the ESDP Area, or where all of the following criteria are satisfied:<br>a. the plan of subdivision demonstrates that all development activities and building platform areas, or minimum site areas where zoning is in place, for each lot can be | Exemptions can often get missed when they are placed after the guidelines – there may not be a need to read the guidelines if a development proposal is already exempt. Revise to increase clarity.<br><br>The *LGA* s.489 triggers already inherently exempt existing construction; "existing construction" removed as this is already implied.<br><br>Exemption "6" proposed to be deleted, as institutional development would still have impacts on riparian areas.<br><br>Exemptions for particular types of subdivisions, as well as lot line adjustments, proposed because there has been a strong desire from development consultants and staff to do so and eliminate unnecessary |

| | | |
|---|---|---|
| | accommodated entirely outside of the ESDP Area;<br>b. no disturbance (such as grading, clearing, trenching, and the installation of site infrastructure) to the ESDP Area will occur as a result of the creation of lots or provision of services to those lots;<br>c. the ESDP Area has been identified by a Qualified Environmental Professional (QEP) and clearly delineated on site; and<br>d. a Section 219 Covenant, with the RDCK as a Covenant Holder, that contains recommendations to ensure adverse development impacts will be effectively mitigated must be registered over the ESDP Area on the titles of all newly created lots. | development permit applications. |
| 7. construction, renovation, or repair of a permanent structure if the structure remains on its existing foundation. Only if the existing foundation is moved or extended in to a riparian assessment area would a ESDP be required; and | 16.2.6.3 construction, renovation, or repair of a building or other permanent structure if it ~~the structure~~ remains on its existing foundation and is not moved or extended into a riparian assessment area. | Language revised for clarity. |
| 8. an area where the applicant can demonstrate that the conditions of the ESDP Area have already been satisfied or a development permit for the same area has already been issued in the past and the conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.<br><br>No exemption previously. | 16.2.6.4 A Development Permit or Section 219 Covenant has already been registered to the title of land, with the RDCK as a Covenant Holder, that has addressed all ESDP Area guidelines for the proposed activities, the conditions of the Development Permit or covenant have been met, and the development activity will not impact the conditions of the previous approval or covenant.<br><br>16.2.6.5 Where a QEP has inspected the site and has provided written confirmation to the satisfaction of the General Manager of Development and Community Sustainability that the actual location of the riparian area is not on the lands proposed for development. | Exemption "8" revised to proposed exemption "16.2.6.4" based on it being difficult to implement outside of an application review process. Working with applicants for them to demonstrate compliance results in lost revenue because staff could be tasked with reviewing as much information as is submitted in a DP application but no fee is charged for that review.<br><br>Exemption 16.2.6.5 added to allow for exemptions in DPA where the Riparian Assessment Area falls outside of the DPA, as confirmed by a QEP. |
| [New parameter related to current DPA guideline 'e' specifying DP triggers]: flood protection works | 16.2.6.6 The temporary placement of sandbags and modular spill berms essential to preventing loss of life and existing buildings placed during, and removed following, emergency flooding events. | Exempting certain temporary flood protection measures desired to be exempt. |
| Guidelines (p. 44-45)<br><br>Development shall be in accordance with the following guidelines: | 16.2.7 Guidelines (p.46-48)<br><br>DP Guidelines identified for the ESDP Area are identified in the Zoning Bylaw and are | Including guidelines in the Zoning Bylaw provides stronger legal authority. However, for Electoral Areas |

| | | |
|---|---|---|
| 2. All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner (QEP) or Registered Professional Biologist (RP Bio) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province;<br><br>3. An ESDP shall not be issued prior to the RDCK ensuring that a QEP or RP Bio has submitted a report certifying that they are qualified to carry out the assessment, that the assessment methods have been followed, and provides in their professional opinion that a lesser setback will not negatively affect the functioning of a watercourse orriparian area and that the criteria listed in the Riparian Areas Regulation has been fulfilled, and;<br><br>4. The Riparian Areas Regulation implemented through the ESDP does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.<br><br>N/A – No guidelines previously. Current guidelines are DP triggers and information requirements. | replicated within the OCP for lands within Electoral Area 'A' that are not subject to zoning.<br><br>16.2.7.1 An owner of land within a riparian assessment area seeking to develop such land under a development permit must seek to implement the requirements of the *Riparian Areas Protection Act* and *Riparian Areas Protection Regulation.*<br><br>16.2.7.2 As part of a development permit application made prior to any of the applicable triggers for a development permit identified in section 489 of the Local Government Act and RDCK's bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:<br>a. providing the information identified in the following guidelines;<br>b. proposing only activities and development consistent with the following guidelines;<br>c. not undertaking any activities or development inconsistent with the following guidelines; and,<br>d. not undertaking any activities or development without a development permit.<br><br>16.2.7.3 A development application must include, as Development Approval Information, a Biophysical Assessment Report and *Riparian Areas Protection Regulation* (RAPR) Assessment prepared by a QEP as defined in, and in accordance with, the *Riparian Areas Protection Regulation* established by the Provincial and/or Federal governments as used elsewhere in the Province. The assessment report must include certification from the QEP that:<br>a. the QEP is qualified to carry out the assessment;<br>b. the assessment methods have been followed; and<br>c. in their professional opinion the development will not negatively affect the functioning of a watercourse or riparian area and that the ~~criteria listed in~~ requirements of the *Riparian Areas Protection Regulation* ~~have~~ been fulfilled.<br><br>16.2.7.4 Development proposals in the ESDP Area will be evaluated based on their | that are only partially zoned, the guidelines should remain in the OCP in addition to the Zoning Bylaw.<br><br>Proposed Sections 16.2.7.1 and 16.2.7.2 added to facilitate enforcement.<br><br>QEP & RP Bio language altered to be just QEP – Under the *RAPR*, an RP Bio is considered to be a QEP. Using QEP only eliminates redundancy with the Provincial legislation.<br><br>Biophysical (entire lot) and Riparian assessment should be provided to understand the potential impacts development may have on the riparian area, biodiversity, and landscape connectivity. |

| | | |
|---|---|---|
| | adherence to the following additional guidelines:<br>a. Development activities and the siting of buildings and structures will be carried out in a way that results in the least impact to the riparian area.<br>b. Demonstrate that a diligent effort has been made to preserve, protect, restore, and enhance riparian vegetation, woody debris, boulders, and other natural features.<br>c. Retain mature vegetation wherever possible and incorporate it into the design of the project.<br>d. Proposals involving the creation of new parcels by subdivision must demonstrate on a Site Plan that there is adequate space for a building platform area and associated services outside of the setback recommended in the biophysical assessment, and in areas where zoning applies the minimum parcel size should be accommodated entirely outside of the setback area.<br>e. Where fencing is proposed within the ESDP Area, or to delineate the ESDP Area or a covenant area, wildlife-friendly fencing must be utilized to maintain landscape connectivity between aquatic and upland ecosystems.<br>f. Development proposals will be evaluated based on individual site characteristics (such as, but not limited to, sensitive habitat features, parcel size, topography, and access) and must adhere to the following priority sequence of mitigation options, as detailed further in the Kootenay Lake Shoreline Guidance Document, as amended from time to time and which is incorporated into these guidelines:<br>i. Avoidance of environmental impacts and associated components;<br>ii. Minimization of unavoidable impacts on environmental values and associated components;<br>iii. Restoration of on-site environmental values and associated components; and,<br>iv. Offsetting impacts to environmental values for residual impacts that cannot be minimized.<br>g. Development should be avoided on slopes greater than 30% (approximately 7 degrees) due to the high risk of erosion, bank slippage, and resulting sedimentation into watercourses. | This DPA suffers from a significant flaw in that the DP Guidelines are written as DP triggers and information requirements. Other than the certification requirement, there isn't a DP Guideline *per se.* The guidelines presented in proposed Section 16.2.7.4 have been drafted in response to this flaw. They represent the key considerations that staff consider in reviewing an environmental development permit application. |

| | | |
|---|---|---|
| | h. Storm water will be managed in a way that utilizes natural approaches and on-site water recycling as well as preserves natural drainage patterns on the lands.<br>i. Preference will be given to flood and erosion protection works that utilize natural approaches for the protection of both private property and the riparian area.<br>j. The conditions of the issuance of a Development Permit for the ESDP Area may require any of the following:<br>i. areas of land that must remain free of development except in accordance with conditions in the permit;<br>ii. the preservation, protection, restoration or enhancement of natural features and watercourses;<br>iii. dedication of natural watercourses;<br>iv. construction works to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment;<br>v. protection measures to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect banks;<br>vi. all works to be in accordance with a QEP's recommendations, as provided in the biophysical assessment report;<br>vii. monitoring of the development activities by a QEP;<br>viii. specific timing or sequence of development activities to minimize impacts to the natural environment;<br>ix. limits of disturbance to be in place for the duration of the development activities; and,<br>x. a security deposit in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, as amended from time to time.<br>k. Should disturbance to the ESDP Area occur outside of the scope of the conditions of an issued Development Permit, the property owner is responsible to submit a new ESDP application with a new biophysical assessment report that assesses the unauthorized disturbance and proposes full remediation of the areas subject to the unauthorized disturbance. | Guidelines should anticipate what potential conditions of a permit could be (j). They have been designed to be more comprehensive because conditions of a permit must be based on guidelines. |
| N/A - no section previously. | 16.2.7.5 Post Development Guidelines: Unless explicitly excluded in a development permit issued by the Regional District of Central | This proposed guideline ensures work will be completed as specified in the |

| | | |
|---|---|---|
| | Kootenay, the owner of the applicable land must provide a post development report prepared by the QEP of an assessment of all permit conditions. The report must assess if the Development is in compliance with the applicable development permit conditions and the land has been developed in accordance with the QEP's recommendations within their biophysical assessment report. | DP conditions and in accordance with QEP recommendations, and will assist in obtaining evidence to support whether there is a breach of a condition of a DP. |
| Guideline #4 (previously listed). | 16.2.7.6 Other Provincial and Federal Requirements: The *Riparian Areas Protection Regulation* implemented through the ESDP Area does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat. | |
| N/A - no section previously. | 16.2.7.7 Compliance with ESDP Standards, Requirements and Conditions of Development Permit: The owner of land within the ESDP Area must:<br>a. comply with all applicable standards set out within and the requirements and conditions of a development permit;<br>b. provide a biophysical assessment report and *Riparian Areas Protection Regulation* (*RAPR*) Assessment in accordance with section 16.2.7.3; and<br>c. provide a post development guideline report in accordance with section 16.2.7.5. | This guideline is proposed to have the option for enforcement where contravention of a DP condition occurs although it is less of an issue than failure to obtain a DP, which is the primary reason for this work. |
| Development Permit Area #2: Residential Cluster Development Permit (RCDP) Area (p. 45)<br><br>Exemptions (p.47)<br><br>The RCDP area does not apply to the following | *SECTION NUMBERS ADDED AND SECTIONS RE-ORDERED FOR CONSISTENCY WITHIN PART 16.*<br><br>16.3.6 Exemptions<br><br>~~The RCDP area does not apply to the following~~ A development permit is not required for the following: | Minor amendments for section numbering in the remainder of the sections of Part 16 for consistency. Cleaning up language for clarity and consistency – the RCDP Area does apply; however, the activities that follow are exempt. |
| Development Permit Area #3: Industrial Development Area Permit (IDP) Area (p.47)<br><br>Exemptions (p.49) | *SECTION NUMBERS ADDED AND RE-ORDERED FOR CONSISTENCY WITHIN PART 16.*<br><br>16.4.4 Exemptions | Revised language for consistency throughout the bylaw. |

| | | |
|---|---|---|
| The IDP area does not apply to the following: | ~~The IDP area does not apply to the following~~<br>A development permit is not required for the following: | |
| Schedule 'B' Zoning Bylaw<br><br>17.0 Interpretation (p.52)<br><br>Only broad definition of development in original bylaw text.<br><br>No definitions of "active floodplain", "high water mark", "lake", "riparian assessment area", "top of ravine bank", "watercourse", "wetland". (All except "active floodplain" already exist in the OCP). | 17.0 Interpretation (p.55)<br><br>DEVELOPMENT or DEVELOP, unless otherwise defined elsewhere in this Bylaw, means any activity carried out in the process of clearing or preparing a site or erecting structures;<br><br>ACTIVE FLOODPLAIN, in relation to a watercourse, means land that is:<br>a. adjacent to the watercourse;<br>b. inundated by the 1 in 5 year return period flow of the watercourse; and,<br>c. capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land.<br><br>DEVELOPMENT, in the context of interpretation of Section 41.1 Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation;<br><br>HIGH WATER MARK means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain.<br><br>LAKE means any area of year round open water covering a minimum of 1.0 hectares (2.47 acres) of area and possessing a maximum depth of at least 2.0 metres. Smaller and shallower areas of open water may be considered to meet the criteria of a wetland. | Existing development definition revised and a new definition (differentiated with use of "unless otherwise defined") of development added for ESDP Area interpretation. This approach has been taken because the resulting changes to the bylaw are minimal. It is likely that opportunities to simplify the term development in the zoning bylaw will be explored when the bylaw is reviewed comprehensively next. |

| | | |
|---|---|---|
| | RIPARIAN ASSESSMENT AREA means the area within 15 m of the high water mark of a watercourse; within 15 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 5 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse.<br><br>TOP OF RAVINE BANK means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is greater than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.<br><br>WATERCOURSE means a natural body of water, whether or not it has been modified including, without limitation, a lake, pond, river, creek, spring, gulch, wetland or glacier whether or not usually containing water, including ice, but does not include an aquifer.<br><br>WETLAND means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse other than Kootenay Lake. | These are subsections of sections 25 & 26 in the bylaw. Referring to section 9 could confuse readers and redirect them to the Infrastructure and Transportation section of the OCP (section 9.0). Change wording for increased clarity.<br><br>Moving DP Guidelines and Exemptions into the zoning bylaw reduces the risks of and improve the chances for successful DP enforcement. |
| Section 25.0 (10) & Section 26.0 (10) (p.92 & 95) | Subs~~s~~ection (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals. | |
| (p.115) No section previously | *GUIDELINES AND EXEMPTIONS FROM THE OCP HAVE BEEN ADDED TO THE NEW SECTION 41. [SEE GUIDELINES AND EXEMPTIONS LISTED ABOVE]* | |

**Attachment B: Redline Summary of Proposed Amendments to *Electoral Area 'G' Land Use Bylaw No. 2452, 2018***

Proposed changes are noted in **red** in the table below.

Notes about a specific change are specified in *CAPITALIZED ITALICS* in the table below.

| Existing Language | Proposed Change | Rationale |
|---|---|---|
| ADMINISTRATION AND ENFORCEMENT (p.1)<br><br>3. The Manager of Development Services, Planning Services, Building Services and Bylaw Enforcement Services, and any other person authorized to assist the aforementioned persons are authorized to administer this Bylaw and enter property at any reasonable time to determine whether the regulations of the Bylaw are being complied with. | 3. The Managers of Development Services, Planning Services, Building Services and Bylaw Enforcement Services, respectively, are authorized by the Board to administer this Bylaw and enter property at any reasonable time to determine whether the regulations of the Bylaw are being complied with. The following are also so authorized and listed staff shall consult with and report to their respective Manager(s) on any instances when they exercise this authority:<br>a. Bylaw Enforcement Officers<br>b. Building Officials<br>c. Building Plan Checkers<br>d. Development Technicians<br>e. Planners<br>f. Planning Technicians | A delegate cannot sub-delegate or authorize others to administer the Bylaw. If the intent was to authorize Deputies of each of those persons then the bylaw should say that. |
| VIOLATION AND PENALTY (p.1)<br><br>4. Penalties are subject to the conditions of any applicable RDCK Municipal Ticketing Information Bylaw and RDCK Bylaw Enforcement Notice and Dispute Adjudication System Bylaw as amended or replaced from time to time.<br><br>N/A – no section previously | 4. A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required by this bylaw, commits an offence and shall be liable upon conviction of a fine of not less than $5,000 and not more than $10,000 (Ten Thousand Dollars) and subject to any other penalty or order imposed or remedies available to the RDCK pursuant to the *Local Government Act, Community Charter, Offence Act,* and *Local Government Bylaw Notice Enforcement Act* and regulations thereunder, all as amended from time to time.<br><br>5. Each day that an offence continues or exists shall be deemed to be a separate and distinct offence. | Clearly lays out penalties associated with violation. Adding "order imposed or remedies" contemplates other in house/direct enforcement options.<br><br>Unless this section (5) is inserted, daily issuance of bylaw notices or MTIs may not have proper authority. |
| **SCHEDULE A – OFFICIAL COMMUNITY PLAN** | | |
| 10.0 HAZARD LANDS AND FIRE MANAGEMENT<br><br>Fire Management Policies (p.29) | | |

| | | |
|---|---|---|
| The Regional Board:<br><br>10. Supports protection of accesses to water sources such as hydrants, standpipes, lakes, and streams to remain free of obstructions for fire protection purposes. | 10. Supports protection of accesses to water sources such as hydrants, standpipes, and watercourses to remain free of obstructions for fire protection purposes. | Reference to "lakes and streams" removed, as watercourse is now a more all-encompassing definition. |
| 11.0 NATURAL ENVIRONMENT (p.31)<br><br>N/A – no existing related policies | The Regional Board:<br><br>8. Supports, unless otherwise noted below, all land within a riparian assessment area, as defined in section 16.5 of the OCP, being designated as a Watercourse Development Permit Area.<br><br>9. Supports that development and subdivision adjacent to a watercourse shall be subject to a Development Permit unless otherwise exempt by the Watercourse Development Permit (WDP) Area. | Proposed Sections 1 & 2 provide clear, explicit policy justification for designating a DPA rather than implying its justification, as the current policy framework does. |
| 16.0 WATERCOURSE DEVELOPMENT PERMIT (WDP) AREA (p.40)<br><br>Purpose (p.40)<br><br>The WDP area is designated under Section 488 (1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity. | 16.1 Purpose<br>The WDP Area is designated under Section 488(1)(a) of the *Local Government Act* and applicable provisions of the *Community Charter* for the protection of the natural environment, its ecosystems, and biological diversity. The WDP Area is designated as a Development Approval Information (DAI) area under Section 485 of the *Local Government Act* in order to ensure that appropriate and sufficient professionally-prepared information guides application of the WDP Guidelines to the applicable property in order to achieve the purposes and objectives of the WDP Area designation; the justification for the WDP Area designation below also supports the justification for the DAI designation. | Language added to strengthen legal authority to require a QEP report and rely on the information contained within it for the purposes of making a decision on an application. |
| Objectives (p.40)<br><br>Riparian areas are highly valuable ecosystems providing ecological services that communities freely gain from a healthy functioning natural environment. These areas act as natural filtration systems for both surface water and groundwater while providing protection against flooding and erosion. | 16.2 Justification<br><br>The primary objective of this Development Permit Area designation is to regulate development activities in watercourses and their riparian areas so as to protect aquatic habitat; and to conserve, enhance, and where necessary, restore watercourses and their riparian areas. | The current Objectives section is proposed to be replaced with a Justification section because the existing Objectives Section was used as the baseline for the newly created Justification Section. As such, the new Justification |

| | | |
|---|---|---|
| Riparian areas provide movement corridors for many species, particularly in fragmented landscapes. Riparian areas function as essential habitats particularly for species at risk and are highly effective in moderating stream temperatures which is critical for fish and other wildlife. The objectives of this Development Permit Area designation are:<br><br>1. To protect local watercourses, lakes and wetlands and their adjacent riparian areas from adverse impacts of land use.<br>2. To restore degraded watercourses and their riparian areas within the Plan area.<br>3. To protect the quality of local drinking water supplies.<br>4. To protect the biological diversity and habitat values of riparian and aquatic ecosystems and the species dependent on them. | The WDP Area is primarily concerned with the protection of riparian areas. Riparian areas make critical contributions to a healthy aquatic environment. They stabilize slopes, absorb storm water runoff, provide fish and wildlife habitat, and increase landscape connectivity and biodiversity. They are also important natural assets because of their role in buffering adjacent areas and watercourses from pollution, sedimentation, erosion and the impacts of temperature and weather changes, which may continue to have increasing impacts with climate change.<br><br>The WDP Area is designated as a Development Approval Information Area under Section 485 of the *Local Government Act*. A biophysical assessment report, as described further in the WDP Area Guidelines, is required in order to recognize the important functions of riparian areas and protect them in their natural state, as well as repair and enhance them, in order to preserve their ecological importance as well as the critical role they play in increasing climate change resilience.<br><br>The impact of development on watercourses can be minimized by carefully examining the proposed development and taking appropriate measures in relation to the environmentally sensitive riparian areas land. | section is based on the same values that are present in the current text (protecting watercourses, riparian areas, water, habitat values, and biodiversity) but does so in a way that is consistent with similar DPAs in other OCPs. The importance and significance of riparian areas is elaborated on beyond what was included in the original.<br><br>Language revised to expand on the rationale for having the DPA and added specific objectives into this section to lay out exactly what the DPA is trying to achieve to strengthen legal authority of the DPA. |
| Area (p.40)<br><br>5. The Watercourse Development Permit Area (WDPA) includes all lands designated as such on Schedule A.4 and includes the following:<br>…<br>c. All areas within 15.0 metres of the high water mark of any other watercourse designated on Schedule A.4, including the natural boundary of a lake and wetland.<br><br>HIGH WATER MARK, LAKE, QUALIFIED ENVIRONMENT PROFESSIONAL (QEP), STREAMSIDE PROTECTION AND | 16.3 Area<br><br>16.3.1. The Watercourse Development Permit Area (WDP Area) includes all lands designated as such on Schedule A.4 and includes the following:<br>…<br>c. All areas within 15.0 metres of the high water mark of any other watercourse designated on Schedule A.4~~, including the natural boundary of a lake and wetland~~.<br><br>*Move definitions to a new interpretation section (see below).* | Specific reference to types of watercourses not needed if referencing the newly proposed watercourse definition.<br><br>Definitions deleted from this section and added to a new “Interpretation” Section (see below), as creating an |

| | | |
|---|---|---|
| ENHANCEMENT AREA, WATERCOURSE and WETLAND definitions | | interpretation section is clearer. |
| N/A – No Section previously.<br><br>Definitions copied from Area section (p.40-41) *[Note: only definitions that have been added or revised are included in this table. Unaltered definitions are not included in this table but would remain in the bylaw in proposed Section 16.4 Interpretation].* | **16.4 Interpretation** | New section created for greater clarity of interpretation. |
| Where the following definitions apply: | ~~Where~~ The following definitions apply: | |
| N/A – no Active Floodplain definition previously. | ACTIVE FLOODPLAIN, in relation to a watercourse, means land that is:<br>a. adjacent to the watercourse;<br>b. inundated by the 1 in 5 year return period flow of the watercourse; and,<br>c. capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land. | Definitions added or otherwise amended for greater certainty and alignment with the *Riparian Areas Protection Regulation (RAPR)* methodology that the DPA requires to be utilized. |
| N/A – no Development definition previously. | DEVELOPMENT, in the context of interpreting sections of this development permit area, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation. | Definition of development proposed for greater certainty. |
| N/A – no Retaining Wall definition previously | RETAINING WALL means a structure constructed to hold back, stabilize, or support soil. | Definition of retaining wall added for greater clarity. |
| N/A – no Riparian Assessment Area definition previously. | RIPARIAN ASSESSMENT AREA means the area within 15 m of the high water mark of a watercourse; within 15 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 5 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing | Riparian assessment area added for greater certainty of the lands under evaluation within the riparian area. |

| | | |
|---|---|---|
| | and potential upland vegetation that exerts an influence on the watercourse. | |
| WATERCOURSE means any natural or man made depression with well-defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of two square kilometres (0.8 square miles) or more upstream of the point of consideration. | WATERCOURSE means a natural body of water, whether or not it has been modified including, without limitation, a lake, pond, river, creek, spring, gulch, wetland or glacier whether or not usually containing water, including ice, but does not include an aquifer. | The original definition of watercourse is more relevant to floodplains than riparian areas. Definition revised to be more consistent with the *Riparian Areas Protection Regulation* and meet the intent of this DPA. |
| WETLAND means any areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. | WETLAND means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse. | Revise definition to be consistent with the *Riparian Areas Protection Regulation (RAPR).* |
| Applicability<br><br>6. A Development Permit is required except where specified under the exemptions section for development or land alteration within the WDP Area. Where not exempt, development requiring a Development Permit includes any of the following associated with or resulting from residential, commercial, industrial or ancillary activities:<br>a. land within the area must not be subdivided;<br>b. construction of, addition to, or alteration of a building or other structure must not be started; and<br>c. land within the area designated must not be altered. | **16.5 Activities that require a Development Permit**<br>16.5.1 The Owner of land within the WDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of matters identified in section 489 *Local Government* Act, including but not limited to the following activities wherever they occur on land identified as a riparian assessment area within the WDP Area (subject only to exemptions explicitly listed in Section 16.6 or Section 38.1.2 of the Zoning Bylaw):<br>a. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;<br>b. disturbance of soils;<br>c. construction or erection of buildings and structures;<br>d. creation of non-structural impervious or semi-impervious surfaces;<br>e. flood protection works including shoreline protection works;<br>f. construction of roads, trails, retaining walls, docks, wharves and bridges;<br>g. provision and maintenance of sewer and water services; | Greater specificity in triggers added for enhanced clarity and consistency with other OCPs. |

| | | |
|---|---|---|
| | h. installation, maintenance, repairs and replacement of drainage systems;<br>i. installation, maintenance, repairs and replacement of utility corridors;<br>j. subdivision as defined in section 455 of the *Local Government Act*;<br>k. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*. | |
| Exemptions (p.41-42) *[note: only exemptions that have been added or revised are included in this table. Unaltered exemptions are not included in this table but would remain in the bylaw in amended Section 16.6 Exemptions].*<br><br>The WDP area does not apply to the following:<br><br>7. The subdivision of land, where the proposed subdivision of land does not fall within the WDPA, or where a newly proposed lot is greater than 1 ha (2.47 acres) in site area. | 16.6 Exemptions<br><br>A development permit is not required for the following activities:<br><br>16.6.1 Subdivisions, including lot consolidations and lot line adjustments, where the newly proposed lot lines do not fall within the WDP Area, or where all of the following criteria are satisfied:<br>a. the plan of subdivision demonstrates that all development activities and building platform areas, or minimum site areas where zoning is in place, for each lot can be accommodated entirely outside of the WDP Area;<br>b. no disturbance (such as grading, clearing, trenching, and the installation of site infrastructure) to the WDP Area will occur as a result of the creation of lots or provision of services to those lots;<br>c. the WDP Area has been identified by a Qualified Environmental Professional (QEP) and clearly delineated on site; and<br>d. a Section 219 Covenant, with the RDCK as a Covenant Holder, that contains recommendations to ensure adverse development impacts will be effectively mitigated must be registered over the WDP Area on the titles of all newly created lots. | Exemptions for particular types of subdivisions, as well as lot line adjustments, proposed because there has been a strong desire from development consultants and staff to do so and eliminate unnecessary development permit applications. |
| 8. Addition to or alteration of farm buildings. | 16.6.2 Addition, alteration, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes. | Language for farm-related exemptions (8 & 9) amended for greater clarity. |
| 9. Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* | 16.6.3 Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm use as defined in the *Agricultural Land Commission Act* where a | The *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* is now the *General Regulation* and |

| | | |
|---|---|---|
| where a minimum 3 meters from the natural boundary of a watercourse is maintained in native vegetation or agro-forestry crops. | minimum 3 meters from the natural boundary of a watercourse is maintained in native vegetation or agro-forestry crops. | *Use Regulation*. Listing the *ALC Act* will hopefully avoid future amendments due to regulation title changes. |
| 10. Construction or alteration of a building or structure on an existing foundation or footprint; provided that the existing foundation or footprint is not extended within the WDP Area. | 16.6.4 Construction, renovation or repair of a building or other permanent structure if it remains on its existing foundation and is not moved or extended into a riparian assessment area. | Exemption #10 (16.6.4) language amended for greater clarity and to better align with definitions/ interpretation section. |
| 14. Land alterations involving emergency measures to prevent or reduce immediate threats to life or property including:<br>a. emergency flood or protection works conducted under direction of local or provincial government;<br>b. the removal of trees that have been examined by a qualified arborist and certified to pose an immediate threat to life or property;<br>c. the removal of trees, shrubs or landscaping that has been deemed necessary for the purposes of wildfire mitigation measures as identified through a professional wildfire risk assessment, where such trees, shrubs or landscaping is replaced or compensated for elsewhere within the WDPA;<br>d. clearing of an obstruction from a bridge, culvert or an obstruction to drainage flow; and<br>e. repairs to bridges and safety fences carried out in accordance with the Water Sustainability Act or Fisheries Act. | 16.6.8 Land alterations involving emergency measures to prevent or reduce immediate threats to life or property including:<br>a. emergency flood or protection works conducted under direction of local or provincial government;<br>b. the temporary placement of sandbags and modular spill berms essential to preventing loss of life and existing buildings placed during, and removed following, emergency flooding events;<br>c. the removal of trees that have been examined by a qualified arborist and certified to pose an immediate threat to life or property;<br>d. the removal of trees, shrubs or landscaping that has been deemed necessary for the purposes of wildfire mitigation measures as identified through a professional wildfire risk assessment, where such trees, shrubs or landscaping is replaced or compensated for elsewhere within the WDP Area;<br>e. clearing of an obstruction from a bridge, culvert or an obstruction to drainage flow; and<br>f. repairs to bridges and safety fences carried out in accordance with the *Water Sustainability Act* or *Fisheries Act.* | Exemption #14 (16.6.8) amended to exempt certain temporary flood protection measures. |
| N/A - No exemption previously. | 16.6.11 A Development Permit or Section 219 Covenant has already been registered to the title of land, with the RDCK as a Covenant Holder, that has addressed all WDP Area guidelines for the proposed activities, the conditions of the Development Permit or covenant have been met, and the development activity will not impact the conditions of the previous approval or covenant. | Exemption 16.6.11 added to avoid unnecessary DPs whose activities are already covered under an issued DP or Covenant. |

| | | |
|---|---|---|
| N/A - No exemption previously. | 16.6.12 Where a QEP has inspected the site and has provided written confirmation to the satisfaction of the General Manager of Development and Community Sustainability that the actual location of the riparian area is not on the lands proposed for development. | Exemption 16.6.12 added to allow for exemptions in DPA where the Riparian Assessment Area falls outside of the DPA, as confirmed by a QEP. |
| Guidelines (p.42-43) *[note: current guidelines have been re-ordered in this section to align with equivalent guidelines proposed under a DP ticketing regime.]*<br><br>Development shall be in accordance with the following guidelines:<br><br>17. Development shall be in accordance with the recommendations of an assessment report prepared by a Qualified Environmental Practitioner (QEP) in accordance with the Provincial Riparian Areas Regulation Assessment Methods at the expense of the applicant and as required as Development Approval Information supporting an application under Section 491 of the Local Government Act.<br><br>18. No development activities should take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP. The applicant will be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the Development Permit.<br><br>19. Where a QEP report describes an area within the WDPA as suitable for development the development permit should only allow the development to occur in compliance with the measures described in the report. | 16.7 Guidelines<br><br>DP Guidelines identified for the WDP Area are identified within the OCP for lands within Electoral Area 'G' that are not subject to zoning.<br><br>16.7.1 An owner of land within a riparian assessment area seeking to develop such land under a development permit must seek to implement the requirements of the *Riparian Areas Protection Act* and *Riparian Areas Protection Regulation*.<br><br>16.7.2 As part of a development permit application made prior to any of the applicable triggers for a development permit identified in section 489 of the *Local Government Act* and RDCK's bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:<br>a. providing the information identified in the following guidelines;<br>b. proposing only activities and development consistent with the following guidelines;<br>c. not undertaking any activities or development inconsistent with the following guidelines; and,<br>d. not undertaking any activities or development without a development permit.<br><br>16.7.3 A development application must include, as Development Approval Information, a Biophysical Assessment Report and *Riparian Areas Protection Regulation* (RAPR) Assessment prepared by a QEP as defined in, and in accordance with, the *Riparian Areas Protection Regulation* established by the Provincial | Including guidelines in the Zoning Bylaw provides stronger legal authority. However, for Electoral Areas that are only partially zoned, the guidelines should remain in the OCP in addition to the Zoning Bylaw.<br><br>(Existing) Guidelines #17, 18 & 19 addressed in 16.7.1-16.7.3. Following the *RAPR* methodology, as is required by the current and proposed guidelines, will ensure the intent of the old guidelines is met.<br><br>Biophysical (entire lot) and Riparian assessment should be provided to understand the potential impacts development may have on the riparian area, biodiversity, and landscape connectivity. |

| | | |
|---|---|---|
| | and/or Federal governments as used elsewhere in the Province. This assessment report must include certification from the QEP that:<br>a. the QEP is qualified to carry out the assessment;<br>b. that the assessment methods have been followed; and<br>c. in their professional opinion the development will not negatively affect the functioning of a watercourse or riparian area and that the requirements of the *Riparian Areas Protection Regulation* have been fulfilled.<br><br>16.7.4 Development proposals in the WDP Area will be evaluated based on their adherence to the following additional guidelines:<br>a. Development activities and the siting of buildings and structures will be carried out in a way that results in the least impact to the riparian area.<br>b. Demonstrate that a diligent effort has been made to preserve, protect, restore, and enhance riparian vegetation, woody debris, boulders, and other natural features.<br>c. Retain mature vegetation wherever possible and incorporate it into the design of the project.<br>d. Proposals involving the creation of new parcels by subdivision must demonstrate on a Site Plan that there is adequate space for a building platform area and associated services outside of the setback recommended in the biophysical assessment, and in areas where zoning applies the minimum parcel size should be accommodated entirely outside of the setback area.<br>e. Where fencing is proposed within the WDP Area, or to delineate the WDP Area or a covenant area, wildlife-friendly fencing must be utilized to maintain landscape connectivity between aquatic and upland ecosystems.<br>f. Development proposals will be evaluated based on individual site characteristics (such as, but not limited to, sensitive habitat features, parcel size, topography, and access) and must adhere to the following priority sequence of | Proposed Section 16.7.4 added to provide clarity on expectations for the development proposal and how development will occur on the site. They represent the key considerations that staff considers in reviewing a WDP application. |

| | | |
|---|---|---|
| | mitigation options, as detailed further in the Kootenay Lake Shoreline Guidance Document, as amended from time to time and which is incorporated into these guidelines:<br>i. Avoidance of environmental impacts and associated components;<br>ii. Minimization of unavoidable impacts on environmental values and associated components;<br>iii. Restoration of on-site environmental values and associated components; and,<br>iv. Offsetting impacts to environmental values for residual impacts that cannot be minimized.<br>g. Development should be avoided on slopes greater than 30% (approximately 7 degrees) due to the high risk of erosion, bank slippage, and resulting sedimentation into watercourses.<br>h. Storm water will be managed in a way that utilizes natural approaches and onsite water recycling as well as preserves natural drainage patterns on the lands.<br>i. Preference will be given to flood and erosion protection works that utilize natural approaches for the protection of both private property and the riparian area. | |
| 23. The Regional District may impose permit conditions based on the Assessment Report including the following:<br>a. Require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit.<br>b. Require natural water courses to be dedicated.<br>c. Require works to be constructed to preserve, protect, restore or enhance natural watercourses or other specified natural features.<br>d. Require protection measures including that vegetation or trees be planted or retained in order to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion. | j. The conditions of the issuance of a Development Permit for the WDP Area may require any of the following:<br>i. areas of land that must remain free of development except in accordance with conditions in the permit;<br>ii. the preservation, protection, restoration or enhancement of natural features and watercourses;<br>iii. dedication of natural watercourses;<br>iv. construction works to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment;<br>v. protection measures to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect banks;<br>vi. all works to be in accordance with a QEP's recommendations, as provided in the biophysical assessment report; | Guideline #23 is covered by Section 16.7.4(j) in a more exhaustive list that reflects the authorities listed in the *Local Government Act*, for greater certainty. |
| 20. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required | vii. monitoring of the development activities by a QEP; | Guideline #20 proposed to be deleted as it is captured |

| | | |
|---|---|---|
| during the construction and development phases as specified in the Development Permit. | viii. specific timing or sequence of development activities to minimize impacts to the natural environment;<br>ix. limits of disturbance to be in place for the duration of the development activities; and,<br>x. a security deposit in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, as amended from time to time.<br>k. Should disturbance to the WDP Area occur outside of the scope of the conditions of an issued Development Permit, the property owner must submit a new WDP application with a new biophysical assessment report that assesses the unauthorized disturbance and proposes full remediation of the areas subject to the unauthorized disturbance. | by new Guideline 16.7.4(j)(vii). |
| 18. No development activities should take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP. The applicant will be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the Development Permit. | 16.7.5 No development activities should take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP if the proposed development results in a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area (HADD). The applicant will be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the Development Permit. | Guideline #18 proposed to be amended to clearly lay out the situation in which the guideline is relevant, as per the *Riparian Areas Protection Regulation* and relevant case law pertaining to development in the SPEA (16.7.5). |
| 21. A QEP report should identify any invasive species and areas subject to prior degradation and should provide recommendations as to potential restoration or mitigation options. | 16.7.6 A QEP report should identify any invasive species and areas subject to prior degradation and should provide recommendations as to potential restoration or mitigation options. | No change to Guideline #21. |
| 22. Construction methods and timing must minimize environmental impacts. Clearing of land, grading, and other activities that expose soil should be completed during the dry months of the year usually between June and September. Timing of construction should follow the recommended timing windows for species based on provincially accepted best management practices. | 16.7.7 Construction methods and timing must minimize environmental impacts. Clearing of land, grading, and other activities that expose soil should be completed during the dry months of the year usually between June and September. Timing of construction should follow the recommended timing windows for species based on provincially accepted best management practices. | No change to Guideline #22. |

| | | |
|---|---|---|
| N/A – No guidelines previously. | 16.7.8 **Post Development Guidelines:** Unless explicitly excluded in a development permit issued by the Regional District of Central Kootenay, the owner of the applicable land must provide a post development report prepared by the QEP of an assessment of all permit conditions. The report must assess if the Development is in compliance with the applicable development permit conditions and the land has been developed in accordance with the QEP's recommendations within their biophysical assessment report. | This proposed guideline ensures work will be completed as specified in the DP conditions and in accordance with QEP recommendations, and will assist in obtaining evidence to support whether there is a breach of a condition of a DP. |
| N/A – No guideline previously. | 16.7.9 **Other Provincial and Federal Requirements:** *The Riparian Areas Protection Regulation* implemented through the WDP Area does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat. | Section 16.7.9 not in original DPA for Area G CLUB; however, it is in all other riparian DPAs and recommended to be included in this one for clarity and consistency. |
| | 16.7.10 **Compliance with WDP Standards, Requirements and Conditions of Development Permit**<br>The owner of land within the WDP Area must:<br>a. comply with all applicable standards set out within and the requirements and conditions of a development permit;<br>b. provide a biophysical assessment report and *Riparian Areas Protection Regulation* (RAPR) Assessment in accordance with section 16.7.3; and<br>c. provide a post development guideline report in accordance with section 16.7.8. | 16.7.10 is proposed to have the option for enforcement where contravention of a DP condition occurs although it is less of an issue than failure to obtain a DP, which is the primary reason for this work. |
| Development Approval Guidelines<br><br>24. The Board may consider variances to the subdivision or siting regulations of this Bylaw or other bylaws where the variance may result in enhanced | 16.7.11 Development Approval Guidelines:<br><br>The Board may consider variances to the subdivision or siting regulations of this Bylaw or other bylaws where the variance may result in enhanced protection of a | No significant changes to guidelines 24-26, other than adding additional clarity to 16.7.12 in addition to section numbering. |

| | | |
|---|---|---|
| protection of a SPEA in compliance with the recommendations of an assessment report.<br><br>Restoration Guidelines<br><br>Where development has occurred in violation of the WDPA, the following guidelines shall apply:<br><br>25. A QEP must be retained at the expense of the applicant for the purpose of preparing a report outlining how to mitigate the damage incurred by any clearing and site development activities and how to restore the area to its undisturbed condition.<br><br>26. Buildings and structures constructed in violation of this WDPA may be subject to removal at the applicant's expense in order to restore the integrity of the riparian area. | SPEA in compliance with the recommendations of an assessment report.<br><br>16.7.12 Restoration Guidelines: Without limiting the above or endorsing or acquiescing in unapproved development, where development has occurred in violation of the WDP Area, the following guidelines shall also apply:<br><br>16.7.12.1 A QEP must be retained at the expense of the applicant for the purpose of preparing a report outlining how to mitigate the damage incurred by any clearing and site development activities and how to restore the area to its undisturbed condition.<br><br>16.7.12.2 Buildings and structures constructed in violation of this WDP Area may be subject to removal at the applicant's expense in order to restore the integrity of the riparian area. | |
| **SCHEDULE B – ZONING BYLAW** | | |
| N/A – No definitions previously | That the following definitions be inserted into **Section 17.0 Interpretation** in the appropriate alphabetical locations:<br><br>ACTIVE FLOODPLAIN, in relation to a watercourse, means land that is:<br>adjacent to the watercourse;<br>inundated by the 1 in 5 year return period flow of the watercourse; and,<br>capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land.<br><br>DEVELOPMENT or DEVELOP, unless otherwise defined elsewhere in this Bylaw, means any activity carried out in the process of clearing or preparing a site or erecting structures;<br><br>DEVELOPMENT, in the context of interpretation of section 38 of Development Permit Area #1: Watercourse Development Permit (WDP) Area, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other | Guidelines and Exemptions (all listed above), and related definitions proposed to be added into the Zoning Bylaw for greater enforceability. See rationale section above for specific rationales for the definitions. |

| | | |
|---|---|---|
| | operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation;<br><br>HIGH WATER MARK means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain.<br><br>LAKE means any area of year round open water covering a minimum of 1.0 hectares (2.47 acres) of area and possessing a maximum depth of at least 2.0 metres. Smaller and shallower areas of open water may be considered to meet the criteria of a wetland.<br><br>QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) means an applied scientist or technologist who is registered and in good standing with an appropriate B.C. professional organization constituted under an Act. A qualified environmental professional could be a professional biologist, agrologist, forester, geoscientist, engineer or technologist.<br><br>RETAINING WALL means a structure constructed to hold back, stabilize, or support soil.<br><br>RIPARIAN ASSESSMENT AREA means the area within 15 m of the high water mark of a watercourse; within 15 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 5 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse.<br><br>STREAMSIDE PROTECTION AND | |

| | | |
|---|---|---|
| | ENHANCEMENT AREA (SPEA) means an area adjacent to a watercourse that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the stream, the width of which is determined by assessment by a Qualified Environmental Practitioner (QEP).<br><br>TOP OF RAVINE BANK means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is greater than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.<br><br>WATERCOURSE means a natural body of water, whether or not it has been modified including, without limitation, a lake, pond, river, creek, spring, gulch, wetland or glacier whether or not usually containing water, including ice, but does not include an aquifer.<br><br>WETLAND means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse other than Kootenay Lake. | |
| N/A – No section previously | *GUIDELINES AND EXEMPTIONS FROM THE OCP HAVE BEEN ADDED TO THE NEW SECTION 38.0. [SEE GUIDELINES AND EXEMPTIONS LISTED ABOVE]*<br>16.0 Development Permit Area #1: Watercourse Development Permit (WDP) Area | Moving DP Guidelines and Exemptions into the zoning bylaw reduces the risks of and improve the chances for successful DP enforcement. |
| N/A – miscellaneous | Miscellaneous section numbering amendments resulting from additions to the text and added in Section 16.0 DEVELOPMENT PERMIT AREAS for greater clarity and enforceability. | |

**Attachment C: Redline Summary of Proposed Amendments to Slocan Lake North portion of *Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009.***

Proposed changes are noted in **red** in the table below.

Notes about a specific change are specified in *CAPITALIZED ITALICS* in the table below.

| Existing Language | Proposed Change | Rationale |
|---|---|---|
| Main body of Bylaw (p.iii) | | |
| N/A – no section previously. | AND WHEREAS under the provisions of Section 472 of the *Local Government Act* the Regional Board may adopt an Official Community Plan for an area, including provisions for the designation of Development Permit Areas under Section 488 and Development Approval Information under Sections 484, 485, 486 and 487 of the *Local Government Act*; | Authorizes designation of Development Permit Areas (DPAs) and Development Approval Information (DAI) areas – areas where specific information, such as a QEP report, may be required in order to support a decision on an application. |
| N/A – no section previously. | 3. The Managers of Development Services, Planning Services, Building Services and Bylaw Enforcement Services, respectively, are authorized by the Board to administer this Bylaw and enter property at any reasonable time to determine whether the regulations of the Bylaw are being complied with. The following are also so authorized and listed staff shall consult with and report to their respective Manager(s) on any instances when they exercise this authority:<br>a. Bylaw Enforcement Officers<br>b. Building Officials<br>c. Building Plan Checkers<br>d. Development Technicians<br>e. Planners<br>f. Planning Technicians | Authorization for staff to administer the Bylaw. |
| N/A – no section previously. | 4. A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required by this bylaw, commits an offence and shall be liable upon conviction of a fine of not less than $5,000 and not more than $10,000 (Ten Thousand Dollars) and subject to any other penalty or order imposed or remedies available to the RDCK pursuant to the *Local Government Act, Community Charter, Offence Act,* and *Local Government Bylaw Notice Enforcement Act* and regulations thereunder, all as amended from time to time. | Clearly lays out penalties associated with violation. Adding "order imposed or remedies" contemplates other in house/direct enforcement options. |

| | | |
|---|---|---|
| N/A – no section previously. | 5. Each day that an offence continues or exists shall be deemed to be a separate and distinct offence. | Without clause (5), daily issuance of bylaw notices or MTIs may not have proper authority. |
| **SCHEDULE A – OFFICIAL COMMUNITY PLAN** | | |
| 13.0 NATURAL ENVIRONMENT<br><br>Natural Environment Policies (p.34)<br><br>N/A – no section previously<br><br><br><br><br><br>N/A – no section previously | The Regional Board:<br>1. Supports, unless otherwise noted below, all land within a riparian assessment area, as defined in section 19.2.4 of the OCP, being designated as a Watercourse Development Permit Area;<br><br>2. Supports that development and subdivision adjacent to a watercourse shall be subject to a Development Permit unless otherwise exempt by the Development Permit Area #1: Watercourse Development Permit Area; | Proposed Sections (policies) 1 & 2 provide clear, explicit policy justification for designating a DPA rather than implying its justification, as the current policy framework does. |
| 15.0 HAZARD LANDS<br><br>Fire Management Policies (p.40-41)<br><br>The Regional Board:<br><br>1. May request that the Regional Subdivision Approving Authority, in consultation with the Local Fire Chief and/or Ministry of Forest and Range Fire Protection Officer, require the developer to undertake a fire hazard risk assessment at the time of submitting a subdivision application where the Province indicates that a property may be subject to a moderate or higher fire risk. The Regional Board may request the same assessment during a land use designation amendment or development permit process. The assessment will provide a recommended fire hazard mitigation strategy, that will be submitted to both the RDCK and the Province, and is recommended to include, but is not limited to, the following:<br>…<br>g. ensuring the provision of access to local water sources, lakes and watercourses as part of access requirements; | The Regional Board:<br><br>1. May request that the Regional Subdivision Approving Authority, in consultation with the Local Fire Chief and/or Ministry of Forest and Range Fire Protection Officer, require the developer to undertake a fire hazard risk assessment at the time of submitting a subdivision application where the Province indicates that a property may be subject to a moderate or higher fire risk. The Regional Board may request the same assessment during a land use designation amendment or development permit process. The assessment will provide a recommended fire hazard mitigation strategy, that will be submitted to both the RDCK and the Province, and is recommended to include, but is not limited to, the following:<br>…<br>g. ensuring the provision of access to local water sources~~, lakes~~ and watercourses as part of access requirements; and | Reference to “lakes” removed, as its inclusion in the watercourse definition makes its separate use redundant. |

| | | |
|---|---|---|
| Section 19.0 DEVELOPMENT PERMIT AREAS (p.46-53)<br><br>*SECTION NUMBERING*<br><br>Background<br>…<br>Development Permit Areas allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of development within the Slocan Lake North Plan area.<br><br>Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the guidelines of all such Areas. | *SECTION NUMBERS WILL BE ADDED/REVISED TO PROVIDE GREATER CLARITY*<br><br>19.1 Background<br>…<br>Development Permit Area designations include purposes to allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of development within the Slocan Lake North Plan area.<br><br>Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the applicable guidelines of all such Areas. | Inconsistent Section numbering can be unclear.<br><br>Minor changes to language for clarity. |
| Development Permit Area #1: Watercourse Development Permit (WDP) Area (p.46)<br><br>Category<br><br>The WDP area is designated under Section 488(1) (a) of the *Local Government Act* and applicable provisions of the *Community Charter* for the protection of the natural environment, its ecosystems, and biological diversity. | 19.2 Development Permit Area #1: Watercourse Development Permit (WDP) Area<br><br>19.2.1 Category<br><br>The WDP Area is designated under Section 488(1)(a) of the *Local Government Act* and applicable provisions of the *Community Charter* for the protection of the natural environment, its ecosystems, and biological diversity. The WDP Area is designated as a Development Approval Information (DAI) area under Section 485 of the Local Government Act in order to ensure that appropriate and sufficient professionally-prepared information guides application of the DP Guidelines to the applicable property in order to achieve the purposes and objectives of the WDP Area designation; the justification for the DP designation below also supports the justification for the DAI designation. | Language added to Category sub-section to strengthen legal authority to require a QEP report and rely on the information contained within it for the purposes of making a decision on an application. |

| | | |
|---|---|---|
| Area (p.46)<br><br>The WDP area is comprised of: 1. Riparian assessment areas (Figure 1) for fish and wildlife habitat and drinking water, which include all watercourses and adjacent land: a. within 30 metres of the high water mark of a watercourse;<br>… | 19.2.2 Area<br><br>The WDP area is comprised of: 1. Riparian assessment areas ~~(Figure 1)~~ for fish and wildlife habitat and drinking water, which include all watercourses and adjacent land: a. within 30 metres of the high water mark of a watercourse;<br>… | Figure 1 moved to new interpretation section. |
| N/A – no section previously [*definitions from current "Area" section used/revised – see revisions to definitions below. Note: only definitions that have been added or revised are included in this table. Unaltered definitions are not included in this table but would remain in the bylaw in proposed Section 19.2.3 Interpretation].*<br><br>N/A – no definition previously<br><br>N/A – no definition previously<br><br>N/A – no definition previously<br><br>N/A – no definition previously<br><br>RIPARIAN ASSESSMENT AREA: means the area within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of | 19.2.3 Interpretation<br>The following definitions apply:<br><br>"active floodplain", in relation to a watercourse, means land that is:<br>a. adjacent to the watercourse;<br>b. inundated by the 1 in 5 year return period flow of the watercourse; and,<br>c. capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land.<br><br>"development", in the context of interpreting sections of this development permit area, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation;<br><br>"lake" means any area of year round open water covering a minimum of 1.0 hectares (2.47 acres) of area and possessing a maximum depth of at least 2.0 metres. Smaller and shallower areas of open water may be considered to meet the criteria of a wetland.<br><br>"retaining wall" means a structure constructed to hold back, stabilize, or support soil.<br><br>"riparian assessment area" means the area within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of a ravine less | New Interpretation section created for greater clarity.<br><br>New definitions added for greater certainty and alignment with the *Riparian Areas Protection Regulation (RAPR)* methodology that the current DPA requires to be utilized.<br><br>Riparian Assessment Area definition moved from illustrative figure into interpretation section and |

| | | |
|---|---|---|
| a ravine less than 60 m wide; and within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse. Applies only to residential, commercial and industrial designations. | than 60 m wide; and within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse; ~~Applies only to residential, commercial and industrial designations.~~ | applicability language removed, as it is inconsistent with the intent of the DPA. |
| [Figure 1: riparian assessment area placement/order in the bylaw] | [Figure 1: riparian assessment area inserted from current "exemptions" section of the bylaw] | The figure would be more informative if placed with the riparian assessment area definition. |
| "watercourse" includes any of the following: a watercourse, intermittent or not; a pond, lake, river, creek or brook, and a ditch, spring or wetland that is connected by surface flow to a watercourse. | "watercourse" means a natural body of water, whether or not it has been modified including, without limitation, a pond, lake, river, creek or brook, and a ditch, gulch, glacier, spring or wetland whether or not usually containing water, including ice, but does not include an aquifer. | Watercourse definition revised to be more consistent with the *Riparian Areas Protection Regulation* and meet the intent of this DPA. |
| N/A – no definition previously | "wetland" means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse other than Kootenay Lake. | |
| Justification (p.47)<br><br>The primary objective of this Development Permit Area designation is to regulate development activities in watercourses and their riparian areas so as to protect aquatic habitat; and to conserve, enhance, and where necessary, restore watercourses and their riparian areas.<br><br>The impact of development on watercourses can be minimized by carefully examining the proposed development and taking appropriate measures in relation to the | 19.2.4 Justification<br><br>~~The primary objective of t~~This Development Permit Area designation ~~is~~ seeks to regulate development activities in watercourses and their riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.<br><br>Riparian areas make critical contributions to a healthy aquatic environment. They stabilize slopes, absorb storm water runoff, provide fish and wildlife habitat, and increase landscape connectivity and biodiversity. They are also important natural assets because of their role in | Language revised to expand on the rationale for having the DPA and added specific objectives into this section to lay out exactly what the DPA is trying to achieve to strengthen legal authority of the DPA. |

| | | |
|---|---|---|
| environmentally sensitive riparian areas land. | buffering adjacent areas and watercourses from pollution, sedimentation, erosion and the impacts of temperature and weather changes, which may continue to have increasing impacts with climate change.<br><br>The WDP Area's primary objectives are to:<br>• protect riparian areas, biodiversity, and water quality by ensuring activities within them are undertaken in a way that is sensitive to the natural environment;<br>• maintain landscape connectivity between watercourses and upland riparian areas; and,<br>• prevent pollution and contamination of watercourses through the preservation and enhancement of riparian areas.<br><br>The WDP Area is designated as a Development Approval Information Area under Section 485 of the *Local Government Act*. A biophysical assessment report, as described further in the WDP Area Guidelines, is required in order to recognize the important functions of riparian areas and protect them in their natural state, as well as repair and enhance them, in order to preserve their ecological importance as well as the critical role they play in increasing climate change resilience.<br><br>The impact of development on watercourses can be minimized by carefully examining the proposed development and taking appropriate measures in relation to the environmentally sensitive riparian area. | |
| Determining whether development falls within the WDP Area (p.47)<br><br>To confirm whether a proposed development is within land identified as a riparian assessment area in the WDP area for which a Development Permit application is required, the following applies: Any area located within 30 metres of the high water mark of a watercourse; within 30 metres of the top of the ravine bank in the case of a | *[DELETE ENTIRE SECTION]* | In terms of intent, this section is nearly identical to the "Area" section, which will remain in the bylaw. The only difference is that this section provides direction that a legal survey may be required. Now that the DPA will also be a "Development Approval Information" Area, legal surveys will be listed as information that may be |

| | | |
|---|---|---|
| ravine less than 60 metres wide; and within 10 metres of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;<br><br>Unless the proposed development or alteration of land is clearly outside the riparian assessment area the location of the development shall be determined accurately by survey in relation to the WDP Area to determine whether a development permit application is required. | | required as development approval information in the Planning Procedures and Fees bylaw, eliminating the need for this section entirely. |
| N/A – No section previously | 19.2.5 Activities that require a Development Permit<br><br>19.2.5.1 The Owner of land within the WDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of matters identified in section 489 of the *Local Government Act*, including but not limited to the following activities wherever they occur on land identified as a riparian assessment area within the WDP Area (subject only to exemptions explicitly listed in sub-section 19.2.6):<br><br>a. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;<br>b. disturbance of soils;<br>c. construction or erection of buildings and structures;<br>d. creation of non-structural impervious or semi-impervious surfaces;<br>e. flood protection works, including shoreline protection works;<br>f. construction of roads, trails, retaining walls, docks, wharves and bridges;<br>g. provision and maintenance of sewer and water services;<br>h. installation, maintenance, repairs and replacement of drainage systems;<br>i. installation, maintenance, repairs and replacement of utility corridors; and | This Section is proposed to become its own section because these are triggers for requiring a development permit and not guidelines that development should adhere to in order to be environmentally sensitive. Language revised for greater clarity and enforceability.<br><br>Greater specificity in triggers added for enhanced clarity. |

| | | |
|---|---|---|
| | j. subdivision as defined under Section 455 of the *Local Government Act*;<br>k. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act.* | |
| Exemptions (p.48-49)<br><br>*[ORDER]: Currently this section is placed after the guidelines sub-section.*<br><br>The WDP area does not apply to the following:<br><br>1. existing construction, alteration, addition, repair, demolition and maintenance of farm buildings;<br><br>2. existing institutional development containing no residential, commercial or industrial aspect;<br><br>3. reconstruction, renovation or repair of a permanent structure if the structure remains on its existing | 19.2.6 Exemptions<br><br>*[RE-ORDER and re-insert exemptions sub-section before the guidelines]*<br><br>A development permit is not required for the following activities:<br><br>19.2.6.1 ~~existing construction,~~ alteration, addition, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes;<br><br>~~6. existing institutional development containing no residential, commercial or industrial aspect;~~<br><br>19.2.6.2 Subdivisions, including lot consolidations and lot line adjustments, where the newly proposed lot lines do not fall within the WDP Area, or where all of the following criteria are satisfied:<br>a. the plan of subdivision demonstrates that all development activities and building platform areas, or minimum site areas where zoning is in place, for each lot can be accommodated entirely outside of the WDP Area;<br>b. no disturbance (such as grading, clearing, trenching, and the installation of site infrastructure) to the WDP Area will occur as a result of the creation of lots or provision of services to those lots;<br>c. the WDP Area has been identified by a QEP and clearly delineated on site; and<br>d. a Section 219 Covenant, with the RDCK as a Covenant Holder, that contains recommendations to ensure adverse development impacts will be effectively mitigated must be registered over the WDP Area on the titles of all newly created lots.<br><br>19.2.6.3 Construction, renovation, or repair of a building or other permanent structure if it remains on its existing | Exemptions can often get missed when they are placed after the guidelines – there may not be a need to read the guidelines if a development proposal is already exempt. Increase clarity for the general public.<br><br>The *LGA* s.489 triggers already inherently exempt existing construction; "existing construction" removed as this is already implied.<br><br>Exemption "2" proposed to be deleted, as institutional development would still have impacts on riparian areas.<br><br>Exemptions for particular types of subdivisions, as well as lot line adjustments, proposed because there has been a strong desire from development consultants and staff to do so and eliminate unnecessary development permit applications.<br><br>Language revised for clarity. |

| | | |
|---|---|---|
| foundation. Only if the existing foundation is moved or extended in to a riparian assessment area would a WDP be required; and<br><br>4. an area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied or a development permit for the same area has already been issued in the past and the conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not b affected.<br><br>N/A – no exemption previously. | foundation and is not moved or extended into a riparian assessment area.<br><br>19.2.6.4 A Development Permit or Section 219 Covenant has already been registered to the title of land, with the RDCK as a Covenant Holder, that has addressed all WDP Area guidelines for the proposed activities, the conditions of the Development Permit or covenant have been met, and the development activity will not impact the conditions of the previous approval or covenant.<br><br>19.2.6.5 Where a QEP has inspected the site and has provided written confirmation to the satisfaction of the General Manager of Development and Community Sustainability that the actual location of the riparian area is not on the lands proposed for development.<br><br>19.2.6.6 The temporary placement of sandbags and modular spill berms essential to preventing loss of life and existing buildings placed during, and removed following, emergency flooding events. | Exemption "4" revised to proposed exemption "19.2.6.4" based on it being difficult to implement outside of an application review process. Working with applicants for them to demonstrate compliance results in lost revenue because staff could be tasked with reviewing as much information as is submitted in a DP application but no fee is charged for that review.<br><br>Exemption 19.2.6.5 added to allow for exemptions in DPA where the Riparian Assessment Area falls outside of the DPA, as confirmed by a QEP.<br><br>The current exemptions do not allow for minor, temporary flood protection works without a DP. |
| Guidelines (p.47-48)<br><br>A Development Permit is required, except where specified under the exemptions section, for development or land alteration on land identified as a riparian assessment area within the WDP Area. Where not exempt, development requiring a development permit includes any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Local government legislation the:<br>a. removal, alteration, disruption or destruction of vegetation;<br>b. disturbance of soils;<br>c. construction or erection of buildings and structures;<br>d. creation of non-structural impervious or semi-impervious surfaces;<br>e. flood protection works;<br>f. construction of roads, trails, docks, wharves and bridges; | 19.2.7 Guidelines<br><br>DP Guidelines identified for the WDP Area are identified within the OCP for lands within Electoral Area 'H' that are not subject to zoning.<br><br>~~A Development Permit is required, except where specified under the exemptions section, for development or land alteration on land identified as a riparian assessment area within the WDP Area. Where not exempt, development requiring a development permit includes any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Local government legislation the:~~<br>~~a. removal, alteration, disruption or destruction of vegetation;~~<br>~~b. disturbance of soils;~~<br>~~c. construction or erection of buildings and structures;~~ | First, un-numbered guideline deleted because it is proposed to become its own section (19.2.5 Activities that require a Development Permit, above). |

| | | |
|---|---|---|
| g. provision and maintenance of sewer and water services;<br>h. development of drainage systems;<br>i. development of utility corridors;<br>j. subdivision as defined in section 455 of the Local Government Act.<br><br>Development shall be in accordance with the following guidelines: | ~~d. creation of non-structural impervious or semi-impervious surfaces;~~<br>~~e. flood protection works;~~<br>~~f. construction of roads, trails, docks, wharves and bridges;~~<br>~~g. provision and maintenance of sewer and water services;~~<br>~~h. development of drainage systems;~~<br>~~i. development of utility corridors;~~<br>~~j. subdivision as defined in section 455 of the *Local Government Act*.~~ | |
| N/A – no section previously. | 19.2.7.1 An owner of land within a riparian assessment area seeking to develop such land under a development permit must seek to implement the requirements of the *Riparian Areas Protection Act* and *Riparian Areas Protection Regulation*. | Proposed Sections 19.2.7.1-19.2.7.3 added to facilitate enforcement. |
| N/A – no section previously. | 19.2.7.2 As part of a development permit application made prior to any of the applicable triggers for a development permit identified in section 489 of the *Local Government Act* and RDCK's bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:<br>a. providing the information identified in the following guidelines;<br>b. proposing only activities and development consistent with the following guidelines;<br>c. not undertaking any activities or development inconsistent with the following guidelines; and,<br>d. not undertaking any activities or development without a development permit. | Outlines owner responsibilities for land within the DPA. |
| 1. All development proposals subject to this permit will be assessed by a Qualified Environmental Practitioner (QEP) in accordance with the Riparian Areas Regulation established by the Provincial and/or Federal governments as used elsewhere in the Province;<br><br>2. A WDP shall not be issued prior to the RDCK ensuring that a QEP has submitted a report certifying that they are qualified to carry out the assessment, that the assessment | 19.2.7.3 A development application must include, as Development Approval Information, a Biophysical Assessment Report and *Riparian Areas Protection Regulation* (RAPR) Assessment prepared by a QEP as defined in, and, in accordance with, the *Riparian Areas Protection Regulation* established by the Provincial and/or Federal governments as used elsewhere in the Province. The assessment report must include certification from the QEP that; | Sections 1 & 2 deleted and replaced with proposed Section 19.2.7.3.<br><br>QEP & RP Bio language altered to be just QEP – Under the *RAPR*, an RP Bio is considered to be a QEP. Using QEP only eliminates redundancy with the Provincial legislation. |

| | | |
|---|---|---|
| methods have been followed, and provides in their professional opinion that a lesser setback will not negatively affect the functioning of a watercourse or riparian area and that the criteria listed in the Riparian Areas Regulation has been fulfilled, and; | a. the QEP is qualified to carry out the assessment;<br>b. that the assessment methods have been followed, and<br>c. in their professional opinion the development will not negatively affect the functioning of a watercourse or riparian area and that the requirements of the *Riparian Areas Protection Regulation* has been fulfilled. | |
| No guidelines previously. Current guidelines are DP triggers and information requirements. | 19.2.7.4 Development proposals in the WDP Area will be evaluated based on their adherence to the following additional guidelines:<br>a. Development activities and the siting of buildings and structures will be carried out in a way that results in the least impact to the riparian area.<br>b. Demonstrate that a diligent effort has been made to preserve, protect, restore, and enhance riparian vegetation, woody debris, boulders, and other natural features.<br>c. Retain mature vegetation wherever possible and incorporate it into the design of the project.<br>d. Proposals involving the creation of new parcels by subdivision must demonstrate on a Site Plan that there is adequate space for a building platform area and associated services outside of the setback recommended in the biophysical assessment, and in areas where zoning applies the minimum parcel size should be accommodated entirely outside of the setback area.<br>e. Where fencing is proposed within the WDP Area, or to delineate the WDP Area or a covenant area, wildlife-friendly fencing must be utilized to maintain landscape connectivity between aquatic and upland ecosystems.<br>f. Development proposals will be evaluated based on individual site characteristics (such as, but not limited to, sensitive habitat features, parcel size, topography, and access) and must adhere to the following priority sequence of mitigation options, as detailed further in the Kootenay Lake Shoreline Guidance Document, as amended from time to time | This DPA suffers from a significant flaw in that the DP Guidelines are written as DP triggers and information requirements. Other than the certification requirement, there isn't a DP Guideline *per se.* The guidelines presented in proposed Section 19.2.7.4 have been drafted in response to this flaw. They represent the key considerations that staff consider in reviewing an environmental development permit application. |

| | | |
|---|---|---|
| | and which is incorporated into these guidelines:<br>i. Avoidance of environmental impacts and associated components;<br>ii. Minimization of unavoidable impacts on environmental values and associated components;<br>iii. Restoration of on-site environmental values and associated components; and,<br>iv. Offsetting impacts to environmental values for residual impacts that cannot be minimized.<br>g. Development should be avoided on slopes greater than 30% (approximately 7 degrees) due to the high risk of erosion, bank slippage, and resulting sedimentation into watercourses.<br>h. Storm water will be managed in a way that utilizes natural approaches and onsite water recycling as well as preserves natural drainage patterns on the lands.<br>i. Preference will be given to flood and erosion protection works that utilize natural approaches for the protection of both private property and the riparian area.<br>j. The conditions of the issuance of a Development Permit for the WDP Area may require any of the following:<br>i. areas of land that must remain free of development except in accordance with conditions in the permit;<br>ii. the preservation, protection, restoration or enhancement of natural features and watercourses;<br>iii. dedication of natural watercourses;<br>iv. construction works to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment;<br>v. protection measures to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect banks;<br>vi. all works to be in accordance with a QEP's recommendations, as provided in the biophysical assessment report;<br>vii. monitoring of the development activities by a QEP;<br>viii. specific timing or sequence of development activities to minimize impacts to the natural environment; | Guidelines should anticipate what potential conditions of a permit could be. They have been designed to be more comprehensive because conditions of a permit must be based on guidelines. |

| | | |
|---|---|---|
| | ix. limits of disturbance to be in place for the duration of the development activities; and,<br>x. a security deposit in accordance with the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, as amended from time to time.<br>k. Should disturbance to the WDP Area occur outside of the scope of the conditions of an issued Development Permit, the property owner must submit a new WDP application with a new biophysical assessment report that assesses the unauthorized disturbance and proposes full remediation of the areas subject to the unauthorized disturbance. | |
| N/A – no section previously. | 19.2.7.5 Post Development Guidelines<br>Unless explicitly excluded in a development permit issued by the Regional District of Central Kootenay, the owner of the applicable land must provide a post development report prepared by the Qualified Environmental Professional (QEP) of an assessment of all permit conditions. The report must assess if the Development is in compliance with the applicable development permit conditions and the land has been developed in accordance with the QEP's recommendations within their biophysical assessment report. | This proposed guideline ensures work will be completed as specified in the DP conditions and in accordance with QEP recommendations, and will assist in obtaining evidence to support whether there is a breach of a condition of a DP. |
| 3. The Riparian Areas Regulation implemented through the WDP does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat. | 19.2.7.6 Other Provincial and Federal Requirements<br>The *Riparian Areas Protection Regulation* implemented through the WDP Area does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat. | No change to guideline 3 (19.2.7.6) other than adding a sub-heading. |

| | | |
|---|---|---|
| N/A – No section previously. | 19.2.7.7 Compliance with WDP Standards, Requirements and Conditions of Development Permit<br>The owner of land within the WDP Area must:<br>a. comply with all applicable standards set out within and the requirements and conditions of a development permit;<br>b. provide a biophysical assessment report and *Riparian Areas Protection Regulation* (RAPR) Assessment in accordance with section 19.2.7.3; and<br>c. provide a post development guideline report in accordance with section 19.2.7.5. | This guideline is proposed to have the option for enforcement where contravention of a DP condition occurs although it is less of an issue than failure to obtain a DP, which is the primary reason for this work. |
| N/A – miscellaneous | Miscellaneous section numbering amendments resulting from additions to the text and added in Section 19.0 DEVELOPMENT PERMIT AREAS for greater clarity and enforceability. | |

Attachment D

**REGIONAL DISTRICT OF CENTRAL KOOTENAY**

# Bylaw No. 3024

A Bylaw to amend the Regional District of Central Kootenay Electoral Area 'A' Land Use Bylaw No. 2315, 2013

WHEREAS it is deemed expedient to amend the Electoral Area 'A' Land Use Bylaw No. 2315, 2013, and amendments thereto.

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

**1** That the main part of **Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013** be amended as follows:

A) That the **AUTHORITY** Section be amended to add as the first recital:

WHEREAS under the provisions of Section 472 of the *Local Government Act* the Regional Board may adopt an Official Community Plan for an area, including provisions for the designation of Development Permit Areas under Section 488 and Development Approval Information under Sections 484, 485, 486 and 487 of the *Local Government Act*;

B) That Section 3 under the **ADMINISTRATION AND ENFORCEMENT** heading be amended by deleting "to assist the aforementioned persons" and replacing that with "by the Board", so that this section reads as follows:

3. The Managers of Development Services, Planning Services, Building Services and Bylaw Enforcement Services, respectively, are authorized by the Board to administer this Bylaw and enter property at any reasonable time to determine whether the regulations of the Bylaw are being complied with. The following are also so authorized and listed staff shall consult with and report to their respective Manager(s) on any instances when they exercise this authority:

a. Bylaw Enforcement Officers
b. Building Officials
c. Building Plan Checkers
d. Development Technicians
e. Planners
f. Planning Technicians

C) That Section 4 under the **VIOLATION AND PENALTY** heading be deleted in its entirety and replaced with the following:

4. A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required by this bylaw, commits an offence and shall be liable upon conviction of a fine of not less than $5,000 and not more than $10,000 (Ten Thousand Dollars) and subject to any other penalty or order imposed or remedies available to the RDCK pursuant to the *Local Government Act, Community Charter, Offence Act* and *Local Government Bylaw Notice Enforcement Act* and regulations thereunder, all as amended from time to time.

D) That the following be added to the **VIOLATION AND PENALTY** Section, and subsequent sections re-numbered accordingly:

5. Each day that an offence continues or exists shall be deemed to be a separate and distinct offence.

**2** That **Schedule 'A' Official Community Plan** of the **Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013** be amended as follows:

A) That the following Natural Environment Policies subsections of Section 10.0 NATURAL ENVIRONMENT be amended as follows:

The Regional Board:
18. ...
c. unless otherwise noted below, all land within a riparian assessment area, as defined in section 16.2.4 of the OCP, shall be designated as an Environmentally Sensitive Development Permit Area;

19. Supports that development and subdivision adjacent to a watercourse shall be subject to a Development Permit unless otherwise exempt by the Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area.

B) That the following Fire Management Policies sub-section 9.g. of Section **12.0 HAZARD LANDS AND FIRE MANAGEMENT** be amended so that it reads:

g. ensuring the provision of access to local water sources and watercourses as part of access requirements;

C) That Sub-section numbering throughout Section **16.0 DEVELOPMENT PERMIT AREAS** be inserted, including in accordance with the following amendments, such that the three development permit areas are identified as:

Sections 16.2 Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area
Section 16.3 Development Permit Area #2: Residential Cluster Development Permit (RCDP) Area
Section 16.4 Development Permit Area #3: Industrial Development Area Permit (IDP) Area.

D) That the Background Sub-section of Section **16.1 DEVELOPMENT PERMIT AREAS** be amended to insert "designations include purposes to" in the second paragraph, and insert “applicable” before the word “guidelines” in the third paragraph, so that this section reads:

**16.1 Background**

The OCP may designate Development Permit Areas under the authority of local government legislation. Unless otherwise specified, a development permit must be approved by the Regional Board, or delegate of the Board, prior to any development or subdivision of land within a designated Development Permit Area.

Development Permit Area designations include purposes to allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of development within the Plan Area. Development Permit Areas can also be used to meet targets for carbon emission reductions and energy and water conservation.

Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the applicable guidelines of all such Areas.

E) That the **Category** and **Justifications** Sub-sections of **Section 16.2 Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area** be amended to read as follows:

**16.2.1 Category**
The ESDP Area is designated under Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity. The ESDP Area is designated as a Development Approval Information (DAI) area under Section 485 of the *Local Government Act* in order to ensure that appropriate and sufficient professionally-prepared information guides application of the DP Guidelines to the applicable property in order to achieve the purposes and objectives of the ESDP Area designation; the justification for the DP designation below also supports the justification for the DAI designation.

**16.2.2 Justification**
This Development Permit Area designation seeks to regulate development activities in watercourses and their riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.

Riparian areas make critical contributions to a healthy aquatic environment. They stabilize slopes, absorb storm water runoff, provide fish and wildlife habitat, and increase landscape connectivity and biodiversity. They are also important natural assets because of their role in buffering adjacent areas and watercourses from pollution, sedimentation, erosion and the impacts of temperature and weather changes, which may continue to have increasing impacts with climate change.

The ESDP Area's primary objectives are to:

- protect riparian areas, biodiversity, and water quality by ensuring activities within them are undertaken in a way that is sensitive to the natural environment;
- maintain landscape connectivity between watercourses and upland riparian areas; and,
- prevent pollution and contamination of watercourses through the preservation and enhancement of riparian areas.

The ESDP Area is designated as a Development Approval Information Area under Section 485 of the *Local Government Act*. A biophysical assessment report, as described further in the ESDP Area Guidelines, is required in order to recognize the important functions of riparian areas and protect them in their natural state, as well as repair and enhance them, in order to preserve their ecological importance as well as the critical role they play in increasing climate change resilience.

The impact of development on watercourses can be minimized by carefully examining the proposed development and taking appropriate measures in relation to the environmentally sensitive riparian area.

F) That clause 1 of the **Area** Sub-section be amended by deleting "(Figure 1)" and ", including the natural boundary of a lake" so that it reads as follows:

16.2.3 **Area**
The ESDP area is comprised of:
1. Riparian assessment areas for fish and wildlife habitat and drinking water, including:

    a. All areas within 15 metres of the high water mark of a watercourse;
    ...

G) That "FIGURE 1: (for illustrative purposes only)", the definition of RIPARIAN ASSESSMENT AREA, "Where the following definitions apply:", and the five definitions after clause 1 in the **Area** sub-section of Section **16.2 Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area** be deleted (from that section - see new 16.2.4 below) so that sub-section 16.2.3 **Area** reads as follows:

16.2.3 **Area**
The ESDP area is comprised of:
1. Riparian assessment areas for fish and wildlife habitat and drinking water, including:

    a. All areas within 15 metres of the high water mark of a watercourse;
    b. within 15 metres of the top of the ravine bank in the case of a ravine less than 60 metres wide; and
    c. within 5 metres of the top of the ravine bank in the case of a wider ravine that links aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse.

H) That a new sub-section 16.2.4 **Interpretation** be inserted after clause 1 of the **Area** sub-section of Section **16.2 Development Permit Area #1: Environmentally Sensitive Development Permit**

**(ESDP) Area** with present definitions updated and new definitions added so that the section reads as follows:

16.2.4 **Interpretation**
The following definitions apply:

Active floodplain, in relation to a watercourse, means land that is:

a. adjacent to the watercourse;
b. inundated by the 1 in 5 year return period flow of the watercourse; and,
c. capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land.

Development, in the context of interpreting sections of this development permit area, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation.

High water mark means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain.

Lake means any area of year round open water covering a minimum of 1.0 hectares (2.47 acres) of area and possessing a maximum depth of at least 2.0 metres. Smaller and shallower areas of open water may be considered to meet the criteria of a wetland.

Retaining wall means a structure constructed to hold back, stabilize, or support soil.

Riparian Assessment Area means, generally as shown on Figure 1, the area within 15 m of the high water mark of a watercourse; within 15 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 5 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse.

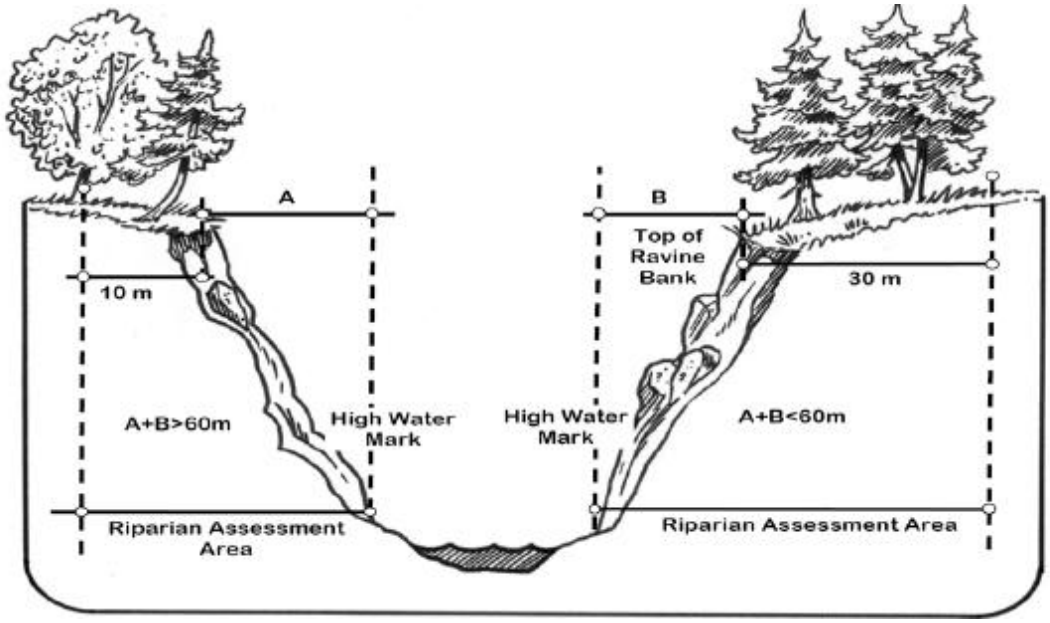



**Figure 1: riparian assessment area** (note: this Figure is for information purposes only and does not form part of this bylaw).
Source: British Columbia Ministry of Environment, *Riparian Areas Regulation Implementation Guidebook,* March 2005.

Top of ravine bank means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is greater than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

Watercourse means a natural body of water, whether or not it has been modified including, without limitation, a lake, pond, river, creek, spring, gulch, wetland or glacier whether or not usually containing water, including ice, but does not include an aquifer.

Wetland means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse other than Kootenay Lake.

l) That a new sub-section 16.2.5 **Activities that require a Development Permit** be inserted after the new Sub-section 16.2.4 **Interpretation** as follows:

16.2.5 **Activities that require a Development Permit**
16.2.5.1 The owner of land within the ESDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of matters identified in section 489 of the *Local Government Act*, including but not limited to the following activities wherever they occur on land identified as a riparian assessment area within the ESDP Area (subject only to exemptions explicitly listed in Section 16.2.6 below or Section 41.1.2 of the Zoning Bylaw):

a. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;

b. disturbance of soils;
c. construction or erection of buildings and structures;
d. creation of non-structural impervious or semi-impervious surfaces;
e. flood protection works, including shoreline protection works;
f. construction of roads, trails, retaining walls, docks, wharves and bridges;
g. provision and maintenance of sewer and water services;
h. installation, maintenance, repairs and replacement of drainage systems;
i. installation, maintenance, repairs and replacement of utility corridors;
j. subdivision as defined in section 455 of the *Local Government Act*; and
k. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*.

J) That the **Exemptions** Sub-section of **Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area** be deleted in its entirety and re-inserted after clause 16.2.5.1 of the new Sub-section 16.2.5 **Activities that require a Development Permit** with the following Sub-section 16.2.6 **Exemptions**:

16.2.6 **Exemptions**
A development permit is not required for the following activities:

16.2.6.1 Alteration, addition, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes;

16.2.6.2 Subdivisions, including lot consolidations and lot line adjustments, where the newly proposed lot lines do not fall within the ESDP Area, or where all of the following criteria are satisfied:

a. the plan of subdivision demonstrates that all development activities and building platform areas, or minimum site areas where zoning is in place, for each lot can be accommodated entirely outside of the ESDP Area;
b. no disturbance (such as grading, clearing, trenching, and the installation of site infrastructure) to the ESDP Area will occur as a result of the creation of lots or provision of services to those lots;
c. the ESDP Area has been identified by a Qualified Environmental Professional (QEP) and clearly delineated on site; and
d. a Section 219 Covenant, with the RDCK as a Covenant Holder, that contains recommendations to ensure adverse development impacts will be effectively mitigated must be registered over the ESDP Area on the titles of all newly created lots.

16.2.6.3 Construction, renovation, or repair of a building or other permanent structure if it remains on its existing foundation and is not moved or extended into a riparian assessment area.

16.2.6.4 A Development Permit or Section 219 Covenant has already been registered to the title of land, with the RDCK as a Covenant Holder, that has addressed all ESDP Area guidelines for the proposed activities, the conditions of the Development Permit or covenant have been met, and the development activity will not impact the conditions of the previous approval or covenant.

16.2.6.5 Where a QEP has inspected the site and has provided written confirmation to the satisfaction of the General Manager of Development and Community Sustainability that the actual location of the riparian area is not on the lands proposed for development.

16.2.6.6 The temporary placement of sandbags and modular spill berms essential to preventing loss of life and existing buildings placed during, and removed following, emergency flooding events.

K) That the **Guidelines** Sub-section of **Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area** be deleted in its entirety and re-inserted after clause 16.2.6.6 of the new Sub-section 16.2.6 **Exemptions** with the following Sub-section 16.2.7 **Guidelines**:

16.2.7 **Guidelines**

DP Guidelines identified for the ESDP Area are identified in the Zoning Bylaw and are replicated within the OCP for lands within Electoral Area 'A' that are not subject to zoning.

16.2.7.1 An owner of land within a riparian assessment area seeking to develop such land under a development permit must seek to implement the requirements of the *Riparian Areas Protection Act* and *Riparian Areas Protection Regulation*.

16.2.7.2 As part of a development permit application made prior to any of the applicable triggers for a development permit identified in section 489 of the *Local Government Act* and RDCK's bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:

a. providing the information identified in the following guidelines;
b. proposing only activities and development consistent with the following guidelines;
c. not undertaking any activities or development inconsistent with the following guidelines; and,
d. not undertaking any activities or development without a development permit.

16.2.7.3 A development application must include, as Development Approval Information, a Biophysical Assessment Report and *Riparian Areas Protection Regulation* (*RAPR*) Assessment prepared by a QEP as defined in, and in accordance with, the *Riparian Areas Protection Regulation* established by the Provincial and/or Federal governments as used elsewhere in the Province. The assessment report must include certification from the QEP that:

a. the QEP is qualified to carry out the assessment;
b. the assessment methods have been followed; and
c. in their professional opinion the development will not negatively affect the functioning of a watercourse or riparian area and that the requirements of the *Riparian Areas Protection Regulation* haves been fulfilled.

16.2.7.4 Development proposals in the ESDP Area will be evaluated based on their adherence to the following additional guidelines:

a. Development activities and the siting of buildings and structures will be carried out in a way that results in the least impact to the riparian area.
b. Demonstrate that a diligent effort has been made to preserve, protect, restore, and enhance riparian vegetation, woody debris, boulders, and other natural features.

c. Retain mature vegetation wherever possible and incorporate it into the design of the project.
d. Proposals involving the creation of new parcels by subdivision must demonstrate on a Site Plan that there is adequate space for a building platform area and associated services outside of the setback recommended in the biophysical assessment, and in areas where zoning applies the minimum parcel size should be accommodated entirely outside of the setback area.
e. Where fencing is proposed within the ESDP Area, or to delineate the ESDP Area or a covenant area, wildlife-friendly fencing must be utilized to maintain landscape connectivity between aquatic and upland ecosystems.
f. Development proposals will be evaluated based on individual site characteristics (such as, but not limited to, sensitive habitat features, parcel size, topography, and access) and must adhere to the following priority sequence of mitigation options, as detailed further in the *Kootenay Lake Shoreline Guidance Document*, as amended from time to time and which is incorporated into these guidelines:
    i. Avoidance of environmental impacts and associated components;
    ii. Minimization of unavoidable impacts on environmental values and associated components;
    iii. Restoration of on-site environmental values and associated components; and,
    iv. Offsetting impacts to environmental values for residual impacts that cannot be minimized.
g. Development should be avoided on slopes greater than 30% (approximately 7 degrees) due to the high risk of erosion, bank slippage, and resulting sedimentation into watercourses.
h. Storm water will be managed in a way that utilizes natural approaches and on-site water recycling as well as preserves natural drainage patterns on the lands.
i. Preference will be given to flood and erosion protection works that utilize natural approaches for the protection of both private property and the riparian area.
j. The conditions of the issuance of a Development Permit for the ESDP Area may require any of the following:
    i. areas of land that must remain free of development except in accordance with conditions in the permit;
    ii. the preservation, protection, restoration or enhancement of natural features and watercourses;
    iii. dedication of natural watercourses;
    iv. construction works to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment;
    v. protection measures to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect banks;
    vi. all works to be in accordance with a QEP's recommendations, as provided in the biophysical assessment report;
    vii. monitoring of the development activities by a QEP;
    viii. specific timing or sequence of development activities to minimize impacts to the natural environment;
    ix. limits of disturbance to be in place for the duration of the development activities; and,

x. a security deposit in accordance with the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, as amended from time to time.

k. Should disturbance to the ESDP Area occur outside of the scope of the conditions of an issued Development Permit, the property owner must submit a new ESDP application with a new biophysical assessment report that assesses the unauthorized disturbance and proposes full remediation of the areas subject to the unauthorized disturbance.

16.2.7.5 **Post Development Guidelines:** Unless explicitly excluded in a development permit issued by the Regional District of Central Kootenay, the owner of the applicable land must provide a post development report prepared by the QEP of an assessment of all permit conditions. The report must assess if the Development is in compliance with the applicable development permit conditions and the land has been developed in accordance with the QEP's recommendations within their biophysical assessment report.

16.2.7.6 **Other Provincial and Federal Requirements:** The *Riparian Areas Protection Regulation* implemented through the ESDP Area does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.

16.2.7.7 **Compliance with ESDP Standards, Requirements and Conditions of Development Permit:** The owner of land within the ESDP Area must:

a. comply with all applicable standards set out within and the requirements and conditions of a development permit;
b. provide a biophysical assessment report and *Riparian Areas Protection Regulation* (*RAPR*) Assessment in accordance with section 16.2.7.3; and
c. provide a post development guideline report in accordance with section 16.2.7.5.

L) That the opening language of each of the **Exemptions** Sections under the (newly numbered) **Section 16.3 Development Permit Area #2: Residential Cluster Development Permit (RCDP) Area** and **Section 16.4 Development Permit Area #3: Industrial Development Area Permit (IDP) Area** be amended so that it reads:

"A development permit is not required for the following:"

**3** That **Schedule 'B' Zoning Bylaw** of the **Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013** be amended as follows:

A) That the definition of "Development" in **Section 17.0 Interpretation** be amended so that it reads as follows:

DEVELOPMENT or DEVELOP, unless otherwise defined elsewhere in this Bylaw, means any activity carried out in the process of clearing or preparing a site or erecting structures;

B) That the following definitions be inserted into **Section 17.0 Interpretation**:

ACTIVE FLOODPLAIN, in relation to a watercourse, means land that is:

a. adjacent to the watercourse;
b. inundated by the 1 in 5 year return period flow of the watercourse; and,
c. capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land.

DEVELOPMENT, in the context of interpretation of Section 41.1 Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation;

HIGH WATER MARK means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain.

LAKE means any area of year round open water covering a minimum of 1.0 hectares (2.47 acres) of area and possessing a maximum depth of at least 2.0 metres. Smaller and shallower areas of open water may be considered to meet the criteria of a wetland.

RIPARIAN ASSESSMENT AREA means the area within 15 m of the high water mark of a watercourse; within 15 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 5 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse.

TOP OF RAVINE BANK means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is greater than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

WATERCOURSE means a natural body of water, whether or not it has been modified including, without limitation, a lake, pond, river, creek, spring, gulch, wetland or glacier whether or not usually containing water, including ice, but does not include an aquifer.

WETLAND means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse other than Kootenay Lake.

C) That Subsection 25.10 of the **Agriculture 1 (AG 1)** Zone be amended by replacing "Section" with "Subsection" so that it reads as follows:

Subsection (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.

D) That Subsection 26.10 of the **Agriculture 2 (AG 2)** Zone be amended by replacing "Section" with "Subsection" so that it reads as follows:

Subsection (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.

E) That a new **Section 41.0 DEVELOPMENT PERMIT AREAS** be inserted as follows:

41.0 **DEVELOPMENT PERMIT AREAS:**

41.1 **Development Permit Area #1: Environmentally Sensitive Development Permit (ESDP) Area**

41.1.1 For the area covered by this Zoning Bylaw, being Schedule 'B' to the Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013, the Official Community Plan in Schedule 'A' to the Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 designates the Environmentally Sensitive Development Permit Area ("ESDP Area") and describes the special conditions or objectives that justify the designation. The exemptions and guidelines for the ESDP Area are contained within this Zoning Bylaw. The "Post Development Guidelines" identified in ESDP Area are incorporated as conditions into all Development Permits for the ESDP Area issued by the Regional District of Central Kootenay.

41.1.2 **Exemptions**

A development permit is not required for the following activities:

41.1.2.1 Alteration, addition, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes.

41.1.2.2 Subdivisions, including lot consolidations and lot line adjustments, where the newly proposed lot lines do not fall within the ESDP Area, or where all of the following criteria are satisfied:

a. the plan of subdivision demonstrates that all development activities and building platform areas, or minimum site areas where zoning is in place, for each lot can be accommodated entirely outside of the ESDP Area;
b. no disturbance (such as grading, clearing, trenching, and the installation of site infrastructure) to the ESDP Area will occur as a result of the creation of lots or provision of services to those lots;
c. the ESDP Area has been identified by a Qualified Environmental Professional (QEP) and clearly delineated on site; and

d. a Section 219 Covenant, with the RDCK as a Covenant Holder, that contains recommendations to ensure adverse development impacts will be effectively mitigated must be registered over the ESDP Area against the titles of all newly created lots.

41.1.2.3 Construction, renovation, or repair of a building or other permanent structure if it remains on its existing foundation and is not moved or extended into a riparian assessment area.

41.1.2.4 A Development Permit or Section 219 Covenant has already been registered against the title of land, with the RDCK as a Covenant Holder, that has addressed that all ESDP Area guidelines for the proposed activities, the conditions of the Development Permit or covenant have been met, and the development activity will not impact the conditions of the previous approval or covenant.

41.1.2.5 Where a QEP has inspected the site and has provided written confirmation to the satisfaction of the General Manager of Development and Community Sustainability that the actual location of the riparian area is not on the lands proposed for development.

41.1.2.6 The temporary placement of sandbags and modular spill berms essential to preventing loss of life and existing buildings placed during, and removed following, emergency flooding events.

41.1.3 **Guidelines**

41.1.3.1 The owner of land within the ESDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of the following activities wherever they occur on land identified as a riparian assessment area within the ESDP Area:

a. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
b. disturbance of soils;
c. construction or erection of buildings and structures;
d. creation of non-structural impervious or semi-impervious surfaces;
e. flood protection works including shoreline protection works;
f. construction of roads, trails, retaining walls, docks, wharves and bridges;
g. provision and maintenance of sewer and water services;
h. development of drainage systems;
i. development of utility corridors;
j. subdivision as defined in section 455 of the *Local Government Act*; and
k. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*.

41.1.3.2 An owner of land within a riparian assessment area seeking to develop such land under a development permit must seek to implement the requirements of the *Riparian Areas Protection Act* and *Riparian Areas Protection Regulation*.

41.1.3.3 As part of a development permit application made prior to any of the applicable triggers for a development permit identified in section 489 of the *Local Government Act* and RDCK's bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:

a. providing the information identified in the following guidelines;
b. proposing only activities and development consistent with the following guidelines;
c. not undertaking any activities or development inconsistent with the following guidelines; and,
d. not undertaking any activities or development without a development permit.

41.1.3.4 A development application must include, as Development Approval Information, a Biophysical Assessment Report and *Riparian Areas Protection Regulation* (*RAPR*) Assessment prepared by a QEP as defined in, and in accordance with, the *Riparian Areas Protection Regulation* established by the Provincial and/or Federal governments as used elsewhere in the Province. The assessment report must include certification from the QEP that:

a. the QEP is qualified to carry out the assessment;
b. the assessment methods have been followed; and
c. in their professional opinion the development will not negatively affect the functioning of a watercourse or riparian area and that the requirements of the Riparian Areas Protection Regulation have been fulfilled.

41.1.3.5 Development proposals in the ESDP Area will be evaluated based on their adherence to the following additional guidelines:

a. Development activities and the siting of buildings and structures will be carried out in a way that results in the least impact to the riparian area.
b. Demonstrate that a diligent effort has been made to preserve existing riparian vegetation, woody debris, boulders, and other natural features.
c. Retain mature vegetation wherever possible and incorporate it into the design of the project.
d. Proposals involving the creation of new parcels by subdivision must demonstrate on a Site Plan that there is adequate space for a building platform area and associated services outside of the setback recommended in the biophysical assessment, and in areas where zoning applies the minimum parcel size should be accommodated entirely outside of the setback area.
e. Where fencing is proposed within the ESDP Area, or to delineate the ESDP Area or a covenant area, wildlife-friendly fencing must be utilized to maintain landscape connectivity between aquatic and upland ecosystems.
f. Development proposals will be evaluated based on individual site characteristics (such as, but not limited to, sensitive habitat features, parcel size, topography, and access) and must adhere to the following priority sequence of mitigation options, as detailed further in the Kootenay Lake Shoreline Guidance Document, as amended from time to time and which is incorporated into these guidelines:
    i. Avoidance of environmental impacts and associated components;
    ii. Minimization of unavoidable impacts on environmental values and associated components;
    iii. Restoration of on-site environmental values and associated components; and, iv. Offsetting impacts to environmental values for residual impacts that cannot be minimized.
g. Development should be avoided on slopes greater than 30% (approximately 7 degrees) due to the high risk of erosion, bank slippage, and resulting sedimentation into watercourses.

h. Storm water will be managed in a way that utilizes natural approaches and on-site water recycling as well as preserves natural drainage patterns on the lands.
i. Preference will be given to flood and erosion protection works that utilize natural approaches for the protection of both private property and the riparian area.
j. The conditions of the issuance of a Development Permit for the ESDP Area may require any of the following:
    i. areas of land that must remain free of development except in accordance with conditions in the permit;
    ii. the preservation, protection, restoration or enhancement of natural features and watercourses;
    iii. dedication of natural watercourses;
    iv. construction works to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment;
    v. protection measures to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect banks;
    vi. all works to be in accordance with a QEP's recommendations, as provided in the biophysical assessment report;
    vii. monitoring of the development activities by a QEP;
    viii. specific timing or sequence of development activities to minimize impacts to the natural environment;
    ix. limits of disturbance to be in place for the duration of the development activities; and,
    x. a security deposit in accordance with the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, as amended from time to time.
k. Should disturbance to the ESDP Area occur outside of the scope of the conditions of an issued Development Permit, the property owner must submit a new ESDP application with a new biophysical assessment report that assesses the unauthorized disturbance and proposes full remediation of the areas subject to the unauthorized disturbance.

41.1.3.6 Post Development Guidelines Report: Unless explicitly excluded in a development permit issued by the Regional District of Central Kootenay, the owner of the applicable land must provide a post development report prepared by the QEP of an assessment of all permit conditions. The report must assess if the development is in compliance with the applicable development permit conditions and the land has been developed in accordance with the QEP's recommendations within their biophysical assessment report.

41.1.3.7 Other Provincial and Federal Requirements: The *Riparian Areas Protection Regulation* implemented through the ESDP Area does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.

41.1.3.8 Compliance with ESDP Standards, Requirements and Conditions of Development Permit: The owner of land within the ESDP Area must:

a. comply with all applicable standards set out within and the requirements and conditions of a development permit;
b. provide a biophysical assessment report and *Riparian Areas Protection Regulation* (*RAPR*) Assessment in accordance with section 41.1.3.4; and
c. provide a post development guideline report in accordance with section 41.1.3.6.

**4** By making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and Table of Contents of the bylaw.

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

**CITATION**

**6** This Bylaw may be cited as **"Regional District of Central Kootenay Electoral Area 'A' Land Use Bylaw Amendment No. 3024, 2026"**

| | | | |
|---|---|---|---|
| READ A FIRST TIME this | xx$^{th}$ | day of | xxxx, 2026. |
| READ A SECOND TIME this | xx$^{th}$ | day of | xxxx, 2026. |
| READ A THIRD TIME this | xx$^{th}$ | day of | xxxx, 2026. |
| ADOPTED this | xx$^{th}$ | day of | xxxx, 2026. |

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Attachment E

**REGIONAL DISTRICT OF CENTRAL KOOTENAY**

# Bylaw No. 3025

A Bylaw to amend the
Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018

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

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

**1** That the main body of **Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018** be amended as follows:

A) That Section 3 under the **ADMINISTRATION AND ENFORCEMENT** heading be amended by deleting "to assist the aforementioned persons" and replacing that with "by the Board", so that this section reads as follows:

3. The Managers of Development Services, Planning Services, Building Services and Bylaw Enforcement Services, respectively, are authorized by the Board to administer this Bylaw and enter property at any reasonable time to determine whether the regulations of the Bylaw are being complied with. The following are also so authorized and listed staff shall consult with and report to their respective Manager(s) on any instances when they exercise this authority:

a. Bylaw Enforcement Officers
b. Building Officials
c. Building Plan Checkers
d. Development Technicians
e. Planners
f. Planning Technicians

B) That Section 4 under the **VIOLATION AND PENALTY** heading be deleted in its entirety and replaced with the following:

4. A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required by this bylaw, commits an offence and shall be liable upon conviction of a fine of not less than $5,000 and not more than $10,000 (Ten Thousand Dollars) and subject to any other penalty or order imposed or remedies available to the RDCK pursuant to the *Local Government Act, Community Charter, Offence Act,* and *Local*

*Government Bylaw Notice Enforcement Act* and regulations thereunder, all as amended from time to time.

C) That the following be added under the **VIOLATION AND PENALTY** heading, and subsequent sections re-numbered accordingly:

5. Each day that an offence continues or exists shall be deemed to be a separate and distinct offence.

**2** That **Schedule A**, being the **Official Community Plan** text, of **Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018** be amended as follows:

A) That the following Fire Management Policies Sub-section 10 of Section **10.0 HAZARD LANDS AND FIRE MANAGEMENT** be amended to replace "lakes, and streams" with "watercourses", so that it reads:

10. Supports protection of accesses to water sources such as hydrants, standpipes, and watercourses to remain free of obstructions for fire protection purposes.

B) That the following subsections be inserted as the first two policies under the sub heading **Natural Environment Policies** of Section **11.0 NATURAL ENVIRONMENT**, and existing policies are re-numbered accordingly:

The Regional Board:
8. Supports, unless otherwise noted below, all land within a riparian assessment area, as defined in section 16.5 of the OCP, being designated as a Watercourse Development Permit Area.
9. Supports that development and subdivision adjacent to a watercourse shall be subject to a Development Permit unless otherwise exempt by the Watercourse Development Permit (WDP) Area.

C) That sub-section numbering throughout Section **16.0 WATERCOURSE DEVELOPMENT PERMIT (WDP) AREA** be inserted, including in accordance with the following amendments.

D) That the **Purpose** Sub-section of Section **16.0 WATERCOURSE DEVELOPMENT PERMIT (WDP) AREA** be amended so that it reads as follows:

**16.1 Purpose**
The WDP Area is designated under Section 488(1)(a) of the *Local Government Act* and applicable provisions of the *Community Charter* for the protection of the natural environment, its ecosystems, and biological diversity. The WDP Area is designated as a Development Approval Information (DAI) area under Section 485 of the *Local Government Act* in order to ensure that appropriate and sufficient professionally-prepared information guides application of the WDP Guidelines to the applicable property in order to achieve the purposes and objectives of the WDP Area designation;

the justification for the WDP Area designation below also supports the justification for the DAI designation.

E) That the **Objectives** Sub-section of Section **16.0 WATERCOURSE DEVELOPMENT PERMIT (WDP) AREA** be deleted in its entirety and replaced with the following:

**16.2 Justification**

This Development Permit Area designation seeks to regulate development activities in watercourses and their riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.

Riparian areas make critical contributions to a healthy aquatic environment. They stabilize slopes, absorb storm water runoff, provide fish and wildlife habitat, and increase landscape connectivity and biodiversity. They are also important natural assets because of their role in buffering adjacent areas and watercourses from pollution, sedimentation, erosion and the impacts of temperature and weather changes, which may continue to have increasing impacts with climate change.

The WDP Area's primary objectives are to:

- protect riparian areas, biodiversity, and water quality by ensuring activities within them are undertaken in a way that is sensitive to the natural environment;
- maintain landscape connectivity between watercourses and upland riparian areas; and,
- prevent pollution and contamination of watercourses through the preservation and enhancement of riparian areas.

The WDP Area is designated as a Development Approval Information Area under Section 485 of the *Local Government Act*. A biophysical assessment report, as described further in the WDP Area Guidelines, is required in order to recognize the important functions of riparian areas and protect them in their natural state, as well as repair and enhance them, in order to preserve their ecological importance as well as the critical role they play in increasing climate change resilience.

The impact of development on watercourses can be minimized by carefully examining the proposed development and taking appropriate measures in relation to the environmentally sensitive riparian area.

F) That **Area** Sub-section of the Section **16.0 WATERCOURSE DEVELOPMENT PERMIT (WDP) AREA** be amended by

a replacing the item list 5 with 1,
b deleting ", including the natural boundary of a lake and wetland" from clause 1.c.,
c moving the definitions to new Sub-section **16.4 Interpretation** as noted below, and
d adding the additional language noted below, so that Sub-section **16.3 Area** reads as follows:

**16.3 Area**

16.3.1. The Watercourse Development Permit Area (WDP Area) includes all lands designated as such on Schedule A.4 and includes the following:

a. All areas within 30.0 metres of the high water mark of the Pend O'Reille River, Salmo River, Erie Lake, Rosebud Creek and Rosebud Lake.
b. All areas within 30.0 metres of the high water mark of Erie Creek, Hall Creek, Kelly Creek, Quartz Creek and Ymir Creek.
c. All areas within 15.0 metres of the high water mark of any other watercourse designated on Schedule A.4.

Where the boundaries of the WDP Area will be verified and determined on the ground at the time of application.

G) That a new Sub-section **16.4 Interpretation** be inserted after the 16.3 **Area** Sub-section within Section **16.0 WATERCOURSE DEVELOPMENT PERMIT (WDP) AREA,** with present definitions updated and new definitions added so that the section reads as follows:

**16.4 Interpretation**
The following definitions apply:

ACTIVE FLOODPLAIN, in relation to a watercourse, means land that is:
a. adjacent to the watercourse;
b. inundated by the 1 in 5 year return period flow of the watercourse; and,
c. capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land.

DEVELOPMENT, in the context of interpreting sections of this development permit area, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation.

HIGH WATER MARK means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain.

LAKE means any area of year round open water covering a minimum of 1.0 hectares (2.47 acres) of area and possessing a maximum depth of at least 2.0 metres. Smaller and shallower areas of open water may be considered to meet the criteria of a wetland.

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) means an applied scientist or technologist who is registered and in good standing with an appropriate B.C. professional organization constituted under an Act. A qualified environmental professional could be a professional biologist, agrologist, forester, geoscientist, engineer or technologist.

RETAINING WALL means a structure constructed to hold back, stabilize, or support soil.

RIPARIAN ASSESSMENT AREA means the area within 15 m of the high water mark of a watercourse; within 15 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 5 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse.

STREAMSIDE PROTECTION AND ENHANCEMENT AREA (SPEA) means an area adjacent to a watercourse that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the stream, the width of which is determined by assessment by a Qualified Environmental Practitioner (QEP).

WATERCOURSE means a natural body of water, whether or not it has been modified including, without limitation, a lake, pond, river, creek, spring, gulch, wetland or glacier whether or not usually containing water, including ice, but does not include an aquifer.

WETLAND means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse.

H) That the **Applicability** heading, and paragraph under it ("6. A Development Permit is required..."), be deleted and replaced with a new Sub-section entitled **16.5 Activities that require a Development Permit** so that it reads as follows:

**16.5 Activities that require a Development Permit**

16.5.1 The Owner of land within the WDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of matters identified in section 489 *Local Government* Act, including but not limited to the following activities wherever they occur on land identified as a riparian assessment area within the WDP Area (subject only to exemptions explicitly listed in Section 16.6 or Section 38.1.2 of the Zoning Bylaw):

a. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
b. disturbance of soils;
c. construction or erection of buildings and structures;
d. creation of non-structural impervious or semi-impervious surfaces;
e. flood protection works including shoreline protection works;
f. construction of roads, trails, retaining walls, docks, wharves and bridges;
g. provision and maintenance of sewer and water services;
h. installation, maintenance, repairs and replacement of drainage systems;
i. installation, maintenance, repairs and replacement of utility corridors;
j. subdivision as defined in section 455 of the *Local Government Act*;
k. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*.

I) That the **Exemptions** Sub-section of Section **16.0 WATERCOURSE DEVELOPMENT PERMIT (WDP) AREA** be deleted in its entirety and replaced with the following Sub-section **16.6 Exemptions**:

**16.6 Exemptions**

A development permit is not required for the following activities:

16.6.1 Subdivisions, including lot consolidations and lot line adjustments, where the newly proposed lot lines do not fall within the WDP Area, or where all of the following criteria are satisfied:

a. the plan of subdivision demonstrates that all development activities and building platform areas, or minimum site areas where zoning is in place, for each lot can be accommodated entirely outside of the WDP Area;

b. no disturbance (such as grading, clearing, trenching, and the installation of site infrastructure) to the WDP Area will occur as a result of the creation of lots or provision of services to those lots;

c. the WDP Area has been identified by a Qualified Environmental Professional (QEP) and clearly delineated on site; and

d. a Section 219 Covenant, with the RDCK as a Covenant Holder, that contains recommendations to ensure adverse development impacts will be effectively mitigated must be registered over the WDP Area on the titles of all newly created lots.

16.6.2 Addition, alteration, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes.

16.6.3 Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm use as defined in the *Agricultural Land Commission Act* where a minimum 3 meters from the natural boundary of a watercourse is maintained in native vegetation or agro-forestry crops.

16.6.4 Construction, renovation or repair of a building or other permanent structure if it remains on its existing foundation and is not moved or extended into a riparian assessment area.

16.6.5 Construction of water works authorized under the *Water Sustainability Act* or *Fisheries Act*.

16.6.6 Construction of access authorized under the *Water Sustainability Act* or *Fisheries Act*.

16.6.7 Construction of a small accessory building *not more than* ten (10) square metres, if all of the following apply:

a. the building is intended as an accessory use and not used for occupancy or habitation;

b. the building is not located in an identified Streamside Protection and Enhancement Area (SPEA) where these boundaries have been delineated; and

c. where the removal of native trees or vegetation is minimized to the extent possible.

16.6.8 Land alterations involving emergency measures to prevent or reduce immediate threats to life or property including:

a. emergency flood or protection works conducted under direction of local or provincial government;

b. the temporary placement of sandbags and modular spill berms essential to preventing loss of life and existing buildings placed during, and removed following, emergency flooding events;
c. the removal of trees that have been examined by a qualified arborist and certified to pose an immediate threat to life or property;
d. the removal of trees, shrubs or landscaping that has been deemed necessary for the purposes of wildfire mitigation measures as identified through a professional wildfire risk assessment, where such trees, shrubs or landscaping is replaced or compensated for elsewhere within the WDP Area;
e. clearing of an obstruction from a bridge, culvert or an obstruction to drainage flow; and
f. repairs to bridges and safety fences carried out in accordance with the *Water Sustainability Act* or *Fisheries Act.*

16.6.9 Land alterations a minimum distance of 5.0 metres of the high water mark of any watercourse designated on Schedule A.4, including the natural boundary of a lake and wetland involving gardening and yard maintenance activities, including: mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land and does not involve the cosmetic application of artificial fertilizers, pesticides or herbicides.

16.6.10 Land alteration activities to restore and enhance the natural features, functions and condition of riparian areas in accordance with provincial best management practices.

16.6.11 A Development Permit or Section 219 Covenant has already been registered to the title of land, with the RDCK as a Covenant Holder, that has addressed all WDP Area guidelines for the proposed activities, the conditions of the Development Permit or covenant have been met, and the development activity will not impact the conditions of the previous approval or covenant.

16.6.12 Where a QEP has inspected the site and has provided written confirmation to the satisfaction of the General Manager of Development and Community Sustainability that the actual location of the riparian area is not on the lands proposed for development.

J) That the **Guidelines** Sub-section of Section **16.0 WATERCOURSE DEVELOPMENT PERMIT (WDP) AREA** be deleted in its entirety and replaced with the following:

**16.7 Guidelines**
DP Guidelines identified for the WDP Area are identified within the OCP for lands within Electoral Area 'G' that are not subject to zoning.

16.7.1 An owner of land within a riparian assessment area seeking to develop such land under a development permit must seek to implement the requirements of the *Riparian Areas Protection Act* and *Riparian Areas Protection Regulation*.

16.7.2 As part of a development permit application made prior to any of the applicable triggers for a development permit identified in section 489 of the *Local Government Act* and RDCK's bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:

a. providing the information identified in the following guidelines;

b. proposing only activities and development consistent with the following guidelines;
c. not undertaking any activities or development inconsistent with the following guidelines; and,
d. not undertaking any activities or development without a development permit.

16.7.3 A development application must include, as Development Approval Information, a Biophysical Assessment Report and *Riparian Areas Protection Regulation* (RAPR) Assessment prepared by a QEP as defined in, and, in accordance with, the *Riparian Areas Protection Regulation* established by the Provincial and/or Federal governments as used elsewhere in the Province. This assessment report must include certification from the QEP that:

a. the QEP qualified to carry out the assessment;
b. that the assessment methods have been followed;
c. in their professional opinion the development will not negatively affect the functioning of a watercourse or riparian area and that the requirements of the *Riparian Areas Protection Regulation* have been fulfilled, and;
d. not undertaking any activities or development without a development permit.

16.7.4 Development proposals in the WDP Area will be evaluated based on their adherence to the following additional guidelines:

a. Development activities and the siting of buildings and structures will be carried out in a way that results in the least impact to the riparian area.
b. Demonstrate that a diligent effort has been made to preserve, protect, restore, and enhance riparian vegetation, woody debris, boulders, and other natural features.
c. Retain mature vegetation wherever possible and incorporate it into the design of the project.
d. Proposals involving the creation of new parcels by subdivision must demonstrate on a Site Plan that there is adequate space for a building platform area and associated services outside of the setback recommended in the biophysical assessment, and in areas where zoning applies the minimum parcel size should be accommodated entirely outside of the setback area.
e. Where fencing is proposed within the WDP Area, or to delineate the WDP Area or a covenant area, wildlife-friendly fencing must be utilized to maintain landscape connectivity between aquatic and upland ecosystems.
f. Development proposals will be evaluated based on individual site characteristics (such as, but not limited to, sensitive habitat features, parcel size, topography, and access) and must adhere to the following priority sequence of mitigation options, as detailed further in the Kootenay Lake Shoreline Guidance Document, as amended from time to time and which is incorporated into these guidelines:

i. Avoidance of environmental impacts and associated components;
ii. Minimization of unavoidable impacts on environmental values and associated components;
iii. Restoration of on-site environmental values and associated components; and,
iv. Offsetting impacts to environmental values for residual impacts that cannot be minimized.

g. Development should be avoided on slopes greater than 30% (approximately 7 degrees) due to the high risk of erosion, bank slippage, and resulting sedimentation into watercourses.

h. Storm water will be managed in a way that utilizes natural approaches and onsite water recycling as well as preserves natural drainage patterns on the lands.

i. Preference will be given to flood and erosion protection works that utilize natural approaches for the protection of both private property and the riparian area.

j. The conditions of the issuance of a Development Permit for the WDP Area may require any of the following:

i. areas of land that must remain free of development except in accordance with conditions in the permit;

ii. the preservation, protection, restoration or enhancement of natural features and watercourses;

iii. dedication of natural watercourses;

iv. construction works to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment;

v. protection measures to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect banks;

vi. all works to be in accordance with a QEP's recommendations, as provided in the biophysical assessment report;

vii. monitoring of the development activities by a QEP;

viii. specific timing or sequence of development activities to minimize impacts to the natural environment;

ix. limits of disturbance to be in place for the duration of the development activities; and,

x. a security deposit in accordance with the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, as amended from time to time.

k. Should disturbance to the WDP Area occur outside of the scope of the conditions of an issued Development Permit, the property owner must submit a new WDP application with a new biophysical assessment report that assesses the unauthorized disturbance and proposes full remediation of the areas subject to the unauthorized disturbance.

16.7.5 No development activities should take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP if the proposed development results in a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area (HADD). The applicant will be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the Development Permit.

16.7.6 A QEP report should identify any invasive species and areas subject to prior degradation and should provide recommendations as to potential restoration or mitigation options.

16.7.7 Construction methods and timing must minimize environmental impacts. Clearing of land, grading, and other activities that expose soil should be completed during the dry months of the year usually between June and September. Timing of construction should follow the recommended timing windows for species based on provincially accepted best management practices.

16.7.8 **Post Development Guidelines:** Unless explicitly excluded in a development permit issued

by the Regional District of Central Kootenay, the owner of the applicable land must provide a post development report prepared by the QEP of an assessment of all permit conditions. The report must assess if the Development is in compliance with the applicable development permit conditions and the land has been developed in accordance with the QEP's recommendations within their biophysical assessment report.

16.7.9 **Other Provincial and Federal Requirements:** *The Riparian Areas Protection Regulation* implemented through the WDP Area does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.

16.7.10 **Compliance with WDP Standards, Requirements and Conditions of Development Permit** The owner of land within the WDP Area must:

a. comply with all applicable standards set out within and the requirements and conditions of a development permit;

b. provide a biophysical assessment report and *Riparian Areas Protection Regulation* (RAPR) Assessment in accordance with section 16.7.3; and

c. provide a post development guideline report in accordance with section 16.7.8.

K) That the paragraph under the heading **Development Approval Guidelines** of the Section **16.0 WATERCOURSE DEVELOPMENT PERMIT (WDP) AREA** be re-formatted and re-numbered so it reads as follows:

16.7.11 **Development Approval Guidelines:** The Board may consider variances to the subdivision or siting regulations of this Bylaw or other bylaws where the variance may result in enhanced protection of a SPEA in compliance with the recommendations of an assessment report.

L) That the two paragraphs under the heading **Restoration Guidelines** of the **16.0 WATERCOURSE DEVELOPMENT PERMIT (WDP) AREA** be amended to read as follows:

16.7.12 **Restoration Guidelines:** Without limiting the above or endorsing or acquiescing in unapproved development, where development has occurred in violation of the WDP Area, the following guidelines shall also apply:

16.7.12.1 A QEP must be retained at the expense of the applicant for the purpose of preparing a report outlining how to mitigate the damage incurred by any clearing and site development activities and how to restore the area to its undisturbed condition.

16.7.12.2 Buildings and structures constructed in violation of this WDP Area may be subject to removal at the applicant's expense in order to restore the integrity of the riparian area.

**4** That **Schedule 'B' Zoning Bylaw** of the **Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018** be amended as follows:

A) That the following definitions be inserted into **Section 17.0 Interpretation** in the appropriate alphabetical locations:

ACTIVE FLOODPLAIN, in relation to a watercourse, means land that is:

a. adjacent to the watercourse;
b. inundated by the 1 in 5 year return period flow of the watercourse; and,
c. capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land.

DEVELOPMENT or DEVELOP, unless otherwise defined elsewhere in this Bylaw, means any activity carried out in the process of clearing or preparing a site or erecting structures;

DEVELOPMENT, in the context of interpretation of section 38 of Development Permit Area #1: Watercourse Development Permit (WDP) Area, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation;

HIGH WATER MARK means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, and includes the active floodplain.

LAKE means any area of year round open water covering a minimum of 1.0 hectares (2.47 acres) of area and possessing a maximum depth of at least 2.0 metres. Smaller and shallower areas of open water may be considered to meet the criteria of a wetland.

QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP) means an applied scientist or technologist who is registered and in good standing with an appropriate B.C. professional organization constituted under an Act. A qualified environmental professional could be a professional biologist, agrologist, forester, geoscientist, engineer or technologist.

RETAINING WALL means a structure constructed to hold back, stabilize, or support soil.

RIPARIAN ASSESSMENT AREA means the area within 15 m of the high water mark of a watercourse; within 15 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 5 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse.

STREAMSIDE PROTECTION AND ENHANCEMENT AREA (SPEA) means an area adjacent to a watercourse that links aquatic to terrestrial ecosystems and includes both the riparian area vegetation and the adjacent upland vegetation that exerts an influence on the

stream, the width of which is determined by assessment by a Qualified Environmental Practitioner (QEP).

TOP OF RAVINE BANK means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is greater than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

WATERCOURSE means a natural body of water, whether or not it has been modified including, without limitation, a lake, pond, river, creek, spring, gulch, wetland or glacier whether or not usually containing water, including ice, but does not include an aquifer.

WETLAND means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse other than Kootenay Lake.

B) That a new **Section 38.0 DEVELOPMENT PERMIT AREAS** be inserted so that it reads as follows:

**38.0 DEVELOPMENT PERMIT AREAS:**

**38.1 Development Permit Area #1: Watercourse Development Permit (WDP) Area**

38.1.1 For the area covered by this Zoning Bylaw, being Schedule 'B' to the Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018, the Official Community Plan in Schedule 'A' to the Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018 designates the Watercourse Development Permit Area ("WDP Area") and describes the special conditions or objectives that justify the designation. The exemptions and guidelines for the WDP Area are contained within this Zoning Bylaw. The "Post Development Guidelines" identified in WDP Area are incorporated as conditions into all Development Permits for the WDP Area issued by the Regional District of Central Kootenay.

**38.1.2 Exemptions**
A development permit is not required for the following activities:

38.1.2.1 alteration, addition, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes.

38.1.2.2 Subdivisions, including lot consolidations and lot line adjustments, where the newly proposed lot lines do not fall within the WDP Area, or where all of the following criteria are satisfied:

a. the plan of subdivision demonstrates that all development activities and building platform areas, or minimum site areas where zoning is in place, for each lot can be accommodated entirely outside of the WDP Area;

b. no disturbance (such as grading, clearing, trenching, and the installation of site infrastructure) to the WDP Area will occur as a result of the creation of lots or provision of services to those lots;
c. the WDP Area has been identified by a Qualified Environmental Professional (QEP) and clearly delineated on site; and
d. a Section 219 Covenant, with the RDCK as a Covenant Holder, that contains recommendations to ensure adverse development impacts will be effectively mitigated must be registered over the WDP Area against the titles of all newly created lots.

38.1.2.3 Construction, renovation, or repair of a building or other permanent structure if it remains on its existing foundation and is not moved or extended into a riparian assessment area.

38.1.2.4 A Development Permit or Section 219 Covenant has already been registered against the title of land, with the RDCK as a Covenant Holder, that has addressed that all WDP Area guidelines for the proposed activities, the conditions of the Development Permit or covenant have been met, and the development activity will not impact the conditions of the previous approval or covenant.

38.1.2.5 Where a QEP has inspected the site and has provided written confirmation to the satisfaction of the General Manager of Development and Community Sustainability that the actual location of the riparian area is not on the lands proposed for development.

**38.1.3 Guidelines**

38.1.3.1 The owner of land within the WDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of the following activities wherever they occur on land identified as a riparian assessment area within the WDP Area:

a. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
b. disturbance of soils;
c. construction or erection of buildings and structures;
d. creation of non-structural impervious or semi-impervious surfaces;
e. flood protection works including shoreline protection works;
f. construction of roads, trails, retaining walls, docks, wharves and bridges;
g. provision and maintenance of sewer and water services;
h. development of drainage systems;
i. development of utility corridors;
j. subdivision as defined in section 455 of the *Local Government Act*; and
k. any other activity that requires a development permit first be issued in accordance with section 489 of the *Local Government Act*.

38.1.3.2 An owner of land within a riparian assessment area seeking to develop such land under a development permit must seek to implement the requirements of the *Riparian Areas Protection Act* and *Riparian Areas Protection Regulation*.

38.1.3.3 As part of a development permit application made prior to any of the applicable triggers for a development permit identified in section 489 of the *Local Government Act* and RDCK's bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:

a. providing the information identified in the following guidelines;

b. proposing only activities and development consistent with the following guidelines;

c. not undertaking any activities or development inconsistent with the following guidelines; and,

d. not undertaking any activities or development without a development permit.

38.1.3.4 A development application must include, as Development Approval Information, a Biophysical Assessment Report and *Riparian Areas Protection Regulation* (*RAPR*) Assessment prepared by a QEP as defined in, and in accordance with, the *Riparian Areas Protection Regulation* established by the Provincial and/or Federal governments as used elsewhere in the Province. The assessment report must include certification from the QEP that:

a. the QEP is qualified to carry out the assessment;

b. the assessment methods have been followed; and

c. in their professional opinion the development will not negatively affect the functioning of a watercourse or riparian area and that the requirements of the Riparian Areas Protection Regulation have been fulfilled.

38.1.3.5 Development proposals in the WDP Area will be evaluated based on their adherence to the following additional guidelines:

a. Development activities and the siting of buildings and structures will be carried out in a way that results in the least impact to the riparian area.
b. Demonstrate that a diligent effort has been made to preserve existing riparian vegetation, woody debris, boulders, and other natural features.
c. Retain mature vegetation wherever possible and incorporate it into the design of the project.
d. Proposals involving the creation of new parcels by subdivision must demonstrate on a Site Plan that there is adequate space for a building platform area and associated services outside of the setback recommended in the biophysical assessment, and in areas where zoning applies the minimum parcel size should be accommodated entirely outside of the setback area.
e. Where fencing is proposed within the WDP Area, or to delineate the WDP Area or a covenant area, wildlife-friendly fencing must be utilized to maintain landscape connectivity between aquatic and upland ecosystems.
f. Development proposals will be evaluated based on individual site characteristics (such as, but not limited to, sensitive habitat features, parcel size, topography, and access) and must adhere to the following priority sequence of mitigation options, as detailed further in the Kootenay Lake Shoreline Guidance Document, as amended from time to time and which is incorporated into these guidelines:
    i. Avoidance of environmental impacts and associated components;
    ii. Minimization of unavoidable impacts on environmental values and associated components;

iii. Restoration of on-site environmental values and associated components; and, iv. Offsetting impacts to environmental values for residual impacts that cannot be minimized.

g. Development should be avoided on slopes greater than 30% (approximately 7 degrees) due to the high risk of erosion, bank slippage, and resulting sedimentation into watercourses.
h. Storm water will be managed in a way that utilizes natural approaches and on-site water recycling as well as preserves natural drainage patterns on the lands.
i. Preference will be given to flood and erosion protection works that utilize natural approaches for the protection of both private property and the riparian area.
j. The conditions of the issuance of a Development Permit for the WDP Area may require any of the following:
    i. areas of land that must remain free of development except in accordance with conditions in the permit;
    ii. the preservation, protection, restoration or enhancement of natural features and watercourses;
    iii. dedication of natural watercourses;
    iv. construction works to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment;
    v. protection measures to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect banks;
    vi. all works to be in accordance with a QEP's recommendations, as provided in the biophysical assessment report;
    vii. monitoring of the development activities by a QEP;
    viii. specific timing or sequence of development activities to minimize impacts to the natural environment;
    ix. limits of disturbance to be in place for the duration of the development activities; and,
    x. a security deposit in accordance with the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, as amended from time to time.
k. Should disturbance to the WDP Area occur outside of the scope of the conditions of an issued Development Permit, the property owner must submit a new WDP application with a new biophysical assessment report that assesses the unauthorized disturbance and proposes full remediation of the areas subject to the unauthorized disturbance.

38.1.3.6 No development activities should take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP if the proposed development results in a harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area (HADD). The applicant will be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the Development Permit.

38.1.3.7 A QEP report should identify any invasive species and areas subject to prior degradation and should provide recommendations as to potential restoration or mitigation options.

38.1.3.8 Construction methods and timing must minimize environmental impacts. Clearing of land, grading, and other activities that expose soil should be completed during the dry months of the year usually between June and September. Timing of construction should follow the recommended timing windows for species based on provincially accepted best management practices.

38.1.3.9 **Post Development Guidelines Report:** Unless explicitly excluded in a development permit issued by the Regional District of Central Kootenay, the owner of the applicable land must provide a post development report prepared by the QEP of an assessment of all permit conditions. The report must assess if the development is in compliance with the applicable development permit conditions and the land has been developed in accordance with the QEP's recommendations within their biophysical assessment report.

38.1.3.10 **Other Provincial and Federal Requirements**: The *Riparian Areas Protection Regulation* implemented through the WDP Area does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.

38.1.3.11 **Compliance with WDP Standards, Requirements and Conditions of Development Permit**: The owner of land within the WDP Area must:

a. comply with all applicable standards set out within and the requirements and conditions of a development permit;

b. provide a biophysical assessment report and *Riparian Areas Protection Regulation* (*RAPR*);

c. Assessment in accordance with section 38.1.3.4; and

d. provide a post development guideline report in accordance with section 38.1.3.9.

38.1.3.12 **Development Approval Guidelines:** The Board may consider variances to the subdivision or siting regulations of this Bylaw or other bylaws where the variance may result in enhanced protection of a SPEA in compliance with the recommendations of an assessment report.

38.1.3.13 **Restoration Guidelines:** Without limiting the above or endorsing or acquiescing in unapproved development, where development has occurred in violation of the WDP Area, the following guidelines shall also apply:

a. A QEP must be retained at the expense of the applicant for the purpose of preparing a report outlining how to mitigate the damage incurred by any clearing

and site development activities and how to restore the area to its undisturbed condition.
b. Buildings and structures constructed in violation of this WDP Area may be subject to removal at the applicant's expense in order to restore the integrity of the riparian area.

**5** By making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and Table of Contents of the bylaw.

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

**CITATION**

**7** This Bylaw may be cited as **"Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018, Amendment No. 3025, 2026"**.

| | | | |
|---|---|---|---|
| READ A FIRST TIME this | xx$^{th}$ | day of | xxxx, 2026. |
| READ A SECOND TIME this | xx$^{th}$ | day of | xxxx, 2026. |
| READ A THIRD TIME this | xx$^{th}$ | day of | xxxx, 2026. |
| ADOPTED this | xx$^{th}$ | day of | xxxx, 2026. |

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Attachment F

**REGIONAL DISTRICT OF CENTRAL KOOTENAY**

# Bylaw No. 3026

A Bylaw to amend the Regional District of Central Kootenay Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009

WHEREAS it is deemed expedient to amend the Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009, and amendments thereto.

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

**1** That the main body of **Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009** be amended as follows:

A) That the following paragraph be added as the second recital:

AND WHEREAS under the provisions of Section 472 of the *Local Government Act* the Regional Board may adopt an Official Community Plan for an area, including provisions for the designation of Development Permit Areas under Section 488 and Development Approval Information under Sections 484, 485, 486 and 487 of the *Local Government Act*;

B) That section numbering for each paragraph following the "NOW THEREFORE ..." Enactment clause be added.

C) That the following administration and enforcement provisions be inserted within the newly numbered sections before the "If any statement..." validity clause:

3. The Managers of Development Services, Planning Services, Building Services and Bylaw Enforcement Services, respectively, are authorized by the Board to administer this Bylaw and enter property at any reasonable time to determine whether the regulations of the Bylaw are being complied with. The following are also so authorized and listed staff shall consult with and report to their respective Manager(s) on any instances when they exercise this authority:

a. Bylaw Enforcement Officers
b. Building Officials
c. Building Plan Checkers
d. Development Technicians
e. Planners
f. Planning Technicians

4. A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required by this bylaw, commits an offence and shall be liable upon conviction of a fine of not less than $5,000 and not more than $10,000 (Ten Thousand Dollars) and subject to any other penalty or order imposed or remedies available to the RDCK pursuant to the *Local Government Act, Community Charter, Offence Act,* and *Local Government Bylaw Notice Enforcement Act* and regulations thereunder, all as amended from time to time.

5. Each day that an offence continues or exists shall be deemed to be a separate and distinct offence.

**2** That **Schedule A**, being the **Official Community Plan** text, of **Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009** be amended as follows:

A) That the following be inserted as the first two policies under the sub heading **Natural Environment Policies** of Section **13.0 NATURAL ENVIRONMENT**, and existing policies are re-numbered accordingly:

The Regional Board:

1. Supports, unless otherwise noted below, all land within a riparian assessment area, as defined in section 19.2.4 of the OCP, being designated as a Watercourse Development Permit Area;

2. Supports that development and subdivision adjacent to a watercourse shall be subject to a Development Permit unless otherwise exempt by the Development Permit Area #1: Watercourse Development Permit Area;

B) That the following Fire Management Policies Sub-section 1.g. of Section **15.0 HAZARD LANDS** be amended so that it reads as follows:

g. ensuring the provision of access to local water sources and watercourses as part of access requirements;

C) That sub-section numbering throughout Section **19.0 DEVELOPMENT PERMIT AREAS** be inserted, including in accordance with the following amendments, such that the three development permit areas are identified as:

Section 19.2 Development Permit Area #1: Watercourse Development Permit (WDP) Area

Section 19.3 Development Permit Area #2: Residential Cluster Development Permit (RCDP) Area

Section 19.4 Development Permit Area #3: Development Permit Area #3: Industrial Development Permit (IDP) Area

D) That the 19.1 **Background** Sub-section of Section **19.0 DEVELOPMENT PERMIT AREAS** be amended to insert "designations include purposes to" in the second paragraph, and insert

"applicable" before the word "guidelines" in the third paragraph, so that this section reads as follows:

**19.1 Background**
The OCP may designate Development Permit Areas under the authority of local government legislation. Unless otherwise specified, a development permit must be approved by the Regional Board prior to any development or subdivision of land within a designated Development Permit Area.

Development Permit Area designations include purposes to allow for implementation of special guidelines for the protection of the natural environment, protection from hazardous conditions, for revitalization of designated areas, or to guide the form and character of development within the Slocan Lake North Plan area.

Where land is subject to more than one Development Permit Area designation, a single development permit is required. The application will be subject to the requirements of all applicable Development Permit Areas, and any development permit issued will be in accordance with the applicable guidelines of all such Areas.

E) That the **Category** Sub-section of Section **19.2 Development Permit Area #1: Watercourse Development Permit (WDP) Area** be amended to read as follows:

**19.2.1 Category**
The WDP Area is designated under Section 488(1)(a) of the *Local Government Act* and applicable provisions of the *Community Charter* for the protection of the natural environment, its ecosystems, and biological diversity. The WDP Area is designated as a Development Approval Information (DAI) area under Section 485 of the Local Government Act in order to ensure that appropriate and sufficient professionally-prepared information guides application of the DP Guidelines to the applicable property in order to achieve the purposes and objectives of the WDP Area designation; the justification for the DP designation below also supports the justification for the DAI designation.

F) That clause 1 of the **Area** Sub-section be amended by deleting "(Figure 1)" so that it reads as follows:

**19.2.2 Area**
The WDP area is comprised of:
1. Riparian assessment areas for fish and wildlife habitat and drinking water, which include all watercourses and adjacent land:
…

G) That a new sub-section 19.2.3 **Interpretation** be inserted after clause 1 of the **Area** Sub-section within Section **19.2 Development Permit Area #1: Watercourse Development Permit (WDP) Area,** with present definitions updated and new definitions added so that the new sub-section reads as follows:

**19.2.3 Interpretation**

The following definitions apply:

"active floodplain", in relation to a watercourse, means land that is:

a. adjacent to the watercourse;

b. inundated by the 1 in 5 year return period flow of the watercourse; and,

c. capable of supporting plant species that are typical of inundated or saturated soil conditions and distinct from plant species on freely drained upland sites adjacent to the land.

"development", in the context of interpreting sections of this development permit area, means carrying out construction, redevelopment, building and land alteration and ancillary activities, including engineering or other operations, as well as subdivision of land, in, on, over or under land and land covered by water to the extent that such activities are subject to local government authority under enabling Provincial legislation;

"high water mark" means the visible high water mark of a watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the watercourse a character distinct from that of its banks in vegetation as well as in the nature of the soil itself, and includes the active floodplain;

"lake" means any area of year round open water covering a minimum of 1.0 hectares (2.47 acres) of area and possessing a maximum depth of at least 2.0 metres. Smaller and shallower areas of open water may be considered to meet the criteria of a wetland.

"retaining wall" means a structure constructed to hold back, stabilize, or support soil.

"riparian assessment area" means the area within 30 m of the high water mark of a watercourse; within 30 m of the top of the ravine bank in the case of a ravine less than 60 m wide; and within 10 m of the top of the ravine bank in the case of a wider ravine that link aquatic to terrestrial ecosystems and includes both existing and potential riparian vegetation and existing and potential upland vegetation that exerts an influence on the watercourse;

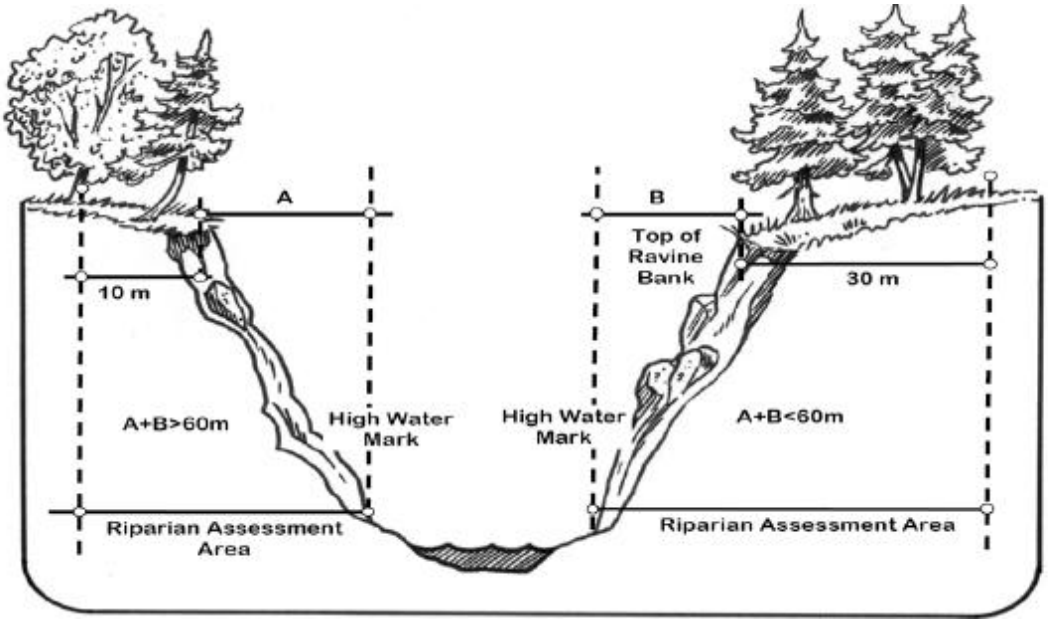



**Figure 1: riparian assessment area** (note: this Figure is for information purposes only and does not form part of this bylaw).
Source: British Columbia Ministry of Environment, *Riparian Areas Regulation Implementation Guidebook,* March 2005.

"top of ravine bank" means the first significant break in a ravine slope where the break occurs such that the grade beyond the break is latter than 3:1 for a minimum distance of 15 metres measured perpendicularly from the break and the break does not include a bench within the ravine that could be developed;

"watercourse" means a natural body of water, whether or not it has been modified including, without limitation, a pond, lake, river, creek or brook, and a ditch, gulch, glacier, spring or wetland whether or not usually containing water, including ice, but does not include an aquifer.

"wetland" means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, plant species that are typical of inundated or saturated soil conditions, including swamps, marshes, bogs, fens, estuaries and similar areas that are not part of the active floodplain of a watercourse other than Kootenay Lake.

H) That the **Justification** Sub-section of Section **19.2 Development Permit Area #1: Watercourse Development Permit (WDP) Area** be added to and amended so that it reads as follows:

**19.2.4 Justification**
This Development Permit Area designation seeks to regulate development activities in watercourses and their riparian areas so as to protect aquatic habitat; and to conserve, enhance and, where necessary, restore watercourses and their riparian areas.

Riparian areas make critical contributions to a healthy aquatic environment. They stabilize slopes,

absorb storm water runoff, provide fish and wildlife habitat, and increase landscape connectivity and biodiversity. They are also important natural assets because of their role in buffering adjacent areas and watercourses from pollution, sedimentation, erosion and the impacts of temperature and weather changes, which may continue to have increasing impacts with climate change.

The WDP Area's primary objectives are to:

- protect riparian areas, biodiversity, and water quality by ensuring activities within them are undertaken in a way that is sensitive to the natural environment;
- maintain landscape connectivity between watercourses and upland riparian areas; and,
- prevent pollution and contamination of watercourses through the preservation and enhancement of riparian areas.

The WDP Area is designated as a Development Approval Information Area under Section 485 of the *Local Government Act*. A biophysical assessment report, as described further in the WDP Area Guidelines, is required in order to recognize the important functions of riparian areas and protect them in their natural state, as well as repair and enhance them, in order to preserve their ecological importance as well as the critical role they play in increasing climate change resilience.

The impact of development on watercourses can be minimized by carefully examining the proposed development and taking appropriate measures in relation to the environmentally sensitive riparian area.

H) That the **Determining whether development falls within the WDP Area** Sub-section be deleted in its entirety.

I) That a new Sub-section **19.2.5 Activities that require a Development Permit** be inserted before the **Guidelines** subheading of Section **19.2 Development Permit Area #1: Watercourse Development Permit (WDP) Area** so that it reads as follows:

**19.2.5 Activities that require a Development Permit**

19.2.5.1 The Owner of land within the WDP Area must obtain a development permit prior to undertaking or permitting or acquiescing in the undertaking of matters identified in section 489 of the *Local Government Act*, including but not limited to the following activities wherever they occur on land identified as a riparian assessment area within the WDP Area (subject only to exemptions explicitly listed in sub-section 19.2.6):

a. removal, alteration, disruption or destruction of vegetation, including trees, plants and shrubs;
b. disturbance of soils;
c. construction or erection of buildings and structures;
d. creation of non-structural impervious or semi-impervious surfaces;
e. flood protection works including shoreline protection works;
f. construction of roads, trails, retaining walls, docks, wharves and bridges;
g. provision and maintenance of sewer and water services;
h. installation, maintenance, repairs and replacement of drainage systems;
i. installation, maintenance, repairs and replacement of utility corridors;
j. subdivision as defined in section 455 of the *Local Government Act*;

k. any other activity that requires a development permit first be issued in accordance with section 489 of the Local Government Act.

J) That the **Exemptions** Sub-section of Section **19.2 Development Permit Area #1: Watercourse Development Permit (WDP) Area** be deleted in its entirety and re-inserted after clause 19.2.5.1 **Activities that require a Development Permit** with the following Sub-section **19.2.6 Exemptions**:

**19.2.6 Exemptions**
A development permit is not required for the following activities:

19.2.6.1 Alteration, addition, repair, demolition and maintenance of farm buildings and agricultural activities including clearing of land for agricultural purposes;

19.2.6.2 Subdivisions, including lot consolidations and lot line adjustments, where the newly proposed lot lines do not fall within the WDP Area, or where all of the following criteria are satisfied:

a. the plan of subdivision demonstrates that all development activities and building platform areas, or minimum site areas where zoning is in place, for each lot can be accommodated entirely outside of the WDP Area;
b. no disturbance (such as grading, clearing, trenching, and the installation of site infrastructure) to the WDP Area will occur as a result of the creation of lots or provision of services to those lots;
c. the WDP Area has been identified by a QEP and clearly delineated on site; and
d. a Section 219 Covenant, with the RDCK as a Covenant Holder, that contains recommendations to ensure adverse development impacts will be effectively mitigated must be registered over the WDP Area on the titles of all newly created lots.

19.2.6.3 Construction, renovation, or repair of a building or other permanent structure if it remains on its existing foundation and is not moved or extended into a riparian assessment area.

19.2.6.4 A Development Permit or Section 219 Covenant has already been registered to the title of land, with the RDCK as a Covenant Holder, that has addressed all WDP Area guidelines for the proposed activities, the conditions of the Development Permit or covenant have been met, and the development activity will not impact the conditions of the previous approval or covenant.

19.2.6.5 Where a QEP has inspected the site and has provided written confirmation to the satisfaction of the General Manager of Development and Community Sustainability that the actual location of the riparian area is not on the lands proposed for development.

19.2.6.6 The temporary placement of sandbags and modular spill berms essential to preventing loss of life and existing buildings placed during, and removed following, emergency flooding events.

K) That the **Guidelines** Sub-section of Section **19.2 Development Permit Area #1: Watercourse Development Permit (WDP) Area** be deleted in its entirety and replaced with the following:

**19.2.7 Guidelines**

DP Guidelines identified for the WDP Area are identified within the OCP for lands within Electoral Area 'H' that are not subject to zoning.

19.2.7.1 An owner of land within a riparian assessment area seeking to develop such land under a development permit must seek to implement the requirements of the *Riparian Areas Protection Act* and *Riparian Areas Protection Regulation*.

19.2.7.2 As part of a development permit application made prior to any of the applicable triggers for a development permit identified in section 489 of the *Local Government Act* and RDCK's bylaws, and prior to undertaking any such activities or development, the owner of the applicable land is solely responsible for:

a. providing the information identified in the following guidelines;

b. proposing only activities and development consistent with the following guidelines;

c. not undertaking any activities or development inconsistent with the following guidelines; and,

d. not undertaking any activities or development without a development permit.

19.2.7.3 A development application must include, as Development Approval Information, a Biophysical Assessment Report and *Riparian Areas Protection Regulation* (RAPR) Assessment prepared by a QEP as defined in, and, in accordance with, the *Riparian Areas Protection Regulation* established by the Provincial and/or Federal governments as used elsewhere in the Province. The assessment report must include certification from the QEP that;

a. the QEP is qualified to carry out the assessment;

b. that the assessment methods have been followed, and

c. in their professional opinion the development will not negatively affect the functioning of a watercourse or riparian area and that the requirements of the *Riparian Areas Protection Regulation* has been fulfilled.

19.2.7.4 Development proposals in the WDP Area will be evaluated based on their adherence to the following additional guidelines:

a. Development activities and the siting of buildings and structures will be carried out in a way that results in the least impact to the riparian area.

b. Demonstrate that a diligent effort has been made to preserve, protect, restore, and enhance riparian vegetation, woody debris, boulders, and other natural features.

c. Retain mature vegetation wherever possible and incorporate it into the design of the project.

d. Proposals involving the creation of new parcels by subdivision must demonstrate on a Site Plan that there is adequate space for a building platform area and associated services outside of the setback recommended in the biophysical assessment, and in areas where zoning applies the minimum parcel size should be accommodated entirely outside of the setback area.

e. Where fencing is proposed within the WDP Area, or to delineate the WDP Area or a covenant area, wildlife-friendly fencing must be utilized to maintain landscape connectivity between aquatic and upland ecosystems.

f. Development proposals will be evaluated based on individual site characteristics (such as, but not limited to, sensitive habitat features, parcel size, topography, and access) and must adhere to the following priority sequence of mitigation options, as detailed further

in the Kootenay Lake Shoreline Guidance Document, as amended from time to time and which is incorporated into these guidelines:

i. Avoidance of environmental impacts and associated components;

ii. Minimization of unavoidable impacts on environmental values and associated components;

iii. Restoration of on-site environmental values and associated components; and,

iv. Offsetting impacts to environmental values for residual impacts that cannot be minimized.

g. Development should be avoided on slopes greater than 30% (approximately 7 degrees) due to the high risk of erosion, bank slippage, and resulting sedimentation into watercourses.

h. Storm water will be managed in a way that utilizes natural approaches and onsite water recycling as well as preserves natural drainage patterns on the lands.

i. Preference will be given to flood and erosion protection works that utilize natural approaches for the protection of both private property and the riparian area.

j. The conditions of the issuance of a Development Permit for the WDP Area may require any of the following:

i. areas of land that must remain free of development except in accordance with conditions in the permit;

ii. the preservation, protection, restoration or enhancement of natural features and watercourses;

iii. dedication of natural watercourses;

iv. construction works to preserve, protect, restore or enhance natural watercourses or other specified natural features of the environment;

v. protection measures to preserve, protect, restore or enhance fish habitat or riparian areas, control drainage, or control erosion or protect banks;

vi. all works to be in accordance with a QEP's recommendations, as provided in the biophysical assessment report;

vii. monitoring of the development activities by a QEP;

viii. specific timing or sequence of development activities to minimize impacts to the natural environment;

ix. limits of disturbance to be in place for the duration of the development activities; and,

x. a security deposit in accordance with the Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, as amended from time to time.

k. Should disturbance to the WDP Area occur outside of the scope of the conditions of an issued Development Permit, the property owner must submit a new WDP application with a new biophysical assessment report that assesses the unauthorized disturbance and proposes full remediation of the areas subject to the unauthorized disturbance.

19.2.7.5 **Post Development Guidelines**

Unless explicitly excluded in a development permit issued by the Regional District of Central Kootenay, the owner of the applicable land must provide a post development report prepared by the Qualified Environmental Professional (QEP) of an assessment of all permit conditions. The report must assess if the Development is in compliance with the applicable development permit

conditions and the land has been developed in accordance with the QEP's recommendations within their biophysical assessment report.

19.2.7.6 **Other Provincial and Federal Requirements**
The *Riparian Areas Protection Regulation* implemented through the WDP Area does not supersede other Federal, Provincial and or local government requirements, including that of other development permit areas, building permits, flood covenants, Federal or Provincial authorization. Land subject to more than one development permit area designation must ensure consistency with the guidelines of each development permit area, to provide comprehensive stewardship of both fish and wildlife habitat.

19.2.7.7 **Compliance with WDP Standards, Requirements and Conditions of Development Permit**
The owner of land within the WDP Area must:

a. comply with all applicable standards set out within and the requirements and conditions of a development permit;
b. provide a biophysical assessment report and *Riparian Areas Protection Regulation* (RAPR) Assessment in accordance with section 19.2.7.3; and
c. provide a post development guideline report in accordance with section 19.2.7.5.

L) That the opening language of each of the **Exemptions** Sub-sections under the (newly numbered) Sub-section **19.3 Development Permit Area #2: Residential Cluster Development Permit (RCDP)** Area, **19.4 Development Permit Area #3: Industrial Development Permit (IDP) Area** be amended so that it reads: "A development permit is not required for the following:"

**4** By making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering and Table of Contents of the bylaw.

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

**CITATION**

**6** This Bylaw may be cited as **"Slocan Lake North portion of Electoral Area 'H' Official Community Plan Bylaw No. 1967, 2009, Amendment No. 3026, 2026"**.

| | | | |
|---|---|---|---|
| READ A FIRST TIME this | xx$^{th}$ | day of | xxxx, 2026. |
| READ A SECOND TIME this | xx$^{th}$ | day of | xxxx, 2026. |
| READ A THIRD TIME this | xx$^{th}$ | day of | xxxx, 2026. |
| ADOPTED this | xx$^{th}$ | day of | xxxx, 2026. |

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

# Planning Services Work Plan

**Author:** Nelson Wight, Planning Manager
**File Reference:** 10\4720\01
**Electoral Area/Municipality:** ALL ELECTORAL AREAS
**Services Impacted** Planning and Land Use S104

## 1.0 PURPOSE OF REPORT

The purpose of this report is to provide a history of Board resolutions providing direction on on the Planning Services work plan and to present that list of projects, priorities and timelines. Staff are not seeking any direction from the Board at this time.

## 2.0 BACKGROUND AND UDPATE

**Board Resolution History**

June 19, 2025 Board
358/25 That the Official Community Plan updates for Areas A, B and C can be performed concurrently to see efficient use of staff time and more consistent wording across the three (3) areas.

August 21, 2025 Board
449/25 That Electoral Area I (Sentinel Mountain) retain their existing Official Community Plans and Zoning bylaws without immediate alignment efforts.

451/25 That Electoral Area E retain their existing Official Community Plans and Zoning bylaws without immediate alignment efforts.

December 11, 2026 Board
671/25 That the Board direct staff to initiate a Sub-Regional Official Community Plan update for areas F, H, J, and K and staff to initiate the Area D Community Planning; and these projects be the top priority for the planning department workplan.

672/25 That the Board direct staff take no further action to initiate a Housing Development and Costing Study.

April 16, 2026 Board
200/26 That the Board direct staff to initiate a Sub-Regional Official Community Plan update for areas F, J, and K and staff to initiate the Area D Community Planning and Area H North Official

Community Plan update; and these projects be the top priority for the planning department workplan.

**Planning Services Project List**

| Project | Status | Estimated completion date |
|---|---|---|
| Recently Completed | | |
| Regional & Local Community Needs Project | Complete | April, 2026 |
| Kootenay Lake Local Conservation Fund Policy Revision | Complete | April, 2026 |
| Active Projects | | |
| Regional Local Government Development Approvals Project | On hold pending grant approval | Q4 2027 |
| Area D Community Planning | In progress | Q4 2027 |
| Subdivision Servicing Bylaw Review | In progress | Q4 2026 |
| Planning Procedures and Fees Bylaw Review | On hold pending grant approval | Q4 2027 |
| Local Government Housing Initiatives | In progress | Q4 2026 |
| Development Permit Enforcement Framework | In progress | Q2 2026 |
| Electoral Area F, J, and K Sub-Regional OCP Update (RDCK Sub Region West OCP Review) | In progress | Q1 2028 |
| Floodplain Management Bylaw Review Project | In progress | Q4 2026 |
| Electoral Area A, B, and C Sub-Regional OCP Update | Not started | |

| Newly Added/Anticipated Projects | | |
|---|---|---|
| Area H North OCP Update | Added April 2026, not started | |
| Risk Tolerance Policy Phase 2 | | |
| Housing Needs Assessment | | Q4 2028 |

## 3.0 NEXT STEPS AND TIMELINE

Staff is not seeking further direction at this time from the Board regarding workplan items. However, as a result of the Board decision to remove Area H from the RDCK Sub Region West OCP Review project and create a new project for Area H, a decision on priority will need to be made in the future. Staff intend to bring a report in the first quarter of 2027 to seek that direction.

Respectfully submitted,
Nelson Wight, Planning Manager

## CONCURRENCE

| | |
|---|---|
| Sangita Sudan - General Manager of Development and Community Sustainability | Approved |
| Stuart Horn – Chief Administrative Officer | Approved |

# Committee Report

*May 20, 2026*

## Area D Community Planning – Project Charter

**Author:** Dana Hawkins, MCIP, RPP, Planner 2
**File Reference:** 10\5100\20\D_Ainsworth\2026 Project
**Electoral Area/Municipality:** ELECTORAL AREA D
**Services Impacted** Planning and Land Use/S104

## 1.0 STAFF RECOMMENDATION

That the Board direct staff to undertake the Area D Community Planning project as described in the Area D Community Planning – Project Charter dated May 1, 2026.

## 2.0 BACKGROUND/HISTORY

The Area D Community Planning project follows up on work completed in 2021 to host land use planning discussions for communities in Electoral Area D. The goal of this project is to continue community land use discussions and update/implement land use planning regulations where desired.

The project is guided by the following Board resolutions:

200/26: That the Board direct staff to initiate a Sub-Regional Official Community Plan update for areas F, J, and K and staff to initiate the Area D Community Planning and Area H North Official Community Plan update; and these projects be the top priority for the planning department workplan.

149/22: That the Board direct staff to continue the next phase of community planning for Area D in 2022 with a specific focus on the following unincorporated communities: the Kaslo Corridor; Woodbury; Schroeder Creek; Mirror Lake (including Amundsen Road); and the Allen Sub-division not excluding the remaining communities for future discussion.

## 3.0 PROBLEM OR OPPORTUNITY DESCRIPTION

Area D has a vast geography with many rural unincorporated dispersed communities. Roughly half of the southern portion of Area D is covered by an Official Community Plan, and only the community of Ainsworth currently has zoning regulations. The process and adoption of Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016 (with most engagement for communities outside of Ainsworth happening in 2009) was the last time communities have had a say in land use regulations for their area. In that time real change has been noted including new growth and development and land use conflicts such as incompatible uses, water constraints, and environmental degradation. With communities expressing increasing pressures, this is a good time to ask if land use planning is a tool communities would like or not.

In 2021 the planning department hosted online community conversations to allow residents to ask questions and find out the regulations applicable with land use planning tools such as zoning. A survey was distributed as a follow up with the purpose to:

- Hear from Area D community members about what is important to their community, the issues they may be experiencing, and the issues that they want to avoid in the future; and,
- Understand if there is interest from different communities to explore land use planning as a tool to address community concerns or not.

With 219 respondents, 38% supported land use planning in Area D, 33% did not, and 23% indicated a maybe response with further work needed to learn more and explore as a community further. As time has passed and community priorities and concerns may have shifted, there is a need to check back in with Area D residents and build off work completed in 2021.

## 3.1 Alignment to Board Strategic Plan

This planning project is consistent with the RDCK Strategic Plan (2024-2026).

✓ Strategic Priority – **Regional Approach to Growth**
*"Our objective is to ensure that the decisions made by the board are thoroughly analyzed and considered from a comprehensive perspective and community input."*

Areas of Focus related to this project include:

- Simplify land use planning while respecting our unique challenges to ensure our ability to provide water and other infrastructure is maintained.
- Understand the uniqueness of each community as it relates to policy development, to provide a balanced approach to regional vs. local.

✓ Strategic Priority – Organizational Excellence
*"Our objective is to provide a resilient governance structure that fosters excellence in every aspect of service delivery."*

Areas of Focus related to this project include:

- Prioritize communication, transparency, and accessibility.
- Prioritize robust communication with our residents ensuring information is delivered in a range of mediums.

## 3.2 Legislative Considerations

This project may result in amendments to the Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016 by updating the zoning regulations and expanding them to desired communities within Area D. The project may also include updates to the Official Community Plan portion of the bylaw including policies and development permit areas to align with community priorities identified during the engagement process, although that is not the main focus of the project. Any amendments will be completed in accordance with the *Local Government Act.*

## 3.3 What Are the Risks

Land use regulations are not retroactive in nature. They begin to regulate at the time of adoption. Zoning cannot cause existing land uses to change (legally non-conforming). Therefore, doing nothing or waiting longer to undertake the project could increase the damage inflicted by poor land use. For issues like water capacity or environmental concerns time is of the essence.

## 4.0 PROPOSED SOLUTION

The Area D Community Planning project is proposed to follow up on work completed in 2021 to host land use planning discussions for communities in Area D. The goal of this project is to continue community land use education and discussion and update/implement land use planning regulations where desired.

**Objectives**

The project will be guided by the following objectives:

- Complete a technical/background review and analysis to understand the historic, current and forecasted trends, developments, and conditions regarding land use in key areas that are of interest to be explored for future zoning.
- Develop and implement a comprehensive community education, awareness, and engagement campaign to ensure wide-spread communications, information sharing, and opportunities to provide direction and feedback for key audiences, while hearing community concerns and building support. This includes gauging the level of support in Area D communities for zoning to inform whether or not to proceed to future implementation stages.
- Identify options and recommendations for zoning that align with community needs, conditions, and trends. This includes developing potential zoning regulations that could be applied in different targeted areas, phasing strategies, and other recommendations to support community buy-in and support.

**Project Approach**

It is essential that this project is a community-driven process. To facilitate this, the project has been split into three phases (refer to Figure 1 below). Each phase will have its own community engagement with summarized reporting back to the Board. Each phase will have a decision point made by the Board directing the next phase to increase transparency.

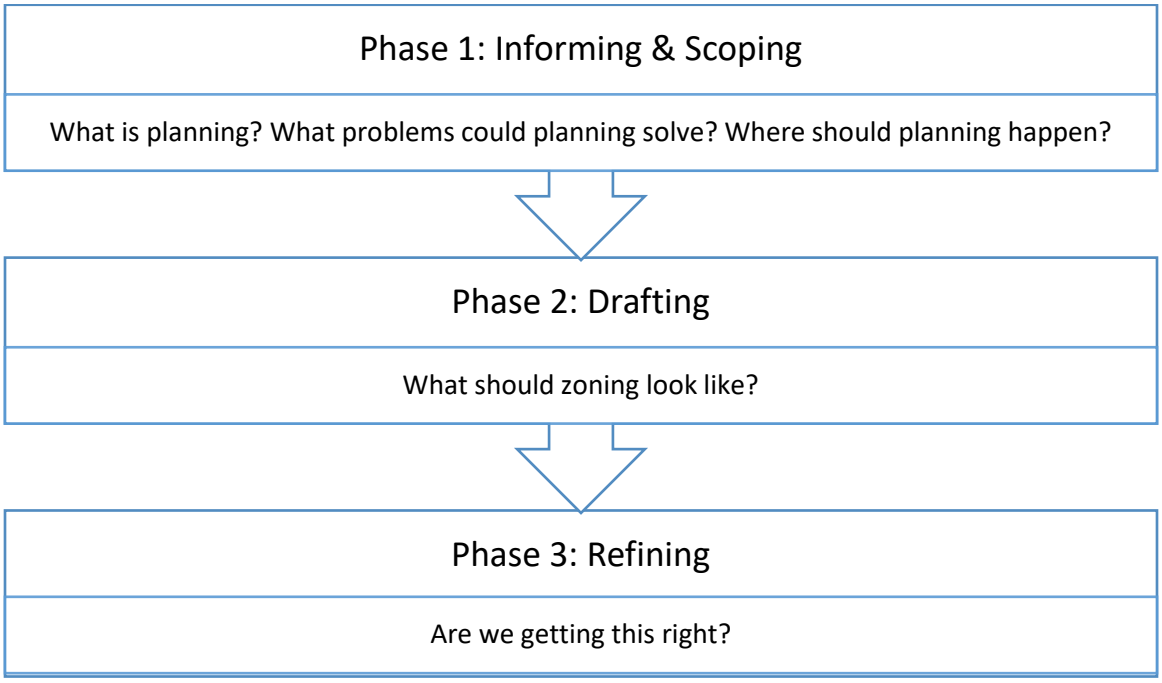



*Figure 1. Project Phases*

Phase 1 is intended to check back in with Area D residents and build off work completed in 2021. As time has passed and community priorities and concerns may have shifted, it is proposed the first phase will:

- refresh planning knowledge;
- get communities engaged;
- understand community needs;
- scope the project; and,
- determine communities (if any) that have a desire for zoning.

Should no communities desire zoning the project would conclude at the end of Phase 1.

Phase 2 will work with interested communities and delve deeper into what zoning could look like in their communities. Technical land use analysis combined with input from the public, technical advisors, First Nations and internal RDCK stakeholders will work together to shape draft zoning regulations. This phase will also uncover if any areas of further study are required. This could include the study of hazards, water issues or agricultural land (no professional studies are currently anticipated at this time).

Phase 3 will bring draft zoning regulations and mapping back to Phase 2 communities for further refinement. Only once those changes are made will the proposed bylaw be brought forward for Board consideration of readings and a public hearing. This phase will also include any implementation activities to ensure a smooth transition for any new regulations.

## 4.1 Financial Considerations of the Proposed Solution

The largest cost to be incurred is staff time. Other costs will be incurred to complete engagement across the three phases including hall rentals, advertising, a mail out and material costs (estimated to be $4550 spread over two years). Professional fees are not anticipated at this time, but if as the project progresses and further study is required, they may occur. This is considered a base budget and should additional time or extra tasks occur the budget may need to be adjusted. At this time there are no changes proposed to the 2026 Planning Services budget to accommodate this project.

## 4.2 Risks with the Proposed Solution

Two main challenges have been identified and considered in the Project Charter. Firstly, the potential for misinformation and disinformation, which poses an even greater threat in these times of weakened trust in governments institutions generally. Mitigation measures proposed include clear communications, multiple engagement activities to hear from communities at each phase, prioritizing in person engagement, scheduled reporting back, and open decision points with each phase to increase transparency.

Secondly, the project is to be launched in the final months of this electoral term and that may present some challenges such as the potential for the project to get side tracked with other election issues and a potential change in Board direction after the election. Phase 1 engagement has been scheduled over summer 2026 with reporting back to RAC in October 2026 to have clear community direction provided and documented in advance of the election. There is still the possibility of the project becoming an election issue. As well engagement over the summer season may be affected by wildfire season with lessened staff and community capacity.

### 4.3 Resource Allocation and Workplan Impact

This project has been identified by the Board as a priority for the Planning Department.

The project will have a team-led approach with the Planner 2 as acting project manager with support from Development and Community Sustainability staff. A breakdown of estimated staff time is included in the attached Project Charter. The bulk of the hours will be completed by the Planner 2 (0.3 FTE). Support from the Planning Manager and other planning staff will be required, mostly to support engagement activities. GIS staff support will be required for land use analysis, engagement materials, and final maps and schedules.

The anticipated timeline of the project is 1.5 years with a goal completion date of Fall 2027.

### 4.4 Public Benefit and Stakeholder Engagement of Proposed Solution

It is essential that this project is a community-driven process. The attached Project Charter details proposed engagement and communication activities. Each phase of engagement in the work plan details the intended target audience and the activities proposed to engage them.

### 4.5 Leveraging Technology

The project balances technology available (e.g. project webpage, videos, reels, and online events and surveys) and in person activities to reach as wide of an audience as possible and to create multiple ways to participate that accommodate different needs, schedules, and preferences.

### 4.6 Measuring Success

Success at the end of this project would look like Area D communities experiencing land use pressures have their needs met, were well engaged and are on board, and at the end of the process feel ownership of the results. Zoning where implemented makes sense on the ground and meets community goals. Lastly, the project maintained momentum, so the communities can see tangible deliverables and stay engaged.

## 5.0 ALTERNATIVE SOLUTION

Should the Rural Affairs Committee have substantial recommended changes to the Project Charter it may be referred to a future meeting.

### 5.1 Financial Considerations of the Alternative Solution

Depending on the proposed changes, there may be changes required to the proposed cost estimate.

### 5.2 Risks with the Alternative Solution

The main risk in referring the Project Charter to a future meeting would be the delay to the project launch. This would make planning community engagement events over the summer difficult and they may have to be shifted later to fall.

### 5.3 Resource Allocation and Workplan Impact

Depending on the proposed changes, there may be changes required to the provided resource allocation estimate. A significant increase to allocated staff time on this project may decrease or delay staff capacity to work on other planning projects designated as a high priority.

## 6.0 OPTIONS CONSIDERED BUT NOT PRESENTED

The Board may choose to take no further action with regard to the Area D Community Planning project. However, as the project has been identified by the Board as a high priority, this option has not been considered.

## 7.0 OPTIONS SUMMARY

**Option 1:**

**Recommendation:**

That the Board direct staff to undertake the Area D Community Planning project as described in the Area D Community Planning – Project Charter date May 1, 2026.

**Option 2:**

**Recommendation:**

That further consideration of the Area D Community Planning project as described in the Area D Community Planning – Project Charter date May 1, 2026 BE REFERRED to the June 17, 2026 Rural Affairs Committee meeting.

## 8.0 RECOMMENDATION

That the Board direct staff to undertake the Area D Community Planning project as described in the Area D Community Planning – Project Charter date May 1, 2026.

Respectfully submitted,
Dana Hawkins, MCIP, RPP

## CONCURRENCE

Planning Manager – Nelson Wight Approved
General Manager Development & Sustainability – Sangita Sudan Approved
Chief Administrative Officer – Stuart Horn Approved

**ATTACHMENTS:**

Attachment A – Area D Community Planning Project Charter

# Project Charter

**Project Name:** Area D Community Planning
**Date:** May 1, 2026
**Project No.:** 5100\20\D_Ainsworth\2026 Project
**Revision No.:** 0

## Project Overview

The Area D Community Planning project follows up on completed work in 2021 to host land use planning discussions for communities in Area D. The goal of this project is to continue community land use education and discussion and update/implement land use planning regulations where desired. The project will have a team-led approach with the Planner 2 as acting project manager with support from Development and Community Sustainability staff and an accompanying budget of approximately $4550 from S104. The anticipated timeline of the project is 1.5 years with a goal completion date of Fall 2027.

The project is guided by the following Board resolutions:

200/26: That the Board direct staff to initiate a Sub-Regional Official Community Plan update for areas F, J, and K and staff to initiate the Area D Community Planning and Area H North Official Community Plan update; and these projects be the top priority for the planning department workplan.

149/22: That the Board direct staff to continue the next phase of community planning for Area D in 2022 with a specific focus on the following unincorporated communities: the Kaslo Corridor; Woodbury; Schroeder Creek; Mirror Lake (including Amundsen Road); and the Allen Sub-division not excluding the remaining communities for future discussion.

## Objectives

The project will be guided by the following objectives:

- Complete a technical/background review and analysis to understand the historic, current and forecasted trends, developments, and conditions regarding land use in key areas that are of interest to be explored for future zoning.
- Develop and implement a comprehensive community education, awareness, and engagement campaign to ensure wide-spread communications, information sharing, and opportunities to provide direction and feedback for key audiences, while hearing community concerns and building support. This includes gauging the level of support in Area D communities for zoning to inform whether or not to proceed to future implementation stages.
- Identify options and recommendations for zoning that align with community needs, conditions, and trends. This includes developing potential zoning regulations that could be applied in different targeted areas, phasing strategies, and other recommendations to support community buy-in and support.

## Scope

Through community engagement and technical analysis, the project will amend Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016 by updating the zoning regulations and expanding them to desired communities

within Area D. The project may also include updates to the Official Community Plan (OCP) portion of the bylaw including policies and development permit areas to align with community priorities identified during the engagement process, although that is not the main focus of the project.

## Project Approach

It is essential that this project is a community-driven process. To facilitate this, the project has been split into three phases (refer to Figure 1 below). Each phase will have its own community engagement with summarized reporting back to the Board. Each phase will have a decision point made by the Board directing the next phase to increase transparency.

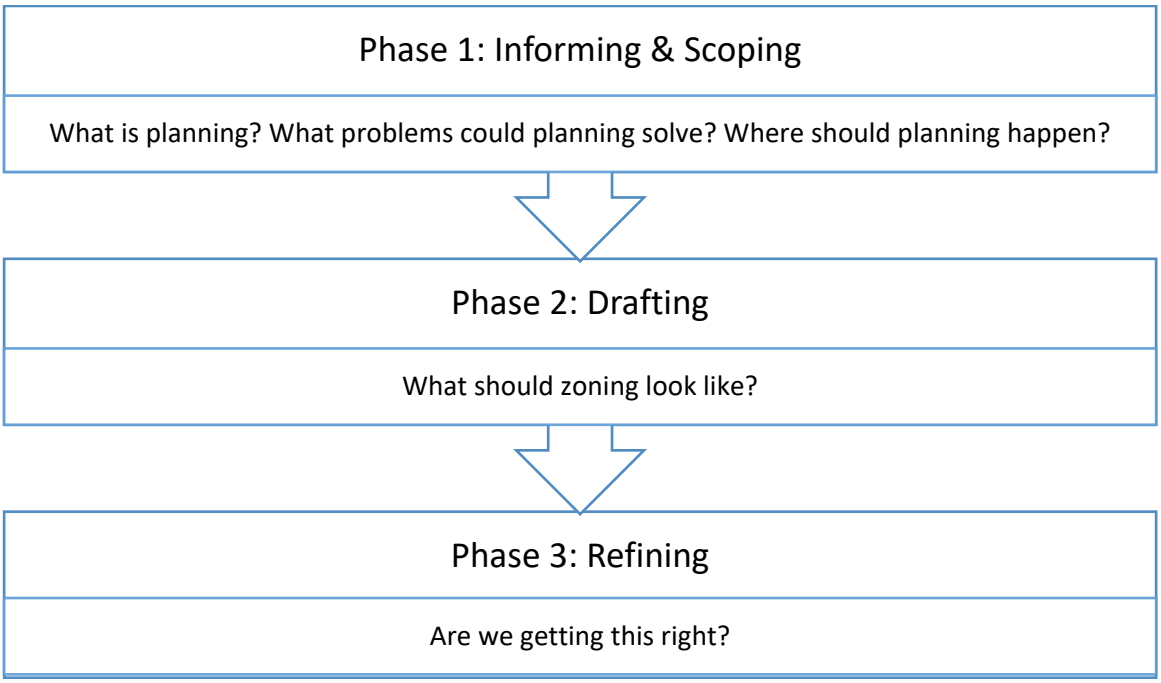



*Figure 1. Project Phases*

Phase 1 is intended to check back in with Area D residents and build off work completed in 2021. As time has passed and community priorities and concerns may have shifted, it is proposed the first phase will:

- refresh planning knowledge;
- get communities engaged;
- understand community needs;
- scope the project; and,
- determine communities that have a desire for zoning.

Phase 2 will work with interested communities and delve deeper into what zoning could look like in their communities. Technical land use analysis combined with input from the public, technical advisors, First Nations and internal RDCK stakeholders will work together to shape draft zoning regulations. This phase will also uncover if any areas of further study are required. This could include the study of hazards, water issues or agricultural land (no professional studies are currently anticipated at this time).

Phase 3 will bring draft zoning regulations and mapping back to Phase 2 communities for further refinement. Only once those changes are made will the proposed bylaw be brought forward for Board consideration of readings

and a public hearing. This phase will also include any implementation activities to ensure a smooth transition for any new regulations.

## Workplan, Deliverables and Schedule

### Phase 1

**Task 1: Project Start Up**

- Pre-project meetings – three meetings to review, discuss, and confirm the scope of work, schedule, existing reports/information to review, and other key project details with the Area D Director.
- Area D Advisory Planning and Heritage Commission (APHC) meeting – meeting to review 2021 results and seek feedback on the draft workplan.
- Project Charter – draft a workplan, schedule, budget, and communications and engagement plan to outline the proposed project.
- Rural Affairs Committee (RAC) staff report – present the proposed workplan and other broader project details and seek Board adoption of the project charter.

Deliverables:

- Project Charter

*Timing: March - May 2026*

**Task 2: Technical Review**

- Background document review - including the existing Area 'D' Comprehensive Land Use Bylaw and other related policies, bylaws, reports, studies, and information relevant to the project.
- Land use and development review - review and analysis of historic and current land use and development trends that exist within Area D, including key areas of interest for zoning. This will help better understand what activities may inform and drive the development of future zoning regulations and provide key context needed to support community engagement activities.
- Technical review memo - results and key findings/recommendations from the reviews will be summarized into a technical review memo.
- Context graphics for engagement – key statistics and mapping from the technical review memo can be used to create context graphics to be used to further community understanding during the engagement process.

Deliverables:

- Technical review memo
- Context graphics for engagement

*Timing: May - June 2026*

**Task 3: Phase 1 Engagement**

- Project launch communications - formally launch the project, including project branding, overviews of the project, findings from 2021, community context, and future planned engagement activities and events.
- Land Use Planning 101 communications - includes visual and user-friendly resources that provide key background information on identified land use and development issues and trends, and more broadly on land use regulations (i.e. zoning) to enhance community awareness and understanding. These materials would be made available online, in key physical locations, and at project engagement activities.

- Phase 1 engagement activities – a series of engagement activities to engage residents, landowners, land users, and other public stakeholders. The focus of this engagement is to build knowledge and awareness on land use planning/zoning and the project objectives, update 2021 assumptions, better understand local land related issues/developments, and gauge public perceptions and support on zoning.

Deliverables:
- Project launch materials (e.g. project branding, media release, social media posts, mailout, and online engage webpage)
- Land use planning 101 materials (e.g. brochure, backgrounders, brief zoning overview video)
- First Nations letters for early and ongoing engagement
- APHC meeting – meeting to share approved workplan and provide awareness on Phase 1 engagement activities
- "Zoning-in-a-day" engagement, which includes one-day of intensive engagement in Area D South, Kaslo fringe, and North Kootenay Lake. This would include the following activities:
    - All day pop-up and information booth in key locations (e.g. farmers markets, community events, public parks/beaches)
    - Evening community open house (e.g. Ainsworth Hall, Argenta Community Hall, Kaslo Legion)
- Village of Kaslo meeting
- Community survey

*Timing: June – August 2026*

**Task 4: Phase 1 Report Back**
- Engagement summary report – summarize the results of the engagement activities completed to date including key themes and findings.
- Zoning directions memo – develop a technical memo that provides recommendations for zoning options as informed by tasks completed to date, including the background and technical review and community engagement. This memo would include recommendations on communities to apply zoning, and initial direction for drafting zoning regulations and OCP amendments, and possible phasing.
- APHC meeting – meeting to review and provide feedback on the phase 1 engagement activities and zoning directions memo and to provide a recommendation to the Board on communities that should move forward in the zoning process.
- RAC presentation and staff report – to present the engagement summary report and zoning directions memo and to seek a Board decision on where zoning should happen.

Deliverables:
- Engagement summary report
- Zoning directions memo
- Rural Affairs Committee presentation

*Timing: September - October 2026*

## Phase 2

**Task 5: Phase 2 Engagement**
- Phase 2 engagement activities – a series of engagement activities to engage the public, internal stakeholders, First Nations, and technical advisors. The focus of this engagement is to review results from the first round of engagement and broader recommendations and direction contained in the zoning directions memo and to begin to seek input for drafting zoning regulations with communities identified in Phase 1 as having interest.

Deliverables:

- Open houses in each community where zoning is proposed – the open houses will be charette-style organized around different themes for zoning. The workplan currently budgets for five open houses that correspond with the communities identified in resolution no. 149/22 (Kaslo Corridor, Woodbury, Schroeder Creek, Mirror Lake, and Allen Subdivision) - this may be amended after the completion of Phase 1. Depending on geography different communities may be hosted at the same open house.
- Take home kitchen workbooks – for those unable to attend the open house a take home work book will be made available that mirrors the selected themes.
- First Nations, technical advisors, and internal stakeholder meetings

*Timing: October – December 2026*

**Task 6: Phase 2 Report Back**

- Engagement summary report update - update to the existing engagement summary report to include the results of the Phase 2 engagement activities completed, including key findings, and recommendations for next steps.
- APHC meeting - meeting to review and provide feedback on the engagement activities and to provide a recommendation to the Board on preparing zoning regulations.
- RAC staff report – to present the updated engagement summary report and to seek Board direction on preparing a draft bylaw.

Deliverables:

- Updated engagement summary report

*Timing: January – February 2027*

## Phase 3

**Task 7: Draft Zoning Regulations**

- Develop draft zoning regulations - develop zoning regulations, accompanying OCP amendments, and associated mapping. The scope and scale of the regulations will be informed by the zoning directions memo (Task 4) and input gathered through community engagement (Phase 1 & 2).
- Prepare amending bylaw and mapping schedules – prepare bylaw wording and schedules for an amending bylaw to Area 'D' Comprehensive Land Use Bylaw.

Deliverables:

- Draft amending bylaw to Area 'D' Comprehensive Land Use Bylaw

*Timing: February – April 2027*

**Task 8: Phase 3 Engagement**

- Project update communications - prepare and distribute community update materials on the proposed zoning regulations. This will include connections between community feedback and how it informed the zoning regulations developed.
- Phase 3 engagement activities – a series of engagement activities to engage the public, internal stakeholders, First Nations, and technical advisors. The focus of this engagement is to present and seek feedback on the draft zoning regulations.

Deliverables:

- Communication materials (e.g. website content, newsletter, social media)
- Virtual open house with presentation and online engagement activities
- Community survey
- Formal 30 day referral
- APHC meeting

*Timing: April – May 2027*

**Task 9: Phase 3 Report Back**

- Engagement summary report update - update to the existing engagement summary report to include the results of the Phase 3 engagement activities completed, to be received by RAC at the time of first reading.

Deliverables:

- Updated engagement summary report

*Timing: May 2027*

**Task 10: Adoption Process**

- Amend bylaw and schedules as needed – make changes to zoning regulations, accompanying OCP amendments, and mapping schedules as needed from Phase 3 engagement.
- RAC presentation – presentation summarizing process to date and a walk through of proposed zoning regulations.
- First & second reading – staff report including finalized engagement summary report to be brought to RAC for a decision on first and second reading of the amendment bylaw.
- Public hearing – preparation of advertising and presentation materials for formal public hearing to meet *Local Government Act* requirements. This can be designed to take place in two locations due to the large geographical area.
- Amend bylaw and schedules as needed – depending on the results of the public hearing there may be a need to make amendments to the proposed bylaw. This would require rescinding and rereading second reading and scheduling a second public hearing and would add additional time to the proposed timeline.
- Third reading and adoption – staff report summarizing public hearing results and seeking Board adoption of the amending bylaw. The bylaw will require signature from the Ministry of Transportation and Transit in between 3rd reading and adoption.

Deliverables:

- Final version of amendment bylaw
- RAC presentation/workshop
- Public Hearing materials

*Timing: June – September 2027*

**Task 11: Project Closure**

- Project completion communications – ensure widespread awareness of project completion and new regulations.

- Create public materials for any new processes - draft any necessary circulars, website updates, application forms, or policies to ensure a smooth implementation across RDCK departments. This may include internal staff training sessions.
- Ensure consistency across RDCK bylaws – draft any bylaw necessary amendments that are required to align existing bylaws with the new bylaw (e.g. Planning Procedures and Fees Bylaw).

Deliverables:

- Communication materials (e.g. website content, newsletter, media release, circulars)

*Timing: August - September 2027*

## Budget

The largest cost to be incurred is staff time which will be inhouse. The bulk of the project will be completed by the Planner 2 (project manager). Support from the Planning Manager and other planning staff will be required, mostly to support engagement activities. GIS staff support will be required for land use analysis, engagement materials, and final maps and schedules. Other costs will be incurred to complete engagement across the three phases including hall rentals, advertising, a mail out, and material costs (estimated to be $4550 spread over two years). Professional fees are not anticipated at this time, but if as the project progresses and further study is required, they may occur. This is considered a base budget and should additional time or extra tasks occur the budget may need adjusted. Funds will come from the S104 account.

## Engagement Framework

**Engagement Principles**

Engagement will be guided by the following guiding principles:

- Purposeful - engagement is initiated with a clear, specific aim to respect participants' time and efforts.
- Genuine - interactions are conducted in good faith, emphasizing the value of public input.
- Inclusive - diversity, equity, and inclusion are included in designing engagement processes, aiming to reach a broad cross-section of residents.
- Collaborative - the project recognizes and respects the grass roots nature of this project and continues to take a community-driven approach in exploring zoning in Area D.
- Transparent - results of engagement and how they are used in decision making are made accessible to the public.

**Target Audience**

A Target Audience list is attached as Appendix 3. This list is a starting point, and further participants may be included as the project progresses. The list is sorted into the following four categories:

- Public – intended to capture the diverse communities of Area D including residents, landowners, land users, families, youths, seniors, and newcomers. This includes organized groups that can connect the project team to the communities. Engagement activities targeted to the public have been included in each phase of the project and are designed to be as inclusive as possible with virtual, in person and follow up opportunities. The workplan includes measures to ensure public feedback is compiled and reported back on including how it is used in decision-making.
- Internal Stakeholders – include RDCK representatives such as staff from relevant internal departments, elected officials, and committee members. The Area D Director and APHC have been identified to provide feedback at multiple checkpoints throughout the project with RAC and Board having ultimate decision-making authority.

- First Nations – identified through the Consultative Areas Database. First Nations will be sent a letter in Phase 1 explaining the project and inviting their participation. This is proposed to be focused meetings in Phase 2 and a formal referral in Phase 3. However, flexibility is anticipated to accommodate First Nations' desired level of participation.
- Technical Advisors – include representatives from other organizations that have expertise in the project area. This group will be engaged to close data gaps and provide advice in the drafting of zoning regulations. Their participation is proposed to be focused meetings in Phase 2 and a formal referral in Phase 3. The Village of Kaslo has been identified as an important stakeholder with concurrent projects to update their Zoning Bylaw and South Kaslo Development Plan, and staff propose to engage the Village starting in Phase 1.

See workplan for proposed engagement and communication activities. Each phase of engagement includes details on the intended target audience and the activities proposed to engage them.

## Key Issues, Risks and Challenges

Two main challenges have been identified and considered in the workplan. Firstly, the potential for misinformation and disinformation, which poses an even greater threat in these times of weakened trust in government institutions generally. Mitigation measures proposed include clear communications, multiple engagement activities to hear from communities at each phase, prioritizing in person engagement, scheduled reporting back, and open decision points with each phase to increase transparency.

Secondly, the project is to be launched in the final months of this electoral term and that may present some challenges such as the potential for the project to get side tracked with other election issues and a potential change in Board direction after the election. Phase 1 engagement has been scheduled over summer 2026 with reporting back to RAC in October 2026 to have clear community direction provided and documented in advance of the election. There is still the possibility of the project becoming an election issue. As well engagement over the summer season may be affected by wildfire season with lessened staff and community capacity.

## Related Documents

Appendix 1: Workplan Schedule
Appendix 2: Target Audience List

Area D Community Planning Workplan Schedule

| | Year: | 2026 | | | | | | | | | | 2027 | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Month: | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep |
| **PHASE 1** | | | | | | | | | | | | | | | | | | | | |
| 1 | Project Start Up | | | | | | | | | | | | | | | | | | | |
| 2 | Technical Review | | | | | | | | | | | | | | | | | | | |
| 3 | Phase 1 Engagement | | | | | | | | | | | | | | | | | | | |
| 4 | Phase 1 Report Back | | | | | | | | | | | | | | | | | | | |
| **PHASE 2** | | | | | | | | | | | | | | | | | | | | |
| 5 | Phase 2 Engament | | | | | | | | | | | | | | | | | | | |
| 6 | Phase 2 Report Back | | | | | | | | | | | | | | | | | | | |
| **PHASE 3** | | | | | | | | | | | | | | | | | | | | |
| 7 | Draft Zoning Regulations | | | | | | | | | | | | | | | | | | | |
| 8 | Phase 3 Engagement | | | | | | | | | | | | | | | | | | | |
| 9 | Phase 3 Report Back | | | | | | | | | | | | | | | | | | | |
| 10 | Adoption Process | | | | | | | | | | | | | | | | | | | |
| 11 | Project Closure | | | | | | | | | | | | | | | | | | | |

| | |
|---|---|
| | Task Completion |
| | Board Decision Point |

| Area D Community Planning Target Audience List |
|---|
| **Public** |
| Ainsworth Hall Society |
| Argenta Community Association |
| Business Owners |
| Gar Creek Water Users Association |
| Howser Water Users |
| J V Humphries Elem-Secondary students |
| Johnsons Landing Community Association |
| Kaslo and Area Senior Citizens Society |
| Kaslo and Area Chamber of Commerce |
| Kaslo and Up the Lake Youth Network |
| Kaslo Climate Action Team |
| Kaslo Community Services |
| Kaslo Housing Society |
| Kaslo Outdoor Recreation and Trails Society |
| Kaslo Search and Rescue |
| Kootenay Food Council |
| Lardeau Valley Community Club |
| Lardeau Valley LINKS |
| Lardeau Water Users Association |
| Loki Lots Water Users |
| Mirror Lake Water Users |
| Pine Ridge Water Utility Society |
| Property owners and tenants |
| Schroeder Creek Home Owners Society |
| Schroeder Creek Water Society |
| Sourdough Water System |
| South Beach Working Group |
| Woodbury Water System Community Advisory Committee |
| Young Agrarians |
| **Internal RDCK Stakeholders** |
| Area D Director |
| Area D Advisory Planning and Heritage Commission |
| Community Services staff |
| Development and Community Sustainability Services staff |
| Environmental Services staff |
| North Kootenay Lake Service Committee |
| Kaslo Volunteer Fire Department |
| Rural Affairs Committee |
| **First Nations** |
| ?akisq?nuk (Columbia Lake) |
| ?aq?am (St. Mary's) |
| Sexqeltqín (Adams Lake) |
| Ktunaxa Nation Council |

| Area D Community Planning Target Audience List |
|---|
| **First Nations** |
| Kɬk'ər'míws (Lower Similkameen) |
| Sk¬emtsin (Neskonlith) |
| Suknaqínx (Okanagan) |
| Okanagan Nation Alliance |
| Kenpésqt (Shuswap) |
| Sinixt Confederacy |
| Skwl?x te Secwepemcu?l?ecw (Little Shuswap) |
| Snpíntktn (Penticton) |
| ?Akink'um‡Asnuq‡I?It (Tobacco Plains) |
| Spaxomən (Upper Nicola) |
| yaqan nu?kiy (Lower Kootenay) |
| **Technical Advisors** |
| Agricultural Land Commission |
| BC Housing |
| BC Hydro (Duncan Dam) |
| BC Transit |
| Columbia Basin Trust |
| Columbia Shuswap Regional District |
| Community Futures Central Kootenay |
| Fisheries and Oceans Canada |
| Fletcher Creek Improvement District |
| Fortis |
| Interior Health Authority |
| Kaslo & District Community Forest Society |
| Kaslo Infonet Society |
| Kootenay & Boundary Farm Advisors |
| Kootenay Conservation Program |
| Kootenay Lakes Partnership |
| Logging Companies |
| Ministry of Agriculture and Food |
| Ministry of Environment and Parks |
| Ministry of Forests |
| Ministry of Mining and Critical Minerals |
| Ministry of Transportation and Transit |
| Ministry of Water, Land and Resource Stewardship |
| Nature Trust of BC |
| North Kootenay Lake/ Nelson and Kootenay Lake Tourism |
| Regional District of Kootenay Boundary |
| School District 8 |
| Village of Kaslo |

# Committee Report

*May 20, 2026*

## RDCK Sub Region West Official Community Plan Project Charter and Engagement Framework

**Author:** Rishab Gaba, Planner 2
**File Reference:** \\FILES\RDCK\10\5110\20\RDCK SUB REGIONAL PLANNING
**Electoral Area/Municipality:** ELECTORAL AREAS F, J, & K
**Services Impacted** Planning and Land Use S104

## 1.0 STAFF RECOMMENDATION

That the Board direct staff to undertake the RDCK Sub Region West Official Community Plan project in accordance with the Project Charter and endorse the Engagement Framework as described in the report titled "RDCK Sub Region West Official Community Plan Project Charter and Engagement Framework" dated May 20, 2026.

## 2.0 BACKGROUND/HISTORY

RDCK is initiating the RDCK Sub Region West Official Community Plan (OCP) project for Electoral Areas F, J, and K in accordance with Board direction.

On April 16, 2026, the Board resolved:
"That the Board direct staff to initiate a Sub-Regional Official Community Plan update for areas F, J, and K and staff to initiate the Area D Community Planning and Area H North Official Community Plan update; and these projects be the top priority for the planning department workplan."

The Sub Region West OCP project is intended to prepare a single, chapter-based OCP for Electoral Areas F, J, and K. This approach will allow staff to coordinate engagement across all three Electoral Areas through one process while still recognizing area-specific and community-specific contexts. The project will provide an opportunity to review and update existing policy direction so that it better reflects community needs, values, and priorities within the planning area, while remaining aligned with the statutory requirements of the *Local Government Act (LGA).*

The Project Charter and Engagement Framework has been prepared to provide a clear framework for this OCP update process. It identifies the legislative context, geographic and thematic scope, project objectives, governance structure, engagement principles, engagement zones, and phased timeline. The framework also clarifies that the project includes OCP policy development, land use designations, mapping, engagement with community members, stakeholders, and First Nations.

The project will be delivered by RDCK staff with oversight from the Rural Affairs Committee (RAC). An OCP review team will support project coordination, review of key materials, and alignment of project direction. The review

team will include the Electoral Area Directors for the participating areas and RDCK staff, with input from Advisory Planning and Heritage Commissions (APHCs), stakeholders, First Nations, internal departments, external agencies, and other participants as appropriate.

The Engagement Framework provides the overarching principles and structure for engagement. It is not a detailed operational engagement plan. Detailed engagement activities, materials, scheduling, locations, and implementation steps will be developed as the project progresses, with flexibility to respond to geography, settlement patterns, local context, community needs, project phase, and available resources.

The project is proposed to be organized into five phases: Project Initiation; Understanding Current Conditions; Vision and Directions; Policy Development and Refinement; and Project Close-Out / Adoption and Transition. The integrated timeline is intended to support coordination between technical work, engagement activities, key deliverables, review points, and Board decisions over the course of the project.

## 3.0 PROBLEM OR OPPORTUNITY DESCRIPTION

RDCK has directed staff to establish a coordinated and updated land use planning policy framework for Electoral Areas F, J, and K through a single, chapter-based Official Community Plan.

The Project Charter and Engagement Framework provide the structure needed to begin this work in a coordinated manner. It clarifies the project scope, governance approach, engagement framework, phasing, and key review points before detailed policy drafting begins.

Endorsing the Engagement Framework at this stage will support a transparent and flexible process for community input, technical review, and future Board consideration over the proposed three-year timeline.

### 3.1 Alignment to Board Strategic Plan

The Sub Region West OCP project aligns with the Board's Regional Approach to Growth priority. The Strategic Plan identifies the need to simplify land use planning while respecting unique local challenges, understand the uniqueness of each community as it relates to policy development, and provide a balanced approach to regional and local planning. The proposed single, chapter-based OCP directly supports this direction by creating a coordinated planning framework for Electoral Areas F, J, and K while allowing area-specific and community-specific policy direction where appropriate.

The project also supports the Board's Organizational Excellence priority by advancing policy-focused decision-making, transparent communication, and responsive planning processes. The Project Charter and Engagement Framework provide a structured process for project delivery, engagement, governance, and phasing, which will help ensure Board decisions are informed, coordinated, and supported by community input and technical review.

In addition, the project supports the Board's priorities related to Develop Relationships and Partnerships and Energy Efficiency and Environmental Responsibility by providing opportunities for engagement with First Nations, community members, stakeholders, agencies, and local organizations, and by creating a policy framework that can address environmental stewardship, natural risks, housing needs, growth management, infrastructure, and community well-being.

### 3.2 Legislative Considerations

This Sub Region OCP project will be undertaken in accordance with the *Local Government Act* (*LGA)*, which establishes requirements for OCP preparation, content, consultation, public hearing, and adoption by bylaw.

The project will also include review of existing Development Permit Area and Development Approval Information Area provisions and related amendments to *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*, where required.

### 3.3 What Are the Risks

There is a communication risk if the project is misunderstood as a comprehensive zoning or regulatory exercise rather than an OCP review and update process. This could contribute to misinformation, disinformation, or unrealistic expectations about what the OCP can or cannot change. Clear project framing and consistent public information will be important to clarify that the project will review and update existing policy direction, rather than start from a blank slate or make site-specific land use decisions.

The project timeline also overlaps with the upcoming local government election cycle. This may affect community attention and understanding. A confirmed Project Charter and Engagement Framework will help maintain a consistent process through future project phases.

## 4.0 PROPOSED SOLUTION

The proposed solution is for the Board to endorse the RDCK Sub Region West Official Community Plan Project Charter and Engagement Framework.

The Project Charter and Engagement Framework confirm the project scope, governance approach, engagement principles, phased timeline, key deliverables, review points, and Board decision matters.

Endorsement at this stage will provide a clear basis for project delivery while allowing detailed engagement activities, technical work, and policy development to be refined as the project progresses.

### 4.1 Financial Considerations of the Proposed Solution

Project work to date has been completed using existing staff resources within the Planning Department. Future project costs may include engagement materials, venue rentals, advertising, mapping, communications support, technical review, and related project implementation costs. These costs will be managed through the Planning and Land Use Service S104 budget, subject to approved financial plan allocations.

The Project Charter and Engagement Framework establish a three-year process. Detailed costs will be refined as the project progresses and as operational engagement activities are developed for each phase. If additional funding is required beyond approved budgets, staff will bring forward a separate report for Board consideration.

Internal support may also be required from Communications, GIS, Corporate Services, and other RDCK departments as part of regular project coordination.

## 4.2 Risks with the Proposed Solution

The proposed solution reduces overall project risk by confirming the scope, governance structure, engagement framework, and phased timeline before detailed OCP work begins.

Some risks remain. The three-year timeline may be affected by staff capacity, competing work plan priorities, local government election timing, engagement participation levels, and the need to respond to community concerns or disinformation/misinformation. There is also a risk that the project could be misunderstood as a comprehensive zoning or regulatory exercise rather than an OCP review and update process.

These risks will be mitigated through clear public communication, consistent use of the Project Charter and Engagement Framework, phased reporting to the Rural Affairs Committee and Board, flexible engagement planning, and continued coordination with Electoral Area Directors, community members, stakeholders, First Nations, and internal departments.

## 4.3 Resource Allocation and Workplan Impact

The Sub Region West OCP project will be led by Planning staff, with support from other RDCK departments as required, including GIS, Communications, Corporate Services, and other internal departments where relevant.

The Project Charter and Engagement Framework identify a proposed three-year timeline, with project initiation in 2026 and adoption targeted for 2029. The timeline is intended to allow for technical review, phased engagement, policy development, statutory processes, and Board decision points.

## 4.4 Public Benefit and Stakeholder Engagement of Proposed Solution

The proposed solution supports public benefit by establishing a clear process to review and update land use policy direction for Electoral Areas F, J, and K. The project will provide opportunities for community members, stakeholders, First Nations, APHCs, and other participants to provide input before draft OCP policy is prepared and considered by the Board.

The *LGA* establishes consultation requirements during OCP development, including consideration of early and ongoing consultation, consultation with applicable school districts, and a public hearing prior to adoption. The Engagement Framework is intended to support these requirements while allowing engagement activities to be adjusted by project phase, geography, local context, and community needs.

## 4.5 Leveraging Technology

The project will use technology to support communication, engagement, mapping, and project coordination. This may include the RDCK engage webpage, online surveys, digital mapping, GIS analysis, presentation materials, and online information sharing.

Technology will be used to broaden access to project information and engagement opportunities, while maintaining in-person and paper-based options where appropriate for accessibility.

### 4.6 Measuring Success

Success will be measured by completion of key project milestones identified in the Project Charter and Engagement Framework, including project initiation, background review, engagement summaries, vision and direction work, draft OCP preparation, statutory processes, and final adoption.

Staff will provide updates through the RAC meetings at key review points. Success will also be measured by whether the process provides clear public information, meaningful engagement opportunities, coordinated technical review, and a final OCP that is usable, policy-focused, and aligned with legislative requirements.

## 5.0 ALTERNATIVE SOLUTION(S)

An alternative is for the Board to refer the Project Charter and Engagement Framework back to staff for further revision.

This alternative may be appropriate if the Board wishes to provide additional directions on project scope, governance, engagement, phasing, or review points before staff proceed. However, referral would delay project initiation and may affect the proposed timeline for early engagement, technical review, and preparation of project materials.

### 5.1 Financial Considerations of the Alternative Solution(s)

Referral may result in additional staff time to revise the Project Charter and Engagement Framework, but no additional funding is anticipated at this stage.

### 5.2 Risks with the Alternative Solution(s)

Referral may delay project initiation, create uncertainty regarding the project scope and engagement process, and affect the proposed three-year timeline.

### 5.3 Resource Allocation and Workplan Impact

Referral would require additional Planning staff time before project initiation and may affect scheduling of early project tasks.

### 5.4 Public Benefit and Stakeholder Engagement of Alternative Solution

Referral could provide additional opportunity to refine the project framework before public engagement begins. However, it would delay community-facing engagement and may create uncertainty for community members, stakeholders, First Nations, and Electoral Area Directors.

### 5.5 Measuring Success

If referred, success would be measured by staff returning with a revised Project Charter and Engagement Framework that addresses Board direction.

## 6.0 OPTIONS CONSIDERED BUT NOT PRESENTED

Not preparing a Project Charter and Engagement Framework was considered but is not presented as a recommended option. The Sub Region West OCP project is a multi-year, Board-directed priority, and proceeding without this framework would reduce clarity regarding project scope, governance, engagement, phasing, review points, and decision matters.

## 7.0 OPTIONS SUMMARY

**Option 1:**
That the Board direct staff to undertake the RDCK Sub Region West Official Community Plan project in accordance with the Project Charter and endorse the Engagement Framework as described in the report titled "RDCK Sub Region West Official Community Plan Project Charter and Engagement Framework" dated May 20, 2026.

**Option 2:**
That the Board refer the RDCK Sub Region West Official Community Plan Project Charter and Engagement Framework back to staff for further revision and report back to a future Rural Affairs Committee meeting.

## 8.0 RECOMMENDATION

That the Board direct staff to undertake the RDCK Sub Region West Official Community Plan project in accordance with the Project Charter and endorse the Engagement Framework as described in the report titled "RDCK Sub Region West Official Community Plan Project Charter and Engagement Framework" dated May 20, 2026.

Respectfully submitted,
Rishab Gaba, Planner 2

## CONCURRENCE

Planning Manager – Nelson Wight Approved
General Manager Development & Sustainability – Sangita Sudan Approved
Chief Administrative Officer – Stuart Horn Approved

**ATTACHMENTS:**
Attachment A – RDCK Sub Region West Official Community Plan Project Charter and Engagement Framework

**RDCK Sub Region West Official Community Plan**

# Project Charter and Engagement Framework



## Executive Summary

1. This document establishes the project charter and engagement framework for preparation of the Sub Region West Official Community Plan (OCP) for Electoral Areas F, J, and K.
2. The Sub Region West OCP project is being undertaken in accordance with Board direction, and this document is intended to provide a clear framework for project delivery, engagement, governance, and phasing.
3. The OCP will be prepared as a single, chapter-based policy document for the planning area.
4. The project is intended to establish a clear and implementable land use planning policy framework that reflects community values, needs, priorities and guides future land use and development decisions within the planning area.
5. The project scope includes preparation of OCP policy content, land use designations, associated mapping, engagement with community members, stakeholders, and First Nations, and related technical review and policy analysis.
6. The project also includes related regulatory bylaw work, where required, to review existing Development Permit Area and Development Approval Information Area provisions and transfer their regulatory content from the OCP framework to *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*.
7. The project does not include a comprehensive zoning update, detailed engineering or servicing infrastructure design, or site-specific land use decisions beyond work necessary to support broader policy development.
8. The OCP will be prepared within the legislative framework established by the *Local Government Act* and will function as a policy document adopted by bylaw.
9. The project framework provides for a structured approach to policy development through a single OCP with area-specific and community-specific policy direction included where appropriate.
10. The project will be supported through an OCP review team that includes the Electoral Area Directors for the participating areas and RDCK staff, with input from APHCs, stakeholders, First Nations, and other participants as appropriate.
11. Advisory Planning and Heritage Commissions, where established, will be engaged to provide local input and advice throughout the project.
12. Engagement will involve residents, property owners, tenants, families, youth, seniors, newcomers, community groups and organizations, service providers, school districts, educational institutions, school communities, local associations, industry representatives, stakeholders, and First Nations.
13. Engagement activities will be designed to be accessible, inclusive, and appropriate to the planning area and will include community workshops, pop-up engagement, online surveys, paper options and small group conversations.
14. Community-facing engagement activities will be organized through geographically designated engagement zones to support a structured and locally responsive approach across the planning area.
15. The project will be organized into five phases. These phases are supported by an integrated timeline that aligns engagement activities, key deliverables, review points, and Board decision matters over the course of the project.

# TABLE OF CONTENTS

1. Introduction and Purpose ..... 3
1.1 Project Context ..... 3
1.2 Purpose ..... 3
2. Legislative Context and Project Scope ..... 3
2.1 Legislative Context ..... 3
2.2 Geographic Scope ..... 4
2.3 Thematic Scope ..... 5
2.4 In Scope ..... 5
2.5 Out of Scope ..... 5
2.6 Relationship with Regulatory Tools ..... 6
3. Project Objectives and Outcomes ..... 6
4. Project Framework ..... 6
4.1 Planning Framework ..... 6
4.2 OCP Structure ..... 7
4.3 Governance and Roles ..... 7
5. Engagement Framework ..... 7
5.1 Engagement Principles ..... 7
5.2 Community members, Stakeholders, and First Nations ..... 8
5.3 Inclusive Participation ..... 8
5.4 Operational Engagement Framework ..... 8
5.5 Engagement Zones ..... 9
6. Project Phases and Timeline ..... 9
6.1 Project Phases ..... 9
6.2 Integrated Timeline ..... 12

# 1. Introduction and Purpose

## 1.1 Project Context

1.1.1 The Regional District of Central Kootenay (RDCK) is initiating the Sub Region West Official Community Plan (OCP) for Electoral Areas F, J, and K in accordance with Board direction.

1.1.2 On April 16, 2026, the Board resolved: "That the Board direct staff to initiate a Sub-Regional Official Community Plan update for areas F, J, and K and staff to initiate the Area D Community Planning and Area H North Official Community Plan update; and these projects be the top priority for the planning department workplan."

1.1.3 An OCP is adopted by bylaw and is intended to guide decisions on planning and land use management within the area covered by the plan.

1.1.4 The *Local Government Act* (*LGA*) establishes the legislative basis and statutory requirements for preparing, consulting on, and adopting an OCP.

1.1.5 The Sub Region West OCP project provides an opportunity to review and update existing policy direction so it better reflects community needs, values, and priorities within the planning area, while remaining aligned with legislative requirements.

## 1.2 Purpose

1.2.1 This document establishes the overall framework for preparing the Sub Region West OCP.

1.2.2 The purpose of this document is to provide clarity on how the Sub Region West OCP will be developed, including its legislative context, scope, project framework, engagement framework, and overall phasing.

1.2.3 This document is intended to support a consistent and transparent approach to project delivery, Board oversight, and engagement with community members, stakeholders, and First Nations.

1.2.4 This document also provides the basis for developing more detailed engagement activities, materials, and implementation steps as the project progresses; the engagement framework contained herein provides the overarching principles and structure for engagement and is not a detailed operational engagement plan.

# 2. Legislative Context and Project Scope

## 2.1 Legislative Context

2.1.1 The preparation and adoption of an OCP are governed by the *LGA*.

2.1.2 Section 471 of the *LGA* establishes that an OCP is a statement of objectives and policies to guide decisions on planning and land use management within the area covered by the plan.

2.1.3 Section 472 of the LGA authorizes the adoption of an OCP by bylaw and requires that the plan be included in the adopting bylaw as a schedule and that the area covered by the plan be designated.

2.1.4 Section 473 of the *LGA* sets out content requirements for an OCP, including required statements, map designations, housing policies, and greenhouse gas reduction targets, and requires consideration of applicable provincial guidelines in developing or amending an OCP.

2.1.5 Section 474 of the *LGA* identifies additional policy statements that may be included in an OCP, including matters related to social well-being, agriculture, the natural environment, and transportation.

2.1.6 Sections 475 and 476 of the *LGA* set out consultation requirements during development, amendment, or repeal of an OCP, including providing consultation opportunities, considering whether consultation should be early and ongoing, and consulting with applicable school districts.

2.1.7 Section 477 of the *LGA* establishes that an OCP must be adopted by bylaw and that consultation under section 475 is in addition to the required public hearing.

2.1.8 In accordance with the *LGA*, an OCP functions as a policy document and provides direction for future planning and land use decisions within the plan area.

2.1.9 Regulatory provisions, including zoning regulations, are established through separate bylaws and tools enabled under the LGA.

## 2.2 Geographic Scope

2.2.1 The Sub Region West OCP will apply to Electoral Areas F, J, and K within the RDCK in their entirety.

**Electoral Area F:** Located on the north shore of the Kootenay River and the West Arm, Electoral Area F includes the communities of Beasley, Taghum, Willow Point, Nasookin, Grohman, Crescent Beach, Sproule Creek, Six Mile and Bonnington.

**Electoral Area J:** Surrounding the city of Castlegar on the banks of the Columbia River and Lower Arrow Lake, Electoral Area J – Columbia/Lower Arrow includes Ootischenia, Robson, Renata, Deer Park, Brooklyn, Shields, Raspberry, Syringa and Fairview.

**Electoral Area K:** Located on the shores of the Arrow Lakes, Electoral Area K – The Arrow Lakes includes the communities of Applegrove, Edgewood, Fauquier, Burton, Arrow Park, Crescent Bay, Whatshan Lake, Brouse/Glenbank, Box Lake, Needles, Halcyon and Inonoaklin Valley.

2.2.2 The Sub Region West OCP is being prepared as a single OCP for the identified planning area.

2.2.3 The planning area includes multiple communities, rural areas, and settlement patterns with varying local contexts.

2.2.4 The geographic scope of the Sub Region West OCP is intended to support a coordinated policy framework across the planning area while allowing for area-specific and community-specific policy direction where appropriate.

2.2.5 Detailed mapping, geographically designated engagement zones, and related spatial information will be developed as part of the project.

## 2.3 Thematic Scope

2.3.1 The thematic scope of the Sub Region West OCP will be informed by applicable legislation, including the statutory requirements of the *LGA*, provincial guidance and best practices, community visioning, and local planning considerations identified through engagement, technical review, and policy analysis.

2.3.2 The OCP will address themes at a level appropriate to a policy document and is expected to broadly include land use, growth management, housing needs, environment and climate, economy and agriculture, infrastructure and services, and community well-being.

2.3.3 These themes will be refined through the project to reflect the planning area, community values, emerging vision, and policy issues identified through engagement, technical review, and policy analysis.

2.3.4 The thematic scope is intended to provide a clear and comprehensive policy structure for the OCP without predetermining all detailed policy content at this stage.

## 2.4 In Scope

2.4.1 The Sub Region West OCP will establish policy direction for land use and development within the planning area.

2.4.2 The project includes the development of a chapter-based OCP framework that addresses the themes identified in Section 2.3.

2.4.3 The project includes the preparation of policy statements, land use designations, and associated mapping at a level appropriate to an OCP.

2.4.4 The project includes the identification of area-specific and community-specific policy direction where appropriate within the overall OCP structure.

2.4.5 The project includes engagement with community members, stakeholders, and First Nations to inform policy development throughout the process.

2.4.6 The project includes technical review, policy analysis, and drafting required to prepare the OCP for Board consideration.

2.4.7 The project includes review of existing Development Permit Area and Development Approval Information Area provisions, including related guidelines, policy content, and regulatory content. Any consideration of new or expanded permitting requirements would be informed by community input, technical review, and Board direction.

2.4.8 The project includes amendments to *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*, as required to accommodate regulatory provisions related to Development Permit Areas and Development Approval Information Areas.

## 2.5 Out of Scope

2.5.1 The project does not include a comprehensive review or update of zoning regulations beyond the regulatory bylaw work specifically required to support transfer of Development Permit Area and Development Approval Information Area provisions. Input received through the project may help identify future zoning regulation amendments for consideration through a separate implementation process.

2.5.2 The project does not include implementation of all future regulatory tools that may be informed by the OCP beyond those specifically identified as part of this project.

2.5.3 The project does not include site-specific land use decisions or application-level approvals, except where review is necessary to inform broader policy development.

2.5.4 The project may identify policy direction related to infrastructure and services but does not include detailed engineering or servicing infrastructure design, or capital project planning.

2.5.5 The project does not include changes to matters primarily governed by provincial or federal legislation, except where the OCP or related regulatory bylaw work may provide local policy direction.

### 2.6 Relationship with Regulatory Tools

2.6.1 The Sub Region West OCP will function as a policy document, and related regulatory bylaw work will be limited to reviewing existing Development Permit Area and Development Approval Information Area provisions and, where required, transferring regulatory content from the OCP framework to the zoning document.

## 3. Project Objectives and Outcomes

3.1 The Sub Region West OCP project is intended to establish a clear and implementable policy framework for the planning area.

3.1.1 The project will identify and reflect community values, needs, and priorities through engagement, technical review, and policy analysis.

3.1.2 The project will translate the community values, needs, and priorities into clear policy direction to guide land use and development decisions within the planning area.

3.1.3 The project will prepare an OCP that is aligned with legislative requirements and supports future implementation through related regulatory tools, where applicable.

## 4. Project Framework

### 4.1 Planning Framework

4.1.1 The Sub Region West OCP will be prepared as a single OCP for the identified planning area, supported by a structured and consistent policy framework.

4.1.2 The planning framework is intended to provide a coordinated approach across Electoral Areas F, J, and K while allowing for area-specific and community-specific policy direction where appropriate.

4.1.3 The planning framework will be informed by legislative requirements, technical review, and engagement undertaken as part of the project.

4.1.4 The planning framework is intended to support clarity, consistency, and usability of the OCP as a policy document for decision-making and future implementation.

### 4.2 OCP Structure

4.2.1 The Sub Region West OCP will be organized as a chapter-based document structured around key planning themes.
4.2.2 Each chapter will address a specific theme and will include relevant objectives, policies, and supporting content at a level appropriate to an OCP.
4.2.3 The chapter-based structure is intended to provide a clear and consistent format across the OCP while allowing for integration of area-specific and community-specific policy direction within each chapter.
4.2.4 This structure supports flexibility in organizing content and updating specific themes over time without requiring comprehensive restructuring of the OCP.
4.2.5 Where appropriate, the OCP may include indicators or monitoring considerations to support future review of policy outcomes.

### 4.3 Governance and Roles

4.3.1 The Sub Region West OCP project will be undertaken by RDCK staff with oversight from the Rural Affairs Committee (RAC).
4.3.2 Project updates, information reports, and key materials will be presented to the RAC for review, discussion, and direction.
4.3.3 An OCP review team will be established to support project coordination, review of key materials, and alignment of project direction.
4.3.4 The OCP review team will include the Electoral Area Directors for the participating areas and RDCK staff and may involve input from Advisory Planning and Heritage Commissions (APHCs), relevant internal departments, external agencies, stakeholders, First Nations, and other participants as appropriate.
4.3.5 APHCs will be engaged, as applicable, to provide local input and advice on planning matters throughout the project.
4.3.6 The project will include coordination with First Nations, internal departments, and external agencies, as appropriate, to inform policy development.
4.3.7 Community members, stakeholders, and First Nations will be engaged throughout the project to provide input and feedback to inform the OCP.

## 5. Engagement Framework

### 5.1 Engagement Principles

5.1.1 Engagement will be undertaken throughout the project to support development of the OCP, including applicable statutory consultation requirements under the *LGA*.
5.1.2 Engagement activities will be designed to be accessible, inclusive, and appropriate to the planning area.
5.1.3 Engagement will include opportunities for community members, stakeholders, and First Nations to provide input at different stages of the project.
5.1.4 Engagement will be structured to support understanding of planning topics and to gather input for development of policy direction.

5.1.5 Engagement will be coordinated across the planning area while allowing for variation in approach based on local context, geography, settlement patterns, and community needs.

## 5.2 Community members, Stakeholders, and First Nations

5.2.1 Engagement will be undertaken in accordance with the consultation requirements of the *LGA* and will involve a broad range of people, organizations, and authorities that may be affected by the OCP.

5.2.2 Community members include residents, property owners, tenants, families, youth, seniors, newcomers, and other members of the public within Electoral Areas F, J, and K.

5.2.3 Stakeholders include community groups and organizations, local associations, service providers, school districts, educational institutions, school communities, business and industry representatives, neighbouring municipalities, adjacent regional districts, utilities, and other groups with an interest in planning and land use within the planning area.

5.2.4 Engagement with First Nations will be undertaken early and throughout the project in a manner that recognizes government-to-government relationships, consultation responsibilities, and local government engagement practices.

## 5.3 Inclusive Participation

5.3.1 Engagement activities will be designed to support participation from a broad range of people and communities within the planning area.

5.3.2 Participation opportunities will be structured to recognize that people experience the planning process differently depending on age, housing status, family responsibilities, mobility, location, language, and familiarity with local government processes.

5.3.3 Engagement activities will be planned to support participation from residents, property owners, tenants, families, youth, seniors, newcomers, and other community members who may not typically participate through formal advisory bodies or organized groups.

5.3.4 Inclusive participation will be supported through a range of engagement methods, locations, and formats appropriate to the planning area and project phase.

5.3.5 Schools, community organizations, and other local networks may be used, where appropriate, to broaden participation and support access to engagement opportunities.

## 5.4 Operational Engagement Framework

5.4.1 This section explains, at a framework level, how engagement activities will be organized and delivered during the project.

5.4.2 Engagement activities will be structured by project phase and applied across the planning area through defined engagement zones.

5.4.3 The operational engagement framework is intended to provide a consistent structure for engagement while allowing for variation in methods, intensity, and timing based on local context, geography, community needs, and project phase.

5.4.4 Engagement activities may include community workshops, pop-up engagement, online surveys, and small group conversations, as appropriate to the purpose and stage of engagement.

5.4.5 Community workshops will be used where more structured discussion is needed to explore issues, values, policy directions, or draft content.

5.4.6 Pop-up engagement will be used to broaden access to participation through informal, place-based opportunities, including existing community events and festivals where appropriate.

5.4.7 Online surveys, with paper options and local drop-off locations where appropriate, will be used to gather broader input, test themes, and support participation from people who may not attend in-person activities.

5.4.8 Small group conversations will be used where focused discussion is needed with specific communities, local groups, stakeholders, or First Nations.

5.4.9 The detailed design of engagement activities within this framework will be developed through project implementation with input from the OCP review team.

### 5.5 Engagement Zones

5.5.1 Geographically designated engagement zones will be used to organize community-facing engagement activities across the planning area.

5.5.2 Engagement zones are intended to support a structured and locally responsive approach to engagement by grouping communities and surrounding rural areas in a practical way for project delivery.

5.5.3 The number, location, and configuration of engagement zones will be confirmed as part of project implementation, with consideration of geography, settlement patterns, access, population, community interest, local facilities, and local planning context.

5.5.4 Engagement zones are intended to support consistency in project delivery while allowing engagement activities to be tailored to different parts of the planning area.

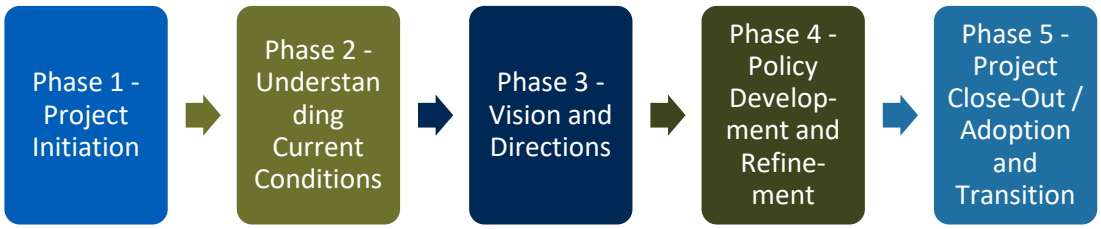
## 6. Project Phases and Timeline

### 6.1 Project Phases

6.1.1 The Sub Region West OCP project will be undertaken through a phased process that supports information gathering, policy development, and review of draft materials.

6.1.2 The phased approach is intended to provide a clear structure for project delivery while allowing engagement and technical work to be sequenced in a practical and coordinated manner.

6.1.3 The Sub Region West OCP project will be organized into five phases:




6.1.4 Phase 1: Project Initiation will focus on project setup, governance, engagement planning, and preparation of the overall project framework.

6.1.5 Phase 2: Understanding Current Conditions will focus on building a shared understanding of the planning area through background review, education, early engagement, and identification of community values, issues, and priorities.

6.1.6 Phase 3: Vision and Directions will focus on community visioning, including developing and testing the overall vision, key directions, and thematic policy priorities for the OCP.

6.1.7 Phase 4: Policy Development and Refinement will focus on drafting, reviewing, and refining OCP content, including validation of policy direction through engagement and project governance processes.

6.1.8 Phase 5: Project Close-Out / Adoption and Transition will focus on final governance review, statutory processes, adoption of the OCP by bylaw, and transition activities such as updating public information resources, internal materials, and staff guidance documents.

6.1.9 Each phase will include technical work, engagement activities, and project materials appropriate to that stage of the process.

6.1.10 Table 1 provides a high-level phasing for the project, including engagement framework, major deliverables, and governance milestones.

*Table 1 Project Phases*

| Phase | Engagement Framework | Deliverable | Review Point | Board Decision Matter |
|---|---|---|---|---|
| **Phase 1: Project Initiation** | 1. Project launch,<br>2. Internal coordination,<br>3. OCP review team setup,<br>4. Initial engagement planning,<br>5. Identification of engagement zones | 1. Confirmed project framework/charter,<br>2. Confirmed governance structure,<br>3. Engagement framework,<br>4. Integrated timeline | 1. OCP review team,<br>2. RAC | 1. Endorsement of project charter and engagement framework |
| **Phase 2: Understanding** | 1. Background information sharing and education | 1. Background / Existing Conditions Summary, | 1. OCP review team,<br>2. APHC input | 1. Board direction, if required |

| | | | | |
|---|---|---|---|---|
| **Current Conditions** | through community workshops, pop-up engagement, online survey, and small group conversations,<br>2. Early discussions with stakeholders and First Nations | 2. Initial "What We Heard" summary | where established,<br>3. RAC | |
| **Phase 3: Vision and Directions** | 1. Engagement focused on community visioning, values, priorities, and emerging directions through workshops, pop-ups, online survey, and focused conversations | 1. Vision and Directions Summary,<br>2. Updated engagement summary | 1. OCP review team,<br>2. APHC input where established,<br>3. RAC | 1. Board direction, if required |
| **Phase 4: Policy Development and Refinement** | 1. Engagement on draft policy directions and draft OCP content,<br>2. Broader review with stakeholders, First Nations, and communities | 1. Draft OCP,<br>2. Updated engagement summary including referral responses | 1. OCP review team,<br>2. APHC input where established,<br>3. RAC,<br>4. Agency and First Nations referral review | 1. Board direction, if required |
| **Phase 5: Project Close-Out / Adoption and Transition** | 1. Formal referrals, public hearing, and statutory processes<br>2. Final engagement and communication | 1. Final OCP adoption package, including revisions following statutory review and public hearing, if required<br>2. Updated public information resources, internal materials, and staff guidance documents, as required | 1. RAC,<br>2. Board | 1. First and second reading,<br>2. Public hearing,<br>3. Third reading, and adoption |

## 6.2 Integrated Timeline

6.2.1 The integrated timeline for the Sub Region West OCP project is presented in Figure 1.

*Figure 1 Integrated Timeline*

| Phase | Q2 2026 | Q3 2026 | Q4 2026 | Q1 2027 | Q2 2027 | Q3 2027 | Q4 2027 | Q1 2028 | Q2 2028 | Q3 2028 | Q4 2028 | Q1 2029 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Phase 1: Project Initiation | | ■ Sept 2026 | | | | | | | | | | |
| Phase 2: Understanding Current Conditions | | | | | ■ June 2027 | | | | | | | |
| Phase 3: Vision and Directions | | | | | | | | ■ Mar 2028 | | | | |
| Phase 4: Policy Develop-ment and Refine-ment | | | | | | | | | | ■ Sept 2028 | | |
| Phase 5: Project Close-Out / Adoption and Transition | | | | | | | | | | | | ■ Mar 2029 |

6.2.2 The integrated timeline is intended to support project coordination, and alignment between technical work, engagement activities, and governance processes.

6.2.3 The integrated timeline is provided at a framework level and will guide more detailed scheduling and implementation as the project progresses.

6.2.4 The adoption phase includes time for revisions following statutory review or public hearing, including additional readings or public hearing requirements where necessary.

