



Regional District of Central Kootenay
RURAL AFFAIRS COMMITTEE
Open Meeting Addenda

Date: Wednesday, March 19, 2025
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. PDT

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 Head Office - Board Room, 202 Lakeside Dr, Nelson BC

2. CALL TO ORDER

Chair Jackman 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 March 19, 2025 Rural Affairs Committee meeting be adopted as circulated.

5. RECEIPT OF MINUTES

The February 19, 2025 Rural Affairs Committee meeting minutes, have been received.

5 - 12

6. DELEGATIONS

No delegations.

7. PLANNING & BUILDING

7.1 SUBDIVISION - AGRICULTURAL LAND RESERVE - PEREPOLKIN

13 - 39

File No.: A2404H

2505 Sorokin Road

(Nadine and Larry Perepolkin, Agent: Joshua Hango)

Electoral Area H

The Committee Report dated March 14, 2025 from Sadie Chezenko, Planner, re: Subdivision - Agricultural Land Reserve - Perepolkin, has been received.

NOTE: An updated Committee Report has been added to the addenda.

RECOMMENDATION:

That it be recommended to the Board:

That the Board NOT SUPPORT application A2404Hs for the proposed Subdivision in the Agricultural Land Reserve proposed by Joshua Hango for property located at 2505 Sorokin Road, Electoral Area 'H' and legally described as DISTRICT LOT 14517, KOOTENAY DISTRICT EXCEPT PLAN NEP74807 (PID: 007-135-777).

7.2 FOR INFORMATION: RDCK PLANNING PROCEDURES AND FEES BYLAW AMENDMENT

40 - 90

File No.: 3012-AMD-2457

All Electoral Areas

The Committee Report - For Information dated March 19, 2025 from

Rishab Gaba, Planner, re: Amendment of Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, has been received.

7.3 BYLAW 3009: RESPONSIBLE DOG OWNERSHIP
Electoral Areas A, B, C & H

91 - 109

The Committee Report dated March 19, 2025 from Sangita Sudan, GM Development and Community Sustainability, re: Bylaw 3009: Responsible Dog Ownership, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Responsible Dog Ownership (RDO) Bylaw No. 3009, 2025 be read a FIRST time by content and sent for a legal review;

AND FURTHER, that Directors provide comment and feedback on the bylaw, including whether to include patrols, leashing or dogs at large.

8. ENVIRONMENTAL SERVICES

No items.

9. PUBLIC TIME

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

10. CLOSED

10.1 Meeting Closed to the Public

RECOMMENDATION:

In the opinion of the Board - and in accordance with Section 90 of the Community Charter - the public interest so requires that persons other than DIRECTORS, ALTERNATE DIRECTORS, DELEGATIONS AND STAFF be excluded from the meeting;

AND FURTHER, in accordance with Section 90 of the Community Charter, the meeting is to be closed on the bases identified in the following subsections:

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

10.2 Recess of Open Meeting

RECOMMENDATION:

The Open meeting be recessed at _____ a.m./ p.m. in order to

conduct the Closed Board meeting and reconvened at _____
a.m./p.m.

11. RURAL ADMINISTRATION

11.1 COMMUNITY WORKS FUND APPLICATION – RDCK – ROSEBUD LAKE REGIONAL PARK UPGRADE AND MITIGATION PROJECT

110 - 120

File No.: 1850-20-CW-313

Electoral Area G

The Committee Report dated March 5, 2025 from Ashley Grant, Grants Coordinator, re: Community Works Fund Application - Rosebud Lake Regional Park Upgrade and Mitigation Project, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Community Works Fund application submitted by the RDCK for the RDCK-Rosebud Lake Regional Park Upgrade and Mitigation Project in the amount of \$200,000.00 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area G.

11.2 COMMUNITY WORKS FUND APPLICATION – CBT PROPERTY CORP – CRESTON RED GRAIN ELEVATOR

121 - 131

File No.: 1850-20-CW-313

Electoral Area A,B & C

The Committee Report dated March 5, 2025 from Ashley Grant, Grants Coordinator, re: Community Works Fund Application - CBT Property Corp – Creston Red Grain Elevator, has been received.

RECOMMENDATION:

That it be recommended to the Board:

That the Community Works Fund application submitted by the CBT Property Corp for the CBT Property Corp – Creston Red Grain Elevator in the amount of \$30,000.00 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area A,B,C.

12. ADJOURNMENT

RECOMMENDATION:

The meeting be adjourned at _____



Regional District of Central Kootenay

RURAL AFFAIRS COMMITTEE MEETING

Open Meeting Minutes

Wednesday, February 19, 2025

9:00 a.m. PST

Hybrid Model - In-person and Remote

RDCK Board Room, 202 Lakeside Dr., Nelson, BC

COMMITTEE MEMBERS

PRESENT

Chair G. Jackman	Electoral Area A – In-person
Director R. Tierney	Electoral Area B – In-person
Director K. Vandenberghe	Electoral Area C – In-person
Director A. Watson	Electoral Area D – In-person
Director C. Graham	Electoral Area E
Director T. Newell	Electoral Area F
Director H. Cunningham	Electoral Area G- In-person
Director W. Popoff	Electoral Area H – In-person
Director A. Davidoff	Electoral Area I
Director H. Hanegraaf	Electoral Area J
Director T. Weatherhead	Electoral Area K – In-person

GUEST DIRECTOR

Director L. Main	Village of Silverton – In-person
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STAFF PRESENT

S. Horn	Chief Administrative Officer
S. Sudan	General Manager of Development and Community Sustainability
N. Wight	Planning Manager
S. Chezenko	Planner
Z. Giacomazzo	Planner
U. Wolf	General Manager of Environmental Services
A Grant	Grants Coordinator
C. Hopkyns	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).

Join by Video:

<https://rdck-bc-ca.zoom.us/j/97918675110?pwd=GmVSuFaa2RntNTq5nTyh8CpcKj5tAL.1>

Join by Phone:

833 955 1088 Canada Toll-free

Meeting Number (access code): 979 1867 5110

Meeting Password: 527524

Location:

RDCK Head Office - Board Room, 202 Lakeside Dr, Nelson BC

2. CALL TO ORDER

Chair Jackman called the meeting to order at 9:00 a.m.

FREEDOM OF THE FLOOR

RECOMMENDATION:

Moved and seconded,

And resolved:

That Director Main have freedom of the floor.

Carried

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 February 19, 2025 Rural Affairs Committee meeting be adopted as circulated.

Carried

5. RECEIPT OF MINUTES

The January 15, 2024 Rural Affairs Committee meeting minutes, have been received.

6. DELEGATIONS

Item 7.3 - Rodney Kosiancic and Hilary Cole

Item 7.4 – Albert Benson

7. PLANNING & BUILDING**7.1 CANCEL - BUILDING BYLAW CONTRAVENTION - MCPHERSON**

File No.: 3130-20-H-707.08908.327-BP28632

3306 Krestova Road

(Bruce McPherson)

Electoral Area H

The Memorandum dated January 24, 2025 from Sangita Sudan, General Manager- Development and Community Sustainability, re: Building Bylaw Contravention - McPherson, has been received.

- No delegation was present.
- Sangita Sudan, General Manager of Development and Community Sustainability, had no additional information.
- 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 be authorized to remove the Notice on Title relating to 3306 Krestova Road, Electoral Area H, currently owned by Bruce McPherson, property legally described as LOT 1, DISTRICT LOT 8773, KOOTENAY DISTRICT PLAN NEP84367, the RDCK Building Department has confirmed that a building permit has been obtained and the deficiencies associated with the construction have been rectified.

Carried

7.2 DEVELOPMENT VARIANCE PERMIT - PRITCHARD

File No.: V2409B - Pritchard

No address assigned, Highway 95

(Eva and Jonathan Pritchard)

Electoral Area B

Rural Affairs Committee

Referred from December 11, 2024 to January 15, 2025.

Referred from January 15, 2025 to February 19, 2025.

Note: The applicant has withdrawn their application.

Sadie Chezenko, Planner, provided the Committee with an update on the application.

7.3 DEVELOPMENT VARIANCE PERMIT - KOSIANCIC & COLE**File No.: V2419J – Kosiancic****1918 Makayev Road****(Rodney Kosiancic & Hilary Cole)****Electoral Area I**

The Committee Report dated January 15, 2025 from Zachari Giacomazzo, Planner, re: Development Variance Permit - Kosiancic & Cole, has been received.

Zachari Giacomazzo, Planner, provided an overview to the Committee regarding the Development Variance Permit for an accessory building.

The property owners, Rodney Kosiancic & Hilary Cole, provided background on their application.

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 V2419I to Rodney Kosiancic and Hilary Cole for the property located at 1918 Makayev Road, Electoral Area I, and legally described as LOT 7, BLOCK 1, DISTRICT LOT 9, KOOTENAY DISTRICT PLAN 2938 (PID: 015-118- 894) to vary:

1. Section 701.7 in order to permit a maximum building height of 6.2 metres;
2. Section 701.8 in order to permit a Maximum GFA of 171 m2.

Carried

7.4 DEVELOPMENT VARIANCE PERMIT - BENSON OIL**File No.: V2415J****50 Old Mill Road****(Benson Oil c/o Albert Benson)****Electoral Area J**

The Committee Report dated January 29, 2025 from Zachari Giacomazzo, Planner, re: Development Variance Permit - Benson Oil, has been received.

Zachari Giacomazzo, Planner, provided an overview to the Committee regarding the Development Variance Permit in Electoral Area 'J' to authorize variances to facilitate the development of a card lock fueling station.

Property owner, Albert Benson, provided the Committee with background on the property and answered questions.

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 V2415J to 0889922 BC LTD for the property located at 50 Old Mill Road, Electoral Area J, and legally described as LOT 2, DISTRICT LOT 237, KOOTENAY DISTRICT PLAN EPP71075 (PID: 030-632-439) to vary Sections 611.1, 611.2, 611.13 and 621.3 of RDCK Zoning Bylaw No. 1675, 2004 for the following purposes:

- 611.1 and 611.2: Reduction of required parking spaces based on "Operation Area" from 11 to 2;
- 611.13: Reduction of area to be surfaced with concrete or asphalt to an area measuring 775 m²;
- 621.3: Reduction of landscape screen along the front property line to accommodate a wider driveway access for large commercial vehicles.

Subject to:

1. The following measures to control and mitigate dust being implemented:
 - a. Surfacing the non-paved portions of the site with a low dust alternative such as road base gravel;
 - b. Regular application of dust control treatment (e.g. water, calcium chloride or other suitable treatment) on non-paved portions of the site.

Carried

7.5 DEVELOPMENT VARIANCE PERMIT - SERGHE & PEARCE

File No.: V2414K – Serghe and Pearce

4260 Highway 6

(Paul Serghe & Christine Pearce)

Electoral Area K

The Committee Report dated January 27, 2025 from Sadie Chezenko, Planner, re: Development Variance Permit - Serghe & Pearce, has been received.

Sadie Chezenko, Planner, provided an overview to the Committee regarding the Development Variance Permit to vary Section 2701.4 of Zoning Bylaw No. 1675 to allow a farm residential footprint (FRF) with a maximum depth of 165 metres from the front property line whereas the bylaw requires that the maximum depth of the FRF shall not exceed 60 metres.

Property owner, Paul Serghe, provided the Committee with background on the property and answered questions.

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 the Development Variance Permit to Paul Serghe and Christine Pearce for the property located 4260 Highway 6, Electoral Area K, and legally described as LOT 186, DISTRICT LOT 4269, KOOTENAY DISTRICT PLAN 827, EXCEPT THAT PART IN PLAN 8622 (PID: 016-046-536) to vary Section 2701.4 of Zoning Bylaw No. 1675 to allow a Farm Residential Footprint with a maximum depth of 165 metres from the front property line whereas the bylaw requires that the maximum depth of the Farm Residential Footprint shall not exceed 60 metres from the Front Lot Line.

Carried

8. ENVIRONMENTAL SERVICES

No items.

9. RURAL ADMINISTRATION

9.1 COMMUNITY WORKS FUND APPLICATION – RDCK - EAST SHORE CONNECTIVITY - FIBRE OPTIC INSTALLATION

File No.: 1850-20-CW-312

Electoral Area A

The Committee Report dated February 10, 2025 from Ashley Grant, Grants Coordinator, re: Community Works Fund Application - RDCK - East Shore Connectivity - Fibre Optic Installation, has been received.

The Committee had a discussion regarding the application.

Moved and seconded,

And resolved that it be recommended to the Board:

That the Community Works Fund application submitted by the RDCK for the East Shore Connectivity – Fibre Optic Installation in the amount of \$15,000.00 be approved and that funds be disbursed to Service 107 – Economic Development – Area A from Community Works Funds allocated to Electoral Area A.

Carried

**9.2 COMMUNITY WORKS FUND APPLICATION – TOWN OF CRESTON - CRESTON
EDUCATION CENTRE**
File No.: 1850-20-CW-228
Electoral Areas A, B and C

The Committee Report dated February 10, 2025 from Ashley Grant, Grants Coordinator, re: Community Works Fund Application - Town of Creston - Creston Education Centre, has been received.

Chair Jackman provided an overview to the Committee regarding the application.

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

That the Community Works Fund application submitted by the Town of Creston for the Creston Education Centre in the amount of \$90,750.00 be approved and that funds be disbursed from Community Works Funds allocated equally from Electoral Areas A, B, and C.

Carried

10. PUBLIC TIME

The Chair called for questions from the public and member of the media at 10:02 a.m.

No public or media had questions.

11. CLOSED

11.1 MEETING CLOSED TO THE PUBLIC

Moved and seconded,
And resolved:

In the opinion of the Board and, in accordance with Section 90 of the Community Charter the public interest so requires that persons other than DIRECTORS, ALTERNATE DIRECTORS, DELEGATIONS AND STAFF be excluded from the meeting;

AND FURTHER, in accordance with Section 90 of the Community Charter, the meeting is to be closed on the basis(es) identified in the following Subsections:

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

Carried

11.2 RECESS OF OPEN MEETING

Moved and seconded,

And resolved:

The Open meeting be recessed in order to conduct the Closed meeting.

Carried

12. ADJOURNMENT

Moved and seconded,

And resolved:

The meeting be adjourned at 11:31 a.m.

Carried

Digitally approved

Chair Jackman, Chair



Committee Report

Date of Report: March 14, 2025
Date & Type of Meeting: March 19, 2025, Rural Affairs Committee
Author: Sadie Chezenko, Planner 1
Subject: SUBDIVISION IN THE AGRICULTURAL LAND RESERVE
File: A2404Hs
Electoral Area/Municipality H

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board's consideration of an Agricultural Land Commission (ALC) application for a subdivision within the Agricultural Land Reserve (ALR) at 2505 Sorokin Road in Krestova in Electoral Area 'H.' The applicant wishes to subdivide the 10.75 ha parcel into two lots (9.61ha and 1.13ha).

Allowing subdivisions in the ALR can raise expectations that future similar requests may be permitted which can increase speculation, farmland prices and ultimately lead to reduced agricultural investment and activity. Given that the application seeks to fragment ALR land, which is correlated with reduced agricultural activity and diminished farming potential, and because no compelling public or agricultural benefits have been demonstrated, staff recommend that the Board not support this application.

Any comments or recommendations of the Board will be forwarded to the ALC along with this application, since it is in an area without an official community plan or zoning bylaw.

SECTION 2: BACKGROUND/ANALYSIS

The Agricultural Land Reserve (ALR), is a provincial land use zone in which agriculture is recognized as the priority use. Subdivisions of ALR land, except when permitted via regulation, are restricted unless approved by the Agricultural Land Commission (ALC).

GENERAL INFORMATION

Agent: Joshua Hango, Hango Land Surveying
Property Owner: Nadine and Larry Perepolkin
Property Location: 2505 Sorokin Road, Krestova, Electoral Area 'H'
Legal Description: DISTRICT LOT 14517 KOOTENAY DISTRICT EXCEPT PLAN NEP74807 (PID: 007-135-777)
Property Size: 10.75 ha (26.57 ac)
Current Zoning: None
Current Official Community Plan Designation: None

SURROUNDING LAND USES

North: Unzoned, partially within the ALR
East: Unzoned
South: Agriculture 3, partially within the ALR
West: Unzoned

Site Context:

The subject property is 10.75 hectares (ha) in size. Approximately 5.26 ha of the parcel is within the Agricultural Land Reserve (ALR). The property is not subject to a Zoning Bylaw or an Official Community Plan (OCP), and is located on the border between Electoral Area H and I. Neighboring properties are partially within the ALR as shown in 'Figure 2' below. Lands within the vicinity located in Area I are zoned for agriculture. The parcels directly to the south in Area I are zoned Agriculture 3 (AG3) and Agriculture 1 (AG1). These lands are primarily used for residential purposes.

The parcel itself has varied topography with a relatively flat area and cleared sections on the southeast side and hills that are primarily forested on the remainder of the parcel. 'Figure 3' below shows imagery from Google Earth intended to illustrate the varied topography of the area and subject property visually. The topographical contours are also shown on 'Figure 1'. There is a watercourse and wetland on portions of the property as shown in 'Figure 2'. The parcel is used for residential purposes and has been improved with a residence, road, reservoir and accessory buildings. There is no agricultural activity on the property.

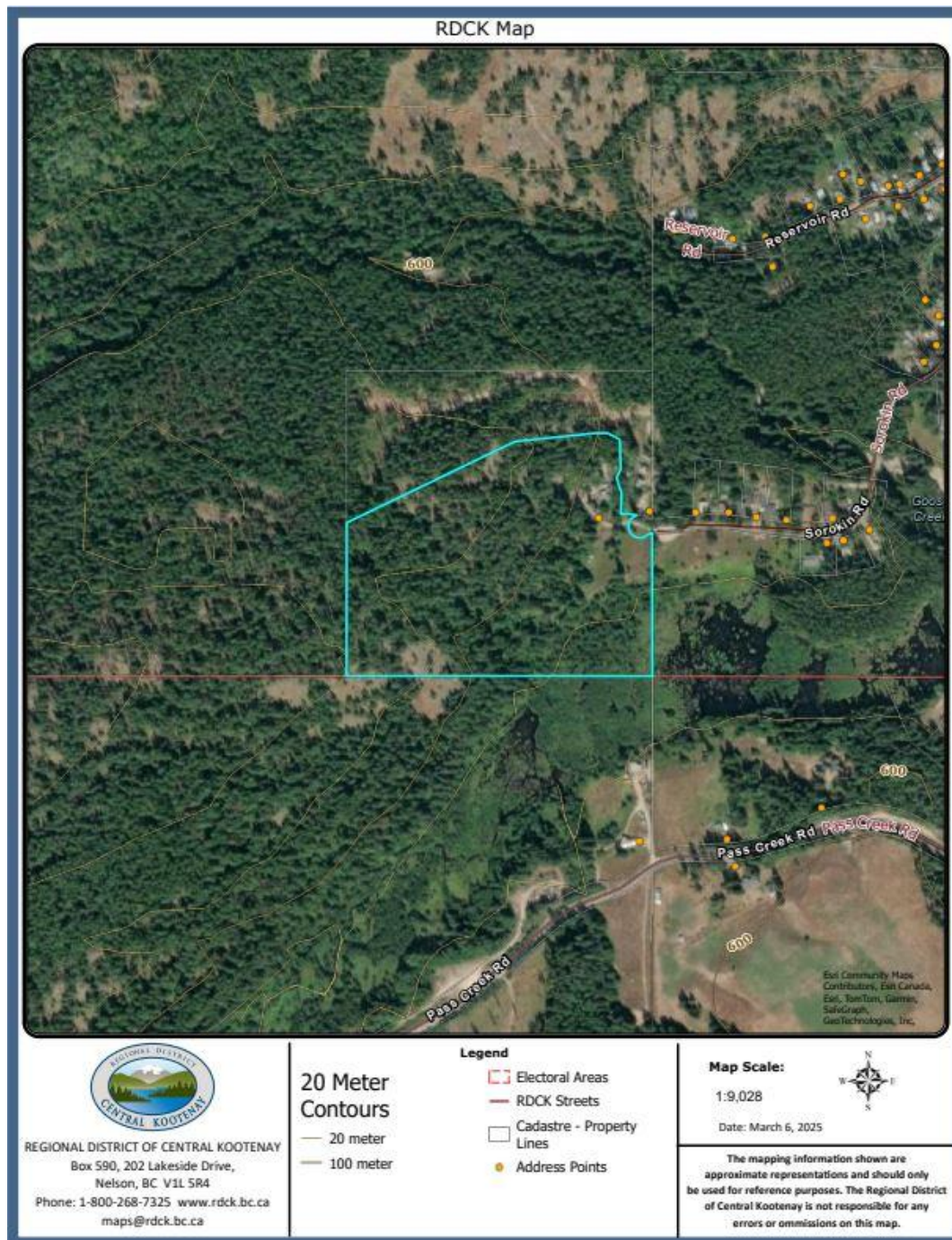


Figure 1: Location Map and Topography

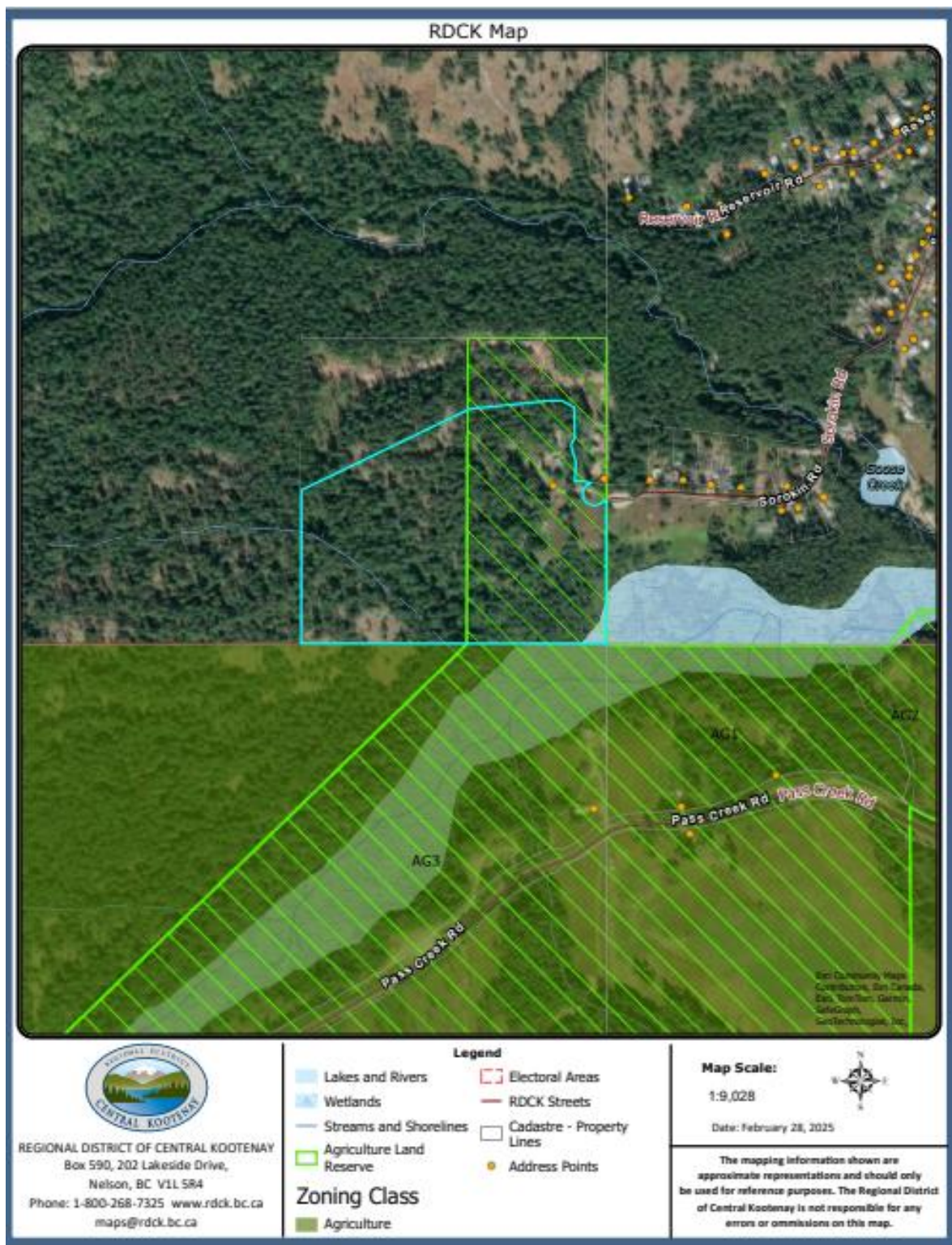


Figure 2: Zoning Map

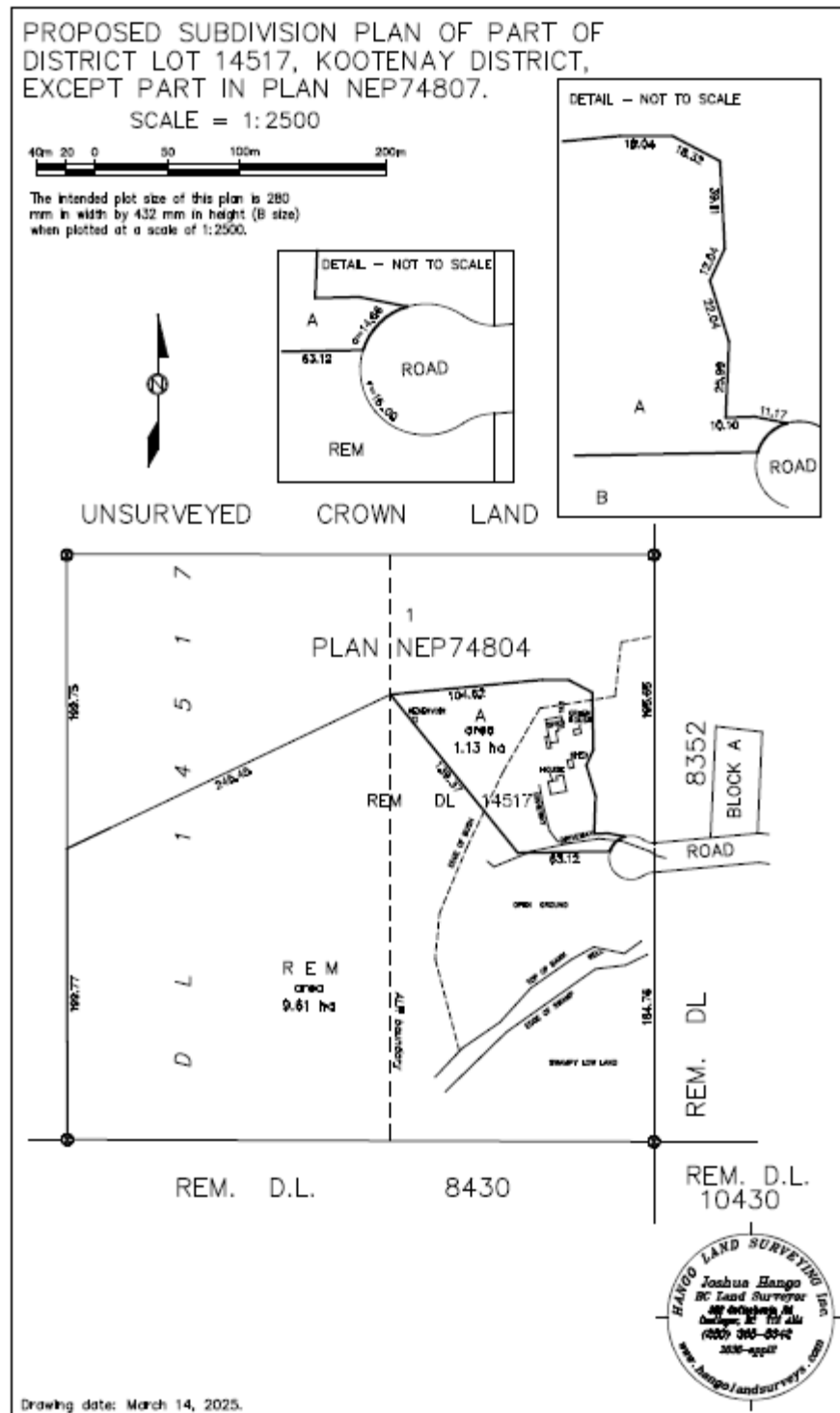


Figure 3: Google Earth Imagery

Development Proposal

The purpose of the proposal is to subdivide the parcel creating a 9.61 ha lot and 1.13 ha lot.

The applicant has indicated that this parcel is suitable for subdivision because “the ground is mostly gravel, woods, and swamp, so there isn’t much large site/field potential.” The applicant has provided the rationale that the proposal supports agriculture because it “would allow another owner to potentially opt for some agricultural use.”



Planning Policy

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. Some of the issues that are relevant to the current report include the ongoing loss of farmland; and the inability for farm income cannot support the purchase of land at residential/recreational market values. The report goes on to make several recommendations which address agricultural viability, capability and secure food supply recommendations. The recommendation relevant to this application are listed below:

Capability Recommendation #1

- It is recommended that the RDCK continue to use land use planning tools to discourage subdivisions of agricultural land and to encourage the consolidation of contiguous smaller agricultural lots provided they do not result in additional residences (resulting in higher land values for the farm).

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.

Capability Recommendation #10

- It is recommended that the RDCK encourage the Agricultural Land Commission to update their ALR decision making guidelines incorporating criteria that acknowledges the unique characteristics of this region and the productive capabilities of smaller parcels.

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.

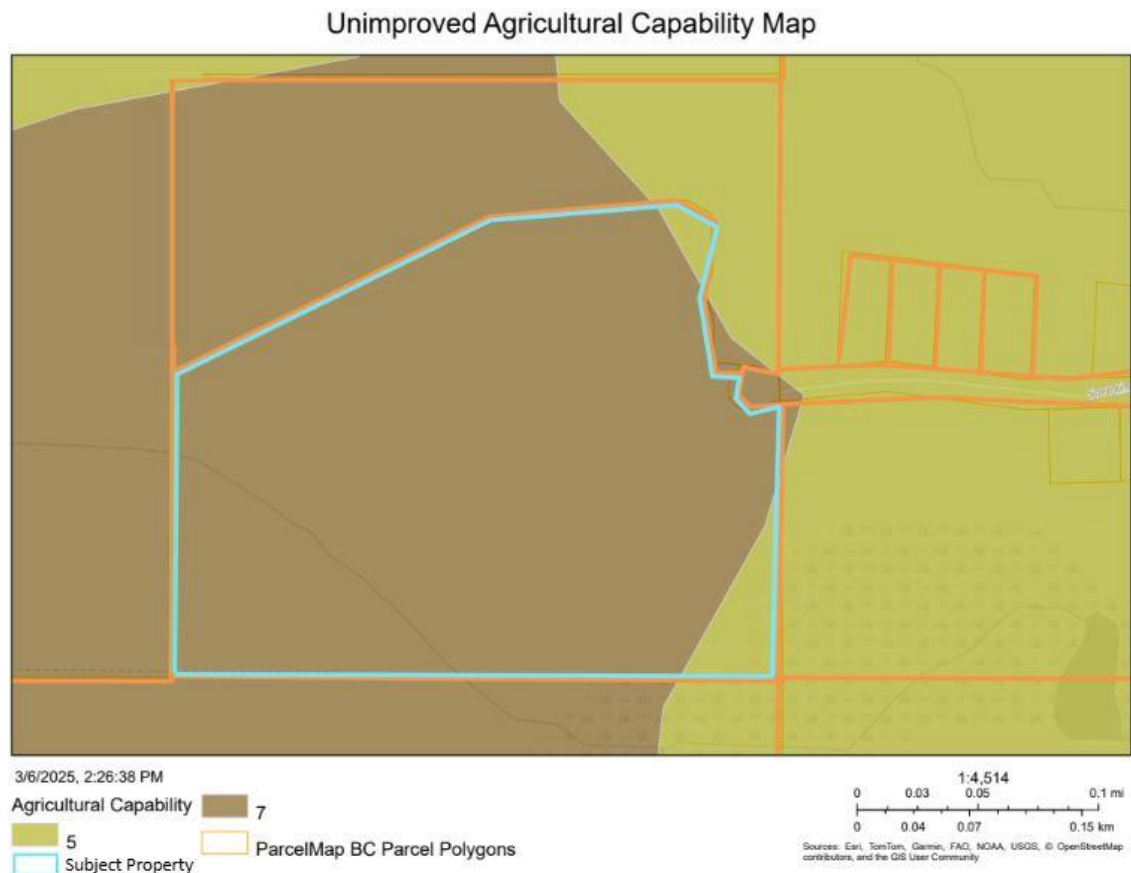
Parcel size must be considered when determining the agricultural potential of a parcel. Larger parcels usually allow farmers greater flexibility to expand or change their type of operation as the economy and markets change. Some types of agriculture can be successful on small parcels (e.g. intensive market gardens, nurseries, and poultry), however, the number of viable farming options generally decreases with a reduced parcel size. Smaller parcels are generally more costly per hectare than larger parcels, and can easily be disassembled from larger farm units and sold. Larger parcels accommodate equipment more efficiently and reduce the need to move farm equipment on public roads.

According to the ALUI, 23% of ALR parcels are used for farming and 77% are not used for farming. The Inventory outlines that there is evidence that small parcels are less likely than larger parcels to be utilized for farming. In the Regional District there are 1,178 ALR parcels that are less than 1 hectare. Of these parcels, 5% (60 parcels) are "Used for Farming", 21% (245 parcels) are "Available for Farming", and 74% (873 parcels) are "Unavailable for Farming". Residential use accounts for the majority of the small and "Unavailable for Farming" parcels.

The continued fragmentation of larger lots in the region threatens agricultural opportunities and limits the type and amount of agricultural production possible.

Agricultural Capability Rating

The subject property has an unimproved agricultural capability rating of Class 5 and Class 7 (identified as the green and brown shaded areas in ‘Figure 4’) with the limitations being excess water, soil moisture deficiency topography and shallow soil over bedrock and/or bedrock outcroppings. The portion of the subject property identified in green has an improved agricultural capability rating of Class 4-5. The limitation subclass is topography and excess water. More details regarding soil classes and limitation subclasses can be found in the tables below.



**Note that this map shows “unimproved” agricultural capability. The area shown in green has an “improved” agricultural capability rating of Class 4-5.*

Figure 5: Agricultural Capability

Agriculture Capability Rating	
Soil Class	Description
Class 4	Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
Class 5	Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
Class 7	Land in this class has no capability for arable or sustained natural grazing.

Limitation Subclass	Description
M	Soil moisture deficiency
R	Shallow soil over bedrock and/or bedrock outcroppings
T	Topography
W	Excess water (groundwater)

Soil Types

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 composed of soils from the Avis and Bonnington Soil Association. The shaded areas in 'Figure 6' identifies the portions of the lot that are composed of Avis soil and Bonnington soil. Descriptions of each soil type are included in table below:

Soil Class	Description
Avis	Avis soils are widely variable in texture, stoniness and wetness. Most non-flooding, stone-free map units are very suitable for agricultural production. The region has a shortage of good agricultural land making these soils valuable for agricultural use.
Bonnington	Bonnington soils are non-arable, however, have some grazing potential

Soil Survey



Figure 6: Soil Survey

Archaeological Potential

A portion of the subject property is noted as having ‘high’ archaeological potential (Study: ARROW; ID: 84; Permit: 1996). Staff have advised the property owner that archaeological sites (both recorded and unrecorded) are protected under the Heritage Conservation Act and must not be altered or damaged without a permit from the Archaeology Branch. If any land-altering development is planned for the property, owners and operators should be notified that if an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted at 250-953-3334 for direction.

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):

Planning Procedures and Fees Bylaw No. 2456, 2015

The bylaw states that for areas with no zoning bylaw “the Board will consider RAC’s recommendation and will pass a resolution with 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 subdivision 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 subdivision.

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.

For areas not subject to an OCP or Zoning Bylaw, should the Regional Board choose to support, not support or provide no comments on this proposal, staff will forward the Board resolution, along with other application information to the ALC for their consideration and ultimately, final decision. This approach is in accordance with the RDCK Planning Procedures and Fees Bylaw and the ALCA.

RDCK Subdivision Bylaw No. 2159

The bylaw directs that each proposed lot shall be supplied with a sufficient supply of water through connection to a community water system; a license under the Water Act to divert and use water; or having proof of availability of sufficient groundwater sources to the standards required under Part 8 of this Bylaw. In addition, each lot must be assessed for sanitary sewage disposal based on on-site sewage disposal or connection to a community wastewater system to the standards required under Part 9 of this Bylaw.

RDCK Floodplain Management Bylaw No. 2080

This bylaw identifies flood construction levels and floodplain setback distances from watercourses and wetlands. Future development on the property will require compliance with the bylaw.

3.3 Environmental Considerations

None anticipated.

3.4 Social Considerations:

The fragmentation of agricultural lands would most likely not have a positive impact on the agricultural use of this parcel. No public benefit is associated with this proposal.

3.5 Economic Considerations:

While the creation of new lots may have the potential for it to be brought into production by a separate owner, it is the experience of the RDCK’s Planning Services that the creation of smaller lots within the ALR generally foster increased rural pressures and less agricultural activity.

3.6 Communication Considerations:

The ALC does not require public notification for applications to subdivide within the ALR. In accordance with the Planning Procedures and Fees Bylaw No. 2457, 2015 the application has been referred to the Director for Electoral Area H, First Nations, the Regional District’s Building Services division and the Ministry of Agriculture, Food for comment. The responses received are attached to this report as ‘Attachment A’.

3.7 Staffing/Departmental Workplace Considerations:

For areas not subject to an OCP or Zoning Bylaw should the Regional Board choose to support, not support or provide no comments on this proposal, staff will forward the Board resolution, along with other application information to the ALC for their consideration and ultimately, final decision. This approach is in accordance with the RDCK Planning Procedures and Fees Bylaw and the ALCA.

3.8 Board Strategic Plan/Priorities Considerations:

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

SECTION 4: OPTIONS

Planning Discussion

Only 2.5% of the RDCK's land is suitable for agriculture. The RDCK's Agricultural Plan recommends using land use planning tools to prevent the subdivision of agricultural land. As parcel sizes decrease, the number of viable farming operations typically declines, and smaller parcels tend to be more expensive per hectare than larger ones. According to data from the ALUI, smaller agricultural lots are less likely to be farmed.

Ultimately, staff do not support the subdivision application for the following reasons:

- The proposal does not ensure a benefit to agriculture. The creation of smaller agricultural parcels are correlated with less agricultural activity, increased subdivision and rural residential pressures.
- Subdivision of the subject property could increase expectations that similar requests would be routinely permitted and encourage future proposals. The effects of heightened expectations often include speculation, increased farmland prices, and reduced agricultural investment and activity.
- Staff has been consistent in not supporting applications for subdivision that fragment the ALR land base, particularly where broad public interest and agricultural benefit is not demonstrated.

Given that this application is in an area not subject to a zoning bylaw or OCP, staff will forward the Board resolution, along with other application information to the ALC for their consideration and ultimately, final decision.

Staff have provided two options for consideration below, but recommend Option 1 – Not Support. Providing no comment is also an option.

OPTIONS:

Option 1 – Not Support

That the Board NOT SUPPORT application A2404Hs for the proposed Subdivision in the Agricultural Land Reserve proposed by Joshua Hango for property located at 2505 Sorokin Road, Electoral Area 'H' and legally described as DISTRICT LOT 14517 KOOTENAY DISTRICT EXCEPT PLAN NEP74807 (PID: 007-135-777)

Option 2 - Support

That the Board SUPPORT application A2404Hs for the proposed Subdivision in the Agricultural Land Reserve proposed by Joshua Hango for property located at 2505 Sorokin Road, Electoral Area 'H' and legally described as DISTRICT LOT 14517 KOOTENAY DISTRICT EXCEPT PLAN NEP74807 (PID: 007-135-777)

Option 3 – No Comment

That the Board provide NO COMMENT regarding application A2404Hs for the proposed Subdivision in the Agricultural Land Reserve proposed by Joshua Hango for property located at 2505 Sorokin Road, Electoral Area 'H' and legally described as DISTRICT LOT 14517 KOOTENAY DISTRICT EXCEPT PLAN NEP74807 (PID: 007-135-777)

SECTION 5: RECOMMENDATIONS

That the Board NOT SUPPORT application A2404Hs for the proposed Subdivision in the Agricultural Land Reserve proposed by Joshua Hango for property located at 2505 Sorokin Road, Electoral Area 'H' and legally described as DISTRICT LOT 14517 KOOTENAY DISTRICT EXCEPT PLAN NEP74807 (PID: 007-135-777).

Respectfully submitted,

Originally signed

Sadie Chezenko, Planner

CONCURRENCE

Planning Manager – Nelson Wight Digitally approved

General Manager Development & Sustainability – Sangita Sudan Digitally approved

Chief Administrative Officer – Stuart Horn Digitally approved

ATTACHMENTS:

Attachment A – Referral Responses

Attachment B – ALC Application



October 30, 2023

File: 0280-30

Ref: 201422

Dear Local Government Planning Staff:

Ministry of Agriculture and Food (the Ministry) staff have noted that there has been a marked increase in Agricultural Land Commission (ALC) subdivision applications over the past few years, resulting in increased referral workload for local government, the Ministry and ALC staff.

A recent referral impact review project conducted by the Ministry, which reviewed 148 referrals from 26 local governments over a six-month period, showed that 80 percent of ALC subdivision applications were assessed by Ministry staff as “not beneficial to agriculture”; however, local government councils and boards opted to send these applications to the ALC for decision in nearly every instance. While local government decisions to forward these applications to the ALC are inconsistent with Ministry staff input, 92 percent of ALC decisions are consistent with Ministry staff’s assessment (i.e., applications identified as not beneficial to agriculture are refused).

Given the similar input provided by Ministry staff on most subdivision applications, the limited impact that Ministry referral responses have on local government decisions, and current staff workload pressures, the Ministry discontinued parcel-specific review of ALC subdivision applications for an initial six-month trial period from March 2023 to September 2023. The Ministry has extended the trial period for an additional 12 months from October 2023 to October 2024. At the conclusion of the 18-month trial period, Ministry staff will complete an analysis to determine how ALC subdivision application referrals from local governments will be reviewed moving forward. In the interim, Ministry staff will focus on developing alternative outreach and education mechanisms to support land use decisions that benefit agriculture.

In the absence of a parcel-specific review, local government planning staff and decision makers are encouraged to consider the following when reviewing ALC applications for subdivision on the Agricultural Land Reserve (ALR).

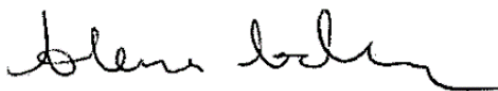
- Subdivision in the ALR frequently results in each parcel having diminished agricultural potential and an increase in land cost per hectare due to increased residential and accessory structures. Smaller lots and increased residential structures can also increase conflict between adjacent land uses.

.../2

- Ministry data, through Agricultural Land Use Inventories (ALUI), shows that smaller agricultural lots are less likely to be farmed.
- A [2022 Kwantlen Polytechnic University study](#) exploring the impact of non-farm uses and subdivision on agricultural land found that in regions of British Columbia (B.C.) reviewed, “30 percent of all new parcels created as a result of subdivision ceased to have a farm class status”, and “64 percent of all the parcels had their ownerships transferred within three years after non-farm use and subdivision applications were approved. This percentage becomes higher for subdivided parcels” (Summary Results, p.1-2).
- To advance viable long-term agricultural opportunities on the ALR, Ministry staff encourage ALR landowners to pursue alternative land access and tenure options, other than subdivision, (such as the leasing of portions of the property) as part of a coordinated succession plan. For more information on [B.C.’s Land Matching Program](#), please visit the [Agrarians Foundation](#) organization website.
- The Ministry also provides resources to producers to support successful farm transition, including support through the [B.C. Agri-Business Planning Program](#), as well as succession planning workshops and webinars to familiarize farmers with the steps and practices required for a successful farm transition.
- Ministry staff are available to discuss viable agricultural opportunities with the landowners considering pursuing farming activities on ALR land. For more information or to contact Ministry staff, please visit the Ministry [AgriService BC webpage](#) or email AgriServiceBC@gov.bc.ca.

While the Ministry will not be providing a detailed review and response to this parcel-specific referral, please feel free to reach out to Ministry staff with specific questions or for advice on this referral or land use planning for agriculture in general.

Sincerely,

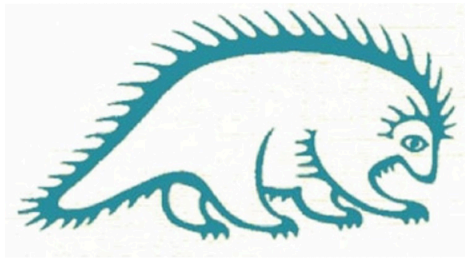


Arlene Anderson

Executive Director

Phone: (778) 698-5170

Email: Arlene.Anderson@gov.bc.ca



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.”

January 27, 2025

Attention: Sadie Chezenko

The Territorial Stewardship Division would like to acknowledge receipt of the above referral. The Okanagan Indian Band (“OKIB”) has conducted a desktop review of the project. The location of the project to which the referral relates is within Syilx (Okanagan Nation) territory, and may have impacts on Syilx Aboriginal Title and Rights, which OKIB holds as part of the Syilx. However, the project is located outside the OKIB’s Area of Responsibility as a member of the Syilx. At this time, we defer to the Lower Similkameen Indian Band, Osoyoos Indian Band and Penticton Indian Band for a more in depth review. 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 OKIB.

liml?mt | Thank You

Julie Richard
Referrals Management Clerk
Territorial Stewardship Division
Okanagan Indian Band
12420 Westside Road
Vernon BC, V1H 2A4
Office: 250-542-7132
Cell: 250-309-5217



3A – 492 Arrow Road
Invermere, BC V0A 1K2



T: 250-341-3678
F: 250-341-3683



www.shuswapband.net

28-Jan-2025 10:40 MST

Weyt-k (Hello),

Shuswap Band is in receipt of the project information for: A2404Hs-ALC Referral - A2404Hs - Perepolkin.

The proposed project is located within Shuswap Band's Caretaker Area, within the greater Secwépemcúlecw (Secwepemc Traditional Territory). As land users and stewards, Shuswap Band members continue to exercise their Section 35 Aboriginal rights as their ancestors have done for generations, including hunting, trapping, gathering, and fishing, along with rights associated with spiritual and cultural traditions that are practiced in accordance with Secwepemc customs, laws, and governance structures. Secwepemc share an obligation of caretaker responsibility (stewardship) which is to act mindfully, learning from and caring for surrounding ecosystems for the health and survival of future generations, as is their Indigenous right (UNDRIP, Bill 41, Bill C15) Secwepemc culture hinges on the belief that the land responds positively to care and respect, and that tmicw (the air, lands, and resources) is interconnected at a watershed level. It is therefore critical for Shuswap Band to be actively engaged and consulted on all developments occurring within their Caretaker Area.

Based on our initial review, the nature of the proposed activity, its location, the current information available to our office at this time, we do not see any apparent significant impacts to our indigenous rights, including title at this time. However, we may at future date want to revisit consultation on this matter should new information become available.

Further, the watersheds in this area are significant to Shuswap Band's cultural heritage, as an area of ancestral land use, and presently significant as an area needing restoration and protection. Currently, Shuswap Band members collect medicines and berries in the surrounding area, fish the area waters, and camp nearby. While the area and its vitality has been impacted by industry developments, Shuswap Band has been actively involved in research and other initiatives which aim to restore this region to an ecologically and culturally thriving place.



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Invermere, BC V0A 1K2



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www.shuswapband.net

Wherever possible, Shuswap Band recommends the reuse of existing infrastructure so as to avoid unnecessary ground disturbance and additional cumulative impacts to the region. It is Shuswap Bands expectation that all disturbed areas be reclaimed as soon as possible with the areas being monitored and treated for invasive plants to aid the ecosystem in its healing.

The province is responsible for ensuring adequate consultation and where appropriate, accommodation to address potential impacts of proposed developments on asserted Aboriginal rights including title. It is Shuswap Band expectation that continued consultation on projects and on matters that may affect our long-term traditional land use, occupancy and access, including potential cumulative impacts between proposed activity and other previous or future developments within the project footprint and in adjacent areas (watershed, habitat type, aquifer, viewscape, etc).

Kukwstsétsemc (Thank you).

Referrals Coordinator

"Our people are our strength. Our children are our future."

ec: Barb Cote - Chief, Shuswap Band

Mark Thomas - Councilor, Shuswap Band

Richard Martin - Councilor, Shuswap Band

Manon Moreau – Director, Territorial Stewardship, Shuswap Band

Travis Yeats – Referrals Coordinator, Shuswap Band

Joshua Martin – Guardian Manager, Shuswap Band

Enola Eugene – Culture, Shuswap Band



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

L-250129

:

A2404Hs

L-250129-ALC Referral - A2404Hs - Perepolkin.

Regional District of Central Kootenay

29-Jan-2025 15:42 PST

WITHOUT PREJUDICE

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



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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.

Invoice Number: A2404Hs
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 # [insert referral number] 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.



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Fax: 250-493-2882

limləmt,

Maryssa Bonneau
Referrals Coordinator
snpink'tn (Penticton Indian Band)
Natural Resources
email: mbonneau@pib.ca
office: 250-492-0411
cell: 250-486-3241
address: 841 Westhills Drive
Penticton, British Columbia
Canada V2A 0E8



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Fax: 250-493-2882

L-250129

:

A2404Hs

L-250129-ALC Referral - A2404Hs - Perepolkin.

Regional District of Central Kootenay

29-Jan-2025 15:43 PST

WITHOUT PREJUDICE

Attention: Sadie Chezenko

RE: 40 (forty) day extension

Thank you for the above application that was received on 26-Jan-2025.

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, snpink'tn (Penticton Indian Band) 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



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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.

I appreciate your co-operation.

limləmt,

Maryssa Bonneau
Referrals Coordinator
snpink'tn (Penticton Indian Band)
Natural Resources
email: mbonneau@pib.ca
office: 250-492-0411
cell: 250-486-3241
address: 841 Westhills Drive
Penticton, British Columbia
Canada V2A 0E8



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 102845
Application Type: Subdivide Land in the ALR
Status: Submitted to L/FNG
Name: Perepolkin et al.
Local/First Nation Government: Central Kootenay Regional District

1. Parcel(s) Under Application

Parcel #1

Parcel Type Fee Simple
Legal Description DISTRICT LOT 14517 KOOTENAY DISTRICT EXCEPT PLAN NEP74807
Approx. Map Area 10.77 ha
PID 007-135-777
Purchase Date Apr 16, 1987
Farm Classification No
Civic Address 2505 SOROKIN RD, KRESTOVA
Certificate Of Title TITLE-CA3040335-PID-007-135-777.pdf

Land Owner(s)	Organization	Phone	Email	Corporate Summary
Larry Perepolkin	Not Applicable	2503597867	Inpere@hotmail.com	Not Applicable
Nadine Perepolkin	Not Applicable	2503597867	Inpere@hotmail.com	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 Third-Party Agent
First Name Joshua
Last Name Hango
Organization (If Applicable) Hango Land Surveying
Phone 2503655342
Email jhango@hangolandsurveys.com

4. Government

Local or First Nation Government: Central Kootenay Regional District

5. Land Use

Land Use of Parcel(s) under Application

Describe all agriculture that currently takes place on the parcel(s). None
Describe all agricultural improvements made to the parcel(s). None
Describe all other uses that currently take place on the parcel(s). Residential

Land Use of Adjacent Parcels

	Main Land Use Type	Specific Activity
North	Unused	Vacant
East	Residential	New Settlement at Krestova
South	Residential	rural residential
West	Unused	Vacant

6. Proposal

Proposed Lot Areas

#	Type	Size
1	Lot	1.61
2	Lot	1.67
3	Lot	7.47
4	Road Dedication	0.02

NOTE: Applicant has revised to two lots

Lot 1: 1.13 ha
Remainder: 9.61 ha

What is the purpose of the proposal?

The current existing parcel has a small portion that is useable for agricultural, and the current owner is not using it to those capabilities. The proposal is to subdivide the useable area for another residential lot. This would then allow another owner to potentially opt for some agricultural use someday.

Why do you believe this parcel is suitable for subdivision?

The ground is mostly gravel, woods, and swamp, so there isnt much large site/field potential.

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

Both, as it would someone to have an agricultural use right away, or forever into the future.

Proposal Map / Site Plan

1636-2 SKETCH.pdf

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

No

7. Optional Documents

Type	Description	File Name
Photo of the Application Site	google streetview screenshot of gravelly field	Screenshot 2024-12-05 155704.jpg
Other files that are related	LTO title	TITLE-CA3040335-PID-007-135-777.pdf
Other files that are related	application plan	1636-2 SKETCH.pdf
Other files that are related	KMZ file	Perepolkin.kmz



Committee Report – For Information

March 19, 2025

Amendment of Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015

Author:	Rishab Gaba, Planner 2
File Reference:	3012-AMD-2457
Electoral Area/Municipality:	All electoral areas
Services Impacted	Community Planning

1.0 PURPOSE OF REPORT

The purpose of this report is to provide information regarding Amendment Bylaw No. 3012, which, if adopted, will amend the “Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015.” This amendment will formalize development approval information procedures as prescribed in Division 6 of Part 14 of the *Local Government Act*. These proposed changes will formalize an existing practice of requiring development approval information for certain applications in accordance with that section of the *Local Government Act* from which the authority is granted. The amendment establishes a standardized framework applicable to existing Official Community Plans (OCPs) with designated Development Approval Information Areas, as well as to future OCP updates and newly adopted OCPs, ensuring consistency across the RDCK. Its application is subject to the jurisdictional scope defined by the respective OCP.

2.0 BACKGROUND AND UPDATE

This report introduces Amendment Bylaw No. 3012, which is being brought to the Rural Affairs Committee for the first time. The bylaw proposes amendments to the “Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015,” to address updates in planning processes and align with legislative requirements under Division 6 of Part 14 of the *Local Government Act*.

The amendments will formalize an existing practice of requiring development approval information for certain applications in accordance with that section of the *Local Government Act* from which the authority is granted. The aim is to be more forthright with what types of information will be required as part of a development approval and streamline the process for requiring that information. Having such an approach in place provides guidance for when and how certain information is required as part of the development approval process. Additionally, the amendments align with existing land use policy, specifically the Electoral Area ‘G’ Land Use Bylaw No. 2452, 2018, which designates Development Approval Information Areas (DAIAs).

Highlights of the proposed bylaw changes include:

- **Delegation of Authority:** Delegating the authority to require development approval information to the General Manager of Development and Community Sustainability Services, with provisions for reconsideration by the Board.

- **Fee Schedule Update:** Allowing applicants, subject to a decision by the General Manager of Development and Community Sustainability Services regarding development approval information requirements in DAIs, to seek reconsideration of that decision at no additional cost.
- **Introduction of Schedule ‘S’:** Establishing specific procedures and requirements for DAIs as designated by Official Community Plans.

About Development Approval Information Areas (DAIs)

- Development Approval Information is not a new type of application but a formalization of the practice to require information such as “impact assessments” when reviewing certain zoning bylaw amendments, development permits, and temporary use permit applications.
- In Area G, DAIA is identified under the *Watercourse Development Permit (WDP) Area* guidelines. The inclusion of DAIs in *Electoral Area ‘G’ Land Use Bylaw No. 2452, 2018* was not accompanied by corresponding updates to the Planning Procedures and Fees Bylaw. This amendment addresses that gap by ensuring clear procedures are in place for requiring development approval information. The amendment establishes a standardized approach that will apply to other OCPs as they are updated in the future, ensuring consistency across the RDCK.
- The authority to require development approval information is to be delegated to the General Manager of Development and Community Sustainability Services, not individual planners. Applicants retain the right to request reconsideration by the Board at no cost. DAIA requirements will not apply to every application or in every circumstance; they will only be triggered at the discretion of the General Manager of Development and Community Sustainability Services when additional information is necessary.
- The studies listed in Schedule ‘S’ are not mandatory for every applicant. Instead, specific studies will be requested only in circumstances where additional information is deemed necessary to make a decision on an application. The list of studies serves to standardize expectations for applicants, ensuring consistency and clarity in the application process. RDCK is also preparing standard terms of reference for certain studies to further define and streamline requirements, providing a greater level of clarity and certainty for qualified professionals preparing assessments.

3.0 NEXT STEPS AND TIMELINE

The next step is to review and incorporate suggestions or necessary changes based on the feedback received. Following the revisions, the bylaw amendment will be reintroduced to the committee for further consideration and recommendation.

The bylaw amendment is scheduled to be presented at the next committee meeting, during which the committee will evaluate the proposed revisions and determine whether to recommend the bylaw for approval.

Respectfully submitted,
Rishab Gaba, Planner 2

CONCURRENCE

Planning Manager – Nelson Wight **Digitally approved**

General Manager Development & Sustainability – Sangita Sudan **Digitally approved**

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

ATTACHMENTS:

Attachment A – 3012-AMD-2457-Planning-Procedures_Fees

Attachment B – 3012-AMD-2457-Planning-Procedures_Fees-Consolidated-REDLINE

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 3012

A Bylaw to amend Regional District of Central Kootenay Planning Procedures
and Fees Bylaw No. 2457, 2015

WHEREAS the Board of the Regional District of Central Kootenay adopted Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015 to establish planning procedures and fees within the regional district;

AND WHEREAS the Board deems it expedient to amend Bylaw No. 2457 in order to establish procedures and policies on the process for requiring development approval information, as per Division 6 of Part 14 of the *Local Government Act*;

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

SCHEDULES

- 1 (1) Section 2: Schedule 'A' – Fee Schedule shall be deleted in its entirety and replaced with the Schedule 'A' – Fee Schedule, which is attached to this bylaw.
- (2) Section 2: Schedule 'S' – Procedure and Requirements for Development Approval Information Areas (DAIAs) shall be added and is attached to this bylaw.

SCOPE

- 2 Section 4 the following sub-section shall be added:
 4. d. Development Approval Information as required under section 485 of the *Local Government Act*.

APPLICATION

- 3 Section 8 the following sub-section shall be added:
 8. k. Schedule 'S' – Procedure and Requirements for Development Approval Information Areas (DAIAs).

DELEGATION OF DEVELOPMENT PERMIT APPLICATIONS

4 Section 11 and 12 are deleted in its entirety and replaced with the following:

DELEGATIONS

11. Delegation of Development Permit Applications:
 - a. The RDCK Board of Directors delegates the authority for the issuance of Development Permits to the General Manager of Development and Community Sustainability Services.
 - b. An applicant may request reconsideration of a delegated decision by the RDCK Board of Directors upon written request to the Secretary of the Board.
12. Delegation for Development Approval Information Areas (DAIAs):
 - a. If an official community plan includes a provision of Development Approval Information under section 485 of the *Local Government Act*, the RDCK Board of Directors delegates the authority to require such development approval information to the General Manager of Development and Community Sustainability Services.
 - b. An applicant may request reconsideration of a delegated decision by the RDCK Board of Directors upon written request to the Secretary of the Board.

EFFECTIVE DATE

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

CITATION

6 This Bylaw may be cited as “**Regional District of Central Kootenay Planning Procedures and Fees Amendment Bylaw No. 3012, 2025.**”

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

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015

SCHEDULE 'A': FEE SCHEDULE

1. Land Development Application Fees:

DEVELOPMENT APPLICATION	FEE SCHEDULE
Amendment Application (Community Plan, Zoning, or CLUB)	\$1600.00 plus advertising costs
Amendment Application (Joint OCP/Zoning)	\$1800.00 plus advertising costs
Development Permit/Amendment to Development Permit	\$500.00
Development Permit with Variance	\$600.00
Development Variance Permit	\$500.00
Board of Variance Permit	\$500.00
Temporary Use Permit	\$1000.00
Site Specific Floodplain Exemption	\$500.00
Soil Removal and Deposit Permit	\$300.00
Manufactured Home Park Permit	\$600.00 for application \$100.00 per unit
Strata Title Conversion	\$600.00 for application \$100 per unit
Subdivision review including final document subdivision applications	\$550.00 for review \$90.00 per additional lot over 5 lots
Additional technical review for subdivision (where applications have been dormant for greater than 12 months)	\$150.00
Liquor and Cannabis Retail Licensing	\$500 for review and notification
Surcharge for Development Application Arising from Bylaw Enforcement Action	\$2,000.00
Innovation, Science and Economic Development Canada (ISED) Antenna System Siting Concurrence Request without Board Resolution	\$800.00
Innovation, Science and Economic Development Canada (ISED) Antenna System Siting Concurrence Request with Board Resolution	\$1300.00

- In the case of applications to amend a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw, applications for Temporary Use Permits or Soil Removal and Deposit Permits, or where applications are required to go before additional public hearings or public meetings, the applicant shall pay for the advertising costs plus an additional \$300.00 to cover venue rental and staffing costs.
- In the case of all other development applications, 50% of the application fee listed in Section 1 shall be refunded if the application is withdrawn prior to staff preparing their report for the decision making authority as indicated: Board of Variance, to the Board, or to the General Manager of

Development and Community Sustainability Services for consideration.

4. In the case of Development Approval Information Areas, an applicant who is subject to a decision of the General Manager of Development and Community Sustainability Services regarding the requirements for development approval information shall be entitled to a reconsideration of that decision, at no charge.
5. Administrative Fees (where LTSA means Land Title and Survey Authority):

SERVICE AND MAPPING FEES	FEE SCHEDULE
Title Search	\$17.00 per title
Registration, Amendment or Removal of Charges on Title	Current LTSA Fee
Administrative Fee to Prepare and Register Restrictive Covenant on Title	\$200.00
Assignment and Change of Address	\$75.00 per address
Maps	\$25.00
Photocopy Charges	\$0.25 per page (not to exceed \$10.00)
Individual Documents	\$10.00 per copy
Bylaw (less than 100 pages)	\$15.00 per copy
Bylaw (over 100 pages)	\$5.00 per page
Building Drawings – Full Size	
NSF Cheques	\$50.00
Archived Document Retrieval	\$50.00 for initial review (one hour) \$15.00 per additional half hour increment
Property Letter	\$50.00 for initial review (one hour) \$15.00 per additional half hour increment \$15.00 annual renewal fee

Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015

SCHEDULE 'S': PROCEDURE AND REQUIREMENTS FOR DEVELOPMENT APPROVAL INFORMATION AREAS (DAIAS)

Requirement to provide development approval information

1. Where an Official Community Plan has designated an area as a Development Approval Information Area or has specified the circumstances in which Development Approval Information is required, or both, such information may be required for:
 - a. Applications for Zoning Bylaw amendment;
 - b. Applications for a development permit; and,
 - c. Applications for a temporary use permit
2. Development approval information will be provided by the Applicant at the Applicant's expense.
3. In accordance with Section 487 (3) of the *Local Government Act*, the requirements for Development Approval Information under this bylaw do not apply if the proposed activity or development is a reviewable project as defined in Section 1 of the *Environmental Assessment Act*

Procedure to provide development approval information

1. Prior to application, it is recommended that the applicant confer with the Regional District on the proposed application, whether for guidance or alternative procedures.
2. The General Manager of Development and Community Sustainability Services is authorized to require development approval information in respect of an application specified in Schedule 'S' Sub-section 1. An Applicant submitting an application must provide the General Manager of Development and Community Sustainability Services with the following development approval information, as the General Manager considers relevant to the particular application:
 - a. Archaeological Assessment;
 - b. Building Location Certificate by a Registered BC Land Surveyor;
 - c. Construction Management Plan;
 - d. Demand for Local Community Services Study;
 - e. Environmental Impact Assessment;
 - f. Environmental Management Plans;
 - g. Erosion and Sediment Control Plan;
 - h. Flood Hazard Assessment;
 - i. Geotechnical Study;
 - j. Groundwater Management Assessments;
 - k. Heritage Impact Assessment;
 - l. Hydrogeological Assessment;
 - m. Legal Survey by a Registered BC Land Surveyor;
 - n. Noise Impact Assessment;
 - o. Riparian Areas Protection Regulation (RAPR) and Biophysical Assessment;
 - p. Site Access and Servicing;
 - q. Site Grading Plan;
 - r. Social Impact Assessment;

- s. Stormwater Management and Drainage Plans;
 - t. Traffic Impact and Pedestrian Safety Studies;
 - u. Tree Assessment Study;
 - v. Visual Quality/Impact Assessments;
 - w. Waste Management Plan;
 - x. Wildfire Hazard Assessment; and,
 - y. Other information, including reports or studies, as deemed necessary to evaluate the application.
3. If after receiving a complete application it is determined by the General Manager of Development and Community Sustainability Services that additional development approval information is required to evaluate the application, the Applicant will be notified in writing of the development approval information that is required.
 4. Development approval information must comply with and fully address all requirements and procedures outlined in the relevant Schedule (Schedule 'C': Land Use Amendment Procedure, Schedule 'D': Development Permit Procedure, OR Schedule 'G': Temporary Use Permit Procedure).
 5. If the General Manager of Development and Community Sustainability Services determines that a report containing development approval information is incomplete or deficient, the Applicant will be notified in writing of the nature of the deficiencies.
 6. An applicant who is subject to a decision of the General Manager of Development and Community Sustainability Services regarding the requirements for development approval information shall be entitled to a reconsideration of that decision, at no charge.
 7. An applicant may request reconsideration of a delegated decision by the RDCK Board of Directors by submitting a written request to the Secretary of the Board.

Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015
Consolidated for Convenience



**REGIONAL DISTRICT OF CENTRAL KOOTENAY
PLANNING PROCEDURES AND FEES BYLAW NO. 2457, 2015**

Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015
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**REGIONAL DISTRICT OF CENTRAL KOOTENAY
PLANNING PROCEDURES AND FEES BYLAW NO. 2457, 2015**

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**LIST OF AMENDMENTS TO RDCK Planning Procedures and Fees Bylaw No. 2457, 2015
UP TO (see date at bottom of last page of amendments), WHICH ARE INCLUDED IN
THIS CONSOLIDATED VERSION OF THE BYLAW**

Bylaw No. File No.	Adopted	Amendment	Purpose
2545 10-5110	February 16 th , 2017	General text amendments to include revised schedules for ALR Referrals and Calculation of Securities; in addition to minor amendments for extended referral periods and public notification.	To enable clarity of process and increase decision making transparency in land use.
2617 10-5110	September 20 th , 2018	General text amendments to include new schedule for Liquor and Cannabis Retail Licensing	To enable clarity of process and increase decision making transparency in responding to liquor and cannabis retail sales license referrals from the Province.
2682 10-5110	May 21 st , 2020	Text amendments to body of bylaw, new definition of Qualified Professional, new sections: 8, 9, 25, 26 & 27, and replacement of schedules.	To increase the clarity of the bylaw regulations, the efficiency of the included procedures, and the level of communication to the public.
2737 10-5110	February 18 th , 2021	Text amendment to Schedule 'A' Fee Schedule.	To amend fees for assignment and change of address and optional signage.
2839 10-5110	June 16 th , 2022	Text amendments to body of bylaw to update procedures, advertising requirements, security deposit calculation process, and fees outlined in Schedule 'A.'	To increase the clarity of the bylaw regulations, the efficiency of the included procedures, and amend fees for advertising and applications based on non-compliance.
2919 10-5110	August 17 th , 2023	Text amendments to body of bylaw (fees) as well as Schedules 'A', 'D', 'L', 'M', and 'P'.	To better align bylaw with legislation, improve clarity, and reflect actual costs associated with subdivision referrals and ISD concurrence letter requests.

August 2023

Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015
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**REGIONAL DISTRICT OF CENTRAL KOOTENAY
PLANNING PROCEDURES AND FEES BYLAW NO. 2457, 2015**

A Bylaw to establish procedures and fees within the Regional District of Central Kootenay in accordance with Part 10.1 and Part 14 of the *Local Government Act*.

WHEREAS the Board has adopted Comprehensive Land Use Bylaws, Official Community Plans, Zoning Bylaws, a Floodplain Management Bylaw, and a Subdivision Bylaw;

AND WHEREAS the Board has designated areas within which Development Permits and Temporary Use Permits are required;

AND WHEREAS the Board has a duty, under the *Agricultural Land Commission Act*, to provide information and a resolution regarding Agricultural Land Reserve applications within the RDCK;

AND WHEREAS the Board must, pursuant to Section 460 of the *Local Government Act*, by Bylaw establish procedures to amend a plan, bylaw, or issue a permit;

AND WHEREAS the Board may, under Section 502 of the *Local Government Act*, require that the applicant for a permit under Division 7 and 8 of Part 14 of the *Local Government Act* provide security in an amount stated in the permit by an irrevocable letter of credit or the deposit of securities in a form satisfactory to the local government;

AND WHEREAS the Board may, under Section 154 of the *Community Charter* delegate its authority for the purposes of issuance of a Development Permit and for the purposes of commenting on Referrals;

AND WHEREAS the Board may, under Section 462 of the *Local Government Act*, by Bylaw establish fees for applications and charges related to the provision of services;

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

Titles

1. This Bylaw may be cited for all purposes as **Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015**.

Schedules

2. The following Schedules, are attached to, and form part of this Bylaw:
 - Schedule 'A' – Fee Schedule
 - Schedule 'B' – Notice of Development Sign Specifications
 - Schedule 'C' – Land Use Amendment Procedure
 - Schedule 'D' – Development Permit Procedure

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Schedule 'E' – Development Variance Permit Procedure
 Schedule 'F' – Board of Variance Procedure
 Schedule 'G' – Temporary Industrial and/or Commercial Use Permit Procedure
 Schedule 'H' – Site Specific Floodplain Exemption Procedure
 Schedule 'I' – Soil Removal and Deposit Permit Procedure
 Schedule 'J' – Manufactured Home Park Permit Procedure
 Schedule 'K' – Strata Title Conversion Procedure
 Schedule 'L' – Subdivision Referral Procedure
 Schedule 'M' – Industry Canada Referral Procedure
 Schedule 'N' – Local Government, Crown, Forest, Notice of Works Referral Procedure
 Schedule 'O' – Accretion Referral Procedure
 Schedule 'P' – Agricultural Land Reserve Application Procedure
 Schedule 'Q' – Security Deposit Calculation Procedure
 Schedule 'R' – Liquor and Cannabis Retail Licensing Procedure
 Schedule 'S' – Procedure and Requirements for Development
 Approval Information Areas (DAIAs)

Definitions

3. In this Bylaw:

APPLICANT means an owner of land or his/her authorized agent applying for approval of an amendment to a Regional District bylaw, or the issuance of a permit under Part 14 of the *Local Government Act*;

QUALIFIED PROFESSIONAL means an applied scientist, technologist, or similar expert acting alone or together with another qualified professional, where:

- The individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association.
- The individual's area of expertise is recognized by the Regional District as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal; and, the individual is acting within that individual's area of expertise.

REGIONAL BOARD means the Board of Directors of the Regional District of Central Kootenay (RDCK);

REGIONAL DISTRICT means the Regional District of Central Kootenay (RDCK);

SECURITY DEPOSIT means an unconditional irrevocable letter of credit or the deposit of securities in a form satisfactory to the RDCK.

Scope

4. This Bylaw applies to Procedures and Fees for the following:
- a. Amendment of a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw

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- b. Issuance and/or Amendment of a Development Permit, Development Variance Permit, Board of Variance, Temporary Use Permit, Site Specific Floodplain Exemption, Soil Removal and Deposit Permit, Manufactured Home Park Permit, and/or Strata Title Conversion
- c. Review and Approval of Applications referred to the RDCK for the purposes of Subdivision, Industry Canada, other Local Government, Accretions, Crown, Forest, Notice of Works, and applications to the Agricultural Land Commission (ALC)
- d. Development Approval Information as required under section 485 of the *Local Government Act*

5. This Bylaw applies to Administrative Fees for the following:

- a. Title Searches
- b. Registration, Amendment or Removal of Charges on Title
- c. Assignment and Change of Address
- d. Mapping Fees
- e. Photocopy Charges
- f. NSF Cheques
- g. Archived Document Retrieval
- h. Property Letters

Application

- 6. Applications as listed in Section 4 shall be made by the Owner of the land involved, and/or by a person authorized by the Owner.
- 7. Applications shall be made on the applicable form, as prescribed by the Regional District.
- 8. An application shall contain all required information and follow the process in the order prescribed in the following attached Schedules:
 - a. Schedule 'C' – Land Use Amendment Procedure
 - b. Schedule 'D' – Development Permit Procedure
 - c. Schedule 'E' – Development Variance Permit Procedure
 - d. Schedule 'F' – Board of Variance Procedure
 - e. Schedule 'G' – Temporary Use Permit Procedure
 - f. Schedule 'H' – Site Specific Floodplain Exemption Procedure
 - g. Schedule 'I' – Soil Removal and Deposit Permit Procedure
 - h. Schedule 'J' – Manufactured Home Park Permit Procedure
 - i. Schedule 'K' – Strata Title Conversion Procedure
 - j. Schedule 'R' – Liquor and Cannabis Retail Licensing Procedure
 - k. Schedule 'S' – Procedure and Requirements for Development Approval Information Areas (DAIAs)
- 9. The Regional District may require a site visit or further information to be provided after the initial application and prior to proceeding to the Regional Board.

Fees

- 10. At the time of submission of an application or referral and during the processing of an application

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or referral, the applicant shall pay to the Regional District of Central Kootenay fees in the amount as set out in Schedule 'A' of this Bylaw. Additional fees may apply, as specified in the applicable Schedules to this Bylaw.

Delegation of Development Permit Applications

~~11. The RDCK Board of Directors delegates the authority for the issuance of Development Permits to the General Manager of Development and Community Sustainability Services.~~

~~12. An applicant may request reconsideration of a delegated decision by the RDCK Board of Directors upon written request to the Secretary of the Board.~~

Delegations

11. Delegation of Development Permit Applications

- a. The RDCK Board of Directors delegates the authority for the issuance of Development Permits to the General Manager of Development and Community Sustainability Services.
- b. An applicant may request reconsideration of a delegated decision by the RDCK Board of Directors upon written request to the Secretary of the Board.

12. Delegation for Development Approval Information Areas (DAIAs)

- a. If an official community plan includes a provision of Development Approval Information under section 485 of the Local Government Act, the RDCK Board of Directors delegates the authority to require such development approval information to the General Manager of Development and Community Sustainability Services.
- b. An applicant may request reconsideration of a delegated decision by the RDCK Board of Directors upon written request to the Secretary of the Board.

Delegation of Referral Comments

13. The RDCK Board of Directors delegates the authority to comment on applications referred to the RDCK for the purposes of Industry Canada, other Local Government, Accretions, Crown, Forest, and Notice of Works to the applicable Local Area Director in which the referral has been received.
14. A Local Area Director may request consideration of a delegated decision by the RDCK Board of Directors upon request. Referrals which impact three or more Electoral Areas will be presented to the RDCK Board for comment.

Notification

15. Pursuant to the *Local Government Act*, a notice, where required, shall be mailed or otherwise delivered to owners and any tenants of all parcels subject to application, and within a minimum distance of 100 metres (328 feet) or greater from all parcels subject to application.

Notice of Proposal Sign

16. In the case of applications for Land Use Amendments, Development Permits, Development Variance Permits, Temporary Use Permits, Soil Removal and Deposit Permits, and Liquor and Cannabis Retail Licensing, the applicant shall be responsible for erecting a notice of proposal sign to the specifications outlined in Schedule 'B'.
17. In the case of block amendment applications put forward by the Regional District of Central Kootenay Board of Directors to amend a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw, where a number of properties are proposed to be rezoned or re-designated, a development notification sign shall not be required.

Public Hearing

18. In the case of an application to amend a Zoning Bylaw, where an Official Community Plan is in place, a public hearing may be waived subject to meeting the requirements of Section 464(2) of the *Local Government Act* and upon approval from the Regional District of Central Kootenay Board of Directors. In instances where a public hearing is waived, public notice must be published as required under Section 467 of the *Local Government Act*.
19. In the case of applications to amend a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw, or applications for Temporary Use Permits, public hearings are governed by Section 465 of the *Local Government Act*. In the absence of the public, a public hearing may be adjourned after a minimum of 15 minutes from the advertised time of commencement of the public hearing.
20. The RDCK Board of Directors delegates the duty, under Section 469 of the *Local Government Act*, to hold a public hearing subject to availability, with stipend and expenses as follows:
 - a. To the Local Area Director where the affected parcel(s) under application are being considered;
 - b. To the Chair of the Rural Affairs Committee; and/or
 - c. To the Chair of the Board

Approval, Issuance or Refusal

21. The Board may, upon receipt of a staff report under Section '4 (a)' of this Bylaw proceed with an amendment bylaw, table or reject the application.
22. The Board may, upon receipt of a staff report under Section '4 (b)' of this Bylaw:
 - d. authorize the issuance of the permit;
 - e. authorize the issuance of the proposed permit as amended by the Board in its resolution;
 - or
 - f. refuse to authorize the issuance of the permit.
23. Where an application, amendment bylaw, or a permit has been refused by the Board, RDCK staff shall notify the applicant in writing within fifteen (15) days immediately following the date of refusal.

Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015
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Re-Application

24. Subject to Section 225 of the *Local Government Act*, re-application for an amendment or permit that has been refused by the Board shall not be considered within a six (6) month period immediately following the date of refusal.

Expiry of Application

25. An application under this Bylaw is considered lapsed, if:
- g. The applicant has not communicated or submitted outstanding material to the District within a period of six (6) months; or,
 - h. A decision on the application has not been made within eighteen (18) months of the date of initial application.
26. An application for an amendment under Section '4 (a)' considered lapsed shall have all readings rescinded by resolution of the Regional Board, if any, at the next available Regular Meeting.
27. An application that has lapsed may be offered an extension for a period of six (6) months by resolution of the Regional Board upon written request by the applicant received within one (1) month after lapsing.

Severability

28. If any portion of this Bylaw is for any reason held to be invalid by a Court of competent jurisdiction, the invalid portion shall be severed and the portion that is invalid shall not affect the validity of the remainder of this bylaw.

Repeal

29. Regional District of Central Kootenay Land Development Applications Procedures Bylaw No. 2238, 2011 and all subsequent amendments thereto, is hereby REPEALED.
30. Regional District of Central Kootenay Photocopy Fees and Map Production Bylaw No. 1784, 2005 and all subsequent amendments thereto, is hereby REPEALED.
31. Regional District of Central Kootenay Delegation Bylaw No. 1808, 2006 is hereby REPEALED.

READ A FIRST TIME this 16th day of July, 2015.

READ A SECOND TIME this 16th day of July, 2015.

READ A THIRD TIME this 16th day of July, 2015.

ADOPTED this 16th day of July, 2015.

"K. Hamling"

"A. Winje"

Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015
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Chair

Secretary

I HEREBY CERTIFY that this is a true and correct copy of **Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015.**

DATED this 16th day of July, 2015.

"A. Winje"

Secretary

Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015
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SCHEDULE 'A': FEE SCHEDULE

1. Land Development Application Fees:

DEVELOPMENT APPLICATION	FEE SCHEDULE
Amendment Application (Community Plan, Zoning, or CLUB)	\$1600.00 plus advertising costs
Amendment Application (Joint OCP/Zoning)	\$1800.00 plus advertising costs
Development Permit/Amendment to Development Permit	\$500.00
Development Permit with Variance	\$600.00
Development Variance Permit	\$500.00
Board of Variance Permit	\$500.00
Temporary Use Permit	\$1000.00
Site Specific Floodplain Exemption	\$500.00
Soil Removal and Deposit Permit	\$300.00
Manufactured Home Park Permit	\$600.00 for application \$100.00 per unit
Strata Title Conversion	\$600.00 for application \$100 per unit
Subdivision review including final document subdivision applications	\$550.00 for review \$90.00 per additional lot over 5 lots
Additional technical review for subdivision (where applications have been dormant for greater than 12 months)	\$150.00
Liquor and Cannabis Retail Licensing	\$500 for review and notification
Surcharge for Development Application Arising from Bylaw Enforcement Action	\$2,000.00
Innovation, Science and Economic Development Canada (ISED) Antenna System Siting Concurrence Request without Board Resolution	\$800.00
Innovation, Science and Economic Development Canada (ISED) Antenna System Siting Concurrence Request with Board Resolution	\$1300.00

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2. In the case of applications to amend a Comprehensive Land Use Bylaw (CLUB), Official Community Plan (OCP), and/or Zoning Bylaw, applications for Temporary Use Permits or Soil Removal and Deposit Permits, or where applications are required to go before additional public hearings or public meetings, the applicant shall pay for the advertising costs plus an additional \$300.00 to cover venue rental and staffing costs.

3. In the case of all other development applications, 50% of the application fee listed in Section 1 shall be refunded if the application is withdrawn prior to staff preparing their report for the decision making authority as indicated: Board of Variance, to the Board, or to the General Manager of Development and Community Sustainability Services for consideration.

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4. Administrative Fees (where LTSA means Land Title and Survey Authority):

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Title Search	\$17.00 per title
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Property Letter	\$50.00 for initial review (one hour) \$15.00 per additional half hour increment \$15.00 annual renewal fee

SCHEDULE 'B': NOTICE OF PROPOSAL SIGN SPECIFICATIONS

Where an application referenced in Section 16 is submitted the applicant shall prepare and post notification sign(s) on the subject property(s), and shall:

Location

1. Erect one sign on each street frontage of the site to inform the public about the nature and purpose of the application(s). The sign(s) shall be located within 6 metres (20 feet) of the street frontage and approximately the mid point of the subject property. The sign(s) shall be clearly visible from the street and be securely fixed to the ground. The sign shall be located a minimum 1.2 metres (4 feet) above the ground. Signage requirements, such as any additional signs, or for small corner sites will be at the discretion of Planning Division staff.

Posting

2. Prepare and post the notification sign in accordance with the sign specifications within 10 days of making the application to the Regional District and verify to RDCK planning staff that the sign(s) have been erected.
3. It is the responsibility of the applicant to make, buy, or rent the sign(s) and to post the same. Failure to install the sign(s) according to these requirements will result in a postponement in the processing of the application.
4. Remove the sign(s) within one week of the application being refused or approved, or within one week of the application being withdrawn by the applicant.

Specifications

5. The Notice of Development sign(s) shall be a minimum of 1.2 m X 1.2 m (4 feet by 4 feet) in size and constructed of 1.3 cm (1/2 inch) plywood or other durable material with a white background and black letters. The Format Sheet specifies the requirements regarding the materials and format of the Notice of Development sign(s).

**NOTICE OF PROPOSAL
SIGN FORMAT SHEET**

NOTICE OF PROPOSAL

RDCK FILE NO.:

SITE DESCRIPTION:

Address, Legal Description, Parcel Identifier
Map and/or rendering (*if applicable*)

APPLICATION TYPE:

TO FACILITATE:

Description of application proposal and details of site development

**FOR FURTHER INFORMATION, PLEASE CONTACT:
PLANNING DEPARTMENT, REGIONAL DISTRICT OF CENTRAL KOOTENAY
1-250-352-8165 or 1-800-268-7325
OR VISIT
www.rdck.ca > services > land use planning > applications in progress**

NOTICE OF DEVELOPMENT SIGN SPECIFICATIONS

Sign Material: 1/2" (1.3 cm) plywood or durable material

Sign Size: 48" (122 cm) x 48" (122 cm)

Sign Lettering: Black enamel paint or
Black vinyl block lettering
(i.e., Helvetica, Switzerland Black)

"NOTICE OF PROPOSAL"

1. 3" (7.6 cm) black letters

"RDCK FILE NO." (and all wording therein)

"SITE DESCRIPTION" (and all wording therein)

"APPLICATION TYPE" (and all wording therein)

"TO FACILITATE" (and all wording therein)

2. 1 1/2" (3.8 cm) black letters

"FOR FURTHER INFORMATION" (and all wording therein)

3. 1" (2.5 cm) black letters

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SCHEDULE 'C': LAND USE AMENDMENT PROCEDURE

1. Prior to application, it is recommended that the applicant confer with the Regional District on the proposed amendment, whether for guidance or alternative procedures.
2. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table C-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
3. Within ten (10) days of receiving confirmation from staff that the application is complete, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'B' of this Bylaw.
- 4a. RDCK planning staff will refer the application to all applicable Regional District departments, First Nations, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
- 4b. RDCK planning staff will conduct consultation for minor Official Community Plan (OCP) amendments in accordance with Policy 400-02-19. All other OCP amendment applications will require Board direction for the desired consultation for that application.
5. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
6. RDCK planning staff may require the applicant to host a public information meeting based on the proximity of the proposal to adjacent residential properties and based on receipt of public comments. The applicant will be required to pay the cost of any associated public meetings as outlined in Schedule 'A' of this Bylaw. Staff members of the Regional District may or may not be delegated to attend.
7. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
8. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board.
9. The Board will, upon receipt, consider RAC's recommendation. If the Board decides to proceed with the amendment application, an amending bylaw will be prepared and given initial readings. The Board may alternatively decide to refer, table, or deny the application.
10. After the amending bylaw receives first and/or second reading, it will be advertised in an appropriate newspaper and if required, a public hearing will be held to permit the public to comment on the application. Notice of a public hearing will be given pursuant to the

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Local Government Act to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the property subject to the bylaw amendment. This distance may be extended at the discretion of staff.

11. The minutes of the public hearing will be presented on the next available Board agenda.
12. Following receipt of the public hearing minutes the Board will consider the amendment bylaw and may proceed with third reading, table or deny the application. Upon third reading, a zoning amendment bylaw may be forwarded to the Province for approvals if required before proceeding to the Board for adoption.
13. Once the applicant has adequately addressed all of the conditions identified at third reading, the Board will consider the adoption of the bylaw(s). Any required covenants or other legal documents required as a condition of approval are the financial responsibility of the applicant.

Table C-1 – Required Documents

Documents	Notes
1. Certificate of Title	A copy of the Title, issued not more than 30 days prior to the application date, for any parcel of land subject to the application and a copy of all non-financial charges registered on the subject property(s).
2. Agent Authorization	
3. Provincial Site Disclosure Statement	
4. Site Plan	Site plan of the proposed development drawn to scale and showing dimensions. The site plan must include: – The civic address and full legal description of the property – Lot dimensions – Existing or required rights-of-way or easements. – Location and dimensions (including setbacks) of existing and proposed buildings and structures on the site (a recent survey plan is preferable) – Detailed drawings of the proposed development, including building sections, elevations and floor plans proposed for the site. – Location of existing wells or other water sources on property – Location of any existing or proposed septic fields – Location of any watercourses, steep banks or slopes on or adjacent to the property – Location of any existing community services of sanitary sewer, water, storm drainage and rights-of-way on the site or adjacent to the site – Location and width of existing or proposed access(es) to the property, driveways, maneuvering aisles and parking layout
5. Proposal Summary	Document detailing the existing bylaw, its sections and provisions, the proposed new or amended wording and the rationale behind the change. This shall include the effects, positive or negative, to surrounding property.
6. Landscape Plan	

SCHEDULE 'D': DEVELOPMENT PERMIT PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table D-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. Within ten (10) days of receiving confirmation from staff that the application is complete, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'B' of this Bylaw.
3. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies, the Local Area Director and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
4. For development permit applications designated under LGA S.488(1)(a), staff will notify the Ktunaxa Nation Council of receipt of such applications where the proposed development is along a segment identified for "enhanced engagement" within the Kootenay Lake Shoreline Guidance Document.
5. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the General Manager of Development and Community Sustainability Services.
6. To guarantee the performance of the terms of the permit a security deposit may be recommended. In the case where security is required, the General Manager will issue the permit only upon receipt of deposit in accordance with Schedule 'Q'.
7. No permit regarding commercial or industrial buildings exceeding 4,500 square metres in gross floor area near controlled access highways will be issued unless approved or exempted by the Minister of Transportation or his/her delegate.
8. If the applicant is dissatisfied with the decision of the General Manager of Development and Community Sustainability Services, the applicant can provide a signed 'Notice of Appeal' Declaration Form within 14 days to the General Manager of Development and Community Sustainability Services for subsequent consideration of the Rural Affairs Committee (RAC). The Permit is suspended until the Board renders a final decision.
9. Once the permit becomes effective, a Notice of Permit will be signed and sealed by the Secretary and registered against the title of the property(s) at the Land Title Office.
10. RDCK planning staff shall administer any further conditions of the Development Permit as specified within each individual permit as required. Planning staff may conduct inspections, on an as-required basis, to ensure that the terms of the Development Permit are satisfied.

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Table D-1 – Required Documents

Documents	Notes
1. Certificate of Title	
2. Agent Authorization	
3. Provincial Site Disclosure Statement	
4. Site Plan	
5. Proposal Summary	Written explanation of project conformity to relevant guidelines.
6. Qualified Environmental Professional's Report	Development Permits for the protection of the natural environment, its ecosystems and biological diversity. As per RDCK's prescribed terms of reference
7. Design Plans	Development Permits for the form and character of development. Must include elevation drawings, building section, floor plans, and coloured rendering of the building elevation facing all public roads abutting the site noting all exterior elements (e.g. cladding, roofing, trim, etc.)
8. Landscape Plan	
9. Landscape/restoration plan cost estimate	In accordance with Schedule Q

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SCHEDULE 'E': DEVELOPMENT VARIANCE PERMIT PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table E-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, the application will be returned to the applicant.
3. Within ten (10) days of receiving confirmation from staff that the application is complete, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'B' of this Bylaw.
4. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
5. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
6. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
7. The Board will, upon receipt, consider RAC's recommendation and may grant the requested permit, or may refer, table or deny the application.
8. If a Permit is granted, a Notice of Permit will be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office.
9. To guarantee the performance of the terms of the permit a security deposit may be recommended. In the case where security is required, the permit will be issued only upon receipt of deposit in accordance with Schedule 'Q.'

Table E-1 – Required Documents

Documents	Notes
1. Certificate of Title	
2. Agent Authorization	
3. Provincial Site Disclosure Statement	
4. Site Plan	
5. Proposal Summary	Document detailing the existing bylaw, its sections and provisions, the variance required and the rationale behind the change. This shall include the effects, positive or negative, to surrounding property.

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SCHEDULE 'F': BOARD OF VARIANCE PROCEDURE

1. Upon receipt of complete application accompanied by the required fees and documents outlined in Table F-1, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. RDCK planning staff will review the application to determine whether the application seeks to vary a matter within the jurisdiction of the Board of Variance under the *Local Government Act* and whether it is complete and, if incomplete, the application will be returned to the applicant prior to a fee being taken.
3. RDCK planning staff will arrange for a hearing of the Board of Variance upon receipt of the application in conjunction with the RDCK Board of Variance members. If the application is an appeal of a determination of damages to property under Section 531(1) of the *Local Government Act* made pursuant to Section 528 of the *Local Government Act*, the hearing and determination by the Board of Variance must be made within thirty (30) days of receipt.
4. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies, and the Local Area Director as applicable.
5. Notice of proposal will also be given to owners and tenants of all parcels located immediately adjacent to the subject property.
6. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Board of Variance.
7. The Board of Variance will, upon receipt, consider staff's recommendation and hold a hearing of the Board of Variance, in which they may grant the requested variance, or may refer, table or deny the application. The decision of the Board of Variance is final and binding, except in those cases where an appeal is provided for in the *Local Government Act*.
8. Once the hearing minutes have been prepared, the applicant will be notified in writing of the outcome within seven (7) days of the decision.

Table F-1 – Required Documents

Documents	Notes
1. Certificate of Title	
2. Agent Authorization	
3. Provincial Site Disclosure Statement	
4. Site Plan	
5. Proposal Summary	Document detailing the existing bylaw, its sections and provisions, the variance required and the rationale for hardship. This shall include the effects, positive or negative, to surrounding property.

SCHEDULE 'G': TEMPORARY USE PERMIT PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table G-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. Within ten (10) days of receiving confirmation from staff that the application is complete, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'B' of this Bylaw.
3. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
4. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
5. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
6. After considering the applicant's proposal, referral agency comments, staff recommendations and draft permit, RAC will make a recommendation to the Board.
7. The Board may require that a public hearing be held. The applicant will be required to pay the cost of any associated public hearing as outlined in Schedule 'A' of this Bylaw.
8. Should the Board wish to give consideration to granting the permit, they will direct Staff to provide notice of that future meeting in accordance with the requirements of the *Local Government Act*.
9. If a Permit is granted, a Notice of Permit will be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office. Once issued the owner of land has the right to put the land to the use described in the permit until the date that the permit expires. Unless otherwise stated, the permit is valid for a period of up to 3 years.
10. A person to whom a Temporary Use Permit has been issued may apply to have the permit renewed, subject to the restriction that a temporary use permit may be renewed only once. An application to renew will follow the above process.

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Table G-1 – Required Documents

Documents

1. Certificate of Title	
2. Agent Authorization	
3. Provincial Site Disclosure Statement	
4. Site Plan	
5. Proposal Summary	Description of use, its location and length of operation, periodic and holistic. Detailed plans for remediation of the property to original state (or bettered) including the expected timeframe for start, on-going monitoring and completion, if required.
6. Landscape Plan	

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SCHEDULE 'H': SITE SPECIFIC FLOODPLAIN EXEMPTION PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table H-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
3. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
4. After considering the applicant's proposal, referral agency comments, staff recommendations and draft permit, RAC will make a recommendation to the Board.
5. The Board will, upon receipt, consider RAC's recommendation and may grant the requested site specific exemption or amendment, or may refer, table or deny the application.
7. If an exemption or amendment is granted, a restrictive covenant under Section 219 of the *Land Title Act* will be prepared at the expense of the applicant to be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office.

Table H-1 – Required Documents

Documents	Notes
1. Certificate of Title	
2. Agent Authorization	
3. Provincial Site Disclosure Statement	
4. Site Plan	
5. Proposal Summary	Document detailing the existing bylaw, its sections and provisions, the exemption requested and the rationale for hardship.
6. Qualified Professional Engineers Report	As per RDCK's prescribed terms of reference

SCHEDULE 'I': SOIL REMOVAL AND DEPOSIT PERMIT PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table I-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. Within ten (10) days of making application, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'B' of this Bylaw.
3. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
4. Notice of proposal will also be given to owners and tenants of all parcels within a minimum distance of 100 metres (328 feet) of the subject property. This distance may be extended at the discretion of staff.
5. RDCK planning staff may require the applicant to host a public information meeting based on the proximity of the proposal to adjacent residential properties and based on receipt of public comments. The applicant will be required to pay the cost of any associated public meetings as outlined in Schedule 'A' of this Bylaw.
6. Following the referral period, staff evaluation, referral agency comments and public comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
7. After considering the applicant's proposal, referral agency comments, staff recommendations and draft permit, RAC will make a recommendation to the Board. To guarantee the performance of the terms of the permit a security deposit may be recommended.
8. The Board will, upon receipt, consider RAC's recommendation and chose to issue the permit or deny the permit.
9. If a Permit is granted, a Notice of Permit will be signed and sealed by the Secretary and registered against the Title of the property(s) at the Land Title Office. Once issued the owner of land has the right to put the land to the use described in the permit until the date that the permit expires.

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Table I-1 – Required Documents

Documents	Notes
1. Certificate of Title	
2. Agent Authorization	
3. Provincial Site Disclosure Statement	
4. Site Plan	
5. Proposal Summary	Description of use, its location and length of operation, periodic and holistic. Detailed plans for remediation of the property to original state (or bettered) including the expected timeframe for start, on-going monitoring and completion, if required.
6. Landscape Plan	

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SCHEDULE 'J': MANUFACTURED HOME PARK PERMIT PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table J-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality and to adjacent landowners if the proposal will require consideration of a variance.
3. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Building Manager (Chief Building Official).
4. The staff report, draft Manufactured Home Park Permit and comments from the applicant will be provided to the Building Manager (Chief Building Official) for review. If the Building Manager (Chief Building Official) approves the permit, the applicant will be notified accordingly. To guarantee the performance of the terms of the permit a security deposit may be recommended. In the case where security is required, the permit will be issued only upon receipt of deposit in accordance with Schedule 'Q.'
5. Once any and all relevant conditions have been satisfied notification is provided to the Building Department and relevant agencies. A building permit for the proposed development may be considered for issuance by the RDCK Building Department based on the provisions of the Manufactured Home Park Permit.
6. RDCK planning staff shall administer any further conditions of the Manufactured Home Park Permit as specified within each individual permit as required. Planning staff may conduct inspections, on an as-required basis, to ensure that the terms of the Manufactured Home Park Permit are being satisfied.
7. If, after the issuance of a permit, construction of the manufactured home park is not commenced within six (6) months from the date of issuance of the permit, or if, for any cause other than weather conditions, strikes or lock outs, the work is not carried on continuously and in good faith, the permit may be revoked by the Building Manager (Chief Building Official).

Table J-1 – Required Documents

Documents	Notes
1. Certificate of Title	
2. Agent Authorization	
3. Provincial Site Disclosure Statement	
4. Site Plan	
5. Proposal Summary	Description of development including area of property, number of existing and proposed mobile home sites.
6. Landscape Plan	
7. Servicing Requirements	

SCHEDULE 'K': STRATA TITLE CONVERSION PROCEDURE

1. Upon receipt of a complete application accompanied by the required fees and documents outlined in Table K-1, RDCK planning staff will open a file and issue a fee receipt to the applicant. Incomplete applications will be returned to the applicant prior to a fee being taken.
2. If it is determined during staff's review of the application that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance permit or development permit. The application for Strata Title Conversion will not be approved until the non-conformance is addressed.
3. RDCK planning staff will refer the application to The Regional District Building Department along with the Structural Engineer or Architect's Report to verify that the structure(s) meet current B.C. Building Code. The applicant will be required to submit plans to bring the structure(s) into compliance with the current B.C. Building Code.
4. RDCK planning staff will refer the application to all applicable Regional District departments, government ministries and agencies and the local Advisory Planning Commission (APC) as applicable for a period of thirty (30) days. The proposal will also be referred to a municipality if the application could affect that municipality.
5. If there is no associated plan amendment, or if the proposal is different or more detailed than a previously considered amendment application, property owners of land within a minimum 100 metres (328 ft.) radius of the property subject to the proposed Strata Title Conversion will be notified by mail advising of the application. This distance may be extended at the discretion of staff. The deadline for receipt of comments shall be consistent with the above referenced referral to applicable agencies.
6. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board.
7. After considering the applicant's proposal, referral agency comments, staff recommendations and draft strata plan, RAC will make a recommendation to the Board.
8. The Board will, upon receipt, consider RAC's recommendation. The Board may approve the strata plan, approve the strata plan subject to terms and conditions, refuse to approve the strata plan, or refuse to approve the strata plan until terms and conditions are met. The Board's decision is final and cannot be appealed.
9. Once any and all relevant conditions have been satisfied, the Board will issue its endorsement of the strata plan.

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Table K-1 – Required Documents

Documents	Notes
1. Certificate of Title	
2. Agent Authorization	
3. Provincial Site Disclosure Statement	
4. Site Plan	
5. Proposal Summary	
6. Landscape Plan	
7. Qualified Professional Structural Engineer or Architect's Report	The report will evaluate the condition of the building, compare construction methods to the requirements of BC Building Code, and identify any areas where the building does not meet the health and safety requirements of the BC Building Code.
8. Servicing Requirements	A current (dated not more than 12 months prior to the date of application) Compliance Letter and Septic Report addressing the state of the septic system from a Registered Onsite Wastewater Practitioner (ROWP). Where the scope of the project is sufficiently large, a community sewage disposal system with the appropriate permit from the Province will be required. Additionally, proof of an adequate supply of potable water must be submitted.
9. Relocation of Existing Tenants Plan	A list of the names and mailing addresses of the persons occupying the units, together with copies of any lease agreements and the proposal/intentions regarding the relocation of persons who may be affected by the proposed Strata Title Conversion.

SCHEDULE 'L': SUBDIVISION REFERRAL PROCEDURE

1. Upon receipt of an application referral from the Ministry of Transportation and Infrastructure (MoTI) accompanied by the required attachments, RDCK planning staff will open a file and issue an invoice to the applicant as defined in Schedule 'A' of this Bylaw.
2. Upon receipt of applicable fees, RDCK planning staff will evaluate the application referral for compliance with relevant Regional District bylaws and policies. The application referral may also be distributed to other applicable RDCK departments for comment. Application referrals that result in the creation of new lots will be distributed to the Geographic Information Systems (GIS) Department for comment.
3. If it is determined during staff's review of the application referral that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance permit or development permit.
4. RDCK planning staff will forward copies of a Notice of Requirements letter to the Ministry and Applicant. The Notice of Requirements letter will outline the results of the application referral review; identifying any outstanding requirements, areas of the application that may conflict with applicable bylaws, and/or required amendment(s).
5. As any outstanding requirements are submitted by the Applicant, the RDCK will check any additional application materials to verify that the conditions of the Notice of Requirements letter have been satisfied.
6. Once all the requirements defined by the RDCK in the Notice of Requirements letter have been satisfied by the Applicant, the RDCK will notify the Ministry and the Applicant that there are no outstanding issues within the scope of the RDCK's jurisdiction.
7. Final document subdivision applications will follow the process stated in Schedule L. Staff will be cognisant of the legislated 60 day time limit when preparing the Notice of Requirements letter.
8. Subdivisions approved by the Ministry of Transportation and Infrastructure that result in a Notice on Title registered under Section 56 of the Community Charter being extinguished from the title to the land require the Notice to be re-registered to the newly created title(s). In these circumstances, the applicant for subdivision is required to pay the administrative fee to remove a "Notice on Title" pursuant to the Building Bylaw.

**SCHEDULE 'M': INNOVATION, SCIENCE, AND ECONOMIC DEVELOPMENT (ISED)
CANADA REFERRAL AND CONCURRENCE REQUEST PROCEDURE**

1. Upon receipt of an application referral or concurrence request for ISED approval(s) accompanied by the required attachments, RDCK planning staff will open a file. For Antenna System Siting Concurrence Requests, RDCK planning staff will issue a fee receipt to the applicant.
2. RDCK planning staff will evaluate the application referral for compliance with relevant Regional District bylaws and policies. The application referral may also be distributed to other applicable RDCK departments for comment.
3. If it is determined during staff's review of the application referral that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance permit or development permit.
4. A referral information package will be compiled by RDCK planning staff for referral to applicable Local Area Director(s); information prepared will include notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. Draft comments as prepared by planning staff will be included in an electronic memo to the applicable Local Area Director(s).
5. Referral information packages will not be sent to local Advisory Planning Commission (APC) as it falls outside of their mandate, however a Local Area Director may choose to solicit advice from their APC where it is deemed appropriate prior to submitting their comments.
6. Following the comment period, planning staff will compile any planning staff comments and any comments received by the Local Area Director(s) into any associated referral form (generally provided) for submission.
7. For ISED referrals on Crown Land, response will include a corresponding letter of concurrence and a notation that the Province's Land Use Operational Policy – Communication Sites satisfies RDCK consultation requirements. RDCK planning staff will take into consideration the FCM (Federation of Canadian Municipalities) Antenna System Siting Protocol.
8. For ISED referrals located on private lands, planning staff will be required to prepare an RDCK Board Report making recommendation for resolution to meet Industry Canada Requirements.

**SCHEDULE 'N': LOCAL GOVERNMENT, PROVINCIAL FOREST, NOTICE OF WORKS
REFERRAL PROCEDURE**

1. Upon receipt of an application referral from the Province or other applicable authority accompanied by the required attachments, RDCK planning staff will open a file and forward the referral package for review.
2. RDCK planning staff will evaluate the application referral for compliance with relevant Regional District bylaws and policies. The application referral may also be distributed to other applicable RDCK departments for comment.
3. If it is determined during staff's review of the application referral that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance permit or development permit.
4. A referral information package will be compiled by RDCK planning staff for referral to applicable Local Area Director(s); information prepared will include notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. Draft comments as prepared by planning staff will be included in an electronic memo to the applicable Local Area Director(s).
5. Referral information packages will not be sent to local Advisory Planning Commission (APC) as it falls outside of their mandate, however a Local Area Director may choose to solicit advice from their APC where it is deemed appropriate prior to submitting their comments.
6. Referrals which impact three or more Electoral Areas will be presented to the Rural Affairs Committee to recommend a resolution for the Regional Board to endorse.
7. RDCK planning will submit planning staff comments, any comments received by the Local Area Director(s) and any Board resolutions to the applicable authority.

SCHEDULE 'O': ACCRETION REFERRAL PROCEDURE

1. Upon receipt of an application referral from the applicant and/or agent accompanied by the required attachments, RDCK planning staff will open a file and forward the referral package for review.
2. Planning staff will conduct a site visit or make use of data available through the RDCK mapping and/or property files to verify that the information submitted by the applicant and/or agent is complete and correct.
3. A referral information package will be compiled by RDCK planning staff for referral to applicable Local Area Director(s); information prepared will include notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. Draft comments as prepared by planning staff will be included in an electronic memo to the applicable Local Area Director(s).
4. Referral information packages will not be sent to local Advisory Planning Commission (APC) as it falls outside of their mandate, however a Local Area Director may choose to solicit advice from their APC where it is deemed appropriate prior to submitting their comments.
5. Following the comment period, planning staff will compile any planning staff comments and any comments received by the Local Area Director(s) for submission to the Surveyor General.

SCHEDULE 'P': AGRICULTURAL LAND RESERVE (ALR) APPLICATION PROCEDURE

Upon receipt of an ALR Inclusion, Exclusion, Subdivision of an within ALR, Non-Adhering Residential Use, Soil Use for Placement of Fill or Removal of Soil, and Non-Farm Use application from the Agricultural Land Commission, staff will process the application in the following manner:

1. Upon receipt of an application from the Agricultural Land Commission accompanied by the required attachments, RDCK planning staff will open a file. RDCK planning staff will review the application to determine whether it is complete and, if incomplete, will inform ALC staff of the required missing information.
2. RDCK planning staff will evaluate the application for compliance with relevant Regional District bylaws and policies.
3. If it is determined during staff's review of the application that the proposal does not conform to relevant Regional District bylaws and policies, the applicant will be notified. RDCK planning staff will discuss with the applicant if the non-conformity may be considered through a land use amendment, development variance permit or development permit.
4. RDCK planning staff will refer the application for information and comment to applicable RDCK departments, Local Area Director(s), Ministry of Agriculture staff, agricultural advisory commission(s), and First Nations for a period of thirty (30) days.
5. Following the referral period, staff evaluation, agency referral comments and public comments will be incorporated into a report to the Rural Affairs Committee (RAC) of the Board.
6. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which the amendment application will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board.
7. Under the *Agricultural Land Commission Act*, applications that do not conform to a local official community plan or zoning bylaw may not proceed unless authorized by a resolution of the local government.
8. 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.
9. If the Board refuses the application, the \$600 ALC portion of the fee will be returned to the applicant.

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10. For areas not subject to an official community plan or zoning bylaw, the Board will consider RAC's recommendation and will pass a resolution with comments for the ALC to consider.
11. Where an application is advanced to the ALC, planning staff will submit the Board resolution, Staff Report and other associated materials to the ALC Portal.
12. Upon receipt of a decision by the ALC, the resolution will be placed on the next RDCK Board agenda, and forwarded to any applicable RDCK department or Provincial agencies impacted by the decision. Resolutions will be saved both electronically and in hard copy with the associated ALR File.

SCHEDULE 'Q': SECURITY DEPOSIT CALCULATION PROCEDURE

1. Under the Local Government Act (S.502), the RDCK Board or delegate may require security as condition for the issuance of Development Permits, Development Variance Permits and Temporary Use Permits. A local government may require that the applicant provide security for the following purposes:
 - a. a condition in a permit respecting landscaping has not been satisfied;
 - b. an unsafe condition has resulted as a consequence of a contravention in a permit; or
 - c. damage to the natural environment has resulted as a consequence of a condition in a permit (e.g., watercourse setback protection fencing, channel reconstruction, riparian replanting).
2. Form of security: Security will be provided in a form chosen by the applicant as either an automatically renewing irrevocable letter of credit or security deposit satisfactory to the General Manager of Development and Community Sustainability Services. Interest earned on the security accrues to the holder of the permit and must be paid to the holder immediately on return of the security or, on default, becomes part of the amount of the security.
3. Amount: The amount of security must be specified in the permit and will be calculated according to the following: (all estimates or quotes will be provided by the applicant at the applicant's expense) Landscaping security. The amount of security will be 125% of an itemized estimate or quote of the cost of works submitted by a Landscape Architect, Qualified Environmental Professional, landscaping company or other professional approved by the General Manager of Development and Community Sustainability Services.
 - a. The itemized estimate or quote must reflect the costs that would be required for a third party contractor to complete the works and must be inclusive of all costs associated with: planting and soil amendment materials, labour, equipment mobilization costs, plant delivery, limits of disturbance (such as, but not limited to, snow or silt fencing), irrigation, and monitoring (where required).
 - b. Landscaping security may be partially returned when works are partially completed or when monitoring for multiple growing seasons is recommended for the purposes of survival.
 - c. Remediation security may be required to rectify an unsafe condition or damage to the natural environment that may result as a consequence or a contravention of a condition in a permit. The amount of security will be 125% of an itemized estimate or quote of the cost of works reflecting the nature of the permit conditions. The estimate must be submitted by a Professional approved by the General Manager of Development and Community Sustainability Services.

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- d. In extraordinary circumstances, alternate methodologies to calculate the amount of security may be approved by the General Manager of Development and Community Sustainability Services.
4. Return of Security: If a permit is cancelled by the applicant and no work has occurred related to the security deposit, the security deposit will be returned to the applicant at the approval of the General Manager of Development and Community Sustainability Services. When required works are completed, the applicant may contact planning staff to request an inspection prior to obtaining a refund of the security.

SCHEDULE 'R': LIQUOR AND CANNABIS LICENSING PROCEDURE

The process for the issuance of retail licensing for Liquor and Cannabis Retail is the sole jurisdiction of the Provincial government under the Liquor and Cannabis Regulations Branch. Local governments have been provided opportunity to provide recommendation on all license applications and must provide opportunity for community feedback prior to making formal recommendation of support or non-support. The process requirements are similar for both types of licensing and as such the RDCK will process the licensing of both liquor and cannabis in a similar manner. This procedure does not apply for Liquor Licensing for the purposes of establishments licensed under the *Liquor Control and Licensing Act*, such as food and beverage establishments or special event permits.

1. Upon receipt of a notice of intent to apply for or obtain a license for Liquor or Non-medical Cannabis Retail Sales, RDCK planning staff will open a file and issue a fee receipt to the applicant.
2. Within ten (10) days of making application, the applicant is required to erect a Notice of Development Sign in accordance with the requirements outlined in Schedule 'B' of this Bylaw.
3. If it is determined during staff's review of the notice of intent that the proposal does not conform to relevant Regional District bylaws and policies, the applicant/agent will be notified. RDCK planning staff will discuss with the applicant if the non-conformity can be considered through a land use amendment, development variance or development permit.
4. A referral information package will be compiled by RDCK planning staff for notification to the Local Area Director, local fire department, local law enforcement and adjacent property owners. Information prepared will include: notation of any relevant land use policy or regulations, general context statements from any relevant strategic level plans, a location map (where available) and any associated materials provided in support of the application. The referral information package will be provided electronically and by mail.
5. A newspaper notification will also be placed to solicit further public comment.
6. Referral information packages will not be sent to local Advisory Planning Commissions (APCs) as it falls outside of their mandate, however a Local Area Director may choose to solicit advice from their APC where it is deemed appropriate prior to submitting their comments.
7. Following the referral period, staff evaluation and referral agency comments will be incorporated into a technical report to the Rural Affairs Committee (RAC) of the Board. Preference will be provided for applications that take into consideration the following guidelines:
 - a. Conformance with relevant Regional District bylaw and policies

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- b. Proximity to other specified land uses such as day cares, health care facilities, libraries, parks, playgrounds, schools and other liquor or cannabis related businesses (recommended minimum distance of 300 metres)
 - c. Licenses will not be supported in a dwelling place or as a home based occupation
- 8. The applicant is invited to attend the Rural Affairs Committee (RAC) meeting at which their application will be considered. After considering the applicant's proposal, referral agency comments and staff recommendations, RAC will make a recommendation to the Board.
- 9. The RDCK Board will, upon receipt, consider RAC's recommendation. The Board may support the application, not support the application, or request that the applicant provide further information.
- 10. Once the Board minutes have been prepared, the applicant and the appropriate approval authority will be notified in writing of the outcome.

SCHEDULE 'S': Procedure and Requirements for Development Approval Information Areas (DAIAs)

Requirement to provide development approval information

1. Where an Official Community Plan has designated an area as a Development Approval Information Area or has specified the circumstances in which Development Approval Information is required, or both, such information may be required for:
 - a. Applications for Zoning Bylaw amendment;
 - b. Applications for a development permit; and,
 - c. Applications for a temporary use permit
2. Development approval information will be provided by the Applicant at the Applicant's expense.
3. In accordance with Section 487 (3) of the *Local Government Act*, the requirements for Development Approval Information under this bylaw do not apply if the proposed activity or development is a reviewable project as defined in Section 1 of the *Environmental Assessment Act*

Procedure to provide development approval information

1. Prior to application, it is recommended that the applicant confer with the Regional District on the proposed application, whether for guidance or alternative procedures.
2. The General Manager of Development and Community Sustainability Services is authorized to require development approval information in respect of an application specified in Schedule 'S' Sub-section 1. An Applicant submitting an application must provide the General Manager of Development and Community Sustainability Services with the following development approval information, as the General Manager considers relevant to the particular application:
 - a. Archaeological Assessment;
 - b. Building Location Certificate by a Registered BC Land Surveyor;
 - c. Construction Management Plan;
 - d. Demand for Local Community Services Study;
 - e. Environmental Impact Assessment;
 - f. Environmental Management Plans;
 - g. Erosion and Sediment Control Plan;
 - h. Flood Hazard Assessment;
 - i. Geotechnical Study;
 - j. Groundwater Management Assessments;
 - k. Heritage Impact Assessment;
 - l. Hydrogeological Assessment;
 - m. Legal Survey by a Registered BC Land Surveyor;
 - n. Noise Impact Assessment;
 - o. Riparian Areas Protection Regulation (RAPR) and Biophysical Assessment;
 - p. Site Access and Servicing;
 - q. Site Grading Plan;
 - r. Social Impact Assessment;
 - s. Stormwater Management and Drainage Plans;

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- t. Traffic Impact and Pedestrian Safety Studies;
- u. Tree Assessment Study;
- v. Visual Quality/Impact Assessments;
- w. Waste Management Plan;
- x. Wildfire Hazard Assessment; and,
- y. Other information, including reports or studies, as deemed necessary to evaluate the application.

3. If after receiving a complete application it is determined by the General Manager of Development and Community Sustainability Services that additional development approval information is required to evaluate the application, the Applicant will be notified in writing of the development approval information that is required.
4. Development approval information must comply with and fully address all requirements and procedures outlined in the relevant Schedule (Schedule 'C': Land Use Amendment Procedure, Schedule 'D': Development Permit Procedure, OR Schedule 'G': Temporary Use Permit Procedure).
5. If the General Manager of Development and Community Sustainability Services determines that a report containing development approval information is incomplete or deficient, the Applicant will be notified in writing of the nature of the deficiencies.
6. An applicant who is subject to a decision of the General Manager of Development and Community Sustainability Services regarding the requirements for development approval information shall be entitled to a reconsideration of that decision, at no charge.
7. An applicant may request reconsideration of a delegated decision by the RDCK Board of Directors by submitting a written request to the Secretary of the Board.



Committee Report

March 19, 2025 Rural Affairs Committee

Responsible Dog Ownership Bylaw

Author: Sangita Sudan, GM Development and Community Sustainability
Jordan Dupuis, Bylaw Enforcement Supervisor

File Reference:

Electoral Area/Municipality: A, B, C and H

Services Impacted New Regulatory Dog Control Services

1.0 STAFF RECOMMENDATION

That the Responsible Dog Ownership (RDO) Bylaw No. 3009, 2025 be read a FIRST time by content and sent for a legal review;

AND FURTHER, that Directors provide comment and feedback on the bylaw, including whether to include patrols, leashing or dogs at large.

2.0 BACKGROUND/HISTORY

The request for dog control services in Areas A, B, C, and H arises from multiple complaints about aggressive dog behavior and by resolution 734/20 and 178/23. Currently, these electoral areas do not have an established dog control service. In response to Resolution 282/24 (noted below), staff are presenting the Responsible Dog Ownership (RDO) Bylaw No. 3009, 2025 (Attachment A) for consideration by all electoral areas.

The proposed bylaw aims to standardize and modernize dog control regulations. Its simplified format enhances public understanding and clarifies terms for prosecution purposes. The RDO Bylaw empowers staff and contractors to educate dog owners and outlines procedures for registering dogs following complaints. It also establishes mechanisms for Dog Control Contractor or Bylaw Officers to manage aggressive dogs, including requirements for leashing, signage, and muzzling. Severe incidents resulting in injury to persons can be addressed under the Community Charter (Section 49) for Dangerous Dogs (Attachment B).

Before proceeding with service establishment, staff must assess level of interest in specific regulations – these include patrols, dogs at large, or leash requirements. Details on specific regulations is provided in **Section 5.0: Alternative Solutions** of this report.

Following First reading a thorough legal review of the draft RDO Bylaw and the impact to service costs and implementation will be completed and the RDO Bylaw will be brought forward for second reading by content.

Prior motions passed leading to this recommendation are listed below:

734/20	That the Board direct staff to prepare a service case analysis and report back to the Board on the implications of establishing a Dog Control bylaw for the entirety of Electoral Area H, the Village of New Denver, the Village of Silverton and the Village of Slocan.
588/22	That the Board direct staff to prepare a service establishment Bylaw for Dog Control Service for Areas A, B, and C; AND FURTHER, bring it back to the Creston Valley Services Committee.
178/23	That the Board direct staff to draft a service establishment Bylaw for dog control of dangerous dogs within Electoral Areas A, B and C in accordance with the Local Government Act requirements for participating area approval; AND FURTHER, staff investigate how the service will be delivered.
282/24	That the Board directs staff to prepare a report determining the capacity of the bylaw enforcement team to deliver dog control services in a fiscally efficient manner and confirm the level of service to be provided. AND FURTHER, that the Board directs staff to draft a proposed “responsible dog ownership bylaw” in consultation with legal counsel for Board review and to draft an establishment bylaw to deliver dog control service to all rural areas in the RDCK; AND FURTHER, that staff be directed to consult with the municipalities to determine their interest in the service.

3.0 PROBLEM OR OPPORTUNITY DESCRIPTION

There have been many incidents involving dangerous dogs over the past number of years in Areas A, B, C and H, which have caused the area directors concern and a desire to have a regulatory bylaw that deals with the dangerous and aggressive dogs that can be safety risks to the community.

Local governments have the legislated authority under the *Community Charter* Section 49 to address dangerous dog incidents. The RDO Bylaw would enhance the public understanding of how complaints are handled and provides clearer guidance on dog behaviours.

Current Service Area Overview:

Service Area	Establishment Bylaw No.	Regulatory Bylaw
Dog Control E & F	2079, 2009	2387, 2014
Dog Control I & J	505, 1987	2388, 2014
	887, 1992	
Dog Control K and Nakusp	620, 1886	2389, 2014

Identified Issues and Proposed Solutions:

Problem	Solution
Multiple regulatory bylaws	A single Responsible Dog Ownership Regulatory Bylaw applicable to A, B, C and H with future consideration to repeal other regulatory bylaws into one for the region.
High Costs of legal action for dangerous dog incidents	Clear definitions and registration system in the RDO Bylaw provide stronger legal standing
RCMP limitations in handling aggressive dogs	Dedicated enforcement through a standardized dog control service.

Some specific regulations staff are seeking direction on and are enforced under the current bylaws are:

Patrols – are not in the regulation but were requested to enhance public awareness of dog control service in electoral area where the service exists. Presently these are conducted in Areas E and F and were previously included in specified dog control service areas within I, J and K. However, during contract negotiations, contractors indicated that patrols are ineffective and that responding to complaints is a more cost-efficient approach.

Dogs at Large – means being elsewhere than on the property of the owner while not in the immediate and effective control of a responsible person. Enforcement is complaint driven and requires bylaw officers to either locate the dog's owner or arrange for the dog to be placed in an animal shelter (e.g., SPCA or PAWS) once apprehended.

Leash – means a line, thong or chain used for the purpose of restraining a dog and which does not exceed 183 centimeters in length and which is made of material of sufficient strength that the dog cannot break it.

Some other key questions to consider:

- Should patrols in the region continue?
- Should the regulation of dogs at large apply only to complaints involving aggressive dogs?
- Should a leash requirement be added to the RDO Bylaw applicable to all dogs?

3.1 Alignment to Board Strategic Plan

Organizational Excellence objective is to provide a resilient governance structure that fosters excellence in every aspect of service delivery.

AREAS OF FOCUS

- 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.

3.2 Legislative Considerations

The RDO Bylaw streamlines enforcement and introduces a registry for aggressive and dogs, enhancing oversight and accountability. A regulatory bylaw will be reviewed and considered by the Board at this time, however a Service Establishment bylaw will be required prior to the adoption of the regulatory bylaw.

The Board may also consider repealing the current regulatory bylaws for dog control and adopting this bylaw for all areas with dog control.

3.3 What Are the Risks

Failure to establish the RDO Bylaw in A, B, C and H may lead to unaddressed incidents, increasing public safety risks. This may be of concern in area D and G where there is no Dog Control Services.

4.0 PROPOSED SOLUTION

Currently staff are recommending that the Responsible Dog Ownership Bylaw No. 3009, 2025 be read a FIRST time by content. The RDO Bylaw modernizes the existing dog control regulatory bylaws. In response to resolution 282/24 staff are also seeking direction to apply this regulatory bylaw to all rural areas and present a service case analysis for a Dog Control Service for the region.

4.1 Financial Considerations of the Proposed Solution

Funding in the Bylaw Enforcement budget has been included to complete a legal review of the RDO Bylaw.

4.2 Risks with the Proposed Solution

Dog control enforcement represents a high-profile and high-liability responsibility for the RDCK. The current dog control regulatory bylaws have been in place since 2014. The service needs by the public are also changing where more incidents related to aggressive dogs are reported. The RDO Bylaw is seeking to modernize and educate the public on responsible dog ownership which the current bylaws do not fully address.

4.3 Resource Allocation and Workplan Impact

The preparation of the Responsible Dog Ownership Bylaw No. 3009 and an establishment bylaw is a team effort with staff from Bylaw services, Corporate Admin and the GM of Development and Community Sustainability.

4.4 Public Benefit and Stakeholder Engagement of Proposed Solution

The proposed solution of a standardized RDO Bylaw offers several public benefits and opportunities:

- Enhanced Public Safety
- Transparency and Clarity
- Improved Accountability

4.5 Leveraging Technology

None at this time.

4.5 Measuring Success

None at this time.

5.0 ALTERNATIVE SOLUTION(S)

That the RDO Bylaw only apply to Areas A, B, C and H.

5.1 Financial Considerations of the Alternative Solution(s)

The level of services including patrols, dogs at large and leash requirement if added may require more effort and increase cost of service. If service is focused on aggressive dogs primarily this would reduce costs. In addition the RCMP in the Creston Area has informed they do not have kennel facilities for maintaining a dog. Seeking out a kennel facility would increase costs.

5.2 Risks with the Alternative Solution(s)

In the Creston Valley and Area H service needs are changing and more complaints related to aggressive dogs are being reported without a Bylaw to enforce. Dog control enforcement represents a high-profile and high-liability responsibility for the RDCK.

5.3 Resource Allocation and Workplan Impact

The review of the Dog Control Services was directed to the Bylaw Enforcement team. The preparation and review of the RDO Bylaw required staff time to prepare and legal advice to ensure it aligns with legislation and is has clear language.

5.4 Public Benefit and Stakeholder Engagement of Proposed Solution

None at this time.

5.5 Measuring Success

None at this time.

6.0 OPTIONS CONSIDERED BUT NOT PRESENTED

None at this time.

7.0 OPTIONS SUMMARY

Option 1

That the Responsible Dog Ownership (RDO) Bylaw No. 3009, 2025 be read a FIRST time by content and sent for a legal review;

AND FURTHER, that Directors provide comment and feedback on the bylaw, including whether to include patrols, leashing or dogs at large.

Option 2

That the Responsible Dog Ownership Bylaw No. 3009, 2025 be read a First time by content and no further changes be made to the Bylaw.

8.0 RECOMMENDATION

That the Responsible Dog Ownership (RDO) Bylaw No. 3009, 2025 be read a FIRST time by content and sent for a legal review;

AND FURTHER, that Directors provide comment and feedback on the bylaw, including whether to include patrols, leashing or dogs at large.

Respectfully submitted,

Sangita Sudan, GM Development and Community Sustainability **Digitally approved**

CONCURRENCE

CAO – Stuart Horn **Digitally approved**

ATTACHMENTS:

Attachment 1 – Responsible Dog Ownership Regulatory Bylaw No. 3009

Attachment 2 – Community Charter Section 49

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 3009

A regulatory bylaw for responsible dog ownership for the keeping and control of dogs within the Regional District of Central Kootenay Electoral Areas A, B, C, and H

WHEREAS the Regional District may, pursuant to the Local Government Act, enact a bylaw regulating the keeping and control of dogs; and

WHEREAS the Community Charter provides Regional Districts with special powers in relation to dangerous dogs;

WHEREAS the Board of the Regional District has adopted Regional District of Central Kootenay Dog Control Service Establishment **Bylaw No. xxxx** to establish a service for the provision of Dog Control within Electoral Areas A, B, C and H.

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

APPLICATION

- 1 This bylaw is applicable to Electoral Areas A, B, C and H of the Regional District of Central Kootenay.

DEFINITIONS

- 2 In this bylaw all words or phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions set forth in this section:

Aggressive Dog means:

- (a) Any Dog which, without provocation, has displayed aggressive behaviour toward another person, dog or animal;
- (b) Any Dog which, without provocation, has a known tendency or disposition to attack and / or cause injury to other animals or humans without provocation; and
- (c) Any Dog that has been deemed an Aggressive Dog by a Dog Control Officer.
- (d) Any Dog declared a Dangerous Dog by a Court in of the Province of B.C.

Animal means any animal, excepting for the purposes of this bylaw any human species, wildlife as defined in the Wildlife Act, or any animals of the “Rodent” variety, such as rats, mice or raccoons.

Animal Shelter means a building or part thereof, including the property that the building is located on, used by the Regional District for the temporary care of Dogs Impounded by the Dog Control Officer and includes the vehicle that is being used to transport the Dog.

At Large means a Dog that:

- (a) Is elsewhere than on the property of the owner and is not under the control and care of the owner or another responsible person; or
- (b) Is not secured attached to a Leash held by a person who has the ability to restrain the dog and have immediate and effective control while the Dog is under their care.

Board means the Board of Directors of the Regional District of Central Kootenay.

Calendar Year means the one-year period that begins on January 1 and ends on December 31.

Charter means the *Community Charter*, SBC 2003, c. 26, as amended from time to time.

Confined means the Dog the dog is unable to leave or escape from the owner's property.

Dangerous Dog means a Dog that has been determined to be a Dangerous Dog by a Judge of the Provincial Court of British Columbia.

Dog means an Animal of the canine species, including a dog-wolf or dog-coyote hybrid, and may include Aggressive, Vicious and Dangerous Dogs. "Dog" shall include both the male and the female of the species over six (6) months of age.

Dog Control Officer means a person appointed by the Board as a Dog Control Officer, Animal Control Officer or Bylaw Enforcement Officer and includes a Peace Officer, an employee, servant, agent, or contractor of the Regional District. The Dog Control Officer is designated an Animal Control Officer for the purposes of Section 49 (Special Powers in Relation to Dangerous Dogs) of the *Community Charter*.

Enclosure means a structure at least 1.8 metres in height by 1.2 metres wide by 4 metres long; constructed with secure sides, and with impervious surfacing for the bottom to prevent digging; suitable for the size and strength of the Dog to prevent it from escaping; having protection and shelter from the varying weather conditions; and locked to prevent entry of young children or other unauthorized persons.

Fine means the penalty as set out in the Regional District's Bylaw Enforcement Notice and Dispute Adjudication System Bylaw No. 2855, 2023 and/or Regional District's Municipal Ticketing Information System Bylaw No. 2814, 2023 as amended from time to time.

Guide/Service Dog means a Dog that is used by a person with a disability to avoid hazards or to otherwise compensate for a disability as defined in the *Guide Animal Act*, RSBC 1996, c. 177, and for which a valid and subsisting certificate has been issued under that Act.

Injury means a physical injury to a person or Animal that includes scrapes, pinches, fractures, punctures, lacerations and any other injuries that require medical attention.

Impounded means any Dog seized, delivered, received or taken into the Animal Shelter, or in the custody of the Dog Control Officer as provided for in this bylaw.

Leash means a device of sufficient strength and design to restrain the Dog for which it is being used, where one end is securely affixed to the Dog and the other end is securely held by the Owner.

Muzzled means a humane fastening or covering device, of adequate strength, placed securely over the Dog's mouth and is designed to prevent the Dog from biting or inflicting injury.

Owner means any person who owns, has in their custody, harbours, shelters or permits any Dog to remain on or about his/her land, property or premises and/or a person who is the custodial parent or legal guardian of a child under the age of 18 years who owns, is in possession of, or has the care or control of a Dog.

Pound shall mean any building or enclosure or place established for impounding dogs.

Public Land means any highway, road, lane, street, boulevard, crescent, walkway, trail, greenbelt, park, playground, or other public place that is under ownership, lease or tenure by a Local Government.

Qualified Dog Trainer means, in the context of this bylaw, a person:

- (a) Having a degree in veterinary medicine with a special interest in animal behaviour; or
- (b) A person with a degree in animal behaviour together with a minimum of 5 years supervised work experience;

and possessing current membership to a recognized professional canine behaviour organization.

Regional District means the Regional District of Central Kootenay and may be referred to as the Regional District in the context of this bylaw.

Under Control means a Dog that responds and complies with verbal commands and / or leashed to a person who can competently restrain the Dog at all times.

Working Dog means a Dog that is used for purposes of herding livestock, a Dog engaged in legal hunting activities, or a Dog used by Police and other Emergency services, that requires the Dog to be free of restraints in order for them to perform the work, but does not include a Dog working as a guard dog on commercial or private premises.

CONTROL OF DOGS

- 3 (1) Every Owner shall ensure that the Dog is Confined to the property on which the Owner resides in a manner that prevents the Dogs escape.
- (2) Every Owner of a Dog must have the Dog under control at all times when off of the owner's property.

IMPOUNDING OF DOGS

- 3 (1) The Dog Control Officer may seize and impound any Aggressive or Dangerous Dog.
- (2) The Dog Owner shall retrieve any impounded Dog, and:
 - (a) provide current, government issued identification and proof of ownership of the Dog;
 - (b) pay all impound, maintenance and sustenance and additional applicable fees related to that Dog, as set out in Schedule "A" of this bylaw;
 - (c) prior to release of an Aggressive Dog, the Owner must read, complete and sign the Aggressive Dog Registration, as set out in Schedule C of this bylaw; and
- (3) Without limiting the generality of section 4(2)(b) of this bylaw, an Owner of a Dog that has been impounded must pay all impound, maintenance and sustenance, and all other applicable fees regardless of whether or not the Owner claims the Dog from Impound.
- (4) Where an Impounded Dog is not retrieved and released to the Owner within seventy-two (72) hours from the time the Dog is impounded and there have been no prior arrangements made with the Dog Control Officer, the Regional District may sell or dispose of the Dog.

AGGRESSIVE DOGS

- 4 (1) When not on the Owner's property the Owner of an Aggressive Dog shall secure the Dog by a collar and Leash that is a maximum length of one (1) metre and of adequate strength to restrain the Dog.

- (2) When not on the Owner's property, the Owner of an Aggressive Dog shall keep the Dog effectively Muzzled at all times to prevent the Dog from biting another Dog, Animal or person.
- (3) The Owner of an Aggressive Dog shall ensure that the Leash referred in section 5 (1) of this bylaw is held by a person that is physically and mentally capable of keeping the Dog Under Control.
- (4) When an Aggressive Dog is on private property, and not securely confined indoors, the Owner shall keep the Dog securely confined to the property by:
 - (a) When the owner is present keeping the Dog in a fenced or gated area, located in the yard of the property, which is of sufficient height and strength to confine and secure the Dog.
 - (b) When the owner is not present on the property, and not securely confined indoors, the Owner shall keep the Aggressive Dog securely confined in a locked Enclosure, located in a place on the Owner's property other than the front yard and located such that there is a minimum of 3 metres between the Enclosure and the property line
- (5) The Owner of an Aggressive Dog shall permit the Dog Control Officer to photograph the Dog for identification purposes.
- (6) The Owner of a Vicious Dog shall permit the Dog to be micro-chipped for identification purposes and must pay for the costs associated with the micro-chipping prior to release of the Dog.
- (7) The Owner of an Aggressive Dog shall complete and sign the Regional District's Aggressive Dog Registration, as set out in "Schedule C" of this bylaw.
- (8) Where a Dog has exhibited behaviour that meets the definition of an Aggressive Dog in this bylaw, and
 - (a) there have been no incidents of aggression within the previous twelve month period; and in the opinion of a Qualified Dog Trainer, the Dog no longer has a propensity towards aggression;

the Owner may apply to the Regional District Manager of Building and Bylaw Enforcement to suspend the requirements of Section 5.0 of this bylaw as it applies to an Aggressive Dog.
- (9) If the requirements of this bylaw are suspended pursuant to section 5.7 of this bylaw and, subsequent to that suspension, the Dog exhibits behaviour that meets the definition of an Aggressive Dog, the requirements of this bylaw as it applies to an Aggressive Dog shall immediately apply and no further relief pursuant to Section 5.7 will be granted with respect to that Dog.
- (10) The Owner of an Aggressive Dog shall prominently display a sign stating "Beware of Dog" at the front and rear entrances to the owner's property. The sign shall be at least 12 inches x 12 inches in size.

DANGEROUS DOGS

- 6 (1) The Dog Control Officer is designated an Animal Control Officer for the purposes of Section 49 of the *Community Charter* (Special Powers in Relation to Dangerous Dogs).

ADMINISTRATION AND ENFORCEMENT

- 7 (1) The Dog Control Officer is hereby authorized to enter, at all reasonable times, upon any property in the Regional District in order to ascertain whether the regulations in this bylaw are being obeyed.
- (2) No person shall prevent or obstruct, or attempt to prevent or obstruct, the Dog Control Officer from the exercise or performance of his or her powers, duties or functions under this bylaw.
- (3) Any person who violated any provision of this bylaw commits an offence and is liable to a fine not exceeding \$50,000.00 and cost of the prosecution.
- (4) Each day a violation of the provisions of this bylaw exists or is permitted or suffered to exist shall constitute a separate offence.
- (5) If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid will not affect the validity of the remaining portions of this bylaw.
- (6) Schedules "A", "B" and "C" of this bylaw form a part of this bylaw and are enforceable in the same manner as this bylaw.

CITATION

- 10 This bylaw may be cited as **"Regional District of Central Kootenay Dog Control Regulatory Bylaw No. 3009, 2025."**

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.

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

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer

DRAFT

SCHEDULE A
Bylaw No. 3009

FEE SCHEDULE

First Impoundment Fee

\$250 Per Aggressive Dog

In addition, there is a Maintenance and Sustenance Cost of \$75 per day.

Second and Subsequent Impound Fee

\$450 Per Aggressive Dog

In addition, there is a Maintenance and Sustenance Cost of \$75 per day.

ADDITIONAL FEES

Aggressive and Dangerous Dog Registration

\$250 per Dog as per this bylaw and Schedule B

Euthanasia

Actual Cost

Veterinarian Fee

Actual Cost

SCHEDULE B Bylaw No. 3009

DEFINITIONS

Altered means a Dog that has been either spayed or neutered.

Unaltered Dog means an intact Dog that has not been spayed or neutered.

AGGRESSIVE DOG REGISTRATION

(1) I, _____ of
(Name of Owner)

(Address of Owner)

Hereby apply for the release of:

Dog's Name: _____

Breed: _____

Colour: _____ Sex: _____ (Circle) Altered or Unaltered

Age: _____ Current Photograph of Dog Attached: _____

(2) I am the owner of the Dog.

(3) I am aware and have been informed that the Dog is a Vicious Dog within the meaning of Bylaw No. 3009 and I am aware of the responsibility and potential liability which rest with me in keeping or harbouring the Dog, and state the Dog will be kept at:

(4) I hereby acknowledge, covenant and agree with the Regional District of Central Kootenay:

(a) That I will, at all times when the Dog is not kept on a leash and muzzle and under the control of a person who is competent to control the Dog, keep the Dog in a dwelling or accessory building, or within a securely locked enclosure complying with the requirements of Bylaw No. 3009; and

(b) That I save harmless and indemnify the Regional District of Central Kootenay, its Dog Control Officer, and any of its officers, employees, agents or elected

officials from and against any and all actions, causes of action, proceedings, claims, demands, losses, damages, cost or expense whatsoever and by whomever brought in any way arising from or caused by the release of the Dog to me or the keeping or harbouring of any Dog by me and, without limiting the generality of the foregoing, for any personal injury or death inflicted on or any other animal or any person by the Dog or any damages to property caused by the Dog.

- (c) That, if the Dog Control Officer has reasonable grounds, the officer may apply to the Provincial Court for an order that the Dog be destroyed in the manner specified in the order and that a Dog that has been seized under this section may not be impounded and detained for more than twenty-one (21) days unless court proceedings for a destruction order are commenced within that time (Section 49 of the Charter).

- (5) I submit herewith the sum of \$250.00 in payment and all other fees payable by me pursuant to Bylaw No. 3009.

(Signature of Dog Owner)

(Date)

(Print Name of Dog Owner)

(Signature of Witness)

(Date)

(Print name of Witness)

DRAFT

Attachment 1: Community Charter Section 49

Special powers in relation to dangerous dogs

49 (1) In this section:

"animal control officer" means

- (a) a municipal employee, officer or agent designated by the council as an animal control officer for the purposes of this section, or
- (b) a peace officer;

"dangerous dog" means a dog that

- (a) has killed or seriously injured a person,
- (b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, or
- (c) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.

(2) In addition to the authority under section 48 but subject to this section, an animal control officer may seize a dog if the officer believes on reasonable grounds that the animal is a dangerous dog.

(3) Before exercising a power under subsection (2), in the case of a dog that has acted as described in paragraph (a) or (b) of the definition of "dangerous dog", the animal control officer must consider whether the dog was acting while in the course of

- (a) attempting to prevent a person from committing an unlawful act, or
- (b) performing law enforcement work.

(4) An animal control officer may enter a place to exercise the power under subsection (2),

- (a) in any case, with the consent of the owner or occupier of the place,
- (b) in any case, in accordance with a warrant under subsection (5) or (6), or
- (c) if the circumstances referred to in subsection (8) apply, in accordance with that subsection.

(5) If satisfied by evidence given under oath or affirmation that there are reasonable grounds to believe that there is a dangerous dog in a place, a justice may, by warrant, authorize an animal control officer to enter and search the place and to seize the dog.

(6) If

- (a) it is impracticable for an animal control officer to appear personally before a justice to apply for a warrant in accordance with subsection (5), and

(b)the officer believes on reasonable grounds that there is a dangerous dog in a place,

the officer may apply for a warrant in accordance with the regulations under subsection (7).

(7)The Lieutenant Governor in Council may make regulations respecting the authority and procedure for warrants under subsection (6).

(8)Subject to subsection (9), an animal control officer may, without a warrant, enter and search any place, except a place that is occupied as a private dwelling, and seize a dog, if the officer believes on reasonable grounds that

(a)the dog is a dangerous dog,

(b)the dog presents an imminent danger to the public, and

(c)the purpose of seizing the dog cannot reasonably be accomplished if the officer is required to obtain a warrant.

(9)For the purposes of subsection (8), an animal control officer who is not a police officer must be accompanied by a police officer.

(10)In addition to any other authority, if an animal control officer has reasonable grounds to believe that a dog is a dangerous dog, the officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order.

(11)A dog that has been seized under this section may not be impounded and detained for more than 21 days unless court proceedings for a destruction order are commenced within that time.



Committee Report

Date of Report: March 5, 2025
Date & Type of Meeting: March 20, 2025 Rural Affairs Committee
Author: Ashley Grant, Grants Coordinator
Subject: COMMUNITY WORKS FUND APPLICATION – RDCK – ROSEBUD LAKE REGIONAL PARK UPGRADE AND MITIGATION PROJECT
File: 1850-20-CW-313
Electoral Area/Municipality G

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-Rosebud Lake Regional Park Upgrade and Mitigation Project” in the total amount of \$200,000.00 and that funds be disbursed from Community Works Funds:

Electoral Area G in the amount of \$200,000.00

SECTION 2: BACKGROUND/ANALYSIS

In 2024 the Regional District of Central Kootenay (RDCK) became the license holder of 120 hectares of land adjacent to RDCK fee simple owned parkland known as Rosebud Lake Regional Park (RLRP). In Fall of 2024 the BC Parks Foundation, in cooperation with the RDCK, purchased the 120 hectares of land with the intention of entering into a 99 year lease with the RDCK for the purpose of expanding the Rosebud Lake Regional Park. The management of this land is the responsibility of the RDCK and as such work set forth for the land will be a multi phased project.

As part of the agreement between BC Parks Foundation and the RDCK, we are responsible for the water license and management of a human constructed dam that controls the level of the lake. As part of this management the RDCK is responsible to adhere to all Provincial regulations including, repair, maintenance, inspection, planning and mitigation of the dam. Thus reducing or eliminating long term impacts and risks associated with natural disasters. As such the core of this work is meant to be part of construction, modification or reinforcement of structures that protect from, prevent or mitigate potential physical damage resulting from extreme natural events, and impacts or events related to climate change.

The overall goal is to modify, reinforce or relocate existing public infrastructure to mitigate the effects of and/or improve resiliency to extreme natural events and impacts or events related to climate change. The RDCK also plans to do park infrastructure upgrades that include but are not limited to creating an access trails from the owned RDCK parkland to the newly acquired parkland, washrooms, picnic tables and benches, shelters, walkways and parking area upgrades. The mitigation work is set to start immediately and the amenities will be phased over a few years

The RDCK has already engaged the Provincial Dam Safety Officer (PDSO) and the contracted RDCK dam engineer for guidance and required action for continued public safety. They have provided a number of considerations that need to be addressed.

In January 2024 the RDCK received a "Dam Inspection and Preliminary Assessment" document by SRK Consulting that provides a "Potential Dam Safety Upgrades" table that helps define scopes of work and management framework it also provides a "Potential Liabilities and Recommendations" table that outlines work that may need to be done to reduce potential physical damage resulting from extreme natural events and structure protection.

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 G 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 G will have -\$179,706.84 in Community Works funds remaining.

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 "Recreation Infrastructure – Recreational Facilities or Networks."

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:

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-Rosebud Lake Regional Park Upgrade and Mitigation Project in the amount of \$200,000.00 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area G.

Respectfully submitted,

Ashley Grant, Grants Coordinator

CONCURRENCE

Manager of Corporate Administration/Corporate Office – Mike Morrison **Digitally approved**

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

ATTACHMENTS:

Attachment A – Community Works Fund Application – RDCK-Rosebud Lake Regional Park Upgrade and Mitigation Project



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"		Rosebud Lake Regional Park Upgrade and Mitigation Project	
Date of Application		2025/01/31	
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	parks@rdck.bc.ca		
Name of Contact	Cary Gaynor	Contact's Email	cgaynor@rdck.bc.ca
Director in Support of Project			
Name of Director(s)		Area(s)/Municipality	Amount Requested
Hans Cunningham		AreaG	\$ 200,000.00
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy/mm/dd)	
2024/11/15		2027/12/31	
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)	Owner PID RDCK Legal - 1993 6.56 RDCK 016-470-826 RDCK Fee Simple DIS		
Registered Owners of Land(s)	BC Parks Foundation, Regional District of Central Kootenay		
Crown Land Tenure/License No./Permit No.(s)	BC PARKS FOUNDATION, NO.S0066829		
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 not required for 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

In 2024 the Regional District of Central Kootenay (RDCK) became the license holder of 120 hectares of land adjacent to RDCK fee simple owned parkland known as Rosebud Lake Regional Park (RLRP). In Fall of 2024 the BC Parks Foundation, in cooperation with the RDCK, purchased the 120 hectares of land with the intention of entering into a 99 year lease with the RDCK for the purpose of expanding the Rosebud Lake Regional Park. The management of this land is the responsibility of the RDCK and as such work set forth for the land will be a multi phased project.

As part of the agreement between BC Parks Foundation and the RDCK, we are responsible for the water license and management of a human constructed dam that controls the level of the lake. As part of this management the RDCK is responsible to adhere to all Provincial regulations including, repair, maintenance, inspection, planning and mitigation of the dam. Thus reducing or eliminating long term impacts and risks associated with natural disasters. As such the core of this work is meant to be part of construction, modification or reinforcement of structures that protect from, prevent or mitigate potential physical damage resulting from extreme natural events, and impacts or events related to climate change.

The overall goal is to modify, reinforce or relocate existing public infrastructure to mitigate the effects of and/or improve resiliency to extreme natural events and impacts or events related to climate change.

The RDCK also plans to do park infrastructure upgrades that include but are not limited to creating an access trails from the owned RDCK parkland to the newly acquired parkland, washrooms, picnic tables and benches, shelters, walkways and parking area upgrades. The mitigation work is set to start immediately and the amenities will be phased over a few years

The RDCK has already engaged the Provincial Dam Safety Officer (PDSO) and the contracted RDCK dam engineer for guidance and required action for continued public safety. They have provided a number of considerations that need to be addressed.

In January 2024 the RDCK received a "Dam Inspection and Preliminary Assessment" document by SRK Consulting that provides a "Potential Dam Safety Upgrades" table that helps define scopes of work and management framework it also provides a "Potential Liabilities and Recommendations" table that outlines work that may need to be done to reduce potential physical damage resulting from extreme natural events and structure protection.

(If needed, please provide additional information on separate page)

1.1 Project Costs including Timeline and Supporting Documents

Project Timelines:

This project will be conducted in a phased approach., however there may be overlap in phases dependent on timing of project, staff and contractor availability, and weather.

Phase 1 Complete all necessary Dam modifications to meet provincial regulations including, repair, maintenance, inspection, planning and mitigation of the dam. This will done according to engineer report and with guidance from the Provincial Dam Safety Officer assigned to the region. Please see page 14-17 in the attached document: "Dam Inspection and Preliminary Assessment". This phase is to start immediately and be completed in full by end of 2027

Phase 2 will be the Rosebud Lake Regional Park amenity upgrades. These will include creating non motorized accessible walking trails that connect sections of the park, accessible washrooms, picnic tables and benches, shelter(s), and parking area upgrades. This phase will start in 2025 and be completed by end of 2028

The project will fall under our asset management program where reserves will be created through yearly budgets. Regular maintenance of the assets will occur through as a yearly budget line in the RDCK Financial Plans.

The role of the regional parks is to provide day-use outdoor recreation opportunities. Six key objectives set forth for regional parks in the Official Regional Parks Plan are being put in place at RLRP these key objectives are:

To provide for a diversity of regional park recreation opportunities in the Regional District that supply family recreation needs and recreation requirements of people of all ages.

To facilitate accessibility for residents by providing one or more regional parks or trails in each subregion of the Regional District.

To provide regional parks and trails relatively in order to maintain accessibility, encourage utilization and minimize travel time and costs.

To complement the roles and responsibilities of other park and recreation agencies.

To utilize high recreation capability sites for regional parks.

To provide for high quality water based recreation experiences in regional parks.

The estimated cost of the project is \$550,000 as per SRK report (attached) on work within the next 3 years and estimated costing of materials and labour for park amenity upgrades. The RDCK has 29 Regional Parks and Trails in different stages of development and has been working diligently, when possible, to apply accessibility standards to park development. Prices and estimation on all materials and contractor labour are through previous and most recent park development prices in the local areas. Labour and material costs may change according to local area contractor availability and material shipping distance. The RDCK seeks out the most cost affective and appropriate pricing for the costs of goods and services. We will rely on the experience and expertise of both the engineer and PDSO on exact timing of each task. As information provided in the document some of the costs will vary depending on the findings as upgrades are done.

All work will be done following the RDCK Purchasing Policy.

(If needed, please provide additional information on separate page)

1.2 Project Impact

This project has a major impact for Disaster Mitigation as well as recreation and tourism infrastructure. Rosebud Lake currently sees visitors for a variety of recreational opportunities such as walking, biking, fishing (currently is stocked yearly with hatchery rainbow trout), canoeing, wildlife and bird watching, horseback riding and day use park activities.

The structural integrity of the dam is essential for the safety and recreational opportunities of the park. New park amenities or upgrades will enhance the park experience and provide park users with the opportunity to remain closer to nature and the outdoor experience.

The overall size of the land that will remain in it's natural state will help maintain green space and continue to be beneficial to the impacts of climate change.

The impact to the community and region as we continue to develop Rosebud Lake Regional Park will be long lasting. Currently does not have amenities to accommodate park users. Establishment of accessible washrooms, accessible picnic tables, benches, accessible access trails, accessible parking areas and providing a safe space for park users is a high priority for phase two of the project. The impact will support a positive visitor experience for all users.

The accessible washrooms will provide a place for people of all abilities to use washrooms and eliminate the potential of people using areas in the park that may create a health and safety concern.

Accessible Park infrastructure such as picnic tables, benches, waste receptacles and pathways will positively impact park users and allow for a greater park experience.

Safety vehicular and pedestrian barriers and will both help in restricting environmental sensitive areas as well as keep park users safe. Parking lot improvements will increase safety and better accessibility parking.

Signage is an integral part of any park establishment. Signage provides information to park users including wayfinding, identification, provisional and regulatory information.

These amenities will also tie into the future management of the entire 120 acres of the park and provide future guidance during a Management Plan process.

(If needed, please provide additional information on separate page)

1.3 Project Outcomes

The project outcome goals are to provide disaster mitigation of a dam structure and provide recreational space that achieves the vision and values of Regional Park system to be inclusive to all users while taking into consideration the ecological and environmental values. We strive to provide park amenities that enable opportunity for community members no matter what their physical or socio-economic situation may be. By adhering to these values we hope to increase park use by providing safe and accessible opportunities for all peoples. We strive to do this in a fiscally sustainable way that includes local stewardship and volunteer associations moving into the future.

As mentioned above the development of the park will be in a phased approach with outcomes to include:

- Dam disaster mitigation work
- Accessible site furniture infrastructure
- Signage
- Accessible Washrooms
- Accessible pathways
- Parking area work

To accomplish phases our budget will go over a 2-4 year period.

(If needed, please provide additional information on separate page)

1.4 Project Team and Qualifications

The project team involves Regional Park Staff and approved contractors:

Regional Parks Staff include:

Regional Parks and Trails Manager

Regional Parks and Trails Operations Supervisor

Regional Parks Planner

Parks and Trails Summer Maintenance Staff

Approved Contractors will be hired according to RDCK purchasing policy

(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		\$ 200,000.00
RDCK		\$ 64,000.00
Cash Donation		\$ 50,000.00
Future external or internal funding		\$ 56,000.00
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 370,000.00

Project Expenses

(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Expenses	Value (\$)
Park Amenities	washrooms, benches, tables, Kiosks and waypoin	\$ 120,000.00
Dam Mitigation and Upgrades as per a	vegetation removal, safety signage, upstream ero	\$ 250,000.00
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 370,000.00

Project Revenue (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Revenue	\$ 370,000.00
Project Expenses (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Expenses	\$ 370,000.00

2.1 Additional Budget Information Quote rationale to be reviewed by RDCK Chief Administrative Officer		
As mentioned RLRP disaster mitigation and amenities implementation will continue over a couple of years as funding and staff time is available. Staff always seeks to find cost savings through economy of scale, in kind contributions and other sources of grant funding where possible. The intent of this grant is to allow us to complete the mentioned items in phases. If more funding through grants is possible we will try to accomplish the task in a more timely manner. All work As per board resolution: "And that the Board authorized staff to proceed with a \$200,000 Electoral Area G Community Works Funding application for capital project expenses for Rosebud Lake Regional Park" (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
Cary Gaynor	Cary Gaynor	2025/02/04



Committee Report

Date of Report: March 5, 2025
Date & Type of Meeting: March 20, 2025 Rural Affairs Committee
Author: Ashley Grant, Grants Coordinator
Subject: COMMUNITY WORKS FUND APPLICATION – CBT PROPERTY CORP
– CRESTON RED GRAIN ELEVATOR
File: 1850-20-CW-313
Electoral Area/Municipality A,B,C

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is to seek approval for the Community Works Fund application submitted by the CBT Property Corp for the project titled “CBT Property Corp – Creston Red Grain Elevator” in the total amount of \$30,000.00 and that funds be disbursed from Community Works Funds:

Electoral Area A,B,C in the amount of \$30,000.00 (equally disbursed from each area)

SECTION 2: BACKGROUND/ANALYSIS

The objective of this project is to conserve the red grain elevator (Elevator) in Creston, BC to be enjoyed by the public for future generations. In 2018 The Trust acquired the two historic grain elevators located in Creston through CBT Property Corp, a wholly owned subsidiary of the Trust, from a private owner to ensure their preservation. Detailed assessments determined that conservation efforts should be focused on the red Elevator. This project includes replacing the siding on the Elevator and on the adjacent engine house, completing structural upgrades, replace/refurbish doors and windows, complete site improvements to improve accessibility, and install interpretive signage and displays for guided (interior) and unguided (exterior) walking tours to provide a unique heritage experience to the public.

Since 2018 the Trust has overseen numerous studies and reports on the Elevator and has overseen, funded and executed several repairs and upgrades. The entire scope of the larger project is four distinct phases:

1. 2018 - Phase 1, Consulting and Assessments -this Phase is complete: Condition Assessment, hazmat and health and safety assessments, structural review, Stage 1 environmental report, legal site survey, hazmat and health and safety cleaning, public consultation.
2. 2019-2021 - Phase 2, Planning and Conservation Works -this Phase is complete: Project Brief outlining the project implementation, laser scanning to obtain a complete 3D model of the Elevator as a permanent record (and for future virtual programming), design development, detailed siding evaluation, construction drawings; initial repairs including the roof replacement, structural upgrades, and health and safety repairs.
3. 2022 - 2023 - Phase 3, Conservation Works - this Phase is complete: siding replacement, window and door replacement/refurbishment, crawlspace structural works, and site works.

4. 2024-2025 - Phase 4, Conservation Works - ongoing: final site works, fire retardant paint to interior, fire alarm install.

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 A,B,C and no other areas are being asked to contribute to the project. The Director is supportive of the application and has sufficient 2024 funds to allocate to this project. Should this project be funded, Area A will have \$110,126.34 in Community Works funds remaining, Area B will have \$697,825.18 in Community Works funds remaining, and Area C will have \$132,773.37 remaining in Community Works 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 “Asset Management – Increase local government capacity to undertake asset management planning practices.”

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:

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 CBT Property Corp for the CBT Property Corp – Creston Red Grain Elevator in the amount of \$30,000.00 be approved and that funds be disbursed from Community Works Funds allocated to Electoral Area A,B,C.

Respectfully submitted,

Ashley Grant, Grants Coordinator

CONCURRENCE

Manager of Corporate Administration/Corporate Office – Mike Morrison **Digitally approved**

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

ATTACHMENTS:

Attachment A – Community Works Fund Application – CBT Property Corp – Creston Red Grain Elevator



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"		Conservation of the Red Creston Grain Elevator	
Date of Application		2025/01/29	
Applicant Information			
Name of Organization	CBT Property Corp.		
Address	Suite 300, 445-13th Avenue		
City, Prov. Postal	Castlegar BC V1N 1G1		
Phone No.	250.265.7481	Fax No.	
Organization's Email	umueller@ourtrust.org		
Name of Contact	Ulli Mueller	Contact's Email	umueller@ourtrust.org
Director in Support of Project			
Name of Director(s)		Area(s)/Municipality	Amount Requested
Jackman, Tierney, Vandenberghe		Areas A, B, C	\$ 30,000.00
Project Time Line			
Project Commencement Date (yyyy/mm/dd)		Project Completion Date (yyyy/mm/dd)	
2022/11/29		2025/04/30	
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)		Plan NEP10683, Lot 2, DL525, PID 007-028-652, 215 Northwest Boulevard	
Registered Owners of Land(s)		CBT Property Corp.	
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. <u>3839</u> ☐ No	
If No, please explain:			

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

Project Description:

The objective of this project is to conserve the red grain elevator (Elevator) in Creston, BC to be enjoyed by the public for future generations. In 2018 The Trust acquired the two historic grain elevators located in Creston through CBT Property Corp, a wholly owned subsidiary of the Trust, from a private owner to ensure their preservation. Detailed assessments determined that conservation efforts should be focused on the red Elevator. This project includes replacing the siding on the Elevator and on the adjacent engine house, completing structural upgrades, replace/refurbish doors and windows, complete site improvements to improve accessibility, and install interpretive signage and displays for guided (interior) and unguided (exterior) walking tours to provide a unique heritage experience to the public.

Since 2018 the Trust has overseen numerous studies and reports on the Elevator and has overseen, funded and executed several repairs and upgrades. The entire scope of the larger project is four distinct phases:

1. 2018 - Phase 1, Consulting and Assessments -this Phase is complete: Condition Assessment, hazmat and health and safety assessments, structural review, Stage 1 environmental report, legal site survey, hazmat and health and safety cleaning, public consultation.
- 2 2019-2021 - Phase 2, Planning and Conservation Works -this Phase is complete: Project Brief outlining the project implementation, laser scanning to obtain a complete 3D model of the Elevator as a permanent record (and for future virtual programming), design development, detailed siding evaluation, construction drawings; initial repairs including the roof replacement, structural upgrades, and health and safety repairs.
3. 2022 - 2023 - Phase 3, Conservation Works - this Phase is complete: siding replacement, window and door replacement/refurbishment, crawlspace structural works, and site works.
4. 2024-2025 - Phase 4, Conservation Works - ongoing: final site works, fire retardant paint to interior, fire alarm install.

Management Framework:

The Trust is governed by a 12-member Board of Directors. The appointment process for the Trust Board of Directors and composition of the Trust Board are established in the Columbia Basin Trust Act. The five regional districts in the Basin and the Ktunaxa Nation Council each nominate a director, and the Province of BC nominates the remaining six directors. The Lieutenant Governor in Council makes all final appointments to the Board. All directors must reside in the Basin. Board policies set out the desired board member attributes for the appropriate combination of skills and personal capabilities necessary for the fulfillment of the Trust's mission. That combination of skills and attributes helps the Trust to effectively engage with Basin residents, to oversee the return of benefits to Basin residents and to prudently oversee the management of the Trust's investments.

Board meetings are held five times per year in varying communities throughout the Basin. The Board members are independent from management. Leadership of the Trust is provided by Johnny Strilaeff, President & CEO, who joined the Trust in 2005. He has a Bachelor of Commerce in Finance and is a Chartered Financial Analyst (CFA).

The Trust supports procurement and contract management through its corporate operations, including financial management and accounting. Finance and accounting support are provided by Trust staff, under the direction of the Executive Director of Finance & Operations.

The Trust will retain overarching project responsibilities and oversight but may contract out particular project tasks such as architectural and engineering design, construction, and health and safety consulting, who are all subject matter experts.

(If needed, please provide additional information on separate page)

1.1 Project Costs including Timeline and Supporting Documents

CONSERVATION BUDGET

Expenses:

Phase 3, complete - Chandos Construction, Kelowna: \$1,455,035

Phase 4, ongoing - King Creek Construction: \$420,000

Total: \$1,875,035

Revenue:

Columbia Basin Trust: \$1,192,035

Federal Government/Canada Revitalization Fund and
the Canada Cultural Spaces Fund, combined: \$623,000

Heritage BC/2022 Heritage Legacy Fund: \$20,000

Town of Creston \$10,000

RDCK Areas A, B, and C, (\$10,000 each) combined: \$30,000

Total: \$1,875,035

(If needed, please provide additional information on separate page)

1.2 Project Impact

This project provides significant economic benefits for the community in two ways: one - economic benefits will be realized by using local labour and materials to complete the project where possible and two - conserving a culturally significant asset will contribute to the creation of a lively downtown neighbourhood that will attract visitors and locals alike thereby creating economic opportunities. The Elevator holds provincial and national significance representing one of the last three surviving wood grain elevators in BC which had at least twenty four still standing in the 1950s. Preserving local heritage, enhancing public amenities and spaces are important goals to create cultural tourism and invite visitors to linger, explore and contribute to the local economy. Creston is a unique fertile agricultural region and the project honors its agricultural past and raises the profile of the existing agricultural industry, which encourages further economic development and food security.

Economic benefits will also be realized through preserving local heritage to foster cultural tourism, minimizing the negative impact of underutilized land, establishing a clear identity and sense of arrival for the downtown area by placing emphasis on establishing gateways, and conserving and enhancing the Elevator as a community icon. A revitalized Elevator will complement the new Market Park planned close to the Elevator and will contribute to establishing this area as the heart of downtown and a central gathering place for the Creston Valley providing additional tourism opportunities and economic benefits. A revitalized elevator will increase property values, tax revenues, and jobs (via conservation, tours, and maintenance).

Revitalizing the Elevator will complement Creston citizens' stated goal in the 2020 Official Community Plan (OCP) to enhance Creston's Downtown Area as a vibrant, inclusive and memorable small town centre that is the social and economic hub of the Creston Valley.

(If needed, please provide additional information on separate page)

1.3 Project Outcomes

A conserved elevator will be providing an improved facility that is safe for public access, and will enable an organization such as the Creston Museum to provide improved guided tours and virtual experiences to the public as well as school tours. Audience/visitor attendance is expected to be upwards of 1,000 visitors per year for the next three years. New opportunities exist to create creative programming that showcase the intact interior mechanisms: headworks and 'leg' with belt and cups, gerber, bindicator, distributing spouts and pipes, storage bins, hopper scale, grain pits and motors provide rare insight into the workings of grain distribution from farms to rail in Canada from the 1890s to the 1980s. Artifacts collected throughout the Elevator site during Phase 1, 2 and 3 works are currently in storage and will be refurbished for public display.

The project will improve the level of safety of the facility by improving the fire rating and egress of the structure as follows: The project includes the application of fire resistant (intumescent) paint to the siding to the lower 20 feet of the newly applied exterior siding which will help protect the historic asset and occupants from wildfires and arson. The interior exposed wood post and beam structure in the driveway aisle will be painted with a clear, fire retardant (no-burn) finish, and in case of fire, slowing the progress of fire and allowing occupants to exit safely. A new ramp will provide safe egress to persons with disabilities in the case of an emergency. New exterior lighting will be installed for improved safety and visibility.

The Project will improve environmental health and safety concerns as follows:

The siding, windows and doors are over 80 years old and are regularly breached by birds, rodents, insects, and rain creating a health and safety hazard including pathogens and diseases carried by feces as well as mould as a result of water penetration. Replacing the siding and refurbishing the doors and windows will secure the building envelope and control water and rodent ingress.

(If needed, please provide additional information on separate page)

1.4 Project Team and Qualifications

The project architect is NEXT Principal Ian Morgan. Ian is a senior architect with over 25 years of professional experience. He brings a wealth of heritage experience and specialized expertise related to Grain Elevator conservation, including conserving St Albert's grain elevator in Alberta which enables him to develop considerate design solutions that will restore the Elevator and revitalizing it with new life.

Structural engineering support will be provided by Robin Zirnhelt, specialist in heavy timber engineering. Robin has previously provided technical leadership on the St. Albert Grain Elevator Heritage Site Functional Program project. Heritage Guidance for the project was provided by Jennifer Dunkerson, a Basin-based Heritage Planner.

Ulli Mueller, Senior Manager, Delivery of Benefits, has worked at the Trust since 2018. She holds a Bachelor of Engineering Degree for Architecture and prior to joining the Trust worked extensively in the construction and design industry. Her Trust work centers on supporting Basin communities to meet their affordable housing and child care needs and includes engagement with nonprofits, and First Nations.

The general contractor for the current Phase 4 of the project to complete the conservation of the Elevator is King Creek Construction from Creston. Phase 3 conservation works were completed by Chandos Construction from Kelowna.

(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 (\$)
	Federal Government Grants	\$ 623,000.00
	Heritage BC	\$ 20,000.00
	Town of Creston	\$ 10,000.00
	RDCK Areas A, B, and C	\$ 30,000.00
	CBT Property Corp	\$ 1,192,035.00
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Revenue	\$ 1,875,035.00

Project Expenses

(Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)

Item	Description of Expenses	Value (\$)
	Phase 3 Conservation Expenses	\$ 1,455,035.00
	Phase 4 Conservation Expenses	\$ 420,000.00
		\$
		\$
		\$
(If needed, please see page 7 to provide additional budget information)	Sub-Total Project Expenses	\$ 1,875,035.00

Project Revenue (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Project Revenue	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Revenue	\$ 1,875,035.00
Project Expenses (continued) (Capital, Professional, Environmental Assessment, Employee, Equipment, Incremental)		
Item	Description	Value (\$)
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Total Project Expenses	\$ 1,875,035.00

2.1 Additional Budget Information Quote rationale to be reviewed by RDCK Chief Administrative Officer		
The budget in this application references Phase 3 and 4 conservation expenses only. Additional expenses were incurred during Phase 1 and 2 and are not included in this application.		
(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
	Ulli Mueller	2025/02/02