



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE
Open Meeting Agenda

Date: Wednesday, July 15, 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 Drive, Nelson

2. CALL TO ORDER

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

FREEDOM OF THE FLOOR

RECOMMENDATION:

That Director(s) _____ have Freedom of the Floor.

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 July 15, 2026 Rural Affairs Committee meeting be adopted as circulated.

5. RECEIPT OF MINUTES

The June 17, 2026 Rural Affairs Committee meeting minutes, have been received.

13 - 18

6. DELEGATIONS

No delegations.

7. PLANNING & BUILDING

7.1 BUILDING BYLAW CONTRAVENTION – JOHNSON

File No.: 3135-20-B-786.05279.000

Railway Avenue

(Lorne Johnson & Barbara Johnson)

Electoral Area B

19 - 24

The Committee Report dated June 12, 2026 from Erik Stout, Manager Building and Bylaw, re: Building Bylaw Contravention – Johnson, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved 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 Railway Ave, Electoral Area B, and legally described as LOT 1, BLOCK 3, PLAN NEP1407, DISTRICT LOT 4683, KOOTENAY LAND DISTRICT & LOT 2, BLOCK 3, PLAN NEP1407, DISTRICT LOT 4683 KOOTENAY LAND DISTRICT PID 012-042-927 & 012-042-935; 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 – LAWRENCE
File No.: 3135-20-786.06219.300-25150 & 26072
1715 West Creston Road
(Philip Lawrence)
Electoral Area C

25 - 29

The Committee Report dated June 16, 2026 from Erik Stout, Manager Building and Bylaw, re: Building Bylaw Contravention – Lawrence, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved 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 1715 West Creston Road, Electoral Area C, and legally described as LOT C, PLAN NEP13800, DISTRICT LOT 9558, KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 6691 PID 005-695-961; 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 - TRAXEL & GIBSON
File No.: V2608B – TRAXEL AND GIBSON
7745 Highway 3
(Jenna Traxel & Jeshua Gibson)
Electoral Area B

30 - 46

The Committee Report dated June 15, 2026 from Sadie Chezenko, Planner, re: Development Variance Permit - Traxel & Gibson, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2608B to Jenna Traxel and Jeshua Gibson for the property located at 7745 Highway 3, Electoral Area B and legally described as DISTRICT LOT 12974, KOOTENAY DISTRICT, EXCEPT THE MOST SOUTHERLY 40 CHAINS (PID: 013-872-664) to vary Section 20.10 of *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013* in order to permit an accessory building with a footprint of 297 square metres whereas the bylaw requires a maximum footprint of any accessory building or structure shall not exceed 250 square metres.

7.4 DEVELOPMENT VARIANCE PERMIT - STANLEY

47 - 65

File No.: V2610F - STANLEY

3305 Hamilton Road

(Property Owner: Leslie and Steven Jardin; Applicant: Matthew Stanley)

Electoral Area F

The Committee Report dated June 23, 2026 from Sadie Chezenko, Planner, re: Development Variance Permit - Stanley, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2610F to Matthew Stanley for the property located at 3305 Hamilton Road, Electoral Area F and legally described as LOT A, DISTRICT LOT 4397, KOOTENAY DISTRICT PLAN EPP143219 (PID: 032-440-791) to vary Section 604.4 of *RDCK Zoning Bylaw No. 1675, 2004* in order to vary the allowable projection into a setback from 0.6 m to 1.0 m to accommodate the eaves of a residence.

7.5 DEVELOPMENT VARIANCE PERMIT - BATCHELOR

66 - 99

File No.: V2609I – Batchelor

1993 Highway 3A

(Allie Batchelor & Jarred Batchelor)

Electoral Area I

The Committee Report dated June 18, 2026 from Zachari Giacomazzo, Planner, re: Development Variance Permit - Batchelor, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board NOT APPROVE the issuance of the Development Variance Permit to Allie Batchelor and Jarred Batchelor for the property located at 1993 Highway 3A, Electoral Area I and legally described as LOT 2, DISTRICT LOT 1239, KOOTENAY DISTRICT PLAN 857, EXCEPT PART OUTLINED RED ON EXPLANATORY PLAN 35476I (PID: 016-022-181) to vary Section 2701.3 and 2701.4 of *RDCK Zoning Bylaw No. 1675, 2004* in order to authorize the maximum size of the Farm Residential Footprint to be 6,000 m² and the maximum depth of the Farm Residential Footprint to be 150 metres from the Front Lot Line.

7.6 DEVELOPMENT VARIANCE PERMIT - LOUKIANOFF

100 - 123

File No.: V2606I - LOUKIANOFF

2295 Highway 3A

(Property Owners: Valentina & Leonard Loukianoff; Applicant: Brandon Loukianoff)

Electoral Area I

The Committee Report dated June 30, 2026 from Sadie Chezenko, Planner, re: Development Variance Permit - Loukianoff, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

1. That the Board APPROVE the issuance of Development Variance Permit V2606I to Brandon Loukianoff for the property located at 2295 Highway 3A, Electoral Area I and legally described as PARCEL A (SEE 7559I), BLOCK 8, DISTRICT LOT 302A, KOOTENAY DISTRICT PLAN 781, EXCEPT THAT PART OUTLINED IN RED ON REFERENCE PLAN 69327I AND PLAN 6580 (PID: 011-939-893) to vary Section 623.4 of *RDCK Zoning Bylaw No. 1675, 2004* in order to permit a 155 m² ADU whereas the bylaw permits only a 90 m² ADU.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

2. That the Board NOT APPROVE the issuance of Development Variance Permit V2606I to Brandon Loukianoff for the property located at 2295 Highway 3A, Electoral Area I and legally described as PARCEL A (SEE 7559I), BLOCK 8, DISTRICT LOT 302A, KOOTENAY DISTRICT PLAN 781, EXCEPT THAT PART OUTLINED IN RED ON REFERENCE PLAN 69327I AND PLAN 6580 (PID: 011-939-893) to vary Section 2701.3 of *RDCK Zoning Bylaw No. 1675, 2004* in order to allow a 12,000 m² farm residential footprint area whereas the bylaw only allows a 2500 m² farm residential footprint area and to vary Section 2701.4 of *RDCK Zoning Bylaw No. 1675, 2004* in order to allow a 646 m farm residential footprint depth whereas the bylaw only allows a 60 m farm residential footprint depth.

- 7.7 NON FARM USE IN THE AGRICULTURAL LAND RESERVE - HUSCROFT**
File No.: A2602B
924 25 Avenue South
(Property Owners: Cory Huscroft and Rebecca Huscroft; Applicant: Cory Huscroft and Rebecca Huscroft)
Electoral Area B

124 - 139

The Committee Report dated June 18, 2025 from Zachari Giacomazzo, Planner, re: Non Farm Use In The Agricultural Land Reserve - Huscroft, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board SUPPORT application A2602B for the purposes of a Non-Farm Use in the ALR proposed by Cory Huscroft and Rebecca Huscroft for the property located at 924 25 Avenue South, Electoral Area B and legally

described as LOT 26, DISTRICT LOT 891, KOOTENAY DISTRICT PLAN 698, EXCEPT (1) PARCEL A (SEE DD 18512) AND (2) PART INCLUDED IN PLAN 3031 (PID: 015-493-211);

AND FURTHER; that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

7.8 AGRICULTURAL LAND COMMISSION REFERRAL - COMER

140 - 154

File No.: A2604B - COMER

905 32nd Avenue South

(Property Owner: Parcel 1 - Gwendolyn Telling, Parcel 2 - Town of Creston; Applicant: Joel Comer)

Electoral Area B

The Committee Report dated June 23, 2026 from Sadie Chezenko, Planner, re: Agricultural Land Commission Referral - Comer, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board SUPPORT application A2604B for the proposed Subdivision in the Agricultural Land Reserve proposed by Joel Comer for the properties located on 905 32nd Ave South, Electoral Area B and 1023 32nd Ave South, Electoral Area B and legally described as LOT 16, DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 1455, EXCEPT PARCEL A (SEE 166370I) (PID: 015-696-235) and LOT 3, DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 17744 (PID: 009-611-037);

and that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

7.9 SITE SPECIFIC FLOODPLAIN EXEMPTION - MYRAM

155 - 210

File No.: F2601F – Myram

2168 Annabelle Road

(Lindsey and Kurt Myram)

Electoral Area F

The Committee Report dated July 10, 2026 from Sadie Chezenko, Planner, re: Site Specific Floodplain Exemption - Myram, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board APPROVE a Site Specific Exemption to reduce the required setback to Crystal Creek from 15 metres from the natural boundary to 7 metres from the natural boundary in accordance with the Engineering Report prepared by SNT Geotechnical Ltd. for property located at 2168 Annabelle Road, Electoral Area F and legally described as LOT 3, DISTRICT

LOT 4780, KOOTENAY DISTRICT PLAN 5416 (PID 014-442-698) SUBJECT to preparation by Lindsey and Kurt Myram of a restrictive covenant under Section 219 of the *Land Title Act* and Section 56 of the *Community Charter* in favour of the Regional District of Central Kootenay.

7.10 LAND USE AMENDMENT BYLAW: ENVIRONMENTAL DEVELOPMENT PERMIT AREA (DPA) ENFORCEMENT

211 - 247

File No.: 10\5110\20\COMPLIANCE AND ENFORCEMENT\DEVELOPMENT PERMIT ENFORCEMENT
Electoral Area G

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

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

1. That *Regional District of Central Kootenay Electoral Area 'G' Land Use Amendment Bylaw No. 3025, 2026* being a bylaw to amend the *Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

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

7.11 LAND USE AMENDMENT BYLAW: ZONING BYLAW TEXT AMENDMENTS

248 - 335

File No.: \\FILES\RDCK\10\5110\20\PROVINCIAL HOUSING CHANGES\2025 ZONING AMENDMENTS
Electoral Areas A, B, C, D, I

The Committee Report dated July 02, 2026 from Planning Services, re: Zoning Bylaw Text Amendments, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

1. That *Electoral Area 'A' Comprehensive Land Use Amendment Bylaw No. 3049, 2026* being a bylaw to amend the *Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013* is hereby given FIRST and SECOND and THIRD READING by content.

- And that the consideration of adoption BE WITHHELD for *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3049, 2026* until the following item has been obtained:
 - Approval from the Ministry of Transportation and Transit pursuant to Section 52(3)(a) of the *Transportation Act* (Controlled Access).

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

2. That *Electoral Area 'B' Comprehensive Land Use Amendment Bylaw No. 3050, 2026* being a bylaw to amend the *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013* is hereby given FIRST and SECOND and THIRD READING by content.

- And that the consideration of adoption BE WITHHELD for *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3050, 2026* until the following item has been obtained:
 - Approval from the Ministry of Transportation and Transit pursuant to Section 52(3)(a) of the *Transportation Act* (Controlled Access).

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

3. That *Electoral Area 'C' Comprehensive Land Use Amendment Bylaw No. 3051, 2026* being a bylaw to amend the *Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013* is hereby given FIRST and SECOND and THIRD READING by content.

- And that the consideration of adoption BE WITHHELD for *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3051, 2026* until the following item has been obtained:
 - Approval from the Ministry of Transportation and Transit pursuant to Section 52(3)(a) of the *Transportation Act* (Controlled Access).

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

4. That *Electoral Area 'D' Comprehensive Land Use Amendment Bylaw No. 3052, 2026* being a bylaw to amend the *Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016* is hereby given FIRST and SECOND and THIRD READING by content.

- And that the consideration of adoption BE WITHHELD for *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3052, 2026* until the following item has been obtained:
 - Approval from the Ministry of Transportation and Transit

pursuant to Section 52(3)(a) of the *Transportation Act* (Controlled Access).

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

5. That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3076, 2026* being a bylaw to amend the *District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given FIRST and SECOND and THIRD READING by content.

- And that the consideration of adoption BE WITHHELD for *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3076, 2026* until the following item has been obtained:
 - Approval from the Ministry of Transportation and Transit pursuant to Section 52(3)(a) of the *Transportation Act* (Controlled Access).

**7.12 FOR INFORMATION: PLANNING SERVICES QUARTERLY REPORT - Q2
New Applications and Referrals
(April to June 2026)
All Electoral Areas**

336 - 341

The Report dated April to June 2026 from the Planning Services Department, re: Planning Services Quarterly Report - Q2, has been received.

8. RURAL ADMINISTRATION

**8.1 COMMUNITY WORKS FUND APPLICATION – RDCK – NORTH SHORE FIRE
STATION UPGRADES
File No.: 26-0522-CWF
Electoral Area F**

342 - 351

The Committee Report dated June 24, 2026 from Monique St Louis, Grants Coordinator, re: [Community Works Fund Application - RDCK-North Shore Fire Station Upgrades, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

That the Community Works Fund application submitted by the RDCK for the RDCK-North Shore Fire Station Upgrades in the total amount of \$45,787.20 be approved and that funds be disbursed from Community Works Funds and allocated to Electoral Area F as an internal transfer to Service S134 Northshore Fire Protection – Area F

**8.2 COMMUNITY WORKS FUND APPLICATION – RDCK – PASS CREEK FIREHALL
UPGRADES**

352 - 361

File No.: 26-0528-CWF
Electoral Area I

The Committee Report dated July 2, 2026 from Monique St Louis, Grants Coordinator, re: Community Works Fund Application - RDCK-Pass Creek Firehall Upgrades, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

That the Community Works Fund application submitted by the RDCK for the RDCK-Pass Creek Firehall Upgrades in the total amount of \$75,000 be approved and that funds be disbursed from Community Works Funds and allocated to Electoral Area I as an internal transfer to Service S137 Pass Creek Fire Protection – Area I.

**8.3 COMMUNITY WORKS FUND APPLICATION – RDCK – PASS CREEK
WILDLAND APPARATUS**
File No.: 26-0529-CWF
Electoral Area I

362 - 371

The Committee Report dated July 2, 2026 from Monique St Louis, Grants Coordinator, re: Community Works Fund Application - RDCK-Pass Creek Wildland Apparatus, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

That the Community Works Fund application submitted by the RDCK for the RDCK-Pass Creek Wildland Apparatus in the total amount of \$250,000 be approved and that funds be disbursed from Community Works Funds and allocated to Electoral Area I as an internal transfer to Service S137 Pass Creek Fire Protection – Area I.

**8.4 COMMUNITY WORKS FUND APPLICATION – RDCK – SLOCAN RIVER
FORESHORE INVENTORY MAPPING AND GUIDANCE**
File No.: 26-0508-CWF
Electoral Area H

372 - 381

The Committee Report dated June 24, 2026 from Monique St Louis, Grants Coordinator, re: Community Works Fund Application - RDCK-Slocan River Foreshore Inventory Mapping and Guidance, has been received.

RECOMMENDATION:

Moved and seconded,

And resolved that it be recommended to the Board:

That the Community Works Fund application submitted by the RDCK for

the RDCK-Slocan River Foreshore Inventory Mapping and Guidance in the total amount of \$100,000 be approved and that funds be disbursed from Community Works Funds and allocated to Electoral Area H.

**8.5 COMMUNITY WORKS FUND APPLICATION – RDCK – SLOCAN VALLEY
FIREHALL INFRASTRUCTURE UPGRADES**

382 - 391

**File No.: 26-0521-CWF
Electoral Area H**

The Committee Report dated June 24, 2026 from Monique St Louis, Grants Coordinator, re: Community Works Fund Application - RDCK-Slocan Valley Firehall Infrastructure Upgrades, has been received.

RECOMMENDATION:

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

That the Community Works Fund application submitted by the RDCK for the RDCK- Slocan Valley Firehall Infrastructure Upgrades in the total amount of \$190,000 be approved and that funds be disbursed from Community Works Funds and allocated to Electoral Area H as an internal transfer to Service S142 Slocan Valley Fire Protection – Area H.

**8.6 COMMUNITY WORKS FUND APPLICATION – RDCK – SOUTH SLOCAN
WATER DISTRIBUTION SYSTEM UPGRADES**

392 - 401

**File No.: 26-0508-CWF
Electoral Area H**

The Committee Report dated June 24, 2026 from Monique St Louis, Grants Coordinator, re: Community Works Fund Application - RDCK-South Slocan Water Distribution System Upgrades, has been received.

RECOMMENDATION:

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

That the Community Works Fund application submitted by the RDCK for the RDCK- South Slocan Water Distribution System Upgrades in the total amount of \$60,000 be approved and that funds be disbursed from Community Works Funds and allocated to Electoral Area H as an internal transfer to Service S245 Water Utility – Area H (South Slocan).

8.7 COMMUNITY WORKS FUND APPLICATION - CASTLEGAR ARENA

NOTE: The Committee Report will be added to the addenda.

9. PUBLIC TIME

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

10. ADJOURNMENT

RECOMMENDATION:

The meeting be adjourned at _____



Regional District of Central Kootenay

RURAL AFFAIRS COMMITTEE MEETING

Open Meeting Minutes

Wednesday, June 17, 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 – In Person
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 – In Person
Director T. Weatherhead	Electoral Area K – In-Person

COMMITTEE MEMBERS

ABSENT

Director T. Newell	Electoral Area F
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STAFF PRESENT

S. Horn	Chief Administrative Officer
A. Wilson	Acting General Manager of Development and Community Sustainability Initiatives
E. Stout	Manager of Building and Bylaw
N. Wight	Planning Manager
Z. Giacomazzo	Planner
S. Johnson	Planner

S. Chezenko
C. Hopkyns

Planner
Corporate Administrative Coordinator – 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=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 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 June 17, 2026 Rural Affairs Committee meeting be adopted as circulated.

Carried

5. RECEIPT OF MINUTES

The May 20, 2026 Rural Affairs Committee meeting minutes, have been received.

6. DELEGATIONS

Item 7.2 – Dave Comer

Item 7.3 – Jeffrey Smith

STAFF PRESENT: Director Cunningham joined the meeting at 9:05 a.m.

7. PLANNING & BUILDING

7.1 CANCEL - BUILDING BYLAW CONTRAVENTION – TOMEK

File No.: 3130-20-H-707.22252.000

9301 Highway 6

(Mark and Jennifer Tomek)

Electoral Area H

The Memorandum dated May 20, 2026 from Erik Stout, Manager Building and Bylaw, re: Cancel - Building Bylaw Contravention – Tomek, has been received.

- Erik Stout provided background to the Committee regarding the file and answered the Committee's questions.
- Property owner was not present.
- Chair Jackman thanked staff and referred the recommendation to Committee for consideration.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Corporate Officer of the Regional District of Central Kootenay be directed to remove the Notice on Title relating to land at 9301 Highway 6, Electoral Area H, legally described as BLOCK A, DISTRICT LOT 13146, KOOTENAY LAND DISTRICT PID 008-132-178, the RDCK Building Department has confirmed that the reason for placing the Notice on Title on April 29, 2010 has been rectified.

Carried

7.2 DEVELOPMENT VARIANCE PERMIT – COMER

File No.: 3135-20-B-786.05543.100

File No.: V2607A – Comer

5033 Highway 3A

(Property Owner - Dawn Margaret Belle Joy; Agent - David Comer)

Electoral Area A

The Committee Report dated June 1, 2026 from Zachari Giacomazzo, Planner, re: Development Variance Permit - Comer, has been received.

Zachari Giacomazzo, Planner, provided an overview to the Committee regarding the Development Variance Permit that would authorize the applicant to construct a detached garage 5 metres from the lot line that is adjacent to an Agricultural Land Reserve (ALR) boundary.

The agent, David Comer, provided the Committee with background on the property.

Staff answered the Committee's questions.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board APPROVE the issuance of Development Variance Permit V2607A to David Comer for the property located at 5033 Highway 3A, Electoral Area A and legally described as LOT 1, DISTRICT LOT 191, KOOTENAY DISTRICT PLAN NEP72779, EXCEPT PLAN EPP118106 (PID: 025-583-468) to vary Section 18.18 of Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 in order to permit a 5.0 metre setback from the lot line that is adjacent to the ALR Boundary whereas the bylaw requires a 15 metre setback from a lot line that is adjacent to the ALR.

Carried

7.3 SUBDIVISION IN THE AGRICULTURAL LAND RESERVE – SMITH

File No.: A2601K – Smith

225 Barnes Creek FSR

(Jeffrey Smith)

Electoral Area K

The Committee Report dated May 28, 2026 from Zachari Giacomazzo, Planner, re: Subdivision in the Agricultural Land Reserve - Smith, has been received.

Zachari Giacomazzo, Planner, provided an overview to the Committee regarding the Agricultural Land Commission application for a subdivision within the ALR which seeks to subdivide the existing lot based on the right of way for Forest Service Road which would create a 5.82 hectares and 1.5 hectares lot on either side of the Highway.

The property owner, Jeffrey Smith, provided background to the Committee regarding the property and answered questions.

The Committee had a discussion regarding the challenges with the property and staff answered questions.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Board SUPPORT regarding application A2601B for the proposed subdivision in the Agricultural Land Reserve proposed by Jeffrey L. Smith for the property located at 225 Barnes Creek FSR, Edgewood, Electoral Area 'K' and legally described as LOT 36 DISTRICT LOT 7893 KOOTENAY DISTRICT PLAN 1194 EXCEPT PLAN NEP22023 (PID: 014-025-779).

Carried

7.4 FOR INFORMATION: PLANNING SERVICES WORK PLAN

File No.: 10\4720\01

All Electoral Areas

The Committee Report dated June 17, 2026 from Nelson Wight, Planning Manager, re: Planning Services Work Plan, has been received.

Nelson Wight, Planning Manager, provided an overview to the Committee regarding the report which provides a history of Board resolution providing direction on the Planning Services work plan. He was available to answer questions.

The Committee had a discussion regarding the work plan and timelines. Staff answered questions.

8. ENVIRONMENTAL SERVICES

No items.

9. RURAL ADMINISTRATION

9.1 DIRECTOR GRAHAM: RURAL ENCAMPMENTS

Director Graham requested a discussion regarding rural encampments. She shared the challenges of the growing homeless encampment in the Bealby Point and Horlicks Point region of Electoral Area E. Director Graham requested input from the Committee.

STAFF ABSENT: Director Cunningham left the meeting at 10:00 a.m.

The Committee had a discussion regarding the challenges around rural homeless encampments; the issues regarding affordable housing, the lack of adequate support services, public safety, provincial downloading, and mental health issues. They also discussed the opportunities for advocacy.

Staff answered the Committee's questions.

**RECESS/
RECONVENE**

The meeting recessed at 10:38 a.m. for break and reconvened at 10:45 a.m.

Moved, seconded,

And resolved that it be recommended to the Board:

That the Board direct staff to prepare a report outlining the RDCK's potential response options related to homeless encampments in rural electoral areas; AND FURTHER, to bring that report back to the Rural Affairs Committee for discussion.

Carried

The Committee will submit input to staff regarding topics and direction they would like to see in the staff report.

10. PUBLIC TIME

The Chair called for questions from the public and members of the media at 11:06 a.m.

No media or public had questions.

11. ADJOURNMENT

Moved and seconded,

And resolved:

The meeting be adjourned at 11:07 a.m.

Carried

Digitally approved

Garry Jackman, Chair



File No: 3135-20-B-786.05279.000

June 16, 2026

JOHNSON, LORNE A
JOHNSON, BARBARA I
PO BOX 178
YAHK BC V0B 2P0

SUBJECT: Notice on Title **CIVIC ADDRESS:** RAILWAY AVE

Please be advised that RDCK staff, in accordance with Section 57 of the Community Charter (SBC 2003) are recommending that the RDCK Board place a notice against the land title of your property located at LOT 1 BLOCK 3 PLAN NEP1407 DISTRICT LOT 4683 KOOTENAY LAND DISTRICT SEE FOLIO 05279.001 FOR MANUFACTURED HOME & LOT 2 BLOCK 3 PLAN NEP1407 DISTRICT LOT 4683 KOOTENAY LAND DISTRICT SEE FOLIO 05279.001 FOR MANUFACTURED HOME & LOT 3 BLOCK 3 PLAN NEP1407 DISTRICT LOT 4683 KOOTENAY LAND DISTRICT SEE FOLIO 05279.001 FOR MANUFACTURED HOME & LOT 4 BLOCK 3 PLAN NEP1407 DISTRICT LOT 4683 KOOTENAY LAND DISTRICT SEE FOLIO 05279.001 FOR MANUFACTURED HOME PID 012-042-935. The staff memo containing the background information on this matter is enclosed for your reference. Section 57 requires that property owners be given the opportunity to be heard on this matter prior to a decision to place the notice.

This letter serves as notification that the RDCK Rural Affairs Committee will consider this matter at the date and time noted below. Alternatively, you may participate in this meeting online. If you choose to attend, you will be provided with the opportunity to address the Committee regarding this matter.

Date: July 15, 2026

Time: Delegations will be received beginning at **9:00 am**. Please follow the instructions provided by the Administration Department and wait until your item is called to be dealt with by the Committee. **(Maximum 15 minutes for each delegation 10 minutes presentation, 5 minutes question)**

Location: In-person: RDCK Head Office - Board Room, 202 Lakeside Dr, Nelson BC
Hybrid meeting: Please refer to our website rdck.ca

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

Please advise us in advance if you will be present at the Rural Affairs Committee meeting by contacting the Administration Department at (250) 352-1575 or by email chopkyns@rdck.bc.ca no less than 3 business days prior to the meeting.

If you wish to avoid the possibility of having a Notice on Title placed on your property, you must contact the building department **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the RDCK Building department at 1-800-268-7325 or (250) 352-1500

Yours truly,
Mike Morrison, Corporate Officer



MEMORANDUM

File No: 3135-20-B-786.05279.000

June 12, 2026

TO: RDCK Board

FROM: Erik Stout, Manager Building and Bylaw

SUBJECT: Filing of Section 57-Notice on Title-JOHNSON, LORNE A, JOHNSON, BARBARA I-RAILWAY AVE

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 BLOCK 3 PLAN NEP1407 DISTRICT LOT 4683 KOOTENAY LAND DISTRICT & LOT 2 BLOCK 3 PLAN NEP1407 DISTRICT LOT 4683 KOOTENAY LAND DISTRICT PID 012-042-927 & 012-042-935 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 and the use of a new building.

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.

6.2 No person shall occupy or use any new building or structure without first obtaining an Occupancy Permit issued by a Building Official for the building or structure, or contrary to the terms of any permit issued or any notice given by a building official.

May 7, 2024: Building official posted a Stop Work Order for commencing construction prior to obtaining a valid permit, concrete pad poured. Stop Work Order letter sent via Canada Post.



- May 15, 2024: Owner called the office to discuss the Stop Work Order. She advised she is building a Quonset to live in. Building Admin emailed owner a copy of the building permit application, site plan, SFD checklist and building brochure.
- May 24, 2024: Building permit application received to construct a Quonset with dwelling unit, file number BP028428.
- May 27, 2024: Development Technician emailed owner a list of documentation required for their dwelling application, including under slab plumbing schematic, Record of Sewerage System, BC Energy Step Code Compliance Report and BC Housing New Home Registration Form.
- May 28, 2024: Owner requested change of permit type, from single family dwelling to accessory building. Plan Reviewer spoke with owner and gave her options regarding this building, as the concrete is already poured and she plans on selling.
- Feb 4, 2025: Plan Reviewer followed up with owner regarding status of the building permit application. Owner replied, "no more work going on."
- Mar 13, 2025: Assistant Building Manager conducted a drive-by inspection and confirmed the Quonset building was erected. Emailed owner inquiring about the status of engineering required to issue the building permit.
- Aug 15, 2025: A potential buyer contacted the office to inquire about what is required to remove the Stop Work Order. Current owner gave verbal permission to share info with interested buyer, and Assistant Building Manager spoke with them about requirements to remove SWO.
- Aug 19, 2025: Received email from current owner with consent to discuss the Stop Work Order and building permit application with another potential buyer.
- Aug 25, 2025: Owner emailed to inquire if removing the Quonset but keeping the concrete pad would result in removal of the Stop Work Order. Assistant Building Manager offered to conduct a site visit to confirm whether the concrete pad could remain in place without a building permit. Owner declined a site visit and said she would see if the buyer planned to proceed.
- Sep 16, 2025: Owner provided consent to discuss Stop Work Order and building permit application with another potential buyer.

Apr 20, 2026: Referred to NOT letter sent to owner, advising that if no response is received within 30 days the Building Department would be recommending a Notice be filed on Title. Owner responded by email advising that she is still trying to sell the property there is nothing else to report on the matter.

May 12, 2026: No further contact from owner has been received.





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 RAILWAY AVE, YAHK, BC, Electoral Area B, legally described as LOT 1 BLOCK 3 PLAN NEP1407 DISTRICT LOT 4683 KOOTENAY LAND DISTRICT & LOT 2 BLOCK 3 PLAN NEP1407 DISTRICT LOT 4683 KOOTENAY LAND DISTRICT PID 012-042-927 & 012-042-935; 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 RAILWAY AVE, YAHK, BC, Electoral Area B, legally described as LOT 1 BLOCK 3 PLAN NEP1407 DISTRICT LOT 4683 KOOTENAY LAND DISTRICT & LOT 2 BLOCK 3 PLAN NEP1407 DISTRICT LOT 4683 KOOTENAY LAND DISTRICT PID 012-042-927 & 012-042-935 to the August 2026 Open Rural Affairs Committee meeting.

Erik Stout, Manager Building and Bylaw **Approved**

Amy Wilson, Acting General Manager of Development and Community Sustainability **Approved**

Services Stuart Horn, Chief Administrative Officer **Approved**



File No: 3135-20-786.06219.300-25150 & 26072

June 16, 2026

LAWRENCE, PHILIP
1715 W CRESTON RD
CRESTON BC, V0B 1G7

SUBJECT: Notice on Title **CIVIC ADDRESS:** 1715 West Creston Rd

Please be advised that RDCK staff, in accordance with Section 57 of the Community Charter (SBC 2003) are recommending that the RDCK Board place a notice against the land title of your property located at LOT C PLAN NEP13800 DISTRICT LOT 9558 KOOTENAY LAND DISTRICT. The staff memo containing the background information on this matter is enclosed for your reference. Section 57 requires that property owners be given the opportunity to be heard on this matter prior to a decision to place the notice.

This letter serves as notification that the RDCK Rural Affairs Committee will consider this matter at the date and time noted below. Alternatively, you may participate in this meeting online. If you choose to attend, you will be provided with the opportunity to address the Committee regarding this matter.

Date: July 15, 2026

Time: Delegations will be received beginning at **9:00 am**. Please follow the instructions provided by the Administration Department and wait until your item is called to be dealt with by the Committee. **(Maximum 15 minutes for each delegation 10 minutes presentation, 5 minutes question)**

Location: Attending In-person: RDCK Head Office - Board Room, 202 Lakeside Dr, Nelson BC
Hybrid meeting: Please refer to our website **rdck.ca**

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

Please advise us in advance if you will be present at the Rural Affairs Committee meeting by contacting the Administration Department at (250) 352-1575 or by email chopkyns@rdck.bc.ca no less than 3 business days prior to the meeting.

If you wish to avoid the possibility of having a Notice on Title placed on your property, you must contact the building department **no later than 2 business days prior** to the meeting. For specific building inspection inquiries respecting the above, you may contact the RDCK Building department at 1-800-268-7325 or (250) 352-1500

Yours truly,

Mike Morrison, Corporate Officer



MEMORANDUM

File No: 3135-20-C-786.06219.300-25150 & 26072

June 12, 2026

TO: RDCK Board

FROM: Erik Stout, Manager Building and Bylaw

SUBJECT: Filing of Section 57-Notice on Title-Philip Lawrence-1715 West Creston 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 C PLAN NEP13800 DISTRICT LOT 9558 KOOTENAY LAND DISTRICT PID 005-695-961.

EXECUTIVE SUMMARY CHOICES:

Expired Permits.

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

4.3 It is the full and sole responsibility of the owner (and where the owner is acting through a representative, the representative) to carry out the work, in respect of which a permit is issued under this Bylaw, in compliance with the Building Code, this Bylaw and other applicable enactments respecting safety.

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.

13.3.3 the permit shall expire and the rights of the owner shall terminate in the event and at the time that either of the above conditions is not met or in any event thirty-six months after the date the permit was issued

May 3, 2019 – Permit BP025150 issued to construct a one-storey, 475 SF addition to a manufactured home.

July 25, 2019 – First inspection on BP025150 completed, Siting & Footings and Dampproof/Draintile inspections passed.

September 5, 2019 – Last inspection date for BP025150, Framing inspection failed.

Nelson Office: Box 590, 202 Lakeside Drive, Nelson, BC. V1L 5R4
Phone: 250.352.6665 | Toll Free: 1.800.268.7325 (BC) | Email: info@rdck.ca | Fax: 250.352.9300 | rdck.ca

September 22, 2020 – Permit BP026072 issued to construct a two-storey, 1250 SF addition to portion of building constructed under BP025150.

August 16, 2021 – Original manufactured home has been removed, and owner is residing in first addition while constructing second addition. Since both additions were originally issued with the understanding that the mobile home would remain in-place, and the owner has now removed the mobile home, the additions would need to be viewed as a new home. Building official emailed BC Housing to inquire whether New Home Warranty registration would be required. The building official emailed owner to inform him that BC Housing was reviewing whether a warranty was required and informed him that further work on the addition must stop, pending their decision.

November 1, 2021 – First inspection on BP026072 completed, Siting & Footings passed.

November 16, 2021 – Last inspection for BP026072, Dampproof/Draintile and Slab Prep/Radon inspections passed.

October 27, 2022 – Final Expiry Notice for BP025150 mailed to owner.

July 17, 2023 – No further contact from owner regarding BP025150, file archive location set to Referred to NOT.

August 29, 2023 – Pending Expiry Notice for BP026072 sent to owner by email.

April 4, 2024 – Final Expiry Notice for BP026072 sent to owner by mail.

April 15, 2024 – Received email from owner in response to Final Expiry Notice, advising that no further construction has taken place since the floor was installed over the foundation/crawl space after receiving approval from BC Housing and Senior Building Official to tarp the floor to prevent any damage due to weathering. There is no record in the file for BP025150 of any inspections beyond the failed Framing inspection.

October 24, 2024 – Second Expiry Notice with Stop Work Order Notice for BP026072 sent to owner by mail.

November 7, 2024 – Senior Building Official emailed owner, advising that next step in the process for expired permits is to file a notice on title.

September 16, 2025 – No further contact from owner.

December 23, 2025 – Senior Building Official went to site to take a photo of the building in question. Owner was there and mentioned they would be interested in completing the project.

January 12, 2026 – Owner emailed Senior Building Official to discuss what would be required to complete the project. Building official responded and let the owner know we need a new building permit application and advised the owner what drawings and documents would be required for the application. Building Official

notified the owner that if the application with all required documents is not submitted before May 1, 2026, the next step would be to file a Notice on Title.

April 27, 2026 – Owner advised Building Official that he will not work towards compliance and to proceed with placement of the Notice on Title.

No further contact from the owner has been received as of the date of this report.



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 1715 WEST CRESTON RD, CRESTON, BC, Electoral Area C, legally described as LOT C PLAN NEP13800 DISTRICT LOT 9558 KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 6691 PID 005-695-961; 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.

Nelson Office: Box 590, 202 Lakeside Drive, Nelson, BC. V1L 5R4
Phone: 250.352.6665 | Toll Free: 1.800.268.7325 (BC) | Email: info@rdck.ca | Fax: 250.352.9300 | rdck.ca

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 1715 WEST CRESTON RD, CRESTON, BC, Electoral Area C, legally described as LOT C PLAN NEP13800 DISTRICT LOT 9558 KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 6691 PID 005-695-961 to the August 2026 Open Rural Affairs Committee meeting.

Erik Stout, Manager Building and Bylaw **Approved**

Amy Wilson, Acting General Manager of Development and Community Sustainability Services **Approved**

Stuart Horn, Chief Administrative Officer **Approved**



Committee Report

Date of Report: June 15, 2026
Date & Type of Meeting: July 15, 2026 – Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2608B – TRAXEL AND GIBSON
Electoral Area/Municipality B

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 7745 Highway 3 in Yahk in Electoral Area 'B'.

The proposal is to permit a 297m² accessory building, whereas the bylaw limits accessory buildings to 250m². Due to the limited impact associated with the proposal, Staff are recommending that the variance be approved.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Jenna Traxel and Jeshua Gibson

Property Location: 7745 Highway 3, Yahk, Electoral Area 'B'
DISTRICT LOT 12974 KOOTENAY DISTRICT, EXCEPT THE MOST SOUTHERLY 40 CHAINS
013-872-664

Property Size: 22.27 ha

Site Context

The subject property is in Yahk in Electoral Area 'B'. It is designated for Rural Residential (RR) use and zoned Rural Resource (R4) in RDCK Zoning Bylaw no. 1675, 2004. The area surrounding the property is designated Rural Residential (RR), Railway (RW) and Resource Area (RA) and most properties are used for railway or residential purposes or are vacant. The subject property is a large lot that has been improved with a single detached dwelling and carport.



Figure 1: Overview Map

Proposal

The purpose of the application is to consider allowing the construction of an oversized accessory building for personal storage and as a vehicle and trailer repair home-based business. The applicant is requesting a variance to permit a building 47m² larger than the maximum allowable size.

The variance requested to Section 20(10) is as follows:

- From: The maximum footprint of any accessory building or structure shall not exceed **250** square metres.
- To: The maximum footprint of any accessory building or structure shall not exceed **297** square metres.

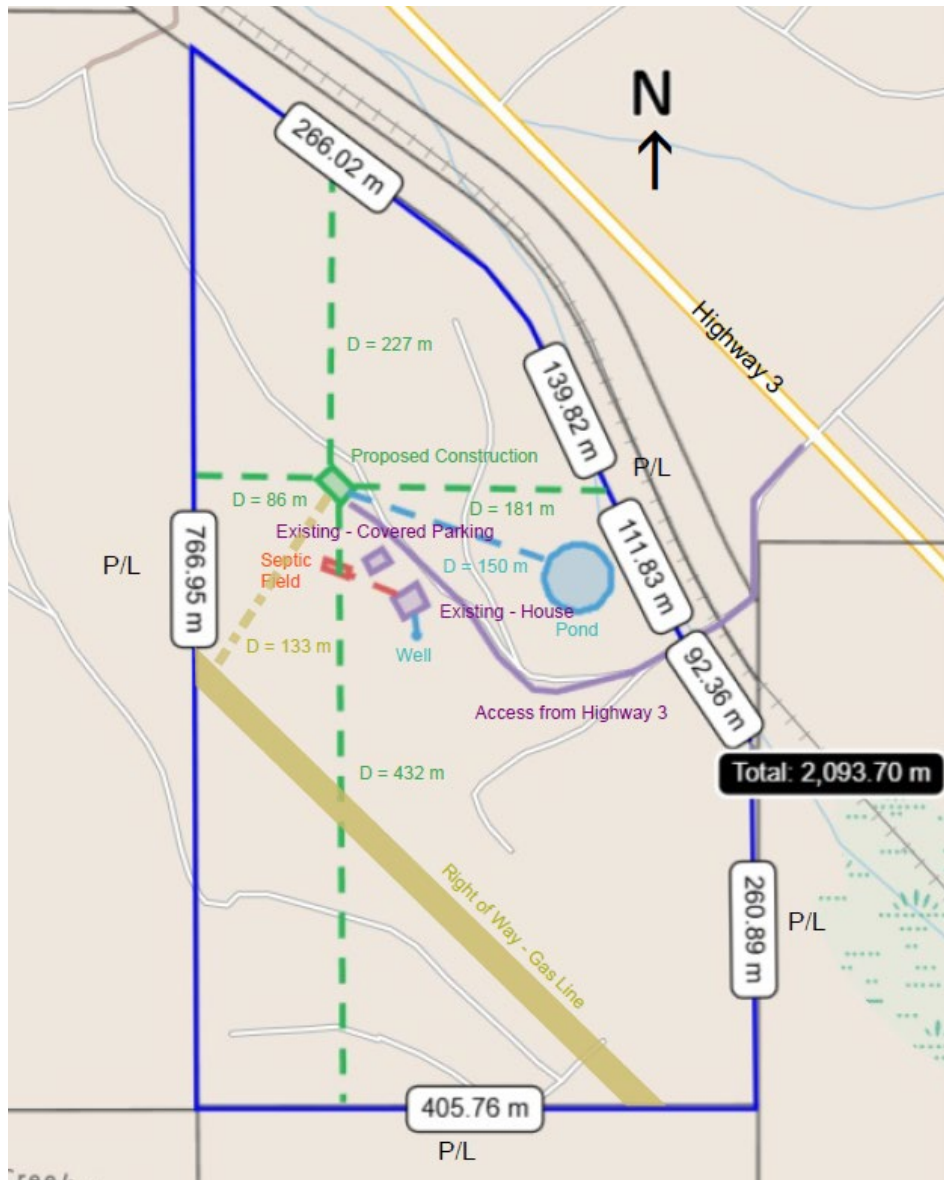


Figure 2: Site Plan

Land Use Considerations

Rural Residential development is primarily residential with the principal use being single detached or duplex dwellings. The designation identifies that property owners may diversify and enhance uses secondary to Rural Residential uses with home based businesses provided that they are compatible with the character of the surrounding area.

Zoning Considerations

The zoning bylaw specifies regulations that must be followed for the operation of a home based business (HBB). Specific to this proposal, this includes that:

- the proprietor resides on the subject property;
- the activity is conducted in an accessory building;
- the floor area devoted to the HBB cannot exceed 200m²;

- no more than four persons who are not a resident of the dwelling may be employed in the HBB;
- there shall be minimal noise, traffic, vibration, smoke, odour, glare or electrical interference, or emissions other than that normally associated with a dwelling;
- No change is made in the external appearance of the building which would indicate that a Home Based Business is being conducted therein; except for one un-illuminated sign not exceeding 1.0m²;
- no accessory building involving automotive mechanical or body repairs may be located within 15 metres of a lot line;
- The maximum number of vehicles permitted for repair on any lot at any one time is limited to 6;
- Two off-street parking spaces shall be provided in excess of those required for the dwelling unit.

In addition, the zoning bylaw also specifies the following pertaining to the size of accessory buildings:

- The maximum footprint of any accessory building or structure shall not exceed 250 square metres.
- The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.

Site Visit

A site visit was conducted on May 25, 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:

None anticipated.

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. No responses were received with respect to this proposal.

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 property owner has applied for a DVP to authorize the construction of an oversized accessory building to be used as personal storage and for their home based business.

Although the proposed building exceeds the maximum footprint permitted for a single accessory building, the total accessory building floor area on the property will remain below the maximum permitted cumulative floor area of 500 m². In addition, the owners have confirmed that the portion of the accessory building intended for the home-based business will comply with all applicable home-based business (HBB) regulations.

While the building is proposed to be 47m² larger than what is permitted in any individual accessory building, compliance with HBB regulations should ensure that it remains subordinate to the principal residential use of the property. The building will not be visible from adjacent properties, nor does it appear to have any impact on neighbouring properties. There have been no significant concerns raised by any agencies or members of the public in response to this proposal.

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

Options

Option 1 – Approve

That the Board APPROVE the issuance of Development Variance Permit V2608B to Jenna Traxel and Jeshua Gibson for the property located at 7745 Highway 3, Yahk and legally described as DISTRICT LOT 12974 KOOTEANY DISTRICT, EXCEPT THE MOST SOUTHERLY 40 CHAINS (PID: 013-872-664) to vary Section 20.10 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 in order to permit an accessory building with a footprint of 297 square metres whereas the bylaw requires a maximum footprint of any accessory building or structure shall not exceed 250 square metres.

Option 2 – Not Approve

That the Board NOT APPROVE the issuance of Development Variance Permit V2608B to Jenna Traxel and Jeshua Gibson for the property located at 7745 Highway 3, Yahk and legally described as DISTRICT LOT 12974 KOOTEANY DISTRICT, EXCEPT THE MOST SOUTHERLY 40 CHAINS (PID: 013-872-664) to vary Section 20.10 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 in order to permit an accessory building with a footprint of 297 square metres whereas the bylaw requires a maximum footprint of any accessory building or structure shall not exceed 250 square metres.

SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2608B to Jenna Traxel and Jeshua Gibson for the property located at 7745 Highway 3, Yahk and legally described as DISTRICT LOT 12974 KOOTEANY DISTRICT, EXCEPT THE MOST SOUTHERLY 40 CHAINS (PID: 013-872-664) to vary Section 20.10 of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 in order to permit an accessory building with a footprint of 297 square metres whereas the bylaw requires a maximum footprint of any accessory building or structure shall not exceed 250 square metres.

Respectfully submitted,



Sadie Chezenko, Planner 1

CONCURRENCE

Nelson Wight – Planning Manager **Approved**

Amy Wilson – Acting General Manager of Development and Community Sustainability **Approved**

Stuart Horn – Chief Administrative Officer **Approved**

ATTACHMENTS:

Attachment A – Development Variance Permit

Attachment B – Referral Responses



Development Variance Permit

V2608B (Traxel and Gibson)

Date: July 16, 2026

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

TO: Jenna Traxel and Jeshua Gibson

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: 7745 Highway 3, Yahk, Electoral Area 'B'

Legal: DISTRICT LOT 12974 KOOTEANY DISTRICT, EXCEPT THE MOST SOUTHERLY 40 CHAINS

PID: 013-872-664

CONDITIONS

5. Development Variance

Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013, Section 20.10 is varied as follows:

From: The maximum footprint of any accessory building or structure shall not exceed **250** square metres.

To: The maximum footprint of any accessory building or structure shall not exceed **297** square metres., as shown on Schedule '1' and '2'

6. Schedule

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

7. Other

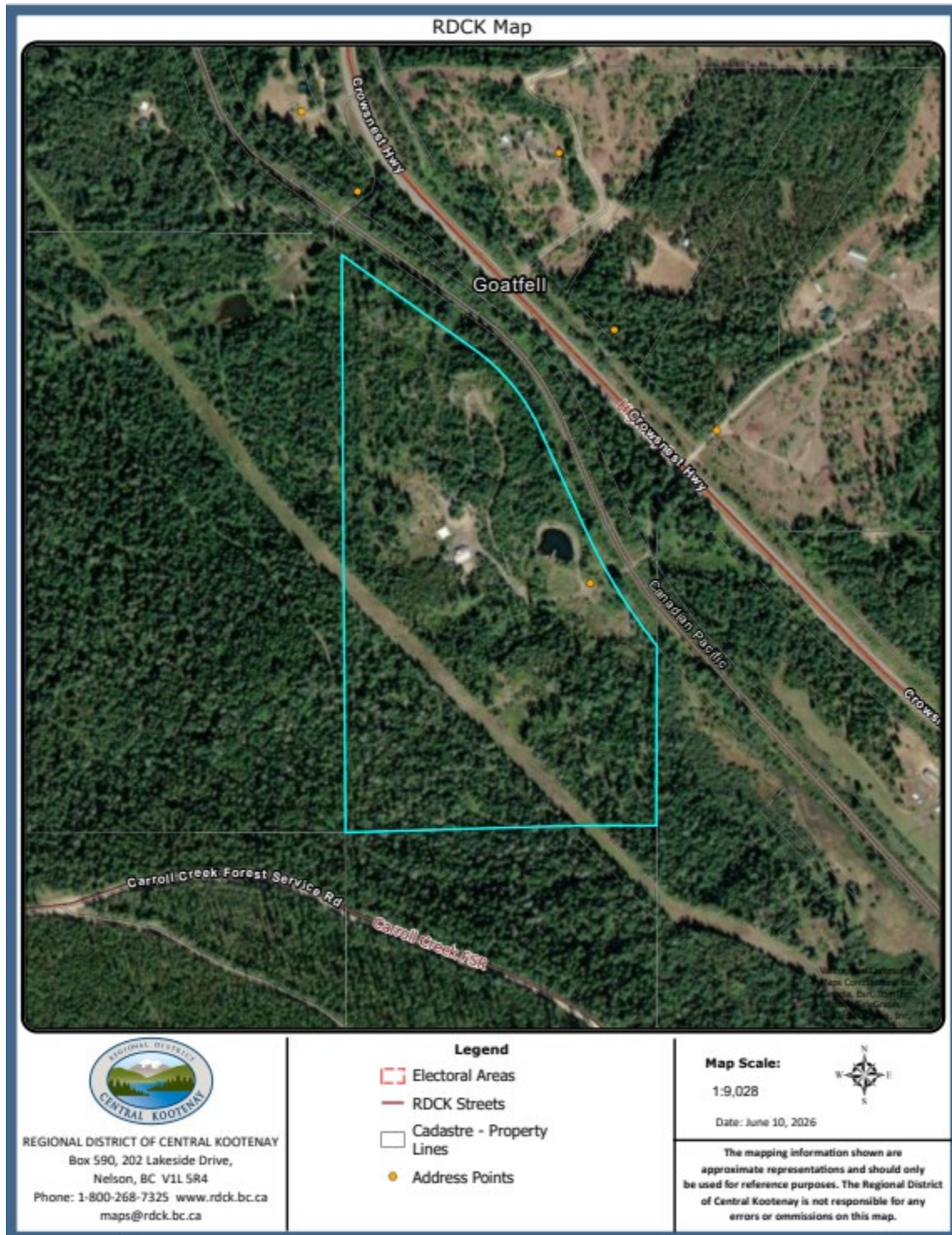
Authorized resolution *[enter resolution number]* passed by the RDCK Board on the day of ,
20 .

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

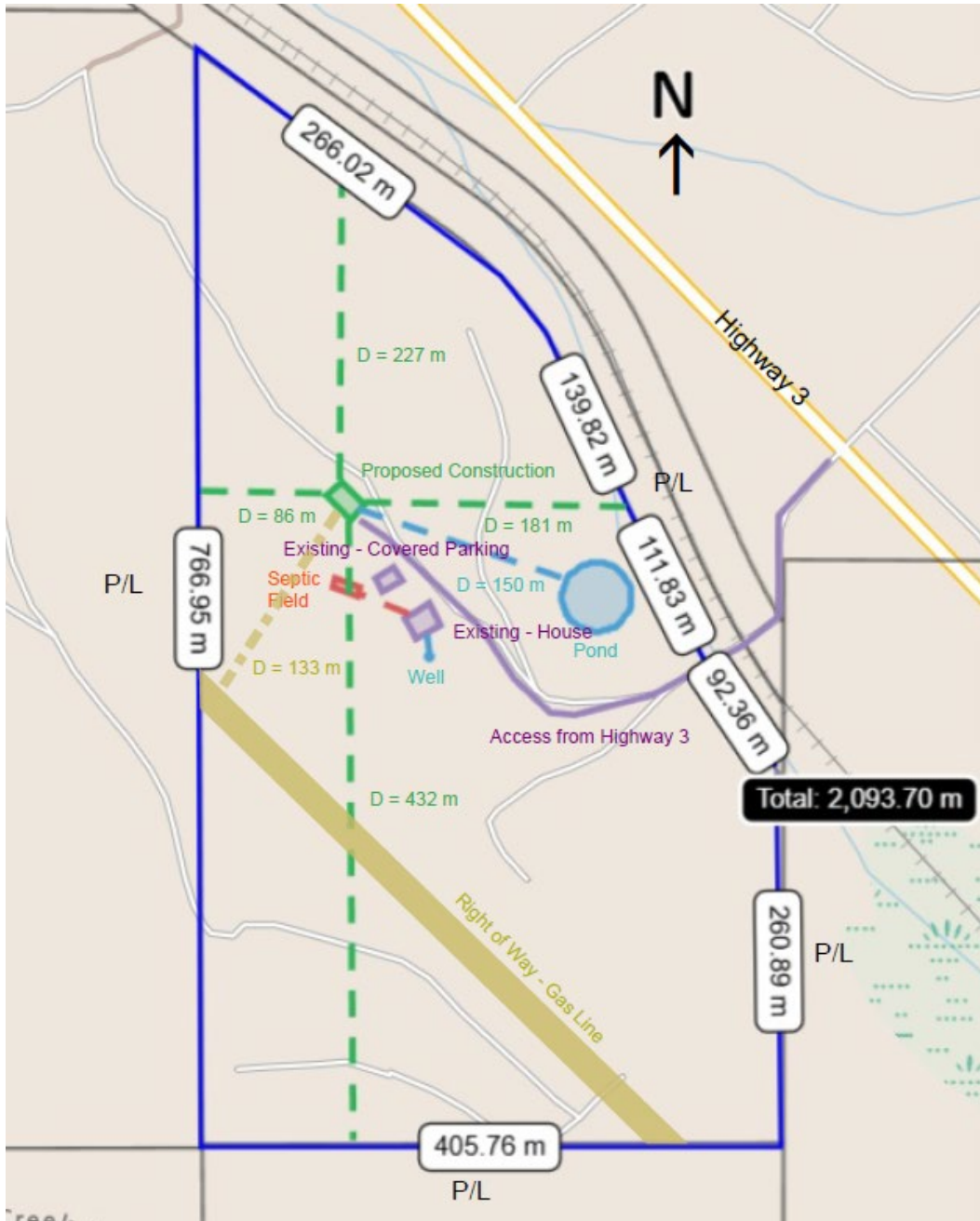
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 2: Site Plan





Referral Responses- V2608B

Agency/Department	Response
Advisory Planning and Heritage Commission	That the Area B Advisory Planning Commission SUPPORT the Development Permit Variance Application to Jenna Traxel and Jeshua Gibson for the property located 7745 Highway 3, Yahk, Electoral Area B. DISTRICT LOT 12974 KOOTENAY DISTRICT, EXCEPT THE MOST SOUTHERLY 40 CHAINS (PID: 013-872-664).
Archaeology Branch	Thank you for your referral regarding 7745 Highway 3, Yahk, PID 013872664, DISTRICT LOT 12974 KOOTENAY DISTRICT, EXCEPT THE MOST SOUTHERLY 40 CHAINS. 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, an archaeological site is recorded within 50 m of the subject property, and there is high potential for unrecorded portions of the archaeological site to extend onto the subject property. Archaeology Branch Advice If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned on the subject property, a Provincial heritage permit is not required prior to commencement of those activities. However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the <i>Heritage Conservation Act</i> 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 needs to be taken at this time. Rationale and Supplemental Information • A protected archaeological site is located within 50 m the subject property, and there is high potential for previously unidentified portions of the site to extend to parts of the property. • Archaeological sites are protected under the <i>Heritage Conservation Act</i> 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 <i>Heritage Conservation Act</i>. • 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
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	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.
BC Hydro	BC Hydro has no objections.
Ecosystems Section Head - Kootenay-Boundary Region Ministry of Water, Land & Resource Stewardship	See attached letter.
Fortis BC	There are no FortisBC Inc (Electric) ("FBC(E)") facilities affected by this application. As such FBC(E) has no concerns with this circulation.
Ministry of Transportation and Transit	Thank you for the opportunity to comment on the above noted referral. The owners of the property have an existing access permit for residential use. Given that the reasoning behind the proposed accessory building variance is to construct a structure large enough to be used by a commercial business, the ministry requests that the owners apply for a new controlled access highway permit for commercial use. Some items that will be reviewed upon receipt of a new application include sightline distances along Highway 3, the amount of space available to pull off the highway prior to crossing the train tracks (no traffic to be stopped on the highway waiting for trains to pass), road grade, approximate number of vehicles per day, types/size of vehicles to use the access and whether they can make safe turning movements, etc. We would also request that the owners provide confirmation that the railway company does not have concerns with the new commercial operations which are being proposed. Should you have any questions please do not hesitate to reach out.
RDCK Building Department	The proposed building as a service repair would be reviewed in the BC Building Code as an F2 medium hazard industrial occupancy, exceptions related to accessory buildings in the BCBC would not apply.



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

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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
Hérons	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](#)

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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
 778-520-2683 / Shannon.white@gov.bc.ca

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Committee Report

Date of Report: June 23, 2026
Date & Type of Meeting: July 15, 2026 – Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2610F - STANLEY
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 3305 Hamilton Road in Six Mile in Electoral Area 'F'.

The proposal is to vary the allowable projection into a setback from 0.6 m to 1.0 m to accommodate the eaves of a residence. As there are no negative impacts expected to result from this reduction, Staff are recommending that the variance be approved.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION
Applicant: Matthew Stanley
Property Owner: Leslie and Steven Jardin
Property Location: 3305 Hamilton Road, Six Mile, Electoral Area 'F' LOT A DISTRICT LOT 4397 KOOTENAY DISTRICT PLAN EPP143219 PID: 032-440-791
Property Size: 0.366 ha

Site Context

The subject property is in Six Mile 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 presently vacant. The lot slopes downward from north to south and is bisected by Hamilton Road and Highway 3A and has frontage on Kootenay Lake.



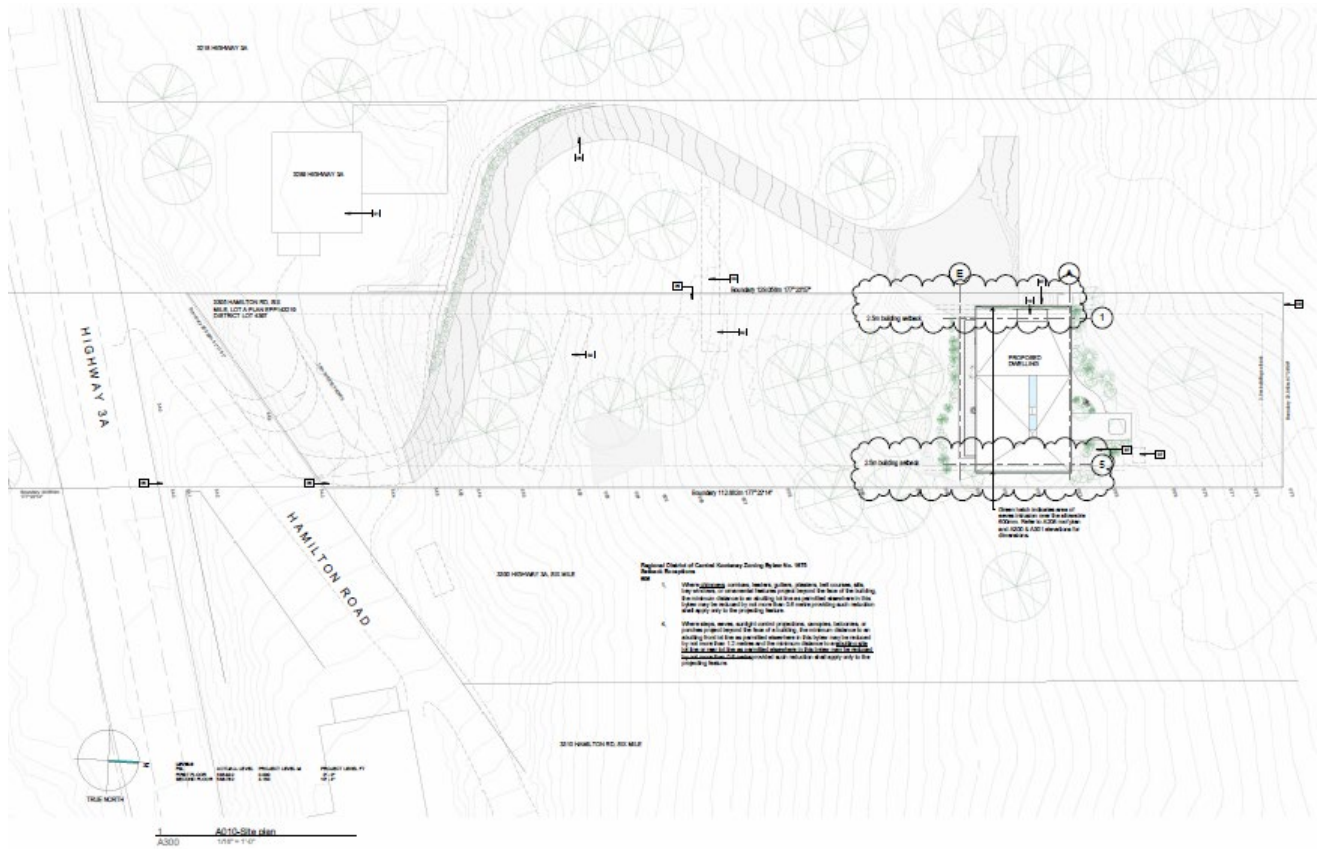
Figure 1: Overview Map

Proposal

The purpose of the application is to consider allowing the construction of a 300 m² principal residence which has eaves that extend into the side yard setbacks.

The standard side yard setback for buildings in this zone is 2.5 m. The zoning bylaw also allows projecting features such as eaves to extend an extra 0.6 m beyond the 2.5 m setback to 1.9 m provided such reduction shall apply only to the projecting feature. In this case, the applicant is requesting to vary the allowable projection into a setback from 0.6 m to 1.0 m.

The applicant's rationale for requesting the variance is that the lot is narrow thus creating a constrained building envelope. Further, he notes that the variance is minor and will not negatively impact adjacent properties.



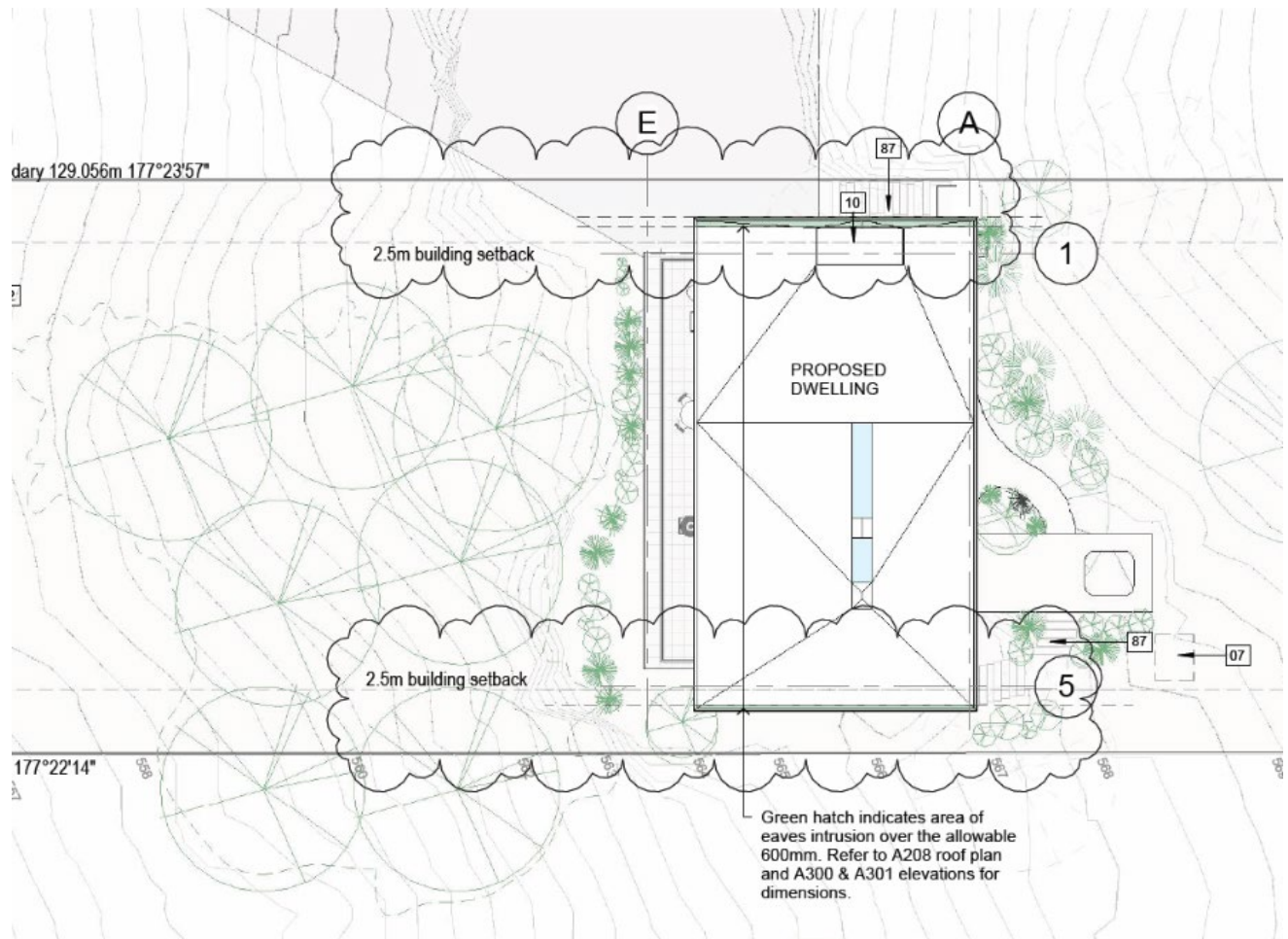


Figure 3: Site Plan Excerpt

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 May 25, 2026. The figure below shows the location of the proposed residence and the driveway accessing the residence off Hamilton Road.



Figure 4: Location of Proposed Residence

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:

None anticipated.

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. No responses to this application were received from the public.

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 vary the allowable projection into a setback from 0.6 m to 1.0 m to accommodate the eaves of a residence.

The proposal is minor and the form and character of the surrounding residential area will not be impacted by the request to reduce the setback. No neighbours or agencies raised concerns with this proposal. Given the above noted information, staff recommend that the Board approve the issuance of the DVP.

Options

Option 1 – Approve

That the Board APPROVE the issuance of Development Variance Permit V2610F to Matthew Stanley for the property located at 3305 Hamilton Road, Six Mile and legally described as LOT A DISTRICT LOT 4397 KOOTENAY DISTRICT PLAN EPP143219 (PID: 032-440-791) to vary Section 604.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to vary the allowable projection into a setback from 0.6 m to 1.0 m to accommodate the eaves of a residence.

Option 2 – Not Approve

That the Board NOT APPROVE the issuance of Development Variance Permit V2610F to Matthew Stanley for the property located at 3305 Hamilton Road, Six Mile and legally described as LOT A DISTRICT LOT 4397 KOOTENAY DISTRICT PLAN EPP143219 (PID: 032-440-791) to vary Section 604.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to vary the allowable projection into a setback from 0.6 m to 1.0 m to accommodate the eaves of a residence.

SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2610F to Matthew Stanley for the property located at 3305 Hamilton Road, Six Mile and legally described as LOT A DISTRICT LOT 4397 KOOTENAY DISTRICT PLAN EPP143219 (PID: 032-440-791) to vary Section 604.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to vary the allowable projection into a setback from 0.6 m to 1.0 m to accommodate the eaves of a residence.

Respectfully submitted,



Sadie Chezenko, Planner 1

CONCURRENCE

Nelson Wight – Planning Manager **Approved**

Amy Wilson – Acting General Manager of Development and Community Sustainability **Approved**

Stuart Horn – Chief Administrative Officer **Approved**

ATTACHMENTS:

Attachment A – Development Variance Permit

Attachment B – Referral Responses



Development Variance Permit

V2610F (Stanley)

Date: July 16, 2026

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

TO: Leslie and Steven Jardin

AGENT: Matthew Stanley

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: 3305 Hamilton Road, Six Mile, Electoral Area 'F'
LOT A DISTRICT LOT 4397 KOOTENAY DISTRICT PLAN EPP143219
PID: 032-440-791

CONDITIONS

5. Development Variance

Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 Section 604.4 is varied as follows:

From: Where steps, eaves, sunlight control projections, canopies, balconies, or porches project beyond the face of a building, the minimum distance to an abutting front lot line as permitted elsewhere in this bylaw may be reduced by not more than 1.2 metres and the minimum distance to an abutting site lot line or rear lot line as permitted elsewhere in this bylaw may be reduced by not more than **0.6 metre** provided such reduction shall apply only to the projecting feature.

To: Where steps, eaves, sunlight control projections, canopies, balconies, or porches project beyond the face of a building, the minimum distance to an abutting front lot line as permitted elsewhere in this bylaw may be reduced by not more than 1.2 metres and the minimum distance to an abutting site lot line or rear lot line as permitted elsewhere in this bylaw may be reduced by not more than **1.0 metre** provided such reduction shall apply only to the projecting feature as shown on Schedule '1' and '2.'

6. Schedule

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

7. Other

Authorized resolution *[enter resolution number]* passed by the RDCK Board on the day of , 20 .

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

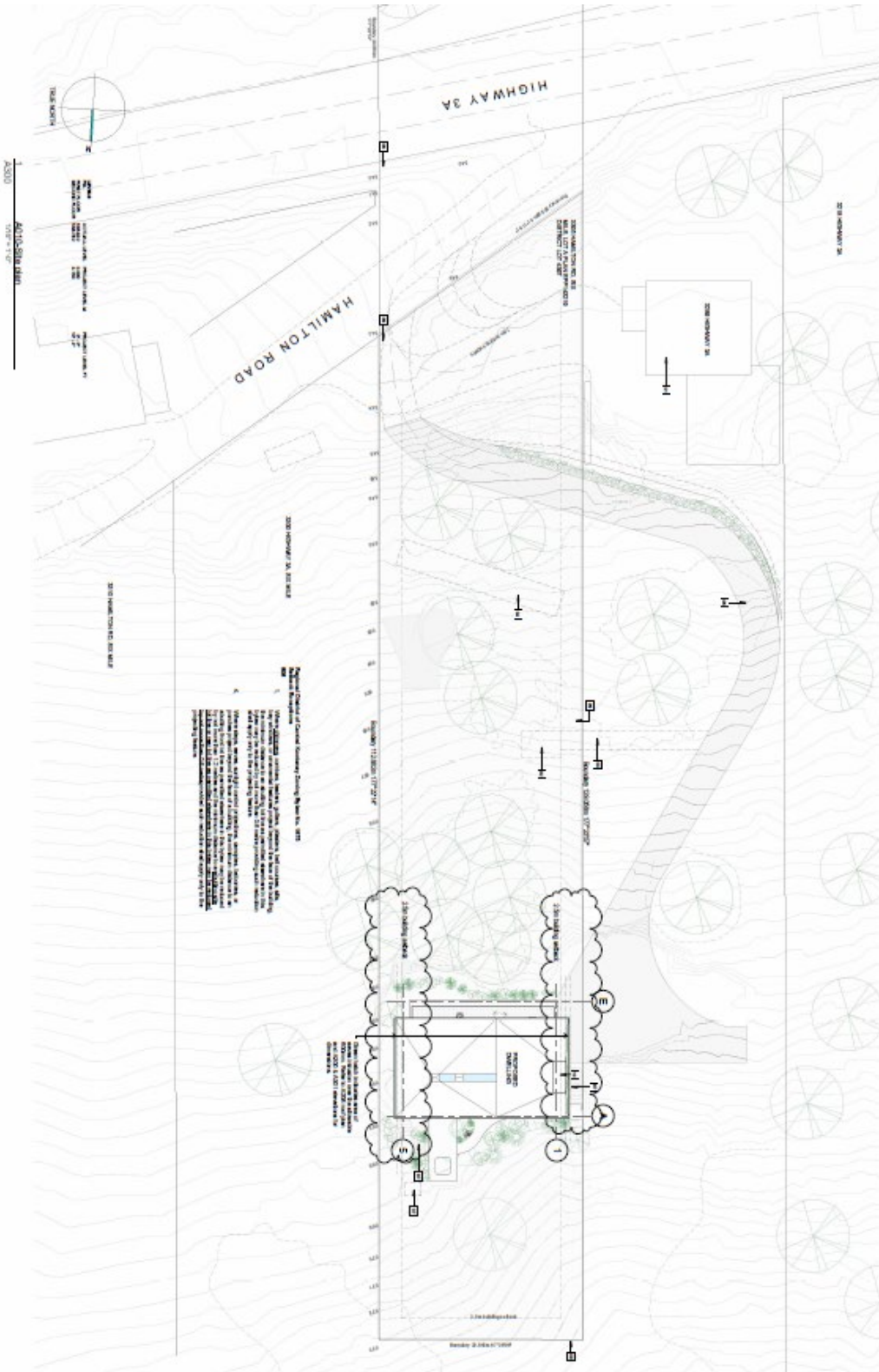
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 2: Site Plan





Referral Responses – V2610F

Agency/Department	Response
Archaeology Branch	Thank you for your archaeological information request regarding 3305 Hamilton Road, Six Mile, PID 032440791, LOT A DISTRICT LOT 4397 KOOTENAY DISTRICT PLAN EPP143219. 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 information request. 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 (shown as the purple areas in the screenshot below) indicates there is high potential for previously unidentified archaeological sites to exist on the property. 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. The waterfront location of the property also increases the potential for previously unidentified archaeological deposits. Archaeology Branch Advice If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned on the subject property, a Provincial heritage permit is not required prior to commencement of those activities. However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the <i>Heritage Conservation Act</i> 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 needs to be taken 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 <i>Heritage Conservation Act</i> 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 <i>Heritage Conservation Act</i>. • 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-
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	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.
Crown Land Authorizations - Ministry of Water, Land & Resource Stewardship (MWLRS)	On behalf of Crown Land Authorizations, I have no concerns with the above noted referral.
Ecosystems Section Head - Kootenay-Boundary Region Ministry of Water, Land & Resource Stewardship (MWLRS)	See attached letter.
Licensed Authorizations Officer – Water - Kootenay-Boundary Region Ministry of Water, Land & Resource Stewardship (MWLRS)	With respect to V2610F, no concerns from a <i>Water Sustainability Act</i> (Act) perspective with respect to the proposed side yard setback variance. However, Ministry of Water, Land and Resource Stewardship (WLRS) staff advise that obtaining water for domestic purpose use on the subject property must be in accordance with the requirements of the Act. WLRS staff note that placement of water related works (e.g., intake, piping) on adjacent Crown Land (Kootenay Lake and foreshore) will require a Permit Over Crown Land and associated external consultations. If a water license application is required and has not yet been submitted, the proponent should do so as soon as possible, as the Kootenay Boundary Region is currently processing a high volume of applications and delays could affect the project timeline.
Fortis BC	With respect to the above noted file, There are no FortisBC Inc (Electric) ("FBC(E)") facilities affected by this application. As such FBC(E) has no concerns with this circulation.
Ministry of Transportation and Transit (MOTT)	Thank you for the opportunity to comment on the above noted referral. The ministry has a works permit application associated with the subject property for installation of water and septic lines under Hamilton Road and Highway 3A to service the proposed dwelling. To

	date we have not received sufficient information for issuance of a permit. In addition to the outstanding works permit file, it appears that the landowners have not applied for a controlled access permit for the waterfront portion of their property. While the variance is being requested on the northern portion of the property along Hamilton Road it is requested that the owners apply for a controlled access highway access permit. Information on how to apply for an access permit to be forwarded to the owner/their contractor is as follows: You can learn more about our permitting process here: https://www2.gov.bc.ca/gov/content/transportation/funding-engagement-permits/permits/access ; on this page you will find checklists that outline the information you need to include with your application. Important information to include in your application: • A plan the access location. Please note that each property is only allowed one access point on to any numbered highway. • Proof of ownership of your property (Land Title) • Mailing address. The RDCK has a GIS mapping tool that can be used to create plans, take measurements, etc. Here is a link to that site: https://gis.rdck.bc.ca Online Application Instructions: 1. If you already have a BCeID, skip to Step 1. If not, go to this location https://www.bceid.ca/register/, apply for a Basic BCeID account and a BCeID User ID. This User ID will give you access to several government services. Our services are not in the drop-down menu on their page, so write your User ID and go to our next step. PLEASE NOTE: PASport (our Permits Approvals and Subdivision Portal) will only work with a Basic or Business BCeID. A Personal BCeID will NOT work. 2. To apply, follow this link: https://passport.th.gov.bc.ca/WebUIPublic and use your BCeID to begin the process. Choose Create Application - Permit from the menu on the left of the screen. On the first page in the Permit Group:
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	Highway Access and the Permit Type: choose Access to a Controlled Access Highway from the drop-down menu. 3. Follow through each page, enter information, and upload documents. Please complete the Location map with an <u>accurate</u> pin by zooming in to the site or searching the address. Include a mailing address for the permit holder to prevent delays. 4. Finish the process and make sure you click on the Submit button. Should they have any questions regarding the application process they can reach out to WKD@gov.bc.ca
RDCK Building Department	2024 BCBC spatial separation requirements will apply.
RDCK Emergency Management	The part of the Legal parcel between Highway 3A and the Kootenay Lake is 75% within the NDMP 1 - Clearwater Flood Hazard Area.



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.
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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
Hérons	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](#)

Ministry of Water,
Land and Resource
Stewardship

Land Use Policy,
Planning and
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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
 778-520-2683 / Shannon.white@gov.bc.ca

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Committee Report

Date of Report: June 18, 2026
Date & Type of Meeting: July 15, 2026, Rural Affairs Committee
Author: Zachari Giacomazzo, Planner 1
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2609I – Batchelor
Electoral Area/Municipality I

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Regional Board to consider a Development Variance Permit (DVP) application.

This DVP application seeks to vary Section 2701 (3) and Section 2701 (4) of Zoning Bylaw No. 1675, 2004, to authorize an accessory dwelling unit to be constructed in a new Farm Residential Footprint (FRF) at the west side of the property, adjacent to Loff Road.

Staff recommend that the Board not approve the requested variances.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owners/Applicants: Allie Batchelor and Jarred Batchelor
Property Location: 1993 Highway 3A, Tarrys, Electoral Area 'I'
Legal Description: LOT 2 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857, EXCEPT PART OUTLINED RED ON EXPLANATORY PLAN 35476I (PID: 016-022-181)
Property Size: 3.0 ha (7.57 acres)
Current Zoning: Agriculture 1 (AG1) in Zoning Bylaw No. 1675, 2004
Current Official Community Plan Designation: Agriculture (AG) in Electoral Area 'I' Official Community Plan Bylaw No. 2821, 2024

SURROUNDING LAND USES

North: Residential
East: Agriculture
South: Agriculture
West: Agriculture

Background Information and Site Context

The subject property is located in Tarry's between Highway 3A and Loff Road. It is 3 hectares in size, zoned Agriculture 1 (AG1) and is entirely within the Agricultural Land Reserve (ALR). There is a right of way for a hydro corridor that runs through the middle of the lot, effectively dividing it into two portions: the east side of the property fronts onto Highway 3A and the west side of the property fronts onto Loff Road.

The property has been partially cleared and is primarily used for residential purposes. It has been improved with a residence, shop, two sheds, barn, garage, and on-site services (well and septic system). All of these improvements are located on the “east portion” of the lot that is accessed from Highway 3A. The existing development on the property occupies an approximate area of 4,000 square metres.

Development Proposal

The proposed DVP application seeks to authorize the creation of a second FRF on the west side of the property adjacent to Loff Road. This would facilitate the proposed Accessory Dwelling Unit (ADU) being accessed from Loff Road. The ADU would be serviced with an independent domestic well and an on-site wastewater (septic) system. Figures 4 and 5 show the conceptual location of the proposed manufactured home and the proposed farm residential footprint, however the exact location of the well and septic system have not yet been determined.



Figure 1 - Location Map

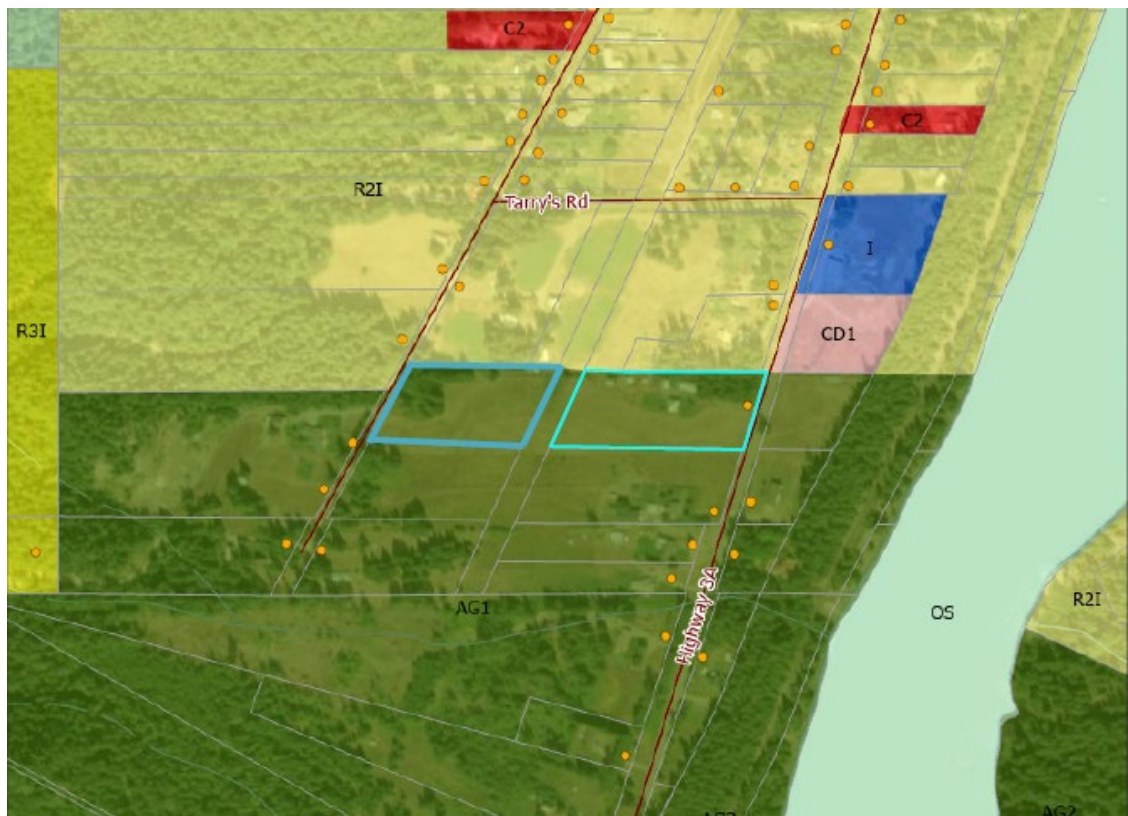


Figure 2 - Zoning Map



Figure 3 - Surrounding zoning and ALR boundaries

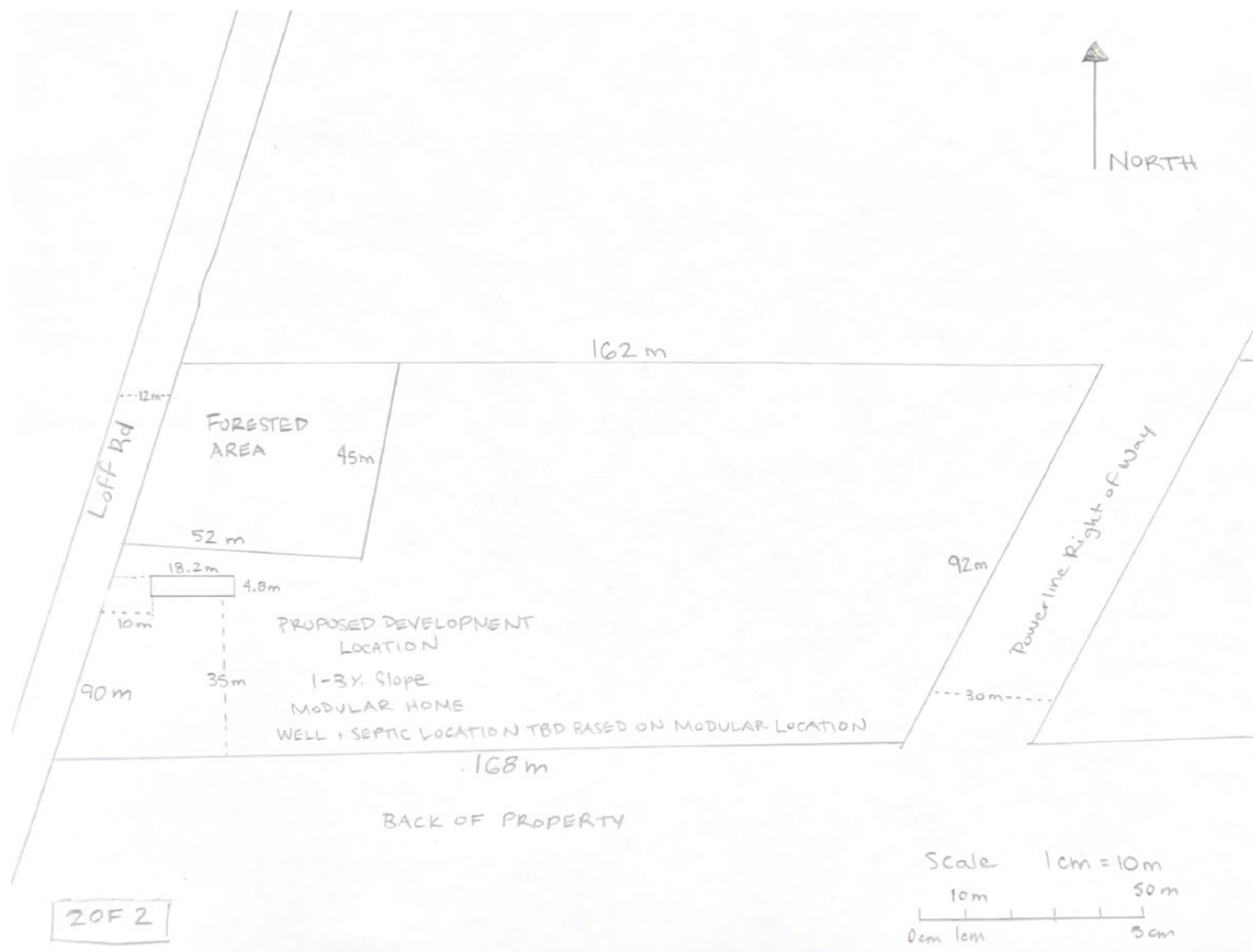


Figure 4 – Partial site plan showing the portion of the subject property on the west side of the FortisBC Right of Way



February 13, 2026

Interest Road
Parcel Boundaries
Ownership

Map prepared by applicant showing
proposed Farm Residential Footprint
Area (yellow outline) for new dwelling

WARNING: MAP IS NOT PRINTED TO SCALE

Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community

Cadastral data from ParcelMap BC
Copyright 2025 LTSA

Figure 5 - Conceptual location of the proposed Farm Residential Footprint (yellow) with the subject property highlighted light blue

Planning Policy

Electoral Area 'I' Official Community Plan Bylaw No. 2821, 2024

3.2 Broad Goals

- 1. Agriculture.** Support the area's existing and future agricultural activity and farmers by supporting agricultural systems and protecting agricultural lands that contribute to the area's economic base, character and sense of place.

4.2 Food, Agriculture and Rural Lands

4.2.1 Objectives

- Preserve and promote the use of agriculturally viable land for current and future agricultural production.

4.2.2 Policies

- Directs residential and non-farm uses to lands where there is low agricultural capability.
- Discourages agricultural land uses that adversely impact the surrounding environment or compromise the capability of the land for future food production.

5.2.7 Agriculture (AG)

1. The principal use shall be farm use.
2. The average lot size for subdivision of Agricultural land should be greater than two hectares.
3. Food processing activities and broadened market opportunities are encouraged such as: market gardens, craft wineries, breweries, distilleries and meaderies, and farm gate sales.
4. Single detached housing is permitted. May consider accessory dwellings as permitted by the ALC where the additional density does not negatively impact the existing or future farm use.
5. Supports the use of maximum setback distances for residential development and the clustering of built structures on agricultural lands to reduce the impact to agricultural potential and operations.
6. Encourages diversification and enhancing farm income by enabling uses secondary to and related to agricultural use consistent with the provisions of the Agricultural Land Commission Act, associated regulations, orders and decisions of the ALC.

RDCK Agriculture Plan

CAPABILITY RECOMMENDATION #3: It is recommended that the RDCK encourage the protection of agricultural land where appropriate, through the Official Community Plan process and other land use planning tools.

It is important to recognize the fact that it is possible to find other locations for commercial and residential development but this is not the case for agriculture - less than 5% of BC's entire land base is suitable for farming. Many recognize that relying on other jurisdictions for our daily food needs does not provide any level of communal food security. The assumption that we can secure our food needs from distant lands also assumes that they are able to do what we cannot - maintain and work their farmland.

CAPABILITY RECOMMENDATION #4: It is recommended that the RDCK establish a maximum residential footprint policy for all agriculturally zoned land.

Measures to limit the encroachment onto agricultural land of residential buildings and related activities can help to preserve the land available for production. Residential footprint policies have been developed in the Lower Mainland in response to large mansions accompanied by detached garages, tennis courts, swimming pools and long driveways on farmland reducing the land available for agriculture. While such rural estates are not common in the RDCK, being proactive on this issue can help to preserve our farmland.

CAPABILITY RECOMMENDATION #5: It is recommended that the RDCK amend the Zoning Bylaw to incorporate a maximum setback requirement for residential buildings in agricultural land.

In addition to the footprint size of residences and ancillary buildings and uses, the siting of these structures can have an enormous impact on the productive capacity of the land. No matter the size of the house, when it is built in the middle of an otherwise productive farm field it must also have a driveway access to the building that will further reduce the productive potential of the land. Unobstructed fields can be managed much more efficiently when it comes to irrigation structures, movement of equipment, and the planting and harvesting of crops. The municipality of Delta has a bylaw that requires a maximum setback for a farm residence of 50 meters from the road to the rear of the house.

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 received one response from a neighbouring land owner which is included as Attachment 'D'.

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 V2609I that proposes to vary Sections 2701(3) and 2701(4) in the Agriculture 1 (AG1) Zone in Zoning Bylaw No. 1675, 2004. From an agricultural planning perspective, Ministry staff offer the following comments: - Ministry staff note that the existing 4,000 m2 Farm Residential Footprint (FRF) is already twice the size of the permitted FRF and that locating the additional residence in the proposed location would vastly exceed the permitted 2,500 m2 FRF for two residences. Further, the applicant has not provided a valid reason why the additional residence cannot be located within the existing FRF. Specifically, there appears to sufficient space directly adjacent to the existing residence to the west that could accommodate the additional residence without encroaching on the agriculturally productive area of the Subject Property. - Ministry staff recognize that because the proposed location for the additional residence is in close proximity to Loff Road, only a short driveway would be required which in turn, minimizes the impact on the

	Subject Property. However, in addition to being a considerable distance from the existing FRF, this location also comprises part of the active hayfield. Generally, Ministry staff recognize the importance of clustering buildings as it reduces the impact on the agricultural potential of a property. • Given that the Subject Property fronts onto two roads and is severed in half by the hydro corridor right-of-way, constructing an additional residence in the proposed location will render the Subject Property more attractive to subdivision. While Ministry staff recognize that the owners currently do not wish to pursue subdivision, they may opt to do so in the future and/or a prospective future owner may desire to do so if/when the Subject Property is sold. • While the applicant currently proposes to only construct an additional residence, thereby limiting the area impacted by development, it is Ministry staff experience that additional accessory residential development often follows which requires additional land and in turn, reduces the amount of land available for farming. The existing FRF illustrates this scenario where in addition to the residence itself, numerous accessory residential structures including a shop, two sheds, and a garage were constructed which contributes to the large, existing 4,000 m² FRF. • Ultimately, the two proposed variances appear to prioritize residential development and separation distance between residences and/or privacy and likely do not have a positive impact on agriculture on the Subject Property. Ministry staff recommend that the additional residence is located within the existing FRF and support a variance to Section 2701(4) of Zoning Bylaw No. 1675, 2004 to accommodate this use. Please contact Ministry staff if you have any questions about the above comments. Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.
Agricultural Land Commission – Regional Planner, North, Interior and Kootenay Regions	Thanks for referring this to the ALC. Additional residences require the submission of a Notice of Intent to the ALC. Siting is one of the things that the NOI team looks at in that process. The ALC will review it through the NOI process.
Electoral Area 'I' Advisory Planning and Heritage Commission (APHC)	From the approved minutes of the May 27, 2026 meeting: The Development Variance Permit Application dated May 07, 2026, from Zachari Giacomazzo, Planner, was received. Planner Zachari Giacomazzo gave an overview of the application and answered questions from the Commission. The applicants answered questions from the Commission and spoke to the Notice of Intent sent to the Agricultural Land Commission. Moved and seconded,

	AND Resolved: That the Area I Advisory Planning and Heritage Commission SUPPORT the Development Variance Permit Application to Allie Batchelor and Jarred Batchelor for the property located at 1993 Highway 3A, Tarrys Lot 2 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857. Carried
Interior Health Authority – Healthy Built Environment Specialist	No comments provided.
Ministry of Transportation and Transit (MoTT)	Thank you for the opportunity to review and provide comments on the above-noted application. The Ministry has no concerns or objections with the requested development variance request provided the proponent applies for an access permit. The proponent can learn more about access permits here. If they have questions about the permit, they contact the Ministry by emailing wkd@gov.bc.ca They will need to apply for two access permits, one for accessing the highway and one for accessing Loff Road. The reason they require the permit to access Loff Road is because this will be their second access point.
RDCK Building Department	No comments provided.
RDCK Fire Services	No comments provided.
FortisBC – Property Services	Land Rights Comments • There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric (“FBC(E)”) services, if required. Operational & Design Comments • There are FortisBC Electric (“FBC(E)”) primary distribution facilities along Loff Road and transmission facilities bisecting the property. • All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant. Based on the plans provided bringing electrical service to the proposed building site may require extension work, which may be costly. • 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. • To proceed, the applicant should 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. • Electrician’s Name and Phone number • FortisBC Total Connected Load Form

	• Other technical information relative to electrical servicing For more information, please refer to FBC(E)'s overhead and underground design requirements: FortisBC Overhead Design Requirements http://fortisbc.com/ServiceMeterGuide FortisBC Underground Design Specification 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.

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..

3.8 Board Strategic Plan/Priorities Considerations:

This application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

The zoning bylaw requires that specific Farm Residential Footprint (FRF) regulations be considered for the development of non-farm buildings and uses on agriculturally zoned land. The purpose of these zoning regulations is to preserve agricultural land for agricultural uses by directing new residential development to existing residential footprint areas. The regulations in the AG1 zone requires that the land area dedicated for the Farm Residential Footprint (FRF) is no larger than 2,500 m² (Section 2701.3) and that the FRF be within 60 metres of the front property line (Section 2701.4).

The existing FRF on the east side of the property adjacent to Highway 3A that includes the principal residence is approximately 4,000 m² and has a maximum depth from the front lot line of 150 metres. This FRF was established prior to the RDCK adopting FRF regulations.

Given that the existing FRF exceeds the area and distance from the front lot line, staff recommend that the property owners consider clustering the proposed Accessory Dwelling Unit (ADU) within or in close proximity to the existing FRF area. Based on the information provided by the property owners, it is understood that the ADU will require its own well and wastewater system whether it is clustered near the existing FRF or constructed in a new FRF adjacent to Loff Road, however there is still a benefit to utilizing other existing infrastructure rather than establishing an entirely new FRF that would be accessed from Loff Road. By utilizing the existing driveway, road access and parking areas the cumulative area that would be occupied by non-farm uses can be reduced and more land area can be preserved for farm uses.

Establishing a new FRF on the west side of the property adjacent to Loff Road would occupy more agricultural land compared to constructing the accessory dwelling unit adjacent to or within the existing FRF area. The proposed

location of this second FRF on the subject property prioritizes residential development above that of preserving farm land. Recognizing that the impact to farmland would be lessened by siting the ADU near the existing one, Staff would support a DVP application that expands that existing FRF as little as is necessary to add the ADU and required servicing.

Based on the above information, Staff is recommending that the Board not approve the proposed Development Variance Permit in accordance with Option 1, below.

Option 1: Deny the Variances

That the Board NOT APPROVE the issuance of the Development Variance Permit to Allie Batchelor and Jarred Batchelor for the property located at 1993 Highway 3A, Tarrys and legally described as LOT 2 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857, EXCEPT PART OUTLINED RED ON EXPLANATORY PLAN 35476I (PID: 016-022-181) to vary Section 2701.3 and 2701.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to authorize the maximum size of the Farm Residential Footprint to be 6,000 m² and the maximum depth of the Farm Residential Footprint to be 150 metres from the Front Lot Line.

Option 2: Refer the application to the August RAC meeting to give the applicant an opportunity to provide a revised site plan that shows the ADU clustered with the existing FRF

That further consideration of the issuance of the Development Variance Permit to Allie Batchelor and Jarred Batchelor for the property located at 1993 Highway 3A, Tarrys and legally described as LOT 2 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857, EXCEPT PART OUTLINED RED ON EXPLANATORY PLAN 35476I (PID: 016-022-181) to vary Section 2701.3 and 2701.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to authorize the maximum size of the Farm Residential Footprint to be 6,000 m² and the maximum depth of the Farm Residential Footprint to be 150 metres from the Front Lot Line be BE REFERRED to the August 19, 2026 Rural Affairs Committee Meeting in order for staff to work with the applicant to determine the Variances that would be required (if any) to authorize the accessory dwelling unit to be constructed adjacent to the existing Farm Residential Footprint.

Option 3: Approve the Variances

That the Board APPROVE the issuance of the Development Variance Permit to Allie Batchelor and Jarred Batchelor for the property located at 1993 Highway 3A, Tarrys and legally described as LOT 2 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857, EXCEPT PART OUTLINED RED ON EXPLANATORY PLAN 35476I (PID: 016-022-181) to vary Section 2701.3 and 2701.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to authorize the maximum size of the Farm Residential Footprint to be 6,000 m² and the maximum depth of the Farm Residential Footprint to be 150 metres from the Front Lot Line.

SECTION 5: RECOMMENDATIONS

That the Board NOT APPROVE the issuance of the Development Variance Permit to Allie Batchelor and Jarred Batchelor for the property located at 1993 Highway 3A, Tarrys and legally described as LOT 2 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857, EXCEPT PART OUTLINED RED ON EXPLANATORY PLAN 35476I (PID: 016-022-181) to vary Section 2701.3 and 2701.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to authorize the maximum size of the Farm Residential Footprint to be 6,000 m² and the maximum depth of the Farm Residential Footprint to be 150 metres from the Front Lot Line.

Respectfully submitted,

Zachari Giacomazzo, Planner

CONCURRENCE

Planning Manager – Nelson Wight **Digitally approved**

General Manager Development & Sustainability – Amy Wilson **Digitally approved**

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

ATTACHMENTS:

Attachment A – Development Variance Permit

Attachment B – Excerpt from *RDCK Zoning Bylaw No. 1675, 2004*

Attachment C – Comments from Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship

Attachment D – Written Submission from Neighbouring property owner

Attachment E – Site Visit Photographs (May 19, 2026)



Development Variance Permit

V2609I (BATCHELOR)

Date: June 18, 2026

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

TO: Allie Batchelor and Jarred Batchelor

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: 1993 Highway 3A, Tarrys, Electoral Area 'I'

Legal: LOT 2 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 857, EXCEPT PART OUTLINED
RED ON EXPLANATORY PLAN 35476I

PID: 016-022-181

CONDITIONS

5. Development Variance

RDCK Zoning Bylaw No. 1675, 2004, Sections 2701.3 and 2701.4 are varied as follows:

Section 2701.3

From: 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.

To: The maximum Farm Residential Footprint shall be a maximum of 6,000 square meters for this property only.

Section 2701.4

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 150.0 metres measured from the Front Lot Line adjacent to Highway 3A (in order to recognize the existing farm residential footprint at the Highway 3A frontage).

As shown on Schedules '1' and '2'

6. Schedule

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

7. Other

Authorized resolution ____/26 passed by the RDCK Board on the 16th day of July, 2026.

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

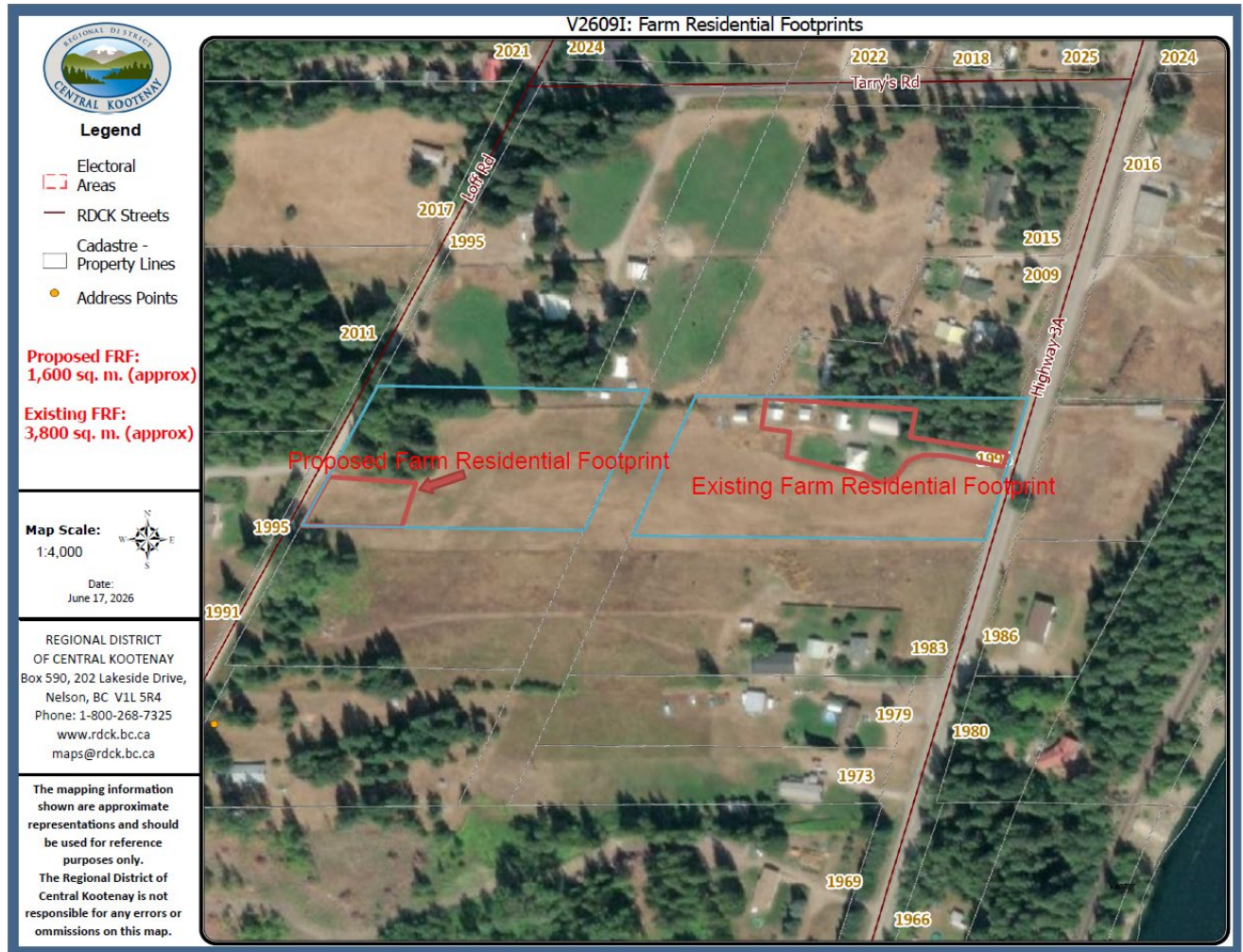
Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 1: Subject Property



Schedule 2: Site Plan



DIVISION 27 AGRICULTURE 1 (AG1)**Permitted Uses**

2700 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:

Principal Uses:

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

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 Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (*may require ALC non-farm use approval*)
- Home Based Business
- Portable Sawmills for processing of material harvested on site only
- Temporary Farm Worker Housing (*may require ALC non adhering residential use approval*)

Development Regulations

2701

1. The minimum lot size shall be 4.0 hectares in the Agricultural Land Reserve and 2.0 hectares outside the Agricultural Land Reserve.

1B. The maximum density is 2 Dwelling Units.

- 1C. Only one Single Detached Housing is permitted per lot.
2. 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.
3. 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.
4. 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.
5. The Maximum Gross Floor Area of Single Detached Housing is 300.0 square metres.
6. *Deleted by Bylaw 2958.*
7. 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.
8. 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.
9. Section 2701(8) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
10. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve;

- b. must be setback at least 7.5 metres from any lot line; and
- c. must be located at least 30 metres from the nearest business or residence on another parcel.

11. The minimum setback for a kennel building shall be 7.5 metres from any lot line.

Cannabis Regulations

- 12. 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.
- 13. 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.
- 14. 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.
- 15. 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.
- 16. 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.

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



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

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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
Hérons	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](#)

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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
 778-520-2683 / Shannon.white@gov.bc.ca

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Zachari Giacomazzo

From: Dale Hoodicoff <[REDACTED]>
Sent: May 12, 2026 4:32 PM
To: Planning
Subject: To whom it may concern

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

I am Allie and Jared's neighbour as it is now their dog comes to shit in my field in my back 40 of my property if they want to construct a dwelling on their property, their dog definitely will never ever shit on their own property in their field. It will always be coming over to mine because there is less room for the dog to shit on their back 40 if a dwelling is built so therefore, I am not I am not into them building a dwelling on their property. Thanks for your cooperation and understanding.

Sent from my iPhone

























Committee Report

Date of Report: June 30, 2026
Date & Type of Meeting: July 15, 2026 – Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: DEVELOPMENT VARIANCE PERMIT
File: V2606I - LOUKIANOFF
Electoral Area/Municipality I

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Regional Board to consider a Development Variance Permit (DVP) for the property located at 2295 Highway 3A in Electoral Area 'I'.

The applicant is requesting the following variances to permit an oversized accessory dwelling unit (ADU) and to construct a new principal residence at the rear of the property:

1. Section 623(4), to increase the maximum permitted ADU size from 90 m² to 155 m²;
2. Section 2701(3), to increase the maximum Farm Residential Footprint (FRF) area from 2,500 m² to 12,000 m²; and
3. Section 2701(4), to increase the maximum FRF depth from 60 m to 646 m.

Staff support the requested ADU size variance, as the combined residential floor area remains below the maximum otherwise permitted. However, staff do not support the requested FRF area and depth variances, as they would extend residential development into agriculturally viable land. Staff recommend that the Board approve the ADU size variance and not approve the FRF area and depth variances.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Applicant: Brandon Loukianoff

Property Owners: Valentina and Leonard Loukianoff

Property Location: 2295 Highway 3A, RDCK Region, Electoral Area 'I'

PARCEL A (SEE 7559I) BLOCK 8 DISTRICT LOT 302A KOOTENAY DISTRICT PLAN 781 EXCEPT THAT PART OUTLINED IN RED ON REFERENCE PLAN 69327I AND PLAN 6580

PID: 011-939-893

Property Size: 2.67 ha

Site Context

The subject property is in Glade Central in Electoral Area 'I'. It is designated for Agriculture (AG) use and similarly zoned Agriculture 1 (AG1) in RDCK Zoning Bylaw no. 1675, 2004. It is a relatively narrow lot which slopes downward from west to east. The subject property has been improved with a single detached dwelling, multiple accessory buildings and a driveway. It and the neighbouring properties are partially within the Agricultural Land

Reserve (ALR) as shown in Figure 1. The area surrounding the property is designated Agriculture (AG) or Country Residential (CR) and most properties are used for residential purposes.

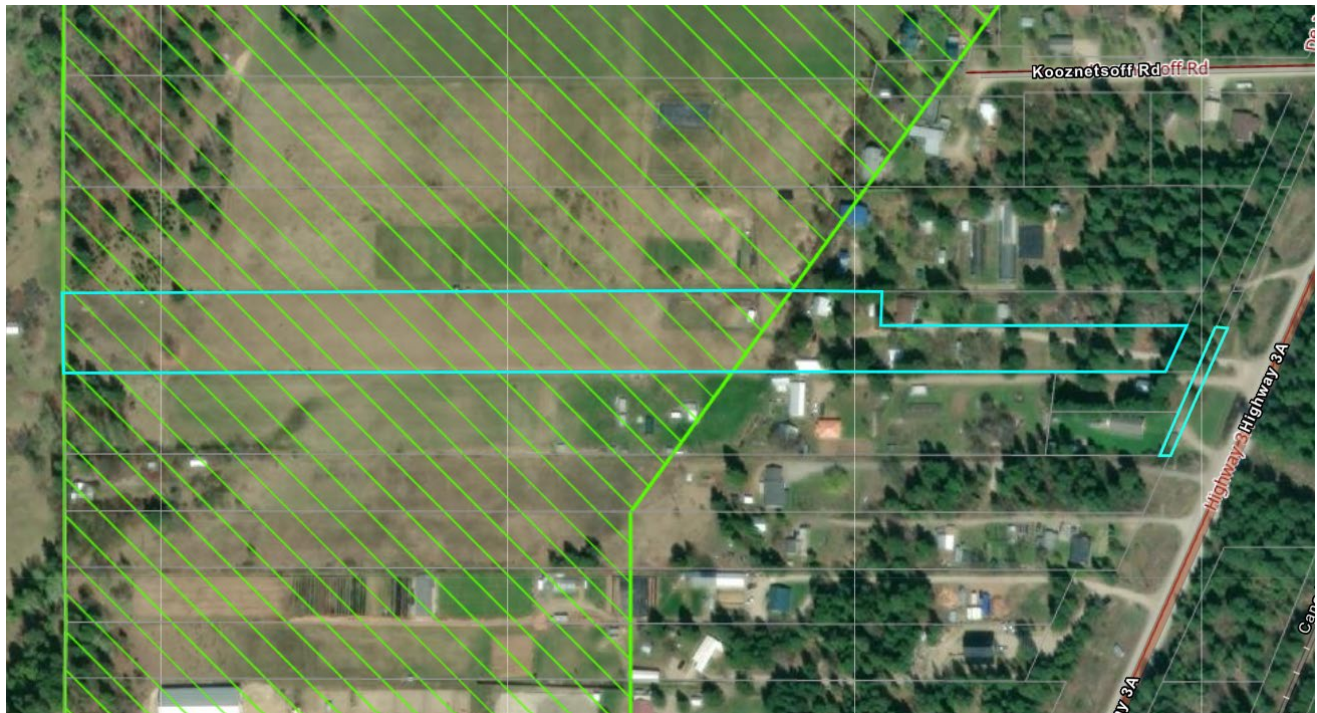


Figure 1: Location and ALR Map

Proposal

The applicant has submitted a Development Variance Permit (DVP) application to allow an oversized accessory dwelling unit (ADU) and to site a new principal dwelling near the rear of the lot. The development is proposed to allow multiple generations of this family to live together on the property. The new dwelling is proposed to accommodate a family of five.

The existing dwelling is 155 m² and the proposed new dwelling will be 223 m². Since the proposed dwelling is significantly larger, if constructed, it will be considered the principal residence, and the existing dwelling will be considered ADU. ADUs are limited to 90m², thus, a variance is required for the size of the ADU.

The applicant indicated that a new dwelling could not be built near the front of the lot (in the existing farm residential footprint (FRF) area) due to the narrow width, location of the driveway, and the existing gas line right of ways on that portion of the property. Further, it could not be sited directly behind the residence, due to flooding in that area every spring.

Thus, to preserve the farmable area, they are proposing the new residence be sited at the rear of the lot where the land is less arable. There is a personal garden but no agricultural activity on the property. The property does not have farm status.

The existing FRF on the property is 6700 m² and includes the entire front 235 m of the parcel. The proposed FRF area to accommodate the new residence is 3100 m² and the driveway takes up an additional 2200 m² from

behind the existing residence to the proposed residence. The driveway to the rear of the lot is existing but is not hard currently surfaced (e.g. with asphalt) as can be seen in Figure 5.

To accommodate the proposed development, the applicant is requesting to vary the zoning bylaw as follows:

- Section 623(4) to allow a 155 m² ADU – an increase of 65 m²
- Section 2701(3) to allow a 12,000 m² farm residential footprint area – an increase of 9500 m²
- Section 2701(4) to allow a 646 m farm residential footprint depth – an increase of 586 m

The oversized ADU (the existing dwelling) is sited on the portion of the property not within the ALR and thus does not require a non-adhering residential use application to the ALC.

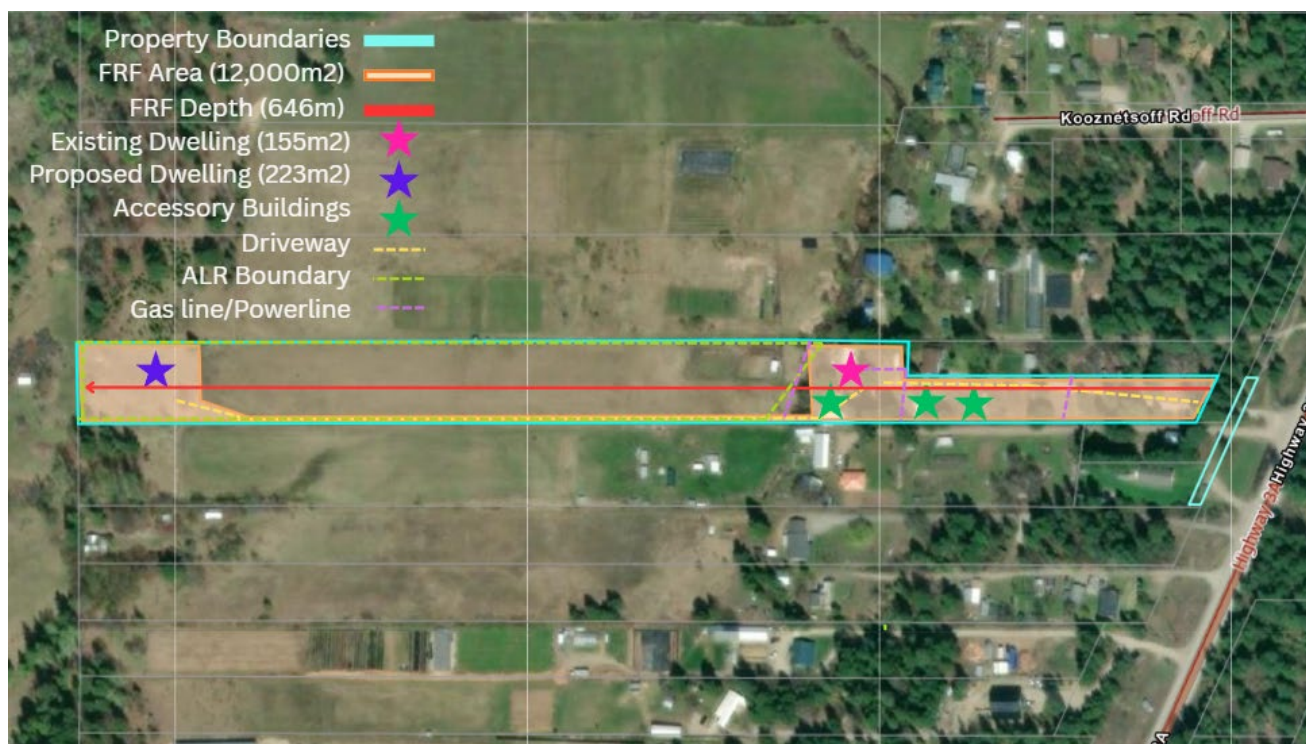


Figure 2: Site Plan

Site Visit

A site visit was conducted on May 20, 2026. The figures below show the areas of existing and proposed development.



Figure 3: Subject Property (Looking East)



Figure 4: Existing Residence



Figure 5: Driveway Access

Land Use Considerations

The Official Community Plan (OCP) discourages rural sprawl and directs residential development to lands where there is low agricultural capability. It highlights the value of agricultural land for local food production and identifies the need to preserve agriculturally viable land for current and future agricultural production.

Zoning Considerations

RDCK FRF regulations aim to protect agricultural land by limiting the size and location of residential infrastructure to preserve land for farming. The standard maximum depth of the FRF is 60 m, and the maximum FRF area is 2500 m². RDCK regulations regarding the size of accessory dwelling units help to ensure secondary residences remain subordinate to the principal use and to prevent overdevelopment on lots. The standard maximum size is 90 m².

Agricultural Policy

Agricultural Capability Rating

Agricultural capability in BC is ranked from Class 1 to Class 7. Class 1 land has the fewest limitations and can support the widest range of crops, while Class 7 land has no capability for soil-bound agriculture. Most of property is Class 2/3 (shown in green) and remainder is Class 5/6/7 (shown in orange). Thus, most of the property contains good-quality soils for soil-bound agriculture.



Figure 6: Agricultural Capability

Portion	Area	Unimproved Capability Class	Limiting Subclass	Improved Capability Class
A	0.22 ha	7:6T~3:7T (70% Class 6T and 30% Class 7T)	T – Topography	n/a
B	2.0 ha	6:6PM~4:5PM (60% Class 6PM and 40% Class 5PM)	P - Stoniness W - Excess water (groundwater)	6:6PM~4:5PM (60% Class 6PM and 40% Class 5PM)
C	0.35 ha	7:3MW~3:5PM (70% Class 3MW and 30% Class 5PM)	M - Soil moisture deficiency W - Excess water (groundwater)	7:2WM~3:5PM (70% Class 2WM and 30% Class 5PM)

Soil Types

This parcel is comprised of soil from the Kinert Soil Association, the Gillis Soil Association and the Glenlily Soil Association as shown in Figure 4. Kinert soils are unsuitable for arable agriculture but do have some natural grazing potential. They are severely limited by adverse topography, low soil moisture holding capacity and stoniness. Glenlily soils have low capability for agricultural use due to low soil moisture and severe stoniness. Gillis soils have moderate to high capability for agricultural uses if irrigated.

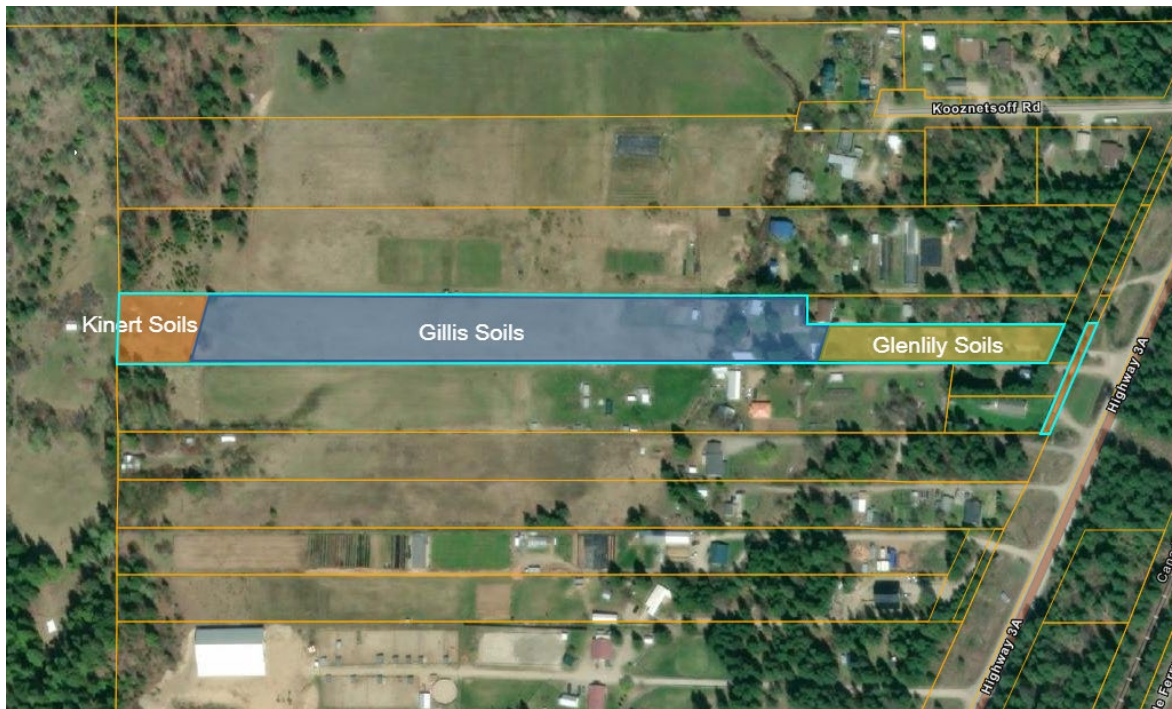


Figure 7: Soil Associations

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:

None anticipated.

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. No responses were received from the public regarding this application.

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:

One of the areas of focus in the Board's Strategic Plan is to support local agriculture and food security.

SECTION 4: SUMMARY

Planning Discussion

In accordance with the zoning, ADUs are limited to 90 m² and principal dwellings are limited to 300 m². These size limits are intended to prevent overdevelopment and ensure that accessory uses remain subordinate to principal uses. Although the proposed ADU exceeds the maximum permitted size, the combined floor area of both dwellings would remain below the maximum total floor area otherwise permitted on the property. The maximum combined residential floor area permitted is 390 m², while the proposal totals 378 m². Although this is not the typical configuration envisioned by the bylaw, it reflects existing site conditions that cannot reasonably be altered. As a result, staff support this portion of the variance request.

In contrast, the requested increases to the area and depth of the FRF are substantial. As noted earlier in this report, the existing FRF on the property is approximately 6,700 m², significantly exceeding the maximum permitted area of 2,500 m². The proposed new residence would require an additional 3,100 m² for the residential site, as well as approximately 2,200 m² to accommodate the driveway, further reducing the amount of land available for agricultural production. In total, the proposed FRF would increase to approximately 12,000 m² which is nearly five times the maximum area permitted by the zoning. Similarly, the proposed FRF depth would extend the full length of the parcel rather than being limited to the standard maximum of 60 m. This represents an increase of approximately ten times the permitted depth.

While the front portion of the property is constrained by the existing driveway, rights-of-way, and existing buildings, there appears to be sufficient space east of the easternmost accessory building to accommodate a new principal residence while reducing the extent of the FRF.

The subject property is an agricultural parcel containing predominantly good-quality soils with high agricultural capability. The Official Community Plan (OCP) directs residential development to areas with lower agricultural capability and emphasizes the preservation of productive agricultural land for current and future farming. The proposed siting of the new residence would extend residential development into the more agriculturally viable portion of the property, prioritizing residential use over the long-term preservation of agricultural land.

Based on the rationale outlined above, staff recommend that the requested variances to the area and depth of the FRF not be supported.

Options

Option 1 – Not Approve the FRF area and depth variances and approve the ADU size variance

That the Board APPROVE the issuance of Development Variance Permit V2606I to Brandon Loukianoff for the property located at 2295 Highway 3A, RDCK Region and legally described as PARCEL A (SEE 7559I) BLOCK 8 DISTRICT LOT 302A KOOTENAY DISTRICT PLAN 781 EXCEPT THAT PART OUTLINED IN RED ON REFERENCE PLAN 69327I AND PLAN 6580 (PID: 011-939-893) to vary Section 623.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to permit a 155 m² ADU whereas the bylaw permits only a 90 m² ADU.

That the Board NOT APPROVE the issuance of Development Variance Permit V2606I to Brandon Loukianoff for the property located at 2295 Highway 3A, RDCK Region and legally described as PARCEL A (SEE 7559I) BLOCK 8 DISTRICT LOT 302A KOOTENAY DISTRICT PLAN 781 EXCEPT THAT PART OUTLINED IN RED ON REFERENCE PLAN 69327I AND PLAN 6580 (PID: 011-939-893) to vary Section 2701.3 of RDCK Zoning Bylaw No. 1675, 2004 in order to allow a 12,000 m² farm residential footprint area whereas the bylaw only allows a 2500 m² farm residential footprint area and to vary Section 2701.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to allow a 646 m farm residential footprint depth whereas the bylaw only allows a 60 m farm residential footprint depth.

Option 2 – Approve all variances

That the Board APPROVE the issuance of Development Variance Permit V2606I to Brandon Loukianoff for the property located at 2295 Highway 3A, RDCK Region and legally described as PARCEL A (SEE 7559I) BLOCK 8 DISTRICT LOT 302A KOOTENAY DISTRICT PLAN 781 EXCEPT THAT PART OUTLINED IN RED ON REFERENCE PLAN 69327I AND PLAN 6580 (PID: 011-939-893) to vary Section 623.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to permit a 155 m² ADU whereas the bylaw permits only a 90 m² ADU and to vary Section 2701.3 of RDCK Zoning Bylaw No. 1675, 2004 in order to allow a 12,000 m² farm residential footprint area whereas the bylaw only allows a 2500 m² farm residential footprint area and to vary Section 2701.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to allow a 646 m farm residential footprint depth whereas the bylaw only allows a 60 m farm residential footprint depth.

SECTION 5: RECOMMENDATIONS

That the Board APPROVE the issuance of Development Variance Permit V2606I to Brandon Loukianoff for the property located at 2295 Highway 3A, RDCK Region and legally described as PARCEL A (SEE 7559I) BLOCK 8 DISTRICT LOT 302A KOOTENAY DISTRICT PLAN 781 EXCEPT THAT PART OUTLINED IN RED ON REFERENCE PLAN 69327I AND PLAN 6580 (PID: 011-939-893) to vary Section 623.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to permit a 155 m² ADU whereas the bylaw permits only a 90 m² ADU.

That the Board NOT APPROVE the issuance of Development Variance Permit V2606I to Brandon Loukianoff for the property located at 2295 Highway 3A, RDCK Region and legally described as PARCEL A (SEE 7559I) BLOCK 8 DISTRICT LOT 302A KOOTENAY DISTRICT PLAN 781 EXCEPT THAT PART OUTLINED IN RED ON REFERENCE PLAN 69327I AND PLAN 6580 (PID: 011-939-893) to vary Section 2701.3 of RDCK Zoning Bylaw No. 1675, 2004 in order to allow a 12,000 m² farm residential footprint area whereas the bylaw only allows a 2500 m² farm residential footprint area and to vary Section 2701.4 of RDCK Zoning Bylaw No. 1675, 2004 in order to allow a 646 m farm residential footprint depth whereas the bylaw only allows a 60 m farm residential footprint depth.

Respectfully submitted,



Sadie Chezenko, Planner 1

CONCURRENCE

Nelson Wight – Planning Manager **Approved**

Amy Wilson - General Manager of Development and Community Sustainability **Approved**

Stuart Horn – Chief Administrative Officer **Approved**

ATTACHMENTS:

Attachment A – Development Variance Permit

Attachment B – Referral Responses



Development Variance Permit

V2606I (Loukianoff)

Date: July 16, 2026

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

TO: Brandon Loukianoff

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: 2295 Highway 3A, RDCK Region, Electoral Area 'I'

Legal: PARCEL A (SEE 7559I) BLOCK 8 DISTRICT LOT 302A KOOTENAY DISTRICT PLAN 781
EXCEPT THAT PART OUTLINED IN RED ON REFERENCE PLAN 69327I AND PLAN 6580

PID: 011-939-893

CONDITIONS

5. Development Variance

Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 Section 623.4 is varied as follows:

From: The maximum gross floor area is 90.0 square metres.

To: The maximum gross floor area is 155.0 square metres., as shown on Schedule '1' and '2.'

6. Schedule

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

7. Other

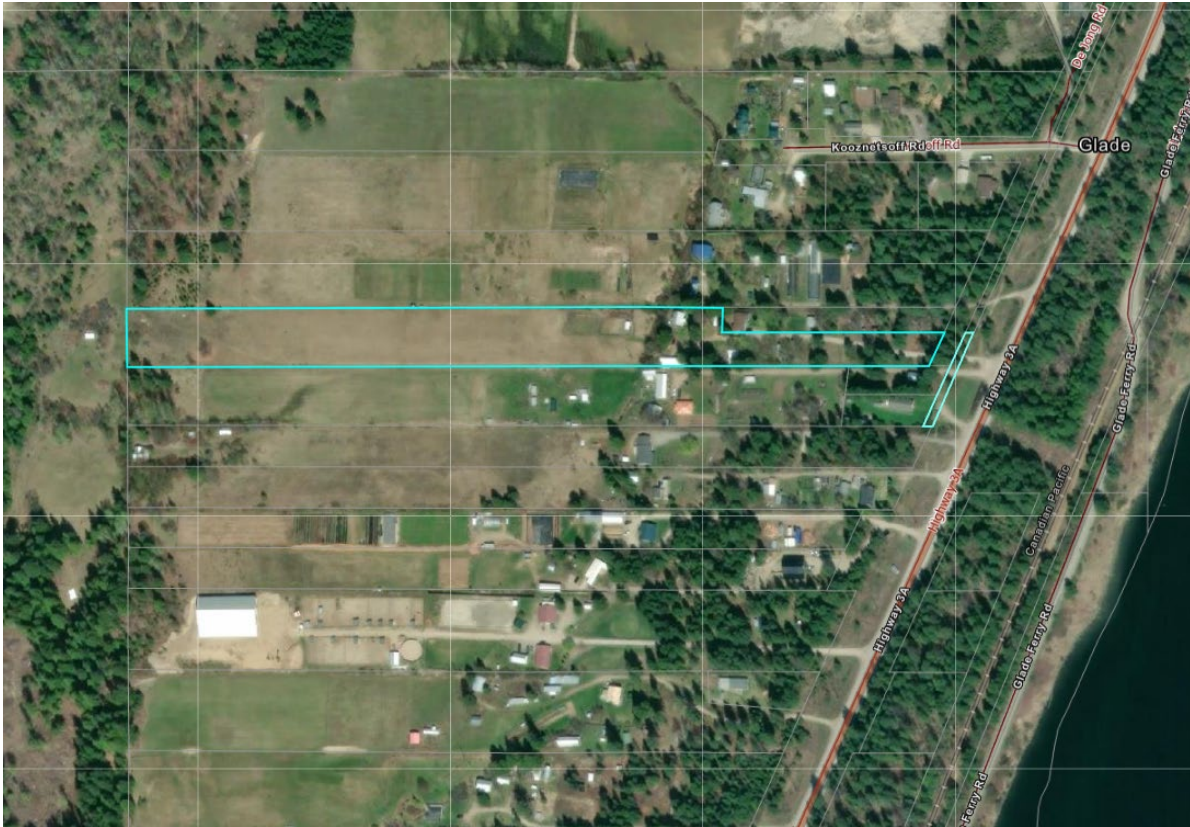
Authorized resolution _____ passed by the RDCK Board on the 16 day of July, 2026.

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





Referral Responses – V2606I

Agency/Department/First Nation	Response
Advisory Planning and Heritage Commission	That the Area I Advisory Planning and Heritage Commission SUPPORT the Development Variance Permit Application to Brandon Loukianoff for the property located at 2295 Highway 3A, Block 8 DISTRICT LOT 302A KOOTENAY DISTRICT PLAN 781.
Agricultural Land Commission	I understand this referral is for a 155 m ² additional residence on a 2.67 ha ALR parcel. I didn't see the size of the existing residence. If the existing residence has a total floor area larger than 90 m ² , a Non-Adhering Residential Use application would be required for the additional residence. If not, then a Notice of Intent would be required.
Archaeology Branch	Thank you for your archaeological information request regarding 2295 Highway 3A, PID 011939893, PARCEL A (SEE 7559I) BLOCK 8 DISTRICT LOT 302A KOOTENAY DISTRICT PLAN 781 EXCEPT THAT PART OUTLINED IN RED ON REFERENCE PLAN 69327I AND PLAN 6580. 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 information request. 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 (shown as the purple areas in the screenshot below) indicates there is high potential for previously unidentified archaeological sites to exist on the property. 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 on the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

	However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the <i>Heritage Conservation Act</i> 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 needs to be taken 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 <i>Heritage Conservation Act</i> 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 <i>Heritage Conservation Act</i>.
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	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.
BC Hydro	BC Hydro does not maintain these utilities, and therefore has no objection to the referral
Crown Land Authorizations – Kootenay Boundary Region Ministry of Water, Land and Resource Stewardship (MWLRS)	Crown Lands has no concerns with this Development Variance Application.
Ecosystems Section Head - Kootenay-Boundary Region Ministry of Water, Land & Resource Stewardship (MWLRS)	See attached letter.
FortisBC	<u>Land Rights Comments</u> - 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, in order to service the proposed dwelling if required. <u>Operational & Design Comments</u> - There are FortisBC Electric ("FBC(E)") primary distribution facilities along Highway 3A and bisecting the subject property. Based on the plans provided, significant extension work will be required to bring electrical service to the proposed dwelling, which may be costly. - All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.

	• The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries. • For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements. 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. • Electrician's Name and Phone number • FortisBC Total Connected Load Form • Other technical information relative to electrical servicing For more information, please refer to FBC(E)'s overhead and underground design requirements: FortisBC Overhead Design Requirements http://fortisbc.com/ServiceMeterGuide FortisBC Underground Design Specification http://www.fortisbc.com/InstallGuide If you have any questions or comments, please contact us at your convenience.
Licensed Authorizations Officer – Water - Kootenay-Boundary Region Ministry of Water, Land & Resource Stewardship (MWLRS)	Ministry of Water, Land and Resource Stewardship (WLRS) staff have reviewed RDCK Referral V2606I, which, if approved, could allow for an oversized accessory dwelling unit (ADU) on the subject property. The property currently holds water licence C035940, which authorizes the diversion and use of water from Schiavon Creek for both irrigation and domestic purposes. The licence permits a total of 1.136 cubic metres per day for domestic use in a single dwelling, which is below the typical domestic allocation of 2.000 cubic metres per day. Schiavon Creek is identified as a fully recorded source, meaning that no additional water rights are available to service a second dwelling (or increase supply to the existing dwelling). As such, the proponent will need to explore alternative options to meet any increased water demand associated with a future ADU on the property. It is noted that groundwater wells constructed prior to 2016 may not be reflected in the provincial Groundwater Wells and Aquifer (GWELLS) registry and, as such, WLRS staff are unable to confirm whether groundwater could be used to meet proposed demand. If a groundwater well was developed on the subject property prior to 2016 to meet domestic water needs, the owner is encouraged to consider registering the well. While registration of a domestic well is

	voluntary, doing so creates a record in the GWELLS registry and helps ensure that groundwater use is considered in water management decisions. This information is particularly important during periods of water scarcity, such as drought, or in response to events that may affect groundwater quality, such as contaminant spills. Information regarding well registration is available at: https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/groundwater-wells-aquifers/groundwater-wells/information-for-property-owners/well-records-registration/domestic-well-registration
Ministry of Agriculture	Thank you for providing Ministry of Agriculture and Food (Ministry) staff the opportunity to comment on File V2606I that proposes to vary Sections 623(4), 2701(3) and 2701(4) in the Agriculture 1 (AG1) Zone in Zoning Bylaw No. 1675, 2004. From an agricultural planning perspective, Ministry staff offer the following comments: While Ministry staff recognize the panhandle nature and the presence of the Fortis power line on the non-ALR portion of the Subject Property, the applicant has not provided a valid reason why the additional residence cannot be located on this area of the Subject Property. Ministry staff note that the proposed location for the residence utilizes an existing driveway which minimizes the impact on the Subject Property. This location however, is a considerable distance from the existing residence/structures. Generally, Ministry staff recognize the importance of clustering buildings as it reduces the impact on the agricultural potential of a property. Further, Ministry staff understand that adhering to the maximum 60 m depth for the Farm Residential Footprint may be challenging, but there appears to be sufficient room in the vicinity of the existing residence to accommodate the additional residence. Ministry staff also note that the proposed location of the additional residence appears to encroach on the arable portion of the Subject Property. If this application is ultimately approved, Ministry staff recommend that the residence is located further west towards the western property boundary to ensure that the flat/arable portion of the Subject Property is not impacted. While Ministry staff recognize that a 90 m² residence is relatively small to accommodate a family of five, Ministry staff note that no agricultural rationale has been supplied to justify an increase to the Maximum Gross Floor Area of the proposed residence. Further, the applicant has not indicated if they will conduct an agricultural operation on the Subject Property.

	Ultimately, the three proposed variances appear to prioritize residential development and separation distance between residences and/or privacy and likely do not have a positive impact on agriculture on the Subject Property. Please contact Ministry staff if you have any questions about the above comments. Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.
Ministry of Transportation and Transit (MOTT)	Thank you for the opportunity to review and provide comments on the above-noted application. The Ministry has no concerns or objections with the requested development variance request provided the proponent applies for an access permit. The proponent can learn more about access permits here. If they have questions about the permit, they contact the Ministry by emailing wkd@gov.bc.ca
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

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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
Hérons	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](#)

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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
 778-520-2683 / Shannon.white@gov.bc.ca

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Committee Report

Date of Report: June 18, 2025
Date & Type of Meeting: July 15, 2026 – Rural Affairs Committee
Author: Zachari Giacomazzo, Planner 1
Subject: NON FARM USE IN THE AGRICULTURAL LAND RESERVE
File: A2602B
Electoral Area/Municipality B

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board's consideration of an Agricultural Land Commission (ALC) application for a Non-Farm Use within the Agricultural Land Reserve (ALR) for the property located at 924 25th Avenue South, Erickson in Electoral Area 'B'.

The purpose of this Non-Farm Use application is to authorize a butcher shop in an existing accessory building that will process animals that are not raised on the property.

Given that this proposal will provide a necessary service and support existing agricultural operations in the Creston Valley, Staff recommend the Board support this application.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Applicant: Cory Huscroft and Rebecca Huscroft

Property Owners: Cory Huscroft and Rebecca Huscroft

Property Location: 924 25 Ave. South, Erickson, Electoral Area 'B'

LOT 26 DISTRICT LOT 891 KOOTENAY DISTRICT PLAN 698 EXCEPT (1) PARCEL A (SEE DD 18512) AND (2) PART INCLUDED IN PLAN 3031 (PID: 015-493-211)

Property Size: 2.66 hectares (6.58 acres)

Current Zoning: Agriculture 1 (AG1)

Current Official Community Plan Designation: Agriculture (AG)

Site Context

The subject property is in Erickson, approximately one kilometer south of the town of Creston. The property is entirely within the ALR and is located in an agricultural area with a mix of farms and smaller residential properties. The 2.66 hectare lot is a relatively flat and bordered by roads to the south and west. The property is classified as a farm by BC Assessment and currently has a small orchard, laying hens, horses and market garden crops. There are two dwellings on the property, the principal residence and a manufactured home accessed by a separate driveway. The property is within the RDCK-operated Erickson Water Supply Area and the existing dwellings are serviced by on-site wastewater (septic) systems. All the surrounding properties are within the ALR

and are zoned Agriculture 1 (AG1). Figures 2 and 3 on the following pages show the RDCK and ALR zoning context.

SURROUNDING LAND USES
North: Agriculture 1 (AG1) zoned properties within the ALR
East: Agriculture 1 (AG1) zoned property within the ALR
South: Agriculture 1 (AG1) zoned property within the ALR
West: Agriculture 1 (AG1) zoned properties within the ALR

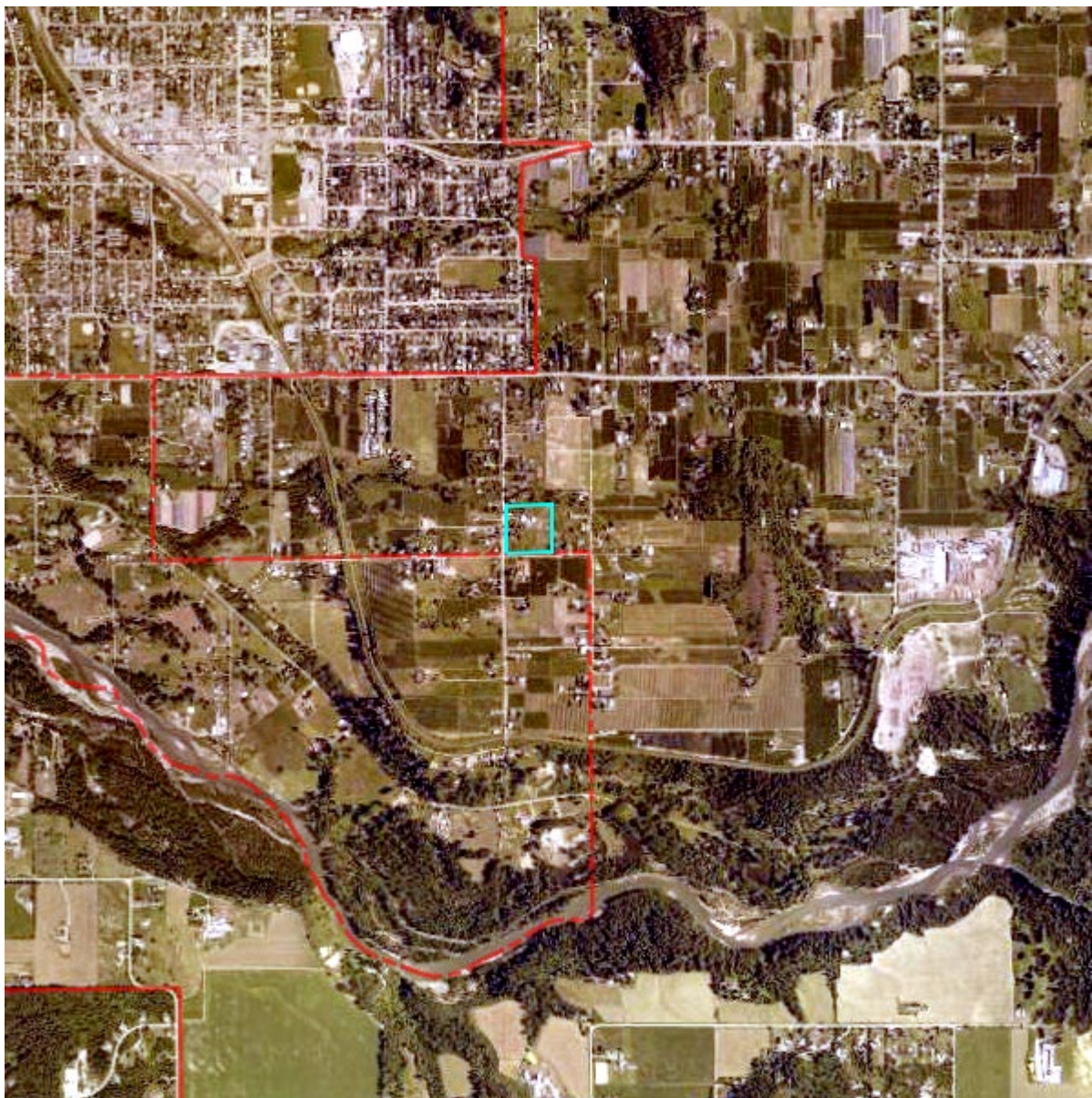


Figure 1 - Location Map

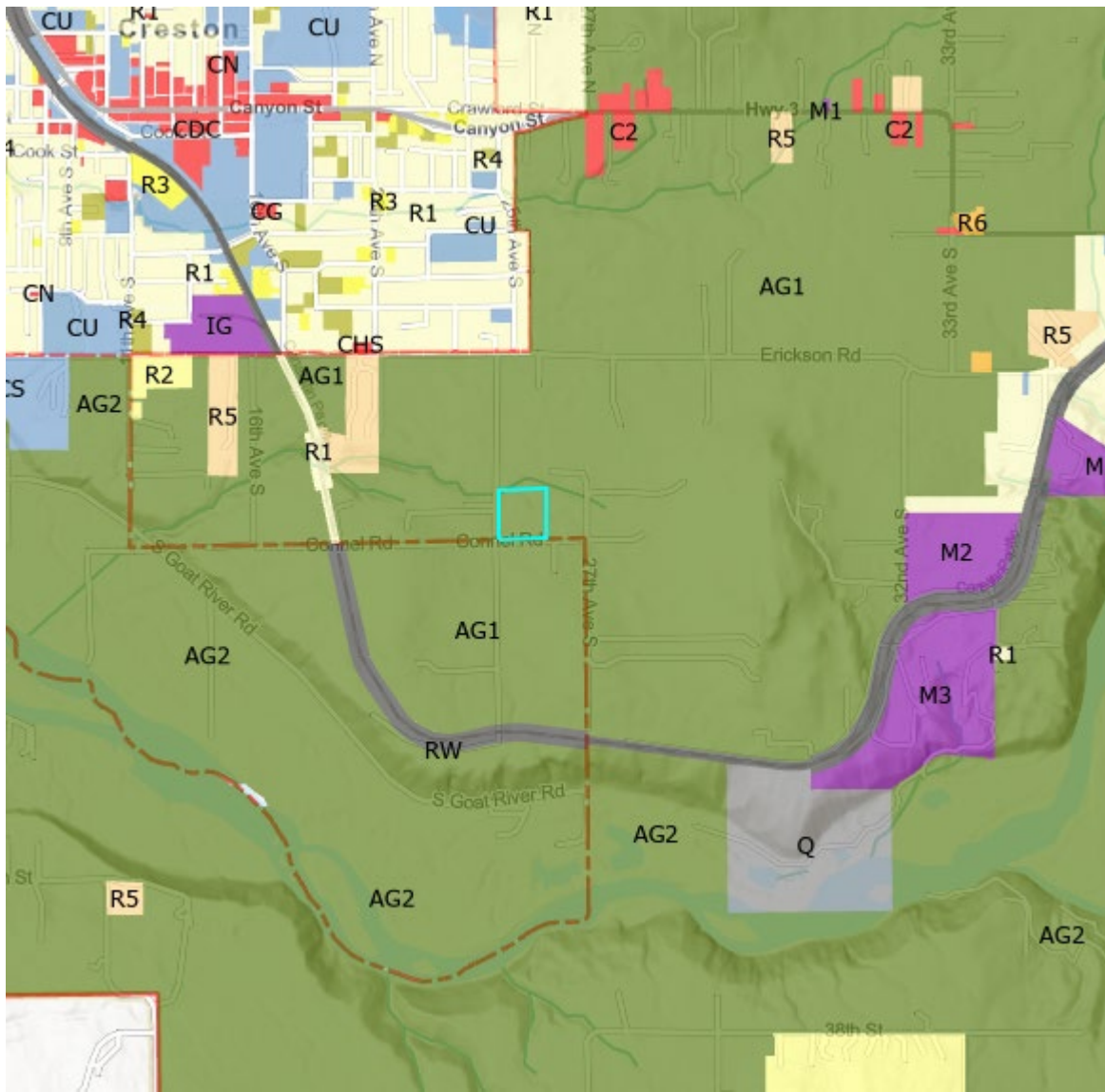


Figure 2 - Zoning Map



Figure 3 - ALR Boundary Map

Development Proposal

The property owners have submitted this ALC Non-Farm Use application to authorize a custom cutting butcher shop to operate from an existing accessory building on the subject property. The shop previously operated from 2016 – 2021 during which the property owners were not aware of ALC approval being required for the Butcher Shop. The business stopped running in 2021 and they are pursuing this Non-Farm Use approval to use the existing space in the accessory building for the Butcher Shop Use. This application is required because the animals that would be processed at the Butcher Shop are not raised on the subject property.

A Butcher Shop is considered Farm Product Processing, however the ALR Use Regulation 30/2019 indicates that Farm Product Processing is only permitted as an agricultural use if at least 50% of the farm product is produced on the same property where the product is processed. Given that the applicants don't raise any of the animals on

the property where the Butcher Shop is proposed, it is not considered to be a farm use and a Non-Farm Use Approval from the ALC is required.

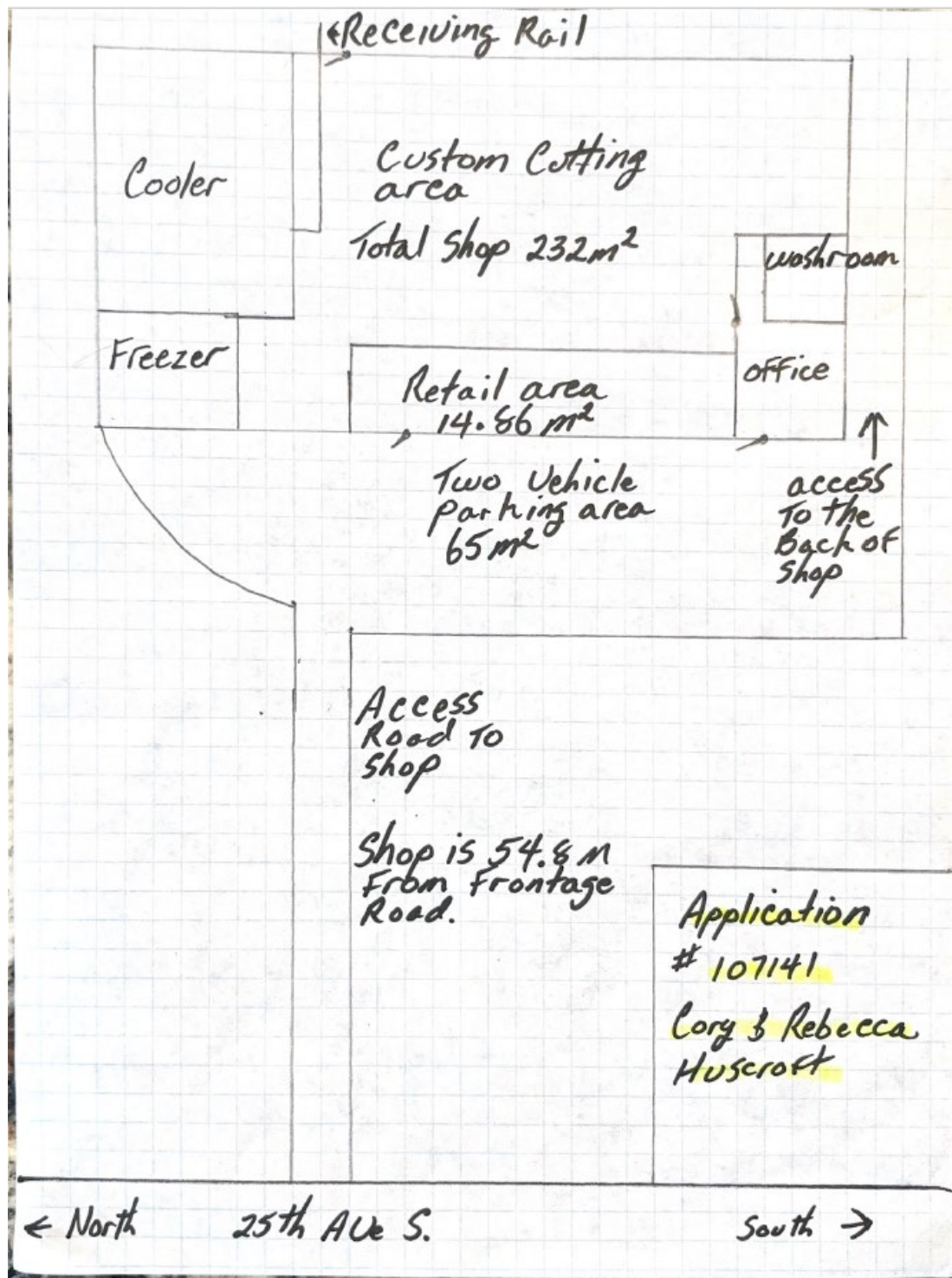


Figure 4 - Site Plan showing the part of the subject property with the existing accessory building where the Butcher Shop would be operated



Figure 5 - Photo of the existing accessory building where the butcher shop business is proposed to operate

Land Use Considerations

Official Community Plan (OCP)

The OCP land use designation for this property is Agriculture (AG). The OCP states that Electoral Area B is one of the richest agricultural areas of the Province, with lands being used for agricultural activities such as fruit production, as is conducted on the subject property. It also states that agriculture is a basis for tourism and industry in the area. The OCP identifies the following relevant objectives and policies for agricultural parcels:

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 support agricultural land use practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production
3. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use
4. To encourage senior levels of government to enable and facilitate agricultural activity and industry.
5. Will encourage food processing activities within the Plan area, and uses secondary to, and complementary to agricultural production; such as market gardens, agri-tourism, farmers markets and farm gate sales.

Zoning Bylaw and ALR Use Regulation

The subject property is zoned Agriculture (AG1). The zoning permits agriculture and residential uses principally and all activities designated as “Farm Use” as defined in the ALC Act and the ALR Use Regulation. Although “Farm Product Processing of Farm Product from another parcel in the RDCK” (e.g. the proposed Butcher Shop) is an authorized accessory use in the AG1 zone, ALC approval is required when more than 50% of the product

being processed is not produced on the subject property. Inclusion of this specific land use in the permitted accessory uses of the AG1 zone suggests that the proposed use aligns with the overall vision and agricultural goals of the OCP.

Agricultural Area Plan

In 2011, the RDCK developed an Agricultural Plan with the overall goal of increasing the quantity and quality of agricultural production in the Region.

The purpose of the Agriculture Area Plan is to ensure that the agricultural capability of the area is realized and protected as part of a secure food supply for the region. Agriculture in the Region is characterized by its diversity, with larger operations predominantly in the Creston Valley and many small-lot farms spread across the RDCK. The Plan's recommendations address all sizes and forms of farm operations. Some of the issues facing farmers and food producers in the region were identified through public consultation when the Agriculture Plan was developed. The report goes on to make several recommendations which address agricultural viability, capability and secure food supply recommendations, namely:

"It is recommended that the RDCK assess and initiate mechanisms to expand local market options for regional food."

Agricultural Land Use Inventory

The RDCK's Agricultural Land Use Inventory, 2016 (ALUI) was developed for the purpose of building a common understanding of agriculture within the RDCK.

According to the ALUI, 23% of ALR parcels are used for farming and 77% are not used for farming. It notes that small scale operations are more common throughout the region, with larger commercial operations more prevalent in the Creston area. Creston has a diversity of agriculture businesses ranging from hay, grain, dairy, tree fruit, seed, poultry and beef operations. It also notes that in the past, many agriculture producers were able to produce and sell their products to the local market. However, over time, the economy of scale made it more difficult for agricultural producers to compete, and many farms stopped producing and became fallow. In the last few years, there is greater interest by the local population to purchase local food and to support local farm businesses. The report notes that the Creston valley will continue to be the hub of agriculture in the region. Enabling uses that increase the economy of scale for regional agricultural producers can help to increase the viability of agriculture in the region over the long term.

Agricultural Capability Rating

In BC agricultural capability ratings and limitations are assessed through a classification system known as the "Land Capability Classification for Agriculture in British Columbia." The classification system describes seven land capability classes for agriculture (Classes 1 to 7). The best agricultural lands are rated Class 1 because they have the ideal climate and soil to allow a farmer to grow the widest range of crops. Class 7 is considered non-arable, with no potential for soil bound agriculture.

The subject property is in area with an improved agricultural capability rating of Class 1 and 2 with 70% being Class 1 and 30% being Class 2 with the limitation of topography. There is no unimproved agricultural capability rating for this parcel.

Class 1 lands either have no or only very slight limitations that restrict their use for the production of common agricultural crops. Class 2 lands have minor limitations that require good ongoing management practises or

slightly restrict the range of crops, or both. The best agricultural lands are rated Class 1 because they have the ideal climate and soil to allow a farmer to grow the widest range of crops.

Soil Type

The Soil Resources of the Nelson Area published by the BC Ministry of Environment categorizes soils having similar agriculturally important characteristics into 'soil association descriptions'. The subject property is comprised entirely of soils from the Creston Soil Association. Creston soils have favourable climatic characteristics and are very productive agriculturally when irrigated. The Creston soils are particularly suited for tree fruits and presently most of the orchards in the Creston area are located on these soils. These productive soils should be retained for agricultural production.

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 applicant has paid the \$750 RDCK Referral Fee pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015. If the application advances to the ALC, the applicant is required to pay an additional \$750 to the ALC for their review.

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

Planning Procedures and Fees Bylaw No. 2456, 2015

The bylaw states that for areas with a zoning bylaw "the Board will consider RAC's recommendation and will pass a resolution to deny or advance the proposal to the ALC. The local government resolution may include additional comments for the ALC to consider."

Agricultural Land Commission Act (ALCA)

As per Section 25(1) of the Act, when making a decision on an application for a non-farm use in the ALR the Agricultural Land Commission may do one of the following:

- (a) refuse permission;
- (b) grant permission;
- (c) grant permission for an alternative use.

When applications are forwarded to the ALC, Section 34.1(2) of the ALCA states that a local government may include comments and recommendations regarding the application.

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

None anticipated.

3.5 Economic Considerations:

Based on the feedback received from the Creston Valley Agricultural Advisory Commission, the proposed butcher shop will provide a service that is desperately needed in the area for meat producers. The proposed butcher shop proposes to sell items that are produced from animals raised on other farms in the Creston Valley

and surrounding area. This can support agriculture and agricultural producers and contributes to the economic well being of the area.

3.6 Communication Considerations:

The ALC does not require public notification for applications to conduct a non-farm use within the ALR. In accordance with the Planning Procedures and Fees Bylaw No. 2457, 2015 the application has been referred to specified referral agencies for comments. Below is a summary of the responses received to date:

Agency/Department	Referral Response
Ministry of Agriculture and Food	Thank you for providing the opportunity for Ministry of Agriculture and Food (Ministry) staff to comment on an Agricultural Land Commission non-farm use (NFU) application that proposes to use an existing building as a custom cutting butcher shop on the Subject Property. From an agricultural planning perspective, Ministry staff offer the following comments: • The NFU application is required because no animals are raised on the Subject Property and the applicant has not provided any information to suggest that animals will be raised in the future and as such, 100% of the animals to be processed will not originate from the Subject Property. • Although not overtly stated in the application, it appears that the animals are slaughtered off-site and then brought onto the Subject Property to be processed in the butcher shop. • Given that the butcher shop is not associated with any primary agriculture occurring on the Subject Property, the proposed use of the shop is likely to be better suited to a non-ALR property in a commercial/industrial zone. Ministry staff understand however, that there is a shortage of butcher shops in the greater Creston area and that this use provides an important service to agricultural producers in the region. • Ministry staff recognize that no new buildings will need to be constructed as a butcher shop previously operated within the existing building. This in turn, ensures that the remainder of the Subject Property is available to accommodate future agricultural activity. • Ministry staff also note that the site plan submitted with the application shows that the graveled area in front of the building can accommodate two vehicles for parking. Presumably, these parking spots are for customers of the butcher shop indicating that no new gravel will need to be deposited to accommodate additional parking. • Ministry staff suggest that a covenant is registered on the land title of the Subject Property requiring that the building is only used as a butcher shop and/or for farm use. Ministry staff are concerned that should the butcher shop cease to operate, it may be appealing to use the building for non-farm use purposes that are more suitably located on properties outside of the ALR. • Ultimately, the proposed butcher shop is likely to have a positive impact for the farming community in the greater Creston area.

	Please contact Ministry staff if you have any questions regarding the above comments. Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.
Electoral Area 'B' Advisory Planning and Heritage Commission (APHC)	<i>From the approved minutes of the May 26, 2026 meeting:</i> The Referral Package dated May 12, 2026 from Planner Zachari Giacomazzo, has been received. - The applicants closed the business for personal health reasons in 2019 and want to reopen in 2027. Agricultural Land Commission requirements were missed by local government on first start up. Applicants have been proactive in searching out approvals they that are required for them to re-open the business. - The applicants raise some of the product that they process on their parcel, 90% of the meat is supplied by local farmers. - The proposed cut and wrap business is a service that the valley needs. MOVED and seconded, AND Resolved: That the Area B Advisory Planning Commission SUPPORT the Agricultural Land Reserve Referral for Cory and Rebecca Huscroft for the property located 924 25 Avenue South, Erickson, Electoral Area B. LOT 26 DISTRICT LOT 891 KOOTENAY DISTRICT 698 EXCEPT (1) PARCEL A (SEE DD 18512) AND (2) PART INCLUDED IN PLAN 3031 (PID: 015-493-211). Carried Carried
Interior Health Authority	No comments provided.
Creston Valley Agriculture Advisory Commission (CVAAC)	<i>From the approved minutes of the May 27, 2026 meeting:</i> The Referral Package dated May 13, 2026 from Planner Zachari Giacomazzo, has been received. • The applicants presented their plans to the Commission. • With what was happening in the neighbourhood with other businesses, the applicants started asking questions and that is when they found out that they needed Agricultural Land Commission (ALC) approval. • Applicants want to abide by rules and took it upon themselves to search out the approvals that they need. • 30% of retail sales was raised local product. • 100% of product is outsourced (not raised on farm). Which is outside of the 50/50 rule set by the ALC. • Applied to Interior Health to meet health requirements. The Commission feels that this facility and the butcher shop is a service that is desperately needed in the area for meat producers. MOVED and seconded,

	AND Resolved: That the Creston Valley Agricultural Advisory Commission SUPPORT the Agricultural Land Reserve Referral to Cory and Rebecca Huscroft for the property located 924 25 Avenue South, Erickson, Electoral Area B. LOT 26 DISTRICT LOT 891 KOOTENAY DISTRICT 698 EXCEPT (1) PARCEL A (SEE DD 18512) AND (2) PART INCLUDED IN PLAN 3031 (PID: 015-493-211). Carried
RDCK Building Department	A Building Permit to authorize a Change of Use would be required as there is no record of a Building Permit being issued to authorize the commercial use of the existing accessory building.
Ktunaxa Nation Council	No comments provided.
RDCK Water Services	Please notify Water Services if this application is approved as it would initiate a change in billing from Single Family Dwelling to Commercial. The charge is the same, just the name of the billing item would change. Otherwise, Water Services has no other requirements.

3.7 Staffing/Departmental Workplace Considerations:

The proposal is considered under the operational requirements of Planning Services.

3.8 Board Strategic Plan/Priorities Considerations:

The Board Strategic Plan has as an area of focus: “supporting our local agriculture and food security.”

SECTION 4: SUMMARY & OPTIONS

Planning Discussion

Policy in the RDCK typically discourages the establishment of non-farm uses on agricultural properties in order to preserve agricultural land for farming. However, there are cases where non-farm uses may be considered appropriate, especially where those uses support farmers, agriculture and have a public benefit. Considering this specific use is permitted in the AG1 zone (with ALC approval), it is consistent with the Electoral Area ‘B’ OCP.

This proposal is requesting ALC approval to operate a butcher shop business that would process and sell animal products that are not raised on the subject property in an existing accessory building. Both the Area ‘B’ APHC and CVAAC recognized that a Butcher Shop is a much-needed service in the Creston Valley and that the business would help support local meat producers.

Authorizing the sale of local products means more jobs and money can stay in the local community. It also means that locals and visitors alike can access locally produced foods. The ALUI supports this activity noting that there is greater interest by the local population to purchase local food and to support local farm businesses. The Agriculture Area Plan also recommends that the RDCK assess and initiate mechanisms to expand local market options for regional food. Further, the OCP supports diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.

Given that this proposal will support established agricultural producers, benefit agriculture in the Creston Valley, and provide an opportunity for residents of the Creston Valley to purchase locally produced food, Staff recommend the Board support this application.

Options:

Option 1:

That the Board SUPPORT application A2602B for the purposes of a Non-Farm Use in the ALR proposed by Cory Huscroft and Rebecca Huscroft for the property located at 924 25 Ave. South, Erickson, Electoral Area 'B' and legally described as LOT 26 DISTRICT LOT 891 KOOTENAY DISTRICT PLAN 698 EXCEPT (1) PARCEL A (SEE DD 18512) AND (2) PART INCLUDED IN PLAN 3031 (PID: 015-493-211).

And further; that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

Option 2

That the Board PROVIDE NO COMMENT on application A2602B for the purposes of a Non-Farm Use in the ALR proposed by Cory Huscroft and Rebecca Huscroft for the property located at 924 25 Ave. South, Erickson, Electoral Area 'B' and legally described as LOT 26 DISTRICT LOT 891 KOOTENAY DISTRICT PLAN 698 EXCEPT (1) PARCEL A (SEE DD 18512) AND (2) PART INCLUDED IN PLAN 3031 (PID: 015-493-211).

And further; that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

SECTION 5: RECOMMENDATIONS

That the Board SUPPORT application A2602B for the purposes of a Non-Farm Use in the ALR proposed by Cory Huscroft and Rebecca Huscroft for the property located at 924 25 Ave. South, Erickson, Electoral Area 'B' and legally described as LOT 26 DISTRICT LOT 891 KOOTENAY DISTRICT PLAN 698 EXCEPT (1) PARCEL A (SEE DD 18512) AND (2) PART INCLUDED IN PLAN 3031 (PID: 015-493-211).

And further; that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

Zachari Giacomazzo, Planner 1

CONCURRENCE

Planning Manager – Nelson Wight **Approved**

Acting General Manager Development & Sustainability – Amy Wilson **Approved**

Chief Administrative Officer – Stuart Horn **Approved**

ATTACHMENTS:

Attachment A – ALC Application



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 107141
Application Type: Non-Farm Uses within the ALR
Status: Submitted to L/FNG
Name: Huscroft et al.
Local/First Nation Government: Regional District of Central Kootenay

1. Parcel(s) Under Application

Parcel #1

Parcel Type Fee Simple
Legal Description LOT 26 DISTRICT LOT 891 KOOTENAY DISTRICT PLAN 698 EXCEPT (1) PARCEL A (SEE DD 18512) AND (2) PART INCLUDED IN PLAN 3031
Approx. Map Area 2.56 ha
PID 015-493-211
Purchase Date Jul 31, 2015
Farm Classification Yes
Civic Address 924-25th Ave S Rural Creston
Certificate Of Title Title CA4598766.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Cory Huscroft	Not Applicable	██████████	██████████ ██████	Not Applicable
Rebecca Huscroft	Not Applicable	██████████	██████████	Not Applicable



2. Other Owned Parcels

Do any of the land owners added previously own or lease other parcels that might inform this application process?

No

3. Primary Contact

Type	Land Owner
First Name	Rebecca
Last Name	Huscroft
Organization (If Applicable)	No Data
Phone	[REDACTED]
Email	[REDACTED]

4. Government

Local or First Nation Government: Regional District of Central Kootenay

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s).	* 1/2 an acre of garlic (currently resting soil under rye cover crop due to mite infestation) * small orchard of 13 trees ; cherry, apple, plum and pear * 75 laying hens * market garden * one AQHA reg broodmare producing one baby every two yrs
Describe all agricultural improvements made to the parcel(s).	* updated fencing * built laying hen coop * new roof on barn

- * improved soil through organic fertilization and crop rotation
- * irrigation stand pipes

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

There is currently one primary residence 140 m2 as well as a secondary residence 65 m2 plus a shop 232m2. The shop was renovated in 2016 to become a custom cutting butcher shop to serve the farmers of the Creston Valley. While operating it provided a much needed service to the farmers in our area where we were cutting upwards of 8-10 beef per week as well as pigs, sheep and goats. The shop also had a small retail front where customers could purchase locally raised meat as well as produce grown on our farm including eggs. Unfortunately we ceased operating in 2021 due to medical reasons. Cory is now undergoing a double hip replacement and we are seeking to reopen in the spring of 2027.

Land Use of Adjacent Parcels

	Main Land Use Type	Specific Activity
North	Residential	private residence
East	Residential	private residence
South	Agricultural / Farm	cherry orchard
West	Residential	private residence

6. Proposal

How many hectares are proposed for non-farm use?	0.02 ha
What is the purpose of the proposal?	To reopen the custom cutting butcher shop as previously operated. This building already existed as a structure when we purchased the property in 2015.
Could this proposal be accommodated on lands outside of the ALR?	Yes, this business could be accommodated on land outside the ALR but would not be financially feasible nor would it help to support our small farm.
Does the proposal support agriculture in the short or long term?	Yes, the successful operation of this business greatly supports agriculture in this valley for many years to come. There are not enough butcher shops in our area custom cutting to meet the current demand. Another reason this

supports local farmers is the fact that we showcase local meat products through our fresh counter in the form of fresh cuts and artisan meat products such as pepperoni, jerky, and sausage. We believe that this sets us apart from others and highlights many other parts of agriculture in our valley by sourcing other ingredients locally such as wine from our neighboring winery for dry cured sausages. Our small retail space also showcases fruits, vegetables and eggs produced on our own farm.

Proposal Map / Site Plan

IMG_9210.jpg

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

No

7. Optional Documents

Type**Description****File Name**

No Data



Committee Report

Date of Report: June 23, 2026
Date & Type of Meeting: July 15, 2026 – Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: AGRICULTURAL LAND COMMISSION REFERRAL
File: A2604B - COMER
Electoral Area/Municipality B

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to consider an application for subdivision within the Agricultural Land Reserve (ALR) in Electoral Area B. The application proposes a boundary adjustment between two existing parcels.

The boundary adjustment would enable the Town of Creston to acquire a portion of the adjacent property to formalize and secure legal access to the remainder of its lands.

Staff are recommending support for the proposed boundary adjustment as it provides a public benefit and does not negatively affect agricultural capability of the lands.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Applicant: Joel Comer

Property Owners:

- Parcel 1: Gwendolyn Telling
- Parcel 2: Town of Creston

Property Locations:

- Parcel 1: 905 32nd Ave South, Erickson, Electoral Area 'B' LOT 16 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 1455 EXCEPT PARCEL A (SEE 166370I) (PID: 015-696-235)
- Parcel 2: 1023 32nd Ave South, Erickson, Electoral Area 'B' LOT 3 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 17744 (PID: 009-611-037)

Property Sizes:

- Parcel 1: 2.23 ha (5 acres)
- Parcel 2: 6.08 ha (15.02 acres)

Site Context

The subject properties are in Erickson in Electoral Area 'B' and are entirely within the Agricultural Land Reserve (ALR). The properties are designated for Agriculture (AG) use and are similarly zoned Agriculture 1 (AG1) in Comprehensive Land Use Bylaw no. 2316, 2013. The area surrounding the property is mostly designated for Agriculture except for the properties to the west which are designated for Suburban Residential (SR), Industrial (M) and Railway (RW) purposes.

Parcel 1 has been developed with a road, a single detached home and accessory building, and tree fruits are grown on 0.86 ha of the property. Parcel 2 is bisected by Riley Road and has been improved with a road and a telecommunications tower on the western portion.

Proposal

The application seeks ALC approval to complete a boundary adjustment subdivision between the two properties as shown in Figure 1 and 2. The current and proposed lot sizes are as follows:

Parcel	Existing Lot Size	Proposed Lot Size
1	2.25 ha	1.6 ha
2	4.57 ha	5.23 ha

The purpose of the boundary adjustment is to allow the Town of Creston to obtain a portion of the neighbouring property. The Town of Creston is seeking this portion of the property (shown in blue below) to ensure uninterrupted access to the western portion of their property which is presently used by the public for passive recreation and has a telecommunications tower.

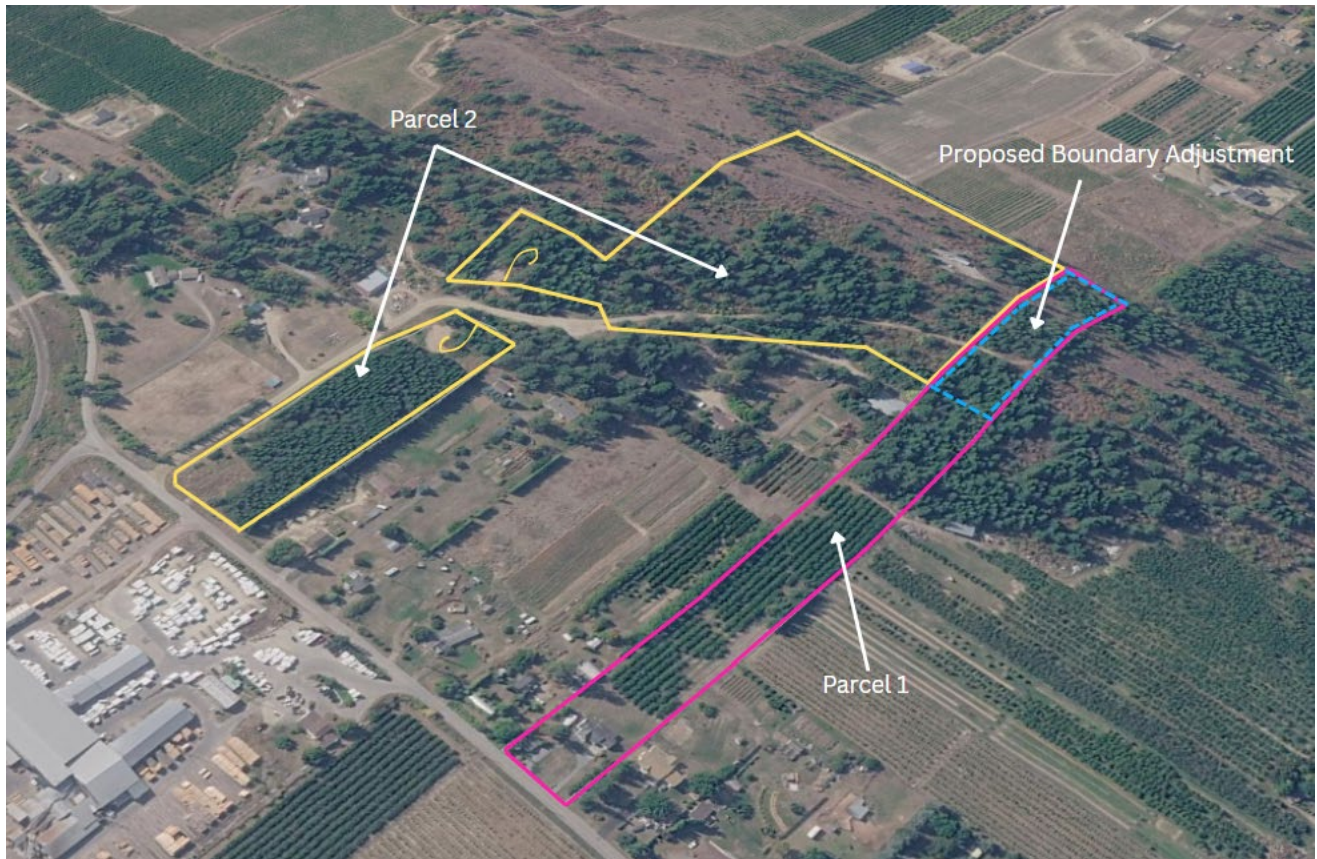


Figure 1: Overview Map

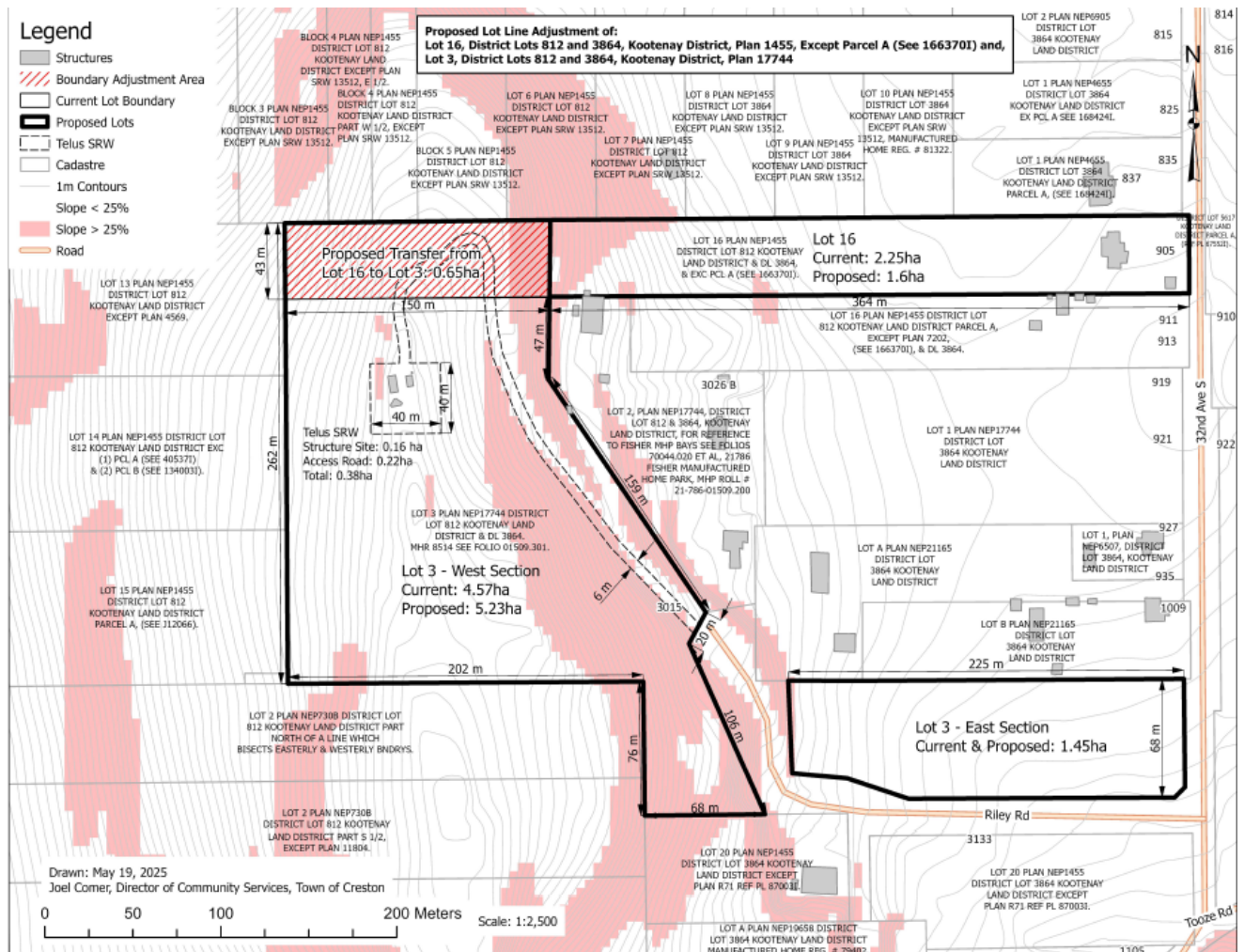


Figure 2: Site Plan

Planning Policy

Official Community Plan (OCP)

The OCP recognizes Electoral Area B as containing some of the most productive agricultural lands in the province. To support the long-term viability of agriculture, the OCP includes the following relevant objectives and policies:

- Preserve and promote agricultural land for current and future agricultural production and protect it from uses that are inconsistent with or incompatible with agricultural activities.
- Support agricultural practices on lands within and adjacent to farming areas, while minimizing conflicts between agriculture and other land uses.
- Discourage the subdivision of agricultural land where it does not support agricultural purposes and would contribute to the further fragmentation of the agricultural land base.
- May consider applications to subdivide parcels smaller than two hectares where the community interest in the subdivision of the land outweigh the community interest in the retention of the land in a larger parcel.

Zoning Bylaw

The subject properties are zoned Agriculture 1 (AG1). The zoning allows agriculture, single detached housing, passive recreation and unattended public utilities structures on the properties. The zoning specifies that the minimum lot size for subdivision is 4.0 ha, however, boundary adjustments are eligible for reduced minimum lot sizes under certain circumstances. The proposal is consistent with these regulations.

Agricultural Area Plan

The RDCK's 2011 Agricultural Area Plan aims to increase agricultural production and protect the region's agricultural land base as part of a secure food supply. The plan identifies the ongoing loss and fragmentation of farmland, as well as increasing land values, as key challenges facing agriculture in the region. The report outlines that the RDCK should continue using land use planning tools to discourage the subdivision of agricultural land and encourage the consolidation of smaller agricultural parcels.

Agricultural Land Use Inventory

The RDCK's 2016 Agricultural Land Use Inventory identifies the fragmentation of agricultural land as a threat to agricultural viability. The Inventory notes that smaller ALR parcels typically cost more per hectare and are less likely to be farmed, while larger parcels provide greater flexibility and opportunities for agricultural production.

Agricultural Capability Rating

Agricultural capability in BC is ranked from Class 1 to Class 7. Class 1 land has the fewest limitations and can support the widest range of crops, while Class 7 land has no capability for soil-bound agriculture. Most of lands are Class 4/5 (shown in green) and the smaller, eastern portions are Class 1/2 (shown in red).

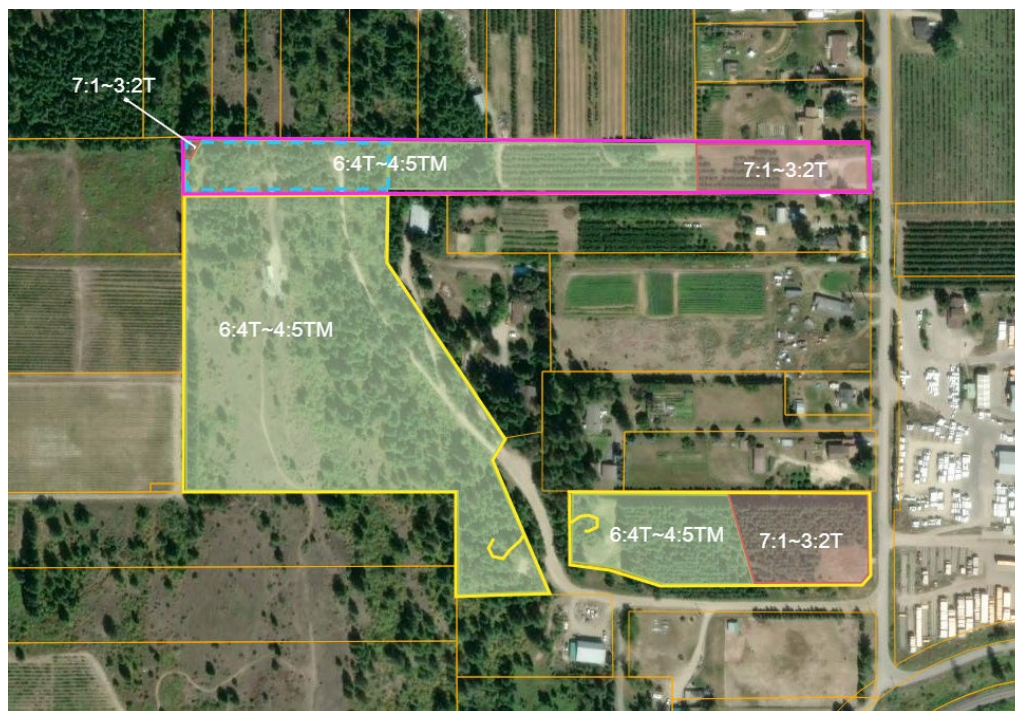


Figure 3: Agricultural Capability

Unimproved Capability Class	Limiting Subclass	Improved Capability Class
6:4T~4:5TM (60% Class 4T and 40% Class 5TM)	X – Topography M - Soil moisture deficiency	n/a

n/a	X – Topography	7:1~3:2T (70% Class 1 and 30% Class 2T)
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Soil Type

These parcels are comprised of soils from the Lister Soil Association and the Creston Soil Association as shown in Figure 4. Lister soils are good “dry-farming” soils due their high water holding capabilities. Their main limitations are adverse topography and poor soil structure. Creston soils are very productive when irrigated and are particularly suited to growing tree fruits.



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 applicant has paid the \$750 RDCK Referral Fee pursuant to the Planning Fees and Procedures Bylaw No. 2457, 2015. When the application advances to the ALC, the applicant is required to pay an additional \$750 to the ALC for their review.

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

Agricultural Land Commission Act (ALCA)

As per Section 25(1) of the Act, when making a decision on an application for a subdivision in the ALR the ALC may do one of the following:

- (a) refuse permission;
- (b) grant permission;
- (c) grant permission for an alternative subdivision.

Planning Procedures and Fees Bylaw No. 2456, 2015

The bylaw states “For areas subject to an official community plan or zoning bylaw, the Board will consider RAC’s recommendation and will pass a resolution to deny or advance the proposal to the ALC. The local government resolution may include additional comments for the ALC to consider.

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

The applicant identified that the public uses this property for passive recreation and that the boundary adjustment would help to ensure uninterrupted public access to this property.

3.5 Economic Considerations:

None anticipated.

3.6 Communication Considerations:

Agency Referral Responses

In accordance with Schedule ‘P’ 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.

There were no concerns raised by other agencies in response to this referral and the proposal was supported by both the Ministry of Agriculture and Food and the Creston Valley Agricultural Advisory Commission (CVAAC).

3.7 Staffing/Departmental Workplace Considerations:

The proposal is considered under the operational requirements of Planning Services.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: SUMMARY

Planning Discussion

RDCK policy discourages the fragmentation of agricultural land, recognizing that larger parcels generally provide greater agricultural opportunities and operational flexibility than smaller parcels. Boundary adjustments do not typically result in fragmentation, as no new parcels are created. Instead, the primary consideration is whether the proposed lot configuration will improve or diminish the agricultural capability and long-term farming potential of the affected lands.

In this case, the application proposes to transfer approximately 0.65 ha from the northwestern portion of Parcel 1 to Parcel 2. The area to be transferred has significant slopes and is not currently farmed. There is no access road to this portion of the property from Parcel 1, and the available access that does exist is through Parcel 2. Given this, the proposed parcel configuration does not appear to diminish agricultural capability or the long-term farming potential of these lands.

The boundary adjustment would enable the Town of Creston to secure uninterrupted public access to its property, which contains a telecommunications tower and is used for passive recreation. This represents a public benefit without compromising the long-term agricultural potential of the lands.

Based on the above, staff support the proposed boundary adjustment.

Options:

Option 1 – Support

That the Board SUPPORT application A2604B for the proposed Subdivision in the Agricultural Land Reserve proposed by Joel Comer for the properties located on 905 32nd Ave South, Erickson and 1023 32nd Ave South, Erickson in Electoral Area 'B' and legally described as LOT 16 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 1455 EXCEPT PARCEL A (SEE 166370I) (PID: 015-696-235) and LOT 3 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 17744 (PID: 009-611-037).

and that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

Option 2 – Not Support

That the Board NOT SUPPORT application A2604B for the proposed Subdivision in the Agricultural Land Reserve proposed by Joel Comer for the properties located on 905 32nd Ave South, Erickson and 1023 32nd Ave South, Erickson in Electoral Area 'B' and legally described as LOT 16 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 1455 EXCEPT PARCEL A (SEE 166370I) (PID: 015-696-235) and LOT 3 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 17744 (PID: 009-611-037).

and that the Board directs Staff to NOT ADVANCE the subject application to the Agricultural Land Commission for consideration.

Option 3 – No Comment

That the Board provide NO COMMENT application A2604B for the proposed Subdivision in the Agricultural Land Reserve proposed by Joel Comer for the properties located on 905 32nd Ave South, Erickson and 1023 32nd Ave South, Erickson in Electoral Area 'B' and legally described as LOT 16 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 1455 EXCEPT PARCEL A (SEE 166370I) (PID: 015-696-235) and LOT 3 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 17744 (PID: 009-611-037).

and that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

SECTION 5: RECOMMENDATION

That the Board SUPPORT application A2604B for the proposed Subdivision in the Agricultural Land Reserve proposed by Joel Comer for the properties located on 905 32nd Ave South, Erickson and 1023 32nd Ave South, Erickson in Electoral Area 'B' and legally described as LOT 16 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 1455 EXCEPT PARCEL A (SEE 166370I) (PID: 015-696-235) and LOT 3 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 17744 (PID: 009-611-037).

and that the Board directs Staff to ADVANCE the subject application to the Agricultural Land Commission for consideration.

Respectfully submitted,



Sadie Chezenko, Planner

CONCURRENCE

Planning Manager – Nelson Wight

Acting General Manager Development & Sustainability – Amy Wilson

Chief Administrative Officer – Stuart Horn

ATTACHMENTS:

Attachment A – ALC Application

Attachment B – Referral Responses



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 106999
Application Type: Subdivide Land in the ALR
Status: Submitted to L/FNG
Name: TELLING et al.
Local/First Nation Government: Regional District of Central Kootenay

1. Parcel(s) Under Application

Parcel #1

Parcel Type Fee Simple
Legal Description LOT 16 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 1455 EXCEPT PARCEL A (SEE 166370I)
Approx. Map Area 2.25 ha
PID 015-696-235
Purchase Date Jan 2, 1980
Farm Classification No
Civic Address 905 32 Ave S Creston BC
Certificate Of Title TITLE-P21956-PID-015-696-235.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
GWENDOLYN MURIEL TELLING	Not Applicable			Not Applicable

Parcel #2

Parcel Type	Fee Simple
Legal Description	LOT 3 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 17744
Approx. Map Area	6.02 ha
PID	009-611-037
Purchase Date	Dec 19, 2023
Farm Classification	No
Civic Address	3015 Riley Road
Certificate Of Title	TITLE-CB1084978-PID-009-611-037.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Joel Comer	Town of Creston			Signing Authority.pdf

2. Other Owned Parcels

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

3. Primary Contact

Type	Local or First Nation Government Staff
First Name	Joel
Last Name	Comer
Organization (If Applicable)	Community Services
Phone	
Email	

4. Government

Local or First Nation Government: Regional District of Central Kootenay

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s).

The 2.2 ha parcel contains approximately 0.86 ha of actively cultivated fruit trees situated on the lower, arable portion of the property. The existing single-family dwelling, associated residential yard area, and one secondary outbuilding occupy roughly 0.3 ha. The remaining upland area of the parcel consists of a steep, rocky hillside characterized by mature trees and natural brush. Due to its terrain, soil limitations, and lack of arable qualities, this portion of the property is not suitable for agricultural production. Additionally, a 100 m Telus access road traverses the property to provide service access to the telecommunications tower located on the adjacent parcel to the south (3015 Riley Road), which is owned by the Town of Creston.

Describe all agricultural improvements made to the parcel(s).

The proposed boundary adjustment is not anticipated to improve agricultural use or enhance agricultural capability on the subject property. The majority of the upland portion of the parcel consists of steep, rocky terrain with significant tree and brush cover, rendering it unfarmable and unsuitable for any form of agricultural production. As such, the lands proposed for subdivision do not contribute to agricultural activity and have no practical potential for future farming.

The intent of the boundary adjustment is instead to formalize and secure legal access to the adjacent Town of Creston property at 3015 Riley Road. This access is currently provided through an existing Telus Corporation service road located on the subject lands. Through the boundary adjustment, this access corridor will be transferred to the Town of Creston. This transfer will ensure long-term, uninterrupted public access to 3015 Riley Road, which is used for passive recreation. The proposal therefore maintains public benefit by preserving access to municipal lands, while not affecting the agricultural use of the remaining cultivated portion of the property.

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

A single-family residential dwelling is located on the eastern portion of the property, with an approximate building footprint of 250 m². This residence includes the associated yard and maintained residential area surrounding

the home. The only other structure on the parcel is a small outbuilding, approximately 50 m² in size, used for storage and general utility purposes. In addition to these structures, an existing access road—approximately 100 metres in length—crosses the western side of the property. This road currently provides access for Telus Corporation to service the telecommunications tower located on the adjacent parcel to the south (3015 Riley Road).

No other uses or structures are present on the property.

Land Use of Adjacent Parcels

	Main Land Use Type	Specific Activity
North	Agricultural / Farm	The five parcels north of the subject property grow cherries on their lower, flat portions. Their southern halves extend into a steep, rocky hillside that overlaps the subject lands. This upper area has shallow soils, exposed rock, and dense brush, making it unsuitable for agriculture and unused for farming.
East	Agricultural / Farm	Cherries. Lumber Mill.
South	Residential	The southern properties are primarily residential, with only small areas used for agriculture.
West	Agricultural / Farm	Grapes

6. Proposal

Proposed Lot Areas

#	Type	Size
1	Lot	1.6
2	Lot	6.67

What is the purpose of the proposal?

The purpose of this subdivision proposal is to adjust the western property line of 905 32nd Avenue South, creating a 0.65-hectare remaining parcel. This parcel will ultimately be acquired by the Town of Creston and consolidated with the adjacent Town-owned lands located

at 3015 Riley Road, resulting in a 6.65 ha parcel. Transferring this corridor to the Town will secure long-term, legal public access to municipal lands currently used for passive recreation. The subdivision formalizes an access route that is presently informal and shared with the Telus service road, ensuring clear land tenure and responsibility for maintenance.

Creating a dedicated access parcel also reduces potential future conflicts between public users, utility providers, and the private landowner. By placing the corridor under municipal ownership, access needs can be managed independently of the agricultural operation, eliminating overlapping uses and improving operational clarity. Although the subdivision does not directly increase agricultural capacity, it supports ongoing farm use by removing non-farm traffic from the productive portion of the property. Only the steep, rocky hillside—land with no agricultural value—is proposed for subdivision, ensuring all arable land suitable for cherry production remains intact under a single ownership. This separation preserves the long-term agricultural viability and operational efficiency of the orchard.

Why do you believe this parcel is suitable for subdivision?

The parcel is suitable for subdivision because the area proposed for separation consists entirely of steep, rocky hillside terrain with no agricultural capability. This land is physically separated from the productive orchard by natural slope and soil limitations and does not contribute to agricultural production.

The lands proposed for subdivision already function exclusively as an access corridor, containing the existing Telus service road. This use does not align with agricultural purposes but directly supports the intent of the subdivision.

The proposed lot configuration follows the established access road leading to the Town of Creston's property at 3015 32nd Avenue South. Aligning the boundary with the existing corridor ensures only non-farmable land is included, avoids fragmentation of productive farmland, and creates a logical property structure based on current use.

This configuration also provides the Town with a clearly defined, manageable access route for municipal purposes while preventing future conflicts with farm operations. Overall, the subdivision isolates non-productive land and preserves the agricultural integrity of the remaining orchard.

Does the proposal support agriculture in the short or long term? Please explain.

The proposal supports agriculture both in the short and long term by ensuring that all arable land on the subject property remains intact. The lands proposed for subdivision consist solely of steep, rocky hillside terrain that has no agricultural capability and is not usable for current or future farming. Removing this non-productive area from the main

parcel does not affect the existing orchard and helps maintain the agricultural integrity of the property.

In the short term, the subdivision reduces non-farm traffic through the cultivated area by transferring the access corridor to the Town of Creston. This helps minimize potential conflicts between agricultural operations and public or utility-related access.

In the long term, the proposal prevents future land-use conflicts by clearly separating municipal access needs from farm operations. This ensures that the remaining productive land can continue to be farmed efficiently without encumbrances, interruptions, or competing uses. By isolating only land with no agricultural value, the proposal protects the long-term viability of the orchard and maintains the overall agricultural functionality of the property. Additionally, the property currently serves as a passive recreation space for the surrounding agricultural community.

Proposal Map / Site Plan

BoundaryAdjustmentSketch.pdf

Are you applying for subdivision pursuant to the ALC Homesite Severance Policy?

No

7. Optional Documents

Type	Description	File Name
Other files that are related	Map Boundary Sketch	BoundaryAdjustmentSketch.pdf
Photo of the Application Site	2022 Ortho Photo	2022OrthoPhoto.png
Other files that are related	Reservation H11269	905-H11269.pdf
Other files that are related	Title	905 - TITLE-P21956-PID-015-696-235.pdf
Other files that are related	Site Disclosure Statement	905 32 Ave S - Site Disclosure Declaration.pdf
Other files that are related	Chance Find Procedures	Chance_Find_Procedures_KNC.pdf
Other files that are related	Reservation V18728	905 - V18728.pdf
Other files that are related	NEP1455	905 - NEP1455.pdf
Other files that are related	SRW Telus Communications Site Map	905 - KR65381.pdf
Other files that are related	SRW Telus Communications Modification	905 - CA7962628.pdf



Referral Responses- A2604B

Agency/Department/First Nation	Response
Creston Valley Agricultural Advisory Commission (CVAAC)	That the Creston Valley Agricultural Advisory Commission SUPPORT the Agricultural Land Reserve Referral to the Town of Creston c/o Joel Comer for the property located at Parcel 1: 905 32 Avenue South, Erickson, Electoral Area B. LOT 16 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 1455 EXCEPT PARCEL A (SEE 16637010) (PID: 015- 696-235). And Parcel 2: 1023 32 Avenue South, Erickson, Electoral Area B. LOT 3 DISTRICT LOTS 812 AND 3864 KOOTENAY DISTRICT PLAN 17744 (PID: 009-611-037).
Ministry of Agriculture and Food	Thank you for sending the above noted referral to Ministry of Agriculture and Food (Ministry) staff for comment. Ministry staff have reviewed the referral and concur with the provided rationale for the lot line adjustment; namely, that the portion of PID: 015-696-235 (Parcel 1) proposed to be subdivided and amalgamated to PID: 009-611-037 (Parcel 2), possesses numerous challenges for future agricultural production. As such, Ministry staff have no objection to the application being forwarded to the Agricultural Land Commission for final decision.



Committee Report

Date of Report: July 10, 2026
Date & Type of Meeting: July 15, 2026, Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: SITE SPECIFIC FLOODPLAIN EXEMPTION
File: F2601F – Myram
Electoral Area/Municipality F

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board's consideration of a site specific floodplain exemption application at 2168 Annable Road, North Shore, Electoral Area 'F'. The applicant is requesting a relaxation to the floodplain setback from Crystal Creek as specified under the Regional District's *Floodplain Management Bylaw No. 2080, 2009* from 15 metres to 7 metres for the construction of an accessory building (bunkhouse).

Staff recommend that the Board approve the site-specific exemption, subject to the registration of a new covenant, indemnifying the Regional District and confirming that the accessory building may be used safely for the intended use.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owners: Lindsey and Kurt Myram

Property Location: 2168 Annabelle Road, Willow Point, Electoral Area 'F'

Legal Description: LOT 3 DISTRICT LOT 4780 KOOTENAY DISTRICT PLAN 5416 (PID:014-442-698)

Property Size: 0.16 ha (0.4 ac)

Site Context

The subject property is in Willow Point 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 mostly designated Country Residential (CR) and most properties are used for residential purposes except for one property about 50m to the north which is zoned for a quarry. The property has been improved with a single detached home and detached garage and is used for residential purposes.

The subject property is a small, elongated parcel which was created by subdivision in 1964. The entire eastern boundary of the property borders Crystal Creek. As such, developable areas on the property are constrained.

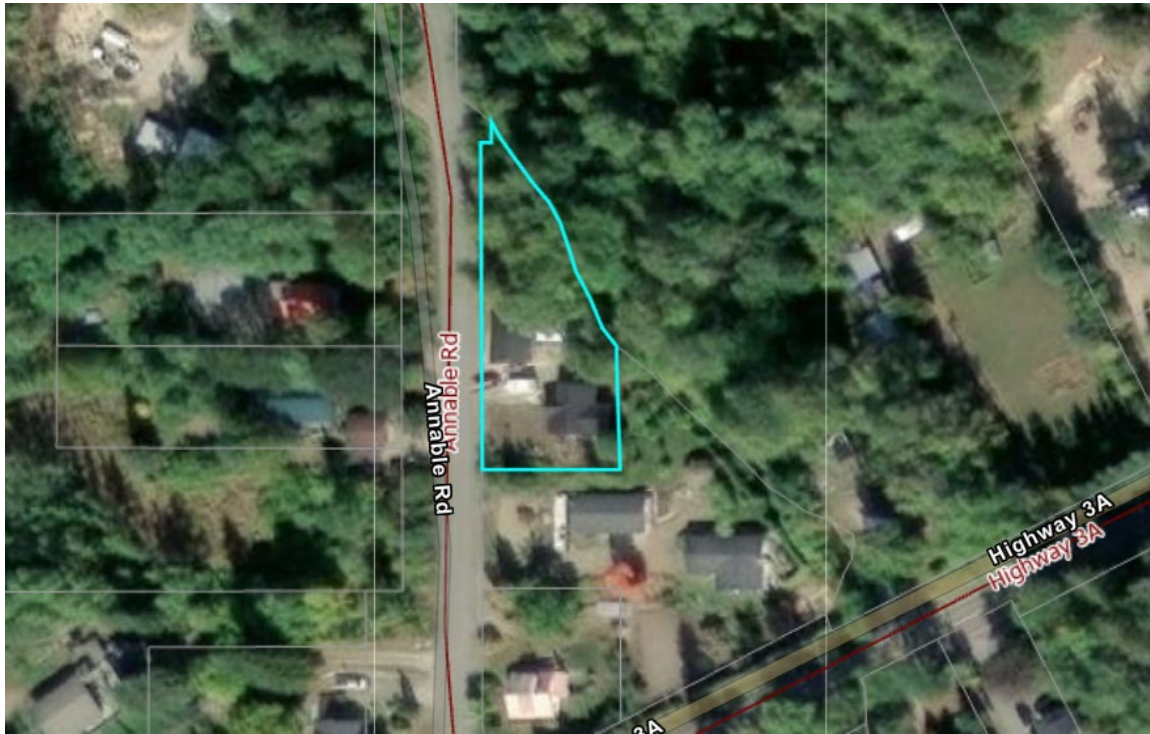


Figure 1: Overview Map

Proposal

The applicant is requesting a relaxation to the floodplain setback from Crystal Creek as specified under the Regional District's *Floodplain Management Bylaw No. 2080, 2009* from 15 metres to 7 metres for the construction of an accessory building (bunkhouse). The applicant has submitted a Flood Hazard Assessment prepared by SNT Geotechnical LTD to support this proposal and is attached to this report as Attachment A.

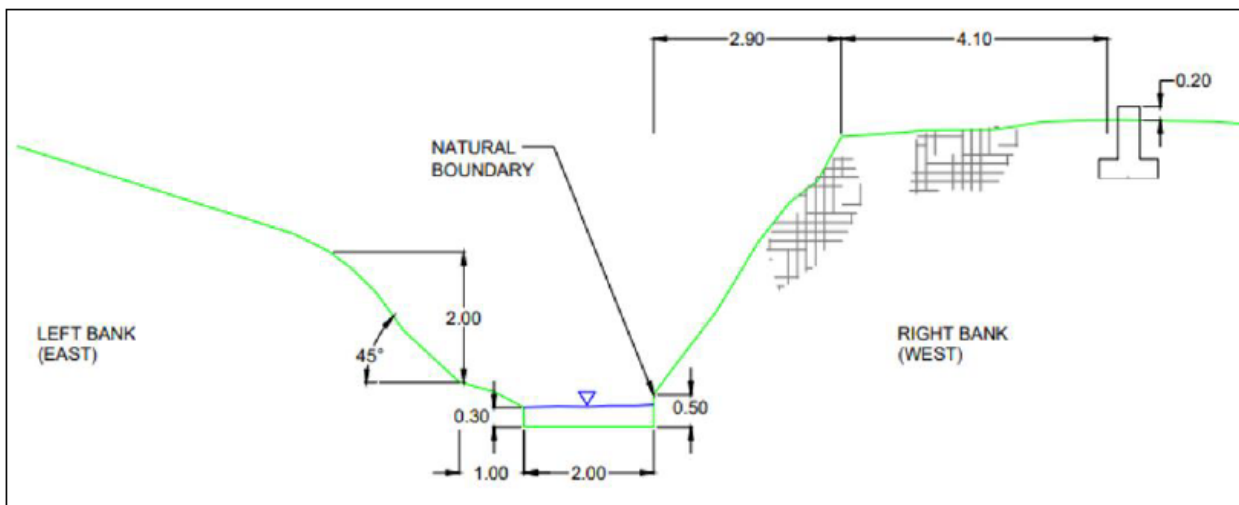


Figure 2: Crystal Creek Cross Section looking downstream (From Flood Hazard Assessment)

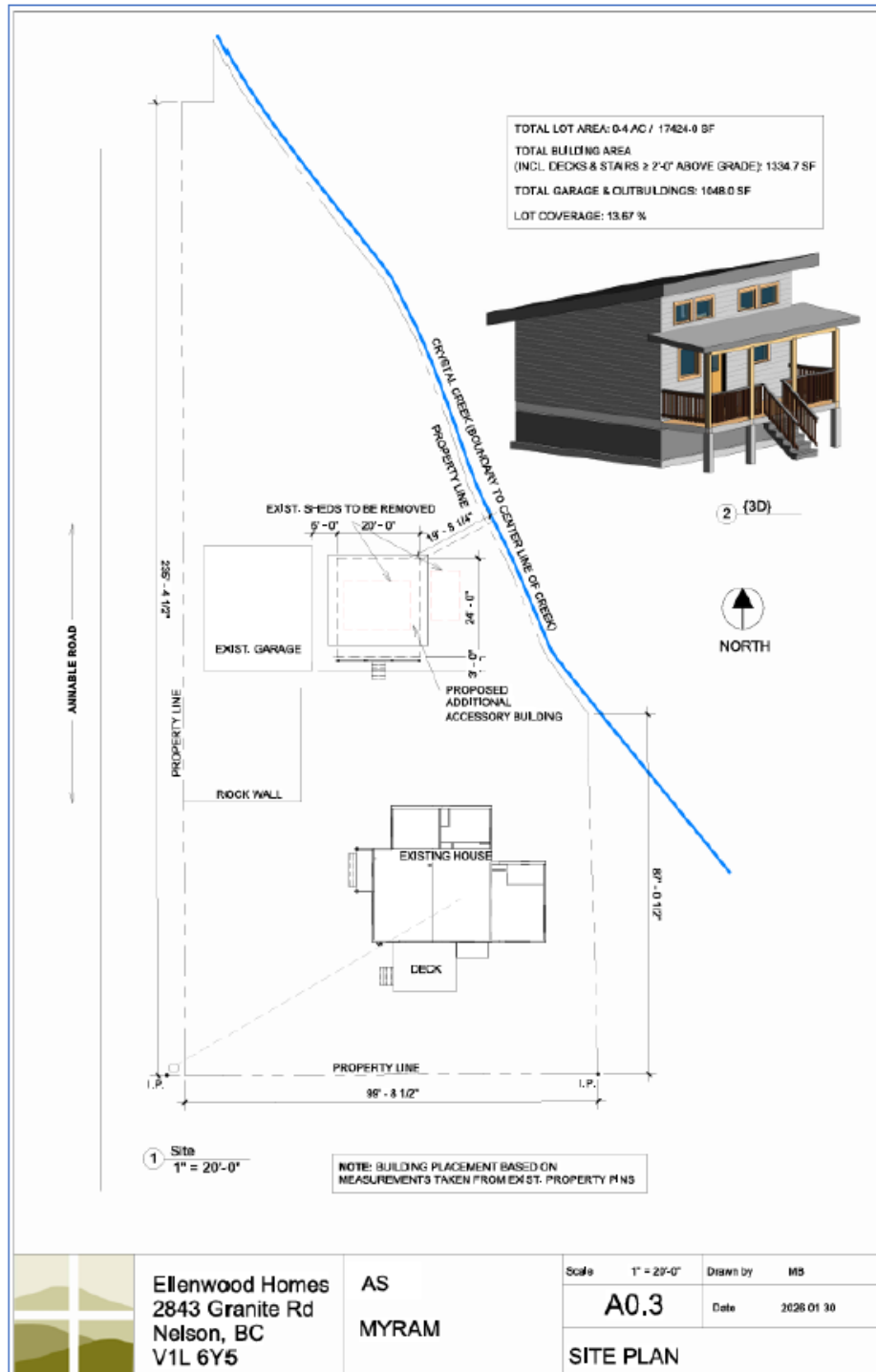


Figure 3: Site Plan (From Flood Hazard Assessment)

Site Visit

A site visit was conducted on May 25, 2026. The figure below shows the location of the proposed bunkhouse.



Figure 4: Subject 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 \$500 fee for a Site Specific Floodplain Exemption application has been paid pursuant to the RDCK's *Planning Procedures and Fees Bylaw No. 2457, 2015*.

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

Section 524 - Local Government Act

Under Section 524 of the *Local Government Act (LGA)*, a local government may exempt a person from the application of a floodplain bylaw in relation to a specific building if the local government considers it advisable and either:

- Considers that the exemption is consistent with the Provincial Guidelines; or
- Has received a report that the land may be used safely for the use intended where such a report is certified by a person who is a professional engineer or geoscientist and experienced in geotechnical engineering.

RDCK Floodplain Management Bylaw no. 2080, 2009

The bylaw specifies that the general floodplain setback for watercourses is 15.0 metres from the natural boundary.

Provincial Flood Hazard Area Land Use Management Guidelines

The Provincial Flood Hazard Area Land Use Management Guidelines for landowner requests for modification of bylaws provides the following guidance:

Setback requirements should not be reduced unless a serious hardship exists and no other reasonable option is available. A valid hardship should only be recognized where the physical characteristics of the lot (e.g., exposed bedrock, steep slope, the presence of a watercourse, etc.) and size of the lot are such that building development proposals, consistent with land use zoning bylaws, cannot occur unless the requirements are reduced.

3.3 Environmental Considerations

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.

From an environmental perspective, it is generally ideal to leave riparian areas undisturbed and when avoidance is impossible, to minimize impacts and offset impacts in ways recommended by a Qualified Environmental Professional.

This building is proposed in the riparian area of Crystal Creek but there is no riparian protection development permit area (DPA) in this part of the RDCK. The owners are encouraged to hire a Qualified Environmental Professional to guide the development in a manner that minimizes the impact to riparian habitat and seeks opportunities to offset that impact.

3.4 Social Considerations:

No negative social impacts are anticipated with the proposed floodplain setback reduction.

3.5 Economic Considerations:

Flood response and recovery results in broad, direct and indirect economic impacts that have financial implications on Canadians.

3.6 Communication Considerations:

In accordance with the RDCK's *Planning Procedures and Fees Bylaw No. 2457, 2015* staff referred the application to all relevant government agencies, internal RDCK departments and the Electoral Area 'F' Director for review. Responses received are included with this report as Attachment B.

3.7 Staffing/Departmental Workplace Considerations:

Should the Board support the requested site specific floodplain exemption to reduce the setback, including registration of a restrictive covenant on title, a Building Permit would then be required for the construction of the accessory building.

3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

SECTION 4: SUMMARY

Planning Discussion

The Flood Hazard Assessment prepared by SNT Geotechnical LTD provides information and recommendations regarding the proposed setback reduction. The report is consistent with the RDCK's Standard Terms of Reference.

Other than the reduced floodplain setback requested, the proposal is consistent with the relevant Country Residential objectives and policies under the Electoral Area 'F' Official Community Plan Bylaw No. 2214, 2012, and the RDCK Zoning Bylaw No. 1675, 2004.

Planning staff support the requested floodplain setback reduction, since:

- The applicants have engaged a professional geotechnical engineer who has submitted a report confirming that the proposed siting of the accessory building, as designed, is safe for the use intended;
- Due to the existing buildings and services the proposed accessory building cannot be sited in an alternative location;
- The proposed development meets the requirements of hardship due to the restrictive building envelope associated with the subject property; and,
- The flood hazard assessment has been reviewed by Regional District staff and meets the necessary assurance requirements and is consistent with the Provincial flood hazard land use management guidelines.

Options

Option 1 – Approve

That the Board APPROVE a Site Specific Exemption to reduce the required setback to Crystal Creek from 15 metres from the natural boundary to 7 metres from the natural boundary in accordance with the Engineering Report prepared by SNT Geotechnical Ltd. for property located at 2168 Annable Road, North Shore, Electoral Area 'F' and legally described as LOT 3 DISTRICT LOT 4780 KOOTENAY DISTRICT PLAN 5416 (PID 014-442-698) SUBJECT to preparation by Lindsey and Kurt Myram of a restrictive covenant under Section 219 of the Land Title Act and Section 56 of the Community Charter in favour of the Regional District of Central Kootenay.

Option 2 – Not Approve

That the Board NOT APPROVE a Site Specific Exemption to reduce the required setback to Crystal Creek from 15 metres from the natural boundary to 7 metres from the natural boundary in accordance with the Engineering Report prepared by SNT Geotechnical Ltd. for property located at 2168 Annable Road, North Shore, Electoral Area 'F' and legally described as LOT 3 DISTRICT LOT 4780 KOOTENAY DISTRICT PLAN 5416 (PID 014-442-698) SUBJECT to preparation by Lindsey and Kurt Myram of a restrictive covenant under Section 219 of the Land Title Act and Section 56 of the Community Charter in favour of the Regional District of Central Kootenay.

SECTION 5: RECOMMENDATIONS

That the Board APPROVE a Site Specific Exemption to reduce the required setback to Crystal Creek from 15 metres from the natural boundary to 7 metres from the natural boundary in accordance with the Engineering Report prepared by SNT Geotechnical Ltd. for property located at 2168 Annable Road, North Shore, Electoral Area 'F' and legally described as LOT 3 DISTRICT LOT 4780 KOOTENAY DISTRICT PLAN 5416 (PID 014-442-698) SUBJECT to preparation by Lindsey and Kurt Myram of a restrictive covenant under Section 219 of the Land Title Act and Section 56 of the Community Charter in favour of the Regional District of Central Kootenay.

Respectfully submitted,



Sadie Chezenko, Planner 1

CONCURRENCE

Planning Manager – Nelson Wight **Approved**

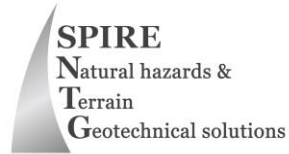
Amy Wilson – Acting General Manager of Development and Community Sustainability **Approved**

Stuart Horn – Chief Administrative Officer **Approved**

ATTACHMENTS:

Attachment A – Flood Hazard Assessment

Attachment B – Referral Responses



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Flood Hazard Assessment for
2168 Annable Road, North Shore Nelson, BC
for
Lindsey Myram
Revision 1

April 28, 2026

Report Number: 26.540.01

Distribution:

Lindsey Myram - 1 copy

SNT Geotechnical Ltd. – 1 copy

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1. Introduction

At the request of Lindsey Myram (the property owner), SNT Geotechnical Ltd. (SNTG) has completed this flood hazard assessment (FHA). This report replaces the original report dated March 28, 2025. The revision is provided solely to provide clarification on some of the terminology used. All observations, recommendations and conclusions contained in the original document still apply. The FHA is required to support an application to the Regional District of Central Kootenay (RDCK) for a site specific exemption (SSE), from Floodplain Management Bylaw 2080, to construct a 7.3 m (24 foot) by 6.1 m (20 foot) accessory building (including a deck) at 2168 Annable Road (LOT 3, PLAN NEP5416, DISTRICT LOT 4780, KOOTENAY LAND DISTRICT). Specifically, the SSE request is to reduce the floodplain setback distance, from the natural boundary of Crystal Creek, specified in Section 7.2 (k) of the bylaw to accommodate the construction of the accessory building on the property as shown in Figure 3.

2. Site Location

The property is located 6 km northeast of Nelson on the North Shore of Kootenay Lake, as shown in Figures 1 and 2. Figure 3 provides a site plan depicting the proposed location of the new structure.



Figure 1: Property Location – source Google Earth Image

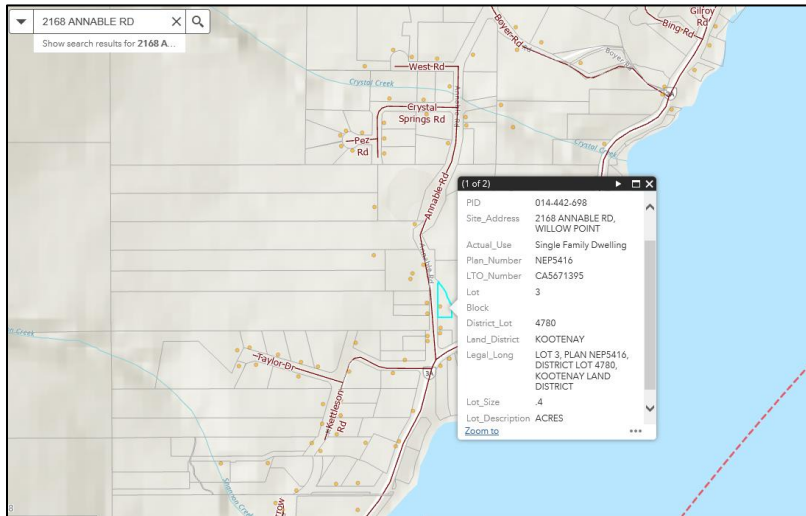


Figure 2: Property Location – Source RDCK webmap

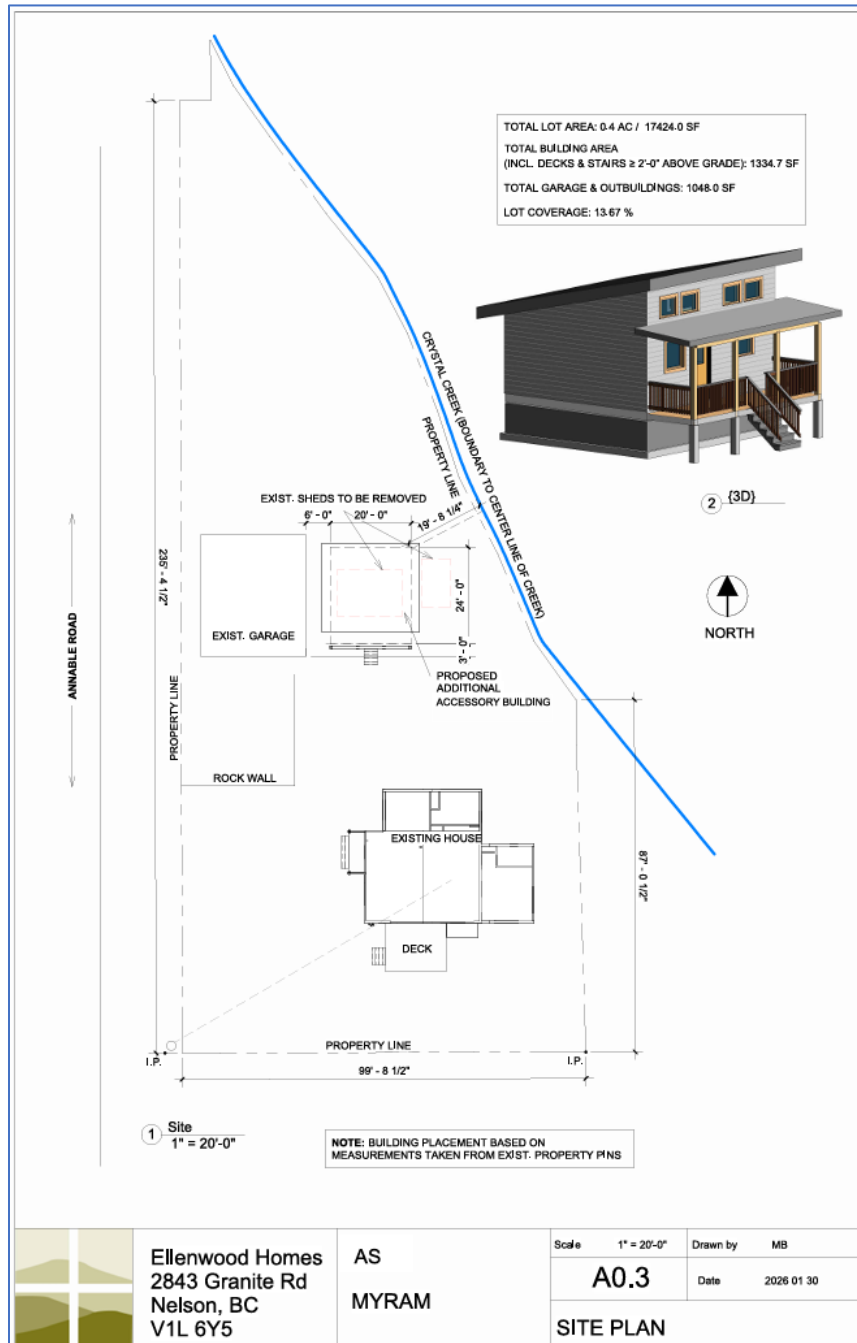


Figure 3: Site Plan – Source Lindsey Myram

3. Project Scope

This FHA was prepared in accordance with the Engineering and Geoscientists of BC's (EGBC) professional practice guideline and Legislated Flood Assessments in a Changing Climate in BC (2018).

Table 1 provides the list of tasks completed.

Table 1: Task List

Activity	Task
Field Review	Inspect subject property and Crystal Creek channel
	Observe and record hazard information
Office	Review background information
	Identify hydrogeomorphic hazards
	Assess hazards considering provincial thresholds for safety
	Analysis and Report writing

4. Background Information

This section provides a summary of the background information used in the preparation of this report.

4.1. RDCK Floodplain Bylaw

The bylaw requires a building setback distance of 15 m from the natural boundary of Crystal Creek. The Bylaw also specifies a flood construction level (FCL) of 1.5 m above the natural boundary of Crystal Creek. In addition, the bylaw refers to a Non Standard Flooding Erosion Area (NSFEA) polygon for Crystal Creek. The polygon, taken from the RDCK web map, is shown in Figure 4. The location of the proposed build site at 2168 Annable Road is shown to be south of the polygon. However, after completing field reviews and examining LiDAR mapping, SNTG has concluded that the Crystal Creek fan boundary is larger than that shown in Figure 4. Figure 5 provides a more accurate delineation of the fan boundary and polygon. This fan polygon was drawn using Google Earth imagery. SNTG has not completed field work to authenticate the boundaries. However, the field work and available LiDAR mapping indicates that the proposed building site is located on the Crystal Creek fan.

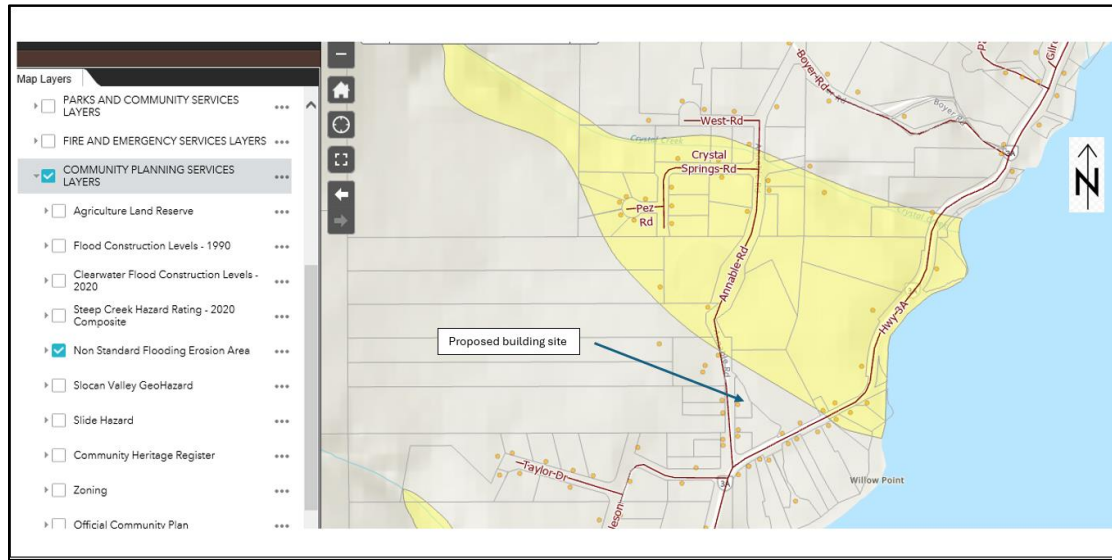


Figure 4: Non Standard Flooding Erosion Area for Crystal Creek – Source RDCK webmap

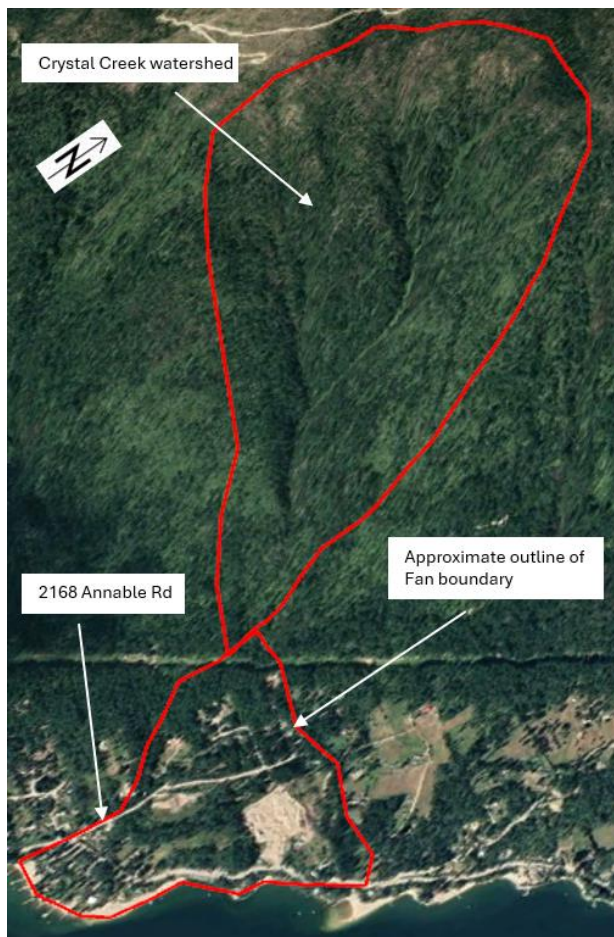


Figure 5: Google Image Showing an Approximation of Crystal Creek Watershed Area and Fan Boundaries

4.2. Land Title Search

A land title search, completed on January 21, 2026, identified that one flood hazard related restrictive covenant registered is on title for 2168 Annable Road. Covenant CA9271612 was registered in 2021 in favour of the RDCK. The covenant was registered as a condition of the approval of a Site Specific Exception (SSE) from Floodplain Management bylaw No. 2080, 2009. The SSE authorized the reduction of the Floodplain Setback distance from the natural boundary of Crystal Creek from 15 m to 9 m to permit the construction of an addition to an existing structure on the property. A copy of the land title search results and CA9271612 are included in Appendix A.

4.3. Existing Reports

An inquiry with the RDCK Planning Department indicated that the RDCK is aware of two other FHAs available for the Crystal Creek /Annable Road area. The relevant findings from these reports are summarized below:

4.3.1. Flood Hazard Assessment of 2168 Annable Road, North Shore Nelson

This report was completed by SNTG in 2021. The report was commissioned to support an application for a Site Specific Exception from the RDCK floodplain bylaw to permit the construction of an addition to the existing structure at 2168 Annable Road. Details of this permit application are discussed in Section 4.2. The investigation concluded, among other things, that the property is situated on an inactive portion of the paraglacial fan of Crystal Creek and that there is a very low probability that any course debris flow material (boulders, cobbles and timber debris) will travel down to the channel or across the fan surface to 2168 Annable Road.

4.3.2. Flood and Debris Flow Hazard Assessment at 2290 Annable Road, North Shore Nelson

This 2022 report, also completed by SNTG, was commissioned to support an application for a building permit to construct a structure at 2290 Annable Road. This property is located on Annable Road approximately 330 m north of the proposed build site on 2168 Annable Road.

5. Provincial and Engineers and Geoscientists Association of BC (EGBC) Guidelines

This section provides a summary of the provincial and EGBC guidelines pertaining to the assessment and regulation of flood hazards for proposed development adjacent to streams and on alluvial fans.

5.1. Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD) 2004, Flood Hazard Area Land Use Management Guidelines (amended January 1, 2018)

MFLNRORD guidelines for land use management (2004) state the following with respect to development on alluvial fans:

“Consent to develop may be granted by an approval officer:

- Where there is no alternative land available, and*
- Where an area of an alluvial fan can be shown to be stable because of hydraulic, physical and/or geological conditions.*

This approval should be subject to hazard management and flood proofing requirements determined on a site-specific basis. Such requirements may include but are not limited to:

- Development density regulations,*
- The identification of the safe building site(s),*
- Building elevation and foundation design requirements,*
- The construction of on-site and/or off-site protective works, and*
- Land use regulations to prevent the alteration of the terrain and features such as landfills, excavations and the construction of new roads and utilities that would alter the hazard rating for the land.*

Where a study of the flooding hazard is not available and the hazard rating is considered significant, an assessment of the land by a suitably qualified professional should be required.

If consent to develop on an alluvial fan is granted:

Setback – The setback should be determined in accordance with clauses 3.2.1, 3.2.2 and 3.2.8

FCL – Where the hazard is low, the building should be elevated a minimum of 1.0 meters above the general elevation of the surrounding ground on concrete foundation and protected from scour.”

Note: Section 3.2.1 states that building setback distance should be 30 m from the natural boundary of any watercourse and that where a designated flood level has not been determined, the Flood Construction Level (FCL) should be no lower than 3 m above the natural boundary. Section 3.2.2 allows for an increase in the building setback distance greater than 30 m where there is a demonstration of extensive flooding and/or significant erosion and/or depth of flooding. Section 3.2.8 indicates that where stream meandering or braiding poses an addition hazard consideration should be given to having a site-specific determination of the setback distance by a suitably qualified professional.

Section 3.2.3 of the Guidelines titled ‘Requirements for Smaller Streams’ states the following:

“The requirements for small streams may be reduced where the following conditions exist:

- Sufficient discharge records are available to establish the designated flood and/or the designated flood can be otherwise estimated as less than 80 cubic metres per second, and
- The watercourse has no significant history of flooding and/or bank erosion, and/or
- The watercourse is not located on an alluvial or colluvial fan, and/or
- It is deemed appropriate by an approval office

Setback – The setback requirements may be reduced to 15 metres from the natural boundary of the watercourse provided the floodway is not obstructed’

FCL – The elevation of areas used for habitation, business, or storage of goods damageable by floodwaters should be established within any building at an elevation greater than 1.5 metres above the natural boundary of the watercourse.”

5.2. Ministry of Transportation and Transit (MoTT) Policy

While MoTT is not directly involved in the review of FHAs for a building permit their policies related to the assessment of applications for a proposed subdivision on alluvial fans are relevant and are copied below:

“The Approving Officer considers that the land (proposed lots and/or remainder) within your proposal may be subject to natural hazard(s) such as, but not limited to, flooding, erosion, land slip or avalanche. If the risk to persons and/or property is too great your proposal could be refused. If you wish to explore this aspect further, you should engage a Qualified Professional (QP), registered with Engineers and Geoscientists British Columbia (EGBC), to advise you. All proposed lots and any remainders must be assessed.

For assessing flood hazards the QP shall provide a report that follows the most recent version of the EGBC Guidelines for Legislated Flood Assessments in a Changing Climate in BC and include the Appendix I: Flood Assurance Statement, duly executed, with any report. Please note that for the purposes of that Appendix I statement, the province of British Columbia does not have an adopted level of flood hazard or flood risk tolerance. Also, the report must be provided for use by the Approving Officer and retention in the record of the approval decision.

The Approving Officer could consider a subdivision plan at risk from an event, based upon a specific probability of occurrence of that event. When quantifying the frequency of occurrence of natural hazards, the QP must distinguish between two different types of events: damaging events and life-threatening events.

Where the damaging event is a flooding hazard, a probability of occurrence of 1 in 200 years should be used as a minimum standard.

Where life-threatening catastrophic events are known as a potential natural hazard to a building lot the QP is to consider events having a probability of occurrence of 1 in 10,000 years and is to identify areas beyond the influence of these extreme events.”

5.3. Engineers and Geoscientists BC (EGBC) Professional Practice Guidelines: Legislated Flood Assessment in a Changing Climate in BC

Table D-2 of Appendix D of Engineers and Geoscientists of BC Professional Practice Guidelines: Legislated Flood Assessments in a Changing Climate in BC provides recommendations for the appropriate level of effort to apply for the preparation of an FHA for a development proposal situated on an alluvial fan. The level of effort suggested is dependent on the proposed development type. Tables D-2 from the guidelines are reproduced in Figure 6.

Table D - 2: Types of Flood Hazard Assessments for Debris Floods, Debris Flows, Glacial Lake/Moraine Dam Floods, Including Alluvial Fans

CLASS	TYPICAL HAZARD ASSESSMENT METHODS AND CLIMATE/ENVIRONMENTAL CHANGE CONSIDERATIONS	TYPICAL DELIVERABLES	APPLICATIONS	RETURN PERIODS FOR HAZARD MAPS	APPLICATION FOR DEVELOPMENT TYPE
0	- Site visit and qualitative assessment of Flood Hazard without modelling - Identify any very low hazard surfaces in the consultation area (i.e., inactive fan surfaces) - Consider watershed scale environmental changes	Letter report or memorandum with water levels, approximate flow velocities, and (where appropriate) loading conditions	Very low loss potential for rivers and floodplains; loss of life very unlikely	Typically not needed	Building Permit: Renovations, expansions, new single house, new duplex house
1	- All that was completed for Class 0 - Qualitative description of process potential, preliminary estimates of process magnitude and frequency, mapping of hazard zones based on field evidence, separation into direct and indirect impact zones - Same as Class 0	Maps showing hazard zones, report with water levels, approximate flow velocities, and (where appropriate) loading conditions	Possible loss of life even for single homes; scoping level studies for linear infrastructures, mines, urban developments	20-year 200-year 500-year (for Alluvial Fans)	Small Subdivision: Subdivision into separate lots (3 to 10 single-family lots)
2	- All that was completed for Class 1 - Qualitative failure mode assessment, frequency-magnitude assessment based on chronosequential air photograph assessment, judgment-based inundation mapping, empirically-based runoff modelling, and inundation mapping - Same as Class 1, and consider how climate change could affect frequency/magnitude characteristics of hazard process	Maps with area inundated for design event, flow velocity, flow depth, delineation of areas prone to bank erosion and river/creek bed elevation changes	Pre-feasibility studies for linear infrastructures, mines, urban developments	10-year 200-year 500-year (where appropriate)	Medium Subdivision: Subdivision into >10 to 100 single-family lots, new subdivisions
3	- All that was completed for Class 1 - Qualitative failure mode assessment, detailed frequency-magnitude assessment using one or more absolute-dating methods, breach and or runoff modelling for the design event as defined by return period and for the most likely failure scenario - Same as Class 2	Creation of frequency-magnitude graphs, mapping of area inundated for model run, flow velocity, flow depth, delineation of areas prone to bank erosion and river/creek bed elevation changes	Feasibility studies for linear infrastructures, mines, urban developments	200-year 1,000-year 2,500-year (where appropriate)	Large Subdivision: >100 single-family lots, new subdivisions
4a	- All that was completed for Class 1 - Probabilistic failure mode assessment, geotechnical analysis of failure mechanisms, detailed frequency-magnitude assessment using all applicable absolute-dating methods, formulation of credible Hazard Scenarios and assigning of Hazard Scenario probabilities, breach modelling in 1-D and 2-D or 3-D runoff modelling - Same as Class 2	Same as Class 3, with detailed reporting of geotechnical analyses, breach outflow hydrographs, and model assumptions and errors; hazard intensity maps for different Hazard Scenarios and return periods	Input for quantitative Risk Assessments; pre-design studies for large urban developments; design-level studies for high value/vulnerable industrial assets	200-year 1,000-year 2,500-year	Very Large Subdivisions (new towns and townships): >100 single-family lots, new subdivisions
4b	All that was completed for Class 4a assessment but for different Flood Risk reduction scenarios	Same as Class 4a for different Risk reduction scenarios	Same as Class 4	200-year 1,000-year 2,500 year	

Figure 6: Table D-2 describing types of FHAs for alluvial fans – source EGBC 2018

The level of effort appropriate for this report is described in the Class 0 row.

In addition, Section F2.2.1 of Appendix F of the EGBC Guidelines states that in general, new buildings should only be considered for unprotected fans (i.e. not protected by a dike or other protective works) if:

- The local government has adopted an appropriate bylaw or land use regulation that provides for building construction with knowledge of the flood hazard; or
- The qualified professional (QP) concludes that the site may be suitable for the intended use.

Section F2.2.1 of the EGBC Guidelines also states that a QP may conclude that the site may be suitable for the intended use if at least one of the following conditions applies:

- The fan is inactive.
- A standard/adequate dike or equivalent other structural mitigation works is constructed with the pertinent approvals as part of the development.
- The building site is not in a high hazard area of the fan (i.e., an avulsion or debris flow path, a design flood velocity greater than 1 m/s, and where safe access and egress are not possible).
- A risk assessment is undertaken whereby the local government establishes a tolerable level of risk, and the QP assessment confirms that the risk would not exceed this level.

The section also states that if the QP concludes that the land may be suitable for the intended use, the underside of the floor system used for habitation and storage of goods damageable by floodwaters should be elevated a minimum of 1.0 m above the surrounding grade around the perimeter of the building. It also states that particular attention should be given to specifications of appropriate on-site mitigation measures, such as, foundation design, method of achieving the elevation requirement for the underside of the floor system, site grading, and building configuration.

6. Field Observations

A field review was completed by Dwain Boyer, P.Eng on January 15, 2026. Having recently completed an FHA for this and one other nearby property (SNTG 2021 and 2022), the main objective of the January 15, 2026 field review was to assess whether or not there has been any significant alterations of the creek channel or terrain since the completion of the previous FHAs. The January 15, 2026 review included a foot traverse from the Crystal Creek road crossing at the powerline south along the creek channel to the proposed build site on 2168 Annable Road.

A cross section of the creek channel adjacent to the site of the proposed new accessory building (Figure 7) was measured using inclinometer and tape measure. Information was also gathered to establish input for hydraulic modelling (Section 7). Photographs taken are shown in Appendix B.

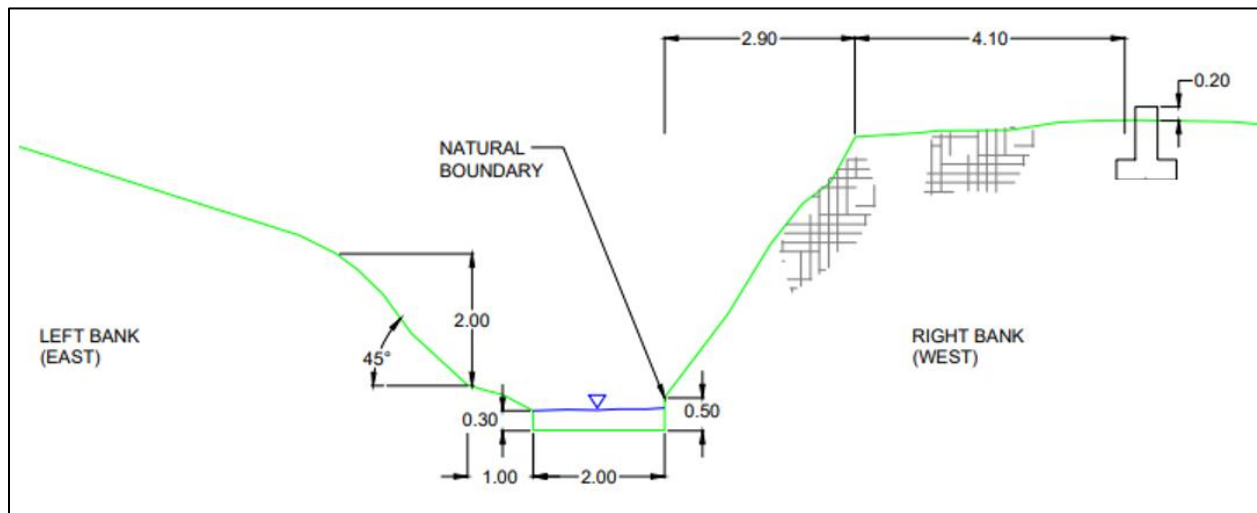


Figure 7: Crystal Creek Cross Section Sketch

Key observations from the field review are summarised below:

- An additional culvert crossing on a private road located approximately 30 m upstream from the 600 mm culvert crossing at Annable Road was documented and is shown in Photo 5. This crossing was not documented during the 2021 traverse because of concerns with crossing private properties at the time. The blockage and/or exceedance of the capacity of the 600 mm culvert under this private road would not have an impact on the flood hazard at the proposed build site. Water would overflow the road, with a high likelihood of a washout. However, water and debris would continue flowing downstream in the confined gulley leading to the culvert crossing at Annable Road.
- Other than the identification of the stream crossing discussed above, no significant alteration or change to the creek channel or terrain upslope of the proposed build site were evident when compared to previous field review related to this property in 2021.
- Fifty percent of the inlet of the 600 mm diameter culvert under Annable Road is blocked with bedload and debris. During an extreme flood event, it is highly likely that the capacity of this culvert will be exceeded and/or the culvert will be blocked resulting in ponding on the upstream side of the road fill and spillage of water and debris south down Annable Road. The flow directional arrows, in Photos 6, 7 and 8, indicate where water and/or debris will flow during and following a washout and/or blockage of the 600 mm culvert under Annable Road.
- As shown in Figure 7, the proposed structure is located 7 m from the natural boundary of Crystal Creek.
- Photos 7 and 8 show the proposed location of the structure adjacent to an existing garage. The proposed structure foundation design is similar to the existing garage shown in Photo 7.

7. Hydrology and Hydraulic Flow Modelling

The assessment of the hazard associated with decreasing the building setback distance from the natural boundary of Crystal Creek requires an estimate of expected flood flow depth and velocity in the adjacent channel (Figure 7 and Photo 1) anticipated during a flood discharge with an annual likelihood (P_a) of occurrence of 0.005 or one in two hundred year recurrence interval discharge (Q_{200}). Crystal Creek does not have flow records available to allow a flood frequency analysis to estimate the magnitude of an extreme event. Consequently, a Crystal Creek Q_{200} estimate was calculated using flow data from the Anderson Creek hydrometric station located 7 km south of Crystal Creek. This station has a watershed area of 9.07 km² and a flow record from 1945 to present. A flood frequency analysis, using Anderson Creek data, was used to establish a unit discharge to apply to the Crystal Creek watershed. The Crystal Creek watershed area is 3.0 km². Based on this data, the estimated Q_{200} for Crystal Creek is 3.2 m³/s. The discharge estimate includes an allowance for climate change uncertainty consistent with EGBC guidelines (EGBC 2018). The guidelines recommend applying an upward adjustment of 20% for the design discharge to account for future changes in water input from precipitation. An additional 50% allowance was added to account for increased peak discharge from a potential debris flood: as suggested by Hungr et al (2001) resulting in a **Q_{200} flow estimate of 4.77 m³/s.**

The assessment of the flood hazard on the fan was primarily based on the review of available information including reports, historical air photographs and more current Google Earth imagery, LiDAR data and field observations. However, SNTG has also used a 2-dimensional hydraulic model to simulate flood flows on the fan. The U.S. Army Corps of Engineers HEC-RAS (v6.2) (Hydraulic Engineering Center's River Analysis System) model was used. A digital elevation model (DEM), developed using LiDAR data from the provincial website, was used in the model. The estimated Q_{200} value of 4.77 m³/s was used as the input discharge. An additional model run was completed using a flood discharge input with a one in 500 year return period (Q_{500}) of 5 m³/s.

Parameters used as input for the model are summarized in Table 3. There was no historical flood information available to calibrate and validate the authenticity of the model predictions. However, in general, the model depicted floodwater movement across the present day fan surface along the lines expected from the field observations and historical information.

Table 3: Summary of parameters used for input to the hydraulic model

Parameter	Description/values	Comment
Hydrometric data	4.77 m ³ /s	Additional model run using Q_{500} was completed to test sensitivity of the model using an extreme value
Roughness Coefficients (Manning's n values)	0.14 stream channel 0.013 road surface 0.08 mixed forest	
Geometry	LiDAR DEM	
Mesh Development (cell size)	0.5 m in creek gully 5 m fan surface	

Figure 8 provides the results (flow depth) of a model run assuming all culverts remain open and functional and an input flood discharge of $4.77 \text{ m}^3/\text{s}$.

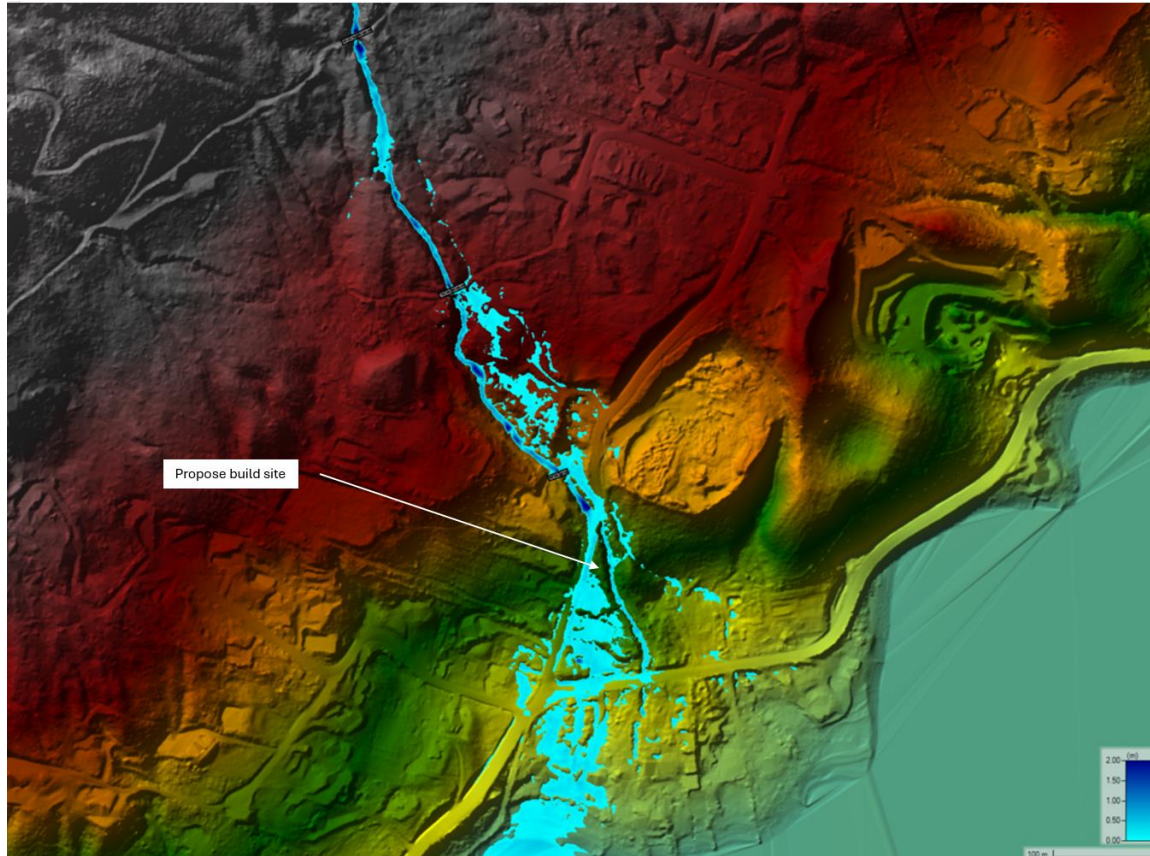


Figure 8: Map depicting results of hydraulic model run assuming all culvert crossings are open and functional and Q_{200} as the input discharge

Figure 9 depicts the results (flow depth) of a model run with the culvert under Annable Road completely blocked. As anticipated from the field review, the model predicts that water will pond on the upstream side of the road crossing and over top the road resulting in water flowing south down Annable Road and ditches. The flow down the road surface and ditches is shown to bypass the proposed build site. This is also consistent with field observations. An additional run was completed using the higher estimated Q_{500} as the input discharge. The results of this run also predicted the flow down Annable Road and ditch line will bypass the proposed build site.

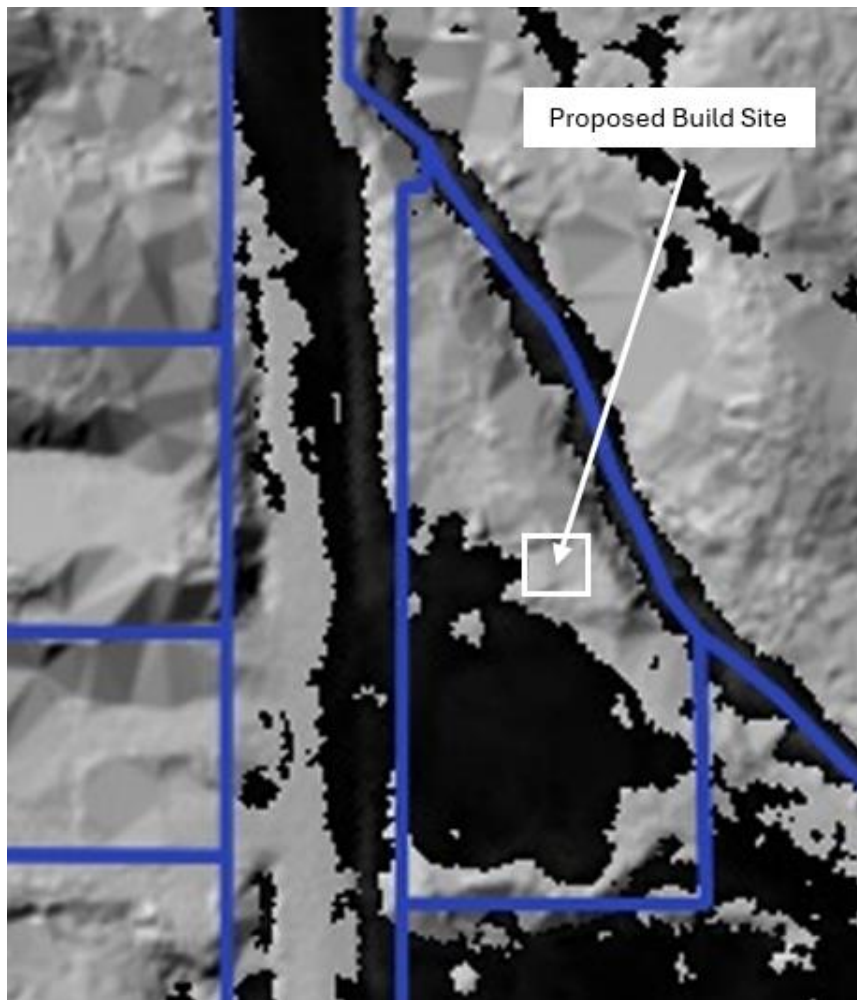


Figure 9: HEC-RAS model run with culvert under Annable Road blocked

The model provides useful information but has limitations:

1. No historical flood information was available to calibrate and validate the authenticity of the model predictions.
2. It is difficult to accurately predict avulsion paths on the fan surface with a two-dimensional, fixed bed model. The model operates on the assumption that the channel and topography on the fan surface remain unchanged during a simulated flood event. In reality, during an extreme flood event, high flow depths and velocities can erode banks, scour new channels across the fan surface and mobilize bedload and floating debris which can result in random and difficult to predict changes in channel geometry and flow routes across the fan surface.
3. Land development on the fan surface (the construction of new roads, driveways, landfills and excavations) over time can also alter the available flow paths across the fan surface.

8. Hazard Assessment

8.1. Hazard Identification and Threshold Levels of Safety

The level of safety on properties affected by river flooding in BC is assessed using a design flood event with a 200-year return period (MFLNRORD, 2004). Recognizing that flooding can be more unpredictable and extreme on alluvial fans the Engineers and Geoscientists of BC (EGBC) recommends the use of a higher return period flood (500 years) when the area may be subject to debris floods and debris flows without warning.

The MOTI guidance also states that “Where life-threatening catastrophic events are known as a potential natural hazard to a building lot the Qualified Professional is to consider events having a probability of occurrence of 1 in 10,000 years and is to identify areas beyond the influence of these extreme events.

8.2. Bank Erosion Hazard Assessment

The modelling results and the field observations indicate that even in the unlikely event that the culvert under Annable Road remains open during an extreme flood and water and debris continues to flow over Annable Road flows back into the channel upstream of the channel adjacent to the build site, the water will not overtop the bank, and the proposed building will not be inundated.

During a Q_{200} event, stream flow velocities in the channel adjacent to 2168 Annable Road are projected to be in the 1.5 to 2 m/s range. The channel bank/gully sidewall consists of a high percentage of boulders to cobble sized rock fragments which is highly resistant to erosion. Consequently, the stream bank/gully side wall adjacent to the proposed build site, is highly resistant to erosion and/or lateral channel shifting and there is a low probability that bank erosion will cause flood damage to the proposed building site.

8.3. Crystal Creek Fan Hazard

As mentioned above, the proposed build site is shown to be outside of the RDCK flood hazard polygon (Figure 4). However, field reviews and the review of LiDAR mapping indicates that the proposed build site is located on the Crystal Creek fan. Consequently, the flood hazards associated with the possibility of overland flow resulting from an avulsion from the creek channel have been assessed.

While there is a higher likelihood of a channel avulsion on the steeper terrain at and near the apex of the fan, once the channel reaches the milder sloping, mid reaches of the fan, above the proposed build site, the creek flows are concentrated in the well incised channel/gulley. However, there are three road fills with small diameter culverts that cross the gulley/channel along this reach. During an extreme flood event, it is highly likely that the capacity of these culverts will be exceeded which will increase the likelihood of road washouts. Washouts at the road crossings, located upstream of Annable Road, will not have a significant adverse effect on the flood hazard at the proposed build site. Water and debris ponding on the upstream side of these road fills will flow over the roads and continue to flow in the incised channel/gulley down to the Annable Road crossing. However, a blockage and/or exceedance of the

culvert capacity at the Annable Road crossing will result in water and debris flowing down Annable Road in the direction of the proposed build site. However, as shown in Photos 6, 7 and 8 and suggested by the hydraulic modelling results (Figures 7 and 8), there is a high likelihood that water and debris will flow down the roadway to the west of existing garage and will bypass the proposed build site.

There are several factors that make it difficult to accurately predict where overland flow will occur on an alluvial/debris flood prone fan surface during an extreme flood event. Four of the factors are listed below.

- The dynamic nature of flooding on an alluvial/debris flood prone fan. During an extreme event the movement of bedload and floating debris (causing debris jams and blocking culverts) and channel shifting increases the likelihood of channel avulsions. These processes are difficult to impossible to predict and model with accuracy.
- Future modifications to the creek channel (fills and road crossings) and/or the terrain surface (new roads, driveways, excavations) can alter how flood will occur across the fan surface.
- Climate change impacts on hydrology, terrain stability and creek flows.
- Limitations associated with hydraulic modelling, primarily the inability to model the dynamic flow regime.

Given these uncertainties, it is prudent to incorporate flood mitigation measures at the proposed build site. If overland flow from a channel avulsion were to reach the proposed build site it would be in the form of shallow, low velocity sheet flow with a limited ability to cause damages to the building or its inhabitants. A typical mitigation measure commonly used to reduce the risk of flood damages is to elevate the underside of any floor system to an elevation that is above the predicted flood level. For the proposed structure, the design (Figure 3) calls for the construction of a foundation with the bottom of the floor system elevated 0.2 m above the ground level. This elevation of the floor system is deemed appropriate to mitigate potential flood damage. Further, due to the low erosion hazard, special erosion control measures for the foundation are not deemed necessary.

9. Conclusions and Recommendations

The following conclusions and recommendations resulting from the investigation:

1. Crystal Creek flows in a channel/gulley adjacent to (east) the proposed build site. The channel/gulley has sufficient capacity to convey a Q_{200} flood without overtopping and inundating the building site.
2. The bank of channel/gulley is highly resistant to bank erosion or channel shifting. The foundation of the proposed building was measured to be 7 m from the natural boundary of Crystal Creek. **This floodplain setback distance is deemed to render the building safe for its intended use.**
3. It is recommended that the building setback distance from the natural boundary for Crystal Creek prescribed in Floodplain Management Bylaw 2080 be reduced from 15 m to 7 m to accommodate the construction of the structure as shown on the site plan (Figure 3).
4. To reduce the likelihood of flood damages caused by overland flow emanating from an avulsion from the Crystal Creek channel the underside of the floor system intended to be used for habitation and

storage of goods damageable by flood waters should be constructed to an elevation at least 0.2 m above the highest ground elevation, as measured on the upslope side of the perimeter of the building.

5. The use intended is the construction of a new structure at 2168 Annable Road. With the incorporation of the flood damage mitigation measures recommended in 3 and 4 above **the proposed structure shown on the site plan (Figure 3) at 2168 Annable Road can be used safely for the intended use as required under Section 56 of the Community Charter.**

10. Flood Hazard Assurance Statement

A flood hazard assurance statement is included in Appendix C.

11. Closure – Report Use and Limitations

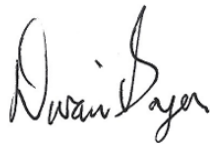
This report is prepared for the exclusive use of Lindsey Myram and the RDCK and may not be used by other parties without the written permission of SNT Geotechnical Ltd.

The use of this report is subject to the conditions on the Report Interpretation and Limitations sheet which is included with this report (Appendix D). The reader's attention is drawn specifically to those conditions, as it is considered essential that they be followed for proper use and interpretation of this report.

The material in this report reflects SNTG's best judgment and professional opinion in light of the information available to it at the time of preparation. Any use which a third party makes of this report or any reliance on or decision to be made based on it are the responsibility of such third parties. SNTG accepts no responsibility for damages, if any, suffered by any third party as a result of decision made or action based, or lack thereof, on this report. No other warranty is made, either expressed or implied.

The report and assessment have been carried out in a manner consistent with that level of care and skill ordinarily exercised by members of the engineering profession currently practicing under similar conditions in the jurisdiction in which the services are provided, subject to the time limits and physical constraints applicable to this report.

Prepared by:



SNTG Permit Number 1001083
Dwain Boyer, P. Eng
SNT Geotechnical Ltd.

Reviewed by:

Ryan Williams, P. Geo
SNT Geotechnical Ltd.

12. References

1. BGC Engineering Inc, 2020, RDCK Floodplain and Steep Creek Study
2. Engineers and Geoscientists of BC, 2018, Professional Practice Guidelines, Legislated Landslide Assessments for Proposed Residential Development in BC Version 3.0
3. Engineers and Geoscientists of BC 2018 Professional Practice Guidelines, Legislated Flood Assessments in a changing Climate in BC Version 2.1 August 28, 2018
4. Klohn-Crippen, Feb 1998, Terrain Stability Inventory Alluvial and Debris Torrent Fans Kootenay Region, MFLNRO Report # 1020.
5. MFLNRORD, 2004 Flood Hazard Area Land Use Management Guidelines
6. Regional District of Central Kootenay, 2009 Floodplain Management Bylaw No. 2080
7. Regional District of Central Kootenay, 2009 Terms of Reference for Requirements for Professional Engineering/Geoscientists Undertaking Geotechnical Reports/Flood Hazard Assessments Reports
8. SNT Geotechnical Ltd, 2021 Flood Hazard Assessment at 2168 Annable Road, North Shore Nelson
9. SNT Geotechnical Ltd, 2022 Flood and Debris Flow Hazard Assessment at 2290 Annable Road, North Shore Nelson
10. Wallace, C. Alluvial Fan Boundary Mapping in Nelson Region, MFLNRO Report # 1395
11. Wilford, D. et al, 2004, Recognition of Debris Flow, Debris Flood and Flood Hazard Through Watershed Morphometrics.

Appendices

Appendix A – Title Search Results

TITLE SEARCH PRINT		2026-01-21, 09:58:25
File Reference:		Requestor: Dwain Boyer
Declared Value \$280000		
CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN		
Land Title District	NELSON	
Land Title Office	NELSON	
Title Number	CA5671395	
From Title Number	KX102424	
Application Received	2016-11-25	
Application Entered	2016-11-29	
Registered Owner in Fee Simple		
Registered Owner/Mailing Address:	KURT RUSSELL MYRAM, JOURNEYMAN CARPENTER LINDSEY ELIZABETH REED, JUNIOR ACCOUNTANT 2168 ANNABLE ROAD NELSON, BC V1L 6K5 AS JOINT TENANTS	
Taxation Authority	Nelson Trail Assessment Area	
Description of Land		
Parcel Identifier:	014-442-698	
Legal Description:	LOT 3 DISTRICT LOT 4780 KOOTENAY DISTRICT PLAN 5416	
Legal Notations	THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 14 OF THE LOCAL GOVERNMENT ACT, SEE CA8471528	
Charges, Liens and Interests		
Nature:	EASEMENT	
Registration Number:	69849D	
Registration Date and Time:	1965-05-28 14:30	
Remarks:	APPURTENANT TO LOTS 1 AND 2 OF DISTRICT LOT 4780 KOOTENAY DISTRICT PLAN 5416	
Nature:	MORTGAGE	
Registration Number:	CA5671396	
Registration Date and Time:	2016-11-25 10:03	
Registered Owner:	KOOTENAY SAVINGS CREDIT UNION INCORPORATION NO. FI36	
Title Number: CA5671395	TITLE SEARCH PRINT	Page 1 of 2

TITLE SEARCH PRINT

2026-01-21, 09:58:25

File Reference:

Requestor: Dwain Boyer

Declared Value \$280000

Nature:	COVENANT
Registration Number:	CA9271612
Registration Date and Time:	2021-08-12 14:41
Registered Owner:	REGIONAL DISTRICT OF CENTRAL KOOTENAY

Nature:	PRIORITY AGREEMENT
Registration Number:	CA9271613
Registration Date and Time:	2021-08-12 14:41
Remarks:	GRANTING CA9271612 PRIORITY OVER CA5671396

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

FHA – 2168 Annable Road Accessory Building

April 28, 2026

Status: Registered Plan #: CA9271612 App #: N/A Ctrl #: (Altered) RCVD: 2021-08-12 RQST: 2026-01-21 10.10.40 Doc #: CA9271612 RCVD: 2021-08-12 RQST: 2026-01-21 10.10.40



Land Title Act
Charge
General Instrument - Part 1

KAMLOOPS LAND TITLE OFFICE
AUG 12 2021 14:41:49.001
CA9271612-CA9271613

1. Application

REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON BC V1L 5R4
250-352-1536

2. Description of Land

PID/Plan Number	Legal Description
014-442-698	LOT 3 DISTRICT LOT 4780 KOOTENAY DISTRICT PLAN 5416

3. Nature of Interest

Type	Number	Additional Information
COVENANT		SECTION 219
PRIORITY AGREEMENT	CA5671396	Mortgage

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

KURT RUSSELL MYRAM

LINDSEY ELIZABETH REED

KOOTENAY SAVINGS CREDIT UNION INCORPORATION, NO.F138

6. Transferee(s)

REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON BC V1L 5R4

7. Additional or Modified Terms

Status: Registered		Plan #: CA9271612 App #: N/A Ctrl #: (Altered) RCVD: 2021-08-12 RQST: 2026-01-21 10.10.40	
Status: Registered		Doc #: CA9271612	RCVD: 2021-08-12 RQST: 2026-01-21 10.10.40



Land Title Act
Charge
General Instrument – Part 1

8. Execution(s)

This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature	Execution Date	Transferor Signature(s)
_____ Suzanne Nedham Commissioner for Taking Affidavits for British Columbia Regional District of Central Kootenay Box 590, 202 Lakeside Drive Nelson BC V1L 6V9	YYYY-MM-DD 2021-08-12	_____ KURT MYRAM _____ LINDSEY REED

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature	Execution Date	Transferor Signature(s)
_____ Bruce A. LeRose Barrister & Solicitor Suite 302-1199 Cedar Ave Trail BC V1R 4B8	YYYY-MM-DD 2021-08-10	Kootenay Savings Credit Union By their Authorized Signatory _____ Edith Negreiff _____ Paul Butler

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Form C (Section 233)
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2021 07 23 10:13:03.809

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Land Title Act
Charge
General Instrument – Part 1

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

Suzanne Nedham V8A1MN

Digitally signed by Suzanne Nedham V8A1MN
Date: 2021-08-12 14:42:11 -07:00

Form C (Section 233)
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2021 07 23 10:13:03.809

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EXPRESS CHARGE TERMS – PART 2

WHEREAS:

- A. The Grantor is the registered owner in fee simple of:

014-442-698
LOT 3 DISTRICT LOT 4780 KOOTENAY DISTRICT PLAN 5416

(hereinafter called the "Land");
- B. The Grantee is the Regional District of Central Kootenay;
- C. The Grantor has applied to the Grantee, under Section 11 of Regional District of Central Kootenay Floodplain Management Bylaw No. 2080, 2009 (the "Bylaw"), for a Site Specific Exemption (the "Site Specific Exemption") in relation to the Land from one or more of the Floodplain Specifications prescribed in that Bylaw for the purpose of constructing a **single family dwelling or applicable structure** (the "Intended Use");
- D. The Grantee, under Section 524 of the *Local Government Act*, may make the granting of the Site Specific Exemption subject to the terms and conditions the Grantee considers necessary or advisable;
- E. Under Section 11.2 of Schedule "A" to the Bylaw, the granting of the General Exemption is conditional on the Grantor providing the Grantee with a Report certified by a qualified professional that the land may be used safely for the use intended;
- F. Pursuant to Section 524 of the *Local Government Act*, the Grantor has provided the Grantee with the Report of the Engineer, SNT Geotechnical Ltd., P. Eng., dated June, 2021, which report is attached to this Agreement as Schedule 'A' (the "Report") certifying that the Land may be safely used for the purposes for which the permit application was made;
- G. The Grantor has agreed to the terms and conditions of the granting of the Site Specific Exemption, namely to provide the Report to the Grantee, and to enter into and register this Agreement against the title to the Land as a covenant and indemnity under Section 219 of the *Land Title Act* and Section 524 of the *Local Government Act*.

NOW THEREFORE, in consideration of the premises and the covenants herein contained and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree with each other as follows:

1. The Grantor covenants and agrees to use the Land for the 'Intended Use' strictly in the manner determined and certified by the Engineer in the Report as enabling the safe use of the Land for the Intended Use.

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2. The Grantor covenants and agrees to the following:
 - a. That construction within Nine (9.0) meters (permitted setback as per **RDCK Board Resolution or Engineer's Report**) of the natural boundary of Crystal Springs Creek is prohibited.
 - b. That construction must meet the applicable **Flood Construction Level (FCL)**.
 - c. Any **Additional Conditions or Considerations** as outlined in the 'Report' or as a 'Subject' to approval of the Site Specific Exemption.
3. The Grantor covenants and agrees that the Site Specific Exemption is conditional on the Grantor's compliance with Section 1 of this Agreement and further covenants and agrees that failure to comply with Section 1 is a breach of this Agreement and entitles the Grantee to revoke the Site Specific Exemption.
4. The Grantor shall reimburse the Grantee for any expense that may be incurred by the Grantee as a result of a breach of a covenant under this Agreement.
5. The Grantor and the Grantee agree that the enforcement of this Agreement shall be entirely within the discretion of the Grantee and that the execution and registration of this covenant against the title to the Land shall not be interpreted as creating any duty on the part of the Grantee to the Grantor or to any other person to enforce any provision or the breach of any provision of this Agreement.
6. The Grantor acknowledges that the covenants in this Agreement are enforceable against the Grantor and the Grantor's successors in title, but the Grantor is not personally liable for breach of the covenants after the Grantor has ceased to be the owner of the Land.
7. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Grantee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Land as if this Agreement had not been executed and delivered by the Grantor, and in particular, without limiting the generality of the foregoing, the Building Inspector of the Grantee may request further or additional reports to be prepared by a professional engineer or geoscientist experienced in geotechnical engineering prior to the issuance of a Building Permit for the Land.
8. The Grantor hereby releases and forever discharges the Grantee of and from any claim, cause of action, suit, demand, expenses, costs and legal fees whatsoever which the Grantor can or may have against the said Grantee for any loss or damage or injury that the Grantor may sustain or suffer arising out of the issuance of the Site Specific Exemption or a Building Permit for the Intended Use, or the use of the Land as a result of the issuance of the Site Specific Exemption or a Building Permit for the Intended Use, or as result of flooding or erosion of the Land.

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9. The Grantor covenants and agrees to indemnify and save harmless the Grantee from any and all claims, causes of action, suits, demands, expenses, costs and legal fees whatsoever that anyone might have as owner, occupier or user of the Land, or by a person who has an interest in or comes onto the Land, or by anyone who suffers loss of life or injury to his person or property, that arises out of the issuance of the Site Specific Exemption or a Building Permit for the Intended Use, or the use of the Land as a result of the issuance of the Site Specific Exemption or a Building Permit for the Intended Use, or as result of flooding or erosion of the Land.
10. It is mutually understood, acknowledged and agreed by the parties hereto that the Grantee has made no representations, covenants, warranties, guarantees, promises or Agreements (oral or otherwise) with the Grantor other than those contained in this Agreement.
11. The Grantor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
12. The Grantor shall pay the legal fees and disbursements and Land Title Office registration fees incurred by the Grantee in connection with the preparation and registration of this Agreement.
13. The Grantor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Grantor as personal covenants only during the period of its respective ownership of any interest in the Land.
14. The restrictions and covenants herein contained shall be covenants running with the Land and shall be perpetual, and shall continue to bind all of the Land when subdivided, and shall be registered in the Kamloops Land Title Office pursuant to Section 219 of the *Land Title Act* and Section 524 of the *Local Government Act* as covenants in favor of the Grantee and as a first charge against the Land.
15. This Agreement shall inure to the benefit of the Grantee and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
16. Wherever the expressions "Grantor" and "Grantee" are used herein, they shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.
17. Kootenay Savings Credit Union Incorporation No. F138 the registered holder of a charge by way of Mortgage against the within described property which said charge is registered in the Land Title Office at Kamloops, British Columbia, under #CA5671396, for and in consideration of the sum of One (\$1.00) Dollar paid by the Grantee to the said Charge holder (the receipt whereof is hereby acknowledged), agrees with the Grantee, its successors and assigns, that the within Section 219 Covenant shall be an encumbrance upon the within described property in priority to the said Charges in the same manner and to the same effect as if it had been dated and registered prior to the said Charges.

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IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C and D (page(s) 1 and 2) attached hereto.

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Status: Registered	Doc #: CA9271612	RCVD: 2021-08-12 RQST: 2026-01-21 10.10.40
SCHEDULE "A" - REPORT OF ENGINEER		
Page 5 of 5 Pages		
END OF DOCUMENT		
Page 8 of 8 Page 8 of 8		

Appendix B – Site Photographs



Photo 1: View of right (southwest) Creek bank and location of the Cross Section shown in Figure 7.



Photo 2: View of Crystal Creek channel looking downstream from a vantage point approximately 25 m upstream from the proposed build site. An existing shed is shown on right background. Stream channel gradient 10%.



Photo 3: View of entrance to 600 mm diameter culvert under Annable Rd crossing at on north end of the property approximately 60 m upstream from the proposed build site.



Photo 4: View of Crystal Creek channel upstream from the 600 mm diameter culvert crossing of Annable Road.



Photo 5: View showing culvert road crossing on private road approximately 30 m upstream from the 600 mm culvert crossing at Annable Road shown in Photo 3.



Photo 6: View of looking north along Annable Road at the location of the 600 mm culvert crossing from a vantage point on the west side of the property. The proposed build site is to the east or right side of the photograph on the east side of the garage. A culvert blockage or flow capacity exceedance during an extreme flood will result in water and debris flowing down the road (depicted by white flow directional arrows) bypassing the proposed build site on 2168 Annable Road. The road surface gradient is 10%.



Photo 7: View looking at the Annable Road surface and ditch adjacent to the property. The white flow directional arrows indicate the path of overland flow from a blockage/ capacity exceedance at the 600 mm culvert crossing on Annable Road.



Photo 8: View looking south showing proposed build site adjacent (east) of the existing garage.

Appendix C – Flood Hazard Assessment Assurance Statement

FLOOD ASSURANCE STATEMENT

Note: This statement is to be read and completed in conjunction with the current Engineers and Geoscientists BC Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC ("the guidelines") and is to be provided for flood assessments for the purposes of the Land Title Act, Community Charter, or the Local Government Act. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority Date: Feb 25, 2026

RDCK
Nelson, BC
Jurisdiction and address

With reference to (CHECK ONE),

☐ Land Title Act (Section 86) – Subdivision Approval
☐ Local Government Act (Part 14, Division 7) – Development Permit
☐ Community Charter (Section 56) – Building Permit
☐ Local Government Act (Section 524) – Flood Plain Bylaw Variance
☒ Local Government Act (Section 524) – Flood Plain Bylaw Exemption

For the following property ("the Property"):
1.5 + 3 D.L. 4780 Kootenay District Plan 5416 (2168 Annable Rd)
Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a Qualified Professional and is a Professional Engineer or Professional Geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, sealed, and dated, and thereby certified, the attached Flood Assessment Report on the Property in accordance with the guidelines. That report and this statement must be read in conjunction with each other. In preparing that Flood Assessment Report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

☒ 1. Consulted with representatives of the following government organizations:
RDCK

☒ 2. Collected and reviewed appropriate background information

☒ 3. Reviewed the Proposed Development on the Property

☒ 4. Investigated the presence of Covenants on the Property, and reported any relevant information

☒ 5. Conducted field work on and, if required, beyond the Property

☒ 6. Reported on the results of the field work on and, if required, beyond the Property

☒ 7. Considered any changed conditions on and, if required, beyond the Property

8. For a Flood Hazard analysis I have:

☒ 8.1 Reviewed and characterized, if appropriate, Flood Hazard that may affect the Property

☒ 8.2 Estimated the Flood Hazard on the Property

☒ 8.3 Considered (if appropriate) the effects of climate change and land use change

☒ 8.4 Relied on a previous Flood Hazard Assessment (FHA) by others

☒ 8.5 Identified any potential hazards that are not addressed by the Flood Assessment Report

9. For a Flood Risk analysis I have:

☐ 9.1 Estimated the Flood Risk on the Property

☐ 9.2 Identified existing and anticipated future Elements at Risk on and, if required, beyond the Property

☐ 9.3 Estimated the Consequences to those Elements at Risk

PROFESSIONAL PRACTICE GUIDELINES
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

FLOOD ASSURANCE STATEMENT

10. In order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:
- ☒ 10.1 A standard-based approach
 - ☐ 10.2 A Risk-based approach
 - ☒ 10.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
 - ☐ 10.4 No mitigation is required because the completed flood assessment determined that the site is not subject to a Flood Hazard
11. Where the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance, I have:
- ☐ 11.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
 - ☐ 11.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
 - ☐ 11.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property
12. Where the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have:
- ☒ 12.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
 - ☒ 12.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
 - ☒ 12.3 Made a finding on the level of Flood Hazard or Flood Risk tolerance on the Property
 - ☒ 12.4 Compared the guidelines with the findings of my flood assessment
 - ☒ 12.5 Made recommendations to reduce the Flood Hazard or Flood Risk
- ☒ 13. Considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties
- ☒ 14. Reported on the requirements for implementation of the mitigation recommendations, including the need for subsequent professional certifications and future inspections.

Based on my comparison between:

[CHECK ONE]

- ☐ The findings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above)
- ☒ The findings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk tolerance (item 12.4 above)

I hereby give my assurance that, based on the conditions contained in the attached Flood Assessment Report:

[CHECK ONE]

- ☐ For subdivision approval, as required by the *Land Title Act* (Section 86), "that the land may be used safely for the use intended":
[CHECK ONE]
 - ☐ With one or more recommended registered Covenants.
 - ☐ Without any registered Covenant.
- ☐ For a development permit, as required by the *Local Government Act* (Part 14, Division 7), my Flood Assessment Report will "assist the local government in determining what conditions or requirements it will impose under subsection (2) of this section [Section 491 (4)]".
- ☐ For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended":
[CHECK ONE]
 - ☐ With one or more recommended registered Covenants.
 - ☐ Without any registered Covenant.
- ☒ For flood plain bylaw variance, as required by the *Flood Hazard Area Land Use Management Guidelines* and the *Amendment Section 3.5 and 3.6* associated with the *Local Government Act* (Section 524), "the development may occur safely".
- ☐ For flood plain bylaw exemption, as required by the *Local Government Act* (Section 524), "the land may be used safely for the use intended".

PROFESSIONAL PRACTICE GUIDELINES
LEGISLATED FLOOD ASSESSMENTS IN A CHANGING CLIMATE IN BC

SPRINT 2.0

100



FHA – 2168 Annable Road Accessory Building

April 28, 2026

FLOOD ASSURANCE STATEMENT

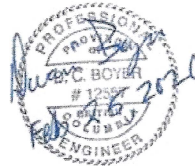
I certify that I am a Qualified Professional as defined below.

Feb 25, 2026
Date

Prepared by

Dwain Boyer
Name (print)Dwain Boyer
Signature3196 Heddlö Rd
Address
Nelson, BC250 551-8345
Telephonedwain@sntg.ca
Email

Reviewed by

Ryan H. Hiams
Name (print)Ryan H. Hiams
Signature

(Affix PROFESSIONAL SEAL here)

If the Qualified Professional is a member of a firm, complete the following:

I am a member of the firm SNT Geotechnical Ltd
and I sign this letter on behalf of the firm.

(Name of firm)

PROFESSIONAL PRACTICE ORIGINATES
CERTIFIED PRACTICE ORIGINATES IN A SIGNING FIRM

Appendix D – Report Interpretation and Limitations

1. STANDARD OF CARE

SNT Geotechnical Ltd. (SNTG) has prepared this report in a manner consistent with generally accepted engineering consulting practices in this area, subject to the time and physical constraints applicable. No other warranty, expressed or implied, is made.

2. COMPLETENESS OF THIS REPORT

This Report represents a summary of paper, electronic and other documents, records, data and files and is not intended to stand alone without reference to the instructions given to SNTG by the Client, communications between SNTG and the Client, and/or to any other reports, writings, proposals or documents prepared by SNTG for the Client relating to the specific site described herein.

This report is intended to be used and quoted in its entirety. Any references to this report must include the whole of the report and any appendices or supporting material. SNTG cannot be responsible for use by any party of portions of this report without reference to the entire report.

3. BASIS OF THIS REPORT

This report has been prepared for the specific site, development, design objective, and purpose described to SNTG by the Client or the Client's Representatives or Consultants. The applicability and reliability of any of the factual data, findings, recommendations or opinions expressed in this document pertain to a specific project as described in this report and are not applicable to any other project or site, and are valid only to the extent that there has been no material alteration to or variation from any of the descriptions provided to SNTG. SNTG cannot be responsible for use of this report, or portions thereof, unless we were specifically requested by the Client to review and revise the Report in light of any alterations or variations to the project description provided by the Client.

If the project does not commence within 18 months of the report date, the report may become invalid and further review may be required.

The recommendations of this report should only be used for design. The extent of exploration including number of test pits or test holes necessary to thoroughly investigate the site for conditions that may affect

Construction costs will generally be greater than that required for design purposes. Contractors should rely upon their own explorations and interpretation of the factual data provided for costing purposes, equipment requirements, construction techniques, or to establish project schedule.

The information provided in this report is based on limited exploration, for a specific project scope. SNTG cannot accept responsibility for independent conclusions, interpretations, interpolations or decisions by the Client or others based on information contained in this Report. This restriction of liability includes decisions made to purchase or sell land.

4. USE OF THIS REPORT

The contents of this report, including plans, data, drawings and all other documents including electronic and hard copies remain the copyright property of SNTG. However, we will consider any reasonable request by the Client to approve the use of this report by other parties as "Approved Users."

With regard to the duplication and distribution of this Report or its contents, we authorize only the Client and Approved Users to make copies of the Report only in such quantities as are reasonably necessary for the use of this Report by those parties. The Client and "Approved Users" may not give, lend, sell or otherwise make this Report or any portion thereof available to any other party without express written permission from SNTG. Any use which a third party makes of this Report – in its entirety or portions thereof – is the sole responsibility of such third parties. SNT GEOTECHNICAL LTD. ACCEPTS NO RESPONSIBILITY FOR DAMAGES SUFFERED BY ANY PARTY RESULTING FROM THE UNAUTHORIZED USE OF THIS REPORT.

Electronic media is susceptible to unauthorized modification or unintended alteration, and the Client should not rely on electronic versions of reports or other documents. All documents should be obtained directly from SNTG.

5. INTERPRETATION OF THIS REPORT

Classification and identification of soils and rock and other geological units, including groundwater conditions have been based on exploration(s) performed in accordance with the standards set out in Paragraph 1.

These tasks are judgmental in nature; despite comprehensive sampling and testing programs properly performed by experienced personnel with the appropriate equipment, some conditions may elude detection.

As such, all explorations involve an inherent risk that some conditions will not be detected.

Further, all documents or records summarizing such exploration will be based on assumptions of what exists between the actual points sampled at the time of the site exploration. Actual conditions may vary significantly between the points investigated and all persons making use of such documents or records should be aware of and accept this risk.

The Client and “Approved Users” accept that subsurface conditions may change with time and this report only represents the soil conditions encountered at the time of exploration and/or review. Soil and ground water conditions may change due to construction activity on the site or on adjacent sites, and also from other causes, including climactic conditions.

The exploration and review provided in this report were for geotechnical purposes only. Environmental aspects of soil and groundwater have not been included in the exploration or review or addressed in any other way.

The exploration and Report are based on information provided by the Client or the Client’s Consultants, and conditions observed at the time of our site reconnaissance or exploration. SNTG has relied in good faith upon all information provided. Accordingly, SNTG cannot accept responsibility for inaccuracies, misstatements, omissions, or deficiencies in this Report resulting from misstatements, omissions, misrepresentations or fraudulent acts of persons or sources providing this information.

6. DESIGN AND CONSTRUCTION REVIEW

This report assumes that SNTG will be retained to work and coordinate design and construction with other Design Professionals and the Contractor. Further, it is assumed that SNTG will be retained to provide field reviews during construction to confirm adherence to building code guidelines and generally accepted engineering practices, and the recommendations provided in this report. Field services recommended for the project represent the minimum necessary to confirm that the work is being carried out in general conformance with SNTG’s recommendations and generally accepted engineering standards. It is the Client’s or the Client’s Contractor’s responsibility to provide timely notice to SNTG to carry out site reviews.

The Client acknowledges that unsatisfactory or unsafe conditions may be missed by intermittent site reviews by SNTG. Accordingly, it is the Client’s or Client’s Contractor’s responsibility to inform SNTG of any such conditions.

Work that is covered prior to review by SNTG may have to be re-exposed at considerable cost to the Client. Review of all Geotechnical aspects of the project are required for submittal of unconditional Letters of Assurance to regulatory authorities. The site reviews are not carried out for the benefit of the Contractor(s) and therefore do not in any way effect the Contractor(s) obligations to perform under the terms of his/her Contract.

7. SAMPLE DISPOSAL

SNTG will dispose of all samples 3 months after issuance of this report, or after a longer period of time at the Client’s expense if requested by the Client. All contaminated samples remain the property of the Client and it will be the Client’s responsibility to dispose of them properly.

8. SUBCONSULTANTS AND CONTRACTORS

Engineering studies frequently requires hiring the services of individuals and companies with special expertise and/or services which SNT Geotechnical Ltd. does not provide. These services are arranged as a convenience to our Clients, for the Client’s benefit. Accordingly, the Client agrees to hold the Company harmless and to indemnify and defend SNT Geotechnical Ltd. from and against all claims arising through such Sub consultants or Contractors as though the Client had retained those services directly. This includes responsibility for payment of services rendered and the pursuit of damages for errors, omissions or negligence by those parties in carrying out their work. These conditions apply to specialized sub consultants and the use of drilling, excavation and laboratory testing services, and any other Sub consultant or Contractor.

9. SITE SAFETY

SNT Geotechnical Ltd. assumes responsibility for site safety solely for the activities of our employees on the jobsite. The Client or any Contractors on the site will be responsible for their own personnel. The Client or his representatives, Contractors or others retain control of the site. It is the Client's or the Client's Contractors responsibility to inform SNTG of conditions pertaining to the safety and security of the site – hazardous or otherwise – of which the Client or Contractor is aware.

Exploration or construction activities could uncover previously unknown hazardous conditions, materials, or substances that may result in the necessity to undertake emergency procedures to protect workers, the public or the environment. Additional work may be required that is outside of any previously established budget(s). The Client agrees to reimburse SNTG for fees and expenses resulting from such discoveries. The Client acknowledges that some discoveries require that certain regulatory bodies be informed. The Client agrees that notification to such bodies by SNTG Geotechnical Ltd. will not be a cause for either action or dispute.



Referral Responses – F2601F

Agency/Department/First Nation	Response
Archaeology Branch	Thank you for your referral regarding 2168 Annabelle Road, Willow Point, PID 014442698, LOT 3 DISTRICT LOT 4780 KOOTENAY DISTRICT PLAN 5416. 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 on the subject property, a Provincial heritage permit is not required prior to commencement of those activities. However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the <i>Heritage Conservation Act</i> 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 needs to be taken 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 <i>Heritage Conservation Act</i> 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 <i>Heritage Conservation Act</i>. • 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
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	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.
BC Hydro	Thank you for your referral concerning the proposed floodplain exemption application of the above property. After reviewing our records, this property is not within BC Hydro jurisdiction.
Crown Land Authorizations – Kootenay Boundary Region Ministry of Water, Land and Resource Stewardship (MWLRS)	On behalf of Crown Land authorizations, I have no concerns with the attached referral.
Licensed Authorizations Officer – Water - Kootenay-Boundary Region Ministry of Water, Land & Resource Stewardship (MWLRS)	With respect to F2601F, Ministry of Water, Land and Resource Stewardship (WLRs) staff have no concerns under the <i>Water Sustainability Act</i> (WSA), as the proposed floodplain exemption described in the referral (if approved) would not involve any works in or about a stream. WLRs staff note the WSA applies to the bed and banks of a stream and does not extend beyond the top of bank to regulate development within adjacent streamside areas. Referral information indicates that a structure is proposed approximately 7 metres from the natural boundary of Crystal Creek. WLRs Water Authorizations staff advise that it is the proponent's responsibility to ensure the proposed structure placement complies with all applicable provincial, federal, and municipal requirements related to streamside development and fish habitat protection.
Fortis BC	There are no FortisBC Inc (Electric) ("FBC(E)") facilities affected by this application. As such FBC(E) has no concerns with this circulation.
Ministry of Transportation and Transit (MOTT)	The ministry has no concerns with the proposed floodplain exemption. Any increase in parking associated with construction of the bunkhouse should be contained on site and not be within ministry right of way. Please let me know if you have any questions.
RDCK Building Department	The proposed 6 ft distance between the existing garage and the proposed bunkie will require the exterior wall assembly of the existing garage facing the bunkie and the exterior wall assembly of the bunkie facing the existing garage to have a 45 min FRR, soffit projection will be reviewed as well. If the buildings are spaced 2.4M or 8ft apart only the soffit projections will be reviewed for conformance to spatial separation requirements.

RDCK Emergency Management	The EM Dept comments is that the areas in question are unaffected by any current concerns.
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Committee Report

July 15, 2026

Environmental Development Permit Area (DPA) Enforcement

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

1.0 STAFF RECOMMENDATION

That Regional District of Central Kootenay Electoral Area 'G' Land Use Amendment Bylaw No. 3025, 2026 being a bylaw to amend the Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

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

2.0 BACKGROUND/HISTORY

On May 21, 2026, the Regional District of Central Kootenay (RDCK) Board of Directors carried the following resolution (#260/26):

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. 3025, 2026 being bylaw to amend Regional District of Central Kootenay Electoral Area G Land Use Bylaw No. 2452, 2018 as described in the Committee Report "Development Permit Area Compliance and Enforcement", dated April 15, 2026.

3.0 PROBLEM OR OPPORTUNITY DESCRIPTION

The amendment bylaw would amend the Electoral Area 'G' Official Community Plan (OCP) and Zoning Bylaw. The purpose of the amendments is to enable the use of bylaw offence notices (tickets) for contraventions to the Watercourse Development Permit Area (DPA) requirements.

Compliance with Watercourse DPA requirements is a problem felt across the RDCK, with limited options for enforcement currently being utilized. The Watercourse DPA was introduced in Electoral Area 'G' in 2018 during the last OCP review. Compliance issues have been observed in Electoral Area 'G' since that time.

Use of bylaw offence notices would complement existing enforcement tools, which the RDCK would still utilize as appropriate. These existing tools are:

1. Staff attempts at compelling voluntary compliance from property owners.
2. Where voluntary compliance fails, commencing civil proceedings with the BC Supreme Court.

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 OCP goals, objectives, and policies at the individual site level.

“Early and ongoing” consultation is underway pursuant to Section 475(1) of the *Local Government Act*.

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

3.3 What Are the Risks

The current DPA enforcement framework 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, there would be more opportunities to reduce the organizational costs of DPA enforcement. It should also be noted that voluntary compliance and court injunctions will remain available to the RDCK if it pursues additional measures.

4.0 PROPOSED SOLUTION

Introducing bylaw offence notices would provide the RDCK with a faster, practical disincentive for unauthorized development in the Watercourse DPA. Doing so would allow for enforcement of Watercourse DPA requirements in a way that is similar to how Building and Zoning Bylaw regulations are enforced.

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 would represent a small fraction of the costs to the organization.

While an exact ticket amount has not been formally proposed, the *Local Government Bylaw Notice Enforcement Act* allows for a maximum ticket amount of \$500.00. It is likely that \$500.00 will be the recommended amount. The Amendment Bylaw, if adopted, would allow for daily ticketing for each day the contravention occurs, similar to how other RDCK bylaws are enforced.

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.

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 0.2 FTE 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 is:

- The RDCK will be better equipped to uphold the environmental values (reflected through goals, objectives, and policies) stated in its OCPs.
- Reduced burden on the taxpayer for Watercourse 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 May 2026, the Board directed staff to initiate "early and ongoing consultation". Staff has sent early referrals to organizations and authorities that may be affected by the changes. The referrals indicated that staff would be available to meet and discuss the project further if desired. At the time of writing this report, no meetings have been held with organizations or authorities referred.

4.5 Leveraging Technology

An Engage Page was created on the RDCK's website on June 22, 2026 with more information on the project to inform the general public. This action is not required under the *LGA* but was considered important for community engagement.

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 achieve compliance, which begins with a complete DP application to address a contravention of the DPA regulations
- Reductions in the number of days it takes to process retroactive DP applications.
- Increases in the costs recovered for DPA contraventions, thereby lowering impact to general taxpayers.

5.0 ALTERNATIVE OPTION

An alternative option is 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 Watercourse DPA requirements. This option would not provide any benefits that the proposed solution is expected to gain.

6.0 OPTIONS SUMMARY

Option 1: Recommended

This option is to give the amendment bylaw FIRST and SECOND reading, and to refer it to a public hearing.

Recommendation:

That Regional District of Central Kootenay Electoral Area 'G' Land Use Amendment Bylaw No. 3025, 2026 being a bylaw to amend the Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

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

Option 2: No Further Action

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

Recommendation:

That no further action be taken with respect to Regional District of Central Kootenay Electoral Area 'G' Land Use Amendment Bylaw No. 3025, 2026 being a bylaw to amend the Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018.

7.0 RECOMMENDATION

That Regional District of Central Kootenay Electoral Area 'G' Land Use Amendment Bylaw No. 3025, 2026 being a bylaw to amend the Regional District of Central Kootenay Electoral Area 'G' Land Use Bylaw No. 2452, 2018 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 'G' Director Hans Cunningham is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Respectfully submitted,

Corey Scott RPP, MCIP, Planner

CONCURRENCE

Planning Manager – Nelson Wight **Approved**

General Manager of Development Services and Community Sustainability – Amy Wilson **Approved**

Chief Administrative Officer – Stuart Horn **Approved**

ATTACHMENTS:

Attachment A – Summary of Proposed Amendments to *Electoral Area 'G' Land Use Bylaw No. 2452, 2018*

Attachment B – 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 A: 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.

<u>Existing Language</u>	<u>Proposed Change</u>	<u>Rationale</u>
ADMINISTRATION AND ENFORCEMENT (p.1) 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: a. Bylaw Enforcement Officers b. Building Officials c. Building Plan Checkers d. Development Technicians e. Planners 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) 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. 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 <i>Local Government Act, Community Charter, Offence Act, and Local Government Bylaw Notice Enforcement Act</i> 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.	Clearly lays out penalties associated with violation. Adding “order imposed or remedies” contemplates other in house/direct enforcement options. 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 Fire Management Policies (p.29)		

The Regional Board: 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) N/A – no existing related policies	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.	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) Purpose (p.40) The WDP area is designated under Section 488 (1)(a) of the <i>Local Government Act</i> for the protection of the natural environment, its ecosystems and biological diversity.	16.1 Purpose The WDP Area is designated under Section 488(1)(a) of the <i>Local Government Act</i> and applicable provisions of the <i>Community Charter</i> 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 <i>Local Government Act</i> 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) 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 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: 1. To protect local watercourses, lakes and wetlands and their adjacent riparian areas from adverse impacts of land use. 2. To restore degraded watercourses and their riparian areas within the Plan area. 3. To protect the quality of local drinking water supplies. 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. The WDP Area is designated as a Development Approval Information Area under Section 485 of the <i>Local Government Act</i>. 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 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. 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) 5. The Watercourse Development Permit Area (WDPA) includes all lands designated as such on Schedule A.4 and includes the following: ... 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. HIGH WATER MARK, LAKE, QUALIFIED ENVIRONMENT PROFESSIONAL (QEP), STREAMSIDE PROTECTION AND	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: ... 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. <i>Move definitions to a new interpretation section (see below).</i>	Specific reference to types of watercourses not needed if referencing the newly proposed watercourse definition. 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. Definitions copied from Area section (p.40-41) <i>[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].</i> Where the following definitions apply: N/A – no Active Floodplain definition previously. N/A – no Development definition previously. N/A – no Retaining Wall definition previously N/A – no Riparian Assessment Area definition previously.	16.4 Interpretation Where 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. 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	New section created for greater clarity of interpretation. Definitions added or otherwise amended for greater certainty and alignment with the <i>Riparian Areas Protection Regulation (RAPR)</i> methodology that the DPA requires to be utilized. Definition of development proposed for greater certainty. Definition of retaining wall added for greater clarity. Riparian assessment area added for greater certainty of the lands under evaluation within the riparian area.

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. 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.	and potential upland vegetation that exerts an influence on the watercourse. 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.	The original definition of watercourse is more relevant to floodplains than riparian areas. Definition revised to be more consistent with the <i>Riparian Areas Protection Regulation</i> and meet the intent of this DPA. Revise definition to be consistent with the <i>Riparian Areas Protection Regulation (RAPR)</i>.
Applicability 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: a. land within the area must not be subdivided; b. construction of, addition to, or alteration of a building or other structure must not be started; and c. land within the area designated must not be altered.	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 <i>Local Government Act</i>, 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;	Greater specificity in triggers added for enhanced clarity and consistency with other OCPs.

	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 <i>Local Government Act</i>; k. any other activity that requires a development permit first be issued in accordance with section 489 of the <i>Local Government Act</i>.	
Exemptions (p.41-42) <i>[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].</i> The WDP area does not apply to the following: 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. 8. Addition to or alteration of farm buildings. 9. Farm operations as defined in the <i>Farm Practices Protection (Right to Farm) Act</i> and farm uses as defined in the <i>Agricultural Land Reserve Use, Subdivision, and Procedure Regulation</i>	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 <i>Farm Practices Protection (Right to Farm) Act</i> and farm use as defined in the <i>Agricultural Land Commission Act</i> where a	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. Language for farm-related exemptions (8 & 9) amended for greater clarity. The <i>Agricultural Land Reserve Use, Subdivision, and Procedure Regulation</i> is now the <i>General Regulation</i> and

where a minimum 3 meters from the natural boundary of a watercourse is maintained in native vegetation or agro-forestry crops. 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. 14. 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 removal of trees that have been examined by a qualified arborist and certified to pose an immediate threat to life or property; 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; d. clearing of an obstruction from a bridge, culvert or an obstruction to drainage flow; and e. repairs to bridges and safety fences carried out in accordance with the Water Sustainability Act or Fisheries Act. N/A - No exemption previously.	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. 16.6.8 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 <i>Water Sustainability Act</i> or <i>Fisheries Act</i>. 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.	<i>Use Regulation.</i> Listing the ALC Act will hopefully avoid future amendments due to regulation title changes. Exemption #10 (16.6.4) language amended for greater clarity and to better align with definitions/ interpretation section. Exemption #14 (16.6.8) amended to exempt certain temporary flood protection measures. Exemption 16.6.11 added to avoid unnecessary DPs whose activities are already covered under an issued DP or Covenant.
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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) <i>[note: current guidelines have been re-ordered in this section to align with equivalent guidelines proposed under a DP ticketing regime.]</i> Development shall be in accordance with the following guidelines: 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. 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. 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 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 <i>Riparian Areas Protection Act</i> and <i>Riparian Areas Protection Regulation</i>. 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 <i>Local Government Act</i> 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 <i>Riparian Areas Protection Regulation</i> (RAPR) Assessment prepared by a QEP as defined in, and in accordance with, the <i>Riparian Areas Protection Regulation</i> 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. (Existing) Guidelines #17, 18 & 19 addressed in 16.7.1-16.7.3. Following the <i>RAPR</i> methodology, as is required by the current and proposed guidelines, will ensure the intent of the old guidelines is met. 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: 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 <i>Riparian Areas Protection Regulation</i> have been fulfilled. 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	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.
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23. The Regional District may impose permit conditions based on the Assessment Report including the following: a. Require specified natural features or areas to be preserved, protected, restored or enhanced in accordance with the permit. b. Require natural water courses to be dedicated. c. Require works to be constructed to preserve, protect, restore or enhance natural watercourses or other specified natural features. 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. 20. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required	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;	Guideline #23 is covered by Section 16.7.4(j) in a more exhaustive list that reflects the authorities listed in the <i>Local Government Act</i>, for greater certainty. Guideline #20 proposed to be deleted as it is captured
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during the construction and development phases as specified in the Development Permit. 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. 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. 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.	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 <i>Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015</i>, 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.	by new Guideline 16.7.4(j)(vii). Guideline #18 proposed to be amended to clearly lay out the situation in which the guideline is relevant, as per the <i>Riparian Areas Protection Regulation</i> and relevant case law pertaining to development in the SPEA (16.7.5). No change to Guideline #21. No change to Guideline #22.
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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: <i>The Riparian Areas Protection Regulation</i> 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 <i>Riparian Areas Protection Regulation</i> (RAPR) Assessment in accordance with section 16.7.3; and c. provide a post development guideline report in accordance with section 16.7.8.	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 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 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: 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. Restoration Guidelines Where development has occurred in violation of the WDPA, the following guidelines shall apply: 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. 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. 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.	
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: ACTIVE FLOODPLAIN, in relation to a watercourse, means land that is: adjacent to the watercourse; inundated by the 1 in 5 year return period flow of the watercourse; and, 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	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; 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	
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	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.	
N/A – No section previously	<i>GUIDELINES AND EXEMPTIONS FROM THE OCP HAVE BEEN ADDED TO THE NEW SECTION 38.0. [SEE GUIDELINES AND EXEMPTIONS LISTED ABOVE]</i> 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.	

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*.

- l) 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 Amendment Bylaw No. 3025, 2026”**.

READ A FIRST TIME this xxth day of xxxx, 2026.

READ A SECOND TIME this xxth day of xxxx, 2026.

READ A THIRD TIME this xxth day of xxxx, 2026.

ADOPTED this xxth day of xxxx, 2026.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer



Committee Report

Date of Report: July 02, 2026
Date & Type of Meeting: July 15, 2026, Rural Affairs Committee
Subject: A, B, C, D, I - ZONING BYLAW TEXT AMENDMENTS
File: \\FILES\RDCK\10\5110\20\PROVINCIAL HOUSING CHANGES\2025
ZONING AMENDMENTS
Electoral Area/Municipality A, B, C, D, I

SECTION 1: PROPOSED AMENDMENTS

1. That *Electoral Area 'A' Comprehensive Land Use Amendment Bylaw No. 3049, 2026* being a bylaw to amend the *Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013* is hereby given FIRST and SECOND and THIRD READING by content.
 - And that the consideration of adoption BE WITHHELD for *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3049, 2026* until the following item has been obtained:
 - Approval from the Ministry of Transportation and Transit pursuant to Section 52(3)(a) of the Transportation Act (Controlled Access).
2. That *Electoral Area 'B' Comprehensive Land Use Amendment Bylaw No. 3050, 2026* being a bylaw to amend the *Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013* is hereby given FIRST and SECOND and THIRD READING by content.
 - And that the consideration of adoption BE WITHHELD for *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3050, 2026* until the following item has been obtained:
 - Approval from the Ministry of Transportation and Transit pursuant to Section 52(3)(a) of the Transportation Act (Controlled Access).
3. That *Electoral Area 'C' Comprehensive Land Use Amendment Bylaw No. 3051, 2026* being a bylaw to amend the *Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013* is hereby given FIRST and SECOND and THIRD READING by content.
 - And that the consideration of adoption BE WITHHELD for *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3051, 2026* until the following item has been obtained:
 - Approval from the Ministry of Transportation and Transit pursuant to Section 52(3)(a) of the Transportation Act (Controlled Access).
4. That *Electoral Area 'D' Comprehensive Land Use Amendment Bylaw No. 3052, 2026* being a bylaw to amend the *Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016* is hereby given FIRST and SECOND and THIRD READING by content.
 - And that the consideration of adoption BE WITHHELD for *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3052, 2026* until the following item has been obtained:
 - Approval from the Ministry of Transportation and Transit pursuant to Section 52(3)(a) of the Transportation Act (Controlled Access).

5. That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 3076, 2026* being a bylaw to amend the *District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given FIRST and SECOND and THIRD READING by content.
 - And that the consideration of adoption BE WITHHELD for Regional District of Central Kootenay Zoning Amendment Bylaw No. 3076, 2026 until the following item has been obtained:
 - Approval from the Ministry of Transportation and Transit pursuant to Section 52(3)(a) of the Transportation Act (Controlled Access).

SECTION 2: EXECUTIVE SUMMARY

In January and February 2026, the Rural Affairs Committee directed staff to prepare amendments to change the way residential density is calculated in most residential zones in Electoral Areas A, B, C, D and one zone in Area I.

The proposed amendments would shift residential density calculations from a "lot area" basis to a "site area" basis, allowing some larger parcels to accommodate additional principal dwellings without subdivision or rezoning approval. This reflects the way residential density was calculated prior to amendments adopted in 2024.

Current	Proposed
One principal dwelling ¹ is permitted per lot.	One principal dwelling is permitted per 'x' ² ha of site area.
The total number of dwelling units ³ permitted is two and the types of permitted dwelling units vary by lot size.	The total number of dwelling units permitted is dependent on lot size and servicing. The minimum number of dwelling units permitted is two.
Lots under 1.0 Hectare (ha) may have a Single Detached House (SDH) with a Secondary Suite, <u>or</u> a Duplex.	At least one secondary suite ⁴ is permitted in addition to a SDH in all zones. Some zones allow multiple secondary suites if the lot is sufficiently large while others only allow one secondary suite per lot ⁵ .
Lots 1.0 ha or larger may have a SDH with a Secondary Suite, <u>or</u> a Duplex, <u>or</u> a SDH and an Accessory Dwelling Unit (ADU).	Not all zones allow an ADU ⁶ .

¹ "Principal Dwelling" means a principal dwelling unit that consists of a self-contained set of rooms located in a building; is used or intended for use as a residential premises, and contains kitchen and bathroom facilities that are intended to be exclusive to the unit; and is not an accessory dwelling unit, or any vehicle;. Examples of principal dwellings are Single Detached Housing and Duplexes.

² 'x' ha reflects the fact that different zones specify different site areas.

³ "Dwelling Unit" means one or more rooms with self-contained kitchen, living, sleeping and sanitary facilities, used or intended to be used as a residence for no more than one household. Examples of dwelling units are Single Detached Homes, Duplexes, Secondary Suites and ADUs.

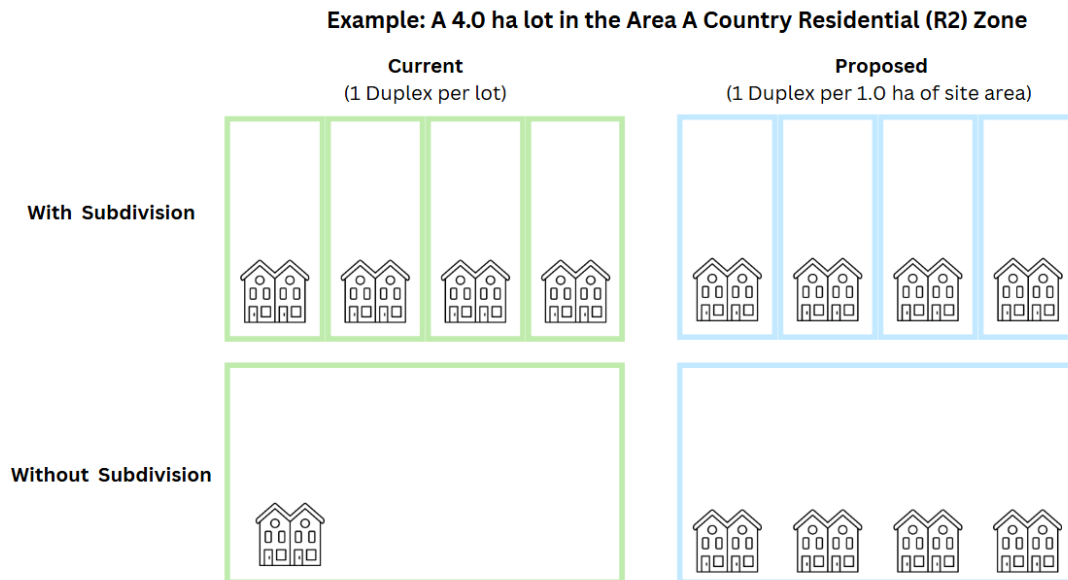
⁴ Prior to 2024, not all zones permitted secondary suites (or ADUs). However, provincial legislation requires that all zones allow at a minimum one secondary suite in addition to a SDH. Thus, the proposed zoning includes the provision for each lot to have a secondary suite, even though this is a departure from the regulations prior to 2024.

⁵ Prior to 2024, only one secondary suite or ADU was permitted per lot in Areas A, B, and C (if one was permitted at all). In Areas D and I, one secondary suite was permitted in addition to each SDH that was permitted.

⁶ Only zones which allowed ADUs prior to the 2024 amendments are proposed to allow ADUs in line with direction from the Rural Affairs Committee. The exception is the R3I zone for which the Director requested that the permission for an ADU be included in the proposed amendments.

Larger lots may achieve higher densities through a subdivision ⁷ or a zoning bylaw amendment.	Larger lots may achieve higher densities without the oversight of a subdivision or a zoning bylaw amendment.
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To illustrate the changes further, an example of how the density calculation framework differs is shown below using the Area A Country Residential (R2) zone as an example:



In addition, minor housekeeping amendments to improve the clarity of the bylaws are also included. The full suite of proposed amendments can be viewed in the amendment bylaws and concurrence tables attached to this report. The proposed amendments were referred to all applicable Regional District departments, First Nations, government ministries and other applicable agencies. Responses to this referral are included in Attachment C.

CONCURRENCE

Acting Manager of Development and Community Sustainability – Amy Wilson **Approved**
 Chief Administrative Officer – Stuart Horn **Approved**

ATTACHMENTS:

Attachment A – Amending Bylaws
Attachment B – Concurrence Table
Attachment C – Referral Responses

⁷ The minimum lot size for subdivision is consistent in the current and proposed regulations.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 3049

A Bylaw to amend Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013

WHEREAS it is deemed expedient to amend the Electoral Area 'A' Comprehensive 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:

APPLICATION

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

- A. That Section 18(108)(c) General Regulations for Accessory Dwelling Units be amended as follows:

Despite section 108(b) secondary suites are permitted on all lots.

- B. That a new Section 18(108)(k) General Regulations for Accessory Dwelling Units be added as follows:

An accessory dwelling unit is only permitted as an accessory use to Single Detached Housing on any R1 or R2 zoned lot.

- C. That a new Section 18(108)(l) General Regulations for Accessory Dwelling Units be added as follows:

Despite 108(b), on R1 zoned lots, the minimum lot size for an accessory dwelling unit shall be the same as the minimum lot size depending on level of services provided.

- D. That Section 19(1) Suburban Residential (R1) Permitted Uses be amended as follows:

Principal Uses:

Duplex Housing
Single Detached Housing

Accessory Uses:

Accessory Buildings or Structures
Accessory Dwelling Unit, subject to section 18(108)
Accessory Tourist Accommodation
Day Care Facility

Home Based Business
 Horticulture
 Keeping of Farm Animals
 Sale of Site Grown Horticultural Produce

- E. That Section 19(2) Suburban Residential (R1) Development Regulations be amended as follows:

The minimum lot size for subdivision shall be required as follows:

LEVEL OF SERVICES PROVIDED

Community Water and Sewer: 0.1 hectare
 Community Water or Sewer: 0.4 hectare
 On Site Only: 1.0 hectare

- F. That Section 19(2)(B) Suburban Residential (R1) Development Regulations be amended as follows:

The minimum site area for each Principal Use shall be required as follows:

LEVEL OF SERVICES PROVIDED

Community Water and Sewer: 0.1 hectare
 Community Water or Sewer: 0.4 hectare
 On Site Only: 1.0 hectare

- G. That Section 19(3) Suburban Residential (R1) Development Regulations be amended as follows:

The maximum Site Coverage is 50 percent of the lot area.

- H. That Section 19(4) Suburban Residential (R1) Development Regulations be amended as follows:

Buildings and structures shall not cover more than 33 percent of the lot area.

- I. That Section 20(1) Country Residential (R2) Permitted Uses be amended as follows:

Principal Uses:

Duplex Housing
 Single Detached Housing

Accessory Uses:

Accessory Buildings or Structures
 Accessory Dwelling Unit, subject to Section 18(108)
 Accessory Tourist Accommodation
 Day Care Facility
 Home Based Business
 Horticulture

Keeping of Farm Animals
 Sale of Site Grown Horticultural Produce
 Temporary Guest Accommodation
 Portable Sawmills (for processing of materials harvested on-site only)

- J. That Section 20(2)(B) Country Residential (R2) Development Regulations be amended as follows:

The minimum site area for each Principal Use shall be 1.0 hectare.

- K. That Section 21(1) Rural Residential (R3) Permitted Uses be amended as follows:

Principal Uses:

Duplex Housing
 Horticulture
 Micro Cultivation, Cannabis
 Micro Processing, Cannabis
 Nursery, Cannabis
 Single Detached Housing
 Veterinary Clinics

Accessory Uses:

Accessory Buildings or Structures
 Accessory Tourist Accommodation
 Home Based Business
 Keeping of Farm Animals
 Sale of Site Grown Horticultural Produce
 Secondary Suite
 Small Scale Wood Product Manufacturing
 Temporary Guest Accommodation
 Temporary Farmworker Housing

- L. That Section 21(2)(B) Rural Residential (R3) Development Regulations be amended as follows:

The minimum site area for each Principal Use shall be 2.0 hectares.

- M. That Section 22(1) Rural Resource (R4) Permitted Uses be amended as follows:

Principal Uses:

Duplex Housing
 Horse Riding Stables and Boarding Stables
 Horticulture
 Kennels
 Micro Cultivation, Cannabis
 Micro Processing, Cannabis
 Nursery, Cannabis
 Nurseries, Greenhouses and Florists
 Single Detached Housing

Veterinary Clinics

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business
- Keeping of Farm Animals
- Sale of Site Grown Agricultural Produce
- Secondary Suite
- Portable Sawmills
- Temporary Guest Accommodation
- Temporary Farmworker Housing

- N. That Section 22(2)(B) Rural Resource (R4) Development Regulations be amended as follows:

The minimum site area for each Principal Use is 2.0 hectares.

- O. That Section 25(1) Agriculture 1 (AG1) Permitted Uses be amended as follows:

Principal Uses:

- 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
- 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)

- P. That Section 25(2) Agriculture 1 (AG1) Development Regulations be amended as follows:

The minimum lot size for subdivision shall be 2.0 hectares.

- Q. That a new Section 25(2)(c) Agriculture 1 (AG1) Development Regulations be added as follows:

Only one Single Detached Housing is permitted per lot.

- R. That Section 26(1) Agriculture 2 (AG2) Permitted Use be amended as follows:

Principal Uses:

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)

- S. That Section 26(2) Agriculture 2 (AG2) Development Regulations be amended as follows:

The minimum lot size for subdivision shall be 4.0 hectares.

- T. That a new Section 26(2)(C) Agriculture 2 (AG2) Development Regulations be added as follows:

Only one Single Detached Housing is permitted per lot.

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

CITATION

- 3 This Bylaw may be cited as "**Electoral Area 'A' Comprehensive Land Use Amendment Bylaw No. 3049, 2026.**"

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

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

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

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

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 3050

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 'B' of Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 be amended as follows:

- A. That Section 16(108)(c) General Regulations, Accessory Dwelling Units be amended as follows:

Despite section 108(b) secondary suites are permitted on all lots

- B. That a new Section 16(108)(k) General Regulations, Accessory Dwelling Units be added as follows:

An accessory dwelling unit is only permitted as an accessory use to Single Detached Housing on any R1, R2 or R3 zoned lot.

- C. That a new Section 16(108)(l) General Regulations, Accessory Dwelling Units be added as follows:

Despite 108(b), on R1 zoned lots, the minimum lot size for an accessory dwelling unit shall be the same as the minimum lot size depending on level of services provided.

- D. That Section 17(1) Suburban Residential (R1) Permitted Uses be amended as follows:

Principal Uses:

Duplex Housing
Single Detached Housing

Accessory Uses:

Accessory Buildings or Structures
Accessory Dwelling Unit, subject to Section 16(108)
Accessory Tourist Accommodation
Day Care Facility

Home Based Business
Horticulture
Keeping of Farm Animals
Sale of Site Grown Horticultural Produce

- E. That Section 17(2) Suburban Residential (R1) Development Regulations be amended as follows:

The minimum lot size for subdivision shall be required as follows:

LEVEL OF SERVICES PROVIDED

Community Water and Sewer: 0.1 hectare

Community Water or Sewer: 0.4 hectare

On Site Only: 1.0 hectare

- F. That Section 17(2)(B) Suburban Residential (R1) Development Regulations be amended as follows:

The minimum site area for each Principal Use shall be required as follows:

LEVEL OF SERVICES PROVIDED

Community Water and Sewer: 0.1 hectare

Community Water or Sewer: 0.4 hectare

On Site Only: 1.0 hectare

- G. That Section 18(1) Country Residential (R2) Permitted Uses be amended as follows:

Principal Uses:

Duplex Housing

Single Detached Housing

Accessory Uses:

Accessory Buildings or Structures

Accessory Dwelling Unit, subject to Section 16(108)

Accessory Tourist Accommodation

Day Care Facility

Home Based Business

Horticulture

Keeping of Farm Animals

Sale of Site Grown Horticultural Produce

Portable Sawmills (for processing of materials harvested on-site only)

- H. That Section 18(2) Country Residential (R2) Development Regulations be amended as follows:

The minimum lot size for subdivision is 1.0 hectare.

- I. That Section 18(2)(B) Country Residential (R2) Development Regulations be amended as follows:

The minimum site area for each Principal Use is 1.0 hectare.

- J. That Section 19(1) Rural Residential (R3) Permitted Uses be amended as follows:

Principal Uses:

- Duplex Housing
- Horticulture
- Micro Cultivation, Cannabis
- Micro Processing, Cannabis
- Nursery, Cannabis
- Single Detached Housing
- Veterinary Clinics

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Dwelling Unit, subject to Section 16(108)
- Accessory Tourist Accommodation
- Home Based Business
- Keeping of Farm Animals
- Sale of Site Grown Horticultural Produce
- Small Scale Wood Product Manufacturing
- Temporary Farmworker Housing

- K. That Section 19(2) Country Residential (R2) Development Regulations be amended as follows:

The minimum lot size for subdivision is 2.0 hectares.

- L. That Section 19(2)(B) Country Residential (R2) Development Regulations be amended as follows:

The minimum site area for each Principal Use is 2.0 hectares.

- M. That Section 20(1) Rural Resource (R4) Permitted Uses be amended as follows:

Principal Uses:

- Duplex Housing
- Horse Riding Stables and Boarding Stables
- Horticulture
- Kennels
- Micro Cultivation, Cannabis
- Micro Processing, Cannabis
- Nursery, Cannabis
- Nurseries, Greenhouses and Florists
- Single Detached Housing
- Veterinary Clinics

Accessory Uses:

- Accessory Buildings or Structures
- Accessory Tourist Accommodation
- Home Based Business

Keeping of Farm Animals
 Sale of Site Grown Agricultural Produce
 Secondary Suite
 Portable Sawmills
 Temporary Farmworker Housing

- N. That a Section 20(2) Rural Resource (R4) Development Regulations be amended as follows:

The minimum lot size for subdivision is 2.0 hectares.

- O. That Section 20(2)(B) Rural Resource (R4) Development Regulations be amended as follows:

The minimum site area for each Principal Use is 2.0 hectares.

- P. That Section 23(1) Agriculture 1 (AG1) Permitted Uses be amended as follows:

Principal Uses:

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)

- Q. That Section 23(2) Agriculture 1 (AG1) Development Regulations be amended as follows:

The minimum lot size for subdivision is 4.0 hectares.

- R. That a new Section 23(2)(c) Agriculture 1 (AG1) Development Regulations be added as follows:

Only one Single Detached Housing is permitted per lot.

- S. That Section 24(1) Agriculture 2 (AG2) Permitted Use be amended as follows:

Principal Uses:

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)

- T. That Section 24(2) Agriculture 2 (AG2) Development Regulations be amended as follows:

The minimum lot size for subdivision shall be 8 hectares in the Agricultural Land Reserve and 4 hectares outside the Agricultural Land Reserve.

- U. That a new Section 24(2)(C) Agriculture 2 (AG2) Development Regulations be added as follows:

Only one Single Detached Housing is permitted per lot.

- V. That Section 25(1) Agriculture 2 (AG2) Permitted Use be amended as follows:

Principal Uses:

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)

- W. That Section 25(2) Agriculture 3 (AG3) Development Regulations be amended as follows:

The minimum lot size for subdivision shall be 30 hectares in the Agricultural Land Reserve and 8 hectares outside the Agricultural Land Reserve.

- X. That a new Section 25(2)(C) Agriculture 2 (AG2) Development Regulations be added as follows:

Only one Single Detached Housing is permitted per lot.

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

CITATION

- 3 This Bylaw may be cited as “**Electoral Area ‘B’ Comprehensive Land Use Amendment Bylaw No. 3050, 2026**”

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

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

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

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

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 3051

A Bylaw to amend Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013

WHEREAS it is deemed expedient to amend the Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 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 Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013 Schedule 'B' Zoning Bylaw be amended as follows:

- A. That Section 17(107)(c) Accessory Dwelling Units be amended as follows:

Despite section 107(b) secondary suites are permitted on all lots.

- B. That Section 17(107)(d) Accessory Dwelling Units be amended as follows:

The maximum gross floor area is 90.0 square metres.

- C. That a new Section 17(107)(k) Accessory Dwelling Units be added as follows:

An accessory dwelling unit is only permitted as an accessory use to Single Detached Housing on any R1, R2 or R3 zoned lot.

- D. That a new Section 17(107)(l) Accessory Dwelling Units be added as follows:

Despite section 107(b), on R1 zoned lots, the minimum lot size for an accessory dwelling unit shall be the same as the minimum lot size depending on level of services provided.

- E. That Section 18(1) Suburban Residential (R1) Permitted Uses be amended as follows:

Principal Uses:

Duplex Housing
Single Detached Housing

Accessory Uses:

Accessory Buildings or Structures
Accessory Dwelling Unit, subject to section 17(107)
Accessory Tourist Accommodation
Day Care Facility

Home Based Business
Horticulture
Keeping of Farm Animals
Sale of Site Grown Horticultural Produce

F. That Section 18(2) Suburban Residential (R1) Development Regulations be amended as follows:

The minimum lot size for subdivision shall be required as follows:

LEVEL OF SERVICES PROVIDED
Community Water and Sewer: 0.1 hectare
Community Water or Sewer: 0.4 hectare
On Site Only: 1.0 hectare

G. That Section 18(2)(B) Suburban Residential (R1) Development Regulations be amended as follows:

The minimum site area for each Principal Use shall be required as follows:

LEVEL OF SERVICES PROVIDED
Community Water and Sewer: 0.1 hectare
Community Water or Sewer: 0.4 hectare
On Site Only: 1.0 hectare

H. That Section 18(3) Suburban Residential (R1) Development Regulations be amended as follows:

The maximum Site Coverage is 50 percent of the lot area.

I. That Section 18(4) Suburban Residential (R1) Development Regulations be amended as follows:

Buildings and structures shall not cover more than 33 percent of the lot area.

J. That Section 19(1) Country Residential (R2) Permitted Uses be amended as follows:

Principal Uses:

Duplex Housing
Single Detached Housing

Accessory Uses:

Accessory Buildings or Structures
Accessory Dwelling Unit, subject to section 17(107)
Accessory Tourist Accommodation
Day Care Facility
Home Based Business
Horticulture
Keeping of Farm Animals

Sale of Site Grown Horticultural Produce
Portable Sawmills (for processing of materials harvested on-site only)

K. That Section 19(2)(B) Country Residential (R2) Development Regulations be amended as follows:

The minimum site area for each Principal Use shall be 1.0 ha.

L. That Section 20(1) Rural Residential (R3) Permitted Uses be amended as follows:

Principal Uses:

Duplex Housing
Horse Riding Stables and Boarding Stables
Horticulture
Kennels
Micro Cultivation, Cannabis
Micro Processing, Cannabis
Nursery, Cannabis
Nurseries, Greenhouses and Florists
Single Detached Housing
Veterinary Clinics

Accessory Uses:

Accessory Buildings or Structures
Accessory Dwelling Unit, subject to section 17(107)
Accessory Tourist Accommodation
Day Care Facility
Home Based Business
Keeping of Farm Animals
Sale of Site Grown Horticultural Produce
Portable Sawmills
Small Scale Wood Product Manufacturing
Temporary Farmworker Housing

M. That Section 20(2)(B) Rural Residential (R3) Development Regulations be amended as follows:

The minimum site area for each Principal Use shall be 2.0 ha.

N. That Section 21(1) Rural Resource (R4) Permitted Uses be amended as follows:

Principal Uses:

Duplex Housing
Horse Riding Stables and Boarding Stables
Horticulture
Kennels
Micro Cultivation, Cannabis
Micro Processing, Cannabis
Nursery, Cannabis

Nurseries, Greenhouses and Florists
Single Detached Housing
Veterinary Clinics

Accessory Uses:

Accessory Buildings or Structures
Accessory Tourist Accommodation
Day Care Facility
Home Based Business
Keeping of Farm Animals
Portable Sawmills
Sale of Site Grown Agricultural Produce
Secondary Suite
Temporary Farmworker Housing

O. That Section 21(2)(B) Rural Resource (R4) Development Regulations be amended as follows:

The minimum site area for each Principal Use shall be 2.0 ha.

P. That Section 24(1) Agriculture 1 (AG1) Permitted Uses be amended as follows:

Principal Uses:

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)

Q. That Section 24(2) Agriculture 1 (AG1) Development Regulations be amended as follows:

The minimum lot size for subdivision shall be 4 hectares.

R. That a new Section 24(2)(C) Agriculture 1 (AG1) Development Regulations be inserted as follows:

Only one Single Detached Housing is permitted per lot.

S. That Section 25(1) Agriculture 2 (AG2) Permitted Uses be amended as follows:

Principal Uses:

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)

T. That Section 25(2) Agriculture 2 (AG2) Development Regulations be amended as follows:

The minimum lot size for subdivision shall be 8 hectares in the Agricultural Land Reserve and 4 hectares outside the Agricultural Land Reserve.

U. That a new Section 25(2)(C) Agriculture 2 (AG2) Development Regulations be inserted as follows:

Only one Single Detached Housing is permitted per lot.

V. That Section 26(1) Agriculture 3 (AG3) Permitted Uses be amended as follows:

Principal Uses:

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)

W. That Section 26(2) Agriculture 3 (AG3) Development Regulations be amended as follows:

The minimum lot size for subdivision shall be 60 hectares in the Agricultural Land Reserve and 8 hectares outside the Agricultural Land Reserve.

X. That a new Section 26(2)(C) Agriculture 3 (AG3) Development Regulations be inserted as follows:

Only one Single Detached Housing is permitted per lot.

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

CITATION

3 This Bylaw may be cited as “**Electoral Area ‘C’ Comprehensive Land Use Amendment Bylaw No. 3051, 2026**”

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

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

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

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

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 3052

A Bylaw to amend Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016

WHEREAS it is deemed expedient to amend the Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016, 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 Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016 Schedule 'B' Zoning Bylaw be amended as follows:

A. That the following definition be removed from Section 21 Interpretation:

MINIMUM LOT AREA means the minimum lot size required for the purposes of subdivision as set out in the applicable zone;

B. That Section 22(4) General Regulations, Site Areas be amended as follows:

The minimum lot size for a parcel subdivided under Section 514 of the Local Government Act shall be the minimum site area of the zone in which the parcel is located unless otherwise stated.

C. Section 22 General Regulations, Reduction of Minimum Lot Areas be amended as follows:

Reduction of Minimum Lot Size

D. That Section 22(9) General Regulations, Reduction of Minimum Lot Areas be amended as follows:

Where two or more contiguous lots registered prior to adoption of this bylaw have less than the minimum lot size required by this bylaw, the lots may be consolidated into fewer lots than exist at the time of application as long as no new lot created is smaller than any previously existing lot.

E. That Section 22(10) General Regulations, Reduction of Minimum Lot Areas be amended as follows:

Where it is not possible to create a lot that has the minimum lot size required for a zone, the minimum lot size requirement may be reduced where the proposed subdivision involves any one of the following and meets local health authority requirements:

- a. a boundary adjustment that does not create, or make it possible to create additional lots to those that exist at the time of application;
- b. a lot that, at the time of adoption of this bylaw, is divided by a highway or forest service road and where the boundaries of the highway or road will be the boundaries of the proposed lots; or
- c. a lot where two or more single detached, duplex or combination of single detached and duplex dwellings existed prior to adoption of this bylaw.

- F. That Section 22(11) General Regulations, Reduction of Minimum Lot Areas be amended as follows:

The minimum lot size for a lot created under sub-section 10 shall be 0.2 hectares where serviced by a community water system and 0.4 hectares where not serviced by a community water system.

- G. That Section 22(12) General Regulations, Reduction of Minimum Lot Areas be amended as follows:

Despite sub-section 11, where a dwelling has been constructed across a legal property line prior to the adoption of this bylaw, lot lines may be adjusted so as to allow property owners to legitimize the structure as long as no lot is reduced in lot size.

- H. That Section 22(46)(c) General Regulations, Accessory Dwelling Units be amended as follows:

Despite section 46(b) secondary suites are permitted on all lots

- I. That a new Section 22(46)(i) General Regulations, Accessory Dwelling Units be added as follows:

Despite section 46(a), in the R1, R2, and R3 Zones, where the principal use is single detached housing, one secondary suite will be permitted as an accessory use for each single detached housing that is permitted.

- J. That Section 23(1) Town-Site Residential (R1) Permitted Uses be amended as follows:

Permitted uses, buildings and structures:

Principal Uses

Duplex Housing

Single Detached Housing

Accessory Uses

Accessory Building or Structures

Bed and Breakfast Accommodation see Section 22(22)

Home-based Business see Section 22(21)

Horticulture

Keeping of Farm Animals see Section 22 (35)

Secondary Suite
Vacation Rentals see Section 22(23)

K. That Section 23(2) Town-Site Residential (R1) Development Regulations be amended as follows:

Minimum site area for each Principal Use:

Community Water System and Community Wastewater System – 0.1 hectares

Community Water System and On-site Wastewater Disposal - 0.2 hectares

Individual Water Source and Community Wastewater System -0.2 hectares

Individual Water Source and On-site Wastewater Disposal – 1.0 hectare

L. That Section 23(9) Town-Site Residential (R1) Development Regulations be amended as follows:

Minimum lot size for Subdivision:

Community Water System and Community Wastewater System - 0.1 hectares

Community Water System and On-site Wastewater Disposal - 0.2 hectares

Individual Water Source and Community Wastewater System - 0.2 hectares

Individual Water Source and On-site Wastewater Disposal - 1.0 hectares

M. That Section 24(1) Country Residential (R2) Permitted Uses be amended as follows:

Permitted uses, buildings and structures:

Principal Uses

Duplex Housing

Horticulture

Single Detached Housing

Accessory Uses

Accessory Building or Structures

Bed and Breakfast Accommodation see Section 22(22)

Home-based Business see Section 22(21)

Keeping of Farm Animals see Section 22(35)

Secondary Suite

Vacation Rentals see Section 22(23)

N. That Section 24(2) Country Residential (R2) Development Regulations be amended as follows:

Minimum site area for each Principal Use – 1.0 Hectare

O. That Section 24(9) Country Residential (R2) Development Regulations be amended as follows:

Minimum lot size for Subdivision - 1.0 hectare

P. That Section 25(1) Rural Residential (R3) Permitted Uses be amended as follows:

Permitted uses, buildings and structures:

Principal Uses

Duplex Housing
Horticulture
Outdoor Recreational Activities
Parks
Resource Based Activities
Single Detached Housing

Accessory Uses

Accessory Building or Structures
Bed and Breakfast Accommodation see Section 22(22)
Home-based Business see Section 22(21)
Keeping of Farm Animals see Section 22(35)
Secondary Suite
Vacation Rentals see Section 22(23)

Q. That Section 25(2) Rural Residential (R3) Development Regulations be amended as follows:

Minimum site area for each Principal Use – 2.0 hectares

R. That Section 25(9) Rural Residential (R3) Development Regulations be amended as follows:

Minimum lot size for Subdivision - 2.0 hectares

S. That Section 26(9) Town-Site Commercial (C1) Development Regulations be amended as follows:

Minimum lot size for Subdivision:

Community Water System and Community Wastewater System – 0.1 Hectares
Community Water System and On-site Wastewater Disposal – 0.2 Hectares
Individual Water Source and Community Wastewater System – 0.2 Hectares
Individual Water Source and On-site Wastewater Disposal – 1.0 Hectares

T. That Section 27(9) Tourist Commercial (C2) Development Regulations be amended as follows:

Minimum lot size for Subdivision:

Community Water System and Community Wastewater System – 0.1 Hectares
Community Water System and On-site Wastewater Disposal – 0.2 Hectares
Individual Water Source and Community Wastewater System – 0.2 Hectares
Individual Water Source and On-site Wastewater Disposal – 1.0 Hectares

U. That Section 28(9) Ainsworth Resort Commercial (C3) Development Regulations be amended as follows:

Minimum lot size for Subdivision:

Community Water System and Community Wastewater System – 0.1 Hectares

Community Water System and On-site Wastewater Disposal – 0.2 Hectares

Individual Water Source and Community Wastewater System – 0.2 Hectares

Individual Water Source and On-site Wastewater Disposal – 1.0 Hectares

V. That Section 29(9) Community Service (CS) Development Regulations be amended as follows:

Minimum lot size for Subdivision:

Community Water System and Community Wastewater System – 0.1 Hectares

Community Water System and On-site Wastewater Disposal – 0.2 Hectares

Individual Water Source and Community Wastewater System – 0.2 Hectares

Individual Water Source and On-site Wastewater Disposal – 1.0 Hectares

W. That Section 30(9) Parks and Recreation (PR) Development Regulations be amended as follows:

Minimum lot size for Subdivision - 1.0 hectares

X. Section 31(9) Parks and Recreation Ainsworth Resort (PR1) Development Regulations be amended as follows:

Minimum lot size for Subdivision - 1.0 hectares

Y. That Section 32(7) Environmental Reserve (ER) Development Regulations be amended as follows:

Minimum lot size for Subdivision - 1.0 hectares

Z. That Section 33(7) Resource Area (RA) Development Regulations be amended as follows:

Minimum lot size for Subdivision - 15.0 hectares

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

CITATION

3 This Bylaw may be cited as “**Electoral Area ‘D’ Comprehensive Land Use Amendment Bylaw No. 3052, 2026**”

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

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

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

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

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 3076

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

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

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

APPLICATION

1 That Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 be amended as follows:

A. That a new Section 623(10) be added as follows:

Despite section 623(1), in the R3I zone, where the principal use is single detached housing, one secondary suite will be permitted as an accessory use for each single detached housing that is permitted.

B. That Section 1600 Rural Residential I (R3I) Permitted Uses be amended as follows:

Principal Uses:

- Duplex Housing
- Horticulture
- Single Detached Housing
- Veterinary Clinics

Accessory Uses:

- Accessory Buildings and Structures
- Accessory Dwelling Unit, subject to Section 623
- Accessory Tourist Accommodation
- Home Based Business
- Micro Cultivation, Cannabis
- Micro Processing, Cannabis
- Nursery, Cannabis
- Keeping of Farm Animals
- Sale of Site Grown Farm Products
- Portable Sawmills for processing of material harvested on site only

C. That Section 1601(2) Rural Residential I (R3I) Development Regulations be amended as follows:

One Single Detached Housing or Duplex Housing is permitted and one additional Single Detached Housing or Duplex Housing shall be permitted per every additional four (4) hectares of site area.

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

CITATION

3 This Bylaw may be cited as “**Regional District of Central Kootenay Zoning Amendment Bylaw No. 3076, 2026**”

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

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

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

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

Concurrence Table

Amendments to Electoral Area 'A' Comprehensive Land Use Bylaw No. 2315, 2013 Schedule 'B' Zoning Bylaw

Section Number	Existing Item / Wording	Change	Rationale
Section 18(108)(c) Accessory Dwelling Units	Notwithstanding section 108(b) secondary suites are permitted on all lots.	AMEND Despite section 108(b) secondary suites are permitted on all lots.	Simpler language.
Section 18(108)(k) Accessory Dwelling Units		NEW An accessory dwelling unit is only permitted as an accessory use to Single Detached Housing on any R1 or R2 zoned lot.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2953 which was adopted by the Board in June 2024.
Section 18(108)(l) Accessory Dwelling Units		NEW Despite 108(b), on R1 zoned lots, the minimum lot size for an accessory dwelling unit shall be the same as the minimum lot size depending on level of services provided.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2953 which was adopted by the Board in June 2024.
Section 19(1) Suburban Residential (R1) Permitted Uses	Dwellings: - Single Detached Housing - Duplex Housing Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Day Care Facility - Home Based Business - Horticulture - Keeping of Farm Animals - Sale of Site Grown Horticultural Produce	AMEND Principal Uses: Duplex Housing Single Detached Housing Accessory Uses: Accessory Buildings or Structures Accessory Dwelling Unit, subject to Section 18(108) Accessory Tourist Accommodation Day Care Facility Home Based Business Horticulture Keeping of Farm Animals Sale of Site Grown Horticultural Produce	Clarifies which uses are principal rather than accessory, puts words into alphabetical order and connects reader to the accessory dwelling unit general regulations section.

Concurrence Table

Section 19(2) Suburban Residential (R1) Development Regulations	The minimum lot size for the following uses shall be required as follows: LEVEL OF SERVICES PROVIDED Community Water and Sewer: 0.1 hectare Community Water or Sewer: 0.4 hectare On Site Only: 1.0 hectare	AMEND The minimum lot size for subdivision shall be required as follows: LEVEL OF SERVICES PROVIDED Community Water and Sewer: 0.1 hectare Community Water or Sewer: 0.4 hectare On Site Only: 1.0 hectare	Clarifies regulation.
Section 19(2)(B) Suburban Residential (R1) Development Regulations	The maximum density is 2 Dwelling Units	AMEND The minimum site area for each Principal Use shall be required as follows: LEVEL OF SERVICES PROVIDED Community Water and Sewer: 0.1 hectare Community Water or Sewer: 0.4 hectare On Site Only: 1.0 hectare	Density modified to align with the density permitted prior to Amendment Bylaw no. 2953 which was adopted by the Board in June 2024.
Section 19(3) Suburban Residential (R1) Development Regulations	The maximum Site Coverage is 50 percent of the site area.	AMEND The maximum Site Coverage is 50 percent of the lot area.	Consistent use of terms.
Section 19(4) Suburban Residential (R1) Development Regulations	Buildings and structures shall not cover more than 33 percent of the site area.	AMEND Buildings and structures shall not cover more than 33 percent of the lot area.	Consistent use of terms.
Section 20(1) Country	Dwellings: - Single Detached Housing - Duplex Housing	AMEND Principal Uses: Duplex Housing	Clarifies which uses are principal rather than accessory, puts words into alphabetical order and connects reader

Concurrence Table

Residential (R2) Permitted Uses	Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Day Care Facility - Home Based Business - Horticulture - Keeping of Farm Animals - Sale of Site Grown Horticultural Produce - Temporary Guest Accommodation - Portable Sawmills (for processing of materials harvested on-site only)	Single Detached Housing Accessory Uses: Accessory Buildings or Structures Accessory Dwelling Unit, subject to Section 18(108) Accessory Tourist Accommodation Day Care Facility Home Based Business Horticulture Keeping of Farm Animals Sale of Site Grown Horticultural Produce Temporary Guest Accommodation Portable Sawmills (for processing of materials harvested on-site only)	to the accessory dwelling unit general regulations section.
Section 20(2)(B) Country Residential (R2) Development Regulations	The maximum density is 2 Dwelling Units	AMEND The minimum site area for each Principal Use shall be 1.0 hectare.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2953 which was adopted by the Board in June 2024.
Section 21(1) Rural Residential (R3) Permitted Uses	Dwellings: - Single Detached Housing - Duplex Housing Horticulture Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Veterinary Clinics Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Home Based Business	AMEND Principal Uses: Duplex Housing Horticulture Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Single Detached Housing Veterinary Clinics Accessory Uses: Accessory Buildings or Structures Accessory Tourist Accommodation Home Based Business	Clarifies which uses are principal rather than accessory and puts words into alphabetical order. Accessory uses modified to remove Accessory Dwelling Unit to align with the density permitted prior to Amendment Bylaw no. 2953 which was adopted by the Board in June 2024. Secondary suite added as a permitted accessory use for clarity.

Concurrence Table

	- Keeping of Farm Animals - Sale of Site Grown Horticultural Produce - Small Scale Wood Product Manufacturing - Temporary Guest Accommodation - Temporary Farmworker Housing	Keeping of Farm Animals Sale of Site Grown Horticultural Produce Small Scale Wood Product Manufacturing Secondary Suite Temporary Guest Accommodation Temporary Farmworker Housing	
Section 21(2)(B) Rural Residential (R3) Development Regulations	The maximum density is 2 Dwelling Units.	AMEND The minimum site area for each Principal Use shall be 2.0 hectares.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2953 which was adopted by the Board in June 2024.
Section 22(1) Rural Resource (R4) Permitted Uses	Dwellings: - Single Detached Housing - Duplex Housing Horse Riding Stables and Boarding Stables Horticulture Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Nurseries, Greenhouses and Florists Veterinary Clinics Kennels Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Home Based Business - Keeping of Farm Animals - Sale of Site Grown Agricultural Produce - Portable Sawmills	AMEND Principal Uses: Duplex Housing Horse Riding Stables and Boarding Stables Horticulture Kennels Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Nurseries, Greenhouses and Florists Single Detached Housing Veterinary Clinics Accessory Uses: Accessory Buildings or Structures Accessory Tourist Accommodation Home Based Business Keeping of Farm Animals Portable Sawmills	Clarifies which uses are principal rather than accessory and puts words into alphabetical order. Accessory uses modified to remove Accessory Dwelling Unit to align with the density permitted prior to Amendment Bylaw no. 2953 which was adopted by the Board in June 2024. Secondary suite added as a permitted accessory use for clarity.

Concurrence Table

	- Temporary Guest Accommodation - Temporary Farmworker Housing	Sale of Site Grown Agricultural Produce Secondary Suite Temporary Guest Accommodation Temporary Farmworker Housing	
Section 22(2)(B) Rural Resource (R4) Development Regulations	The maximum density is 2 Dwelling Units.	AMEND The minimum site area for each Principal Use is 2.0 hectares.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2953 which was adopted by the Board in June 2024.
Section 25(1) Agriculture 1 (AG1) Permitted Uses	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	AMEND Principal Uses: 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 Farmworker Dwelling Unit	Clarifies which uses are principal rather than accessory and improves formatting.

Concurrence Table

	- Home Based Business - 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)	Portable Sawmills for processing of material harvested on site only Secondary Suite Temporary Farmworker Housing (may require ALC non adhering residential use approval)	
Section 25(2) Agriculture 1 (AG1) Development Regulations	The minimum lot area shall be 2.0 hectares.	AMEND The minimum lot size for subdivision shall be 2.0 hectares.	Consistent use of terms.
Section 25(2)(c) Agriculture 1 (AG1) Development Regulations		NEW Only one Single Detached Housing is permitted per lot.	Clarifies principal dwelling density.
Section 26(1) Agriculture 2 (AG2) Permitted Use	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	AMEND Principal Uses: 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	Clarifies which uses are principal rather than accessory and improves formatting.

Concurrence Table

	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)	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)	
Section 26(2) Agriculture 2 (AG2) Development Regulations	The minimum lot area shall be 4.0 hectares.	AMEND The minimum lot size for subdivision shall be 4.0 hectares.	Consistent use of terms.
Section 26(2)(C) Agriculture 2 (AG2) Development Regulations		NEW Only one Single Detached Housing is permitted per lot.	Clarifies principal dwelling density.

Concurrence Table

Amendments to Electoral Area 'B' Comprehensive Land Use Bylaw No. 2316, 2013 Schedule 'B' Zoning Bylaw

Section Number	Existing Item / Wording	Change	Rationale
Section 16(108)(C) General Regulations Accessory Dwelling Units	Notwithstanding section 108(b) secondary suites are permitted on all lots.	AMEND Despite section 108(b) secondary suites are permitted on all lots.	Simpler language.
Section 16(108)(K) General Regulations Accessory Dwelling Units		NEW An accessory dwelling unit is only permitted as an accessory use to Single Detached Housing on any R1, R2 or R3 zoned lot.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2954 which was adopted by the Board in June 2024.
Section 16(108)(L) General Regulations Accessory Dwelling Units		NEW Despite 108(b), on R1 zoned lots, the minimum lot size for an accessory dwelling unit shall be the same as the minimum lot size depending on level of services provided.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2954 which was adopted by the Board in June 2024.
Section 17(1) Suburban Residential (R1) Permitted Uses	Dwellings: - Single Detached Housing - Duplex Housing Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Day Care Facility - Home Based Business - Horticulture - Keeping of Farm Animals - Sale of Site Grown Horticultural Produce	AMEND Principal Uses: Duplex Housing Single Detached Housing Accessory Uses: Accessory Buildings or Structures Accessory Dwelling Unit, subject to Section 16(108) Accessory Tourist Accommodation Day Care Facility Home Based Business Horticulture Keeping of Farm Animals	Clarifies which uses are principal rather than accessory, puts words into alphabetical order and connects reader to the accessory dwelling unit general regulations section.

Concurrence Table

		Sale of Site Grown Horticultural Produce	
Section 17(2) Suburban Residential (R1) Development Regulations	The minimum site area for the following uses shall be required as follows: LEVEL OF SERVICES PROVIDED Community Water and Sewer: 0.1 hectare Community Water or Sewer: 0.4 hectare On Site Only: 1.0 hectare	AMEND The minimum lot size for subdivision shall be required as follows: LEVEL OF SERVICES PROVIDED Community Water and Sewer: 0.1 hectare Community Water or Sewer: 0.4 hectare On Site Only: 1.0 hectare	Clarifies regulation.
Section 17(2)(B) Suburban Residential (R1) Development Regulations	The maximum density is 2 Dwelling Units.	AMEND The minimum site area for each Principal Use shall be required as follows: LEVEL OF SERVICES PROVIDED Community Water and Sewer: 0.1 hectare Community Water or Sewer: 0.4 hectare On Site Only: 1.0 hectare	Density modified to align with the density permitted prior to Amendment Bylaw no. 2954 which was adopted by the Board in June 2024.
Section 18(1) Country Residential (R2) Permitted Uses	Dwellings: - Single Detached Housing - Duplex Housing Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Day Care Facility	AMEND Principal Uses: Duplex Housing Single Detached Housing Accessory Uses: Accessory Buildings or Structures Accessory Dwelling Unit, subject to Section 16(108)	Clarifies which uses are principal rather than accessory, puts words into alphabetical order and connects reader to the accessory dwelling unit general regulations section.

Concurrence Table

	- Home Based Business - Horticulture - Keeping of Farm Animals - Sale of Site Grown Horticultural Produce - Portable Sawmills (for processing of materials harvested on-site only)	Accessory Tourist Accommodation Day Care Facility Home Based Business Horticulture Keeping of Farm Animals Sale of Site Grown Horticultural Produce Portable Sawmills (for processing of materials harvested on-site only)	
Section 18(2) Country Residential (R2) Development Regulations	The minimum lot size is 1.0 hectare.	AMEND The minimum lot size for subdivision shall be 1.0 hectare.	Clarifies regulation.
Section 18(2)(B) Country Residential (R2) Development Regulations	The maximum density is 2 Dwelling Units.	NEW The minimum site area for each Principal Use is 1.0 hectare.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2954 which was adopted by the Board in June 2024.
Section 19(1) Rural Residential (R3) Permitted Uses	Dwellings: - Single Detached Housing - Duplex Housing Horticulture Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Veterinary Clinics Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Home Based Business	AMEND Principal Uses: Duplex Housing Horticulture Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Single Detached Housing Veterinary Clinics Accessory Uses: Accessory Buildings or Structures Accessory Dwelling Unit, subject to Section 16(108)	Clarifies which uses are principal rather than accessory, puts words into alphabetical order and connects reader to the accessory dwelling unit general regulations section.

Concurrence Table

	- Keeping of Farm Animals - Sale of Site Grown Horticultural Produce - Small Scale Wood Product Manufacturing - Temporary Guest Accommodation - Temporary Farmworker Housing	Accessory Tourist Accommodation Home Based Business Keeping of Farm Animals Sale of Site Grown Horticultural Produce Small Scale Wood Product Manufacturing Temporary Farmworker Housing	
Section 19(2) Rural Residential (R3) Development Regulations	The minimum lot size is 2.0 hectares.	AMEND The minimum lot size for subdivision is 2.0 hectares.	Clarifies regulation.
Section 19(2)(B) Rural Residential (R3) Development Regulations	The maximum density is 2 Dwelling Units.	AMEND The minimum site area for each Principal Use is 2.0 hectares.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2954 which was adopted by the Board in June 2024.
Section 20(1) Rural Resource (R4) Permitted Uses	Dwellings: - Single Detached Housing - Duplex Housing - Horse Riding Stables and Boarding Stables - Horticulture - Micro Cultivation, Cannabis - Micro Processing, Cannabis - Nursery, Cannabis - Nurseries, Greenhouses and Florists - Veterinary Clinics - Kennels Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit	AMEND Principal Uses: Duplex Housing Horse Riding Stables and Boarding Stables Horticulture Kennels Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Nurseries, Greenhouses and Florists Single Detached Housing Veterinary Clinics Accessory Uses:	Clarifies which uses are principal rather than accessory and puts words into alphabetical order. Accessory uses modified to remove Accessory Dwelling Unit to align with the density permitted prior to Amendment Bylaw no. 2954 which was adopted by the Board in June 2024. Secondary suite added as a permitted accessory use for clarity.

Concurrence Table

	- Accessory Tourist Accommodation - Home Based Business - Keeping of Farm Animals - Sale of Site Grown Agricultural Produce - Portable Sawmills - Temporary Farmworker Housing	Accessory Buildings or Structures Accessory Tourist Accommodation Home Based Business Keeping of Farm Animals Portable Sawmills Sale of Site Grown Agricultural Produce Secondary Suite Temporary Farmworker Housing	
Section 20(2) Rural Resource (R4) Development Regulations	The minimum lot size is 2.0 hectares.	AMEND The minimum lot size for subdivision is 2.0 hectares.	Clarifies regulation.
Section 20(2)(B) Rural Resource (R4) Development Regulations	The maximum density is 2 Dwelling Units.	AMEND The minimum site area for each Principal Use is 2.0 hectares.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2954 which was adopted by the Board in June 2024.
Section 23(1) Agriculture 1 (AG1) Permitted Uses	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	AMEND Principal Uses: 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	Clarifies which uses are principal rather than accessory.

Concurrence Table

	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)	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)	
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Concurrence Table

Section 23(2) Agriculture 1 (AG1) Development Regulations	The minimum lot area shall be 4 hectares.	AMEND The minimum lot size for subdivision is 4.0 hectares.	Clarifies regulation.
Section 23(2)(c) Agriculture 1 (AG1) Development Regulations		NEW Only one Single Detached Housing is permitted per lot.	Clarifies principal dwelling density.
Section 24(1) Agriculture 2 (AG2) Permitted Use	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	AMEND Principal Uses: 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:	Clarifies which uses are principal rather than accessory.

Concurrence Table

	- 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)	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)	
Section 24(2) Agriculture 2 (AG2) Development Regulations	The minimum lot area shall be 8 hectares in the Agricultural Land Reserve and 4 hectares outside the Agricultural Land Reserve.	AMEND The minimum lot size for subdivision shall be 8 hectares in the Agricultural Land Reserve and 4 hectares outside the Agricultural Land Reserve.	Clarifies regulation.
Section 24(2)(C) Agriculture 2 (AG2) Development Regulations		NEW Only one Single Detached Housing is permitted per lot.	Clarifies principal dwelling density.
Section 25(1) Agriculture 3 (AG3) Permitted Use	Agriculture All activities designated as "Farm Use" as defined in the Agricultural Land Commission Act and	AMEND Principal Uses: Agriculture All activities designated as "Farm Use" as defined in the	Clarifies which uses are principal rather than accessory.

Concurrence Table

	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	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	
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Concurrence Table

	- Temporary Farmworker Housing (may require ALC non adhering residential use approval)	Portable Sawmills for processing of material harvested on site only Secondary Suite Temporary Farmworker Housing (may require ALC non adhering residential use approval)	
Section 25(2) Agriculture 3 (AG3) Development Regulations	The minimum lot area shall be 30 hectares in the Agricultural Land Reserve and 8 hectares outside the Agricultural Land Reserve.	AMEND The minimum lot size for subdivision shall be 30 hectares in the Agricultural Land Reserve and 8 hectares outside the Agricultural Land Reserve.	Clarifies regulation.
Section 25(2)(C) Agriculture 2 (AG2) Development Regulations		NEW Only one Single Detached Housing is permitted per lot.	Clarifies principal dwelling density.

Concurrence Table

Amendments to Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013 Schedule 'B' Zoning Bylaw

Section Number	Existing Item / Wording	Change	Rationale
17(107)(c) General Regulations, Accessory Dwelling Units	Notwithstanding section 107(b) secondary suites are permitted an all lots.	AMEND Despite section 107(b) secondary suites are permitted an all lots.	Simpler language.
17(107)(d) General Regulations, Accessory Dwelling Units	The maximum gross floor area is 100.0 square metres outside of the Agricultural Land Reserve.	AMEND The maximum gross floor area is 90.0 square metres.	Modified to align with the provisions permitted prior to Amendment Bylaw no. 2955 which was adopted by the Board in July 2024.
17(107)(k) General Regulations, Accessory Dwelling Units		NEW An accessory dwelling unit is only permitted as an accessory use to Single Detached Housing on any R1, R2 or R3 zoned lot.	Modified to align with the provisions permitted prior to Amendment Bylaw no. 2955 which was adopted by the Board in July 2024.
17(107)(l) General Regulations, Accessory Dwelling Units		NEW Despite section 107(b), on R1 zoned lots, the minimum lot size for an accessory dwelling unit shall be the same as the minimum lot size depending on level of services provided.	Modified to align with the provisions permitted prior to Amendment Bylaw no. 2955 which was adopted by the Board in July 2024.
18(1) Suburban Residential (R1) Permitted Uses	Dwellings: - Single Detached Housing - Duplex Housing Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Day Care Facility - Home Based Business	AMEND Principal Uses: Duplex Housing Single Detached Housing Accessory Uses: Accessory Buildings or Structures Accessory Dwelling Unit, subject to section 17(107) Accessory Tourist Accommodation Day Care Facility Home Based Business	Clarifies which uses are principal rather than accessory, puts words into alphabetical order and connects reader to the accessory dwelling unit general regulations section.

Concurrence Table

	- Horticulture - Keeping of Farm Animals - Sale of Site Grown Horticultural Produce	Horticulture Keeping of Farm Animals Sale of Site Grown Horticultural Produce	
Section 18(2) Suburban Residential (R1) Development Regulations	The minimum lot size for the following uses shall be required as follows: LEVEL OF SERVICES PROVIDED Community Water and Sewer: 0.1 hectare Community Water or Sewer: 0.4 hectare On Site Only: 1.0 hectare	AMEND The minimum lot size for subdivision shall be required as follows: LEVEL OF SERVICES PROVIDED Community Water and Sewer: 0.1 hectare Community Water or Sewer: 0.4 hectare On Site Only: 1.0 hectare	Clarifies regulation.
Section 18(2)(B) Suburban Residential (R1) Development Regulations	The maximum density is 2 Dwelling Units.	AMEND The minimum site area for each Principal Use shall be required as follows: LEVEL OF SERVICES PROVIDED Community Water and Sewer: 0.1 hectare Community Water or Sewer: 0.4 hectare On Site Only: 1.0 hectare	Density modified to align with the density permitted prior to Amendment Bylaw no. 2955 which was adopted by the Board in July 2024.
Section 18(3) Suburban Residential (R1) Development Regulations	The maximum Site Coverage is 50 percent of the site area.	AMEND The maximum Site Coverage is 50 percent of the lot area.	Consistent use of terms.
Section 18(4) Suburban Residential (R1)	Buildings and structures shall not cover more than 33 percent of the site area.	AMEND Buildings and structures shall not cover more than 33 percent of the lot area.	Consistent use of terms.

Concurrence Table

Development Regulations			
Section 19(1) Country Residential (R2) Permitted Uses	Dwellings: - Single Detached Housing - Duplex Housing Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Day Care Facility - Home Based Business - Horticulture - Keeping of Farm Animals - Sale of Site Grown Horticultural Produce - Portable Sawmills (for processing of materials harvested on-site only)	AMEND Principal Uses: Duplex Housing Single Detached Housing Accessory Uses: Accessory Buildings or Structures Accessory Dwelling Unit, subject to section 17(107) Accessory Tourist Accommodation Day Care Facility Home Based Business Horticulture Keeping of Farm Animals Sale of Site Grown Horticultural Produce Portable Sawmills (for processing of materials harvested on-site only)	Clarifies which uses are principal rather than accessory, puts words into alphabetical order and connects reader to the accessory dwelling unit general regulations section.
Section 19(2)(B) Country Residential (R2) Development Regulations	The maximum density is 2 Dwelling Units.	AMEND The minimum site area for each Principal Use shall be 1.0 ha.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2955 which was adopted by the Board in July 2024.
Section 20(1) Rural Residential (R3) Permitted Uses	Dwellings: - Single Detached Housing - Duplex Housing - Horse Riding Stables and Boarding Stables - Horticulture - Kennels - Micro Cultivation, Cannabis - Micro Processing, Cannabis	AMEND Principal Uses: Duplex Housing Horse Riding Stables and Boarding Stables Horticulture Kennels Micro Cultivation, Cannabis Micro Processing, Cannabis	Clarifies which uses are principal rather than accessory, puts words into alphabetical order and connects reader to the accessory dwelling unit general regulations section.

Concurrence Table

	Nursery, Cannabis Nurseries, Greenhouses and Florists Veterinary Clinics Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Day Care Facility - Home Based Business - Keeping of Farm Animals - Sale of Site Grown Horticultural Produce - Portable Sawmills - Small Scale Wood Product Manufacturing - Temporary Farmworker Housing	Nursery, Cannabis Nurseries, Greenhouses and Florists Single Detached Housing Veterinary Clinics Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit, subject to section 17(107) - Accessory Tourist Accommodation - Day Care Facility - Home Based Business - Keeping of Farm Animals - Sale of Site Grown Horticultural Produce - Portable Sawmills - Small Scale Wood Product Manufacturing - Temporary Farmworker Housing	
Section 20(2)(B) Rural Residential (R3) Development Regulations	The maximum density is 2 Dwelling Units.	AMEND The minimum site area for each Principal Use shall be 2.0 ha.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2955 which was adopted by the Board in July 2024.
Section 21(1) Rural Resource (R4) Permitted Uses	Dwellings: - Single Detached Housing - Duplex Housing - Horse Riding Stables and Boarding Stables - Horticulture - Kennels - Micro Cultivation, Cannabis - Micro Processing, Cannabis	AMEND Principal Uses: Duplex Housing - Horse Riding Stables and Boarding Stables - Horticulture - Kennels - Micro Cultivation, Cannabis - Micro Processing, Cannabis	Clarifies which uses are principal rather than accessory and puts words into alphabetical order. Accessory uses modified to remove Accessory Dwelling Unit to align with the density permitted prior to Amendment Bylaw no. 2955 which was adopted by the Board in July 2024. Secondary suite added as a permitted accessory use for clarity.

Concurrence Table

	Nursery, Cannabis Nurseries, Greenhouses and Florists Veterinary Clinics Accessory Uses: - Accessory Buildings or Structures - Accessory Dwelling Unit - Accessory Tourist Accommodation - Child Care Facility - Home Based Business - Keeping of Farm Animals - Sale of Site Grown Agricultural Produce - Portable Sawmills - Temporary Farmworker Housing	Nursery, Cannabis Nurseries, Greenhouses and Florists Single Detached Housing Veterinary Clinics Accessory Uses: Accessory Buildings or Structures Accessory Tourist Accommodation Day Care Facility Home Based Business Keeping of Farm Animals Portable Sawmills Sale of Site Grown Agricultural Produce Secondary Suite Temporary Farmworker Housing	
Section 21(2)(B) Rural Resource (R4) Development Regulations	The maximum density is 2 Dwelling Units.	AMEND The minimum site area for each Principal Use shall be 2.0 ha.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2955 which was adopted by the Board in July 2024.
Section 24(1) Agriculture 1 (AG1) Permitted Uses	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	AMEND Principal Uses: 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	Clarifies which uses are principal rather than accessory.

Concurrence Table

	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)	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)	
Section 24(2) Agriculture 1 (AG1)	The minimum lot area shall be 4 hectares	AMEND The minimum lot size for subdivision shall be 4 hectares	Consistent use of terms.

Concurrence Table

Development Regulations			
Section 24(2)(C) Agriculture 1 (AG1) Development Regulations		NEW Only one Single Detached Housing is permitted per lot.	Clarifies principal dwelling density.
Section 25(1) Agriculture 2 (AG2) Permitted Uses	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	AMEND Principal Uses: 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)	Clarifies which uses are principal rather than accessory.

Concurrence Table

	- 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)	- 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)	
Section 25(2) Agriculture 2 (AG2) Development Regulations	The minimum lot area shall be 8 hectares in the Agricultural Land Reserve and 4 hectares outside the Agricultural Land Reserve.	AMEND The minimum lot size for subdivision shall be 8 hectares in the Agricultural Land Reserve and 4 hectares outside the Agricultural Land Reserve.	Consistent use of terms.
Section 25(2)(C) Agriculture 2 (AG2) Development Regulations		NEW Only one Single Detached Housing is permitted per lot.	Clarifies principal dwelling density.
Section 26(1) Agriculture 3 (AG3) Permitted Uses	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	AMEND Principal Uses: Agriculture All activities designated as "Farm Use" as defined in the Agricultural Land Commission Act and Part 2 of the Agricultural Land Reserve Use	Clarifies which uses are principal rather than accessory.

Concurrence Table

	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	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)	
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Concurrence Table

	- Temporary Farmworker Housing (may require ALC non adhering residential use approval)		
Section 26(2) Agriculture 3 (AG3) Development Regulations	The minimum lot area shall be 60 hectares in the Agricultural Land Reserve and 8 hectares outside the Agricultural Land Reserve.	AMEND The minimum lot size for subdivision shall be 60 hectares in the Agricultural Land Reserve and 8 hectares outside the Agricultural Land Reserve.	Consistent use of terms.
Section 26(2)(C) Agriculture 3 (AG3) Development Regulations		NEW Only one Single Detached Housing is permitted per lot.	Clarifies principal dwelling density.

Concurrence Table

Amendments to Electoral Area 'D' Comprehensive Land Use Bylaw No. 2435, 2016 Schedule 'B' Ainsworth Townsite Zoning Bylaw

Section Number	Existing Item / Wording	Change	Rationale
Section 21 Interpretation	MINIMUM LOT AREA means the minimum lot size required for the purposes of subdivision as set out in the applicable zone;	DELETE	Consistent use of terms.
Section 22(4) General Regulations, Site Areas	The minimum lot area for a parcel subdivided under Section 514 of the Local Government Act shall be the minimum site area of the zone in which the parcel is located unless otherwise stated.	AMEND The minimum lot size for a parcel subdivided under Section 514 of the Local Government Act shall be the minimum site area of the zone in which the parcel is located unless otherwise stated.	Consistent use of terms.
Section 22 General Regulations, Reduction of Minimum Lot Areas	Reduction of Minimum Lot Areas	AMEND Reduction of Minimum Lot Size	Consistent use of terms.
Section 22(9) General Regulations, Reduction of Minimum Lot Areas	Where two or more contiguous lots registered prior to adoption of this bylaw have less than the minimum lot area required by this bylaw, the lots may be consolidated into fewer lots than exist at the time of application as long as no new lot created is smaller than any previously existing lot.	AMEND Where two or more contiguous lots registered prior to adoption of this bylaw have less than the minimum lot size required by this bylaw, the lots may be consolidated into fewer lots than exist at the time of application as long as no new lot created is smaller than any previously existing lot.	Consistent use of terms.
Section 22(10) General Regulations, Reduction of	Where it is not possible to create a lot that has the minimum lot area required for a zone, the minimum lot area requirement may be reduced	AMEND Where it is not possible to create a lot that has the minimum lot size required for a zone, the minimum lot size	Consistent use of terms.

Concurrence Table

Minimum Lot Areas	where the proposed subdivision involves any one of the following and meets local health authority requirements: a. a boundary adjustment that does not create, or make it possible to create additional lots to those that exist at the time of application; b. a lot that, at the time of adoption of this bylaw, is divided by a highway or forest service road and where the boundaries of the highway or road will be the boundaries of the proposed lots; or c. a lot where two or more single detached, duplex or combination of single detached and duplex dwellings existed prior to adoption of this bylaw.	requirement may be reduced where the proposed subdivision involves any one of the following and meets local health authority requirements: a. a boundary adjustment that does not create, or make it possible to create additional lots to those that exist at the time of application; b. a lot that, at the time of adoption of this bylaw, is divided by a highway or forest service road and where the boundaries of the highway or road will be the boundaries of the proposed lots; or c. a lot where two or more single detached, duplex or combination of single detached and duplex dwellings existed prior to adoption of this bylaw.	
Section 22(11) General Regulations, Reduction of Minimum Lot Areas	The minimum lot area for a lot created under sub-section 10 shall be 0.2 hectares where serviced by a community water system and 0.4 hectares where not serviced by a community water system.	AMEND The minimum lot size for a lot created under sub-section 10 shall be 0.2 hectares where serviced by a community water system and 0.4 hectares where not serviced by a community water system.	Consistent use of terms.
Section 22(12) General Regulations, Reduction of Minimum Lot Areas	Despite sub-section 11, where a dwelling has been constructed across a legal property line prior to the adoption of this bylaw, lot lines may be adjusted so as to allow property owners to legitimize the structure as long as no lot is reduced in lot area.	AMEND Despite sub-section 11, where a dwelling has been constructed across a legal property line prior to the adoption of this bylaw, lot lines may be adjusted so as to allow property owners to legitimize the structure as long as no lot is reduced in lot size.	Consistent use of terms.

Concurrence Table

Section 22(46)(c) General Regulations, Accessory Dwelling Units	Notwithstanding section 46(b) secondary suites are permitted on all lots	AMEND Despite section 46(b) secondary suites are permitted on all lots	Simpler language.
Section 22(46)(i) General Regulations, Accessory Dwelling Units		NEW Despite section 46(a), in the R1, R2, and R3 Zones, where the principal use is single detached housing, one secondary suite will be permitted as an accessory use for each single detached housing that is permitted.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2956 which was adopted by the Board in July 2024.
Section 23(1) Town-Site Residential (R1) Permitted Uses	Permitted uses, buildings and structures: Principal Uses Single Detached Housing Duplex Housing Accessory Uses Accessory Building or Structures Accessory Dwelling Unit see Section 22(46) Bed and Breakfast Accommodation see Section 22(22) Home-based Business see Section 22(21) Horticulture Keeping of Farm Animals see Section 22 (35) Vacation Rentals see Section 22(23)	AMEND Permitted uses, buildings and structures: Principal Uses Duplex Housing Single Detached Housing Accessory Uses Accessory Building or Structures Bed and Breakfast Accommodation see Section 22(22) Home-based Business see Section 22(21) Horticulture Keeping of Farm Animals see Section 22 (35) Secondary Suite Vacation Rentals see Section 22(23)	Puts words into alphabetical order. Accessory uses modified to remove Accessory Dwelling Unit to align with the density permitted prior to Amendment Bylaw no. 2956 which was adopted by the Board in July 2024. Secondary suite added as a permitted accessory use for clarity.
Section 23(2) Town-Site Residential (R1)	Maximum Density – 2 Dwelling units	AMEND Minimum site area for each Principal Use:	Density modified to align with the density permitted prior to Amendment

Concurrence Table

Development Regulations		Community Water System and Community Wastewater System – 0.1 hectares Community Water System and On-site Wastewater Disposal - 0.2 hectares Individual Water Source and Community Wastewater System -0.2 hectares Individual Water Source and On-site Wastewater Disposal – 1.0 hectare	Bylaw no. 2956 which was adopted by the Board in July 2024.
Section 23(9) Town-Site Residential (R1) Development Regulations	Minimum lot area for Subdivision: Community Water System and Community Wastewater System - 0.1 hectares Community Water System and On-site Wastewater Disposal - 0.2 hectares Individual Water Source and Community Wastewater System - 0.2 hectares Individual Water Source and On-site Wastewater Disposal - 1.0 hectares	AMEND Minimum lot size for Subdivision: Community Water System and Community Wastewater System - 0.1 hectares Community Water System and On-site Wastewater Disposal - 0.2 hectares Individual Water Source and Community Wastewater System - 0.2 hectares Individual Water Source and On-site Wastewater Disposal - 1.0 hectares	Consistent use of terms.
Section 24(1) Country Residential (R2) Permitted Uses	Permitted uses, buildings and structures: Principal Uses Single Detached Housing Duplex Housing Horticulture Accessory Uses Accessory Building or Structures	AMEND Permitted uses, buildings and structures: Principal Uses Duplex Housing Horticulture Single Detached Housing Accessory Uses	Puts words into alphabetical order. Accessory uses modified to remove Accessory Dwelling Unit to align with the density permitted prior to Amendment Bylaw no. 2956 which was adopted by the Board in July 2024. Secondary suite added as a permitted accessory use for clarity.

Concurrence Table

	Accessory Dwelling Unit see Section 22(46) Bed and Breakfast Accommodation see Section 22(22) Home-based Business see Section 22(21) Keeping of Farm Animals see Section 22(35) Vacation Rentals see Section 22(23)	Accessory Building or Structures Bed and Breakfast Accommodation see Section 22(22) Home-based Business see Section 22(21) Keeping of Farm Animals see Section 22(35) Secondary Suite Vacation Rentals see Section 22(23)	
Section 24(2) Country Residential (R2) Development Regulations	Maximum Density – 2 Dwelling units	AMEND Minimum site area for each Principal Use – 1.0 Hectare	Density modified to align with the density permitted prior to Amendment Bylaw no. 2956 which was adopted by the Board in July 2024.
Section 24(9) Country Residential (R2) Development Regulations	Minimum lot area for Subdivision - 1.0 hectares	AMEND Minimum lot size for Subdivision - 1.0 hectare	Consistent use of terms.
Section 25(1) Rural Residential (R3) Permitted Uses	Permitted uses, buildings and structures: Principal Uses Single Detached Housing Duplex Housing Horticulture Outdoor Recreational Activities Parks Resource Based Activities Accessory Uses Accessory Building or Structures Accessory Dwelling Unit see Section 22(46)	AMEND Permitted uses, buildings and structures: Principal Uses Duplex Housing Horticulture Outdoor Recreational Activities Parks Resource Based Activities Single Detached Housing Accessory Uses Accessory Building or Structures	Puts words into alphabetical order. Accessory uses modified to remove Accessory Dwelling Unit to align with the density permitted prior to Amendment Bylaw no. 2956 which was adopted by the Board in July 2024. Secondary suite added as a permitted accessory use for clarity.

Concurrence Table

	Bed and Breakfast Accommodation see Section 22(22) Home-based Business see Section 22(21) Keeping of Farm Animals see Section 22(35) Vacation Rentals see Section 22(23)	Bed and Breakfast Accommodation see Section 22(22) Home-based Business see Section 22(21) Keeping of Farm Animals see Section 22(35) Secondary Suite Vacation Rentals see Section 22(23)	
Section 25(2) Rural Residential (R3) Development Regulations	Maximum Density – 2 Dwelling Units	AMEND Minimum site area for each Principal Use – 2.0 hectares	Density modified to align with the density permitted prior to Amendment Bylaw no. 2956 which was adopted by the Board in July 2024.
Section 25(9) Rural Residential (R3) Development Regulations	Minimum lot area for Subdivision - 2.0 hectares	AMEND Minimum lot size for Subdivision - 2.0 hectares	Consistent use of terms.
Section 26(9) Town-Site Commercial (C1) Development Regulations	Minimum lot area for Subdivision: Community Water System and Community Wastewater System – 0.1 Hectares Community Water System and On-site Wastewater Disposal – 0.2 Hectares Individual Water Source and Community Wastewater System – 0.2 Hectares Individual Water Source and On-site Wastewater Disposal – 1.0 Hectares	AMEND Minimum lot size for Subdivision: Community Water System and Community Wastewater System – 0.1 Hectares Community Water System and On-site Wastewater Disposal – 0.2 Hectares Individual Water Source and Community Wastewater System – 0.2 Hectares Individual Water Source and On-site Wastewater Disposal – 1.0 Hectares	Consistent use of terms.
Section 27(9) Tourist	Minimum lot area for Subdivision: Community Water System and	AMEND	Consistent use of terms.

Concurrence Table

Commercial (C2) Development Regulations	Community Wastewater System – 0.1 Hectares Community Water System and On-site Wastewater Disposal – 0.2 Hectares Individual Water Source and Community Wastewater System – 0.2 Hectares Individual Water Source and On-site Wastewater Disposal – 1.0 Hectares	Minimum lot size for Subdivision: Community Water System and Community Wastewater System – 0.1 Hectares Community Water System and On-site Wastewater Disposal – 0.2 Hectares Individual Water Source and Community Wastewater System – 0.2 Hectares Individual Water Source and On-site Wastewater Disposal – 1.0 Hectares	
Section 28(9) Ainsworth Resort Commercial (C3) Development Regulations	Minimum lot area for Subdivision: Community Water System and Community Wastewater System – 0.1 Hectares Community Water System and On-site Wastewater Disposal – 0.2 Hectares Individual Water Source and Community Wastewater System – 0.2 Hectares Individual Water Source and On-site Wastewater Disposal – 1.0 Hectares	AMEND Minimum lot size for Subdivision: Community Water System and Community Wastewater System – 0.1 Hectares Community Water System and On-site Wastewater Disposal – 0.2 Hectares Individual Water Source and Community Wastewater System – 0.2 Hectares Individual Water Source and On-site Wastewater Disposal – 1.0 Hectares	Consistent use of terms.
Section 29(9) Community Service (CS) Development Regulations	Minimum lot area for Subdivision: Community Water System and Community Wastewater System – 0.1 Hectares Community Water System and On-site Wastewater Disposal – 0.2 Hectares Individual Water Source and Community Wastewater System – 0.2 Hectares	AMEND Minimum lot size for Subdivision: Community Water System and Community Wastewater System – 0.1 Hectares Community Water System and On-site Wastewater Disposal – 0.2 Hectares Individual Water Source and Community Wastewater System – 0.2 Hectares	Consistent use of terms.

Concurrence Table

	Individual Water Source and On-site Wastewater Disposal – 1.0 Hectares	Individual Water Source and On-site Wastewater Disposal – 1.0 Hectares	
Section 30(9) Parks and Recreation (PR) Development Regulations	Minimum lot area for Subdivision - 1.0 hectares	AMEND Minimum lot size for Subdivision - 1.0 hectares	Consistent use of terms.
Section 31(9) Parks and Recreation Ainsworth Resort (PR1) Development Regulations	Minimum lot area for Subdivision - 1.0 hectares	AMEND Minimum lot size for Subdivision - 1.0 hectares	Consistent use of terms.
Section 32(7) Environmental Reserve (ER) Development Regulations	Minimum lot area for Subdivision - 1.0 hectares	AMEND Minimum lot size for Subdivision - 1.0 hectares	Consistent use of terms.
Section 33(7) Resource Area (RA) Development Regulations	Minimum lot area for Subdivision - 15.0 hectares	AMEND Minimum lot size for Subdivision - 15.0 hectares	Consistent use of terms.

Concurrence Table

Amendments to Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 (F, I, J, K – but only applies to properties in Area I)

Section Number	Existing Item / Wording	Change	Rationale
Section 623(10), Accessory Dwelling Units		NEW Despite section 623(1), in the R3I zone, where the principal use is single detached housing, one secondary suite will be permitted as an accessory use for each single detached housing that is permitted.	Density modified to align with the density permitted prior to Amendment Bylaw no. 2958 which was adopted by the Board in July 2024.
Section 1600 Rural Residential I (R3I) Permitted Uses	Dwellings: Single Detached Housing Duplex Housing Horticulture Veterinary Clinics Accessory Uses: Accessory Buildings and Structures Accessory Dwelling Unit Accessory Tourist Accommodation Home Based Business Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Keeping of Farm Animals Sale of Site Grown Farm Products Portable Sawmills for processing of material harvested on site only	AMEND Principal Uses: Duplex Housing Horticulture Single Detached Housing Veterinary Clinics Accessory Uses: Accessory Buildings and Structures Accessory Dwelling Unit, subject to Section 623 Accessory Tourist Accommodation Home Based Business Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Keeping of Farm Animals Sale of Site Grown Farm Products Portable Sawmills for processing of material harvested on site only	Clarifies which uses are principal rather than accessory, puts words into alphabetical order and connects reader to the accessory dwelling unit general regulations section.
Section 1601(2) Rural Residential I (R3I)	The maximum density is 2 Dwelling Units.	AMEND One Single Detached Housing or Duplex Housing is permitted and one additional Single Detached Housing or	Density modified to align with the density permitted prior to Amendment Bylaw no. 2958 which was adopted by the Board in July 2024.

Concurrence Table

Development Regulations		Duplex Housing shall be permitted per every additional four (4) hectares of site area.	
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Referral Responses

Agency/Department/First Nation	Response
Area A Advisory Planning and Heritage Commission	That the Area A Advisory Planning and Heritage Commission SUPPORT the Bylaw Amendment Referral Form for Electoral Area A.
Area B Advisory Planning and Heritage Commission	That the Area B Advisory Planning Commission NOT SUPPORT the Bylaw Amendment Referral Form for Electoral Area B.
Area C Advisory Planning and Heritage Commission	Only 3 out of 7 voting Commission members were present and thus, the recommendation made by the APHC was not included as the meeting did not have quorum.
Area D Advisory Planning and Heritage Commission	That the Area D Advisory Planning and Heritage Commission SUPPORT the Amendment Bylaw No. 3052.
Area I Advisory Planning and Heritage Commission	That the Area I Advisory Planning and Heritage Commission SUPPORT the Amendment Bylaw No. 3076.
Agricultural Land Commission (ALC)	Thanks for referring this to the ALC. If I understand correctly, the <i>Agricultural</i> zones have been omitted from this new “site area” concept. I appreciate that, as the ALC Act and regulations apply to parcels and not site area. A maximum of three residences are permitted per parcel of any size in the ALR (a principal residence with a suite plus an additional residence). However, I noticed a few parcels that are partially or wholly in the ALR have other zoning (such as <i>Rural Residential</i>) and this change would affect them. I did a quick check and noticed that PIDs 005-174-414, 011-933-097, and 008-597-383 may be affected by this, and there are likely other parcels. In those cases, the site area zoning would be inconsistent with the ALC Act and could cause issues with non-compliant residences. It is very important for zoning rules regarding residences to align with the ALC Act because dealing with a non-compliance issue regarding someone’s home can be highly contentious and challenging for all parties. The best approach is always prevention. How does this proposed bylaw update deal with ALR parcels that are affected? To follow up, the specific concern is that the ALC Act and regulations permit a maximum of three residences <i>per parcel</i> - one principal residence, one suite within the principal residence, and one additional residence. The proposed ‘site area’ concept would appear to permit more residences than what the ALC Act permits on some ALR properties. It appears that the ‘site area’ concept doesn’t apply to <i>Agricultural</i> zones. While the majority of ALR land is zoned <i>Agricultural</i>, some ALR parcels have other zoning or are split-zoned. This can lead to confusion and non-compliance with the ALC Act. Section 46 of the ALC Act requires local governments to ensure their

	bylaws are consistent with the ALC Act and regulations and in cases where they aren't, the bylaw will have no force or effect to the extent of the inconsistency. We have seen many cases where inconsistent bylaws have led to non-compliance with the ALC Act, and these can be very costly and contentious to resolve, especially with residences. In its current state, the draft bylaw is inconsistent with the ALC Act.
Creston Valley Agricultural Advisory Commission	That the Creston Valley Agricultural Advisory Commission SUPPORT the Bylaw Amendment Referral Form for Electoral Areas A, B and C to roll back the imposed changes from 2024, the Commission feels that the OCP is a better avenue to adjust these issues.
Crown Land Authorizations – Kootenay Boundary Region Ministry of Water, Land and Resource Stewardship	On behalf of Crown Lands, we have no comments or concerns on the proposed Bylaw Amendment.
FortisBC	There are no FortisBC Inc (Electric) ("FBC(E)") facilities affected by this application. As such FBC(E) has no concerns with this circulation.
Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship	See attached letter.
Licensed Authorizations Officer - Kootenay Boundary Region Ministry of Water, Land and Resource Stewardship	Water, Land and Resource Stewardship (WLRS) staff have reviewed the proposed zoning bylaw amendments for Electoral Areas A, B, C, D and I. From a <i>Water Sustainability Act</i> perspective, staff do not have no concerns as the amendments clarify density calculations with no "works in and about a stream " or "use and diversion of water" proposed. The "Purpose of the Bylaw Amendment" section of the referral states: " Under the current zoning, a subdivision is typically required to achieve maximum density, whereas under the proposed approach, the same density could be attained without subdividing the land. " WLRS staff note that a domestic water license authorizes use of a specified quantity of water for a single dwelling located on the property to which the license is issued. Where subdivision is proposed, Part 8 (Water Supply) of <i>RDCK Subdivision Bylaw 2159, 2011</i> requires the applicant to demonstrate that sufficient water is available to service any potential future domestic dwellings resulting from the subdivision. This requirement helps ensure that new dwellings have an adequate water supply. If the proposed approach allows for the same density to be achieved without subdivision, the RDCK should consider implementing a process to confirm that adequate water supply is available to support the increased density.
Lower Similkameen Indian Band (LSIB)	The Lower Similkameen Indian Band (LSIB) would like to acknowledge receipt of the above referral. We have conducted a desktop review of it.

	The location of the project/activity to which the referral relates is within syilx Territory and may have impacts on inherent and constitutionally protected syilx Title and Rights, which LSIB holds as part of the syilx Nation. However, given the location of the project, we would support Okanagan Indian Band (OKIB), Osoyoos Indian Band (OIB), and Penticton Indian Band (PIB) in taking lead in further consultation and engagement on this project. Please keep us informed of any updates or changes to the project as this may change our assessment and our view on the need for further consultation with LSIB and an invoice will follow at a later date.
Ministry of Agriculture and Food	Thank you for sending the below noted referral to Ministry of Agriculture and Food (Ministry) staff for review. Ministry staff note that the proposed bylaw amendments apply to most R1, R2, R3, and R4 Zones and that further, the vast majority of land within the Agricultural Land Reserve (ALR) is contained within the various AG zones within respective Bylaws 2953, 2954, 2955, 2956, and 2958. Given this, and the paramountcy of the Agricultural Land Commission Act and its regulations which sets defined limits for residential uses, the proposed bylaw amendments do not appear to impact properties within the ALR.
Ministry of Transportation and Transit (MOTT)	Thank you for the opportunity to comment on the above noted referrals. The ministry has no concerns with the proposed amendments. Landowners will be required to ensure there is adequate parking on site for all dwelling that are proposed and setbacks should be a minimum of 4.5 metres from a property line adjacent to a road or 3.0 metres from a property line adjacent to a lane. Should the number of dwellings on the property exceed 3 the ministry requests that owners contact WKD@gov.bc.ca to determine whether they need to apply for a multi-family residential access permit to ensure safe access/egress can be made onto the highway. Please submit the final bylaws for signature pursuant to Section 52(3)(a) of the <i>Transportation Act</i> to WKD@gov.bc.ca if/when approval has been granted by the Board.
Okanagan Indian Band (OKIB)	See attached letter.
Osoyoos Indian Band (OIB)	Thank you for the above application. This email is to inform you that due to current levels of internal capacity, we are unable to review your referral in your proposed timeline. With additional time, the Osoyoos Indian Band will be able to ensure that an informed review process will occur. We are setting the new timeline to be 60 days from the existing timeline. Most recently, the Supreme Court of Canada in the Tsilquot'in case confirmed that the province has been applying an incorrect and restrictive test to the determination of Aboriginal Title.

	Aboriginal Title includes the exclusive right of a First Nation to decide how that land is used and the right to benefit economical from those uses. Please note that not receiving a response regarding a referral from the Osoyoos Indian Band in the pre-application, current or post-application stage does not imply our support for the project.
Penticton Indian Band (PIB)	See attached letters.
RDCK Emergency Management	RDCK Emergency Management is concerned this bylaw amendment does not address any specific areas that indicate higher than normal risks to life and property, and further that densification may occur in areas where there are known risks resulting from natural and geotechnical hazards.
RDCK Water Services	Water Services has no objection in principle to the proposed amendments, and I don't identify any direct conflict with our Water Regulatory Bylaw No. 3078. Water Services notes that the proposed amendments may facilitate the creation of additional dwelling units on existing parcels without subdivision. While this does not necessarily increase the ultimate density otherwise permitted under existing zoning, it may alter how and when Water Services becomes involved in servicing review. Any future development, redevelopment, creation of additional dwelling units, increase in irrigation demand, or change in water demand within an RDCK water service area remains subject to Water Bylaw No. 3078, available system capacity, and any applicable servicing requirements, approvals, fees, and charges. Water Services further notes that some RDCK water systems have capacity or infrastructure constraints, and zoning permissions should not be interpreted as confirmation that water service capacity is available.
Westbank First Nation	See attached letter.



Referral Letter

WFN ID#: 1098
WFN Lead-Officer: Teighan Keller

June 15, 2026

Your File: Zoning Bylaw Amendments

Regional District of Central Kootenay

202 Lakeside Drive
Nelson BC V1L 6B9
Canada

SENT VIA EMAIL: planning@rdck.bc.ca, schezenko@rdck.bc.ca

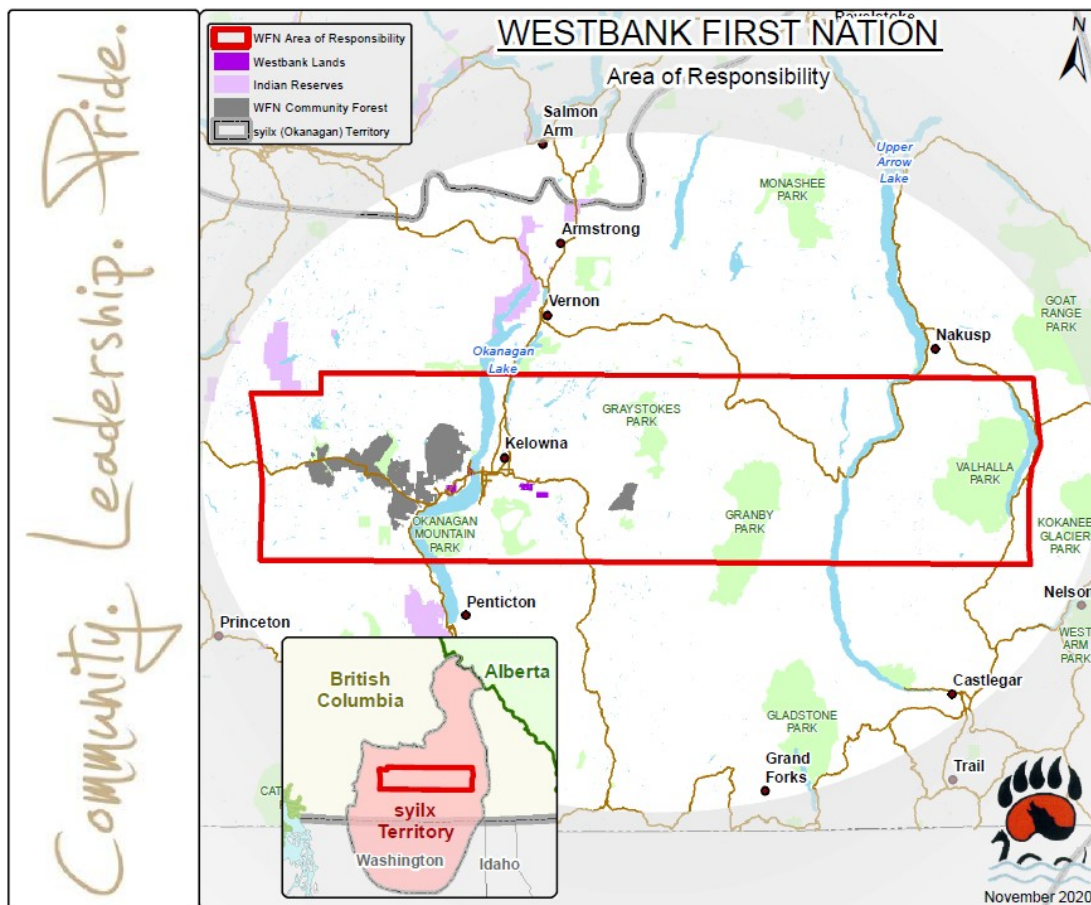
Dear Regional District of Central Kootenay,

Re: Amendments to Zoning Bylaws for Electoral Areas A, B, C, D and I – **Outside
Westbank's Area of Responsibility**

We write further to your referral submission dated 2026-05-26 concerning the above-noted application.

Your letter represents an opportunity for Westbank First Nation ("Westbank") to share important information about the syilx Okanagan Peoples. Westbank is one of the seven communities of the syilx Okanagan Peoples (also known as the Okanagan Nation) in Canada. The syilx Okanagan Peoples have established protocols and arrangements respecting the advancement and implementation of Rights and Title, both as individual communities and

collectively. Each community of the syilx Okanagan Peoples has an established caretaker area of responsibility within the syilx Territory. Westbank is recognized as the caretaker and the proper holder of syilx Rights and Title with respect to the Westbank Area of Responsibility (the “Westbank AOR”), as identified on the enclosed map.



As identified in your referral submission dated 2026-05-26 the Amendments to Zoning Bylaws for Electoral Areas A, B, C, D and I takes place on lands or involves resources which fall outside of the Westbank AOR. Where proposed activities or decisions involving lands and resources in direct proximity to the Westbank AOR, we fully expect to be notified and provided the opportunity to engage to protect and promote the inherent Aboriginal rights and title of the syilx Okanagan Peoples and of Westbank and its members.

We place a high value on the responsible management and safeguarding of our resources, environment and watersheds as reflected in our captik^{wł} - a collection of teachings about syilx Okanagan laws, customs, values, governance structures and principles that, together, define and inform syilx Okanagan rights and responsibilities to the land and to our culture. captik^{wł} reminds us that everything is interwoven and connected. Similarly, the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”), which has been adopted by both the provincial and federal governments, recognizes “that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment”. Further, UNDRIP recognizes that each of our

communities has the right to self-determination, including the right to make informed decisions respecting our lands, resources, waters and the environment.

At this time, we encourage you to contact and seek input from one of the other six-member bands who are part of the Okanagan Nation - Lower Similkameen Indian Band, Okanagan Indian Band, Osoyoos Indian Band, Penticton Indian Band, Upper Nicola Indian Band and Upper Similkameen Indian Band.

If you have any questions about the content of this letter or wish to discuss it further, please have your officials contact Referrals Officer Teighan Keller at the Westbank First Nation Title and Rights office at 250.769.4999 to make the appropriate arrangements.

Respectfully,

WESTBANK FIRST NATION

INTERGOVERNMENTAL AFFAIRS AND TITLE & RIGHTS

201 - 515 HWY 97 S, KELOWNA, BC V1Z 3J2

[REDACTED] [REDACTED]

Administrative Summary of Application

Project Name	Amendments to Zoning Bylaws for Electoral Areas A, B, C, D and I
WFN ID	1098
Issuing Agency file number(s)	Zoning Bylaw Amendments
Government statutes	Local Government Act
Project Description	Purpose of the Bylaw Amendments are (1) Density Calculation: The proposal would change how residential density is calculated in most R1, R2, R3, and R4 zones from a “lot area” basis to a “site area” basis. This does not increase the total density allowed on a property, but it does change how that density can be achieved. Under the current zoning, a subdivision is typically required to reach maximum density, whereas under the proposed approach, the same density could be achieved without subdividing the land. (2) Housekeeping: Clarify the bylaws through formatting and terminology updates.
Project Location	Electoral Areas A, B, C, D and I
Area (ha)	1044186.67
Project start date	August 4, 2026
Lifespan	years
Lead officer	Teighan Keller (WFN Referral Committee) (WFN - Title & Rights)
Applicant	Regional District of Central Kootenay
Proponent	Sadie Chezenko
Unpublished due date	June 9, 2026
Unpublished complete date	May 26, 2026
Committee Review due date	June 4, 2026

Committee Review complete date	May 26, 2026
WFN Council Authorization due date	June 22, 2026
WFN Council Authorization complete date	June 15, 2026
Decision Letter due date	June 25, 2026
Decision Letter complete date	June 15, 2026
Monitoring and Negotiation complete date	June 15, 2026
Final Decision Letter (optional) complete date	June 15, 2026
Awaiting Response complete date	June 15, 2026

Referral Impact Summary

This section summarizes topics identified through Westbank First Nation's review that are to be addressed by the Referral Issuant and Proponent. Upon receiving this report, please contact the Lead Referral Officer at Westbank First Nation in charge of this file to initiate engagement regarding these topics. Please be aware that any delays in a response from the Referral Issuant can result in delays to the overall referral process. For more information please see the [Westbank First Nation Crown Lands Referral Directive](#), available on the [WFNConnect](#) Knowledge Base.

Potential Impacts on Title & Rights

Please Note: As outlined in the Westbank First Nation Referral Directive:

The purpose of this Directive is to establish procedures for assessing Applications that may have an impact on the *syilx* Title and Rights of Westbank or the *syilx* Peoples.

The *syilx* Peoples hold *syilx* Title and Rights throughout *syilx* Territory, which are recognized and affirmed by section 35 of the Constitution Act, 1982, and which have never been ceded, surrendered or relinquished by the *syilx* Peoples. Within *syilx* Territory, Westbank shares in the responsibility to take care of *syilx* Territory and, in accordance with the *syilx* Decision-Making Protocol, Westbank is the caretaker of the lands in and about the area depicted as the Westbank Area of Responsibility.

POTENTIAL IMPACT

Referral Impact Response

This section summarizes the engagement processes undertaken to address topics, if any, raised by Westbank First Nation in the Preliminary Response. It highlights any Outstanding Issues that still need to be addressed and provides the Westbank First Nation Council decision regarding the proposed works, along with any mitigation measures, conditions, and relevant rationale, if applicable.

WFN Review Status

Review Completed, WFN Decision Made

WFN Decision

Approve Application with Condition(s)

Rationale/Condition

(1) The proposed activity is located within the syilx (Okanagan) Territory. All lands and resources within the vicinity of this referral are subject to unextinguished syilx Title and Rights. At this time, Westbank First Nation is deferring the project to the Okanagan Indian Band, Penticton Indian Band, Okanagan Nation Alliance for their review as the project falls outside of the Westbank First Nation Area of Responsibility.

Please Note: Where applicable, Westbank First Nation expects to be continuously updated on any status and scope change of this application, as well as on any direct consultation with the engagement entities or info-sharing with the proponent.

WFN CHIEF & Council – Approval of Final Report

WFN AUTHORIZED SIGNATORIES

Approved By



ȳilmix^{wm} (Chief) Robert Louie



səx^{wk}wínmaʔm (Councillor) Jordan Coble



səx^{wk}wínmaʔm (Councillor) Sara Tronson



səx^{wk}wínmaʔm (Councillor) Mike De Guevara



səx^wk^wínmaʔm (Councillor) Andrea Alexander

Please Note: Westbank First Nation receives and responds to referrals in accordance with the Westbank First Nation Crown Land Referral Directive, Westbank First Nation Archaeology Directive, Westbank First Nation Constitution and the Westbank First Nation Self-Government Agreement. This report intends to capture information sharing and communication between the Federal, Provincial, Regional and Municipal Governments as well as the proponents, and communities involved. This report may contain sensitive and confidential information, and thus may not be duplicated, distributed or shared without prior consent of the Westbank First Nation.



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8



Consulting ID:

PIB-2026-1868

Project Name

PIB-2026-1868-Amendments to RDCK Zoning Bylaws for A, B, D and I.

Consulting Organization:

Regional District of Central Kootenay

21-May-2026 11:04 PDT

Attention: Sadie Chezenko - Laura Christie

RE: 40 (forty) day extension

Thank you for the above application that was received on 4-May-2026.

This letter is to inform you that due to current levels of internal capacity, we are unable to review your referral in your proposed timeline. With additional time, the snpink'tn (Penticton) Indian Band səxʷtəxt'am' department will be able to ensure that an informed review process will occur. We are setting the new timeline to be 40 days from the existing timeline.

syilx (Okanagan Nation) Title includes snpink'tn right to proactively use and manage our resources. In Tsilhqot'in, the Supreme Court of Canada emphasizes the need to seek the consent of the title-holding Aboriginal group, and warns, without consent for a project, the proponent risks having the project cancelled. The obligation to seek free, prior and informed consent is further required by the United Nations Declaration on the Rights of Indigenous People (UNDRIP). UNDRIP requires that Indigenous peoples shall be consulted and cooperated with in good faith in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

Please note that not receiving a response regarding a referral from snpink'tn in the pre-application, current or post-application stage does not imply our support for the project.



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8



I appreciate your co-operation.

limləmt,

Caroline Stewart
Office Administrator
snpink'tn (Penticton) Indian Band səxwtəxt'am' department
Natural Resources



address: 841 Westhills Drive
Penticton, British Columbia
Canada V2A 0E8



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8

Consulting ID:

PIB-2026-1868

Project Name

PIB-2026-1868-Amendments to RDCK Zoning Bylaws for A, B, D and I.

Consulting Organization:

Regional District of Central Kootenay

21-May-2026 11:03 PDT

Attention: Sadie Chezenko

We are in receipt of the above referral. This proposed activity is within the snpink'tn (PIB) Area of Interest within the Okanagan Nation's Territory, and the lands and resources are subject to our unextinguished Aboriginal Title and Rights.

The Supreme Court of Canada in the *Tsilhqot'in* case has confirmed that the province and Canada have been applying an incorrect and impoverished view of Aboriginal Title, and that Aboriginal Title includes the exclusive right of Indigenous People to manage the land and resources as well as the right to benefit economically from the land and resources. The Court therefore concluded that when the Crown allocates resources on Aboriginal title lands without the Indigenous peoples' consent, it commits a serious infringement of constitutionally protected rights that will be difficult to justify.

snpink'tn (PIB) has specific referral processing requirements for both government and proponents which are integral to the exercise of our management right and to ensuring that the Crown can meet its duty to consult and accommodate our rights, including our Aboriginal title and management rights. According to this process, proponents are required to pay a \$500 processing fee for each referral. This fee must be paid within 30 days. Proper consultation and consideration of potential impacts cannot occur without the appropriate resources therefore it is only with payment that proper consultation can begin and the proposed activity/development can be reviewed.



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411
Fax: 250-493-2882

Invoice Number: PIB-2026-1868

Referrals Processing Fee

Sub Total \$ 500.00

Tax \$ 0.00

Total \$ \$500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

We accept cash and cheque via mailing as well as EMT. Our mailing address is 841 Westhills Drive Penticton BC, V2A OE8. Our EMT is PIBPayments@pib.ca.

Please have 'ATTN: Natural Resources File # PIB-2026-1868 PC:132 ' in the notes if you are using EMT or if you are using another method, please supply the referral number with it .

Upon receipt of the processing fee, we will commence our review. You may then expect to receive a letter from us notifying you of the results of our review of potential impacts of the project within 30 to 90 days.

If the proposed activity requires a more in-depth review, snpink'tn (PIB) will notify the proponent and all parties will negotiate a memorandum of agreement regarding a process for review of the proposed activity.

Please note that our participation in the referral and consultation process does not define or amend snpink'tn (PIB) Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

If you require further information or clarification, please do not hesitate to contact me.

limlæmt,

Caroline Stewart
Office Administrator

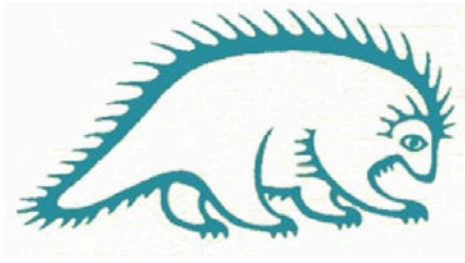


Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8

snpink'tn (Penticton) Indian Band səxˈtəxt'am' department
Natural Resources



address: 841 Westhills



Okanagan Indian Band

12420 Westside Road • Vernon, BC, • V1H 2A4

Telephone: 250-542-4328 • Facsimile 250-542-4990

Email: okibreferrals@okanagan.org

“This correspondence will not be construed so as to to prejudice, limit, or derogate from any rights, claims or interests in respect of any Aboriginal title, rights and interests of Okanagan or Syilx Nation recognized and affirmed under Section 35 of the Constitution Act, 1982 and nothing in this letter indicates acceptance by Okanagan of federal or provincial Crown jurisdiction over or ownership of land, water or other resources within the Territory.”

May 6, 2026

Attention: Sadie Chezenko

Okanagan Indian Band (OKIB) is in receipt of the above referral. This proposed activity is within OKIB's Area of Interest within the Syilx (Okanagan Nation) Territory, and the lands and resources are subject to our unextinguished Aboriginal Title and Rights. For more information on our Title and Rights, please see the attached overview in Schedule A.

The Crown has an obligation to support our capacity to meaningfully participate in consultation(1). The failure to provide capacity funding where necessary to support an Aboriginal people's participation can significantly impair the quality of consultation and lead to a finding that consultation was inadequate(2). While supporting OKIB's capacity is ultimately the Crown's obligation, it may be delegated to proponents. Whether delegated or not, proponent contributions ensure we have sufficient capacity to participate in consultation on their activity so approvals are not delayed or denied due to a failure of the Crown to engage with us meaningfully.

To ensure OKIB has sufficient capacity to conduct a Preliminary Office Review of your referral for its potential adverse impact on the OKIB's Syilx Aboriginal Title and Rights we require payment of a Referral Processing Fee. This invoice must be paid within 30 days.

The processing fee is broken down as follows:

*Referral Processing Fee: \$300.00

* 5% GST: \$15.00

* Total: \$315.00

This Fee is based on review not exceeding 5 hours. This initial fee may not be sufficient for OKIB to engage in meaningful consultation, but it will provide necessary funding for OKIB's

Preliminary Office Review to determine if your referral is of potential concern and whether further consultation is necessary. If the proposed activity requires a more in-depth review, OKIB will notify the proponent after the Preliminary Office Review and will seek to negotiate an agreement to provide capacity for necessary consultation activities.

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$315.00

Please make cheque payable to Okanagan Indian Band (OKIB) re: RDCK Bylaw Amendments to Zoning bylaw: for A,B,D and I.

If payment is not received within 30 days of receipt of this invoice a warning letter will be issued outlining that we are unable to meaningfully respond, engage in consultation on the proposed activity or consent to the proposed activity. Proper consultation cannot occur without the appropriate resources, therefore it is only with payment that proper consultation can begin and the proposed project can be reviewed. Failure of the Crown, or the proponent as delegate of the Crown, to meaningfully consult with OKIB will put any permits or authorizations for the activity at risk of being delayed, suspended or revoked.

liml?mt | Thank You

Julie Richard
Referrals Management Clerk
Territorial Stewardship Division
Okanagan Indian Band
12420 Westside Road
Vernon BC, V1H 2A4

(1) *Clyde River (Hamlet) v. Petroleum Geo Services Inc.* 2017 SCC 40, [2017] 1 S.C.R. 1069 (“*Clyde River*”).

(2) *Clyde River* at paras 47-49, citing *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, 2004 SCC 74, [2004] 3 S.C.R. 550 at paras 32, 37.



Planning Services Quarterly Report

New Applications and Referrals (April to June 2026)

Bylaw Amendment Applications

Electoral Area	File Number	Applicant	Proposal	Bylaw	Status
I	Z2602I	Posnikoff	Land Use Bylaw Amendment to allow three dwellings on the property	1675	In-progress
F	Z2603F	Pozin	Land Use Bylaw Amendment to support subdivision (boundary adjustment)	1675	In-progress

Development Permit Applications

Electoral Area	File Number	Applicant	Proposal	Status
D	DP2604D	Brown	Watercourse Development Permit for unauthorized disturbance within 30 m of Kootenay Lake	In-progress
E	DP2605E	Stinson	Watercourse Development Permit for disturbance within 15 of Kootenay Lake	In-progress
D	DP2606D	Baker	Watercourse Development Permit for structures built without permits within 30 m of Kootenay Lake	In-progress
D	DP2609D	Redmond	Watercourse Development Permit for disturbance within 30 metres of the present natural boundary of Kootenay Lake	Intake

Development Variance Permit Applications

Electoral Area	File Number	Applicant	Proposal	Bylaw	Status
I	V2606I	Loukianoff	To vary Farm Residential Footprint	1675	In-progress
A	V2607A	Joy	To vary Section 18.8 of Bylaw 2315 (reduce setback adjacent to ALR land)	2315	In-progress
B	V2608B	Traxel and Gibson	To vary the size of an accessory building	2316	In-progress

B	V2609I	Batchelor	To vary the Farm Residential Footprint regulation	1675	In-progress
F	V2610F	Jardin	To allow the construction of a residence with eaves that project into the side yard setbacks	1675	In-progress
H	V2611HS	Nehring	To vary Section 9.01 of the Subdivision Bylaw	2159	In-progress
A	V2612A	Bagnoli	To vary setbacks for an accessory building	2315	In-take

Floodplain Exemption Applications

Electoral Area	File Number	Applicant	Proposal	Bylaw	Status
K	F2602K	Columbia Basin Broadband Corporation	Place a microwave tower and associated equipment near within the floodplain of Lower Arrow Lake	2080	Intake
H	F2603HN	Steenhoff	Floodplain exemption for a dwelling on Wilson Creek	2080	Intake

Referrals

Accretion Applications (Referred from Surveyor General)

Electoral Area	File Number	Applicant	Proposal
A	R2624A	Ross	Accretion on Kootenay Lake at Twin Bays
E	R2625E	Parrilla	Accretion on Kootenay Lake near Procter

Agricultural Land Reserve Applications (Referred from the Agricultural Land Commission)

Electoral Area	File Number	Applicant	Proposal	Status
B	A2604B	Telling & Town of Creston	Boundary adjustment in the ALR	In-progress
B	A2605B	Town of Creston	Inclusion in the ALR	In-progress
C	A2607C	Creston Diking District and RDCK Parks	Non-Farm Use Application to facilitate creation of a Regional Park	In-progress

C	A2608C	West Creston Community Hall Society	Non-Farm Use Application for construction of new fire hall	In-progress
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Crown Applications (Referred by the Province)

Electoral Area	File Number	Applicant	Intended Use
K	R2613K	Hascarl	Crown Land Licence of Occupation application for Aggregate and Quarry Materials - Sand and Gravel purpose
D	R2616D	Kaslo Infonet Society	Crown Land Licence - Utilities for Telecommunications Line purposes
D	R2617D	Kaslo Infonet Society	Crown Land Licence - Utilities for Telecommunications Line purposes- Cooper Creek, Meadow Creek, and Howser
D	R2618D	Kaslo Infonet Society	Crown Land Licence - Utilities for Telecommunications Line purposes, South Fork area
D	R2619D	Kaslo Infonet Society	Crown Land Licence - Utilities for Telecommunications Line purposes, Kaslo area
D and A	R2620DA	Kaslo Infonet Society	Crown Land Licence - Utilities for Telecommunications Line purposes – Riondel Rd N and Campbell Creek locations on Kootenay Lake
D	R2621D	Kaslo Infonet Society	Crown Land Licence - Utilities for Telecommunications Line purposes – Campbell Creek community
B	R2623B	RDCK	RDCK landfill site located on Crown land 4 km south of Creston

Forestry Applications (Referred by Forestry Companies)

Electoral Area	File Number	Applicant	Intended Use
ABCDEFGF	R2615ABCDEFGF	Ministry of Forests	MoF Kootenay Lake Forest Landscape Plan
G	R2622G	BC Timber Sales	Arrow Field Team Operating Plan# 27

Industrial Applications (Referred by Industrial Companies)

Electoral Area	File Number	Applicant	Intended Use
K	R2626K	Columbia Basin Broadband Corporation	Telecommunications tower at Needles

Municipal Applications (Referred from Local Governments)

Electoral Area	File Number	Applicant	Intended Use
H	R2614HN	Village of Silverton	Village of Silverton Official Community Plan and Zoning Bylaw update

Subdivision Applications (Referred from the Ministry of Transportation and Transit)

Electoral Area	File Number	Applicant	Lots
H	S2612HS	Gander	3 lot conventional subdivision
G	S2613G	A Groenhuysen Mechanical Ltd	2 lot conventional subdivision
B	S2614B	Sullivan Stone	Boundary adjustment and subdivision - 2 lots to 3 lots
J	S2615J	Teck Metals Ltd	2 lot conventional subdivision
G	S2616G	Ihas	2 lot conventional subdivision
A	S2617A	Thurber	2 lot conventional subdivision

April 1 – June 30 (Q2)		Electoral Area											
	VAR	A	B	C	D	E	F	G	H	I	J	K	Total
Development Permit		0	0	0	3	1	0	0	0	0	0	0	4
Development Variance		2	2	0	0	0	1	0	1	0	0	0	6
Board of Variance		0	0	0	0	0	0	0	0	0	0	0	0
Temporary Use Permit		0	0	0	0	0	0	0	0	0	0	0	0
Bylaw Amendment		0	0	0	0	0	1	0	0	1	0	0	2
Floodplain Exemption		0	0	0	0	0	0	0	1	0	0	1	2
Strata Title Conversions		0	0	0	0	0	0	0	0	0	0	0	0
Soil Removal & Deposit Permit		0	0	0	0	0	0	0	0	0	0	0	0
Manufacture Home Park		0	0	0	0	0	0	0	0	0	0	0	0
ALR Applications													0
Inclusion		0	1	0	0	0	0	0	0	0	0	0	1
Subdivide		0	1	0	0	0	0	0	0	0	0	0	1
Non-Farm Use		0	0	2	0	0	0	0	0	0	0	0	2
Non-Adhering Residential Use		0	0	0	0	0	0	0	0	0	0	0	0
Accretion Referrals		1	0	0	0	1	0	0	0	0	0		0
Crown Land Referrals	1	0	1	0	5	0	0	0	0	0	0	1	8
Mines Act Referrals		0	0	0	0	0	0	0	0	0	0	0	0
Forestry Referrals	1	0	0	0	0	0	0	1	0	0	0	0	2
Municipal Referrals		0	0	0	0	0	0	0	1	0	0	0	1
LCRB Referrals		0	0	0	0	0	0	0	0	0	0	0	0
Industrial Referrals		0	0	0	0	0	0	0	0	0	0	1	1
Subdivision Referrals		1	1	0	0	0	0	2	1	0	1	0	6
All Application Types	2	4	6	2	8	2	2	3	4	1	1	3	36

Summary of Applications and Referrals (For the year so far- cumulative)

January 1 to June 30 (Q1 +Q2)		Electoral Area											
	VAR	A	B	C	D	E	F	G	H	I	J	K	Total
Development Permit		0	0	0	3	3	0	0	1	0	0	0	7
Development Variance		2	3	0	1	0	2	0	1	3	1	0	13
Board of Variance		0	0	0	0	0	0	0	0	0	0	0	0
Temporary Use Permit		0	0	0	0	0	0	0	0	0	0	0	0
Bylaw Amendment		0	1	0	0	0	1	0	0	1	0	0	3
Floodplain Exemption		0	0	0	0	0	1	0	0	0	0	1	2
Strata Title Conversions		0	0	0	0	0	0	0	0	0	0	0	0
Soil Removal & Deposit Permit		0	0	0	0	0	0	0	0	0	0	0	0
Manufacture Home Park		0	0	0	0	0	0	0	0	0	0	0	0
ALR Applications													0
Inclusion		0	1	0	0	0	0	0	0	0	0	0	1
Subdivide		0	1	0	0	0	0	0	0	0	0	1	2
Non-Farm Use		2	1	0	0	0	0	0	0	0	0	0	3
Non-Adhering Residential Use		0	0	0	0	0	0	0	0	0	0	0	0
Accretion Referrals		1	0	0	0	1	0	0	0	0	0	0	2
Crown Land Referrals	1	0	1	1	6	2	0	0	1	0	0	1	13
Mines Act Referrals		0	0	0	0	0	1	0	0	0	0	1	2
Forestry Referrals	1	0	0	0	0	0	1	0	1	3	0	0	6
Municipal Referrals	1	0	0	0	0	1	0	0	0	0	0	0	2
LCRB Referrals		0	0	0	0	0	0	0	0	0	1	0	1
Industrial Referrals		0	0	0	0	0	0	0	0	0	0	1	1
Subdivision Referrals		2	2	0	0	2	1	3	2	1	2	2	17
All Application Types	3	7	10	1	10	9	7	3	6	8	4	7	75



Committee Report

Date of Report: June 24, 2026
Date & Type of Meeting: July 15, 2025 Rural Affairs Committee
Author: Monique St Louis, Grants Coordinator
Subject: COMMUNITY WORKS FUND APPLICATION – RDCK – NORTH SHORE FIRE STATION UPGRADES
File: 26-0522-CWF
Electoral Area/Municipality F

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by RDCK for the project titled “RDCK-North Shore Fire Station Upgrades” in the total amount of \$45,787.20.

SECTION 2: BACKGROUND/ANALYSIS

Please see Attachment A for more information

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

This application is the responsibility of Area F and no other areas are being asked to contribute to the project. The Director is supportive of the application. Should this project be funded, Area F will have **\$281,693.62** in Community Works funds remaining. (Balance includes pre-committed funds)

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

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

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

Project management, coordination and labour will be budgeted through RDCK fire services and volunteer efforts.

3.6 Communication Considerations:

None at this time

3.7 Staffing/Departmental Workplace Considerations:

Project management, coordination and labour will be budgeted through RDCK fire services and volunteer efforts.

3.8 Board Strategic Plan/Priorities Considerations:

This project is aligned with the Board's strategic priority to *Manage our assets and service delivery in a fiscally responsible manner.*

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

That the Community Works Fund application submitted by the RDCK for the RDCK-North Shore Fire Station Upgrades in the total amount of \$45,787.20 be approved and that funds be disbursed from Community Works Funds and allocated to Electoral Area F as an internal transfer to **Service S134 Northshore Fire Protection – Area F**

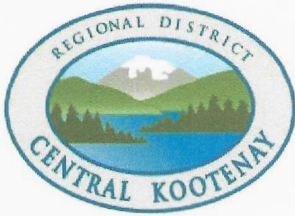
Respectfully submitted,
Monique St Louis, Grants Coordinator

CONCURRENCE

Manager of Corporate Administration/Corporate Office – Mike Morrison **Approved**
Chief Administrative Officer – Stuart Horn **Approved**

ATTACHMENTS:

RAC-07-15-2026-CW-RDCK-North Shore Fire Stn Atch A



Regional District of Central Kootenay

Attachment A

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

Community Works Fund Application (Appendix-A) Gas Tax Program Services – CWF Funding (UBCM)			
"The Project"		North Shore Fire Station Updates	
Date of Application			
Applicant Information			
Name of Organization	North Shore Fire Department		
Address	2703 Greenwood Road		
City, Prov. Postal	Nelson, BC, V1L 6L1		
Phone No.	250 354 9349	Fax No.	
Organization's Email	cpreissl@rdck.bc.ca		
Name of Contact	Colton Preissl	Contact's Email	cpreissl@rdck.bc.ca
Director in Support of Project			
Name of Director(s)		Area(s)/Municipality	Amount Requested
Tom Newell		F	45787.2
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy\mm\dd)	
2026/07/01		2026/12/31	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)		PAR A, LT 41, PL EPP78000, DL 787, KLD, (REF PL 43898D)PID: 030 444 420	
Registered Owners of Land(s)		Regional District of Central Kootenay	
Crown Land Tenure/License No./Permit No.(s)			
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?		☐ Yes ☒ No	
Have you applied and received a building permit?		☐ Yes, Permit No. _____ ☒ No	
If No, please explain: Building updates make no structural changes permit not required			

Application Content

Must include all of the following:

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

1.0 Description of the Project including management framework

The North Shore Fire Department (NSFD) is seeking funding to complete a series of station and grounds upgrades that will ensure the North Shore Fire Hall remains safe, functional, and operational for years to come. The proposed improvements are designed to support firefighter training, improve operational efficiency, enhance public and member safety, and provide a welcoming space for community engagement and volunteer wellness.

The project will include several exterior grounds and storage upgrades. A new concrete auto extrication training pad will be installed to replace the current gravel training area. At present, firefighters conduct vehicle rescue and extrication training on gravel, making it difficult to safely clean up broken glass and metal debris after exercises. The new concrete pad will provide a controlled training environment that improves safety, housekeeping, and long term usability for hands on rescue training.

The project will also expand the department's storage capacity by constructing a second level storage area with a roof above the department's existing 40 foot sea can. The sea can was originally intended to function as a firefighter training structure; however, due to limited storage space, it is currently being used primarily for equipment storage. Expanding storage capacity will allow the sea can to once again serve its intended purpose as a live training and rescue practice facility for NSFD volunteers.

To improve safety and liability management, a new 4 foot chain link fence will be installed to separate the training and storage yard from the fire hall's outdoor gathering and event space. The outdoor area is frequently used for department functions, volunteer and family events, training sessions, and community gatherings. Creating a defined separation between operational and public use spaces will significantly improve safety for attendees while reducing liability concerns for the Regional District of Central Kootenay (RDCK).

Additional building upgrades will address ongoing maintenance and facility needs. The existing exterior fascia, which is currently deteriorating and falling into disrepair, will be replaced with durable Smart Trim engineered fascia designed to match the building's current appearance while providing a longer lasting, low maintenance solution.

Interior renovations will focus on upgrading the upstairs kitchen, lunchroom, and bathroom areas, which are outdated and showing signs of deterioration. Improvements will include updated cabinetry, fixtures, appliances, and flooring to create a more functional and comfortable space for firefighters and community use. These renovations will provide members with an area to host training sessions, department functions, family gatherings, and community events, while also offering firefighters a space to decompress and support one another following emergency incidents.

The project will be managed by North Shore Fire Chief Colton Preissl, who brings over 20 years of experience in the construction industry as a Journeyman Carpenter. His experience includes managing and completing projects ranging from single family home construction and large residential renovations to multi family commercial developments. Chief Preissl will oversee project planning, procurement, scheduling, budgeting, and quality control to ensure the work is completed efficiently and to a high standard.

Where possible, project labour will be completed in house by Chief Preissl and members of the North Shore Fire Department. This approach will help minimize project costs while fostering teamwork, ownership, and pride within the department. The only component to be contracted externally will be the fascia replacement work, as it involves working at heights and requires specialized equipment and qualified contractors to complete safely and efficiently.

Through careful project oversight, volunteer participation, and strategic use of external contractors where necessary, the North Shore Fire Department will ensure the successful completion of these upgrades while maximizing the long term value and impact of the funding received.

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

1.1 Project Costs including Timeline and Supporting Documents

Auto Extrication Concrete Pad to be completed by July 30

Forming materials \$600

Concrete \$1250

Machinery Rental \$1200

Total estimated cost \$3050.

Sea Can Second Level Storage to be started by August 1, 2026 completion by October 1, 2026

Framing Materials \$8500

Fastners \$500

Total estimated cost \$9000

4' Chain Link Fence to be completed by August 1, 2026

Fencing materials \$2500

Total estimated cost \$2500

Facia and Gutter Replacment to be completed by December 31, 2026

\$13,937.20 plus tax (as per estimate Hybreed Contracting #1769

Facility Updates to be completed by December 31, 2026

Flooring \$5000

Cabinets (kitchen and bathrooms) \$4500

Counter tops (kitchen and bathrooms) \$1000

Appliances \$2500

Bathroom fixtures \$1600

Lighting \$1000

Baseboard and casing \$1200

Paint touchups \$500

Total estimated cost \$17,300

Total estimated cost \$45,787.2

All project componants to be complete by December 31, 2026

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

1.2 Project Impact

The proposed project will have a significant and lasting impact on the North Shore Fire Department, its volunteers, and the community it serves. By upgrading the training and station facilities, the department will be better equipped to provide safe, effective, and compliant firefighter training that meets BC Structural Firefighter minimum standards. This will directly improve operational readiness, emergency response capabilities, and the overall level of service available to residents and visitors within the service area.

The creation of a safer and more functional training environment will allow volunteer firefighters to develop and maintain critical skills with greater confidence and consistency. Enhanced training opportunities will support recruitment efforts by demonstrating the department's commitment to member safety, professionalism, and growth, while improved facilities and gathering spaces will strengthen morale, teamwork, and long term volunteer retention.

Beyond operational benefits, the project will positively impact firefighter wellness by providing members with a dedicated space to decompress, connect, and support one another following stressful incidents. Stronger team cohesion and improved mental well being contribute to a healthier, more resilient volunteer department that can continue serving the community effectively.

Overall, this investment will strengthen the department's long term sustainability, enhance public safety, and ensure the community continues to receive dependable emergency response services from a well trained and supported volunteer fire department.

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

1.3 Project Outcomes

The proposed project will create a safe, functional, and sustainable training environment that supports both recruit instruction and the ongoing training required to maintain compliance with BC Structural Firefighter minimum standards. These upgrades will enhance the North Shore Fire Department's ability to safely deliver hands on training in a controlled environment, allowing volunteers to strengthen operational skills, improve emergency response readiness, and expand the level of service provided to the community.

In addition to improving training capacity, the station updates will ensure the fire hall remains in good operational condition and continues to serve as a central hub for department activities. The enhanced space will provide firefighters with opportunities to host training, meetings, and community events, while also offering an area to decompress from the mental and emotional stresses associated with emergency response work.

By investing in both operational infrastructure and member well being, this project will help foster a stronger, more connected volunteer team. Improved facilities and training opportunities will contribute directly to volunteer recruitment, retention, morale, and long term sustainability, ensuring the department can continue providing reliable emergency services to the community for years to come.

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

1.4 Project Team and Qualifications

Colton Preissl Project manager/carpenter Red Seal Journeyman Carpenter with over 20 years of project management and construction experience

Various North Shore Volunteer Firefighters differing areas of expertise including electrician, apprentice carpenters, general labours. To be overseen and managed by the Project Manager.

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

2.0 Project Budget

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

Project Revenue

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

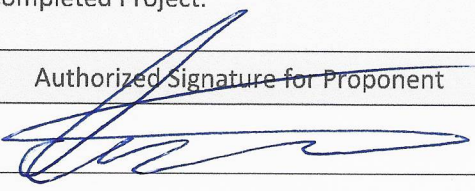
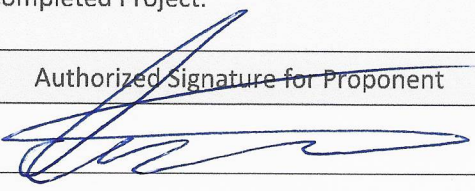
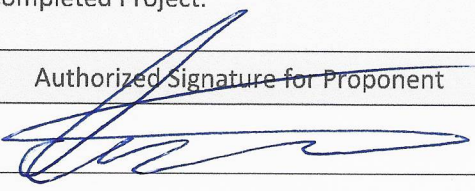
Item	Description of Revenue	Value (\$)
Community Works Funding	Grant Funding (Unsecured)	\$ 45,787.20
		\$
		\$
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 0

Project Expenses

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

Item	Description of Expenses	Value (\$)
Forming Lumber	Concrete pad materials	\$ 600
Concrete	Concrete pad materials	\$ 1250
Excavator	Rental cost for ground prep	\$ 1200
Framing Lumber	Sea Can 2nd level framing materials	\$ 8500
Fastners	Sea Can 2nd Level Fastners	\$ 500
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 12050

Project Revenue (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Revenue	\$ 0
Project Expenses (continued)		
(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
Chain link fence materials	Safety fence materials	\$ 2500
Hybreed Contracting	Facia and gutter replacement	\$ 13937.2
Cabinets	Facility update materials	\$ 4500
Counter tops	Facility update materials	\$ 1000
Flooring	Facility update materials	\$ 5000
Baseboard and casing	Facility update materials	\$ 1200
Paint and supplies	Facility update materials	\$ 500
Toilets	Facility update materials	\$ 500
Sinks and fixtures	Bathroom update	600
Mirrors	Bathroom update	\$ 250
Soap and Towel dispenser	Bathroom update	\$ 250
Lighting	Facility updates	\$ 1000
Fridge, Stove, Microwave	Appliance updates	\$ 2500
		\$
		\$
		\$
	Total Project Expenses	\$ 45787.2

2.1 Additional Budget Information Quote rationale to be reviewed by RDCK Chief Administrative Officer Budget analysis is based off available pricing and material estimates provided by Hybreed Contracting, and Colton Preissl as project manager and construction coordinator. We are confident that the project scope can be completed within the submitted budget. (If needed, please provide additional information on separate page)						
3.0 Accountability Framework The eligible recipient will ensure the following: - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices -						
4.0 Schedule of Payments The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments: a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures.						
5.0 Acknowledgement of Requirements Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth. By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenues and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 5 years) is to be submitted to the RDCK prior to October 31st of each year detailing the beneficial impacts on the community as a result of the completed Project.						
<table border="1" style="width: 100%;"> <tr> <th style="width: 40%;">Authorized Signature for Proponent</th> <th style="width: 30%;">Name</th> <th style="width: 30%;">Date</th> </tr> <tr> <td></td> <td>Colton Preissl</td> <td>May 21, 2026</td> </tr> </table>	Authorized Signature for Proponent	Name	Date		Colton Preissl	May 21, 2026
Authorized Signature for Proponent	Name	Date				
	Colton Preissl	May 21, 2026				



Committee Report

Date of Report: July 2, 2026
Date & Type of Meeting: July 15, 2026 Rural Affairs Committee
Author: Monique St Louis, Grants Coordinator
Subject: COMMUNITY WORKS FUND APPLICATION – RDCK – PASS CREEK
FIREHALL UPGRADES
File: 26-0528-CWF
Electoral Area/Municipality I

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by RDCK for the project titled “RDCK-Pass Creek Firehall Upgrades” in the total amount of \$75,000.00.

SECTION 2: BACKGROUND/ANALYSIS

Please see Attachment A for more information

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

This application is the responsibility of Area I and no other areas are being asked to contribute to the project. The Director is supportive of the application. Should this project be funded, Area I will have \$698,862.15 in Community Works funds remaining.

Note: Balance includes if additional CWF request to Area I within this RAC meeting is approved as well.
(2 Requests: Pass Creek Firehall Upgrades \$75K, and Pass Creek Wildland Apparatus \$250K)

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

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

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

The proposed project costs are eligible based on Community Works funding criteria. The project will create work for local professionals and contractors. Project management work & costs will be covered by Fire Services.

3.6 Communication Considerations:

None at this time

3.7 Staffing/Departmental Workplace Considerations:

N/A

3.8 Board Strategic Plan/Priorities Considerations:

This project is aligned with the Board's strategic priority to *Manage our assets and service delivery in a fiscally responsible manner.*

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

That the Community Works Fund application submitted by the RDCK for the RDCK-Pass Creek Firehall Upgrades in the total amount of \$75,000 be approved and that funds be disbursed from Community Works Funds and allocated to Electoral Area I as an internal transfer to **Service S137 Pass Creek Fire Protection – Area I.**

Respectfully submitted,
Monique St Louis, Grants Coordinator

CONCURRENCE

Manager of Corporate Administration/Corporate Office – Mike Morrison **Approved**
Chief Administrative Officer – Stuart Horn **Approved**

ATTACHMENTS:

RAC-07-15-2026-CW-RDCK-Pass Creek Firehall Upgrades Atch A



Regional District of Central Kootenay Attachment A

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

Community Works Fund Application (Appendix-A) Gas Tax Program Services – CWF Funding (UBCM)			
"The Project"	Area I Fire Department Capital Repair Projects		
Date of Application			
Applicant Information			
Name of Organization	Regional District of Central Kootenay		
Address	Box 590 - 202 Lakeside Drive		
City, Prov. Postal	Nelson, BC V1L 5R4		
Phone No.	250 352 6665	Fax No.	
Organization's Email	info@rdck.bc.ca		
Name of Contact	Grant Hume	Contact's Email	ghume@rdck.bc.ca
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Andy Davidoff	I	\$ 75,000.00	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy/mm/dd)	
2026/05/01		2026/12/31	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)	PID 012-455-521		
Registered Owners of Land(s)	RDCK		
Crown Land Tenure/License No./Permit No.(s)	N/A		
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	☐ Yes ☒ No		
Have you applied and received a building permit?	☐ Yes, Permit No. _____ ☒ No		
If No, please explain: Building Permit will be obtained prior to commencement of work.			

Application Content

Must include all of the following:

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

1.0 Description of the Project including management framework

Fire Services, a service within the Regional District of Central Kootenay (RDCK), coordinates fire protection with 18 separate service areas. This project is part of the RDCK's plan to upgrade all fire hall infrastructure across the region.

Pass Creek Fire Hall was built in the 1980's with renovations and repairs taking place as needed. As such, some building components are at end of life and require replacement. Annual operations and management budgets allow for some building component repairs and/or replacement, however it is always difficult for larger replacement needs given the tight budgets for outlaying fire services.

This project will include:

- Radon mitigation
- Remediation of the water supply system
- Remediation of roof drainage issues

The RDCK Fire Service will project manage these projects internally due to funding constraints with services and external suppliers/contractors through a competitive procurement process.

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

1.1 Project Costs including Timeline and Supporting Documents

The anticipated project cost and Community Works application are outlined below:

Radon Mitigation

- installation of a radon mitigation system

Water system repair

- repair to water intake housing

Roof repair

- repair to water drainage on roof

All projects

- Fees associated with building permits (consulting and permit fees);
- Contingency of 10%

It is expected that all projects will be completed by end of 2026.

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

1.2 Project Impact

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

- End-of-life building components will be repaired or replaced.
- Radon gas entering the building will be mitigated.
- Water supply issues will be addressed.
- Water drainage and potential leaking issues will be mitigated.

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

1.3 Project Outcomes

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

- End-of-life building components will be repaired or replaced.
- Radon gas entering the building will be mitigated.
- Water supply issues will be addressed.
- Water drainage and potential leaking issues will be mitigated.

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

1.4 Project Team and Qualifications

The project team includes:

- Grant Hume, Regional Deputy Fire Chief , RDCK. Masters Degree in Project Management. Registered PMP.
- Eric Hoodicoff, Pass Creek Assistant Fire Chief, RDCK

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

2.0 Project Budget

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

Project Revenue

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

Item	Description of Revenue	Value (\$)
Radon Mitigation	Area I Community Works Grant	\$ 20,000.00
Water System Repair	Area I Community Works Grant	\$ 30,000.00
Roof Repair	Area I Community Works Grant	\$ 25,000.00
RDCK Project Management	66 hours toward project management and plannign	\$ 5,000.00
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 80,000.00

Project Expenses

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

Item	Description of Expenses	Value (\$)
Building Permits	Building Permits for all projects	\$ 1,500.00
Radon Mitigation	Supply and installation of radon system	\$ 17,500.00
Water System Repair	Supply and installation of intake repair	\$ 26,500.00
Roof Repair	Supply and installation of roofing repair	\$ 22,000.00
Contingency	Contingency for all projets	\$ 7,500.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 75,000.00

Project Revenue (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Revenue	\$ 75,000.00
Project Expenses (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Expenses	\$ 80,000.00

2.1 Additional Budget Information Quote rationale to be reviewed by RDCK Chief Administrative Officer		
Budget items have been best guess estimated due to timelines and to fit within director supported funding limits. Competitive quotes will be obtained for each piece prior to work with support from procurement as needed.		
(If needed, please provide additional information on separate page)		
3.0 Accountability Framework		
The eligible recipient will ensure the following: - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices -		
4.0 Schedule of Payments		
The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments: a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures.		
5.0 Acknowledgement of Requirements		
Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth.		
By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 5 years) is to be submitted to the RDCK prior to October 31 st of each year detailing the beneficial impacts on the community as a result of the completed Project.		
Authorized Signature for Proponent	Name	Date
	Grant Hume - RDFC	2026/04/27



Committee Report

Date of Report: July 2, 2026
Date & Type of Meeting: July 15, 2026 Rural Affairs Committee
Author: Monique St Louis, Grants Coordinator
Subject: COMMUNITY WORKS FUND APPLICATION – RDCK – PASS CREEK WILDLAND APPARATUS
File: 26-0529-CWF
Electoral Area/Municipality I

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by RDCK for the project titled "RDCK-Pass Creek Wildland Apparatus" in the total amount of \$250,000.00.

SECTION 2: BACKGROUND/ANALYSIS

Please see Attachment A for more information

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

This application is the responsibility of Area I and no other areas are being asked to contribute to the project. The Director is supportive of the application. Should this project be funded, Area I will have \$698,862.15 in Community Works funds remaining.

Note: Balance includes if additional CWF request to Area I within this RAC meeting is approved as well.
(2 Requests: Pass Creek Firehall Upgrades \$75K, and Pass Creek Wildland Apparatus \$250K)

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

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

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

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

3.6 Communication Considerations:

None at this time

3.7 Staffing/Departmental Workplace Considerations:

N/A

3.8 Board Strategic Plan/Priorities Considerations:

This project is aligned with the Board's strategic priority to *Manage our assets and service delivery in a fiscally responsible manner.*

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

That the Community Works Fund application submitted by the RDCK for the RDCK-Pass Creek Wildland Apparatus in the total amount of \$250,000 be approved and that funds be disbursed from Community Works Funds and allocated to Electoral Area I as an internal transfer to **Service S137 Pass Creek Fire Protection – Area I**

Respectfully submitted,
Monique St Louis, Grants Coordinator

CONCURRENCE

Manager of Corporate Administration/Corporate Office – Mike Morrison **Approved**
Chief Administrative Officer – Stuart Horn **Approved**

ATTACHMENTS:

RAC-07-15-2026-CW-RDCK-Pass Creek Wildland Apparatus Atch A



Regional District of Central Kootenay Attachment A

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

Community Works Fund Application (Appendix-A) Gas Tax Program Services – CWF Funding (UBCM)			
"The Project"	Pass Creek FD Wildland Apparatus		
Date of Application	2026/06/03		
Applicant Information			
Name of Organization	Regional District of Central Kootenay		
Address	Box 590 - 202 Lakeside Drive		
City, Prov. Postal	Nelson, BC V1L5R4		
Phone No.	250 352 6665	Fax No.	
Organization's Email	info@rdck.bc.ca		
Name of Contact	Grant Hume	Contact's Email	ghume@rdck.bc.ca
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Andy Davidoff	I	\$ 250,000.00	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy/mm/dd)	
2026/06/30		2026/12/31	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)			
Registered Owners of Land(s)			
Crown Land Tenure/License No./Permit No.(s)			
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	☐ Yes ☒ No		
Have you applied and received a building permit?	☐ Yes, Permit No. _____ ☒ No		
If No, please explain: Not a building related project			

Application Content

Must include all of the following:

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

1.0 Description of the Project including management framework

Fire Services, a service within the Regional District of Central Kootenay (RDCK), coordinates fire protection with 18 separate service areas. This project is to part of our plan to increase wildfire response capability within the region.

The existing Pass Creek bush capable truck is 40 years old and requires replacement. Annual operations and management budgets allow for some repairs and/or replacement, however it is always difficult for larger replacement needs given the tight budgets for fire services.

This project will include:

- the replacement of the bush capable truck with a BC Wildfire compatible Type 5 engine.

The RDCK Fire Service will project manage this projects internally with suppliers/contractors awarded through a competitive procurement process.

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

1.1 Project Costs including Timeline and Supporting Documents

The anticipated project cost and Community Works application are outlined below:

- Replacement Type 5 Bush Engine
- Contingency of 10%

It is expected that all projects will be completed by end of 2026.

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

1.2 Project Impact

This project overall will allow fire services to continue in Area I in a safe and sustainable manner. This continues to build wildfire response capability within the RDCK so surrounding areas also benefit.

- End-of-life apparatus will be replaced.

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

1.3 Project Outcomes

This project overall will allow fire services to continue in Area I in a safe and sustainable manner. This continues to build wildfire response capability within the RDCK so surrounding areas also benefit.

- End-of-life apparatus will be replaced.

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

1.4 Project Team and Qualifications

The project team includes:

- Grant Hume, Regional Deputy Fire Chief , RDCK. Masters Degree in Project Management. Registered PMP.
- Eric Hoodicoff, Pass Creel Assistant Fire Chief, RDCK

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

2.0 Project Budget

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

Project Revenue

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

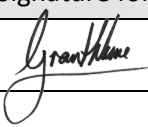
Item	Description of Revenue	Value (\$)
Replacement Type 5 Engine	Area I Community Works Grant	\$ 225,000.00
Contingency	Area I Community Works Grant	\$ 25,000.00
		\$
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 250,000.00

Project Expenses

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

Item	Description of Expenses	Value (\$)
Replacement Type 5 Engine	Replacement Type 5 Engine	\$ 200,000.00
Contingency	Contingency	\$ 25,000.00
Markings and Radios	Stickers and RDCK compatible radios	\$ 25,000.00
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 250,000.00

Project Revenue (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Revenue	\$ 250,000.00
Project Expenses (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Expenses	\$ 250,000.00

2.1 Additional Budget Information Quote rationale to be reviewed by RDCK Chief Administrative Officer		
Budget items have been best guess estimated due to timelines and to fit within director supported funding limits. Competitive quotes will be obtained for each piece prior to work. The apparatus will be bid by tender with support from procurement.		
(If needed, please provide additional information on separate page)		
3.0 Accountability Framework		
The eligible recipient will ensure the following: - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices -		
4.0 Schedule of Payments		
The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments: a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures.		
5.0 Acknowledgement of Requirements		
Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth.		
By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 5 years) is to be submitted to the RDCK prior to October 31 st of each year detailing the beneficial impacts on the community as a result of the completed Project.		
Authorized Signature for Proponent	Name	Date
	Grant Hume - RDFC	2026/06/03



Committee Report

Date of Report: June 24, 2026
Date & Type of Meeting: July 15, 2025 Rural Affairs Committee
Author: Monique St Louis, Grants Coordinator
Subject: COMMUNITY WORKS FUND APPLICATION – RDCK – SLOCAN RIVER FORESHORE INVENTORY MAPPING AND GUIDANCE
File: 26-0508-CWF
Electoral Area/Municipality H

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by RDCK for the project titled "RDCK-Slocan River Foreshore Inventory Mapping and Guidance" in the total amount of \$100,000.00.

SECTION 2: BACKGROUND/ANALYSIS

Please see Attachment A for more information

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

This application is the responsibility of Area H and no other areas are being asked to contribute to the project. The Director is supportive of the application. Should this project be funded, Area H will have **\$933,324.99** in Community Works funds remaining.

Note: Balance includes pre-committed funding and if additional CWF requests to Area H within this RAC meeting are approved as well. (3 Requests: South Slocan Distribution System Upgrades \$60K, Slocan River Foreshore Inventory Mapping and Guidance \$100K and Slocan Valley Firehall Infrastructure Upgrades \$190K)

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

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

3.3 Environmental Considerations

The FIM will document riparian habitat condition, shoreline modifications, and ecological sensitivity along the river, producing standardized GIS datasets and technical mapping. The accompanying FDG will translate this data into accessible, risk-based guidance to inform local land use planning, Development Permit Area design, and ecosystem restoration decisions.

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

The proposed project costs are eligible based on Community Works funding criteria. All project administration, partnership coordination, staff engagement, and committee oversight costs are funded through RDCK operating contributions (CSLAC) and partner in-kind contributions, and are not charged to CWF.

3.6 Communication Considerations:

This project has been reviewed by UBCM and considered eligible.

3.7 Staffing/Departmental Workplace Considerations:

N/A

3.8 Board Strategic Plan/Priorities Considerations:

This project is aligned with the Board's strategic priority to *Manage our assets and service delivery in a fiscally responsible manner.*

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

That the Community Works Fund application submitted by the RDCK for the RDCK- Slocan River Foreshore Inventory Mapping and Guidance in the total amount of \$100,000 be approved and that funds be disbursed from Community Works Funds and allocated to Electoral Area H.

Respectfully submitted,
Monique St Louis, Grants Coordinator

CONCURRENCE

Manager of Corporate Administration/Corporate Office – Mike Morrison **Approved**
Chief Administrative Officer – Stuart Horn **Approved**

ATTACHMENTS:

RAC-07-15-2026-CW-RDCK-Slocan Rvr FIM & Guidance Atch A



Regional District of Central Kootenay

Attachment A

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

Community Works Fund Application (Appendix-A) Gas Tax Program Services – CWF Funding (UBCM)			
"The Project"		Foreshore Inventory Mapping and Guidance for the Slocan River	
Date of Application		2026/06/01	
Applicant Information			
Name of Organization	Regional District of Central Kootenay		
Address	202 Lakeside Drive		
City, Prov. Postal	Nelson BC		
Phone No.	250 254 6084	Fax No.	
Organization's Email	info@rdck.bc.ca		
Name of Contact	Paris Marshall Smith	Contact's Email	pmarshallsmith@rdck.bc.ca
Director in Support of Project			
Name of Director(s)		Area(s)/Municipality	Amount Requested
Walter Popoff		Area H	\$ 100,000.00
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy/mm/dd)	
2026/07/02		2028/01/03	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)			
Registered Owners of Land(s)			
Crown Land Tenure/License No./Permit No.(s)			
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	☐ Yes ☒ No		
Have you applied and received a building permit?	☐ Yes, Permit No. _____ ☒ No		
If No, please explain: We are conducting planning work to manage foreshore and provide guidance to RDCK			

Application Content

Must include all of the following:

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

1.0 Description of the Project including management framework

The Regional District of Central Kootenay (RDCK) is seeking \$100,000 in Community Works Funding to complete Foreshore Inventory Mapping (FIM) and a Foreshore Development Guide (FDG) for the Slocan River.

Building on the completed Slocan Lake FIM and FDG produced by Living Lakes Canada (2021-2022), this project extends the same methodology to the Slocan River - a 59-kilometre ecological corridor connecting Slocan Lake to the Kootenay River and supporting endangered species including Shorthead Sculpin and Westslope Cutthroat Trout. Approximately 10 kilometres of the Little Slocan River will also be surveyed.

The FIM will document riparian habitat condition, shoreline modifications, and ecological sensitivity along the river, producing standardized GIS datasets and technical mapping. The accompanying FDG will translate this data into accessible, risk-based guidance to inform local land use planning, Development Permit Area design, and ecosystem restoration decisions. A publicly accessible online Story Map will integrate the Lake and River data for community and planner use.

CWF funding will cover contracted technical services exclusively: field survey teams, GIS analysis, report preparation, Indigenous knowledge integration directly tied to technical outputs, field equipment, and data archiving. All project administration, partnership coordination, staff engagement, and committee oversight costs are funded through RDCK operating contributions (CSLAC) and partner in-kind contributions, and are not charged to CWF.

Management Framework

The project is governed through the established Slocan Lake and River Partnership structure:

- Steering Committee (RDCK Area H Director, Village representatives, Sinixt, Syilx, Province) provides strategic oversight and approves deliverables.
- Technical Advisory Committee (Sinixt, Syilx, Slocan River Streamkeepers) provides technical guidance and field knowledge.
- RDCK manages contract administration, financial reporting, and CWF compliance - funded through RDCK operating budget.
- All contracted deliverables are tendered externally, with RDCK holding and administering contracts.

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

1.1 Project Costs including Timeline and Supporting Documents

The project runs from July 1, 2026 to December 31, 2027, structured in four phases:

Phase 1 - Project Initiation and Contractor Procurement (Summer 2026)

- Finalize scope of work and survey protocols with Technical Advisory Committee.
- Review existing data: Slocan Lake FIM/FDG, Canada Nature Fund assessments, aquatic habitat inventory.
- Issue and award contracts for field survey, GIS, and technical writing services.
- Confirm Indigenous knowledge integration protocols with Sinixt and Syilx.

Phase 2 - Field Survey (Summer/Fall 2026)

- Contracted field survey team conducts FIM along 59 km of Slocan River and approx 10 km of Little Slocan River.
- Documentation of habitat condition, riparian integrity, shoreline modifications, and archaeological indicators.
- Syilx and Sinixt field participation for cultural values recording
- Slocan River Streamkeepers contribute field knowledge and logistics support

Phase 3 - Data Analysis and Mapping (Winter/Spring 2027)

- Contracted GIS specialist processes field data and develops Foreshore Habitat Sensitivity Index.
- Zones of Sensitivity mapped and validated with Indigenous knowledge holders.
- GIS database prepared

Phase 4 - Reporting and Deliverable Production (Summer/Fall 2027)

- Contracted technical writer produces Foreshore Development Guide.
- Story Map developed and published by contracted digital communications specialist.
- Final datasets archived and submitted to provincial and federal repositories.
- Project Completion Report submitted to RDCK and UBCM.

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

1.2 Project Impact

This project will generate lasting planning infrastructure for the Slocan River watershed. The FIM and FDG will directly enable the RDCK and partner municipalities (New Denver, Silverton, Slocan) to implement stronger riparian Development Permit Areas along the river, providing a regulatory foundation that does not currently exist. The GIS datasets will be publicly available and reusable by provincial agencies, First Nations, and stewardship organizations for decades.

The Story Map will make technical data accessible to residents, landowners, and planners in an interactive format, extending the reach of the technical work into everyday land use decisions. Combined with the existing Slocan Lake FIM, the completed project will provide comprehensive, watershed-scale foreshore data for the entire lower Slocan system.

By identifying Zones of Sensitivity and restoration priorities, the project will also guide future investment in riparian restoration, reducing erosion, protecting water quality, and building climate resilience in a watershed documented to support species at risk.

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

1.3 Project Outcomes

- Complete, standardized Foreshore Inventory Map dataset for 59 km of Slocan River and 10 km of Little Slocan River, archived and publicly accessible.
- Foreshore Development Guide providing risk-based land use guidance for the Slocan River, ready for incorporation into local OCPs and Development Permit Area frameworks.
- Foreshore Habitat Sensitivity Index and Zones of Sensitivity map integrating Western and Indigenous science.
- Publicly accessible online Story Map integrating Slocan Lake and River FIM data.
- Recommendations to local government planners for incorporating guidance into regulatory tools.
- Long-term GIS infrastructure supporting ongoing watershed governance by the SLRP, provincial agencies, and First Nations partners.

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

1.4 Project Team and Qualifications

RDCK (Contract Holder and Financial Administrator): The RDCK has administered multiple watershed and environmental planning projects including the Kootenay Lake Partnership and the initial SLRP establishment. RDCK staff provide contract administration, financial oversight, and CWF compliance reporting as part of normal operations.

Technical Contractor (to be procured): An environmental consulting firm with demonstrated FIM methodology experience will be contracted through a competitive procurement process. The Slocan Lake FIM methodology (Living Lakes Canada, 2021) and the FIMP 2020 standard will be specified in the scope of work.

GIS Contractor (to be procured): A GIS specialist with experience in riparian habitat mapping will be contracted to process field data and produce final datasets and maps.

Sinixt Confederacy (Colville Confederated Tribes) and Syilx (Okanagan Nation Alliance): Both Nations are established members of the SLRP Steering and Technical Advisory Committees. Their contracted knowledge integration services are scoped specifically to validate Zones of Sensitivity and cultural values data incorporated into the technical FIM outputs.

Slocan River Streamkeepers: Long-established local stewardship organization with documented experience in conservation, restoration, and monitoring in the Slocan watershed. Participating as Technical Advisory Committee member
(If needed, please provide additional information on separate page)

2.0 Project Budget

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

Project Revenue

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

Item	Description of Revenue	Value (\$)
Community Works Fund (UBCM)	Community Works	\$ 100,000.00
RDCK - In-Kind Staff Contribution (Non)	Regional District of Central Kootenay in-kind	\$ 10,000.00
SLRP Coordinator (Non-CWF)	External grant funding	\$ 20,000.00
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 130,000.00

Project Expenses

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

Item	Description of Expenses	Value (\$)
Technical Services - FIM Field Survey	Contracted field survey team to conduct Foreshore	\$ 45,000.00
Technical Services - GIS Analysis and	Contracted GIS specialist to process field data, de	\$ 10,000.00
Technical Services - Foreshore Develop	Contracted technical writer to produce the Foresho	\$ 5,000.00
Technical Services - Story Map	Contracted digital communications specialist to de	\$ 5,000.00
Indigenous Knowledge Integration	Contracted services for Sinixt and Syilx knowledge	\$ 10,000.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 75,000.00

Project Revenue (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Revenue	\$ 130,000.00
Project Expenses (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
Equipment and Field Materials	Field survey equipment, GPS units, data collection tool	\$ 10,000.00
Data Management and Archiving	Contracted data management: final dataset preparation	\$ 5,000.00
Contingency (10%)	Reserve for unforeseen contracted costs (weather delay)	\$ 10,000.00
Project admin & management	RDCK in kind	\$ 10,000.00
Project Coordination	SLRP Coordinator	\$ 20,000.00
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Expenses	\$ 130,000.00

2.1 Additional Budget Information Quote rationale to be reviewed by RDCK Chief Administrative Officer		
All CWF-funded components will be procured through RDCK's standard competitive procurement process (RFP/RFQ) in accordance with RDCK Purchasing Policy. The RDCK will not use own-force labour for any CWF-funded activities. Cost estimates are based on the following rationale: Field Survey (\$45,000): comparable FIM contracts in BC Interior watersheds; the 59 km reach and FIMP 2020 methodology require a specialized external contractor. GIS Analysis (\$10,000): contracted specialist to process field data into CMN-compliant datasets over an estimated 6-8 weeks. Foreshore Development Guide (\$5,000): contracted technical writing and design of the guidance document. Story Map (\$5,000): contracted digital communications services for an interactive web-based map integrating Lake and River FIM data. Indigenous Knowledge Integration (\$10,000): contracted sessions with Sinixt and Syilx knowledge holders; honoraria and facilitation scoped to deliverable-linked sessions only. Equipment and Field Materials (\$10,000): GPS units, field data collection tools, and safety materials directly required for FIM fieldwork. Data Management (\$5,000): contracted archiving, metadata preparation, and submission to provincial and federal repositories. (If needed, please provide additional information on separate page)		
3.0 Accountability Framework		
The eligible recipient will ensure the following: - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices -		
4.0 Schedule of Payments		
The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments: a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures.		
5.0 Acknowledgement of Requirements		
Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth. By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 5 years) is to be submitted to the RDCK prior to October 31st of each year detailing the beneficial impacts on the community as a result of the completed Project.		
Authorized Signature for Proponent	Name	Date



Committee Report

Date of Report: June 24, 2026
Date & Type of Meeting: July 15, 2026 Rural Affairs Committee
Author: Monique St Louis, Grants Coordinator
Subject: COMMUNITY WORKS FUND APPLICATION – RDCK – SLOCAN VALLEY FIREHALL INFRASTRUCTURE UPGRADES
File: 26-0521-CWF
Electoral Area/Municipality H

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by RDCK for the project titled “RDCK-Slocan Valley Firehall Infrastructure Upgrades” in the total amount of \$190,000.00.

SECTION 2: BACKGROUND/ANALYSIS

Please see Attachment A for more information

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

This application is the responsibility of Area H and no other areas are being asked to contribute to the project. The Director is supportive of the application. Should this project be funded, Area H will have **\$933,324.99** in Community Works funds remaining.

Note: Balance includes pre-committed funding and if additional CWF requests to Area H within this RAC meeting are approved as well. (3 Requests: South Slocan Distribution System Upgrades \$60K, Slocan River Foreshore Inventory Mapping and Guidance \$100K and Slocan Valley Firehall Infrastructure Upgrades \$190K)

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

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

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

The proposed project costs are eligible based on Community Works funding criteria. The project will create work for local professionals and contractors.

3.6 Communication Considerations:

None at this time

3.7 Staffing/Departmental Workplace Considerations:

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

3.8 Board Strategic Plan/Priorities Considerations:

This project is aligned with the Board's strategic priority to *Manage our assets and service delivery in a fiscally responsible manner.*

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

That the Community Works Fund application submitted by the RDCK for the RDCK- Slocan Valley Firehall Infrastructure Upgrades in the total amount of \$190,000 be approved and that funds be disbursed from Community Works Funds and allocated to Electoral Area H as an internal transfer to **Service S142 Slocan Valley Fire Protection – Area H.**

Respectfully submitted,
Monique St Louis, Grants Coordinator

CONCURRENCE

Manager of Corporate Administration/Corporate Office – Mike Morrison **Approved**
Chief Administrative Officer – Stuart Horn **Approved**

ATTACHMENTS:

RAC-07-15-2026-CW-RDCK-Slocan Valley Firehall Upgrades Atch A



Regional District of Central Kootenay Attachment A

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

Community Works Fund Application (Appendix-A) Gas Tax Program Services – CWF Funding (UBCM)			
"The Project"	Area H Fire Department Capital Repair Projects		
Date of Application	2026/04/09		
Applicant Information			
Name of Organization	Regional District of Central Kootenay		
Address	Box 590 - 202 Lakeside Drive		
City, Prov. Postal	Nelson, BC V1L 5R4		
Phone No.	250 352 6665	Fax No.	
Organization's Email	info@rdck.bc.ca		
Name of Contact	Grant Hume	Contact's Email	ghume@rdck.bc.ca
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Walter Popoff	H	\$ 190,000.00	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy/mm/dd)	
2026/05/01		2026/12/31	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)	PID008-185-620; PID 010-414-886; PID010-541-462; PID026-081-164		
Registered Owners of Land(s)	RDCK		
Crown Land Tenure/License No./Permit No.(s)	N/A		
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	☐ Yes ☒ No		
Have you applied and received a building permit?	☐ Yes, Permit No. _____ ☒ No		
If No, please explain: Building Permit will be obtained prior to commencement of work.			

Application Content

Must include all of the following:

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

1.0 Description of the Project including management framework

Fire Services, a service within the Regional District of Central Kootenay (RDCK), coordinates fire protection with 18 separate service areas. This project is part of the RDCK's plan to upgrade all fire hall infrastructure across the region.

Crescent Valley, Passmore, Winlaw and Slocan Fire Halls were built in the 1980's with renovations and repairs taking place as needed. As such, some building components are at end of life and require replacement. Annual operations and management budgets allow for some building component repairs and/or replacement, however it is always difficult for larger replacement needs given the tight budgets for outlaying fire services.

This project will include:

- the replacement of exterior doors at Crescent Valley
- The remediation of driveway drainage at Crescent Valley
- the remediation of water access at Passmore
- the remediation of driveway at Winlaw
- the painting of the bay floor at Winlaw
- the remediation of kitchen/training room floor at Slocan
- the remediation of roof at Slocan

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

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

1.1 Project Costs including Timeline and Supporting Documents

The anticipated project cost and Community Works application are outlined below:

Exterior doors at Crescent Valley

- removal of old doors, supply and installation of 5 exterior doors and update to current code requirements

Driveway drainage at Crescent Valley

- supply and installation of new drainage at LHS of driveway

Driveway at Winlaw

- removal of old driveway, supply and install of new concrete/bitumen and drainage

Painting of the bay floor at Winlaw

- preparation and painting of the bay floor with epoxy floor paint

Kitchen/training room floor at Slocan

- removal of old flooring, supply and install of linoleum floor tiles

Roof at Slocan

- removal of old roofing, supply and install of sheet metal roofing

All projects

- Fees associated with building permits (consulting and permit fees);
- Contingency of 10%
- Project management fees (10%).

It is expected that all projects will be completed by end of 2026.

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

1.2 Project Impact

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

- End-of-life building components will be replaced.
- Energy efficient doors will lower annual energy usage and related costs.
- Drainage removes incidents of flooding and building damage
- Driveway repairs prevent avoidable accidents and improve water drainage

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

1.3 Project Outcomes

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

- End-of-life building components will be replaced.
- Energy efficient doors will lower annual energy usage and related costs.
- Drainage removes incidents of flooding and building damage
- Driveway repairs prevent avoidable accidents and improve water drainage
- Access to water supply increases operational response capability

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

1.4 Project Team and Qualifications

The project team includes:

- Grant Hume, Regional Deputy Fire Chief , RDCK
- Ryan Durand, Crescent Valley Fire Chief, RDCK
- Gord Ihlen, Passmore Fire Chief , RDCK
- Stephanie Whitney, Winlaw Fire Chief, RDCK
- Cliff Froehlich, Slocan Fire Chief, RDCK

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

2.0 Project Budget

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

Project Revenue

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

Item	Description of Revenue	Value (\$)
CRV Exterior Doors	Area H Community Works Grant	\$ 18,000.00
CRV Drainage	Area H Community Works Grant	\$ 30,000.00
SLO Roof repair	Area H Community Works Grant	\$ 22,000.00
WIN Driveway repair	Area H Community Works Grant	\$ 70,000.00
WIN Bay floor paint	Area H Community Works Grant	\$ 25,000.00
SLO Floor repair	Area H Community Works Grant	\$ 25,000.00
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 190,000.00

Project Expenses

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

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

Project Revenue (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Revenue	\$ 190,000.00
Project Expenses (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
Building Permits	Building Permits for all projects	\$ 1,750.00
Contingency	Contingency for all projects	\$ 18,750.00
Service Doors and Hardware	Supply and install 5 exterior man doors with hardware	\$ 15,950.00
Driveway Drainage	Supply and installation of new drainage	\$ 26,750.00
		\$
Driveway repairs	Supply and installation of new driveway	\$ 62,750.00
floor paint	Supply and installation of bay paint	\$ 22,250.00
flooring repair	Supply and installation of flooring	\$ 22,250.00
roofing repair	supply and installation of roofing	19,550.00
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Expenses	\$ 190,000.00

2.1 Additional Budget Information Quote rationale to be reviewed by RDCK Chief Administrative Officer		
(If needed, please provide additional information on separate page)		
3.0 Accountability Framework		
The eligible recipient will ensure the following: - Net incremental capital spending is on infrastructure or capacity building - Funding is used for eligible Project and eligible costs - Project is implemented in diligent and timely manner - Where recipient is a Local Government, undertake Integrated Community Sustainability Planning - Provide access to all records - Comply with legislated environmental assessment requirements and implement environmental impact mitigation measures - Provide a Project Completion Report including copies of all invoices -		
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The RDCK shall pay the grant to the proponent in accordance with the following schedule of payments: a) 75% upon signing of the Contract Agreement b) 25% upon receipt of a Project completion report indicating 100% completion of the Project and proof of meeting anticipated impacts and outcomes, a statement of income and expenses, and copies of invoices/receipts supporting funding expenditures.		
5.0 Acknowledgement of Requirements		
Gas Tax-funded projects aim to achieve national objectives: a clean environment; strong cities and communities; and productivity and economic growth.		
By signing below, the recipient agrees to prepare and submit a Project completion report outlining Project outcomes that were achieved and information on the degree to which the Project has contributed to the above mentioned objectives. The Project completion report must include details of project revenue s and expenses and copies of invoices or receipts that support funding expenditures. In addition, an annual report (for 5 years) is to be submitted to the RDCK prior to October 31 st of each year detailing the beneficial impacts on the community as a result of the completed Project.		
Authorized Signature for Proponent	Name	Date
	Grant Hume, Regional Deputy Fire Chi	2026/12/31



Committee Report

Date of Report: June 24, 2026
Date & Type of Meeting: July 15, 2026 Rural Affairs Committee
Author: Monique St Louis, Grants Coordinator
Subject: COMMUNITY WORKS FUND APPLICATION – RDCK – SOUTH SLOCAN WATER DISTRIBUTION SYSTEM UPGRADES
File: 26-0508-CWF
Electoral Area/Municipality H

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by RDCK for the project titled “RDCK-South Slocan Water Distribution System Upgrades” in the total amount of \$60,000.00.

SECTION 2: BACKGROUND/ANALYSIS

Please see Attachment A for more information

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

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

This application is the responsibility of Area H and no other areas are being asked to contribute to the project. The Director is supportive of the application. Should this project be funded, Area H will have **\$933,324.99** in Community Works funds remaining.

Note: Balance includes pre-committed funding and if additional CWF requests to Area H within this RAC meeting are approved as well. (3 Requests: South Slocan Distribution System Upgrades \$60K, Slocan River Foreshore Inventory Mapping and Guidance \$100K and Slocan Valley Firehall Infrastructure Upgrades \$190K)

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

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

3.3 Environmental Considerations

N/A

3.4 Social Considerations:

N/A

3.5 Economic Considerations:

The proposed project costs are eligible based on Community Works funding criteria. The project will create work for local professionals and contractors.

3.6 Communication Considerations:

None at this time

3.7 Staffing/Departmental Workplace Considerations:

The RDCK Project Management team will facilitate the tendering process for the construction portion of the project. All permit applications required will be completed internally by the RDCK Water Operations Supervisor.

3.8 Board Strategic Plan/Priorities Considerations:

This project is aligned with the Board's strategic priority to *Manage our assets and service delivery in a fiscally responsible manner.*

SECTION 4: OPTIONS & PROS / CONS

N/A

SECTION 5: RECOMMENDATIONS

That the Community Works Fund application submitted by the RDCK for the RDCK- South Slocan Water Distribution System Upgrades in the total amount of \$60,000 be approved and that funds be disbursed from Community Works Funds and allocated to Electoral Area H as an internal transfer to **Service S245 Water Utility – Area H (South Slocan).**

Respectfully submitted,
Monique St Louis, Grants Coordinator

CONCURRENCE

Manager of Corporate Administration/Corporate Office – Mike Morrison **Approved**
Chief Administrative Officer – Stuart Horn **Approved**

ATTACHMENTS:

RAC-07-15-2026-CW-RDCK-South Slocan Water Dis Sys Upgrade Atch A



Regional District of Central Kootenay Attachment A

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

Community Works Fund Application (Appendix-A) Gas Tax Program Services – CWF Funding (UBCM)			
"The Project"	South Slokan Distribution System Upgrades		
Date of Application	2026/05/27		
Applicant Information			
Name of Organization	Regional District of Central Kootenay		
Address	Box 590, 202 Lakeside Drive		
City, Prov. Postal	Nelson, B.C.		
Phone No.	250.352.6665	Fax No.	
Organization's Email			
Name of Contact	A. Divlakovski	Contact's Email	adivlakovski@rdck.bc.ca
Director in Support of Project			
Name of Director(s)	Area(s)/Municipality	Amount Requested	
Walter Popoff	Area H	\$ 60,000.00	
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy/mm/dd)	
2026/05/27		2026/11/30	
Land Ownership			
Ownership and legal description information is required for all parcels of land on which the proposed work will occur.			
Legal Description of land(s)			
Registered Owners of Land(s)			
Crown Land Tenure/License No./Permit No.(s)			
Compliance With Regulations			
The proponent shall in all respects abide by and comply with all applicable lawful rules, regulations and bylaws of the federal, provincial or local governments, or any other governing body whatsoever, in any manner affecting the Project.			
Have you consulted with a building official?	☐ Yes ☒ No		
Have you applied and received a building permit?	☐ Yes, Permit No. _____ ☒ No		
If No, please explain: not applicable			

Application Content

Must include all of the following:

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

1.0 Description of the Project including management framework

The South Slocan water system is a RDCK owned and operated water system that has significant portions of it's distribution system requiring replacement due to aging infrastructure and non-standard materials. The scope of this project includes replacing sections of 4" and 6" water mains with new C900 PVC, replacing two 4" gate valves, and installing a new 6" gate valve. Some investigation is required to determine tie-in points and length of pipe required for replacement. There is also potential for scope expanding to include a new highway water main crossing should the Ministry of Transportation and Infrastructure help facilitate the installation of a casing pipe.

The RDCK Project Management team will facilitate the tendering process for the construction portion of the project. All permit applications required will be completed internally by the RDCK Water Operations Supervisor.

The estimated costs for the project are approximately \$20,000 for materials, \$25,000 for construction/excavation, \$5,000 for project management, and \$10,000 for contingency.

This project is identified in the 2026 RDCK 5-year Financial Plan for Service S245 under Capital Project Code CAP1007-100 SSL W - Distribution System Upgrades.

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

1.1 Project Costs including Timeline and Supporting Documents

The estimated costs for the project are approximately \$20,000 for materials, \$25,000 for construction/excavation, \$5,000 for project management, and \$10,000 for contingency.

Permit applications for Interior Health and Ministry of Transportation will be submitted in June 2026. The Project Management team will be issuing a tender for construction in July 2026. Construction would commence in August and (depending on scope) be completed by fall 2026.

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

1.2 Project Impact

This project will help ensure the continued delivery of potable water to the residents of South Slocan. This section of the distribution system is the sole supplier of potable water to the south end of the water system across Highway 3A and is imperative to maintain in good working order for residents and businesses.

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

1.3 Project Outcomes

The project will replace aging ductile and cast iron water mains with industry-standard PVC. It will also repair known leakage from old gate valves and see the installation of a new isolation valve for improved operational capabilities.

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

1.4 Project Team and Qualifications

The project will be overseen by the RDCK Water Operations team and the RDCK Project Management team.

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

2.0 Project Budget

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

Project Revenue

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

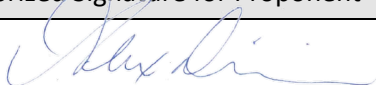
Item	Description of Revenue	Value (\$)
Capital	Community Works Funds	\$ 60,000.00
		\$
		\$
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 60,000.00

Project Expenses

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

Item	Description of Expenses	Value (\$)
Materials	pipe, valves, misc. fittings	\$ 20,000.00
Construction	mob/demob, hydrovac investigation, excavation, c	\$ 25,000.00
PM	Project Management	\$ 5,000.00
Contingency	20%	\$ 10,000.00
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 60,000.00

Project Revenue (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Revenue	\$ 60,000.00
Project Expenses (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Expenses	\$ 60,000.00

2.1 Additional Budget Information Quote rationale to be reviewed by RDCK Chief Administrative Officer		
Director Popoff has verbally confirmed support for this application to use Community Works funding for this capital project.		
(If needed, please provide additional information on separate page)		
3.0 Accountability Framework		
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Authorized Signature for Proponent	Name	Date
	Alex Divlakovski	2026/05/27