



Development Variance Permit Application

Referral Form – RDCK File V2416C

Date: March 14, 2025

You are requested to comment on the attached DEVELOPMENT VARIANCE PERMIT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO APRIL 14). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

LEGAL DESCRIPTION & GENERAL LOCATION:

2505 Goat River South Road, Creston, Electoral Area 'C'

012-986-569

LOT 16 DISTRICT LOT 491 KOOTENAY DISTRICT PLAN NEP1456

PRESENT USE AND PURPOSE OF PERMIT REQUESTED:

The subject property was historically used for industrial purposes and was previously zoned Quarry (Q). It is entirely within the Agricultural Land Reserve (ALR). To accommodate the principal use of the property for residential purposes, the property was rezoned to Agriculture 2 (AG2) in 2019. The property has been improved with a residence, septic system, accessory buildings and skating rink.

The owners are proposing to build a new residence on the property and are requesting three variances to do so. There is an existing residence on the property which will be removed once the proposed residence is constructed. This Development Variance Permit (DVP) seeks to vary Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013 as follows:

1. **Section 25(4):** That there shall be no maximum Farm Residential Footprint size for this property only.
2. **Section 25(5):** That there shall be no maximum Farm Residential Footprint depth for this property only.
3. **Section 25(6):** The Maximum Gross Floor Area of the Single Detached Housing is increased from 300 square meters to 319.0 square metres for this property only.

Potential hazards that could impact the property include steep slopes, landslides, clearwater flooding and erosion/channel migration associated with the Goat River, which borders the property. The owner has submitted a Geohazard Assessment Report from a professional engineer which states that the proposed build site is safe for residential use.

PROPERTY SIZE	ALR STATUS	ZONING	OCP
4.98 Ha (12.31 ac)	Yes	Agriculture 2 (AG2) Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013	Agriculture (AG) Electoral Area 'C' Comprehensive Land Use Bylaw No. 2317, 2013

APPLICANT: Marcie and Daniel Johnson

Please provide your response via email.

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

If you are an RDCK commission member, do not respond via email. Your response is the commission's recommendation which staff will collect from the meeting minutes.

SADIE CHEZENKO, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY

☒ MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

☒ HABITAT BRANCH (Environment)

☒ FRONTCOUNTER BC (MFLNRORD)

☒ AGRICULTURAL LAND COMMISSION

☒ REGIONAL AGROLOGIST

☐ ENERGY & MINES

☐ MUNICIPAL AFFAIRS & HOUSING

☒ INTERIOR HEALTH, HBE TEAM

☐ SCHOOL DISTRICT NO.

☐ WATER SYSTEM OR IRRIGATION DISTRICT

☒ UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)

REGIONAL DISTRICT OF CENTRAL KOOTENAY

DIRECTORS FOR:

☐ A ☐ B ☒ C ☐ D ☐ E ☐ F ☐ G ☐ H ☐ I ☐ J ☐ K

ALTERNATIVE DIRECTORS FOR:

☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G ☐ H ☐ I ☐ J ☐ K

☒ APHC AREA C

☒ RDCK FIRE SERVICES

☒ RDCK EMERGENCY SERVICES

☒ RDCK BUILDING SERVICES

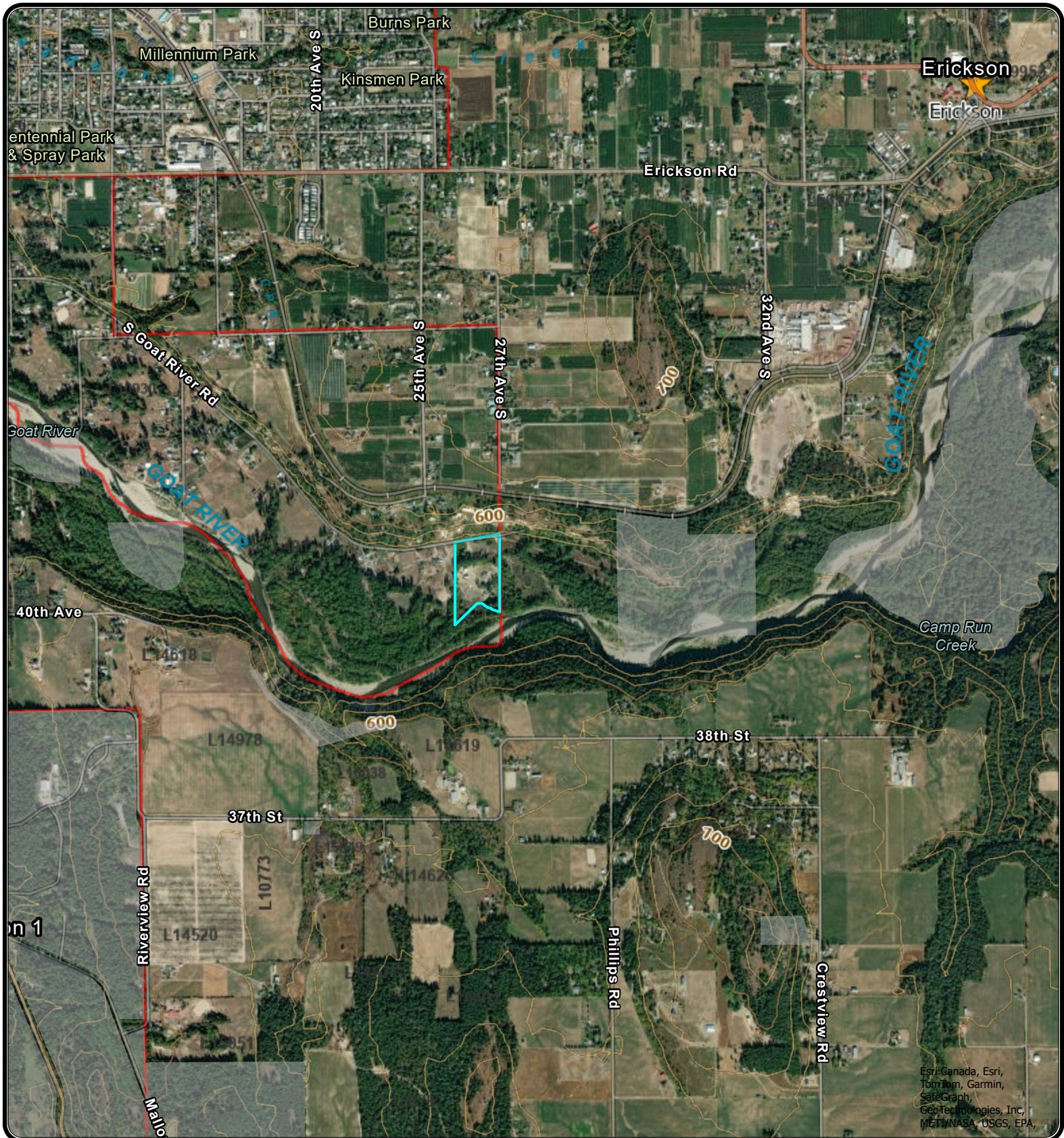
☐ RDCK UTILITY SERVICES

☐ RDCK RESOURCE RECOVERY

☐ RDCK REGIONAL PARKS

The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, use and disclosure of personal information are subject to the provisions of FIPPA. Any submissions made are considered a public record for the purposes of this application. Only personal contact information will be removed. If you have any questions about the collection of your personal information, contact the Regional District Privacy Officer at 250.352.6665 (toll free 1.800.268.7325), info@rdck.bc.ca, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RETURN TO: SADIE CHEZENKO, PLANNER
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
Ph. 250-352-1585
Email: plandept@rdck.bc.ca



Esri Canada, Esri,
TomTom, Garmin,
SafeGraph,
GeoTechnologies, Inc.,
MET/NASA, USGS, EPA,



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maps@rdck.bc.ca

Legend

ParcelMap BC - Crown
Land

Places That Matter

★ Other

20 Meter Contours

— 20 meter

— 100 meter

Place Names

Electoral Areas

Map Scale:

1:20,000

Date: August 21, 2024



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

Legend

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

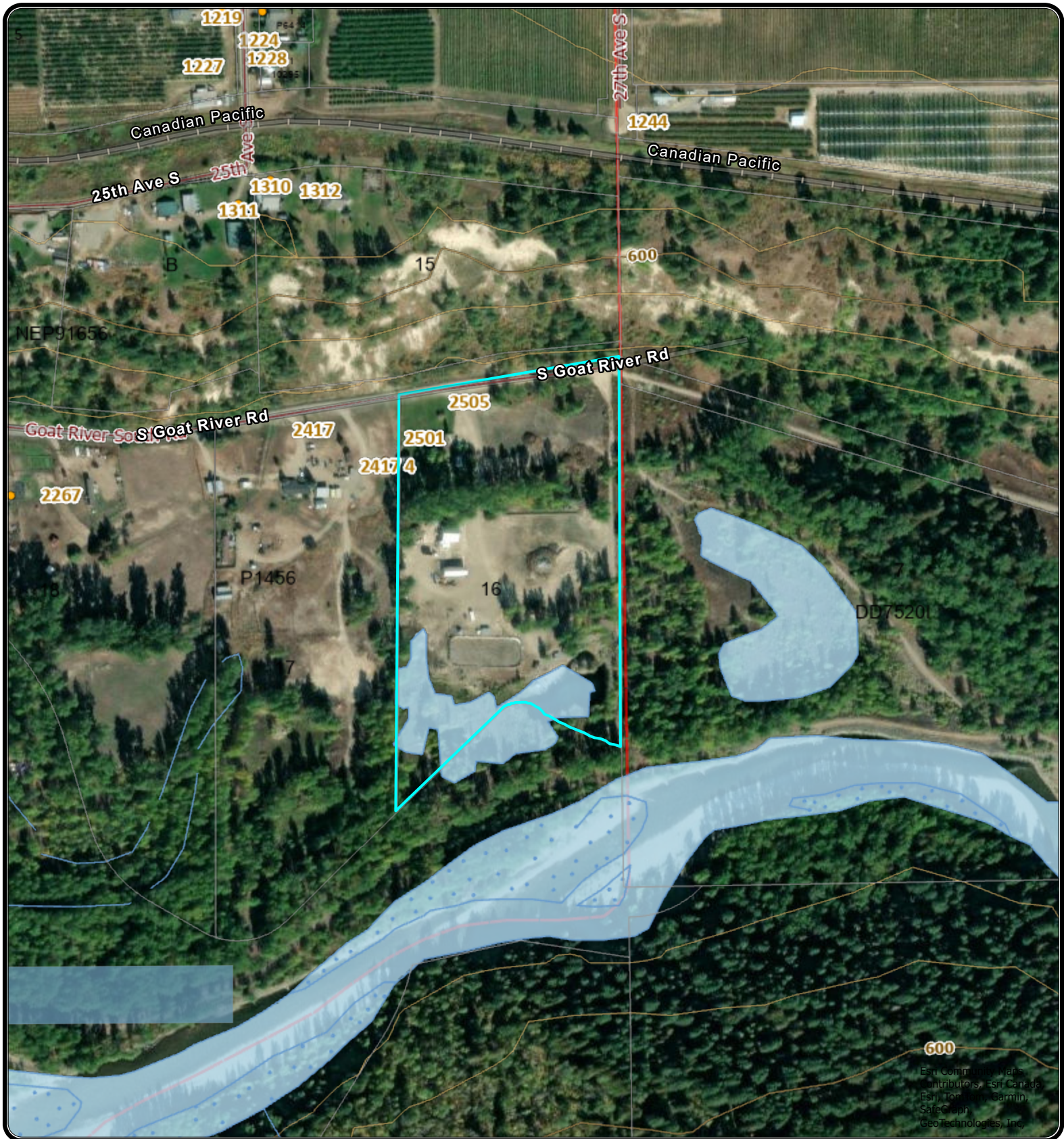
Map Scale:

1:4,000



Date: August 21, 2024

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Esri Community Maps
Contributors: Esri Canada
Esri, TomTom, Garmin,
SafeGraph,
GeoTechnologies, Inc.



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Legend

BC Crown Tenures

- LICENCE
- Lakes and Rivers
- Streams and Shorelines

20 Meter Contours

- 20 meter

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

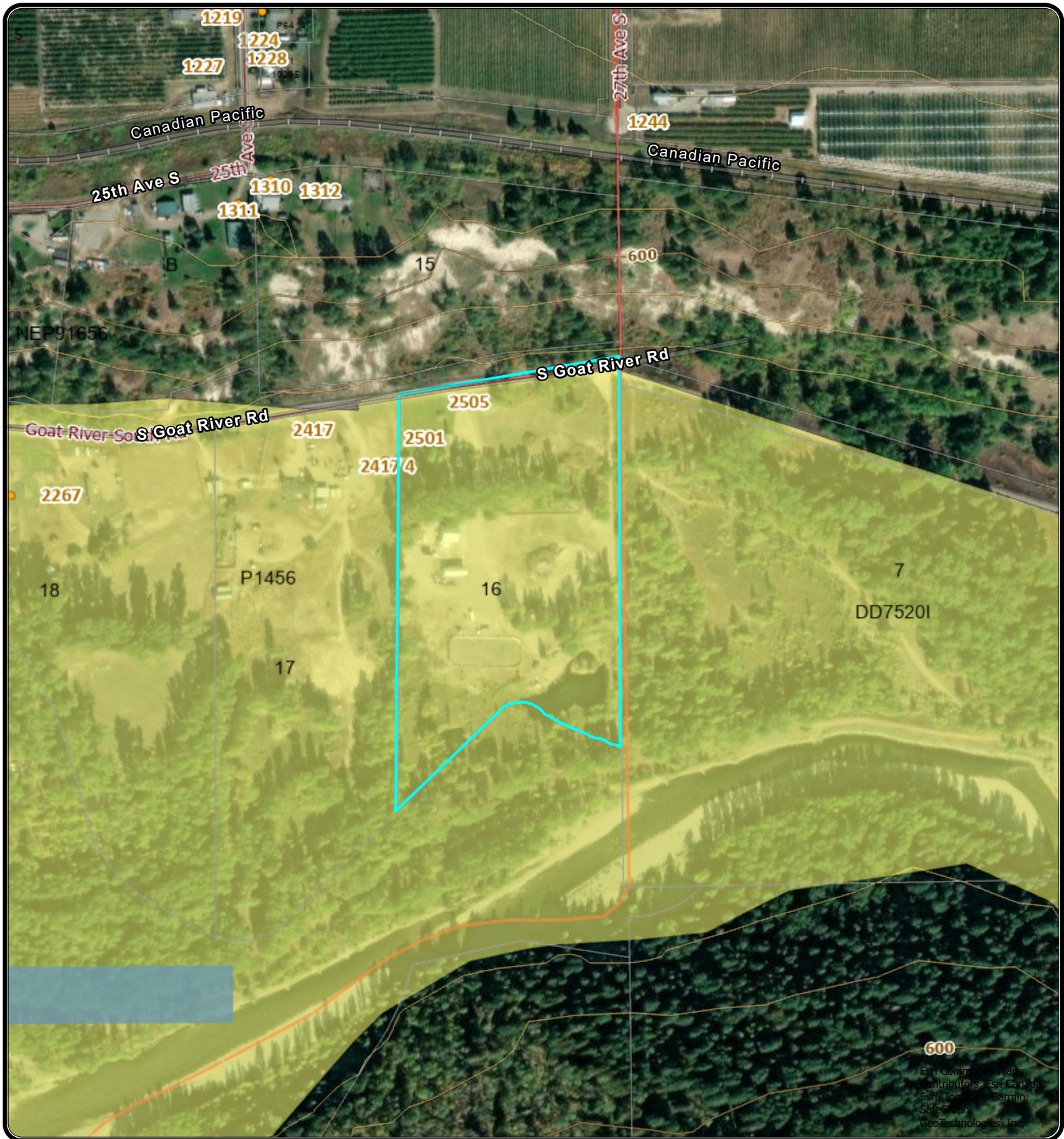
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Legend

BC Crown Tenures

- LICENCE
- Non Standard Flooding Erosion Area

20 Meter Contours

- 20 meter

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

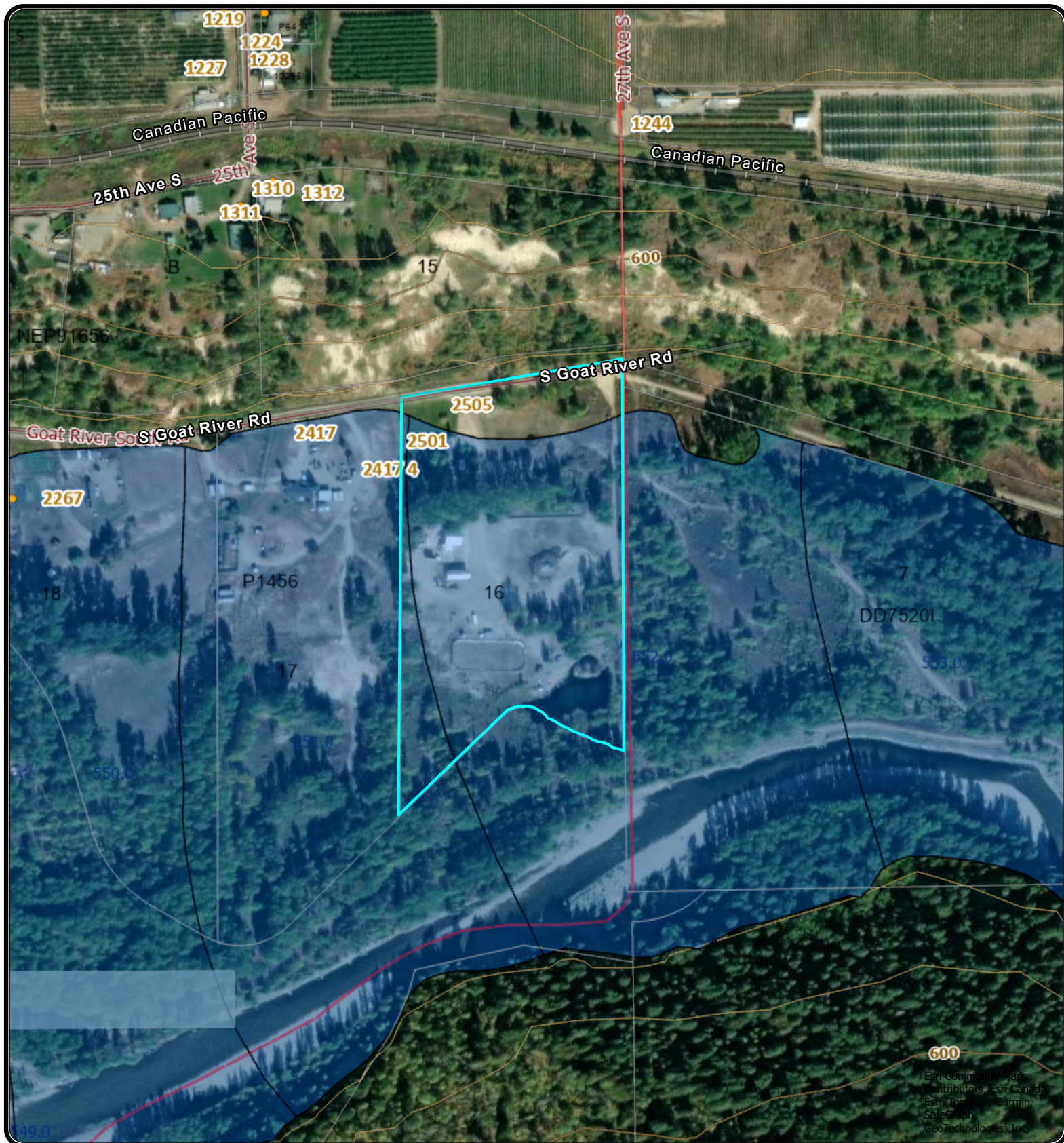
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BC Crown Tenures

- LICENCE
- Flood Construction Levels - 1990

20 Meter Contours

- 20 meter

Legend

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

Map Scale:

1:4,000

Date: August 21, 2024



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BC Crown
Tenures

- LICENCE
■ Lakes and Rivers
— Streams and Shorelines

Tempest Land Comments

- Geotech Report

Official
Community Plan

- Agriculture
- Utility, Railway and Transportation
- Building Footprints

Land Use Applications

-  Land Use Bylaw Amendment

Legend

-  LCRB Referral
 Clearwater Flood
 Construction Levels - 2020

20 Meter Contours

- 20 meter
— 100 meter
🔊 Valves

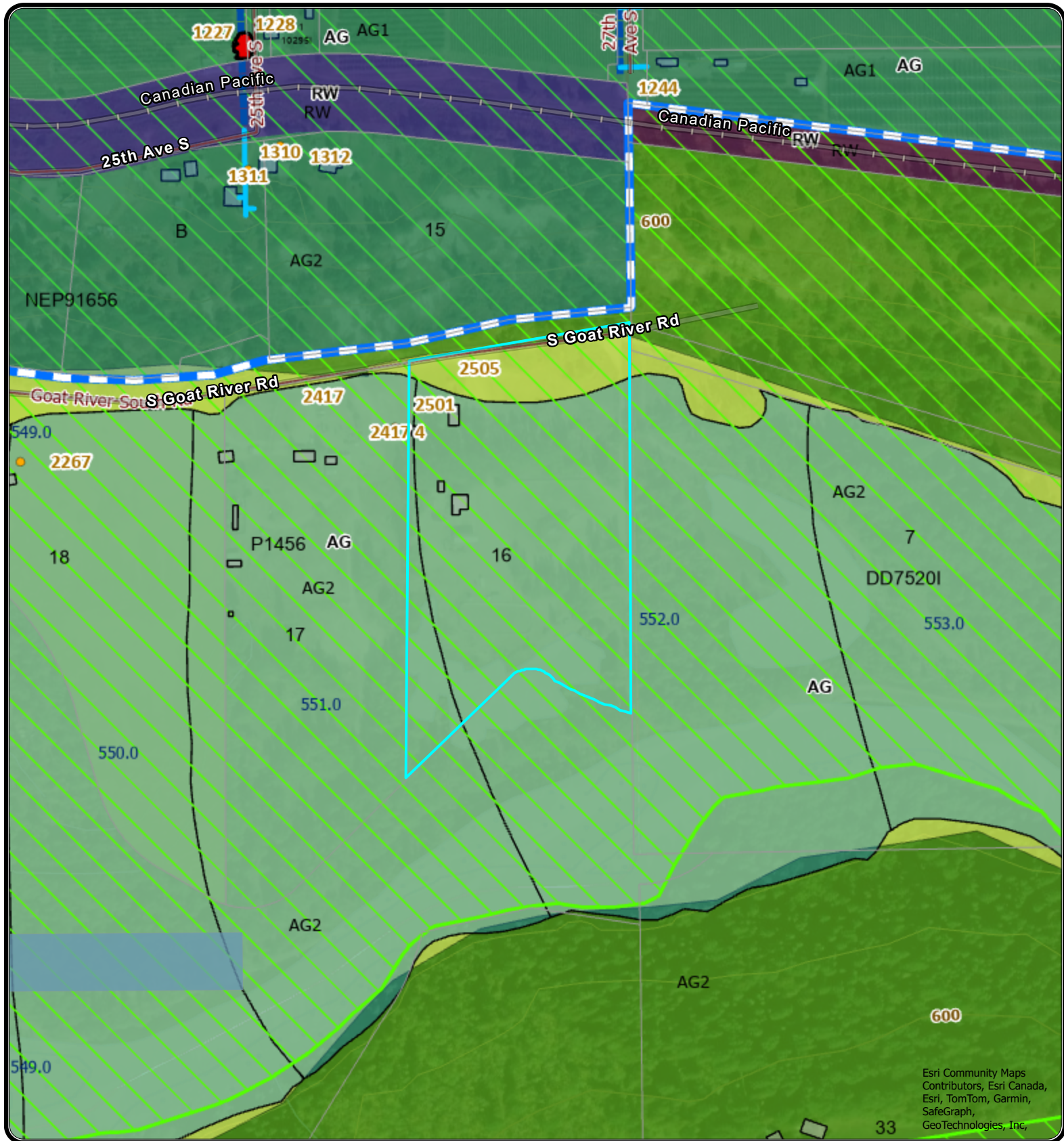
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BC Crown Tenures

- LICENCE
- Lakes and Rivers
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Tempest Land Comments

- Geotech Report

Legend

Official Community Plan

- Agriculture
- Utility, Railway and Transportation
- Building Footprints

20 Meter Contours

- 20 meter

- 100 meter

- Valves

Water Systems

- RDCK OWNED
- Main Line
- Service Connections

Hydrants

- Hydrant

Map Scale:

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3.0 AGRICULTURE

Background

The amount of designated and undesignated land that is in agricultural production in the rural area is an important factor in developing a secure local food system. Lands within the Agricultural Land Reserve (ALR) can be found throughout the Plan area. The area is one of the richest agricultural areas of the Province, with lands being used for large commercial agricultural production of grains, hay, produce, dairy and livestock in addition to other associated agricultural activities. Agriculture is also a basis for tourism and industry in the area. Lands outside of the ALR are used for rural residential and country residential purposes with small market gardens. These can be an important contributor to local food production. In addition, agricultural operations and activities, such as livestock grazing, are also dependent on rural lands outside of the 'Agricultural' designation.



Lands designated as Agriculture in Schedule 'A.1' include areas within the Agricultural Land Reserve and additional lands with the identified potential for agricultural activity. Agricultural operations and activities are also dependent on lands located outside of the Agricultural designation. Zoning types applicable to this section include Agriculture 1 (AG1), Agriculture 2 (AG2) and Agriculture 3 (AG3).

Agriculture Objectives

1. To preserve and promote the use of agricultural land for current and future agricultural production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.
2. To encourage the agricultural sector's viability by pursuing supportive land use policies within and adjacent to farming areas and to ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
3. To support agricultural land use practices that do not adversely affect the surrounding environment nor compromise the capability of the land for future food production.
4. To support agricultural land use practices within and adjacent to farming areas that seek to minimize conflicts between agriculture and other land uses.

5. To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to agricultural use.
6. To encourage senior levels of government to enable and facilitate agricultural activity and industry.
7. To recognize distinct agricultural areas reflecting unique historical development trends, soils and climate.
8. To examine any ALR boundary changes in association with affected landowners.

Agriculture Policies

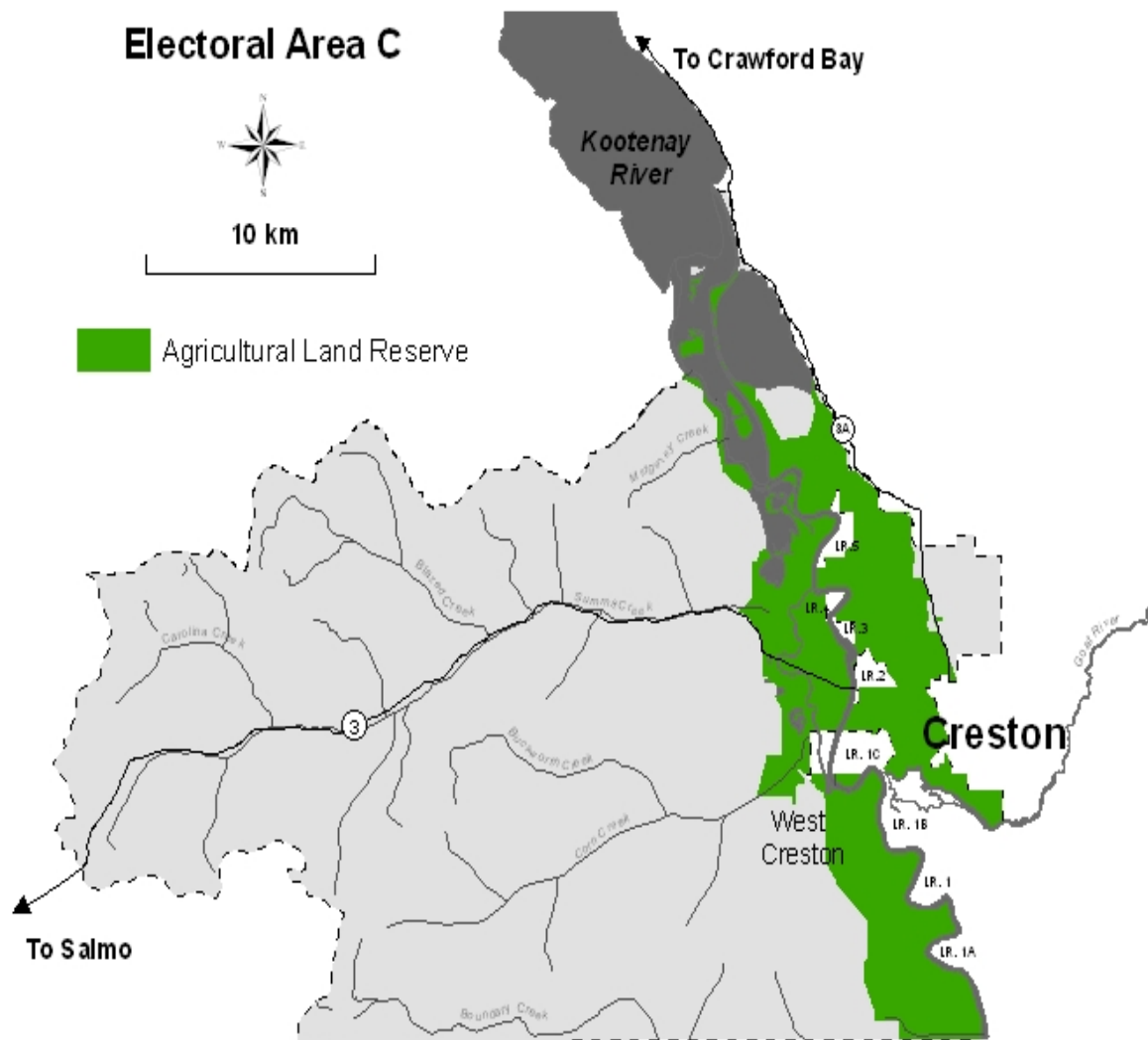
The Regional Board:

9. To work with the Town of Creston on a co-operative approach to agricultural lands within the urban / rural interface that will mitigate the loss of agricultural land to future growth.
10. Discourages subdivisions of agricultural land that do not benefit agriculture and result in further fragmentation of agricultural land.
11. Will permit varying parcel sizes depending on the respective agricultural designation, but generally shall range between four (4) hectares (9.88 acres) and sixty hectares (60) hectares (148.26 acres) for land within the ALR, or no smaller than two (2) hectares (4.94 acres) for land outside of the ALR.
12. May require that new development adjacent to agricultural areas provide sufficient buffering in the form of setbacks, fencing or landscaping.
13. Supports the consolidation of legal lots that may support more efficient agricultural operations.
14. Supports directing intensive agricultural operations to larger lots or increasing building setbacks and other possible mitigation measures to prevent potential conflicts with adjacent land uses.
15. Will provide opportunity to diversify and enhance uses secondary to agricultural uses with home based business and industry, agri-tourism, or accessory tourist accommodation opportunities, provided that they are compatible with the agricultural character of the area.
16. May consider accessory dwellings where there is a need for farm worker housing on an operating farm, and where the additional density can be sustainably serviced.
17. 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.
18. Encourages the development of small scale food processing facilities on farm lands in Agricultural zones, provided the facility operated in an environmentally

sustainable fashion and insure that such facilities have obtained all licenses and permits from the appropriate regulatory bodies.

19. Supports the *Farm Practices Protection (Right to Farm) Act*.
20. Supports the RDCK Agricultural Area Plan (2011).
21. 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
22. Encourages and promotes the Environmental Farm Plan program to farmers in the Region.

Map 2: Agricultural Land Reserve



25.0 AGRICULTURE 2 (AG2)

Permitted Uses

1. Subject to the *British Columbia Agricultural Land Commission Act*, *Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 2 (AG2) zone shall be used for the following purposes only:

Agriculture

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

Kennel

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Nursery, Greenhouses and Florist

Single Detached Housing

Standard Cultivation, Cannabis

Standard Processing, Cannabis

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

Accessory Uses:

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

Development Regulations

2. The minimum lot area shall be 8 hectares in the Agricultural Land Reserve and 4 hectares outside the Agricultural Land Reserve.
- 2B. The maximum density is 2 Dwelling Units not including a Farmworker Dwelling Unit.
3. The maximum site coverage permitted shall be 35 percent of the lot area unless an area not larger than 60 percent of the lot is covered with greenhouses.
4. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
5. The maximum depth of the Farm Residential Footprint shall not exceed 60.0

metres measured from the Front Lot Line or Exterior Side Lot Line.

6. The Maximum Gross Floor Area of the Single Detached Housing is 300.0 square metres.
7. A Farmworker Dwelling Unit is permitted on a lot provided that all of the following apply:
 - a. The maximum Gross Floor Area is 90.0 square metres;
 - b. The lot is classified as a farm under the Assessment Act;
 - c. The lot is larger than 2 hectares; and
 - d. The Farm Business has been operation for at least 3 years.
8. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
 - a. The lot is classified as a farm under the Assessment Act;
 - b. The lot is larger than 1.2 hectares;
 - c. The minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
 - d. The minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
9. No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
10. Section (9) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
11. Farm Product processing that involves processing livestock:
 - a. must be located on a minimum 2 hectare site outside the Agricultural Land Reserve; and
 - b. must be located at least 30 meters from the nearest business or residence on another parcel.
12. The minimum setback for a kennel building shall be 30 metres from any lot line. All kennel operations shall ensure that dogs are held within the kennel building between the hours of 8 pm and 7 am.

Cannabis Regulations

13. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro

processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.

14. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
15. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
16. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
17. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

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

Site Plan



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Legend

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines

Map Scale:

1:2,257

Date: March 14, 2025



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Proposal Summary

We, Danny and Marcie Johnson, bought this quarry zoned property with existing mobile home and shop and sheds in 2006.

In 2018 we rezoned to AG2 after finding out that we couldn't legally live on the property with the quarry zoning. Due to the quarry activity prior to our ownership this land has very limited agriculture usage.

Our proposed location for building on this property is the highest elevation according to the flood plain assessment, and is within the 60m setback from the front property line.

We feel that the variance permit for the total floor area is not excessive for our family of 6 people.