

## **Regular Meeting of the Board of Directors**

**Thursday, July 30, 2015 - 6:00 pm**

**The Regional District of Kootenay Boundary  
Board Room, Grand Forks, B.C**

### **FINAL AGENDA**

#### **1. Call to Order**

#### **2. Consideration of the Agenda (Additions/Deletions)**

- a) The agenda for the July 30, 2015 Board meeting is presented.

Items to be brought forward if necessary.

**Recommendation:** That the agenda for the July 30, 2015 meeting of the Regional District of Kootenay Boundary Board of Directors be received as presented.

#### **3. Minutes**

- a) The draft Minutes of the Regional District of Kootenay Boundary Board of Directors meeting held June 18, 2015 are presented.

**Recommendation:** That the draft Minutes of the Regional District of Kootenay Boundary Board of Directors meeting held June 18, 2015 be adopted as presented.

[Minutes-Regular Meeting Board of Directors-18 Jun 2015- Pdf](#)

#### **4. Delegation(s)**

- a) **D. Allin, Chief Administrative Officer, City of Grand Forks  
re: Grand Forks 2015-2016 Strategic Priorities**

[Delegation-D. Allin City of Grand Forks-Board-July 30, 2015.pdf](#)

*Item 4-Delegations – con't.*

- b) **Matt Hulse-Our Horizon - Warning Labels on Gas Pumps**  
[Delegation-M. Hulse-Our Horizon-Gas Pump Warning Labels-Board-July 30, 2015.pdf](#)  
[Our Horizon - Summary Report for BC.pdf](#)  
[Our Horizon-Face-The-Change-BC-Report.pdf](#)

**5. Unfinished Business**

- a) Memorandum of Board Resolutions

The Board of Directors Memorandum of Resolutions for the period ending June 30, 2015 is presented.

**Recommendation: Corporate Vote Unweighted**

That the Board of Directors Memorandum of Resolutions for the period ending June 30, 2015 be received.

[Memorandum of Board Resolutions-Ending July 31, 2015.pdf](#)

- b) **T. Lenardon-July 13/15**  
**Proposed West Boundary Official Community Plan Petition**

A staff report from Theresa Lenardon, Manager of Corporate Administration providing follow-up information regarding a petition submitted from Rural Bridesville citizens requesting the RDKB to stop the implementation of an Official Community Plan (OCP), address a separate letter requesting that the Board suspend further discussions or decisions regarding an OCP and hold a vote before proceeding with development of an OCP is presented.

**Recommendation: Corporate Vote Unweighted**

That the staff report from Theresa Lenardon, Manager of Corporate Administration providing follow-up information regarding a petition submitted from Rural Bridesville citizens requesting the RDKB to stop the implementation of an Official Community Plan (OCP), address a separate letter requesting that the Board suspend further discussions or decisions regarding an OCP and hold a vote before proceeding with development of an OCP is presented.

[Staff Report-West Boundary Proposed OCP Petition-Board-July 30, 2015 - Pdf](#)



## **6. Communications**

### **a) Chair McGregor-June 26/15 - Special Voting Regulation Hardy Mountain Doukhobor Village**

A report from Board Chair McGregor regarding the results of the Special Voting Regulation poll on the proposed Agreement of Purchase and Sale between the Regional District of Kootenay Boundary and The Land Conservancy (TLC) for the Hardy Mountain Doukhobor Village Historic Site is presented.

Pursuant to the requirements and process of the Regional District Special Voting Regulation-BC Reg 41/91, the following resolution was adopted by the Board of Directors on June 26, 2015.

### **Recommendation: Corporate Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors approves the Agreement of Purchase and Sale of the Hardy Mountain Doukhobor Village Historic Site (building and lands) from The Land Conservancy to the Regional District of Kootenay Boundary via the transfer of the title to the property and assumption of the mortgage indebtedness to the Grand Forks Credit Union of approximately \$37,892.50 (dependent on Closing Date) to the Regional District of Kootenay Boundary. FURTHER that the Board of Directors approves the RDKB authorized signatories to sign the Agreement.

[Chair Report-Special Voting Reg-Hardy Mountain Doukhobor Village-Board-July 30, 2015 - Pdf](#)

## **7. Communications (Information Only)**

### **a) Peace River Regional District-June 12/15 re: Order in Council-Removal of ALR Lands**

[Peace River RD-ALR Lands-Order in Council-ELUC-Board-July 30, 2015.pdf](#)

### **b) UBCM-RDKB 2015 Resolution Victims Services Funding**

[UBCM-RDKB Resolution-Victims Services-Board-July 30, 2015.pdf](#)

### **c) ALC-Subdivision Decision Demelo-West Boundary**

[ALC-West Boundary-Demelo-Subdivision Decision Ltr.pdf](#)

*Item 7-Communication (Information Only) – con't*

- d) **Regional District of Bulkley Nechako-June 25/15**  
**re: BC Earthquake Preparedness Consultation Report**  
[Letter-Bulkley Nechako RD-Earthquake Preparedness-Board-July 30, 2015.pdf](#)  
[Consultation Report-BC Earthquake Preparedness - Board - July 30, 2015.pdf](#)  
[Letter-Central Coast RD-Earthquake Preparedness Consultation Report-Board-July 30, 2015.pdf](#)

**Recommendation: Corporate Vote Unweighted**

That Communications Information Only Items a)-d) be received.

**8. Reports**

- a) **Interim Schedule of Accounts-Ending June 30, 2015**  
**Chair of Finance Committee - Director Rotvold**

The Interim Schedule of Accounts ending June 30, 2015 is presented.

**Recommendation: Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors approves payment of the Interim Schedules of Accounts as follows:

Cheques Nos:	49661-50101	\$	1,238,865.75
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Payroll			400,359.94
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<b>Total Expenditures for June 2015</b>		<b>\$</b>	<b>1,639,225.69</b>
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[June 2015-Interim Schedule of Accounts-Board-July 30, 2015.pdf](#)

- b) **RDKB Committees - Draft Minutes**  
Boundary Economic Development Committee - June 2, 2015; East  
End Sewerage Committee - June 2, 2015, Beaver Valley  
Recreation Committee - June 9, 2015; East End Services  
Committee - June 16, 2015

**Recommendation: Corporate Vote Unweighted**

*8b) Committee Draft Minutes - con't*

**Recommendation: Corporate Vote Unweighted**

That the following draft minutes be received:

Boundary Economic Development Committee, June 2, 2015; East End Sewerage Committee, June 2, 2015; Beaver Valley Recreation Committee, June 9, 2015 and East End Services Committee, June 16, 2015.

[Minutes-Boundary Economic Development Committee - 02 Jun 2015 - Board-July 30, 2015Pdf](#)

[Minutes-Sewerage Committee - 02 Jun 2015 - Board-July 30, 2015Pdf](#)

[Minutes-Beaver Valley Recreation Committee - 09 Jun 2015 - Board-July 30, 2015.Pdf](#)

[Minutes-East End Services Committee - 16 Jun 2015 - Board - July 30, 3015 Pdf](#)

- c) **Electoral Area Services Committee- Committee Chair,  
Director Worley  
For Approval-Development Variance Application**

**Recommendation: Stakeholder (Electoral Area Directors)  
Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors approves the application for a Development Variance Permit as submitted by Bart Campbell and Lisa Campbell, for the property legally described as Parcel B (Being a consolidation of Lots 1 and 2, see CA4125823) Block 6, DL 700, SDYD Plan NEP38, requesting an exterior parcel line variance of 3m (from 4.5m to 1.5m) to construct an accessory building.

[Staff Report-Campbell-DVP-Board-July 30, 2015.pdf](#)

- d) **Advisory Planning Commissions - Draft Minutes**

The draft minutes of Advisory Planning Commissions:

Electoral Area 'C'/Christina Lake (July 7), Electoral Area 'E'/West Boundary (July 6), Electoral Area 'E'/Big White (July 7), Electoral Area 'B'/Lower Columbia-Old Glory (July 6) and Electoral Area 'D'/Rural Grand Forks (July 14) are presented.

**Recommendation: Corporate Vote Unweighted**

That the draft minutes of Advisory Planning Commissions Electoral Area 'C'/Christina Lake (July 7), Electoral Area 'E'/West Boundary

*Item 8d) APC Draft Minutes - con't*

(July 6), Electoral Area 'E'/Big White (July 7), Electoral Area 'B'/Lower Columbia-Old Glory (July 6) and Electoral Area 'D'/Rural Grand Forks (July 14) be received as presented.

[Minutes-APC Christina Lake-Board-July 30, 2015.pdf](#)

[Minutes-APC Big White-Board-July 30, 2015.pdf](#)

[Minutes-APC West Boundary-Board-July 30, 2015.pdf](#)

[Minutes-APC-Lower Columbia-Board-July 30, 2015.pdf](#)

[Minutes-APC-Rural Grand Forks-Board-July 30, 2015.pdf](#)

- e) **Electoral Area Services Committee – Committee Chair,  
Director Worley  
For Receipt - July 2015 Development Permit Applications**

**Recommendation: Stakeholder (Electoral Area Directors)  
Vote UnWeighted**

**8ei)** That the staff report regarding the application submitted by Daniel and Janet O'Flaherty for a Development Permit Amendment to increase the floor area of the proposed office building and the two detached guest accommodation units in the General Commercial Development Permit Area for the property legally described as Lot 1, DL 498, SDYD, Plan KAP56568, be received.

**Recommendation: Stakeholder (Electoral Area Directors)  
Vote UnWeighted**

**8eii)** That the staff report regarding the application for a Development Permit submitted by 486719 BC Ltd., to reconstruct and relocate a single family dwelling in the Waterfront Environmentally Sensitive Development Permit Area fronting Christina Lake, on the parcel legally described as Block 1, Lot 2, DL 963, Plan KAP6348, SDYD, be received.

**Recommendation: Stakeholder (Electoral Area Directors)  
Vote UnWeighted**

**8eiii)** That the staff report regarding the application for a Development Permit submitted by Mary and Michael Hoffman, for the property legally described as Strata Lot 18, DL 4222, SDYD, Plan KAS3134, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, be received.

*Item 8e) EAS DP for Receipt - con't*

**Recommendation: Stakeholder (Electoral Area Directors)  
Vote UnWeighted**

**8eiv)** That the staff report regarding the application for a Development Permit submitted by Chad and Katie Nugent, for the property legally described as Strata Lot 59, DL 4222, SDYD, Plan KAS3134, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, be received.

**Recommendation: Stakeholder (Electoral Area Directors)  
Vote Weighted**

**8ev)** That the staff report regarding the application for a Development Permit to build a commercial building with space for 3 tenancy units in the General Commercial Development Permit Area, submitted by Ken Pettapiece, as agent for Annie Rioux and Thomas Renolds, for the property legally described as Lot 8, DL 498, SDYD, Plan KAP46442, be received.

[Staff Report-OFlaherty DP Amend-Board-July 30, 2015.pdf](#)

[Staff Report-Fomenoff-DP-Board-July 30, 2015.pdf](#)

[Staff Report-Hoffman-DP-Board-July 30, 2015.pdf](#)

[Staff Report Nugent-DP-Board-July 30, 2015.pdf](#)

[Staff Report-Rioux Renolds-DP-Board-July 30, 2015.pdf](#)

**9. Board Appointments Updates**

- a) S.I.D.I.T. - Chair McGregor  
S.I.B.A.C. - Chair McGregor  
Okanagan Film Commission - Director Gee  
Boundary Weed Stakeholders Committee - Director Gee  
Columbia River Treaty Local Government Committee  
Kootenay Booth  
Chair's Update - Chair McGregor

**10. New Business**

- a) **Discussion Item-Smart Meters**  
Community concerns, long-term effects of wireless transmissions, etc.

*Item 10a) Discussion - con't*

[Letter-Smart Meters-Concerns-K. Bagn Rural Grand Forks-Board-July 30, 2015.pdf](#)

[Bio-Dr. Paterson-Smart Meters-Concerns-Rural Grand Forks-Board-July 30, 2015.pdf](#)

[\*\*Letter-Smart Meters-Concerns-Limbert Area 'A'-Board-July 30 2015.pdf\*\*](#)

b) **T. Lenardon-July 2/15**

**re: Changes to Board Meeting Locations**

A staff report from Theresa Lenardon, Manager of Corporate Administration, regarding changes to the location of the August 27, 2015 and the November 26, 2015 Board meetings is presented.

**Recommendation: Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors approves changing the location of the August 27, 2015 Board meeting from another West End community to Trail. **FURTHER** that the location of the November 26, 2015 Board meeting be changed from Trail to Big White Ski Resort.

[Staff Report-Change Board Meeting Locations-Board-July 30, 2015 - Pdf](#)

c) **T. Lenardon-June 26/15**

**re: Beaverdell Fire Hall Lease**

A staff report from Theresa Lenardon, Manager of Corporate Administration regarding a 3-year extension to the Beaverdell Fire Hall Lease Agreement between the RDKB and the Beaverdell Community Club and Recreation Commission (BCCRC) is presented.

**Recommendation: Corporate Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors approves a three-year extension (2013-2015) for the Beaverdell Fire Hall Lease Agreement between the Regional District of Kootenay Boundary and the Beaverdell Community Club and Recreation Commission for an annual fee of \$1.00 payable on the commencement date and thereafter on January 1 of each and every year during the Term of the Lease. **FURTHER** that the

*Item 10c) Beaverdell Fire Hall Lease- con't*

Board of Directors approves the authorized signatories to sign the extended 2013-2015 Lease Agreement.

[Staff Report-Extension-Beaverdell Fire Hall Lease-Board-July 30, 2015 - Pdf](#)

d) **D. Dean-July 8/15**

**re: Implementation of Kettle River Watershed Management Plan - Contractor Name Change**

A staff report from Donna Dean, Manager of Planning and Development regarding a request to change the name of the consulting firm contracted to do the implementation of the Kettle River Watershed Management Plan is presented.

**Recommendation: Corporate Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors directs staff to amend the current contract with Cordilleran Ecological by changing the name of the consultant to CommonsPlace Consulting Ltd. for the remainder of the contract period; that is between August 1, 2015 to December 31, 2017.

**FURTHER** that the Board of Directors authorizes the RDKB signatories to sign the amended contract.

[Staff Report-KRWMP-Consulting Firm-Name Change-Board-July 30, 2015.pdf](#)

e) **M. Andison**

**re: Bylaw Contravention-Electoral Area 'E' / Big White**

**A staff report from Mark Andison, General Manager of Operations / Deputy CAO regarding a Building Bylaw Contravention for the property described below as:**

**#2 - 20 Kettle View Road, Big White, B.C.**

**Electoral Area 'E' / West Boundary**

**Parcel Identifier: 002-078-309**

**Strata Lot 2, D.L. 4109S, SDYD, Strata Plan K351**

**Owner: 0985028 B.C. Ltd.**

*Item 10 Bylaw Contravention - con't*

**Recommendation: Stakeholder (Electoral Area Directors Only) Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors direct the Chief Administration Officer to file a Notice in the Land Title Office pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter against the property legally described as Strata Lot 2, D.L. 4109S, SDYD, Strata Plan K351.

[Staff Report-Bylaw Contravention 0985028 B.C. Ltd.-Board-July 30, 2015 - Pdf](#)

f) **M. Andison**  
**re: Bylaw Contravention - Area 'E' / West Boundary**

A staff report from Mark Andison, General Manager of Operations / Deputy CAO regarding a Building Bylaw Contravention for the property described as:

**306 Cougar Road, Mount Baldy, B.C.**

**Electoral Area 'E' / West Boundary;**

**Parcel Identifier: 023-629-819**

**Strata Lot 18, D.L. 100S, SDYD, Strata Plan KAS1840**

**Owner: Eva Duguid**

**Recommendation: Stakeholder (Electoral Area Directors Only) Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors direct the Chief Administration Officer to file a Notice in the Land Title Office pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter against the property legally described as Strata Lot 18, D.L. 100S, SDYD, Strata Plan KAS1840.

[Staff Report-Bylaw Contravention Duguid-Board-July 30, 2015 - Pdf](#)



*Item 10 Bylaw Contravention - con't*

g) **M. Andison**  
**Building Bylaw Contravention - Electoral Area 'D'/Rural**  
**Grand Forks**

A staff report from Mark Andison, General Manager of Operations / Deputy CAO regarding a Building Bylaw Contravention for the property described below as:

**6297 College Road, Grand Forks, B.C.**

**Electoral Area 'D' / Rural Grand Forks**

**Parcel Identifier: 016-323-998**

**Item 10g) Building Bylaw Contravention- con't**

**Lot 1, D.L. 700, SDYD, Plan 43562**

**Owners: Donald and Debra Steinbach**

**Recommendation: Stakeholder (Electoral Area Directors Only) Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors invite the owners, Donald and Debra Steinbach, to appear before the Board to make a presentation relevant to the filing of a Notice in the Land Title Office pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter against the property legally described as Lot 1, D.L. 700, SDYD, Plan 43562.

[Staff Report-Bylaw Contravention Steinbach-Board-July 30, 2015 - Pdf](#)

h) **C. Rimell-July 2015**  
**re: Area 'C'/Christina Lake FrontCounter Referral-Private**  
**Moorage**

A staff report from Carly Rimell, Planner regarding an application by Susan Babansee and Kevin Penny for Specific Permission for private moorage to legalize the size of the dock on the Crown foreshore being part of the bed of Christina Lake, fronting the upland parcel legally described as Lot 2, DL 4058s, KAP43164, SDYD is presented.

**Recommendation: Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors recommends that the Province of British Columbia's approval of the application by Susan Babansee and Kevin Penny for Specific Permission for private moorage is subject to issuance of a Development Variance Permit that varies Section 315 of the Regional District of Kootenay Boundary's Zoning Bylaw No. 1300 to legalize the size of the dock on the Crown foreshore being part of the bed of Christina Lake, fronting the upland parcel legally described as Lot 2, DL 4058s, KAP43164, SDYD.

[Staff Report-FrontCounter-Legalize Dock-Christina Lake-Board-July 30, 2015.pdf](#)

i) **C. Rimell-July 2015**  
**re: Area 'C'/Christina Lake FrontCounter Referral-Private Moorage**

A staff report from Carly Rimell, Planner regarding an application by Blair Schnuth for Specific Permission for private moorage on the Crown foreshore, being part of the bed of Christina Lake, fronting the upland parcel legally described as Lot 4, DL 1021s, SDYD, is presented.

**Recommendation: Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors recommends that the application by Blair Schnuth for Specific Permission for private moorage on the Crown foreshore, being part of the bed of Christina Lake, fronting the upland parcel legally described as Lot 4, DL 1021s, SDYD, be supported.

[Staff Report-FrontCounter Legalize Dock Private Moorage-Christina Lake-Board-July 30, 2015.pdf](#)

j) **C. Rimell-July 2015**  
**re: Area 'C'/Christina Lake FrontCounter Referral-Private Moorage**

A staff report from Carly Rimell, Planner regarding an application by Patricia and Edward Seghers, for Specific Permission for private moorage on the Crown foreshore being part of the bed of Christina Lake, fronting the upland parcel legally described as Lot 2, DL 963, Plan KAP6830, SDYD, is presented.

**Recommendation: Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors recommends that the application by Patricia and Edward Seghers, for Specific Permission for private moorage on the Crown foreshore being part of the bed of Christina Lake, fronting the upland parcel legally described as Lot 2, DL 963, Plan KAP6830, SDYD, be supported.

[Staff Report-FrontCounter-Legalize Dock Boat Lift-Christina Lake-Board-July 30, 2015.pdf](#)

k) **C. Rimell-July 2015**  
**re: Area 'C'/Christina Lake FrontCounter Referral Private Moorage - Legalize Dock**

A staff report from Carly Rimell, Planner regarding an application by Deborah and Gordon Weiland for Specific Permission for private moorage is subject to issuance of a Development Variance Permit that varies Section 315 of the Regional District of Kootenay Boundary's Zoning Bylaw No. 1300 to legalize the size of the dock, on the Crown foreshore, being part of the bed of Christina Lake, fronting the upland parcel legally described as Lot 6, DL 3966S, KAP30324, SDYD is presented.

**Recommendation: Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors recommends that the Province of British Columbia's approval for the application by Deborah and Gordon Weiland for Specific Permission for private moorage is subject to issuance of a Development Variance Permit that varies Section 315 of the Regional District of Kootenay Boundary's Zoning Bylaw No. 1300 to legalize the size of the dock, on the Crown foreshore, being part of the bed of Christina Lake, fronting the upland parcel legally described as Lot 6, DL 3966S, KAP30324, SDYD.

[Staff Report-FrontCounter-Legalize Dock-Christina Lake-Board-July 30, 2015.pdf](#)

l) **C. Rimell-July 2015**  
**re: Agricultural Land Reserve Subdivision-'D'/Rural Grand Forks**

*Item 10 Provincial Referrals ALR - con't*

A staff report from Carly Rimell, Planner regarding an application to subdivide in the Agricultural Land Reserve (ALR) within Electoral Area 'D'/Rural Grand Forks is presented.

**Recommendation: Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors receives the staff report regarding the application for subdivision, submitted by Bron and Sons Nursery, as applicant for their parcel and as agent for Floyd and Joyce Jensen for the adjacent parcel, for these properties legally described as Block 26, DL 362, SDYD, Plan KAP 2430, Except Plan A965 and Lot 15, DL 363, SDYD, Plan KAP 2430, Portion EXP PCL a PL B5901 Except Plan 7521.

[Staff Report-ALR Subdivision-Rural Grand Forks-Board-July 30, 2015.pdf](#)

m) **C. Rimell-July 2015**  
**re: Agricultural Land Reserve Subdivision-Electoral Area 'E'/West Boundary**

A staff report from Carly Rimell, Planner regarding an application for subdivision in the Agricultural Land Reserve in the West Boundary is presented.

**Recommendation: Corporate Vote Unweighted**

That the application for subdivision in the ALR, submitted by Bob Holtby as agent for 0472164 BC Ltd., for the property off Highway 33, near Beaverdell Electoral Area 'E'/ West Boundary, legally described as DL 1250, SDYD, Portion of PT W of RD PL 13939 except Plan H16203, be forwarded to the Agricultural Land Commission without a recommendation.

[Staff Report--ALR Subdivision West Boundary-Board-July 30, 2015.pdf](#)

n) **C. Rimell-July 2015**  
**re: Agricultural Land Reserve Exclusion -Electoral Area 'E'/West Boundary**

A staff report from Carly Rimell, Planner regarding an application to exclude property from the Agricultural Land Reserve in Electoral Area 'E'/West Boundary is presented.

**Recommendation: Corporate Vote Unweighted**

That the application for exclusion from the ALR, submitted by Bob Holtby as agent for 0472164 BC Ltd., for the property off Highway 33, near Beaverdell Electoral Area 'E'/ West Boundary, legally described as DL 1250, SDYD, Portion of PT W of RD PL 13939 except Plan H16203, be forwarded to the Agricultural Land Commission without a recommendation.

[Staff Report-ALR Exclusion-West Boundary-Board-July 30, 2015.pdf](#)

o) **C. Rimell-July 2015**  
**re: Agricultural Land Reserve Exclusion**  
**Electoral Area 'B'/Lower Columbia-Old Glory**

A staff report from Carly Rimell, Planner regarding an application to exclude property from the Agricultural Land Reserve in Electoral Area 'B'/Lower Columbia-Old Glory is presented.

**Recommendation: Corporate Vote Unweighted**

That the application for exclusion from the ALR, submitted by Edward and Deyanne Davies, for the property 455 Malde Creek Road, south of Rossland, Electoral Area 'B'/ Lower Columbia-Old Glory, legally described as Township 9A, KD, NEPX63, Subsidy Lot 181 Except Plan 17164 SRW 15310 SRW 17069, be forwarded to the Agricultural Land Commission with a recommendation of support.

[Staff Report-ALR Exclusion-Lower Columbia-Board-July 30, 2015.pdf](#)

p) **C. Rimell-July 2015**  
**re: Agricultural Land Reserve Non-Farm Use - Electoral**  
**Area 'E'/West Boundary**

A staff report from Jeff Ginalias, Senior Planner regarding an application for non-farm use in RDKB Electoral Area 'E'/West Boundary is presented.

**Recommendation: Corporate Vote Unweighted**

That the application for non-farm use within the ALR submitted Todd Dynneson for the property legally described as that part of SE ¼, Section 10 TWP 66, SDYD, Plan B1396, be forwarded to the Agricultural Land Reserve without a recommendation.

[Staff Report-Dynneson-ALR Non Farm Use-Board-July 30, 2015.pdf](#)

- q) **C. Rimell-July 2015**  
**re: Ministry Transportation & Infrastructure Subdivision**  
**Electoral Area 'E'/West Boundary**

A staff report from Carly Rimell, Planner regarding an application for subdivision to the Ministry of Transportation and Infrastructure by Bryan and Joyce Crookston is presented.

**Recommendation: Corporate Vote Unweighted**

That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed subdivision on the property at 6090 Christian Valley Road, 30 kilometers north of Westbridge, Electoral Area 'E'/ West Boundary, legally described as Lot A, DL 1073s, Plan KAP70376 Except Plans KAP83255, KAP87143, and EPP29669, be received.

[Staff Report-Crookston MOIT Subdivision West Boundary-Board-July 30, 2015.pdf](#)

- r) **C. Rimell-July 2015**  
**re: Forestry Referral - Proposed Cutblocks**  
**Electoral Area 'B'/Lower Columbia-Old Glory**

A staff report from Carly Rimell, Planner regarding an application for 18 proposed cut blocks in the Trident and Cliff area of Electoral Area 'B'/Lower Columbia-Old Glory submitted by Atco Wood Products is presented.

**Recommendation: Corporate Vote Unweighted**

That the Regional District Board of Directors advise ATCO Wood Products that the application for 18 proposed cut blocks for Development Area 'D' in the Trident and Cliff geographic area, north of Rossland, east of Nancy Greene on Crown Land within the RDKB Electoral Area 'B'/Lower-Columbia-Old Glory, is supported.

[Staff Report-ATCO CutBlocks-Lower Columbia-Board-July 30, 2015.pdf](#)

s) **J. Ginalias -July 2015**  
**re: License of Occupation - /Christina Lake**

A staff report from Jeff Ginalias, Senior Planner regarding an application by Shaw Cable to FrontCounter BC to approve the installation a cable connection to the Christina Lake Welcome Centre is presented.

**Recommendation: Corporate Vote Unweighted**

That the proposal to submit a utilities application to FrontCounter BC to establish cable connections on portions of Crown Land DL 498, License of Occupation Numbers 404062 and 40463, to provide a better internet service to the Christina Lake Welcome Centre, is supported and that a copy of this resolution be provided to Shaw Cable to include as part of the FrontCounter BC utilities application.

[Staff Report-Shaw Cable-Lic of Occupation-Christina Lake Welcome Centre-Board-July 30, 2015.pdf](#)

t) **J. Ginalias-July 2015**  
**re: License of Occupation / Christina Lake**

A staff report from Jeff Ginalias, Senior Planner regarding a proposal by the Regional District of Kootenay Boundary to submit an application to FrontCounter BC for a License of Occupation to develop a disc golf course on approximately 13.3 hectares Crown land at Christina Lake is presented.

**Recommendation: Corporate Vote Unweighted**

That the proposal by the Regional District of Kootenay Boundary to submit an application to FrontCounter BC for a License of Occupation to develop a disc golf course on approximately 13.3 hectares Crown land, legally described as the Crown land portion of District Lot 498, SDYD, Except Plan 2710 13142 13192 29837 37989 38106 KAP45806 KAP45822 KAP46580 EXC +/- 6.29 AC C&W RW ON PL ATTACHED TO PB VOL 4 FOLIO 433 SEE ALSO PL B3228 AND EXC +/- 44.479 AC AS SHOWN ON LBF 4401920 LICENCE #337614 AND EXC 2.718 AC AS SHOWN ON LBF 4402591 L/O #402648 & EXC PLAN KAP60519, is supported, and that staff be directed to prepare and submit the application.

[Staff Report-Lic of Occupation-Disc Golf Christina Lake-Board-July 30, 2015.pdf](#)

*Item 10 New Business - con't*

u) **M. Andison-July**  
**re: Boundary Animal Control Contract**

A Staff report from Mark Andison, General Manager of Operations/Deputy Chief Administrative Officer regarding the current contract between the RDKB and the Commissionaires BC for the provision of animal control services in the Boundary and the options that have been considered by the service stakeholders for service delivery after August 31 is presented.

**Recommendation: Corporate Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors awards the Boundary Animal Control Service contract to the Commissionaires B.C. for the period of September 1, 2015 to August 31, 2018 at a rate of \$8,686.00 per month from September 1, 2015 to August 31, 2016 with payment increases for each of the successive one-year periods equal to the Consumer Price Index. **FURTHER** that the Board of Directors authorizes the RDKB signatories to sign the contract.

[Staff Report - Boundary Animal Control Contract - Pdf](#)

v) **M. Forster - July 16, 2015**  
**Re: Support of Conservation Tax Incentive Program**

A staff report from Maureen Forster, Executive Assistant, regarding a request from the Comox Valley Regional District seeking support of a resolution which will be submitted to the UBCM in September 2015 to endorse a province-wide Conservation Tax Incentive Program (CTIP) is presented.

**Recommendation: Corporate Vote Unweighted**

The Regional District of Kootenay Boundary Board of Directors supports the resolution, which will be submitted to UBCM for consideration at the 2015 Convention, that the Ministry of Community, Sport and Cultural Development be requested to grant local governments the authority to implement a conservation tax incentive program modeled on the Natural Area Protection Tax Exemption Program.

[Staff Report - UBCM Resolution re: CTIP -Board-July 30 2015- Pdf](#)  
[Proposed CTIP - Board-July 30 2015.pdf](#)



*Item 10 Reports - con't*

w) **M. Forster - July 16, 2015**  
**Re: 2015 UBCM Cabinet Minister and Ministry Staff Meeting Requests**

A staff report from Maureen Forster, Executive Assistant, dated July 3, 2015 regarding requests for Cabinet Minister meetings and other information for the 2015 UBCM Convention in Vancouver, BC, September 21 - 25, 2015 is presented.

**Recommendation: Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors considers and prioritizes the list of UBCM Cabinet Minister meeting requests and authorizes Staff to undertake the UBCM process for requesting the meetings and to prepare associated briefing notes and Directors' binders. **FURTHER** that the Board also select the RDKB's representatives to attend the designated meetings.

[Staff Report - 2015 UBCM Cabinet Minister Meeting Requests - Board-July 30, 2015 - Pdf](#)

x) **J. MacLean-July 22, 2015**  
**re: ABC Communications NDIT Grant - Broadband**

A staff report from John M. MacLean, Chief Administrative Officer regarding a request from ABC Communications for a resolution of support as they seek provincial grant funding to improve internet capacity and availability in rural British Columbia including a portion of Electoral Area 'E'/West Boundary is presented.

**Recommendation: Corporate Vote UnWeighted**

That the Regional District of Kootenay Boundary supports the application to the Northern Development Initiative Trust from ABC Communications for a grant of \$2,510,685 for "*The Future is now - ABC Communications deploys TD-LTE Rural Broadband Networks in British Columbia*" from the Connecting British Columbia Program.

[Staff Report - Board - ABC Communications Letter of Support - July 2015 - Pdf](#)

*Item 10 New Business - con't*

**y) J. MacLean-July 28/15**  
**re: Organizational/Governance Review**

**A staff report from John M. MacLean, CAO presenting information regarding an ongoing discussion around the possibility of conducting an organizational/governance review is presented.**

**Recommendation: Corporate Vote Unweighted**

**That the staff report and attached information regarding an organizational/governance review be received. FURTHER that this matter be referred to the Finance Committee for further discussion.**

**Staff Report - Org Governance Study - Board - July 2015 - Pdf**

**z) Electoral Area 'E'/West Boundary-Appointment of Official Community Plan Steering Committee**

**Recommendation: Stakeholder Vote Unweighted**

**That the Regional District of Kootenay Boundary Board of Directors approves the appointment of the following individuals to sit on the Electoral Area 'E'/West Boundary Official Community Plan Steering Committee:**

**Lynn Storm**

**Grant Harfman**

**Pat Campbell**

**Dean Corbett**

**Don Halverson**

**Jamie Haynes**

**aa) Grant-in-Aid**

**Recommendation: Stakeholder (Electoral Area Directors) Vote Weighted**

**That the following Grants-in-Aid be approved:**

- 1. Kootenay Rockies Disc Golf Society-Electoral Area 'B'/Lower Columbia-\$2,500**

*Item 10 GIA - con't*

2. Trail Youth Baseball-Electoral Area 'B'/Lower Columbia-\$900
3. Christina Lake Ladies Golf Club-Electoral Area 'C'/Christina Lake-\$300
4. Granby Wilderness Society-Electoral Area 'D'/Rural Grand Forks-\$5000
5. Special Olympics BC Grand Forks-Electoral Area 'D'/Rural Grand Forks-\$500
6. Boundary Invasive Species-Electoral Area 'E'/West Boundary-\$1,000
7. Christina Gateway CDA-Electoral Area 'E'/West Boundary - \$159.27

**8. Beaver Valley Figure Skating IceBreakers Seminar-Electoral Area 'A'-\$300**

[GIA-As At July 30, 2015-Board-July 30, 2015.pdf](#)

[GIA-As at July 28-Board-July 30, 2015.pdf](#)

**11. Bylaws**

- a) **First, Second, Third Readings and Adoption  
Bylaw No. 1575-RDKB Security Issuing (Sewer-Pedestrian/Pipebridge)**

**Recommendation: Corporate Vote Weighted**

That Regional District of Kootenay Boundary Security Issuing (Sewer-Pedestrian/Pipebridge) Bylaw No. 1575, 2015 be given first, second and third readings.

**Recommendation: Corporate Vote Weighted**

That Regional District of Kootenay Boundary Security Issuing (Sewer-Pedestrian/Pipebridge) Bylaw No. 1575, 2015 be reconsidered and adopted.

[Bylaw 1575 - Security Issuing Pedestrian Pipebridge-Board-July 30, 2015 - .pdf](#)

- b) **First, Second and Third Readings and Adoption  
Bylaw No. 1578 - RDKB Security Issuing (Trail-Utility/Pedestrian Bridge)**

**Recommendation: Corporate Vote Weighted**

That Regional District of Kootenay Boundary Security Issuing (Trail-Utility/Pedestrian Bridge) Bylaw No. 1578, 2015 be read a first, second and third time.

*Item 11 Bylaws - con't*

**Recommendation: Corporate Vote Weighted**

That Regional District of Kootenay Boundary Security Issuing (Trail-Utility/Pedestrian Bridge) Bylaw No. 1578, 2015 be reconsidered and adopted.

[Bylaw 1578- Security Issuing-City of Trail-Utility Pedestrian Bridge-Board-July 2015.pdf](#)

- c) **First, Second and Third Readings**  
**Bylaw 1576-RDKB East End Regional Airport Service Establishment Bylaw**

**Recommendation: Corporate Vote UnWeighted**

That Regional District of Kootenay Boundary Bylaw East End Regional Airport Service Establishment Bylaw No. 1576, 2015 be given first, second and third readings.

[Bylaw 1576 - East End Airport Service Conversion and Establishment and Repealing \(DRAFT\).pdf](#)

- d) **First, Second and Third Readings**  
**Bylaw 1577-East End Regional Airport Service Establishment Repealing and Discontinuation Bylaw.**

**Recommendation: Corporate Vote UnWeighted**

That Regional District of Kootenay Boundary East End Regional Airport Service Establishment Repealing and Discontinuation Bylaw No. 1577, 2015 be given first, second and third readings.

[Bylaw 1577 - East End Airport Service Repealing - July 2015.pdf](#)

- e) **Adoption-Electoral Area 'B'/Lower Columbia-Old Glory Zoning Bylaw No. 1540**

**Recommendation: Stakeholder (Electoral Area Directors) Vote and Cities of Trail and Rossland Fringe Areas**

That Regional District of Kootenay Boundary Electoral Area 'B'/Lower Columbia-Old Glory Zoning Bylaw No. 1540 be reconsidered and adopted.

[Bylaw 1540 Revised Lower Columbia Zoning-Adopt-Board-July 30, 2015.pdf](#)

**12. Late (Emergent) Items**

**13. Discussion of items for future meetings**

**14. Question Period for Public and Media**

**15. Closed (In Camera) Session**

- a)** There will be a closed meeting pursuant to Sections 90 (1) (c) and (k) of the *Community Charter*.

**16. Adjournment**



**Regular Meeting of the Board of Directors  
Minutes  
Thursday, June 18, 2015  
Regional District of Kootenay Boundary Board Room, Trail, B.C  
6:00 pm**

**Directors present:**

Director G. McGregor, Chair  
Director M. Rotvold  
Director A. Grieve  
Director P. Cecchini  
Director J. Danchuk  
Director V. Gee  
Director E. Smith  
Director K. Moore  
Director N. Krog  
Director T. Pahl  
Director R. Russell - by phone  
Alternate Director B. Edwards

**Staff present:**

J. M. MacLean, Chief Administrative Officer

**Call to Order**

The Chair called the meeting to order at 6:00 pm.

**Consideration of the Agenda (Additions/Deletions)**

The agenda for the June 18, 2015 meeting of the Regional District of Kootenay Boundary Board of Directors was presented.

Late Items 1 - 6 were added to the agenda.

**239-15** Moved: Director Rotvold Seconded: Director Grieve

That the agenda for the June 18, 2015 meeting of the Regional District of Kootenay Boundary Board of Directors be adopted as amended.

Carried.

### **Minutes**

The draft minutes of the Regional District of Kootenay Boundary Board of Directors meeting held May 28, 2015 were presented.

**240-15** Moved: Director Gee Seconded: Director Grieve

### **Corporate Vote Unweighted**

That the draft minutes of the Regional District of Kootenay Boundary Board of Directors meeting held May 28, 2015 be adopted as presented.

Carried.

### **Delegation(s)**

#### **R. Simmons & S. Lehbauer Hospice Without Borders**

The Chair welcomed R. Simmons and S. Lehbauer from Hospice without Borders to the meeting. The delegation was looking for, in principle, support for the construction of a hospice care facility in the West Kootenay.

**241-15** Moved: Director Moore Seconded: Director Cecchini

### **Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors approves providing a letter of support to the Hospice without Borders in their efforts to construct a hospice facility in the West Kootenay.

Carried.

**Unfinished Business****RDKB Memorandum of Board Resolutions – May 31, 2015**

The Memorandum of Board Resolutions for the period ending May 31, 2015 was presented.

**242-15** Moved: Director Gee Seconded: Director Grieve

**Corporate Vote Unweighted**

That the Memorandum of Board Resolutions for the period ending May 31, 2015 be received as presented.

Carried.

**Communications**

There were no communications presented.

**Communications (Information Only)**

There were no communications (information only) presented.

**Reports****Interim Schedule of Accounts-Ending May 31, 2015  
Chair of Finance Committee - Director Rotvold**

The Interim Schedule of Accounts ending May 31, 2015 was presented.

**243-15** Moved: Director Rotvold Seconded: Director Moore

**Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors approves payment of the Interim Schedule of Accounts as follows:

<b>Cheques Nos: 49122-49654</b>	<b>\$ 1,176,715.25</b>
<b>Payroll</b>	<b>337,080.26</b>
<b>Total Expenditures for May 2015</b>	<b>\$ 1,553,795.51</b>



Carried.

### **RDKB Committees - Draft Minutes-June 2015**

Policy, Executive and Personnel Committee; June 10, Environmental Services Committee; June 10 and Electoral Area Services Committee; June 11.

**244-15** Moved: Director Pahl Seconded: Director Martin

### **Corporate Vote Unweighted**

That the following draft minutes be received:

1. Policy, Executive and Personnel Committee; June 10,
2. Environmental Services Committee; June 10 and
3. Electoral Area Services Committee; June 11.

Carried.

### **RDKB Committee Recommendations**

#### **Policy, Executive and Personnel Committee-June 10/15**

#### **Chair of Committee - Director Worley**

Further to the PEP Committee's review, consideration and amendments as necessary, the following policies have been referred to the Board of Directors and were presented for approval:

1. Board and Committee Room Use by Outside Agencies Policy
2. Board Delegation/Presentation Policy
3. Meals Policy
4. Non Profit Refundable Beverage Container Diversion Policy

**245-15** Moved: Director Rotvold Seconded: Director Pahl

### **Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors approves the Board and Committee Room Use by Outside Agencies Policy, Board/Delegation Presentation Policy, Meals Policy as presented and **FURTHER** that the Non-Profit Refundable Beverage Container Diversion Policy be amended to remove reference to "charitable organizations" and that the Policy be approved as amended.

Carried.

**RDKB Committee Recommendations**  
**Environmental Services Committee Recommendations-June 10, 2015**  
**Chair of Committee - Director Russell**

**246-15** Moved: Director Rotvold Seconded: Director Krog

**Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors directs staff to inform CFIA that the RDKB will not accept International Waste at District landfills.

Defeated.

**247-15** Moved: Director Rotvold Seconded: Director Gee

**Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors directs staff to refer this matter back to the Environmental Services Committee for discussion.

Carried.

**248-15** Moved: Director Rotvold Seconded: Director Moore

**Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors bring a resolution forward to the UBCM seeking an extension on the 2019 deadline to fully fund landfill liabilities.

Defeated.

**249-15** Moved: Director Moore Seconded: Director Rotvold

**Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors directs staff to setup a meeting with Ministry staff during UBCM to discuss this matter.

Carried.

**250-15** Moved: Director Russell Seconded: Director Danchuk

**Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors amends the *Waive Tipping Fee Policy* to include provisions for standing waivers for groups or individuals.

Carried.

**RDKB Committee Recommendations  
Electoral Area Services Committee - June 11, 2015  
Chair of Committee - Director Worley**

**251-15** Moved: Director Russell Seconded: Director Grieve

**Corporate Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors approves the Gas Tax application in the amount of \$10,000 as submitted by the Castlegar Nordic Ski Club for upgrades to the Paulson cross country ski trails and **FURTHER** that the Board authorizes the RDKB signatories to enter into the contract.

Carried.

**252-15** Moved: Director Rotvold Seconded: Director Grieve

**Corporate Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors approves the Gas Tax application in the amount of \$10,000 as submitted by the Blackjack Cross Country Ski Club Society to partially fund the purchase of a Snow Cat for grooming trails and **FURTHER** that the Board authorizes the RDKB signatories to enter into the contract.

Carried.

**253-15** Moved: Director Martin Seconded: Director Pahl

**Corporate Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors approves the Gas Tax application in the amount of \$14,417 as submitted by the RDKB Manager of

Infrastructure and Sustainability for replacing the current streetlights to LED lights in the Rivervale Water and Streetlighting Utility Service Area and **FURTHER** that the Board authorize the RDKB signatories to enter into the contract.

Carried.

**254-15** Moved: Director Grieve Seconded: Director Martin

**Corporate Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors approves the Gas Tax application in the amount of \$90,000 as submitted by the RDKB Manager of Infrastructure and Sustainability for the installation of flow meters and improvements to the pump house in the Rivervale-Oasis Sewer Utility Service Area and **FURTHER** that the Board authorize the RDKB signatories to enter into the contract.

Carried.

**255-15** Moved: Director Gee Seconded: Director Rotvold

**Corporate Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors approves the Gas Tax application in the amount of \$20,866.89 as submitted by the Rock Creek and Boundary Fair Association for the replacement and upgrades of the existing irrigation system and **FURTHER** that the Board authorize the RDKB signatories to enter into the contract.

Carried.

**256-15** Moved: Director Pahl Seconded: Director Rotvold

**Corporate Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors approves the Gas Tax application in the amount of \$70,280 as submitted by the Christina Lake Recreation Commission for the development of a Pickle Ball and Kids Pump Bike Park facility on the old lawn bowling site at Christina Lake and **FURTHER** that the Board authorize the RDKB signatories to enter into the contract.

Carried.

**J. Wetmore-Selkirk College**  
**re: Painting Mural on RDKB Building in Grand Forks**

**257-15** Moved: Director Russell Seconded: Director Krog

**Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors approve painting of a mural on the east facing wall of the RDKB Building located in the City of Grand Forks and direct staff accordingly as requested by Selkirk College.

Carried.

**Okanagan Basin Water Board-June 6/15**  
**re: Mussel Control**

**258-15** Moved: Director Grieve Seconded: Director Rotvold

**Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors considers the Position Statement from the Okanagan Basin Water Board regarding the responsibility of mussel control and directs staff to forward a letter regarding this matter to the Provincial Government as soon as possible.

Carried.

**Advisory Planning Commissions Draft Minutes**

The draft minutes of Advisory Planning Commissions: Electoral Area 'B'/Lower Columbia-Old Glory (June 2), Electoral Area 'D'/Rural Grand Forks (June 2), Electoral Area 'E'/West Boundary (June 1) and Electoral Area 'E'/Big White (June 2) were presented.

**259-15** Moved: Director Moore Seconded: Director Krog

**Corporate Vote Unweighted**

That the draft minutes of Advisory Planning Commissions: Electoral Area 'B'/Lower Columbia-Old Glory (June 2), Electoral Area 'D'/Rural Grand Forks (June 2), Electoral Area 'E'/West Boundary (June 1) and Electoral Area 'E'/Big White (June 2) be received.

Carried.

**Draft Recreation Commission Minutes  
Christina Lake Recreation Commission June 10, 2015  
Grand Forks & District Recreation Commission June 11, 2015**

That the draft minutes of the Christina Lake Recreation Commission meeting held June 10, 2015 and the Grand Forks and District Recreation Commission meeting held June 11, 2015 were presented.

**260-15** Moved: Director Rotvold Seconded: Director Moore

**Corporate Vote Unweighted**

That the draft minutes of the Christina Lake Recreation Commission meeting held June 10, 2015 and the Grand Forks and District Recreation Commission meeting held June 22, 2015 be received.

Carried.

**Recreation Commission Recommendations  
Grand Forks & District Recreation Commission - June 11/15  
Learning Garden Project**

**261-15** Moved: Director Russell Seconded: Director Grieve

**Corporate Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors approves the draft Partnership Agreement between the Regional District of Kootenay Boundary and the Grand Forks and Boundary Regional Agricultural Society to establish the roles and responsibilities of the parties in support of the Learning Garden project and to establish the terms and conditions within the Agreement and **FURTHER** that the Board of Directors approves the RDKB signatories to enter into the Agreement.

Carried.

**Public Hearing Minutes-June 9/15  
Revised Zoning Bylaw No. 1540 - Electoral Area 'B'/Lower Columbia-Old  
Glory**

**262-15** Moved: Director Danchuk Seconded: Director Smith

**Corporate Vote Unweighted**

That the Public Hearing Minutes for the Revised Electoral Area 'B'/Lower Columbia-Old Glory Zoning Bylaw No. 1540 be received.

Carried.

**Board Appointments Updates**

S.I.D.I.T. - Chair McGregor  
 S.I.B.A.C. - Chair McGregor  
 Okanagan Film Commission - Director Gee  
 Boundary Weed Stakeholders Committee - Director Gee  
 Columbia River Treaty Local Government Committee  
 Kootenay Booth - Director Rotvold  
 Chair's Update - Chair McGregor

**263-15** Moved: Director Rotvold Seconded: Director Smith

**Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors approve the inclusion of the Kootenay Booth at the Federation of Canadian Municipalities Convention in Winnipeg, 2016.

Carried.

**New Business****2014 Statement of Financial Information (SOFI)**

A staff Report from Beth Burget, General Manager of Finance, regarding the 2014 Statement of Financial Information (SOFI) was presented.

**264-15** Moved: Director Rotvold Seconded: Director Moore

**Corporate Vote Weighted**

That the Regional District of Kootenay Boundary Board of Directors approves the Statement of Financial Information schedules for the Year Ended December 31, 2014.

Carried.

**265-15** Moved: Director Moore Seconded: Director Gee

**Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors make the Statement of Financial Information Schedules available to the public by providing copies upon request and by making the reports available on the Regional District's web site.

Carried.

**266-15** Moved: Director Rotvold Seconded: Director Pahl

**Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors waive the \$5.00 fee for the Statement of Financial Information Schedules as prescribed by the Financial Information Act.

Carried.

**Building Bylaw Contravention  
Electoral Area 'E' / West Boundary - Mount Baldy**

A staff report was presented from Mark Andison, General Manager of Operations / Deputy CAO regarding a Building Bylaw Contravention for the property described below as:

**306 Cougar Road, Mount Baldy, B.C.  
Electoral Area 'E' / West Boundary  
Parcel Identifier: 023-629-819  
Strata Lot 18, D.L. 100S, SDYD, Strata Plan KAS1840  
Owner: Eva Duguid**

**267-15** Moved: Director Gee Seconded: Director Grieve

**Electoral Area Directors Only (Stakeholder Vote) Unweighted**

That the Regional District of Kootenay Boundary Board of Directors invite the owner, Eva Duguid, to appear before the Board to make a presentation relevant to the filing of a Notice in the Land Title Office pursuant to Section 695 of the Local Government Act



and Section 57 of the Community Charter against the property legally described as Strata Lot 18, D.L. 100S, SDYD, Strata Plan KAS1840.

Carried.

**C. Rimell-June 2015**

**re: City of Rossland Subdivision Referral**

A staff report from Carly Rimell, Planner regarding the subdivision referral submitted by the City of Rossland for the parcels legally described as Plan NEPX62, Land District 26, Township 9A, Subsidy Lot 36, Parcel 1, District Lot 931, Kootenay Land District except Plan 2848, (REF PL, 2347I) & EXC PL NEP 83231, NEP83293, NEP87056 & EPP2679 and Plan NEPX62, Land District 26, Township 9A, Subsidy Lot 56, was presented.

**268-15** Moved: Director Grieve Seconded: Director Gee

**Corporate Vote Unweighted**

That the staff report from Carly Rimell, Planner regarding the subdivision referral submitted by the City of Rossland for the parcels legally described as Plan NEPX62, Land District 26, Township 9A, Subsidy Lot 36, Parcel 1, District Lot 931, Kootenay Land District except Plan 2848, (REF PL, 2347I) & EXC PL NEP 83231, NEP83293, NEP87056 & EPP2679 and Plan NEPX62, Land District 26, Township 9A, Subsidy Lot 56, be received.

Carried.

**C. Rimell-June 2015**

**re: Peter & Lisa Demski-ALR Subdivision**

A staff report from Carly Rimell, Planner regarding an application for subdivision in the ALR, submitted by Peter U. Demski and Lisa N. Demski, for the property at 9385 Granby Road, legally described as Lot A, DL 1357, 1359, 1738 and 2007, SDYD Plan 34983, was presented.

**269-15** Moved: Director Russell Seconded: Director Krog

**Corporate Vote Unweighted**

That the staff report from Carly Rimell, Planner regarding an application for subdivision in the ALR, submitted by Peter U. Demski and Lisa N. Demski, for the property at 9385 Granby Road, legally described as Lot A, DL 1357, 1359, 1738 and 2007, SDYD Plan

34983, be forwarded to the Agricultural Land Commission with a recommendation of support.

Carried.

**C. Rimell-June 2015**  
**re: Regional District of North Okanagan**  
**5-Year Review of Regional Growth Strategy**

A staff report from Carly Rimell, Planner regarding a notification from the Regional District of North Okanagan regarding their intent to initiate a 5-Year Review of the North Okanagan Regional Growth Strategy Bylaw No. 2500, 2011, was presented.

**270-15** Moved: Director Cecchini Seconded: Director Moore

**Corporate Vote Unweighted**

That the staff report from Carly Rimell, Planner regarding the notification from the Regional District of North Okanagan regarding their intent to initiate a 5-Year Review of the North Okanagan Regional Growth Strategy Bylaw No. 2500, 2011, be received.

Carried.

**G. Denkovski**  
**Re: Oasis-Rivervale Sewer Utility Installation of Flow Meters and Piping**  
**Upgrade at Pump Station**

A staff Report from Goran Denkovski, Manager of Infrastructure and Sustainability, regarding a proposal from Westek Controls Ltd. to install flow meters and upgrade piping at the Oasis-Rivervale Sewer Utility Pump Station was presented.

**271-15** Moved: Director Rotvold Seconded: Director Martin

That the RDKB Board of Directors approve the May 29, 2015 proposal from Westek Controls Ltd. in the amount of one hundred and three thousand and five hundred and twenty four dollars (\$103,524), plus applicable taxes in order to proceed with the required flow meter installation and piping upgrade at the Oasis-Rivervale Sewer Utility pump station. Further, the RDKB Board of Directors direct staff to enter into a contract with Westek Controls Ltd. in the amount of \$103,524, plus applicable taxes in order to proceed with the required flow meter installation and piping upgrade at the Oasis-Rivervale Sewer Utility pump station.

Carried.

**Grants-In-Aid**

**272-15** Moved: Director Grieve Seconded: Director Gee

**Electoral Area Directors Only (Stakeholder Vote)**

That the following Grants-in-Aid be approved:

Beaver Valley Recreation - Area 'A' - \$600  
 Christina Lake Recreation Commission - Area 'C'/Christina Lake - \$1,000  
 Christina Lake Community Association - Area 'C'/Christina Lake - \$3,000  
 Christina Lake Arts & Artisans Society - Area 'C'/Christina Lake - \$4,750  
 Grand Forks Curling Club - Area 'C'/Christina Lake - \$1,000  
 Grand Forks Curling Club - Area 'D'/Rural Grand Forks - \$2,000  
 Discover Rock Creek (hall rental & advertising) - Area 'E'/West Boundary - \$300  
 Discover Rock Creek (registration and travel) - Area 'E'/West Boundary - \$100  
 Beavercreek Community Club - Area 'E'/West Boundary - \$500  
 Kettle River Museum - Area 'E'/West Boundary - \$1,500

Carried.

**Bylaws****Third Reading-Bylaw No. 1540****Revised Electoral Area 'B'/Lower Columbia-Old Glory Zoning Bylaw**

**273-15** Moved: Director Gee Seconded: Alternate Director Edwards

**Electoral Area Directors Only (Stakeholder Vote) and  
Cities of Trail and Rossland-Fringe Areas**

That Regional District of Kootenay Boundary Revised Electoral Area 'B'/Lower Columbia-Old Glory Zoning Bylaw No. 1540 be read a third time.

Carried.

**Adoption****RDKB East End Regional Sewer Service (Aerial Crossing)****Loan Authorization Bylaw No. 1572**

**274-15** Moved: Director Moore Seconded: Director Martin

**Corporate Vote Weighted**

That Regional District of Kootenay Boundary East End Regional Sewer Service (Aerial Crossing) Loan Authorization Bylaw No. 1572 be reconsidered and adopted.

Carried.

**Late (Emergent) Items**

**Chief J. Svendsen**

**Re: Big White Fire Hall Addition**

A staff report from Chief J. Svendsen, Big White Fire, requesting approval of a tender for renovations and expansion of the Big White Fire Hall was presented.

**275-15** Moved: Director Gee Seconded: Director Rotvold

**Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors award the contract for the construction of an addition onto the Big White Fire Hall to TKI Construction for the amount of \$1,150,190.00 and **FURTHER** that any additional funds required be transferred from the existing fund for the Big White Fire Service.

Carried.

**Discussion Item**

**Re: September 2015 Board Meeting**

An item for discussion regarding the possibility of moving the Board meeting currently scheduled for October 1, 2015 to earlier in the week in order to avoid a meeting conflict.

**276-15** Moved: Director Grieve Seconded: Director Rotvold

**Corporate Vote Unweighted**

That the September Board meeting be rescheduled to September 29, 2015 in the RDKB Trail Boardroom beginning at 6:00 pm.

Carried.

**Discussion Item**

**Re: Regional District Title Change From Electoral Area Director to Rural Mayor**

An item for discussion regarding a recommendation that a resolution be sent to the Union of British Columbia Municipalities requesting that the title Director for Electoral Area Directors be replaced with the title Rural Mayor.

The following UBCM resolution was presented to the Board of Directors for approval and submission to the UBCM for consideration:

Whereas the term Director, when used for an Electoral Area Director, denotes a corporate or bureaucratic structure and creates confusion with the public and colleagues across the country and beyond, and

Whereas Electoral Area Directors are often excluded from important events, announcements and opportunities for consultation simply because they are seen as a lesser form of elected official;

Now therefore be it resolved that the Province of British Columbia amend the Local Government Act and Community Charter as necessary to change the title of Electoral Area Director to Rural Mayor to more properly reflect the responsibilities and contributions of these Elected Officials.

**277-15** Moved: Director Grieve Seconded: Director Danchuk

**Corporate Vote Unweighted**

That the resolution be approved and submitted to UBCM for consideration at the 2015 Convention.

Carried.

**Discussion Item**

**Re: Sub-Committee Recommendations regarding BCSPCA Capital Request**

An item for discussion regarding recommendations coming forward from the sub-committee struck to look at the BCSPCA request for capital funding. The recommendations are:

1. That the RDKB not provide any capital assistance to the construction of a new regional animal shelter.
2. That the BCSPCA intention to provide veterinary services be strongly discouraged due to the strong opposition from local veterinary services in our community.
3. That the East End Animal Control Service, and service partners, be encouraged to open a dialogue with the BCSPCA around the following issues:
  - a. What form and level of financial contribution would be required to facilitate BCSPCA agreeing to kennel impounded animals?
  - b. The RDKB acquisition of the existing shelter building, including the identification or required upgrades, for possible use as a pound in the short to medium term.
  - c. In the long term the service should be encouraged to investigate the construction of a small kennel suitable to our needs for a pound.
4. That the East End Animal Control Service participants and partners be encouraged to look at harmonization of their respective animal control bylaws.

**278-15** Moved: Director Moore Seconded: Director Cecchini

#### **Corporate Vote Unweighted**

That the Regional District of Kootenay Boundary Board of Directors approves the recommendations put forth by the sub-committee struck to look at the BCSPCA request for capital funding as presented.

Carried.

#### **Grant-in-Aid - June 2015**

#### **Electoral Area Directors Only (Stakeholder Vote)**

That the following Grant-in-Aid be approved:

Christina Lake Boat Access-Area 'C'-Christina Lake-\$400

#### **Discussion Item**

#### **Re: Carbon Offset Reforestation Project**

**279-15** Moved: Director Russell Seconded: Director Rotvold

#### **Corporate Vote Unweighted**

That the carbon offset reforestation project be direct awarded to Cordilleal Ecological in the amount of \$25,000.00

Carried.

**Discussion of items for future meetings**

There was no discussion of items for future meetings.

**Question Period for Public and Media**

A question period for public and media was not required.

**Board (Quarterly) Discussion-Progress Update**

**Verbal Discussion**

**Closed (Incamera) Session**

A closed (in camera) session was not required.

**Adjournment**

The Board meeting concluded at 7:35 pm.

Board Delegation/Presentation Policy  
Delegation Request Form

## Committee/Board Delegation Request Form

Name of person or organization wishing to appear:	Doug Allin, CAO, City of Grand Forks		
Subject of delegation:	to provide an update of the organization to the board and share Councils strategic priorities for 2015-1019		
Purpose of delegation (please check where appropriate):	Information Only	<input checked="" type="checkbox"/>	
	Requesting a letter of support		
	Request for funding		
	Other (please provide details):		
Contact Person (if different from above):	Sarah Winton		
Telephone:	250.442.8266	Email:	swinton@grandforks.ca
Meeting Date Requested:	July 2015		
Technical Requirements: Will you be using a powerpoint presentation?	YES	If yes, you are required to submit the presentation before the meeting as well as bringing it on a memory stick.	
The Regional District utilizes Microsoft Office products. The Regional District is not responsible for software incompatibility. If your presentation does not work on our equipment, you will not be able to use an electronic presentation.			
<b>For more information please contact:</b> Manager of Corporate Administration 202-843 Rossland Avenue Trail, BC V1R 4S8 Phone: 250-368-9148 Toll Free: 1-800-355-7352 Fax: 250-368-3990 Email: tlenardon@rdkbc.com			

Page 1 of 2

 Board & Committee Delegation Request  
 (Excerpt from Board Presentation Policy)  
 Page 1 of 2



Board Delegation/Presentation Policy  
Delegation Request Form

To facilitate effective delegations:

1. A ten-minute limit is in place. It does not matter how many people speak. Please allow time for questions.
2. The name of the person and or group appearing before the Board will be published in the agenda and available to the public.
3. If you have not provided your information prior to the meeting, bring sufficient copies to the meeting. Sixteen (16) copies are required.
4. Direct all comments to the Chair.
5. Do not expect an immediate answer. The Board may wish to have further investigation or time to consider the matter.
6. You may not be able to appear before the Board on the day requested. You are not confirmed to appear before the Board until you receive confirmation from staff.
7. **At no time will a delegation be allowed regarding a bylaw which a Public Hearing has been held, or where a Public Hearing is required under an enactment as a prerequisite to the adoption of the bylaw.**
8. **At no time will a delegation be allowed for the purpose of discussing a matter to be dealt with as a grievance under a collective agreement.**

I understand and agree with the terms and conditions of my request to appear as a delegation:

Sarah Winton

Name of Delegate/Representative of Group

May 27th, 2015

Date

Signature

For Office Use Only

Referred to  
Chair:

Date

Approved

Declined

If declined provide explanation:

Date of delegation (if applicable):

Applicant informed of decision:

Signature

Date

Page 2 of 2

Board & Committee Delegation Request  
(Excerpt from Board Presentation Policy)  
Page 2 of 2

## Board Delegation/Presentation Policy



## Board/Committee Delegation Request Form

Name of person or organization wishing to appear:	Matt Hulse – Our Horizon		
Subject of delegation:	Climate change and air pollution warning labels on gas pumps.		
Purpose of delegation (please check where appropriate):	For Information and	<input checked="" type="checkbox"/>	
	Requesting support	<input checked="" type="checkbox"/>	
	Request for funding		
	Other (please provide details): <p>I would like to introduce to the RDKB Board, and its member municipalities our initiative to put climate change and air pollution warning labels on gasoline pumps. Member municipalities, please take matter back to your respective Councils.</p> <p>RDKB Board: Please consider letter of support for District of West Vancouver UBCM Resolution (adopted by W. Vancouver Council on January 26/15 (attached)</p> <p>We wish implement these labels by law, either municipal or provincial. I seek the support of the RDKB for a resolution that was passed by District of West Vancouver in January 2015.</p> <p>This resolution will push the Province of BC to implement the labels. The resolution will come before UBCM for a vote in September.</p>		
Contact Person (if different from above):			
Telephone:	250 886-3464	Email:	matt@ourhorizon.org
Meeting Date	Thursday, July 30, 2015		
Technical Requirements: Will you be using a powerpoint presentation?	YES		If yes, you are required to submit the presentation before the meeting as well as bringing it on a memory stick.
<p><b>The Regional District utilizes Microsoft Office products. The Regional District is not responsible for software incompatibility. If your presentation does not work on our equipment, you will not be able to use an electronic presentation.</b></p> <p><b>For more information please contact:</b>          Director of Corporate Administration          202-843 Rossland Avenue          Trail, BC V1R 4S8          Phone: 250-368-9148 Toll Free: 1-800-355-7352          Fax: 250-368-3990          Email: tlenardon@rdkb.com</p>			
Page 1 of 2			

## Board Delegation/Presentation Policy

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1. A ten-minute limit is in place. It does not matter how many people speak. Please allow time for questions.
2. The name of the person and or group appearing before the Board will be published in the agenda and available to the public.
3. If you have not provided your information prior to the meeting, bring sufficient copies to the meeting. Sixteen (16) copies are required.
4. Direct all comments to the Chair.
5. Do not expect an immediate answer. The Board may wish to have further investigation or time to consider the matter.
6. You may not be able to appear before the Board on the day requested. You are not confirmed to appear before the Board until you receive confirmation from staff.
7. **At no time will a delegation be allowed regarding a bylaw which a Public Hearing has been held, or where a Public Hearing is required under an enactment as a prerequisite to the adoption of the bylaw.**
8. **At no time will a delegation be allowed for the purpose of discussing a matter to be dealt with as a grievance under a collective agreement.**

I understand and agree with the terms and conditions of my request to appear as a delegation:

\_\_\_\_\_  
Matt Hulse

\_\_\_\_\_  
Name of Delegate/Representative of Group

\_\_\_\_\_  
July 14, 2015

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

For Office Use Only

Referred to Chair: <i>McGregor</i>	_____ <i>July 14/15</i> Date		
Approved <input checked="" type="checkbox"/>	Declined <input type="checkbox"/>		
If declined provide explanation:			
Date of delegation (if applicable):		_____ <i>July 30/15</i>	
Applicant informed of decision:		_____ <i>July 15/15</i>	
_____ <i>G. McGregor, Chair</i> Signature		_____ <i>July 15/15</i> Date	

Page 2 of 2



and spoke relative to the spawner salmon surveys, including the work of the Streamkeeper Society and the participation of secondary school students from West Vancouver. A presentation was provided and E. Wei and C. Zhou described the results of the spawner salmon surveys and M. Kim described the students' participation in the spawner salmon surveys. J. Barker responded to queries of Council.

MOVED by Soprovich, seconded by Cameron:

THAT the delegation from West Vancouver Streamkeeper Society and Secondary School Students regarding Spawner Salmon Survey Results Fall 2014 be received for information, with thanks.

**CARRIED**

## **REPORTS**

### **5. Proposed Resolution for 2015 UBCM Convention regarding Warning Labels on Gas Pumps (File: 0332-01)**

B. Leigh (Deputy Chief Administrative Officer) spoke relative to the subject report dated January 14, 2015.

MOVED by Booth, seconded by Soprovich:

THAT Council support the following resolution be advanced for consideration at the September 21/25, 2015 Union of British Columbia Municipalities (UBCM) conference and the June 5/8, 2015 Federation of Canadian Municipalities (FCM) convention:

WHEREAS there is evidence that combustion of petroleum products such as gas and diesel in vehicle engines contributes to greenhouse gas emissions that affect natural systems in ways that are injurious to human health and the environment, and

WHEREAS point-of-sale warning labels have been required for other consumables, such as tobacco products, which has effectively curbed use of harmful products,

THEREFORE BE IT RESOLVED that all vendors of retail petroleum products in Canada be legislated to provide warning labels on all pump handles (pump talkers) and/or pump panels, and that those companies who do not have this feature on their pump handle be obligated to fit them with the plastic sleeves which will allow warning labels to be displayed.

Discussion ensued.

The question was called on the motion.

**CARRIED**

### **6. Environmental Assessment Office Advisory Working Group for Environmental Assessment of the Proposed Woodfibre Liquefied Natural Gas Project (File: 0055-20-EAOF1)**

MOVED by Lewis, seconded by Cameron:

THAT Councillor Bill Soprovich be appointed as a Council representative and Councillor Nora Gambioli as his alternate to the Environmental Assessment Office working groups on Woodfibre LNG, and Ms. Sandra Bicego, Manager of Environment and Sustainability, be appointed as staff representative and Brent Leigh, Deputy Chief Administrative Officer as her alternate.



May 25, 2015

## **Climate Change & Air Pollution Info Labels on Gas Pumps**

*A summary report for municipalities in British Columbia\**

This document is an abbreviated adaptation of a 40-page legal report produced by *Our Horizon* that is [available for download as a PDF](#). The document that you are reading provides a summary of our research regarding the jurisdiction of B.C. municipalities to implement climate change and air pollution warning labels on gasoline pumps within their municipal boundaries.

### Highlights: Climate Change and Air Pollution in British Columbia Municipalities

- While climate change discourse in Canada tends to focus on oil sands and pipelines, the vast majority of greenhouse gas emissions in this sector actually come from end-use; emissions from extraction and processing pale in comparison to emissions from vehicle combustion. According to *C40*, cities are responsible for approximately 70% of global carbon emissions.
- The transportation sector in British Columbia accounts for 40% of greenhouse gas emissions in the province. Exhaust from automobiles contributes to poor air quality and has been associated with cardiovascular disease, stroke, lung cancer, leukemia, and other health concerns.
- The sources and impacts of these emissions are both experienced locally. To date, cities across Canada have taken hundreds of initiatives to reduce their GHGs. Municipal action on climate change is well-established and is integral to addressing the issue.

### Highlights: Information Labels on Gas Pumps

- The concept of climate change warning labels on gas pumps [has been endorsed by](#) over 100 academics and leaders in their field from universities across North America.
- Research shows that similar labels used on tobacco products help to change both attitudes and behaviour.
- Our warning labels help address the psychological and economic reasons that hinder action on climate change in the following ways:
  - 1) They provide immediate feedback concerning the impact of fossil fuel use, counteracting cognitive biases by bringing faraway consequences into the here and now;
  - 2) They address the problem of diffusion of responsibility by showing impacts right in the palm of our hand;
  - 3) They capture and communicate negative externalities in a qualitative way, complementing quantitative means such as carbon taxes.
- The labels take the act of pumping gas, which has been a habitual act for several generations, and de-normalizes it. They disrupt the status quo, shake us out of our sense of complacency, and provide impetus for us to do better. We anticipate that they will cause some individual behavioural change but, more importantly, they will contribute to the creation of social conditions that favour meaningful action on climate change.

Highlights: Legal Research

- Municipalities in British Columbia can require gasoline retailers to place climate change and air pollution information labels on their gas pump nozzles. The labels would be a new condition for a gasoline retailer to obtain, continue to hold or renew its business licence.
- The *Community Charter* provides the authority to require such labels through its powers to regulate in relation to business (s.8(6) and s.15). Further, in cooperation with the B.C. provincial government, a municipality may require the labels through its concurrent jurisdiction to regulate in relation to Public Health (s.8(3)(i)) and the Protection of the Natural Environment (s.8(3)(j)).
- The Supreme Court of Canada has recognized that municipal by-laws are to be given a broad and purposive interpretation; this is incorporated into s.4(1) of the *Community Charter* itself. Courts have established a deferential approach to decisions of municipal councils.
- Climate change is the exact sort of major environmental challenge that is contemplated by the Supreme Court of Canada in *Spaytech v. Hudson*. The issue is one that requires action by governments at all levels. This view is consistent with federal and provincial messaging and long standing practice in municipalities across Canada. Indeed, the B.C. provincial government has required municipalities to establish objectives and goals for the reduction of GHG emissions in their official community plans through the *Local Government (Green Communities) Statutes Amendment Act*.
- Warning labels on tobacco packaging have been upheld by the Supreme Court of Canada. Our warning labels anticipate freedom of expression challenges by including attributions in small print at the bottom of our mock-ups similar to those on tobacco packages.
- The Ontario Court of Appeal ruled in *ORHMA v. Toronto* that cities can use their licensing powers and their general powers to impose consumer advisories at restaurant entrances. Our warning labels draw on these and other precedents.
- The preambles of numerous municipal anti-idling by-laws reference greenhouse gas emissions, climate change, and local air quality. Implicit in these ubiquitous by-laws is an accepted recognition of vehicular emissions as a matter of local concern. The rationale behind our labelling by-law amendment is identical.

Please contact us ([matt@ourhorizon.org](mailto:matt@ourhorizon.org)) if you have any questions. We look forward to working with you!

\* The legal research in this document is not legal advice and is only applicable to municipalities in British Columbia. It does not apply to Regional Districts, nor does it address the Vancouver Charter (to which the City of Vancouver is subject). Our Horizon Society, its staff, board of directors and volunteer researchers assume no responsibility for reliance on the material contained herein. Municipalities are encouraged to consult their legal departments or seek independent legal advice before taking any action to pursue the proposed by-law amendment.



# ***#FaceTheChange*** **Changing Communities in a Changing Climate**



## **Report:**

### **Climate Change & Air Pollution Warning Labels on Gas Pumps**

*Legal Backgrounder for Municipalities in British Columbia*



***“The medium is the message because  
it is the medium that shapes and controls  
the scale and form of human association and action.”***

Marshall McLuhan

Published by *Our Horizon Society*

<http://ourhorizon.org>

January 25, 2015, v. 1

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## Part I – INTRODUCTION AND SUMMARY

### 1.1 Executive Director's Letter to Municipal Councillors and Staff

Dear Councillors and Staff,

We find ourselves in an unprecedented moment in human history. Our burning of fossil fuels has changed the basic chemistry of our planet. Our continued failure to act impacts the quality of life in our municipalities and jeopardizes the Earth's capacity to support life. Ban Ki-moon, the Secretary-General of the United Nations, has called climate change our "only one truly existential threat" and "the greatest moral challenge of our generation."



Negotiations on climate change at the international level have largely failed. Our federal and provincial levels of government have similarly failed to adequately address the greatest challenge of our time. It is up to local governments to lead.

We propose that municipalities take a simple first step, one that draws from experience with other harmful products; we propose that cities and towns require warning labels on gas pumps. The warning labels show the impacts of climate change and air pollution right in the palm of our hand. They are disruptive. They challenge the status quo and create space for alternatives. The labels will cause some individuals to reduce their emissions but, more importantly, they will result in a shift in our collective demand to facilitate meaningful action on the greatest challenge of our time.

Citizens from all over the world have contacted us to replicate this campaign in their own countries. With the pictorial warning labels already on cigarette packaging all over the world (an initiative that started in Canada), this idea has been primed to go global. Our hope is to set precedents in Canadian communities and then bring your examples of leadership to the United Nations Climate Change conference in Paris this December, 2015.

Since launching our project in early 2013, the concept has been endorsed by over 100 academics and leaders in their field from universities across North America. It is a simple, scalable, low-cost intervention to bring us closer to the impacts of fossil fuel use and create a social environment that is more open to reform. For those of you on the west coast who enjoy boating, you can think of the idea as a trim tab that will make it easier to swing our rudder around and move our ship in a more sustainable direction.

As an elected representative, you have the opportunity to make a historic contribution to the fight against climate change. Let us set an example of leadership for the world to follow.

With hope for a better world,

A handwritten signature in dark ink, appearing to read "R. Shirkey".

**Rob Shirkey**  
Executive Director  
*Our Horizon*

## 1.2 Environmental Law Club's Letter to Municipal Councillors and Staff

Dear Councillors and Staff,

In May 2013, Rob Shirkey contacted the Environmental Law Club (ELC) at the University of Victoria. He was looking for volunteers in B.C. to help with his initiative to put warning labels on gas nozzles. Rob is an alumnus of UVic Law and, not surprisingly, he was a member of the ELC during his time as a student. We students at the ELC immediately put forth our support. Law can be rather theoretical at times, and this seemed like a great opportunity to get involved with something practical: an environmental initiative where we could put the law into action and hold the outcome in our hands. We wanted to be where the rubber hits the road (bicycle tire rubber, that is.)

Over the next few months we followed Our Horizon's progress and watched the idea attract community and media attention across Ontario, Canada and beyond. In November 2013, we hosted Rob at UVic as part of Our Horizon's promotional cross-Canada tour. We were finally able to experience first-hand his enthusiasm and energy as he proposed this simple, yet elegant, idea.

Fast forward to May 2014: Rob had just released his #FaceTheChange Report for municipalities in Ontario and had received positive feedback from a number of councillors across Canada. Then, Emily Kelsall, a grade 10 student from West Vancouver, delivered a brilliant presentation to the District of West Vancouver council about the need for these labels. We knew it was time to translate the #FaceTheChange Report into B.C. law to assist our municipalities to implement the warning labels here.

Under the guidance of Deborah Curran, Hakai Professor in Environmental Law and Sustainability at UVic, seven ELC students stepped up to get the job done. This is why:

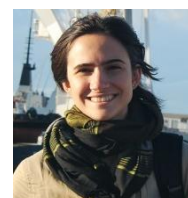
Climate change threatens the beauty that surrounds us on Vancouver Island, and *Our Horizon* addresses its single largest contributor: the burning of fossil fuels – and in such a simple, common sense way. I also find the idea of local governments taking steps to combat climate change empowering, as action at the federal and provincial levels can seem out of reach for ordinary citizens. But anyone can go speak to city council with ideas on helping their community (like warning labels on gas nozzles)! - *Erin Gray* -



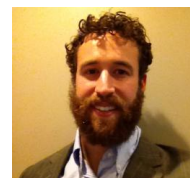
This idea was a no-brainer for me and I had to be a part of it. It's not going to solve climate change tomorrow, but it will get more people talking, not only about the problem, but how they can be a part of the solution. That is what is so exciting, whether it's riding a bike or demanding our politicians to do more, these labels will encourage people everywhere to do their part. That's what climate change needs: collective action. - *Matt Hulse* -



This is a great initiative to get people engaged with climate change and environmental issues. These warning labels will hopefully plant a seed of interest in local residents, and push them to become more informed about greenhouse gas emissions. As this report advocates, change needs to come from all levels of government. This is a step that all municipalities should take, to take a stand in protecting our environment. - *Gabriella Jamieson* -



I'm an outdoorsy guy, but I acknowledge that we live in an increasingly urban world. And that's not all bad. Cities are where people can, as a group, best see the link between our daily choices and the outcome of those choices. The more clear that link is, the more sensible our choices will become. - *Josh Nobleman* -



I grew up in the car heaven that is Los Angeles and have witnessed both the negative environmental effects of automotive dependence and the positive effect of emissions regulations (the air in LA is much less smoggy than it used to be). I find the arguments for putting warning labels on gas pumps compelling and I am excited to be involved in this project advocating for their use in British Columbia. - *James Parker* -



I got involved with this project because I wanted to contribute to a pragmatic solution to climate change; one that holds people accountable for their actions every time they go for a fill up, and reminds them that they as individuals can take steps to stop climate change. - *Mae Price* -



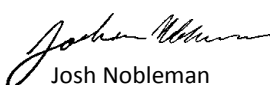
Consumer education and information is simple, direct, and respects the opinion of all sides in a contentious issue such as the role of fuel consumption in climate change. I wanted to be involved in the project because I want to contribute to initiatives that seek to strike a common ground for all sides, in communities that want to build towards a sustainable future. - *Dora Tsao* -



Municipalities of British Columbia, it's over to you. Show Canada the environmental leadership that it needs right now.

For our shared future,

  
Gabriella Jamieson

  
Josh Nobleman

  
Dora Tsao

  
James Parker

  
Erin Gray

  
Mae Price

  
Matt Hulse

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### 1.3 Executive Summary<sup>1</sup>

Climate change has been described by Ban Ki-moon, the Secretary-General of the United Nations, as our “only one truly existential threat” and “the greatest moral challenge of our generation.” The *Intergovernmental Panel on Climate Change* has attributed climate change to emissions from our use of fossil fuels. Research shows that we must leave the vast majority of fossil fuel reserves undeveloped if we are to avoid catastrophic climate change.

The transportation sector accounts for approximately 40% of greenhouse gas emissions in British Columbia. These emissions also contribute to poor air quality that compromises the health and well-being of citizens in municipalities across the province. The sources and impacts of these emissions are both experienced locally.

To address these harms, we are proposing climate change and air pollution warning labels for gas pump nozzles. Research shows that similar labels used on tobacco products help to change attitudes and behaviour. Our warning labels become even more compelling when considered in the context of climate change and air pollution as they help to address some of the basic psychological and economic causes of these problems. The labels are disruptive of the status quo and have the potential to catalyze meaningful action on climate change and air pollution.

Municipalities in British Columbia can require gasoline retailers to place these labels on their gas pump nozzles. The warning labels would be a new condition for a gasoline retailer to obtain, continue to hold or renew its business licence. The *Community Charter* provides the authority to require such labels through its *Part II - Municipal Purposes and Powers*, which enable municipalities to regulate in relation to Business, Public Health, and the Protection for the Natural Environment. These powers are broad and the Supreme Court of Canada has recognized that municipal by-laws are to be given a broad and purposive interpretation.<sup>2</sup> Given restrictions around areas of concurrent jurisdiction, it may also be prudent to request ministerial approval.

Climate change and air pollution is the exact sort of major environmental challenge that is contemplated by the Supreme Court of Canada in *Spraytech v. Hudson*. The reduction of emissions that contribute to these problems is an effort that needs to be undertaken by all levels of government. This view is consistent with provincial and federal messaging on climate change and long-standing practice in cities and towns across Canada. Unlike the recent shark fin ban decision in *Eng v. Toronto*, or that relating to targeted and discriminatory business practices in *Shell Canada v Vancouver*, our by-law amendment does not seek to “affect matters in another part of the world;” indeed, it addresses a matter that is both local in its causes and its impacts. The labels have the potential to yield numerous benefits to municipalities and they do not appear to conflict with any provincial or federal legislation.

Please contact us to arrange a presentation in your community.

---

<sup>1</sup> **DISCLAIMER:** The legal research in this document is applicable to municipalities in British Columbia. It does not apply to Regional Districts, and does not address the Vancouver Charter (to which the City of Vancouver is subject). Our Horizon Society, its staff, board of directors, and volunteer researchers assume no responsibility for reliance on the research contained herein. Municipalities are encouraged to consult their legal departments or seek independent legal advice before taking any action to pursue the proposed by-law.

<sup>2</sup> *Nanaimo (City) v. Rascal Trucking Ltd*, 2000 SCC 13 (CanLII), [2000] 1 S.C.R. 342, at para 18.

### 1.3 Highlights: Climate Change and Warning Labels (Parts II and III)

- **Climate change:** Our use of fossil fuels has increased CO<sub>2</sub> concentrations in our atmosphere and acidified our oceans. Unmitigated climate change would likely exceed our capacity to adapt. The United Nations observes that cities are important places for mitigation initiatives.
- **Unburnable carbon:** Governments have agreed to limit the increase in average global temperature to 2 degrees Celsius. This ceiling has effectively created a global carbon budget. The result is that humanity must now leave the vast majority of our fossil fuel reserves underground.
- **Fossil fuel use by automobiles:** The transportation sector in British Columbia accounts for 40% of our greenhouse gas emissions. Exhaust from automobiles contributes to poor air quality and has been associated with cardiovascular disease, stroke, lung cancer, leukemia, and other health concerns.
- **Municipal concerns:** Cities both contribute to and are impacted by air pollution and climate change. Globally, cities are responsible for approximately 70% of carbon emissions. Municipal government in Canada has control over close to half of our country's greenhouse gas emissions. To date, cities across Canada have taken hundreds of initiatives to reduce their GHGs. Municipal action on climate change is well-established and is integral to addressing the issue.
- **The proposed by-law amendment:** We propose that municipalities require gasoline retailers to place climate change and air pollution warning labels on their gas pump nozzles.
- **Nozzle talkers:** The labels would be affixed to nozzle talkers. A nozzle talker is a sort of rubber sock that fits over standard gas nozzles and is equipped with a flat display for advertising purposes. The medium is recognized by advertisers to be highly effective.
- **Tobacco warning labels:** The most comprehensive meta-study on the effectiveness of tobacco warning labels concludes that they help to change consumer attitudes and behaviour. Tobacco companies have effectively acknowledged this by fighting labelling laws all over the world.
- **Warning label features:** The warning labels address some of the root problems of climate change and air pollution. First, they counteract cognitive biases by bringing faraway consequences into the here and now. Second, they address the problem of diffusion of responsibility by showing impacts right in the palm of our hand. Third, they capture and communicate negative externalities in a qualitative way.
- **Warning label impacts:** The labels take an act that has been normalized for several generations and problematize it. They disrupt the status quo, shake us out of our sense of complacency, and provide impetus for us to do better. They will cause some individual behavioural change but, more importantly, they will contribute to the creation of social conditions that favour meaningful action on climate change.

#### 1.4 Highlights: Legal Research (Part IV)

- **Statutory authority:** The general municipal powers and the specific licensing powers in the *Community Charter* provide a municipality with the authority to pass the herein proposed by-law amendment. These provisions are interpreted broadly. The warning labels would be a new condition for a gasoline retailer to obtain, continue to hold, or renew its business licence.
- **Judicial deference:** Courts have established a deferential approach to decisions of municipal councils.
- **Tri-level regulation:** Climate change is the exact sort of major environmental challenge that is contemplated by the Supreme Court of Canada in *Spaytech v. Hudson*. The issue requires action by governments at all levels. This view is consistent with federal and provincial messaging and long standing practice in municipalities across Canada. Indeed, the B.C. provincial government has required municipalities to establish objectives and goals for the reduction of GHG emissions in their official community plans.
- **Consumer information labels:** Warning labels on tobacco packaging have been upheld by the Supreme Court of Canada. The Ontario Court of Appeal ruled in *ORHMA v. Toronto* that cities can use their licensing powers and their general powers to impose consumer advisories at restaurant entrances. Our warning labels draw on these precedents.
- **Shark fin bans distinguished:** The Ontario Superior Court of Justice found a shark fin ban to be outside the jurisdiction of the City of Toronto as it did not relate to a proper municipal purpose (note: the provisions in the *City of Toronto Act* are roughly equivalent to the *Community Charter's* ss. 7(d), 8(3)(i) and (j)). The issue of finning sharks appears to have had no historic consideration by local government prior to becoming a cause célèbre in 2011; in comparison, municipal action on climate change is a long accepted practice in Canada. Moreover, the shark fin bans addressed a harm that occurred in distant oceans, whereas our by-law amendment addresses a harm that originates from within a municipality and whose impacts are experienced locally.
- **Identifiable benefits:** The warning labels foster the economic, social, and environmental well-being of communities, protect the natural environment, and advance public health.
- **Anti-idling by-laws:** The preamble from numerous municipal anti-idling by-laws reference greenhouse gas emissions, climate change, and local air quality. Implicit in these ubiquitous by-laws is an accepted recognition of vehicular emissions as a matter of local concern. The rationale behind our labelling by-law amendment is identical.



## 1.5 About *Our Horizon*



*Our Horizon* is a federally-incorporated not-for-profit organization that empowers people and communities across Canada to change the world. We think globally and act municipally.

Our name is a rejection of the system that made BP's offshore drilling rig the *Deepwater Horizon* a reality. This rig drilled over 10 km deep in the Gulf of Mexico only to burst and spill 4.9 million barrels of crude oil into our oceans in the summer of 2010.

Our Executive Director recalls being stuck in traffic that summer while listening to radio pundits blame BP for the tragedy. As he sat there, he counted 14 lanes of barely-moving vehicles, all burning fossil fuel. There were thousands of vehicles idling within eyesight and millions more stuck in traffic at that very moment all over the world. While most seemed content to blame BP, he recognized that he was complicit; in fact, we were all responsible.

It is the decisions that we each make on a daily basis that shape our collective reality and make such tragedies possible. It is only when we first acknowledge our role in this unsustainable system that we will be able to take meaningful steps to create a much more desirable future. It's time we #FaceTheChange.

This document is a primer in support of a municipal by-law amendment to require warning labels on gas pumps. We first explore the issue of climate change and air pollution. Next, we discuss our proposal and its intended effects. We then proceed to discuss the legal basis for the by-law amendment, and explain our view that it is impervious to legal challenge. Finally, the document outlines future steps we can take together to make this proposal a reality.

## 1.6 Our TEDx Talk

Rob Shirkey was invited to deliver a TEDx talk in Toronto in late 2013. The 10-minute video explores some of the psychology and economic theory of our proposal. Rob also shares some of his personal motivations for launching the campaign. The TEDx talk represents a brief introduction to our project and can be viewed online from our website at: <http://ourhorizon.org/TEDx>. A longer, more thorough lecture can be viewed at: <http://ourhorizon.org/CIGI>.



## Part II – CLIMATE CHANGE & AIR POLLUTION

This section provides the global context for municipal action on climate change. It discusses research that concludes the vast majority of fossil fuels reserves must remain underground if we are to avoid catastrophic climate disruption. This section also explores climate change and air pollution as being local matters in both cause and impact.

### 2.1 Our Use of Fossil Fuels Causes Climate Change

The *Intergovernmental Panel on Climate Change* (“IPCC”) is the global authority on climate science. In its 2007 report, the IPCC was unequivocal that “global increases in CO<sub>2</sub> concentrations are due primarily to fossil fuel use” and that “carbon dioxide (CO<sub>2</sub>) is the most important anthropogenic [human] GHG.”<sup>3</sup> This report notes that “changes in atmospheric concentrations of greenhouse gases... alter the energy balance of the climate system” and that the “warming of the climate system is unequivocal.”<sup>4</sup>

The report recognizes that we are unlikely to successfully adapt to climate change and that we need to reduce our CO<sub>2</sub> emissions: “Unmitigated climate change would, in the long term, be likely to exceed the capacity of natural, managed and human systems to adapt.”<sup>5</sup> The IPCC observes that cities “are at the forefront of climate change.”<sup>6</sup> Cities both contribute to the problem and are vulnerable to its impacts and are thus important points for mitigation and adaptation.<sup>7</sup> With respect to mitigation – and of particular relevance to our proposal – the IPCC notes that “information instruments” and “a wide variety of policies and instruments are available to governments to create the incentives for mitigation action.”<sup>8</sup>

Our warning labels are information instruments that bring IPCC research on the risks of fossil fuel consumption to a broader audience. They link cause with effect at the point of purchase and are consistent with the global authority’s recommendations to avoid exceeding “the capacity of natural, managed and human systems to adapt” to climate change.

### 2.2 A Global Carbon Budget

In 2009, national governments met at the *United Nations Framework Convention on Climate Change* conference in Copenhagen. The consensus achieved through these negotiations is to limit the increase in average global temperature to 2 degrees Celsius.<sup>9</sup> While many scientists say this figure is dangerously

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<sup>3</sup> *IPCC Fourth Assessment Report: Climate Change 2007*, online: Intergovernmental Panel on Climate Change, <[http://www.ipcc.ch/publications\\_and\\_data/publications\\_and\\_data.shtml](http://www.ipcc.ch/publications_and_data/publications_and_data.shtml)> (Note: this language is from IPCC AR4. The IPCC’s Fifth Assessment Report was released in phases from September 2013 to October 2014. The language in the IPCC AR5 is even more conclusive.) [IPCC AR4].

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> IPCC Working Group III Co-Chairs, *Scoping for the IPCC 5th Assessment Report: Concept paper for an IPCC Expert Meeting on Human Settlement, Water, Energy and Transport Infrastructure – Mitigation and Adaptation Strategies*, online: <[https://www.ipcc.ch/scoping\\_meeting\\_ar5/doc16.pdf](https://www.ipcc.ch/scoping_meeting_ar5/doc16.pdf)>.

<sup>7</sup> *Ibid.*

<sup>8</sup> IPCC AR4, *supra* note 3.

<sup>9</sup> UNFCCC, 15th Sess., *Report of the Conference of the Parties on its fifteenth session, FCCC/CP/2009/11/Add.1*.

high, it nevertheless remains our current political consensus.<sup>10</sup> Researchers estimate that we can emit roughly 565 Gigatons (Gts) of CO<sub>2</sub> until we reach this 2°C threshold.<sup>11</sup> By setting a ceiling on temperature increase, we have effectively created a global carbon budget.

Annual CO<sub>2</sub> emissions help to put this 565 Gts figure into perspective. In 2011, global emissions of CO<sub>2</sub> amounted to 31.6 Gts; this figure represents a 3% increase over the year before.<sup>12</sup> At this rate, we have a little over a dozen years until we commit our planet to this 2°C increase in temperature.<sup>13</sup> Fatih Birol, the *International Energy Agency's* ("IEA") chief economist, observes that "the door to a two- degree trajectory is about to close."<sup>14</sup>

### 2.3 Unburnable Carbon

In 2011, a group of financial analysts from the UK examined the annual reports of the world's major fossil fuel companies to estimate our global "proven coal, oil, and gas reserves."<sup>15</sup> This calculation represents the total amount of fossil fuels that businesses plan to extract to bring to market for us to burn. The analysts' research revealed that if we were to burn all of these fuels, we would emit 2,795 Gts of CO<sub>2</sub> – *an amount five times greater than the amount that brings us to the 2°C upper limit.*<sup>16</sup> The inescapable conclusion is that we must transition away from fossil fuels or we will commit to catastrophic climate disruption. With current technologies, if we are to remain below this 2°C limit, we will need to leave approximately 80% of our proven fossil fuel reserves undeveloped.<sup>17</sup>

In the fall of 2013, the *IPCC* endorsed the concept of a "carbon budget" for humanity.<sup>18</sup> In early 2014, the United Nations climate chief acknowledged that "there is no doubt that most of the fossil fuel reserves we have world-wide will have to stay in the ground."<sup>19</sup> The *International Energy Agency* has come to a similar conclusion.<sup>20</sup> The *World Bank* and the *International Monetary Fund* are also calling for measures that would transition economies away from fossil fuels.<sup>21</sup> Recently, the head of the *World*

<sup>10</sup> Dr. James Hansen *et al*, "Assessing 'Dangerous Climate Change': Required Reduction of Carbon Emissions to Protect Young People, Future Generations and Nature," PLOS ONE 8:12 (2013), at 2, online: <<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0081648>>.

<sup>11</sup> Carbon Tracker Initiative, "Unburnable Carbon - Are the world's financial markets carrying a carbon bubble?" (2012), at 6, online: <<http://www.carbontracker.org/report/carbon-bubble/>> [*Carbon Tracker*].

<sup>12</sup> "Global carbon-dioxide emissions increase by 1.0 Gt in 2011 to record high", *International Energy Agency* (24 May 2012), online: <<http://www.iea.org/newsroomandevents/news/2012/may/name,27216,en.html>>.

<sup>13</sup> If we assume annual CO<sub>2</sub> emissions of 31.6 Gigatons and a 3% rate of growth, it would take approximately 15 years to reach 565 Gigatons of cumulative CO<sub>2</sub> emissions. Since this calculation begins at year 2011, we have approximately a dozen years from 2014 until we reach this threshold. While estimates will vary, the point remains that we have a relatively short period of time to avoid catastrophic climate disruption.

<sup>14</sup> Bill McKibben, "Global Warming's Terrifying New Math", *Rolling Stone Magazine* (01 September 2012), online: <<http://www.rollingstone.com/politics/news/global-warmings-terrifying-new-math-20120719>>.

<sup>15</sup> *Carbon Tracker*, *supra* note 11.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> Justin Gillis, "U.N. Climate Panel Endorses Ceiling on Global Emissions", *The New York Times* (27 September 2013), online: <<http://www.nytimes.com/2013/09/28/science/global-climate-change-report.html>>.

<sup>19</sup> Suzanne Goldenberg, "UN climate chief calls for tripling of clean energy investment," *The Guardian* (14 January 2014), online: <<http://www.theguardian.com/environment/2014/jan/14/un-climate-chief-tripling-clean-energy-investment-christiana-figueres>>.

<sup>20</sup> "North America leads shift in global energy balance, IEA says in latest World Energy Outlook," *IEA* (12 November 2012), online: <<https://www.iea.org/newsroomandevents/pressreleases/2012/november/name,33015,en.html>>.

<sup>21</sup> Sophie Yeo, "World Bank and IMF stress urgency of climate action", *RTCC* (18 October 2013), online: <<http://www.rtcc.org/2013/10/08/world-bank-and-imf-we-must-think-about-climate-change-every-day/>>.

*Bank* even appeared to encourage divestment from the fossil fuel sector.<sup>22</sup> While it may seem inconceivable, we are witnessing the decline of the fossil fuel era and the beginning of a period of massive transition. Communities that acknowledge this reality sooner will have a head start at developing the solutions of tomorrow and will prosper in the long run.

## 2.4 Fossil Fuel Use by Automobiles in British Columbia

In the 2007 Speech from the Throne, the British Columbia government took one of its first major steps in addressing climate change by acknowledging that “[t]he science is clear. It leaves no room for procrastination. Global warming is real.”<sup>23</sup> The Lieutenant Governor then proceeded to note the major contribution, “about 40 percent”, that the transportation sector makes to B.C.’s total greenhouse gas (“GHG”) emissions and outlined 20 promises to reduce the sector’s impact.<sup>24</sup>

In the years that followed, though not all of these promises were fulfilled, B.C. has been active in addressing climate change and has encouraged municipal involvement on this issue through initiatives such as the Climate Action Charter and the *Local Government (Green Communities) Statutes Amendment Act*.<sup>25</sup> Indeed, while the transportation sector has experienced a 24% overall increase in emissions in the past two decades, from 18.6 megatonnes (Mt) in 1990 to 23.1 Mt in 2011, there has been a slight downward trend since 2007.<sup>26</sup>

However, as of 2012, the transportation sector still accounts for almost 40% of the province’s total GHG emissions.<sup>27</sup> Within this sector, on-road transportation is the major polluter, producing 14.6 Mt of GHG emissions.<sup>28</sup> That is, our cars and trucks produce the majority (63%) of emissions attributed to the transportation sector, or roughly a quarter (24%) of B.C.’s total emissions.<sup>29</sup> In fact, emissions from on-road transportation have actually *increased* since 2007.<sup>30</sup> This is because improvements in fuel efficiency have been offset by an increase in average vehicle size.<sup>31</sup>

Beyond the climate impact, exhaust from automobiles also contributes to poor air quality. According to a 2013 report by Metro Vancouver, cars and light trucks are one of the main contributors to smog-forming pollutants (as well as GHG emissions) in the Lower Fraser Valley.<sup>32</sup>

<sup>22</sup> Ed King, “World Bank chief backs fossil fuel divestment drive”, *RTCC* (27 January 2014), online: <[www.rtcc.org/2014/01/27/world-bank-chief-backs-fossil-fuel-divestment-drive/](http://www.rtcc.org/2014/01/27/world-bank-chief-backs-fossil-fuel-divestment-drive/)>.

<sup>23</sup> British Columbia, *Speech from the Throne*, 3<sup>rd</sup> Session, 38<sup>th</sup> Parliament, (13 February 2007) Hon. I. Campagnolo, Online: <<http://www.leg.bc.ca/38th3rd/4-8-38-3.htm>>.

<sup>24</sup> *Ibid.*

<sup>25</sup> BC Ministry of Community Services (15 April 2008) *News Release: “Green Legislation Supports Local Governments*. Online: <[http://www2.news.gov.bc.ca/news\\_releases\\_2005-2009/2008CS0061-000539.htm](http://www2.news.gov.bc.ca/news_releases_2005-2009/2008CS0061-000539.htm)>

<sup>26</sup> BC Ministry of Environment, (2012) *Summary of GHG Emissions, 1990 – 2011*, Online: <http://www2.gov.bc.ca/gov/topic.page?id=50B908BE85E0446EB6D3C434B4C8C106&title=British%20Columbia%20Greenhouse%20Gas%20Inventory%20Report#1> (BC Summary of GHG Emissions).

<sup>27</sup> BC Ministry of Environment *British Columbia Greenhouse Gas Inventory Report 2012*, at 11. Online: <<http://www2.gov.bc.ca/gov/DownloadAsset?assetId=19484040723540AA8CFFD28097BCAB3A&filename=pir-2012-full-report.pdf>> [BC GHG Inventory Report 2012].

<sup>28</sup> *Ibid.*, at 27.

<sup>29</sup> *Ibid.*, at 26.

<sup>30</sup> BC Summary of GHG Emission, *supra* note 26.

<sup>31</sup> BC GHG Inventory Report 2012, *supra* note 27, at 29.

<sup>32</sup> Metro Vancouver (2013) “2010 Lower Fraser Valley Air Emissions Inventory and Forecast and Backcast” at 10. Online: [http://www.metrovancouver.org/services/air-quality/\\_layouts/15/WopiFrame.aspx?sourcedoc=/services/air-quality/AirQualityPublications/2010LowerFraserValleyAirEmissionsInventoryandForecastandBackcast.pdf&action=default&Default1](http://www.metrovancouver.org/services/air-quality/_layouts/15/WopiFrame.aspx?sourcedoc=/services/air-quality/AirQualityPublications/2010LowerFraserValleyAirEmissionsInventoryandForecastandBackcast.pdf&action=default&Default1)

Vehicle emissions have been associated with cardiovascular disease, stroke, lung cancer in adults, leukemia in children, reduced fertility in men, low birth weight, and other health concerns.<sup>33</sup> In B.C. alone, air pollution was associated with 306 acute premature deaths and 1158 hospital admissions in 2008.<sup>34</sup> The Canadian Medical Association estimates that the economic damages of air pollution in B.C. in 2008 were \$91.5 million.<sup>35</sup> This accounted for costs due to lost productivity, healthcare, effects on quality of life, and loss of life. These health costs are expected to continue rise in the coming years; it is estimated that between the year 2008 and 2031 there will be a total of 10,483 acute premature deaths, 37,204 hospital admissions, and a total cost of \$30.1 billion due to air pollution in B.C.<sup>36</sup> Nationally, about 10 million Canadians, 32% of the population, live in areas with high exposure to traffic-related air pollution and it has been suggested that 21,000 premature deaths can be attributed to air pollution in Canada each year.<sup>37</sup>

## 2.5 Municipalities Contribute To and are Impacted By Climate Change

According to C40, a network of “megacities taking action to reduce greenhouse gas emissions”<sup>38</sup>, cities are responsible for approximately 70% of global carbon emissions.<sup>39</sup> In Canada, research from the Federation of Canadian Municipalities shows that “up to half of Canada’s greenhouse gas emissions are under the direct or indirect control or influence of municipal governments.”<sup>40</sup> These figures mean that, without municipal activities to reduce GHGs, we are effectively unable to address climate change.

Cities and towns across Canada have responded to the threat of climate change by undertaking hundreds of initiatives that are explicitly directed at the reduction of GHG emissions.<sup>41</sup> These activities are consistent with federal and provincial messaging that encourages municipalities to reduce GHGs.<sup>42</sup> Indeed, municipal action aimed at the reduction of GHGs is a well-established practice in communities across Canada and around the world.

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<sup>33</sup> Monica Campbell *et al.*, “Air Pollution Burden of Illness from Traffic in Toronto - Problems and Solutions”, *Toronto Public Health* (November 2007), online: <<http://www.toronto.ca/legdocs/mmis/2007/hl/bgrd/backgroundfile-8046.pdf>> [Air Pollution Burden of Illness from Traffic]

<sup>34</sup> Canadian Medical Association (2008) “No Breathing Room: National Illness Costs of Air Pollution” at 31-32. Online: <[http://www.healthyenvironmentforkids.ca/sites/healthyenvironmentforkids.ca/files/No\\_Breathing\\_Room.pdf](http://www.healthyenvironmentforkids.ca/sites/healthyenvironmentforkids.ca/files/No_Breathing_Room.pdf)>

<sup>35</sup> *Ibid*, at 31-32.

<sup>36</sup> *Ibid*, at 31-32.

<sup>37</sup> Brauer, M., Reynolds, C., Hystad, P. (2013) “Traffic-related air pollution and health in Canada” *Canadian Medical Association Journal* 185(18) (1557-8).

<sup>38</sup> “About C40”, C40 Cities, online: <[www.c40.org/about](http://www.c40.org/about)>.

<sup>39</sup> Ryan Koronowski, “While The World Waits For A Real Climate Deal, Megacities Are Taking Action”, *Climate Progress* (5 February 2014), online: <<http://thinkprogress.org/climate/2014/02/05/3244311/megacities-cutting-carbon-emissions/>> [Megacities Are Taking Action].

<sup>40</sup> “About Climate Change: why act locally on climate change?”, *Federation of Canadian Municipalities*, online: <[www.fcm.ca/home/programs/partners-for-climate-protection/about-climate-change.htm](http://www.fcm.ca/home/programs/partners-for-climate-protection/about-climate-change.htm)>, citing: “Act Locally: The Municipal Role in Fighting Climate Change”, *Federation of Canadian Municipalities* (8 December 2009), online: <[www.fcm.ca/Documents/reports/Act\\_Locally\\_The\\_Municipal\\_Role\\_in\\_Fighting\\_Climate\\_Change\\_EN.pdf](http://www.fcm.ca/Documents/reports/Act_Locally_The_Municipal_Role_in_Fighting_Climate_Change_EN.pdf)> [Act Locally].

<sup>41</sup> “Partners for Climate Protection, Demonstrating Results”, *Federation of Canadian Municipalities*, online: <[www.fcm.ca/home/programs/partners-for-climate-protection/demonstrating-results.htm](http://www.fcm.ca/home/programs/partners-for-climate-protection/demonstrating-results.htm)> [FCM Partners for Climate Protection].

<sup>42</sup> An internet search reveals a variety of examples. For example, former Minister of the Environment John Baird’s spokesperson said: “We’ve said all along that all levels of government are going to have to work together to address climate change and to fight air pollution... Certainly it’s critical all three levels are on-board with this fight.” Source: Michael Oliveira, “Cities can fight climate change best: Report”, *Toronto Star* (23 May 2007), online: <[http://www.thestar.com/news/2007/05/23/cities\\_can\\_fight\\_climate\\_change\\_best\\_report.html](http://www.thestar.com/news/2007/05/23/cities_can_fight_climate_change_best_report.html)> [Fed and Prov support].

Communities across the country will be affected by climate change in a variety of ways.<sup>43</sup> In B.C, climate change will place ecosystems that support the local economy and communities at risk, affect population health and safety, and lead to increased frequency and intensity of extreme weather events that will increase costs and insurance related to building and infrastructure.<sup>44</sup> Examples of impacts to municipalities in B.C. include:

- Extreme weather events such as heavy rain and snow falls, heat waves, and drought which are linked to flooding, landslides, water shortages, forest fires, and reduced air quality.<sup>45</sup> These events also have health implications; for example, heat waves are associated with heat stroke and an increase in respiratory illness.
- Decreased snow packs resulting in less runoff in summer and less water for agriculture, hydropower, industry, community, and fisheries.<sup>46</sup>
- Increased risk of floods to coastal communities from precipitation, river flows, sea-level rise, and storm surges. "An estimated 3,000 to 12,000 B.C. homes near the coast could be at risk of flooding by mid-century."<sup>47</sup>
- Longer forest fire seasons resulting in the increased likelihood of forced evacuations from homes, air quality warnings, and loss of life.<sup>48</sup>
- Continued infestation of the mountain pine beetle in our forests expanding northward, eastward and to higher elevations as warming in North America increases the range of suitable habitats for this destructive pest.<sup>49</sup>

For a list of climate change and air pollution impacts in your community, please consult your local board of health.

<sup>43</sup> Natural Resources Canada, "Adapting to Climate Change: An Introduction for Canadian Municipalities" *Government of Canada* (2010), online: <<http://www.nrcan.gc.ca/earth-sciences/climate-change/community-adaptation/municipalities/373>>.

<sup>44</sup> BC Ministry of Environment, "Climate Change Impacts and Adaptation" (accessed January 2015). Online: <<http://www2.gov.bc.ca/gov/topic.page?id=BE3D1E436EE14ADE8255FA0AD060659C&title=Climate%20Change%20Impacts%20%26%20Adaptation>>.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> Carroll *et al.*, 2004. "Effects of Climate Change on Range Expansion by the Mountain Pine Beetle in British Columbia". In: T.L. Shore, T.L., Brooks, J.E., Stone, J.E. (Eds.), *Mountain Pine Beetle Symposium: Challenges and Solutions*, October 30–31, 2003. Natural Resources Canada, Canadian Forest Service, Pacific Forestry Centre, Information, Report BC-X-399, Kelowna, British Columbia, at 223-232. Online: <[http://www4.nau.edu/direnet/publications/publications\\_c/files/Carrol\\_et\\_al\\_2003.pdf](http://www4.nau.edu/direnet/publications/publications_c/files/Carrol_et_al_2003.pdf)>.

## Part III – WARNING LABELS ON GAS PUMPS

This section explores *Our Horizon's* proposed by-law amendment, experience from tobacco labeling, our idea's theoretical underpinnings, and anticipated positive results from our enacting plan.

### 3.1 The Proposed By-law Amendment

The by-law amendment would require gasoline retailers to place 3-inch by 3-inch climate change and air quality warning labels on gas pump nozzles as a condition of obtaining, continuing to hold, or renewing a business licence. Many gas pumps already come equipped with “nozzle talkers” that can be used for this purpose.

### 3.2 Nozzle Talkers

A “nozzle talker” is a sort of rubber sock that fits over standard gas nozzles and is equipped with a flat display area for advertising to face the consumer. Nozzle talkers retail for approximately \$15. A sticker that fits on the 3-inch by 3-inch display area can be printed at nominal cost. The cost of implementing our proposal is small and can easily be covered by a gasoline retailer (see Part IV for more information).

Nozzle talkers were developed by M&M Displays in 1989.<sup>50</sup> Their website describes the medium as “highly effective” and notes the power of the concept: “This unique merchandising tool literally puts your advertising right into the customers’ hand.”<sup>51</sup> Phoenix Outdoor, a company that specializes in such advertising, observes:

*[Nozzle Talkers] provide a unique and highly effective exposure for the advertiser. With the ability to reach millions of people on a monthly basis and with up to 4 minutes of direct interaction with the consumer, this medium guarantees a captive audience. They may be the smallest signs in the Phoenix network but they command 100% attention and deliver big. [They] provide the perfect opportunity to capture the consumer’s attention like no other medium... [and] have proven results in increasing brand awareness and product sales.*<sup>52</sup>

It is clear that the medium is a particularly effective means for communicating information to influence attitudes and behaviour.

<sup>50</sup> M&M Displays, “Gas Nozzle Marketing”, online: <<http://www.mmdisplays.com/nozzle-talker/>>.

<sup>51</sup> *Ibid.*

<sup>52</sup> Phoenix Outdoor, “Nozzle Talkers”, online: <<http://www.phoenixoutdoor.com.au/ambient/>>.

### 3.3 Warning Label Design

The warning labels designed by *Our Horizon* have a look and feel that is similar to those used on tobacco packages. The labels are designed to communicate the risks of burning gasoline. It is recommended that municipalities develop their own labels to reflect local impacts of air pollution and climate change as well as more global concerns (see Part IV for more information). Please visit our website for samples.



### 3.4 Successful Experience with Tobacco Warning Labels

In 2001, Canada became the first country in the world to require pictorial warning labels on tobacco packages.<sup>53</sup> Our innovation has since spread all over the world. Now more than 60 countries have pictorial warning labels on their tobacco packages.<sup>54</sup> In 2009, the European Union commissioned a meta-study that reviewed the scientific literature on the effectiveness of tobacco warning labels.<sup>55</sup> The report included over 200 studies and is the most comprehensive analysis on the subject. The report concludes:

*There is clear evidence that tobacco package health warnings increase consumers' knowledge about the health consequences of tobacco use and contribute to changing consumers' attitudes towards tobacco use as well as changing consumers' behaviour. They are also a critical element of an effective tobacco control policy.*<sup>56</sup>

<sup>53</sup> "Canada", Tobacco Labelling Resource Centre, online: <<http://www.tobaccolabels.ca/countries/canada/>>.

<sup>54</sup> "Cigarette Package Health Warnings: International Status Report", *Canadian Cancer Society*, 3<sup>rd</sup> ed. (September 2012) at 2, online: <[http://global.tobaccofreekids.org/files/pdfs/en/WL\\_status\\_report\\_en.pdf](http://global.tobaccofreekids.org/files/pdfs/en/WL_status_report_en.pdf)>.

<sup>55</sup> "A review of the science base to support the development of health warnings for tobacco packages", *Sambrook Research International* (2009) at 1, online: <[http://ec.europa.eu/health/tobacco/docs/warnings\\_report\\_en.pdf](http://ec.europa.eu/health/tobacco/docs/warnings_report_en.pdf)>.

<sup>56</sup> *Ibid.*



Tobacco companies have acknowledged the impact of these labels by fighting labelling laws all over the world. More generally, there is an entire industry that employs psychologists and runs focus groups to tinker with the images, text, colours, fonts, shapes and textures of packaging – all with the explicit purpose of influencing consumer choices. Clearly, the way a product is presented impacts consumer attitudes and behaviours.

### 3.5 How the Warning Labels Uniquely Address Climate Change

While there is certainly an analogy to be made with tobacco warning labels, our labels are even more compelling when considered in the context of climate change.

#### 1) The Labels Create Feedback

Climate change can be understood as a problem of *no feedback*. There is a delay between cause and effect: we burn fossil fuels today but do not get feedback from our actions to signal a need to change our behaviour. This lack of feedback is compounded by what psychologists call ‘hyperbolic discounting’ or the ‘current moment bias.’<sup>57</sup> This is our tendency to prefer interests that are small and proximate in time relative to interests that are significant but experienced in the future.

Our warning labels compress time to counteract the effects of the current moment bias. They bring faraway consequences – property damage, extreme weather, and drought – into the here and now. In doing so, they introduce critically important feedback to help us respond to climate change and air pollution in a more adaptive way.

#### 2) The Labels Locate Responsibility

Climate change can also be understood as a problem of *diffusion of responsibility*. As individuals, our contribution to the problem is small; collectively, our actions dangerously alter the chemistry of our planet. Social psychologists know that when responsibility for something is shared among many, we often fail to act.<sup>58</sup> The antidote is intuitive: “the key” to addressing problems of diffusion of responsibility is “getting others to feel personally responsible for helping to solve problems they may not consider their own.”<sup>59</sup>

So where responsibility for a problem is diffuse, one must simply locate responsibility. The placement of the warning label on a gas pump nozzle takes a problem of diffuse origins and locates responsibility right in the palm of your hand. Our idea is not another documentary or vague awareness campaign; there is absolutely nothing like it that connects us to the problems of climate change and air pollution in such a direct way. While our concept may be simple, it truly is a game-changer.

<sup>57</sup> Adam Kingsmith, “The Psyche Behind Canada’s Environmental Apathy”, *DeSmog Canada* (27 August 2013), online: <<http://www.desmog.ca/2013/08/27/psychology-behind-canada-s-environmental-apathy>>.

<sup>58</sup> “Diffusion of responsibility”, *Wikipedia*, online: <[http://en.wikipedia.org/wiki/Diffusion\\_of\\_responsibility](http://en.wikipedia.org/wiki/Diffusion_of_responsibility)>.

<sup>59</sup> Dr. Alex Lickerman, “The Diffusion Of Responsibility: Why assigning responsibility to groups doesn’t work”, *Psychology Today* (14 June 2010), online: <<http://www.psychologytoday.com/blog/happiness-in-world/201006/the-diffusion-responsibility>>.

### 3) The Labels Communicate Externalities in a Qualitative Way

Climate change is also a problem of negative externalities. Externalities are costs or benefits that result from the use of a product but are not reflected in its price. In the context of fossil fuels, we often hear negative externalities expressed as “hidden costs”. Carbon taxes and cap-and-trade regimes seek to internalize these harms to convey the “true cost” of fossil fuels to the market.

While we are able to determine the costs of the concrete and rebar required to adapt our infrastructure to the impacts of climate change and reflect these costs in the price of fossil fuels, how do we capture externalities like the loss of a species or human suffering? While economists have actually developed models for pricing human life, we recognize that price is a deficient language for communicating these values to the marketplace.<sup>60</sup> Our warning labels are simply a qualitative way of capturing and communicating externalities to the marketplace: what price seeks to convey in quantitative terms (using dollars and cents), our idea communicates in qualitative terms (using image and text). In the abstract, they both achieve the same thing. On the ground, our idea nurtures a focus that engages our sense of humanity in a way that a price signal never could.

Behavioural economists observe that pricing externalities can switch off moral cues that otherwise regulate human behaviour.<sup>61</sup> Ban Ki-moon, the Secretary General of the United Nations has called climate change the “moral challenge of our generation.”<sup>62</sup> If climate change truly is a moral challenge, why not treat it as such? Our warning labels convey important moral information to the marketplace to help transform communities. It is a market signal that can take us from complaining about the price of gas to demanding that governments and businesses do more to address climate change and air pollution.

As world-renowned communications theorist Marshall McLuhan observed, “The medium is the message.”<sup>63</sup> The way in which people typically consume information on climate change is through media such as newspapers, internet, TV and film. While important vehicles for communication, these media, by virtue of their form, unavoidably present the problem as distant or separate and are consumed in a passive manner. By contrast, our form of communication links our consumption of fossil fuels to the impacts of climate change in an unparalleled manner; the medium (i.e. the gas pump nozzle) is the message. Our proposal engages the user in a manner that transitions them from *passive observer* to *active participant* to create a much stronger impetus for change.

For more information on the psychology, economics, and communications theory behind our proposal, please visit our website or read our writings at the [Huffington Post](#).

<sup>60</sup> To paraphrase Oscar Wilde: we have come to know the price of everything and the value of nothing.

<sup>61</sup> Diana Zlomislic, “Daycare late fees no deterrent, study finds”, *Toronto Star* (4 July 2008), online: <[http://www.thestar.com/life/health\\_wellness/2008/07/04/daycare\\_late\\_fees\\_no\\_deterrent\\_study\\_finds.html](http://www.thestar.com/life/health_wellness/2008/07/04/daycare_late_fees_no_deterrent_study_finds.html)>.

<sup>62</sup> Ban Ki-Moon, “We cannot steal our children’s future” (Speech at United Nations Climate Change Conference in Bali, Indonesia, 12 December 2007), online: <<http://www.un.org/News/Press/docs/2007/sgsm11325.doc.htm>>.

<sup>63</sup> Marshall McLuhan, *Understanding Media: The Extensions of Man*, McGraw-Hill (1964).

### 3.6 A Disruptive Tool to Broaden Engagement and Catalyze Action

We may worry about climate change, oil sands, pipelines, etc., but we rarely question the simple act of pumping gas. There is a complete disconnect. The act of going to a gas station and filling up a car has been normalized for several generations. The warning labels take this unexamined, automatic act and problematize it. In creating a sense of dissatisfaction with the prevailing mobility solution, they stimulate demand for alternatives. The labels disrupt the status quo, shake us out of our sense of complacency, and provide impetus for us to do better. They are a catalyst for change.

Discourse around climate change in Canada tends to overlook end-use in favour of focusing on oil companies, points of extraction (e.g. oil sands, offshore drilling) or means of transportation (e.g. pipelines, shipping). Unfortunately, the uncomfortable reality is that we all share in responsibility for this problem.<sup>64</sup> Indeed, the vast majority of GHGs come from end-use; emissions from extraction and processing pale in comparison to emissions from vehicle combustion.<sup>65</sup> While a diversity of approaches is important, there is a risk that in framing the issue as an exclusively upstream problem, we actually distance ourselves from it and perhaps unintentionally perpetuate the status quo through demand-side complacency. A complacent, disconnected marketplace is unlikely to affect change upstream; engaging consumer demand can help us to finally address these issues in a more meaningful way.

The warning labels are pro-market and non-prescriptive; they simply provide relevant information to the marketplace and rely on the market to respond. The labels will cause some individuals to reduce their emissions but, more importantly, they will result in a shift in our collective demand to facilitate meaningful action on climate change and air pollution. Politicians will have more support to pass climate legislation, invest in public transit, build bike lanes and develop complete communities. Businesses will also innovate to meet the needs of a shifting market. The labels can be thought of as a prerequisite for action on climate change and air pollution; they contribute to social conditions that favour reform. After all, if we can't even honestly acknowledge our problem, what hope do we have in actually addressing it?

### 3.7 Identifiable Benefits to the Municipality

The examples below are just some of the ways in which our proposed warning labels benefit a municipality. It is not intended to be an exhaustive list.

#### 1) Reduction in Vehicular Emissions

The reduction of air pollution and GHGs from vehicular emissions is in itself an identifiable benefit to a municipality. This awareness is already evidenced by anti-idling by-laws (discussed in Section 4.2.4) and by hundreds of municipal initiatives directed at reducing these harmful emissions.<sup>66</sup>

<sup>64</sup> George Marshall, "Climate-change activists are playing a dangerous game with their 'enemy' narrative", *The Guardian* (16 November 2013), online: < <http://www.theguardian.com/commentisfree/2013/nov/16/climate-change-dangerous-game-enemy-narrative>>.

<sup>65</sup> "Setting the Record Straight: Lifecycle Emissions of Tar Sands", *Natural Resources Defense Council* (November 2010) at 7, online: <[http://docs.nrdc.org/energy/files/ene\\_10110501a.pdf](http://docs.nrdc.org/energy/files/ene_10110501a.pdf)> [*Lifecycle Emissions*].

<sup>66</sup> *FCM Partners for Climate Protection*, *supra* note 41.

The proposed by-law amendment is aimed at a sector that is a significant source of GHGs and air pollution and is rationally connected to the objective of reducing these harmful emissions. Our research suggests that the by-law amendment will help to change attitudes and behaviours. Changes in behaviour would result in a direct reduction of harmful emissions while shifts in attitude would facilitate further initiatives to enhance the environmental well-being of a community.

Cities are responsible for approximately 70% of global carbon emissions.<sup>67</sup> In Canada, up to half of our GHG emissions are under the “control or influence of municipal governments.”<sup>68</sup> If a court were to conclude that municipalities have no authority to reduce these emissions, it would effectively be consigning us to unmitigated climate disruption. Such a decision would fly in the face of federal and provincial calls for municipal action, delegitimize years’ worth of municipal GHG reduction efforts, and risk opening up existing municipal initiatives to judicial challenge. Such a ruling seems implausible.

## *2) Shifts in Attitude that Directly Benefit the Municipality*

A June 2014 *Globe and Mail* article on the Lower Mainland’s 10-year transit plan captures an example of the political pressures of environmental action in our communities:

“All but one of the region’s 21 cities have agreed to a sweeping \$7.5-billion plan to improve transit over the next 10 years... But the way to pay for it is still a murky mess. Within hours, [the] Transportation Minister shot down one of the main new sources of revenue mayors recommended – the carbon taxes that Lower Mainland residents pay. “I am certainly not going to be the person who goes out and says, ‘We’re going to jack up your income taxes.’”<sup>69</sup>

The vast majority of people in British Columbia commute by car.<sup>70</sup> If a city like Vancouver implements our by-law amendment, hundreds of thousands of citizens would be exposed to the warning labels on a regular basis. Citizens would become less satisfied with existing mobility solutions and more interested in supporting alternatives, like the upcoming referendum on transit improvements. This shift in attitude gives an elected representative the political capital they need to fund public transit, increase bike lanes, and implement various sustainability initiatives. A councillor could rise and say, “Look, I’ve been getting your calls and I’ve seen these labels too. I’m just as frustrated and worried as you are. Let’s finally invest in public transit and more sustainable infrastructure.” The labels would advance core municipal subject matter to enhance the economic, social, and environmental well-being of a city.

## *3) Health, Safety and Well-Being of Persons*

<sup>67</sup> *Megacities Are Taking Action*, *supra* note 39.

<sup>68</sup> *Act Locally*, *supra* note 40.

<sup>69</sup> Frances Bula, “B.C. Cities Approve Transit Revamp, but funding still unclear”, *The Globe and Mail* (12 June 2014), online: <<http://www.theglobeandmail.com/news/british-columbia/dazzling-pricey-transit-plan-proposed-for-bc-lower-mainland/article19142741/>>.

<sup>70</sup> “Majority of Toronto commuters still get in cars to get to work: census”, *CBC News* (10 March 2008), online: <<http://www.cbc.ca/news/canada/toronto/majority-of-toronto-commuters-still-get-in-cars-to-get-to-work-census-1.701205>>; Statistics Canada (2013) *2011 National Household Survey*. The commuter statistics for particular cities and regions can be found via a search of the Statistics Canada National Household Survey webpage. Online: <<http://www12.statcan.gc.ca/nhs-enm/index-eng.cfm>>.

Climate change presents a myriad of health and safety concerns. Citizens in cities and towns will face an increased risk of contracting West Nile Virus, Lyme disease, and malaria; risks to water quality and supply; more extreme weather, heat waves, etc. Vehicle emissions have also been associated with cardiovascular disease, stroke, lung cancer in adults, leukemia in children, reduced fertility in men, low birth weight, and other health concerns.<sup>71</sup> The World Health Organization has identified local air pollution as “the most important environmental carcinogen, more so than passive smoking.”<sup>72</sup> The warning labels address these concerns by reducing harmful emissions and advance the health, safety and well-being of persons.

Impacts from extreme weather events have been related to higher rates of depression, anxiety, violence, and suicide.<sup>73</sup> Mental health experts also observe that “at the deepest level, the debate about the consequences of climate change gives rise to profound questions about the long-term sustainability of human life and the Earth’s environment.”<sup>74</sup> Climate change as an existential threat causes many to “commonly [respond with] distress and anxiety. People may feel scared, sad, depressed, numb, helpless and hopeless, frustrated or angry.”<sup>75</sup> Children and adolescents are among groups that appear particularly at risk to “experience more intense worry that causes distress and or interferes with normal day to day life.”<sup>76</sup> Our use of fossil fuels is having a profound impact on the health and well-being of an entire generation.

The *Community Charter* refers to “well-being” in s. 7. The purpose of a municipality includes “fostering the economic, social and environmental well-being of its community”.<sup>77</sup> Studies show that taking measures to address climate change can result in a variety of psychological benefits.<sup>78</sup> Interestingly, these positive health outcomes “derive from actions that people believe address the climate problem – even if the actual effect on climate is minimal or nonexistent.”<sup>79</sup> Thus, when it comes to health and well-being, it would appear that an identifiable benefit to a municipality exists in the very act of passing climate legislation, no matter how small the impact.

#### **4) Economic, Social and Environmental Well-Being of the Municipality**

The economic impact of congestion in large Canadian cities can cost billions of dollars in lost productivity. For example, Transport Canada conservatively estimates the total cost of congestion in the Lower Mainland at \$1.5 billion annually.<sup>80</sup> To the extent that the labels can help change commuter behaviour and shift attitudes to facilitate investment in public transit, they help to reduce this economic loss and

<sup>71</sup> *Air Pollution Burden of Illness from Traffic*, *supra* note 33.

<sup>72</sup> “Air pollution causes lung cancer, WHO agency decides” *Associated Press* (17 October 2013), online: <<http://www.cbc.ca/news/health/air-pollution-causes-lung-cancer-who-agency-decides-1.2100862>>.

<sup>73</sup> Jessica Fritze *et al.*, “Hope, despair and transformation: Climate change and the promotion of mental health and wellbeing” *International Journal of Mental Health Systems* 2:13 (17 September 2008), online: <[www.ijmhs.com/content/pdf/1752-4458-2-13.pdf](http://www.ijmhs.com/content/pdf/1752-4458-2-13.pdf)> [*Climate Change and Mental Health*].

<sup>74</sup> *Ibid*, at 9.

<sup>75</sup> *Ibid*, at 6.

<sup>76</sup> *Ibid*, at 7.

<sup>77</sup> *Community Charter*, SBC 2003, c.26, s.7(d) [*Community Charter*].

<sup>78</sup> Dr. Janet Swim *et al.*, “Psychology and Global Climate Change: Addressing a Multi-faceted Phenomenon and Set of Challenges”, *American Psychological Association* (2011), online: <<http://www.apa.org/science/about/publications/climate-change.aspx>>, at 49.

<sup>79</sup> *Ibid*.

<sup>80</sup> Jonathan Arnold, “Congested and Nowhere to Go: Congestion, Road Infrastructure and Road Pricing in Metro Vancouver” (October 2013), at 1 (Adobe PDF p. 7), online: <[http://www.bcbc.com/content/1027/RoadPricingPaper\\_FINAL.pdf](http://www.bcbc.com/content/1027/RoadPricingPaper_FINAL.pdf)>.

provide a direct benefit to the community. The health costs of vehicular emissions are also significant: researchers at the University of British Columbia say that chronic exposure to air pollution causes almost nine times as many deaths as traffic crashes.<sup>81</sup> And the health costs of exposure to air pollution cost Canada an estimated \$8 billion per year.<sup>82</sup> A reduction in vehicular emissions provides economic, social and environmental benefits to municipalities.

The B.C. fires of 2010 consumed 330,000 hectares of forest in the B.C. interior, with damages estimated at \$220 million.<sup>83</sup> As a result of fires, pests and diseases, all exacerbated by climate change, the timber supply in B.C. will decrease by 5-8% by the 2050's.<sup>84</sup> Forest fires also affect our homes; the fires of 2003 destroyed more than 334 homes and many businesses with an estimated cost of \$700 million.<sup>85</sup> Flooding will also have a serious economic impact. Based on existing coastal flood protection measures, it is estimated that climate change would lead to damages from flooding of more than \$2000 per British Columbian per year by the 2050.<sup>86</sup>

Carbon pollution also contributes to heat waves, which can cause social unrest.<sup>87</sup> Climate change will make extreme weather events more frequent and more severe. As explored in previous sections, a reduction in GHG emissions is directed at the root cause of extreme weather and is a legitimate exercise of municipal authority.

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<sup>81</sup> *Air Pollution Burden of Illness from Traffic*, *supra* note 33, at 31.

<sup>82</sup> Scott Sutherland, "UBC researchers find one third of Canadians at risk from traffic pollution" (21 October 2013), online: <<https://ca.news.yahoo.com/blogs/geekquinox/ubc-researchers-one-third-canadians-risk-traffic-pollution-011322071.html>>, citing the Canadian Medical Journal.

<sup>83</sup> BC Ministry of Environment (2012) "Making Progress on BC's Climate Action Plan", at 5. Online: <<http://www.env.gov.bc.ca/cas/pdfs/2012-Progress-to-Targets.pdf>> [*Making Progress on BC's Climate Action Plan*].

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*

<sup>87</sup> Courtney Humphries, "Climate change may mean more crime", *Boston Globe* (2 March 2014), online: <<http://www.bostonglobe.com/ideas/2014/03/02/climate-change-may-mean-more-crime/dZCKg5nx7mUcj513lwAEyO/story.html>>.

## Part IV – LEGAL RESEARCH

This section explores the legal authority for a municipality in British Columbia to require gasoline retailers to place warning labels on gas pump nozzles advising consumers of the harms associated with the product they dispense. The *Community Charter*, SBC 2003, c 26 provides the authority to require such labels through the municipal authority to regulate business, and specific municipal powers to regulate, prohibit and make requirements concerning protection of the natural environment and public health. The warning labels would be a new licence condition for a gasoline retailer to obtain, continue to hold or renew its business licence.

The legal research in this document is not legal advice and is only applicable to municipalities in British Columbia. It does not apply to Regional Districts, nor does it address the *Vancouver Charter* (to which the City of Vancouver is subject). Our Horizon Society, its staff, board of directors, and volunteer researchers assume no responsibility for reliance on the research contained herein. Municipalities are encouraged to consult their legal departments or seek independent legal advice before taking any action to pursue the proposed by-law amendment. This document should be considered as a starting point for your own analysis.

### 4.1 Regulation of Emission, Air Quality and Climate Change in Canada

#### 4.1.1 Tri-Level Regulation

We live in an era where senior levels of government appear to be functionally incapable of addressing climate change.<sup>88</sup> To expect municipalities to suffer the impacts of climate change while at the same time depriving them of the opportunity to respond to its underlying causes would be patently unjust. In *Spraytech v. Hudson*, the Supreme Court of Canada acknowledged the importance of municipal efforts in addressing such global environmental challenges:

*The context of this appeal includes the realization that our common future, that of every Canadian community, depends on a healthy environment... This Court has recognized that "[e]veryone is aware that individually and collectively, we are responsible for preserving the natural environment . . . environmental protection [has] emerged as a fundamental value in Canadian society"...*

*The case arises in an era in which matters of governance are often examined through the lens of the principle of subsidiarity. This is the proposition that law-making and implementation are often best achieved at a level of government that is not only effective, but also closest to the citizens affected and thus most responsive to their needs, to local distinctiveness, and to population diversity. La Forest J. wrote for the majority in R. v. Hydro-Québec, 1997 CanLII 318 (SCC), [1997] 3 S.C.R. 213, at para. 127, that "the protection of the environment is a major challenge of our time. It is an international problem, one that requires action by governments at all levels" [emphasis in original]. His reasons in that case*

<sup>88</sup> Michael Oliveira, "Cities can fight climate change best: Report", *Toronto Star* (23 May 2007), online: <[http://www.thestar.com/news/2007/05/23/cities\\_can\\_fight\\_climate\\_change\\_best\\_report.html](http://www.thestar.com/news/2007/05/23/cities_can_fight_climate_change_best_report.html)>.

*also quoted with approval a passage from Our Common Future, the report produced in 1987 by the United Nations' World Commission on the Environment and Development. The so-called "Brundtland Commission" recommended that "local governments [should be] empowered to exceed, but not to lower, national norms" (p. 220) [emphasis in original].<sup>89</sup>*

Climate change is the exact sort of major environmental challenge that is contemplated by *Spraytech*. The reduction of GHG emissions is an effort that needs to be undertaken by all levels of government. This view is consistent with provincial and federal messaging on climate change<sup>90</sup> and long-standing practice in cities and towns across Canada.<sup>91</sup> The "validity of tri-level regulation" as noted by the Ontario Court of Appeal in *Croplife Canada v. Toronto (City)* has been "unambiguously endorsed by the Supreme Court of Canada... as the accepted model in our federal system."<sup>92</sup>

#### 4.1.2 Federal, Provincial & Municipal: Relationships within the "Tri-Level Regime"

Municipalities are "creatures of statute" and can only exercise powers that have been delegated to them from the provincial government, such as through the provisions of the *Community Charter* or another Act.<sup>93</sup> Further, municipalities cannot enact by-laws that are inconsistent with a Provincial enactment.<sup>94</sup> To be inconsistent means that by complying with the municipal by-law a person would contravene the provincial enactment.<sup>95</sup> The following sections explore some of the provincial legislative context that could impact our by-law. A review of federal legislation that addresses climate change, air pollution, vehicle emissions, and gasoline retailers does not reveal any areas of operational conflict with our proposed by-law.

#### 4.1.4 The Precautionary Principle

The precautionary principle is "a principle of customary international law" that is "codified in several items of domestic legislation" and was quoted with approval by the majority in *Spraytech v. Hudson*.<sup>96</sup>

*In order to achieve sustainable development, policies must be based on the precautionary principle. Environmental measures must anticipate, prevent and attack the causes of environmental degradation. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.*<sup>97</sup>

While the science is unequivocal that our use of fossil fuels alters our atmosphere, affects our air quality, etc., it is useful to recall the precautionary principle when considering our by-law amendment. Lack of full scientific certainty should not hinder a municipality's efforts to reduce its GHG emissions and improve its air quality.

<sup>89</sup> 114957 Canada Ltée (*Spraytech, Société d'arrosage*) v. *Hudson (Town)*, 2001 SCC 40, [2001] 2 SCR 241, paras. 1-3 [*Spraytech v. Hudson*].

<sup>90</sup> Fed and Prov support, *supra* note 42.

<sup>91</sup> FCM Partners for Climate Protection, *supra* note 41.

<sup>92</sup> *Spraytech v. Hudson*, *supra* note 89, at para. 39.

<sup>93</sup> *R v Greenbaum*, [1993] 1 SCR 674, at para 22.

<sup>94</sup> *Community Charter*, *supra* note 77, s. 10.

<sup>95</sup> *Community Charter*, *supra* note 77, s. 10(2).

<sup>96</sup> *Spraytech v. Hudson*, *supra* note 89, at paras. 31-32.

<sup>97</sup> *Ibid*, at para. 31.



## 4.2 Regulation of Emissions, Air Quality and Climate Change in British Columbia

### 4.2.1 Climate Action in B.C.: A Shared Responsibility

In 2007, the Province of British Columbia, the Union of British Columbia Municipalities, and a number of local governments signed the British Columbia Climate Action Charter.<sup>98</sup> There are now 180 (of a possible 189) local governments across the province that have signed the Charter, including the Capital Regional District and all of its municipalities, and Metro Vancouver and the majority of its municipalities.<sup>99</sup> In signing the Charter, the Parties acknowledged the reality of anthropogenic climate change, their role in contributing to the issue, and their responsibility to address it. The Charter also outlined a set of common goals necessary to combat climate change. These goals include:

- (a) fostering co-operative inter-governmental relations;
- (b) aiming to reduce GHG emissions, including both their own and those created by others;
- (c) removing legislative, regulatory, policy and other barriers to taking action on climate change;
- (d) implementing programs, policies, or legislative actions within the respective jurisdictions that facilitate reduced GHG emissions, where appropriate;
- (e) encouraging communities that are complete and compact and socially responsive; and
- (f) encouraging infrastructure and a built environment that supports the economic and social needs of the community while minimizing its environmental impact.<sup>100</sup>

While the Charter is not legally binding on the signatories, it nevertheless demonstrates the extensive commitment of provincial and local governments to work together to combat climate change and build a clean, healthy environment for present and future generations. It also carries with it potential benefits to its signatory local governments, including participation in the Climate Action Revenue Incentive Program ("CARIP"). CARIP is a conditional grant program that provides funding equivalent to 100 percent of the carbon taxes a local government pays directly – the conditions being: having signed on to the Climate Action Charter, committing to take actions and develop strategies to achieve three stated climate change goals, and reporting on their progress.<sup>101</sup> Implementing our proposed by-law amendment can contribute to a local government's progress toward the climate change goals mandated by CARIP.

A British Columbia Ministry of Environment publication on air quality regulation notes that the "responsibility to protect air quality is a shared effort between local, regional, provincial, and federal jurisdictions in Canada. Local and regional governments influence air quality as a result of community planning and bylaw development with the authority granted under the *Community Charter*."<sup>102</sup>

<sup>98</sup> BC Office of the Premier (26 September 2007) "News Release: BC Communities Commit to Carbon Neutrality by 2012". Online: <[http://www2.news.gov.bc.ca/news\\_releases\\_2005-2009/2007OTP0139-001194.htm](http://www2.news.gov.bc.ca/news_releases_2005-2009/2007OTP0139-001194.htm)>.

<sup>99</sup> BC Climate Action Toolkit (2011) *Status of Consideration of the BC Climate Action Charter*. Online: <[http://www.cscd.gov.bc.ca/lgd/library/CAC\\_Signatories\\_2011.pdf](http://www.cscd.gov.bc.ca/lgd/library/CAC_Signatories_2011.pdf)>.

<sup>100</sup> BC Climate Action Charter (2007) s. 4. Online: <[http://www.cscd.gov.bc.ca/lgd/library/BC\\_CLIMATE\\_ACTION\\_CHARTER.pdf](http://www.cscd.gov.bc.ca/lgd/library/BC_CLIMATE_ACTION_CHARTER.pdf)>.

<sup>101</sup> Government of British Columbia, Local Government Ministry, "Climate Action Revenue Incentive Program" (CARIP) (accessed 12 June 2014), online: <<http://www.cscd.gov.bc.ca/lgd/greencommunities/carip.htm>>.

<sup>102</sup> Alderson J. (2007) "Inventory of Air Quality Bylaws in BC for: Anti-Idling, Open Burning, and Wood Burning Appliances" Online: <[http://www.bcairquality.ca/reports/pdfs/aa\\_bylaws\\_bc.pdf](http://www.bcairquality.ca/reports/pdfs/aa_bylaws_bc.pdf)>.

#### 4.2.2 Provincial Climate Change and Air Pollution Legislation

The province of B.C. has adopted a number of enactments to combat climate change and air pollution.<sup>103</sup> These include:

- *Greenhouse Gas Reduction Targets Act* (GGRTA)
- *Carbon Tax Act*
- *Greenhouse Gas Reduction (Cap and Trade) Act*
- *Greenhouse Gas Reduction (Emissions Standards) Statutes Amendment Act*
- *Greenhouse Gas Reduction (Renewable and Low Carbon Fuel Requirements) Act*
- *Greenhouse Gas Reduction (Vehicle Emissions Standards) Act*
- *Local Government (Green Communities) Statutes Amendment Act*
- *Utilities Commission Amendment Act*
- *Environmental Management Act*

The Province of BC has also enacted a number of regulations with specific provisions concerning gasoline retailers. These enactments include:

- *Gasoline Vapour Control Regulation*, BC Reg. 321/2004. Enacted under the *Environmental Management Act* (EMA), this regulation requires gasoline storage tanks to be equipped with vapour balancing systems<sup>104</sup>.
- *Petroleum Storage and Distribution Facilities Storm Water Regulation*, B.C. Reg. 321/2004. Enacted under the EMA, this regulation exempts petroleum storage and distribution facilities that are part of a retail service station from regulations that permit and regulate the discharge of effluent from the facility.<sup>105</sup>
- *Renewable and Low Carbon Fuel Requirements Regulation* B.C. Reg. 335/2012. Enacted under the *Greenhouse Gas Reduction (Renewable and Low Carbon Fuel Requirements) Act*, this regulation provides requirements for the labelling of gasoline or diesel fuel that contain renewable fuels such as ethanol and biodiesel.<sup>106</sup>

However, it would appear that none of these enactments regulate climate change, air pollution, vehicle emissions, or gasoline retailers in a manner that would cause the placement of warning labels on gas nozzles to be a contravention of provincial legislation.

#### 4.2.3 Municipal Empowerment in B.C.: the Community Charter

<sup>103</sup> For a list of "Climate Action Legislation", please visit the Ministry of Environment's website:

<<http://www2.gov.bc.ca/gov/topic.page?id=60E1E7810BC145C6B6FC00EE31F41EC5&title=Climate%20Action%20Legislation>>.

<sup>104</sup> *Gasoline Vapour Control Regulation*, BC Reg. 321/2004, s.2. Online:

<[http://www.bclaws.ca/civix/document/id/complete/statreg/226\\_95/search/+CIVIX\\_DOCUMENT\\_ROOT:%22service%20station%22%20+CIVIX\\_DOCUMENT\\_ANCESTORS:statreg#section2](http://www.bclaws.ca/civix/document/id/complete/statreg/226_95/search/+CIVIX_DOCUMENT_ROOT:%22service%20station%22%20+CIVIX_DOCUMENT_ANCESTORS:statreg#section2)>

<sup>105</sup> *Petroleum Storage and Distribution Facilities Storm Water Regulation*, B.C. Reg. 321/2004, s.2(5)(c). Online:

<[http://www.bclaws.ca/civix/document/id/complete/statreg/168\\_94/search/+CIVIX\\_DOCUMENT\\_ROOT:%22service%20station%22%20+CIVIX\\_DOCUMENT\\_ANCESTORS:statreg](http://www.bclaws.ca/civix/document/id/complete/statreg/168_94/search/+CIVIX_DOCUMENT_ROOT:%22service%20station%22%20+CIVIX_DOCUMENT_ANCESTORS:statreg)>.

<sup>106</sup> *Renewable and Low Carbon Fuel Requirements Regulation* B.C. Reg. 335/2012, s.7.3. Online:

<[http://www.bclaws.ca/civix/document/id/complete/statreg/394\\_2008/search/+CIVIX\\_DOCUMENT\\_ROOT:%22service%20station%22%20+CIVIX\\_DOCUMENT\\_ANCESTORS:statreg#section7.3](http://www.bclaws.ca/civix/document/id/complete/statreg/394_2008/search/+CIVIX_DOCUMENT_ROOT:%22service%20station%22%20+CIVIX_DOCUMENT_ANCESTORS:statreg#section7.3)>.

When it was enacted in 2003, the *Community Charter* was hailed as “the most empowering local government statute in Canada. It goes further than any provincial legislation in recognizing municipalities as an order of government.”<sup>107</sup> The Charter is an answer to “[l]ocal governments [who] have long spoken out about their common desire to have a real say about the present and future of their communities”.<sup>108</sup> Section 3 of the *Community Charter* states that the purposes of the legislation include providing municipalities and their councils with:

...

- b) The authority and discretion to address existing and future community needs, and
- c) The flexibility to determine the public interest of their communities and to respond to the different needs and changing circumstances of their communities.<sup>109</sup>

#### 4.2.4 Municipal Action on Climate Change and Air Quality: Anti-Idling By-laws

Local governments have long recognized that emissions from internal combustion vehicles negatively affect local air quality and contribute to climate change. Anti-idling by-laws are one of many ways by which municipalities have responded to the multiple harms of vehicular emissions. Approximately 25% of B.C. municipalities, which together account for over 50% of the B.C. population, have anti-idling by-laws.<sup>110</sup> These include larger municipalities such as Vancouver, North and West Vancouver, and Victoria, and smaller municipalities such as Penticton, Merritt, and Whistler.<sup>111</sup> A number of other municipalities have anti-idling policies and initiatives in place. Many of these municipalities are supported by initiatives such as Idle-Free BC.<sup>112</sup> Implicit in these ubiquitous by-laws is an accepted recognition that exhaust from automobiles contributes to climate change and air pollution, both of which are matters of local concern.

While some of the anti-idling by-laws were created under the municipal power to regulate noise, some of the by-laws, such as that of the City of Victoria,<sup>113</sup> have been enacted under the s.8(3)(i) [*public health*] and the s.8(3)(j) [*protection of the environment*] powers. It is clear that municipalities regard vehicle emissions as a threat to public health and the environment.

Other municipalities, such as the Town of Gibsons, explicitly ground their anti-idling by-law under *Community Charter* s.8(3)(h)<sup>114</sup> and s.64(c).<sup>115</sup> The by-law notes that the pursuant to these provisions:

<sup>107</sup> BC Ministry of Community, Aboriginal and Women’s Services (11 March 2003) *Background: Benefits of the Community Charter*. Online: <<http://www2.news.gov.bc.ca/archive/2001-2005/2003mcaws0033-000250-attachment1.htm>>.

<sup>108</sup> British Columbia, *Official Report of Debates of the Legislative Assembly (Hansard)*, vol 14, no. 10 (29 April 2003) at 6295 (Hon T. Nebbeling).

<sup>109</sup> *Community Charter*, *supra* note 77, s. 3.

<sup>110</sup> BC Ministry of Environment (2012) *2011 Inventory of Air Quality Bylaws in British Columbia: Vehicle Idling, Open Burning, and Wood Burning Appliances*, at 16, Online: <<http://www.bcairquality.ca/reports/pdfs/bylaws-2011.pdf>> [*Inventory of Air Quality Bylaws in BC*].

<sup>111</sup> *Ibid* at 13-14; see also Idle-Free BC (2014) *Who’s on Board?* Online: <<http://www.idlefreebc.ca/onboard/index.php>> [*Idle-Free BC*].

<sup>112</sup> *Ibid*.

<sup>113</sup> City of Victoria, *Idling Control Bylaw No. 07-069*. Accessed on 16 June 2014. Online: <<http://www.victoria.ca/assets/City%20Hall/Bylaws/bylaw-07-069.pdf>>

<sup>114</sup> *Community Charter*, s. 8(3): “A council may, by bylaw, regulate, prohibit and impose requirements in relation to the following:...(h) the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 [*nuisances, disturbances and other objectionable situations*]”.

<sup>115</sup> *Community Charter* s. 64: “The authority of a council under section 8 (3) (h) [*spheres of authority — nuisances disturbances and other objectionable situations*] may be exercised in relation to the following:...(c) the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere”

“a municipality may, by bylaw, regulate prohibit and impose requirements with respect to the protection and enhancement of the well-being of its community in relation to the emission of smoke, fumes and other effluvia that is liable to foul or contaminate the atmosphere.”<sup>116</sup>

Section 64(c) of the *Community Charter* specifically addresses the authority of municipalities to regulate air pollution. It is understandable that an anti-idling by-law would invoke this power to achieve its objective of reducing harmful vehicle emissions that contribute to a number of human health risks. Our gas labels seek to curb emissions for this very same reason.

However, our labels also seek to combat climate change, and s.64(c) seems to support this objective as well. This section states that a council may exercise their s.8(3)(h) authority to regulate in relation to “the emission of smoke, ...fumes or other effluvia that is liable to foul or contaminate the atmosphere”. According to the Merriam-Webster Online Dictionary, “contaminate” means to “make something dangerous ...by adding something harmful or undesirable to it”.<sup>117</sup> Vehicle emissions contaminate the atmosphere by adding harmful and undesirable CO<sub>2</sub> and other GHGs to it, thereby making it more dangerous for human (and other) life.

It is worth observing that, from a citizen’s perspective, the warning labels are much less restrictive than anti-idling by-laws. The anti-idling by-laws require citizens to stop running their engines after a prescribed period of time; they proscribe freedom. Our warning labels simply provide information; citizens are free to respond as they like or can ignore the message altogether. While the idea of warning labels on gas pumps is ‘new’ and sure to be challenging for many, it is actually much less restrictive than measures directed at the same harms that are already commonplace.

#### 4.3 Municipal Authority in British Columbia to Regulate on Emissions, Air Quality & Climate Change

The authority for a municipality to implement warning labels on gas nozzles can be found in a number of sources of power within the *Community Charter*. While each municipality has the discretion to choose which power they will rely on, we envision the following possibilities:

- Under the s.8(6) power to regulate in relation to business;
- Under the s.15 business licensing power;
- Under the s.8(3) authority to regulate, prohibit and impose requirements in relation to:
  - (h) the protection and enhancement of the well-being of the community in relation to nuisances and contaminating the atmosphere;
  - (i) public health; and
  - (j) protection of the natural environment.

Each of these possibilities could be implemented as a new regulation or, as an amendment to an existing by-law or business licence. We believe that an amendment to an existing by-law is the most simple and effective option, and for this reason we refer to our proposal as a “by-law amendment”.

We shall explore each of these possibilities in the sections below.

<sup>116</sup> Town of Gibsons, Bylaw No. 1010, 2005. *A bylaw to regulate the idling of vehicles*, online: <<http://www.gibsons.ca/bylaws>>.

<sup>117</sup> Merriam Webster Online, *Contaminate* (accessed 12 June 2014): <<http://www.merriam-webster.com/dictionary/contaminate>>.

#### 4.3.1 Power to Regulate Business

##### 4.3.1.1 Regulating in Relation to Business

Section 8(6) of the *Community Charter* provides that a council “may by bylaw, regulate in relation to business”.<sup>118</sup> “Regulate” is defined in the *Community Charter* as follows:

“regulate” includes authorize, control, inspect, limit and restrict, including by establishing rules respecting what must or must not be done, in relation to the persons, properties, activities, things or other matters being regulated.<sup>119</sup>

As discussed in *International Bio Research v Richmond (City)*,<sup>120</sup> a municipality's power to regulate in relation to business is more restrictive than its other powers under *Community Charter* s. 8(3). However, the case suggests that a by-law regulating a business will be properly within the jurisdiction of the municipality if the by-law:

- Regulates, but does not prohibit, a business;<sup>121</sup>
- Has a valid municipal purpose. This will be determined by reference to those purposes stated in the by-law as well as those stated in the enabling statute, s.7 of the *Community Charter*. Municipal by-laws are presumed to be enacted in good faith and for proper municipal purposes, and only one proper purpose is necessary, even if the council had other motivations;<sup>122</sup>
- Is reasonable and is rationally connected to achieving its objective. However, as long as there is a valid municipal purpose, courts will not generally assess the effectiveness of the by-law;<sup>123</sup> and
- Does not impose a discriminatory distinction unless in accordance with s.12 of the *Community Charter* and there is regard to the public interest.<sup>124</sup>

Requiring warning labels on gas nozzles would simply be a condition that a gas station must follow, either as a requirement under a by-law or (as discussed below) as a term or condition of holding a business licence. This would not result in a prohibition of their business. The stated purpose of the by-law is up to each individual municipality. However, given that our warning labels seek to address the drivers of climate change and air pollution, both which have serious consequences for municipalities everywhere, any prospective gas label by-law seems likely to have a valid purpose. Indeed, the purpose of such a by-law would seem to complement the municipal purposes stated in the *Community Charter*, most notably s.7(d): “fostering the economic, social and environmental well-being of its community”. Placing a warning label at the point of purchase of fossil fuels seems like a reasonable way to generate awareness of the harms arising from their use and help to foster community well-being. Any alleged discrimination is justified by the clear public interest in combating climate change and, as discussed in section 4.4.3 below,

<sup>118</sup> *Community Charter*, s. 8(6). However, before adopting a by-law under 8(6) of the *Community Charter*, s. 59(2) requires council to give notice of its intention to do so, and to provide an opportunity for persons who consider themselves to be affected by the by-law to make representation to council. This notice requirement permits council to determine the form and manner of notice that council considers reasonable. See section 4.6.3.

<sup>119</sup> *Community Charter*, *supra* note 77, Schedule, s. 1.

<sup>120</sup> *International Bio Research v. Richmond (City)*, 2011 BCSC 471 (CanLII).

<sup>121</sup> *Ibid*, at para. 43.

<sup>122</sup> *Ibid*, at paras. 45-47.

<sup>123</sup> *Ibid*, at para. 55-58.

<sup>124</sup> *Ibid*, at paras. 72-74.

under s.12 of the *Community Charter*.

As per s.59(2) of the *Community Charter*, before enacting the proposed by-law amendment under the s.8(6) business regulation power, a municipality must give notice of its intention to do so, and provide an opportunity for persons who consider they are affected by the by-law to make representations to council.<sup>125</sup>

#### 4.3.1.2 Business Licensing Powers

The business licensing power under s.15 of the *Community Charter* is one way that a municipality may exercise their s.8(6) power to regulate businesses. Under this power, a municipality may establish terms and conditions that must be met in order for a business to obtain, continue to hold, or renew a licence.<sup>126</sup> A business must have a valid licence to operate.

There does not appear to be reported case law from British Columbia interpreting the s.15 licensing power, though as a form of business regulation, any licensing conditions must fall within the parameters of a valid regulation outlined in the section above.

In Ontario, however, courts have “grant[ed] wide authority to the City [of Toronto] to pass business licensing by-laws that advance the public interest and respond to the needs of the City.”<sup>127</sup> They “attract an expansive and deferential interpretation.”<sup>128</sup> Under Ontario’s *Municipal Act*, Ontario municipalities also have authority to pass by-laws regarding “business licensing”.<sup>129</sup> The Ontario Court of Appeal held in *118143 Ontario Inc. v. Mississauga (City)* that a business licensing system includes “the ability to regulate business premises and the equipment and other personal property used or kept for hire in the business.”<sup>130</sup>

Section 194 of the *Community Charter* permits municipalities to impose business licence fees that cover the cost of administering the regulatory scheme. The municipality must make available to the public, on request, a report explaining how the fee was determined. In the case of warning labels, the cost to implement may be passed on the gas station retailers, if the municipality chose to do so.

#### 4.3.1.3 Current Municipal Regulation of Gas Stations

As noted, all businesses in B.C. are regulated by by-laws and can be required to obtain a licence before they can operate. Gas stations are no exception. From a survey of business regulation across B.C. municipalities, there is usually a single business licence by-law that outlines a general set of rules for all businesses in the district and fixes licence fees.<sup>131</sup> This by-law generally requires that, as a condition of holding a licence, a business must comply with the municipality’s land use or zoning by-law and all other

<sup>125</sup> *Community Charter*, *supra* note 77, s. 59(2).

<sup>126</sup> *Community Charter*, *supra* note 77, s. 15(d).

<sup>127</sup> *Toronto Livery Association v. Toronto (City)*, 2009 ONCA 535 (CanLII), at para. 28 (Note: the equivalent to s. 8(2) in the *City of Toronto Act* is s. 8(3) in the *Community Charter*).

<sup>128</sup> *Ibid*, at para. 29.

<sup>129</sup> *Municipal Act*, S.O. 2001, c 25, s. 10(2), 11(3).

<sup>130</sup> *118143 Ontario Inc. v. Mississauga (City)*, [2004] O.J. No. 4143 (ONCA), at para 12.

<sup>131</sup> The Corporation of the District of Saanich, *Business Licence Bylaw 2002*, No. 8213. Online: <<http://www.saanich.ca/living/pdf/buslicence8213.pdf>>.

applicable municipal by-laws.<sup>132</sup> Zoning and land use by-laws not only indicate where in a community a gas station may be located, but provide additional regulations including the use of the gas station, building specifications, and parking.<sup>133</sup> Other applicable by-laws may regulate such things as the installation and removal of gas pumps.<sup>134</sup>

Working with this existing framework, a municipality might chose to implement out labels in one of the following ways:

- An amendment to the business licensing by-law, inserting a specific provision pertaining to warning labels on gas nozzles;
- An amendment to an existing by-law, inserting specific provision pertaining to warning labels on gas nozzles; or
- The enactment of a new by-law with a specific provision pertaining to warning labels on gas nozzles.<sup>135</sup>

#### 4.3.2 Fundamental Powers: Community Well-being, Public health & Environmental Protection

Section 8(3) of the *Community Charter* empowers a municipality to pass by-laws that “regulate, prohibit and impose requirements in relation to” a list of subject matters. These are considered to be the ‘fundamental powers’ of a municipality and, despite some defined limitations, these powers are to be given a “broad interpretation” so as to empower the municipality.<sup>136</sup> The powers that would most likely support our proposed by-law amendment include:

- (h) The protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 [*nuisances, disturbances and other objectionable situations*]
- (i) Public health
- (j) Protection of the natural environment

While these powers are broader than the s.8(6) power to regulate businesses, both s.8(3)(i) [*public health*] and (j) [*protection of the natural environment*] are subject to “concurrent jurisdiction” restrictions under s.9 of the *Community Charter*. This means that both the provincial government and the municipality have the ability to regulate in relation to them.<sup>137</sup> The s.9 provisions are meant to ensure that municipal by-laws are consistent with provincial regulation.<sup>138</sup> As such, when regulating in these areas, municipalities can only enact a by-law in accordance with relevant provincial regulations, or with the agreement or approval of the responsible cabinet minister.<sup>139</sup> <sup>140</sup> It may be prudent to request ministerial approval regardless of whether the by-law is in accordance with a regulation, as previously-enacted by-laws have been overturned in court

<sup>132</sup> *Ibid* at s. 4.1(i).

<sup>133</sup> Township of Esquimalt, Zoning Bylaw 1992 No. 2050, s. 49. Online: <[http://www.esquimalt.ca/files/PDF/Bylaws/Bylaw\\_2050\\_-\\_Zoning\\_Bylaw\\_Consolidated\\_2014.pdf](http://www.esquimalt.ca/files/PDF/Bylaws/Bylaw_2050_-_Zoning_Bylaw_Consolidated_2014.pdf)>.

<sup>134</sup> City of Victoria, *Fuel Equipment and Storage Bylaw*, 2007 No. 07-049. Online: <<http://www.victoria.ca/assets/City~Hall/Bylaws/bylaw-07-049.pdf>>

<sup>135</sup> While we have referred to a “by-law amendment” throughout this report, we acknowledge that a new by-law may be enacted.

<sup>136</sup> *Community Charter*, *supra* note 77, s. 4 and *Interpretation Act*, s. 8.

<sup>137</sup> *Community Charter*, *supra* note 77, s. 9.

<sup>138</sup> *Inventory of Air Quality Bylaws in BC*, *supra* note 110, at 13.

<sup>139</sup> *Community Charter*, *supra* note 77, s. 9(3).

<sup>140</sup> *Community Charter*, *supra* note 77, s. 9(3).

due to their lacking ministerial approval.<sup>141</sup> This approval should be obtained after the by-law's third reading by Council.<sup>142</sup>

#### 4.3.2.1 Public Health

Section 8(3)(j) of the *Community Charter* permits municipal by-laws that "regulate, prohibit and impose requirements in relation to... public health."<sup>143</sup>

This is an obvious source of jurisdiction for possible by-laws dealing with air pollution; however, it is subject to the "concurrent jurisdiction" of the provincial government.<sup>144</sup> Again, this requires that the enacting municipality ensure that the by-law is (a) in accordance with a regulation; (b) in accordance with an agreement; or (c) approved by the Minister responsible.<sup>145</sup>

The province has enacted the *Public Health By-Law Regulation*, B.C. Reg. 42/2004 in relation to this power. In order to pass a public health by-law, municipalities must adhere to the requirements of the regulation. Those that would apply to our proposed by-law amendment include:

- The by-law must concern the "the protection, promotion, or preservation of the health of individuals",<sup>146</sup>
- The council must deposit a copy of the by-law with the Minister;<sup>147</sup> and
- Before adopting the by-law, the council must consult with the regional health board or medical health officer responsible for public health matters within the municipality.<sup>148</sup>

It appears that our proposed by-law amendment would meet these requirements. As discussed in 2.4 above, it is clear that air pollution has a direct impact on the health of B.C. citizens, and from 2.5, it is becoming increasingly evident that climate change has a similar effect. It is also unlikely that a local health board or health officer would have any serious objections to our initiative, and may even welcome it, given the health burden that vehicle emissions have. Notably, the health board or officer does not have a veto over by-laws, and is consulted for their views.<sup>149</sup>

#### 4.3.2.2 Protection of the Natural Environment

Section 8(3)(i) of the *Community Charter* permits municipal by-laws that "regulate, prohibit and impose requirements in relation to... the protection of the natural environment".<sup>150</sup>

This authority is also subject to the "concurrent jurisdiction" of the provincial government; municipalities

<sup>141</sup> See *Peachland (District) v Peachland Self Storage Ltd.*, 2013 BCCA 273.

<sup>142</sup> *Community Charter*, *supra* note 77, s. 135(4).

<sup>143</sup> *Community Charter*, *supra* note 77, s. 8(3)(j).

<sup>144</sup> *Community Charter*, *supra* note 77, s. 9(1)(a).

<sup>145</sup> *Community Charter*, *supra* note 77, s. 9(3).

<sup>146</sup> *Public Health Bylaws Regulation*, B.C. Reg. 2/2004, s. 2(1)(a) [*Public Health Bylaws Reg.*].

<sup>147</sup> *Ibid*, s. 2(2)(a).

<sup>148</sup> *Ibid*, s. 2(2)(c).

<sup>149</sup> West Coast Environmental Law (2006) *The Clean Air Bylaws Guide*, at 36. Online:

<<http://wcel.org/sites/default/files/publications/The%20Clean%20Air%20Bylaws%20Guide.pdf>>

<sup>150</sup> *Community Charter*, *supra* note 77, s. 8(3)(i).



can only enact by-laws under this power in accordance with relevant provincial regulations, or with the agreement or approval of the responsible cabinet minister.<sup>151</sup> The province has enacted the *Spheres of Concurrent Jurisdiction – Environmental and Wildlife Regulation*, BC Reg. 144/2004, however, this regulation does not provide for by-laws concerning air pollution or climate change.<sup>152</sup> A municipality may still be able to pass a by-law requiring warning labels on gas pumps with the agreement or approval of the Minister of Environment. This would require convincing the Minister of the value of this initiative.

#### 4.3.2.3 Community Well-Being

Lastly, s.8(3)(h) of the *Community Charter* permits municipal by-laws that “regulate, prohibit and impose requirements in relation to... the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 [nuisances, disturbances and other objectionable situations].”<sup>153</sup> Section 64 of the *Community Charter* provides a number of matters upon which the municipality can exercise their s.8(3)(h) power. The following two matters are relevant to our proposed by-law amendment:

*(c) the emission of smoke, dust, gas, sparks ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere.*<sup>154</sup>

Section 64(c) specifically provides for the authority of municipalities to regulate air pollution.<sup>155</sup> It does not appear to have been judicially interpreted; however, as noted in 4.2.4 above, an analogy may be drawn with other valid municipal bylaws relating to vehicle emissions. The power provided by s.8(3)(h) and s.64(c) of the *Community Charter* serves to ground the anti-idling bylaw of The Town of Gibsons, B.C.<sup>156</sup> Since gas labels have the same objective as anti-idling bylaws (the reduction of harmful vehicle emissions), this power may perhaps also be used to justify our proposed by-law amendment.

It is also important to note that this power may also be used to support our wider objective of combating climate change. As discussed in 4.2.4 above, vehicle emissions are “smoke, fumes or effluvia” and they contaminate the atmosphere by adding harmful and undesirable CO<sub>2</sub> and other GHGs to it, thereby making it more dangerous for human (and other) life.

This power is not under the “concurrent jurisdiction” of the provincial government and therefore is not subject to any further provincial oversight.

#### 4.3.3 Precedent for Municipalities’ Jurisdiction to Reduce Greenhouse Gas Emissions

Section 53 of the *Community Charter* provides explicit authority for municipalities to exercise their authority under s. 8(3)(l) in relation to buildings to reduce GHG emissions.<sup>157</sup> The fact that this has been contemplated, and deemed to be a valid municipal action, at least in the context of regulating buildings,

<sup>151</sup> *Community Charter*, supra note 77, s. 9(1)(b).

<sup>152</sup> *Spheres of Concurrent Jurisdiction – Environmental and Wildlife Regulation*, BC Reg. 144/2004, s.2.

<sup>153</sup> *Community Charter*, supra note 77, s. 8(3)(h): “(h) the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 [nuisances, disturbances and other objectionable situations].”

<sup>154</sup> *Community Charter*, supra note 77, s. 64(c).

<sup>155</sup> *Inventory of Air Quality Bylaws in BC*, supra note 110, at 12.

<sup>156</sup> Town of Gibsons, Bylaw No. 1010, 2005. A bylaw to regulate the idling of vehicles, online: < <http://www.gibsons.ca/bylaws> >.

<sup>157</sup> *Community Charter*, supra note 77, s. 53(2)(c).

bodes well for the authority to do so in relation to regulating business (or through another head of authority).

#### 4.4 Treatment and Limitations of Municipal Decisions

The powers of a municipality are defined by the *Community Charter* (or other provincial legislation) as well as by the need to avoid inconsistencies with existing provincial legislation, as noted above. However, there are some additional rules regarding the interpretation and extent of municipal powers and the treatment of municipal decisions. These parameters have been set out by both legislation and case-law and relate to interpretation, deference, discrimination, and scope of application.

##### 4.4.1 Broad Interpretation

Section 4(1) of the *Community Charter* provides that:

*“the powers of a municipality and their councils under this Act or the Local Government Act must be interpreted broadly in accordance with the purposes of those Acts and in accordance with municipal purposes.”*<sup>158</sup>

As noted, the purposes of the *Community Charter* include the authority to address community needs, and to afford flexibility in the interpretation of municipal enabling statutes.<sup>159</sup> Municipal purposes include good government, laws for community benefit, and fostering the economic, social and environmental well-being of the community.<sup>160</sup>

The Supreme Court of Canada endorsed a “broad powers” approach to municipal regulation, after a group of Calgary taxi drivers challenged the jurisdiction of the city of Calgary to enact a by-law limiting the number of taxi plate licences available in the municipality. Mr. Justice Bastarache found that “modern municipalities... require greater flexibility in fulfilling their statutory purposes”.<sup>161</sup> Further, a municipality need only have one proper purpose for the by-law to be valid, even if members of Council may have other motivations.<sup>162</sup>

##### 4.4.2 Judicial Deference to Decisions by Municipalities

Our courts have complemented this broad approach by adopting a high degree of deference in the judicial review of decisions of municipal councils. When a municipal decision to enact a by-law is challenged in court by a person affected by that by-law, a court may judicially review whether the decision was within the municipality's power to carry out, and whether the decision was reasonable.

The question of whether the decision was within the jurisdiction of the municipality to make, as described by statute, will be determined by the courts on a low standard of deference, known as “correctness”.<sup>163</sup> In our case, the court might ask: does the *Community Charter* provide the municipality with the power to pass

<sup>158</sup> *Community Charter*, *supra* note 77, s. 4(1).

<sup>159</sup> *Community Charter*, *supra* note 77, s. 3.

<sup>160</sup> *Community Charter*, *supra* note 77, s. 7.

<sup>161</sup> *United Taxi Drivers' Fellowship of Southern Alberta v. Calgary (City)*, 2004 SCC 19, at para. 6.

<sup>162</sup> *International Bio Research v Richmond (City)*, 2011 BCSC 471, at para. 47.

<sup>163</sup> *Ibid* at para 18.

a by-law amendment relating to vehicle emissions, air pollution, and climate change – yes or no?

If the Court finds that the action was within the municipality's jurisdiction as it is prescribed by statute, the court will then consider whether the municipal action was reasonable. To continue our example, if the court answers "Yes" to the first question, they might then ask: is the gas label by-law amendment reasonable having regard to the process taken by the municipality and, does it fall within a range of possible, reasonable actions that the municipality could have taken to achieve the goal of the by-law?<sup>164</sup>

Recently, in the Supreme Court of Canada, in *Catalyst Paper Corporation v. North Cowichan (District)*, a paper manufacturing company sought to judicially review the District of North Cowichan's property taxation by-law that levied a tax rate that was 20 times higher for industrial properties than residential properties. The Court found that when enacting a by-law, a municipality must take into account social, economic, political and other non-legal considerations; as a result, the court will defer to the council's responsibility to serve the people who elected them.<sup>165</sup> Even though the tax rate was very high, due to the additional considerations at issue, the decision by the municipality to enact the by-law was not found to be unreasonable.<sup>166</sup> Indeed, the court confirmed that finding unreasonableness in local government decisions will continue to be very difficult:

*"I conclude that the power of the courts to set aside municipal bylaws is a narrow one, and cannot be exercised simply because a bylaw imposes a greater share of the tax burden on some ratepayers than on others."*<sup>167</sup>

This confirms the decision in *Nanaimo (City) v. Rascal Trucking Ltd.*, in which the Supreme Court of Canada concluded that courts may review municipal actions that are made within the bounds of the enabling statute on a *highly deferential* standard:

*"A by-law is not unreasonable merely because particular judges may think that it goes further than is prudent or necessary or convenient..."*

*... Recent commentary suggests an emerging consensus that courts must respect the responsibility of elected municipal bodies to serve the people who elected them and exercise caution to avoid substituting their views of what is best for the citizens for those of municipal councils..."*<sup>168</sup>

Furthermore, due to the global nature of climate change, one might question whether the use of warning labels to encourage a reduction of GHGs by a municipality is reasonable. That is, would the labels have any real impact on climate change? This question is implicit in the larger question of whether climate change can be understood as a municipal issue, a question we believe has already by answered in the affirmative.

<sup>164</sup> *Catalyst Paper Corporation v. North Cowichan (District)*, 2012 SCC 2, [2012] 1 S.C.R. 5, at para. 16 [*Catalyst Paper*].

<sup>165</sup> *Ibid*, at para 19.

<sup>166</sup> William A. Buholzer, *Local Government in British Columbia*, 5<sup>th</sup> ed. (Vancouver: 2013), at para. 104.

<sup>167</sup> *Catalyst Paper*, *supra* note 164, at para 9.

<sup>168</sup> *Nanaimo (City) v. Rascal Trucking Ltd.*, 2000 SCC 13, [2000] 1 SCR 342, at para 36 [*Nanaimo v. Rascal Trucking*].

A stringent test of reasonableness would also require the court to measure the effectiveness of our proposed intervention. However, such a test, one that would require an intervention to ‘solve’ climate change to be reasonable, would be failed by any proposal at every level of government in Canada. Indeed, if the entire province – or even the entire country – stopped emitting GHGs tomorrow, we would still not ‘solve’ climate change. The proper test therefore is simply whether the measure helps to reduce GHG emissions; anything more than this creates an impossible standard for any level of government.<sup>169</sup> This is also the only possible standard that would make practicable federal and provincial calls for action on climate change by all levels of government.<sup>170</sup>

The warning labels meet this test. The fact that another level of government can implement climate change or air pollution initiatives with greater impact is irrelevant. Supreme Court of Canada Justice L’Heureux-Dubé, writing for the majority in *Spraytech v. Hudson*, stated:

“As a general principle, the mere existence of provincial (or federal) legislation in a given field does not oust municipal prerogatives to regulate the subject matter.”<sup>171</sup>

As noted in 4.1.1, L’Heureux-Dubé went on to describe the system of pesticide regulation as a “tri-level regulatory regime”.<sup>172</sup> There is no doubt that this description can be extended to other areas of environmental regulation. Moreover, the local impacts of vehicular pollution on health and well-being are also serve to underscore the municipal jurisdiction in this area.

#### 4.4.3 Power to Differentiate

Section 12(1) of the *Community Charter* provides that “by-laws may...:

- b) establish different classes of persons, places, activities, property or things; and
- c) make different provisions, including exceptions, for different classes established under paragraph (b).”<sup>173</sup>

The warning labels by-law amendment is non-discriminatory as it applies equally to all gasoline retailers within a municipality’s jurisdiction.<sup>174</sup> Notwithstanding this, climate change is an issue with multiple causes that no single proposal can entirely address. To the extent that our by-law amendment provides differential treatment between sectors that contribute to climate change (for example, the transportation sector rather than the industrial sector), a municipality has legitimate discretion to do so under the *Community Charter*.

<sup>169</sup> More broadly, fossil fuel extraction and infrastructure projects are routinely approved by regulatory bodies on the basis that their incremental environmental impacts are insignificant when compared against global carbon emissions. To suggest that initiatives that reduce GHG emissions must somehow achieve more than marginal reductions would be to hold mitigative initiatives to a double standard. Such a standard would create an unjust, asymmetric legal environment in which activities that increase emissions are explicitly favoured over activities that decrease emissions. The result would be an open endorsement of climate change and air pollution. Such a result strikes the author as absurd.

<sup>170</sup> *Fed and Prov support*, *supra* note 42.

<sup>171</sup> *Spraytech v. Hudson*, *supra* note 89, at para 39.

<sup>172</sup> *Ibid.*

<sup>173</sup> *Community Charter*, *supra* note 77, s. 12(1).

<sup>174</sup> This is unlike the situation in *Shell Canada v. Vancouver*. In that case, the target of a resolution by the City of Vancouver was a particular gasoline company, not the sector as a whole.

#### 4.4.4 Limit on the Boundaries of the Municipality

Section 11(1) of the *Community Charter* states that, unless otherwise authorized by statute:

“a municipality and its council may only exercise or perform their powers, duties and functions with the boundaries of the municipality”<sup>175</sup>

The Supreme Court of Canada endorsed this principle in *Shell Canada Products Ltd. v Vancouver (City)*. The Court concluded that there is a territorial limit on the council’s jurisdiction and that the purpose of any action must be to provide a benefit to the citizens of the municipality.<sup>176</sup>

Our proposed by-law amendment appears to fit these territorial limits. The gas labels would only be placed within the boundaries of the municipality that have legislated our proposed by-law amendment. Furthermore, municipalities across B.C are currently, and will continue to be, affected by climate change and air pollution. Not only are these issues caused, at least in part, by vehicle emissions from each and every B.C. municipality, but the benefits of combating these issues will be felt by the citizens of each and every B.C. municipality. Therefore, the purpose of the proposed by-law amendment would indeed serve to benefit the citizens of the municipality where it was enacted.

However, the court also noted that the council may make laws that “have regard for matters beyond its boundaries”.<sup>177</sup> This ability of councils to consider extraterritorial matters in their deliberations is important in the context of climate change as the economic, social, environmental, and health issues of climate change are not limited by political borders. Therefore, while a municipality must consider the effects of air pollution and climate change with their boundaries, a council can consider the impacts of climate change across ecosystems.

#### 4.5 Judicial Treatment of Similar Forms of Municipal Action

The placement of warning labels on gas nozzles as a means to combat an important issue such as climate change might seem to be a novel idea, but it is not without precedent in Canada. Neither is the use of municipal by-law power to effect change. The following section will describe a number of Canadian initiatives that serve as inspiration and precedent for our labels, and the municipal power to enact them.

##### 4.5.1 Warning Labels on Tobacco and Compelled Speech

A possible challenge to this proposed by-law amendment will come from oil petroleum companies on the grounds that these labels amount to compelled speech and violate their constitutionally protected right to freedom of expression. This argument was encountered in the case of warning labels on tobacco packages.

In a majority decision in *RJR-MacDonald Inc. v. Canada*, the Supreme Court of Canada held that warning

<sup>175</sup> *Community Charter*, *supra* note 77, s. 11(1).

<sup>176</sup> *Shell Canada Products Ltd. v. Vancouver (City)*, [1994] 1 SCR 231, at para 100 [*Shell Canada v Vancouver (City)*].

<sup>177</sup> *Ibid.*

labels on tobacco packages violated manufacturers' s.2(b) freedom of expression rights under the *Charter of Rights and Freedoms* since "freedom of expression necessarily entails the right to say nothing or the right not to say certain things."<sup>178</sup> The court added that the infringement could have been justified under s.1 of the *Charter* but that the proposed designs were not attributed to the government and could give rise to the inference that the warnings were from the manufacturers themselves. The majority held that the government was unable to justify this non-attribution and struck down the legislation.<sup>179</sup>

The federal government responded by revising its legislation such that the warnings were attributed to the government; this is why cigarette packaging in Canada today includes the text "Health Canada". The issue was revisited by the Supreme Court of Canada in *Canada v. JTI-Macdonald Corp.* and the labels were upheld.<sup>180</sup> Our gas pump warning labels anticipate this s.2(b) challenge by including attributions in small print at the bottom of our mock-ups.<sup>181</sup> While the tobacco warning labels were a federal initiative, the *Charter* analysis would likely remain the same in the municipal context.

#### 4.5.2 Consumer Information Labels on Business Property

Our initiative differs from warnings on tobacco packages in that the proposed gas labels are located on the property of a business, not directly on the product itself. However, a City of Toronto program provides both a precedent for this concept as well as a good example of successful municipal action. While this example comes from a different jurisdiction, the decision by the Ontario Court of Appeal on the matter will provide some weight in courts here in British Columbia.

In 2001, the City of Toronto launched a program that required restaurant owners to place information notices on their entrances to communicate the results of their health inspections to customers. The City relied on its general health and welfare powers and its licensing powers to pass the by-law.<sup>182</sup>

The by-law was challenged by the Ontario Restaurant Hotel & Motel Association ("ORHMA") on several grounds. The Superior Court held that the City's by-law did not clash with provincial health law.<sup>183</sup> It also concluded that the notices did not infringe on licence holders' s.2(b) freedom of expression rights, which, even if it did, was held to be justifiable given that the notices were "clearly attributed to the City of Toronto and not to the individual restaurant owner."<sup>184</sup>

The Superior Court further observed that the information labels do "not in any way prohibit a restaurant owner from disavowing whatever messages the notices contain. An owner is free to post any message the owner chooses in response to the inspection notice."<sup>185</sup> Similarly, gasoline retailers have much space on which to communicate their own messages in response to the labels proposed for their gas nozzles.

The Court of Appeal found that the by-law was rooted in "significant public health and consumer

<sup>178</sup> *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1995] 3 SCR 199 at para 113 [*RJR-MacDonald*].

<sup>179</sup> Interestingly, the minority held that the unattributed messages actually did not violate tobacco manufacturers' freedom of expression. La Forest J. wrote that the expression in question was commercial in nature and far from "the 'core' of freedom of expression values" and "must then be accorded a very low degree of protection."

<sup>180</sup> *Canada (Attorney General) v. JTI-Macdonald Corp.*, 2007 SCC 30, [2007] 2 SCR 610.

<sup>181</sup> A possible attribution might read: "Required by Municipality of ABC by-law 2014-058."

<sup>182</sup> *Ontario Restaurant Hotel & Motel Ass. v. Toronto (City)*, 2004 CanLII 34445 (ON SCDC) at para 15.

<sup>183</sup> *Ibid.* at para 20.

<sup>184</sup> *Ibid.* at para 46.

<sup>185</sup> *Ibid.* at para 47.

protection imperatives” and merely required the licence holder to disclose risks associated with the consumption of its product.<sup>186</sup> It upheld the Superior Court’s decision and added that “the Charter does not prohibit governments from communicating messages that contradict commercial messages.”<sup>187</sup> Our warning labels are similarly rooted in significant public health and consumer protection concerns.<sup>188</sup> The labels merely disclose the risks associated with consumption of the licence holders’ product.

#### 4.5.3 Shark fin Bans

Unsuccessful precedent case law can be as informative as successful case law. *Eng v Toronto (City)* 2012 ONSC 6818 (CanLII) and *Shell Canada Products Ltd. v Vancouver (City)* [1994] 1 SCR 231, both of which concern municipal by-laws that were struck down by the courts, have been helpful in delineating the scope of the municipal law power in Canada. They are distinguishable from our proposed by-law in a number of ways.

The City of Toronto recently had its shark fin ban overturned in *Eng v. Toronto (City)*. Part of Justice Spence’s reasoning was based on his finding that the ban would not “have any identifiable benefit for Toronto with respect to the environmental well-being of the City.”<sup>189</sup> He held the city was seeking to affect matters outside the boundaries of Toronto, without benefiting inhabitants within the City itself.<sup>99</sup>

In his judgment, Justice Spence referred to *Shell Canada Products Ltd. v. Vancouver (City)*, a Supreme Court of Canada decision. The case addressed a resolution by the City of Vancouver not to do business with Shell Canada, a petroleum company, due to its investments in apartheid South Africa. The purpose of the resolution was to encourage Shell to withdraw from doing business in South Africa and express moral outrage against the apartheid regime.<sup>190</sup> However, it was disputed whether the resolution fell within the powers of the City of Vancouver as provided by the *Vancouver Charter*.<sup>191</sup>

Section 189 of the *Vancouver Charter* states that “Council may provide for the good rule and government of the city.”<sup>192</sup> The court found this provision instructive, indicating that while there is a territorial limit on the Council’s jurisdiction, the council can make laws that “have regard for matters beyond its boundaries” though the purpose of these laws must be to benefit the citizens of the city.<sup>193</sup> The court also found that the Resolution was discriminatory because it singled out Shell for doing business in South Africa, while taking no action against other corporations who were also doing business in South Africa at the time.<sup>194</sup>

It should be noted that there was a very strong minority judgment in this case, written by Justice McLachlin (as she was at the time) who found the Resolution was within the powers of the Vancouver municipal government. Some of Justice McLachlin’s reasons concerning the interpretation of municipal legislation were subsequently adopted by the Supreme Court of Canada in *Spraytech v. Hudson (City)* and *Nanaimo*

<sup>186</sup> *Ontario Restaurant Hotel & Motel Association v. Toronto (City)*, 2005 CanLII 36152 (ON CA) at para 14.

<sup>187</sup> *Ibid*, at para 11.

<sup>188</sup> Public Health Agency of Canada, “Climate Change and Public Health Factsheets”, Government of Canada, online: <<http://www.phac-aspc.gc.ca/hp-ps/eph-esp/fs-fi-a-eng.php>>.

<sup>189</sup> *Ibid*, at para 66.

<sup>190</sup> *Shell Canada v Vancouver (City)*, *supra* note 176, at para 74.

<sup>191</sup> *Ibid*, at para 75.

<sup>192</sup> *Vancouver Charter*, SBC 1953, c 55, s.189.

<sup>193</sup> *Shell Canada v Vancouver (City)*, *supra* note 176, at para 100.

<sup>194</sup> *Ibid*, at para 105.

*(City) v. Rascall Trucking Ltd.*<sup>195</sup>

The shark fin decision and the Shell Canada decision can be distinguished from our proposed initiative on a number of grounds. Three grounds are of particular interest:

**1) The labels merely provide information, they are not a ban or prohibition**

*Eng v. Toronto (City)* concerns an outright ban on an otherwise legal product. Our labelling by-law amendment is not a ban; it is merely the provision of information to consumers. It is more akin to *RJR-MacDonald* and *Ontario Restaurant Hotel & Motel Association v. Toronto*. *Shell Canada v. Vancouver (City)* concerned a prohibition against doing business with a law-abiding company. Relative to the shark fin ban or the resolution against Shell Canada, our proposal is not restrictive at all; citizens would be free to consume gasoline exactly as they did in the absence of the labelling by-law amendment. The unobtrusive nature of our by-law amendment is made even more evident when considered against the “existential threat” that is climate change.<sup>196</sup>

**2) Greenhouse gas reduction efforts by municipalities are customary**

The practice of finning sharks quickly became a cause célèbre in municipal circles in 2011. Prior to this period, the subject matter appears to have had no historic consideration by local governments in Canada. However, in 2011, the question of whether there existed a valid municipal purpose was very much a live issue. In the end, only a handful of municipalities actually passed bans on shark fin products.

The context for our labelling by-law amendment is entirely different. Municipalities across our country have undertaken hundreds of initiatives directed at the reduction of GHG emissions over the course of many years.<sup>197</sup> Federal and provincial governments are explicit in their encouragement for all levels of government to act on climate change.<sup>198</sup> The practice of municipal action to reduce GHG emissions is an accepted custom; it would seem highly unlikely for a court to rule to the contrary.

**3) Location of the act and location of the harm**

In *Eng v. Toronto (City)* and *Shell Canada v. Vancouver (City)*, there was a weak nexus to matters of local concern. The act that caused the harm (eg. a person finning a shark) and the harm itself (eg. a shark being finned) occurred in distant oceans. As with the prohibition against *Shell*, the shark fin ban in *Eng* sought to “affect matters in another part of the world.”<sup>199</sup> This distance was compounded by an intervention whose intended impact was mediated by abstract principles of supply and demand.<sup>200</sup> In the context of our proposal, both the location of the act that causes the harm and the location where the harm is experienced occur entirely within a municipality’s borders. The connection is direct: as soon as I finish pumping gas and turn my key in the ignition, I am causing the harm. Indeed, our by-law amendment does not seek to “affect matters in another part of the world”; it addresses a matter that is happening

<sup>195</sup> References to Justice McLachlin’s judgment in *Shell Canada v. Vancouver* can be found in *Spraytech v. Hudson*, at para 23, and *Naniamo v. Rascal Trucking*, at para 36.

<sup>196</sup> “UN Secretary-General in Davos: Climate Change is “only one truly existential threat”, *International Institute for Sustainable Development* (29 January 2009), online: <<http://climate-iiisd.org/news/un-secretary-general-in-davos-climate-change-is-only-one-truly-existential-threat>>.

<sup>197</sup> *FCM Partners for Climate Protection*, *supra* note 41.

<sup>198</sup> *Fed and Prov support*, *supra* note 42.

<sup>199</sup> *Eng v. Toronto (City)*, 2012 ONSC 6816 (CanLII), at para. 51 [Eng].

<sup>200</sup> *Ibid*, at para. 43.



down the street.

The impacts of GHGs vary from place to place and engage communities as local entities.<sup>201</sup> Recent examples from British Columbia are illustrative. In February 2014, twenty people were laid off from their jobs in Qualicum Beach on Vancouver Island when a local shellfish producer had to scale back their operations. The plant had to downsize considerably because 95% of its shellfish crop, about 10 million scallops, were lost to ocean acidification – an another effect of rising atmospheric CO<sub>2</sub>.<sup>202</sup>

Logging communities in B.C.'s interior are more concerned with the impacts to forests from the proliferation of the Mountain Pine Beetle due to warmer winters.<sup>203</sup> The local distinctiveness of climate change impacts recalls the principle of subsidiarity from *Spraytech*, and highlights the fact that it is actually the municipal level of government that is best situated to implement our warning labels. The local nexus for our by-law amendment is further strengthened by the fact that air pollution from vehicles impacts health and the environment on a very local level.<sup>204</sup>

In short, the *Eng* and *Shell* decisions involved sets of facts that were fundamentally different from the herein proposed by-law amendment. However, *Eng* and *Shell* provide some guidance with respect to label design. The reasoning in these decisions that permits a council to "... have regard for matters beyond its boundaries in exercising its powers..."<sup>205</sup> supports, by extension, the development of a series of warning labels that reflect local matters which are complemented by a series of label designs that reflect more global concerns.

## 4.6 Additional Implications of Gasoline Warning Labels

### 4.6.1 Interference with Business

The question of illegality due to interference in a licence holder's business was explored by the Ontario Court of Appeal in *Toronto Taxi Alliance Inc. v. Toronto (City)*. In this case, restrictions placed on the taxicab industry were upheld. The court found that "the by-law was passed for a proper purpose" and the fact that it "interferes to some extent with the contractual and financial decision making of licence holders does not render the by-law invalid."<sup>206</sup> This is consistent with *Re Christie Taxi Ltd. and Doran* where the court observed that a by-law that regulates a business "is valid even though it interferes with private contractual and civil rights."<sup>207</sup>

In considering warning labels on tobacco packages, La Forest J. wrote for the minority in *RJR-MacDonald* that "[t]he warnings do nothing more than bring the dangerous nature of these products to the attention of the consumer... the only cost associated with the unattributed health warning requirement was a

<sup>201</sup> "Caring for the Air," Metro Vancouver (2014), online:

< [http://www.metrovancouver.org/services/air-quality/AirQualityPublications/Caring\\_for\\_the\\_Air-MV2014.pdf](http://www.metrovancouver.org/services/air-quality/AirQualityPublications/Caring_for_the_Air-MV2014.pdf)>.

<sup>202</sup> John Harding, "10 million scallops are dead; Qualicum company lays off staff", *The Parksville Qualicum Beach News* (25 February 2014), online: <<http://www.pqbnews.com/news/247092381.html>>.

<sup>203</sup> "Mountain pine beetle poised to ravage Eastern Canada", *CBC News* (4 April 2013), online: <<http://www.cbc.ca/news/technology/mountain-pine-beetle-poised-to-ravage-eastern-canada-1.1339467>>.

<sup>204</sup> *Air Pollution Burden of Illness from Traffic*, *supra* note 33.

<sup>205</sup> *Eng*, *supra* note 199, at para. 51.

<sup>206</sup> *Toronto Taxi Alliance Inc. v. Toronto (City)*, 2005 CanLII 47232 (ONCA), at para. 53.

<sup>207</sup> *Re Christie Taxi Ltd. and Doran*, 1975 CanLII 336 (ON CA), 1975 CarswellOnt 894, at para 30.

potential reduction in profits; manufacturers of dangerous products can reasonably be expected to bear this cost.”<sup>208</sup>

The IPCC and various other organizations have concluded that we must leave the vast majority of fossil fuels underground or we jeopardize the viability of our planet for future generations. Vehicular emissions also have a direct impact on our health and result in significant economic costs. In this context, any interference with private contractual and civil rights and any reduction in profit can only reasonably be expected given the dangerous and costly nature of the product.

#### 4.6.2 Gasoline Retailers Pay for Reasonable Licensing Cost

Section 8(8) of the *Community Charter* states that a municipality’s power to regulate, prohibit, and impose requirements include powers to:

- (a) Provide that persons may engage in a regulated activity only in accordance with the rules established by bylaw;
- (c) Require persons to do things with their property... [and] and to do things at their expense...<sup>209</sup>

Section 194(1) of the *Community Charter* also permits a municipal council to impose a fee in respect of the exercise of the authority to regulate, prohibit, or impose requirements.

Therefore, costs incurred by the municipality in administering the warning labels by-law amendment can be recovered via licensing fees. In *Surdell-Kennedy Taxi Ltd. v. Surrey (City)*, the City of Surrey implemented a by-law requiring an auction process for taxi licences, which included a fee. The B.C. Supreme Court stated:

[F]or the auction price to be properly characterized as a license fee the auction price must bear a direct relationship to Surrey’s cost of administering the licensing service.<sup>210</sup>

In *Surdell-Kennedy*, the auction fee was deemed to be an invalid form of taxation, as it was not directly related to the City’s costs to administer the licensing service. The Court cited an Ontario Court of Appeal case, *Urban Outdoor Trans Ad v Scarborough (City)*, which states that the fees must “bear a reasonable relation to the cost of providing the service” and are intended to “defray expenses, not to raise revenue”.<sup>211</sup> Fortunately, and of particular interest to fiscally-minded councillors, if the cost for our initiative is passed on via licensing fees to gasoline retailers, it would likely be deemed reasonable as the cost for stickers and nozzle talkers is nominal.

#### 4.6.3 Consultation

<sup>208</sup> *RJR-MacDonald*, supra note 178.

<sup>209</sup> *Community Charter*, supra note 77, s. 8(8)(a),(c).

<sup>210</sup> *Surdell-Kennedy Taxi Ltd. v. Surrey (City)*, 2001 BCSC 1265, at para. 36.

<sup>211</sup> *Ibid*, citing *Urban Outdoor Trans Ad v Scarborough (City)*, 2001 CanLII 24140 (ON CA), at para 31.

In the process of creating a by-law regulating businesses under s. 8(6) of the *Community Charter*, council must give notice of its intention and provide consultation opportunities for persons affected by the bylaw.<sup>212</sup> The form, manner, time and frequency of the notice are decided as the Council considers reasonable.<sup>213</sup> Such efforts help to address procedural concerns.

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<sup>212</sup> *Community Charter*, *supra* note 77, s. 59(2).

<sup>213</sup> *Community Charter*, *supra* note 77, s. 59(3).

## Part V – NEXT STEPS

### 5.1 Strategy

In November 2013, a delegate at the United Nations COP19 climate conference in Warsaw, Poland said upon seeing our gas nozzle: “I’ve been to all 19 COP meetings and I’ve never seen an idea so simple yet so powerful.” We believe that our idea has the potential to make a significant contribution in the fight against climate change and we are excited to be leading this groundbreaking effort in Canada.

Our strategy is to continue to meet with councillors to secure support for the by-law amendment in advance of actual votes taking place. We also plan on doing more outreach to grow public support for the by-law amendment so that city and town halls will be packed with citizens wishing to give deputations in support.

We have selected a few cities that we believe are receptive to our by-law amendment and are focusing our resources there. We plan on pushing for votes in these communities and then using these positive examples to empower councillors to support the by-law amendment in other communities.

We will be video recording deputations by youth and uploading them to YouTube so that their examples will inspire others to do the same. In fact, we have already been contacted by people and groups from all around the world about our campaign. Our idea has been primed to go global by the warning labels already on tobacco packaging in numerous countries. We want to bring positive examples of leadership from Canadian communities to the United Nations Climate Change Conference in Paris in December 2015 to share with delegates from all over the world.

Please contact us at [communications@ourhorizon.org](mailto:communications@ourhorizon.org) to learn more or to book Rob as a speaker for your organization or event.

### 5.2 Complimentary Presentation to your Council

The apparent simplicity of our idea is deceptive; there is a significant amount of research behind it that should be communicated to decision-makers to ensure the idea is given due consideration. If your community is actively considering this by-law amendment, we respectfully ask that our Executive Director be invited to offer a complimentary presentation. This will help to ensure that your council has access to full and relevant information during the course of its deliberations and is able to discharge its duties to your municipality in good faith. If we are unable to be there in person, we would be pleased to provide a presentation and answer questions via teleconference.

### 5.3 Funding

We are often asked about our sources of funding. Since launching in early 2013, we have successfully raised over \$25,000 from more than 300 individual donors from all over the world. The rest of our campaign has been personally funded by our executive director; unfortunately, he is no longer financially able to do so. Securing funding in 2015 for a small team of dedicated advocates will be crucial to ensuring the success of our campaign. Know any wealthy philanthropists that want to support a grassroots effort at leading change? Send them our info!

As a not-for-profit whose advocacy work means we do not qualify for charitable status, it can be a challenge to fund our work. Your donations are appreciated. Please contact us at [supporters@ourhorizon.org](mailto:supporters@ourhorizon.org) to learn how you can help.

### 5.4 Frequently Asked Questions (FAQs)

This document is intended as a starting point for municipal consideration of our warning labels by-law amendment. We omitted material in an attempt to keep the sections on climate change, the warning labels, and legal research as succinct as possible. Please visit our Frequently Asked Questions (FAQs) page at [www.ourhorizon.org](http://www.ourhorizon.org) for more information and do not hesitate to contact us with questions.

*“Never doubt that a small group of thoughtful,  
committed citizens can change the world.  
Indeed, it's the only thing that ever has.”*

Margaret Mead



**RDKB Board of Directors  
Memorandum of Action Items**

**Action Items Arising from Board Direction (Task List)**

**Updated on July 22, 2015**

**PENDING TASKS**

Resolution #	Date	Item/Issue	Actions Required/Taken	Status
231-10	May 26/10	Sidley Mtn. Fire Protection	Staff met with Okanagan Similkameen Regional District in June re. Satellite Service in Area 'E' (Sidley Mountain/Anarchist)	Ongoing

*Note: Staff met with RDOS in June to discuss Sidley Mtn. Fire Protection*

232-10	May 26/10	Christian Valley Mosquito	1. Staff working with proponents	Ongoing
102-14	March 20/14	Control Service	2. Staff will research use of bat houses in proposed Feasibility Study	

*Note: Staff and the Area Director are working towards a public meeting in late summer/early fall.*

5-14	Jan 30/14	Carbon Emissions Reduction	Continue current partnership agreement subject to approved partnership funding contributions	Ongoing
N/A	May 1/14	Sale of Airport	Directors take time to consider future use of proceeds from sale of Trail Airport.	IP

*Note: This item will be placed on upcoming Finance Committee agendas.*

**TASKS FROM November 27, 2014 BOARD MEETING**

Resolution #	Item/Issue	Actions Required/Taken	Status
347-14	ESC – Notice of Intent	Staff will advertise and post a Notice of Intent for the expenditure of up to \$25,000 in 2015 for the completion of a Feasibility Study – Phase 1 to support a program of restoration and afforestation in the RDKB.	C

**TASKS FROM January 29, 2015 BOARD MEETING**

Resolution #	Item/Issue	Actions Required/Taken	Status
n/a	Ground Water Monitoring	Staff will investigate and report back to Board regarding leaching and any consequences should this occur.	

**TASKS FROM February 26, 2015 BOARD MEETING**

Resolution #	Item/Issue	Actions Required/Taken	Status
n/a	Financial Plan Amendment	During 2016, staff will compile a list of various Financial Plan amendments that are made to the 2015 Five Year Financial Plan during the year. The list and summary of total value of all amendments will be provided to the Finance Committee and Board.	

**TASKS FROM March 31, 2015 BOARD MEETING**

Resolution #	Item/Issue	Actions Required/Taken	Status
122-15	Organization/governance Review	1.The organization/governance review will be brought back to the Board no later than August 2015 so that the matter can be included in the 2016 budget deliberations. 2.Staff will prepare a report that provides the Board with preliminary information that will be required to review the matter and make an informed decision.	Ongoing Ongoing

Note: Will be presented at July meeting.

145-15	2014 CARIP Report and Contribution to Climate Action Reserve Fund	Staff will provide a report identifying opportunities for further carbon reductions taking into consideration planned retrofits, renewals and staff resources.	IP
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**TASKS FROM April 30, 2015 BOARD MEETING**

Resolution #	Item/Issue	Actions Required/Taken	Status
173-15	BC SPCA	1. A sub-committee of the Board will be established to explore the matter of a partnership with BC SPCA for a new animal management welfare facility.	C
174-15		2. The BC SPCA will be advised that the RDKB is interested in a potential partnership to develop a new animal management/welfare facility.	
n/a		3. Staff will contact Craig Daniell to obtain a list of other local governments which have partnerships with the BC SPCA and will contact staff at those local governments to determine how this matter is managed in their organizations.	

Note: Staff informed the BCSPCA of the Board's decision and continue to work on the issue.

182-15	Grand Forks Curling Club Flat Roof	The 2015 Financial Plan will be amended to include the expense of replacing the GF Curling Rink roof with a corresponding transfer from reserve.	Jan 2016
n/a	Committee Meeting Day	Staff and Chair will develop a proposed schedule while considering Directors' work and Municipal schedules and obligations for a Committee Meeting Day.	IP

Note: Chair is planning to discuss this further in Strategic Planning. Chair has asked Directors to provide input, ideas and suggestions for the proposed schedule. Staff is currently working on the development of the schedule.

**TASKS FROM May 28, 2015 BOARD MEETING**

Resolution #	Item/Issue	Actions Required/Taken	Status
214-15	Meeting with Ministry staff at UBCM.	RDKB staff will arrange a meeting with Ministry of Community, Sport and Cultural Development staff at the 2015 UBCM to discuss Provincial response to 2014 UBCM Resolution B104, Absence of Director Due to Illness.	IP
238-15	BC Transit	RDKB will forward a letter to B.C. Transit expressing concerns regarding the 3-year funding freeze currently included in the B.C. Transit Budget Plan for 2015-2018.	C



## TASKS FROM June 18, 2015 BOARD MEETING

Resolution #	Item/Issue	Actions Required/Taken	Status
241-15	Hospice Without Borders	RDKB will provide a letter of support to the Hospice Without Borders in their efforts to construct a hospice facility in the West Kootenay.	IP
245-15	Policies	The Non-Profit Refundable Beverage Container Diversion Policy will be amended to remove reference to "charitable organizations".	C
247-15	International Waste at District Landfills	Staff will refer the matter of international waste at District landfills back to the Environmental Services Committee for further discussion.	IP
249-15	Funding Landfill Liabilities	Staff will setup a meeting with Ministry of Environment staff during the UBCM to discuss seeking an extension on the 2019 deadline to fully fund landfill liabilities.	IP
250-15	Policies	Staff will amend the Waive Tipping Fee Policy to include provisions for standing waivers for groups or individuals.	IP
257-15	Mural Painting in Grand Forks	Staff will work with Selkirk College to facilitate the painting of a mural on the wall of the RDKB building in Grand Forks. <i>Note: Staff is in contact with Selkirk College. Currently registration numbers for this summer program are low and this course may be cancelled. Selkirk College is promoting this program again in order to see if registration numbers increase.</i>	IP
258-15	Mussel Control	Staff will forward a letter to the Provincial Government regarding the responsibility of mussel control.	IP
265-15	SOFI	Staff will make the SOFI reports available to the public on the RDKB website and will waive the \$5 fee as prescribed by the Financial Information Act.	C
277-15	RD Director Title Change	Staff will send a resolution to the UBCM requesting that the title "Director for Electoral Area Directors" be replaced with the title "Rural Mayor". <i>Note: Resolution sent to UBCM and accepted.</i>	C

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**Staff & Board Follow-Up – In Addition to Board Resolutions****Date                      Item/Issue for future meetings**

Feb 26/15 – Board will discuss increasing the amount of sponsorship given to communities that host AKBLG conventions.

Mar 31/15 – Board will discuss the future use of proceeds from the sale of the airport.

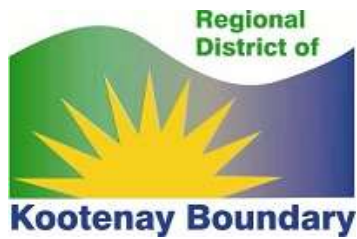
Mar 31/15 – Strategic priority-funding of gas tax and the January 2016 intake of proposals regarding a Boundary-scale Trails development for 2016.

Apr 30/15 – Rural Dividends – Rural Advisory Council

May 28/15 – Staff research a possible moratorium with respect to the mandatory installation of wireless smart utility meters pursuant to May 1, 2015 resolution adopted by Central Okanagan Regional District.

May 28/15 – Staff investigate Bio-waste solids on ALR lands and prepare report for future consideration.

May 28/15 – Staff explore possible changes to Improvement District legislation.



## STAFF REPORT

**Date:** 13 Jul 2015

**File** ADMN Legal Matters  
2210-01

**To:** Chair McGregor and Members of the  
RDKB Board of Directors

**From:** Theresa Lenardon, Manager of  
Corporate Administration

**Re:** Petition: Proposed Land Use Planning  
Electoral Area 'E'/West Boundary

### Issue Introduction

A staff report from Theresa Lenardon, Manager of Corporate Administration providing information regarding a petition submitted from Rural Bridesville citizens requesting the RDKB to stop the implementation of an Official Community Plan (OCP) and that the RDKB address a separate letter requesting that the Board suspend further discussions or decisions regarding an OCP and that a vote be held before proceeding with development of an OCP.

### History/Background Factors

Approximately 20+ citizens of Electoral Area 'E'/West Boundary attended the May 28, 2015 Board meeting. A spokesperson presented concerns and submitted a petition and a letter expressing opposition to the development of an OCP in the Rural Bridesville Area.

Prior to the May 28th Board meeting, there had only been introductory discussions at Advisory Planning Commission (APC) meetings regarding how to begin the development of an OCP. The legislative OCP process had, and has still not commenced. Since then, Staff have been working with Director Gee and the Electoral Area 'E'/West Boundary APC to form an OCP Steering Committee and to draft a Terms of Reference. These items will be formalized by Board of Directors in the future.

Currently in Electoral Area 'E'/West Boundary, there are Rural Land Use Bylaws governing land-use at Jewel Lake and in the Bridesville Townsite. OCP and Zoning

bylaws govern land-use at Big White Ski Resort and Mt. Baldy. The petition requests action to stop the implementation of an OCP in the area from the Canyon Bridge to the West End of RDKB Electoral Area 'E'/West Boundary. This is a proposed boundary only and will be reviewed by the OCP Steering Committee.

An informal Area 'E'/West Boundary OCP public consultation took place Spring 2012 with the Planning Department obtaining opinions and other feedback from the results of a land-use questionnaire that was sent to property owners in Electoral Area 'E'/West Boundary with the exception of where areas have land use plans already in place as noted above. The purpose of the questionnaire / survey was to determine needs and priorities regarding land use in the West Boundary Area that may be addressed better by the RDKB. 1,568 questionnaires were sent out and there were 381 responses (24%).

Given there may be some misunderstanding in the West Boundary area that the OCP has been completed and that public consultation opportunities have expired, Planning Department staff are currently drafting a newsletter. The newsletter will be distributed to residents of the Rural Bridesville Area and will explain what an OCP is, why this initiative is being considered, what an OCP cannot do, the benefits, the risks and uncertainties and the steps involved.

The citizens are also requesting that the RDKB hold a majority "yes" vote to measure support for the implementation of an OCP so that their opinion is heard in a referendum.

The following information is based on a Solicitor's opinion and examination of the *Local Government Act* and *Community Charter*.

### **Electors Requesting or Requiring Local Government to Undertake a Form of Approval/Assent Mechanisms**

In general and more specifically respecting this land-use matter, there is no legislation which gives electors an opportunity to require a local government to undertake any form of vote or approval mechanism (poll, referendum, etc.).

The only exception is where a bylaw requires elector approval such as in the case of borrowing/loan authorization etc., which is not the case for an OCP or a Zoning Bylaw. It is the local government, with authorities and requirements set out in the *Local Government Act* and the *Community Charter* which must and sometimes may, initiate a forum to measure public support, opinion, assent, etc. that can be binding or non-binding.

### **The Petition from Rural Bridesville**

Unless the public is petitioning the local government to establish a new service, which is clearly not the case in this circumstance, there is no legal basis for the public to petition the RDKB to compel the Board to undertake a particular action such as holding a "vote" and there is no legislation requiring the local government to respond affirmatively to such a petition.

With reference to the petition submitted by the West Boundary citizens attending the May 28, 2015 Board meeting, there are 131 signatures on the petition. However, there are a number of duplicates and the petition has been signed by at least one non-resident of the area.

### **Planning and Development Public Hearings**

#### ***Local Government Act* Right to a Hearing-Part 26 Section 890**

Public Hearings are formal sessions with respect to a bylaw that local governments must hold. The rules of natural justice expand to the *Local Government Act* in that interested parties must not only be afforded the opportunity to be heard but be afforded the opportunity to present their case, subject to reasonable procedural rules such as the right of others attending the hearing to witness the presentation. They must also be able to comment on all material considered by the elected officials who are acting in the nature of judges. The public hearing provides an opportunity for the public - including individuals who believe their interest in property may be affected by a proposed bylaw - to speak or submit written comments on the bylaw. The public hearing notice is published in local media and adjacent property owners receive correspondence with regards to the planning matter and specific details regarding the public hearing.

Should an OCP be developed for the Rural Bridesville Area, the public hearing process is far-off with informal, non-legislative public consultation work yet to be undertaken by the Planning Department.

### **Implications**

N/A - Report for Information

### **Advancement of Strategic Planning Goals**

N/A - Report for Information

**Background Information Provided**

1. Letter to Chair and RDKB Directors presented at the May 28, 2015 Board meeting requesting that the Board suspend further discussions or decisions regarding an OCP and that a vote be held before proceeding
2. Petition to stop implementation of OCP for West End of Area 'E' RDKB

**Alternatives**

1. Receive staff report.

**Recommendation(s)**

That the staff report from Theresa Lenardon, Manager of Corporate Administration providing information regarding a petition submitted from Rural Bridesville citizens requesting the RDKB to stop the implementation of an Official Community Plan (OCP) and that the RDKB address a separate letter requesting that the Board suspend further discussions or decisions regarding an OCP and that a vote be held before proceeding with development of an OCP be received.

Mr. Chairman & RDKB Directors,

We are here to request that the RDKB Board suspend further discussions or decisions regarding an Official Community Plan for Area E/West Boundary.

At this time we request a majority "Yes" vote in support of the idea of an OCP before any more of our tax dollars are spent developing it.

The blatant disregard displayed by our local RDKB Director, Vicki Gee and her opinion that the area residents have no right to influence the creation of an OCP, in our opinion is nothing short of dictatorship. Ms Gee did not receive a clear majority mandate of area voters in the last election. Her actions are not in the best interest of a majority of area residents. Ms. Gee received only 39.9% of the votes cast in Area E. Only 39.5% of eligible voters cast their ballots, so she is actually only acting on 16% support ( $40\% \times 40\% = 16\%$ ). Even in her home area where she received 40 of 81 votes cast her support is still less than 20% ( $40\% \times 49\% = 19.6\%$ ).








Many of those people who voted for her at the Bridesville Polling Station have signed the petition we will present to protest her actions. Those voters believed her pre-election promise, to not bring any sort of OCP/zoning by-laws into effect, when the question was posed to her, and her opponents at an All Candidates' Meeting prior to the election. She and her opponents, all stated they were not going to bring an OCP/zoning issue to the table if elected. Many of us feel duped and betrayed by her shameful lack of integrity and honesty, so our delegation is here to show that we do not want an OCP or zoning.

This entire situation leads us to question what the intent of an OCP will be, who will develop it, and how will it impact the residents of our area. Is there some sort of monetary or other advantages to Ms Gee and her supporters in having an OCP in effect?

In our opinions, it would be a grave mistake if the development of an OCP for our area, were to be allowed to continue without the support of a majority of residents. The personal and/or political agendas of the few should not be mandated upon the rest of us who are in the majority, and against the idea of an OCP.

The residents of our area have the right to have a say in our future and our issues. Their opinion should be allowed to be expressed in a referendum to see if an OCP is wanted in the area.

# Petition to STOP the implementation of an OCP for the West End of Area E RDKB

Petition summary and background	At the last area E APC meeting, When asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.			
Action petitioned for	We, the undersigned, are concerned citizens and land owners who urge you our, RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.			
Printed Name	Signature	Address	Comment	Date
LEE DIXON		1347 Tinsworth Tr. 20 Baldwin, SC 29410	PROPERTY OWNERS SHOULD HAVE INPUT PRIOR TO CHANGES IN THE AREA.	05/21/15
DORR BAXTER		1347 Tinsworth Tr. R.D. Baldwin, SC 29410	" "	05/21/15
PAT CAMPBELL		1450 Camp McHenry Rd Bridgville, B.C.	THIS IS THE 'PEOPLES CHOICE' NOT GOVT.	May 25 2015
MARIA JOSEPH		1450 Camp McHenry Rd Bridgville, B.C.	" "	May 30 2015
Randy Mitchell		1450 Camp McHenry Rd Bridgville, B.C.	" "	May 25 2015
Shane Quinn		1450 Camp McHenry Rd Bridgville, B.C.	" "	May 26 2015
Cynthia Harlan		1345 Sibley Rd Bridgville, B.C.	" "	May 27/15



## Petition to STOP the implementation of an OCP for the West End of Area E RDKB

<b>Petition summary and background</b>	At the last area E APC meeting, When asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens and land owners who urge you our, RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.

Printed Name	Signature	Address	Comment	Date
MARIE BOURGH	<i>Marie Bourgh</i>	5325 Re/ Badsue Rd R21 Bridleville	The constituents need to be listened to.	May 21/15
Gus Bourgh	<i>Gus Bourgh</i>	7225 Re-Arid Rd Bridleville MO 64018	Vicki Gee is representing us we want a voice	May 21/15
Suz Bourgh	<i>Suz Bourgh</i>	5225 AC. Bridleville Rd Bridleville MO 64018	We need less regulation	May 21/15
GREG ELFORD	<i>Greg Elford</i>	Box 81 Rake Creek BC	Spot zone if necessary not blanket zone	May 25/15
Elizabeth Windmill	<i>Elizabeth Windmill</i>	Box 203 Rake Creek VOT 190	We'd like to vote & have a choice!	May 27/15

FROM :







At the last area E-A-C meeting, when asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine whether to join the CIP, Vaid Goss said she is holding a vote, and does not care what we want or think, and that she is ignoring the CIP through regardless.

The proposed area contains many of life care farms which are self governed by the ALC and more regulations will negatively impact these and other businesses.

We, the undersigned, are stream citizens and land owners who upstream our, RUCKS Directors to act now to stop the implementation of an ODF in areas for the canyon bridge to the wet end of the RUCKS as proposed by Vast Co.

[illegible]

## Petition to STOP the implementation of an OCP for the West End of Area E RDKB






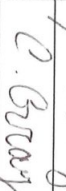




Petition summary and background	<p>At the last area E APC meeting, When asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless.</p> <p>The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.</p>			
Action petitioned for	<p>We, the undersigned, are concerned citizens and land owners who urge you our, RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.</p>			
Printed Name	Signature	Address	Comment	Date
MARK LAFOINTE		6000 Hwy 3 Bridesville	I don't trust her motives	May 19/15
DEB SNEEDEN		5460 Hwy 3 Bridesville	I don't trust her motives	May 19/15
MART QUARSHLY		5460 Hwy 3 Bridesville	I don't trust her motives	May 24/15
Reid Hedlund		5450 Hwy 3 Bridesville	We don't any planning	May 24/15
JEFF HARMAN		6385 Hwy 3 Bridesville	PERSONS GAINING PROFITS IS STEALING FROM THE COMMUNITY	May 26/15
NEXUSA HARTMAN		6385 Hwy 3 Bridesville		May 26/15

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## Petition to STOP the implementation of an OCP for the West End of Area E RDKB

<b>Petition summary and background</b>	At the last area E APC meeting, When asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens and land owners who urge you our, RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.

Printed Name	Signature	Address	Comment	Date
Donna Guilmin		1805 Gough Rd.	lets do you the vote are to not care	May 17/15
Ron Woodruff		1805 Gough Rd.	about us and care	May 17/15
Timmy Agee		PO Box 31 Bridesville		17 May 2015
MARK RHODES		PO Box 31 Bridesville		May 17, 2015
DARREN HURTCHISON		5460 Hwy #3 Bridesville	ASK THE PEOPLE FIRST!!!	May 18/2015
Jason Gray		1361 Timberwolf Trail Road		May 18/2015
Chelsey Gray		1361 Timberwolf Trail Road		May 18/15
Lynne Storm		Sidley Mtn Comm		May 18/15
Linda McDonald		1281 Timberwolf Road	There is a point to living in the county instead of in the city where every thing you do is dictated!! NOT HERE!!!	May 18/15
James McDonald		1281 Timberwolf Road		May 18/15











## Petition to STOP the implementation of an OCP for the West End of Area E RDKB

Petition summary and background	At the last area E APC meeting, When asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.
Action petitioned for	We, the undersigned, are concerned citizens and land owners who urge you our, RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.

Printed Name	Signature	Address	Comment	Date
Beth Ann Sullivan	Beth Ann Sullivan	5411 B. Sullivan Court Rd	Why are you taking this step forward?	May 25/15
Jeanette Johnson	Bridgesville Be.	1635 7th Baldy Rd	Possible conflict of interest?	May 25/15
Dave Kelly	Dave Kelly	5401 Canyon Rd.	Conflicts of interest	May 25/15
Brenda Kelly	Brenda Kelly	5401 Canyon Rd	If there is no health or fire hazard mind your own business	May 25/15

## Petition to STOP the implementation of an OCP for the West End of Area E RDKB

Petition summary and background	At the last area E APC meeting, When asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.
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Printed Name	Signature	Address	Comment	Date
Chris Gibbs		1815 Goulet Rd. BRANDSTADT		May 17/15
Kristen Gibbs		" "		May 17/15
Sharon Gibbs		" "	CONTRACT OF INTEREST?	May 17/15
MR & RON GAVIN		5675 Boothby Rd		May 19/15
MRS. GAIL GREEN		" "		" "
Wayne Plantedin		1814 Cough Rd		May 19/15
Christine London.		5650 Burton Rd.		May 25/15
Ann Gordon		5650 Burton Rd		May 25/15
Rick Steingard		5510 Dewitt Rd		May 25/15
Dana Steingard		5510 Dewitt Rd		May 25/15



## Petition to STOP the implementation of an OCP for the West End of Area E RDKB

Petition summary and background	At the last area E APC meeting, When asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.
Action petitioned for	We, the undersigned, are concerned citizens and land owners who urge you our, RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.

Printed Name	Signature	Address	Comment	Date
Sonya Miller	<i>Sonya Miller</i>	6227 Sidley Mt Rd Bridesville	Vicki did not canvas bystanders before her motion. Supported campaign before her motion. Should be 15th to 18th	May 12/15
JOHN NUTT	<i>John Nutt</i>	6760 Hwy 3 Bridesville	MAJORITY SHOULD <del>BE</del> GOVERN	May 13/15
ADRIANE ARAGONS	<i>Adriane Aragon</i>	6760 Hwy 3 East Bridesville	PLEASE HOLD A VOTE	May 14/15
FOR SIMONS	<i>For Simons</i>	Timber Wolf		May 14/15
PETE STADUCHAR	<i>Pete Staduchar</i>	LOT 685 2500 acres " 1575 320 "	MAJORITY RULES	May 15/15
TOM FLITT	<i>Tom Flitt</i>	4875 Highway 3	Hold a vote.	May 21/15
Christine Kuchentul	<i>Christine Kuchentul</i>	605 Hwy 3	hold a vote	May 25/15
LORIE LEWIS	<i>Lorie Lewis</i>	6130 HARTMAN	Hold a vote	May 25/15
CHITTA LEWIS	<i>Chitta Lewis</i>	6130 HARTMAN	Hold a vote	May 25/15



## Petition to STOP the implementation of an OCP for the West End of Area E RDKB

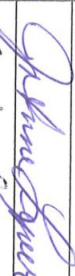









**Petition summary and background**

At the last area E APC meeting, When asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless.

The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.











**Action petitioned for**

We, the undersigned, are concerned citizens and land owners who urge you our, RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.

Printed Name	Signature	Address	Comment	Date
JO-ANNE LYER		1500 KELLY RD.	WE DON'T NEED ZONING!!	May 17/15
MIKE LYON		1500 KELLY RD	" "	May 17/15
Arlene Clary		1585 Sidley Camp, McKinney	" "	May 17/15
DEAN CORBETT		N85 SIDLEY CAMP RD McKinney, TX	" "	May 17/15
Ryan Culligan		6629 Sidley MTRd Bristleville, BC	" "	May 17/15
Erin Luciani		6629 Sidley MTRd Bristleville, BC	" "	May 18/15
Heidi Christensen		1465 Wolf Pack Place	" "	May 18/15
Kirk Christensen		1465 Wolf Pack Place	I do not want any zoning	May 18/15
Dean Corbett		1400 Kelly Road	OCP not needed	May 19/15
Glenda Corbett		1400 Kelly Road	" "	May 19/15

## Petition to STOP the implementation of an OCP for the West End of Area E RDKB

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Action petitioned for	We, the undersigned, are concerned citizens and land owners who urge you our, RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.

Printed Name	Signature	Address	Comment	Date
Rosemary Spry		1000 Hwy 3, Box 4 Bridesville BC	not representing community.	5/13/15
Hori Heidebreich		1435 Kelly Rd Bridersville B.C.		May 13/15
Zina Heidebreich		1435 Kelly Rd Bridersville B.C.		May 13/15
Dave Corbett		1576 Kelly Rd Bridesville	<del>not representing community</del> I am not concerned with the OCP	May 13/15
Erin Corbett		1516 Kelly Rd Bridesville	I have no confidence in Vicki Gee as a leader	May 13/15
Mrs Grob		6435 S. Hwy 14 Rd Bridesville	No more rules + laws	5/11
F. L. Lavin		1133 Wagonwheel Rd Bridersville, BC V6H1S6	NO Zoning.	May 13/15
STOKER		5105 Hwy 3 Bridesville	-ND-	May 13/15
Kynelda Keast		Box 88 5405 Hwy 3 Bridesville BC	No Zoning	May 13/15
Shauna Blain		5455 Hwy 3 Box 88 B.C.	Not want are voted for! no zoning,	May 13/15

## Petition to STOP the implementation of an OCP for the West End of Area E RDKB








Petition summary and background	At the last area E APC meeting, when asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.
Action petitioned for	We, the undersigned, are concerned citizens and land owners who urge you our, RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.

Printed Name	Signature	Address	Comment	Date y-m-d
PT BEHWE	<i>Phyllis</i>	6325 Sidley Mtn Rd, Buile		15-05-13
KIMBERLY SCANE	<i>Kimberly Scane</i>	6325 Sidley Mtn Rd, Buile		15/05/13
Holler Harfman	<i>Holler Harfman</i>	6305 Sidley Mtn Rd Buile		15/05/14
Diane Harfman	<i>Diane Harfman</i>	1240 Virginia Rd Bridesville		15/05/14
Tracy Harfman	<i>Tracy Harfman</i>	1240 Virginia Rd Bridesville		15/05/14
Norah Harfman	<i>Norah Harfman</i>	6306 Sidley Mtn Rd Buile		15/05/15
Ar T Harfman	<i>Ar T Harfman</i>	6306 Sidley Mtn Rd Buile		15/05/15
Matthew Harfman	<i>Matthew Harfman</i>	Sidley Ranch Bridesville		15-05-15
Joan Rouse	<i>Joan Rouse</i>	5644 Barton Rd - Bridesville		15/05/17
BLANCA CRAIG	<i>Blanca Craig</i>	5636 Burton Rd Bridesville		15/05/17



## Petition to STOP the implementation of an OCP for the West End of Area E RDKB

<b>Petition summary and background</b>	At the last area E APC meeting, When asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.
<b>Action petitioned for</b>	We, the undersigned, are concerned citizens and land owners who urge you our RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.

Printed Name	Signature	Address	Comment	Date
Oiga Engel		6450 Hwy 3 Bridesville Pa	not democratic	May 11/15
Jos Engel		6450 Hwy 3 Bridesville Pa	disorder	May 11/15
Elyne Kelly		6465 Sidley mtn Rd		May 12/15
Dylan Kelly		6465 Sidley mtn Rd	should Be Voted on	May 12/15
Annette Grob		6435 Sidley mtn Rd	not the residents wish	May 13/15
BRANDON BUAINE	pk pc	5455 Hwy 3 Bridesville	NEED VOTE	MAY 13/15
MIKESHA HA	pk. Sauga	1495 COURTNEY BROWN RD	WE DON'T NEED ANOTHER HITLER	MAY 13/15
Richard Sindall		1415 Courtney Brown Rd	Not Required	
Carol Siddall		1415 Courtney Brown Rd		May 13/15

### Petition to STOP the implementation of an OCP for the West End of Area E RDKB

Petition summary and background	At the last area E APC meeting, when asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.
Action petitioned for	We, the undersigned, are concerned citizens and land owners who urge you our RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.

Printed Name	Signature	Address	Comment	Date
Gary McGill	<i>Gary McGill</i>	1475 Wolf Pack Place 881 State St. Concord Oremville VA 24180	note above	May 21/2015
Kyle H. McGill	<i>Kyle H. McGill</i>	1475 Wolf Pack Place Concord VA 24180		May 21/2015
Deanneview H. H.	<i>Deanneview H. H.</i>	1475 Wolf Pack Place Concord VA 24180		May 21/2015

## Petition to STOP the implementation of an OCP for the West End of Area E RDKB

Peterson summary and background

At the last area, E. P. Co. mining. When asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine whether an OGD Veto Code said site is not holding a vote, and does not care what the war or work, and that she is putting the OGD through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALG and more regulations will negatively impact these and other future developments.

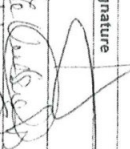



Action petitioned for

We the undersigned, are concerned citizens and land owners who urge you, ROKB Directors to all now to stop the implementation of an OCP in the areas from the canyon road to the west end of the ROKB as proposed by Victor Cole.

Printed Name	Signature	Address	Comment	Date
WALTER STEISSAC	[Signature]	PID 00116832		11/09/04

# Petition to STOP the implementation of an OCP for the West End of Area E RDKB

Petition summary and background	At the last area E APC meeting, when asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing (ilan OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.
Action petitioned for	We, the undersigned, are concerned citizens and land owners who urge you our, RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.

Printed Name	Signature	Address	Comment	Date
H David Forther		1325 Timberwolf Trail Rd. Berkeley, CA	We share our neighbors concern	05/24/2015
Gianmoula Venetianopoulos		1325 Timberwolf Trail Rd. Berkeley, CA	We support our neighbors.	05/24/2015
Alex Forther	Alex	1325 Timberwolf Trail Rd	I share my neighbors concern	05/24/2015
Jennifer Brock		1330 Wiggins Rd	I am NOT in favor of an OCP	05/05/2015
DORIS + KRUS NUSBAUMER		6295 Harfman Rd.	Not in favor of OCP	07/05/2015












# Petition to STOP the implementation of an OCP for the West End of Area E RDKB

Petition summary and background	At the last area E APC meeting, when asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.			
Action petitioned for	We, the undersigned, are concerned citizens and land owners who urge you our RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.			
Printed Name	Signature	Address	Comment	Date
CAROLYN KELLY	Carolyn Kelly	6629 Sidley Mr Bridesville	OCP is not required	5/13/15
Irvia Kelly	I Kelly	" "	" "	5/13/15
Shannon Liff	Shannon	Lot Higgins Co Bridesville		5/19/15
Anthony Anderson	Anthony Anderson	6724 S. 11th Rd Bridesville WA house ALC		5/22/15
Jeff Stevens	Jeff Stevens	6625 Irwin Rd		5/26/15
Masha Stevens	Masha Stevens	6625 Irwin Rd Bridesville		5/26/15
Kiana Grant	Kiana Grant	6475 Sidley Rd.		May 24/15
Jim Mullin	Jim Mullin	6475 Sidley Rd	Bridesville, BE	MAY 26/15
David Melant	David Melant	1415 Wide Way	Leave us alone	5-25-2015
Lily Melone	Lily Melone	" "	No OCP is needed	May 24 2015

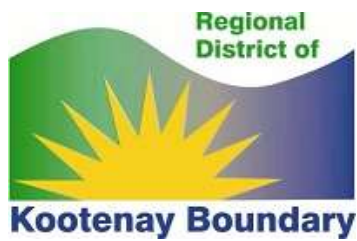


## Petition to STOP the implementation of an OCP for the West End of Area E RDKB

Petition summary and background	At the last area E APC meeting, When asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.			
Action petitioned for	We, the undersigned, are concerned citizens and land owners who urge you our, RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.			
Printed Name	Signature	Address	Comment	Date
Wendy Hiller		6735 SIDLEY MOUNT RD. BRIDGESVILLE, BC V0H 1B0		May 15/15
Ron Hiller		6725, SIDLEY MOUNT RD. BRIDGESVILLE, A.C. V0H 1B0.		May 15/15
DENIS LAMIER		1155 VICTORIA VILLAGE BRIDGESVILLE		May 24/15
Dorees Roule		1420 Goulting BE, RD, BRIDGESVILLE BC		May 24/15
Tedd Rymeson		5405 Hwy 3 Bridgesville BC V0H 1B0		May 24/15
Sarah Dymeson		5985 Hwy 3 Bridgesville BC V0H 1B0		May 24/15
Ed Brecken		6751 Sidley Mount Rd		May 25/15
Quon BROWDER		6751 Sidley Mtn Rd		May 25/15
Annina Hoffmann		6570 Rt# Hwy 3 Bridgesville		May 26/15

## Petition to STOP the implementation of an OCP for the West End of Area E RDKB

Petition summary and background	At the last area E APC meeting, When asked by approximately 30 concerned citizens and land owners in the affected area to hold a vote to determine interest in an OCP, Vicki Gee said she is not holding a vote, and does not care what we want or think, and that she is pushing it (an OCP) through regardless. The proposed area consists mostly of large acre farms which are already governed by the ALC and more regulations will negatively impact these and other future businesses.			
Action petitioned for	We, the undersigned, are concerned citizens and land owners who urge you our, RDKB Directors to act now to stop the implementation of an OCP in the area from the canyon bridge to the west end of the RDKB as proposed by Vicki Gee.			
Printed Name	Signature	Address	Comment	Date
CAROLANN KELLY	Carolann Kelly	6629 Sidley Mr Bridesville	OCP is not <del>required</del> <sup>REQUIRED</sup>	5/13/15
Irvin Kelly	J Kelly	" "	" "	5/13/15
Shannon Wilt	Shannon	Lot Wiggins Rd Bridesville		5/19/15
Arthur Richardson	Arthur Richardson	6724 S. Wiggins Rd Bridesville	We have ALC	5/22/15
Jeff Stevens	Jeff Stevens	6635 Irwin Rd		5/26/15
Masha Stevens	Masha Stevens	6635 Irwin Rd Bridesville		5/26/15
Linda Grant	Linda Grant	6475 Sidley Rd.		May 26/15
Jim Mullen	Jim Mullen	6475 Sidley Rd		May 26/15

**STAFF REPORT****Date:** 26 Jun 2015**File**ADMN Purchase  
and Sales-2230**To:** The RDKB Board of Directors**From:** G. McGregor, RDKB Board Chair**Re:** Special Voting Results-Hardy Mountain  
Doukhobor Village Historic Site**Issue Introduction**

A report from Chair McGregor regarding the results of the Special Voting Regulation poll on the proposed Agreement of Purchase and Sale between the Regional District of Kootenay Boundary and The Land Conservancy (TLC) for the Hardy Mountain Doukhobor Village Historic Site.

Pursuant to the attached Regional District Special Voting Regulation (BC Reg 41/91), Director Russell and I deemed the following issue urgent and requested that the following resolution be considered by the Board of Directors as soon as possible.

**Corporate Vote Weighted:** That the Regional District of Kootenay Boundary Board of Directors approves the Agreement of Purchase and Sale of the Hardy Mountain Doukhobor Village Historic Site (building and lands) from The Land Conservancy to the Regional District of Kootenay Boundary via the transfer of the title to the property and assumption of the mortgage indebtedness to the Grand Forks Credit Union of approximately \$37,892.50 (dependent on Closing Date) to the Regional District of Kootenay Boundary. **FURTHER** that the Board of Directors approves the RDKB authorized signatories to sign the Agreement.

**Results:** The Special Voting Regulation request was made by staff on Wednesday, June 24, 2015. Receipt of the votes was completed and the results compiled on Friday, June 26, 2015. The resolution passed unanimously.

### **History/Background Factors**

The Land Conservancy (TLC) holds the mortgage for the Hardy Mountain Doukhobor Historic Village Site. TLC has filed bankruptcy and through that process, a Plan of Compromise and Arrangement with the Supreme Court of B.C. has also been filed.

The matter was deemed urgent due to the proposed agreement arriving immediately prior to the June 18th Board meeting therefore there was not enough time for staff and the Board to review and for the Board to make an informed decision. The July 30th Board meeting is scheduled too late to consider the proposal as the deadline for accepting the offer is July 2<sup>nd</sup>, 2015.

The Hardy Mountain Doukhobor Historic Village Site is designated as heritage in the RDKB Heritage Designation Bylaw 1236, 2004 and meets the mandate of such a service. The site has significant historical and cultural value for RDKB Electoral Area 'D'/Rural Grand Forks, the City of Grand Forks and the greater Boundary community overall. A local community group / organization will be identified as caretaker of the site and possible uses of the buildings and lands include educational, historical, cultural and tourist purposes.

Costs for the proposal will be covered with Electoral Area 'D'/Rural Grand Forks Gas Tax funds. The Gas Tax application will be submitted to the Electoral Area Services Committee and to the Board of Directors at a later date.

### **Implications**

There may not be short-term financial gains; however there may be financial gains in the future based on the eventual operations of a museum, agricultural courses, tourist and other economic development-type ventures and operations.

### **Advancement of Strategic Planning Goals**

#### *Improve and Enhance Communication:*

- We will continue to advocate on issues that affect our region.

#### *Continue to Focus on Organizational Excellence:*

- We will review our internal processes to remove any barriers to economic growth.

#### *Exceptional Cost Effective and Efficient Services:*

- We will ensure we are responsible and proactive in funding our services.

**Background Information Provided**

1. Agreement of Purchase of Sale
2. Staff Memo regarding the Special Voting Regulation Resolution
3. Map
4. Special Voting Regulation BC Reg 41/91.

**AGREEMENT OF PURCHASE AND SALE**

THIS AGREEMENT dated \_\_\_\_\_, 2015 is between

**REGIONAL DISTRICT OF KOOTENAY BOUNDARY**

("Buyer")

AND

**TLC THE LAND CONSERVANCY OF BRITISH COLUMBIA**

("Seller")

**PART 1****DEFINED TERMS****1.1 Defined Terms. In this Agreement:**

- (a) "Agreement" means this agreement as it may be amended from time to time;
- (b) "Business Day" means any day except Saturday, Sunday and any statutory holiday in British Columbia;
- (c) "Closing" means the completion of the sale and purchase of the Lands in accordance with paragraph 5.5;
- (d) "Closing Date" means June 26, 2015 or such other date as the respective solicitors of the Buyer and the Seller may otherwise agree upon in writing;
- (e) "Duplicate Title" means the duplicate indefeasible title for the Lands issued on April 1, 2004 to the Grand Forks District Savings Credit Union;
- (f) "Hazardous Substance" means any pollutants, contaminants, wastes, special wastes, or hazardous or toxic substance or materials including without limitation those defined, judicially interpreted or identified in any federal, provincial, or local laws, by-laws, regulations, orders, guidelines and policies relating to the protection of the natural environment or public health and safety;
- (g) "Lands" means the lands and premises legally described as PID: 009-824-081, Lot 11, District Lot 334, Similkameen Division, Yale District, Plan 8423;
- (h) "Lender" means the Grand Forks District Savings Credit Union;
- (i) "Loan" means the loan granted to the Seller by the Lender and secured by the Seller delivering the Duplicate Title to the Lender;
- (j) "Parties" means the Buyer and the Seller and "Party" means either one of them;
- (k) "Permitted Encumbrances" means the Right of Way registered under Registration Number G31639 in favour of Sion Improvement District together with any subsisting

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conditions, provisos, restrictions, exceptions, utility rights of ways and reservations, including royalties, contained in the original grant or contained in any other grant or disposition of the Lands;

- (l) "Person" means an individual, corporation, society, partnership, government or governmental department or agency, trustee, and unincorporated organization; and
- (m) "Purchase Price" will have the meaning attributed thereto in paragraph 2.2.

**1.2 Schedules.** The following are the schedules attached to and incorporated in this Agreement by reference and are considered to be a part hereof:

Schedule A      Loan Payout Statement;

## PART 2

### PURCHASE AND SALE

**2.1 Purchase and Sale.** The Buyer agrees to buy and the Seller agrees to sell the Lands on the Closing Date, free and clear of all claims, charges, liens and encumbrances, except the Permitted Encumbrances, for the price and on the terms set out below.

**2.2 Purchase Price.** The Purchase Price will be the amount outstanding under the Loan as of the Closing Date subject to adjustment as provided in paragraph 5.8. The Purchase Price will be paid on Closing as provided in paragraph 5.5.

## PART 3

### SELLER'S REPRESENTATIONS AND WARRANTIES

**3.1 Representations and Warranties.** The Seller represents and warrants to the Buyer that:

- (a) **Status of Seller.** The Seller is duly incorporated, or registered extra-provincially, under the *Society Act* (British Columbia), and is in good standing and has the capacity and authority to enter into this Agreement and to carry out the transactions contemplated in it, all of which will by the Closing Date have been effectively authorized by all required corporate proceedings;
- (e) **Title.** The Seller is the registered and beneficial owner of the Lands and holds a good and marketable title to the Property free and clear of all claims, liens, charges and encumbrances except the Permitted Encumbrances;
- (f) **Residency.** The Seller is not a non-resident of Canada for the purposes of the *Income Tax Act* (Canada);
- (g) **Loan.** The amount outstanding under the Loan as of May 29, 2015 is \$37,892.50, and interest accrues thereon at the rate of 6% per annum. The per diem rate after May 29, 2015 is \$5.68 as per the loan payout statement attached hereto as Schedule A.

**3.2 Reliance and Survival.** The Seller acknowledges that the Buyer is relying on each of the representations and warranties made by the Seller, all of which will survive the Closing for a period of 12 months only following the Closing Date after which they shall be of no further force or effect except in respect of claims made by the Buyer within such applicable period.

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**3.3 Representations will be true on Closing Date. All representations and warranties of the Seller contained in this Part 3 will be true on the Closing Date as if made on that date except changes occurring prior to the Closing Date of which the Seller has advised the Buyer in writing before Closing.**

#### **PART 4**

##### **BUYER'S AND SELLER'S COVENANTS**

##### **4.1 Covenants of the Seller. The Seller will:**

- (a) deliver to the Buyer no earlier than 5 Business Days and no later than 2 Business Days before the Closing date an updated payout statement issued by the Lender for the Loan confirming the amount outstanding as of the Closing Date;
- (b) not borrow any further funds secured by the Property, nor draw down any advances under the Loan;
- (c) maintain its existing insurance coverage in respect of the Lands until the Closing Date;
- (d) not enter into any lease, agreement to lease or any occupancy agreement without the Buyer's prior written consent which consent will not be unreasonably withheld; and
- (e) not modify, amend, or cancel any of the Permitted Encumbrances without the prior written approval of the Buyer, such approval not to be unreasonably withheld.

**4.2 Confidentiality. The Buyer shall cause its directors, officers, employees, consultants and agents to keep in strict confidence all information with respect to the Lands and the documentation obtained by the Buyer with respect to the Lands until the sale of the Lands by the Seller to the Buyer is completed, except to the extent that other Persons such as professional advisors or prospective lenders, must be made aware of such information or documentation in connection with the purchase of the Lands.**

**4.3 Acknowledgements of Buyer. The Buyer acknowledges and agrees that, notwithstanding any other provision of this Agreement, the Buyer has entered into this Agreement on the basis that:**

- (a) the Buyer has conducted or will conduct its own investigations of the Lands;
- (b) the Buyer has and shall be deemed to have inspected the Lands, satisfied itself with respect to all matters and things connected with or in any way related to the Lands, and to have relied entirely upon its own investigations and inspections in entering into this Agreement and accepting the Lands on Closing;
- (c) the Buyer is purchasing the Lands on an "as is" basis;
- (d) the Seller has made no representations, warranties, conditions, statements, agreements, inducements or promises whatsoever, express or implied, (save and except as expressly stated in this Agreement) with respect to the Lands or any other aspect of this Agreement, whether statutory, express or implied, oral or written, legal, equitable, collateral or otherwise, all of which are expressly excluded, and with respect to, without limitation:

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- (i) the fitness for any particular purpose or use, zoning suitability for development, description, marketability, condition, quality or extent of the Lands or evidence of any defect;
- (ii) the presence of any Hazardous Substances on the Land or the compliance of the Lands with any laws, including without limitation any environmental laws; or
- (iii) any other matter or thing whatsoever in respect of any or all of the Lands or otherwise affecting this Agreement.

**4.4 Environmental Matters.** The Buyer shall, from and after the Closing Date, release and indemnify and save harmless the Seller and its directors, officers, employees and agents from and against any claims, demands, liabilities, losses, damages, costs, or expenses (including legal fees and expenses on a solicitor and own client basis and fees and disbursements of experts, consultants and contractors) suffered or incurred by the Buyer or the Seller arising out of or in connection with any and all Hazardous Substances present on, under, or in the Lands or migrating to or from the Lands.

**4.5 Waiver.** The Buyer waives the right to be provided with a site profile of the Lands by the Seller under the British Columbia *Environmental Management Act*, and any amendments or regulations to that Act.

## PART 5

### COMPLETION OF PURCHASE

**5.1 Preclosing Procedure.** The Buyer will cause its solicitors to prepare and deliver to the Seller's solicitor not less than 5 Business Days before the Closing Date those documents described in paragraphs 5.3(a), 5.3(b), 5.3(c) and 5.4(a).

**5.2 Settlement of Form of Documents.** The terms and form of all documents to be delivered on Closing will be in accordance with the terms of this Agreement and will be settled, by the Parties and their respective solicitors, not less than 3 Business Day before the Closing Date.

**5.3 Delivery of Documents - Seller.** On Closing, the Seller will deliver to the Buyer the following documents, settled in the manner described in paragraph 5.2, and executed by the Seller in favour of the Buyer, or as otherwise specified:

- (a) a Freehold Transfer of the Lands in registrable form;
- (b) a Seller's Statement of Adjustments; and
- (c) all additional documents and assurances the Buyer's solicitors will reasonably require.

**5.4 Delivery of Documents and Funds - Buyer.** On Closing, the Buyer will deliver to:

- (a) the Seller a GST certificate with the Buyer's GST registration number and all additional documents and assurances the Seller's solicitors will reasonably require, settled in the manner described in paragraph 5.2, and executed by the Buyer in favour of the Seller. On Closing, the Buyer its solicitors:
- (b) the Buyer's solicitors a bank draft or certified cheque for the Purchase Price.

**5.5 Closing Procedure.** The Closing will commence at 9.00 a.m. (Vancouver time) on the Closing Date at the offices of the Buyer's solicitors. All documents delivered by the Buyer and the

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Seller on the Closing Date, except the Freehold Transfer concerning the Lands, will be tabled at those offices until the Freehold Transfer has been accepted for registration in the applicable Land Title Office and until completion of a post application title search of the Lands is found to show that, in the normal course of land title office procedure, once the Duplicate Title is deposited in the Land Title Office for cancellation the title to the Lands will issue in the name of the Buyer free and clear of all encumbrances, except the Permitted Encumbrances, and then all documents will be released to the appropriate parties and the Purchase Price will be disbursed by the Buyer's solicitors immediately following such release. It will be a condition of the Closing that all matters of payment, execution and delivery of documents and acceptance for registration of the appropriate documents in the appropriate offices of public record all under the terms of this Agreement will be considered to be concurrent requirements, and it is agreed that nothing will be completed at the Closing until everything required as a condition precedent at the Closing has been paid, executed and delivered and until the Freehold Transfer has been accepted for registration as provided above. Upon completion in this manner, the Seller will deliver vacant possession of the Lands to the Buyer subject to the rights of any tenant under a lease.

**5.6 Delivery of Seller's Documents.** The Seller and Buyer agree that delivery of the signed documents in paragraph 5.3 will be made by the Seller's solicitors to the Buyer's solicitors on the undertaking of the Buyer's solicitor to, upon receipt of a bank draft or certified cheque for the Purchase Price from the Buyer and immediately upon the Freehold Transfer being deposited for registration in the applicable Land Title Office and completion of a post application title search of the Lands showing that, in the normal course of land title office procedure, once the Duplicate Title is deposited in the Land Title Office for cancellation the title to the Lands will issue in the name of the Buyer free and clear of all encumbrances, except the Permitted Encumbrances, pay the Purchase Price to the Seller's solicitors in trust in accordance with the statement of adjustments.

**5.7 Cancelling Duplicate Title.** The Seller and Buyer agree that delivery of the signed documents and funds in paragraph 5.4 will be made by the Buyer's solicitors to the Seller's solicitors on the undertaking of the Seller's solicitor to, if he or she has not already deposited the Duplicate Title in the applicable Land Title Office for cancellation, do so immediately upon receipt of payment for the Purchase Price from the Buyer in accordance with paragraph 5.6.

**5.8 Adjustments.** All adjustments concerning operating expenses, taxes, utilities and other revenue and expense items normally adjusted between a seller and buyer will be made in respect of the Lands as at the Closing Date with the Buyer receiving all revenues and bearing all expenses from and including the Closing Date. Such adjustments will be documented by way of Seller's and Buyer's Statements of Adjustments to be executed and delivered upon Closing.

**5.9 Risk.** Until Closing the Lands will be and remain at the risk of the Seller and the Seller will hold all policies of insurance and proceeds thereof subject to the interest of the Buyer. If, prior to Closing, any part of the Lands is substantially damaged, this transaction will complete with the insurance proceeds paid to the Buyer.

## PART 6

### GENERAL

**6.1 Amendment.** This Agreement may be amended or supplemented only by a written document signed by the party intended to be obligated by it, and need not be executed under seal.

**6.2 Canadian Dollars.** All dollar amounts referred to in this Agreement are in Canadian funds unless otherwise stated.

**6.3 Entire Agreement.** This Agreement is the entire agreement between the Parties relating to the subject matter of this Agreement and supersedes any prior agreement, negotiations, and

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discussions, whether oral or written, of the Parties. There are no representations, warranties, covenants, or agreements, express or implied, statutory, collateral, or otherwise, save as set forth herein.

**6.4 Extended Meanings.** In this Agreement, words importing one gender include the others where appropriate.

**6.5 Headings.** In this Agreement, headings are for convenient reference only and will not affect how this Agreement is interpreted.

**6.6 Binding Agreement.** This Agreement will bind and benefit each of the Parties, and each of their respective successors, heirs, executors, personal representatives and permitted assigns.

**6.7 Governing Law and Jurisdiction.** This Agreement will be governed by, and construed in accordance with, British Columbia law and applicable Canadian law and will be treated in all respects as a British Columbia contract.

**6.8 Further Assurances.** Each of the Parties will at all times hereafter execute and deliver at the request of the other party all such further documents, deeds and instruments, and will do and perform all such further acts as may be reasonably necessary to give full effect to the intent and meaning of this Agreement.

**6.9 Expenses.** Each of the Parties will be responsible for its own legal fees and other charges incurred in connection with the purchase and sale of the Lands, all negotiations between the Parties and the consummation of the transactions contemplated hereby. The Buyer will pay all fees in connection with the registration of the Freehold Transfer and all other documents requiring registration provided however that the Seller will pay any costs of clearing title of encumbrances.

**6.10 No Commissions.** The Buyer represents and warrants that it has not retained or authorized to act on its behalf any broker, agent or other intermediary or advisor who might be entitled to any fee, commission or reimbursement from the Seller.

**6.11 Tender.** Any tender of documents, notices or money hereunder may be made upon the Seller or the Buyer or the solicitor acting for either of them and money may be tendered by certified solicitor's trust cheque, bank draft or wire transfer.

**6.12 Notices.** In this Agreement:

(a) any notice or communication required or permitted to be given under the Agreement will be in writing and will be considered to have been given if delivered by hand, transmitted by facsimile transmission or mailed by prepaid registered post in Canada, to the address or facsimile transmission number of each Party set out below:

(i) if to the Seller:

TLC The Land Conservancy of British Columbia  
Physical: 302 Denison Road, Victoria, BC  
Mailing: PO Box 50054 RPO Fairfield Plaza, Victoria, BC V8S 5L8

Attention: John Shields  
Fax No: (250) 744-2251

with a copy to the Seller's solicitor:

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- 7 -

DLA Piper (Canada) LLP  
2800-666 Burrard Street, Vancouver, BC V6C 2Z7  
Attention: Mary Buttery/Lance Williams  
Fax No: (604) 605-3768

(ii) if to the Buyer:

Regional District of Kootenay Boundary  
843 Rossland Avenue, Trail, BC V1R 4S8

Attention: John MacLean  
Fax No: (250)368-3990

or to such other address or facsimile transmission number as any Party may designate in the manner set out above;

(b) notice or communication will be considered to have been received:

- (i) if delivered by hand during business hours, upon receipt by a responsible representative of the receiver, and if not delivered during business hours, upon the commencement of business on the next Business Day;
- (ii) if sent by facsimile transmission during business hours, upon the sender receiving confirmation of the transmission, and if not transmitted during business hours, upon the commencement of business on the next Business Day; and
- (iii) if mailed by prepaid registered post in Canada, upon the 5th Business Day following posting; except that, in the case of a disruption or an impending or threatened disruption in postal services every notice or communication shall be delivered by hand or sent by facsimile transmission.

**6.13 Time of Essence. Time is of the essence of this Agreement.**

**6.14 Non-Merger.** None of the provisions of this Agreement will merge in the transfer of the Lands and all of the provisions of this Agreement will survive the transfer of the Lands to the Buyer for a period of 12 months following Closing.

**6.15 Assignment - Buyer.** The Buyer shall not assign this Agreement without the prior written consent of the Seller. In the event of such an assignment the Buyer shall not be released from its obligations under this Agreement. At the time of the approved assignment, the assignee shall covenant and agree in writing with the Seller to assume all obligations and covenants of the Buyer under this Agreement.

**6.16 Continuing to Act.** The Buyer irrevocably agrees and consents to the Seller's solicitors continuing to represent only the Seller even in the event of a dispute between the Parties relating to the Agreement.

**6.17 Excise Tax Act.** The Seller and Buyer acknowledge and agree that the Purchase Price does not include goods and services tax ("GST") payable under the *Excise Tax Act* (Canada), Section IX ("Act"). If the Buyer is registered under the Act for GST purposes, the Buyer will provide to the Seller prior to the Closing Date the Buyer's GST registration number. The Buyer and Seller represent and warrant that they have complied and will comply in all respects with the requirements of the Act as it relates to the Lands.

CAN: 18971172.3

- 8 -

**6.18 Counterparts.** This Agreement may be signed by original or by facsimile and executed in any number of counterparts, and each executed counterpart will be considered to be an original. All executed counterparts taken together will constitute one agreement.

**[SIGNATURE PAGE FOLLOWS]**

TO EVIDENCE THEIR AGREEMENT the Parties hereto have executed this Agreement as of the date first written above.

**TLC THE LAND CONSERVANCY OF BRITISH COLUMBIA**

By:

\_\_\_\_\_  
Authorized Signatory

Name:

Title:

**REGIONAL DISTRICT OF KOOTENAY BOUNDARY**

By:

\_\_\_\_\_  
Authorized Signatory

Name:

Title:

CAN: 18971172.3

**Schedule A  
Loan Payout Statement**

**Loan Payout Statement**

<b>GENERAL INFORMATION</b>			
<b>Financial Institution Name (the "Lender") and Address</b> Grand Forks District Savings Credit Union 447 Market Avenue, PO Box 2500 Grand Forks, BC V0H 1H0		<b>Date</b> May 29, 2015	<b>Account No.</b> 630706/ 100001243138
<b>Contact Name</b> Angie Hanlon		<b>Phone No.</b> (250) 442-4030	<b>Fax No.</b> (250) 442-5644
		<b>Email Address</b> ahanlon@gfdscu.com	
<b>REQUESTOR INFORMATION</b>			
<b>Requestor Name and Address</b> DLA Piper (Canada) LLP Suite 2800, Park Place, 666 Burrard St Vancouver, BC V6C 2Z7		<b>Phone No.</b>	<b>Fax No.</b>
		<b>Email Address</b>	
<b>BORROWER INFORMATION</b> (Do not complete if same as Requestor.)			
<b>Borrower Name(s) and Address</b> TLC The Land Conservancy of BC Box 50054 Fairfield Plaza Victoria, BC V8S 5L8		<b>Phone No.</b>	<b>Fax No.</b>
		<b>Email Address</b>	
<b>MORTGAGE SECURITY</b> <input checked="" type="checkbox"/> N/A (If more than 1 property is secured, attach a CreditMaster® Inter Alia Property Schedule, Form 2360.) (All currency in Canadian dollars.)			
<b>Mortgaged Property Address</b>	<b>Property Owner (the Mortgagor)</b> <input type="radio"/> Borrower <input type="radio"/> Guarantor	<b>Priority of Registration</b> <input type="radio"/> First <input type="radio"/> Second (First mortgage not to exceed: \$_____)	
<b>Legal Description</b>	<b>Loan Insurer</b> <input type="radio"/> Not Applicable <input type="radio"/> CMHC <input type="radio"/> Genworth Financial	<b>Governing Jurisdiction</b> <input type="radio"/> Alberta <input type="radio"/> British Columbia <input type="radio"/> Ontario	
	<b>Reference No.</b>		
<b>LOAN AND PAYOUT DETAILS</b> (All currency in Canadian dollars.)			
<b>Payout Date</b>	May 29, 2015	<b>Outstanding Principal Balance</b>	\$ 34,559.50
<b>Last Periodic Payment Date</b>	n/a	<b>Interest Rate</b>	6.00%
<b>Loan Agreement Date</b>	March 30, 2004	<b>Per Diem Rate after Payout Date*</b>	\$ 5.68
<b>LOAN PAYOUT STATEMENT</b> (All currency in Canadian dollars.)			
Further to your request, the balance outstanding under the above Loan is as follows:			
<b>Subtotal of Principal and Interest to Payout Date</b>			
Outstanding Principal Balance		\$	34,559.50
Accrued Interest to Payout Date		+ \$	3,333.00
<input type="checkbox"/> Annual Payment (applies only if paid on anniversary date) \$ _____ (original Loan amount) X _____ % (annual payment percentage)		- \$	
		<b>Subtotal 1</b>	= \$ 37,892.50
<b>Prepayment Charge</b> <input type="radio"/> Yes <input checked="" type="radio"/> No			
<input type="radio"/> Prepayment Charge \$ _____ x _____ % (current rate) x _____ mos. ÷ 12		\$ _____	
<input type="radio"/> Full Prepayment Charge (greater of A or B)	(A) \$ _____ x _____ % (current rate) x 3 ÷ 12	\$ _____	\$ _____
	(B) \$ _____ x ( _____ % (current rate) - _____ % (prevailing rate)) ÷ _____ days (number of days from Payout Date to Balance Due Date) ÷ 365	\$ _____	
			<b>Subtotal 2</b>

© 1990 - 2011 CENTRAL 1 CREDIT UNION

PAGE 1 OF 2  
FORM 1214 (R.01/11)

CAN: 18971172.3

- 2 -

LOAN PAYOUT STATEMENT (CONTINUED)		
Other Charges <input type="radio"/> Yes <input checked="" type="radio"/> No		
<input type="checkbox"/> Repayment of Incentive	\$ _____ (original incentive amount) x _____ mos. (remaining in term) + _____ mos. (term)	\$
<input type="checkbox"/> Discharge Fee		+ \$
<input type="checkbox"/> Other _____		+ \$
Subtotal 3		= \$ 0.00
Other Credits <input type="radio"/> Yes <input checked="" type="radio"/> No		
<input type="checkbox"/> Tax Account Balance		\$
<input type="checkbox"/> Other _____		+ \$
Subtotal 4		= \$ 0.00
Net Amount Required to Payout Loan on Payout Date*		
Subtotal of Principal and Interest To Payout Date	Subtotal 1	\$ 37,892.50
Prepayment Charge	Subtotal 2	+ \$ 0.00
Other Charges	Subtotal 3	+ \$ 0.00
Other Credits	Subtotal 4	- \$ 0.00
TOTAL		= \$ 37,892.50

\*If the Loan is a floating or variable rate loan, the Per Diem Rate and the Net Amount is subject to change and should be confirmed with the Lender on the payout date.

This Payout Statement is conditional upon all payments up to and including the Last Regular Payment (and Annual Payment, if applicable), being made and honoured.

The Per Diem Rate and Net Amount Required to Pay Out Loan on Payout Date is subject to change if the Loan is a floating or a variable interest rate loan or a revolving loan (e.g. Primeline®; line of credit).

Please ensure that interest is calculated to the actual payout date and that funds are made payable to the Lender. Funds must be received by the Lender at the address noted above before 2:00 p.m. (Lender's local time) on the Payout Date. Otherwise, interest at the per diem rate to the next business day of that office must be added to the Net Amount Required to Pay Out Loan on Payout Date.

The Discharge Fee, if applicable, includes preparing the Discharge or Transfer form. The Borrower is responsible for registration of the discharge and all registration fees.

This statement is not valid after May 29, 2015. Please contact the Lender if paying out after this date.

☐ Enclosed is a Mortgage Discharge Request which must be completed and returned no later than the Payout Date.

Errors and omissions excepted.

Additional Comments:

LOAN PAYOUT STATEMENT PAGE 2 OF 2

CAN: 18971172.3





# MEMO

**To:** Chair McGregor and Members of the RDKB Board of Directors

**From:** Theresa Lenardon, Manager of Corporate Administration

**Date:** June 24, 2015

## **LGA Regional District Special Voting Regulation**

### **Re: Hardy Mountain Historic Doukhobor Village Site Transfer of Title & Mortgage**

Chair McGregor and Director Russell have deemed this matter urgent and support that it be expedited through the use of the Regional District Special Voting Regulation (BC Reg 41/91) with the collection of responses from Directors by the Manager of Corporate Administration via telephone.

#### **Issue:**

The Land Conservancy (TLC) holds the mortgage for the Hardy Mountain Historic Doukhobor Village Site. TLC has filed bankruptcy and through that process, a Plan of Compromise and Arrangement with the Supreme Court of B.C. has also been filed.

#### **Background:**

Further to information from Director Russell, the Board reviewed this matter at the October 30, 2014 Board meeting. RDKB Staff and Director Russell have consulted with the Electoral Area Services Committee and TLC Property Manager and interest has been expressed for the transfer of the title to the property and assumption of the mortgage indebtedness to the Grand Forks Credit Union of approximately \$37,892.50 (dependent on Closing Date) to the Regional District of Kootenay Boundary.

The Hardy Mountain Historic Doukhobor Village is a 16.9 acre property containing what remains of the historic Makortoff Doukhobor Village and overlooks the Kettle River and Granby River valleys. The site is located in RDKB Electoral Area 'D'/Rural Grand Forks one kilometer west of the City of Grand Forks and is within the Agricultural Land Reserve (ALR).



The Village was acquired by TLC via a purchase from the previous owner who operated the heritage building as a museum and tourist attraction. The property is significant culturally as it represents the only remaining *in situ* Doukhobor "great house" in BC and has been designated as a heritage service by the RDKB Board of Directors as well as a historic site by the National Trust for Canada.

The Village Site is largely intact and the *in-situ* communal house is still in an exceptionally good state of repair. This acreage was also the site of many other village buildings, of which five are still standing. They too are full of historic implements and tools that were used by the Doukhobor pioneers to farm the land.

Director Russell is requesting that the Board consider entering into the Agreement of Purchase and Sale for assumption of the mortgage and transfer of the title by means of a future Gas Tax application.

The following recommendation is related to the Agreement only. Information regarding the Gas Tax application will be submitted to the Electoral Area Services Committee at a later date.

**Recommendation for Consideration:**

**Corporate Vote Weighted**

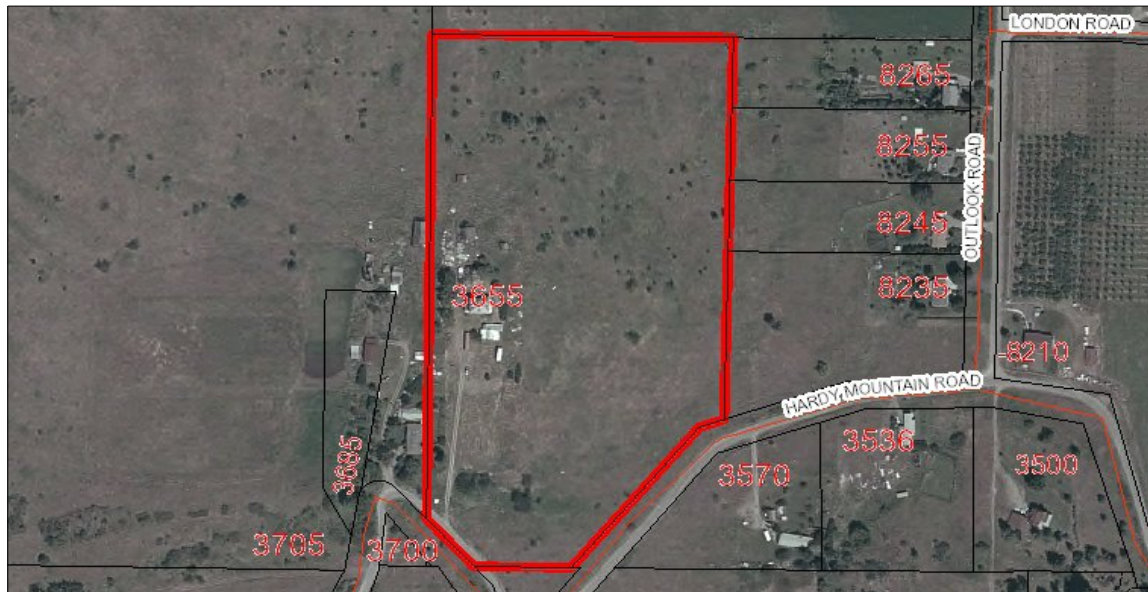
That the Regional District of Kootenay Boundary Board of Directors approves the Agreement of Purchase and Sale of the Hardy Mountain Historic Doukhobor Village (building and lands) from The Land Conservancy to the Regional District of Kootenay Boundary via the transfer of the title to the property and assumption of the mortgage indebtedness to the Grand Forks Credit Union of approximately \$37,892.50 (dependent on Closing Date) to the Regional District of Kootenay Boundary. **FURTHER** that the Board of Directors approves the RDKB authorized signatories to sign the Agreement.

/TL



## Owner Report

Saturday, October 18, 2014



Scale 1: 3,852

### Legal Information

Plan: KAP8423	Section:	Jurs: 712	Lot Area: 16.97
Block:	Township:	Roll: 3845000	Area Unit: acr
Lot: 11	Land District: 54	PID: 009-824-081	Width (ft): 0
District Lot: 334			Depth (ft): 0
Street: 3655 HARDY MOUNTAIN RD			
Description:			

### Owner Information:

CY OF BC TLC THE LAND CONSERVAN

PO BOX 50054 RPO FAIRFIELD PLA  
VICTORIA BC  
V8S5L8

**CONFIDENTIAL**

This report and map is for general information only. The RDKB does not guarantee its accuracy or correctness. All information should be verified. This ownership information should be used for internal government use only and is to be kept confidential.

Page 1 of 1

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B.C. Reg. 41/91  
M21/91

Deposited February 6, 1991

***Local Government Act***  
**REGIONAL DISTRICT**

**SPECIAL VOTING REGULATION**

Note: Check the Cumulative Regulation Bulletin 2014  
for any non-consolidated amendments to this regulation that may be in effect.

[includes amendments up to B.C. Reg. 17/98]

***Contents***

- 1 Interpretation
- 2 Special vote may be taken on urgent matters
- 3 How special voting is to be conducted
- 4 Special vote must be reported at next regular meeting
- 5 Application of regulation

***Schedule***

**Interpretation**

- 1 In this regulation "**urgent**" means requiring immediate action as a result of unforeseen circumstances.

**Special vote may be taken on urgent matters**

- 2 (1) Subject to subsection (2), the voting by the directors of a regional district board, including voting on passing a resolution or on reading or adopting a bylaw, may be conducted in accordance with section 3 where the chairperson and one other director consider
  - (a) that the issue to be voted on is urgent, and
  - (b) that calling a regular or special meeting to conduct the voting is impractical.
- (2) Voting on the second or third reading of the following bylaws may not be conducted in accordance with section 3:
  - (a) annual budget bylaws;
  - (b) zoning bylaws;
  - (c) bylaws adopting official community plans;

(d) rural land use bylaws.

**How special voting is to be conducted**

- 3 (1) The secretary shall make all reasonable attempts in the circumstances to ensure that each director entitled to vote has the opportunity to do so.
- (2) Before a director votes, the secretary shall ensure that the resolution or bylaw to be voted on is communicated to the director either
- (a) orally, including by telephone or other means of telecommunication, or
  - (b) by delivery, including by delivery in writing, by facsimile transmission or other means of electronic transmission or by delivery in electronic form.
- (3) A director shall vote by informing the secretary, in any manner referred to in subsection (2), of the director's approval or disapproval of the resolution or bylaw and the secretary shall at that time record the director's vote.
- (4) Each director who votes shall have the number of votes that he or she would have had in voting on the matter at a regular meeting of the board.
- (5) The rules under section 791 of the Act regarding the counting of votes at meetings of the board, except section 791 (10), apply to the counting of votes taken in accordance with this section.
- (6) After ensuring that each director has an opportunity to vote as required by subsection (1), the secretary shall inform the chairperson of the results of the voting and the chairperson shall declare the vote to have passed or failed in accordance with those results.
- (7) At the time of the chairperson's declaration under subsection (6), the results of the voting shall have the same effect as if the voting had been conducted at a regular meeting of the board and shall then be recorded by the secretary as a minute of the board.
- (8) If the secretary is absent, ill or otherwise disabled, the chairperson may appoint another director to conduct voting under this section in the place of the secretary.

**Special vote must be reported at next regular meeting**

- 4 At the next regular meeting of the board following a vote under section 3, the chairperson shall report the results of the vote.

**Application of regulation**

- 5 This regulation applies only to the districts listed in the Schedule.

[en. B.C. Reg. 17/98.]

**Schedule**

[en. B.C. Reg. 17/98.]

the Cariboo Regional District  
the Central Coast Regional District  
the Regional District of Central Kootenay  
the Columbia-Shuswap Regional District  
the Regional District of East Kootenay  
the Regional District of Fraser-Fort George  
the Fraser Valley Regional District  
the Regional District of Kitimat-Stikine  
the Regional District of Kootenay Boundary  
the Regional District of Mount Waddington  
the Skeena-Queen Charlotte Regional District  
the Squamish-Lillooet Regional District  
the Thompson-Nicola Regional District

[Provisions of the [Local Government Act](#), R.S.B.C. 1996, c. 323, relevant to the enactment of this regulation: section 793 (8)]

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## PEACE RIVER REGIONAL DISTRICT

REGIONAL DISTRICT OF  
KOOTENAY BOUNDARY

FILE #

JUN 22 2015

via email to: [MEM.Minister@gov.bc.ca](mailto:MEM.Minister@gov.bc.ca)

DOC #

REF. TO: *M.P.*

CC: *Board, info only*

Office of: the Chair

June 12, 2015

The Honourable Minister Bill Bennett  
Minister of Energy and Mines  
Minister Responsible for Core Review  
Room 301, Parliament Buildings  
Victoria, BC  
V8V 1X4

Dear Minister Bennett,

**Re: Order in Council No. 148**

Thank you for your quick response dated May 13, 2015 on behalf of Premier Clark to the Peace River Regional District letter, dated April 30, 2015 regarding the OIC #148 which removed lands from the ALR through a recommendation from the ELUC.

The ELUC was enacted to protect the environment and it would be important that the "executive committee" examine the duties of the ELUC.

### Definitions:

#### 1. In this Act:

"committee" means the Environment and Land Use Committee continued under this Act;

"environment" means all the external conditions or influences under which humans, animals, and plants live or are developed;

### Duties of the Committee:

#### 3. The committee has the following duties and powers:

- (a) to establish and recommend programs designed to foster increased public concern and awareness of the environment;

### PLEASE REPLY TO:

☒ BOX 810, DAWSON CREEK, BC V1G 4H8 TELEPHONE: (250) 784-3200 or (800) 670-7773 FAX: (250) 784-3201 EMAIL: [prrd.dc@prrd.bc.ca](mailto:prrd.dc@prrd.bc.ca)  
☐ 9505 100 STREET, FORT ST. JOHN, BC V1J 4N4 TELEPHONE: (250) 785-8084 Fax: (250) 785-1125 EMAIL: [prrd.fsj@prrd.bc.ca](mailto:prrd.fsj@prrd.bc.ca)

The Honourable Bill Bennett  
June 12, 2015

Page 3

For your further consideration, the Peace River Regional District forwarded the following resolution to the 2015 North Central Local Government Association (NCLGA) which was endorsed.

**Therefore Be It Resolved:**

**That the Province of BC be requested to rescind Order in Council No. 148 until there has been adequate public input and respect shown for the legal requirements required to apply for removal of lands from the ALR.**

There is mounting provincial concern with regard to the loss of valuable food producing lands.

Yours truly,

A handwritten signature in black ink, appearing to read 'Lori Ackerman', with a stylized flourish at the end.

Lori Ackerman,  
Chair

cc: Lieutenant Governor Judy Guichon  
Premier Clark  
Minister Steve Thompson  
Minister Norm Letnick  
MLA Pat Pimm  
MLA Mike Bernier  
UBCM members  
Regional Districts  
Frank Leonard, Chair, ALC





June 23, 2015

Chair Grace McGregor  
Regional District of Kootenay Boundary  
202-843 Rossland Avenue  
Trail, BC V1R 4S8

REGIONAL DISTRICT OF KOOTENAY BOUNDARY	
FILE #	JUN 26 2015
DOC #	.....
REF. TO:	Y.P.
CC:	JM

Dear Chair McGregor:

**Re: 2015 Resolutions**

UBCM is in receipt of the attached resolution(s) endorsed by your Board.

The resolution(s) will be presented to the UBCM membership for their consideration at the 2015 UBCM Convention in September.

Please feel free to contact Reiko Tagami, Information & Resolutions Coordinator, if you have any questions about this process.

Tel: 604.270.8226 ext. 115 Email: rtagami@ubcm.ca

Sincerely,

Councillor Sav Dhaliwal  
President

*Enclosure*



## **VICTIMS SERVICES FUNDING**

**Kootenay Boundary  
RD**

WHEREAS the matter of costs to local governments for providing police-based victim services continues to escalate due to the increased demand for the service;

AND WHEREAS the authority for providing victim services for victim's issues, development of legislation, policies and programs, and for providing training and delivering and funding programs that support victims and their families is the responsibility of the Ministry of Justice Victim Services and Crime Prevention;

THEREFORE BE IT RESOLVED that UBCM urge the Province of BC, through the Ministry of Justice Victim Services and Crime Prevention, to increase the Ministry's funding contribution for the provision of victim services with the Province of British Columbia.



June 12, 2015

Tony Demelo  
15210 – 97 Street N  
Osoyoos, BC V0H 1V2

Dear Mr. Demelo:

REGIONAL DISTRICT OF  
KOOTENAY BOUNDARY

FILE #

JUN 18 2015

DOC # .....

REF. TO: *M.D.*

CC: .....

**Agricultural Land Commission**

133–4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

ALC File: 53861

**Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #113/2015) as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision "may not fulfill the purposes of the commission as set out in section 6 or does not adequately take into account the considerations set out in section 4.3". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey at [Lindsay.McCoubrey@gov.bc.ca](mailto:Lindsay.McCoubrey@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

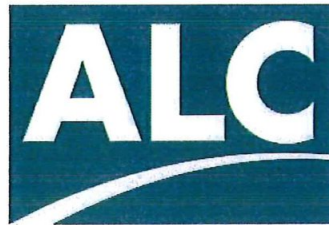
Per:

Colin J. Fry, Chief Tribunal Officer

Enclosures: Reasons for Decision (Resolution #113/2015)

cc: Regional District of Kootenay Boundary (File: E-471-02940.000)

53861d1



**AGRICULTURAL LAND COMMISSION FILE 53861**

**REASONS FOR DECISION OF THE KOOTENAY PANEL**

**Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act***

**Applicant:** M & J Orchards Ltd.  
(the "Applicant")

**Agent:** Tony Demelo  
(the "Agent")

**Application before the Kootenay Regional Panel:** Sharon Mielnichuk, Panel Chair  
Jerry Thibeault  
Ian Knudsen



## **THE APPLICATION**

- [1] The legal description of the property involved in the application is:  
     Parcel Identifier: 014-783-657  
     District Lot 471, Similkameen Division Yale District, Except Plans B1406, 7163,  
     7432 and KAP83534  
     (the "Property")
  
- [2] The Property has the civic address 1522 Myers Creek West Road, south of Rock Creek.
  
- [3] The Property is 126.0 ha in area; 69.0 ha are located within the ALR.
  
- [4] The Property is located partially within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").
  
- [5] The Property is located within Zone 2 as defined in s. 4.2 of the ALCA.
  
- [6] Pursuant to s. 21(2) of the ALCA, the Applicant is applying for authorization to register a 25 year lease on 59 ha for the purpose of operating an orchard (the "Application").
  
- [7] On February 6, 2015, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the Kootenay Regional Panel (the "Panel").

## **RELEVANT STATUTORY PROVISIONS**

- [8] The Application was made pursuant to s. 21(2) of the ALCA:  
     21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.
  
- [9] The purposes of the Commission set out in s. 6 are as follows:  
     6 The following are the purposes of the commission:



- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

[10] The Panel considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

#### **EVIDENTIARY RECORD BEFORE THE PANEL**

[11] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Applicant in advance of this decision.

[12] The Regional District of Kootenay Boundary (the "RDKB") resolved to forward the Application without a recommendation.

[13] The Panel reviewed a previous application involving the Property:

Application ID: 44824  
Legacy File: 37986

To subdivide the 117 ha property to create one 2 ha





Agricultural Land Commission Decision, ALC File 53861

(M & J Orchards, 2008)

parcel, one 10 ha parcel and a 105 ha remainder parcel.

The proposed 10 ha parcel was partially within the ALR.

Approved by Resolution #311/2008 on the condition of inclusion of some land into the ALR.

## **FINDINGS**

### Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture

[14] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability rating for the portion of the Property within the ALR is identified on CLI map sheet 82E/2. The mapping unit encompassing the Property is Class 3 (3M).

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclass associated with this parcel of land is M (moisture deficiency).

[15] Within the area proposed for lease by Lual Orchards Ltd., approximately 12.1 ha are already planted in cherries and Lual Orchards Ltd. has plans to plant an additional 46.5 ha in the near future. The Panel finds that the Application supports the agricultural development and use of ALR land.

### Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values

[16] The Applicant provided no information as to how the proposal would affect economic, cultural or social values.



Section 4.3(c) of the ALCA: third priority to regional and community planning objectives

[17] The Application was forwarded by the RDKB without recommendation. However the Panel noted that no amendments to the Official Community Plan or Zoning Bylaw are required.

**DECISION**

[18] For the reasons given above, the Panel approves the Application for a 25 year lease on 59 ha for orchard operation.

[19] The Application is approved subject to the following conditions:

- a. The preparation of a draft lease agreement with an accompanying site plan that delineates the lease area. The draft is to be forwarded to the Panel for review and approval. If found acceptable, as to form and content, the Panel will instruct the Applicant to prepare the final documents in registrable form for execution; and
- b. The registration of a covenant in the Commission's favour, applicable to the lease area of the Property that prohibits the construction, assembly or placement of any residential buildings or structures on the lease area. For clarity, the covenant is not intended to prohibit or restrict such other agricultural structures considered necessary for the efficient operation of the farm.

[20] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[21] Panel Chair **Sharon Mielnichuk** concurs with the decision.  
 Commissioner **Jerry Thibeault** concurs with the decision.  
 Commissioner **Ian Knudsen** concurs with the decision.

[22] Decision recorded as Resolution #113/2015.



Agricultural Land Commission Decision, ALC File 53861

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A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the  
*Agricultural Land Commission Act*.

\*\*\*\*\*

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by  
Resolution #113/2015. The decision is effective upon release.



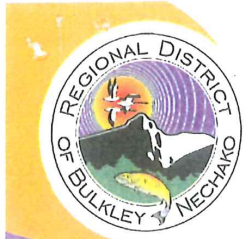
Colin J. Fry, Chief Tribunal Officer

June 12, 2015

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Date Released





37, 3RD AVE, PO Box 820  
BURNS LAKE, BC  
VOJ 1E0

REGIONAL DISTRICT  
OF BULKLEY-NECHAKO  
"A WORLD OF OPPORTUNITIES WITHIN OUR REGION"

June 25, 2015

Honourable Suzanne Anton, Attorney General and Minister of Justice  
PO BOX 9044 Stn Prov Govt  
Victoria BC V8W 9E2

REGIONAL DISTRICT OF KOOTENAY BOUNDARY	
FILE #	JUN 22 2015
DOC #	
REF. TO:	N.E.
CC:	Board Info only

Dear Minister Anton,

**Re: British Columbia Earthquake Preparedness Consultation Report**

After careful review of the British Columbia Earthquake Preparedness Consultation Report prepared by Henry Renteria in December 2014, the Regional District of Bulkley-Nechako wishes to express its concerns.

Although the British Columbia Earthquake Preparedness Consultation Report recommends the Provincial and Federal Governments increase funding to local governments the objectives outlined in the document are unattainable by the Regional District of Bulkley-Nechako in any event.

The Regional District of Bulkley-Nechako has been activated for extended periods of time at various levels almost every year. The Regional District of Bulkley-Nechako has a limited number of staff available to respond to emergencies and, unlike the Province, does not have other agencies to draw from to support a response. During emergency responses, all Regional District departments and many of the staff are activated, during which time they are unable to address Board priorities and day to day duties and responsibilities. These staff members work above and beyond the call of duty during these responses and are exhausted afterward. Staff feel pressure to get the backlog of regular work caught up, resulting in more staff overtime and further exhaustion. The cycle continues each season as the Regional District of Bulkley-Nechako is essentially located in the heart of the mountain pine beetle impacted area of the Province.

The Province only reimburses the Regional District for staff overtime during an emergency response, once the Province decides the event is worthy of a task number. Any amount of funding from the Province will be insufficient to mitigate the time and productivity loss to the region and does not factor minimal staffing levels.

From past experience, the Regional District has seen the promise of funding to support the shift of mandate of responsibilities from the Province dry up over a few years and local government is left taxing its residents for these services.

The Regional District of Bulkley-Nechako recommends that the Province increase funding to Emergency Management BC to build a team of experts and gather the

**MUNICIPALITIES:**

SMITHERS FORT ST. JAMES  
VANDERHOOF FRASER LAKE  
HOUSTON TELKWA  
BURNS LAKE GRANVILLE

**ELECTORAL AREAS:**

A - SMITHERS RURAL E - FRANCOIS/OOTSA LAKE RURAL  
B - BURNS LAKE RURAL F - VANDERHOOF RURAL  
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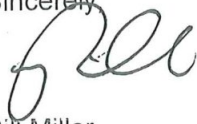
Re: British Columbia Earthquake Preparedness Consultation Report  
 Date: June 25, 2015  
 Page: 2

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appropriate resources to manage and deal with emergency management as the Province did in the past. Also, it is recommended that the Province develop a provincial program with the expertise to address the need for enhanced preparedness and response to emergencies in British Columbia and not rely on local government for emergency preparedness service delivery.

The Regional District of Bulkley-Nechako looks forward to your considered response to its concerns.

Sincerely,



Bill Miller  
 Chair

cc

Alberni-Clayoquot Regional District  
 Capital Regional District  
 Cariboo Regional District  
 Central Coast Regional District  
 Columbia-Shuswap Regional District  
 Comox Valley Regional District  
 Cowitchan Valley Regional District  
 Fraser Valley Regional District  
 Metro Vancouver  
 Northern Rockies Regional Municipality  
 Peace Regional District  
 Powell River Regional District  
 Regional District of Central Kootney  
 Regional District of Central Okanagan  
 Regional District of East Kootney  
 Regional District of Fraser Fort George  
 Regional District of Kitimat Stikine  
 Regional District of Kootney Boundary  
 Regional District of Mount Waddington  
 Regional District of Nanaimo  
 Regional District of North Okanagan  
 Regional District of Okanagan-Similkameen  
 Skeena-Queen Charlotte Regional District  
 Squamish-Lillooet Regional District  
 Stikine Regional District  
 Strathcona Regional District  
 Sunshine Coast Regional District  
 Thompson-Nicola Regional District





**BRITISH  
COLUMBIA**

# **British Columbia Earthquake Preparedness *Consultation Report***

PREPARED FOR THE ATTORNEY GENERAL AND MINISTER OF JUSTICE

*HENRY RENTERIA | DECEMBER 2014*



**B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT**

December 19, 2014

Dear Minister Anton:

I am pleased to submit my final report for your consideration, in accordance with the terms of reference for the BC Earthquake Preparedness Consultation.

Thank you for giving me the opportunity to meet and confer with a wide variety of B.C. Stakeholders regarding their earthquake preparedness concerns and priorities. It was my honour and pleasure to be involved in this important initiative.

Through your leadership and vision, the Ministry has already begun the initial work towards a comprehensive earthquake preparedness program. Lori Wanamaker, Deputy Solicitor General, and Pat Quealey, Assistant Deputy Minister, are providing excellent executive management to guide Emergency Management BC (EMBC) in the oversight of existing strategic programs. I am thoroughly impressed with the level of expertise and professionalism exhibited throughout the EMBC organization and especially the staff. They are truly committed and take their responsibilities very seriously.

The focus of the report calls for a development of a culture of preparedness in British Columbia. Collaboration and cooperation among government, the private sector and the general public is the formula for success. Additionally the specific agencies responsible for leading preparedness efforts must have the necessary authority and resources to accomplish their goals.

It is my sincere hope that this report and the specific recommendations prove to be of value to you and the people of British Columbia.

Yours truly,  
Henry R. Renteria,  
The Renteria Group



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

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## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### Introduction

The existence of active earthquake faults in the Pacific Northwest is well documented. While we cannot predict when, where, or how large an earthquake will be, the probability is high that a major earthquake will cause damage to highly populated areas of B.C. within 50 years. (Appendix B describes the types of earthquake B.C. is subject to and the risk these represent).

Based on significant earthquakes that have occurred throughout the world, there are many documented after-action reports and an abundance of research regarding their effects on cities and populations. Additionally, there are numerous reports and testimonials from public safety officials to remind us that efforts put in place prior to such disasters can go far in minimizing an earthquake's impacts.

In B.C., the lack of significant seismic activity near highly populated areas has resulted in widespread apathy. This has meant that earthquake preparedness has not received the day-to-day attention that other pressing needs have received. Consequently, earthquake and disaster preparedness programs have been cut or restricted in growth and resources have been devoted to other priorities and programs. Certainly, there are preparedness successes and strengths in B.C. that should be recognized, and there are numerous stakeholders who are highly committed to this issue. Overall though, it seems that progress on earthquake preparedness has been limited. Simply put, sufficient resources and priority have not been devoted to this effort.

Thus, B.C. faces a challenge. The earthquake threat has been studied and adequately assessed. Further, actions needed to mitigate an earthquake's impact have been adequately identified in numerous previous reports by organizations such as the Office of the Auditor General (OAG) of BC (See Appendix C for a list of previous reports). But on the whole, British Columbians, and the majority of their institutions, have either not made earthquake preparedness a priority, or have been unable to make significant progress on addressing this issue within existing systems and with existing resources.

In the course of consultations this summer, stakeholders voiced a wide variety of preparedness needs and put forward a multitude of recommendations, many of which are reflected in this report. However, action on a selection of these needs in isolation will not make B.C. prepared. What is required is a holistic approach with all parties recognizing that they have a role to play. Achieving progress through such an approach will depend upon creating a culture of preparedness in B.C., and ensuring that the emergency management system empowers all parties both inside and outside of governments and provides for leadership where it is required.

It is for this reason that this report's recommendations focus on getting the overall emergency management system right, and institutionalizing a culture of preparedness. Motivating, empowering, and leading individuals and agencies to tackle the many necessary preparedness enhancements must be our goal. Among the many pressing issues put forth by stakeholders, this is the crosscutting need and the pre-condition for action on all other preparedness gaps. It is this pre-condition which has been lacking historically.



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

While this report was commissioned by and is submitted to the Attorney General and Minister of Justice, representing the provincial government, its recommendations are not for the provincial government alone. No one agency or any one level of government can prepare B.C. for a catastrophic event. Having said that, there are opportunities for governments to show integrated leadership on this issue, and the recommendations pay particular attention to the resources and authority of the provincial government's lead emergency management agency, Emergency Management BC (EMBC).

Addressing the full scope of earthquake preparedness needs for a jurisdiction the size of B.C. is not an inexpensive proposition. Meaningful progress will require integrated leadership and additional resources. The roadmap to greater preparedness is understood by EMBC. The main obstacles are funding, staffing, and empowerment for lead agencies, such as EMBC, and a wide range of strategic partners.

Five, 10 and 20 years from now, B.C.'s state of earthquake preparedness will be more dependent on its success at moving towards a culture of preparedness and setting the conditions for action than on any specific preparedness enhancements selected for investment in the short- or medium-term.

It is with this in mind that this report's recommendations are put forth for consideration.







## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### Executive Summary

The Earthquake Preparedness Consultation was announced by B.C.'s Attorney General and Minister of Justice on March 11, 2014. Chaired by Henry Renteria, former head of California's Office of Emergency Services and a member of the Governor's Cabinet in that capacity, its objective was to engage with B.C. stakeholders to gather feedback regarding earthquake preparedness issues and priorities (See Appendix A for a short biography of Henry Renteria). As Chair, Henry Renteria was instructed to consider this feedback, and provide recommendations to government by Dec. 31, 2014 on how British Columbians could improve their preparedness for a catastrophic earthquake.

Consultations, conducted during the April to July 2014 period, engaged with a wide variety of stakeholders both within and outside of government. Overall, stakeholder feedback reflected serious concerns regarding B.C.'s preparedness for a catastrophic earthquake, public and institutional apathy, a lack of resources devoted to the issue, and the need for additional leadership. These stakeholder concerns support the findings of other reports on earthquake preparedness which have been completed over the last 20 years, including the recent March 2014 report "*Catastrophic Earthquake Preparedness*" by the OAG of BC.

While progress has been made on earthquake preparedness, and significant work is underway currently for which involved parties should be applauded, the majority of the preparedness gaps and recommendations outlined in previous reports appear to remain valid today.

The concerns of stakeholders, and the long history of relative apathy regarding earthquake preparedness in B.C., speak to the need for systemic and cultural changes on this issue. Driving such change is the focus of this report's recommendations.

As reflected in the recommendations, governments at all levels must provide their agencies with the authority and resources required to fulfill their disaster preparedness responsibilities and provincial and federal governments must provide further funding assistance to help empower local authorities. Organizations outside of government as well as the public also have preparedness responsibilities which they must come to understand, accept and fulfil. System-wide, the expectations of different agencies and organizations must be identified, and accountability measures must be implemented. Further, enhanced plans, training and exercising need to be pursued to ensure that all elements of the system can work together seamlessly.

The recommendations in this report address these issues and suggest a path forward. They do not suggest a multitude of investments in specific emergency management capabilities (though several are noted). Rather, they are designed to set the systemic and cultural conditions for long-term change and allow British Columbians to work successfully towards greater preparedness.

A list of recommendations is provided on the next page. Key recommended actions in support of each recommendation are delineated in the "Recommendations" section, and are summarized in Appendix G: *Summary of Recommendations and Key Actions*.



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### LIST of RECOMMENDATIONS:

#### **RECOMMENDATION #1: LEADERSHIP, AUTHORITY AND RESPONSIBILITY**

The provincial government must provide EMBC with additional resources and the authority required to effectively deliver emergency management leadership to provincial crown agencies and local authorities. Further, EMBC must be positioned within government in such a fashion that its authority is greatly enhanced.

#### **RECOMMENDATION #2: FUNDING AND ACCOUNTABILITY**

The provincial and federal governments must implement a funding program to support local authority preparedness efforts, and leverage emergency management funding to:

- ▶ Increase emphasis on planning and mitigation; and,
- ▶ Increase local authority accountability.

#### **RECOMMENDATION #3: INTERGOVERNMENTAL AND INTER-AGENCY COORDINATION**

Federal, provincial, and local authorities, as well as other entities, such as those in the private sector, must ensure that they have the integrated plans and capacities in place to deal with a catastrophic event.

#### **RECOMMENDATION #4: PUBLIC EDUCATION, AWARENESS AND ENGAGEMENT**

EMBC, together with significant agencies at all levels of government and private sector partners, must launch a long-term and coordinated earthquake preparedness public education and awareness campaign. New funding and staff will be required.

#### **RECOMMENDATION #5: PRIVATE SECTOR AND NON-GOVERNMENTAL ORGANIZATIONS**

The Province must prepare and resource a strategy for further engagement of the private sector in emergency management planning, including mandated requirements for private sector entities.

#### **RECOMMENDATION #6: TRAINING AND EXERCISING**

The provincial government must resource EMBC with additional staff and funding to develop and implement comprehensive training and exercise strategies with partners.

#### **RECOMMENDATION #7: PROVINCEWIDE RISK ANALYSIS**

In the long-term, EMBC and its partners must develop a strategy for enhanced hazard risk and vulnerability analysis and for increasing the availability of emergency management risk data for use by local authorities, the private sector, First Nations and the public.

#### **RECOMMENDATION #8: EMERGENCY MANAGEMENT CAPABILITY PRIORITIES**

Federal, provincial, and local governments must invest in emergency management capability enhancements in such areas as alerting, logistics, urban search and rescue, rapid damage assessment, and 911.



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

# About the Earthquake Preparedness Consultation

## PURPOSE *and* SCOPE

On March 25, 2014, the OAG of BC released a report titled “Catastrophic Earthquake Preparedness” which focused on EMBC planning and reporting with respect to the eventuality of a damaging earthquake. The report concluded that EMBC, the lead agency at the provincial level for emergency management, was not adequately prepared for such an event. The report included nine recommendations to the provincial government, all of which were accepted.

It is worth noting that the 2014 OAG report focused only on one part of B.C.’s emergency management system – EMBC. In B.C., emergency management is a shared responsibility between the public, all levels of government, and numerous stakeholders. Thus, enhancing B.C.’s preparedness for a catastrophic earthquake, or any catastrophic event, necessarily involves all parties, not just EMBC.

Government’s March 2014 response to the 2014 OAG report noted that action was already underway on a number of the report’s recommendations, but that long-term efforts would have to be informed by broader stakeholder input, consistent with the principle of shared responsibility noted above. On March 11, 2014, the Province announced that between April and July, there would be extensive consultation with B.C. stakeholders regarding issues, priorities, and opportunities in the area of catastrophic earthquake preparedness.

Henry Renteria, former director of California’s Office of Emergency Services (OES), and a member of the Governor’s Cabinet from 2003 to 2009, and now head of the Renteria Group of consultants, was appointed the Chair of this Earthquake Preparedness Consultation initiative. As Chair, he was tasked with leading an extensive consultation with a wide range of B.C. stakeholders on improving the ability of British Columbians to prepare for and respond to a catastrophic seismic event. As an expert in the field of emergency management and leadership, Renteria was further tasked with providing concrete recommendations on how British Columbians’ preparedness for such an event could be improved, taking into account stakeholder priorities.

The Terms of Reference for the Earthquake Preparedness Consultation (see Appendix D: *Terms of Reference*) created a wide scope of inquiry, allowing the Chair to draw in feedback from as wide a range of organizations on as wide a range of earthquake preparedness issues as time permitted. Further, as the consultation was initiated, it became clear that while the focus would remain on earthquake preparedness, broader disaster preparedness issues would also necessarily be considered due to the extensive overlap between preparedness requirements for a catastrophic earthquake and those for other disasters.

## STAKEHOLDERS CONSULTED

As noted above, the Earthquake Preparedness Consultation canvassed a wide range of stakeholders over the April to July 2014 period. Stakeholders engaged fell into two broad categories:

- ▶ Local government and First Nations.
- ▶ Additional stakeholders, such as federal agencies, the private sector, non-governmental organizations, neighbouring jurisdictions, etc.



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### LOCAL GOVERNMENT AND FIRST NATIONS

The largest category of stakeholders invited to meet with the Chair was that of local authorities and First Nations. Seventeen community sessions on earthquake preparedness were organized with meeting locations focused on those regions at highest risk from seismic events (See Appendix F: *Earthquake Preparedness Consultation: Community Sessions Schedule*).

In a May 2014 letter, Attorney General and Minister of Justice Suzanne Anton informed all local authorities (189) and First Nations (200) in B.C. about the Earthquake Preparedness Consultation and invited their participation. EMBC subsequently followed up with a written invitation for all local authorities and First Nations in B.C. to attend one of the 17 community sessions scheduled.

These community stakeholder sessions provided invaluable access to local authorities and First Nations with approximately 300 representatives from over 100 local authorities and First Nations attending at least one session (See Appendix E: *Stakeholders Engaged*).

While the community sessions provided valuable in-person opportunities for the Chair to engage directly with stakeholders, written submissions to the Earthquake Preparedness Consultation were also welcomed, and numerous local authority and First Nations representatives contributed in this fashion, frequently as an augmentation to in-person meetings.

### ADDITIONAL STAKEHOLDERS

Consistent with the concept of shared responsibility, the Chair sought to engage with a wide range of stakeholders, both within and outside of government. Thus, meetings were arranged not only with representatives of provincial ministries and federal agencies, but also private sector entities, professional associations, non-governmental organizations, representatives from emergency management and science organizations in other jurisdictions (e.g. U.S. states), etc. (See Appendix E: *Stakeholders Engaged*).

As consultations began, stakeholders meeting with the Chair were frequently able to provide additional stakeholder contact information, thus adding to the range and fulsomeness of the consultation process.

In most cases, in-person or teleconference meetings with the Chair were possible. However, in cases where this was not possible, staff from the small EMBC Earthquake Preparedness Consultation team supporting the Chair met with stakeholders separately. In these cases, the Chair was provided with briefings along with staff notes and any written material from stakeholders.

At the completion of the consultation process, over 200 stakeholders had met with the Chair and/or the earthquake preparedness consultation team. Combined with the local authority and First Nations sessions, this meant that over 500 individuals engaged in the consultation process.



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### STAKEHOLDER FEEDBACK

The Earthquake Preparedness Consultation was structured to provide maximum latitude for stakeholders to raise and address those issues they felt were of top priority. By design, the process was not organized to yield a formal assessment of capacities, or rigidly structured feedback appropriate for comparison across organizations. A variety of questions and/or facilitation tools were used in the course of the consultation process, but typically, stakeholders were asked the following high-level questions:

1. What are the key earthquake preparedness challenges for B.C.?
2. What are some of the successes, or strengths, to build upon?
3. What recommendations can you provide to government?

Given the number and diversity of stakeholders engaged, it is impossible for any one report to adequately reflect the wide range of issues identified and recommendations offered to government. However, despite the diversity of stakeholders who contributed to the process, distinct themes did emerge from the feedback. These themes can be broken down into two broad categories which might be termed "Strategic" and "Specific."

#### STRATEGIC THEMES

**Public education:** The need for the public to be more aware of earthquake risks and to take action to prepare themselves.

**Provincial and federal leadership and coordination:** The need for senior governments to provide funding, direction, and coordination.

#### *Performance benchmarking and accountability:*

The need for standards, guidelines, and accountability measures across the emergency management system.

**Regional planning:** The need for more formal disaster planning to happen at the regional level.

**Training and exercising:** The need for enhanced and/or more coordinated training and exercising to support disaster preparedness.

#### SPECIFIC THEMES

**Emergency alerting and warnings:** The need for additional technologies and processes to alert and communicate with the public.

**Risk mapping and data availability:** The need for stakeholders to have access to additional information on risks in their areas.

**Urban search and rescue:** The need for additional funding and coordination for Urban Search and Rescue capabilities.

**Rapid damage assessment:** The need for additional resources and coordination for assessment of damaged structures following an earthquake.

**Logistics:** The need for plans and processes for how to get food, water, and supplies to areas of need during a disaster.

Feedback on each of these issues is discussed further under "Recommendations." In some cases, this report's recommendations align directly with specific themes above. In other cases, these themes have informed aspects of several recommendations. In all cases, however, stakeholder feedback provides the foundational basis for the recommendations contained in this report. All stakeholders that contributed to the Earthquake Preparedness Consultation should be commended for their contributions of thought, time and energy. Without them, this report would not have been possible, and an opportunity to influence enhancements to B.C.'s disaster preparedness would have been lost.



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### Emergency Management in B.C.

When considering a widespread disaster event such as a catastrophic earthquake, it is natural to turn one's attention to government. Ultimately, it is government agencies which will coordinate a response, and governments also have a central role in planning, mitigating, and recovering from such events. Thus, it is justified that efforts to enhance preparedness place significant emphasis on government action. However, emergency management, and particularly preparedness, is truly a shared responsibility which starts with the individual and the family.

During a disaster, local and provincial government resources will be overwhelmed. In such an event, one's family and neighbours are likely to be the only available first responders. Individuals and families have a responsibility to be prepared for such eventualities by being aware of hazards, taking action on a personal level to mitigate their risks where appropriate (e.g. household mitigations), maintaining emergency supplies, and developing a personal/family emergency plan. Prepared families will put less pressure on overwhelmed government agencies following an earthquake and/or tsunami, allowing available resources to go where they are most needed. As is discussed under "public education", there appears to be significant room for improvement with respect to the preparedness of British Columbians on a personal and family level.

In addition to individuals and families, groups such as private sector corporations, non-governmental organizations, and others, have a responsibility to plan and prepare appropriately for disasters. Whether this responsibility is to shareholders, employees, the broader community, those dependent upon their services, or all of the above, all organizations

need to prepare for emergency events. As B.C. attempts to evolve towards a culture of preparedness and resilience, one objective should be for more and more organizations and agencies to learn more about how they can fulfill these responsibilities and act on that information.

As noted above, government of course has a central role in all phases of emergency management. The BC Emergency Response Management System (BCERMS) is the system the provincial government, crown agencies, and local authorities use to coordinate emergency management. Currently, BCERMS is also being expanded to recognize the critical role of multi-agency coordination for recovery activities following emergency events.

As noted in the 2014 OAG report, this framework is based on an escalating support model. Local authorities (e.g. municipalities, regional districts, and treaty First Nations) have lead responsibility for emergency management. The majority of emergency events are resolved at the local level, and the majority of planning, mitigation and recovery activities must necessarily happen at the local level. The escalating support model provides support when local and regional resources are not sufficient to address a given emergency. This model consists of the following levels:

**Site Level:** The vast majority of emergency incidents in the province are dealt with at what is called the site level. For such events (e.g. structure fire, vehicle incident, etc.), first responding emergency personnel and resources from nearby agencies and jurisdictions represent the response level required.

**Site Support Level:** When the site level response requires off-site support, an Emergency Operations Centre (EOC), frequently operated by a local authority such as a municipality or a regional district, may be activated to provide direction, coordination, and access to additional resources.



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

**Provincial Regional Coordination Level:** When the site support level (EOC) requires off-site support, often during an event with impacts beyond a single local authority, the provincial government activates one of its Provincial Regional Emergency Operation Centres (PREOCs) operated by Emergency Management BC. PREOCs coordinate the activities of provincial agencies in support of one or more EOCs, assist with situational awareness, and provide access to additional resources as required.

**Provincial Central Coordination Level:** When the PREOCs require support and coordination, the Province activates its Provincial Emergency Coordination Centre (PECC), in Victoria. Like the PREOCs, the PECC provides higher level coordination, situational awareness, and access to additional resources. The PECC is also the link to senior provincial decision makers at the provincial level and to federal and international resources. This linkage to federal and international resources is critical in a catastrophic event.

At all levels – from site support to the provincial central coordination level – emergency managers maintain linkages to media, private sector and non-governmental organizations, as appropriate.

EMBC, which operates the PREOCs and PECC, is responsible to British Columbians for leading the management of provincial-level emergencies and disasters, and supporting other authorities within their areas of jurisdiction. Consistent with this mission, EMBC has a lead role at the provincial level for coordinating multi-agency preparedness efforts with respect to catastrophic earthquake and tsunami.

Consistent with the provincial central coordination level responsibilities, EMBC is also responsible for maintaining B.C.'s international emergency management mutual aid agreements such as:

- ▶ The Pacific Northwest Emergency Management Arrangement with Alaska, Washington, Oregon, Idaho, and the Yukon.
- ▶ Canadian Council of Emergency Management Organizations Memorandum of Understanding (MOU) re: Inter-jurisdictional Emergency Management Assistance.
- ▶ Emergency Management Mutual Aid agreement with all provinces and territories.
- ▶ B.C. -/Alberta MOU on Interprovincial Emergency Management Assistance.

As is discussed further under "Recommendations", a consistent message received from stakeholders during the Earthquake Preparedness Consultation is that responsibility for emergency management is shared, and that for all parties to effectively fulfil their responsibilities in a coordinated fashion, integrated leadership is required.

See Appendix H: *Emergency Management Structures* for additional information.





## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### Recommendations

B.C. faces several disaster preparedness challenges. First, the majority of individuals and institutions in B.C. remain apathetic with respect to the risk of a catastrophic earthquake. Second, despite the fact that preparedness needs have been adequately delineated in the past, emergency management systems and resources have not been conducive to effectively addressing these needs.

As noted throughout this report, emergency management is a shared responsibility. Stakeholders at all levels in B.C. appear to be willing to accept this responsibility. It is incumbent upon those in leadership positions to do their part to provide the necessary motivation, leadership, and resources to empower them to do so.

The recommendations in this report build upon the feedback submitted by stakeholders. These recommendations aim to both foster a culture of preparedness in B.C., and alter the emergency management system in such a way that individuals, agencies, and governments can effectively address B.C.'s preparedness challenges together.

#### RECOMMENDATION #1:

#### *Leadership, Authority and Responsibility*

##### **RECOMMENDATION**

The provincial government must provide EMBC with additional resources and the authority required to effectively deliver emergency management leadership to provincial crown agencies and local authorities. Further, EMBC must be positioned within government in such a fashion that its authority is greatly enhanced.

### STAKEHOLDER FEEDBACK

During the stakeholder consultation process, there was wide acceptance that emergency management involves shared responsibility across all partners. That said, there was also the desire for the provincial and federal governments to show enhanced leadership. For example, stakeholders spoke to the need for EMBC to set overall direction with respect to catastrophic planning and to play a leadership role in coordinating the activities of the many partners involved. A number of stakeholders also argued that EMBC required the authority to set standards and establish accountability measures if it was to lead effectively. Stakeholders were also explicit that EMBC required additional resources to fulfil its mandate. Stakeholders also noted that the federal government (primarily Public Safety Canada and Aboriginal and Affairs and Northern Development Canada) needed to provide additional funding and leadership.

### DISCUSSION

EMBC is the lead agency within the provincial government for emergency management. EMBC is responsible to British Columbians for leading the management of provincial level emergencies and disasters and supporting other authorities within their areas of jurisdiction; however, it is apparent that EMBC does not have the authority or the resources to effectively fulfill its mandate. The 2014 OAG report explicitly referenced the resourcing aspect of this issue, and both resources and authority were issues clearly identified by stakeholders during the consultation process.

This desire for additional resources and authority for EMBC is linked to a desire for additional leadership from EMBC. It appears that several factors have contributed to the desire for additional provincial leadership. First, there are



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some areas in emergency management where leadership from senior levels of government is natural. An overarching high-level provincial plan for response and recovery with respect to a catastrophic earthquake is one relevant example. Further, numerous stakeholders noted that the federal government had recently reduced its involvement in, and funding of, emergency management activities (e.g. cancellation of the Joint Emergency Preparedness Program grants, the cessation of emergency management training program delivered by the Canadian Emergency Management College, and the reduction of Public Safety Canada and Aboriginal Affairs and Northern Development Canada regional staff in B.C., etc.). This has understandably placed additional pressure on the provincial government to play a leadership role in support of local authorities. Lastly, resource constraints throughout the emergency management sector have resulted in stakeholders looking for ways to leverage the capacities of other organizations, including the provincial government.

The desire for additional provincial leadership manifested itself in a wide variety of stakeholder comments and submissions. Among these many comments, two key stakeholder messages stood out.

First, in preparation for catastrophic events with widespread implications, such as a major earthquake, stakeholders need the provincial government to develop and communicate its overarching plan before local authorities and others can effectively complete their own plans that will integrate with the provincial plan.

Secondly, some stakeholders, particularly professional emergency managers, voiced the opinion that the Province, and specifically EMBC, may need additional powers to enforce minimum emergency management standards if B.C. is to move toward a greater state of preparedness.

Stakeholders also acknowledged that any standards which may be established will mean that some local authorities or other entities will have to devote resources to meeting those standards. For their part, local authorities and others are very wary of any additional regulation or standards which may be developed, given the potential for additional costs. Local authority stakeholders frequently communicated that the solution to B.C.'s preparedness challenges should not involve the "downloading" of responsibilities to local authorities; however, if there is to be a change in how B.C. prepares for a catastrophic event, local authorities must also recognize their own responsibilities and accept the concept of shared responsibility for catastrophic planning.

Several initiatives are underway which demonstrate leadership on the part of EMBC. Progress on these appears promising, and a newly-formed partnership with other agencies (e.g. an Integrated Earthquake Planning Team) suggests that EMBC has been increasingly successful in leveraging additional resources towards preparedness enhancement efforts. However, in the long run, it appears likely, based on evidence from reports dating back to 1997, that historical obstacles faced by EMBC (and its predecessor, the Provincial Emergency Program) in trying to encourage minimum preparedness efforts by other ministries and agencies will remain a significant impediment to increasing B.C.'s preparedness.

While EMBC is able to make use of sweeping powers (through the Minister of Justice) during a provincially declared State of Emergency by virtue of the *Emergency Program Act*, its ability to compel action from other agencies and authorities prior to a declaration of an emergency is very limited. This applies even within the provincial government with respect to other ministries. This is important



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because just as the provincial government alone cannot prepare B.C. for a catastrophic earthquake, nor can EMBC alone prepare the provincial government for this eventuality. Emergency preparedness must be integrated into the operations of all ministries and agencies. Ultimately, B.C. requires a unified strategy that brings together the prevention, preparedness, response, and recovery capacity of all partners. A starting place is the ministries and agencies of the provincial government. Unfortunately, EMBC does not appear to have the resources and authority (formal or informal) it requires to achieve full cooperation from other provincial agencies and local authorities.

In the case of local authorities, although legislative and regulatory tools do exist which call upon local authorities to plan appropriately for emergencies, a lack of regulatory clarity, constraints on enforcement, and practical resource limitations for some communities have limited EMBC's ability to require minimum preparedness standards. This issue was also highlighted in the 2014 OAG report.

The solution to this problem appears to have several elements:

### **Key Actions in Support of RECOMMENDATION #1**

#### **1.1 The provincial government must augment EMBC's authority to require action of other provincial crown agencies in the realm of emergency management.**

Across government, there is a need for accountability mechanisms which could contribute to unity of effort between crown ministries and agencies. A government-wide culture of preparedness and completion of integrated emergency management plans will not become a reality based on purely voluntary participation by crown agencies.

#### **1.1.1 The provincial government must support EMBC in the establishment of preparedness requirements for other ministries and crown agencies, and establish mechanisms to track and enforce these requirements.**

Examples of such requirements may include preparation of ministry-specific response and recovery plans, cooperation on broader provincial plans, designation and training of staff for emergency management support functions, etc. A variety of tools already used within government, such as ministerial accountability letters, executive salary holdbacks, and the Business Continuity Planning Scorecard, each provide potential examples of how other agencies could be held accountable for their emergency management responsibilities. Unless mechanisms such as these are used to drive cross-agency disaster preparedness efforts, substantial progress may be limited, as evidenced by progress between the 1997 and 2014 OAG reports on earthquake preparedness.

#### **1.1.2 The provincial government must also address EMBC's ability to "task" or require action of other ministries and crown agencies during an emergency response.**

While the existing collaborative model works during most response actions, clarity of EMBC's command function on behalf of the Crown will be needed during a catastrophic event.

#### **1.1.3 The provincial government must position EMBC within government in such a fashion that its authority is greatly enhanced. For example, EMBC could be moved to report directly to the Office of the Premier.**

In government, emergency management cuts across multiple departments and agencies, as it does in non-governmental organizations, local governments and the private sector. Success requires emergency management



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goals and a shared responsibility for meeting them to be embraced by all. It also requires powerful leadership. EMBC needs to be seen across government as reflecting top objectives of the government and the Premier. Ultimately, EMBC requires the kind of positional authority adequate to effectively lead a cross-government agenda of increased preparedness and accountability. This strategy to increase the effectiveness of emergency management organizations has been successfully employed in numerous states and major cities within the United States. For example, in California, the Office of Emergency Services reports directly to the Governor and benefits from the increased influence and authority of this placement. Florida has also used this approach, as have cities such as New York and Oakland.

### **1.2 *The provincial government must augment EMBC's authority, staffing and budget to set minimum standards for local authority emergency management programs.***

EMBC should set minimum standards for local authority emergency management programs. While it may not be practical or desirable for EMBC to "audit" the performance of every local authority with respect to preparedness, EMBC must provide more clarity regarding the expectations of local authorities in the area of emergency management. EMBC requires increased funding and new staff to move communities towards meeting a set emergency standard. An initiative to accomplish this would likely involve a combination of regulatory requirements, incentives (e.g. qualifying for other local authority funding sources, etc.), and/or new tools or templates, supported by new funding and staff for EMBC. To this end, measures should be put in place to ensure that local authorities document and report their performance on emergency management. Standards and benchmarks should be

available to guide planning, promote improvement and monitor outcomes, as is the case in a number of U.S. jurisdictions.

### **1.3 *The provincial government must provide additional resources to EMBC in order for it to meet its earthquake preparedness mandate.***

The 2014 OAG report noted that EMBC does not appear to have adequate resources to fulfill its existing mandate. As the report notes, EMBC's budget has remained largely unchanged since 2006, despite increased populations, increasing frequency of emergency events, and an expanded mandate. If the provincial government sets new objectives for EMBC with respect to catastrophic earthquake preparedness, further resources, both staff and funding, will be required. Stakeholder feedback was consistent with the Auditor General's conclusions. In addition to highlighting their own funding challenges, numerous local authority and other stakeholder representatives independently pointed to the need to address EMBC's funding challenges. Clearly, there is not only broad agreement across stakeholders that the emergency management system as a whole is underfunded, but there also appears to be a common understanding that EMBC specifically is underfunded. The provincial government should undertake a formal assessment of EMBC's resource requirements in light of the 2014 OAG report recommendations, and the recommendations of this report.

### **1.4 *The provincial government must provide for EMBC's emergency operations centres in seismically active areas to be housed in post-disaster facilities.***

If EMBC is to provide a lead emergency coordination role in the province following a major earthquake, it will require its operations centres to be functional and safe for occupation. This requires that these facilities be located in post-disaster rated buildings, which they are not currently.



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**1.5** *The federal government must provide additional regional resources to Public Safety Canada, Aboriginal Affairs and Northern Development Canada, and other applicable agencies, in order for them to meet their emergency management mandates to support emergency management in B.C.*

Numerous stakeholders indicated that these agencies require more resources to provide for the necessary level of emergency management associated with their mandates and responsibilities.

### RECOMMENDATION #2: *Funding and Accountability*

#### RECOMMENDATION

The provincial and federal governments must implement a funding program to support local authority preparedness efforts, and leverage emergency management funding to:

- ▶ Increase emphasis on planning and mitigation; and,
- ▶ Increase local authority accountability.

#### STAKEHOLDER FEEDBACK

Stakeholders that took part in the Earthquake Preparedness Consultation expressed their perspective that emergency management structures are underfunded in B.C. at all levels of government. Further, some stakeholders noted that in many respects, the way funding is structured, particularly funding to local authorities, places undue emphasis on response activities at the expense of much needed efforts centred on planning and prevention/mitigation. Stakeholders recognized and supported the concept of broadly shared responsibility for emergency management, but in a number of

respects feedback communicated that funding structures could support this concept of shared responsibility more effectively. This feedback applied to all hazards, and was not specific to earthquake preparedness.

#### DISCUSSION

##### *Local Authority Resource Constraints*

It is common across all sectors for stakeholders to feel that more public funding (or tax relief) is warranted for the issues of most concern to them. Thus, it was no surprise to hear from the stakeholders who contributed to the Earthquake Preparedness Consultation, that the emergency management system in B.C. is underfunded at all levels.

However, although the Earthquake Preparedness Consultation did not undertake a rigorous analysis of funding and capacities, public and institutional expectations of the emergency management system in B.C. legitimately do not appear to match the resources available. Indeed, previous reports have pointed to this resource challenge. Discussion under Recommendation #2 addresses the consistent feedback from stakeholders regarding the need for additional funding for EMBC, but stakeholders also argued strongly that additional support was required from senior levels of government for local authority emergency management activities. In many cases, particularly for smaller communities and regional districts, local authorities have limited resources and capacities to draw upon to undertake emergency management activities. This limits their ability to plan for events within their areas of responsibility, between neighbours and across their regions, and to undertake mitigations, etc. Even when funding is available, such as during response operations, smaller local authorities frequently find that they have not had the resources to put appropriate structures in place to take best advantage of



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this funding (e.g. establishing relationships with contractors, implementing robust volunteer management structures, developing robust mutual aid plans, etc.).

Local authority emergency management programs, already stretched, were further constrained by the elimination of the federal Joint Emergency Preparedness Program in 2012. This program provided small grants to local authorities in support of selected emergency management priorities such as buying equipment, establishing Emergency Operations Centres, etc. The program also supported Heavy Urban Search and Rescue (HUSAR) capacity (federal cutbacks are also discussed under “Specific Emergency Management Capabilities”).

Resource challenges are also a critical challenge for many First Nations communities. Emergency management for First Nations communities on reserve lands is the responsibility of the federal government. First Nations communities which took part in the Earthquake Preparedness Consultation cited a lack of funding, training, and guidance as key factors in their state of preparedness.

Local authorities are ready and willing to fulfill their emergency management responsibilities, but for many communities, direct provincial and federal financial support is required.

### **Key Actions in Support of RECOMMENDATION #2**

**2.1 The provincial and federal governments must implement a funding program to support emergency management preparedness efforts at the local authority level.**

**2.2 The federal government must increase emergency management funding and personnel available to support First Nations emergency management.**

### **Response Focus and Accountability**

Numerous stakeholders pointed to the fact that emergency management structures are unduly response focussed. This is almost a universal feature of emergency management systems and is not specific to the seismic hazard. The immediacy and visibility of response activities generate greater public, political, and institutional support for response activities than for most preparedness activities. Indeed, these same factors influence funding for police and fire services versus funding for broader emergency management and mitigation. The provincial government has invested substantially in mitigation (e.g. schools seismic mitigation, the flood protection program, strategic wildfire prevention program) but these programs are hazard-specific, are necessarily funding constrained, and only modestly counterbalance the system’s response focus. It is instructive that in B.C. there is little or no funding from senior levels of government for local authorities to undertake planning, yet response activities are funded at 100 per cent (i.e. local authorities are reimbursed by the province for 100 per cent of eligible cost incurred responding to emergency events). Recovery costs for local authorities and private sector claimants, for specifically designated disaster events only, are funded after the first \$1,000 at 80 per cent for non-insurable, and otherwise eligible losses. For private sector claimants the maximum claim is \$300,000.

This funding of response activities at 100 per cent of costs incurred, combined with a lack of funding for planning and mitigation, is problematic in a number of respects. First, it is not cost-effective.





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Properly administered mitigation can provide significant cost benefits. For example, research on flood mitigation cited in Canada's Natural Disaster Mitigation Strategy document cites flood mitigation cost benefit ratios of between 3:1 and 5:1.

Thus, in the long-term, funding of mitigation activities can significantly reduce response costs, yet resource-constrained local authorities have minimal incentive to undertake mitigation efforts since there is only modest mitigation funding available, and 100 per cent of response costs are covered by the provincial government, even in cases where these response costs may have been avoidable.

Further, as several stakeholders noted, local authorities have incentives to promote land uses and developments in areas at risk from natural hazards. The primary revenue from such development accrues to local authorities, while response and recovery costs primarily accrue to the provincial government.

Lastly, current provincial funding mechanisms for local authorities do not require that local authorities meet any minimum criteria with respect to emergency management plans, exercises, mitigation efforts, etc. Local authorities are compensated for 100 per cent of eligible response costs and 80 per cent of eligible recovery cost regardless of whether they have completed appropriate plans, etc.

Some provisions exist to restrict recovery payments for structures built in a flood plain, multiple claims in a disaster prone area, or obvious failures to protect property but other than these provisions, accountability measures (in terms of appropriate plans etc.) are weak.

These aspects of the current system virtually ensure that avoidable expenditures are made year after year on response, while critical planning and prevention/mitigation needs are ignored.

Opportunities may exist to adjust B.C.'s emergency management funding system to correct this situation. For example, while it would be controversial, response costs reimbursement for local authorities (currently 100 per cent) could be adjusted so that local authorities bear an initial "deductible" while still ensuring that no community is forced to bear an unreasonable financial burden due to any emergency event. Federal reimbursement of provincial emergency response costs for example, requires the Province to absorb the first \$1 per person (based on population census data) for an emergency event. Federal cost sharing begins to kick in after the \$1 per person level has been reached.<sup>1</sup>

Provincial reimbursement of local authority costs could perhaps use this model also, though any adjustments to the existing model would have to be tailored to ensure that the available federal transfers are fully accessed. Any savings from response costs could be forwarded back to local authorities to assist with planning and mitigation initiatives.

It should be noted that with respect to the seismic hazard in particular, structural mitigation efforts for public infrastructure are extremely expensive. For example, the estimated cost of upgrading dikes in the Lower Mainland to meet both projected sea level rise estimates and seismic design criteria is \$9.5 billion. At the local authority level, more modest preparedness measures, such as plans, mapping, building inventories, and non-structural mitigations may be top priorities with limited available funding.

<sup>1</sup> In February 2015, Public Safety Canada announced changes to the Disaster Financial Assistance Arrangements. Changes include the fact that provinces are now responsible for one hundred percent of the first \$3 in eligible provincial expenses per capita.





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Ultimately, the B.C. government should investigate what opportunities exist to align funding so that all partners have incentives to plan appropriately, undertake reasonable mitigation measures, and spend wisely. The current system does not appear to create these incentives, and opportunities to enhance B.C.'s preparedness for a catastrophic event are likely being lost as a result.

**2.3 The provincial government must link new and existing local government emergency management funding to accountabilities, such as planning and mitigation efforts.**

**2.4 The provincial government must formally assess mechanisms for local authorities to share in the costs for emergency responses, while ensuring that no community bears an undue burden.**

### RECOMMENDATION #3: Intergovernmental and Inter-Agency Coordination

#### RECOMMENDATION

Federal, provincial, and local authorities, as well as other entities, such as those in the private sector, must ensure that they have the integrated plans and capacities in place to deal with a catastrophic event.

#### STAKEHOLDER FEEDBACK

During the consultation, stakeholders voiced the expectation that the plans and capabilities of all levels of government, and other entities, adequately account for catastrophic events, and that they be effectively integrated with one another. Stakeholders accepted that this is an area of a shared responsibility, but stressed that they expect the provincial and federal governments to provide high-level emergency management plans that other

agencies and stakeholders can link into and support with their own plans.

#### DISCUSSION

The need for robust disaster plans, and particularly plans which are well integrated between partners, is well understood. Such plans provide the basis for coordinated mitigation, response, and recovery efforts. Additionally, the process for the development of plans and procedures is invaluable in that it brings together key agencies and individuals leading to strong professional relationships and ongoing communication among players.

Emergency managers the world over look to catastrophic events which have taken place in other jurisdictions for lessons which can be applied to their own areas of responsibility. For example, hurricane Katrina, and the resulting devastation in New Orleans provided dramatic lessons for emergency managers across the developed world with respect to inter-agency communication. Key among these lessons was that the devastation of New Orleans was not primarily a natural disaster, but a failure of human institutions. The failure of various levels of government and multiple agencies to work together effectively on planning and mitigation efforts before the storm were key factors that led to so much damage to that city and to ineffective response and recovery efforts.

B.C. does not suffer from the intergovernmental and inter-agency dysfunction that New Orleans did. B.C. has structures that provide for integration of plans and actions between the many agencies involved in emergency management. The increased inter-agency planning and integration that occurred during preparations for the 2010 Winter Olympic and Paralympic Games show that agencies and all organizations in B.C. recognize the value of this integration. That said, there are cross-agency,



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and intergovernmental gaps and challenges that must be addressed if B.C. is to be adequately prepared for a catastrophic event such as a major earthquake.

A number of these challenges are outlined below.

### ***Provincewide Catastrophic Response and Recovery Plans***

A milestone in B.C.'s progress towards preparedness will be completion of provincial level catastrophic response and recovery plans.

Development of a comprehensive catastrophic response and recovery plan for B.C. is long overdue. The need for such planning was evident in the 1997/1998 Auditor General's report, and is equally evident in the more recent 2014 OAG report. As numerous stakeholders noted during the 2014 consultation, broad provincewide plans and expectations are required to align and guide the planning of all parties involved.

To its credit, in 2014, EMBC launched a dedicated Earthquake Planning Team with representation from several other agencies, and has produced a roadmap for development of high-level immediate and sustained response plans for catastrophic earthquakes. A recovery plan will follow. Likely, this work will also provide the vast majority of the guidance required for response and recovery operations in response to other events.

EMBC's current planning efforts are well thought out and appropriately scoped to the resources available, but the value of the plans under development will depend upon resource commitments from all stakeholders. These provincial-level plans will need to be exercised and maintained, and development of numerous sub-plans will likely be required. Other ministries, and agencies at all levels, not just those currently working with EMBC on these plans, will require new resources to devote to this effort,

and to the capacities that implementation of the plans will require.

### ***Key Actions in Support of RECOMMENDATION #3***

**3.1 EMBC, in concert with stakeholders, must complete provincewide catastrophic response and recovery plans. This work is already underway.**

### ***Organization-Specific Emergency Management Plans and Capacities***

The roles and responsibilities of all ministries and crown agencies are being identified as part of provincial-level response and recovery planning currently being coordinated by EMBC. A society's ability to respond to and recover from a catastrophic event depends upon the preparations of a multitude of agencies, not just the preparations of lead emergency management organizations such as EMBC. All public and private entities need to devote adequate resources to their own preparations. This is not happening consistently at present.

For example, numerous stakeholders had concerns regarding the health sector's capacity to handle surge requirements in response to a catastrophic event. This represents just one example of how broad provincial plans must be backed by agency-specific plans and capacities. While it appears that significant progress has been made on emergency management and business continuity issues within the health sector, frequently with the leadership of the Ministry of Health, the remaining preparedness needs for this sector are daunting.

Emergency management is an important functional area in several ministries. They will require resourcing to enhance their catastrophic event plans and capacities. Also, a variety of ministries and agencies that may not have traditionally had active emergency management roles will also need



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to become more active in developing plans for catastrophic events. For example, ministries and other agencies will have to adequately address the post-event needs of vulnerable populations such as the elderly, disabled, those facing language barriers, etc. In many jurisdictions, partnerships with non-governmental charities and faith-based groups have proven helpful in the development of robust plans for such populations. A further example is the need for planning to adequately address the significant implications of pets, livestock, animals in zoos, etc. Additionally, ministries with other capabilities, such as logistics, must consider how their capabilities would support broad provincial government disaster planning, response and recovery efforts.

The issues of vulnerable populations and animals were issues specifically raised by stakeholders during the consultation, but catastrophic event planning requirements exist across most ministries or agencies at all levels of government.

The need for organization-specific plans and capacities is one that exists across all levels of government, the private sector, and among non-governmental organizations. In the short term, the Province should lead by example, and ensure that all provincial crown agencies develop and exercise catastrophic event plans that link to provincial-level plans.

### ***3.2 All provincial crown agencies must develop and exercise catastrophic event plans that link to provincial-level plans.***

#### ***Agency-specific Business Continuity Plans and Capacities***

Government and private sector agencies also have a responsibility to undertake appropriate organization-specific business continuity planning. Business continuity planning ensures that organizations delivering critical services can continue to deliver those services following disruptions. The provincial

government has a consistent cross-government approach to business continuity planning and EMBC tracks cross-ministry maintenance of plans; however, most ministry plans have undergone only modest exercising, and anecdotally, it appears that the robustness of business continuity plans among the wider population of public agencies at all levels of government, and the private sector, vary widely in B.C. This is not unexpected.

As noted elsewhere in this report, emergency management related functions system-wide are underfunded. Overall, without cross-government commitment of new resources to complete ministry and agency-specific plans, and without the resources to exercise and implement these plans in practice, preparedness will not increase substantially. A parallel situation appears to exist in the private sector. The provincial government should lead by example and ensure that all crown agencies have realistic business continuity plans in place that have been fully exercised. This would require additional funding across ministries and agencies.

### ***3.3 All provincial crown agencies must complete and exercise realistic business continuity plans.***

#### ***Provincial Coordination Teams***

Effective management of catastrophic events frequently requires senior levels of government (e.g. a provincial or territorial government in Canada or a state government in the U.S.) to deploy teams of staff to provide direct assistance in support of local authorities, particularly in smaller communities. Such teams can provide emergency coordination, communication, technical, or other expertise within a local authority. EMBC is currently in the early process of planning for how such teams could be deployed, but new resources at EMBC and other agencies would have to be identified to support such deployments.



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**3.4 *The provincial government must implement mechanisms, such as Provincial Coordination Teams, to support all authorities during emergency events.***

### ***Out-of-Province Assistance***

B.C. has numerous agreements in place which provide for outside assistance to B.C. following a catastrophic event. In some cases, the procedures development and exercising required to effectively capitalize on these agreements has not been undertaken. As with gaps identified elsewhere, EMBC, other ministries, and local authorities do not appear to have sufficient resources to undertake this work currently.

**3.5 *EMBC, and other provincial government partners, must be provided with additional funding and staff to complete work required to operationalize and exercise out of province assistance agreements and associated procedures.***

### ***Mutual Aid and Provincially Allocated Resources***

When a local government or community becomes overwhelmed and cannot respond on its own to a major incident, assistance from neighbouring local authorities, local authorities elsewhere in the region, and/or the Province will be requested. In larger events especially, coordination and allocation of additional outside assets and resources can be required of the Province. Such assets and resources may be drawn from other local authorities, other crown agencies (provincial or federal), private sector suppliers, or even international jurisdictions.

Seamless sharing and allocation of limited resources is critical across a wide variety of capabilities, such as police, fire, EMS, public works, Critical Infrastructure (CI), as well as goods such as food, water, and medical supplies. Ensuring efficient distribution and/or reallocation of resources during a catastrophic event, requires a strong

shared understanding of how such assistance is administered. This includes, among other considerations, a shared awareness of operational processes, prioritization criteria, reimbursement provisions, and liability coverages.

While policy and processes supporting such resource sharing and allocation is well understood in some areas, it appears that some policy development and communication work remains to establish clarity among all key stakeholders regarding how such resource allocation would be undertaken, who would reimburse whom under what circumstances, and how the liability exposures would be managed for those providing and receiving assistance.

**3.6 *EMBC and partners must complete the work required to clarify procedures with respect to provincially directed mutual aid between local authorities, and allocation of out-of-province aid to local authorities during a catastrophic event.***

### ***Regional Emergency Management***

Stakeholders stressed the importance of regional planning for catastrophic event preparedness, but noted that progress on such region-wide planning in some areas has been limited. Across the board, there appeared to be no stakeholders that disagreed that region-wide planning was appropriate, though no consistent recommendations emerged regarding how it should be accomplished.

It has become a truism of emergency management that natural disasters do not respect jurisdictional boundaries. Neighbouring jurisdictions must work together if plans, mitigations, responses and recovery actions are to be effective. This is particularly true for catastrophic events. Unsurprisingly then, the desire for increased region-wide coordination on emergency management was



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a strong theme within the stakeholder feedback during the consultation.

Currently, regional coordination frameworks appear to be established in some areas and weak in others. Metro Vancouver, for example, participates in the Integrated Partnership for Regional Emergency Management (IPREM) along with the provincial government. While not fully tested by a significant regional emergency, IPREM does provide for the identification of regionally relevant emergency management priorities and coordinates joint action on those priorities between the provincial government, the regional district, the region's municipalities, and other entities as necessary. Other areas, such as some parts of Vancouver Island, have implemented mechanisms that allow for both coordinated planning and some coordination during larger response operations.

Despite some successes, challenges still remain with respect to regional coordination in emergency management. Additional progress on planning coordination would be desirable in some areas, and for most areas, there has been limited progress on concepts of operations for regional coordination during response and recovery, or for regional communication of priorities to PREOCs with respect to allocation of scarce resources.

In some respects, it is not surprising that regional coordination is not more advanced in all areas. There are a number of challenges which have likely slowed progress. For one, regional coordination has not been mandated by the Province, as it has been in some U.S. states. Resource challenges, such as lack of staff and time, to support such planning efforts also appear to have been a factor for municipalities, regional districts, and at EMBC.

Particularly acute challenges exist with integration of many First Nations communities into regional planning. Emergency management on First Nations reserves is the responsibility of the federal government; however, First Nations consistently reported that they did not have the resources, the training or the support to implement effective emergency management programs and the capability to link effectively with neighbouring local authorities. A lack of federal funding for mitigation efforts on reserve lands has also frequently hampered broader mitigation efforts which must be done on a regional basis.

To date, EMBC appears to have pursued a voluntary and flexible model in pursuit of additional regional emergency management coordination. While a flexible approach is likely still warranted, as different models will work for different areas of the province, if B.C. is to make significant progress on catastrophic preparedness, additional regional coordination may need to be mandated at the provincial level. Consideration should also be given to the utility of "disaster councils" at the regional level, such as have been used in some U.S. jurisdictions. These councils are one mechanism of pulling together multiple stakeholders, both public and private, to coordinate planning activities.

**3.7 The provincial government must mandate that all local authorities participate in regional planning, training and exercises.**

**3.8 The provincial government must support regional planning efforts directly through funding to local authorities, and indirectly through creation of additional EMBC positions to guide and support this work.**

**3.9 The federal government must ensure that First Nations communities on reserves have adequate resources to effectively participate in regional planning efforts.**



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Overall, B.C. has good foundational elements in place that provide a basis for inter-ministry and inter-governmental coordination, and coordination between governments, the private sector and non-governmental organization; however, as noted previously, adequate planning for a catastrophic event has not taken place, and the frameworks for inter-organizational cooperation have not been fully matured. The provincial government should lead by example, and ensure that new resources are devoted to undertaking this work within all provincial agencies and entities (e.g. crown corporations).

### RECOMMENDATION #4: *Public Education, Awareness and Engagement*

#### RECOMMENDATION

EMBC, together with significant agencies at all levels of government and private sector partners, must launch a long-term and coordinated earthquake preparedness public education and awareness campaign. New funding and staff will be required.

#### STAKEHOLDER FEEDBACK

When asked what B.C. could do to improve its preparedness for a catastrophic event such as a major earthquake, the majority of stakeholders stressed additional and improved public education as a key priority. Indeed, it was the single highest priority put forth in the course of the Earthquake Preparedness Consultation. Many felt that the general public, the business community and many public officials, were apathetic or uninformed when it came to the risk of a catastrophic earthquake, and that increased public education efforts, coordinated across multiple partners, was needed.

#### DISCUSSION

Likely because B.C. has not experienced a major damaging earthquake in recent memory, there seems to be a sense among the public that it is not an immediate concern. This apathy is problematic. When a serious earthquake happens in British Columbia, response resources will likely be overwhelmed. A public that is aware and prepared can put less pressure on scarce resources. A prepared public is also part of a broader system of preparedness. Evidence from other jurisdictions and other public safety initiatives speaks to the value of public education. Done well, public education can:

- ▶ Save lives and reduce suffering;
- ▶ Reduce response and recovery burdens on governments;
- ▶ Improve community resiliency following emergency events; and,
- ▶ Build broad support for public and volunteer sector safety initiatives.

The key to achieving these benefits is a public education program that not only increases awareness, but drives actual behavior and cultural change among members of the public. Such actions may include preparing family plans, participating in emergency neighbourhood plans, preparing earthquake kits, and volunteering in emergency management roles. An engaged public can also help drive improved preparedness at workplaces and within the private and Non-Governmental Organizations (NGO) sector broadly.

Stakeholders provided quite specific and consistent feedback on how they felt earthquake (and broader emergency management) public education should be delivered in B.C., noting that:





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- ▶ Additional public education is required.
- ▶ Messaging should be consistent between the many agencies involved.
- ▶ Messaging should be consistent over time.
- ▶ Multiple different methods and media should be used, including social media.
- ▶ Campaigns and initiatives from various agencies should be integrated and/or coordinated.
- ▶ Strategies should be based on empirical evidence, and success at changing preparedness behavior (as opposed to simply increasing awareness) should be formally measured.
- ▶ School-age children should be engaged through the Kindergarten to Grade 12 school system.
- ▶ The specific message regarding 72 hours of public self-reliance should be clarified and reassessed. Originally, the 72 hours of being on your own message was based on moderate-sized events and intended to communicate to the public that first responders may not be available for the first 72 hours due to overwhelming response needs. However, in recent years, the 72 hours message seems to be understood more as a recommendation that households maintain 72 hours worth of supplies. Recent disasters around the world have shown that victims can and will be largely on their own for days or even weeks following catastrophic events. Additionally, any message that encourages the public to be self-reliant should also include the need to customize their preparedness needs to the makeup of their families (i.e. special needs, medication, pets, etc.). Thus, current preparedness messaging should be clarified with the public.

In parallel with the Earthquake Preparedness Consultation, EMBC conducted a specific needs assessment focused on public education during the spring and summer of 2014. This effort included a scoping of EMBC's current public education needs and practices, interviews with B.C. stakeholders having specific involvement with public education, and a review of the scientific/academic literature on the topic. In reviewing the findings of that study, it is encouraging to note that the feedback from the broader population of stakeholders engaged during the Earthquake Preparedness Consultation aligns well with best practice and academic research on public education. This needs assessment should serve not only to support the feedback from stakeholders, but can also offer additional tools and findings which EMBC and partners will undoubtedly find useful in the development of future initiatives.

The above stakeholder feedback and the findings of the EMBC public education needs assessment provide a useful package of actions which could be included in any coordinated public education campaign. Based on experiences in California and other U.S. states, several other factors are also worthy of consideration as planning progresses:

### *Accounting for community specific hazards in conjunction with wider public education campaigns.*

While consistent messaging is key to successful public education campaigns, special attention will need to be paid to ensuring that local considerations are accounted for effectively.

### *Engaging school children and their families.*

Informed children can become aware adults, and frequently children can act as ambassadors to carry public safety messages home to parents and neighbors. In B.C. and elsewhere, the fire service has engaged children and families effectively in this way. This may provide a useful model in some respects for broader public safety





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education initiatives. As an added benefit, programs in secondary schools in other jurisdictions have at times also contributed to individuals becoming public safety volunteers or entering public safety professions. To enhance school curriculum, consideration should also be given to developing resources related to general knowledge of the threats that exist in B.C., basic emergency preparedness, and an understanding of how the emergency management planning and response operates in B.C. Schools should be encouraged to provide opportunities for basic First Aid and CPR training for teachers, students and other personnel. Development of curriculum resources to support curriculum would likely involve the Ministry of Education in partnership with key education partners and emergency management stakeholders.

**Capitalizing on high-profile individuals such as elected officials or celebrities.** Recruitment of high-level government officials or celebrities from the arts and sports fields can provide visibility and longevity to preparedness campaigns. This model has been used successfully in some other jurisdictions, and is one technique worthy of consideration in B.C.

**Citizen training.** While not always considered an element of public education per-se, consideration should be given to increasing the take-up of basic training such as first aid and community emergency preparedness among citizens in B.C. The true first responders in many emergency situations are coworkers, neighbors, family and people in the general vicinity of an emergency. Resources devoted to improving the basic skills of citizens can be expected to save lives and reduce suffering significantly during a major event. B.C. also requires a more robust program for recruiting, coordinating, insuring, and organizing available emergency management volunteers, including

convergent volunteers. Models and materials from other jurisdictions such as the neighborhood based emergency response teams based throughout California and now available through the United States' Federal Emergency Management Agency (FEMA) as CERT (Community Emergency Response Teams), may provide useful examples for application in B.C.

In summary, it appears that many of the stakeholders and agencies involved in earthquake preparedness public education are supportive of a change in approach. EMBC, with partners, is currently planning new public education activities which would start to capitalize on the findings of the recent needs assessment and feedback from stakeholders during the Earthquake Preparedness Consultation. This is to be commended. For long-term change to be effective however, and for partners to jointly launch a successful long-term public education campaign, additional action and commitment of resources from the provincial government and other partners will be required.

### **Key actions in support of RECOMMENDATION #4**

- 4.1 All partners, with EMBC leadership, must establish a mechanism to jointly develop and deliver long-term and coordinated earthquake preparedness public education.**
- 4.2 All partners must contribute to developing and implementing resources in support of curriculum in this area for kindergarten to grade 12.**
- 4.3 All levels of government, and involved partners outside of government, must devote additional resources to support coordinated earthquake preparedness public education.**



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**4.4** *Senior elected officials, at all levels, must demonstrate visible and vocal support for a culture of preparedness. Inclusion of earthquake preparedness initiatives in a Speech from the Throne, for example, would be an excellent example of such support.*

### RECOMMENDATION #5:

#### *Private Sector and Non-government Organizations*

##### RECOMMENDATION

The Province must prepare and resource a strategy for further engagement of the private sector in emergency management planning, including mandated requirements for private sector entities.

##### STAKEHOLDER FEEDBACK

Stakeholders in B.C. expect all partners to fulfill their emergency management responsibilities. Stakeholder feedback included the theme that owners of Critical Infrastructure (CI), including those in the private sector, should be planning for catastrophic events. The term “Critical Infrastructure” refers to those physical and information technology facilities, networks, services and assets, which, if disrupted or destroyed, would have a serious impact on the health, safety, security or economic well-being of Canadians or the effective functioning of governments in Canada.” For their part, private sector CI asset holders noted government needs to be clear regarding government’s expectations of them, and that they have resource constraints that restrict their activities, just as do governments.

##### DISCUSSION

A consistent theme throughout this report has been that of shared responsibility. Where the individual and various levels of government are concerned, this shared responsibility is relatively intuitive. We are all responsible to undertake reasonable precautions for our homes and families, and governments have an explicit responsibility to help communities prepare for, respond to, and recover from emergencies and disasters.

While less front of mind, other entities such as private sector corporations and NGOs also have emergency management responsibilities. Entities such as companies that provide critical goods and services (e.g. food, fuel, and telecommunications) have a responsibility to those that depend upon those services. It is incumbent upon all such organizations to appropriately plan for, and have the capacity to address, emergency situations, (including business continuity planning) and to coordinate with other partners in their planning.

It is also incumbent upon government to provide leadership and frameworks that facilitate engagement by private sector (and not-for-profit) entities in government’s emergency management preparedness efforts.

Involvement of the private sector in emergency management offers numerous benefits for all partners. Private sector entities benefit from a more thorough understanding of government’s plans, opportunities to influence those plans, and participating in systems which can offer timely resources to protect or restore impacted private assets. Governments benefit through a better understanding of CI vulnerabilities and capabilities, and more seamless coordination among both public and private asset holders.



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In some jurisdictions, private sector companies such as large retailers have also partnered with governments to provide private sector expertise and products in direct support of government's emergency operations (e.g. logistics capacity, and much needed products such as water, tarps, etc.). In some U.S. jurisdictions, retailers such as Home Depot have also taken an active role in public education efforts and resiliency facilitation through free home preparedness instruction and prominent display of preparedness materials within stores.

Work by EMBC to date with CI partners outside of direct government has been sensible, and appears to have been appropriately scoped to available resources, particularly considering a system-wide reduction in attention to CI following completion of the 2010 Winter Olympic and Paralympic Games. B.C., consistent with federally established frameworks, has established a formal system of connections with private and public entities across a variety of "CI" sectors (e.g. transportation, communications, etc.). A CI Provincial Steering Committee, with numerous key CI asset holders represented helps oversee this linkage between EMBC and industry. EMBC also includes explicit objectives with respect to CI planning and engagement within its Strategic Plan. There are also promising examples of operational linkages to the private sector such as those outlined in the EMBC PECC and PREOC guidelines, and demonstrated during the 2014 wildfire season.

However, if B.C. is going to significantly enhance its preparedness for a catastrophic event, a number of challenges related to engagement of the private sector will have to be tackled. These include:

- ▶ CI planning and coordination resource limitations at EMBC (technology systems and staffing).

- ▶ Uneven participation by private sector partners. For example, not all 10 of the federally designated CI sectors are represented on the Province's CI Steering Committee.
- ▶ Information sharing and confidentiality barriers. For example, CI organizations are frequently reluctant to share proprietary data if they lack confidence in government's ability to keep this information confidential.
- ▶ Lack of clarity regarding the Province's emergency powers following a catastrophic event (e.g. the Province's ability, under a Provincial Declaration of Emergency, to direct the service restoration priorities of private sector corporations).

### INSURANCE INDUSTRY

Along with traditional CI asset holders, such as utilities and transportation companies, the insurance industry also has a critical role in any jurisdiction's preparedness efforts. Working to ensure that insurance providers can remain solvent following a catastrophic event (a current issue being worked on by British Columbia and federal regulators), working towards high uptake of insurance coverage for individuals and businesses, and ensuring that the public understands the role of government versus insurance are all areas where the insurance industry can productively partner with government. In some jurisdictions, government has even partnered with the insurance industry in the delivery of insurance. Insurance industry submissions to the Earthquake Preparedness Consultation highlighted numerous such areas where there are opportunities in B.C. and Canada for the insurance industry to further contribute to disaster resilience such as public education, innovative provisions for post-disaster insurance deductible loans, a strata property strategy, enhanced resiliency for the industry, etc.



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Thus, additional engagement of the insurance industry with respect to disaster preparedness appears to be warranted at the national and the provincial levels.

### **Key actions in support of RECOMMENDATION #5**

**5.1** *The provincial government must augment EMBC's resources for CI coordination and expand the Provincial CI Steering Committee's coverage to include all 10 federally designated (recognized) CI sectors.*

**5.2** *EMBC must conduct focused discussions with CI partners to determine mechanisms for enhanced coordination (e.g. addressing confidentiality barriers to information sharing).*

**5.3** *The provincial government must provide guidance and templates for the preparation of emergency and business continuity plans for crown agencies and critical private sector services.*

**5.4** *As a backstop to voluntary engagement, the provincial and federal government must mandate appropriate private sector preparedness, including sharing of CI information and engagement in joint planning with emergency management organizations.*

**5.5** *EMBC must clarify and communicate its powers to direct actions by CI asset owners (e.g. restoration priorities) during and following a catastrophic event, and clarify provincial expectations of CI asset owners.*

**5.6** *Existing and future contracts executed by the Province with private sector vendors must reference services, materials and equipment that may be needed and used during response and recovery activities.*

**5.7** *The provincial government, and the federal government, must engage with the insurance industry to determine how this industry can contribute further to disaster resilience and to identify how governments can enable insurers to expand their participation without jeopardizing their continued existence.*

### **RECOMMENDATION #6: Training and Exercising**

#### **RECOMMENDATION**

The provincial government must resource EMBC with additional staff and funding to develop and implement comprehensive training and exercise strategies with partners.

#### **STAKEHOLDER FEEDBACK**

**Training:** Stakeholders voiced support for emergency management training that was accessible, integrated across delivering institutions, and based on agreed-upon standards. Stakeholders also supported delivery of training to as broad an audience as possible, given that individuals in a wide variety of roles can have a role to play in supporting emergency management activities.

**Exercising:** Stakeholders evidenced wide agreement on the importance of exercises, and just as wide agreement that most organizations do not have adequate resources to exercise adequately. Stakeholders supported a provincial exercise framework building towards increasingly complex exercises, but noted that additional support (financial and staff assistance) would be required in order for many partners to participate.



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### DISCUSSION

Training and exercising are cornerstones of effective emergency management, whether preparing for day-to-day minor events, or rare, catastrophic ones.

Training that is well-designed, matched appropriately to organizational functions, and delivered effectively must be a priority for any emergency management organization. While this may verge on common sense for conventional roles such as police and fire, it can sometimes be overlooked or given lower priority with respect to general emergency management functions such as planning, emergency co-ordination, or recovery.

Like training, opportunities to engage in exercises are absolutely critical for an effective emergency management program. Exercises give individuals, agencies, and broader multi-agency systems the opportunity to test operational procedures and plans, identify gaps and weaknesses, and perhaps most importantly, strengthen inter-agency working relationships by building a common operating picture essential for clear communication and coordination of actions among emergency response and other organizations.

Without appropriate training and exercising, no jurisdiction can achieve an appropriate level of preparedness.

Given the importance of training and exercising then, it came as little surprise that the need for a focus on training and exercising came through loud and clear from stakeholders.

#### Training

There are a variety of ways that emergency managers can access training in B.C. For example, with respect to local authorities, training for emergency management professionals, as well as elected officials and other staff, is available both in person and on-line from EMBC and through EMBC-

sponsored training delivered through the Justice Institute of BC (JIBC). In addition, the JIBC and other key academic and educational institutions collectively offer a wide variety of emergency management training for emergency management practitioners that support degree, diploma and certificate programs. During the Earthquake Preparedness Consultation, stakeholders did note that there is a significant amount of emergency management training available in B.C. However, system-wide, there are training challenges and opportunities for enhancements, including:

**Access:** While stakeholders noted that, on the whole, there is a significant amount of training available in the province, some practitioners have experienced challenges in accessing training, whether due to limited time or travel budgets. EMBC has also been constrained by limited numbers of regional staff available to deliver training and limited travel budgets. Stakeholders were very supportive of alternative modes of training delivery such as the webinars hosted by EMBC, but noted that face-to-face training was also essential.

**Integration:** It appears that there are opportunities to better integrate the training that is available from various agencies and institutions. EMBC already participates in advisory committees in cooperation with individual training delivery institutions, but a provincewide integrated approach to emergency management training has not yet been fully realized. Courses and programs (including degree programs) offer materials for entry level emergency managers, for senior officials, and for specific functions covering all phases of emergency management, but taken as a whole, the training and educational opportunities available across the province do not represent an integrated curriculum. A more cooperative and integrated training network would be a key tool in achieving this.



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**Standards and guidelines:** Training standards and guidelines need to be more fully developed. While standards and guidelines are well established in some areas (e.g. Incident Command System training, Emergency Social Services training, etc.), in many cases there are no broader standards or guidelines that clarify what training is required to fulfill a given function. For example, guidelines are required to demonstrate what minimum requirements are needed for individuals whose job it is to manage emergencies at the local level, such as those in the critical role of a local authority Emergency Program Coordinator (EPC). The increasing scope and scale of emergency events and demographic pressures, among other factors, are necessitating increased professionalism in emergency management. Additional rigor is needed to assess the qualifications and experience of candidates for emergency management roles, to guide career development (e.g. what formal courses/training are expected for increasing levels of responsibility) and determine what criteria should be used to judge the quality of training.

To address these challenges, B.C. requires an emergency management training strategy that features an integrated approach among training providers. Training, like all aspects of emergency management, is also an area of shared responsibility. However, the provincial government is in a position to bring multiple involved parties together to address some of the issues above and further improve emergency management training.

### Exercises

As important as training is, it is incomplete before it has been exercised. Training, combined with exercising is perhaps the single most reliable strategy to ensure preparedness and an effective response.

EMBC-led exercising is on the increase. For example, EMBC is in the process of filling two positions that will be dedicated to organizing and implementing exercises. Also, EMBC's strategic plan released in Spring 2014 includes explicit objectives related to exercising. These objectives appear to be appropriate given the available resources.

However, if B.C. is going to substantially enhance its preparedness for a catastrophic event, additional funding and staff will be required. Jurisdictions elsewhere which have made a concerted effort to address earthquake and disaster preparedness have developed and implemented robust exercise strategies that involve increasing numbers of partners in exercises that increase over time in size and complexity. A well-planned schedule of exercises, including drills, tabletop and functional exercises over a multi-year timeframe is essential. Functional exercises should, for example, be scheduled once a year. Full-scale exercises which are more labor intensive and costly should be scheduled every 3 years or so.

High-level exercise strategies (e.g. for a province or a state) necessarily include all levels of government and key elements of the private and non-governmental sectors, and include participation by senior officials as well as community members. Such strategies also account for recovery and mitigation considerations, in addition to response operations. Ultimately, full participation in these exercises must be mandatory for all key public sector, private sector and NGO partners.





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While an absolutely critical element of preparedness, robust exercise programs are expensive. Dependent on the diverse scale of stakeholder engagement, the cost of a single full-scale, multi-day integrated exercise can cost millions of dollars. For example, the Washington State Evergreen Exercise held in 2012 cost approximately \$2.5 million (not including in-kind support). This exercise included participation from local, county, state and federal governments, First Nations, corporate stakeholders and cross-border engagement, in a multi-day, multi-site exercise event. Adequate financial support from senior levels of government to emergency management organizations, all involved ministries/departments and local authorities is essential. Local governments and others, consistent with their shared responsibility for exercising, will also have to devote additional resources to exercising.

### **Key actions in support of RECOMMENDATION #6**

**6.1** *The provincial government must work with partners to develop an emergency management training strategy that improves access, increases integration between delivery organizations, and includes consistent training guidelines. Federal participation and funding will be required to ensure adequate training opportunities for all regional federal staff in B.C., as well as First Nations communities.*

**6.2** *The provincial government, with partners, must develop and implement a robust, provincial exercise strategy that includes full-scale exercises. Additional provincial resources (funding and people) will be required. Federal funding and people will be required to ensure adequate participation by national and regional federal assets, in addition to First Nations.*

## **RECOMMENDATION #7: Provincewide Risk Analysis**

### **RECOMMENDATION**

In the long-term, EMBC and its partners must develop a strategy for enhanced hazard risk and vulnerability analysis, and for increasing the availability of emergency management risk data for use by local authorities, the private sector, First Nations and the public.

### **STAKEHOLDER FEEDBACK**

Stakeholders participating in the Earthquake Preparedness Consultation communicated a desire for greater availability of risk data for their geographic areas. In many cases, the required data was of a mapping/geospatial nature. For example:

- ▶ Tsunami wave height and inundation modelling.
- ▶ Building stock and vulnerability analysis.
- ▶ Slope stability data.
- ▶ Micro-zonation for earthquake risks such as liquefaction.
- ▶ Earthquake fault locations.

In other cases, stakeholders such as local authorities expressed concerns regarding assessments of risks and vulnerabilities with respect to less geospatial-specific factors such as vulnerable populations, aging infrastructure, or disrupted supply routes. Smaller, remote communities in particular frequently voiced concerns regarding vulnerabilities around supply chains and isolation following a major event.





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It was also clear during the consultation process that even on an individual and family level, there was a desire for greater data accessibility. At the individual level, access to such data may influence actions such as selection of a home to purchase, or development of a basic family emergency plan.

### DISCUSSION

The 2014 OAG of BC Report titled “Catastrophic Earthquake Preparedness” specifically speaks to the regulatory and good practice requirements for emergency management organizations in B.C., such as local authorities and EMBC, to prepare detailed Hazard Risk and Vulnerability Analyses (HRVAs) to guide emergency management plans. HRVAs help planners identify what hazards (e.g. floods, interface fires, earthquakes) need to be considered for specific areas within their jurisdictions, what impacts these hazards may cause, and what people or infrastructure are most at risk. As also noted in the 2014 OAG report, the last all-hazards provincewide HRVA for B.C. was in 1997. No HRVA specific to catastrophic earthquake has been completed.

An appropriate understanding of hazards, risks, and vulnerabilities is a cornerstone of appropriate planning, not only for emergency management organizations, governments, and CI asset owners, but also for individuals. For example, emergency planners and the public in Greater Victoria can access a detailed online map of tsunami hazard planning areas in the region. Resources such as this can assist governments, private sector entities, and homeowners to plan appropriately. HRVAs combine information such as this, across all hazards, together with other sources of data, to create a comprehensive assessment of hazards, risks, and vulnerabilities.

All local authorities in B.C. are required to prepare plans that account for the hazards in their specific areas. Thus, to varying degrees of specificity, local authority plans are intended to account for specific local needs and associated response actions/resources. However, many local authorities, and some other stakeholders such as private sector CI owners, voiced the desire for either greater access to data, or additional assistance in assessing hazards, risks, and vulnerabilities.

With respect to access to risk data (whether for professionals or families), there are a number of related issues. In some cases, risk data exists, but its availability may not have been communicated widely (e.g. Lower Mainland liquefaction risk mapping was one such data set which was discussed during the consultation). In other cases, information may be held confidentially due to legitimate competitiveness concerns. Many private sector companies have already conducted internal hazards identification processes to identify vulnerabilities within their own infrastructure. The sharing of this information, while ensuring confidentiality for proprietary matters, will be very important and relevant to life safety and rapid recovery in the event of a catastrophic earthquake or other disaster. In further cases, the desired data may have to be created, though at a substantial cost (e.g. tsunami inundation modelling for additional areas of B.C.’s coast). Lastly, publicly available data from various sources may not be consolidated into a format which can be easily accessed by those who require it for planning.

In the long-term, more extensive use of emergency management information management systems may offer some solutions. Examples of such systems include ETeam, already in use by EMBC, and Hazus. Hazus, a Geographic Information System-enabled risk assessment software package



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may offer opportunities to consolidate, analyze, and communicate risk data. A staged approach where data regarding earthquake, tsunami, CI, and landslides are incrementally added to this, or a similar system, may be a practical option, though implementation funding would be required.

Implicitly, stakeholders' desire for enhanced risk data availability, and assistance with identifying hazards for their local areas, seems to support the need for an updated HRVA for B.C. or HRVAs done at the regional level (e.g. for the six EMBC regions).

Ideally, a provincewide HRVA would identify potential hazards and vulnerabilities within different planning areas. Local plans could then incorporate these findings and managers can design scenarios for their training and exercise programs. HRVA enhancements would require additional funding.

However, a formal HRVA may add little value if it simply re-formats and consolidates existing analyses which are already informing planning, and which are of a general, provincewide nature. Further, no single HRVA will ever address all the geographically or vulnerability specific issues of each community or stakeholder.

A provincewide HRVA will, however, add value if it is part of a wider strategy to assist local authorities and other stakeholders to access the data they need to plan appropriately. Ultimately, local authorities and other stakeholders are the experts on their own geographic areas, their operations, and their vulnerabilities. They do, however, need to know what data is available, be able to access it, and in some cases, be provided with assistance or partnerships to develop it.

### **Key Actions In Support of RECOMMENDATION #7**

**7.1** *All partners must assess opportunities to develop, consolidate and share sources of risk data. Such work could include development and sharing of additional tsunami inundation modelling, inventories of public essential services facilities, building stock inventories, mapping of hazardous materials locations, etc.*

**7.2** *Governments must provide additional funding to support the enhanced use of geospatial data within emergency management information systems, and assessment of unique issues such as vulnerable populations, hazardous materials, or animals. Often, these unique risks and vulnerabilities can be overlooked or inadequately considered in emergency plans due to lack of data, complexity, confidentiality concerns, etc.*

**7.3** *The Province must fund a small, dedicated EMBC team to lead HRVA efforts at the provincial level and assist local authorities with local HRVA needs.*

**Note:** Key action 5.4 also supports recommendation 7:

**5.4** *As a backstop to voluntary engagement, the provincial and federal governments must mandate appropriate private sector preparedness, including sharing of CI information and engagement in joint planning with emergency management organizations.*



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### RECOMMENDATION #8: *Emergency Management Capability Priorities*

#### RECOMMENDATION

Federal, provincial, and local governments must invest in emergency management capability enhancements in such areas as alerting, logistics, urban search and rescue, rapid damage assessment, and 911.

#### STAKEHOLDER FEEDBACK

In the course of the consultation, stakeholders pointed to numerous specific emergency management capabilities which require additional investment. Some of the most commonly referenced were rapid damage assessment, alerting, urban search and rescue, and logistics. Additionally, several key emergency management agencies spoke to the need for additional situational awareness tools.

#### DISCUSSION

Previous reports on the topic of earthquake preparedness in B.C. have pointed to the need for additional emergency management capacity in a multitude of important areas. This report has focused on the emergency management frameworks and culture in B.C. rather than highlighting those specific capabilities in need of additional resources, support, or coordination. However, the emergency management capabilities highlighted in the next section are several of the specific capabilities which were of primary concern for stakeholders, in addition to very broad capability areas such as the health care system, transportation infrastructure, etc.

To effect real change in the area of disaster preparedness, system-wide and cultural change need to be the top priorities for B.C. However, as opportunities present themselves for greater commitment of time and resources to specific functions, the following capabilities should be given early consideration.

#### Key Actions In Support of RECOMMENDATION #8

##### Emergency Alerting:

A very common theme heard from stakeholders during the consultation was the desire for enhanced emergency alerting. Stakeholders spoke to the need both for improved alerting of local authorities and those with emergency response responsibilities, and improved alerting for the public. Desired functionality included an improved Provincial Emergency Notification System (PENS), smart-phone alerting applications, broadcast interruption alerts, community sirens, use of social media, etc. The issue of alerting appears to have been a long-standing one in B.C. For example, PENS, the tsunami notification system used by EMBC, has been the subject of several Union of BC Municipalities (UBCM) resolutions in past years which have called for the system to be improved. EMBC currently has several initiatives underway or planned which could improve emergency alerting in B.C. An upgrade to PENS is one such initiative. As noted by stakeholders, having effective alerting mechanisms in place is a key element of catastrophic preparedness, and a key factor in empowering the public to take responsibility for their own safety.

While the consultation process did not include an assessment of resources being earmarked for future alerting initiatives, any new functionality in this regard will require additional resources at the provincial level. Certainly, involved stakeholders in B.C., including the provincial government, need to be assessing existing and emerging technologies and their applicability to the alerting need.



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**8.1 EMBC, and other partners, must select and implement improved emergency alerting mechanisms for British Columbians including both new technologies and operational practices.**

### **Logistics:**

Broadly speaking, logistics is the management of the movement of goods. In an emergency management and catastrophic event planning context, it normally refers to the movement of critical resources (e.g. food, fuel, water, medicine) into the impact area, as well as distribution of those resources to where they are needed. While stakeholders did not necessarily use emergency management terminology such as “logistics,” concern over how much-needed resources would be brought into communities following a major earthquake was one of the most commonly heard concerns from stakeholders during the consultation process.

As of Fall 2014, EMBC is already taking steps towards addressing this issue with the creation of several new dedicated logistics positions within EMBC. This is a very sensible and encouraging development that is appropriately scaled to current plan maturity and available resources. In the medium to longer term though, any logistics plans developed by this team will require the commitment of partners, and will need to be exercised. Ultimately, for British Columbians to have confidence that logistics plans and capacity can address a catastrophic event, additional resources will be required. Logistics planning and exercising undertaken by Washington State, which faces similar earthquake and tsunami hazards to B.C., provides a good example of the resource requirements of a more fully matured emergency management logistics capability. These resource requirements are substantial.

**8.2 The provincial government and other partners must establish and resource a framework and capacity for post-disaster logistics. At the provincial government level, such a framework will need to include ministries and agencies well beyond EMBC alone.**

### **Urban Search and Rescue (USAR):**

While definitions and understanding of what constitutes “urban search and rescue” may vary, numerous stakeholders expressed the desire for enhanced and coordinated urban search and rescue capacity in B.C.

B.C.’s HUSAR capacity was reduced when federal funding was cut to the Vancouver Task Force 1 HUSAR team at the end of 2012, but a partnership between the City of Vancouver and EMBC have enabled this team to continue, albeit at a reduced capacity. Federal funding was also eliminated for the other HUSAR teams in Canada, along with funding for HUSAR exercise and coordination functions. The reduction in B.C.’s HUSAR capacity was commonly referred to as a concern by stakeholders during the consultation. All stakeholders in B.C. should insist that the federal government reinstate HUSAR funding and coordination resources.

In a variety of ways, a number of stakeholders also expressed the desire for greater leadership and coordination with respect to what might be termed light urban search and rescue, which may include the use of Ground (Wilderness) Search and Rescue volunteers, or specially trained USAR volunteers. While there are a variety of groups providing USAR capability in B.C., approaches, training, and governance is varied. An opportunity may exist for EMBC to work with partners to achieve additional coordination and enhanced capacity in the USAR realm. Additional federal funding and engagement will also be required to achieve optimal linkages to HUSAR capacities and standards, and enhance HUSAR capacity.

**8.3 The provincial government and other partners must establish and resource a framework and capacity for urban search and rescue, with particular emphasis on light and medium urban search and rescue capacity.**



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### ***Rapid Damage Assessment (RDA):***

Following a major earthquake, a significant determinant of how effective the response and early recovery activities will be the efficacy of RDA, the process of coordinating structure assessment efforts and consolidating and disseminating the results of those assessments for emergency managers. This process can save lives, reduce the draw on other resources, and improve resiliency when done well. Numerous stakeholders cited RDA as a key catastrophic event preparedness challenge. B.C. currently has frameworks in place for RDA, but these frameworks have not been explored, resourced or exercised to the point where they could be fully utilized in a catastrophic event. Substantial work is required to fully develop and then implement RDA standards, training, and policies. Further, organizations to lead the program and technology to support RDA have not been fully determined. EMBC's planning accounts for this gap but like other preparedness gaps, closing it will require new funding and staff as well as the commitment of partners.

**8.4 *The provincial government and other partners, must establish and resource a framework and capacity for rapid damage assessment, including use of appropriate technology.***

### ***Immediate Response Situational Awareness:***

The immediate response plan currently under development will cover the initial several days following a catastrophic event. During this initial period, assessing the scope of the impacts, saving lives, and setting the conditions for a sustained response and recovery will be the primary objectives. At the provincial level, priorities will be determined by the PECC based on information provided through PREOCs, from local authorities, and/or directly from certain large agencies. As has been the experience in other jurisdictions,

immediately following a major earthquake a large portion of the data required for situational awareness will come from calls to 911 dispatch centres. EMBC, like most emergency management organizations, has no direct access to aggregated 911 data. In the long-term, this situational awareness gap and the overall capacity and resiliency of the 911 system during a catastrophic event is something EMBC should explore with partners.

Of note, the Ministry of Justice is considering opportunities to increase functionality and efficiencies in the network of facilities that accept 911 calls (Public Safety Answer Points). Such an initiative should offer opportunities to build additional resiliency for the 911 system, and establish improved linkages between the 911 system and emergency management structures.

**8.5 *The provincial government, local authorities, and key partners must assess opportunities to enhance the resiliency and capacity of the 911 system, and establish situational awareness linkages between the 911 system and emergency management structures.***

As noted above, the specific gaps, capabilities and issues highlighted here by no means constitute a complete list of the issues that catastrophic planning must address or the capabilities that EMBC and/or its partners must develop or enhance. Numerous others abound, and indeed stakeholders identified a number of them (e.g. EMBC's radio communications capabilities). Further, EMBC's existing earthquake planning roadmap considers many more issues than have been discussed above. However, the above items have been noted here in order to provide specific examples of catastrophic response and recovery plans and capabilities that must be covered off and which will unavoidably require additional resources to address.



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### Conclusion

The same location and geography that makes B.C. so beautiful, also makes it subject to numerous natural hazards such as a catastrophic earthquake, which could cause significant loss of life, damage to property, and lasting economic impacts. Events around the world offer a glimpse of what B.C. could expect from an event within its own borders. Understandably, British Columbians have an expectation that governments at all levels, and other providers of critical services, have planned and prepared for such disasters.

As a number of reports have highlighted previously, governments and other agencies are not adequately prepared for an event like a catastrophic earthquake. Further, despite the fact that this issue has been publicly reported on previously, significant preparedness enhancements provincewide seem to have been elusive.

Efforts at widespread preparedness improvements can only be successful when there is a clear vision, sufficient resources and strong political will. All too frequently, these factors are present only after a significant emergency event has already taken place. At present, British Columbians have the opportunity to tackle preparedness improvements before a catastrophic earthquake is experienced here. This report was commissioned to gain a better understanding of stakeholder priorities as this work is undertaken.

As noted, stakeholders in B.C. expect governments and other organizations to prepare for disasters. However, stakeholders in B.C. also accept the concept of shared responsibility for emergency management. This report has highlighted a number of the priorities identified by those stakeholders. It also sets out recommendations designed to pivot B.C.'s culture and its emergency management structures towards a situation where stakeholders are empowered and accountable, and where agencies, such as EMBC, have the resources and authority to deliver the integrated leadership for which stakeholders voiced a need.

Leaders at all levels must demonstrate the political will necessary to elevate and highlight the importance of preparedness for a catastrophic event. Political and other leaders must use every means available to them to communicate the importance of preparedness and provide the leadership which stakeholders communicated was lacking. The path to greater preparedness is relatively clear. The key is ensuring that agencies with preparedness responsibilities, importantly but certainly not exclusively EMBC, have the empowerment, staff and resources to undertake and complete this important work.

While this report was commissioned by, and has been delivered to, the provincial government, ultimately, B.C.'s commitment to these recommendations and to preparedness in general, is a responsibility shared by all.





B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

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## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

## Appendix A: *Henry Renteria Bio*

### HENRY R. RENTERIA

#### *Chair, Earthquake Preparedness Consultation*

Henry Renteria is an emergency management and public safety consultant. He works with government, private industry and non-profit agencies to promote and implement preparedness, response, recovery and mitigation programs. He has expertise in Emergency Operations Centers, Incident Command Systems, Crisis Intervention and disaster related legislation and funding.

He served as the Director of the California Governor's Office of Emergency Services (OES) from 2003 to 2009 and was a member of the Governor's Cabinet in that capacity. As OES Director he managed the State response and recovery to numerous local, regional and state disasters, including the 2007 Southern California wildfires, the largest in California's history. As a member of the Governor's Cabinet, he was responsible for coordinating all state agencies and resources in preparing for, responding to and recovering from human-caused and natural disasters. He helped coordinate the merger of the OES with the Office of Homeland Security to create the new California Emergency Management Agency.

Prior to his state appointment, Mr. Renteria served as the Director of the City of Oakland Office of Emergency Services for 18 years. While in Oakland he managed the City's response to six Presidential Declared disasters including the 1989 Loma Prieta Earthquake and the 1991 Oakland Hills Firestorm. As a result of legislation from the Firestorm, he served on the coordinating committee that created the California Standardized Emergency Management System (SEMS).

Additionally, he coordinated the state's first Emergency Manager's Mutual Aid program in response to the 1994 Northridge Earthquake. He was in Japan in 1995 when the Kobe Earthquake struck. He remained in Kobe for 10 days and personally witnessed the response and early recovery efforts.

Additionally, Mr. Renteria served as Executive Director of Crisis Intervention of Houston, a United Way Agency providing 24-hour crisis intervention and suicide prevention programs. He is a current member of the Board of Directors for Crisis Support Services of Alameda County and a former member of the Board of Directors for American Red Cross of the San Francisco Bay Area. He is also a past recipient of the Jefferson Award, presented by the American Institute for Public Service.



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### Appendix B: *The Risk to B.C. (Earthquake and Tsunami)*

Emergency planners in B.C. must know the risks to their jurisdictions and plan for a wide variety of hazard types. It is illustrative that provincial planning documents identify 57 separate hazards for consideration. However, relatively few hazard types hold the potential to overwhelm B.C.'s collective ability to respond. Earthquakes and tsunamis are perhaps the primary two hazards that do hold this potential and thus must be considered in B.C.'s catastrophic planning. It is for this reason that media stories, emergency planning scenarios, and the Earthquake Preparedness Consultation initiative focus on earthquakes and tsunamis.

To contextualize discussion on earthquake and tsunami preparedness, it is helpful to describe what earthquakes and tsunamis are, the different types of earthquakes, what damage they can cause, how they are measured, and what the specific risk is to B.C.

#### EARTHQUAKES in B.C.

B.C. is a very seismically active area, and has the highest earthquake risk in Canada. Areas near the coast are at greater risk though it should be noted that nowhere in B.C. is immune from earthquakes.

While it may be common knowledge that B.C. is earthquake country, understanding of the causes of earthquakes and tsunamis is less widespread. At the most basic level, earthquakes are caused where moving tectonic plates that make up the earth's surface come into contact and create friction. That friction causes energy to build up until it is released as "stuck" plates become "unstuck."

The energy released in this process is what causes the ground to shake. Numerous factors affect how strongly this shaking is felt by individuals and the damage caused to structures: the depth of the earthquake, the distance from the event's epicentre, the type of soil or rock in a given location, and the duration of the shaking. Earthquakes are measured by magnitude and intensity. Magnitude is a measure of physical energy released or the strength of an earthquake and is commonly described using the Richter scale. Seismic activity is also described by an intensity scale — the Modified Mercalli Intensity scale — that describes the effects of an earthquake on people and buildings (See table below).

MMI INTENSITY		PERCEPTION DESCRIPTION
I	Instrumental	Not felt
II	Just Perceptible	Felt by only a few people on upper floors of tall buildings
III	Slight	Felt by people lying down, seated on hard surfaces, or in the upper floors of tall buildings
IV	Perceptible	Felt indoors by many, by few outside, and windows rattle
V	Rather Strong	Generally felt by everyone; sleeping people may be awakened
VI	Strong	Trees sway, chandeliers swing, bells ring, some damage from falling objects
VII	Very Strong	General alarm; walls and plaster crack
VIII	Destructive	Felt in moving vehicles, chimneys collapse, poorly constructed buildings seriously damaged

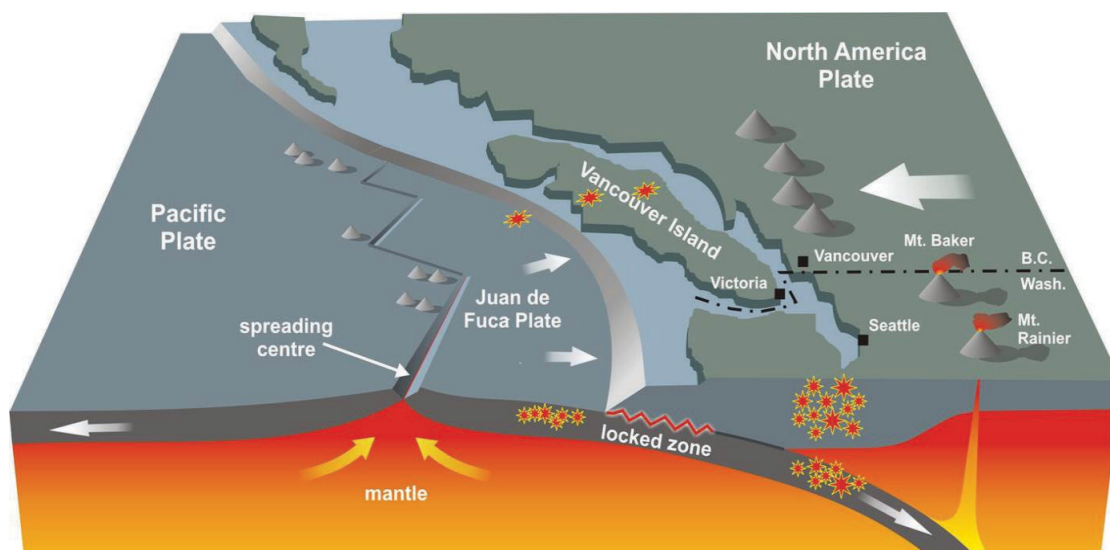
## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### TYPES OF EARTHQUAKES

The land mass of B.C. exists on top of the North American Plate. Off the west coast of Vancouver Island and extending down to Northern California is the Cascadia Subduction Zone – a giant fault approximately 1,100 km long. This plate interface has the Juan de Fuca Plate colliding with the North American Plate – with the former being forced beneath the latter in a process called subduction. The geology and geometry of the plates and the collision of these plates causes several types of earthquakes:

- ▶ Shallow earthquakes in the North American plate (e.g. M7.3 in 1946 near Courtenay)
- ▶ Deep earthquakes in the subducting oceanic plate (e.g. 2001 M6.8 Nisqually earthquake near Olympia, Washington, that was felt in Victoria and the lower mainland)
- ▶ Large subduction zone earthquakes that occur between the interface of the Juan de Fuca plate and North American plate. (The Big One) (e.g. M9 Cascadia earthquake in 1700).

### THE CASCADIA SUBDUCTION ZONE IN CROSS SECTION



- ▶ Adapted from Riddihough, 1978 and provided by Natural Resources Canada at the Pacific Geoscience Centre



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### HOW BIG AND HOW OFTEN?

Our region experiences hundreds of small earthquakes each year, but the vast majority of these are too small to be detected without specialized instruments. However, approximately once per decade, the movement of the tectonic plates beneath the surface can produce shaking strong enough to cause damage. Luckily, most of these earthquakes occur in remote areas. These relatively frequent earthquakes originate in the North America Plate and the Juan de Fuca Plate.

Earthquakes originating in the North America Plate are shallow and can reach magnitudes of 7.5. At this magnitude, shaking could be expected to last 20-60 seconds and aftershocks should be anticipated.

Earthquakes originating in the Juan de Fuca Plate are deeper underground, and can also reach magnitudes of 7.5. At this magnitude, shaking could be expected to last 15-30 seconds and aftershocks would be less likely.

Much rarer than the above are Cascadia subduction zone earthquakes. These earthquakes occur approximately every 300-800 years, but can reach magnitudes higher than 9, making them among the largest in the world. Such earthquakes produce shaking for several minutes, over a wide geographical area. Hundreds of aftershocks can also be expected. The last one to be recorded was in 1700. Seismologists have determined that there is a high probability that the next Cascadia event will occur within the next 200 years. Such an earthquake can be expected to be especially damaging because the shaking can last for several minutes, although the most intense shaking for B.C. would be approximately 150km off the coast. When a Cascadia subduction zone earthquake does occur, it is also expected to create a destructive tsunami (see the following section).

### EARTHQUAKE PROBABILITIES IN B.C.

B.C.'s largest known earthquake was the magnitude 9.0 Cascadia subduction zone earthquake in 1700. However, there have been numerous earthquakes of magnitude 7.0 or higher since 1900, the most recent being a magnitude 7.7 in Haida Gwaii in 2012. There have also been more modest earthquakes such as the April 2014 magnitude 6.5 earthquake 117 km west of Gold River. Thankfully, recent earthquakes have not resulted in any fatalities, often due to their remote locations.

Taking all of this into consideration, what is the risk of an earthquake and/or tsunami causing significant damage to a densely populated area in B.C. in the coming years? While earthquakes cannot be predicted, certain areas have a higher probability of experiencing damaging ground motions caused by earthquakes.

The Geological Survey of Canada has produced a simplified seismic hazard map for Canada (see next page) that provides an idea of the likelihood of experiencing strong earthquake shaking.

### 2010 SEISMIC HAZARD MAP FOR CANADA

The map illustrates that the west coast and south Vancouver Island, and the southwest tip of mainland B.C. have a 30 per cent probability every 50 years of experiencing strong shaking to cause significant damage in buildings (<http://www.earthquakescanada.nrcan.gc.ca/hazard-alea/simphaz-eng.php>). So, while risk varies by location in B.C., the risk of a serious earthquake is real. Further, a catastrophic earthquake impacting an urban coastal area such as Victoria or Metro Vancouver would have short- and long-term implications for all British Columbians.

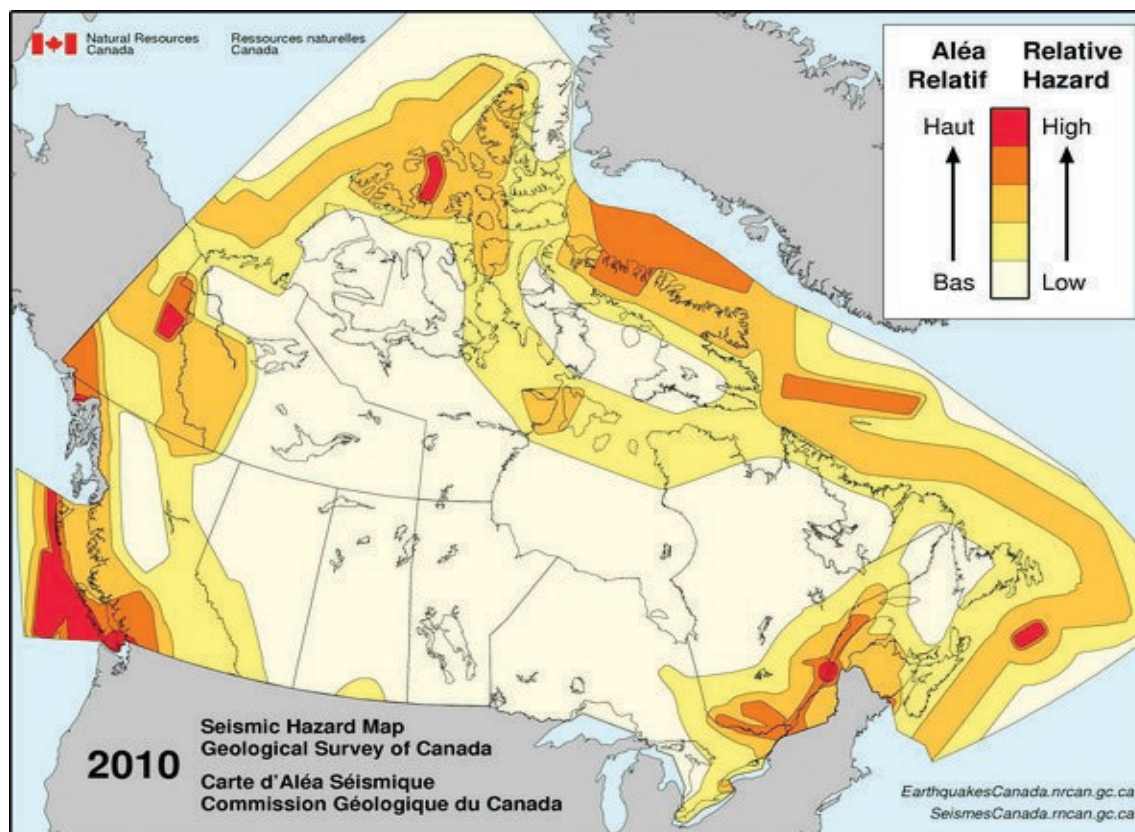
## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### **DAMAGE CAUSED BY EARTHQUAKES**

While it is intuitive that earthquakes can cause building damage or even collapse due to ground shaking, there are a variety of other effects associated with earthquakes. First, even in a building which is not seriously damaged, falling and flying objects can cause serious injuries. Second, ground shaking can damage other assets or impact the land in unexpected ways. For example, damaged gas lines and power lines can contribute to fires. Flooding is also an issue. Damaged dams and dikes, blocked rivers, broken water mains and ruptured storm

drains are all possibilities. Earthquakes can also cause significant landslides (rockslides, debris slides, debris torrents, land slumps, etc.) which can cause direct damage and hamper response efforts. Yet another secondary effect of earthquakes is liquefaction, which is the process of soils losing their strength and becoming more fluid. This can dramatically impact the foundations of buildings and other structures.

Lastly, perhaps a more well-known secondary effect of earthquakes, and certainly a serious risk for B.C., is that of tsunamis.







## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### TSUNAMI

Earthquakes are by far the most common cause of tsunamis. A large earthquake beneath the ocean floor can push water upwards, creating a series of these potentially large ocean waves. Damaging tsunamis are a rare, but serious risk for many coastal areas in B.C. The graphic on the next page shows the BC Tsunami Notification Zones. Areas A, B, and C are at greatest risk from tsunami. Area D has some moderate risk. Area E is considered to have low risk.

In geographic areas at risk, beaches open to the ocean or by bay entrances, as well as tidal flats and the shores of coastal rivers or inlets exposed to the open ocean are especially vulnerable to tsunamis.

The destructiveness of a tsunami can depend on a wide variety of factors related to both the associated earthquake such as depth, magnitude and duration of shaking, as well as the specific coastal area impacted. The topography of a bay or inlet, the topography of the land, the tide height, and numerous other factors can influence wave

height and the inundation area of a tsunami.

Where the necessary data is available, scientists and emergency planners use sophisticated models to predict safe and unsafe areas for specific coastal locations.

The most significant tsunami risk for B.C. is a tsunami from the next Cascadia Subduction Zone earthquake discussed previously. The tsunami from such an event could be expected to cause widespread destruction along the west coast of Vancouver Island.

It is noteworthy that tsunamis can also be caused by a large earthquake in a distant location elsewhere in the Pacific Ocean (tele-tsunamis). While recent significant earthquakes in Japan, Chile, and Indonesia have resulted in relatively small wave heights for coastal areas of B.C., risk is still present to the province from tele-tsunamis, especially with the effect of resonances within bays and inlets that can increase tsunami amplitude significantly. More modelling is needed to fully understand this aspect of tsunami risk.





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## Appendix C: Previous Reports

### OFFICE OF THE AUDITOR GENERAL (OAG) OF BC REPORTS:

#### *Catastrophic Earthquake Preparedness* (March 2014)

- ▶ The OAG report focused on EMBC's role with respect to earthquake preparedness.
- ▶ Report includes nine recommendations to government, all of which have been accepted by government (Ministry of Justice).
- ▶ Link to OAG report: [OAG Catastrophic Earthquake\\_FINAL.pdf](#)

#### *Earthquake Preparedness Follow Up Report* (May 2005)

- ▶ Report on the results of the OAG's second follow up review of the Select Standing Committee on Public Accounts' 4th Report of the 3rd Session of the 36th Parliament: *Earthquake Preparedness*.
- ▶ This PAC report includes and endorses the recommendations made in the OAG's *1997/1998 Report 1: Earthquake Preparedness*.
- ▶ Link to OAG report: [2005 Earthquake Preparedness Follow Up Report](#)

#### *Follow-up of Performance Report 1: Earthquake Preparedness Report* (June 2002)

- ▶ An OAG follow-up report on the recommendations contained in the Select Standing Committee's 4th report of the 3rd Session of the 36th Parliament: *Emergency Preparedness in BC*.
- ▶ The OAG report concluded that both the provincial and local governments in B.C. were not yet adequately prepared for a major earthquake.
- ▶ Link to OAG report: [2002 Follow Up Report – Earthquake Preparedness](#)

#### *1997/1998 Report 1: Earthquake Preparedness – Progress Report* (November 1997)

- ▶ The OAG audit examined the state of preparedness of not just the Provincial Emergency Program but also the provincial government overall, and local governments.
- ▶ The audit concluded that governments in B.C. were not well prepared for a major earthquake.
- ▶ Link to OAG report: [1997 Earthquake Preparedness Report](#)



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### **INTERNAL AUDIT AND ADVISORY SERVICES, Report on Emergency Management Preparedness and Response (June 2007):**

#### *Report on Emergency Management Preparedness and Response of the Internal Audit and Advisory Services*

- ▶ The *Report on Emergency Management Preparedness and Response* evaluated only preparedness planning (including testing and training), and response. Prevention, mitigation and recovery activities were out of scope for this review.
- ▶ The review found that B.C.'s emergency management response capability to be in varying stages of maturity, with the hazard-specific response plans the most developed programs and the non pro-active communities that have less comprehensive plans at the other end of the spectrum.
- ▶ Link to the Internal Audit & Advisory Services Report: [http://www.fin.gov.bc.ca/ocg/ias/pdf\\_Docs/Emergency%20Management%20Report%20Release.pdf](http://www.fin.gov.bc.ca/ocg/ias/pdf_Docs/Emergency%20Management%20Report%20Release.pdf)

### **STANDING COMMITTEE ON PUBLIC ACCOUNTS FOURTH REPORT: Third Session, Thirty-sixth Parliament (June 7, 1999):**

#### *Fourth Report of the Select Standing Committee on Public Accounts*

- ▶ The *Fourth Report* covers the work of the PAC on the matter of *Earthquake Preparedness: Performance Audit*.
- ▶ The PAC had a further 28 recommendations in addition to OAG's 1997/98 recommendations.
- ▶ A summary of the recommendations (OAG and the SSCPA) can be found in appendix C and D of the March 2014 OAG Report: *Catastrophic Earthquake Preparedness*.
- ▶ Link to the Select Standing Committee on Public Accounts (SSCPA) – *Fourth Report*: <https://www.leg.bc.ca/cmt/36thParl/cmt12/1999/4report/index.htm>



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

## Appendix D: *Earthquake Consultation – Terms of Reference*

### BRITISH COLUMBIA EARTHQUAKE RESPONSE CONSULTATION PROJECT

#### TERMS OF REFERENCE

##### *Purpose*

The goal of this consultation is to provide recommendations, through discussion with key stakeholders, on improving the ability of British Columbians to prepare for and respond to a catastrophic seismic event.

##### *Guiding Considerations*

Guiding considerations in the development of recommendations will include:

- ▶ Overall public safety impact
- ▶ Affordability
- ▶ Practicality (e.g. implementation requirements, ability of partners to participate, timelines, etc.)

##### *Scope*

This emergency management consultation regarding catastrophic seismic events will directly involve all levels of government.

The Province will also seek the input and engagement of additional stakeholders, including: individuals and families, the media, business, local authorities including First Nations, adjoining provincial, federal and state jurisdictions, as well as non-governmental organizations.

Community consultation activities will focus on those regions at highest risk from seismic events.

##### *Key Topics Within Scope*

Roles and Responsibilities of all Levels of Government to Plan for and Respond to Catastrophic Seismic Events

To determine if the roles and responsibilities are clearly set out and understood by all levels of government, and if necessary, to recommend methods to improve clarity and understanding.

##### *Roles of Individuals and Families*

To gauge the preparedness of individuals and families for catastrophic events (e.g. family plans, earthquake kits, insurance, etc.) and recommend approaches to improving individual and family preparedness as required.

##### *Risk Assessment Processes*

To identify key issues and opportunities with respect to risk assessment processes, relevant to catastrophic seismic events, and provide recommendations for improvements as appropriate.

##### *Response Planning for Catastrophic Seismic Events*

To identify key issues and opportunities with respect to response plans, capacities, and processes, and provide recommendations for improvements as required.

## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### Response Capacity

To identify key issues and opportunities with respect to response capacity and provide recommendations for improvements as appropriate (e.g. targeted investments within B.C., mutual aid arrangements with other jurisdictions, etc.).

### Mitigation Strategies for Catastrophic Seismic Events

To identify key issues and opportunities with respect to mitigation strategies and provide recommendations for improvements as appropriate.

### Coordination Structures

To identify key issues and opportunities with respect to existing coordination structures for response to catastrophic events and provide recommendations for improvements as appropriate.

### Technical Emergency Communications and Warning Systems

To identify key issues and opportunities with respect to emergency management technical communications and warning systems and provide recommendations for improvements as appropriate.

### Public Communications

To identify key issues and opportunities with respect to public communications before, during, and after a catastrophic seismic event and provide recommendations for improvements as appropriate.

### Training and Exercising Programs

To identify key issues and opportunities with respect to training and exercising for response to catastrophic events, and provide recommendations for improvements as appropriate.

### Volunteers

To identify key issues and opportunities with respect to the utilization of volunteers in response to a catastrophic seismic event and provide recommendations for improvements as appropriate.

### Timelines

- ▶ Announcement of consultation, including Terms of Reference & Chair ..... March 11, 2014
- ▶ Information gathering complete ... July 31, 2014
- ▶ Final report to be delivered to Ministry of Justice ..... December 31, 2014





## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

## Appendix E: *Stakeholders Engaged*

### STAKEHOLDER ORGANIZATION

#### BRITISH COLUMBIA CROWN ORGANIZATIONS

BC Safety Authority	Ministry of Natural Gas Development: ▶ Office of Housing and Construction Standards
Insurance Corporation BC (ICBC)	Ministry of Health
Ministry of Advanced Education	Ministry of Jobs, Tourism and Skills Training
Ministry of Agriculture	Ministry of Justice: ▶ BC Coroners Service ▶ Office of the Fire Commissioner ▶ Police Services
Ministry of Children and Family Development	Ministry of Social Development and Social Innovation
Ministry of Education	Ministry of Technology, Innovation and Citizens' Services
Ministry of Energy and Mines	Ministry of Transportation and Infrastructure
Ministry of Environment	Office of the Clerk and Sergeant-at-Arms
Ministry of Finance	WorkSafeBC
Ministry of Forests, Lands and Natural Resource Operations	

#### FEDERAL GOVERNMENT

Security and Emergency Management Advisory Committee (SEMAC):

- |  |   |
|--|---|
| ▶ Aboriginal Affairs and Northern Development Canada (AANDC) | ▶ Joint Task Forces (Pacific) (Canadian Forces) |
| ▶ Canada Border Services Agency (CBSA)                       | ▶ Natural Resources Canada                      |
| ▶ Canada Revenue Agency (CRA)                                | ▶ Public Health Agency of Canada                |
| ▶ Canadian Coast Guard                                       | ▶ Public Safety Canada                          |
| ▶ Department of Fisheries and Oceans (DFO)                   | ▶ Royal Canadian Mounted Police (RCMP)          |
| ▶ Industry Canada  | ▶ Transport Canada                              |

Defense Research Development Canada (DRDC)/ Resiliency Working Group



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### OTHER STATES AND PROVINCES

Alberta	Western Regional Emergency Management Advisory Committees (WREMAC) / Pacific Northwest Emergency Management Arrangement:
	<ul style="list-style-type: none"> <li>▶ State of Alaska</li> <li>▶ State of Idaho</li> <li>▶ State of Oregon</li> <li>▶ State of Washington</li> <li>▶ British Columbia</li> <li>▶ Yukon Territory</li> </ul>

Cascadia Region Earthquake Workgroup (CREW)

### EDUCATION – K TO 12

BC Association of School Business Officials (BCASBO)	BC Teachers' Federation (BCTF)
BC School Superintendents Association (BCSSA)	Federation of Independent Schools' Association (FISA)
BC School Trustees' Association (BCSTA)	Ministry of Education

### EDUCATION – UNIVERSITIES AND OTHER POST-SECONDARY INSTITUTIONS

British Columbia Institute of Technology (BCIT)	University of the Fraser Valley (UFV)
Ministry of Advanced Education	University of Victoria (UVIC)
Okanagan College	Vancouver Community College (VCC)
Simon Fraser University (SFU)	Vancouver Film School (VFS)
University of British Columbia (UBC)	Vancouver Island University

### HEALTH SECTOR

BC Centre for Disease Control	Health Emergency Management BC
BC Emergency Health Services:	Lower Mainland Health Authority
▶ BC Ambulance Service	
Courtenay Medical Health Officer VIHA	Medical Health Officers
First Nations Health Authority	Ministry of Health (Emergency Management Unit)
Fraser Northern Health Authority	Public Health Agency of Canada
Vancouver Coastal Health Authority	
Health Canada, First Nations Inuit Health Branch	Vancouver Island Health Authority



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## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### HOUSING SECTOR

Aboriginal Housing Management Association	Homeowner Protection Office
Applied Science Technologist and Technicians and Technologists of British Columbia	Managers of Strata & Rental Owners
Architectural Institute of British Columbia	Manufactured Home Park Owners' Alliance of BC
BC Housing	Ministry of Natural Gas Development: ▶ Office of Housing and Construction Standards
BC Non-Profit Housing Association	New Chelsea Society
Canadian Condominium Institute – Vancouver Chapter	Tenant Resource and Advisory Centre
Condominium Home Owners Association (CHOA) of BC	

### ANIMAL WELFARE ORGANIZATIONS

Society for Prevention of Cruelty to Animals (SPCA)	Canadian Disaster Animal Rescue Team
Canadian Veterinary Medical Association	Ministry of Agriculture

### RECOVERY NGOS

Canadian Red Cross	
Integrated Disaster Recovery Council of BC:	
▶ BC Housing	▶ Ministry of Justice - EMBC
▶ Buddhist Compassion Relief Tzu Chi Foundation Canada	▶ Ministry of Social Development and Social Innovation
▶ Canadian Disaster Animal Response	▶ PHAC Office of Emergency Response Services
▶ Community Living BC	▶ Police Victim Services of BC
▶ Ending Violence Association of BC	▶ Public Health Agency of Canada
▶ Health Canada & Public Health Agency of Canada – BC /Yukon Region	▶ Samaritan's Purse
▶ Justice Institute of BC	▶ St. John Ambulance
▶ Mennonite Disaster Service	▶ St. Vincent de Paul
▶ Ministry of Children and Family Development	▶ The Canadian Red Cross Society
▶ Ministry of Health	▶ The Salvation Army
	▶ World Renew





## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### MULTICULTURAL AND FAITH-BASED ORGANIZATIONS:

Multicultural and Faith-based Organizations:

*(Note: An invitation to provide input was shared with over five hundred multicultural and faith-based organizations/contacts through the Multiculturalism Office within the Ministry of International Trade.)*

- ▶ Affiliation of Multicultural Societies and Services Agencies of BC
- ▶ FOCUS Humanitarian Assistance Canada
- ▶ Ismaili Muslim Community
- ▶ Ismaili Muslim Council for BC
- ▶ Multicultural Advisory Council
- ▶ Salvation Army
- ▶ Tzu Chi Foundation (Buddhist Compassion Relief)

### GROUPS INVOLVED IN VULNERABLE POPULATIONS ISSUES:

BC Coalition of People with Disabilities	Greater Vancouver Association of the Deaf (GVAD)
BC Poverty Reduction Coalition	Ministry of Health, Emergency Management Unit, Population & Public Health
Council of Senior Citizens Organizations of British Columbia	The Salvation Army

### RESPONSE ORGANIZATIONS

BC Association of Chiefs of Police (BCACP)	Fire Chiefs' Association of British Columbia
BC Association of Municipal Chiefs of Police (BCAMCP)	Royal Canadian Mounted Police (RCMP)
ECOMM	

### CRITICAL INFRASTRUCTURE SECTOR

<p>Canadian Banking Association:</p> <ul style="list-style-type: none"> <li>▶ BNP Paribas Bank</li> <li>▶ CIBC</li> <li>▶ Citibank</li> <li>▶ CTFS</li> <li>▶ Desjardins Group</li> <li>▶ HSBC</li> <li>▶ Laurentian Bank</li> <li>▶ National Bank</li> <li>▶ Royal Bank</li> <li>▶ Scotiabank</li> <li>▶ TD Bank</li> </ul>	<p>Media (Radio, Print, TV, Other):</p> <ul style="list-style-type: none"> <li>▶ Bell Media</li> <li>▶ Canadian Broadcasting Corporation (CBC)</li> <li>▶ CityTV's Breakfast Television (Rogers)</li> <li>▶ Newspaper Association of Canada</li> <li>▶ Rogers Media: Radio</li> <li>▶ The Jim Pattison Broadcast Group: Victoria/Island Radio</li> <li>▶ Times Colonist</li> </ul>
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## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### CRITICAL INFRASTRUCTURE SECTOR

Provincial Critical Infrastructure Steering Committee:

- |  |   |
|--|---|
| ▶ Finance – Ministry of Finance                                | ▶ Transportation – BC Ferries                 |
| ▶ Government – Ministry of Agriculture                         | ▶ Transportation – BC Transit                 |
| ▶ Government – Ministry of Finance                             | ▶ Transportation – Coast Mountain Bus         |
| ▶ Government – Ministry of Forests Lands and Natural Resources | ▶ Transportation – Ministry of Transportation |
| ▶ Health – PHAC  | ▶ Transportation – Seaspans                   |
| ▶ Safety – Canadian Forces                                     | ▶ Transportation – YVR                        |
| ▶ Safety – RCMP  | ▶ Utilities – BC Hydro                        |
| ▶ Safety – Transit Police                                      | ▶ Utilities – Fortis BC                       |
| ▶ Telecommunications – Rogers                                  | ▶ Utilities – Spectra Energy                  |

Vancouver Board of Trade

### INSURANCE INDUSTRY

British Columbia Automobile Association (BCAA) Insurance	Insurance Bureau of Canada
Credit Union Insurance Services Association	Insurance Corporation of British Columbia (ICBC)
Insurance Brokers Association of BC	Wawanesa Mutual Insurance

### ACADEMIC/RESEARCH COMMUNITY

Disaster and Emergency Management – RRU	Oceans Network Canada
Earth and Ocean Science – SFU	School of Community and Regional Planning – UBC
Engineering – UBC	

### ENGINEERING

Association of Professional Engineers and Geoscientists of BC (APEGBC)	UBC – Earthquake Engineering Institute of BC (EERI)
SEABC (Structural Engineers Association of BC)	Association of Consulting Engineering Companies of BC (ACEC-BC)



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

<b>VOLUNTEER ORGANIZATIONS AND EMERGENCY MANAGEMENT ASSOCIATIONS</b>	
BC Amateur Radio	First Nations Emergency Services Society
BC Search and Rescue Association (BC SARA)	Emergency Social Services Advisory Forum (& Mobile Support Teams)
Business Continuity Institute (BCI)	EPICC (Emergency Preparedness for Industry and Commerce Council)
EMBC Radio Room Volunteers	Seismic Safety Council: <ul style="list-style-type: none"> <li>▶ Natural Resources Canada (NR Can)</li> <li>▶ University of Victoria (UVic)</li> <li>▶ Ministry of Education</li> <li>▶ Canadian Forces</li> <li>▶ Public Safety Canada</li> <li>▶ Ministry of Transportation &amp; Infrastructure</li> <li>▶ Simon Fraser University (SFU)</li> <li>▶ Canadian Red Cross</li> <li>▶ Department of Fisheries and Oceans Canada (DFO)</li> <li>▶ Ministry of Health</li> </ul>
BC Earthquake Alliance	VanCity Business Continuity

## STAKEHOLDER COMMUNITIES

<b>FIRST NATIONS</b>	
Adams Lake Indian Band	Nisga'a Nation
Bridge River Indian Band	Nisga'a Valley Health Authority
Gitga'at First Nation	Nuchatlaht Band
Gitlantz'aamiks Village Govt	Pauquachin Indian Band
Gwa'sala-Nakwaxda'xw Indian Band	Snuneymuxw First Nation
K'ómoks First Nation	Songhees First Nation
Kwikwasut'inuxw Haxwa'mis	Sts'ailes Band
Mamalilikulla-Qwe'qwa'sot'em	Tseshaht First Nation
Namgis First Nation Band	Westbank First Nation
Nanoose First Nation Band	Xaxli'p Indian Band



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**B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT**

<b>LOCAL AUTHORITIES</b>	
Bowen Island Municipality	District of North Cowichan
Central Coast Regional District	District of North Vancouver
City of Abbotsford	District of Oak Bay
City of Burnaby	District of Port Hardy
City of Chilliwack	District of Saanich
City of Colwood	District of Sechelt
City of Coquitlam	District of Sooke
City of Coquitlam Fire Rescue	District of Squamish
City of Courtenay	District of Summerland
City of Duncan	District of Taylor
City of Fort St. John	District of Tofino
City of Kamloops	District of Ucluelet
City of Kamloops Fire Rescue	District of West Kelowna
City of Kelowna	District of West Vancouver
City of Langford	Fraser Valley Regional District
City of Langley	Juan de Fuca Emergency Program
City of Merritt	Kimberly
City of Nanaimo	Metro Vancouver
City of New Westminster	Regional District of Alberni-Clayoquot
City of North Vancouver	Regional District of Bulkley-Nechako
City of Parksville	Regional District of Central Kootenay
City of Penticton	Regional District of East Kootenay
City of Pitt Meadows	Regional District of Fraser-Fort George
City of Port Alberni	Regional District of Kitimat-Stikine
City of Port Coquitlam	Regional District of Mount Waddington
City of Port Moody	Regional District of Nanaimo
City of Prince Rupert	Regional District of North Okanagan
City of Prince Rupert Fire Rescue	Regional District of Okanagan-Similkameen
City of Quesnel	Regional District of Powell River



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

**LOCAL AUTHORITIES**

City of Richmond	Resort Municipality of Whistler
City of Surrey	Saanich Fire Department
City of Terrace	Skeena-Queen Charlotte Regional District
City of Terrace Fire Department	Squamish-Lillooet Regional District
City of Trail	Strathcona Regional District
City of Vancouver	Sunshine Coast Regional District
City of Victoria	Thompson-Nicola Regional District
City of White Rock	Town of Comox
Columbia Shuswap Regional District	Town of Gibsons
Comox Valley Emergency Program (CVEP)	Town of Princeton
Comox Valley Regional District	Town of Qualicum Beach
Cowichan Valley Regional District	Town of Sidney
District of Central Saanich	Town of View Royal
District of Delta	Township of Esquimalt
District of Elkford	Village of Anmore
District of Hope	Village of Cumberland
District of Kent	Village of Gold River
District of Kitimat	Village of Harrison Hot Springs
District of Lake Country	Village of Keremeos
District of Lantzville	Village of Pemberton
District of Maple Ridge	Village of Port Alice
District of Metchosin	Village of Port Clements
District of Mission	Village of Queen Charlotte
District of New Hazelton	Village of Tahsis

**OTHER**

Integrated Partnership for Regional Emergency Management (IPREM)	Union of BC Municipalities (UBCM)
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## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### Appendix F: *Earthquake Consultation – Community Session Schedule*

Earthquake Preparedness Consultation: COMMUNITY SESSIONS – Locations and Venues

May – July 2014

	Date	Time	Location	Venue	Groups	Size	RSVP by
May	27	Tues	1:00pm - 3:00pm	Nelson/ Revelstoke/ etc.	Conference Call	Four (4) representative maximum per local authority or First Nation	May 20, 2014
	28	Wed	10:00am - noon	Prince George/ Ft St. John/ Fraser Ft. George/etc.	Conference Call		May 20, 2014
			1:00pm - 3:00pm	Cariboo/Bella Coola/ etc.	Conference Call		May 20, 2014
	29	Thurs	10:00am - noon	Kelowna	Coast Capri Hotel 1171 Harvey Avenue, Kelowna		May 20, 2014
June	17	Tues	2:00pm - 4:00pm	Terrace	Best Western 4553 Greig Avenue, Terrace,	Four (4) representative maximum per local authority or First Nation	May 27, 2014
	18	Wed	10:00am - noon	Prince Rupert	Prince Rupert Hotel 118 - 6th St. Prince Rupert		May 27, 2014
	19	Thurs	10:00am - noon	Queen Charlotte	Eric Ross Room Charlotte Community Centre 134 Bay Street		May 27, 2014

- RSVP to [Earthquake.Consultation@gov.bc.ca](mailto:Earthquake.Consultation@gov.bc.ca) by session RSVP date listed in table above.

Earthquake Preparedness Consultation: COMMUNITY SESSIONS – Locations and Venues Cont.

May – July 2014

	Date	Time	Location	Venue	Group	Size	RSVP by
July	8	Tues	10:00am - 11:30am	Nanaimo	Nanaimo Conference Centre 101 Gordon Street, Nanaimo	Four (4) representative maximum per local authority or First Nation	June 17, 2014
			3:00pm - 4:30pm	Port Alberni	Best Western Barclay Hotel 4277 Stamp Ave. Port Alberni		June 17, 2014
	9	Wed	8:30am - 10:00am	Courtenay	Comox Valley Regional District 600 Comox Road, Courtenay		June 17, 2014
			3:00pm - 4:30pm	Port McNeill	Port McNeill Regional Arena 2205 Campbell Way, Port McNeill		June 17, 2014
	11	Fri	8:30am - 10:30am	Victoria (Morning Session)	Grand Pacific 463 Belleville Street, Victoria	Three (3) representative maximum per local authority or First Nation	June 17, 2014 <i>Please Note: AM Session</i>
			1:00pm - 4:00pm	Victoria (Afternoon Session)	Grand Pacific 463 Belleville Street, Victoria	Four (4) representative maximum per local authority or First Nation	June 17, 2014 <i>Please Note: PM Session</i>
	15	Tues	9:00am - noon	New Westminster	Justice Institute of BC 715 McBride Blvd, New Westminster	Local Govt & First Nations staff reps.	June 24, 2014
	16	Wed	9:00am - noon	Abbotsford	(Combined with the July 15 Session)		June 24, 2014
	21	Mon	10:00am - noon	Chilliwack	Fraser Valley Regional District 45950 Cheam Avenue, Chilliwack	• Mayors/ Councillor/ CAO/ • Chief/ Councillor/ Other	June 30, 2014
	22	Tues	10:00am - noon	Burnaby	Metro Vancouver 4330 Kingsway, Burnaby		June 30, 2014
	29	Tue	1:00pm - 3:00pm	Sechelt	Sunshine Coast RD 1975 Field Road, Sechelt	Local Govt & First Nations staff reps.	July 11, 2014

- RSVP to [Earthquake.Consultation@gov.bc.ca](mailto:Earthquake.Consultation@gov.bc.ca) by session RSVP date listed in table above.

## Appendix G: Earthquake Consultation Summary – Recommendations and Key Actions

### RECOMMENDATIONS *and* KEY ACTIONS:

#### **RECOMMENDATION #1: Leadership, Authority and Responsibility**

The provincial government must provide EMBC with additional resources and the authority required to effectively deliver emergency management leadership to provincial crown agencies and local authorities. Further, EMBC must be positioned within government in such a fashion that its authority is greatly enhanced.

#### **KEY ACTIONS IN SUPPORT OF RECOMMENDATION #1:**

- 1.1** *The provincial government must augment EMBC's authority to require action of other provincial crown agencies in the realm of emergency management.*
  - 1.1.1** *The provincial government must support EMBC in the establishment of preparedness requirements for other ministries and crown agencies, and establish mechanisms to track and enforce these requirements.*
  - 1.1.2** *The provincial government must also address EMBC's ability to "task" or require action of other ministries and crown agencies during an emergency response.*
  - 1.1.3** *The provincial government must position EMBC within government in such a fashion that its authority is greatly enhanced. For example, EMBC could be moved to report directly to the Office of the Premier.*
- 1.2** *The provincial government must augment EMBC's authority, staffing and budget to set minimum standards for local authority emergency management programs.*
- 1.3** *The provincial government must provide additional resources to EMBC in order for it to meet its earthquake preparedness mandate.*
- 1.4** *The provincial government must provide for EMBC's emergency operations centres in seismically active areas to be housed in post-disaster facilities.*
- 1.5** *The federal government must provide additional regional resources to Public Safety Canada, Aboriginal Affairs and Northern Development Canada, and other applicable agencies, in order for them to meet their emergency management mandates to support emergency management in B.C.*





## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

**RECOMMENDATION #2: Funding and Accountability**

The provincial and federal governments must implement a funding program to support local authority preparedness efforts, and leverage emergency management funding to:

- ▶ Increase emphasis on planning and mitigation; and,
- ▶ Increase local authority accountability.

**KEY ACTIONS IN SUPPORT OF RECOMMENDATION #2:**

- 2.1** *The provincial and federal governments must implement a funding program to support emergency management preparedness efforts at the local authority level.*
- 2.2** *The federal government must increase emergency management funding and personnel available to support First Nations emergency management.*
- 2.3** *The provincial government must link new and existing local government emergency management funding to accountabilities such as planning and mitigation efforts.*
- 2.4** *The provincial government must formally assess mechanisms for local authorities to share in the costs for emergency responses, while ensuring that no community bears an undue burden.*

**RECOMMENDATION #3: Intergovernmental and Inter-Agency Coordination**

Federal, provincial, and local authorities, as well as other entities such as those in the private sector, must ensure that they have the integrated plans and capacities in place to deal with a catastrophic event.

**KEY ACTIONS IN SUPPORT OF RECOMMENDATION #3:**

- 3.1** *EMBC, in concert with stakeholders, must complete provincewide catastrophic response and recovery plans. This work is already underway.*
- 3.2** *All provincial crown agencies must develop and exercise catastrophic event plans that link to provincial-level plans.*
- 3.3** *All provincial crown agencies must complete and exercise realistic business continuity plans.*
- 3.4** *The provincial government must implement mechanisms, such as Provincial Coordination Teams, to support all authorities during emergency events.*
- 3.5** *EMBC and other provincial government partners must be provided with additional funding and staff to complete work required to operationalize and exercise out of province assistance agreements and associated procedures.*
- 3.6** *EMBC and partners must complete the work required to clarify procedures with respect to provincially directed mutual aid between local authorities, and allocation of out-of-province aid to local authorities during a catastrophic event.*



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### **RECOMMENDATION #3: Intergovernmental and Inter-Agency Coordination**

**3.7** *The provincial government must mandate that all local authorities participate in regional planning, training and exercises.*

**3.8** *The provincial government must support regional planning efforts directly through funding to local authorities, and indirectly through creation of additional EMBC positions to guide and support this work.*

**3.9** *The federal government must ensure that First Nations communities on reserves have adequate resources to effectively participate in regional planning efforts*

### **RECOMMENDATION #4: Public Education, Awareness and Engagement**

EMBC together with significant agencies at all levels of government and private sector partners must launch a long-term and coordinated earthquake preparedness public education and awareness campaign. New funding and staff will be required.

#### **KEY ACTIONS IN SUPPORT OF RECOMMENDATION #4:**

**4.1** *All partners, with EMBC leadership, must establish a mechanism to jointly develop and deliver long-term and coordinated earthquake preparedness public education.*

**4.2** *All partners must contribute to developing and implementing resources in support of curriculum in this area for kindergarten to grade 12.*

**4.3** *All levels of government and involved partners outside of government must devote additional resources to support coordinated earthquake preparedness public education.*

**4.4** *Senior elected officials at all levels must demonstrate visible and vocal support for a culture of preparedness. Inclusion of earthquake preparedness initiatives in a Speech from the Throne, for example, would be an excellent example of such support.*

### **RECOMMENDATION #5: Private Sector and Non-Government Organizations**

The Province must prepare and resource a strategy for further engagement of the private sector in emergency management planning, including mandated requirements for private sector entities.

#### **KEY ACTIONS IN SUPPORT OF RECOMMENDATION #5:**

**5.1** *The provincial government must augment EMBC's resources for Critical Infrastructure (CI) coordination and expand the Provincial CI Steering Committee's coverage to include all ten federally designated (recognized) CI sectors.*

**5.2** *EMBC must conduct focused discussions with CI partners to determine mechanisms for enhanced coordination (e.g. addressing confidentiality barriers to information sharing).*

**5.3** *The provincial government must provide guidance and templates for the preparation of emergency and business continuity plans for crown agencies and critical private sector services.*



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B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

**RECOMMENDATION #5: Private Sector and Non-Government Organizations**

- 5.4** *As a backstop to voluntary engagement, the provincial and federal governments must mandate appropriate private sector preparedness, including sharing of CI information and engagement in joint planning with emergency management organizations.*
- 5.5** *EMBC must clarify and communicate its powers to direct actions by CI asset owners (e.g. restoration priorities) during and following a catastrophic event, and clarify provincial expectations of CI asset owners.*
- 5.6** *Existing and future contracts executed by the Province with private sector vendors must reference services, materials and equipment that may be needed and used during response and recovery activities.*
- 5.7** *The provincial government and the federal government must engage with the insurance industry to determine how this industry can contribute further to disaster resilience and to identify how the governments can enable insurers to expand their participation without jeopardizing their continued existence.*

**RECOMMENDATION #6: Training and Exercising**

The provincial government must resource EMBC with additional staff and funding to develop and implement comprehensive training and exercise strategies with partners.

**KEY ACTIONS IN SUPPORT OF RECOMMENDATION #6:**

- 6.1** *The provincial government must work with partners to develop an emergency management training strategy that improves access, increases integration between delivery organizations, and includes consistent training guidelines. Federal participation and funding will be required to ensure adequate training opportunities for all regional federal staff in B.C., as well as First Nations communities.*
- 6.2** *The provincial government, with partners, must develop and implement a robust, provincial exercise strategy that includes full-scale exercises. Additional provincial resources (funding and people) will be required. Federal funding and people will be required to ensure adequate participation by national and regional federal assets, in addition to First Nations.*



## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### **RECOMMENDATION #7: Provincewide Risk Analysis**

In the long-term, EMBC and its partners must develop a strategy for enhanced hazard risk and vulnerability analysis, and increasing the availability of emergency management risk data for use by local authorities, the private sector, First Nations and the public.

#### **KEY ACTIONS IN SUPPORT OF RECOMMENDATION #7:**

- 7.1** *All partners must assess opportunities to develop, consolidate and share sources of risk data. Such work could include development and sharing of additional tsunami inundation modelling, inventories of public essential services facilities, building stock inventories, mapping of hazardous materials locations, etc.*
- 7.2** *Governments must provide additional funding to support the enhanced use of geospatial data within emergency management information systems, and assessment of unique issues such as vulnerable populations, hazardous materials, or animals. Often, these unique risks and vulnerabilities can be overlooked or inadequately considered in emergency plans due to lack of data, complexity, confidentiality concerns, etc.*
- 7.3** *The Province must fund a small, dedicated EMBC team to lead HRVA efforts at the provincial level and assist local authorities with local HRVA needs.*

### **RECOMMENDATION #8: Emergency Management Capability Priorities**

Federal, provincial, and local governments must invest in emergency management capability enhancements in such areas as alerting, logistics, urban search and rescue, rapid damage assessment, and 911.

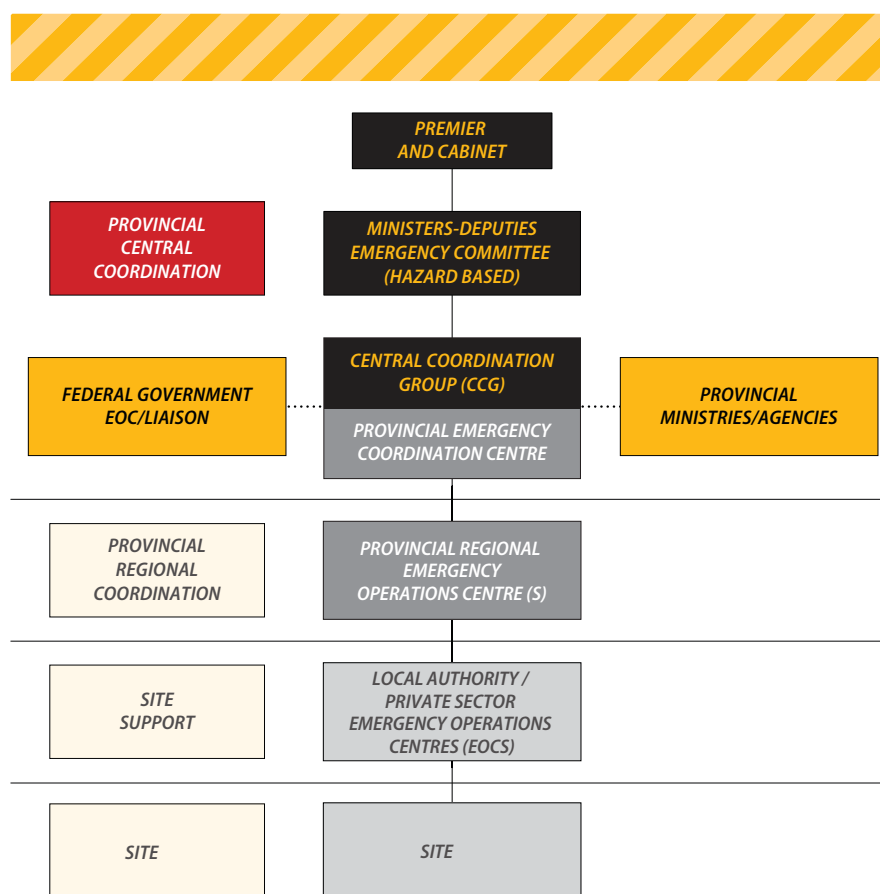
#### **KEY ACTIONS IN SUPPORT OF RECOMMENDATION #8:**

- 8.1** *EMBC and other partners must select and implement improved emergency alerting mechanisms for British Columbians including both new technologies and operational practices.*
- 8.2** *The provincial government and other partners must establish and resource a framework and capacity for post-disaster logistics. At the provincial government level, such a framework will need to include ministries and agencies well beyond EMBC alone.*
- 8.3** *The provincial government and other partners must establish and resource a framework and capacity for urban search and rescue, with particular emphasis on light and medium urban search and rescue capacity.*
- 8.4** *The provincial government and other partners must establish and resource a framework and capacity for rapid damage assessment, including use of appropriate technology.*
- 8.5** *The provincial government, local authorities, and key partners must assess opportunities to enhance the resiliency and capacity of the 911 system, and establish situational awareness linkages between the 911 system and emergency management structures.*

## Appendix H: *Emergency Management Structures*

### *British Columbia Emergency Response Management System (BCERMS)*

The BCERMS is the system the provincial government, crown agencies, and local authorities use to coordinate emergency management. BCERMS has four operational levels: Site; Site Support; Provincial Regional Coordination and Provincial Central Coordination.





## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### **SITE LEVEL**

First responding emergency personnel and resources from nearby agencies and jurisdictions represent the response level for most incidents. As such, the majority of incidents occurring within the province are resolved at this level.

### **SITE SUPPORT LEVEL**

When the site level response requires off-site support, an Emergency Operations Centre (EOC) may be activated.

The EOC:

- ▶ *provides* communication with the site level;
- ▶ *provides* policy guidance to site;
- ▶ *manages* multi-agency support to the site level; and
- ▶ *acquires* and deploys local and external resources required by site.

### **PROVINCIAL REGIONAL COORDINATION**

When the site support level (EOC) requires offsite support, the Provincial Regional Coordination level:

- ▶ *activates* one or more Provincial Regional Emergency Operations Centres (PREOCs);
- ▶ *acquires* and deploys resources at the request of the site support level;
- ▶ *maintains* situational awareness;
- ▶ *provides* emergency response services if required; and
- ▶ *coordinates* with ministry regional centres when they are established.

### **PROVINCIAL CENTRAL COORDINATION LEVEL**

The Provincial Central Coordination level activates in support of Provincial Regional Coordination. This level is comprised of the Provincial Emergency Coordination Centre (PECC), Central Coordination Group (CCG) and Ministers-Deputies Emergency Committee (M-DEC).



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## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### *Provincial Emergency Coordination Centre (PECC)*

The PECC is an operations centre which:

- ▶ **manages** the overall provincial government support for the regional level;
- ▶ **obtains** authority of the Minister of Justice for a declaration of a provincial emergency;
- ▶ **manages** provincial emergency public information activities;
- ▶ **manages** the acquisition and deployment of provincial, federal, inter-provincial and international resources; and
- ▶ **provides** coordination and other support services as required.

### *Central Coordination Group (CCG)*

The CCG is a temporary cross-government committee which:

- ▶ **provides** strategic and policy guidance to the Director of the PECC;
- ▶ **evaluates** the emergency situation (or potential emergency) and assesses provincial involvement;
- ▶ **briefs** senior government officials and seeks their direction when appropriate;
- ▶ **oversees** the provincial emergency public information strategy;
- ▶ **validates** the need for a declaration of a provincial state of emergency and any extensions; and
- ▶ **authorizes** the deactivation of the provincial emergency response structure.

The make-up of the CCG is determined by the nature of the emergency. Core ministries and agencies consistently represented on the CCG include:

- ▶ EMBC (Ministry of Justice)
- ▶ Ministry of Environment
- ▶ Ministry of Forests, Lands and Natural Resource Operations
- ▶ Ministry of Health
- ▶ Ministry of Transportation and Infrastructure
- ▶ Government Communications and Public Engagement
- ▶ RCMP "E" Division (Provincial Police)

The chair and co-chair are responsible for communication between the M-DEC and the CCG.





## B.C. EARTHQUAKE PREPAREDNESS: CONSULTATION REPORT

### ***Ministers-Deputies Emergency Committee (M-DEC)***

The M-DEC convenes when a disaster or emergency event could result or has resulted in:

- ▶ a significant impact to life safety, health or economic well-being of the province;
- ▶ a requirement for coordinated cross-government direction;
- ▶ significant public or media attention;
- ▶ a challenge to the public confidence in government; and
- ▶ the need for national and international support.

The M-DEC:

- ▶ ***provides*** high-level policy decisions and direction on behalf of the Province;
- ▶ ***ensures*** the full support of B.C. ministries, crown corporations and agencies;
- ▶ ***ensures*** sufficient provincial resources are committed in support of government response;
- ▶ ***participates*** in preparing for developing or imminent emergency events;
- ▶ ***oversees*** event-specific provincial communications; and
- ▶ ***makes*** formal requests for inter-provincial, federal or international support.

The structure and composition of the M-DEC reflects the nature of the emergency event.

Core ministries and agencies consistently represented on the committee include:

- ▶ EMBC (Ministry of Justice)
- ▶ Ministry of Environment
- ▶ Ministry of Forests, Lands and Natural Resource Operations
- ▶ Ministry of Health
- ▶ Ministry of Transportation and Infrastructure
- ▶ Government Communications and Public Engagement

### ***Role of the Deputy Minister of Justice***

The Deputy Minister of Justice:

- ▶ ***chairs*** M-DEC when required;
- ▶ ***provides*** briefings to the Attorney General and Minister of Justice;
- ▶ ***communicates*** provincial policy direction.





P.O. Box 186, Bella Coola, BC V0T 1C0  
 Phone (250) 799-5291 Fax (250) 799-5750 Email: [info@ccrd-bc.ca](mailto:info@ccrd-bc.ca)

*Encompassing the Coastal Communities of Ocean Falls, Bella Bella, Denny Island, Oweekeno and the Bella Coola Valley*

July 21, 2015

The Honourable Suzanne Anton  
 Minister of Justice and Attorney General  
 P.O. Box 9044 Stn Prov Govt  
 Victoria, BC V8W 9E2

VIA Email: [JAG.Minister@gov.bc.ca](mailto:JAG.Minister@gov.bc.ca)

Dear Minister Anton

### **British Columbia Earthquake Preparedness Consultation Report**

At the July 9<sup>th</sup> regular meeting of the board of directors of the Central Coast Regional District the following resolution was passed: *'That administration write a letter similar to the June 25, 2015 letter from the Regional District of Bulkley-Nechako with regards to disaster preparedness to state that any increase in funding needs to be directed to Emergency Management BC and not to regional districts as regional districts do not have the resources or expertise to fully deliver emergency services.'*

The release of the British Columbia Earthquake Preparedness Consultation Report in December, 2014 contained recommendations specific to funding and accountability within local government. Recommendation #2 states that the provincial and federal governments must implement a funding program to support local authority preparedness efforts and leverage emergency management funding to increase emphasis on planning and mitigation and increase local authority accountability.

Expectations of emergency management at the local government level have been on the increase since the provincial transfer of duties ten years ago. For smaller communities and regional districts, local authorities have limited resources and capacities to draw upon to undertake emergency management activities, including planning and mitigation. This is not specific to seismic hazard but to all forms of natural disasters.

In an office such as ours, with a staffing roster of fewer than six individuals, all regular operations must cease during an emergency event as personnel transform into their respective disaster response roles. Similarly, planning and exercising those plans creates interruption to important day to day business. This loss of valuable productivity is not recoverable.

The Central Coast Regional District (CCRD) echoes the concerns cited by the Regional District of Bulkley-Nechako in a letter sent to you dated June 25, 2015. Additional funding provided to local government for emergency preparedness may not be the best use of monies considering the reality of limited capacity and resources.



The consensus of the CCRD board is that the provincial and federal governments are downloading responsibilities to local government in order to cut budgets to emergency management at the provincial level. Regional Districts are not in a financial position or a human resource position to take on further responsibility for emergency management and the Central Coast Regional District would like to register an objection that the government is not living up to its mandate.

Should the key actions in support of Recommendation #2 be endorsed and implemented, the CCRD would like to see additional funding redirected to EMBC as the appropriate agency to take the essential and vital lead on emergency preparedness, response and recovery. As an example, such funding could go towards boosting the capacity of the integrated response model (Temporary Emergency Assignment Management System-TEAMS) which is an existing resource pool of trained and experienced staff ready to deploy anywhere in the province. Our regional district could benefit from the support of the TEAMS during a large-scale emergency event.

The Central Coast Regional District submits this correspondence in the spirit of cooperation within its limitations with regards to emergency management. We look forward to your response, specific to an update on Recommendation #2 of the BC Earthquake Preparedness Consultation Report.

Yours sincerely

**CENTRAL COAST REGIONAL DISTRICT**



Darla Blake

**Chief Administrative Officer**

**Cc: Regional District of Bulkley-Nechako, Chair**

Alberni-Clayoquot Regional District  
 Capital Regional District  
 Cariboo Regional District  
 Columbia – Shuswap Regional District  
 Comox Valley Regional District  
 Cowichan Valley Regional District  
 Fraser Valley Regional District  
 Islands Trust Regional District  
 Metro Vancouver Regional District  
 Northern Rockies Regional Municipality  
 Peace Regional District  
 Powell River Regional District  
 Regional District of Central Kooteney  
 Regional District of Central Okanagan  
 Regional District of East Kooteney  
 Regional District of Fraser Fort George  
 Regional District of Kitimat Stikine  
 Regional District of Kooteney Boundary  
 Regional District of Mount Waddington  
 Regional District of Nanaimo  
 Regional District of Okanagan-Similkameen  
 Skeena-Queen Charlotte Regional District  
 Strathcona Regional District  
 Sunshine Coast Regional District  
 Thompson-Nicola Regional District

## REGIONAL DISTRICT OF KOOTENAY BOUNDARY

## Cheque Register-Summary-Bank



AP5090

Page : 1

Date : Jul 07, 2015

Time : 8:40 am

Supplier : 084010 To ZUC010

Cheque Dt. : 01-Jun-2015 To 30-Jun-2015

Bank : 1 - CIBC Bank - General

Seq : Cheque No. Status : All

Medium : M=Manual C=Computer E=EFT-PA

Cheque #	Cheque Date	Supplier	Supplier Name	Status	Batch	Medium	Amount
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49662	04-Jun-2015	BEA130	BEAVER VALLEY LIBRARY	Issued	220	C	15,093.00
49663	04-Jun-2015	BIG006	BIG WHITE FIRE DEPT. AUXILIARY	Issued	220	C	750.00
49664	04-Jun-2015	CAN045	CANADIAN SKI PATROL OGOPOGO ZONE BIC	Issued	220	C	2,000.00
49665	04-Jun-2015	CAS040	CASINO RECREATION	Issued	220	C	5,161.67
49666	04-Jun-2015	COL017	COLBACHINI, CHERYL ANN	Issued	220	C	119.50
49667	04-Jun-2015	COL200	C.V.C.C.S.	Issued	220	C	1,000.00
49668	04-Jun-2015	COR130	CORMACK, CHRISTOPHER	Issued	220	C	160.00
49669	04-Jun-2015	DAV015	DAVIDSON, KATHY	Issued	220	C	350.00
49670	04-Jun-2015	FOR120	FORSTER, MAUREEN, K.	Issued	220	C	1,245.45
49671	04-Jun-2015	FOS080	FOSSEN, LOUIS	Issued	220	C	350.00
49672	04-Jun-2015	GEE020	GEE, VICKI LYNN	Issued	220	C	1,084.28
49673	04-Jun-2015	GEN020	GENELLE RECREATION SOCIETY	Issued	220	C	2,000.00
49674	04-Jun-2015	GIN010	GINALIAS, JEFFREY, L	Issued	220	C	25.00
49675	04-Jun-2015	GOL100	GOLDSBURY, CORRIE	Issued	220	C	749.00
49676	04-Jun-2015	GRA560	GRAND FORKS ROTARY CLUB	Issued	220	C	18,750.00
49677	04-Jun-2015	GRE028	GREENWOOD BOARD OF TRADE	Issued	220	C	800.00
49678	04-Jun-2015	HER015	HERMAN, CONNIE	Issued	220	C	250.00
49679	04-Jun-2015	HIR010	HIRAM, JANICE	Issued	220	C	217.00
49680	04-Jun-2015	JEN015	JENKINSON, K.R.	Issued	220	C	250.00
49681	04-Jun-2015	KAL015	KALMAKOV, MAYA	Issued	220	C	250.00
49682	04-Jun-2015	KAP015	KAPLANCHUK, KERRI	Issued	220	C	250.00
49683	04-Jun-2015	KOO015	KOOTENAY COLUMBIA TRAILS SOCIETY	Issued	220	C	40,000.00
49684	04-Jun-2015	KOO100	KOOTENAY COLUMBIA LEARNING CENTRE	Issued	220	C	750.00
49685	04-Jun-2015	KRA070	KRAFT, CAROLINE M	Issued	220	C	350.00
49686	04-Jun-2015	LEC015	LECLAIR, THERESA	Issued	220	C	250.00
49687	04-Jun-2015	LOD015	LODDER, BLAIR	Issued	220	C	250.00
49688	04-Jun-2015	MUI010	MUIR, MELVIN	Issued	220	C	250.00
49689	04-Jun-2015	PAA010	PAKKUNAINEN, JEFF	Issued	220	C	295.00
49690	04-Jun-2015	PED015	PEDERSEN, RANDY	Issued	220	C	500.00
49691	04-Jun-2015	PET010	PETRO CANADA	Issued	220	C	4,878.99
49692	04-Jun-2015	PLA015	PLATZ, LARRY	Issued	220	C	350.00
49693	04-Jun-2015	RAC010	RACE TRAC FUELS	Issued	220	C	1,136.13
49694	04-Jun-2015	REC010	RECEIVER GENERAL FOR CANADA	Issued	220	C	83,568.43
49695	04-Jun-2015	REP020	REPIN, MICKEY	Issued	220	C	884.40
49696	04-Jun-2015	RIC010	RICOH CANADA INC.	Issued	220	C	9,744.82
49697	04-Jun-2015	RIM010	RIMELL, CARLY, D.	Issued	220	C	25.00
49698	04-Jun-2015	ROS009	ROSSLAND GOLDEN CITY DAYS	Issued	220	C	1,500.00
49699	04-Jun-2015	RUS015	RUSSELL, DAVID J.	Issued	220	C	250.00
49700	04-Jun-2015	SPC010	SOCIETY FOR PREVENTION OF CRUELTY TC	Issued	220	C	7,437.00
49701	04-Jun-2015	THO015	THOMAS, MICHAEL	Issued	220	C	250.00
49702	04-Jun-2015	TOM040	TOMASHEWSKY, ROSANNE	Issued	220	C	41.60
49703	04-Jun-2015	TRA038	TRAILS TO THE BOUNDARY SOCIETY	Issued	220	C	12,000.00
49704	04-Jun-2015	VAB010	VAB ENTERPRISES	Issued	220	C	682.50
49705	04-Jun-2015	VAN015	VAN HOOGEVEST, JIM	Issued	220	C	350.00
49706	04-Jun-2015	WAG030	WAGNER, KEN	Issued	220	C	974.40
49707	11-Jun-2015	ABE030	ABELL PEST CONTROL	Issued	235	C	516.60
49708	11-Jun-2015	ACE010	A.C.E. COURIER SERVICES	Issued	235	C	108.60
49709	11-Jun-2015	ACK020	ACKLANDS-GRAINGER INC.	Issued	235	C	71.75
49710	11-Jun-2015	AFF015	AFFORDABLE FLOORS LTD.	Issued	235	C	20,153.79
49711	11-Jun-2015	ALM010	ALMOND MOUNTAIN JANITORIAL	Issued	235	C	220.50
49712	11-Jun-2015	ARR010	ARROW BUILDING SUPPLY	Issued	235	C	21.55
49713	11-Jun-2015	BAB020	BA BENSON & SONS	Issued	235	C	138.45
49714	11-Jun-2015	BCT030	BC TRANSIT	Issued	235	C	126,788.00



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Cheque #	Cheque Date	Supplier	Supplier Name	Status	Batch	Medium	Amount
<b>Bank : 1 CIBC Bank - General</b>							
49715	11-Jun-2015	BEN015	BENEFITS BY DESIGN	Issued	235	C	2,272.94
49716	11-Jun-2015	BIG015	BIG WHITE GAS UTILITY LTD.	Issued	235	C	1,811.09
49717	11-Jun-2015	BIG025	BIG WHITE SEWER UTILITY LTD.	Issued	235	C	62.48
49718	11-Jun-2015	BIG030	BIG WHITE WATER UTILITY LTD.	Issued	235	C	7,466.92
49719	11-Jun-2015	BIG060	BIG WHITE SKI RESORT LTD.	Issued	235	C	833.50
49720	11-Jun-2015	BIG130	BIG WHITE ELECTRICAL LTD.	Issued	235	C	129.78
49721	11-Jun-2015	BLA050	BLACK PRESS GROUP LTD.	Issued	235	C	444.15
49722	11-Jun-2015	BOU320	BOUTIN, KYLE	Issued	235	C	74.02
49723	11-Jun-2015	BVC001	BV COMMUNICATIONS LTD.	Issued	235	C	177.48
49724	11-Jun-2015	BVT010	BV TOOL RENTALS (2011) LTD.	Issued	235	C	22.12
49725	11-Jun-2015	CAN014	CANADA SAFETY EQUIPMENT LTD.	Issued	235	C	87.70
49726	11-Jun-2015	CAN041	CAN HOLDINGS LTD	Issued	235	C	101.43
49727	11-Jun-2015	CAN110	CANADIAN RED CROSS SOCIETY	Issued	235	C	535.19
49728	11-Jun-2015	CAN150	CANADIAN TIRE ASSOCIATE STORE #665	Issued	235	C	597.68
49729	11-Jun-2015	CAN170	CANADA POST CORP	Issued	235	C	119.06
49730	11-Jun-2015	CAN560	CANADIAN LINEN AND UNIFORM SERVICE	Issued	235	C	136.52
49731	11-Jun-2015	CAN620	CANADIAN MISSING KIDS NEWSMAGAZINE	Issued	235	C	312.38
49732	11-Jun-2015	CAR012	CARO ANALYTICAL SERVICES	Issued	235	C	1,645.98
49733	11-Jun-2015	CAR015	CARVELLO LAW CORPORATION	Issued	235	C	625.80
49734	11-Jun-2015	CAS030	CASTLE MOUNTAIN TREE SERVICE	Issued	235	C	1,509.38
49735	11-Jun-2015	CHA020	CHAMPION CHEVROLET	Issued	235	C	1,523.88
49736	11-Jun-2015	CHR003	CHRISTMAN, MARTIN RUSSELL	Issued	235	C	525.00
49737	11-Jun-2015	CHR010	CHRISTINA LAKE COMMUNITY ASSOCIATION	Issued	235	C	240.00
49738	11-Jun-2015	CIN001	CINTAS THE UNIFORM PEOPLE	Issued	235	C	46.89
49739	11-Jun-2015	COM020	COMMISSIONAIRES BRITISH COLUMBIA	Issued	235	C	9,030.00
49740	11-Jun-2015	COO050	COOKSON MOTORS LTD.	Issued	235	C	488.69
49741	11-Jun-2015	COR110	CORIX CONTROL SOLUTIONS	Issued	235	C	855.68
49742	11-Jun-2015	DAT020	DATUM CONSULTING LTD.	Issued	235	C	4,134.38
49743	11-Jun-2015	DEN060	DENKOVSKI, GORAN	Issued	235	C	65.27
49744	11-Jun-2015	EDM010	EDMISON, BRUCE	Issued	235	C	257.45
49745	11-Jun-2015	EDW060	EDWARDS, WILLIAM, R.	Issued	235	C	380.71
49746	11-Jun-2015	ENO010	ENORMOUS PRODUCTIONS	Issued	235	C	5,428.50
49747	11-Jun-2015	EVE040	EVERS, SASKIA	Issued	235	C	106.00
49748	11-Jun-2015	FAI030	FAIRBANK ARCHITECTS LTD	Issued	235	C	5,573.77
49749	11-Jun-2015	FED020	FEDERATED CO-OPERATIVES LTD.	Issued	235	C	803.79
49750	11-Jun-2015	FIR020	FIRST REGISTRY SERVICES LTD.	Issued	235	C	30.87
49751	11-Jun-2015	FIV030	FIVE STAR UNIFORMS	Issued	235	C	152.35
49752	11-Jun-2015	FOR010	FORTISBC - ELECTRICITY	Issued	235	C	22,112.21
49753	11-Jun-2015	FOR040	FORTIS BC - NATURAL GAS	Issued	235	C	4,810.39
49754	11-Jun-2015	FOU080	FOUR STAR COMMUNICATIONS INC.	Issued	235	C	174.83
49755	11-Jun-2015	FRE011	FREW, CHELSEA	Issued	235	C	37.90
49756	11-Jun-2015	FRU020	FRUITVALE CO-OP	Issued	235	C	575.57
49757	11-Jun-2015	FYF010	FYFFE, BART	Issued	235	C	300.75
49758	11-Jun-2015	GES010	SONEPAR CANADA INC - GESCAN WEST	Issued	235	C	7.32
49759	11-Jun-2015	GIL150	GILLESPIE & COMPANY LLP	Issued	235	C	10,814.08
49760	11-Jun-2015	GOL100	GOLDSBURY, CORRIE	Issued	235	C	198.50
49761	11-Jun-2015	GOR040	GORDON, DEANNA	Issued	235	C	211.27
49762	11-Jun-2015	GRA590	GRAVES, TAD	Issued	235	C	77.59
49763	11-Jun-2015	GRE030	GREYHOUND COURIER EXPRESS	Issued	235	C	119.61
49764	11-Jun-2015	GRE080	GRESLEY-JONES, KEN	Issued	235	C	2,250.00
49765	11-Jun-2015	GUI001	GUILLEVIN INTERNATIONAL INC.	Issued	235	C	1,845.30
49766	11-Jun-2015	HAA010	HAAS, IRENE D.	Issued	235	C	300.75
49767	11-Jun-2015	HAL060	HALL'S BASICS & GIFTS LTD	Issued	235	C	283.52

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Cheque #	Cheque Date	Supplier	Supplier Name	Status	Batch	Medium	Amount
Bank : 1	CIBC Bank - General						
49768	11-Jun-2015	HAY020	HAYES, CHRIS	Issued	235	C	105.00
49769	11-Jun-2015	HEA025	HEALTH ARTS SOCIETY	Issued	235	C	4,000.00
49770	11-Jun-2015	HIL025	HILL, LARRY	Issued	235	C	9.71
49771	11-Jun-2015	HIN030	HINTERLAND SURVEYING & GEOMATICS INC	Issued	235	C	378.00
49772	11-Jun-2015	HOS040	HOSKINS, PENNY	Issued	235	C	42.09
49773	11-Jun-2015	IMP020	IMPERIAL OIL LIMITED	Issued	235	C	1,149.28
49774	11-Jun-2015	INL070	INLAND ALLCARE	Issued	235	C	2,284.02
49775	11-Jun-2015	INS010	INSURANCE CORPORATION OF BC	Issued	235	C	18.00
49776	11-Jun-2015	INT017	INTERSTATE BATTERIES	Issued	235	C	15.63
49777	11-Jun-2015	JAM010	JAMESON WATER SERVICES	Issued	235	C	735.00
49778	11-Jun-2015	JOH017	JOHN, LINDA	Issued	235	C	172.42
49779	11-Jun-2015	JOH130	JOHNSON, NORMAN R.	Issued	235	C	17.16
49780	11-Jun-2015	JON060	JONES, FRANCES	Issued	235	C	74.85
49781	11-Jun-2015	KIN050	KING'S DOOR AND EXTERIOR LTD.	Issued	235	C	1,442.70
49782	11-Jun-2015	KLE020	KLEIN, MIRANDA	Issued	235	C	460.00
49783	11-Jun-2015	KOO210	KOOTENAY VALLEY WATER CO.	Issued	235	C	159.00
49784	11-Jun-2015	LIF010	LIFESAVING SOCIETY	Issued	235	C	208.43
49785	11-Jun-2015	LIL020	LIL T'S CAFE	Issued	235	C	543.90
49786	11-Jun-2015	LIS010	LISTOWEL TROPHIES AND ENGRAVING	Issued	235	C	239.89
49787	11-Jun-2015	LOR010	LORDCO PARTS LTD.	Issued	235	C	1,431.87
49788	11-Jun-2015	LOW020	LOWER COLUMBIA COMMUNITY DEVELOPMI	Issued	235	C	1,062.00
49789	11-Jun-2015	LOW020	LOWER COLUMBIA COMMUNITY DEVELOPMI	Issued	235	C	44,400.00
49790	11-Jun-2015	LUD001	LUDWAR, CORA	Issued	235	C	49.28
49791	11-Jun-2015	MAC020	MACLEAN, JOHN	Issued	235	C	48.95
49792	11-Jun-2015	MAC140	MACKENZIE, MICHELLE A.	Issued	235	C	53.95
49793	11-Jun-2015	MAG040	MAGLIO BUILDING CENTRE (TRAIL) LTD.	Issued	235	C	1,500.40
49794	11-Jun-2015	MAR160	MARTECH ELECTRICAL SYSTEMS LTD.	Issued	235	C	12,547.50
49795	11-Jun-2015	MAT070	MATHERS, RICHARD	Issued	235	C	70.00
49796	11-Jun-2015	MCG002	MCGREGOR, GRACE	Issued	235	C	415.20
49797	11-Jun-2015	MCG020	MCGREGOR, ROBERT	Issued	235	C	90.47
49798	11-Jun-2015	MCIO50	MCISAAC, JORDAN	Issued	235	C	727.50
49799	11-Jun-2015	MES010	MESCHI, CHRISTINE	Issued	235	C	94.85
49800	11-Jun-2015	MID160	MIDDLETON, ALLAN	Issued	235	C	34.32
49801	11-Jun-2015	MIL160	MILLS OFFICE PRODUCTIVITY	Issued	235	C	256.07
49802	11-Jun-2015	MIN040	MINISTER OF FINANCE	Issued	235	C	184.30
49803	11-Jun-2015	MIN090	MINISTER OF FINANCE	Issued	235	C	262.50
49804	11-Jun-2015	MIR010	MIRCOM DISTRIBUTION (BC) INC.	Issued	235	C	146.02
49805	11-Jun-2015	MMM001	MMM GROUP LIMITED	Issued	235	C	3,150.00
49806	11-Jun-2015	MON010	VILLAGE OF MONTROSE	Issued	235	C	510.00
49807	11-Jun-2015	NOR200	NORTHLAND CHIPPER SALES LTD.	Issued	235	C	8,636.13
49808	11-Jun-2015	OKA120	OKANAGAN AUDIO LAB LTD.	Issued	235	C	577.50
49809	11-Jun-2015	OKA160	OKANAGAN FILM COMMISSION	Issued	235	C	5,000.00
49810	11-Jun-2015	PAR050	PARSLOW LOCK & SAFE	Issued	235	C	832.14
49811	11-Jun-2015	PAR120	PART EVIL CUSTOM AUTOS LTD.	Issued	235	C	495.35
49812	11-Jun-2015	PAR140	PARTRIDGE, JIM	Issued	235	C	75.73
49813	11-Jun-2015	PEN030	PENNER, BRUCE	Issued	235	C	75.00
49814	11-Jun-2015	PES010	PESUT, BRYON	Issued	235	C	84.00
49815	11-Jun-2015	POW100	POWER TECH ELECTRIC LTD.	Issued	235	C	184.80
49816	11-Jun-2015	PRA040	PRAXAIR DISTRIBUTION	Issued	235	C	136.39
49817	11-Jun-2015	PRE015	PRECISE PAINTING 0919305 BC. LTD	Issued	235	C	4,751.25
49818	11-Jun-2015	PRE030	PRESSED METAL PRODUCTS LTD.	Issued	235	C	603.40
49819	11-Jun-2015	PRE140	PREMA SOUTH CENTRAL BC	Issued	235	C	14.87
49820	11-Jun-2015	PUR020	PUROLATOR INC.	Issued	235	C	33.10



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Cheque #	Cheque Date	Supplier	Supplier Name	Status	Batch	Medium	Amount
<b>Bank : 1 CIBC Bank - General</b>							
49821	11-Jun-2015	RID020	RIDGE, ROGER	Issued	235	C	42.82
49822	11-Jun-2015	RJA010	RJAMES MANAGEMENT GROUP	Issued	235	C	8,795.89
49823	11-Jun-2015	ROC050	ROCKY MOUNTAIN AGENCIES	Issued	235	C	1,293.92
49824	11-Jun-2015	ROS010	THE CITY OF ROSSLAND	Issued	235	C	140.87
49825	11-Jun-2015	ROT090	ROTSCHY, TANNER	Issued	235	C	67.05
49826	11-Jun-2015	RUS025	RUSTIC CRUST	Issued	235	C	357.00
49827	11-Jun-2015	RYP010	RYPIEN, SHELLEY	Issued	235	C	42.09
49828	11-Jun-2015	SEC040	SECURIGUARD SERVICES LIMITED	Issued	235	C	14,628.74
49829	11-Jun-2015	SEL010	SELECT OFFICE PRODUCTS	Issued	235	C	239.50
49830	11-Jun-2015	SEL050	SELKIRK COLLEGE (GRAND FORKS)	Issued	235	C	969.00
49831	11-Jun-2015	SEL160	SELKIRK SECURITY SERVICE	Issued	235	C	35.70
49832	11-Jun-2015	SEN060	SENIOR CITIZEN'S ASSOC. BRANCH #68	Issued	235	C	150.00
49833	11-Jun-2015	SHA030	SHAW CABLE	Issued	235	C	171.21
49834	11-Jun-2015	SIM140	SIMPSON, RICK	Issued	235	C	217.36
49835	11-Jun-2015	SPE030	SPEEDPRO SIGNS PLUS	Issued	235	C	159.23
49836	11-Jun-2015	STO030	STOKES INTERNATIONAL	Issued	235	C	299.04
49837	11-Jun-2015	SUN170	SUNKO HOLDINGS LTD. KELOWNA GLASS	Issued	235	C	308.00
49838	11-Jun-2015	TAY002	TAYLOR, MARG	Issued	235	C	62.50
49839	11-Jun-2015	TEE020	TEES, KRISTAL	Issued	235	C	87.38
49840	11-Jun-2015	TEL001	TELUS COMMUNICATIONS (B.C.) INC.	Issued	235	C	277.28
49841	11-Jun-2015	TEL002	TELUS MOBILITY	Issued	235	C	309.80
49842	11-Jun-2015	TOM040	TOMASHEWSKY, ROSANNE	Issued	235	C	240.88
49843	11-Jun-2015	TOO010	TOOL TIME SUPPLIES LTD.	Issued	235	C	67.70
49844	11-Jun-2015	TRA011	TRAIL CURLING ASSOCIATION	Issued	235	C	131.25
49845	11-Jun-2015	TRA029	TRAIL COFFEE & TEA COMPANY	Issued	235	C	136.00
49846	11-Jun-2015	TRA240	TRAIL HOME HARDWARE BUILDING CENTRE	Issued	235	C	293.77
49847	11-Jun-2015	TRA370	TRAIL CARTAGE & STORAGE (2005) LTD.	Issued	235	C	1,110.38
49848	11-Jun-2015	TRE070	TREMBLAY, DONNA	Issued	235	C	52.00
49849	11-Jun-2015	UTG010	UTGAREN, VAL	Issued	235	C	167.57
49850	11-Jun-2015	VAL020	VALKYRIE LAW GROUP LLP	Issued	235	C	1,549.34
49851	11-Jun-2015	VAL110	EMILY, VALIANT	Issued	235	C	92.07
49852	11-Jun-2015	VIS050	VISTA RADIO LTD.	Issued	235	C	630.00
49853	11-Jun-2015	WAD010	WADE TECHNOLOGIES LTD.	Issued	235	C	1,069.56
49854	11-Jun-2015	WAL080	WAL MART CANADA CORP	Issued	235	C	604.12
49855	11-Jun-2015	WAL090	WALKER, SARAH KELLY	Issued	235	C	63.62
49856	11-Jun-2015	WDS010	W.D. SHEETMETAL LTD.	Issued	235	C	193.20
49857	11-Jun-2015	XER010	XEROX CANADA LTD.	Issued	235	C	19.78
49858	11-Jun-2015	XPC010	XP CONTRACTING	Issued	235	C	9,622.09
49859	11-Jun-2015	YOR010	YORSTON, DAVID	Issued	235	C	32.35
49860	11-Jun-2015	YRW010	Y & R WATER SALES & SERVICE INC.	Issued	235	C	1,171.32
49861	11-Jun-2015	ZIN020	ZINNER, HARALD	Issued	235	C	180.96
49868	19-Jun-2015	ACK020	ACKLANDS-GRAINGER INC.	Issued	246	C	798.42
49869	19-Jun-2015	ALL140	ALLAN, JONATHAN	Issued	246	C	90.00
49870	19-Jun-2015	ALP002	ALPINE SIGNS & GRAPHICS	Issued	246	C	28.00
49871	19-Jun-2015	ALP030	ALPINE DISPOSAL & RECYCLING	Issued	246	C	65,463.59
49872	19-Jun-2015	ARN050	ARNELL, HANNAH	Issued	246	C	100.00
49873	19-Jun-2015	ATS001	AT SOURCE RECYCLING SYSTEMS CORP.	Issued	246	C	761.60
49874	19-Jun-2015	AWR010	A & W RESTAURANT	Issued	246	C	129.94
49875	19-Jun-2015	BAB060	BABIAK, FLOYD	Issued	246	C	22.88
49876	19-Jun-2015	BAT020	BATCH, ROBYN	Issued	246	C	167.23
49877	19-Jun-2015	BEA035	BEATTIE, DAVE	Issued	246	C	733.65
49878	19-Jun-2015	BEL020	BELLA TIRE SERVICE CENTRE LTD.	Issued	246	C	60.48
49879	19-Jun-2015	BFS010	B & F SALES LTD	Issued	246	C	608.69

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Bank : 1 CIBC Bank - General							
49880	19-Jun-2015	BLA050	BLACK PRESS GROUP LTD.	Issued	246	C	2,274.42
49881	19-Jun-2015	BLA090	BLACKWELL, CAMERON	Issued	246	C	120.00
49882	19-Jun-2015	BOR010	BORSATO, ANDREW	Issued	246	C	6.70
49883	19-Jun-2015	BRE090	BREDBECK, HAROLD	Issued	246	C	281.25
49884	19-Jun-2015	BRI001	BRINK'S CANADA LIMITED	Issued	246	C	326.48
49885	19-Jun-2015	BUC030	BUCKLAND & TAYLOR LTD. BRIDGE ENGINEE	Issued	246	C	13,926.02
49886	19-Jun-2015	BUC060	BUCHNER, THERESA L.	Issued	246	C	94.85
49887	19-Jun-2015	BUR090	BURGET, BETH, A.	Issued	246	C	235.00
49888	19-Jun-2015	BVC001	BV COMMUNICATIONS LTD.	Issued	246	C	120.35
49889	19-Jun-2015	BVT010	BV TOOL RENTALS (2011) LTD.	Issued	246	C	708.72
49890	19-Jun-2015	CAN130	CANADIAN UNION OF PUBLIC EMPLOYEES -	Issued	246	C	4,041.96
49891	19-Jun-2015	CAN150	CANADIAN TIRE ASSOCIATE STORE #665	Issued	246	C	421.43
49892	19-Jun-2015	CAN560	CANADIAN LINEN AND UNIFORM SERVICE	Issued	246	C	137.56
49893	19-Jun-2015	CAR015	CARVELLO LAW CORPORATION	Issued	246	C	2,252.86
49894	19-Jun-2015	CAS240	CASCADE PRO ELECTRIC INC.	Issued	246	C	43,239.33
49895	19-Jun-2015	CHE050	CHERRY HILL COFFEE INC.	Issued	246	C	172.45
49896	19-Jun-2015	CHR120	CHRISTINA LAKE MECHANICAL	Issued	246	C	3,652.11
49897	19-Jun-2015	CHR440	CHRISTINA GATEWAY DEVELOPMENT ASSOC	Issued	246	C	18,750.00
49898	19-Jun-2015	CIN001	CINTAS THE UNIFORM PEOPLE	Issued	246	C	149.13
49899	19-Jun-2015	CLE050	CLEARTECH INDUSTRIES	Issued	246	C	199.80
49900	19-Jun-2015	COL010	COLANDER RESTAURANTS (1999) LTD.	Issued	246	C	140.60
49901	19-Jun-2015	COL017	COLBACHINI, CHERYL ANN	Issued	246	C	119.50
49902	19-Jun-2015	COL090	COLUMBIA RECYCLE	Issued	246	C	790.00
49903	19-Jun-2015	COM003	COMMERCIAL AQUATIC SUPPLIES	Issued	246	C	354.26
49904	19-Jun-2015	COM170	COMMUNITY FUTURES BOUNDARY	Issued	246	C	29,500.00
49905	19-Jun-2015	DAV140	DAVIES, DEBBIE	Issued	246	C	52.00
49906	19-Jun-2015	DDS010	D&D SERVICE CENTRE & STORAGE INC.	Issued	246	C	735.00
49907	19-Jun-2015	DEL070	DELL CANADA INC	Issued	246	C	2,150.76
49908	19-Jun-2015	DEN060	DENKOVSKI, GORAN	Issued	246	C	67.85
49909	19-Jun-2015	DHC010	DHC COMMUNICATIONS INC.	Issued	246	C	2,292.62
49910	19-Jun-2015	ENO010	ENORMOUS PRODUCTIONS	Issued	246	C	1,680.00
49911	19-Jun-2015	FIR020	FIRST REGISTRY SERVICES LTD.	Issued	246	C	65.73
49912	19-Jun-2015	FIR040	FIREFIGHTERS ASSOCIATION	Issued	246	C	3,885.44
49913	19-Jun-2015	FIS010	FISHER'S REGALIA	Issued	246	C	110.25
49914	19-Jun-2015	FOR010	FORTISBC - ELECTRICITY	Issued	246	C	208.56
49915	19-Jun-2015	FOR040	FORTIS BC - NATURAL GAS	Issued	246	C	456.86
49916	19-Jun-2015	FRE060	FREEMAN, BOB	Issued	246	C	700.00
49917	19-Jun-2015	FRU010	THE VILLAGE OF FRUITVALE	Issued	246	C	110.00
49918	19-Jun-2015	GAI010	GAIA PRINCIPLES IPM SERVICES	Issued	246	C	52.50
49919	19-Jun-2015	GEN020	GENELLE RECREATION SOCIETY	Issued	246	C	10,000.00
49920	19-Jun-2015	GEO020	GEOTRAC SYSTEMS INC.	Issued	246	C	154.56
49921	19-Jun-2015	GIL140	GILROYED, WAYNE	Issued	246	C	200.00
49922	19-Jun-2015	GIN010	GINALIAS, JEFFREY, L	Issued	246	C	198.45
49923	19-Jun-2015	GRA050	GRAND FORKS HOME HARDWARE	Issued	246	C	80.62
49924	19-Jun-2015	GUI001	GUILLEVIN INTERNATIONAL INC.	Issued	246	C	149.95
49925	19-Jun-2015	HAL060	HALL'S BASICS & GIFTS LTD	Issued	246	C	116.31
49926	19-Jun-2015	HAR007	HARLAMOVS, MADELEINE	Issued	246	C	74.85
49927	19-Jun-2015	HEC020	HECHT, DAVID	Issued	246	C	67.19
49928	19-Jun-2015	HEL010	EDMISON, HELENA	Issued	246	C	34.13
49929	19-Jun-2015	HUZ010	HUZZEY, MARTIN, R.	Issued	246	C	110.00
49930	19-Jun-2015	IMP120	4IMPRINT	Issued	246	C	571.09
49931	19-Jun-2015	INF030	INFOSAT COMMUNICATIONS	Issued	246	C	627.85
49932	19-Jun-2015	INL070	INLAND ALLCARE	Issued	246	C	5,688.09



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Cheque #	Cheque Date	Supplier	Supplier Name	Status	Batch	Medium	Amount
<b>Bank : 1 CIBC Bank - General</b>							
49933	19-Jun-2015	ISL030	ISL ENGINEERING AND LAND SERVICES LTD	Issued	246	C	1,991.06
49934	19-Jun-2015	JJH010	J.J.H. ENTERPRISES	Issued	246	C	531.58
49935	19-Jun-2015	JOH014	BASSETT-SMITH, JOHN	Issued	246	C	2,070.00
49936	19-Jun-2015	JOR025	JORGENSON, KAITLIN	Issued	246	C	127.49
49937	19-Jun-2015	JOS040	JOSH THE GARAGE DOOR GUY	Issued	246	C	1,041.34
49938	19-Jun-2015	JUS010	JUSTICE INSTITUTE OF B.C.	Issued	246	C	708.75
49939	19-Jun-2015	KET170	KETTLE VALLEY WASTE LTD.	Issued	246	C	73,958.10
49940	19-Jun-2015	KIL010	KILBY, JOHN	Issued	246	C	100.00
49941	19-Jun-2015	KIN050	KING'S DOOR AND EXTERIOR LTD.	Issued	246	C	266.96
49942	19-Jun-2015	KOA010	KOACH, TANYA	Issued	246	C	61.17
49943	19-Jun-2015	KON001	KONE INC.	Issued	246	C	308.66
49944	19-Jun-2015	KOO210	KOOTENAY VALLEY WATER CO.	Issued	246	C	82.75
49945	19-Jun-2015	LIL020	LIL T'S CAFE	Issued	246	C	233.10
49946	19-Jun-2015	LOR010	LORDCO PARTS LTD.	Issued	246	C	634.67
49947	19-Jun-2015	MAC130	MACARTHUR, SANDI	Issued	246	C	12.69
49948	19-Jun-2015	MAG040	MAGLIO BUILDING CENTRE (TRAIL) LTD.	Issued	246	C	172.87
49949	19-Jun-2015	MAK010	MAKI, PHILLIP	Issued	246	C	291.05
49950	19-Jun-2015	MCC090	MCCONNACHIE, CARLY	Issued	246	C	11.82
49951	19-Jun-2015	MCG020	MCGREGOR, ROBERT	Issued	246	C	461.87
49952	19-Jun-2015	MER025	MERLO, ALISON	Issued	246	C	74.85
49953	19-Jun-2015	MET001	METTLER-TOLEDO INC.	Issued	246	C	8,068.29
49954	19-Jun-2015	MIL160	MILLS OFFICE PRODUCTIVITY	Issued	246	C	475.74
49955	19-Jun-2015	MIN040	MINISTER OF FINANCE	Issued	246	C	1,092.34
49956	19-Jun-2015	MIR010	MIRCOM DISTRIBUTION (BC) INC.	Issued	246	C	1,767.38
49957	19-Jun-2015	MOR015	MORROW BIOSCIENCE LTD.	Issued	246	C	10,815.00
49958	19-Jun-2015	NIC015	NICLAND FILTER SERVICE LTD.	Issued	246	C	716.43
49959	19-Jun-2015	OKT010	OK TIRE STORE	Issued	246	C	188.16
49960	19-Jun-2015	PEN040	PENNYWISE	Issued	246	C	193.73
49961	19-Jun-2015	POW100	POWER TECH ELECTRIC LTD.	Issued	246	C	1,428.51
49962	19-Jun-2015	PUR020	PURULATOR INC.	Issued	246	C	89.11
49963	19-Jun-2015	REC010	RECEIVER GENERAL FOR CANADA	Issued	246	C	77,230.52
49964	19-Jun-2015	RID010	RIDGETOP MEAT PIES	Issued	246	C	2,321.50
49965	19-Jun-2015	ROC030	ROCKY MOUNTAIN PHOENIX	Issued	246	C	5,286.75
49966	19-Jun-2015	ROS450	ROSS, ANDREA	Issued	246	C	12.53
49967	19-Jun-2015	RYD010	RYDER-BURBIDGE, SIMON	Issued	246	C	110.00
49968	19-Jun-2015	SAV010	SAVAGE PLUMBING & HEATING	Issued	246	C	144.82
49969	19-Jun-2015	SCH030	SCHOOL DISTRICT NO. 51 (BOUNDARY)	Issued	246	C	75.00
49970	19-Jun-2015	SHA030	SHAW CABLE	Issued	246	C	576.25
49971	19-Jun-2015	SNC001	SNC-LAVALIN INC.	Issued	246	C	28,836.47
49972	19-Jun-2015	SOL010	L. SOLIGO & ASSOCIATES LTD.	Issued	246	C	34,650.00
49973	19-Jun-2015	STA007	DESJARDINS CARD SERVICES	Issued	246	C	23.90
49974	19-Jun-2015	STE130	STERICYCLE COMMUNICATION SOLUTIONS	Issued	246	C	1,433.34
49975	19-Jun-2015	TEL001	TELUS COMMUNICATIONS (B.C.) INC.	Issued	246	C	2,013.66
49976	19-Jun-2015	THE010	THE SOURCE	Issued	246	C	42.46
49977	19-Jun-2015	TRA029	TRAIL COFFEE & TEA COMPANY	Issued	246	C	188.00
49978	19-Jun-2015	TRA190	TRAIL & DISTRICT ARTS COUNCIL	Issued	246	C	420.00
49979	19-Jun-2015	TRA240	TRAIL HOME HARDWARE BUILDING CENTRE	Issued	246	C	223.85
49980	19-Jun-2015	TRA370	TRAIL CARTAGE & STORAGE (2005) LTD.	Issued	246	C	795.38
49981	19-Jun-2015	TRA540	TRANS-CARE RESCUE LTD.	Issued	246	C	166.01
49982	19-Jun-2015	TRE070	TREMBLAY, DONNA	Issued	246	C	52.00
49983	19-Jun-2015	TRO010	TROWELEX RENTALS AND SALES	Issued	246	C	1,645.49
49984	19-Jun-2015	VAL130	VALLEN	Issued	246	C	1,202.14
49985	19-Jun-2015	VAN050	VAN HELLEMOND SPORTE LTD.	Issued	246	C	1,391.04

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Cheque #	Cheque Date	Supplier	Supplier Name	Status	Batch	Medium	Amount
<b>Bank : 1 CIBC Bank - General</b>							
49986	19-Jun-2015	VIS050	VISTA RADIO LTD.	Issued	246	C	1,491.53
49987	19-Jun-2015	VIT001	VITALAIRE	Issued	246	C	541.83
49988	19-Jun-2015	WAL080	WAL MART CANADA CORP	Issued	246	C	854.57
49989	19-Jun-2015	WAS010	WASTE MANAGEMENT	Issued	246	C	585.39
49990	19-Jun-2015	WAT020	WATER PURE AND SIMPLE	Issued	246	C	160.00
49991	19-Jun-2015	WES590	WEST KOOTENAY SNOGOERS ASSOCIATION	Issued	246	C	5,136.00
49992	19-Jun-2015	WIR010	WIRED BY MORRIS	Issued	246	C	224.89
49993	19-Jun-2015	WMU010	WM UNIFORM GROUP	Issued	246	C	1,403.58
49994	19-Jun-2015	WRI020	WRIGHT, DARLENE	Issued	246	C	9.70
49995	19-Jun-2015	XLW010	XL QUALITY INDUSTRIAL SERVICES	Issued	246	C	109.31
49996	19-Jun-2015	YRW010	Y & R WATER SALES & SERVICE INC.	Issued	246	C	36.78
49997	25-Jun-2015	ABE030	ABELL PEST CONTROL	Issued	255	C	519.17
49998	25-Jun-2015	ACE010	A.C.E. COURIER SERVICES	Issued	255	C	120.39
49999	25-Jun-2015	AIR001	AIR LIQUIDE CANADA INC.	Issued	255	C	145.76
50000	25-Jun-2015	ALP030	ALPINE DISPOSAL & RECYCLING	Issued	255	C	235.12
50001	25-Jun-2015	ARE010	AREND'S SPECIALTY KOMPANY	Issued	255	C	372.15
50002	25-Jun-2015	ARL010	THE ARLINGTON HOTEL	Issued	255	C	99.91
50003	25-Jun-2015	ASS050	ASSOC. OF REGIONAL DISTRICT PLANNING I	Issued	255	C	300.00
50004	25-Jun-2015	BAT030	BATTRICK & SONS LOCKSMITHING	Issued	255	C	31.50
50005	25-Jun-2015	BEA055	BEAVER VALLEY DYNAMIC AGING SOCIETY	Issued	255	C	1,604.37
50006	25-Jun-2015	BLA060	BLAIR SPORTS WEAR	Issued	255	C	395.93
50007	25-Jun-2015	BOR010	BORSATO, ANDREW	Issued	255	C	90.00
50008	25-Jun-2015	BOW040	BOWMAN, KARLEE	Issued	255	C	54.59
50009	25-Jun-2015	BRA030	BRANDT TRACTOR	Issued	255	C	630.28
50010	25-Jun-2015	BRA130	BRADLEY FIRE PROTECTION	Issued	255	C	787.50
50011	25-Jun-2015	BRI120	BRITISH COLUMBIA SAFETY AUTHORITY	Issued	255	C	151.00
50012	25-Jun-2015	CAN035	CANADIAN SPRINGS	Issued	255	C	101.43
50013	25-Jun-2015	CAN150	CANADIAN TIRE ASSOCIATE STORE #665	Issued	255	C	1,093.60
50014	25-Jun-2015	CAS005	KOOTENAY SQUADRON	Issued	255	C	260.00
50015	25-Jun-2015	CEN060	CENTRAL KOOTENAY REGIONAL FIRE SERVI	Issued	255	C	600.00
50016	25-Jun-2015	CER030	CERTIFIED ENSEMBLE SERVICES	Issued	255	C	1,866.92
50017	25-Jun-2015	CHR003	CHRISTMAN, MARTIN RUSSELL	Issued	255	C	129.82
50018	25-Jun-2015	DAI001	DAINES, MARK	Issued	255	C	60.00
50019	25-Jun-2015	DEL080	DE LAGE LANDEN FINANCIAL SERVICES CAN	Issued	255	C	682.85
50020	25-Jun-2015	DOM030	DOMINION GOVLAW LLP	Issued	255	C	250.08
50021	25-Jun-2015	DOS020	DOSANJ, AMARJIT	Issued	255	C	54.81
50022	25-Jun-2015	DUE020	DUECK, TIM	Issued	255	C	75.00
50023	25-Jun-2015	ENO010	ENORMOUS PRODUCTIONS	Issued	255	C	884.62
50024	25-Jun-2015	FER001	FERRARO FOODS	Issued	255	C	34.86
50025	25-Jun-2015	FIV030	FIVE STAR UNIFORMS	Issued	255	C	2,367.67
50026	25-Jun-2015	FOR010	FORTISBC - ELECTRICITY	Issued	255	C	622.87
50027	25-Jun-2015	FOR040	FORTIS BC - NATURAL GAS	Issued	255	C	105.36
50028	25-Jun-2015	GAG001	GAGNON, ANDRE	Issued	255	C	60.00
50029	25-Jun-2015	GES010	SONEPAR CANADA INC - GESCAN WEST	Issued	255	C	244.23
50030	25-Jun-2015	GRA050	GRAND FORKS HOME HARDWARE	Issued	255	C	127.97
50031	25-Jun-2015	GRE560	GREENWOOD HERITAGE SOCIETY	Issued	255	C	4,500.00
50032	25-Jun-2015	GUI001	GUILLEVIN INTERNATIONAL INC.	Issued	255	C	91.93
50033	25-Jun-2015	HAL010	HALL PRINTING	Issued	255	C	155.84
50034	25-Jun-2015	HAL060	HALL'S BASICS & GIFTS LTD	Issued	255	C	76.10
50035	25-Jun-2015	HAW008	HAWKTREE SOLUTIONS	Issued	255	C	44.08
50036	25-Jun-2015	HIP010	HI-PRO SPORTING GOODS LTD.	Issued	255	C	776.76
50037	25-Jun-2015	HSL010	HSL BUILDING MAINTENANCE	Issued	255	C	500.00
50038	25-Jun-2015	IMP120	4IMPRINT	Issued	255	C	1,257.72



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Cheque #	Cheque Date	Supplier	Supplier Name	Status	Batch	Medium	Amount
<b>Bank : 1 CIBC Bank - General</b>							
50039	25-Jun-2015	JOH050	JOHNSON, HEATHER	Issued	255	C	305.53
50040	25-Jun-2015	JUS010	JUSTICE INSTITUTE OF B.C.	Issued	255	C	353.94
50041	25-Jun-2015	KOO200	KOOTENAY COFFEE COMPANY	Issued	255	C	75.00
50042	25-Jun-2015	KRA003	KRASTEL, MARK	Issued	255	C	90.00
50043	25-Jun-2015	LEA001	LEAVITT, LEO	Issued	255	C	60.00
50044	25-Jun-2015	LEN002	LENARDON, THERESA	Issued	255	C	387.20
50045	25-Jun-2015	LEN030	LENARDUZZI, LOUANN	Issued	255	C	537.00
50046	25-Jun-2015	LIN080	LINDSTEIN, LYNN	Issued	255	C	4.86
50047	25-Jun-2015	LOR010	LORDCO PARTS LTD.	Issued	255	C	1,102.08
50048	25-Jun-2015	MAG040	MAGLIO BUILDING CENTRE (TRAIL) LTD.	Issued	255	C	546.96
50049	25-Jun-2015	MAR006	MARINO WHOLESALE LTD.	Issued	255	C	191.44
50050	25-Jun-2015	MCL030	MCLEAN, KIM	Issued	255	C	90.00
50051	25-Jun-2015	MIL160	MILLS OFFICE PRODUCTIVITY	Issued	255	C	24.03
50052	25-Jun-2015	MIN030	MINISTER OF FINANCE	Issued	255	C	10,197.00
50053	25-Jun-2015	MIN040	MINISTER OF FINANCE	Issued	255	C	1,710.67
50054	25-Jun-2015	MIN070	MINISTER OF FINANCE AND CORPORATE RE	Issued	255	C	300.00
50055	25-Jun-2015	MKL001	M K LAWN CARE	Issued	255	C	435.75
50056	25-Jun-2015	MOO080	MOORE, JASON	Issued	255	C	94.85
50057	25-Jun-2015	MUD010	MUDIE, MONIQUE	Issued	255	C	336.00
50058	25-Jun-2015	NOR200	NORTHLAND CHIPPER SALES LTD.	Issued	255	C	583.52
50059	25-Jun-2015	OKT010	OK TIRE STORE	Issued	255	C	1,002.17
50060	25-Jun-2015	OME040	OMEGA COMMUNICATIONS LTD.	Issued	255	C	288.96
50061	25-Jun-2015	OVE010	OVERWAITEA FOODS	Issued	255	C	503.99
50062	25-Jun-2015	PAC020	PACIFIC BLUE CROSS	Issued	255	C	33,242.96
50063	25-Jun-2015	PAR050	PARSLOW LOCK & SAFE	Issued	255	C	33.60
50064	25-Jun-2015	PHE020	PHELAN, TEJAY	Issued	255	C	67.05
50065	25-Jun-2015	PHO004	PHOTOGRAPHY BY THERESA	Issued	255	C	630.00
50066	25-Jun-2015	PHO030	PHOENIX BENEFITS SOLUTIONS	Issued	255	C	24,386.00
50067	25-Jun-2015	PHY010	PHYSIO-CONTROL CANADA SALES LTD.	Issued	255	C	554.07
50068	25-Jun-2015	PIN015	PIN, JULIE	Issued	255	C	140.00
50069	25-Jun-2015	PLA100	PLANET CLEAN	Issued	255	C	91.08
50070	25-Jun-2015	PRO009	PROVINCIAL FIRE AND SAFET	Issued	255	C	1,549.80
50071	25-Jun-2015	RBM010	R B MECHANICAL	Issued	255	C	86.01
50072	25-Jun-2015	REL010	RELLA & PAOLINI	Issued	255	C	5,056.97
50073	25-Jun-2015	RID020	RIDGE, ROGER	Issued	255	C	41.82
50074	25-Jun-2015	RJA010	RJAMES MANAGEMENT GROUP	Issued	255	C	172.28
50075	25-Jun-2015	ROG001	ROGERS	Issued	255	C	135.52
50076	25-Jun-2015	ROS025	ROSSLAND SUMMITS SCHOOL PARENT ADVI	Issued	255	C	3,375.00
50077	25-Jun-2015	ROS035	ROSSLAND MOUNTAIN MARKET SOCIETY	Issued	255	C	1,216.00
50078	25-Jun-2015	SAV030	SAVOY EQUIPMENT LTD KELOWNA	Issued	255	C	90.53
50079	25-Jun-2015	SEC030	SECURE BY DESIGN	Issued	255	C	44.80
50080	25-Jun-2015	SEL010	SELECT OFFICE PRODUCTS	Issued	255	C	54.33
50081	25-Jun-2015	SEL160	SELKIRK SECURITY SERVICE	Issued	255	C	35.70
50082	25-Jun-2015	SHA030	SHAW CABLE	Issued	255	C	491.20
50083	25-Jun-2015	SHI070	SHIN, GAEUL	Issued	255	C	50.00
50084	25-Jun-2015	SIM070	SIMM, LARRY	Issued	255	C	90.00
50085	25-Jun-2015	SOU080	SOURCE OFFICE FURNISHINGS	Issued	255	C	980.00
50086	25-Jun-2015	STO030	STOKES INTERNATIONAL	Issued	255	C	94.45
50087	25-Jun-2015	TAY060	TAYLOR PRO TRAINING LTD	Issued	255	C	2,580.00
50088	25-Jun-2015	TDC020	TD CANADA TRUST	Issued	255	C	2,078.38
50089	25-Jun-2015	TED010	TED J. THOMAS & ASSOCIATES LTD.	Issued	255	C	9,121.42
50090	25-Jun-2015	TEL001	TELUS COMMUNICATIONS (B.C.) INC.	Issued	255	C	174.79
50091	25-Jun-2015	TEL002	TELUS MOBILITY	Issued	255	C	3,720.25

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Cheque #	Cheque Date	Supplier	Supplier Name	Status	Batch	Medium	Amount
<b>Bank : 1 CIBC Bank - General</b>							
50092	25-Jun-2015	THE140	THE WOODEN SPOON BISTRO & BAKE SHOF	Issued	255	C	214.00
50093	25-Jun-2015	TRA029	TRAIL COFFEE & TEA COMPANY	Issued	255	C	68.00
50094	25-Jun-2015	TRA039	TRAIL AMBASSADOR COMMITTEE	Issued	255	C	100.00
50095	25-Jun-2015	TRA240	TRAIL HOME HARDWARE BUILDING CENTRE	Issued	255	C	11.04
50096	25-Jun-2015	TUA010	TUAI, MADELINE	Issued	255	C	50.00
50097	25-Jun-2015	VEC010	VECCHIO, JASON	Issued	255	C	167.57
50098	25-Jun-2015	VER150	VERHELST, JACOB	Issued	255	C	50.00
50099	25-Jun-2015	WAG030	WAGNER, KEN	Issued	255	C	20.19
50100	25-Jun-2015	WHO010	WHOLESALE FIRE & RESCUE LTD.	Issued	255	C	452.18
50101	25-Jun-2015	WOL002	WOLFE, DEREK	Issued	255	C	90.00
50102	25-Jun-2015	YRW010	Y & R WATER SALES & SERVICE INC.	Issued	255	C	492.45

Total Computer Paid : 1,238,865.75

Total EFT PAP : 0.00

Total Paid : 1,238,865.75

Total Manually Paid : 0.00

Total EFT File : 0.00

436 Total No. Of Cheque(s) ...

INTERIM SCHEDULE SUMMARY:

ACCOUNTS PAYABLE FOR JUNE 2015 \$ 1,238,865.75

PAYROLL EXPENDITURES (PP# 12 &amp; 13) 400,359.94

**TOTAL EXPENDITURES FOR JUNE 2015** **\$ 1,639,225.69**



**Boundary Economic Development Committee  
Minutes  
Tuesday, June 2, 2015 – 10:00 am  
RDKB Grand Forks Boardroom**

**Committee members present:**

Director R. Russell, Chair  
Director M. Rotvold  
Director V. Gee  
Director G. McGregor  
Alternate Director N. Tutti  
Alternate Director C. Ross

**Staff and others present:**

J. MacLean, Chief Administrative Officer  
M. Forster, Executive Assistant/Recording Secretary  
S. Elzinga, Community Futures

**Call to Order**

The Chair called the meeting to order at 10:00 am.

**Consideration of the Agenda (additions/deletions)**

The agenda for the June 2, 2015 Boundary Economic Development Committee meeting was presented. The agenda was amended to add the delegation of Cavan Gates, Christina Gateway Community Development Association with a presentation on community forests and also the addition of late items for discussion.

Moved: Director Rotvold   Seconded: Director Gee

That the agenda for the June 2, 2015 Boundary Economic Development Committee meeting be adopted as amended.

Carried.



### **Consideration of the Minutes**

The minutes of the Boundary Economic Development Committee meeting held May 5, 2015 were presented.

Moved: Director Gee    Seconded: Director Rotvold

That the minutes of the Boundary Economic Development Committee meeting held May 5, 2015 be approved as presented.

Carried.

### **Delegations**

**Barbara Bleiler/Brian McAndrew**

**Re: 2016 Kettle Valley Express Adventure Travel Guide**

Barbara Bleiler and Brian McAndrew of Kettle Valley Express, provided the Committee members with a presentation of their concept for the 2016 issue of the Kettle Valley Express Adventure Travel Guide. Ms. Bleiler also provided a brief introduction of the publication. The Committee members were informed that 50,000 copies are distributed throughout BC and Alberta as well as neighboring States. The Committee members were invited to provide photos that could be included in the 2016 publication.

**Cavan Gates - Christina Gateway Community Development Association (CGCDA)**

**Re: Community Forests**

Cavan Gates, of CGCDA, provided the Committee members with a continuation of a presentation, on the potential of community forests, given at the previous BEDC meeting in May 2015. Mr. Gates informed the Committee members that a Boundary Community Forest could ensure that the benefits derived from resources located in the Boundary would help maximize economic value from forest resources, as well as allowing more local and engaged input into forest management.

The Committee concurred that there was an interest in the development of a sub-committee to explore potential models to advance the community forests issue. Discussion ensued on the need for the development of Terms of Reference for a sub-committee, with input from the Committee members on exploring options on how a community forest might be developed and the pros and cons of using different models in this regard.

Moved: Director Gee Seconded: Director Rotvold

That the Boundary Economic Development Committee directs staff to discuss potential models with the Regional District of Okanagan-Similkameen at the regional trails meeting to be held in the near future; and **FURTHER** staff will develop the Terms of Reference for a sub-committee and provide the report to the Committee at the next meeting for further discussion.

Carried.

### **Unfinished Business**

#### **Boundary Economic Development Committee Memorandum of Action Items - Ending May 31, 2015**

The Boundary Economic Development Committee Memorandum of Action Items for the period ending May 31, 2015 was presented.

Moved: Director Rotvold Seconded: Director Gee

That the Boundary Economic Development Committee Memorandum of Action Items for the period ending May 31, 2015 be received.

Carried.

### **New Business**

#### **Community Futures Monthly Report - May 2015**

The Boundary Economic Development Committee Monthly Report, as prepared by Boundary Community Futures for May 2015, was presented.

Moved: Alternate Director Tutti Seconded: Director Gee

That the Boundary Economic Development Committee Monthly Report, as prepared by Boundary Community Futures for May 2015, be received.

Carried.

S. Elzinga provided the Committee members with a review of the Community Futures report which included:

- Update on TOTA website
- Community Futures business loans
- Business Advisory Program - Pilot
- Grant Writing Workshop
- CF attendance at the SIBAC Conference
- Extension of Job Options program contract to offer one more session
- Catalyst for Growth Event in Kelowna
- CF attendance at UBCO and Accelerate Okanagan meetings

The Committee members were informed that an agricultural study has been completed in the past but the resulting recommendations were not acted on. RDCK and RDEK have asked RDKB to partner on agricultural issues. Committee Chair Russell expressed a need to revisit and revise the existing agricultural plan in the future.

### **Late (Emergent) Items**

#### **Tourist Radio**

Committee members were informed that the residents of Rock Creek were interested in using Tourist Radio to promote their area. Residents of Grand Forks will be approached to gauge their interest in using Tourist Radio. Committee Chair Russell indicated that he may be interested in sharing costs but not using Tourist Radio independently.

#### **Meeting with Premier Christy Clark**

Some Committee members wondered if the upcoming June 16th meeting with Premier Clark may be an opportunity to promote economic development in the Boundary Region. There was no further discussion on this topic.

#### **Meeting with Parks and Trails Officials and Trails Master Plan**

The Committee members discussed how to approach the development of a Trails Master Plan. It was noted that a great deal of work has already been completed on this issue and that it may be feasible to partner with Community Futures and Christina Gateway in order to keep costs lower.

### **Discussion of items for future agendas**

1. Staff will revisit the need to revise an existing agricultural plan.

2. Have a discussion with Selkirk College on providing course work for non-profit organizations on government leadership, governance and financial management and to help non-profit organizations to become more effective.
3. Consider adding an agenda item to deal with material for informational purposes only.

**Question Period for Public and Media**

A question period for public and media was not required.

**Closed (In camera) Session**

A closed (in camera) session was not required.

**Adjournment**

The meeting was concluded at 11:30 am.



**East End Sewerage Committee  
Minutes  
Tuesday, June 2, 2015 – 3:00 pm  
RDKB Board Room, Trail, BC**

**Committee members present:**

Director K. Moore, Chair

Director L. Worley

Alternate Director R. Cacchioni

Alternate Director B. Rakuson

**Staff present:**

A. Stanley, General Manager of Environmental Services

G. Denkovski, Manager of Infrastructure and Sustainability

M. Forster, Executive Assistant/Recording Secretary

**Call to Order**

The Chair called the meeting to order at 3:00 pm.

**Adoption of Agenda (Additions/Deletions)**

The agenda for the June 2, 2015 East End Sewerage Committee meeting was presented.

Moved: Alternate Director Cacchioni Seconded: Alternate Director Rakuson

That the agenda for the June 2, 2015 East End Sewerage Committee meeting is adopted as amended.

Carried.

The amendments included the addition of an update on sole benefiting assets and a discussion on the Liquid Waste Management Plan Local Advisory Committee.

**Adoptions of Minutes**

The minutes of the East End Sewerage Committee meeting held on April 7, 2015 were presented.

Moved: Alternate Director Cacchioni Seconded: Alternate Director Rakuson

That the minutes of the East End Sewerage Committee meeting held on April 7, 2015 be adopted as presented.

Carried.

**Delegation(s)**

There were no delegations present.

**Unfinished Business****East End Sewerage Committee Memorandum of Action Items - Ending May 31, 2015**

The East End Sewerage Committee Memorandum of Action Items for the period ending May 31, 2015, was presented.

The Committee members were informed that in order to dispose of sole benefiting assets, electoral approval may be required. Currently there is uncertainty around this issue and staff is seeking further legal clarification. Changing ownership of public infrastructure will need to be presented to the Province.

The Committee members were also informed that the Liquid Waste Management Plan Local Advisory Committee will be meeting in June.

**Flow Meter Reports for Volume Data Collected in March 2015 and April 2015**

Flow meter reports summarizing volume data collected for the months of March 2015 and April 2015, were presented.

The Committee members were informed that discrepancies were discovered in the reports. Transducers will have to be recalibrated and the numbers will be recalculated.

**Warfield Letter of Agreement to Pay Utility Costs to Four Residents**

Details on the ongoing legalities on the Utility Service Agreement to pay utility costs in perpetuity to four residents in Warfield, was presented.



The Committee members had no comment on this agenda item.

### **New Business**

#### **CPCC Sanitary Sewer Monthly Report - March 2015**

A staff report by Jeff Paakkunainen, Chief Utilities Operator, regarding the Sanitary Sewer Monthly report for March 2015, was presented.

The Committee members had no comment on this agenda item.

#### **Rivervale-Oasis Sewer Flow Meter Installation Project**

A verbal report from Goran Denkovski, Manager of Infrastructure and Sustainability on the status of a flow meter installation at the Rivervale-Oasis Sewer pump station, was presented.

The approved 2015 Rivervale-Oasis 800 budget allows expenditures for the installation of flow meters at the pump station. It will be recommended to the Board to award this contract to Westek Controls Ltd. and Power Tech Electric Ltd. for the quote of \$109,652 without a formal tender process. The process is consistent with the RDKB's Purchasing Policy.

### **Late (Emergent) Items**

There were no late (emergent) items for discussion.

### **Discussion of items for future agendas**

There was no discussion of items for future agendas.

### **Question Period for Public and Media**

A question period for public and media was not required.

### **Closed (In camera) Session**

A closed (in camera) session was not required.

### **Adjournment**

The meeting was concluded at 3:40 pm.



**Beaver Valley Recreation Committee  
Minutes  
Tuesday, June 9, 2015  
Beaver Valley Family Park, Fruitvale, BC**

**Committee members present:**

Director A. Grieve, Chair  
Director J. Danchuk  
Director P. Cecchini

**Staff present:**

M. Daines, Manager of Facilities and Recreation

**CALL TO ORDER**

The Chair called the meeting to order at 3:50 pm.

**ACCEPTANCE OF THE AGENDA (additions/deletions)**

The agenda for the June 9, 2015 Beaver Valley Recreation Committee meeting was presented.

The following items were added to the meeting agenda:

1. Discussion on grant opportunities for the skate park;
2. Discussion on possible lease of the gym at Montrose school;
3. Mosquito control at Beaver Valley Family Park; and
4. Discussion on City of Trail recreation.

Moved: Director Cecchini Seconded: Director Danchuk

That the agenda for the June 9, 2015 Beaver Valley Recreation Committee meeting be adopted as amended.

Carried.

### **ADOPTION OF MINUTES**

The minutes of the Beaver Valley Recreation Committee meeting held on May 12, 2015 were presented.

Moved: Director Cecchini Seconded: Director Danchuk

That the minutes of the Beaver Valley Recreation Committee meeting held on May 12, 2015 be adopted as presented.

Carried.

### **DELEGATIONS**

There were no delegations present.

### **UNFINISHED BUSINESS**

#### **Beaver Valley Recreation Committee Memorandum of Action Items - May 31, 2015**

The Beaver Valley Recreation Committee Memorandum of Action Items for the period ending May 31, 2015 was presented.

Moved: Director Cecchini Seconded: Director Danchuk

That the Beaver Valley Recreation Committee Memorandum of Action Items for the period ending May 31, 2015 be received as presented.

Carried.

### **NEW BUSINESS**

#### **M. Daines, Manager of Facilities and Recreation Re: Strategic Plan Measurables and Targets**

A staff report from Mark Daines, Manager of Facilities and Recreation regarding Strategic Plan Measurables and Targets was presented.

Moved: Director Cecchini Seconded: Director Danchuk

That the Beaver Valley Recreation Committee Strategic Plan Measurables and Targets for 2015 be received as presented.

Carried.

**Discussion Item**

**J. Danchuk, Committee Member - Beaver Valley Recreation Committee**

**Re: Update on Antenna Trail Drainage**

Director Danchuk and Mark Daines, Manager of Facilities and Recreation investigated some potential run-off issues from the water bars that were created on the Antenna Trail. There is potential for water run-off to drain into the open lot at the start of the trail head. Two water bars located at the top of the trail may pose a potential problem to one of the land owners below but this was not proven.

Mark Daines will contact Stuart Spooner to have his trail crew fill in the two water bars at the top of the trail and at the trail head.

**Discussion Item**

**A. Grieve, Chair - Beaver Valley Recreation Committee**

**Re: Blending of Community Event Grants in to Beaver Valley Recreation Budgets**

The Committee members discussed whether Grants in Aid should be blended in to the Recreation budget. It was noted that Grants in Aid were getting smaller each year. The issue was debated and the committee agreed to re-visit this at the September meeting as 2016 budget deliberations begin..

**Discussion Item**

**Re: Appreciation Day at Beaver Valley Family Park**

The Committee members concurred that Appreciation Day become an annual event at a different park. The next Appreciation Day will be held at the Montrose Skate Park.

**Discussion Item**

**Re: Beaver Valley Recreation Committee Summer Meetings**

The Committee members concurred that there would be no scheduled meetings during the months of July and August 2015, unless there was new or urgent business.

**LATE (EMERGENT) ITEMS****J. Danchuk, Committee Member - Beaver Valley Recreation Committee  
Re: Grant for Skate Park**

Director Danchuk informed the Committee members that the Village of Montrose has applied to the Canada 150 Community Initiatives Fund for capital improvements to the skate park. Mark Daines, Manager of Facilities and Recreation was asked to look in to the Gas Tax Grant to see if the park would fit the criteria for an application. The Committee members were informed that there was approximately \$90,000 in reserves that could be applied to the project.

**P. Cecchini, Committee Member - Beaver Valley Recreation Committee  
Re: Lease of Montrose School for Recreation Programs**

The Committee members directed Mark Daines, Manager of Facilities and Recreation to contact Brian Teasdale, CAO, Village of Montrose, to determine the feasibility of leasing the old Montrose school gym for recreation programming.

**A. Grieve, Chair - Beaver Valley Recreation Committee  
Re: Mosquito Control at Beaver Valley Family Park**

The Committee members inquired if 2 more mosquito catchers could be purchased for the Beaver Valley Family Park. Mark Daines will purchase 2 more mosquito catchers.

**A. Grieve, Chair - Beaver Valley Recreation Committee  
Re: City of Trail Recreation Agreement**

The Committee members had a discussion on a possible follow up meeting with the City of Trail after the City had presented their request for recreation funding earlier in May. The Committee remains available for follow up meetings, as previously stated to the City and were advised by the City that a follow up meeting will be requested by the City at a later date.

**DISCUSSION OF ITEMS FOR FUTURE MEETINGS**

Discussion of items for future meetings was not necessary.

**QUESTION PERIOD FOR PUBLIC AND MEDIA**

A question period for public and media was not necessary.

**CLOSED (IN CAMERA) SESSION**

A closed (in camera) session was not necessary.

**ADJOURNMENT**

The next Beaver Valley Recreation Committee meeting will be scheduled for September 15, 2015 following the East End Services meeting.

The meeting was concluded at 4:30 pm.



**East End Services Committee  
Minutes  
Tuesday, June 16, 2015 – 4:30 pm  
Trail RDKB Board Room**

**Committee members present:**

Director A. Grieve - Chair  
Director L. Worley  
Director J. Danchuk  
Director P. Cecchini  
Director K. Moore  
Director T. Pahl  
Director M. Martin

**Staff and others present:**

J. M. MacLean, Chief Administrative Officer  
T. Van Horn, Economic Development Officer, LCIC  
J. Vries, Chair, LCIC

**Call to Order**

The Chair called the meeting to order at 4:30 pm.

**Acceptance of the Agenda (additions/deletions)**

The agenda for the June 16, 2015 East End Services Committee meeting was presented.

Moved: Director Worley Seconded: Director Pahl

That the agenda for the June 16, 2015 East End Services Committee meeting be adopted as presented.

Carried.



**Minutes**

The minutes of the East End Services Committee meeting held on May 19, 2015 were presented.

Moved: Director Danchuk Seconded: Director Martin

That the minutes of the East End Services Committee meeting held on May 19, 2015 be approved as presented.

Carried.

**Delegations**

**Terry Van Horn - Economic Development Officer, LCIC**

**Joanne Vries - Chair, LCIC**

**Re: LCIC Update and Review**

Terry Van Horn and Joanne Vries of LCIC provided the East End Services Committee with a presentation and update on LCIC activities. The Committee members were introduced to the new LCIC Chair, Joanne Vries.

**Unfinished Business****East End Services Committee Memorandum of Action Items - Ending May 31, 2015**

The East End Services Committee Memorandum of Action Items for the period ending May 31, 2015 was presented.

Moved: Director Danchuk Seconded: Director Pahl

That the East End Services Committee Memorandum of Action Items for the period ending May 31, 2015 be received.

Carried.

J.M. MacLean, CAO, provided the Committee members with a verbal update on several outstanding items. Teck will be invited to attend an East End Services Committee meeting in the Fall.

**New Business****West Kootenay Transit Rides and Revenue Report - May 31, 2015**

The West Kootenay Transit Rides and Revenue Report for the month ending May 31, 2015 was presented.

Moved: Director Worley Seconded: Director Danchuk

That the West Kootenay Transit Rides and Revenue Report for the month ending May 31, 2015 be received.

Carried.

**Discussion Item****Re: Improvements in CBT Community Initiatives Funding Processing**

The Committee discussed issues related to the RDKB's processing of CBT Community Initiatives Funding with particular mention of:

1. Online applications - no print/no time out
2. Different funding stream for municipal infrastructure
3. Best practices guidelines
4. Notification via email
5. Less political, more community
6. Streams - large vs small

**Late (Emergent) Items**

There were no late (emergent) items for discussion.

**Discussion of items for future agendas**

There was no discussion of items for future agendas.

**Question Period for Public and Media**

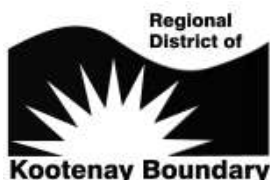
A question period for public and media was not necessary.

**Closed (In camera) Session**

A closed (in camera) session was not required.

**Adjournment**

The East End Services Committee meeting concluded at 5:30 pm.



## STAFF REPORT

Prepared for meeting of July 2015

Development Variance Permit			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Owners:</b> Bart and Lisa Campbell		<b>File No:</b> D-700-03661.005	
<b>Location:</b> 7445 North Fork Road, Electoral Area 'D'/Rural Grand Forks			
<b>Legal Description:</b> Parcel B (Being a consolidation of Lots 1 and 2, see CA4125823) Block 6, DL 700, SDYD Plan NEP38			<b>Area:</b> 1.7 acres (0.68 ha)
<b>OCP Designation:</b> Estate Lot Residential	<b>Zoning:</b> Estate Lot Residential (R3)	<b>ALR status:</b> No	<b>DP Area:</b> No
<b>Contact Information:</b> Bart Campbell 7445 North Fork Road Grand Forks, BC V0H 1H2 (250) 442-7775 <a href="mailto:blsec@telus.net">blsec@telus.net</a>			
<b>Report Prepared by:</b> Carly Rimell, Planner			

### ISSUE INTRODUCTION

The owners have applied for a Development Variance Permit to construct an accessory building on their property 7445 North Fork Road in Rural Grand Forks (*see Site Location Map*). They seek an exterior side parcel line variance of 3m, from 4.5m to 1.5m.

### HISTORY / BACKGROUND FACTORS

The subject property is designated 'Estate Lot Residential' in the Electoral Area 'D'/Rural Grand Forks Official Community Plan and zoned 'Estate Lot Residential' (R3) in the Electoral Area 'D'/Rural Grand Forks Zoning Bylaw.

The applicants submitted an application for a Development Variance Permit in March 2015 for a height variance which was granted. Since then the property owners were

### ADVISORY PLANNING COMMISSION COMMENTS

Three of the five APC members met to discuss this application and provide comments. Two of the members were not in support of the application, one was in support of the application. The following comments were provided by the Electoral Area 'D'/Rural Grand Forks APC:

- *"Discussion items included future implications should Fifth Road be developed;*
- *Precedent setting for other properties adjacent to Fifth Road*
- *Whether or not the proposed variance would resolve a hardship or improve development"*

### PLANNING AND DEVELOPMENT DEPARTMENT COMMENTS

The Planning and Development Department contacted the APC after receiving the minutes to discuss the comments at the meeting. There was apprehension from the members to have the RDKB issue another Development Variance Permit as they were already granted a height variance for the proposed accessory building several months ago. In addition the property is now up for sale and the APC members questioned future plans of the property owner. These background factors made members hesitant to support another variance.

The APC members were also curious why MoTI first denied the variance and then after a second review chose to issue the variance. After discussion with Ministry of Transportation and Infrastructure the following reasons were provided as to why they were in support of the Campbell's application:

- The unconstructed 5th Road Right of Way is 20m wide, if MoTI needs to construct a road in the future there will be ample space to do so
- There are several undeveloped Rights of Way in the area, many of them more suitable for development than 5th Road
- MoTI does not consider precedent, they evaluate variance applications on a case by case basis
- MoTI prefers to construct roads on lesser grades, 5th Road has a steeper grade than the other undeveloped Rights of Way in the area
- There is a hardship as the utility line was already moved at the owners' expense
- MoTI considers this a low risk proposal, the main concern is the accessory building being damaged due to snow removal if the Right of Way is ever developed. There is a provision in the permit and the owner understands the risk involved with placing the accessory building within the setback.

Considering the comments provided by the APC their reservations on providing support of this application were with MoTI regulations and not RDKB bylaws. There were no comments provided concerning the Electoral Area 'D'/Rural Grand Forks Zoning Bylaw or Electoral Area 'D'/Rural Grand Forks Official Community Plan which are the criteria the RDKB uses to evaluate applications. MoTI has decided to support the proposal and

issue a variance, any repercussions from this, though unlikely, will be the concern of MoTI and not the RDKB.

### **BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

*Applicants' Submission*

*Ministry of Transportation and Infrastructure Permit*

*Ortho Photo*

### **RECOMMENDATION**

That the Development Variance Permit application submitted by Bart Campbell and Lisa Campbell, for the property legally described as Parcel B (Being a consolidation of Lots 1 and 2, see CA4125823) Block 6, DL 700, SDYD Plan NEP38, requesting an exterior parcel line variance of of 3m (from 4.5m to 1.5m) to construct an accessory building, be presented to the Board for consideration, with a recommendation of support.

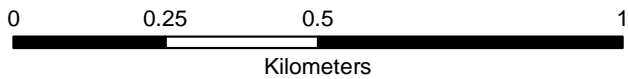
*Respectfully Submitted:*

*Concurrence: (Department  
Head)*

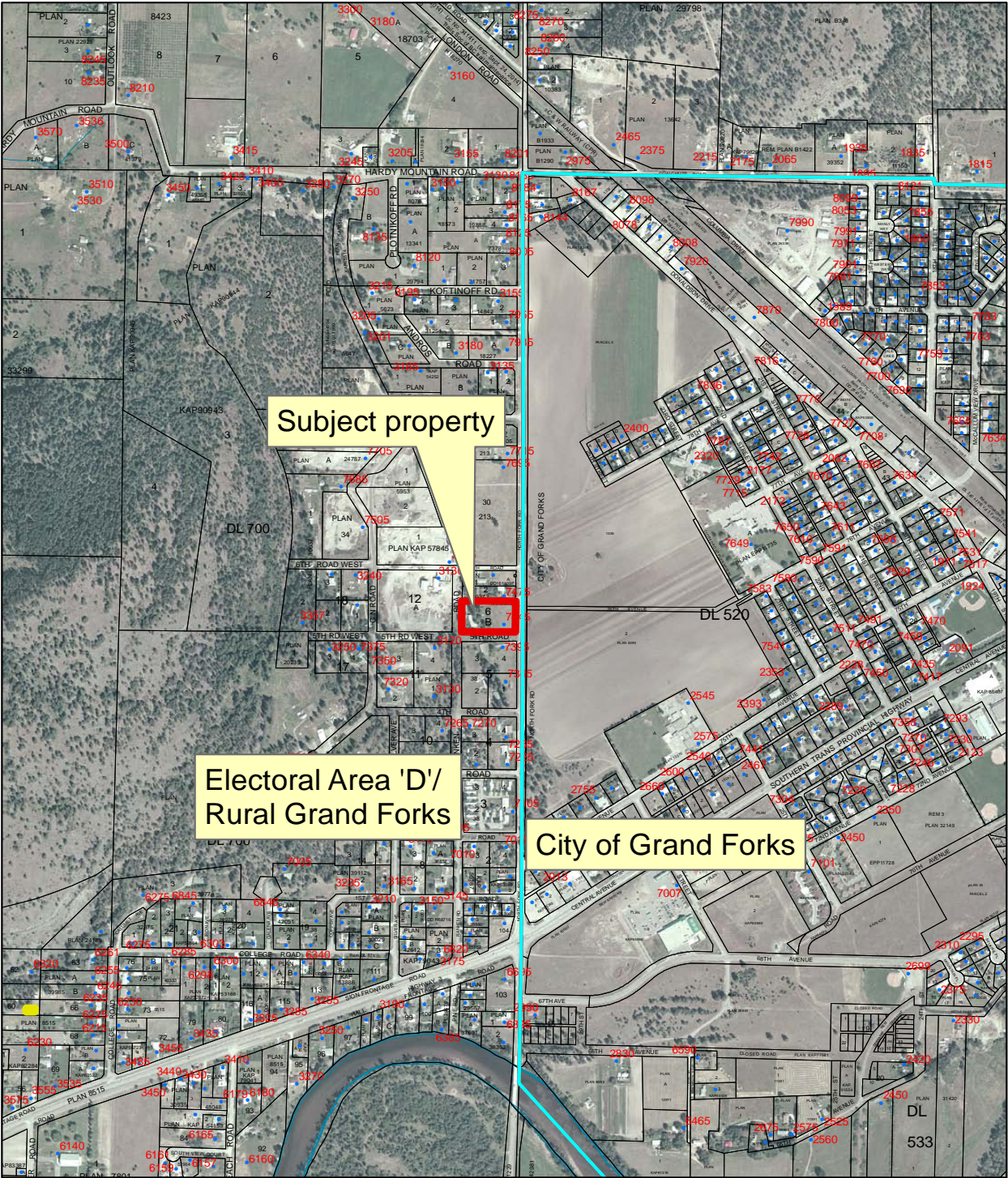
*Concurrence: (CAO)*







**Site Location Map**



Projected Coordinate System:  
NAD 83 UTM Zone 11N



preparing the site and discovered a utility easement where they proposed to build. They contacted the company to have it moved further north in order the place their accessory building in the desired location. Unfortunately, when the utility line was moved the exterior side setback was overlooked. They have already moved the line once, therefore, would like to request a variance in order to build without having to move the utility line again (*see Applicants' Submission*).

The exterior side parcel line is adjacent to 5th Road, an undeveloped Ministry of Transportation and Infrastructure (MoTI) road Right of Way. The applicants have received approval from MoTI to construct an accessory building 1.5m (the MoTI's required setback from a road Right of Way is 4.5m) from the exterior side parcel line fronting the RoW (*see MoTI Permit*). The applicants request the same variance from the RDKB.

## PROPOSAL

The applicants propose an 80' x 30' (2400 ft<sup>2</sup>) accessory building near the southeast corner of the lot (*See Ortho Photo*). The applicants collect and restore cars. One side will be used to store cars and the other side will have a workshop. The proposed building would have green metal siding with white trim.

The requested variance is:

- Exterior side parcel line variance for an accessory building of 3m (from 4.5m to 1.5m)

## IMPLICATIONS

In considering applications for Development Variance Permits, the RDKB generally considers whether the proposed variance will:

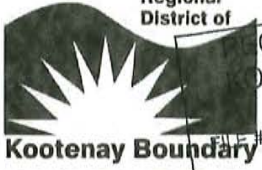
- a) Resolve a hardship;
- b) Improve the development;
- c) Cause negative impacts to the neighbouring properties.

On hardship, the applicants have already moved the utility line so they could place their building in this location, causing them to move it again could be considered a hardship.

On improving the development, the new building will be near the southeast corner of the parcel. The car restoration hobby would be better suited to occur entirely within a building, rather than some activities outside, especially in a residential type neighbourhood.

Regarding negative impacts to neighbouring properties, the applicants suggest that the location of the building will not interfere with the neighbour's view of the sunrise or sunset or enjoyment of the property. If the application proceeds further, letters will be sent to neighbouring property owners advising them of the proposal and providing opportunity for comment.

Applicants' Submission

 <p><b>Regional District of Kootenay Boundary</b></p>	<p><b>PLANNING AND DEVELOPMENT DEPARTMENT</b></p> <p><b>APPLICATION FORM</b></p> <p><b>ELECTORAL AREAS 'A' TO 'E'</b></p>	
	<p><b>MAY - 7 2015</b></p>	
<p><b>RDKB Main Office</b> 202-843 Rossland Avenue Trail, BC V1R 4S8</p>	<p>Telephone: 250-368-9148 Fax: 250-368-3990</p>	<p>Toll Free: 1-800-355-7352 Email: <a href="mailto:plandep@rdkb.com">plandep@rdkb.com</a></p>
<p><b>RDKB Sub-Office</b> PO Box 1965 Grand Forks, BC V0H 1H0</p>	<p>Telephone: 250-442-2708 Fax: 250-442-2668</p>	<p>Toll Free: 1-877-520-7352 Email: <a href="mailto:plandep@rdkb.com">plandep@rdkb.com</a></p>

**TYPE OF APPLICATION (PLEASE CHECK THE APPROPRIATE BOX):**

- (a) ☐ Zoning Amendment Only
- (b) ☐ Zoning & Official Community Plan Amendment
- (c) ☐ Official Community Plan Amendment Only
- (d) ☐ Development Permit
- (e) ☐ Development Permit Amendment
- (f) ☒ Development Variance Permit
- (g) ☐ Temporary Use Permit
- (h) ☐ Temporary Use Permit Renewal
- (i) ☐ Site-specific exemption to Floodplain Bylaw
- (j) ☐ Designation of Heritage Properties

**APPLICATION FEES:**

Types (a) or (c) application.....	\$1000.00	+ \$100.00 Sign Fee
Type (b) application .....	\$1200.00	+ \$100.00 Sign Fee
Type (d) application for construction value exceeding \$4000.00 .....	\$200.00	
Type (d) application for construction value under \$4000.00 .....	\$50.00	
Type (e) application.....	\$50.00	
Type (f) application .....	\$450.00	+ \$100.00 Sign Fee
Type (g) application.....	\$650.00	+ \$100.00 Sign Fee
Type (h) application .....	\$200.00	
Type (i) application .....	\$200.00	
Type (j) application .....	\$1,000.00	

\*\*Please make all cheques payable to *The Regional District of Kootenay Boundary***DEVELOPMENT PROPOSAL SIGN FEE**

The Regional District's Fees and Procedures Bylaw No. 1231 requires the posting of a Development Proposal Sign in certain circumstances. If such a sign is necessary, a fee of \$100 additional to the above-noted fees, is required for the sign board and preparation of text. Applicants will be refunded \$70.00 once the sign has been returned to the RDKB in good condition.

**REFUNDS:**

If type (a) or (c) application is denied before public hearing.....	\$500.00
If type (b) application is denied before public hearing.....	\$600.00
If a Development Proposal Sign is returned in good condition .....	\$70.00

\*\*\*Fees for application types (d), (e), (f), (g), (h) and (i) are non refundable

Name(s) of registered owner(s): BART + LISA CAMPBELL

Address: 7445 North Fork Rd

Telephone/Fax: 250 442 5510 Email: blsec@telus.net Land Area in ha       

Legal description of land under application: Parcel B, Block 6, D<sup>2</sup> 700  
SDYD PLAN 38 Electoral Area 'D' / Rural Grand Forks

Page 1 of 4

## Applicants' Submission

Please explain your reasons for requiring this application, and please also describe in detail your development proposal (use space provided on the back of this form, or attach a separate sheet of paper if needed):

We would like to relax the set back from 4.5m to 5 feet on the south side of our property so our work shop can be built closer to the property line. The present set back was established because of an easement for 5th Rd. It looks like 5th Rd will never be built and this property will remain a grassy field.

### SUPPORTING INFORMATION REQUIRED

In support of your application, please answer the following questions:

	YES	NO
1. Are there any Restrictive Covenants registered on the subject property?	<input type="radio"/>	<input checked="" type="radio"/>
2. Are there any registered Easements over the subject property?	<input checked="" type="radio"/>	<input type="radio"/>
3. Is there legal and practical road access to the subject property?	<input type="radio"/>	<input checked="" type="radio"/>

**\*\*The following information is also required (failure to do so may delay or jeopardise the application):**

1. A copy of the Certificate of Title or recent Tax Assessment notice for the subject property or properties;
2. A plan drawn to an appropriate scale, accompanied by a written report (if necessary) showing:
  - the legal boundaries and dimensions of the subject property;
  - boundaries and dimensions of any proposed lots (if subdivision is being proposed);
  - the location of any physical or topographic constraints on the subject property (such as watercourses, shorelines, ravines, wetlands, steep slopes, bedrock outcrops, etc.);
  - the location of permanent buildings and structures on the subject property;
  - the location of any proposed buildings, structures or additions thereto;
  - the location of any existing or proposed access roads, driveways, screening and fences;
  - the proposed method of sewage disposal and the location of any existing and/or proposed septic tank, tile field, sewer line or similar, and water sources (well or community water service pipe location); and
  - the location of any earthworks/grading and/or proposed landscaping on the subject property.
3. **Application types (d) and (i) only:** A copy of a professional's report which addresses relevant development permit guidelines may be required. Please consult the Regional District Planning and Development Department if you are unsure about this requirement.
4. Additional material, or more detailed information may be requested by the Regional District upon reviewing your application.

*If the Regional District believes it to be necessary for the property boundaries and the location of improvements thereon to be more accurately defined due to uncertainty over natural boundaries of watercourses or other reasons, a sketch prepared by a British Columbia Land Surveyor may be required. The voluntary submission of such a sketch may prevent a possible delay in processing the application.*



Applicants' Submission

Should the property owners elect to have someone act on their behalf in submission of this application, the following Agent's Authorization section must be completed.

**AGENT'S AUTHORIZATION**

I, BART CAMPBELL hereby authorize \_\_\_\_\_ to act on my behalf in respect of this application.

Name of Authorized Agent: \_\_\_\_\_

Address of Agent: \_\_\_\_\_

Telephone/Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Date: \_\_\_\_\_

**Signature of Owner**

The following Declaration should be completed **ONLY** if the subject property **HAS NOT** been used for industrial or commercial activity as defined on the **attached Contaminated Sites Regulation Schedule 2**.

**DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT**

I, BART CAMPBELL, owner of the subject property described on this application form, hereby declare that the land which is the subject of this application has not, to my knowledge, been used for industrial or commercial activity as defined in the list of "Industrial and Commercial Purposes and Activities" (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a Site Profile under Section 40.1 or any other section of the *Environmental Management Act*.

Bart Campbell

Signature

May 5, 2015

Date

Please submit this application form to our office(s) with appropriate fees and supporting information (page 2).

**NOTE:** Should the subject property have been used for the purpose of any category listed on **Schedule 2**, a Ministry of Environment **Site Profile** form **Schedule 1** (available from Regional District offices in Trail and Grand Forks or on the RDKB web site [www.rdkb.com](http://www.rdkb.com)) must be completed and submitted to our offices with this Application form and the appropriate RDKB fees.

I, the undersigned, hereby certify that the information provided with respect to this Regional District of Kootenay Boundary application is full and complete and is, to the best of my knowledge, a true statement of the facts related to this application.

Bart Campbell

Signature of Owner

May 5, 2015

Date

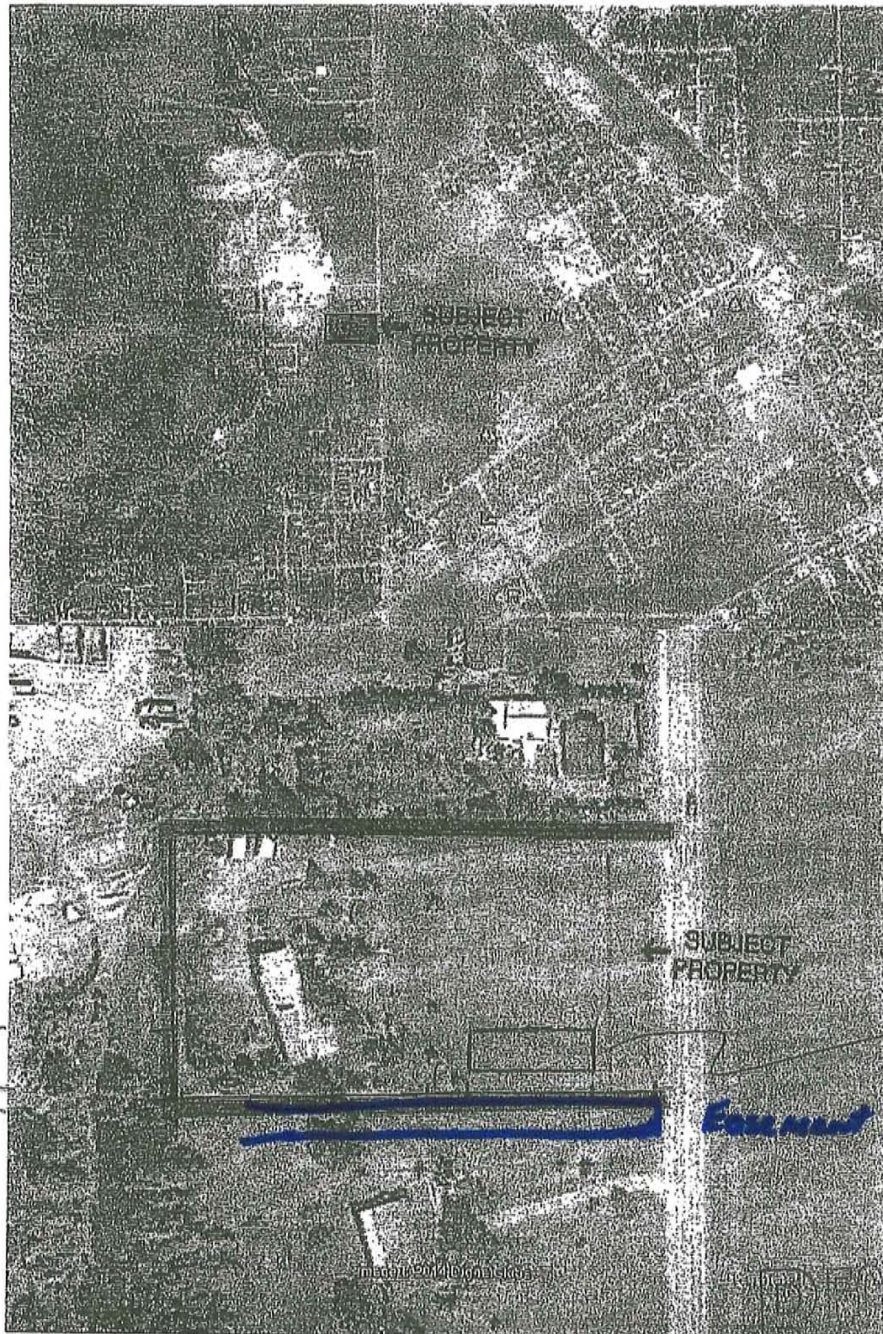
**\*\*Applicants are entitled to appear before the Electoral Area Advisory Planning Commission and the Planning and Development Committee to explain the nature of their request. Should the applicant choose to exercise this option it is their responsibility to contact the Electoral Area Advisory Planning Commission Chairperson, or the RDKB Planning and Development Department Secretary, as is appropriate, with respect to meeting schedules and procedures. As a final option, the applicant may also choose to appear before the full RDKB Board of Directors to explain the nature of their request. Appearances before both the Planning and Development Committee and the Board of Directors require written notification at least one week prior to the scheduled meeting. Information as to RDKB meeting schedules may be obtained on the RDKB web site [www.rdkb.com](http://www.rdkb.com) or by calling the Regional District of Kootenay Boundary Trail office.**

Page 3 of 4



Applicants' Submission

Aerial Photo	
Borrower: Robert & Lisa Campbell	File No.: 2014BPBelzer
Property Address: 7445 N Fork Road	Case No.: 2014-084
City: Rural Grand Forks	Prov.: X P.C.: V0H 1H2
Lender: Bank of Montreal c/o Nationwide Appraisal Service	



178' 25' 80' 68'

rear property line

previous property line

shop length

front property line

Grand Forks, B.C., V0H 1H0

REGIONAL DISTRICT OF KOOTENAY BOUNDARY

RECEIVED  
APR 07 2015

Applicants' Submission

Status: Filed

Plan #: KAP61869 App #: N/A Cnt #:

RCVD: 1998-05-19 RGST: 2014-07-16 08:48:04

REFERENCE PLAN OF EASEMENT OVER PART OF LOT 1,  
BLOCK 6, D.L. 700, S.D.Y.D., PLAN 39.

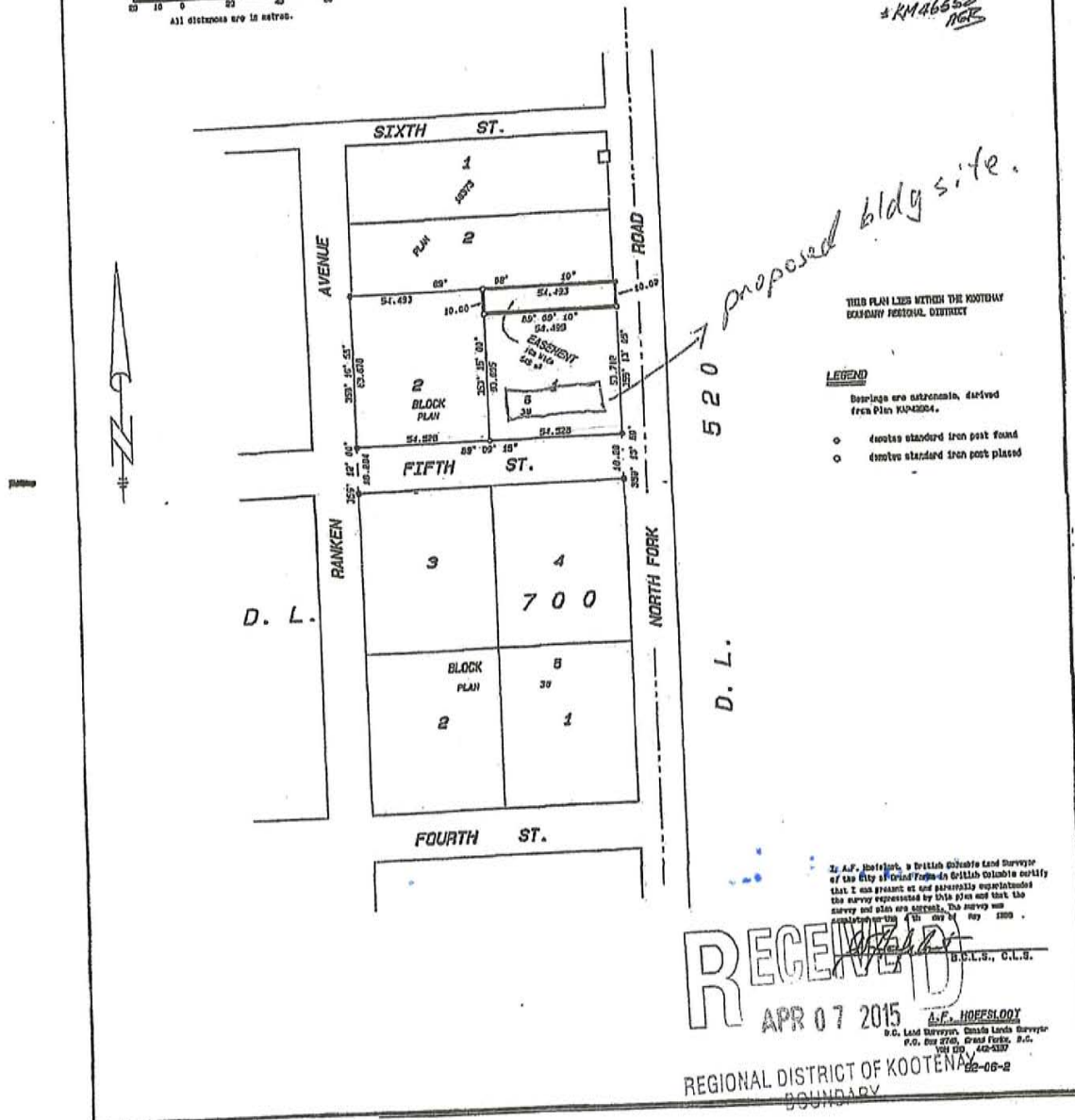
B.C.S.S. 62 E.008

SCALE 1:1000  
All distances are in metres.

PLAN KAP 61869

Deposited in the Land Title Office  
at Kelowna, B.C. this 17<sup>th</sup>  
day of MAY 1998.

J. C. B. A. 46  
REGISTRATION  
# K446652  
RGS







BRITISH  
COLUMBIA

Ministry of Transportation  
and Infrastructure

Permit/File Number: 2015-02114

Office: Grand Forks Area Office

## PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

### BETWEEN:

The Minister of Transportation and Infrastructure  
Grand Forks Area Office  
7290 2nd Street  
Box 850  
Grand Forks, BC V0H 1H0  
Canada

("The Minister")

### AND:

Bart Campbell  
7445 North Fork Road  
Grand Forks, British Columbia V0H 1H2  
Canada

("The Permittee")

### WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely; to allow Campbell - Workshop to be located 5 feet from southern property line, Fifth Road 80' X 30' workshop within 4.5m setback from, FIFTH ROAD, Ranken Rd, North Fork Rd, located at Pcl B, Blk 6, DL 700, Similkameen Division of Yale, Plan 38, 7445 North Fork Road, Grand Forks, as shown on drawing .

C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
3. The Ministry of Transportation and Infrastructure and/or the Maintenance Contractor shall not be held accountable for any damage(s) to the said structure, however caused.
4. No further additions or improvements shall be made to the said structure without prior consent of the Ministry of Transportation and Infrastructure.
5. No portion of the structure shall encroach upon the Highway right-of-way.
6. Should the said structure be destroyed, removed or dismantled, this permit is automatically cancelled and another permit will not necessarily be granted for a new similar structure.





BRITISH  
COLUMBIA

Ministry of Transportation  
and Infrastructure

Permit/File Number: 2015-02114

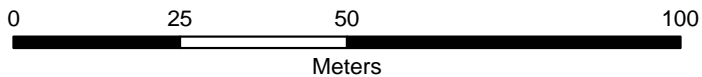
Office: Grand Forks Area Office

7. At the end of the term of this permit, or when the permit is cancelled or abandoned, the Permittee shall, if so requested by the Minister, remove all installations and shall leave the site as near as reasonably possible in the condition it was in before this permit was issued or such other condition as shall reasonably be required by the Ministry Representative. If the Permittee refuses to comply with these obligations, the Minister may perform them as required and the Permittee shall be liable to the Minister for the costs of doing so.
8. The Permittee acknowledges that the issuance of this permit by the Minister is not a representation by the Minister that this permit is the only authority needed to carry out the Use. The Permittee shall give deference to any prior permission given for use of the right of way in the vicinity of the permit area, shall obtain any other permission required by law, and shall comply with all applicable laws regardless of their legislative origin.
9. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
10. The Permittee shall make diligent attempts to determine if there are other users of the right of way in the vicinity of the Permittee's location whose use may be affected. It shall be the responsibility of the Permittee to contact any such users before exercising any of the rights granted hereunder and to attempt to reach an accommodation.
11. The Permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by the Use. Replacement must be by a British Columbia land surveyor at the Permittee's expense.
12. **Permittee shall supply surveyed "AS BUILT" drawings upon completion of the said works. Drawings must include offset from right-of-way boundary.**
13. Any damage to the Ministry of Transportation and Infrastructure's right-of-way as a direct result of the permitted works, shall be repaired and maintained by the permittee in perpetuity.
14. Permittee shall be responsible for locating, and for any damage to, other works within highway right-of-way.
15. The Permittee shall determine the location of highway right-of-way to ensure their permitted work is within Ministry jurisdiction. The Permittee is responsible for all trespass issues.
16. The Permittee may not assign any part of this Agreement without the consent, in writing, of the Minister.
17. The Ministry contact person is Jill Carruthers District Development Technician – Jill.Carruthers@gov.bc.ca or 250-354-6380.

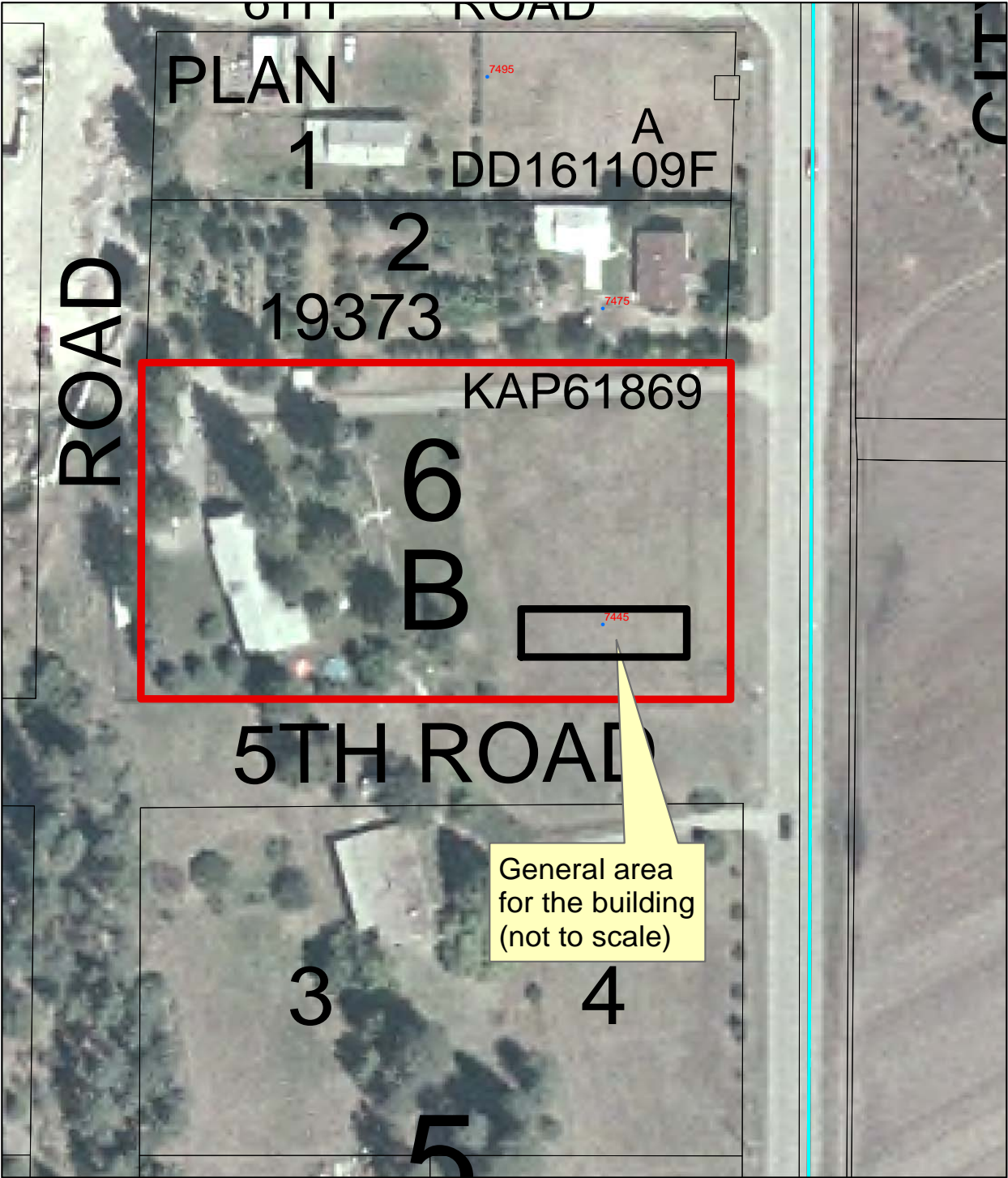
The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Grand Forks, British Columbia, this 10 day of June, 2015

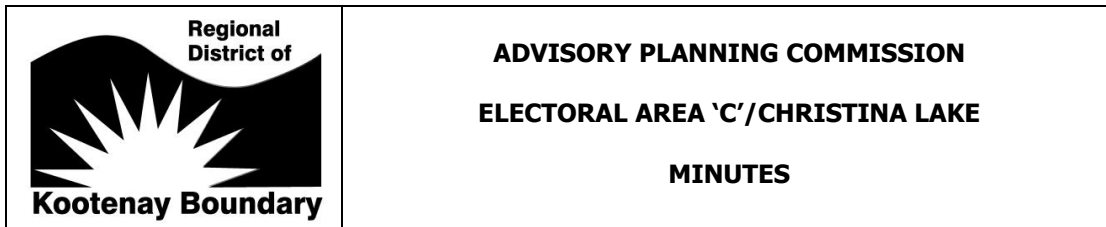
On Behalf of the Minister



Ortho Photo



Projected Coordinate System:  
NAD 83 UTM Zone 11N



Minutes of the Area 'C' Advisory Planning Commission meeting held on Tuesday, **July 7, 2015** at the Christina Lake Fire Hall, Swanson Road, commencing at 7:00 p.m.

**PRESENT:** Dave Durand (Chair), Terry Mooney (Secretary), Dave Bartlett, Jennifer Horahan, Jeff Olsen, Butch Bisaro, Phil Mody, Peter Darbyshire

**ABSENT:** Don Nelson

**RDKB DIRECTOR:** Grace McGregor

**RDKB STAFF:** Donna Dean, Manager of Planning and Development; Carly Rimell, Planner

**GUESTS:** Jack Fomenoff, Ken Pettapiece

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Meeting was called to order at 7:06 p.m.

**ACCEPTANCE OF AGENDA-ADDITONS/DELETIONS:**

Addition to Agenda under New Business:

- Signage Discussion
- Breakwater

**MINUTES OF THE PREVIOUS MEETING:**

Moved: Butch Bisaro/Seconded: Phil Mody

That the May 5, 2015 Electoral Area 'C'/Christina Lake APC minutes be approved.

Carried.

**OLD BUSINESS:**

None.

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Electoral Area 'C'/Christina Lake APC Minutes  
July 7, 2015  
Page 1 of 3

**NEW BUSINESS:****Annie Rioux & Thomas Renolds****RE: Development Permit with Variance**

1680 Santa Rosa Rd.

Lot 8, DL 498, SDYD, Plan KAP46442

RDKB File: C-498-02999.080

Ken Pettapiece, Agent on behalf of the applicant, attended the meeting and pointed out the applicant's intended uses of the parcel are permitted but not currently available at the Lake. A request for a variance is to provide individual signage on each unit.

The APC had no questions and no objections regarding this application.

**486719 BC Ltd.****RE: Development Permit**

159 Brown Rd.

Lot 2, Block 1, DL 963, SDYD, Plan KAP6348

RDKB File: C-963-04240.000

The APC had no questions and no objections regarding this application.

**Dan & Janet O'Flaherty****RE: Development Permit Amendment**

Lot 1, Santa Rosa Rd

Lot 1, DL 498, SDYD, Plan KAP56568

RDKB File: C-1021s-04543.000

The APC had no questions and no objections regarding this application.

**Susan Babansee****RE: Front-Counter Specific Permission Dock**

Foreshore of Christina Lake adjacent to 4206 Boat Access West

All that Crown foreshore being part of the bed of Christina Lake, fronting that part of DL 4058s

RDKB File: C-4058s-07285.205

The APC's support for the Specific Permission is subject to the owner's being granted a Development Variance Permit for the dock size.

**Ed & Diane Seghers****RE: Front-Counter Specific Permission Dock**

Foreshore of Christina Lake adjacent to 3027 East Lake Drive

All that Crown foreshore being part of the bed of Christina Lake, fronting that part of DL 963

RDKB File: C-963-04312.000

The dock was built prior to the Zoning Bylaws therefore may be considered legal non-conforming.

The APC has no comment regarding this referral.

**Deborah Weiland**

**RE: Front-Counter Specific Permission Dock**

Foreshore of Christina Lake adjacent to 4054 Boat Access West

All that Crown foreshore being part of the bed of Christina Lake, fronting that part of DL 3966s

RDKB File: C-3966s-07256.030

The APC's support for the Specific Permission is subject to the owner's being granted a Development Variance Permit for the dock size.

**Blair & Cheryl Schnuth**

**RE: Front-Counter Specific Permission Dock**

Foreshore of Christina Lake adjacent to 3km west on West Lake Drive

All that Crown foreshore being part of the bed of Christina Lake, fronting that part of DL 1021s

RDKB File: C-1021s-04547.020

The APC supports this application for a Specific Permission provided the materials are in compliance with the Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, 2007.

**Regional District of Kootenay Boundary**

**RE: Disc Golf License of Occupation**

Crown Land off Santa Rosa Road

DL 498, SDYD

RDKB File: C-498-02994.000

The APC has no objection to this application.

**Donna Dean, Manager of Planning and Development**

**RE: Signage Bylaws**

Donna Dean did a presentation regarding signage bylaws. LED signs are not permitted in the bylaws.

Moved: Jeff Olson/Seconded: Butch Bisaro

That the discussion on signage bylaws be deferred until the next meeting.

Carried.

**RE: Breakwater at Larson Road**

The APC request the RDKB Board of Directors write a letter to the Province of BC asking them to enforce requirements for breakwater at Larson Road.

Move to adjourn at 8:50 p.m.

July 7,2015

BIG WHITE APC – GLOBE CAFÉ @ Big White

5:00PM

## Present:

Bill DiPasquale  
 Jude Brunt  
 Gerry Molyneaux  
 Deb Hopkinson  
 Paul Sulyma

## Missing:

Ross Langmaid – due to illness  
 John Lebrun

APC Report File No. **BW-4222-07500.895** - “Nugent Chalet”

544 Feathertop Way, Big White Electoral Area ‘E’/West Boundary Development Permit  
 Strata Lot 59, DL 4222, SDYD, Plan KAS3134

Comments from the APC regarding the aforementioned:

1. *Landscaping needs to be appropriate for a ski easement – potential for the chosen vegetation to be above snow level.*

*APC recommends moving the S.E corner landscaping closer to the foundation – away from the property line.*

*The rear patio is within the easement and could be damaged if Big White ever ran a snow cat along the ski-out easement.*

APC Report File No. **BW-4222-07500.690** - “Hoffman Chalet”

725 Feathertop Way, Big White Electoral Area ‘E’/West Boundary Development Permit  
 Strata Lot 18, DL 4222, SDYD, Plan KAS3134

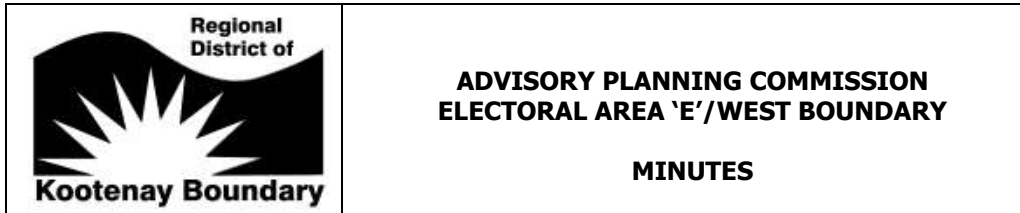
Comments from the APC regarding the aforementioned:

1. *APC is confused about the email correspondence with the architect regarding 4m setback line along the NW property line. Unsure if changes were made to the APC Agenda Package.*

*Patio encroaches the Sundance ski run on the NW property line. The reason for concern is that Big White has the authority to remove structures that impede the easement, or are deemed a hazard to their snow equipment/ski resort. The APC questions whether any part of the NW deck support structure should even be within this 4m easement.*

2. *Snow storage appears to be insufficient for the size of the driveway/area in front of property. APC would like to caution owners of potential additional costs for private removal of snow from the property.*





Minutes of the Area 'E'/West Boundary Advisory Planning Commission meeting held on Monday, July 6, 2015 at the Rock Creek Medical Clinic, 100 Cut Off Rd., Rock Creek, BC, commencing at 6:00 p.m.

**PRESENT:**

Director Vicki Gee  
Vic Lockhart – Chair  
Harald Zinner - Secretary  
Grant Harfman  
Fred Marshall  
Lynne Storm  
Janet Matsalla

**ABSENT** (with notification):

John Condon  
Michael Fenwick-Wilson  
Stephen Kirkham

**ABSENT** (without notification)

Jamie Haynes  
Mary-Jane St. Jean Klassen Prutton

**OTHER ATTENDEE:**

Todd Dynneson of Bridesville

The Chair called the meeting to order at 6:10 p.m.

**MINUTES OF THE JUNE 1, 2015 MEETING:**

Minutes were accepted as circulated. (Harald/Janet)

**OLD BUSINESS:****Mt. Baldy Zoning Update:**

There are three outstanding items:

- Sprinklers
- Parking
- Landscaping

The current status is:

- Recommendations on bylaw changes related to the above three items are to go to the Board at its July meeting for first and second readings.
- Then it is expected that there would be another public meeting prior to any third reading.
- The landscaping item is to be renamed as "Prevention of Erosion".

**NEW BUSINESS:****0472164 BC Ltd.****RE: ALR Exclusion and Subdivision**

Highway 33, near Beaverdell

DL 1250, SDYD, Portion of PT W of RD PI 13939 Except Plan H16203

RDKB File: E-1250-04687.000

It was noted that this item was separated into two items:

1. Exclusion of about 2 hectares, adjacent to and east of highway 33, from the Agricultural Land Reserve (ALR). This would plan to be used for a truck stop and tourist facility.
2. Subdivision of the eastern portion of the parcel that is to remain within the ALR into three lots.

**Exclusion Request:****Observations:**

- A mining permit already exists for this parcel including the land in the ALR.
- A question arose that if this exclusion were to be approved, would Transportation take some land from the parcel designated for the truck stop and tourist facility?
- It was noted that currently this land is not being used for agriculture purposes.
- This land is primarily gravel.
- Having a truck stop and tourist facility would be an economic benefit to Beaverdell.

**Recommendation:**           Agreed to support the request for this exclusion.

**Subdivision of the ALR Portion of the Land****Observations:**

- It was agreed with the report that this land is of low agricultural capability.
- This land is currently not being used for agriculture and in all likelihood would never be used for agriculture.

- Subdividing may encourage owners to use some of the land for agriculture.
- The proposed subdivision would be to create three lots; Lot 1 at 0.65 ha, Lot 2 at 3.37 ha and Lot 3 at 8.33 ha. Apparently, Interior Health Authority recommends that parcels not serviced by community water be at least 1 hectare in size. It is not clear what impact such a recommendation would have on Lot 1 (0.65 ha) of this proposed subdivision.
- It was noted that if the Agricultural Land Commission (ALC) does approve such a subdivision, the final decision on the subdivision would be with Transportation and Infrastructure.

Recommendation: Agreed to support the request to subdivide the eastern portion of the parcel within in ALR into 3 lots as defined in the proposal.

**Todd Dynneson**

**RE: ALR Non-Farm Use**

5985 Highway 3

That part SE ¼, Section 10 TWP 66, SDYD, Plan B1396

RDKB File: E-Twp66-07983.000

This application is to request non-farm use of this parcel within the Agricultural Land Reserve (ALR) to operate a home-based body shop, "Boundary Collision and Salvage", in an existing shop.

Observations:

- This land is currently not being used for agriculture.
- It was noted that the current building and any cars parked around the building cannot be seen from the highway.
- Todd noted that even the neighbours cannot see the building because of the local topography.
- Concern was raised that the number of cars parked at such a facility should be limited.
- It was noted that sometimes cars are parked at an auto body shop for a longer time as one either need ICBC clearance or is waiting for car parts.
- Clarification was sought on any proposed salvage work.
- It was noted by the owner, that the current request is to operate only an auto body shop and not be a salvage operation. A commitment was made that if in the future, the owner wants to pursue a salvage operation, a separate application to that effect would be made.
- Concerns were raised on oils and radiator fluid in cars. It was noted that the owner has been in contact with the Ministry of Environment to ensure that environmental issues are not only addressed but implemented.

Recommendation: Agreed to support this application with the caveat that the proposed operation does not include any vehicle salvage. If in the future, the operation is to be expanded to include a vehicle salvage component, it would need to go through a review process.

**Bryan and Joyce Crookston**

**RE: MOTI Subdivision**

6090 Christian Valley Rd., 30km north of Westbridge, BC

Lot A, DL 1073s, Plan KAP70376 Except Plans KAP83255, KAP87143 and EPP29669

File: E-1073s-04598.040

Observations:

- It was noted that environmental covenants already exist on the property to be subdivided and would extend to any further subdivision.
- Previous subdivisions have already been approved with those covenants.

Recommendation: Agreed to support this proposal for a subdivision.

**FOR INFORMATION**

ALC Decision Letter dated June 12, 2015

**Adjournment:**

The APC meeting was adjourned at 7:10 p.m.

**ADVISORY PLANNING COMMISSION  
ELECTORIAL AREA 'B'/LOWER COLUMBIA-OLD GLORY  
MONDAY JULY 6 2015 RDKB BOARDROOM, TRAIL**

**In Attendance**

Roger Cox-Chair

Mary MacInnis

Graham Jones

Bill Edwards, Alternate Director Area 'B'

**ABSENT**

Richie Mann

Henk Ravestein

Trinda Ross

**MEETING CALLED TO ORDER AT 7:00 pm.**

**MINUTES OF PREVIOUS MEETING:**

No errors or omissions minutes adopted.

**OLD BUSINESS:**

NO OLD BUSINESS TO DISCUSS.

**NEW BUSINESS:**

**1. ATCO WOOD PRODUCTS**

**RE: PROPOSED CUT BLOCKS**

Crown Land - Electoral Area 'B'/Lower Columbia-Old Glory, north of Rossland, near the intersection of Highway 3 and Highway 3B.

RDKB File: A-16

After reading the submitted material we have no problem with this submission.

**2. Deyanne and Ed Davies**

**RE: ALR Exclusion**

455 Malde Creek Road, South Belt of Rossland

Twp 9A, KD, NEPX63, Subsidy Lot 181, Except Plan 17164 SRW 15310 SRW 17069

RDKB File: B-Twp 9A-10948.100

After reading their submission and a brief from the couple it is felt that we had no problem with this submission. They will allow the existing trails through their property.

**ADJOURNED:** No further business, meeting called at 7:30 pm.

**July 14, 2015**



Advisory Planning Commission- Area D "Rural Grand Forks"  
Minutes – July 14, 2015 (originally scheduled for July , 2015)

In attendance:

Deb Billwiller  
Edith MacAllister  
Werner Behrens

Regrets:

Bob Kendel  
Lesley Matthews

Meeting was called to order at 7:02 p.m.

Minutes:

No previous minutes were discussed.

New Business:

1. **Bron and Sons Nursery**  
**Floyd and Joyce Jensen**  
**RE: MOTI Subdivision**

3540 Almond Gardens Road W & 3601 Latkin Road  
Lot 16, DL 363, SDYD, KAP2430, Portion excluding Parcel A, Plan B5901  
Except Plan 7521 & Lot 26, DL 362, SDYD, KAP2430, Except Plan A965  
RDKB File: D-363-02673.000 & D-362-02691.000

It was moved: Behrens; seconded: MacAllister that we continue to support this application. Carried.

2. **Bart and Lisa Campbell**  
**RE: Development Variance Permit**

7445 North Fork Road  
Parcel B (Being a consolidation of Lots 1 and 2, see CA4125823) Block 6, DL 700, SDYD, Plan NEP38  
RDKB File: D-700-03661.005

Discussion items included future implications should Fifth Road be developed; precedent setting for other properties adjacent to Fifth Road; whether or not the proposed variance would resolve a hardship or improve the development.

It was moved: Behrens; seconded: MacAllister that we are not in favor of this application. For: Behrens, MacAllister; Against: Billwiller. Motion Carried.

The meeting was adjourned at 7:35 p.m.



## STAFF REPORT

Prepared for meeting of July 2015

Development Permit Amendment			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Owners:</b> Janet and Daniel O' Flaherty		<b>File No:</b> C-498-02999.130	
<b>Location:</b> Lot 1, Santa Rosa Road, Christina Lake, Electoral Area 'C'/Christina Lake			
<b>Legal Description:</b> Lot 1, DL 498, SDYD, Plan KAP56568		<b>Area:</b> 0.49 acres (0.2ha)	
<b>OCP Designation:</b> Highway Commercial	<b>Zoning:</b> Highway Commercial 2 (C2)	<b>ALR status:</b> No	<b>DP Area:</b> General Commercial DP Area
<b>Contact Information :</b> Daniel O'Flaherty PO Box 313 Christina Lake, BC V0H 1E0 778.632.0020 <a href="mailto:deerpointconstr@live.com">deerpointconstr@live.com</a>			
<b>Report Prepared by:</b> Carly Rimell, Planner			

### ISSUE INTRODUCTION

The applicants have applied for a Development Permit Amendment to increase the floor area of the proposed office building and the two detached guest accommodation units (*see Site Location Map; Applicants' Submission*). As the property is located in the General Commercial Development Permit Area, a development permit amendment is required to add additional floor area.

### BACKGROUND FACTORS

The property is designated Highway Commercial in the Electoral Area 'C'/Christina Lake OCP and zoned Highway Commercial 2 (C2) in the Electoral Area 'C'/Christina Lake Zoning Bylaw. The property is within the General Commercial Development Permit Area.

The original Development Permit application was approved for the main office building with one attached guest accommodation unit and a laundry room to be 72m<sup>2</sup> (780ft<sup>2</sup>) in size. The detached guest accommodation units were 60m<sup>2</sup> (650ft<sup>2</sup>) in size. The applicant is now proposing to enlarge the footprint of these buildings. The applicant is also proposing to relocate one of the detached guest accommodation units due to complications with the original location for the septic field. Due to these changes an amendment to the original Development Permit which was issued on April 23, 2015 is required.

## **PROPOSAL**

The applicants propose to construct an office building for their vacation rental business, which includes a guest accommodation unit attached to the main office building 102m<sup>2</sup> (1100ft<sup>2</sup>), and two detached guest accommodation units each 70m<sup>2</sup> (750ft<sup>2</sup>) functioning as a motel. These structures would be in addition to the sheds which have already been built.

## **DEVELOPMENT PERMIT GUIDELINES**

A Development Permit Amendment is required when adding additional floor area to buildings in the General Commercial Development Permit Area. The following guidelines have been established for development in this area. Only the guidelines which are relevant to the proposed amendment are discussed. Wording in italics relate to this development proposal.

### ***Building Siting and Finish***

Buildings should be sited to face a public road or open space such as a square. The rear walls of buildings should not be visible from a public road or street.

Buildings shall be finished on all sides with consistent exterior materials and colours to be used on all building facades. An artistic rendering showing the building in colour shall be provided.

*The applicants' plans propose earth tone shades of brown and rock work detailing for the proposed office and guest accommodation units. The office building is sited to face Santa Rosa Road as per requirement. One of the guest accommodation units will now be sited closer to the northern interior lot line so the septic system can be placed in a more appropriate location.*

## **IMPLICATIONS**

The parcel is in the Highway 'Commercial 2 Zone' (C2). Establishment of an office and motel (guest accommodation units) are permitted uses, and consistent with the commercial objectives and policies in the OCP. The applicant has hired a certified installer for the septic system.

The increase in building footprints and relocation of one of the buildings does not appear to change the required parking spaces or traffic flow.

The authority to issue Development Permits is delegated to the Manager of Planning and Development.

## **REFERRALS**

This application will be referred to the Ministry of Transportation and Infrastructure and the Christina Lake Fire Chief for comments.

The Christina Lake Fire Chief had no concerns with this proposal. At the time this report was assembled the RDKB Planning Department was still awaiting comment from MoTI. A permit will not be issued until comments are received from MoTI.

## **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'C'/Christina Lake Advisory Planning Commission had no questions and no objections regarding this application.

## **BACKGROUND INFORMATION PROVIDED**

*Site Location Map*


*Applicants' Submission*

## **RECOMMENDATION**

That the staff report regarding the application submitted by Daniel and Janet O'Flaherty for a Development Permit Amendment to increase the floor area of the proposed office building and the two detached guest accommodation units in the General Commercial Development Permit Area for the property legally described as Lot 1, DL 498, SDYD, Plan KAP56568, be received.



Applicants' Submission

 <p><b>Regional District of Kootenay Boundary</b></p>	<b>PLANNING AND DEVELOPMENT DEPARTMENT APPLICATION FORM ELECTORAL AREAS 'A' TO 'E'</b>	
<b>RDKB Main Office</b> 202-843 Rossland Avenue Trail, BC V1R 4S8	<b>Telephone: 250-368-9148</b> <b>Fax: 250-368-3990</b>	<b>Toll Free: 1-800-355-7352</b> <b>Email: <a href="mailto:plandep@rdkb.com">plandep@rdkb.com</a></b>
<b>RDKB Sub-Office</b> PO Box 1965 Grand Forks, BC V0H 1H0	<b>Telephone: 250-442-2708</b> <b>Fax: 250-442-2668</b>	<b>Toll Free: 1-877-520-7352</b> <b>Email: <a href="mailto:plandep@rdkb.com">plandep@rdkb.com</a></b>

**TYPE OF APPLICATION (PLEASE CHECK THE APPROPRIATE BOX):**

- (a) ☐ Zoning Amendment Only
- (b) ☐ Zoning & Official Community Plan Amendment
- (c) ☐ Official Community Plan Amendment Only
- (d) ☒ Development Permit
- (e) ☐ Development Permit Amendment
- (f) ☐ Development Variance Permit
- (g) ☐ Temporary Use Permit
- (h) ☐ Temporary Use Permit Renewal
- (i) ☐ Site-specific exemption to Floodplain Bylaw
- (j) ☐ Designation of Heritage Properties

**APPLICATION FEES:**

Types (a) or (c) application.....	\$1000.00	+ \$100.00 Sign Fee
Type (b) application .....	\$1200.00	+ \$100.00 Sign Fee
Type (d) application for construction value exceeding \$4000.00 .....	\$200.00	
Type (d) application for construction value under \$4000.00 .....	\$50.00	
Type (e) application.....	\$50.00	
Type (f) application .....	\$450.00	+ \$100.00 Sign Fee
Type (g) application.....	\$650.00	+ \$100.00 Sign Fee
Type (h) application .....	\$200.00	
Type (i) application .....	\$200.00	
Type (j) application .....	\$1,000.00	

\*\*Please make all cheques payable to *The Regional District of Kootenay Boundary***DEVELOPMENT PROPOSAL SIGN FEE**

The Regional District's Fees and Procedures Bylaw No. 1231 requires the posting of a Development Proposal Sign in certain circumstances. If such a sign is necessary, a fee of \$100 additional to the above-noted fees, is required for the sign board and preparation of text. Applicants will be refunded \$70.00 once the sign has been returned to the RDKB in good condition.

**REFUNDS:**

If type (a) or (c) application is denied before public hearing.....	\$500.00
If type (b) application is denied before public hearing.....	\$600.00
If a Development Proposal Sign is returned in good condition .....	\$70.00

\*\*Fees for application types (d), (e), (f), (g), (h) and (i) are non refundable

Name(s) of registered owner(s): Southern BC Vacation Rentals Inc. Janet & Daniel O'Flaherty

Address: Lot 1 Santa Rosa Road, Christina Lake, BC

Telephone/Fax: 778 632-0020 Email: beerpointrconst@live.com Land Area in ha .2

Legal description of land under application: Lot 1, Plan 56568, KAP DL498

Page 1 of 4



## Applicants' Submission

Please explain your reasons for requesting this application, and please also describe in detail your development proposal (use space provided on the back of this form, or attach a separate sheet of paper if needed):

- Change of location of 1 building for purpose of change of location of septic system
- Change of location of septic field due to poor test results from original location
- Increase in size (slight) of all buildings

### SUPPORTING INFORMATION REQUIRED

In support of your application, please answer the following questions:

- |  | YES                              | NO                               |
|--|----------------------------------|----------------------------------|
| 1. Are there any Restrictive Covenants registered on the subject property? | <input type="radio"/>            | <input checked="" type="radio"/> |
| 2. Are there any registered Easements over the subject property?           | <input type="radio"/>            | <input checked="" type="radio"/> |
| 3. Is there legal and practical road access to the subject property?       | <input checked="" type="radio"/> | <input type="radio"/>            |

**\*\*The following information is also required (failure to do so may delay or jeopardise the application):**

1. A copy of the Certificate of Title or recent Tax Assessment notice for the subject property or properties;
2. A plan drawn to an appropriate scale, accompanied by a written report (if necessary) showing:
  - the legal boundaries and dimensions of the subject property;
  - boundaries and dimensions of any proposed lots (if subdivision is being proposed);
  - the location of any physical or topographic constraints on the subject property (such as watercourses, shorelines, ravines, wetlands, steep slopes, bedrock outcrops, etc.);
  - the location of permanent buildings and structures on the subject property;
  - the location of any proposed buildings, structures or additions thereto;
  - the location of any existing or proposed access roads, driveways, screening and fences;
  - the proposed method of sewage disposal and the location of any existing and/or proposed septic tank, tile field, sewer line or similar, and water sources (well or community water service pipe location); and
  - the location of any earthworks/grading and/or proposed landscaping on the subject property.
3. **Application types (d) and (i) only:** A copy of a professional's report which addresses relevant development permit guidelines may be required. Please consult the Regional District Planning and Development Department if you are unsure about this requirement.
4. Additional material, or more detailed information may be requested by the Regional District upon reviewing your application.

*If the Regional District believes it to be necessary for the property boundaries and the location of improvements thereon to be more accurately defined due to uncertainty over natural boundaries of watercourses or other reasons, a sketch prepared by a British Columbia Land Surveyor may be required. The voluntary submission of such a sketch may prevent a possible delay in processing the application.*



Applicants' Submission

Should the property owners elect to have someone act on their behalf in submission of this application, the following Agent's Authorization section must be completed.

### AGENT'S AUTHORIZATION

I, \_\_\_\_\_ hereby authorize \_\_\_\_\_ to act on my behalf in respect of this application.

Name of Authorized Agent: \_\_\_\_\_

Address of Agent: \_\_\_\_\_

Telephone/Fax: \_\_\_\_\_ Email: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Signature of Owner

The following Declaration should be completed **ONLY** if the subject property **HAS NOT** been used for industrial or commercial activity as defined on the **attached Contaminated Sites Regulation Schedule 2**.

### DECLARATION PURSUANT TO THE *ENVIRONMENTAL MANAGEMENT ACT*

I, \_\_\_\_\_, owner of the subject property described on this application form, hereby declare that the land which is the subject of this application has not, to my knowledge, been used for industrial or commercial activity as defined in the list of "Industrial and Commercial Purposes and Activities" (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a Site Profile under Section 40.1 or any other section of the *Environmental Management Act*.

Signature

Date

Please submit this application form to our office(s) with appropriate fees and supporting information (page 2).

**NOTE:** Should the subject property have been used for the purpose of any category listed on **Schedule 2**, a Ministry of Environment **Site Profile** form **Schedule 1** (available from Regional District offices in Trail and Grand Forks or on the RDKB web site [www.rdkb.com](http://www.rdkb.com)) must be completed and submitted to our offices with this Application form and the appropriate RDKB fees.

I, the undersigned, hereby certify that the information provided with respect to this Regional District of Kootenay Boundary application is full and complete and is, to the best of my knowledge, a true statement of the facts related to this application.

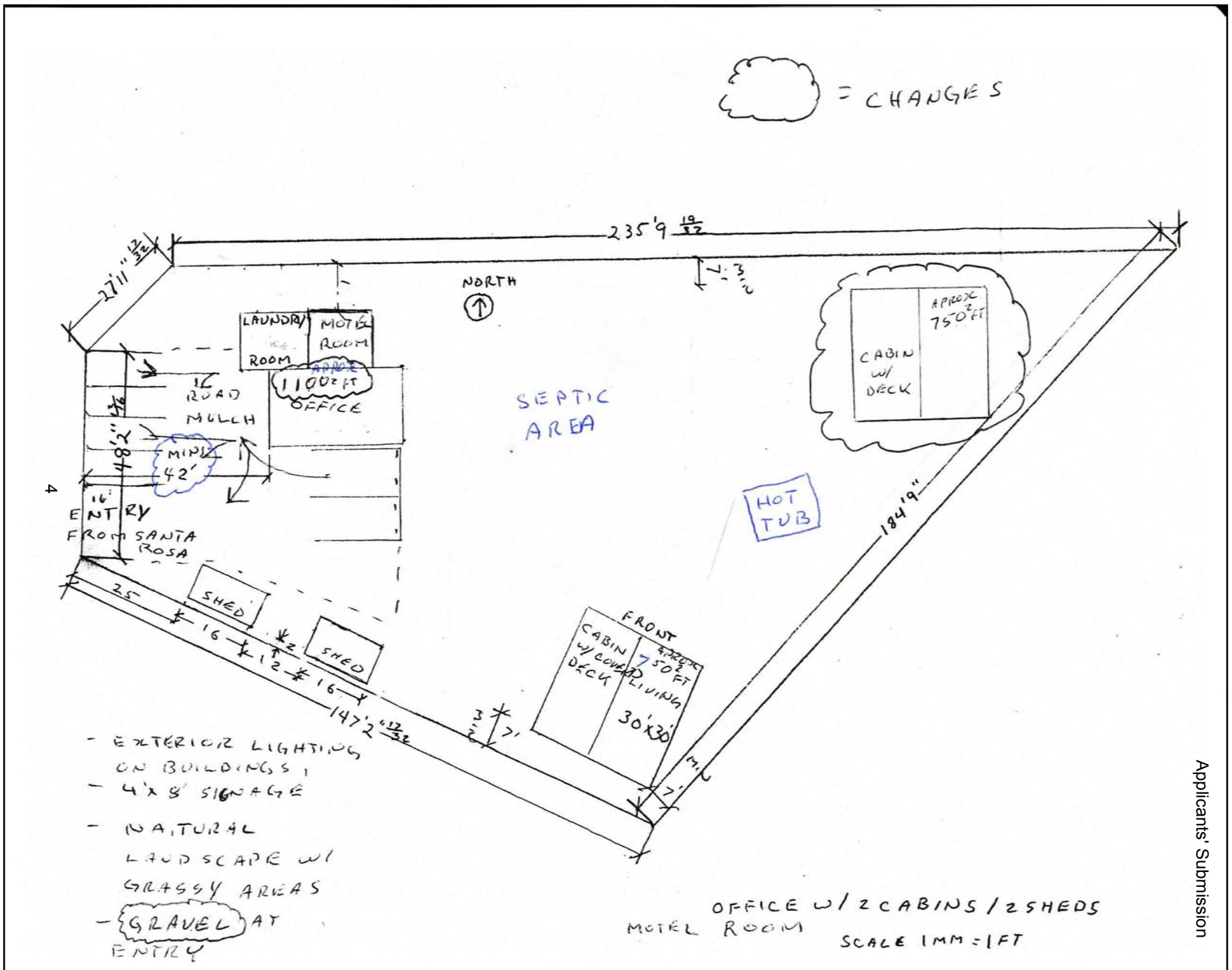
Signature of Owner

Date

**\*\*Applicants are entitled to appear before the Electoral Area Advisory Planning Commission and the Planning and Development Committee to explain the nature of their request. Should the applicant choose to exercise this option it is their responsibility to contact the Electoral Area Advisory Planning Commission Chairperson, or the RDKB Planning and Development Department Secretary, as is appropriate, with respect to meeting schedules and procedures. As a final option, the applicant may also choose to appear before the full RDKB Board of Directors to explain the nature of their request. Appearances before both the Planning and Development Committee and the Board of Directors require written notification at least one week prior to the scheduled meeting. Information as to RDKB meeting schedules may be obtained on the RDKB web site [www.rdkb.com](http://www.rdkb.com) or by calling the Regional District of Kootenay Boundary Trail office.**

Page 3 of 4

Applicants' Submission





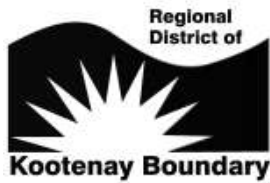
Applicants' Submission





Applicants' Submission





## STAFF REPORT

Prepared for meeting of July 2015

Development Permit			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Owners:</b> Jack Fomenoff (486719 BC Ltd.)		<b>File No:</b> C-963-04240.000	
<b>Location:</b> 159 Brown Road, Christina Lake, Electoral Area 'C'/Christina Lake			
<b>Legal Description:</b> Block 1, Lot 2, DL 963, Plan KAP6348, SDYD		<b>Area:</b> 0.087 acres (352m <sup>2</sup> )	
<b>OCP Designation:</b> Waterfront Residential	<b>Zoning:</b> Waterfront Residential 2 (R2)	<b>ALR status:</b> No	<b>DP Area:</b> Waterfront Environmentally Sensitive
<b>Contact Information:</b> Jack Fomenoff 157 Brown Road Christina Lake, BC V0H 1E1 250.565.4876 <a href="mailto:Jack.Fomenoff@cifcon.com">Jack.Fomenoff@cifcon.com</a>			
<b>Report Prepared by:</b> Carly Rimell, Planner			

### ISSUE INTRODUCTION

The applicant Jack Fomenoff (486719 BC Ltd.), has applied for a Development Permit to reconstruct a 3 bedroom dwelling at this residential property on Brown Road on the east side of Christina Lake (*see Site Location Map; Subject Property Map*).

The Development Permit process is to ensure that an adequate sewage treatment system is in place for any development within the Environmentally Sensitive Areas.

## BACKGROUND FACTORS

The property is designated 'Waterfront Residential' in the Electoral Area 'C'/Christina Lake OCP Bylaw No. 1250 and zoned 'Waterfront Residential 2' (R2) in the Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300. The small parcel (352m<sup>2</sup>) abuts Christina Lake, placing it within the Waterfront Environmentally Sensitive Development Permit Area (*Applicant's Submission*). The current structures on the property are the single family dwelling and small accessory building on the southwest corner.

The applicant proposes to reconstruct an existing single family dwelling and replace the sewage disposal system; the system is within 100m of Christina Lake, therefore a Development Permit is required. The applicant proposes to move the existing dwelling and modify the foundation as it is currently 6" over the interior lot line of the property to the southeast (157 Brown Road). The single family dwelling will then conform with the required interior lot line setback of 1.5m in the Waterfront Residential 2 Zone as stated in the Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300. The dwelling meets the setback requirement of 7.5m from the natural boundary of Christina Lake. A requirement of the development permit process is the submission of a report prepared by a qualified professional (*see Hydrogeological Report in Support of a Type 3 System*). The report determines and concludes that the proposed development is protective of human health and the environment.

The residence is currently serviced by a dry well, which was installed in the 1950's, prior to the inception of the Sewerage System Regulation (2004) and the Sewerage System Standard Practice Manual Version 2 (SPM). The applicant is proposing to replace the current dry well system with a Type 3 Geotextile Sand Filtration (GSF) Treatment System. The upgrade will likely reduce non-point source loading of biochemical oxygen demand, total suspended solids, nutrients and pathogenic bacteria compared to the current dry operated well; however, the upgrades will not meet the minimum horizontal setback to Christina Lake or the water well located at the parcel (157 Brown Road) southeast of the site.

The current sanitary sewage system drains to a septic tank and subsequent dry well. The existing dry well at the site is located near the northwest corner of the dwelling about 19m from the lake high water mark. The proposed Type 3 septic system is to be located on the western portion of the site approximately 8m from the high water line of Christina lake and 12m from the well located at the neighbouring southeastern parcel (157 Brown Road). The Record of Sewerage System document was filed with Interior Health on March 26, 2015.

## PROPOSAL

The applicant proposes to renovate and move the existing dwelling 1.5m from the eastern interior lot line and reconstruct the residence. The dwelling will have a living area of 117m<sup>2</sup> (1259ft<sup>2</sup>) and 3 bedrooms.

Taking into account the parcel size, the proposed development, the soil types, distance from natural boundary, projected flows, grade and contour of the lot, the qualified

professional suggested that the placement and system chosen is most appropriate. The Type 3 treatment and disposal system provides the most efficient and effective protection to health and the environment.

### **IMPLICATIONS**

The subject property has no covenants on title to be considered. Based on the information provided there does not appear to be any setback or floodplain development issues with the proposed location for the single family dwelling.

Residential development along Brown Road, on the east shore of Christina Lake has occurred very close to the lake on very small lots. In the professional opinion of Western Water Associates Ltd., groundwater and surface water quality monitoring compared to other foreshore communities measured impact from existing septic system appears to be relatively low.

The limited size of the home relative to the lot area and the proximity to the lake constrain the land available for the septic field. There are retaining walls located in front (along the lakeshore) of the property. The proposed design will include installing an infiltration trench in front of the retaining wall and then have the perimeter drain above the retaining walls to help mitigate possible outbreak points. The proposed Type 3 septic system is to be located on the western portion of the site, approximately 8m from the high water line of Christina lake and 12m from the well located at the neighbouring southeastern parcel (157 Brown Road). Due to inadequate lot size it is impossible to meet the requirements of Sewerage System Standard Practice Manual Version 2 and locate the Type 3 system 15m from Christina Lake and 30m from a drinking water source.

Currently there are some water quality issues, particularly with fecal coliform counts. It is expected as the dry well systems were installed in the 1950's, before regulations were in place. An installation of a better performing system should reduce septic associated parameters, which will reduce impact of nutrients and pathogenic bacteria on the receiving environment. It should also be noted from assessment of the site soils the qualified professional determined the ground water well to the east of the site (157 Brown Road) is cross-gradient to the proposed new septic field and will not likely be influenced by the treated septic effluent.

In conclusion, Western Water Associates Ltd. determined that locating a new Type 3 system 8m away from the high water mark of Christina Lake does not pose a significant risk to the receiving environment compared to the operation of the existing dry well. Further, the new system would be an improvement over the current system which is over 60 years old.

### **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'C'/Christina Lake Advisory Planning Commission had no questions and no objections regarding this application.



**BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

*Subject Property Map*

*Applicant's Submission*

*Hydrogeological Report in Support of a Type 3 Wastewater System, January 30, 2015*

**RECOMMENDATION**

That the staff report regarding the application for a Development Permit submitted by 486719 BC Ltd., to reconstruct and relocate a single family dwelling in the Waterfront Environmentally Sensitive Development Permit Area fronting Christina Lake, on the parcel legally described as Block 1, Lot 2, DL 963, Plan KAP6348, SDYD, be received.



2015/06/25

## Site Location Map

Scale 1:9,000



0 50 100 200 300 400  
Meters



P:\GIS\IRDKBMapDocuments\Routine\_Maps\SiteLocationMap\Area\_'C'\_ChristinaLake\SLM-C-963-Fomenoff\_2015-06-25



2015/06/25

# Subject Property Map

Scale 1:1,200



0 25 50  
Meters



Christina Lake

P:\GIS\WRDKBMapDocuments\Routine\_Maps\SubjectPropertyMap\Area\_'C'\_ChristinaLake\SPM-C-963-Fomenoff\_2015-06-25



Applicant's Submission

**BWD ENGINEERING INC.**

4 October 2014

Western Water Associates Ltd.  
#106 – 5145 – 26<sup>th</sup> Street  
Vernon, BC, V1T 8G4

Attn: Ms. Bryer Manwell, P. Eng.

**Re: Hydrogeology Study – Onsite Wastewater Well and Lake Proximity  
159 Brown Road, Christina Lake, BC**

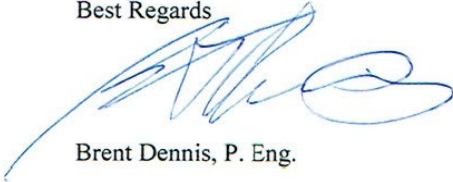
Dear Ms. Manwell:

The enclosed site plan is representative of the current equipment layout and infiltration area for the property noted. The system is sized for a standard 3 bedroom home under the current Standard Practice Manual for BC, Version 2.

The Daily Design Flow is expected to be 1363 L/d and the resulting effluent released in the dispersal area will meet or exceed Type 3 requirements as detailed in the BC Sewerage System Regulation.

Should you have any questions please contact the undersigned at your convenience.

Best Regards

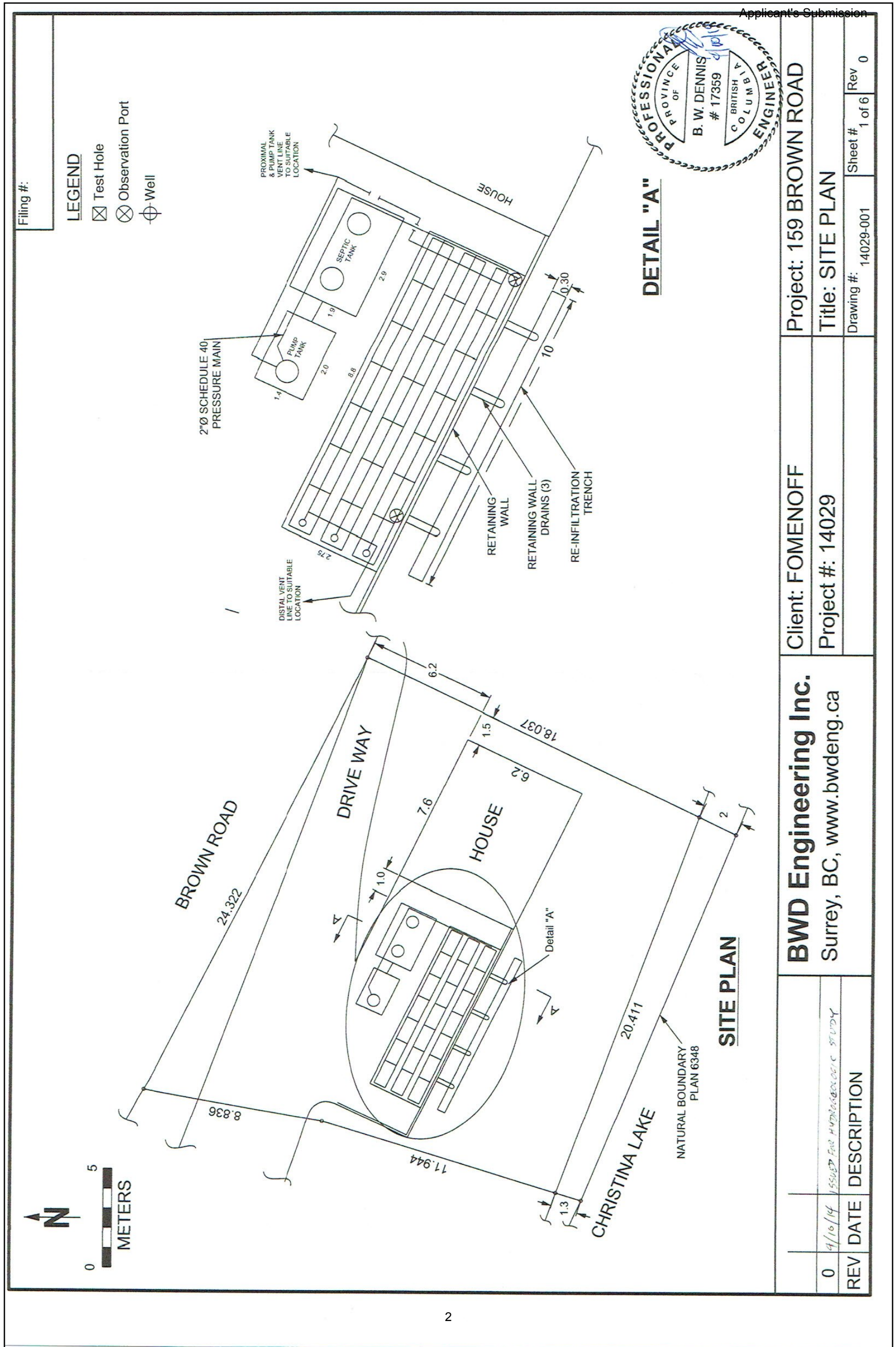


Brent Dennis, P. Eng.

Enclosure: Proposed Septic Systems – Site Plan and Section  
Drawings 14029-001 Sheets 1 & 2 of 6

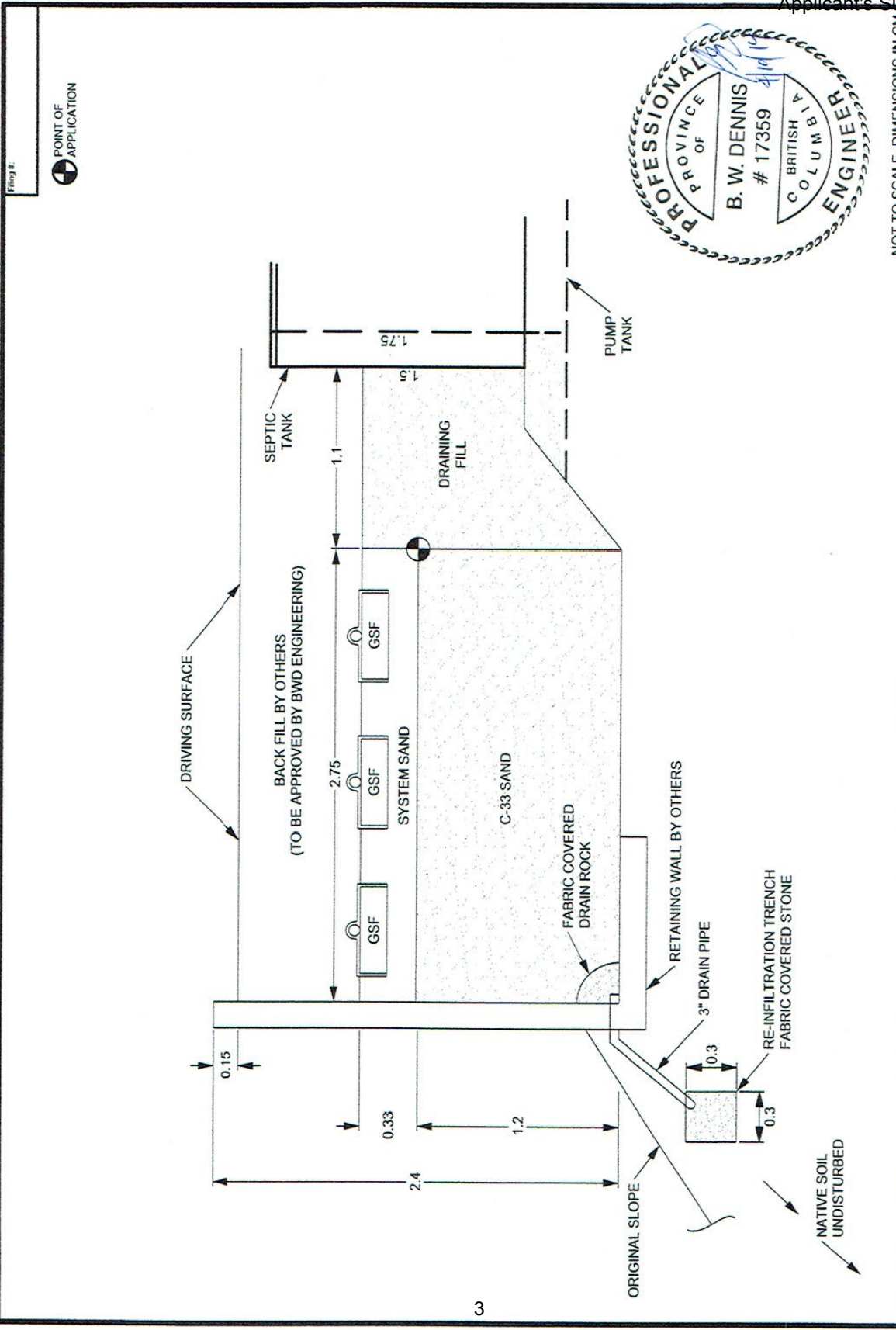
cc: Jack Fomenoff

**BWD Engineering Inc., Surrey, B.C., Canada**  
**Tel: 604-789-2204, Fax: 604-582-8231**  
**Email: [brent.dennis@bwdeng.ca](mailto:brent.dennis@bwdeng.ca) Web: [www.bwdeng.ca](http://www.bwdeng.ca)**





Applicant's Submission



NOT TO SCALE, DIMENSIONS IN CM		Client: FOMENOFF	Project: 159 BROWN Rd.
		Project #: 14029	Title: FIELD SECTION A-A
		Sheet # 2 of 6	Rev 0
		Drawing # 14029-001	

**BWD Engineering Inc.**  
Surrey, BC, www.bwdeng.ca

0 4/10/11 issued for HYDROLOGICAL

REV/DATE DESCRIPTION





# Interior Health

## RECORD OF SEWERAGE SYSTEM

Applicant's Submission

Please complete this entire form. If the form is incomplete, the filing may not be accepted and it will be returned to the Authorized Person.

TAX ASSESSMENT ROLL# <b>9712 04240.000 17</b>		<input type="checkbox"/> NEW CONSTRUCTION <input checked="" type="checkbox"/> ALTERATION		<input type="checkbox"/> REPAIR <input type="checkbox"/> AMENDMENT/UPDATE ONLY (no charge)		<input type="checkbox"/> ORDER ATTACHED	
1. LOT INFORMATION Where sewerage system is to be constructed	LEGAL DESCRIPTION <b>Lot 2, Block 1, DL 963, SDYD - PLAN 6348</b>		CITY <b>CHRISTINA LAKE</b>		POSTAL CODE <b>V0H 1E1</b>		
	STREET ADDRESS OR GENERAL LOCATION <b>159 BROWN Rd</b>						
2. OWNER INFORMATION	NAME OF LEGAL OWNER OR STRATA CORPORATION <b>486719 BC LTD</b>		MAILING ADDRESS (PO BOX #, SUITE #, STREET #, STREET NAME) <b>157 BROWN Rd</b>				
	CITY <b>CHRISTINA LAKE</b>	PROVINCE <b>BC</b>	POSTAL CODE <b>V0H 1E1</b>	TELEPHONE NUMBER <b>250-565-4876</b>			
3. AUTHORIZED PERSON INFORMATION	NAME OF AUTHORIZED PERSON <b>BRENT DENNIS</b>		MAILING ADDRESS (PO BOX #, SUITE #, STREET #, STREET NAME) <b>15822-106A AVE</b>				
	CITY <b>SURREY</b>	PROVINCE <b>BC</b>	POSTAL CODE <b>V4N 1K7</b>	TELEPHONE NUMBER <b>604-789-2209</b>	REGISTRATION NUMBER <b>17359</b>		
4. FACILITY INFORMATION	SEWERAGE SYSTEM WILL SERVE: <input checked="" type="checkbox"/> SINGLE FAMILY DWELLING <input type="checkbox"/> OTHER (SPECIFY):		NO. OF BEDROOMS <b>3</b>		EST. DAILY SEWAGE FLOW (l/day) <b>1363</b>		TOTAL LIVING AREA (m <sup>2</sup> ) <b>117</b>
	<input type="checkbox"/> DUPLEX		DEPTH OF EXISTING FILL IN THE DISCHARGE AREA (cm) <b>0</b>		TOTAL DEPTH TO HIGHEST WATER TABLE OR RESTRICTIVE LAYER (cm) <b>240</b>		LOT SIZE (ha) <b>0.04</b>
5. SITE INFORMATION	DISTANCE OF PROPOSED DISCHARGE AREA FROM (IN METRES): <b>7.1</b> WATER LINES <b>8.4</b> STREAM OR LAKE <b>7.5</b> BREAKOUT POINT <b>12</b> NEIGHBOURING WELLS <b>730</b> OWN WELL <b>730</b> DOMESTIC WATER		SEWERAGE SYSTEM WILL BE <30m TO ANY SOURCE OF DRINKING WATER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		SOIL TEXTURE AND STRUCTURE INFO ATTACHED <input checked="" type="checkbox"/> PERMEAMETER AND/OR PERCOLATION RATES ATTACHED		SLOPE (%) <b>70</b>
	ARE THERE ANY RESTRICTIVE COVENANTS/EASEMENTS WHICH WILL AFFECT THE DESIGN OR LOCATION OF THE SEWERAGE SYSTEM? IF YES, PLEASE EXPLAIN AND ATTACH SUPPORTING DOCUMENTS. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						
6. SYSTEM INFORMATION	VERTICAL SEPARATION BETWEEN BOTTOM OF DISCHARGE AREA TO HIGHEST WATER TABLE OR RESTRICTIVE LAYER (cm) <b>790</b>		TOTAL FINISHED DEPTH TO HIGHEST WATER TABLE OR RESTRICTIVE LAYER (cm) <b>7240</b>		TREATMENT METHOD <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3		IF TYPE 2 OR 3 IS PROPOSED, GIVE MAKE, MODEL, SIZE, AND TEST MODEL <b>EDEN TERT 2SF + VS</b>
	SEPTIC TANK MANUFACTURER <b>SOC P</b>		MATERIAL OF SEPTIC TANK <b>CONCRETE</b>		LIQUID VOLUME OF TANK(S) (litres) <b>4546</b>		EFFLUENT PUMP <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
7. PLANS AND SPECIFICATIONS	DISCHARGE AREA <input checked="" type="checkbox"/> BED <input type="checkbox"/> TRENCH <input type="checkbox"/> OTHER (SPECIFY): <input type="checkbox"/> SAND MOUND <input type="checkbox"/> LAGOON: SIZE (m <sup>2</sup> )		METHOD OF EFFLUENT DIST <input type="checkbox"/> GRAVITY <input checked="" type="checkbox"/> PRESSURE <input type="checkbox"/> OTHER		LOADING RATE (l/day/m <sup>2</sup> ) <b>64</b>		
	<input checked="" type="checkbox"/> PLOT PLAN (TO SCALE) AND SPECIFICATIONS ARE ATTACHED, AS PER THE STANDARD PRACTICE MANUAL						
8. FREEDOM OF INFORMATION	This form is required to administer the Sewerage System Regulation (326/2004) and the collection of personal information complies with the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection or use of this information, please contact your local Health Protection Office.						
9. AUTHORIZED PERSON'S SIGNATURE AND SEAL	The information on this form is accurate and true to the best of my knowledge. I am an Authorized Person according to Sewerage System Regulation BC Reg 326/2004. The plans and specifications attached to this form are consistent with standard practice and will not contribute to a health hazard.						
	<input checked="" type="checkbox"/> I have consulted with the Ministry of Health's publication "Sewerage System Standard Practice Manual". <input type="checkbox"/> I have consulted with another source of standard practice - copy attached, or listed here:						
AUTHORIZED PERSON'S SEAL 		OFFICE USE ONLY RECEIVING OFFICE DATE <b>PENTICTON, B.C. MAR 23 2015 Interior Health Authority</b>		FILING OFFICE DATE <b>FILED MAR 26 2015 INTERIOR HEALTH AUTHORITY PENTICTON, B.C.</b>			
DATE: <b>16 MAR 2015</b>		RECEIPT NUMBER <b>4 838072</b>		FILING NUMBER <b>NO 0190732356000 004259</b>			

820082 June 06-11

Distribution: White - Health Protection

Canary - Owner

Pink - Building Authority

Blue - Authorized Person

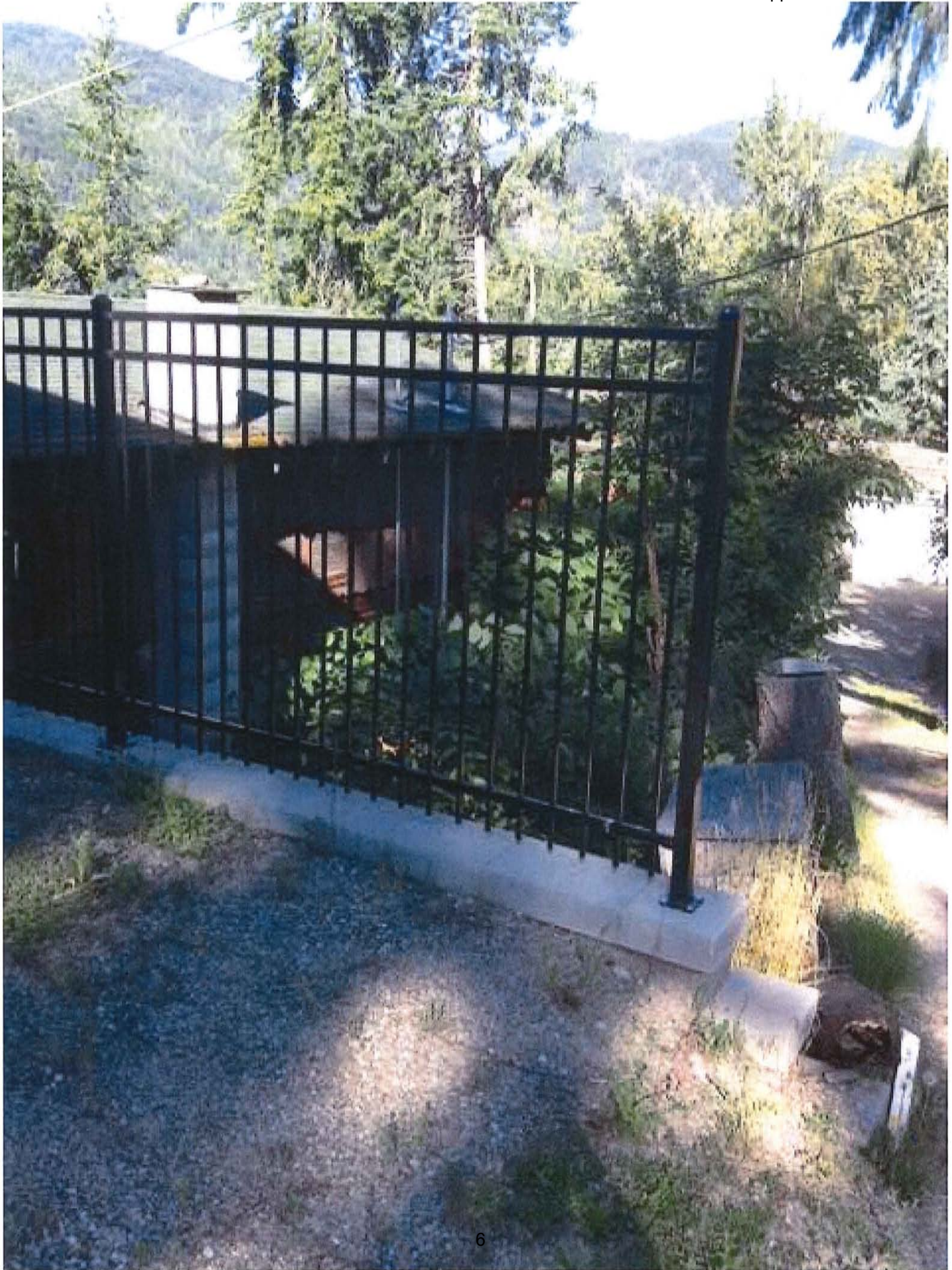


Applicant's Submission



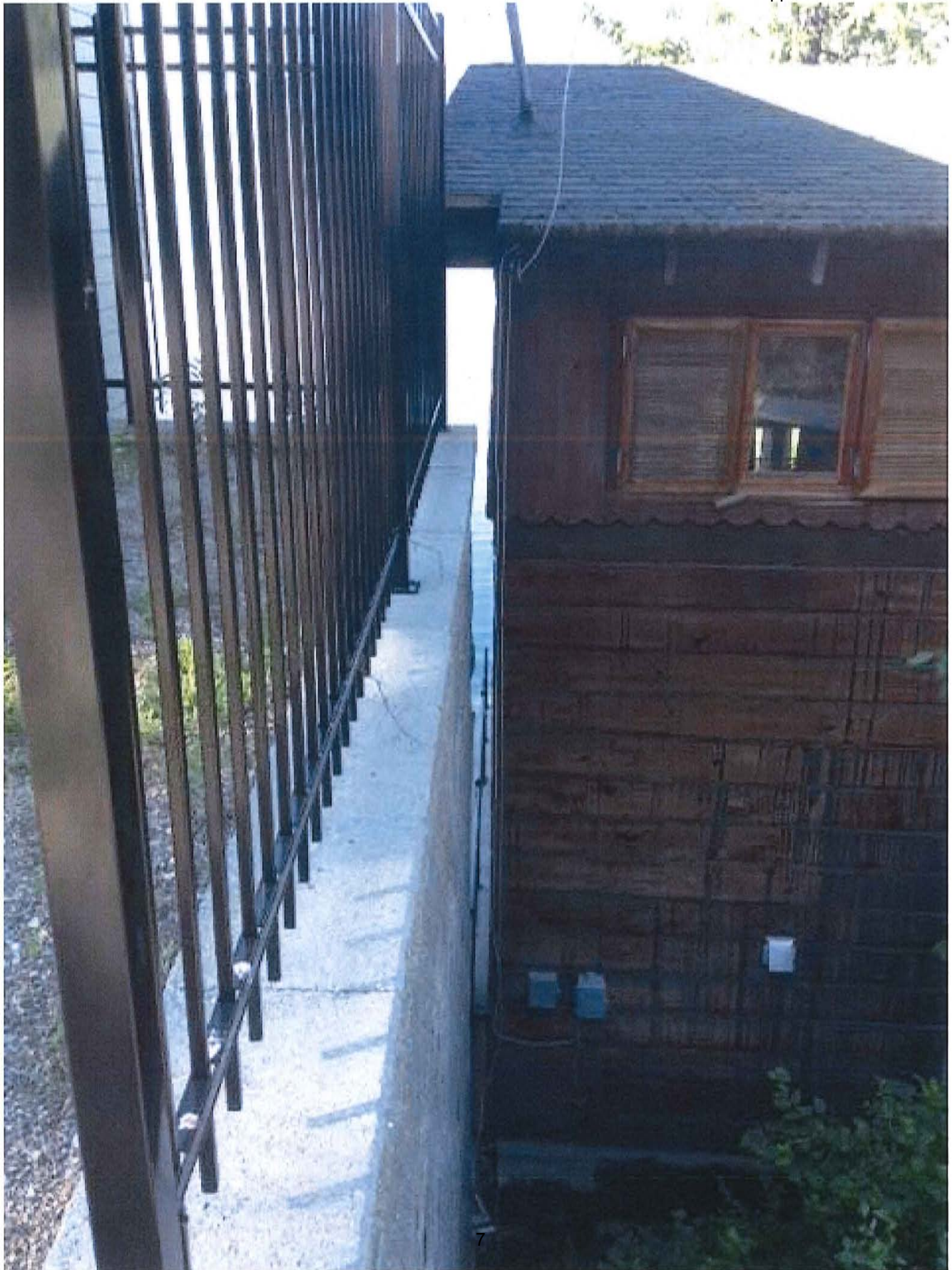


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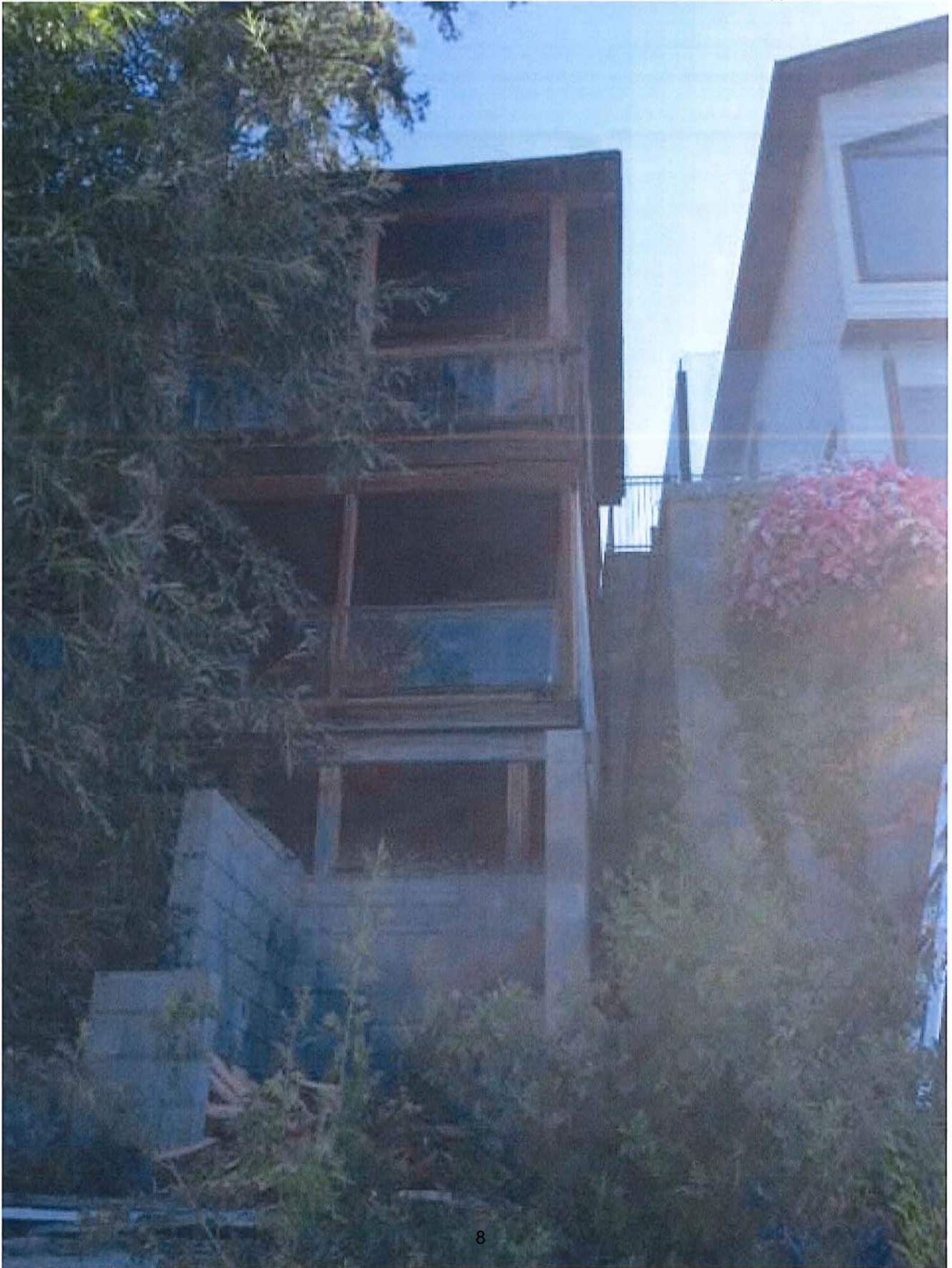


Applicant's Submission





Applicant's Submission



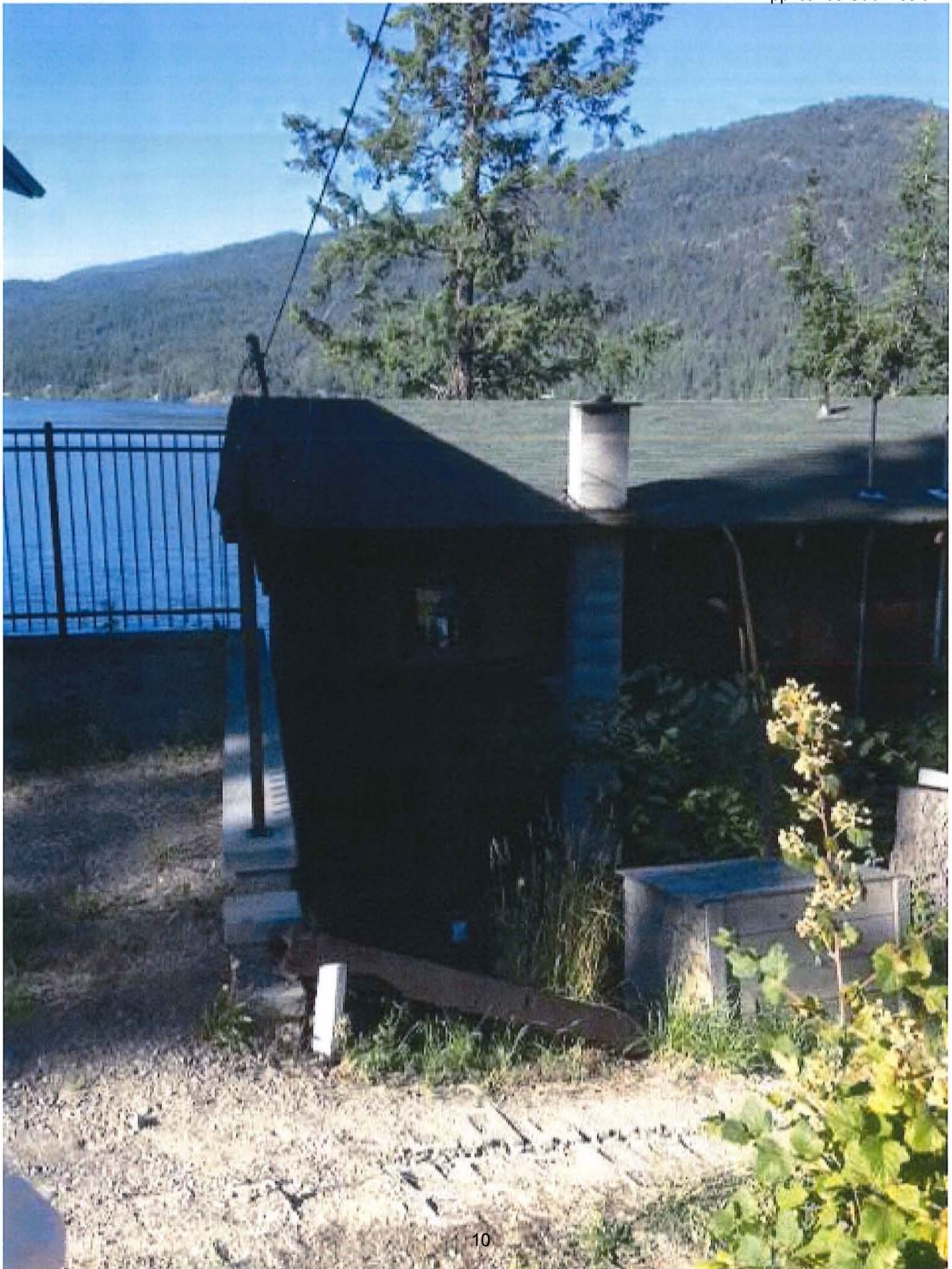


Applicant's Submission





Applicant's Submission







January 30, 2015

**Project: 14-043-01**

Jack Fomenoff  
157 Brown Road  
Christina Lake, B.C., V0H 1E1

c/o Mr. Brent Dennis, P.Eng.  
BWD Engineering Inc.  
15822 – 106A Avenue,  
Surrey B.C. V4N 1K7

Dear Mr. Fomenoff:

**Re: HYDROGEOLOGICAL REPORT IN SUPPORT OF A TYPE 3 WASTEWATER SYSTEM INSTALLATIONS AT 159 BROWN ROAD AT CHRISTINA LAKE, B.C.**

Western Water Associates Ltd. (WWAL) is pleased to provide this letter report in support of upgrading a septic systems on the east shore of Christina Lake at the above mentioned property. The residence is currently serviced by a dry well, which was installed in the 1950's, prior to the inception of the Sewerage System Regulation (2004) and the Sewerage System Standard Practice Manual Version 2 (SPM). The Boundary-Kootenay Official Community Plan (OCP) -Bylaw No. 1250 requests a hydrogeological assessment for development on the foreshore of Christina Lake.

**Project Understanding and Site History**

The owner wishes to upgrade the current dry well to a Type 3 Geotextile Sand Filtration (GSF) septic system at 159 Brown Road (hereafter referred to as "the site"). Specifically the proposed treatment system is the Eljen GSF passive treatment system. This upgrade will likely reduce non-point source loading of biochemical oxygen demand (BOD), total suspended solids (TSS), nutrients and pathogenic bacteria compared to the currently operated dry well; however, the upgrades will not meet the minimum horizontal setback to Christina Lake or the water well located at the lot (157 Brown Road) east of the site.

Horizontal setbacks are provided by the Province as default safety factors to protect water supply wells, surface waters and other environmental receptors. Site constraints owing to previously allowed development and lot sizes typically do not allow current home owners along this reach of Christina Lake to meet the horizontal setbacks laid out in the SPM. Therefore, as per recommendation in SPM Version 2 the wastewater design engineer, Brent Dennis P.Eng., has requested WWAL undertake and submit a report that supports the proposed upgrades, despite not meeting the horizontal setbacks in SPM Version 2. In so doing, we provide our hydrogeological opinion that the proposed changes are protective of the environment while not compromising the existing neighbouring water supply source at 157 Brown Road.

At the site the existing cabin is being renovated into a three bedroom home. Domestic water at the site is provided from a lake intake. Further, the lot to the west of the site accesses water supplied from a lake intake.

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Christina Lake Setbacks – Fomanoff (159 Brown Road)

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We understand that the current sanitary sewage drains to a septic tank and subsequent dry well. The existing dry well at the site is located near the northwest corner of the house about 19 m from the lake high water mark. The proposed new Type 3 septic system is to be located on the west portion of the site approximately 8 m (26 ft) from the high water line of Christina Lake and 12 m (39 ft) from the well located at 157 Brown Road (see Figure 1).

Minimum daily design flow rates for a three bedroom unit up to 175 m<sup>2</sup> are considered to be 1,363 liters. The site will have 21 GSF modules to treat the effluent. This letter report presents the findings of a site visit and desktop study of the area in support of the proposed system upgrades.

Key components of the OCP Bylaw and SPM that apply to the current study are as follows:

- Section 4 of the Boundary-Kootenay OCP Bylaw No. 1250 requires a development permit for areas in environmentally sensitive waterfront locations on Christina Lake and is subject to guidelines set out in this section; and
- Horizontal setback from a source of drinking water must be 30 m (100 ft) and the setback from a fresh water body must be 15 m (50 ft) (Table 2-6 SPM – Type 3 system).

During independent site visits by Brent Dennis P.Eng. (design engineer) and Bryer Manwell P.Eng. (WWAL hydrogeological engineer) the proposed septic field locations and other site features were recorded and are depicted on the site plan (Figure 1). The lots are approximately 0.0442 ha in size, and rhombus in shape. The site dimensions are approximately 23 m by 21 m and is on a southward facing, moderately sloping terrain. The site is bordered by Christina Lake to the south and Brown Road to the north.

As noted above, the planned renovation at the site will be a three bedroom single family home. The limited size of the lot, the size of the home relative to the lot area and the proximity of the lake constrain the land available for the septic field. There are retaining walls located in front (along the lake shore) of the property. We understand the new design will include installing an infiltration trench in front of the retaining wall and perimeter drains above the retaining walls to help mitigate possible breakout points.

The current proposal for the site would locate the disposal field approximately 8 m (26 ft) from the high water mark of the lake. The proposed dispersal field would be located approximately 12 m (39 ft) from the water supply well at 157 Brown Road. Based on the site setting, the estimated setbacks will not meet the SPM for Type 3 effluent.

### Site Geology

The site is situated on the east shore of Christina Lake at the base of a moderately steep bedrock hill. According to the B.C. Water Resources Atlas, the area bedrock is intrusive (granitoid) rock consisting of monzonite, syenite and shonkinite with its origin in the Eocene Epoch (56 million years before present). There is an alluvial fan located to the west of the property and at the base of a large and deeply incised McRae Creek valley. Sediments resembling a riverine depositional environment (as opposed to lacustrine environment) were observed at the site locations. Coarse grained sand and gravel sediments were observed from test holes dug at the site, these sediments are indicative of alluvial type deposits associated with the adjacent alluvial fan. Geology of the watershed indicates a combination of bedrock overlain by glaciofluvial, glaciolacustrine sediments with surficial till and colluvial deposits.



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According to registered well logs in the area (Table 1), the lithology consists of mainly unconsolidated sand and gravel. There are two watersheds that service the town of Christina lake. The Italy-Sutherland Creek and Moody Creek watersheds are approximately 3 km and 5 km south from the site location, respectively. Both watersheds are located in the Monashee Mountains.

### Hydrogeology

The Water Resources Atlas does not indicate any provincially mapped bedrock or unconsolidated aquifers in this area. However the well logs indicate a locally productive aquifer with many wells yielding over 20 US gpm. Table 1 summarizes pertinent information from the nearby wells in the area and Figure 2 presents the locations of the nearby wells.

The following section describes the conceptual model for groundwater flow beneath the site. We expect groundwater present beneath the site to originate from the adjacent unconsolidated McRae Creek alluvial (unconsolidated) aquifer. Groundwater from the uplands will flow from north to south and discharge into Christina Lake. From the nearby well logs groundwater levels range from 5 m (16 ft) to 90 m (295 ft) below ground surface.

The groundwater at the lake side of the sites is expected to respond quickly to changes in the stage of Christina Lake. With the groundwater and lake stage creating dynamic interaction; when lake stage is above the groundwater table there will be more influence of lake water on the near-surface groundwater (termed hyporheic zone). When the groundwater table is above the lake stage the groundwater will dominate the near-surface groundwater composition.

From assessment of the site soils, based on nearby well logs and holes dug during the site visit we can estimate the soil hydraulic conductivity. From this estimate of the saturated soil hydraulic conductivity and the hydraulic gradient at the site we estimate travel time from the edge of the proposed effluent dispersal field through the groundwater to Christina Lake to be on the order of 2 to 6 days. The groundwater well to the east of the site (at 157 Brown Road) is cross-gradient to the proposed new septic fields and will not likely be influenced by the treated septic effluent.

**Table 1: Summary of Nearby Well Information**

Well Tag No	Water Depth (ft)	Yield Value USgpm	Depth of Well (ft)	Aquifer Lithology	Date of Construction
53184	--	60	183	unconsolidated	31-Dec-83
87687	302.6	2	317	unconsolidated	17-May-07
47695	17	20	35	unconsolidated	17-Apr-81
40749	71	50	91	unconsolidated	30-Sep-78
101609	--	15	255	unconsolidated	17-Sep-01
99705	--	10	235	unconsolidated	25-Sep-01
40418	56	165	102	unconsolidated	20-Aug-78
99879	63.6	--	90	unknown	28-May-90

### Site Visit – Water Quality Assessment

To assess impact of the currently operated septic systems on the lake and the nearby wells at the site, water quality samples were collected from the well at Lots and from the near-lake groundwater (hyporheic water). By sampling near-lake groundwater prior to it entering the lake we are able to assess the true input of septic associated water quality parameters (i.e. nitrate, phosphorus and pathogenic bacteria). The purpose of the water

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quality assessment is to establish a base-line level of impact (if any) occurring from operation of the current on-site wastewater systems with the intention of monitoring water quality in the future, after the system upgrades occur, to assess if the upgrades have indeed reduced loading to the receiving environment.

On August 14, 2014 Bryer Manwell (VWAL) visited the site. All locations were recorded by GPS and select sites along the foreshore were sampled according to provincial standard methods for water quality parameters. Along the shoreline seven test holes were dug (see Figure 1 for locations) at regular intervals to allow for water quality assessment of the near-lake groundwater (hyporheic water). Note that during the water quality assessment a limited amount of algal growth was observed at two locations on the shoreline, one directly down gradient of the current dry well at the site under investigation and the other approximately 4 m (13 ft) to the east; located directly down gradient of the newly installed septic system operated at 157 Brown Road.

At hyporheic zones water HZ1 through HZ7 field measured chemistry (pH, electrical conductivity, temperature and oxidation reduction potential (ORP)) were recorded; three hyporheic zone locations along with the domestic well at 157 Brown Road were sampled and analyzed at the laboratory for select septic indicator parameters. Samples were submitted in an iced cooler under chain of custody documentation to CARO Analytical Services (CARO) of Kelowna. The results for the field measured parameters are presented in Tables 2 and the laboratory results are provided in Table 3, below. Note, pathogenic bacteria were only sampled for at the domestic well as bacteria can be present within the foreshore hyporheic water due to avian influent and can be misleading when investigating septic system impact on foreshore waters.

Hyporheic zone water assessed at HZ1, located at the algal growth, downgradient of the septic system operated at 157 Brown Road, showed elevated electrical conductivity, chloride, and nitrate (5 mg/l), indicating impact from operation of the septic system at 157 Brown Road. Further, the domestic well at 157 Brown Road also shows current impact from septic system operation with nitrate at 1.6 mg/l and elevated chloride, electrical conductivity and counts of fecal coliform. Total coliform at 157 Brown Road was 7 CFU/100 ml which exceeds Guidelines for Canadian Drinking Water Quality Maximum Acceptable Concentration. We understand the domestic well water is treated for pathogenic bacteria.

HZ4 and HZ5, located downgradient of the site showed background electrical conductivity and chloride and very low nitrate, similar to other sites samples along the east shoreline of Christina Lake. However, the chloride concentrations at HZ4 and HZ5 were elevated compared to what would be expected in pristine waters; we interpret these results to mean there has been some historic impact from the current dry well at the site but the system has not been in use over the current season.

The installation of a better performing system should reduce septic associated parameters, which will reduce impact of nutrients and pathogenic bacteria on the receiving environment.



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**Table 2: Summary of Field Water Quality Parameters – All Locations**

Location Name	Electrical conductivity (µS/cm)	Temperature (°C)	Oxidation Reduction Potential (mV)	pH
Hyporheic Zone 1 (HZ1)	815	17.8	126	7.7
Hyporheic Zone 2 (HZ2)	331	19.8	105	7.6
Hyporheic Zone 3 (HZ3)	312	20.2	113	7.8
Hyporheic Zone 4 (HZ4)	242	20.9	115	7.5
Hyporheic Zone 5 (HZ5)	305	15.8	120	7.9
Hyporheic Zone 6 (HZ6)	317	16.1	100	8
Hyporheic Zone 7 (HZ7)	254	19.5	101	7.6
157 Brown Road Domestic Well	529	16.8	165	7.3

**Table 3: Summary of Laboratory Water Quality for Select Septic Associated Parameters**

Parameters	Units	Location Name			
		Hyporheic Zone 1 (HZ1)	Hyporheic Zone 4 (HZ4)	Hyporheic Zone 5 (HZ5)	157 Brown Road Well
Bromide	mg/L	<0.1	<0.1	<0.1	<0.1
Chloride	mg/L	45.2	20.1	33.4	40.1
Fluoride	mg/L	0.35	0.21	0.33	0.27
Nitrogen, Nitrate as N	mg/L	4.98	0.199	0.102	1.62
Nitrogen, Nitrite as N	mg/L	<0.010	<0.010	<0.010	<0.010
Phosphate, Ortho as P	mg/L	<0.01	0.02	0.02	<0.01
Sulfate	mg/L	45.5	11.9	11.2	29.4
Total, Fecal	CFU/100mL				7
Coliforms, Fecal	CFU/100mL				<1
E. coli	CFU/100mL				<1
Electrical conductivity	°C	815	242	305	529
Temperature	µS/cm	17.8	20.9	15.8	16.8
Oxidation Reduction Potential	mV	126	115	120	165
pH		7.7	7.5	7.9	7.3

Orange indicates exceedance of Guideline for Canadian Drinking Water Quality Maximum Acceptable Concentration.

#### **Risk of Locating the Septic Field within 15 m of Christina Lake and 30 m of a Drinking Water Source**

Residential development along Brown Road, on the east shore of Christina Lake has occurred very close to the lake on very small lots. However, at this time the overall development is not dense, with only one row of homes located along the shoreline. Compared to other sites evaluated by WWAL staff during groundwater and surface water quality monitoring at foreshore communities (refer to this website <http://www.csr.bc.ca/siteengine/activepage.asp?PageID=197>) measured impact from the existing septic system appears to be relatively low.



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As noted above, due to the small lot sizes at the sites it is not possible to engineer an improved septic disposal system within the required setback standards. However, improvements made by upgrading the existing disposal field to a Type 3 system should further reduce nutrient loading and input of pathogens to the receiving environment and so should be considered a site improvement.

### **Conclusions and Recommendations**

From the data evaluated in the current study it is our opinion that locating the new Type 3 septic fields 8 m (26 ft) away from the high water mark of Christina Lake does not pose a significant risk to the receiving environment compared to the operation of the existing dry well. Further, we see the new system as an improvement over the current system, which is over 60 years old.

Due to the inadequate lot size there is no way to meet the 30 m setback to the well at 157 Brown Road. The domestic well water source for 157 Brown Road currently shows impact from operation of near-by septic systems; however, the well owner does treat the well water. We anticipate upgrades to the system will improve renovation of wastewater effluent, further reducing any potential impact to the receiving environment. However, at the source water for the site and the neighbour to the west source domestic water from the lake, we recommend the home owners strongly consider installation of point of use water purification systems to ensure potable water throughout the year. One water treatment scheme to address the water quality issues at individual homes is as follows:

- Remove particulates to 0.5 micron in size by filtration, so that UV light can effectively disinfect the water;
- UV disinfection (for pathogenic bacteria removal); and
- Reverse osmosis (for point of use (POU); i.e. the kitchen tap water) to remove nitrate.

We recommend that after installation of the proposed wastewater system annual monitoring occur at the same location as HZ5 (Figure 1) along the shoreline. The first sampling should occur six months after installation of the new system. Subsequent sampling should occur annually, in June or July. The following parameters should be analyzed: chloride, nitrate, Fecal Coliform, *E. Coli*, sulphate, electrical conductivity and pH. We recommend that temporary test piezometers be used for sampling instead of dug test holes; which will enable the sampling technician to obtain microbiological samples in that area. Further, results from the water quality testing should be provided to the wastewater system designer, saved and evaluated after several years of operation to assess water quality potential impact to the receiving environment. At the moment there is no development above the site area. If development should occur without available municipal waste water treatment, there is potential for increased water quality impact to Christina Lake.

We trust this addresses your needs at this time. Please contact the undersigned if you have any questions or concerns.

January 30, 2015  
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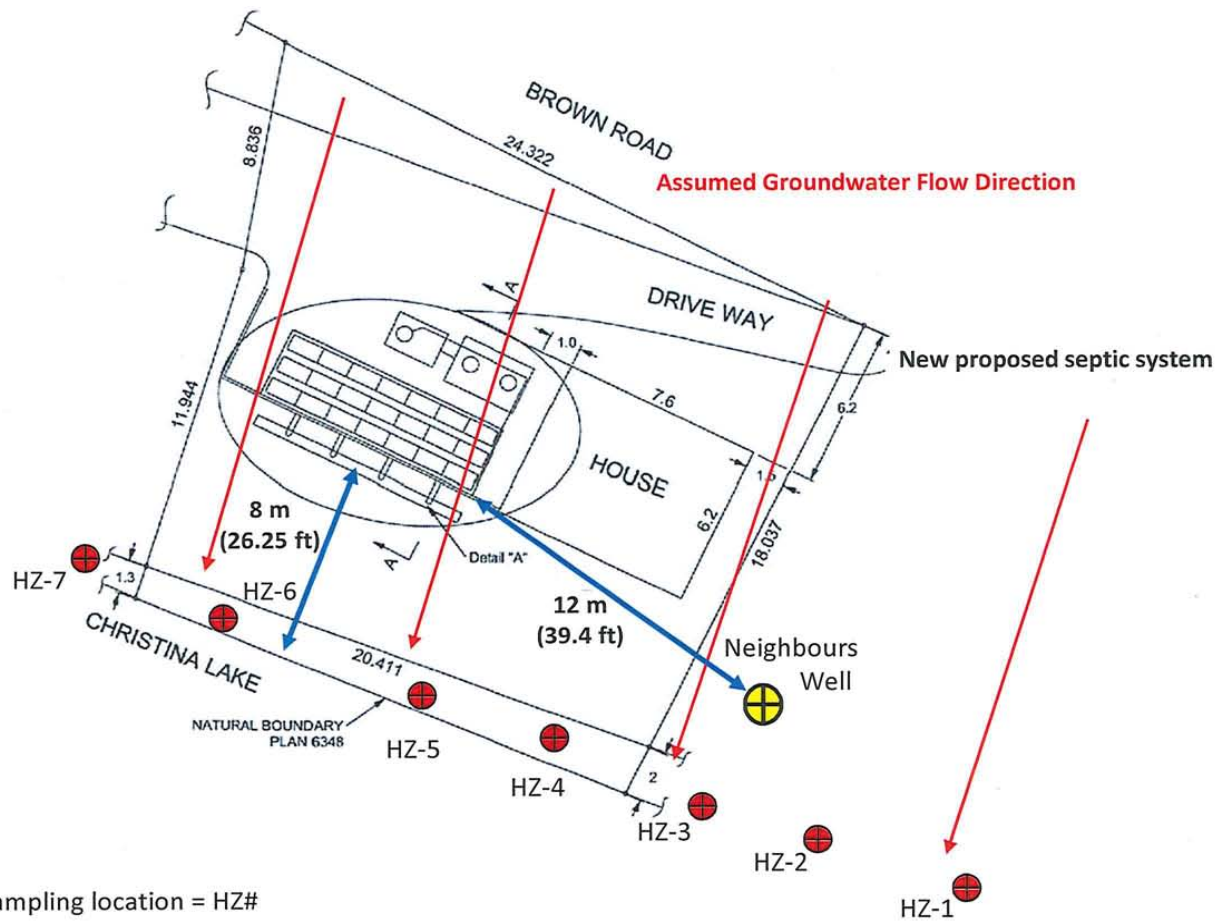
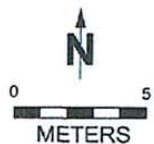
Yours truly,

**Western Water Associates Ltd.**

A handwritten signature in black ink, appearing to read 'Bryer Manwell', with a stylized flourish at the end.

Bryer Manwell, M.Sc., P.Eng.  
Hydrogeological Engineer

Enclosed: Figure 1, Figure 2, and WWAL Standard Report Limitations



Hyporheic Zone # sampling location = HZ#  
(not to scale)

BWG Engineering –  
Fomenoff



TITLE

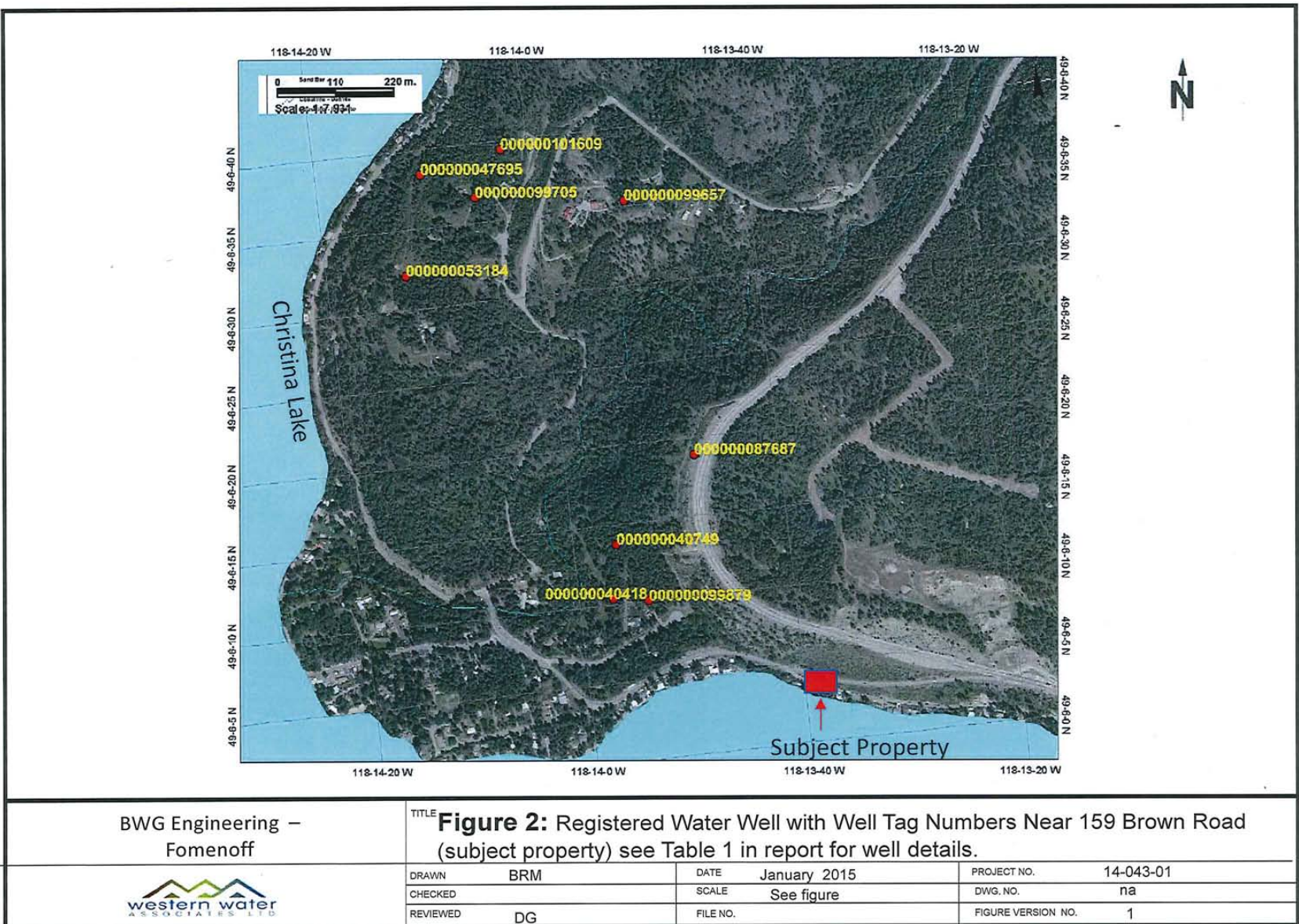
**Figure 1: Fomenoff (159 Brown Road) – showing hyporheic zone and neighbouring well sampling locations along with assumed groundwater flow direction.**

DRAWN BRM  
CHECKED  
REVIEWED DG

DATE January 2015  
SCALE See figure  
FILE NO.

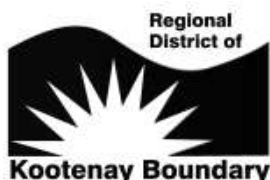
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## **Western Water Associates Ltd. Standard Report Limitations**

1. This Document has been prepared for the particular purpose outlined in the work scope that has been mutually agreed to with the Client.
2. The scope and the period of service provided by Western Water Associates Ltd are subject to restrictions and limitations outlined in subsequent numbered limitations.
3. A complete assessment of all possible conditions or circumstances that may exist at the Site or within the Study Area referenced, has not been undertaken. Therefore, if a service is not expressly indicated, it has not been provided and if a matter is not addressed, no determination has been made by Western Water Associates Ltd. in regards to it.
4. Conditions may exist which were undetectable given the limited nature of the enquiry that Western Water Associates Ltd. was retained to undertake with respect to the assignment. Variations in conditions may occur between investigatory locations, and there may be special conditions pertaining to the Site, or Study Area, which have not been revealed by the investigation and which have not therefore been taken into account in the Document. Accordingly, additional studies and actions may be required.
5. In addition, it is recognised that the passage of time affects the information and assessment provided in this Document. Western Water Associates Ltd's opinions are based upon information that existed at the time of the production of the Document. It is understood that the Services provided allowed Western Water Associates Ltd to form no more than an opinion of the actual conditions of the Site, or Study Area, at the time the site was visited and cannot be used to assess the effect of any subsequent changes in the quality of the Site, or Study Area, nor the surroundings, or any laws or regulations.
6. Any assessments made in this Document are based on the conditions indicated from published sources and the investigation described. No warranty is included, either expressed or implied, that the actual conditions will conform exactly to the assessments contained in this Document.
7. Where data supplied by the Client or other external sources, including previous site investigation data, have been used, it has been assumed that the information is correct unless otherwise stated.
8. No responsibility is accepted by Western Water Associates Ltd for incomplete or inaccurate data supplied by others.
9. The Client acknowledges that Western Water Associates Ltd may have retained sub-consultants affiliated to provide Services. Western Water Associates Ltd will be fully responsible to the Client for the Services and work done by all of its sub-consultants and subcontractors. The Client agrees that it will only assert claims against and seek to recover losses, damages or other liabilities from Western Water Associates Ltd.
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## STAFF REPORT

Prepared for meeting of July 2015

Development Permit			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Owners:</b> Mary and Michael Hoffman		<b>File No:</b> BW-4222-07500.690	
<b>Agent:</b> Andrea Van Niekerk, Eidos Architecture Inc.			
<b>Location:</b> 725 Feathertop Way, Big White, Electoral Area 'E'/West Boundary			
<b>Legal Description:</b> Strata Lot 18, DL 4222, SDYD, Plan KAS3134, Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V		<b>Area:</b> 0.235 acres (951 m <sup>2</sup> )	
<b>OCP Designation:</b> Medium Density Residential	<b>Zoning:</b> Chalet Residential 3 (R3)	<b>ALR status:</b> N/A	<b>DP Area:</b> Alpine Environmentally Sensitive DP2/Commercial & Multi Family DP1
<b>Contact Information:</b> Andrea Van Niekerk, Architect Eidos Architecture Inc. 201-3935 Lakeshore Road Kelowna, BC V1W 1V3 250.980.4510. Ext. 108 <a href="mailto:avanniekerk@eidosarchitecture.ca">avanniekerk@eidosarchitecture.ca</a>			
Prepared by: Carly Rimell, Planner			

### ISSUE INTRODUCTION

Mary and Michael Hoffman, through their agent Andrea Van Niekerk, of Eidos Architecture Inc., have applied for a Development Permit to build a single family dwelling on Strata Lot 18, Feathertop Way at Big White Ski Resort (*see Site Location Map; Applicants' Submission*). To obtain a building permit, the applicants must first submit a Landscape Plan for approval of a Development Permit for the Alpine



Environmentally Sensitive Landscape Reclamation Area. Approval of the landscaping must occur prior to the issuance of a Certificate of Final Occupancy.

## **HISTORY / BACKGROUND FACTORS**

The subject property is an undeveloped residential parcel located on Feathertop Way. The property is designated as 'Medium Density Residential' in the Big White Official Community Plan Bylaw No. 1125, 2001 and zoned 'Chalet Residential 3' in the Big White Zoning Bylaw No. 1166, 2001. The property is within the 'Big White Alpine Environmentally Sensitive/Commercial & Multiple Family Development Permit Area.' The proposed development, of a single family dwelling, only requires the Alpine Environmentally Sensitive Landscape Reclamation Development Permit.

## **PROPOSAL**

The applicants are requesting a Development Permit to construct a single family dwelling on Strata Lot 18, Feathertop Way at Big White. The Landscape Reclamation Plan has been submitted by Andrea Van Niekerk, of Eidos Architecture Inc.

### Development Permit Area Guidelines

The guidelines for development in the Alpine Environmentally Sensitive Landscape Reclamation Development Permit Areas have been addressed by the agent and are outlined below:

#### *Reclamation of Disturbed Areas*

The parcel currently has no vegetation. It was cleared in order to implement civil works infrastructure and road development. The landscape plan demonstrates a selection of suitable plant species appropriate to an alpine environment, with low maintenance and low flammability characteristics (*see Applicants' Submission*). The parcel has a north to south slope therefore swales for water management will be considered as required.

#### *Type of Vegetation*

The selection of plants have been chosen with respect to the short growing season and the harsh alpine climate. The Landscape Plan provided by the agent shows the approximate location, amount, and type of vegetation proposed for the site.

Big White falls under the classification of two Biogeoclimactic Eco Zones (BEC): Engelmann Spruce-Subalpine Fir (ESSF) and Interior Mountain-heather Alpine (IMA). The landscaping plan proposes 8 pine trees. The other proposed shrub species are wood's rose, kinnickinnick, and shrubby cinquefoil. All of these species are recommended in the Big White Landscaping Guidelines as they have been identified to have low maintenance characteristics, low flammability and believed to be readily available. The last species proposed is Feather Reed Grass also known as Karl Forester Grass. It is a hardy grass that survives in almost any soil type, cold and warm

environments as well as both sun and shade. Where plants have not been indicated, topsoil and a distribution of native grass seed and wildflowers will be added.

## **IMPLICATIONS**

The Certificate of Title identifies a ski easement near the rear lot line of the parcel. This is a registered easement that allows access for the public at Big White throughout the year. It appears that a portion of the patio will touch the easement but not encroach. The landscape plan demarcates 3 woods rose bushes to be planted within the easement.

The Certificate of Title references a Restrictive Covenant which establishes the buildable area on the parcel (Covenant #LB053002). The plan submitted meets the setback requirements for the northern and southern interior parcel line as stated in the covenant, as well as the rear parcel setback requirements of the Big White Zoning Bylaw.

The majority of the trees are also shown in clusters which tends to ensure better survival.

The application does not directly reference measures to mitigate or minimize the threat of wildfire. The RDKB created a guide to Landscaping Development at Big White which highlights factors that should be considered while creating a plan. The document highlights fire protection and species selection. This landscaping plan avoids any juniper species which are highly flammable. The applicants' letter also indicates swales for water management will be considered, as required.

## **REFERRALS**

The application was referred to the Big White Fire Services Department and Big White Utility Department for comment. Both departments responded that they have no concerns with the proposal.

## **ADVISORY PLANNING COMMISSION COMMENTS**

The Big White Advisory Planning Commission provided the following comments:

*APC is confused about the email correspondence with the architect regarding 4m setback line along the north west property line. Unsure if changes were made to the APC agenda package.*

*Patio encroaches on the Sundance Ski Run on the north west property line. The reason for concern is that Big White has the authority to remove structures that impede the easement, or are deemed a hazard to their snow equipment/ski resort. The APC questions whether any part of the north west deck support structure should even be within this easement.*

*Snow storage appears to be insufficient for the size of the driveway/area in front of the property. APC would like to caution owners of potential additional costs for private removal of snow from the property.*

**PLANNING AND DEVELOPMENT DEPARTMENT COMMENTS**

The proposed porch does encroach over the ski easement; however Section 303 Siting Exceptions permits the porch to project 2 meters, which is what the site plan suggests. The Planning and Development Department Staff have confirmed all required setbacks as stated on Title and within the Regional District of Kootenay Boundary Big White Zoning Bylaw No. 1166 are satisfied.

The concerns raised by the APC were addressed in the development permit.

**BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

*Applicants' Submission*

**RECOMMENDATION**

That the staff report regarding the application for a Development Permit submitted by Mary and Michael Hoffman, for the property legally described as Strata Lot 18, DL 4222, SDYD, Plan KAS3134, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, be received.



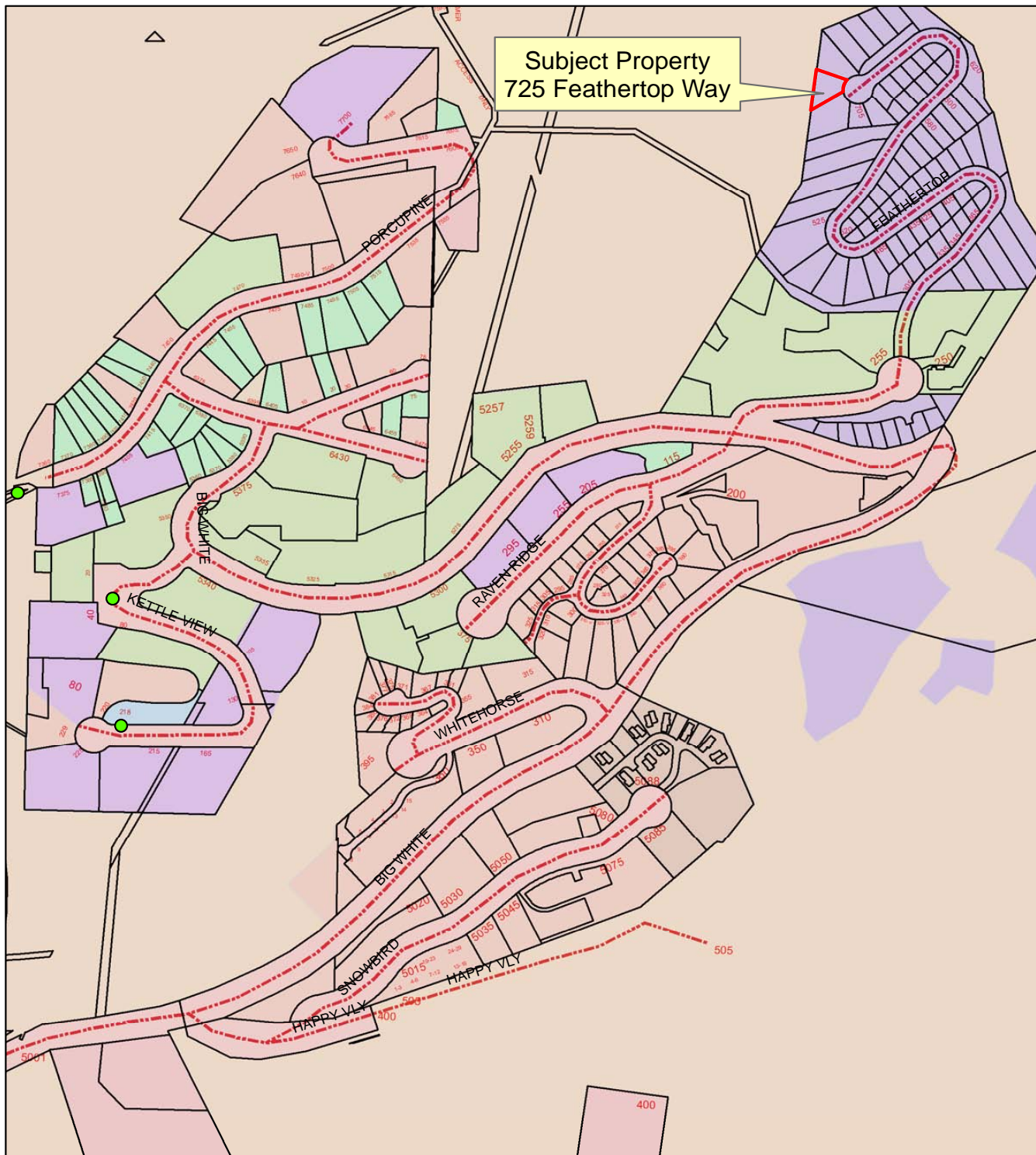
2015/06/16

# Site Location Map

Scale 1:5,500



0 25 50 100 150 200 250 300  
Meters



P:\GIS\WRDKBMapDocuments\Routine\_Maps\SiteLocationMap\BW\2015-06-16\_DL4222\_Hoffman

Applicants' Submission



Regional District of Kootenay Boundary  
 RDKB Trail BC Administration Office  
 Attn: Maria Ciardullo  
 202-843 Rossland Ave  
 Trail BC V1R 4S8

June 11, 2015

Re: Development Permit Application for single family dwelling at PLAN KAS3134, Lot 18, District Lot 4222, S.D.Y.D.

Dear Ms. Ciardullo

The proposed single family dwelling will be built on an undeveloped lot in the Feathertop strata subdivision at Big White Ski resort. This property is zoned Chalet Residential 3 Zone. Big White bylaw No. 1166, 2001.

The lot was cleared of all vegetation during the civil works infrastructure development and has no significant vegetation to preserve or reuse. The landscape plan demonstrates a selection of suitable plant species appropriate to an alpine moderate to high altitude region, with low maintenance and low flammability. Where plants have not been indicated, topsoil and a distribution of native grass seed and wildflowers will be added. This will also occur under the indicated snow removal areas to avoid damage to new plants and trees. The parcel has a natural north to south slope therefore swales for water management will be considered, as required.

Access at the front property line is a narrow portion of a cul de sac requiring the driveway located at the north east corner to allow for a maximum 10% sloped driveway. This allows first floor level will be as high as possible to have ski in/out access to the ski run at the rear of the property. The selection of elevation materials has considered the sloping site by using hard surfaces on the north elevation wall midway up the first floor for retaining and snow consideration. The remainder of wall cladding was chosen in consideration of the design guidelines for the Feathertop subdivision. Along the west elevation, some landscape retaining and a covered patio was designed to allow for sheltered ski in/out access. The natural grade has been considered as it slopes to the south elevation for windows at basement level without the need for deep window wells.

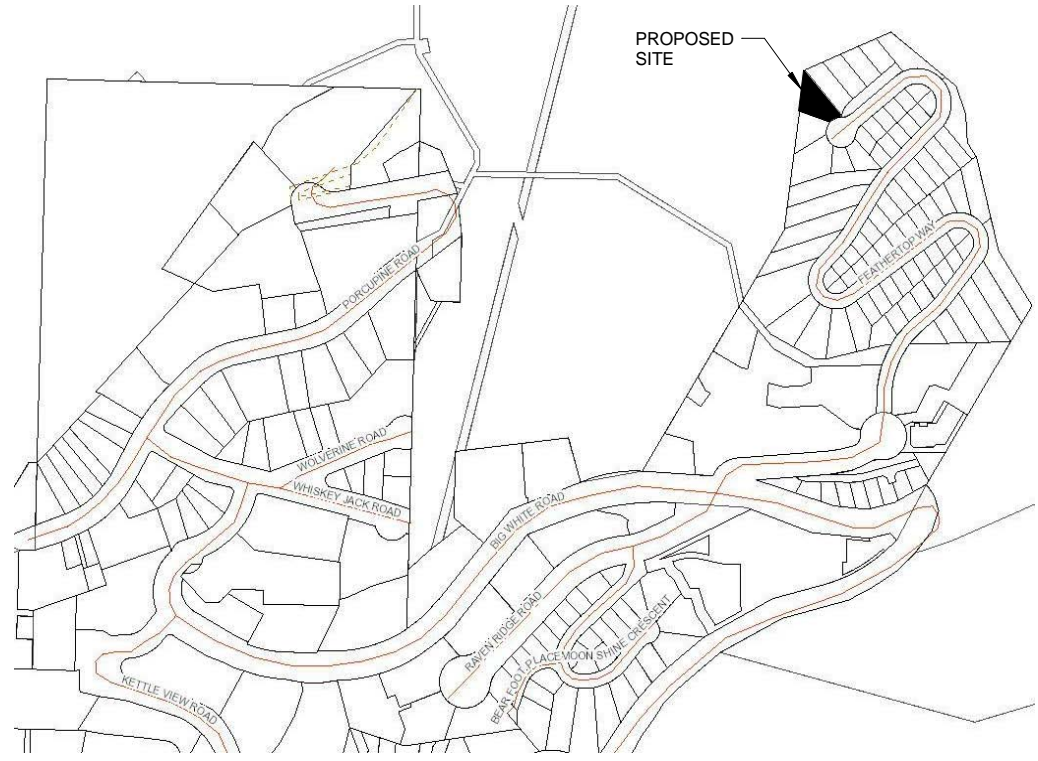
We hope you find this application complete and to your satisfaction. We intend to submit for a building permit at the end of June and understand that the development permit approval process can run concurrently. Please contact us with any questions or comments.

Kind regards,

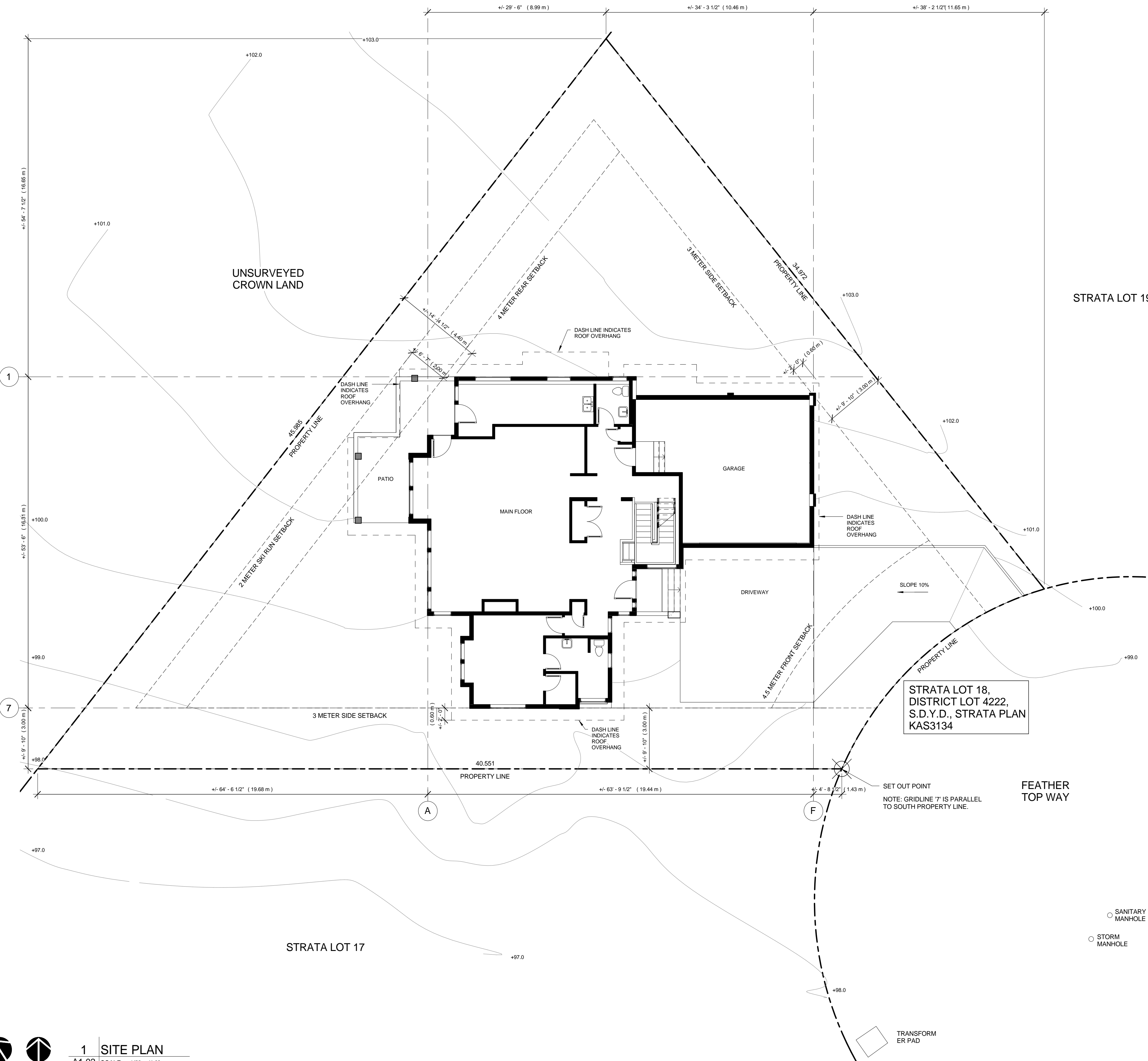
Andrea van Niekerk  
 Architect AIBC

T 250-980-4510 F 250-764-2116 201-3935 Lakeshore Rd, Kelowna BC V1W 1V3  
[www.eidosarchitecture.ca](http://www.eidosarchitecture.ca)





2 | CONTEXT PLAN  
A1.02 | SCALE: 1/32" = 1'-0"



1 | SITE PLAN  
A1.02 | SCALE: 1/8" = 1'-0"

**IDOS**  
ARCHITECTURE INC  
201 - 3935 LAKESHORE ROAD  
KELOWNA, BC  
V1W 1V3  
250-980-4510

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DRAWINGS ARE NOT TO BE SCALED. Confirm all dimensions on site. Any apparent discrepancies in the Drawings shall be brought to the Architect's attention with time being of the essence.

NOTES:

SEAL:

ISSUED FOR		
NO	DATE	DESCRIPTION

CONSULTANTS:

PROJECT:

**LOT 18  
FEATHERTOP**

DRAWING DESCRIPTION:

**SITE PLAN**

PROJECT NO.:

15-001

PLOT SCALE:

As Indicated

DATE ISSUED:

REVIEWED:

BY:

Checker

DRAWING NO.:

**A1.02**

Applicant's Submission



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DRAWINGS ARE NOT TO BE SCALED. Confirm all dimensions on site. Any apparent discrepancies in the Drawings shall be brought to the Architect's attention with time being of the essence.

NOTES:

SEAL:

ISSUED FOR		
NO	DATE	DESCRIPTION

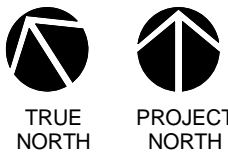
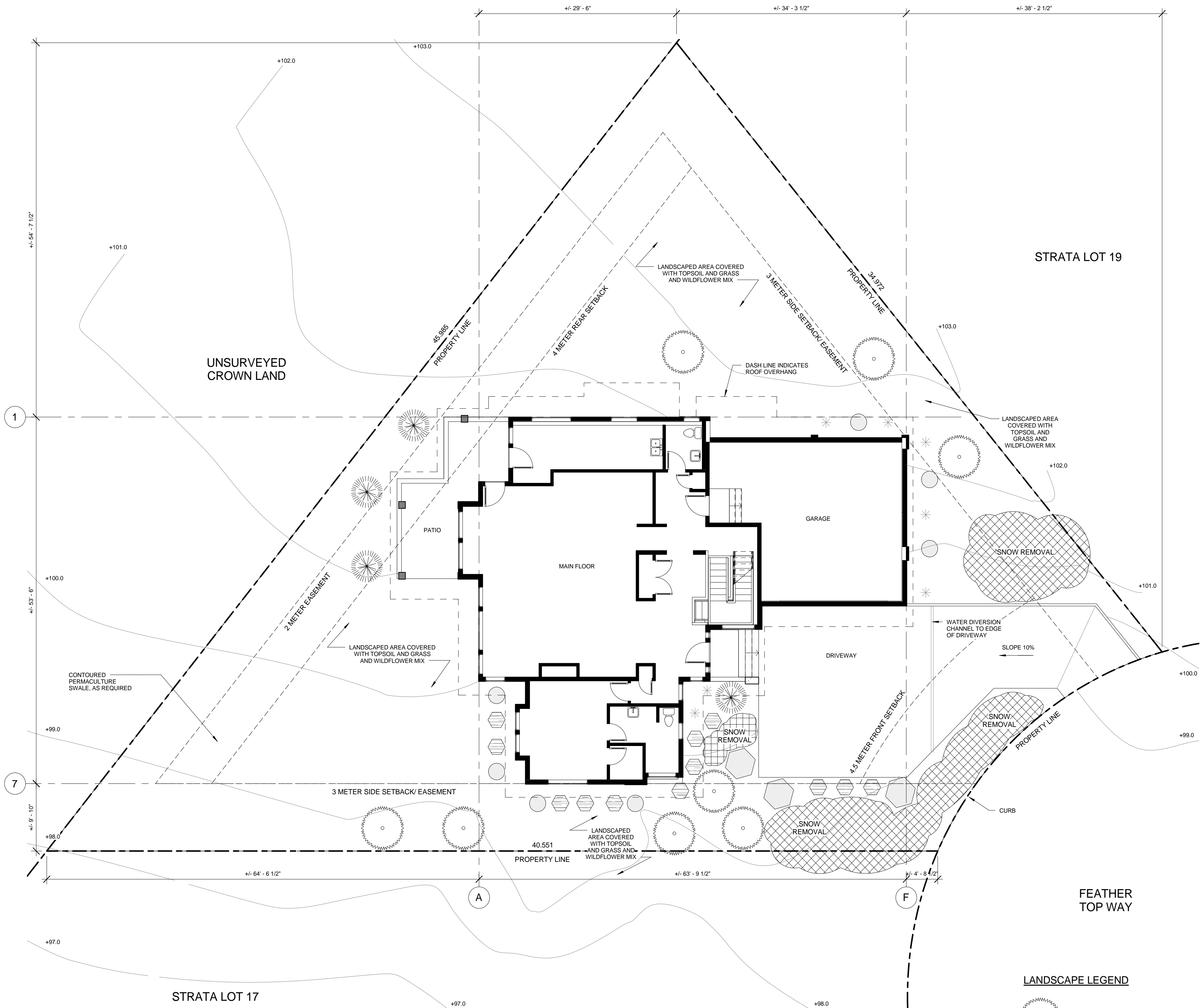
CONSULTANTS:

PROJECT: **LOT 18 FEATHERTOP**

DRAWING DESCRIPTION: **LANDSCAPE PLAN**

PROJECT NO.: 15-001	DRAWING NO.: A1.03
PLOT SCALE: 1/8" = 1'-0"	
DATE ISSUED:	
REVIEWED:	BY: Checker

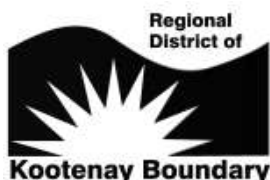
Applicant's Submission



1 LANDSCAPE PLAN  
A1.03 SCALE: 1/8" = 1'-0"

LANDSCAPE LEGEND

- PINE (8)
- FEATURE ROCK (3)
- KINKIKINIK (12)
- KARL FORESTER GRASS (7)
- WOODS ROSE (4)
- SHRUBBY CINQUEFOIL (7)



## STAFF REPORT

Prepared for meeting of July 2015

Development Permit			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Owners:</b> Chad and Katie Nugent		<b>File No:</b> BW-4222-07500.895	
<b>Location:</b> 544 Feathertop Way, Big White, Electoral Area 'E'/West Boundary			
<b>Legal Description:</b> Strata Lot 59, DL 4222, SDYD, Plan KAS3134, Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V		<b>Area:</b> 0.08 acres (356 m <sup>2</sup> )	
<b>OCP Designation:</b> Medium Density Residential	<b>Zoning:</b> Chalet Residential 3 (R3)	<b>ALR status:</b> N/A	<b>DP Area:</b> Alpine Environmentally Sensitive DP2/Commercial & Multi Family DP1
<b>Contact Information:</b> Chad Nugent PO Box 20080 RPO Town Centre Kelowna, BC V1Y 6N0 250.808.6843 <a href="mailto:chadnugent@gmail.com">chadnugent@gmail.com</a>			
Prepared by: Carly Rimell, Planner			

### ISSUE INTRODUCTION

Chad and Katie Nugent, have applied for a Development Permit to build a single family dwelling on Strata Lot 59, Feathertop Way at Big White Ski Resort (*see Site Location Map*). To obtain a building permit, the applicants must first submit a Landscape Plan for approval of a Development Permit for the Alpine Environmentally Sensitive Landscape Reclamation Area. Approval of the landscaping must occur prior to the issuance of a Certificate of Final Occupancy.

## **HISTORY / BACKGROUND FACTORS**

The subject property is an undeveloped residential parcel located on Feathertop Way. The property is designated as 'Medium Density Residential' in the Big White Official Community Plan Bylaw No. 1125, 2001 and zoned 'Chalet Residential 3' in the Big White Zoning Bylaw No. 1166, 2001. The property is within the 'Big White Alpine Environmentally Sensitive/Commercial & Multiple Family Development Permit Area.' The proposed development, of a single family dwelling, only requires the Alpine Environmentally Sensitive Landscape Reclamation Development Permit.

## **PROPOSAL**

The applicants are requesting a Development Permit to construct a single family dwelling on Strata Lot 59, Feathertop Way at Big White. The Landscape Reclamation Plan has been submitted by the applicant Chad Nugent, of Nugent Contracting.

### Development Permit Area Guidelines

The guidelines for development in the Alpine Environmentally Sensitive Landscape Reclamation Development Permit Areas have been addressed by the applicant and are outlined below (*see Applicants' Submission*) :

#### *Reclamation of Disturbed Areas*

The parcel currently has little vegetation. It was cleared in order to implement civil works infrastructure and road development. However, the applicant intends to keep disruption of the remaining native landscape to a minimum, preserving native vegetation where possible. In order to maintain the appearance of the physical and natural environment found at Big White and promote water conservation the applicants intend to plant native, drought tolerant plants where disturbance will inevitably occur. The applicants plan to transplant on-site trees and shrubs where they are able. Maintenance will be minimal once the initial period of establishment takes place.

In order to mitigate the possible threat of wildfire the applicants plan to use a solid surface driveway and walks, along with a paving stone patio and landscape rock surrounding the house as fire barriers. The applicant is committed to removing all construction debris from the site.

#### *Type of Vegetation*

The selection of plants have been chosen with respect to the short growing season and the harsh alpine climate. The Site Plan provided by the applicant shows the approximate location, amount, and type of vegetation proposed for the site.

Big White falls under the classification of two Biogeoclimactic Eco Zones (BEC): Engelmann Spruce-Subalpine Fir (ESSF) and Interior Mountain-heather Alpine (IMA). The landscape scheme has low maintenance, natural landscaping to emphasize the

natural beauty of the alpine surroundings. The selected trees are Engelmann Spruce and Sub-Alpine Fir which grow well in this mountainous region. The selected pine, Mugo Pine is a hardy smaller evergreen. The proposed shrubs are Woods Rose and Shrubby Cinquefoil, which were selected from the Big White Landscaping Guide. The landscaping scheme will be finished with 4" of topsoil and seeded with a mix of grass and flowers. The landscape plan indicates the vegetation will be a fair distance from the house to reduce risk of fire. The majority of vegetation is shown in clusters, which tends to ensure better success.

### **IMPLICATIONS**

The Certificate of Title identifies a ski easement and service easement near the rear lot line of the parcel. This is a registered easement that allows access for the public at Big White throughout the year. It appears that the paving stone pad will project onto this easement.

Setbacks are clearly marked on the Site Plan and conform with the regulations for interior side, rear and front parcel lines. Parcel coverage is compliant with the zoning bylaw as well.

The Site Plan designates snow storage areas which are entirely clear of vegetation which could be damaged or crushed by the weight of snow.

The application directly references measures to mitigate and minimize the threat of wildfire. The RDKB created a guide to Landscaping Development at Big White which highlights factors that should be considered while creating a plan. The document highlights fire protection and species selection which is reflected in the applicants' submission. This landscaping plan also avoids any juniper species which are highly flammable.

### **REFERRALS**

The application was referred to the Big White Fire Services Department and Big White Utility Department. Both departments responded that they have no concerns with the proposed development on this site.

### **ADVISORY PLANNING COMMISSION COMMENTS**

The Big White Advisory Planning Commission provided the following comments:

*Landscaping needs to be appropriate for a ski easement - potential for the chosen vegetation to be above snow level.*

*APC recommends moving the S.E. corner landscaping closer to the foundation - away for the property line.*

*The rear patio is within the easement and could be damaged if Big White ever ran a snow cat along the ski-out easement.*

**PLANNING AND DEVELOPMENT DEPARTMENT COMMENTS**

The Planning and Development Staff made the applicant aware of the APC's comments. The applicant has now submitted a new site plan which addresses the APC's concerns regarding placement of vegetation in the south east corner and the patio encroachment onto the ski easement. These issues have been remedied and the new site plan will be attached to the permit when it is issued.

**BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

*Applicants' Submission*

**RECOMMENDATION**

That the staff report regarding the application for a Development Permit submitted by Chad and Katie Nugent, for the property legally described as Strata Lot 59, DL 4222, SDYD, Plan KAS3134, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V, be received.





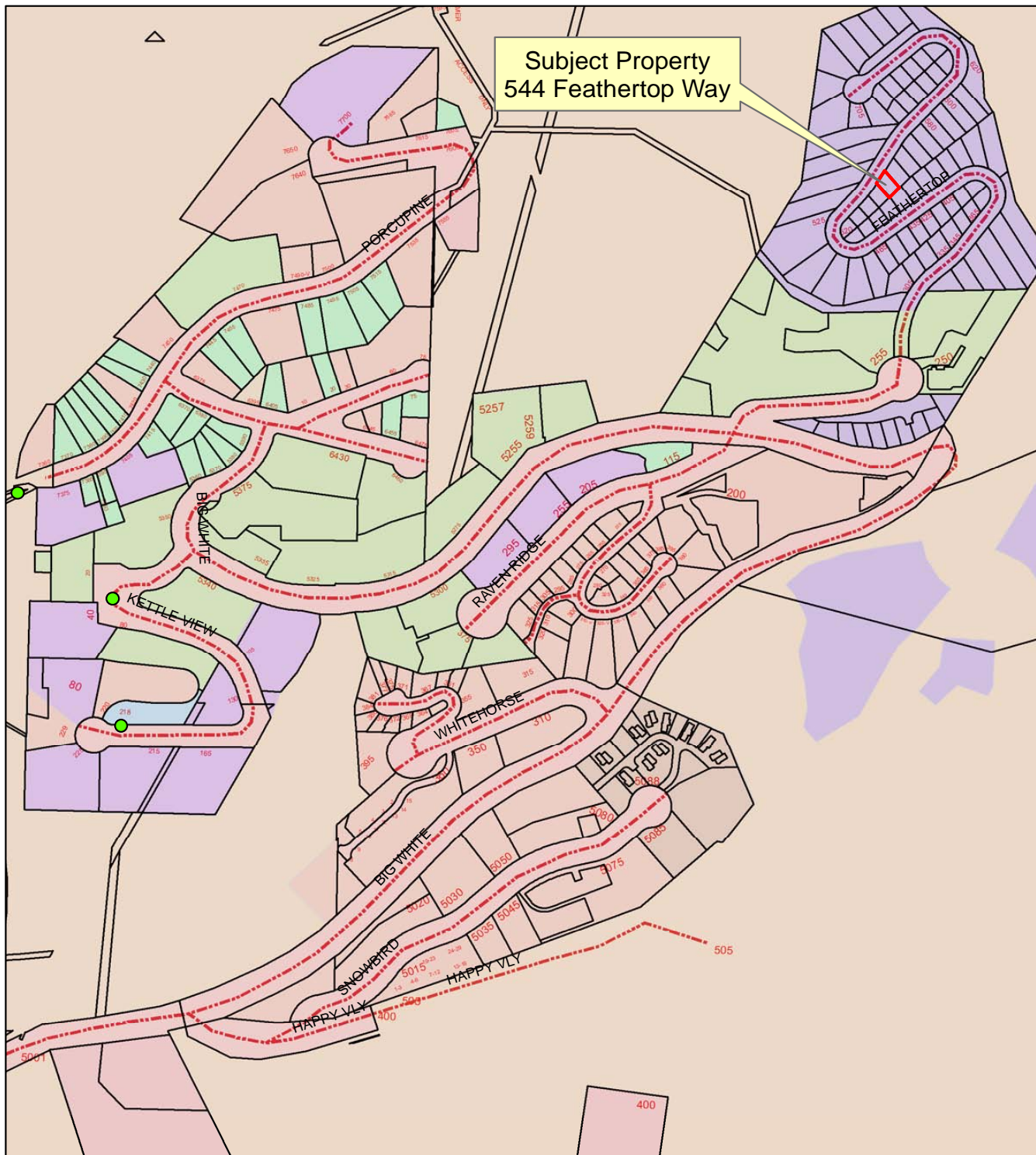
2015/06/17

# Site Location Map

Scale 1:5,500



0 25 50 100 150 200 250 300  
Meters



P:\GIS\WRDKB\MapDocuments\Routine\_Maps\SiteLocationMap\BW\2015-06-16\_DL4222\_Nugent



### Damaged Land Reclamation Plan

In our plan for this proposed Single Family home, we intend to keep disruption to the native landscape to a minimum, preserving all native vegetation where possible.

In order to maintain the appearance of the physical and natural environment found at Big White and promote water conservation, we intend to plant native, drought tolerant plants where disruption has occurred. We plan to transplant trees and shrubs where we are able, away from the edges of the driveway where we intend to store cleared snow.

We are also committed to removing all construction debris from the site.

In order to mitigate the possible threat of wildfire we plan to use a solid surface driveway and walks, along with a paving stone patio and landscape rock surrounding the house as fire barriers.

Our plan is to have low-maintenance, natural landscaping to emphasize the natural beauty of our surroundings.

Thank you for your consideration,

Chad and Katie Nugent

Handwritten signatures of Chad and Katie Nugent. The signature for Chad is a stylized 'C' followed by 'Nugent'. The signature for Katie is a stylized 'K' followed by 'Nugent'.

2

GENERAL NOTES

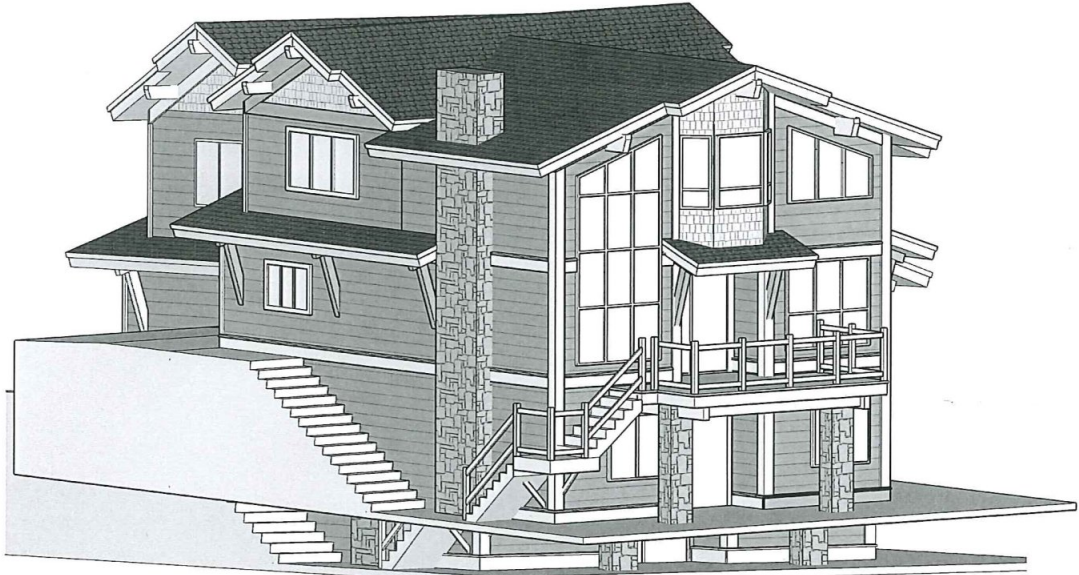
PROJECT STANDARDS

All work on the project shall meet or exceed the following codes:

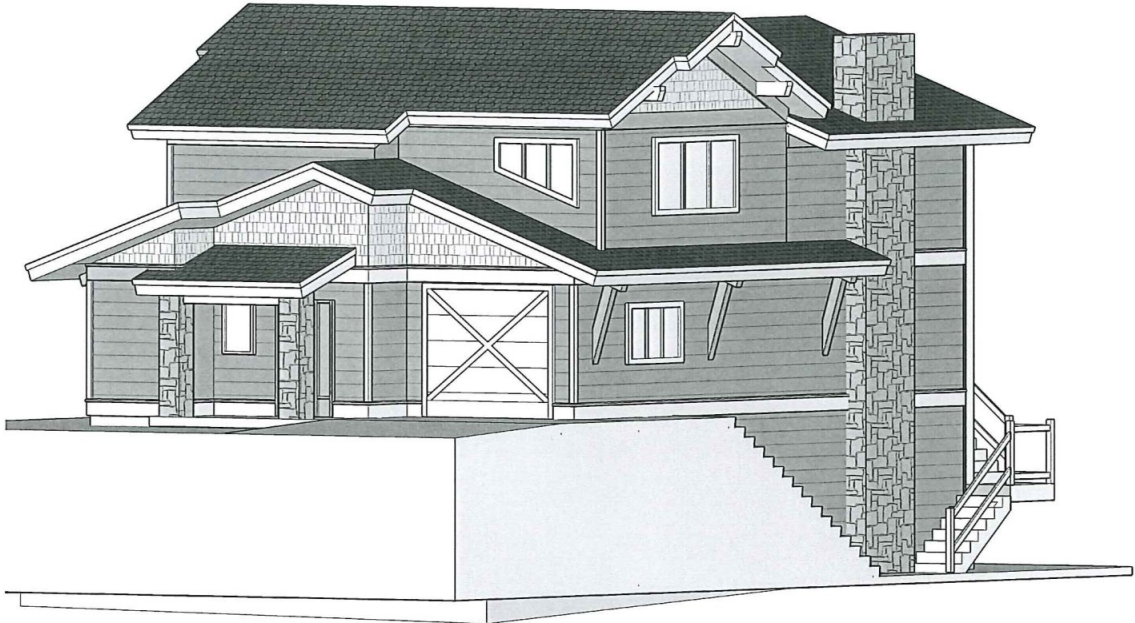
- 1. Latest edition of the British Columbia Building Code (BCBC)
- 2. Latest edition of the British Columbia Electrical Code
- 3. Latest edition of the British Columbia Plumbing Code
- 4. Latest edition of the British Columbia Fire Code
- 5. Latest edition of the British Columbia Gas Safety Code
- 6. Latest edition of the British Columbia WorkSafe BC requirements
- 7. All products shall be CSA approved

CONTRACTOR RESPONSIBILITIES

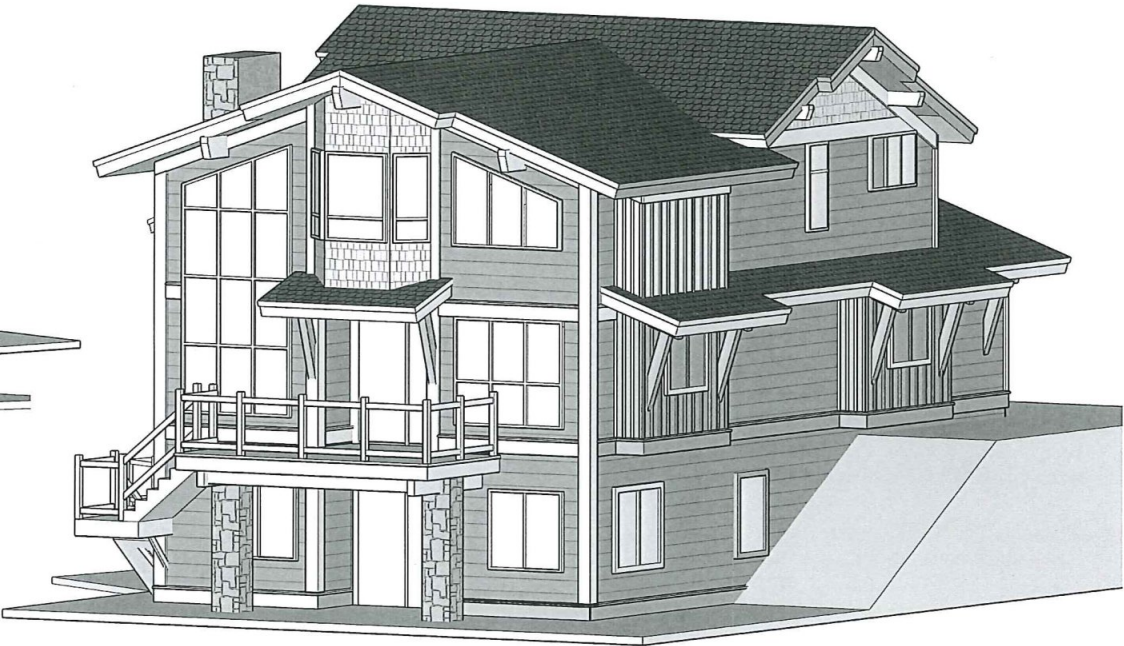
- 1. Before construction commences it is the responsibility of the Contractor to check all details and dimensions to confirm for accuracy and assure there are no discrepancies
- 2. PERMITS sub contractors shall be responsible for applying for and obtaining all required permits
- 3. WCB CLEARANCE LETTERS AND OTHER APPROPRIATE CERTIFICATES OF INSURANCE SUBMITTED TO GENERAL CONTRACTOR ALONG WITH ALL JOB BIDS.
- 4. Company signs may be displayed with a maximum size of 2'6" x 2'6" facing main roads and shall not in anyway impede visibility or safety of road or building site.
- 5. USE OF SITE - KEEP SITE NEAT AND CLEAN -  
subcontractors are responsible for:
  - removal of all garbage pertaining to their work.
  - operating in a safe and efficient manner
  - respecting all municipal noise control regulations
  - utilizing supplied wash room facilities
- 6. Every effort has been made to assure an accurate and complete set of drawings however the possibility of human error cannot be eliminated. Therefore NUGENT CONSTRUCTION will not be liable for any errors or omissions.



SOUTH WEST VIEW



NORTH WEST VIEW



SOUTH EAST VIEW

544 FEATHER TOP WAY

PO BOX # 20080 TOWN  
CENTER  
V1Y 1H7  
KELOWNA BC

NUGENT CONTRACTING  
250 808 6843

NUGENT  
CONTRACTING

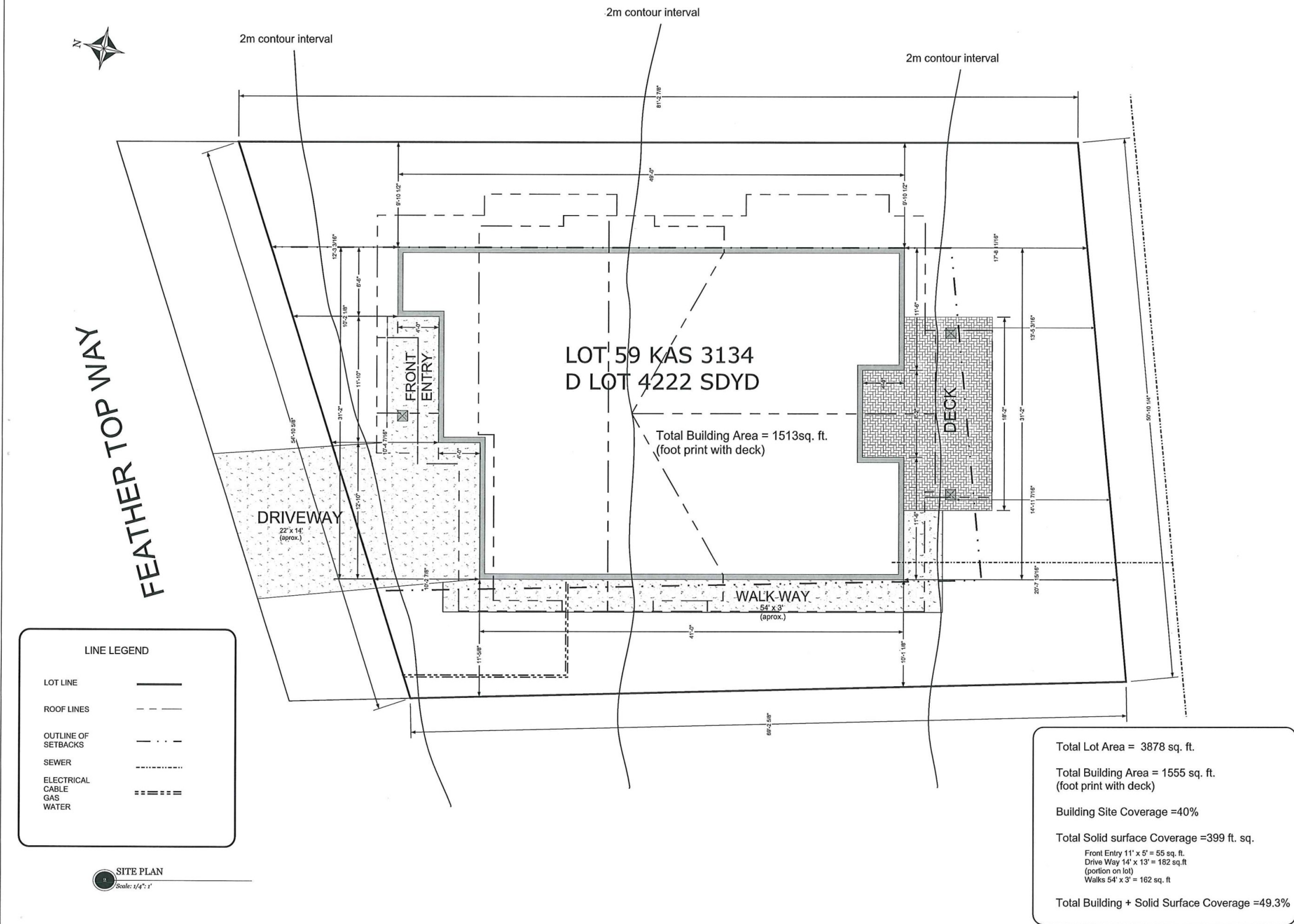
PROJECT  
LOT 59 KAS 3134 D LOT  
544 FEATHER TOP WAY  
544 FEATHER TOP WAY BIG  
WHITE BC

DRAWN BY  
Chad Nugent

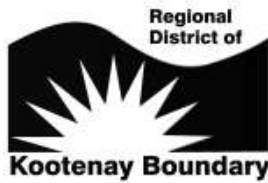
A1

Applicants' Submission









## STAFF REPORT

Prepared for meeting of July 2015

Development Permit with Variance			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Owners:</b> Annie Rioux and Thomas Renolds		<b>File No:</b> C-498-02999.080	
<b>Agent:</b> Pettapiece Homes and Development			
<b>Location:</b> 1680 Santa Rosa Road, Christina Lake, Electoral Area 'C'/Christina Lake			
<b>Legal Description:</b> Lot 8, DL 498, SDYD, Plan KAP46442		<b>Area:</b> 1 acre (4046m <sup>2</sup> )	
<b>OCP Designation:</b> Highway Commercial	<b>Zoning:</b> Highway Commercial 2 (C2)	<b>ALR status:</b> No	<b>DP Area:</b> General Commercial DP Area
<b>Contact Information:</b> Ken Pettapiece PO Box 597 Christina Lake, BC V0H 1E0 (250) 442-6379 <a href="mailto:towerridge_7@shaw.ca">towerridge_7@shaw.ca</a>			
<b>Report Prepared by:</b> Jeff Ginalias, Senior Planner			

### ISSUE INTRODUCTION

The owners, through their agent, have applied for a Development Permit to add a commercial building onto this parcel on Santa Rosa Road (*see Site Location Map*). There is an existing, vacant, unserviced building already on the parcel (*see Ortho Photo*). The commercial building will have the capacity for three separate commercial operations, and it appears the development will incorporate the existing building into the theme for the parcel. As the property is located in the General Commercial Development Permit Area, a development permit is required.

## HISTORY / BACKGROUND FACTORS

The property is designated Highway Commercial in the Area 'C' OCP and zoned Highway Commercial 2 (C2) in the Area 'C' Zoning Bylaw. The property is within the General Commercial Development Permit area.

In February 2007, a Development Permit was issued for the subject parcel and a parcel to the south, across Santa Rosa Road. The development plans were to construct a 22 unit cottage style motel. In 2007 a commercial building permit was issued for one of the "cottages", as a show home for the motel units. However, the development never went further. The cottage is not occupied, and is not serviced with water or septic. How its use will be incorporated into the development and operation of the parcel is not discussed in the application, other than its look is the basis for the rest of the development.

## PROPOSAL

The applicants propose building a commercial building with space for 3 tenancy units (*see Applicants Submission*). The total floor area for the building is about 310m<sup>2</sup> (3350ft<sup>2</sup>). The businesses which may locate there are not identified. They may not be known at this time. There is no requirement to identify them in the development permit process. When the time comes, the businesses must comply with the permitted uses. The C2 zoning permits a shopping centre, which is defined as:

*"...a group of three or more commercial establishments which are planned, designed and developed as an entity and having an off-street parking area provided on the same parcel."*

The proposal attempts to address this.

## IMPLICATIONS

### ***Development Permit Area Guidelines***

A Development Permit is required for all new buildings and structures in the General Commercial Development Permit Area. The following guidelines have been established for development in this area.

General Commercial Development Permit Guidelines:

Buildings should be sited to face a public road or open space such as a square. The rear walls of buildings should not be visible from a public road or street.

Buildings shall be finished on all sides with consistent exterior materials and colours to be used on all building facades. An artistic rendering showing the building in colour shall be provided.

Buildings shall have safe, practical access and parking areas for passenger vehicles. A plan showing parking areas with proposed traffic circulation patterns must be provided.



Parking areas and driveways for new developments on vacant land should have paved or concrete surfaces. Expansions to existing developments should be surfaced with a material which minimizes dust. Paved or concrete surfaces are encouraged. The site and parking plan will be referred to the Ministry of Transportation for their approval.

The design and layout of buildings and parking areas shall address and promote pedestrian activity and should include features such as low profile lighting, sidewalks, landscaping, street furniture, obvious building access points and parking areas that emphasize pedestrian safety and convenience.

Safe pedestrian connections shall be provided from parking areas to the building's main entry.

Appropriate fire-truck and other emergency vehicle access must be ensured. The Christina Lake Fire Chief may be asked to comment on applications.

Landscaping should be implemented to enhance the appearance of the commercial area.

Developments which involve multiple uses on one property are strongly encouraged. Any development, which incorporates the concept of a well designed central gathering place and focus for the community, will be favourably received.

Signs should be consistent with building designs and complement their surroundings.

The applicants attempt to explain how they will address the development permit guidelines is with both narrative and renderings.

### **Building Siting and Finish**

For the new building, the applicants propose the finish to be the same colour and theme as the existing cottage.

### **Access, Parking and Traffic**

There is no narrative description on access. The rendering and Site Plan drawings show two access points, the exiting access off Santa Road and a new access off Sandner Frontage Road. Necessary access permits will be reviewed and issued by the Ministry of Transportation and infrastructure.

The applicants propose 23 parking stalls. Parking requirements are prescribed in the zoning bylaw (Section 319). The proposed width and length (11' x 18' = 3.4m x 5.5m) of each space meets the individual parking space requirements.

Retail stores and shops require 5 parking spaces per 100m<sup>2</sup> of gross floor area used for retail. The new commercial development requires 17 spaces. The status of the existing building is unclear, and its eventual use will dictate its parking requirement. The proposed 23 spaces seems adequate at this time. If more spaces are required later, the applicant advises they have room for them. Parking revisions can be addressed through a development permit amendment process.

They propose a hard surface, either paved or concrete for the parking stalls, with the balance of the driveway areas to be crushed rock.

### **Landscaping and Signage**

For landscaping, the applicants propose a mix of shrubs, trees, bushes and some grass and bench seating. The rendering shows conifer trees and grass. The applicant advises that shrubs and bushes were hard to depict in the rendering, but are intended for the development. Part of the intent behind the landscaping with trees, shrubs and bushes is to direct foot traffic to the open areas of the parcel.

### ***Signage and the Request for a Variance***

Each individual unit will have a business sign on the gable roof above its entrance. The zoning bylaw (Section 318) establishes a maximum of two signs per parcel, unless permitted differently elsewhere in the zoning bylaw. There is no exception for the C2 Zone. There are three separate commercial units planned; for each to have its own sign requires a variance from the signage bylaw regulations.

A variance can be granted through the development permit approval process as long as it does not vary use or density and:

- a) is consistent with the development permit guidelines;
- b) is shown to enhance the proposal;
- c) is necessary due to an unavoidable physical constraint; and
- d) does not adversely impact an adjacent property.

In the present case, it makes sense to allow each business to be able to place a tasteful sign by their entry. Accordingly, the request to vary the sign regulation bylaw provision to allow each unit to place a sign on the gable roof by the entrance is being considered as part of this application. The variance request is not for a sign display larger than permitted in the zoning bylaw.

The applicant is not proposing a free standing pylon central sign on the parcel. Based on the location and the good visibility of the area, they believe the small individual signs are adequate and more tasteful, and should be sufficient.

### **IMPLICATIONS**

The parcel is commercially zone, Highway Commercial 2 (C2). The proposal satisfies the C2 zoning, even though the specific uses in each commercial unit are not defined at this time. This type of development is consistent with the commercial objectives and policies in the OCP.

### **REFERRALS**

This application has been referred to the Ministry of Transportation and Infrastructure, Christina Lake Fire Chief, and Christina Waterworks District for comments. The Christina Lake Fire Chief has no concerns with this proposal. The RDKB Planning Department was

still awaiting comment from Christina Waterworks District and Ministry of Transportation and Infrastructure when this report was assembled. A permit will not be issued until comments are received from these organizations.

#### **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'C'/Christina Lake Advisory Planning Committee had no objections regarding the application.

#### **BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

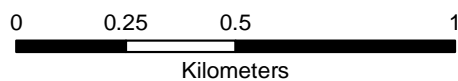
*Ortho Photo*

*Applicants' Submission*

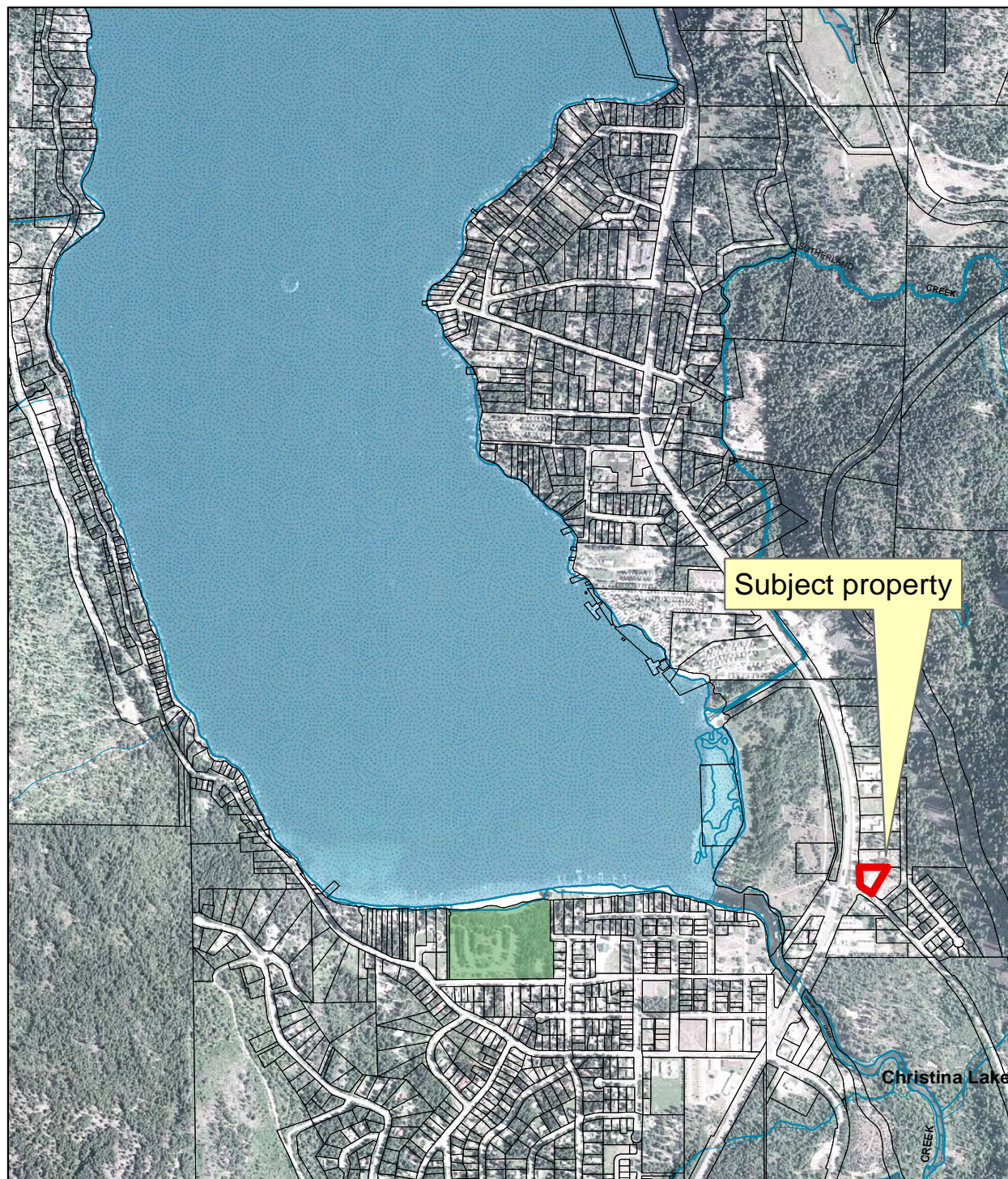
#### **RECOMMENDATION**

That the staff report regarding the application for a Development Permit to build a commercial building with space for 3 tenancy units in the General Commercial Development Permit Area, submitted by Ken Pettapiece, as agent for Annie Rioux and Thomas Renolds, for the property legally described as Lot 8, DL 498, SDYD, Plan KAP46442, be received.



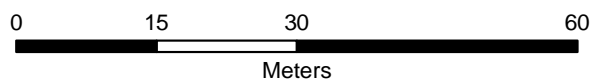


## Site Location Map



Projected Coordinate System:  
NAD 83 UTM Zone 11N






**Ortho Photo**



Projected Coordinate System:  
NAD 83 UTM Zone 11N

Applicants' Submission

 <p><b>Regional District of Kootenay Boundary</b></p>	<p align="center"><b>PLANNING AND DEVELOPMENT DEPARTMENT APPLICATION FORM ELECTORAL AREAS 'A' TO 'E'</b></p>	
<p><i>RDKB Main Office 202-843 Rossland Avenue Trail, BC V1R4S8</i></p>	<p>Telephone: 250-368-9148 Fax: 250-368-3990</p>	<p>Toll Free: 1-800-355-7352 Email: <a href="mailto:plandep@rdkb.com">plandep@rdkb.com</a></p>
<p><i>RDKB Sub-Office PO Box 1965 Grand Forks, BC V0H 1H0</i></p>	<p>Telephone: 250-442-2708 Fax: 250-442-2668</p>	<p>Toll Free: 1-877-520-7352 Email: <a href="mailto:plandep@rdkb.com">plandep@rdkb.com</a></p>

**TYPE OF APPLICATION (PLEASE CHECK THE APPROPRIATE BOX):**

- (a) ☐ Zoning Amendment Only                      (f) ☐ Development Variance Permit
- (b) ☐ Zoning & Official Community Plan Amendment                      (g) ☐ Temporary Use Permit
- (c) ☐ Official Community Plan Amendment Only                      (h) ☐ Temporary Use Permit Renewal
- (d) ☒ Development Permit                      (i) ☐ Site-specific exemption to Floodplain Bylaw
- (e) ☐ Development Permit Amendment                      (j) ☐ Designation of Heritage Properties

**APPLICATION FEES:**

Types (a) or (c) application .....	\$1000.00	+ \$100.00 Sign Fee
Type (b) application .....	\$1200.00	+ \$100.00 Sign Fee
Type (d) application for construction value exceeding \$4000.00 .....	\$200.00	
Type (d) application for construction value under \$4000.00 .....	\$50.00	
Type (e) application .....	\$50.00	
Type (f) application .....	\$450.00	+ \$100.00 Sign Fee
Type (g) application .....	\$650.00	+ \$100.00 Sign Fee
Type (h) application .....	\$200.00	
Type (i) application .....	\$200.00	
Type (j) application .....	\$1,000.00	

\*\*Please make all cheques payable to *The Regional District of Kootenay Boundary***DEVELOPMENT PROPOSAL SIGN FEE**

The Regional District's Fees and Procedures Bylaw No. 1231 requires the posting of a Development Proposal Sign in certain circumstances. If such a sign is necessary, a fee of \$100 additional to the above-noted fees, is required for the sign board and preparation of text. Applicants will be refunded \$70.00 once the sign has been returned to the RDKB in good condition.

**REFUNDS:**

If type (a) or (c) application is denied before public hearing .....	\$500.00
If type (b) application is denied before public hearing .....	\$600.00
If a Development Proposal Sign is returned in good condition .....	\$70.00

\*\*\*Fees for application types (d), (e), (f), (g), (h) and (i) are non refundable

Name(s) of registered owner(s): Annie Rioux & Thomas Reynolds

Address: Box 141 Christina Lake B.C.

Telephone/Fax: 250-447-6220 Email: annie\_rioux@hotmail.com Land Area in ha 0.405

Legal description of land under application: Lot 8 PL 498 SPD  
Plan KAP 46442

Page 1 of 4



## Applicants' Submission

Please explain your reasons for requesting this application, and please also describe in detail your development proposal (use space provided on the back of this form, or attach a separate sheet of paper if needed):

New construction of commercial building  
strip mall with 3 tenancy units. Also permitted  
uses for the existing cottage built on-site.  
Colours to exterior mall to theme from existing cottage.  
Hard surface on all parking stalls indicated on colored  
rendering image, balance of driveway areas crushed rock.  
Soft landscape areas mix of shrubs, trees, bushes & some  
grass and bench seating.

### SUPPORTING INFORMATION REQUIRED

In support of your application, please answer the following questions:

	YES	NO
1. Are there any Restrictive Covenants registered on the subject property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Are there any registered Easements over the subject property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Is there legal and practical road access to the subject property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**\*\*The following information is also required (failure to do so may delay or jeopardise the application):**

- A copy of the Certificate of Title or recent Tax Assessment notice for the subject property or properties;
- A plan drawn to an appropriate scale, accompanied by a written report (if necessary) showing:
  - the legal boundaries and dimensions of the subject property;
  - boundaries and dimensions of any proposed lots (if subdivision is being proposed);
  - the location of any physical or topographic constraints on the subject property (such as watercourses, shorelines, ravines, wetlands, steep slopes, bedrock outcrops, etc.);
  - the location of permanent buildings and structures on the subject property;
  - the location of any proposed buildings, structures or additions thereto;
  - the location of any existing or proposed access roads, driveways, screening and fences;
  - the proposed method of sewage disposal and the location of any existing and/or proposed septic tank, tile field, sewer line or similar, and water sources (well or community water service pipe location); and
  - the location of any earthworks/grading and/or proposed landscaping on the subject property.
- Application types (d) and (i) only:** A copy of a professional's report which addresses relevant development permit guidelines may be required. Please consult the Regional District Planning and Development Department if you are unsure about this requirement.
- Additional material, or more detailed information may be requested by the Regional District upon reviewing your application.

*If the Regional District believes it to be necessary for the property boundaries and the location of improvements thereon to be more accurately defined due to uncertainty over natural boundaries of watercourses or other reasons, a sketch prepared by a British Columbia Land Surveyor may be required. The voluntary submission of such a sketch may prevent a possible delay in processing the application.*

## Applicants' Submission

Should the property owners elect to have someone act on their behalf in submission of this application, the following Agent's Authorization section must be completed.

**AGENT'S AUTHORIZATION**

I, Annie Rioux/Thomas Reynolds hereby authorize Pettapiece Homes & Dev. to act on my behalf in respect of this application.

Name of Authorized Agent: Ken Pettapiece

Address of Agent: Box 597 Christine Lake B.C. V0H 1E0

Telephone/Fax: 250-442-6379 Email: Toweridge\_7@shaw.ca

Annie Rioux  
Signature of Owner

Date: May 26<sup>th</sup> 2015

The following Declaration should be completed **ONLY** if the subject property **HAS NOT** been used for industrial or commercial activity as defined on the **attached Contaminated Sites Regulation Schedule 2**.

**DECLARATION PURSUANT TO THE ENVIRONMENTAL MANAGEMENT ACT**

I, Anne Rioux & Thomas Reynolds, owner of the subject property described on this application form, hereby declare that the land which is the subject of this application has not, to my knowledge, been used for industrial or commercial activity as defined in the list of "Industrial and Commercial Purposes and Activities" (Schedule 2) of the *Contaminated Sites Regulation* (B.C. Reg. 375/96). I therefore declare that I am not required to submit a Site Profile under Section 40.1 or any other section of the *Environmental Management Act*.

Annie Rioux  
Signature

May 26<sup>th</sup> 2015  
Date

Please submit this application form to our office(s) with appropriate fees and supporting information (page 2).

**NOTE:** Should the subject property have been used for the purpose of any category listed on **Schedule 2**, a Ministry of Environment **Site Profile** form **Schedule 1** (available from Regional District offices in Trail and Grand Forks or on the RDKB web site [www.rdkb.com](http://www.rdkb.com)) must be completed and submitted to our offices with this Application form and the appropriate RDKB fees.

I, the undersigned, hereby certify that the information provided with respect to this Regional District of Kootenay Boundary application is full and complete and is, to the best of my knowledge, a true statement of the facts related to this application.

Annie Rioux  
Signature of Owner

May 26<sup>th</sup> 2015  
Date

**\*\*Applicants are entitled to appear before the Electoral Area Advisory Planning Commission and the Planning and Development Committee to explain the nature of their request. Should the applicant choose to exercise this option it is their responsibility to contact the Electoral Area Advisory Planning Commission Chairperson, or the RDKB Planning and Development Department Secretary, as is appropriate, with respect to meeting schedules and procedures. As a final option, the applicant may also choose to appear before the full RDKB Board of Directors to explain the nature of their request. Appearances before both the Planning and Development Committee and the Board of Directors require written notification at least one week prior to the scheduled meeting. Information as to RDKB meeting schedules may be obtained on the RDKB web site [www.rdkb.com](http://www.rdkb.com) or by calling the Regional District of Kootenay Boundary Trail office.**

## Applicants' Submission

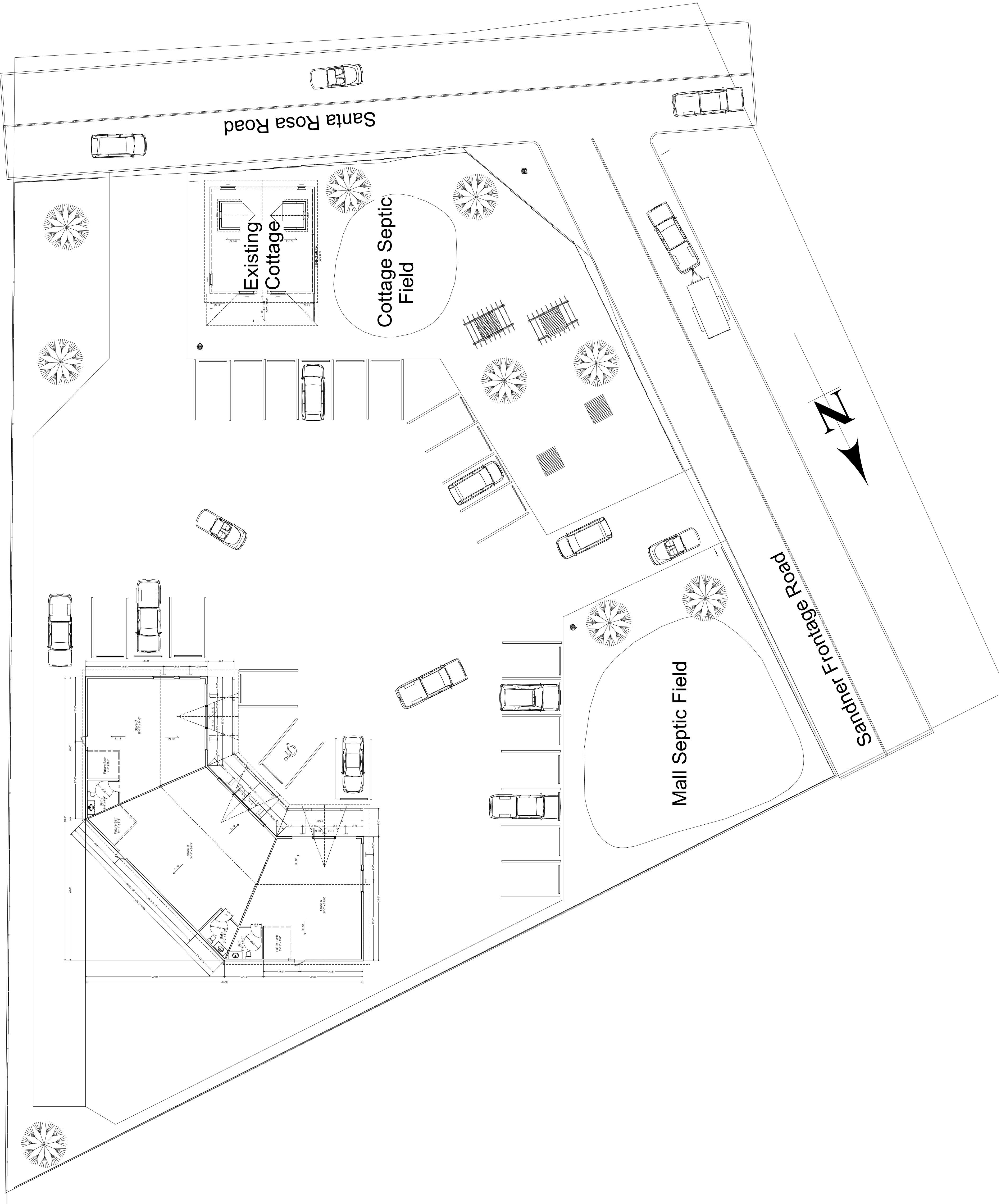
Please use this additional space to explain your reasons for requesting this application and to describe your development proposal.

Individual business signs located on gable roof of each unit centred on individual entrance. Signs are not to exceed the maximum size requirement in the zoning by-law. Lighting low profile above the signage areas.

General landscape lighting to be low profile ground.



Applicants' Submission



Applicants' Submission

**Jeff Ginalias**

---

**From:** Carly Rimell  
**Sent:** June-19-15 8:30 AM  
**To:** Jeff Ginalias  
**Subject:** Fwd: Christina Strip Mall  
**Attachments:** ATT00001.htm

Here is some additional information for the Christina lake general commercial development permit on Santa Rosa. I asked him to specify parking.

cr

Sent from my iPhone

Begin forwarded message:

**From:** "Ken Pettapiece" <[towerridge\\_7@shaw.ca](mailto:towerridge_7@shaw.ca)>  
**To:** "Carly Rimell" <[crimell@rdkb.com](mailto:crimell@rdkb.com)>  
**Subject:** Christina Strip Mall

Hey Carly - Find attached the plot plan overview for the proposed mall layout . The 23 indicated parking stalls are approximately 11' x 18' in size .

Cheerzzzz,

**Ken Pettapiece**  
[towerridge\\_7@shaw.ca](mailto:towerridge_7@shaw.ca)  
250-442-6379



Applicants' Submission



Applicants' Submission



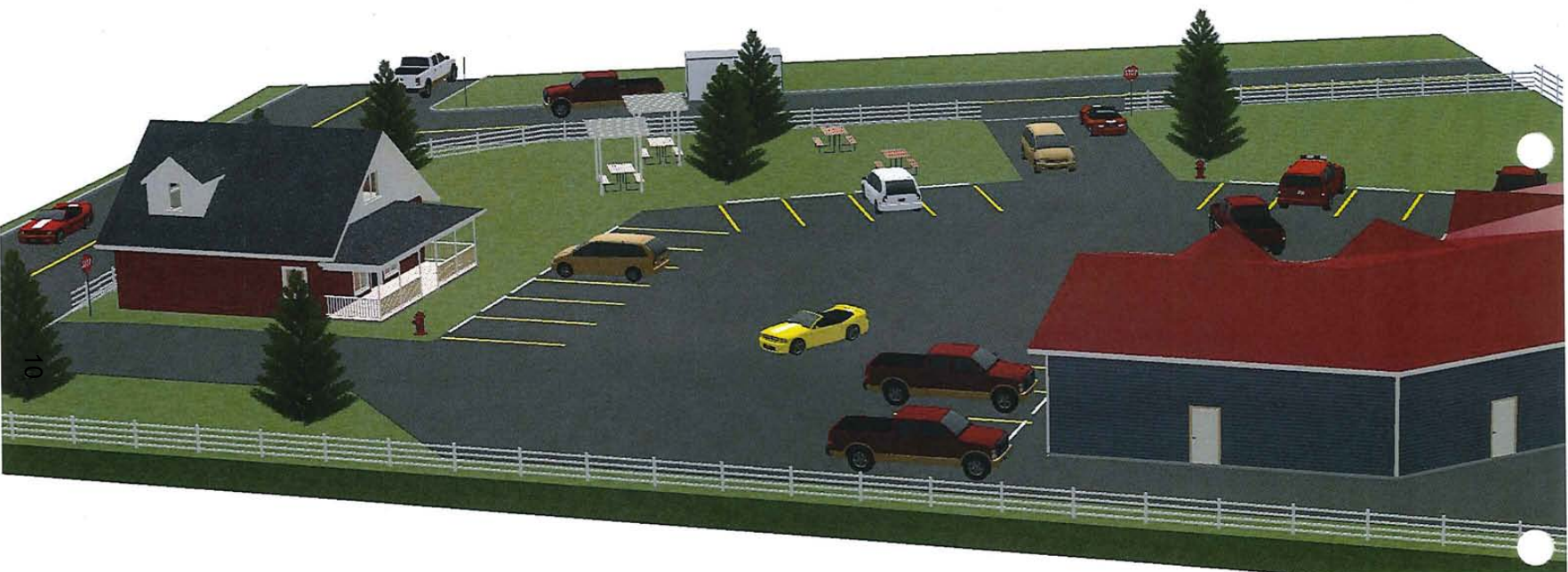
Applicants' Submission



9



Applicants' Submission



Applicants' Submission





Applicants' Submission



Karin Bagn, J.D., Ph.D.  
P.O. Box 2012  
Grand Forks, British Columbia V0H 1H0  
phone: (250) 442-2248; fax: (866) 706-9553  
[Karin@KarinBagnLaw.com](mailto:Karin@KarinBagnLaw.com)

July 21, 2015

Chair McGregor and members of the RDKB Board of Directors

Re: Grand Forks Public meeting about smart meters

Dear Chair McGregor and members of the Board of RDKB Directors,

In response to a growing number of concerns and conflicting information about FortisBC Itron smart meters, the Grand Forks Watershed Coalition and Area D residents will present an educational forum in Grand Forks August 12, 2015. Area D Director Roly Russell has generously agreed to provide financial assistance.

The presentation will feature Malcolm Paterson, Ph.D., molecular oncologist and cancer researcher. Residents will be able to ask questions after the presentation. Some residents are calling for a humanitarian exemption from smart meters, for those with health or medical issues and/or other good faith bases for wanting to keep their analog meters.

Other people are concerned about a recent court case in Texas in which Itron smart meters are alleged to be defective, a fire hazard and a danger to meter installers. A suspension of installation of these meters would give the B.C. Utilities Commission and any investigative agency time to conduct an independent inquiry into health and safety issues associated with Itron meters.

There is a lot of inaccurate and misleading information being distributed about smart meters. This educational forum will help us separate fact from fiction, and provide community suggestions to RDKB in connection with protection of resident health and safety.

The meeting will be held from 6:00 p.m. to 8:00 p.m., August 12, 2015, at the Grand Forks Seniors Society, 565 71st Avenue (in city park.) We hope to see many people from Grand Forks and surrounding communities attend.

Please let me know if there is any additional information you need in this regard. Thank you for the opportunity to add this letter to the agenda for the July 30, 2015 meeting.

Best wishes,

Karin Bagn

P.S. I have been advised the GPS will not be able to locate the Seniors Center address.

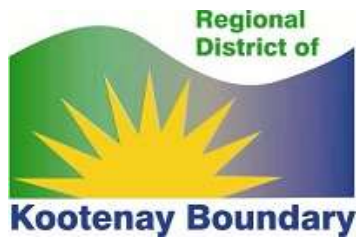
**Malcolm Paterson**  
**Bio-sketch**

Malcolm Paterson, who is now retired and living in Okanagan Falls, BC, spent his entire 40-year career in cancer research. He is a graduate of Royal Military College (BSc), Queen's University [MSc (Biology)]; and University of Tennessee [PhD (Biomedical Sciences)].

Dr. Paterson is internationally acclaimed for his innovative research into how human cells sense and respond to environmental (ionizing radiation) stress and the breakdown of the underlying mechanisms as the frequent initiating and rate-limiting event in cancer development.

He collaborated with Dr. Dennis Slamon of UCLA at an early stage in Dr. Slamon's pioneering development of Herceptin (Trastuzumab) as an effective antibody-based therapy for breast cancer. Herceptin is currently front-line therapy for ~25% of all breast cancer patients.

During his research career in 5 countries on three continents, Dr. Paterson authored 168 scientific articles; spoke at 120 scientific meetings; and delivered 200 lectures at various medical centres and universities in 18 countries.



## STAFF REPORT

**Date:** 02 Jul 2015 **File** ADMN Board General

**To:** **Chair McGregor and Members of the RDKB Board of Directors**

**From:** Theresa Lenardon, Manager of Corporate Administration

**Re:** Change in Board Meeting Locations - August & September 2015

### Issue Introduction

A staff report from Theresa Lenardon, Manager of Corporate Administration regarding changes to the location of the August 27, 2015 and the November 26, 2015 Board meetings.

### History/Background Factors

The Board of Directors adopted a tentative Board meeting schedule at the Statutory Board meeting held in December 2014. In addition to identifying the times and dates of Board meetings, this schedule also identifies Board meeting locations such as when Board meetings will be held in Trail, Grand Forks and when one meeting will be held in a "different East End location" (eg rather than in Trail) and in a "different West End location" (eg rather than in Grand Forks).

Pursuant to Section 5.1 of the RDKB Procedure Bylaw, the Board must adopt a resolution at a regular Board meeting authorizing changes to the meeting locations if a meeting is to be held in a location that differs from the adopted schedule.

Based on the schedule adopted in December, the August 27, 2015 Board meeting was to be held in a West End location different from Grand Forks. It has been agreed that the West End location will be Big White Ski Resort.

RDKB staff have been advised that there are not enough businesses operating at Big White during August to service the Board's needs in terms of accommodation, meals etc. and that November is a better time to schedule the Board meeting at Big White.

However, the adopted Board meeting schedule identifies the location of the November 26, 2015 Board meeting to be held in Trail.

Therefore, the Board must adopt a resolution approving changes to the location of the November Board meeting from Trail to Big White and the location of the August meeting from a West End community to Trail.

### **Implications**

There are no implications to changing the Board meeting locations.

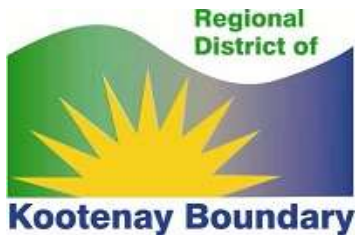
### **Alternatives**

1. Receipt only
2. Approve the proposed Board meeting location changes
3. Do not approve the proposed Board meeting location changes

### **Recommendation(s)**

That the Regional District of Kootenay Boundary Board of Directors approves changing the location of the August 27, 2015 Board meeting from another RDKB West End community to Trail, B.C. **FURTHER** that the location of the November 26, 2015 Board meeting be changed from Trail, B.C. to Electoral Area 'E' / Big White Ski Resort, B.C.





## STAFF REPORT

**Date:** 25 Jun 2015

**File** ADMN Leases-2360

**To:** **Chair McGregor and Members of the  
RDKB Board of Directors**

**From:** Theresa Lenardon, Manager of Corporate  
Administration

**Re:** Beaverdell Fire Hall Lease

### Issue Introduction

A staff report from Theresa Lenardon, Manager of Corporate Administration regarding a 3-year extension to the Beaverdell Fire Hall Lease Agreement between the RDKB and the Beaverdell Community Club and Recreation Commission (BCCRC).

### History/Background Factors

Commencing January 1, 2004, the RDKB entered into the initial lease agreement with the BCCRC with the purpose to lease property for the location of the Beaverdell Fire Hall.

The RDKB owns the fire hall. A building permit was issued for the fire hall structure on September 2, 2003 with the BCCRC listed as the owner of the lands.

The portion of the lands on which the fire hall is located is approximately 1.02 acres. The entire property is approximately 3.3. acres.

The term of the lease agreement (attached) is set out in Article 4. Clause 4.2 authorizes the parties to renew the Lease for a further Term of three (3) years; the "Renewal Term". A condition of this renewal is that at least three months (September 30) prior to the Expiry Date (December 31), the RDKB must give the BCCRC written notice of the Board's intent to renew. Any renewal of the Lease will be on the same terms and conditions as set out in the previous lease (e.g. the same as the attached).

Upon a review of the files for all RDKB contracts, leases, agreements etc., staff discovered that the RDKB renewal letter inquiring about the BCCRC's interest to renew the agreement

from January 1, 2013 to December 31, 2015 was not sent to the BCCRC. It should have been sent out September 30, 2012.

Since then, staff have communicated with the Treasurer of the BCCRC who took the matter to the BCCRC Board of Directors. The BCCRC Board of Directors has confirmed via the attached June 12, 2015 letter that it agrees to extend the existing Lease as written January 1, 2013 through December 31, 2015.

Article 2 (page 2) sets out the conditions of the lease and Article 3 (page 2) sets out the fees paid by the RDKB (\$1.00 annually). The RDKB's obligations are identified in Article 6 on page 4.

The next possible 3-year renewal Term would begin January 1, 2016 and expire December 31, 2018. Staff will forward a 3-year renewal offer to the BCCRC in September 2015. Should the BCCBC agree to extend the Lease for a new three-year Term, the Board will consider the 2016-2018 Lease at the October or November Board meeting.

### **Implications**

There are few financial implications. The cost for the lease is insignificant and staff resources required to manage the property and to manage the Lease Agreement are limited.

There is a need for a fire hall in Beaverdell and therefore, a need for the location. To date, staff are not aware of any discrepancies with the Lease or disagreements etc. between the parties.

### **Advancement of Strategic Planning Goals**

Further to the above information, this arrangement meets the following Strategic objectives:

*Exceptional Cost Effective and Efficient Services;* We will distinguish between those services that are core and discretionary

*Improve and Enhance Communication;* We will continue to focus on partnerships that advance the interests of the Region.

### **Background Information Provided**

1. 2013-2015 Lease Agreement
2. Schedule A to Lease Agreement
3. June 12, 2015 letter from BCCRC agreeing to extend the current Lease to December 31, 2015

**Alternatives**

1. Receipt (only)
2. Approve the 3-year extension to the current 2013-2015 Lease Agreement
3. Deny the 3-year extension to the current 2013-2015 Lease Agreement

**Recommendation**

That the Regional District of Kootenay Boundary Board of Directors approves a three-year extension (2013-2015) for the Beaverdell Fire Hall Lease Agreement between the Regional District of Kootenay Boundary and the Beaverdell Community Club and Recreation Commission for an annual fee of \$1.00 payable on the commencement date and thereafter on January 1 of each and every year during the Term of the Lease. **FURTHER** that the Board of Directors approves the authorized signatories to sign the extended 2013-2015 Lease Agreement.

THIS LEASE made the 1<sup>st</sup> day of January, 2013.

Between: BEAVERDELL COMMUNITY CLUB AND RECREATION  
COMMISSION, INC. NO. S-9976  
P. O. Box 114  
Beaverdell, BC V0H 1A0  
  
(the "Commission")

And:

REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
202 – 843 Rossland Avenue  
Trail, BC V1R 4S8  
  
(the "RDKB")

**RECITALS:**

- A. The Commission is the registered owner of property located at Beaverdell, British Columbia and described as:

Lot A, District Lot 1545, Similkameen Division Yale District, Plan 13542,  
Parcel Identifier: 009-191-038

(the "Lands")

- B. The RDKB wishes to lease a proportion of the "Lands" to operate a Fire Hall;  
C. The Commission agrees to lease a "portion" of the "Lands" to the RDKB for use for the location of a Fire Hall.

**IN CONSIDERATION** of the fees to be paid and mutual promises contained in this Lease, the parties agree as follows:

1. DEFINITIONS

The Commission and the RDKB agree that in this Lease the following words or phrases shall have the following meanings:

- 1.1 "Portions of Lands" means those lands owned by the Commission on which the RDKB is currently situated and which are legally described in Recital A

and outlined in red on the map attached to this document and referred to as Schedule "A".

- 1.2 "Commencement Date" means January 1, 2013.
- 1.3 "Improvements" means appurtenances, structures, equipment, and any other fixtures placed or allowed to be placed by RDKB and located on the Portion of the Lands.
- 1.4 "Renewal Term" has the meaning set out in Section 4 of this Lease.
- 1.5 "Taxes" means all
  - (a) real property taxes, parcel taxes, assessments and personal and corporate property taxes, charges, rates, duties and assessments related, levied or imposed by any governmental authority with respect to the Portion of the Lands, including the improvements; and
  - (b) any tax in lieu of real property tax; and
  - (c) any tax or excise levied or assessed by any governmental authority including, but not limited to, any Revenue Share on the use or occupancy of the Portion of the Lands;

provided that Taxes not include federal, provincial corporate or personal income taxes, or any income tax under Part 1 of the *Income Tax Act of Canada*.
- 1.6 "Term" has the meaning set out in Section 4 of this Lease.
- 1.7 "Utility Costs" means all charges for water, gas, telephone, electric light and power and all other utilities and services used on or in respect of the Portion of the Lands.

## 2. THE LEASE

- 2.1 The Commission leases to the RDKB the Portion of the Lands for the sole purpose of a Fire Hall (the "Fire Hall"), subject to:
  - (a) easements, rights-of-way or other encumbrances registered against the titles to the Portion of the Lands and
  - (b) any future easements and rights-of-way that may be registered against title to the Portion of the Lands.



- 2.2 The RDKB may not erect any permanent structures on the Portion of the Lands without the Commission's prior written approval other than the permanent structure presently in place on the Portion of the Lands.

3. THE FEE

- 3.1 The RDKB will pay to the Commission an annual fee of \$1.00 payable on the commencement date of the Lease and thereafter on January 1 of each and every year during the Term of this Lease.

4. TERM

- 4.1 Subject to 4.2, this Lease is for a Term of three (3) years commencing on January 1, 2013 and ending on December 31, 2015.
- 4.2 This Lease may be renewed for a further Term of three (3) years (the "Renewal Term") by the RDKB giving the Commission written notice of their intent to renew at least three (3) months prior to the Expiry Date. Any renewal of this Lease will be on the same terms and conditions as this Lease.

5. TERMINATION

- 5.1 The Commission may terminate this Lease in its sole discretion and without cause, prior to the expiry of the Term or Renewal Term by giving the RDKB written notice of at least twelve (12) months prior to the effective termination date.
- 5.2 If the RDKB ceases to use the Portion of the Lands for the purpose permitted in Section 2.1 of this Lease, this Lease will be automatically terminated.
- 5.3 If the RDKB is in default of any of the conditions contained in this Lease, and the default is not cured in the Commission's sole discretion by the RDKB within thirty (30) days after written notice by the Commission to cure, the Commission may by written notice cancel this Lease immediately.
- 5.4 Any fixtures or chattels remaining on the Portion of the Lands after sixty (60) days from the expiry or earlier termination of this Lease either become the Commission's property or the Commission may remove them. Any costs incurred by the Commission in removing those chattels or fixtures will be paid by the RDKB forthwith upon demand.

- 5.5 The terms and conditions in this Lease will, after expiry or earlier termination of this Lease, continue to govern the interpretation of this Lease and the obligations of the parties arising out of it.
- 5.6 If this Lease is taken in execution or attachment by any person or the RDKB commits an act of bankruptcy or voluntarily enters into an arrangement with its creditors, the Commission may on ninety (90) days' written notice to the RDKB, terminate this Lease.
- 5.7 The RDKB is not entitled to any compensation, whether for damages or otherwise, as a result of any termination of this Lease by the Commission.

6. RDKB'S OBLIGATIONS

- 6.1 The RDKB agrees as follows:
  - (a) to comply with all applicable laws, regulations, and orders of any government authority related to the use and occupation of the Portion of the Lands and improvements on them;
  - (b) to pay for any fees, charges or otherwise that may be associated with compliance of the laws, regulations and orders of any government authority as outlined in Section 6.1(a);
  - (c) to pay all property taxes levied against the Portion of the Lands or any improvements on them, GST applicable to the property taxes and any other fees with respect to the operations carried on by the RDKB on the Portion of the Lands;
  - (d) not to commit or permit any act or omission which damages or introduces waste as defined in both federal and provincial waste management legislation onto the Portion of the Lands whether or not such acts or omissions are permitted or authorized by governmental authorities;
  - (e) to keep the Portion of the Lands in a safe, clean and sanitary condition satisfactory to the Commission;
  - (f) to permit the Commission or its agents to enter upon the Portion of the Lands at any time to examine its condition;
  - (g) at the expiry or earlier termination of this Lease, to vacate possession of the Portion of the Lands, remove all fixtures and chattels which the RDKB has or has permitted to be placed on or fixed to the Portion of

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the Lands, and restore the Portion of the Lands as close as possible to their original condition;

- (h) not to assign this Lease without the prior written consent of the Commission; and
- (i) to indemnify and hold harmless the Commission and its employees, directors, and agents from any liability including but not limited to any
  - (i) direct or indirect monetary loss, or
  - (ii) civil or criminal lawsuit,

resulting from

- injury to or the death of any persons, or
- damage to or loss of any property, or
- damage to the environment,

any of which arise directly or indirectly from any act or omission (whether negligent or not in either case) of the RDKB or any of its employees, subcontractors, agents, sublessees or invitees in relation to the exercise of the parties' rights under this Lease.

## 7. INSURANCE REQUIREMENTS

### 7.1 The Commission agrees:

- (a) to provide and maintain at the RDKB's own cost the insurance coverage described below including coverage for all its directors, officers, employees, volunteers, and agents and shall deliver to the Commission before the commencement of possession, use or occupancy of the property and thereafter on an annual basis, insurance certificates or other similar evidence satisfactory to the Commission that the insurance required by this Lease is in force.
- (b) Comprehensive General Liability Insurance – on an occurrence basis having a limit of not less than Two Million Dollars (\$2,000,000.00) inclusive for any one occurrence, and in the aggregate for products and completed operations, and insuring against claims for personal injury, including death, and for property damage arising out of the operation of the Commission under this Lease, and including:

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- (i) liability for premises and operations;
- (ii) tenants legal liability;
- (iii) blanket written contractual liability;
- (iv) products liability and completed operations;
- (v) unlicensed mobile equipment; including equipment;
- (vi) non-owned automobile liability insurance;
- (vii) contingent employers' liability; and
- (viii) a cross liability clause.

- (c) Workers' Compensation Insurance – in accordance with applicable provincial and federal laws and regulations.

- 7.2 The policies for the insurance described above, to be provided by the RDKB shall be endorsed as follows:

- (a) Additional Insured:  
Shall define "additional insureds" as the Beaverdell Community Club and Recreation Commission, Inc. No. S-9976 and their respective directors, officers, employees and agents, all as their interests may appear, but only with respect to the operations of the RDKB under this Lease.

- 7.3 All insurance required to be obtained under this Lease shall be placed with insurers which are satisfactory to the Commission (such satisfaction not to be unreasonably withheld) and which are licensed to provide the insurance coverage in Canada.

- 7.4 The RDKB shall pay the full deductible amounts if there is a claim against any policy of the Insurance to be provided by the RDKB under this Lease.

- 7.5 The RDKB is not required to insure its own property or other property, including the property of the RDKB's officers and employees, that is brought on to the Portion of the Lands. The RDKB shall, however, hold harmless the Commission, its directors, officers, and employees from any responsibility for loss of or damage to such property.

#### 8. OTHER RIGHTS HOLDERS

- 8.1 This Lease is subject to all existing grants to or rights of any person made by or acquired from the Commission or any extension or renewal of those grants or rights, whether or not the RDKB has actual notice of them.
- 8.2 The RDKB acknowledges and agrees with the Commission that:

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- (a) any interference with the rights of the RDKB under this Lease by virtue of the exercise or operation of the rights described in paragraph 8.1 does not constitute a breach of the Commission's obligations. The Commission is not liable to the RDKB for any claim for loss or damage arising directly or indirectly out of that interference; and
- (b) all costs and expenses, direct or indirect, that arise out of any interference by the RDKB with the rights, privileges and interest described in paragraph 8.1 will be borne solely by the RDKB.

#### 9. NOTICES

- 9.1 All notices, required or permitted to be given under this Lease must be in writing, and are sufficient in all respects if delivered, or if sent by telecopier, or if sent by prepared registered post mailed in British Columbia to the parties at the following addresses respectively:

To the Commission: Beaverdell Community Club and Recreation  
Commission, Inc. No. S-9976  
P. O. Box 114  
Beaverdell, BC V0H 1A0

Fax Number: (250) 484-5318

To the RDKB: Regional District of Kootenay Boundary  
202 – 843 Rossland Avenue  
Trail, BC V1R 4S8

Attention: Chief Administrative Officer

Fax Number: (250) 368-3990

- 9.2 Either party has the right at any time to change its address by written notice sent to the other party at the address in effect at that time.
- 9.3 Any notice is deemed to have been received on the following dates:
- (a) if sent by telecopier, on the first business day after the date of transmission;
  - (b) if delivered, on the first business day after the date of delivery;
  - (c) if sent by registered mail, on the seventh day following its mailing, provided that if there is at the time of mailing or within seven (7) days



thereafter a mail strike, slowdown, lockout or other labour dispute which might affect the delivery, then any notice, direction or other instrument, shall only be effective upon actual delivery or sent by telecopier.

10. GENERAL

- 10.1 Schedule "A" is attached to and forms part of this Lease.
- 10.2 This Lease is binding upon the Commission, its successors and assigns, and the RDKB, its successors and permitted assigns.
- 10.3 This Lease will be governed by and interpreted according to the laws of British Columbia.
- 10.4 All of the Commission remedies in this Lease are cumulative, not exclusive of each other, and all those remedies are in addition to any other remedy available to RDKB by operation of statute, law or equity.
- 10.5 If any paragraph of this Lease is found to be void or unenforceable, that paragraph becomes severable from this Lease. The remaining paragraphs continue to bind and are enforceable against the parties to this Lease.
- 10.6 Where in this Lease there is reference to an enactment of the Province of British Columbia or of Canada, that reference includes a reference to any subsequent enactment of like effect, and unless the context otherwise requires, all statutes referred to are enactments of the Province of British Columbia.
- 10.7 This Lease contains the entire relationship between the parties related to this Lease and merges any prior agreements, inducements or representation.
- 10.8 Only those terms expressly set out in this Lease apply. No amendment of this Lease is valid unless made in writing and signed by the parties.

**THE PARTIES INTENDING TO BE LEGALLY BOUND** have signed this Lease as of the date shown above.

**BEAVERDELL COMMUNITY CLUB  
AND RECREATION COMMISSION,  
INC. NO. S-9976**

**REGIONAL DISTRICT OF  
KOOTENAY BOUNDARY**

Per: \_\_\_\_\_  
Authorized Signatory

Per: \_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Title (print)

\_\_\_\_\_  
Title (print)

**SCHEDULE A**

I hereby certify this Schedule 'A' to be a true and correct copy and that this Schedule 'A' correctly outlines in red the portion of Lot A, DL 1545, SDYD, Plan 13542 as the Lease Agreement Lands between the Beavertell Community Club & Recreation Commission and the Regional District of Kootenay Boundary to operate a Fire Hall.

\_\_\_\_\_  
Director of Corporate Administration

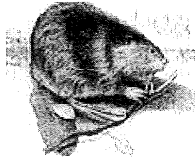
\_\_\_\_\_  
Date



0 10 20  
Meters

Scale 1:1,200

Document Path: P:\GIS\RD\KB\MapDocuments\Routine\_Maps\Schedule A\Area\_E\_WestBoundary\2015-06-25-SchedA-BeavertellFirehallLease.mxd


**Beaverdell Community Club & Recreation Commission**

5841 Hwy 33 PO Box 114 Beaverdell, BC VoH 1A0  
Telephone 250 484 5623

June 12, 2015

Regional District of Kootenay Boundary  
#202 – 843 Rossland Avenue  
Trail, BC  
V1R 4S8

**REGIONAL DISTRICT OF  
KOOTENAY BOUNDARY**

FILE #

**JUN 18 2015**

DOC # .....

REF. TO: *T.L.*

CC:

Attention: Theresa Lenardon  
Manager of Corporate Administration/Corporate Officer

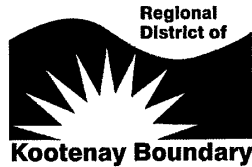
RE: Beaverdell Fire Hall Lease

This letter is a confirmation that the Beaverdell Community Club & Recreation Commission No. S9976 is in agreement to extend the existing lease for the property: Lot A, District Lot 1545, Similkameen Division Yale District Plan #13542 as written for the Period January 1, 2013 thru December 31, 2015.

In accordance to the Existing contract Section 3 part 3.1 the annual fee of \$1.00 will be paid to the BCCRC by check for each of the three extending years.

Thank you,

Charlene Reid  
Treasurer, BCCRC



## ***STAFF REPORT***

<b>Date:</b>	July 8, 2015	<b>File #:</b>	K7
<b>To:</b>	Chair McGregor and Members of the Board		
<b>From:</b>	Donna Dean, Manager of Planning and Development		
<b>RE:</b>	<b>Request for Name Change of Consulting Firm Contracted to do the Implementation of the Kettle River Watershed Management Plan</b>		

### **ISSUE INTRODUCTION**

Graham Watt, the sole proprietor of Cordilleran Ecological, has requested that his contract with the Regional District of Kootenay Boundary be amended to reflect a change to a limited liability company named CommonsPlace Consulting Ltd.

### **HISTORY / BACKGROUND FACTORS**

Cordilleran Ecological has a three year contract with the Regional District of Kootenay Boundary to carry out the Implementation Phase of the Kettle River Watershed Management Plan. The contract began on January 1, 2015 and will be completed on December 31, 2017.

### **BACKGROUND INFORMATION PROVIDED**

With the exception of the start date, which will be adjusted to August 1, 2015 and company name, no other changes to the contract are proposed.

### **RECOMMENDATION**

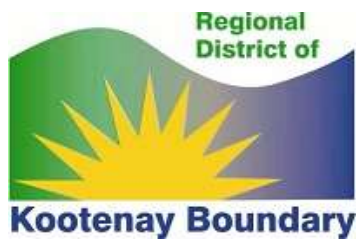
That the Regional District of Kootenay Boundary Board of Directors direct staff to amend the current contract with Cordilleran Ecological by changing the name of the consultant to CommonsPlace Consulting Ltd. for the remainder of the contract period; that is between August 1, 2015 to December 31, 2017 and FURTHER that the Board of Directors authorizes the RDKB signatories to sign the amended contract.

*Respectfully Submitted:*

*Concurrence: (Department Head)*

*Concurrence: (CAO)*



**STAFF REPORT**

**Date:** 02 Jul 2015 **File**  
**To:** Chair McGregor and Board of Directors  
**From:** Mark Anderson, General Manager of Operations / Deputy CAO  
**Re:** Building Bylaw Contravention

**Issue Introduction**

A staff report from Mark Anderson, General Manager of Operations / Deputy CAO regarding a Building Bylaw Contravention for the property described below as:

**#2 - 20 Kettle View Road, Big White, B.C.**

**Electoral Area 'E' / West Boundary**

**Parcel Identifier: 002-078-309**

**Strata Lot 2, D.L. 4109S, SDYD, Strata Plan K351**

**Owner: 0985028 B.C. Ltd.**

**History/Background Factors**

The Building Official confirmed that there have been no changes concerning the above referenced property. The owner, 0985028 B.C. Ltd., has constructed alterations to a commercial building at the above referenced property without a final inspection being conducted.

**Implications**

The filing of a Notice on Title against the above mentioned property pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter will alert future purchasers of the property that the building(s) are in contravention of the B.C. Building Code and/or Building Bylaw.

**Advancement of Strategic Planning Goals**

Not applicable.

**Background Information Provided**

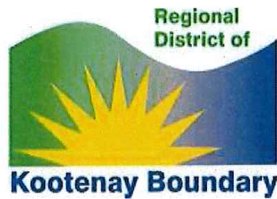
- Staff Report dated May 19, 2015 submitted to the Board regarding the building bylaw contravention;
- Letter dated July 2, 2015 inviting the Owner to the July 30, 2015 Board Meeting.

**Alternatives**

1. Once all deficiencies are rectified, the Owner may request that the Regional District of Kootenay Boundary Board of Directors remove the Notice on Title upon receipt of \$200.00 (Administration fee for removal of the Notice).

**Recommendation(s)**

1. That the Regional District of Kootenay Boundary Board of Directors direct the Chief Administration Officer to file a Notice in the Land Title Office pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter against the property legally described as Strata Lot 2, D.L. 4109S, SDYD, Strata Plan K351.

**STAFF REPORT**

**Date:** 19 May 2015 **File**  
**To:** Chair McGregor and Board of Directors  
**From:** Mark Andison, General Manager of Operations / Deputy CAO  
**Re:** Building Bylaw Contravention

**Issue Introduction**

A staff report from Mark Andison, General Manager of Operations / Deputy CAO regarding a Building Bylaw Contravention for the property described below as:

**#2 - 20 Kettle View Road, Big White, B.C.**

**Electoral Area 'E' / West Boundary**

**Parcel Identifier: 002-078-309**

**Strata Lot 2, D.L. 4109S, SDYD, Strata Plan K351**

**Owner: 0985028 B.C. Ltd.**

**History/Background Factors**

The owner, 0985028 B.C. Ltd., has constructed alterations to a commercial building at the above referenced property without a final inspection being conducted. History and background factors are as attached.

The Regional District of Kootenay Boundary Building and Plumbing Amendment Bylaw No. 449 states:

**Duties of the Owner:**

12.1 - Every owner shall:

- h) give at least 72 hours notice to the authority having jurisdiction and request his inspection of the work;
- (v) after the building or portion thereof is complete and ready for occupancy, but before occupancy takes place of the whole or a portion of the building.

**Implications**

The Regional District of Kootenay Boundary Board of Directors has dealt with a number of Bylaw Contraventions by Filing a Notice on Title. The effect of this Notice is to alert future Purchasers of the property that the building(s) are in contravention of the B.C. Building Code and/or regulatory bylaws.

The above action does not preclude the Regional District of Kootenay Boundary from taking such steps as may be further authorized by Bylaw, Local Government Act and Community Charter to enforce compliance with regulations.

**Advancement of Strategic Planning Goals**

Not applicable.

**Background Information Provided**

- History/Background Factors;
- Photos emailed April 28, 2015;
- Registered letter dated March 26, 2015;
- Letter dated March 19, 2015 (sic);
- Building permit 14-0206BW;
- Registered letter dated June 10, 2014;
- Photos taken June 9, 2014.

**Alternatives**

1. Once all deficiencies are rectified, the Owner may request that the Regional District of Kootenay Boundary Board of Directors remove the Notice on Title upon receipt of \$200.00 (Administration fee for removal of the Notice).

**Recommendation(s)**

1. That the Regional District of Kootenay Boundary Board of Directors invite the owner, 0985028 B.C. Ltd., to appear before the Board to make a presentation relevant to the filing of a Notice in the Land Title Office pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter against the property legally described as Strata Lot 2, D.L. 4109S, SDYD, Strata Plan K351.



## STAFF REPORT ATTACHMENT

<b>Date:</b>	<b>May 19, 2015</b>	<b>File:</b>	
<b>To:</b>	<b>Chair McGregor and Board of Directors</b>		
<b>From:</b>	<b>Mark Andison, General Manager of Operations / Deputy CAO</b>		
<b>RE:</b>	<b><u>BUILDING BYLAW CONTRAVENTION</u></b> <b>20 KETTLE VIEW ROAD, BIG WHITE, B.C.</b> <b>ELECTORAL AREA 'E' / WEST BOUNDARY</b> <b>PARCEL IDENTIFIER: 002-078-309</b> <b>STRATA LOT 2, D.L. 4109S, SDYD, STRATA PLAN K351</b> <b>OWNER: 0985028 B.C. LTD. INC.</b>		

**History/Background Factors**

The owner, 0985028 B.C. Ltd., has constructed alterations to a commercial building at the above referenced property without a final inspection being conducted.

June 9, 2014	Received photos taken by Big White Fire Prevention of illegal construction;
June 10, 2014	Telephone conversation with property manager, Mike Makin, regarding illegal construction;
June 10, 2014	<b>First registered letter</b> mailed to owner requesting a response by July 10, 2014;
June 24, 2014	Application for alterations to a commercial building received;
July 18, 2014	Building Permit 14-0206BW issued for alterations to a commercial building;
March 23, 2015	Letter received from project Architect, Garry J. Tomporowski;
March 26, 2015	<b>Second registered letter</b> mailed to owner requesting a response by April 27, 2015
April 23, 2015	Canada Post confirmation that the letter was returned unclaimed;
April 28, 2015	Photos emailed from Mark Andison showing progress of construction;
May 19, 2015	To date, we have had no further contact from the owner regarding the building permit.



**Robert Silva**

---

**From:** Big White Fire Prevention  
**Sent:** June-09-14 4:39 PM  
**To:** Robert Silva  
**Subject:** FW: Snow Ghost/Raakels 20 Kettleview Road photo's

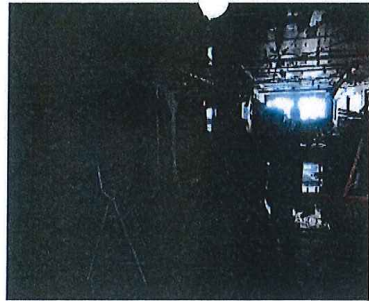
Hi Robert,  
Please find 4 photos taken today after an alarm call for a sprinkler pipe break

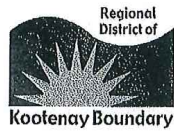
**Chris Daley**

**Fire Prevention Officer  
Captain - Big White Fire Department  
LAFC# 2280**

**Phone 250-765-3090  
Fax 250-765-3051  
[www.bigwhitefire.com](http://www.bigwhitefire.com)  
[prevention@bigwhitefire.com](mailto:prevention@bigwhitefire.com)**







June 10, 2014

REGISTERED

0985028 B.C. Ltd.  
1385 Baker Creek Rd.  
Quesnel, B.C.  
V2J 7H5

**Re: STOP WORK ORDER – Alteration to Multi Family Dwelling**  
20 Kettle View Rd., Big White, B.C.  
Plan KAS351, Lot 2, DL 4109s

This letter confirms the posting of a Stop Work Order on June 10, 2014 for an **Alteration to a Multi Family Dwelling** at the above referenced property without a building permit.

No building permit has been issued as required by the Regional District of Kootenay Boundary Building Bylaw No. 449,

**Section 7.1** No person shall commence or continue any work provided for in Section 3.2 or related to building unless he has a valid and subsisting permit issued by the authority having jurisdiction.

**Section 12.1 b)** Every owner shall:  
obtain where applicable from the authority having jurisdiction, permits relating to demolition, excavation, building, repair of buildings, zoning, change in classification of occupancy, sewers, water, plumbing, signs canopies, awnings, marquees, blasting, street occupancy, electricity, buildings to be moved, and all other permits required in connection with the proposed work prior to the commencement of such work;

To apply for a permit, please fill out the enclosed application form and submit the relevant documentation listed on the "How to Obtain a Building Permit" checklist to our office by **July 10, 2014**. Failure to comply may result in legal action.

If you have any questions, please contact the undersigned.

Regards,

A handwritten signature in cursive script, appearing to read "R. Silva".

Robert Silva, RBO

Attachment

Cc: Srata Corporation K351/[mmakin@coldwellbanker.ca](mailto:mmakin@coldwellbanker.ca) ✓  
Mark Andlson, MCIP, RPP, General Manager, Operations/Deputy CAO ✓

2140 Central Ave Box 1965 Grand Forks, British Columbia Canada V0H 1H0  
toll-free: 1 877 520-7352 • tel: 250 442-2708 • fax: 250 442-2606

No. 14-0206BW

INSPECTION CALLS: (250) 442-2708 or 1-877-520-7362

DATE PERMIT  
GRANTED: Jul 18, 14**Regional District of Kootenay Boundary**BUILDING INSPECTION DEPT.  
2149 Central Ave., Box 1085, Grand Forks, B.C. V0H 1H0PERMIT TO CONSTRUCT, ERECT, INSTALL, ALTER, ADD TO, REPAIR, MOVE,  
OR DEMOLISH, A BUILDING, STRUCTURE, OR PLUMBING

PERMIT BY THE APPLICANT/REGISTRATION		0985028 LTD.		ADDRESS: BIG WHITE, B.C.		TELEPHONE:	
CITY OF THE UNDERSIGNED/REGISTRATION OF THE CONTRACTOR/REGISTRATION							
A PERMIT TO: ALTERATIONS TO COMMERCIAL BUILDING							
AT: 20		KETTLE VIEW RD		FOLIO: 713		07440.004	
LOT: 2	BLOCK:	RANGE:	D.L. 41095	PLAN KAS351	L.O.:		
OWNER: 0985028 LTD.		ADDRESS:		TELEPHONE:			
CONTRACTOR: BRAD POWELL		ADDRESS:		TELEPHONE:			
<p>PARTICULARS - PERMIT IS ISSUED SUBJECT TO THE FOLLOWING SPECIAL REQUIREMENTS:</p> <p>ALL WORK TO CONFORM TO THE 2012 B.C. BUILDING CODE AND RELEVANT BIG WHITE BYLAWS.</p> <p>CALL FOR: FINAL OCCUPANCY INSPECTIONS.</p> <p>SECTION 290 LETTER (FROM THE LOCAL GOVERNMENT ACT) FORMS PART OF THIS PERMIT.</p> <p>ALL FIELD REPORTS BY REGISTERED PROFESSIONALS MUST BE SUBMITTED TO BUILDING OFFICIAL ON DATE OF INSPECTION.</p> <p>SCHEDULES C-A &amp; C-B TO BE SUBMITTED FROM ALL REGISTERED PROFESSIONALS ENGAGED IN CONSTRUCTION PRIOR TO OCCUPANCY.</p> <p>PROVIDE SPRINKLER SYSTEM CONTRACTOR'S MATERIAL &amp; TEST CERTIFICATE FOR ABOVEGROUND AND UNDERGROUND PIPING.</p> <p>SUBMIT A COPY OF THE FIRE ALARM SYSTEM VERIFICATION &amp; REPORT (NOTE: CONFIRM SIGNAL TO THE FIRE DEPARTMENT).</p> <p>CONTACT REGIONAL FIRE SERVICES TO CONDUCT A FINAL INSPECTION AND REVIEW FIRE SAFETY PLAN REQUIREMENTS.</p>							

		FEES
AREA OF LIVING SPACE		
CONSTRUCTION VALUE	\$ 200000	
BUILDING PERMIT FEE		\$ 1600
PLUMBING FIXTURES		\$ 0
DEMOLITION		
OTHER	SUC. 290 L.E.T.T. (-10%)	\$ 160
SUB-TOTAL		\$ 1440
TITLE SEARCH		\$ 10
TOTAL		\$ 1450
LESS DEPOSIT		
BALANCE OWING		\$ 1450

**WAIVER OF INDEMNITY**

In consideration of the granting of this permit, the undersigned: (a) releases the Regional District of Kootenay Boundary and those acting on behalf of the Regional District of Kootenay Boundary from all claims and expenses which the undersigned may have or incur as a result of the issue of this permit or the enforcement or non-enforcement of the Columbia Building Code (b) indemnifies the Regional District of Kootenay Boundary from all such claims and expenses which may be made by any other person and (c) acknowledges (d) the Regional District of Kootenay Boundary owns no liability for any damages or any loss in respect of this permit. The permit or contractor must give 72 hours notice upon completion of the work.

*[Signature]*  
Owner's Signature

*[Signature]*  
ROBERT SILVA, RBO  
BUILDING INSPECTOR'S SIGNATURE

DATE PAID: July 18, 14

1. Prior to placing concrete in footings 2. After installation of drain tiles/damp proofing/before backfilling 3. When framing completed 4. Insulation and vapour barrier completed 5. Before any part of plumbing system covered 6. Final Inspection - An occupancy permit is required prior to occupancy of building.

JUL 21 2014

REGIONAL DISTRICT OF KOOTENAY  
BOUNDARY

**TRTA**  
ARCHITECTURE LTD

#6, 3500 - 30 Street  
Vernon, BC V1T 5E8  
250.545.0784  
250.545.0730  
[ltrarch@telus.net](mailto:ltrarch@telus.net)

March 19, 2014

Mr. Robert Silva  
Chief Building Inspector  
Regional District of Kootenay Boundary  
2140 Central Avenue  
PO Box 1965  
Grand Forks, BC V0H 1H0

Dear Mr. Silva;

RE: Raakel's Pub (Sessions Tap House & Grill), Big White, British Columbia

We would like to advise you that we are aware that Sessions Tap House & Grill, formerly Raakel's Pub, is fully open and operational, however, TRTA Architecture Ltd. has never issued our Schedule C-A or C-B for this particular project.

In consideration that this particular type of occupancy is an "assembly occupancy" and that there are very strict and prescribed regulations outlined in the B.C. Building Code as well as Liquor Act, we are wondering how they have been granted an occupancy permit without the issuing of our schedules.

We are very aware of the R.D.K.B.'s policies in terms of their insistence on the schedules of a registered professional for such things as replacement and repair of siding and roofing over a certain value; including even window replacements over a certain value yet this establishment has been allowed to operate without our schedules being in place.

Could you please check into this for us and advise us accordingly how this might have happened, as any and all communication we have attempted has been unsuccessful and unreturned.

Thank you for your attention to this and we look forward to hearing from you at your earliest convenience.

Yours very truly,



Garry J. Tomporowski  
TRTA Architecture Ltd.

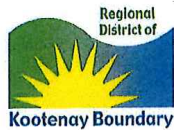
GJT: lmc

Garry J. Tomporowski, M.Arch, Architect AIBC, Architect, AAA, B.E.S.

RECEIVED  
MAR 23 2015

REGIONAL DISTRICT OF KOOTENAY  
BOUNDARY





March 26, 2015

REGISTERED

0985028 Ltd.  
1385 Baker Creek Rd.  
Quesnel, B.C.  
V2J 7H5

**RE: BYLAW CONTRAVENTION**  
**Building Permit #14-0206BW – Alteration to Commercial**  
**#20 – Kettleview Rd., Big White, B.C.**  
**Strata Lot 2, DL 4109s, Strata Plan KAS351**

A recent review was carried out on your building permit file for an alteration to a commercial building which indicates that the requested final inspection has not been carried out since issuing the building permit July 18, 2014.

As required by the Regional District of Kootenay Boundary Building Bylaw No. 449:

- 10.6 The authority having jurisdiction may revoke a permit and issue a "stop work order" where there has been a violation of:
- (c) any breach of the Bylaw or other applicable Bylaws of the authority having jurisdiction.
- 12.1(h)
- (v) after the building or portion thereof is complete and ready for occupancy, but before occupancy takes place of the whole or a portion of the building.

Please contact our Building Department at (250) 442-2708 by **April 27, 2015** and make arrangements to update or close your file. Failing to respond may result in legal action.

Respectfully,

A handwritten signature in blue ink, appearing to read "R Silva".

Robert Silva, RBO  
Building & Plumbing Official

RS:rt

Cc: Mark Andison, MCIP, RPP, General Manager, Operations/Deputy CAO



2140 Central Ave Box 1965 Grand Forks, British Columbia Canada V0H 1H0  
toll-free: 1 877 520-7352 • tel: 250 442-2708 • fax: 250 442-2608  
email: building@rddb.com • web: www.rddb.com

**Sara Bradley**

---

**From:** Mark Andison  
**Sent:** April-28-15 2:35 PM  
**To:** Rosanne Tomashewsky  
**Cc:** Robert Silva; Sara Bradley  
**Subject:** RE: NOT Memo

Thanks Rosanne.

The project does indeed appear to be pretty far along in the construction process ...



Mark Andison, MCIP, RPP  
General Manager, Operations / Deputy CAO  
Regional District of Kootenay Boundary  
843 Rossland Ave  
Trail, BC  
Canada V1R 4S8

toll-free: 1.800.355.7352  
tel: 250.368.9148  
cel: 250.231.0880  
fax: 250.368.3990



## STAFF REPORT ATTACHMENT

<b>Date:</b>	<b>May 19, 2015</b>	<b>File:</b>	
<b>To:</b>	<b>Chair McGregor and Board of Directors</b>		
<b>From:</b>	<b>Mark Andison, General Manager of Operations / Deputy CAO</b>		
<b>RE:</b>	<b><u>BUILDING BYLAW CONTRAVENTION</u></b> <b>20 KETTLE VIEW ROAD, BIG WHITE, B.C.</b> <b>ELECTORAL AREA 'E' / WEST BOUNDARY</b> <b>PARCEL IDENTIFIER: 002-078-309</b> <b>STRATA LOT 2, D.L. 4109S, SDYD, STRATA PLAN K351</b> <b>OWNER: 0985028 B.C. LTD. INC.</b>		

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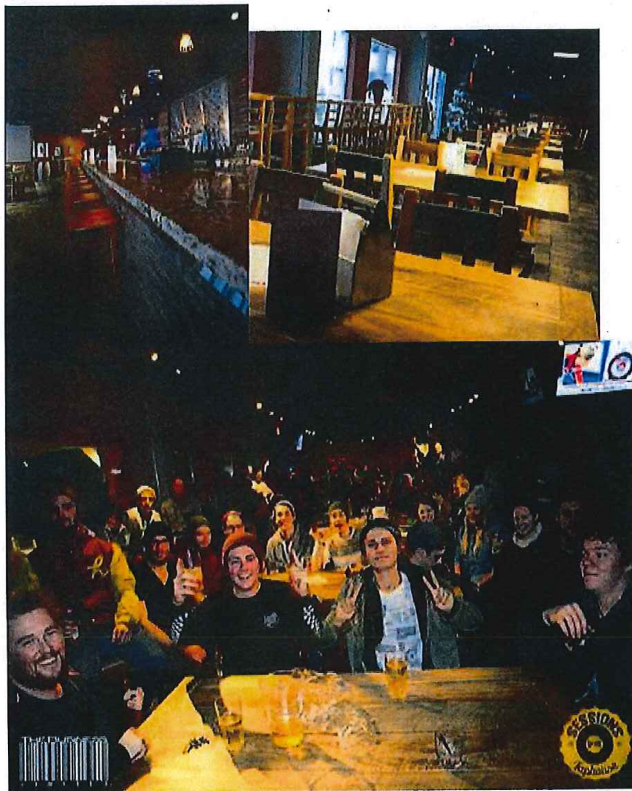
**Sara Bradley**

---

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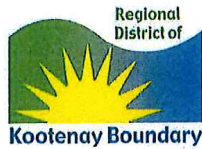
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**Mark Andison, MCIP , RPP**  
General Manager, Operations / Deputy CAO  
Regional District of Kootenay Boundary  
843 Rossland Ave  
Trail, BC  
Canada V1R 4S8

toll-free: 1.800.355.7352  
tel: 250.368.9148  
cel: 250.231.0880  
fax: 250.368.3990





March 26, 2015

REGISTERED

0985028 Ltd.  
1385 Baker Creek Rd.  
Quesnel, B.C.  
V2J 7H5

**RE: BYLAW CONTRAVENTION**  
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Respectfully,

Robert Silva, RBO  
Building & Plumbing Official

RS:rt

Cc: Mark Andison, MCIP, RPP, General Manager, Operations/Deputy CAO



2140 Central Ave Box 1965 Grand Forks, British Columbia Canada V0H 1H0  
toll-free: 1 877 520-7352 • tel: 250 442-2708 • fax: 250 442-2688  
email: building@rcd.kb.ca • web: www.rcd.kb.ca





#6, 3500 - 30 Street  
Vernon, BC V1T 5E8  
250.545.0784  
250.545.0730  
[ltarch@telus.net](mailto:ltarch@telus.net)

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Could you please check into this for us and advise us accordingly how this might have happened, as any and all communication we have attempted has been unsuccessful and unreturned.

Thank you for your attention to this and we look forward to hearing from you at your earliest convenience.

Yours very truly,

Garry J. Tomporowski  
TRTA Architecture Ltd.

GJT: lmc

Garry J. Tomporowski, M.Arch, Architect AIBC, Architect, AAA, B.E.S.



REGIONAL DISTRICT OF KOOTENAY  
BOUNDARY

No. 14-0206BW

INSPECTION CALLS: (250) 442-2708 or 1-877-520-7352

DATE PERMIT  
GRANTED: Jul 18, 14**Regional District of Kootenay Boundary**BUILDING INSPECTION DEPT.  
2140 Central Ave., Box 1006, Grand Forks, B.C. V0H 1H0PERMIT TO CONSTRUCT, ERECT, INSTALL, ALTER, ADD TO, REPAIR, MOVE,  
OR DEMOLISH, A BUILDING, STRUCTURE, OR PLUMBING


0985028 LTD.		ADDRESS: BIG WHITE, B.C.		TELEPHONE:	
A PERMIT TO: ALTERATIONS TO COMMERCIAL BUILDING					
AT: 20	KETTLE VIEW RD		FOLIO: 713 07440.004		
LOT: 2	BLOCK:	RANGE:	D.L. 4109S	PLAN: KAS351	LD:
OWNER: 0985028 LTD.		ADDRESS:		TELEPHONE:	
CONTRACTOR: BRAD POWELL		ADDRESS:		TELEPHONE:	
<p>PARTICULARS - PERMIT IS ISSUED SUBJECT TO THE FOLLOWING SPECIAL REQUIREMENTS:</p> <p>ALL WORK TO CONFORM TO THE 2012 B.C. BUILDING CODE AND RELEVANT BIG WHITE BYLAWS.</p> <p>CALL FOR: FINAL/OCCUPANCY INSPECTIONS.</p> <p>SECTION 290 LETTER (FROM THE LOCAL GOVERNMENT ACT) FORMS PART OF THIS PERMIT.</p> <p>ALL FIELD REPORTS BY REGISTERED PROFESSIONALS MUST BE SUBMITTED TO BUILDING OFFICIAL ON DATE OF INSPECTION.</p> <p>SCHEDULES C-A &amp; C-B TO BE SUBMITTED FROM ALL REGISTERED PROFESSIONALS ENGAGED IN CONSTRUCTION PRIOR TO OCCUPANCY.</p> <p>PROVIDE SPRINKLER SYSTEM CONTRACTOR'S MATERIAL &amp; TEST CERTIFICATE FOR ABOVEGROUND AND UNDERGROUND PIPING.</p> <p>SUBMIT A COPY OF THE FIRE ALARM SYSTEM VERIFICATION &amp; REPORT (NOTE: CONFIRM SIGNAL TO THE FIRE DEPARTMENT).</p> <p>CONTACT REGIONAL FIRE SERVICES TO CONDUCT A FINAL INSPECTION AND REVIEW FIRE SAFETY PLAN REQUIREMENTS.</p>					

		FEES
AREA OF LIVING SPACE		
CONSTRUCTION VALUE	\$ 200000	
BUILDING PERMIT FEE		\$ 1600
PLUMBING FIXTURES		\$ 0
DEMOLITION		
OTHER	SEC. 290 LETT (-10%)	-\$ 160
<b>SUB-TOTAL</b>		<b>\$ 1440</b>
TITLE SEARCH		\$ 10
<b>TOTAL</b>		<b>\$ 1450</b>
LESS DEPOSIT		
<b>BALANCE OWING</b>		<b>\$ 1450</b>

**WAIVER OF INDEMNITY**

In consideration of the granting of this permit, the undersigned: (a) releases the Regional District of Kootenay Boundary and those acting on behalf of the Regional District of Kootenay Boundary from all claims and expenses which the undersigned may have or incur as a result of the issuance of this permit or the enforcement or non-enforcement of the Regional District of Kootenay Boundary Bylaws or of the British Columbia Building Code; (b) indemnifies the Regional District of Kootenay Boundary from all such claims and expenses which may be made by any other person and/or acknowledge that the Regional District of Kootenay Boundary gives no duty of care to the undersigned or any one else in respect of these matters. The owner or contractor must give 72 hours notice upon completion of the work.

  
Owner's Signature

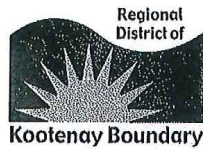
  
ROBERT SILVA, RBO  
BUILDING INSPECTOR'S SIGNATURE

DATE PAID July 18, 14

1. Prior to placing concrete in footings 2. After installation of drain tiles/damp proofing/before backfilling 3. When framing completed 4. Insulation and vapour barrier completed 5. Before any part of plumbing system covered 6. Final Inspection - An occupancy permit is required prior to occupancy of building.

JUL 21 2014

REGIONAL DISTRICT OF KOOTENAY  
BOUNDARY



June 10, 2014

REGISTERED

0985028 B.C. Ltd.  
1385 Baker Creek Rd.  
Quesnel, B.C.  
V2J 7H5

**Re: STOP WORK ORDER – Alteration to Multi Family Dwelling**  
**20 Kettle View Rd., Big White, B.C.**  
**Plan KAS351, Lot 2, DL 4109s**

This letter confirms the posting of a **Stop Work Order** on June 10, 2014 for an **Alteration to a Multi Family Dwelling** at the above referenced property without a building permit.

No building permit has been issued as required by the Regional District of Kootenay Boundary Building Bylaw No. 449,

Section 7.1 No person shall commence or continue any work provided for in Section 3.2 or related to building unless he has a valid and subsisting permit issued by the authority having jurisdiction.

Section 12.1 b) Every owner shall:  
obtain where applicable from the authority having jurisdiction, permits relating to demolition, excavation, building, repair of buildings, zoning, change in classification of occupancy, sewers, water, plumbing, signs canopies, awnings, marquees, blasting, street occupancy, electricity, buildings to be moved, and all other permits required in connection with the proposed work prior to the commencement of such work;

To apply for a permit, please fill out the enclosed application form and submit the relevant documentation listed on the "How to Obtain a Building Permit" checklist to our office by **July 10, 2014**. Failure to comply may result in legal action.

If you have any questions, please contact the undersigned.

Regards,

A handwritten signature in dark ink, appearing to read "R. Silva".

Robert Silva, RBO

Attachment

Cc: Strata Corporation K351/mmakin@coldwellbanker.ca ✓  
Mark Andison, MCIP, RPP, General Manager, Operations/Deputy CAO ✓

2140 Central Ave Box 1965 Grand Forks, British Columbia Canada V0H 1H0  
toll-free: 1 877 520-7352 • tel: 250 442-2708 • fax: 250 442-2688

**Robert Silva**

---

**From:** Big White Fire Prevention  
**Sent:** June-09-14 4:39 PM  
**To:** Robert Silva  
**Subject:** FW: Snow Ghost /Raakels 20 Kettleview Road photo's

Hi Robert,  
Please find 4 photos taken today after an alarm call for a sprinkler pipe break

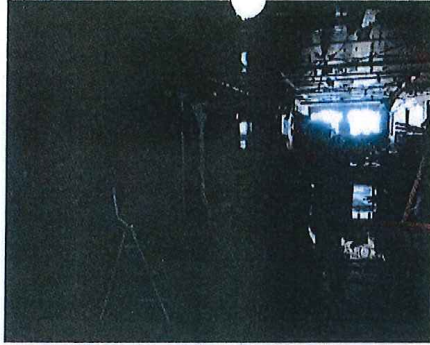
**Chris Daley**

**Fire Prevention Officer  
Captain - Big White Fire Department  
LAFC# 2280**

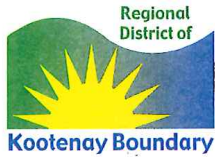
**Phone 250-765-3090  
Fax 250-765-3051  
[www.bigwhitefire.com](http://www.bigwhitefire.com)  
[prevention@bigwhitefire.com](mailto:prevention@bigwhitefire.com)**











July 2, 2015

0985028 B.C. Ltd.  
1385 Baker Creek Road  
Quesnel, B.C. V2J 7H5

**Re: Alterations / Occupying a Commercial Building without a Final Inspection  
# 2 - 20 Kettle View Road, Big White, B.C., Electoral Area 'E' / West Boundary  
Contravention of Building Bylaw No. 449  
Strata Lot 2, D.L. 4109S, SDYD, Strata Plan K351**

On May 28, 2015 the Board of Directors reviewed the attached report regarding the above referenced property. As a consequence the Board will, at its next regular meeting, be considering a resolution to direct the Chief Administrative Officer to file a formal Notice in the Land Title Office regarding this contravention. Pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter you are to be afforded the opportunity to be heard by the Board of Directors before such a Notice is filled. The Board has therefore, adopted the following resolution.

"That 0985028 B.C. Ltd. be invited to appear before the Board to make a presentation relevant to the filing of a Notice in the Land Title Office pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter against the property legally described as Strata Lot 2, D.L. 4109S, SDYD, Strata Plan K351".

This hearing before the Board of Directors is scheduled for Thursday, July 30, 2015 at approximately 6:00 p.m. This meeting will be held at the Regional District of Kootenay Boundary office, 2140 Central Avenue, Grand Forks, B.C. Please advise Sara Bradley at the address noted below in advance, whether you or a representative will be present at this hearing. If you will be attending this hearing, we would request a written submission from you relating to this matter by July 23, 2015. This will provide sufficient time for your report to be distributed to the Board of Directors.

Please be advised that, in order to avoid registration of this Notice, the Board of Directors requires a written confirmation from the Building Inspection staff that the property is now in compliance. You are encouraged to acquire that confirmation before the hearing date.

Enclosed for your information is a copy of Section 695 of the Local Government Act and Section 57 of the Community Charter. The effect of this Notice is to remove liability from the Regional District of Kootenay Boundary and warn future purchasers of the property that the building(s) or construction on the property may have been in violation of the B.C. Building Code and/or Regulatory Bylaws of the Authority having Jurisdiction.

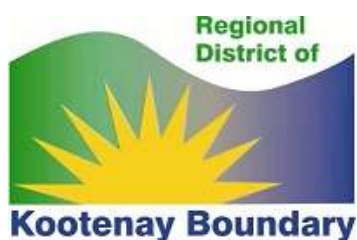
Yours truly,

Theresa Lenardon  
Manager of Corporate Administration

Attachment

/sb



**STAFF REPORT**

**Date:** 02 Jul 2015 **File**  
**To:** **Chair McGregor and Board of Directors**  
**From:** Mark Andison, General Manager of Operations / Deputy CAO  
**Re:** Building Bylaw Contravention

**Issue Introduction**

A staff report from Mark Andison, General Manager of Operations / Deputy CAO regarding a Building Bylaw Contravention for the property described as:

**306 Cougar Road, Mount Baldy, B.C.**

**Electoral Area 'E' / West Boundary;**

**Parcel Identifier: 023-629-819**

**Strata Lot 18, D.L. 100S, SDYD, Strata Plan KAS1840**

**Owner: Eva Duguid**

**History/Background Factors**

The Building Official confirmed that there have been no changes concerning the above referenced property. The owner, Eva Duguid, has constructed and occupied a single family dwelling at the above referenced property without a final inspection being passed or an occupancy permit.

**Implications**

The filing of a Notice on Title against the above mentioned property pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter will alert future purchasers of the property that the building(s) are in contravention of the B.C. Building Code and/or Building Bylaw.

**Advancement of Strategic Planning Goals**

Not applicable.

**Background Information Provided**

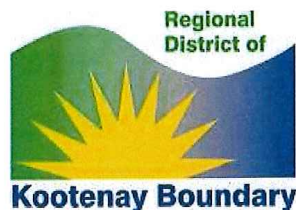
- Staff Report dated June 10, 2015 submitted to the Board regarding the building bylaw contravention;
- Letter dated July 2, 2015 inviting the Owner to the July 30, 2015 Board Meeting.

**Alternatives**

1. Once all deficiencies are rectified, the Owner may request that the Regional District of Kootenay Boundary Board of Directors remove the Notice on Title upon receipt of \$200.00 (Administration fee for removal of the Notice).

**Recommendation(s)**

1. That the Regional District of Kootenay Boundary Board of Directors direct the Chief Administration Officer to file a Notice in the Land Title Office pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter against the property legally described as Strata Lot 18, D.L. 100S, SDYD, Strata Plan KAS1840.

**STAFF REPORT**

**Date:** 10 Jun 2015 **File**  
**To:** Chair McGregor and Board of Directors  
**From:** Mark Andison, General Manager of Operations / Deputy CAO  
**Re:** Building Bylaw Contravention

**Issue Introduction**

A staff report from Mark Andison, General Manager of Operations / Deputy CAO regarding a Building Bylaw Contravention for the property described below as:

**306 Cougar Road, Mount Baldy, B.C.**

**Electoral Area 'E' / West Boundary**

**Parcel Identifier: 023-629-819**

**Strata Lot 18, D.L. 100S, SDYD, Strata Plan KAS1840**

**Owner: Eva Duguid**

**History/Background Factors**

The owner, Eva Duguid, has constructed and occupied a single family dwelling at the above referenced property without a final inspection being passed or an occupancy permit. History and background factors are as attached.

The Regional District of Kootenay Boundary Building and Plumbing Amendment Bylaw No. 449 states:

Prohibition

7.2 No person shall occupy or use any building or part thereof contrary to the terms of any permit, notice or certificate given by the authority having jurisdiction;

Duties of the Owner

10.10 Where a building permit has been issued for a single family residence, the owner may apply for a permit to occupy the building prior to completion of construction, which permit may be withheld until the building or part thereof complies with this Bylaw and with the health and safety requirements of the Bylaws

of the authority having jurisdiction or the provisions of any Provincial or Federal statutes;

12.1 Every owner shall:

h) give at least 72 hours notice to the authority having jurisdiction and request his inspection of the work:

(v) after the building or portion thereof is complete and ready for occupancy, but before occupancy takes place of the whole or portion of the building.

### **Implications**

The Regional District of Kootenay Boundary Board of Directors has dealt with a number of Bylaw Contraventions by Filing a Notice on Title. The effect of this Notice is to alert future Purchasers of the property that the building(s) are in contravention of the B.C. Building Code and/or regulatory bylaws.

The above action does not preclude the Regional District of Kootenay Boundary from taking such steps as may be further authorized by Bylaw, Local Government Act and Community Charter to enforce compliance with regulations.

### **Advancement of Strategic Planning Goals**

Not applicable.

### **Background Information Provided**

- History / Background factors;
- Letter dated October 22, 2014;
- Registered letter dated September 30, 2014;
- Letter dated April 22, 2014;
- Registered letter dated March 27, 2014;
- Building permit 06-0787E.

### **Alternatives**

1. Once all deficiencies are rectified, the Owner may request that the Regional District of Kootenay Boundary Board of Directors remove the Notice on Title upon receipt of \$200.00 (Administration fee for removal of the Notice).

### **Recommendation(s)**

1. That the Regional District of Kootenay Boundary Board of Directors invite the owner, Eva Duguid, to appear before the Board to make a presentation relevant to the filing of a Notice in the Land Title Office pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter against the property legally described as Strata Lot 18, D.L. 100S, SDYD, Strata Plan KAS1840.





## STAFF REPORT ATTACHMENT

<b>Date:</b>	<b>June 10, 2015</b>	<b>File:</b>	
<b>To:</b>	<b>Chair McGregor and Board of Directors</b>		
<b>From:</b>	<b>Mark Andison, General Manager of Operations / Deputy CAO</b>		
<b>RE:</b>	<b><u>BUILDING BYLAW CONTRAVENTION</u></b> <b>306 COUGAR ROAD, MOUNT BALDY, B.C.</b> <b>ELECTORAL AREA 'E' / WEST BOUNDARY</b> <b>PARCEL IDENTIFIER: 023-629-819</b> <b>STRATA LOT 18, D.L. 100S, SDYD, STRATA PLAN KAS1840</b> <b>OWNER: EVA DUGUID</b>		

**History/Background Factors**

The owner, Eva Duguid, has constructed and occupied a single family dwelling at the above referenced property without a final inspection being passed or an occupancy permit.

Aug. 8, 2006	Building permit application and documentation submitted to construct a single family dwelling;
Sept. 7, 2006	Building permit 06-0787E issued to construct a single family dwelling;
Nov. 10, 2006	Framing inspection;
Dec. 13, 2006	Plumbing inspection;
Dec. 29, 2006	Insulation and vapour barrier inspection;
Jan. 10, 2012	Site inspection conducted and outstanding items noted;
Feb. 21, 2014	Letter mailed to owner requesting a response by March 21, 2014;
March 27, 2014	<b>First registered letter</b> mailed to owner requesting a response by April 28, 2014;
April 10, 2014	Canada Post confirmation that the letter was successfully delivered;
April 28, 2014	Letter received from owner regarding completion of some of the outstanding requirements;
April 29, 2014	Letter mailed to owner enclosing requested form and contact date of September 30, 2014;
Sept. 30, 2014	<b>Second registered letter</b> mailed to owner requesting a response by October 30, 2014;

Oct. 3, 2014	Canada Post confirmation that the letter was successfully delivered;
Oct. 27, 2014	Letter from owner regarding completion of some of the outstanding requirements and submission of required forms;
June 3, 2015	Follow up with no progress to date, outstanding guard rail at front door entry;
June 10, 2015	To date, we have had no further contact from the owner regarding the building permit.

October 22, 2014

Regional District of Kootenay Boundary  
Box 1965  
Grand Forks, BC V0H 1H0

Attention: Robert Silva, RBO

Dear Sir:

RE: BP #06-0787E 306 Cougar Rd., Mt. Baldy, BC

In response to your letter dated September 30, 2014, we attached the following:

1. Completed Certification of Plumbing Instalation
2. Completed Mechanical Ventilation Checklist A
3. Solid Fuel Heating Questionnaire

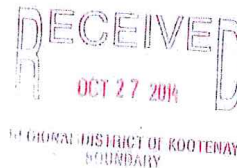
As per the attached copy of your Building Inspection Report, we have completed 6 of the 7 items required to ask for a final building inspection to obtain an occupancy permit. As you can see we are working towards that goal.

Unfortunately, we did not have the financial resources available in 2014 to complete the final item which is the guard rail at our front entrance (item 5).

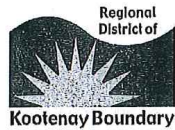
You are very welcome to inspect our property but you will find that we still have the one item noted above to complete. Our plan is to complete the guard rail in 2015 subject to having the financial resources available to us.

Regards,

  
EVA DUGUID



Follow up June 3, 2015 - No progress to date June 8, 15.



September 30, 2014

REGISTERED

Eva Duguid  
57 Cactus Crescent  
Osoyoos, B.C.  
V0H 1V1

**RE: Bylaw Contravention**  
**Single Family Dwelling, BP #06-0787E**  
**Strata Lot 18, DL 100s, Plan KAS 1840**  
**306 Cougar Rd., Mt. Baldy, B.C.**

A review of the above referenced file indicates that a final inspection has not been arranged as requested in our letters dated February 21, 2014 and March 27, 2014. An inspection has not been carried out since **January 10, 2012**. A **Bylaw Contravention** was posted on the above referenced property on February 21, 2014.

**An Occupancy permit has not been issued** as required by the Regional District of Kootenay Boundary Building Bylaw No. 449

*Section 7.2 No person shall occupy or use any building or part thereof contrary to the terms of any permit, notice or certificate given by the authority having jurisdiction.*

An Occupancy Permit may be issued if all building code requirements have been met.

Please call this office to make arrangements for a final inspection by **October 30, 2014**. Failure to comply may result in legal action.

If you have any questions, please contact the undersigned.

Respectfully,

A handwritten signature in cursive script, appearing to read "R. Silva".

Robert Silva, RBO  
Building & Plumbing Official

RS:rt

2140 Central Ave Box 1965 Grand Forks, British Columbia, Canada V0H 1H0  
toll-free: 1 877 520-7352 • tel: 250 442-2708 • fax: 250 442-2688  
email: building-g@rdkb.com • web: www.rdkb.com



April 22, 2014

Regional District of Kootenay Boundary  
Box 1965  
Grand Forks, BC V0H 1H0

Attention: Don Lepitre, RBO

Re: Building Permit #06-0787E

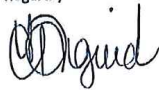
We are in the process of finishing our ski cabin at Mt. Baldy and we have completed many of the items on your list attached. The mechanical ventilation checklist will need to be updated for the fan put in the bathroom downstairs. We have addressed the hammer valve issue, the basement is completely dry walled, a timer has been added to the bathroom fan and a pressure release valve has been added to the hot water tank.

We plan on addressing the railing issue on our outside front entrance this year.

Please send us the form required so that our plumber can complete and sign off regarding his plumbing.

We will ask for a final inspection when we are complete. Our plan is the fall of 2014.

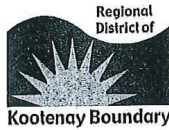
Regards,



Eva Duguid  
57 Cactus Crescent  
Osoyoos, BC V0H 1V1  
250-495-5035

RECEIVED  
APR 28 2014  
REGIONAL DISTRICT OF KOOTENAY  
BOUNDARY





March 27, 2014

REGISTERED

Eva Duguid  
57 Cactus Crescent  
Osoyoos, B.C.  
VOH 1V1

**RE: Bylaw Contravention**  
**Single Family Dwelling, BP #06-0787E**  
**Strata Lot 18, DL 100s, Plan KAS 1840**  
**306 Cougar Rd., Mt. Baldy, B.C.**

A review of the above referenced file indicates that a final inspection has not been arranged as requested in our letter dated February 21, 2014. An inspection has not been carried out since **January 10, 2012**.

**An Occupancy permit has not been issued** as required by the Regional District of Kootenay Boundary Building Bylaw No. 449

*Section 7.2 No person shall occupy or use any building or part thereof contrary to the terms of any permit, notice or certificate given by the authority having jurisdiction.*

An Occupancy Permit may be issued if all building code requirements have been met.

Please call this office to make arrangements for a final inspection by **April 28, 2014**. Failure to comply may result in legal action.

If you have any questions, please contact the undersigned.

Respectfully,

A handwritten signature in black ink, appearing to read "Don Lepitre".

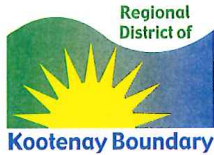
Don Lepitre, RBO  
Building & Plumbing Official

DL:rt

2140 Central Ave Box 1985 Grand Forks, British Columbia Canada V0H 1H0  
toll-free: 1 877 520-7352 • tel: 250 442-2708 • fax: 250 442-2688  
email: building@rdkb.com • web: www.rdkb.com







July 2, 2015

Eva Duguid  
57 Cactus Crescent  
Osoyoos, B.C. V0H 1V1

**Re: Constructed / Occupied a Single Family Dwelling Building without a Final Inspection or Occupancy**  
**306 Cougar Road, Mount Baldy, B.C., Electoral Area 'E' / West Boundary**  
**Contravention of Building Bylaw No. 449**  
**Strata Lot 18, D.L. 100S, SDYD, Strata Plan KAS1840**

On June 18, 2015 the Board of Directors reviewed the attached report regarding the above referenced property. As a consequence the Board will, at its next regular meeting, be considering a resolution to direct the Chief Administrative Officer to file a formal Notice in the Land Title Office regarding this contravention. Pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter you are to be afforded the opportunity to be heard by the Board of Directors before such a Notice is filed. The Board has therefore, adopted the following resolution.

"That Eva Duguid be invited to appear before the Board to make a presentation relevant to the filing of a Notice in the Land Title Office pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter against the property legally described as Strata Lot 18, D.L. 100S, SDYD, Strata Plan KAS1840".

This hearing before the Board of Directors is scheduled for Thursday, July 30, 2015 at approximately 6:00 p.m. This meeting will be held at the Regional District of Kootenay Boundary office, 2140 Central Avenue, Grand Forks, B.C. Please advise Sara Bradley at the address noted below in advance, whether you or a representative will be present at this hearing. If you will be attending this hearing, we would request a written submission from you relating to this matter by July 23, 2015. This will provide sufficient time for your report to be distributed to the Board of Directors.

Please be advised that, in order to avoid registration of this Notice, the Board of Directors requires a written confirmation from the Building Inspection staff that the property is now in compliance. You are encouraged to acquire that confirmation before the hearing date.

Enclosed for your information is a copy of Section 695 of the Local Government Act and Section 57 of the Community Charter. The effect of this Notice is to remove liability from the Regional District of Kootenay Boundary and warn future purchasers of the property that the building(s) or construction on the property may have been in violation of the B.C. Building Code and/or Regulatory Bylaws of the Authority having Jurisdiction.

Yours truly,

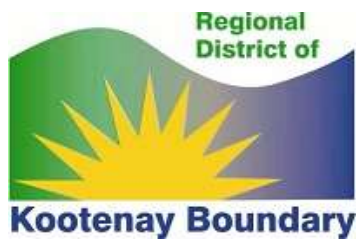
Theresa Lenardon  
Manager of Corporate Administration

Attachment

/sb





**STAFF REPORT**

**Date:** 02 Jul 2015 **File**  
**To:** **Chair McGregor and Board of Directors**  
**From:** Mark Andison, General Manager of Operations / Deputy CAO  
**Re:** Building Bylaw Contravention

**Issue Introduction**

A staff report from Mark Andison, General Manager of Operations / Deputy CAO regarding a Building Bylaw Contravention for the property described below as:

**6297 College Road, Grand Forks, B.C.**  
**Electoral Area 'D' / Rural Grand Forks**  
**Parcel Identifier: 016-323-998**  
**Lot 1, D.L. 700, SDYD, Plan 43562**  
**Owners: Donald and Debra Steinbach**

**History/Background Factors**

The owners, Donald and Debra Steinbach, have constructed an addition to a single family dwelling at the above referenced property without a final inspection. History and background factors are as attached.

The Regional District of Kootenay Boundary Building and Plumbing Amendment Bylaw No. 449 states:

Duties of the Owner

12.1 Every owner shall:

- (h) give at least 72 hours notice to the authority having jurisdiction and request his inspection of the work:
- (v) after the building or portion thereof is complete and ready for occupancy, but before occupancy takes place of the whole or portion of the building.

**Implications**

The Regional District of Kootenay Boundary Board of Directors has dealt with a number of Bylaw Contraventions by Filing a Notice on Title. The effect of this Notice is to alert future Purchasers of the property that the building(s) are in contravention of the B.C. Building Code and/or regulatory bylaws.

The above action does not preclude the Regional District of Kootenay Boundary from taking such steps as may be further authorized by Bylaw, Local Government Act and Community Charter to enforce compliance with regulations.

**Advancement of Strategic Planning Goals**

Not applicable

**Background Information Provided**

- History / Background factors;
- Registered letter dated February 23, 2015;
- Letter dated June 23, 2014;
- Inspection report dated April 18, 2013;
- Building permit 12-0330D.

**Alternatives**

1. Once all deficiencies are rectified, the Owner may request that the Regional District of Kootenay Boundary Board of Directors remove the Notice on Title upon receipt of \$200.00 (Administration fee for removal of the Notice).

**Recommendation(s)**

1. That the Regional District of Kootenay Boundary Board of Directors invite the owners, Donald and Debra Steinbach, to appear before the Board to make a presentation relevant to the filing of a Notice in the Land Title Office pursuant to Section 695 of the Local Government Act and Section 57 of the Community Charter against the property legally described as Lot 1, D.L. 700, SDYD, Plan 43562.



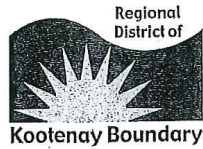
**STAFF REPORT ATTACHMENT**

<b>Date:</b>	<b>July 2, 2015</b>	<b>File:</b>	
<b>To:</b>	<b>Chair McGregor and Board of Directors</b>		
<b>From:</b>	<b>Mark Andison, General Manager of Operations / Deputy CAO</b>		
<b>RE:</b>	<b><u>BUILDING BYLAW CONTRAVENTION</u></b> <b>6297 COLLEGE ROAD, GRAND FORKS, B.C.</b> <b>ELECTORAL AREA 'D' / RURAL GRAND FORKS</b> <b>PARCEL IDENTIFIER: 016-323-998</b> <b>LOT 1, D.L. 700, SDYD, PLAN 43562</b> <b>OWNERS: DONALD AND DEBRA STEINBACH</b>		

**History/Background Factors**

The owners, Donald and Debra Steinbach, have constructed an addition to a single family dwelling at the above referenced property without a final inspection.

Aug. 10, 2012	Building permit application and documentation submitted to construct an addition to a single family dwelling;
Aug. 17, 2012	Building permit 12-0330D issued to construct an addition to a single family dwelling;
April 18, 2013	Framing inspection, re-inspection required;
June 20, 2014	Conversation with contractor regarding homeowners being indecisive;
June 23, 2014	Letter send to owners requesting a response by July 23, 2014;
Feb. 19, 2015	Bylaw contravention posted;
Feb. 23, 2015	<b>First registered letter</b> mailed to owners requesting a response by March 23, 2015;
March 3, 2015	Canada Post confirmation that the letter was successfully delivered;
July 2, 2015	To date, we have had no further contact from the owners regarding the building permit.



February 23, 2015

REGISTERED

Donald & Debra Steinbach  
6297 College Rd.  
Grand Forks, B.C.  
V0H 1H2

**RE: Building Permit #12-0330D – Addition to Single Family Dwelling  
6297 College Rd., Grand Forks, B.C.  
Lot 1, DL 700, Plan 43562**

A recent review was carried out on your building permit file, which indicates that there has been no response to our letter sent June 23, 2014 requesting an inspection. An inspection has not been carried out on the above mentioned permit since **April 18, 2013**.

**As required by the Regional District of Kootenay Boundary Building Bylaw No. 449,**

**Section 12.1 Every owner shall:**

- (h) give at least 72 hours notice to the authority having jurisdiction and request his inspection of the work:**
  - (v) after the building or portion thereof is complete and ready for occupancy, but before occupancy takes place of the whole or a portion of the building.**

Please contact our Building Department at (250) 442-2708 and make arrangements to update or close your file by **March 23, 2015**. Failure to comply may result in legal action.

If you have any questions, please contact the undersigned.

Regards,

A handwritten signature in cursive script, appearing to read "R. Silva".

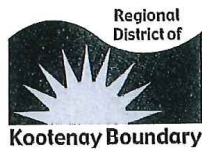
Robert Silva, RBO  
Building & Plumbing Official

RS:rt  
attachment

Mark Andison, MCIP, RPP, General Manager, Operations/Deputy CAO

2140 Central Ave Box 1965 Grand Forks, British Columbia Canada V0H 1H0  
toll-free: 1 877 520-7352 • tel: 250 442-2708 • fax: 250 442-2688  
email: building-gf@rdkb.com • web: www.rdkb.com





June 23, 2014

Don Stienback  
6297 College Rd.  
Grand Forks, B.C.  
V0H 1H2

**RE: Framing Re-inspection**  
**6297 College Rd., Grand Forks, B.C.**  
**Lot 1, DL 700, Plan 43562**

A recent review was carried out on your building permit file, which indicates that an inspection has not been carried out since **April 18, 2013**.

It is very important that you contact the Building Department by **July 23, 2014** so your file can be updated.

Respectfully,

A handwritten signature in black ink, appearing to read "R Silva".

Robert Silva, RBO  
Building & Plumbing Official

RS:rt  
attachment

*Conversation with Contractor  
on June 20/2014. No progress  
Owners not making decisions*

2140 Central Ave Box 1965 Grand Forks, British Columbia Canada V0H 1H0  
toll-free: 1 877 520-7352 • tel: 250 442-2708 • fax: 250 442-2688  
email: building-gf@rdkb.com • web: www.rdkb.com



REGIONAL DISTRICT OF KOOTENAY BOUNDARY BUILDING INSPECTION REPORT	
Time & Date Call Rec'd	PERMIT NO. <u>12-0330D</u>
Owner's Name <u>Steinbach</u>	
Address or Legal Description <u>6297 College Road, Electoral Area D</u>	
Inspection Requested <u>Framing</u>	Page <u>    </u> of <u>    </u>
<input type="checkbox"/> Construction appears to conform reasonably with examined plans and specifications <input type="checkbox"/> Construction appears acceptable subject to correcting items as noted (see below) <input checked="" type="checkbox"/> Construction NOT acceptable due to deficiencies (see below) <input checked="" type="checkbox"/> Reinspection required <input type="checkbox"/> Submit Engineer's Report for: <u>                    </u>	
Notes	
<p>① Two beams have been point loaded - will require assessment by P. Eng for conformance</p> <p>② Beams, Beam Specifications from Boundary Truss to be sealed by P. Eng.</p> <p>③ 4x4 posts not acceptable; minimum required is 5 1/2 x 5 1/2</p> <p>④ Hip rafter is point loaded on built up beam. P. Eng assessment required</p>	
Next Req'd Insp. <u>Reinspection</u>	
Date of Inspection <u>18 April 2013</u> Time <u>10:30</u> am/pm	Building Official <u>[Signature]</u>
<small>Neither the granting of a building permit nor the approval of the relevant drawings and specifications nor inspections made by the authority having jurisdiction shall in any way relieve the owner of such building from full responsibility for carrying out the work or having the work carried out in full accordance with the requirements of the British Columbia Building Code.</small>	
This Report	<input type="checkbox"/> Placed on site    or <input checked="" type="checkbox"/> Received by <u>Ernie Sieben</u>



N. 12-0330D

INSPECTION CALLS: (250) 442-2708 or 1-877-520-7352

DATE PERMIT  
GRANTED:

Aug 14, 12

**Regional District of Kootenay Boundary**

BUILDING INSPECTION DEPT.

2140 Central Ave., Box 1965, Grand Forks, B.C. V0H 1H0

PERMIT TO CONSTRUCT, ERECT, INSTALL, ALTER, ADD TO, REPAIR, MOVE,  
OR DEMOLISH, A BUILDING, STRUCTURE, OR PLUMBING

PURSUANT TO THE APPLICABLE REGULATIONS		ADDRESS: GRAND FORKS, B.C.		TELEPHONE:	
DON STIENBACK					
READ THE OWNER OR ACTING WITH CONSENT OF THE OWNER IS HEREBY GRANTED					
A PERMIT TO: ADDITION TO SINGLE FAMILY DWELLING					
AT: 6297 COLLEGE RD		FOLIO: 712 03679.030			
LOT: 1	BLOCK:	RANGE:	D.L. 700	PLAN: 43562	LD:
OWNER: DON STIENBACK		ADDRESS:		TELEPHONE:	
CONTRACTOR: ERNIE SIEBEN		ADDRESS:		TELEPHONE:	
<p>PARTICULARS - PERMIT IS ISSUED SUBJECT TO THE FOLLOWING SPECIAL REQUIREMENTS:</p> <p>ALL WORK TO CONFORM TO THE 2006 B.C. BUILDING CODE AND RELEVANT AREA 'D' BYLAWS.</p> <p>MINIMUM SETBACKS: FRONT 7.5M, INTERIOR SIDE 1.5M, EXTERIOR SIDE 4.5M, REAR 4.5M.</p> <p>PROPERTY PINS TO BE IDENTIFIABLE.</p> <p>MAXIMUM HEIGHT 10M FROM AVERAGE GRADE.</p> <p>STAMPED ENGINEERED TRUSS DESIGNS AND LAYOUT FOR 59 PSF GROUND SNOW LOAD TO BE SUBMITTED PRIOR TO FRAMING INSPECTION.</p> <p>CALL FOR: FRAMING &amp; FINAL INSPECTIONS.</p>					

**FEES****WAIVER OF INDEMNITY**

AREA OF LIVING SPACE		
CONSTRUCTION VALUE	\$ 5000	
BUILDING PERMIT FEE		\$ 40
PLUMBING FIXTURES		\$ 0
DEMOLITION		
OTHER		
<b>SUB-TOTAL</b>		\$ 40
TITLE SEARCH		\$ 10
<b>TOTAL</b>		\$ 50
LESS DEPOSIT		
<b>BALANCE OWING</b>		\$ 50

In consideration of the granting of this permit, the undersigned: (a) releases the Regional District of Kootenay Boundary and those acting on behalf of the Regional District of Kootenay Boundary from all claims and expenses which the undersigned may have or incur as a result of the issue of this permit or the enforcement or non-enforcement of the Regional District of Kootenay Boundary Bylaws or of the British Columbia Building Code; (b) indemnifies the Regional District of Kootenay Boundary from all such claims and expenses which may be made by any other person; and (c) acknowledges that the Regional District of Kootenay Boundary owes no duty of care to the undersigned or any one else in respect of these matters. The owner or contractor must give 72 hours notice upon completion of the work.

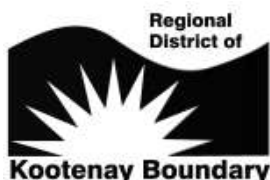
*Don Stienback*  
Owner's Signature

*R. Silva*  
ROBERT SILVA, RBO  
BUILDING INSPECTOR'S SIGNATURE

DATE PAID *Aug 17, 12*

1. Prior to placing concrete in footings 2. After installation of drain tiles/dampproofing/before backfilling 3. When framing completed 4. Insulation and vapour barrier completed 5. Before any part of plumbing system covered 6. Final Inspection - An occupancy permit is required prior to occupancy of building.





## STAFF REPORT

Prepared for meeting of July 2015

<b>FrontCounter BC Referral – Specific Permission for Private Moorage</b>		
<i>To: Chair McGregor and Members of the RDKB Board of Directors</i>		
<b>Applicant:</b> Kevin Penny and Susan Babensee		<b>File No:</b> C-4058s-07285.205
<b>Location:</b> Foreshore of Christina Lake adjacent to 4206 Boat Access West, Electoral Area 'C'/Christina Lake		
<b>Legal Description:</b> All that Crown foreshore being part of the bed of Christina Lake, fronting that part of DL 4058s		<b>Application Area:</b> ±0.0029 ha (29m <sup>2</sup> )
<b>OCP Designation:</b> Waterfront Residential	<b>Zoning:</b> Waterfront Residential 2/ (R2); Open Space 1 (OS1)	<b>DP Area:</b> Environmentally Sensitive Waterfront Development Permit Area
<b>Provincial Contact Information:</b> Referral No. 75074105-006 Curt Nixon, Tenures Forester FrontCounter BC Nelson, BC 250-825-1107 <a href="mailto:curt.nixon@gov.bc.ca">curt.nixon@gov.bc.ca</a>		<b>Owner Contact Information:</b> Kevin Penny PO Box 448 Montrose, BC V0G 1P0 250-359-1335 <a href="mailto:mr_kpenny@yahoo.ca">mr_kpenny@yahoo.ca</a>
<b>Report Prepared by:</b> Carly Rimell, Planner		

### ISSUE INTRODUCTION

The Regional District of Kootenay Boundary has received a referral from FrontCounter BC, submitted by Kevin Penny and Susan Babensee, to legalize an existing dock through Specific Permission (*see Site Location Map; Upland Parcel Map; Applicants' Submission*).

## BACKGROUND FACTORS

### Christina Lake Compliance Project

The Christina Lake Compliance project was initiated in 2014 by the Ministry of Forests, Lands and Resource Operations (FLNRO) in order to evaluate lakeshore habitat on selected lakes throughout the Kootenay Boundary Regions. The Compliance and Enforcement Branch conducted an inventory of private docks and foreshore modification sites on Christina Lake.

The inventory is to identify what structures have legal tenure and if they are built to a prescribed standard. The goal is to improve compliance on the foreshore of Christina Lake in order to increase public safety on the water, ensure a healthy foreshore environment, and sustain a diversity of recreational experiences that can be enjoyed by all.

Approximately 150 owners were found to be in trespass in respect to private moorage and foreshore encroachment. The referrals we are seeing now are known as Phase I and were identified with high to moderate fish habitat designated zone (*see Christina Lake Kokanee Spawning Habitat Map*). There are 50 upland property owners that have been sent notifications being asked to legalize their existing moorage structures (*see Christina Lake Compliance Letter*).

### Types of Crown Tenure

To date the Regional District of Kootenay Boundary has received four referrals from the Province regarding private moorage. There are two types of permission for private moorage which are described below. There is no fixed term or expiry date for either tenure.

General Permission	Specific Permission
<p>No application is required for General Permission provided the following criteria are met for the dock:</p> <ul style="list-style-type: none"> <li>Do not exceed 24m<sup>2</sup> in total surface area (ie. of dock, pier, walkway)</li> <li>Do not extend a distance greater than 30 m from the present natural boundary of the upland parcel</li> <li>Do not exceed 1.5m in width for access ramps or walkways and 3 meters width for any other portion of the dock</li> <li>It is the only dock or moorage facility fronting the upland property</li> <li>Pressure treated wood is not used in the construction</li> </ul>	<p>A Specific Permission must be applied for if the dock:</p> <ul style="list-style-type: none"> <li>Is located on a lake or river and the dock is over 24m<sup>2</sup></li> <li>Is located on a lake or river and the dock does not adhere to any of the requirements of the General Permission</li> <li>Is located in an Application-Only Area</li> <li>Includes a boat lift structure unattached to a dock or in the absence of an associated dock, or a permanent way or boat ramp and</li> <li>Is for group moorage three berths or less</li> </ul>

License of Occupation will only be used to renew existing or expired License of Occupations. It is the goal of the Crown to process the Christina Lake Compliance project through Specific Permission as opposed to License of Occupation.

*Regional District of Kootenay Boundary Land Use Bylaws*

*Electoral Area 'C'/Christina Lake Official Community Plan Bylaw No. 1250, 2004.*

There are two policies in the Electoral Area 'C'/Christina Lake Official Community Plan that are relevant to this application:

- The Regional District encourages the Minister responsible for the *Land Act* to only issue Licenses of Occupation for wharves and similar structures, which are constructed of environmentally sensitive materials (Policy #2.11.3.4); and
- Regulating the use of the lake's surface and Crown foreshore is ultimately a Provincial responsibility. However, the Province has a long history of consulting and cooperating with the Regional District in this regard and this practice will be encouraged to continue. In order to clearly establish the Regional District's position with respect to the use of the lake surface and Crown foreshore, it will be placed in a public open space zone in the implementing bylaws. This zone will allow water based recreational uses and moorage facilities which are accessory to a residence (provided they are within an area which is duly authorized by license or lease). Principal residential uses, such as houseboats and floating homes will not be permitted (Policy #2.11.3.5)

and an overall goal of "protection of the lakeshore environment is balanced with residential and recreational needs".

*Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, 2007*

The subject parcel is zoned Waterfront Residential (R2) in the Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, 2007. The lake is zoned Open Space 1 (OS1), which permits docks. The upland parcels are designated 'Waterfront Residential' in the Electoral Area 'C'/Christina Lake Official Community Plan Bylaw No. 1250, 2004. These parcels are also within the "Waterfront Environmentally Sensitive Development Permit Area"; for the purposes of this application a permit or permit amendment is not required.

The Zoning Bylaw Section 315, includes regulations for docks. This Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300 was adopted June 28, 2007 therefore some of these docks may be considered legal non-conforming (*see Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, Section 315 Excerpt*). If the structures are considered legal non-conforming they will not be required to comply with the bylaw until they are replaced.

## UPLAND PARCEL HISTORY

The upland parcel (4206 Boat Access West Side Christina Lake) is a boat access only property. The upland parcel applied for and received a development permit for the 'Waterfront Environmentally Sensitive Development Permit Area' in April 2010. The on-site sewage disposal system is in substantial compliance. The RDKB has no concerns about public health or water quality in the foreshore fronting the parcel at 4206 Boat Access West. The frontage of the parcel is estimated at  $\pm 37\text{m}$  (121 ft).

The existing floating dock is constructed of polyethylene floats with a timber framed construction that is out of the water (*see Applicants Submission*). The thru-flow decking allows light to pass through and hit the water's surface. There are two anchors in the water attached by chain which are subsequently attached to the shore by ropes, which are then anchored to large rocks. The dock is T-shaped with a gangway which attaches the dock to the shore. The docks walk way is 1 meter wide over a length of approximately 12 meters. The applicant has also applied for a Section 9 Permit with Ministry of Environment to replace this system with steel pilings. There are no other docks within 25 meters of this application.

## PROPOSAL

The proposal is for private moorage purposes fronting the landowner's private property to legalize an existing T-shaped dock through a Specific Permission from the Crown fronting their upland parcel at 4206 Boat Access West Side Christina Lake. The proposed area is  $\pm 0.0029$  ha.

## IMPLICATIONS

If this application for Specific Permission is supported, the dock will need to be brought into compliance with the dock regulations in the Zoning Bylaw (Section 315). The documentation shows the width of the dock is 4.87m at its widest point which is 1.87m over the permitted 3m, therefore it does not meet the Zoning regulations.

It appears that the dock meets the requirements of the 3m setback from the upland interior side parcel line but the measurements provided are not explicitly clear. In addition there are concerns about the current system of how the owners have their dock anchored to shore. With the proposed pilings the owners are suggesting there would be less movement and less likelihood of the docks drifting over into neighbouring foreshore of upland parcels.

A dock is crucial to a boat access only parcel for ease of access and safety; in case of fire or emergency.

All of the upland property owners contacted in Phase I of the Christina Lake Compliance Project were identified as the foreshore is within the high to moderate fish habitat zone according to FLNRO. The data used in the mapping throughout this APC report was collected in 2009 by the Christina Lake Stewardship Society. That mapping does not show shore spawning adjacent to the subject parcel so more research may have been

conducted and now this area has been determined as habitat and spawning areas for the shore spawning kokanee.

The Regional District encourages property owners to legalize their docks with the Crown. At the same time the Regional District discourages the use of materials for docks that could have a negative impact on the environment. The applicant asserts they considered this when they constructed their dock in 2010. The construction techniques were used keep the dock and gangway away from any contact with the shoreline or bottom of the lake to minimize aquatic and terrestrial impacts.

### **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'C'/Christina Lake APC's support for the Specific Permission is subject to the owner's being granted a Development Variance Permit for the dock size.

### **BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

*Upland Parcel Map*

*Applicants' Submission*

*Christina Lake Kokanee Spawning Habitat*

*Christina Lake Compliance Letter*

*Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, Section 315 Excerpt*

### **RECOMMENDATION**

That the Regional District of Kootenay Boundary Board of Directors recommends that the Province of British Columbia's approval of the application by Susan Babansee and Kevin Penny for Specific Permission for private moorage is subject to issuance of a Development Variance Permit that varies Section 315 of the Regional District of Kootenay Boundary's Zoning Bylaw No. 1300 to legalize the size of the dock on the Crown foreshore being part of the bed of Christina Lake, fronting the upland parcel legally described as Lot 2, DL 4058s, KAP43164, SDYD.

*Respectfully Submitted:*

*Concurrence: (Department  
Head)*

*Concurrence: (CAO)*







2015/06/25

# Site Location Map

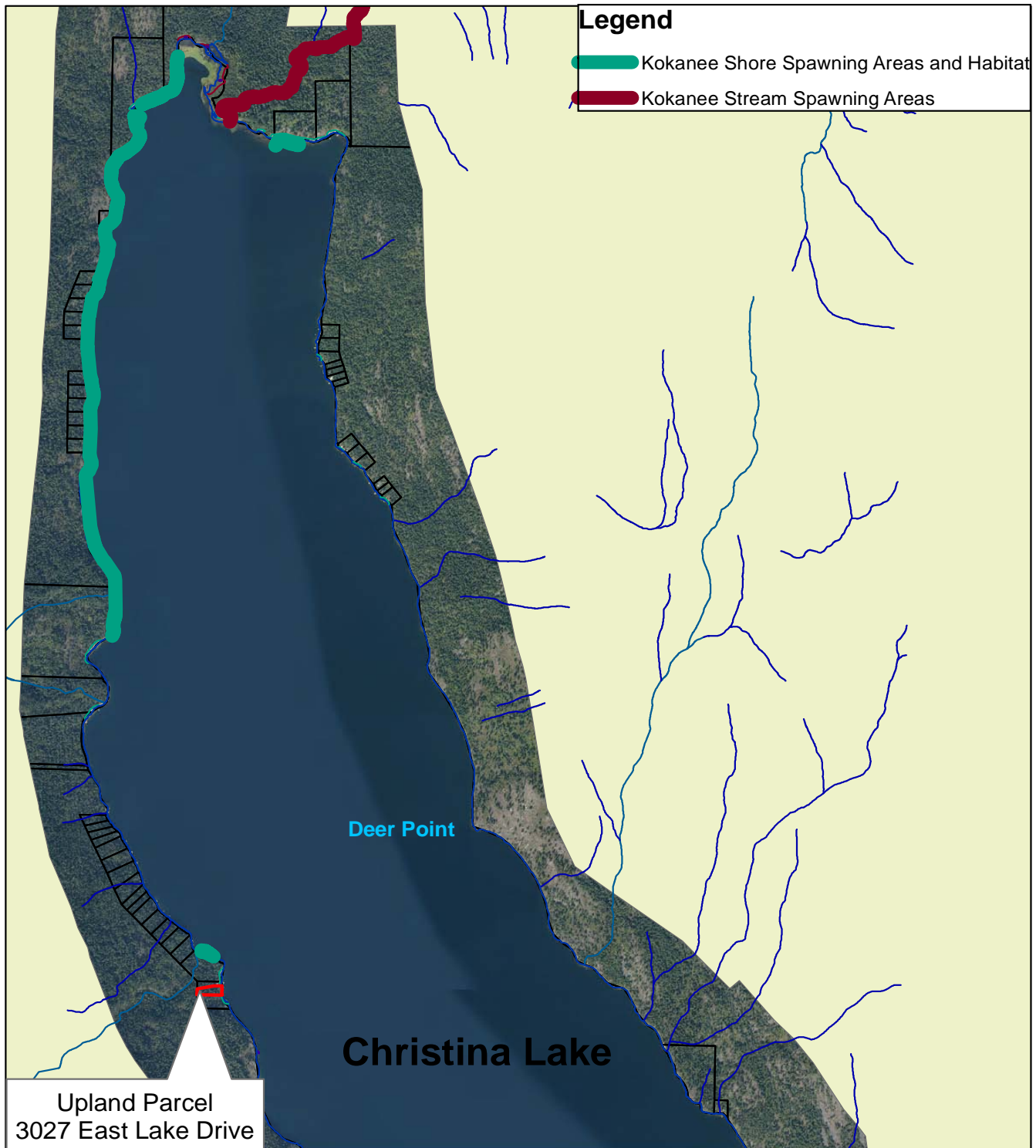
Scale 1:22,000



0 125 250 500 750 1,000  
Meters

## Legend

- Kokanee Shore Spawning Areas and Habitat
- Kokanee Stream Spawning Areas



P:\GIS\VRDKB\MapDocuments\Routine\_Maps\SiteLocationMap\Area\_'C'\_ChristinaLake\SLM-C-4058s-Babansee\_2015-06-25



2015/06/25

# Upland Parcel Map

Scale 1:2,250



0 25 50 100  
Meters

## Legend

- █ Kokanee Shore Spawning Areas and Habitat
- █ Kokanee Stream Spawning Areas

## Christina Lake

Upland Parcel  
4206 Boat Access West

P:\GIS\VRDKB\MapDocuments\Routine\_Maps\SubjectPropertyMap\Area\_ 'C'\_ ChristinaLake\SPM-C-4058s-Babansee\_2015-06-25

**Private Moorage Application****Applicants**

Kevin Penny

Susan Babensee

**Legal Site description**

PID #016-105-800, Lot 2, DL 4058S, SDYD, Plan 43164

**Civic address**

4206 Boat Access West Side Christina Lake

**Included documentation**

site plan labelled "dock location.pdf"

Side profile labelled "water elevation.pdf"

3 Photographs 4206 south, north & overview

**Section A - Overview**

This application is for an existing dock constructed in 2010 replacing a failed dock and access.

The dock is required because this a boat access only property.

It is connected to shore with 2 section gangway.

**Section B – Project Details**

This dock is needed because this is a boat access only property on Christina Lake

It is constructed of polyethylene floats with a timber framed construction that is out of the water and Thruflo decking so light passes through the decking.

It has 2 anchors in the water attached by chain and is attached to the shore by ropes that are attached to large rocks. (I am applying for a Section 9 permit to replace this with steel pilings)

Location of the dock is shown on "dock location. pdf"

There are no other docks within 25 meters of this application

Where the gangway lands on solid ground it is quite rocky so public access would have to cross our property.

When we are at the property the dock has our boat moored to it and room for one other.

## Section C

### I. Environmental

- a. Land impacts; This dock poses no interference
- b. Atmospheric impacts; N/A
- c. Aquatic; we have considered this when we replaced the other dock, superior flotation, gangways off the water, natural support materials (rocks)
- d. Fish and Wildlife; minimal if any disturbance because of the construction materials, I usually see fish under the dock.

Based on the Okanagan Regional Foreshore Protocol Map of Christina Lake the subject dock is outside of any kokanee spawning area because the shoreline is rocky and the bottom is not sandy underneath the dock. Also the construction techniques used keep the dock and gangway away from any contact with the shoreline or bottom of the lake.

### II. Socio-Community

- a. Land use; this makes our land usable and has no negative impact on other land users.
- b. Socio-Community; this is only a positive because this can be used as moorage if there is a fire or an emergency. There are no services provided at this property.
- c. Public Health; When we purchased this property we applied for a Development permit with the RDKC and one of the conditions for building a new cabin is that we install an engineered septic system which I can provide information if it is required.
- d. First Nations; We have not contacted anyone.

### **Section 9 Application**

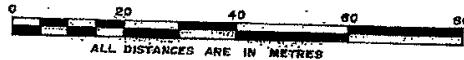
This application process was sent in on April 23, 2015. The reason for this is the proposed pilings needed for the dock and the gangway because of the water fluctuations. If accepted this work will take place in 2015.

SUBDIVISION PLAN OF BLOCK B, D.L. 4058<sup>S</sup>, S.D.Y.D.

17-KB-R11-M1

SCALE 1 500

BCGS 52 E. 019

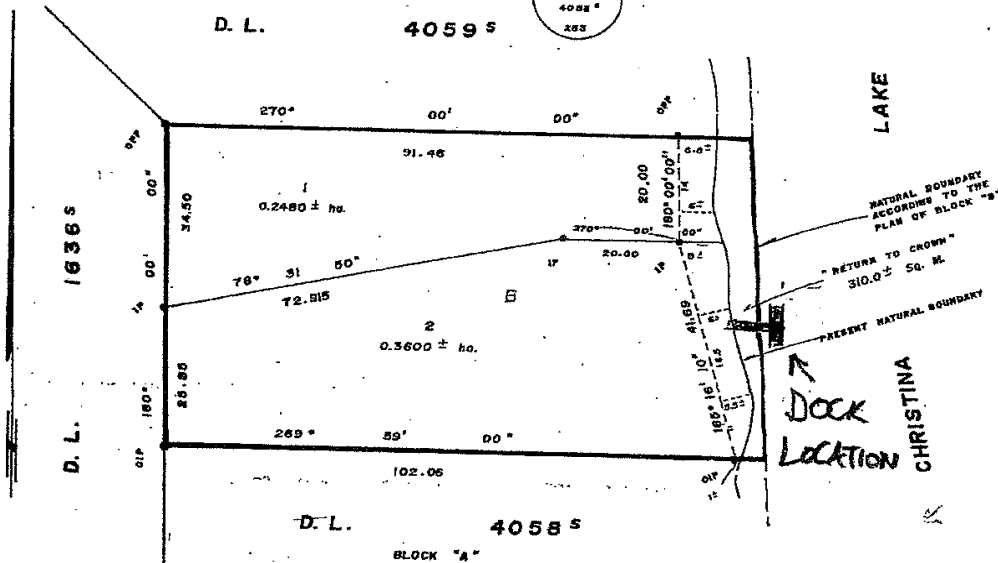


Point OST  
0.25 Cedar 168° 42' 4  
0.25 Fir 41° 7' 13  
0.25 Fir 210° 1' 13



Point OST  
0.46 Fir 300° 7' 0  
0.18 Pine 40° 4' 70

D. L. 4059<sup>S</sup>



PLAN 43164

Deposited in the Land Title Office  
at Kamloops, B.C., this 21<sup>st</sup>  
day of JUNE 19 90

DF KD 52654/km

" ACCESS BY WATER ONLY "

Approved under the Land Title Act this  
5<sup>th</sup> day of JUNE 19 90

*Jamie M. Hoffman*  
Appointed Officer for the Ministry of  
Transportation & Highways

This plan lies within the Kootenay  
Boundary, Regional District.

LEGEND

- Bearings are astronomic, derived from Plan of D.L. 4058<sup>S</sup>
- OIP denotes standard iron post found
- IP denotes standard iron post set
- OPP denotes standard pipe post monument found
- OST denotes bearing tree found

*Walter Woodcroft*  
OWNER: WALTER WOODCROFT  
*Walter Woodcroft*  
OWNER: MORA LODGE WOODCROFT  
*Walter Woodcroft*  
WITNESS TO BOTH SIGNATURES  
Box 2398 Y. Hake BC  
ADDRESS OF WITNESS  
*Walter Woodcroft*  
OCCUPATION OF WITNESS

The registered owner designated  
hereon declares that he has entered  
into a covenant in favour of the  
Ministry of Transportation under Section 215  
of the Land Title Act.

This plan need not comply with  
Section 75 (1) (b) of the Land  
Title Act. Dated this 5<sup>th</sup>  
day of JUNE 1990

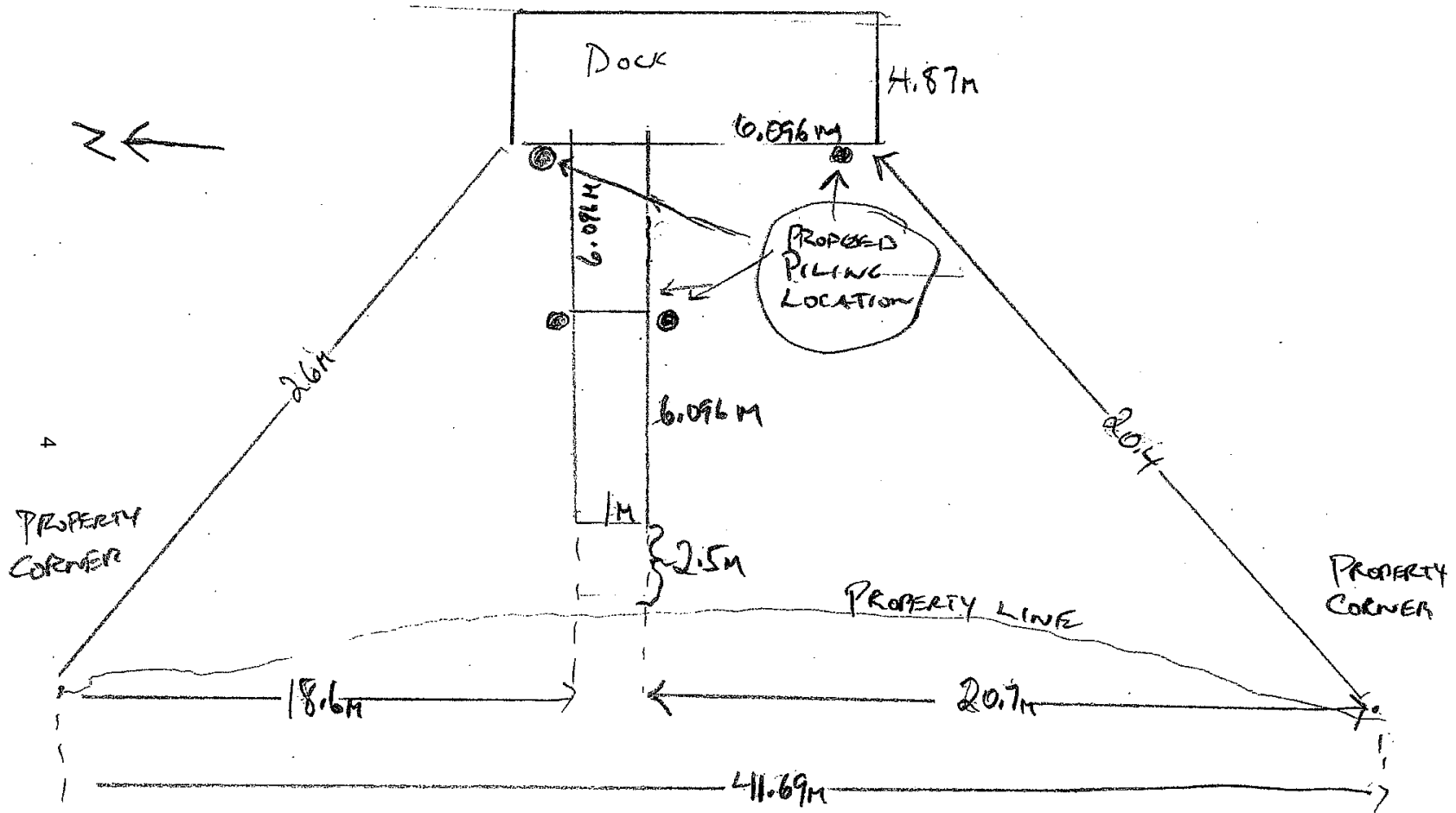
*Jamie M. Hoffman*  
Appointed Officer for the Ministry  
of Transportation & Highways.

I, A.F. Hoefeloot a British Columbia Land  
Surveyor of the City of Grand Forks in British  
Columbia, certify that I was present at and  
personally supervised the survey represented  
by this plan and that the survey and plan are  
correct. The survey was completed on the  
27<sup>th</sup> day of April 1990

*A.F. Hoefeloot*  
A.F. Hoefeloot  
B.C. Land Surveyor  
Grand Forks, B.C.



4206 BOAT ACCESS  
WEST SIDE  
CHRISTINA LAKE

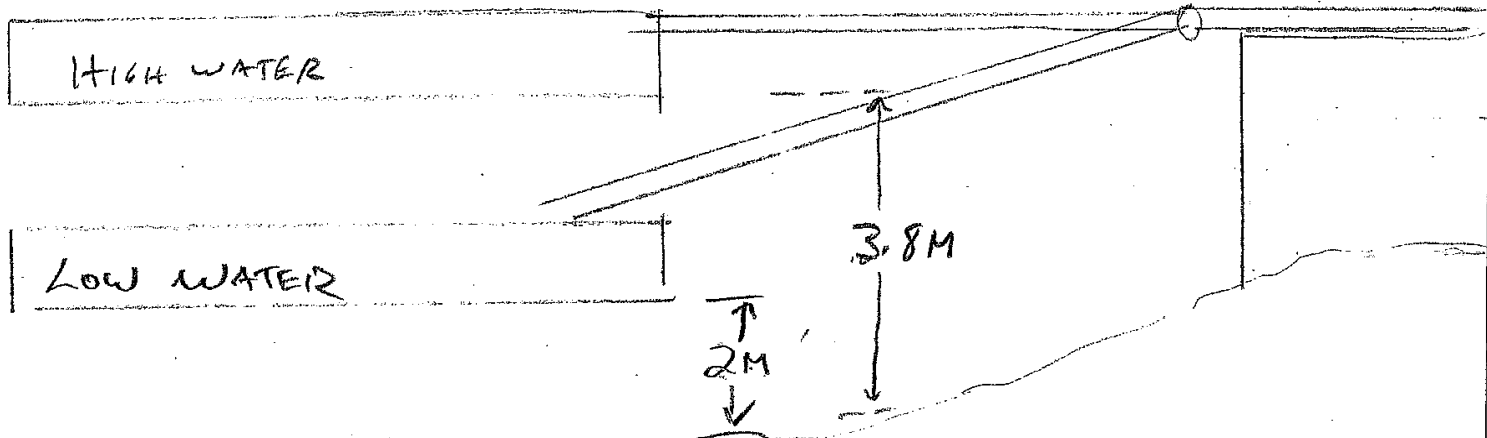


Applicants' Submission

ITEM ATTACHMENT # h)

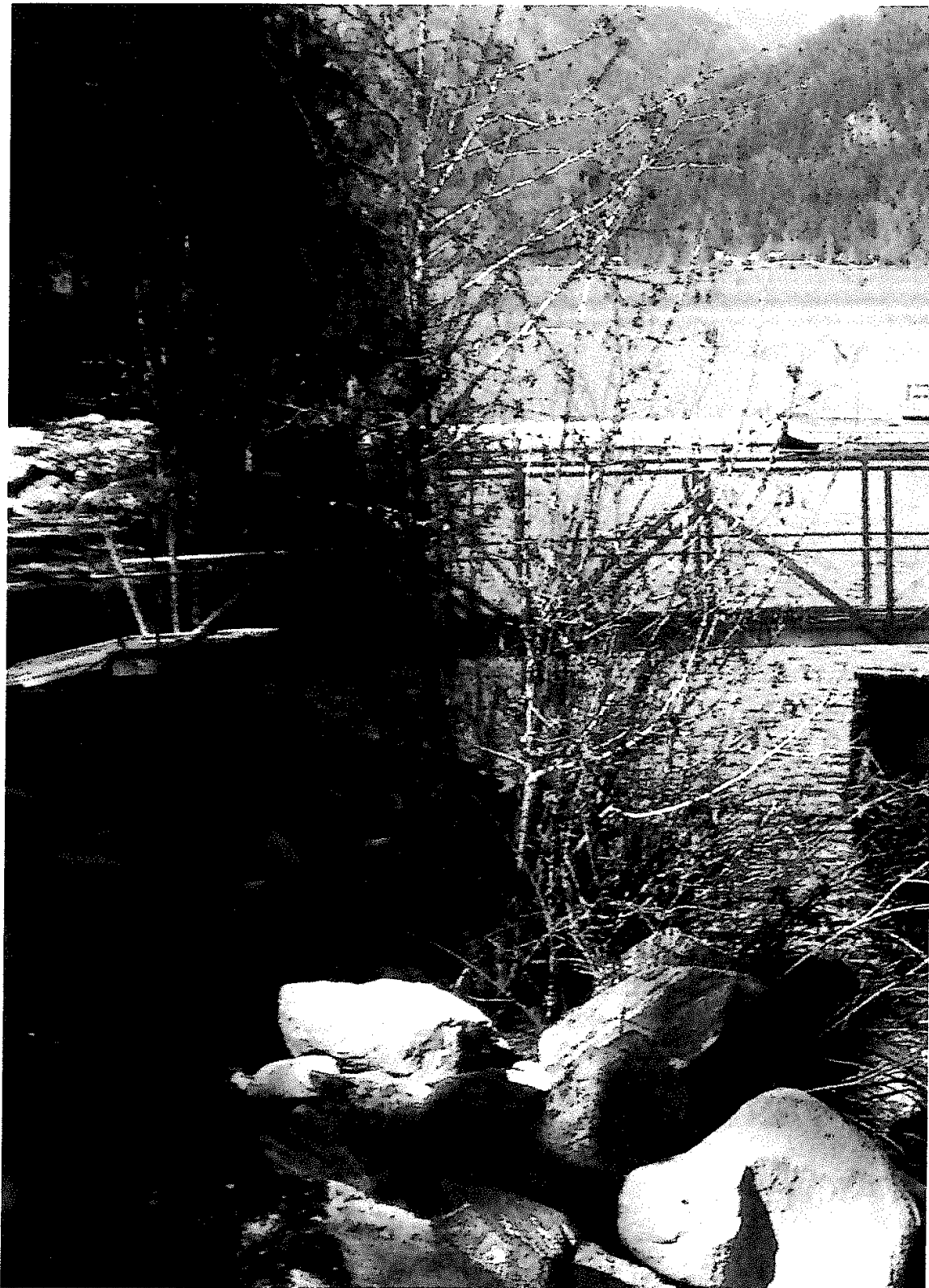
4206 BOAT ACCESS  
WEST SIDE  
CHRISTINA LAYLA

5



Applicants' Submission

ITEM ATTACHMENT # h)



<https://j200.gov.bc.ca/int/vfcbc/download.aspx?PossgeObjectId=74057423>

2015-04-23

Applicants' Submission



<https://j200.gov.bc.ca/int/vfcbc/download.aspx?PosseObjectId=74057452>

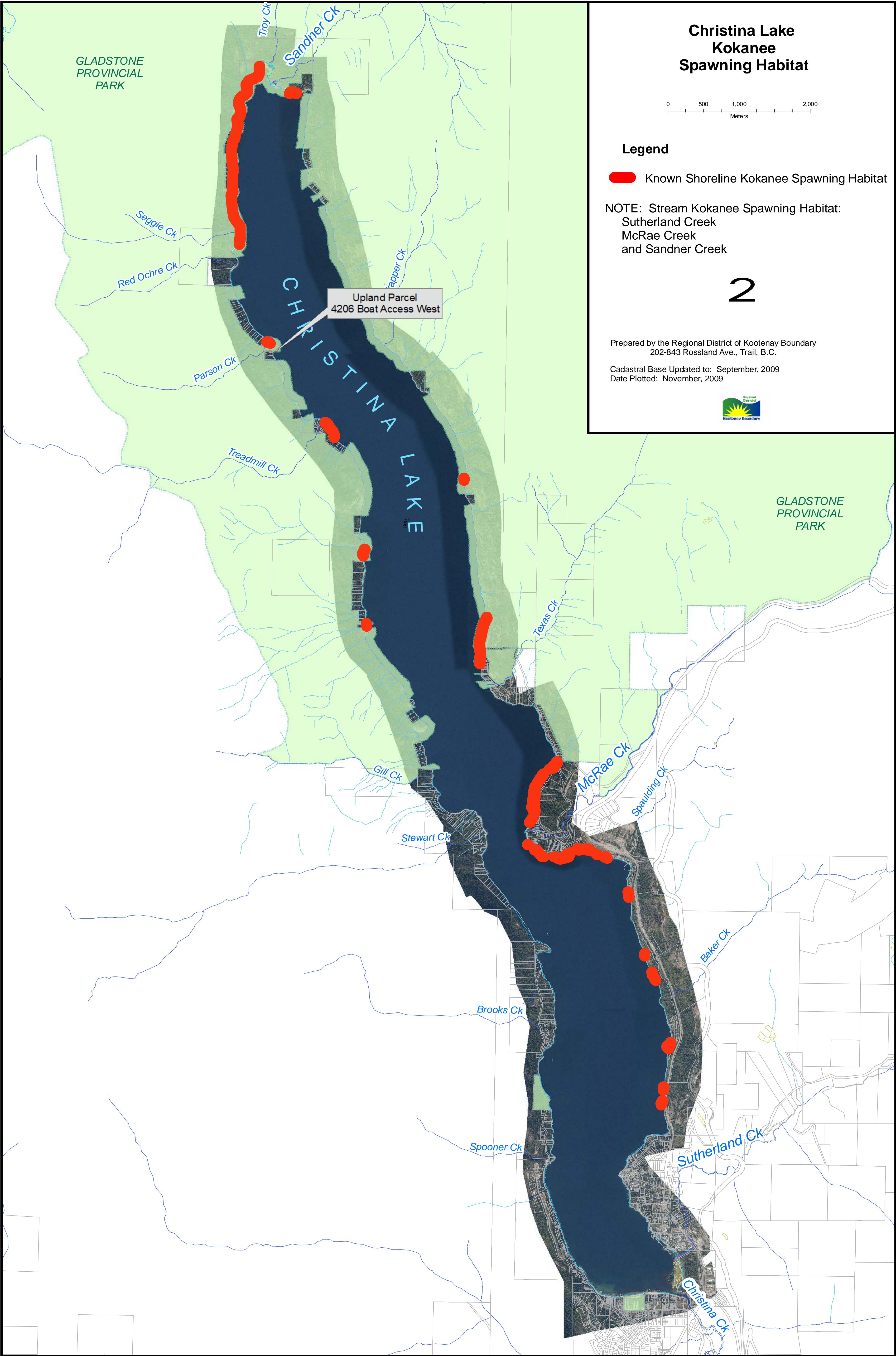
2015-04-23



<https://j200.gov.bc.ca/int/vfcbc/download.aspx?PosseObjectId=74057842>

2015-04-23









File: 23000 – 20/Christina Lake Compliance Review

Date May 21, 2014

Dear Property Owner:

You are receiving this letter because you may own property at or near Christina Lake. The Ministry of Forests, Lands and Natural Resource Operations has been evaluating lakeshore habitat on selected lakes throughout the Kootenay Boundary Region. This is to advise the Ministry of Forests, Lands and Natural Resource Operations, Compliance and Enforcement Branch, has begun conducting an ongoing inventory of private docks, and foreshore modification sites on Christina Lake.

The inventory is to identify what structures have legal tenure, and if they are built to a prescribed standard. The goal is to improve compliance on the foreshore of Christina Lake in order to increase public safety on the water, ensure a healthy foreshore environment, and sustain a diversity of recreational experiences that can be enjoyed by all.

Inventory teams may access facilities from the water, along the foreshore or they may request access from property owners. Our goal is to gain significant compliance in both newer and older properties on the lake. Our 2014 target is to assess areas within known fish spawning and rearing habitat.

It is expected that some existing works and structures may require changes to address safety, environmental and, social issues. Structures found to be in non compliance will be given ample opportunity to address deficiencies and be given a reasonable amount of time to ensure minimal impact to the foreshore values.

Some property owners may not be aware of the legal responsibilities and potential habitat impacts related to lakeshore modifications. The *Water Act* requires that an application be submitted for any work in or around water. This applies to any work at or below the high water mark of the lake including vegetation clearing, beach grooming, bank erosion protection, boat launches and some docks. *Land Act* authorization may be required for some works as well. The federal *Fisheries Act* may also require that a notification or application be submitted to Fisheries and Oceans Canada, depending on the type of works.

Listed below are links to further information legislative requirements and applications:  
*Water Act* and *Land Act*: Front Counter BC <http://frontcounterbc.gov.bc.ca>

Ministry of Forests, Lands and  
Natural Resource Operations

Kootenay Boundary  
Regions

Location:  
1907 Ridgewood Road  
Nelson, British Columbia  
CANADA

Mailing Address:  
1907 Ridgewood Road  
Nelson, British Columbia  
V1L 6K1  
Tel: (250) 825-1100  
Fax: (250) 825-9657

Private moorage guidelines:

[http://www.for.gov.bc.ca/Land\\_tenures/tenure\\_programs/programs/privatemoorage/index.html](http://www.for.gov.bc.ca/Land_tenures/tenure_programs/programs/privatemoorage/index.html)

Fisheries and Oceans Canada: <http://www.pac.dfo-mpo.gc.ca/index-eng.html>

For further information please contact the following Ministry of Forests, Lands and Natural Resource Operations staff:

- Lisa Tedesco – Habitat Biologist - [Lisa.M.Tedesco@gov.bc.ca](mailto:Lisa.M.Tedesco@gov.bc.ca)
- Iain Hartley – Natural Resource Officer –[Iain.Hartley@gov.bc.ca](mailto:Iain.Hartley@gov.bc.ca)

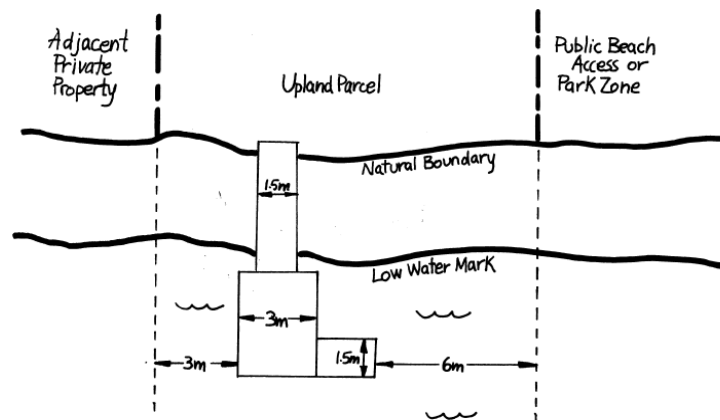
Yours truly,

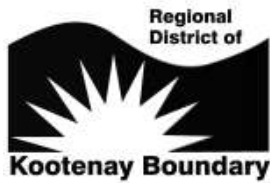
Iain Hartley  
Natural Resource Officer

## Area C/Christina Lake Zoning Bylaw No. 1300, 2007 Excerpt

**315. Docks**

1. Moorage facilities must not constitute a hazard to navigation in accordance with the federal *Navigable Waters Protection Act*;
2. The maximum number of docks utilized as accessory structures to a principal permitted use conducted on an adjacent parcel within the R1, R2, R3, R4, RUR1, and NR1 Zones is one (1) per **parcel**;
3. The maximum number of docks utilized in association with a principal permitted use conducted on an adjacent parcel within the in the C5 and C6 Zones is three (3) per **parcel** or one (1) dock per 30m of shoreline; whichever is less;
4. The maximum distance a dock may extend from the **natural boundary** of the upland **parcel** is 40m measured at right angles to the general trend of the shoreline in the immediate vicinity of the subject structure;
5. The minimum width of a dock is 1m;
6. The maximum width of a dock is 3m and a walkway is 1.5m;
7. L or T shaped docks are permitted provided the length of the portion, which is parallel to the shoreline, does not exceed the lesser of 10m or one half the width of frontage of the upland **parcel**;
8. The minimum setback from the interior or exterior side **parcel** line of the upland **parcel**, projected onto the foreshore is 3m;
9. The minimum setback from the interior or exterior side **parcel** line of the upland **parcel**, projected onto the foreshore, is 6m where the adjacent **parcel** is a right-of-way beach access or is in a P1 zone;
10. Siting of docks must be undertaken only in a manner that is consistent with the orientation of neighbouring docks, and avoids impacts on access to existing docks and adjacent **parcels**;
11. Dock supports must be made of non-toxic materials;
12. Roofs or covered structures on docks are prohibited;
13. Fences are not allowed on docks; and
14. Compliance with the regulations for docks outlined above in no way relieves the owner of the responsibility of adhering to all other legislation which may apply to the land and/or body of water.





## STAFF REPORT

Prepared for meeting of July 2015

<b>FrontCounter BC Referral – Specific Permission for Private Moorage</b>		
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors		
<b>Applicant:</b> Blair Schnuth		<b>File No:</b> C-1021S-04547.020
<b>Location:</b> Foreshore of Christina Lake adjacent to 3km west on West Lake Drive, Electoral Area 'C'/Christina Lake		
<b>Legal Description:</b> All that Crown foreshore being part of the bed of Christina Lake, fronting that part of DL 1021S		<b>Application Area:</b> ±0.0033 ha (33m <sup>2</sup> )
<b>OCP Designation:</b> Waterfront Residential	<b>Zoning:</b> Waterfront Residential 2/ (R2); Open Space 1 (OS1)	<b>DP Area:</b> Environmentally Sensitive Waterfront Development Permit Area
<b>Provincial Contact Information:</b> Referral No. 74076597-003 Kathy Bisset, Land Officer FrontCounter BC 250.426.1782 <a href="mailto:kathy.bisset@gov.bc.ca">kathy.bisset@gov.bc.ca</a>		<b>Owner Contact Information:</b> Blair Schnuth 103 Fairway Drive, Coaldale, Alberta T1M 1H1 403.345.667 <a href="mailto:schnuth@telus.net">schnuth@telus.net</a>
<b>Report Prepared by:</b> Carly Rimell, Planner		

### ISSUE INTRODUCTION

The Regional District of Kootenay Boundary has received a referral from FrontCounter BC, submitted by Blair Schnuth, to legalize an existing dock through a Specific Permission (*see Site Location Map; Upland Parcel Map; Applicants' Submission*).



## BACKGROUND FACTORS

### Christina Lake Compliance Project

The Christina Lake Compliance project was initiated in 2014 by the Ministry of Forests, Lands and Resource Operations (FLNRO) in order to evaluate lakeshore habitat on selected lakes throughout the Kootenay Boundary Regions. The Compliance and Enforcement Branch conducted an inventory of private docks and foreshore modification sites on Christina Lake.

The inventory is to identify what structures have legal tenure and if they are built to a prescribed standard. The goal is to improve compliance on the foreshore of Christina Lake in order to increase public safety on the water, ensure a healthy foreshore environment, and sustain a diversity of recreational experiences that can be enjoyed by all.

Approximately 150 owners were found to be in trespass in respect to private moorage and foreshore encroachment. The referrals we are seeing now are known as Phase I and were identified with high to moderate fish habitat designated zone (*see Christina Lake Kokanee Spawning Habitat Map*). There are 50 upland property owners that have been sent notifications being asked to legalize their existing moorage structures (*see Christina Lake Compliance Letter*).

### Types of Crown Tenure

To date the Regional District of Kootenay Boundary has received four referrals from the Province regarding private moorage. There are two types of permission for private moorage which are described below. There is no fixed term or expiry date for either tenure.

General Permission	Specific Permission
<p>No application is required for General Permission provided the following criteria are met for the dock:</p> <ul style="list-style-type: none"> <li>Do not exceed 24m<sup>2</sup> in total surface area (ie. of dock, pier, walkway)</li> <li>Do not extend a distance greater than 30 m from the present natural boundary of the upland parcel</li> <li>Do not exceed 1.5m in width for access ramps or walkways and 3 meters width for any other portion of the dock</li> <li>It is the only dock or moorage facility fronting the upland property</li> <li>Pressure treated wood is not used in the construction</li> </ul>	<p>A Specific Permission must be applied for if the dock:</p> <ul style="list-style-type: none"> <li>Is located on a lake or river and the dock is over 24m<sup>2</sup></li> <li>Is located on a lake or river and the dock does not adhere to any of the requirements of the General Permission</li> <li>Is located in an Application-Only Area</li> <li>Includes a boat lift structure unattached to a dock or in the absence of an associated dock, or a permanent way or boat ramp and</li> <li>Is for group moorage three berths or less</li> </ul>

License of Occupation will only be used to renew existing or expired License of Occupations. It is the goal of the Crown to process the Christina Lake Compliance project through Specific Permission as opposed to License of Occupation.

*Regional District of Kootenay Boundary Land Use Bylaws*

*Electoral Area 'C'/Christina Lake Official Community Plan Bylaw No. 1250, 2004.*

There are two policies in the Electoral Area 'C'/Christina Lake Official Community Plan that are relevant to this application:

- The Regional District encourages the Minister responsible for the *Land Act* to only issue Licenses of Occupation for wharves and similar structures, which are constructed of environmentally sensitive materials (Policy #2.11.3.4); and
- Regulating the use of the lake's surface and Crown foreshore is ultimately a Provincial responsibility. However, the Province has a long history of consulting and cooperating with the Regional District in this regard and this practice will be encouraged to continue. In order to clearly establish the Regional District's position with respect to the use of the lake surface and Crown foreshore, it will be placed in a public open space zone in the implementing bylaws. This zone will allow water based recreational uses and moorage facilities which are accessory to a residence (provided they are within an area which is duly authorized by license or lease). Principal residential uses, such as houseboats and floating homes will not be permitted (Policy #2.11.3.5)

and an overall goal of "protection of the lakeshore environment is balanced with residential and recreational needs".

*Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, 2007*

The subject parcel is zoned Waterfront Residential (R2) in the Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, 2007. The lake is zoned Open Space 1 (OS1), which permits docks. The upland parcels are designated 'Waterfront Residential' in the Electoral Area 'C'/Christina Lake Official Community Plan Bylaw No. 1250, 2004. These parcels are also within the "Waterfront Environmentally Sensitive Development Permit Area"; for the purposes of this application a permit or permit amendment is not required.

The Zoning Bylaw Section 315, includes regulations for docks. This Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300 was adopted June 28, 2007 therefore some of these docks may be considered legal non-conforming (*see Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, Section 315 Excerpt*). If the structures are considered legal non-conforming they will not be required to comply with the bylaw until they are replaced.

### **UPLAND PARCEL HISTORY**

The upland parcel fronts Christina Lake and straddles West Lake Drive and Sunflower Road. The upland parcel applied for and received a development permit for the 'Waterfront Environmentally Sensitive Development Permit Area' in September 2010. The on-site sewage disposal system is in substantial compliance. The RDKB has no concerns about public health or water quality in the foreshore fronting the parcel at 4054 West Lake Drive. The frontage of the parcel is estimated at  $\pm 46\text{m}$  (150 ft)

The dock is constructed of metal thought to be aluminum attached with six chains which are connected to 6 anchors. No part of the dock structure is permanent. There are also 4 removable stabilizer legs which help assist in anchoring the dock. The floating walkway is 1m wide and 3.65m long. The dock portion is 2.43m wide and 12.19m long. The dock and walkway are a typical linear shape. The dock was constructed and installed in 2008 therefore, must comply with the Electoral Area 'C'/Christina Lake Zoning Bylaw regulations.

### **PROPOSAL**

The proposal is for private moorage purposes fronting the landowner's private property to legalize an existing walkway and dock through Specific Permission from the Crown fronting their upland parcel Lot 4, West Lake Drive on Christina Lake. The proposed area is  $\pm 0.0033$  ha.

### **IMPLICATIONS**

If this application for Specific Permission is supported, the docks may need to be brought into compliance with the RDKB bylaw. Currently the RDKB's only concern is in regards to the material used in construction of the dock since those details are not included in the application. Section 315.11 states the docks must be constructed from non-toxic materials. At the time the APC report was assembled the department was still awaiting response from the applicant on the specific types of materials which were used to create the dock.

All of the upland property owners contacted in Phase I of the Christina Lake Compliance Project were identified as the foreshore is within the high to moderate fish habitat zone as defined by FLNRO. The data used in the mapping throughout this APC report was collected in 2009 by the Christina Lake Stewardship Society. It is likely more research has been conducted and the habitat areas may have fluctuated. The shore spawning kokanee spawn from December to March.

### **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'C'/Christina Lake Advisory Planning Commission supports this application for a Specific Permission provided the materials are in compliance with the Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, 2007.

## PLANNING AND DEVELOPMENT DEPARTMENT COMMENTS

The applicant responded and gave details regarding the construction materials of the dock. The entire frame of the dock is constructed of aluminum tubing. The top deck is made of a product called Flowthrough, which is specifically made for docks and is created out of environmentally friendly material. The floats which support the dock are made by Envirodock. All of the materials used to construct the dock were supplied by Friendly Earth Environmental Products. Since the dock is constructed of non-toxic materials it is in compliance with the Electoral Area 'C'/Christina Lake Zoning Bylaw Section 315.

## BACKGROUND INFORMATION PROVIDED

*Site Location Map*

*Upland Parcel Map*

*Applicants' Submission*

*Christina Lake Kokanee Spawning Habitat*

*Christina Lake Compliance Letter*

*Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, Section 315 Excerpt*

## RECOMMENDATION

That the Regional District of Kootenay Boundary Board of Directors recommends that the application by Blair Schnuth for Specific Permission for private moorage on the Crown foreshore, being part of the bed of Christina Lake, fronting the upland parcel legally described as Lot 4, DL 1021s, SDYD, be supported.

*Respectfully Submitted:*

*Concurrence: (Department  
Head)*

*Concurrence: (CAO)*





2015/06/25

# Site Location Map

Scale 1:12,000



0 50 100 200 300 400 500  
Meters



P:\GIS\WRDKBMapDocuments\Routine\_Maps\SiteLocationMap\Area\_ 'C'\_ ChristinaLake\SLM-C-1021s-Schnuth\_2015-06-25





2015/06/25

# Upland Parcel Map

Scale 1:1,800



0 25 50  
Meters



P:\GIS\SRDKB\MapDocuments\Routine\_Maps\SubjectPropertyMap\Area\_ 'C'\_ ChristinaLake\SPM-C-1021s-Schnuth\_2015-06-25



# Crown Land Tenure Application

Tracking Number: 100127054

## APPLICANT INFORMATION

**Name:** Blair Lee Schnuth  
**Phone:** - redacted -  
**Daytime Phone:** - redacted -  
**Fax:** - redacted -  
**Email:** - redacted -  
**Mailing Address:** - redacted -

## REFERRAL / PUBLIC COMMENT CONTACT INFORMATION

**Company / Organization:** Private Owner  
**Contact Name:** Blair Schnuth  
**Contact Address:** 103 Fairway Drive  
 Coaldale AB T1M1H1  
**Contact Phone:** 403-345-6667  
**Contact Email:** schnuth@telus.net

## SETUP QUESTIONS

The APPLICANT is the Individual(s) or Organization to whom the authorization will be issued, if approved. Before choosing your answer, please click on the HELP ICON(?) beside each question.

**Are you an individual or an organization?** Individual  
**Are you applying on behalf of the applicant?** No  
**Are there co-applicants for this application?** No

## ELIGIBILITY

Question	Answer	Warning
----------	--------	---------

Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?	Yes	
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Applicants and/or co-applicants who are Individuals must:

1. be 19 years of age or older and
2. must be Canadian citizens or permanent residents of Canada.

Applicants and/or co-applicants who are Organizations must either:

1. be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

## TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

### EXISTING TENURE DETAILS

**Do you hold another Crown Land Tenure?** No

## Applicants' Submission

**ALL SEASONS RESORTS**

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program please see the operational policy and if you have further questions please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

**WHAT IS YOUR INTENDED USE OF CROWN LAND?**

Use the "Add Purpose" button to select a proposed land use from the drop down menu. If your purpose can not be found in the list, please contact FrontCounter BC .

Purpose	Tenure	Period
<b>Private Moorage</b> Request land tenure approval for existing dock.	Specific Permission	More than thirty years

**ACCESS TO CROWN LAND**

Please describe how you plan to access your proposed crown land from the closest public road: Current access to crown land from public road West Lake Drive.

**PRIVATE MOORAGE**

Private Moorage is the allocation of aquatic Crown land (inland and coastal) for private moorage facilities such as a dock or float. Moorage facilities for group or strata title/ condominium developments of over three berths are administered under the provisions of the Residential program where they have no related commercial facilities (e.g. gas bars) and are intended for private use of tenants. Group moorage with commercial activities are administered under the Marina program.

**Specific Purpose:** Request land tenure approval for existing dock.  
**Period:** More than thirty years  
**Tenure:** Specific Permission

**MOORING BUOY**

Is this only for a mooring buoy for private moorage? No

**TOTAL APPLICATION AREA**

Please give us some information on the size of the area you are applying for.

**Specify Length:** 12 meters  
**Specify Width:** 3 meters

**PROJECT DETAILS**

Please provide us with further details on your dock.

**Is the water freshwater or marine?** Freshwater  
**Are you proposing 4 or more slips?** No  
**Are you applying on behalf of a Strata corporation?** No  
**Are you the waterfront upland owner?** Yes  
**Are you planning to sell gas at the proposed marina?** No

**SECTION 9 WATER AUTHORIZATION**

You may also require a Section 9 Water Act authorization.

**Is this application for an existing structure?** Yes

**Are you working in the water (replacing pylons, moving structures, etc.)?** No

**IMPORTANT CONSIDERATIONS**

Selecting yes to any of the following questions may indicate that you will require further or additional authorizations under the Land Act or other legislation.

## Applicants' Submission

Is your proposed activity within the Kootenay Region? No

Is your proposed activity within the Okanagan, Kalamalka and Wood Lakes, Skaha Lake, Vaseux Lake, or Christina Lake areas? Yes

Please review the Okanagan Large Lake foreshore protocol.

Is your proposed activity within the Shuswap, Mara, Mable, or Little Shuswap Lake areas? No

**ADDITIONAL QUESTIONS**

In many cases you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia? No

Are you planning to cut timber on the Crown Land you are applying for? No

Are you planning to use an open fire to burn timber or other materials? No

Do you want to transport heavy equipment or materials on an existing forest road? No

Are you planning to work in or around water? No

Does your operation fall within a park area? No

**LOCATION INFORMATION**

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

☒ I will upload a PDF, JPG or other digital file(s)

**MAP FILES**

Your PDF, JPG or other digital file must show your application area in relation to nearby communities, highways, railways or other land marks.

Description	Filename	Purpose
PDF File: Schnuth Land Tenure Application	Schnuth Crown Land Tenure A...	Private Moorage

**ATTACHED DOCUMENTS**

Document Type	Description	Filename
General Location Map	General Location	Schnuth Crown Land Tenure A...
Management Plan	PDF File Schnuth Crown Land Tenure Application	Schnuth Crown Land Tenure A...
Side Profile	Dock Side View Included	Schnuth Crown Land Tenure A...

## Applicants' Submission

Site Photographs

All Info Included

Schnuth Crown Land Tenure A...

Site Plan

Site Plan

Schnuth Crown Land Tenure A...

**PRIVACY DECLARATION**

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

**IMPORTANT NOTICES**

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

**DECLARATION**

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

**APPLICATION FEES**

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$250.00	GST @ 5%: \$12.50	\$262.50	\$0.00

**OFFICE**

Office to submit application to:

Cranbrook

**PROJECT INFORMATION**

Is this application for an activity or project which  
requires more than one natural resource  
authorization from the Province of BC?

No

**OFFICE USE ONLY**

Office Cranbrook	File Number	Project Number
	Disposition ID	Client Number



Applicants' Submission

PB → LO

Front Counter BC  
1902 Theatre Road, Cranbrook, BC  
V1C 7G1

April 21, 2015

Crown Land Tenure Application: Schnuth - for existing dock.  
Tracking Number - 100127054

**To Whom It May Concern:**

In 2007 we purchased a residential lot located at Christina Lake, BC.

Legal Description:

West Lake Drive

Lot 4 PL: KAP85266

DL: 1021S

The lot has approximately 45.72 meters of Christina Lake water frontage.

In 2008 our plans were to install a dock for recreational purposes.

In December of 2007 I contacted the Cranbrook office of Front Counter BC to inform them of my plans and to inquire about regulations and requirements to obtain permission.

I was informed by FCBC at that time that the current regulations were:

If pilings were going to be permanently driven and imbedded into the lake bottom a permit would be required.

If it was a floating dock and all associated components could be removed from the lake under a future circumstance, no permit would be required.

We installed our dock in July 2008.

In March, 2015 I was contacted by a BC Natural Resources Officer to confirm our dock location and size.

I informed the officer that our dock measurements were 29.62m<sup>2</sup>.

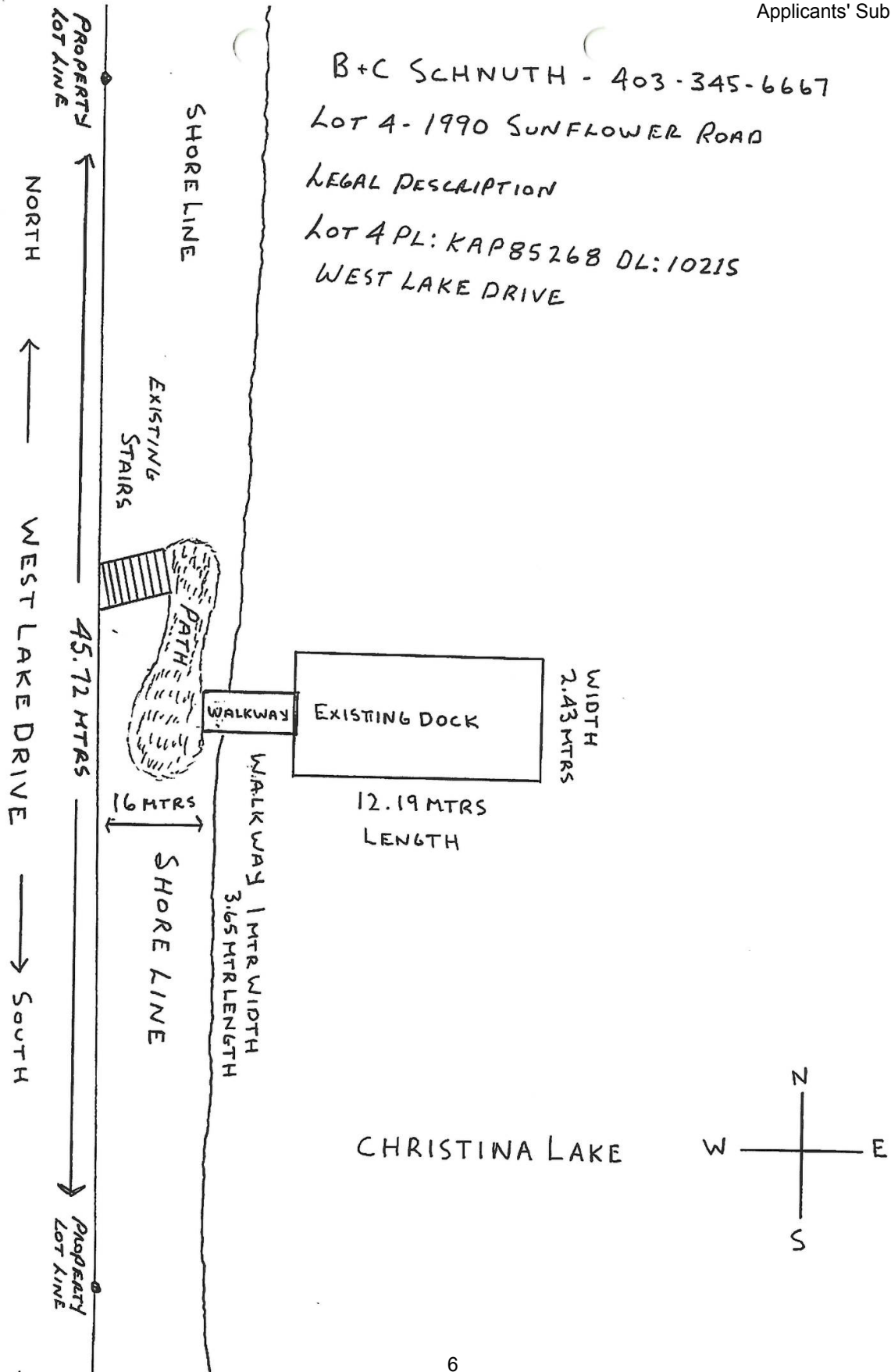
The officer then informed me that under current legislation all docks that exceeded the current 24.99m<sup>2</sup> size allowance now require a Crown Land Tenure Permit.

Your assistance in processing and approving the attached CLT application is greatly appreciated.

If you have any questions or require any additional information, please contact us.

Blair and Cheryl Schnuth  
103 Fairway Drive, Coaldale, AB  
T1M 1H1  
Home telephone: 403-345-6667  
Email: Schnuth@telus.net

Applicants' Submission



Applicants' Submission

BLAIR + CHERYL SCHNUTH

103 FAIRWAY DRIVE

COALDALE, AB T1M 1H1

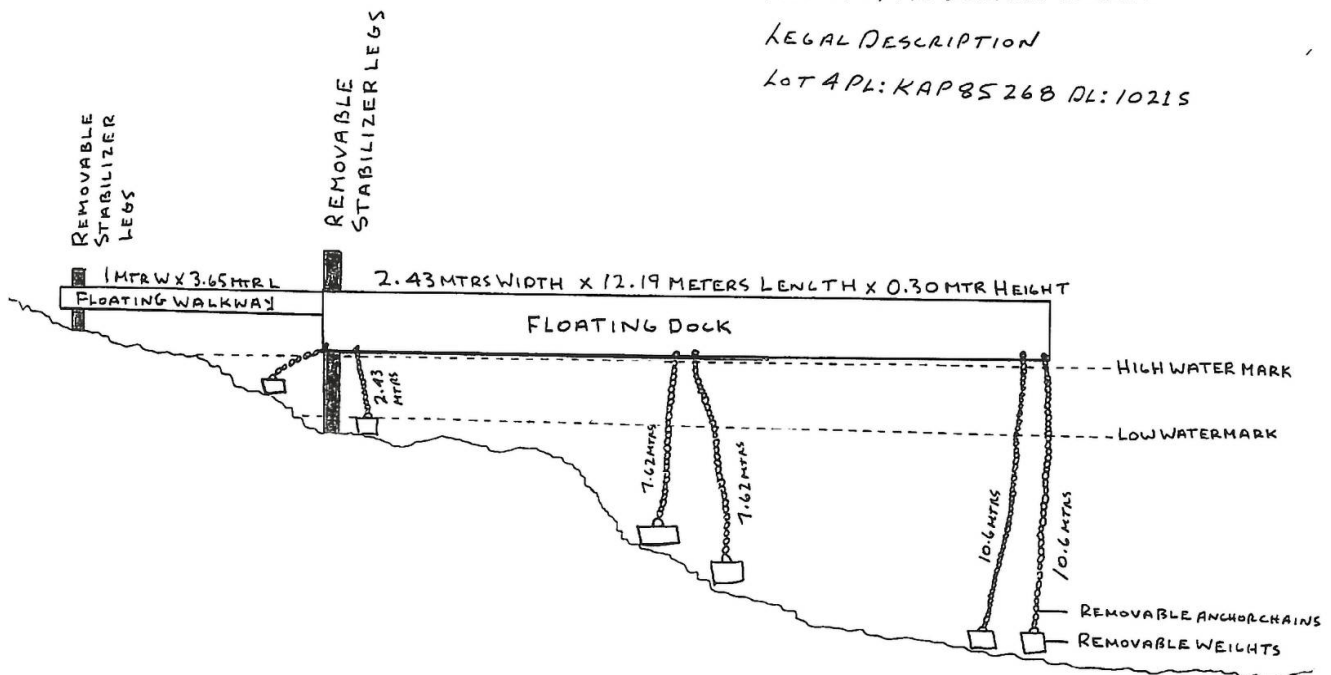
403-345-6667

CHRISTINA LAKE LOCATION

LOT 4 - 1990 SUNFLOWER ROAD

LEGAL DESCRIPTION

LOT 4 PL: KAP85268 DL: 10215





Applicants' Submission





Applicants' Submission





Applicants' Submission

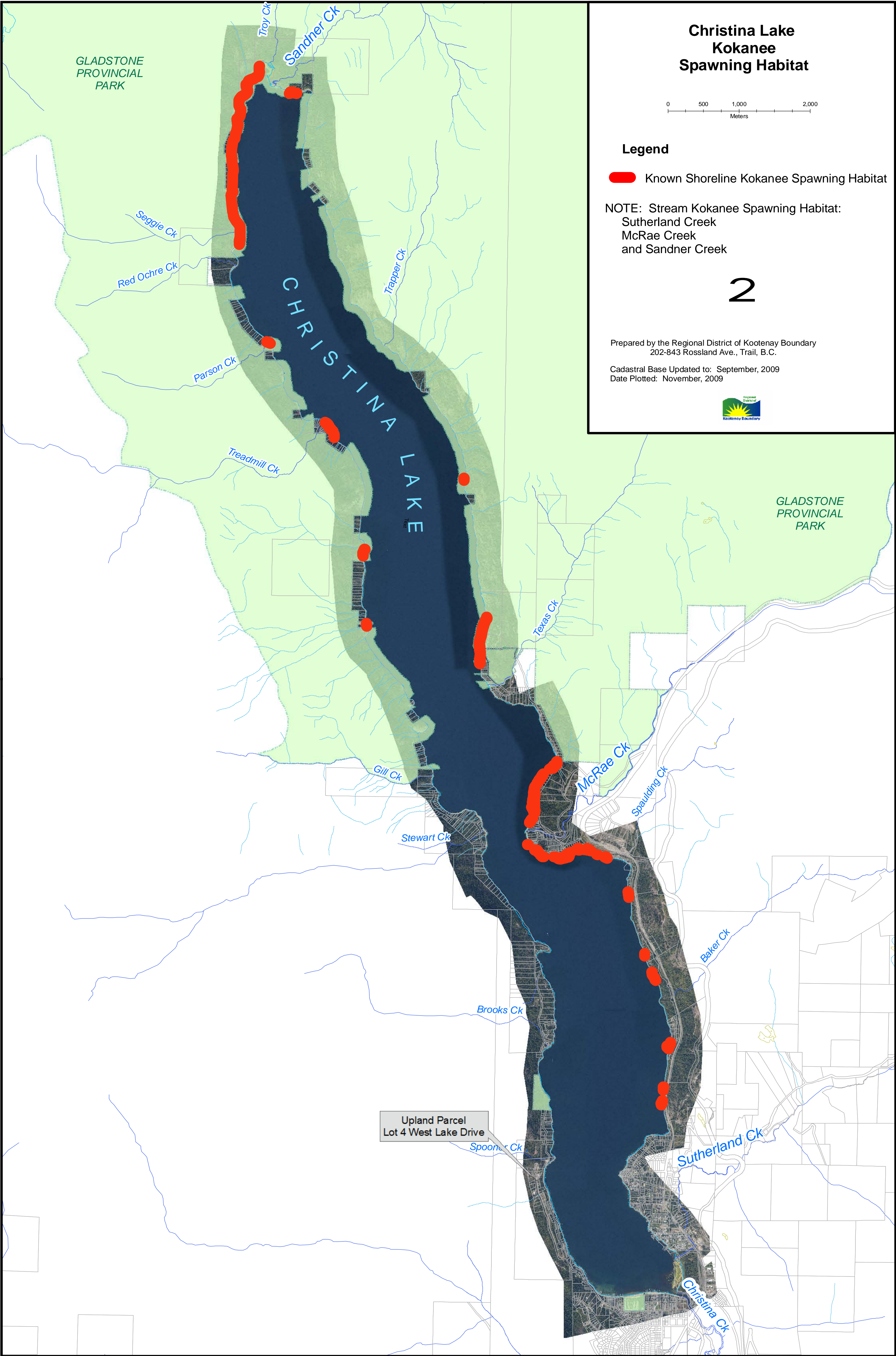




Applicants' Submission











File: 23000 – 20/Christina Lake Compliance Review

Date May 21, 2014

Dear Property Owner:

You are receiving this letter because you may own property at or near Christina Lake. The Ministry of Forests, Lands and Natural Resource Operations has been evaluating lakeshore habitat on selected lakes throughout the Kootenay Boundary Region. This is to advise the Ministry of Forests, Lands and Natural Resource Operations, Compliance and Enforcement Branch, has begun conducting an ongoing inventory of private docks, and foreshore modification sites on Christina Lake.

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Ministry of Forests, Lands and  
Natural Resource Operations

Kootenay Boundary  
Regions

Location:  
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Mailing Address:  
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V1L 6K1  
Tel: (250) 825-1100  
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Private moorage guidelines:

[http://www.for.gov.bc.ca/Land\\_tenures/tenure\\_programs/programs/privatemoorage/index.html](http://www.for.gov.bc.ca/Land_tenures/tenure_programs/programs/privatemoorage/index.html)

Fisheries and Oceans Canada: <http://www.pac.dfo-mpo.gc.ca/index-eng.html>

For further information please contact the following Ministry of Forests, Lands and Natural Resource Operations staff:

- Lisa Tedesco – Habitat Biologist - [Lisa.M.Tedesco@gov.bc.ca](mailto:Lisa.M.Tedesco@gov.bc.ca)
- Iain Hartley – Natural Resource Officer –[Iain.Hartley@gov.bc.ca](mailto:Iain.Hartley@gov.bc.ca)

Yours truly,

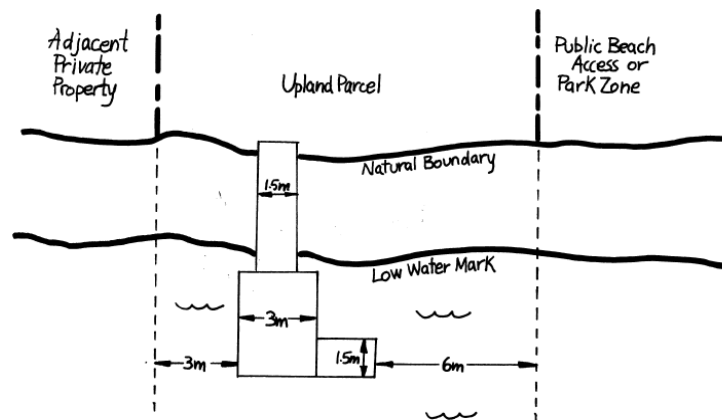
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Natural Resource Officer

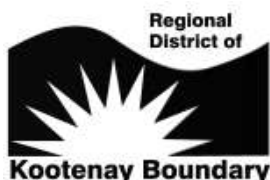


## Area C/Christina Lake Zoning Bylaw No. 1300, 2007 Excerpt

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1. Moorage facilities must not constitute a hazard to navigation in accordance with the federal *Navigable Waters Protection Act*;
2. The maximum number of docks utilized as accessory structures to a principal permitted use conducted on an adjacent parcel within the R1, R2, R3, R4, RUR1, and NR1 Zones is one (1) per **parcel**;
3. The maximum number of docks utilized in association with a principal permitted use conducted on an adjacent parcel within the in the C5 and C6 Zones is three (3) per **parcel** or one (1) dock per 30m of shoreline; whichever is less;
4. The maximum distance a dock may extend from the **natural boundary** of the upland **parcel** is 40m measured at right angles to the general trend of the shoreline in the immediate vicinity of the subject structure;
5. The minimum width of a dock is 1m;
6. The maximum width of a dock is 3m and a walkway is 1.5m;
7. L or T shaped docks are permitted provided the length of the portion, which is parallel to the shoreline, does not exceed the lesser of 10m or one half the width of frontage of the upland **parcel**;
8. The minimum setback from the interior or exterior side **parcel** line of the upland **parcel**, projected onto the foreshore is 3m;
9. The minimum setback from the interior or exterior side **parcel** line of the upland **parcel**, projected onto the foreshore, is 6m where the adjacent **parcel** is a right-of-way beach access or is in a P1 zone;
10. Siting of docks must be undertaken only in a manner that is consistent with the orientation of neighbouring docks, and avoids impacts on access to existing docks and adjacent **parcels**;
11. Dock supports must be made of non-toxic materials;
12. Roofs or covered structures on docks are prohibited;
13. Fences are not allowed on docks; and
14. Compliance with the regulations for docks outlined above in no way relieves the owner of the responsibility of adhering to all other legislation which may apply to the land and/or body of water.





## STAFF REPORT

Prepared for meeting of July 2015

<b>FrontCounter BC Referral – Specific Permission for Private Moorage</b>		
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors		
<b>Applicant:</b> Patricia and Edward Seghers		<b>File No:</b> C-963-04312.000
<b>Location:</b> Foreshore of Christina Lake adjacent to 3027 East Lake Drive, Electoral Area 'C'/Christina Lake		
<b>Legal Description:</b> All that Crown foreshore being part of the bed of Christina Lake, fronting that part of DL 963		<b>Application Area:</b> ±0.04 ha (400 m <sup>2</sup> )
<b>OCP Designation:</b> Waterfront Residential	<b>Zoning:</b> Waterfront Residential 2/ (R2); Open Space 1 (OS1)	<b>DP Area:</b> Environmentally Sensitive Waterfront Development Permit Area
<b>Contact Information:</b> Referral No. 76322777 - 004 Curt Nixon, Tenures Forester FrontCounter BC Nelson, BC 250-825-1107 <a href="mailto:curt.nixon@gov.bc.ca">curt.nixon@gov.bc.ca</a>		Patricia Seghers 7721 North Calispel Lane Spokane, Washington 99208 509.499.1863 <a href="mailto:tseghers@hotmail.com">tseghers@hotmail.com</a>
<b>Report Prepared by:</b> Carly Rimell, Planner		

### ISSUE INTRODUCTION

The Regional District of Kootenay Boundary has received a referral from FrontCounter BC, submitted by Patricia and Edward Seghers, to legalize an existing dock and boat lift through a Specific Permission (*see Site Location Map; Upland Parcel Map; Applicants' Submission*).

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## BACKGROUND FACTORS

### Christina Lake Compliance Project

The Christina Lake Compliance project was initiated in 2014 by the Ministry of Forests, Lands and Resource Operations (FLNRO) in order to evaluate lakeshore habitat on selected lakes throughout the Kootenay Boundary Regions. The Compliance and Enforcement Branch conducted an inventory of private docks and foreshore modification sites on Christina Lake.

The inventory is to identify what structures have legal tenure and if they are built to a prescribed standard. The goal is to improve compliance on the foreshore of Christina Lake in order to increase public safety on the water, ensure a healthy foreshore environment, and sustain a diversity of recreational experiences that can be enjoyed by all.

Approximately 150 owners were found to be in trespass in respect to private moorage and foreshore encroachment. The referrals we are seeing now are known as Phase I and were identified with high to moderate fish habitat designated zone (*see Christina Lake Kokanee Spawning Habitat Map*). There are 50 upland property owners that have been sent notifications being asked to legalize their existing moorage structures (*see Christina Lake Compliance Letter*).

### Types of Crown Tenure

To date the Regional District of Kootenay Boundary has received four referrals from the Province regarding private moorage. There are two types of permission for private moorage which are described below. There is no fixed term or expiry date for either tenure.

General Permission	Specific Permission
<p>No application is required for General Permission provided the following criteria are met for the dock:</p> <ul style="list-style-type: none"> <li>Do not exceed 24m<sup>2</sup> in total surface area (ie. of dock, pier, walkway)</li> <li>Do not extend a distance greater than 30 m from the present natural boundary of the upland parcel</li> <li>Do not exceed 1.5m in width for access ramps or walkways and 3 meters width for any other portion of the dock</li> <li>It is the only dock or moorage facility fronting the upland property</li> <li>Pressure treated wood is not used in the construction</li> </ul>	<p>A Specific Permission must be applied for if the dock:</p> <ul style="list-style-type: none"> <li>Is located on a lake or river and the dock is over 24m<sup>2</sup></li> <li>Is located on a lake or river and the dock does not adhere to any of the requirements of the General Permission</li> <li>Is located in an Application-Only Area</li> <li>Includes a boat lift structure unattached to a dock or in the absence of an associated dock, or a permanent way or boat ramp and</li> <li>Is for group moorage three berths or less</li> </ul>

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License of Occupation will only be used to renew existing or expired License of Occupations. It is the goal of the Crown to process the Christina Lake Compliance project through Specific Permission as opposed to License of Occupation.

*Regional District of Kootenay Boundary Land Use Bylaws*

*Electoral Area 'C'/Christina Lake Official Community Plan Bylaw No. 1250, 2004.*

There are two policies in the Electoral Area 'C'/Christina Lake Official Community Plan that are relevant to this application:

- The Regional District encourages the Minister responsible for the *Land Act* to only issue Licenses of Occupation for wharves and similar structures, which are constructed of environmentally sensitive materials (Policy #2.11.3.4); and
- Regulating the use of the lake's surface and Crown foreshore is ultimately a Provincial responsibility. However, the Province has a long history of consulting and cooperating with the Regional District in this regard and this practice will be encouraged to continue. In order to clearly establish the Regional District's position with respect to the use of the lake surface and Crown foreshore, it will be placed in a public open space zone in the implementing bylaws. This zone will allow water based recreational uses and moorage facilities which are accessory to a residence (provided they are within an area which is duly authorized by license or lease). Principal residential uses, such as houseboats and floating homes will not be permitted (Policy #2.11.3.5)

and an overall goal of "protection of the lakeshore environment is balanced with residential and recreational needs".

*Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, 2007*

The subject parcel is zoned Waterfront Residential (R2) in the Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, 2007. The lake is zoned Open Space 1 (OS1), which permits docks. The upland parcels are designated 'Waterfront Residential' in the Electoral Area 'C'/Christina Lake Official Community Plan Bylaw No. 1250, 2004. These parcels are also within the "Waterfront Environmentally Sensitive Development Permit Area"; for the purposes of this application a permit or permit amendment is not required.

The Zoning Bylaw Section 315, includes regulations for docks. This Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300 was adopted June 28, 2007 therefore some of these docks may be considered legal non-conforming (*see Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, Section 315 Excerpt*). If the structures are considered legal non-conforming they will not be required to comply with the bylaw until they are replaced.

## UPLAND PARCEL HISTORY

The upland parcel at 3027 East Lake Drive is owned by the applicant. The upland parcel applied for and received a development permit for the 'Waterfront Environmentally Sensitive Development Permit Area' in March 2005. The on-site sewage disposal system is in substantial compliance. The RDKB has no concerns about public health or water quality in the foreshore fronting the parcel at 3027 East Lake Drive. The frontage of the parcel is estimated at  $\pm 30\text{m}$  (98 ft).

The existing floating dock is 5.3m by 7m with a 19m long x 1.2 m wide elevated walkway. The dock is constructed of cedar logs, joists and planking. The layers are tied together with stainless steel redi-rod and nuts. It is anchored by a system of blocks and ropes. A boat lift is also a part of the Specific Permission application. The total area of moorage is estimated 13m x 34m or  $\pm 0.04$  ha. With the exception of July through mid-September, the lift is placed on the upland property.

## PROPOSAL

The proposal is for private moorage purposes fronting the landowner's private property to legalize an existing dock, walkway and boat lift through a Specific Permission from the Crown fronting their upland parcel at 3027 East Lake Drive. The proposed area for private moorage is  $\pm 0.04$  ha.

## IMPLICATIONS

The dock, which has a width of 5.3m, exceeds the maximum allowable width of 3m of Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300. The applicant has provided documentation that the dock was constructed and placed on the lake prior to adoption of the Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, 2007. If this application for Specific Permission is supported, the dock will not be required to comply with the current bylaws as the structure would be considered legal non-conforming, that is it was legally constructed but does not conform with current regulations. It should be noted that if this structure is replaced it will be required to follow the Electoral Area 'C'/Christina Lake Zoning Bylaw, although minor repairs and maintenance are permitted to be made to the current structure.

The Regional District encourages property owners to legalize their docks with the Crown. At the same time the Regional District discourages the use of materials for docks that could have a negative impact on the environment. The applicant asserts they considered this when they constructed their dock which is why they chose natural timber materials.

All of the upland property owners contacted in Phase I of the Christina Lake Compliance Project were identified as the foreshore is within the high to moderate fish habitat designated zone. The applicants state that they have not personally observed spawning activity on the foreshore in front of their parcel. This is likely due to the fact shore spawning kokanee spawn from December to March.



**ADVISORY PLANNING COMMISSION COMMENTS**

*The Electoral Area 'C'/Christina Lake APC noted the dock was built prior to the Zoning Bylaws therefore may be considered legal non-conforming. The APC has no comment regarding this referral.*

**BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

*Upland Parcel Map*

*Applicants' Submission*

*Christina Lake Kokanee Spawning Habitat*

*Christina Lake Compliance Letter*

*Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, Section 315 Excerpt*

**RECOMMENDATION**

That the Regional District of Kootenay Boundary Board of Directors recommends that the application by Patricia and Edward Seghers, for Specific Permission for private moorage on the Crown foreshore being part of the bed of Christina Lake, fronting the upland parcel legally described as Lot 2, DL 963, Plan KAP6830, SDYD, be supported.

*Respectfully Submitted:*

*Concurrence: (Department  
Head)*

*Concurrence: (CAO)*

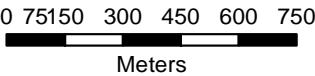




2015/06/25

# Site Location Map

Scale 1:17,000



**Legend**

- Kokanee Shore Spawning Areas and Habitat
- Kokanee Stream Spawning Areas

Upland Parcel  
3027 East Lake Drive

English Point

English Cove

Christina Lake

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2015/06/25

# Upland Parcel Map

Scale 1:1,200



0 25 50  
Meters

## Legend

- █ Kokanee Shore Spawning Areas and Habitat
- █ Kokanee Stream Spawning Areas

Christina Lake

Upland Parcel  
3027 East Lake Drive

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Applicants' Submission



# Crown Land Tenure Application

Tracking Number: 100130279

## APPLICANT INFORMATION

**Name:** Patricia Diane Seghers  
**Phone:** - redacted -  
**Daytime Phone:** - redacted -  
**Fax:** - redacted -  
**Email:** - redacted -  
**Mailing Address:** - redacted -

## REFERRAL / PUBLIC COMMENT CONTACT INFORMATION

**Company / Organization:**  
**Contact Name:** Patricia Seghers  
**Contact Address:** 7721 North Calispel Lane  
 Spokane WA 99208  
 USA  
**Contact Phone:**  
**Contact Email:**

## SETUP QUESTIONS

The APPLICANT is the Individual(s) or Organization to whom the authorization will be issued, if approved. Before choosing your answer, please click on the HELP ICON(?) beside each question.

**Are you an individual or an organization?** Individual  
**Are you applying on behalf of the applicant?** No  
**Are there co-applicants for this application?** No

## ELIGIBILITY

Question	Answer	Warning
Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?	Yes	

Applicants and/or co-applicants who are Individuals must:

1. be 19 years of age or older and
2. must be Canadian citizens or permanent residents of Canada.

Applicants and/or co-applicants who are Organizations must either:

1. be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

## TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

### EXISTING TENURE DETAILS

**Do you hold another Crown Land Tenure?** Yes

## Applicants' Submission

Please specify your file number:

3004498

If you have several file numbers, please make a note of at least one of them above. Example numbers: 1234567, 153245, others

**ALL SEASONS RESORTS**

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program please see the operational policy and if you have further questions please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

**WHAT IS YOUR INTENDED USE OF CROWN LAND?**

Use the "Add Purpose" button to select a proposed land use from the drop down menu. If your purpose can not be found in the list, please contact FrontCounter BC .

Purpose	Tenure	Period
<b>Private Moorage</b> An existing float(dock) and boat lift	Specific Permission	More than thirty years

**ACCESS TO CROWN LAND**

Please describe how you plan to access your proposed crown land from the closest public road:

The application area is adjacent to our beach on our property at 3027 East Lake Drive, Christina Lake, BC V0H 1E1.

**PRIVATE MOORAGE**

Private Moorage is the allocation of aquatic Crown land (inland and coastal) for private moorage facilities such as a dock or float. Moorage facilities for group or strata title/ condominium developments of over three berths are administered under the provisions of the Residential program where they have no related commercial facilities (e.g. gas bars) and are intended for private use of tenants. Group moorage with commercial activities are administered under the Marina program.

**Specific Purpose:** An existing float(dock) and boat lift  
**Period:** More than thirty years  
**Tenure:** Specific Permission

**MOORING BUOY**

Is this only for a mooring buoy for private moorage? No

**TOTAL APPLICATION AREA**

Please give us some information on the size of the area you are applying for.

Please specify the area: .0435 hectares

**PROJECT DETAILS**

Please provide us with further details on your dock.

Is the water freshwater or marine? Freshwater  
 Are you proposing 4 or more slips? No  
 Are you applying on behalf of a Strata corporation? No  
 Are you the waterfront upland owner? Yes  
 Are you planning to sell gas at the proposed marina? No

**SECTION 9 WATER AUTHORIZATION**

You may also require a Section 9 Water Act authorization.

Is this application for an existing structure? Yes

Are you working in the water (replacing pylons, moving structures, etc.)? No

**IMPORTANT CONSIDERATIONS**



## Applicants' Submission

Selecting yes to any of the following questions may indicate that you will require further or additional authorizations under the Land Act or other legislation.

**Is your proposed activity within the Kootenay Region?** Yes

Please refer to the following website for guidance: <http://www.ekilmp.com>

**Is your proposed activity within the Okanagan, Kalamalka and** Yes

**Wood Lakes, Skaha Lake, Vaseux Lake, or Christina Lake areas?**

Please review the Okanagan Large Lake foreshore protocol.

**Is your proposed activity within the Shuswap, Mara, Mable, or Little Shuswap Lake areas?** No

**ADDITIONAL QUESTIONS**

In many cases you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction please answer the questions below. In addition, your application may be referred to other agencies for comments.

**Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia?** No

**Are you planning to cut timber on the Crown Land you are applying for?** No

**Are you planning to use an open fire to burn timber or other materials?** No

**Do you want to transport heavy equipment or materials on an existing forest road?** No

**Are you planning to work in or around water?** No

**Does your operation fall within a park area?** No

**LOCATION INFORMATION**

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

☒ I will upload a PDF, JPG or other digital file(s)

**MAP FILES**

Your PDF, JPG or other digital file must show your application area in relation to nearby communities, highways, railways or other land marks.

Description	Filename	Purpose
Overall Christina Lake area	img002.jpg	Private Moorage
Portion of Christina Lake with zoning annotated	img003.jpg	Private Moorage
Showing our neighborhood	img004.jpg	Private Moorage
showing application area and neighboring docks	img005.jpg	Private Moorage

**ATTACHED DOCUMENTS**

Document Type	Description	Filename
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## Applicants' Submission

General Location Map	Overall area	img002.jpg
Management Plan	Page 2 of Management Plan	img011.jpg
Management Plan	Page 3 of Management Plan	img012.jpg
Management Plan	Page 4 of Management Plan - signed page	img013.jpg
Management Plan	Page one of Management Plan	img010.jpg
Other	Passport of Applicant to establish citizenship	img009.jpg
Other	Project Detail and Metes & Bounds	Section B.ProjectsDetails.docx
Other	Title Certificate for our property adjacent to Application Area	img008.jpg
Side Profile	Side Profile	img007.jpg
Site Photographs	Looking North, across our beach, at neighbor's dock and cabin	IMG_6454.JPG
Site Photographs	Looking South, across our beach and dock, at neighbors' docks.	IMG_6458.JPG
Site Photographs	Looking at our dock on Application Area	IMG_6466.JPG
Site Plan	Detailed Site Plan	img006.jpg

**PRIVACY DECLARATION**

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

**IMPORTANT NOTICES**

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

**DECLARATION**

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

**OTHER INFORMATION**

**Is there any other information you would like us to know?**

1. In all of our years at the lake, we have not seen any spawning activity at our application area, nor at our neighbors areas.
2. If docks are removed, or greatly reduced in size, human activity on the docks (in deeper water) will decrease, and will increase in the shallow waters.

Applicants' Submission

APPLICATION FEES

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$250.00	GST @ 5%: \$12.50	\$262.50	\$0.00

OFFICE

Office to submit application to: Cranbrook

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY		
Office Cranbrook	File Number	Project Number
	Disposition ID	Client Number

## Applicants' Submission

## METES AND BOUNDS FOR APPLICATION AREA

Beginning at iron pin on Northwest corner of Lot 2, DL 963, SDYD, Plan 6830:

8.5 meters @ 220 degrees, to the POC (on the natural boundary), thence

34 meters @ 303 degrees, thence

13 meters @ 213 degrees, thence

34 meters @ 123 degrees which ends at the natural boundary.

## Section B – Project Details

## 1. Description of existing structures

Float: 5.3 by 7 meters, consists of cedar logs for floatation and main structural rigidity; three cedar logs crossways to and underneath the main logs; 4 by 8 inch cedar timbers every four feet crossways and above the main logs; these three layers tied together with stainless steel redi-rod, and nuts; deck planking consists of 1 and 7/8's by 5 and 3/4 cedar planks fastened with deck screws coated for cedar use. There are no preservatives on any of the materials, except that the deck screws are coated for exterior use.

Boat lift: aluminum and stainless steel raised by hydraulic cylinder; controlled by remote; powered by battery which is charged by solar cell panel on lift; our property gets hit directly by storms from the North and we have had our previous boat demolished in a storm, so we keep the boat on the lift most of the time; in the last 10 years the storms seem to be stronger and to arise much quicker than they used to. We keep the lift on our property most of the year, and put it in the water for July through mid-September.

## 2. Size and dimensions of improvements

See the specific site plans for sizes of subject float, walkway and lift.


See the medium scale site plan for the distances to neighboring docks.

There is no obstruction on our beach to public access. Sometimes we walk south along our and our neighbors' beaches to reach McCrae Creek.

We use our float and boat lift for a 17.5 foot runabout; occasionally a relative from across the lake (with boat access only) will tie up at our float for a trip to the store.

Our boat is used from mid-July to mid-August, and maybe 2 or three times outside of that timeframe.

Applicants' Submission

	<p><b>(Program XXX)</b>  <b>Management Plan for</b></p>
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Please describe the details of your proposed use to the extent known.

**Section B** - Parts I through IV will require a statement even if the statement is "not applicable". Information may be required for **Section C** - Parts V and VI but will be on a case by case basis, the larger or more invasive an activity the more likely this information will be required.

The scope and the timing for response will be provided. If information is requested and not received it may result in the disallowance of the application.

### Section B – Proposed Use Description

Information on these topics below may be required as part of the application processing and if further detail is necessary that is not part of the application and management plan received, you will be contacted and requested to provide additional information.

<p><b>I. Background</b></p>
<p>Proposed use – what is proposed including any phased development details – should sync with "Purpose" chosen; <u>SPECIFIC PERMISSION TO KEEP EXISTING PRIVATE MOORAGE</u></p>
<p>Why here and now <u>WE RECEIVED A LETTER FROM THE MINISTRY OF FORESTS, LANDS ETC. ON APRIL 25, 2015, INDICATING WE NEEDED TO APPLY FOR "SPECIFIC PERMISSION"</u></p>
<p>Details of any preliminary investigative work and any other approvals obtained  <u>NOT AWARE OF ANY</u></p>
<p>Current zoning  <u>R2 - RESIDENTIAL</u></p>
<p>For commercial activity – the location of competition, potential market statement  <u>N/A</u></p>
<p><b>II. Location</b></p>
<p>General description of:  <u>FORESHORE &amp; WATER ADJOINING 3027 EAST LAKE DR CHRISTINA LAKE, BC</u></p>
<p>Access plans – how will you or your clients be accessing the parcel  <u>THE APPLICATION AREA IS ADJACENT TO OUR LAND AT</u></p>
<p>traffic including volume of traffic and phase or season, <u>MINIMALLY TO NO USE ALL OTHER TIMES; USED BY OUR TWO</u></p>
<p>seasonal expectations of use; and, <u>CILDEREN, THEIR SPOUSES, AND OUR 4 GRANDCHILDREN</u></p>
<p>land use on parcel, adjacent parcels and surrounding area <u>WE USE OUR HOUSE ABOUT 5 MONTHS EACH YEAR; ADJACENT PARCELS ARE SEASONAL CABINS USED ONLY IN SUMMER - MAINLY JULY &amp; AUGUST; THERE IS ONE OTHER YEAR-ROUND RESIDENCE IN AREA CLOSE TO US.</u></p>



## Applicants' Submission

Confirmation of Safety plan including first aid – probably needs to be a tick box on Appn form

### III. Infrastructure

New facilities or infrastructure proposed and any ancillary uses

NOTHING NEW PROPOSED

Existing and proposed roads and their use by season, and any proposed connections to public or FSR roads ACCESS TO OUR HOUSE IS VIA EAST LAKE DR WHICH IS USED

Utility (power, electrical, telecommunications) requirements and sources; YEAR-ROUND - NO NEW REQUIREMENTS

Water supply; (use and quantity if known) and,

HAVE WATER LICENSE C121879; ALLOWS MAX DRAW 500 GAL/DAY

Waste disposal (note if septic system required), sewage, sanitation facilities and refuse disposal.

HAVE CERTIFIED + MAINTAINED SEPTIC SYSTEM; NO NEW REQUIREMENTS

IV. First Nations CHRISTINA LAKE REFUSE COLLECTION IS AVAILABLE.

N/A

Describe any contact you may have had, including the name of the First Nation(s) and individuals contacted. Provide copies of or a description of any information you may have acquired from or provided to the First Nation(s) (potential benefits, partnership opportunities, special interests, concerns, etc.) and any information regarding archaeological resources and areas of cultural significance you are aware of in the vicinity of the proposed project.

### Section C – Additional Information:

#### V. Environmental

Describe any significant impacts and proposed mitigation with respect to:

##### a. Land Impacts

NO CHANGES PROPOSED

cutting of vegetation

NONE

soil disturbance GRAND CHILDREN PLAY ON BEACH

riparian encroachment WHEN KIDS ARE COMPETENT SWIMERS (7 YR OLD OR SO), THEY SWIM + PLAY IN DEEP WATER OFF OF DOCK; IF DOCK IS REDUCED OR REMOVED THERE WILL BE INCREASED ACTIVITY

management of pesticides, herbicides IN SHALLOW WATER.

NONE USED

visual impacts

NO CHANGE

known archaeological sites EXISTING DOCK + WALKWAY: CEDAR LOGS,

N/A

types of construction methods and materials used EXISTING DOCK: CEDAR LOGS, CEDAR CROSS-PIECES (JOISTS), AND CEDAR PLANKING

Applicants' Submission

<b>b. Atmospheric Impacts</b>
sound N/A
odor N/A
gas or N/A
fuel emissions, etc.), and N/A
explain current conditions, source, type and range of emission, N/A
<b>c. Water or Land covered by water Impacts</b>
drainage effect, N/A
sedimentation, N/A
water diversion, N/A
water quality, N/A
public access, etc N/A
flood potential, N/A
<b>d. Fish and Wildlife Habitat</b>
Provide current status of fish or wildlife habitat, and <sup>DEER</sup> <del>DEER</del> CROSS OUR BEACH TO DRINK; CHILDREN FISH FROM THE DOCK; OTHER PLAY ON THE DOCK; GEESE & OTHER BIRDS CRAP ON OUR DOCK
disturbance to wildlife habitat, NONE THAT I KNOW OF
disturbance to fish habitat or marine environment I THINK THAT WE ARE USING THE FORESHORE WATER WHEN THE FISH ARE NOT SPAWNING; AT LEAST, OUR KIDS DON'T SEE ANY TROUT KIND OF FISH; DO SEE CARP
threatened or endangered species in the area, N/A
seasonal considerations WE HAVE NEVER SEEN ANY SPAWNING ACTIVITY IN ALL OF THE YEARS WE HAVE BEEN THERE, AND THIS INCLUDES ALL OF AUGUST, SEPTEMBER & OCTOBER, ETC.
<b>VI. Socio- Community</b>
<b>a. Land Use</b> NO CHANGE - RESIDENTIAL AREA
land management plans, NO CHANGE

Applicants' Submission

public recreation areas

N/A

**b. Socio-Community Conditions**

Provide a description of the demand on fire protection or emergency services, etc. EAST LAKE DRIVE  
IS OPEN YEAR-ROUND, AND IS SERVICED BY THE CHRISTINA LAKE  
VOLUNTEER FIRE DEPARTMENT

\*\*Additional information may be required depending on the consultations that will occur as a result of your application.\*\*

Signed by:

Patricia D Seghers

MAY 14, 2015

## BCGS 82

MEDIUM SCALE SITE PLAN

All distances are in metres.

Bearings are astronomic, derived from Plan 15183

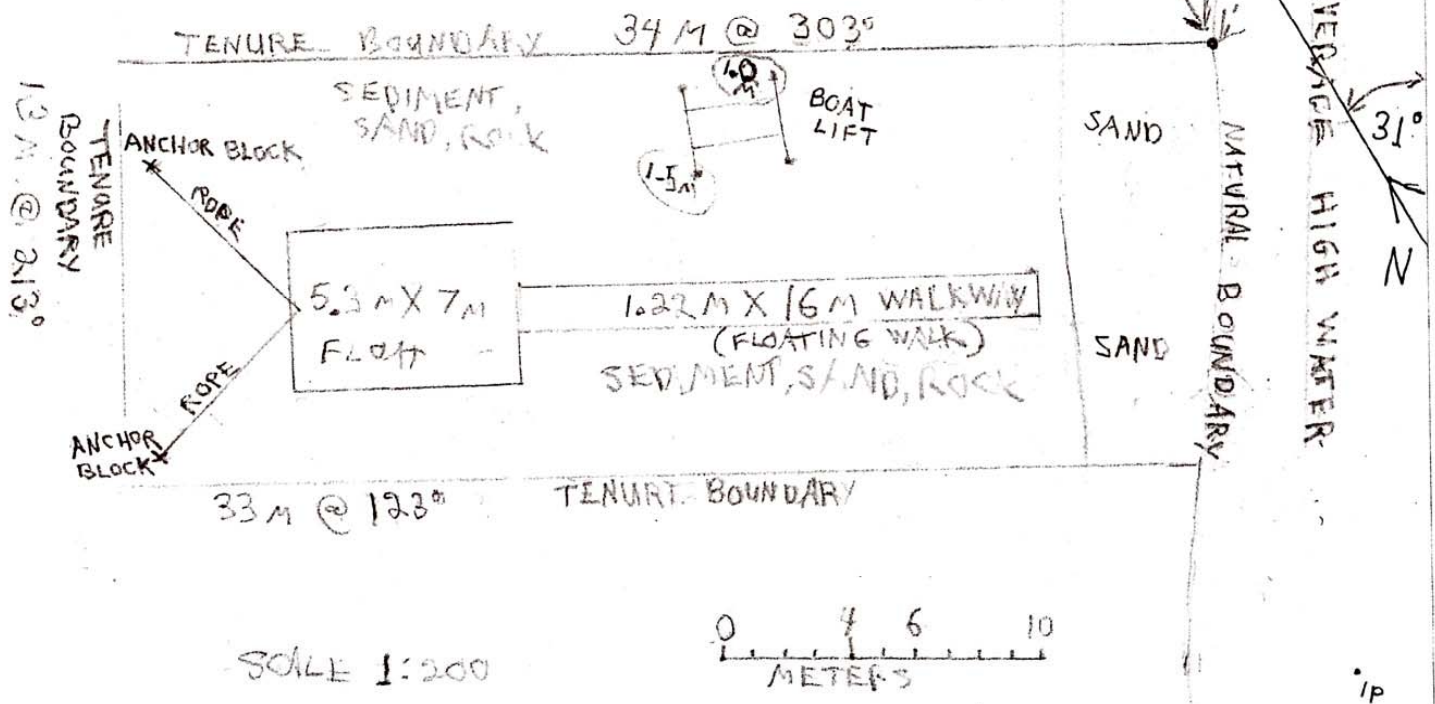
- denotes standard iron post found
- denotes standard iron post placed





LOT 7, D.L. 963, SOYP PLAN 6830  
LARGE SCALE SITE PLAN

APPLICATION AREA = .0435 HECTARES

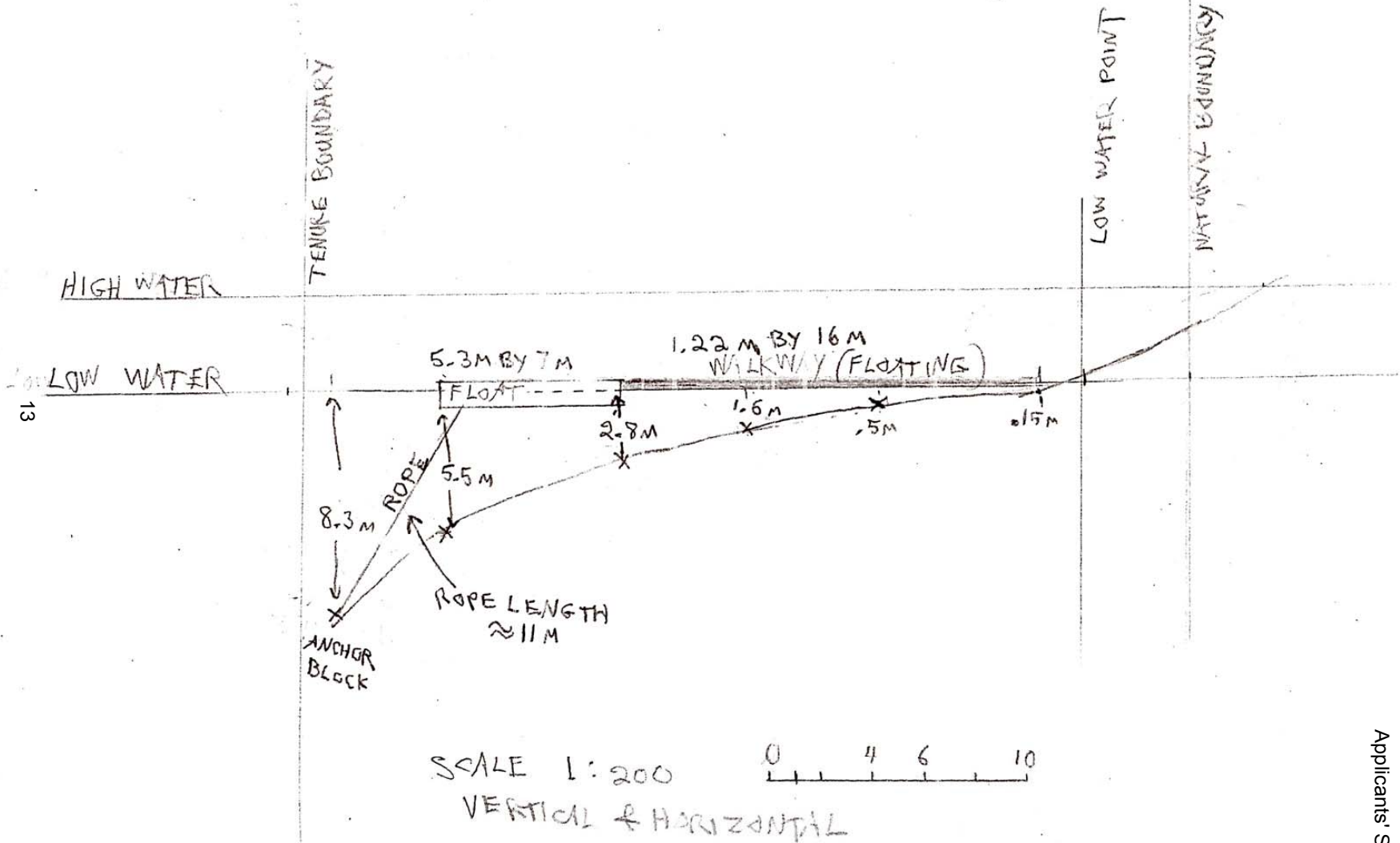


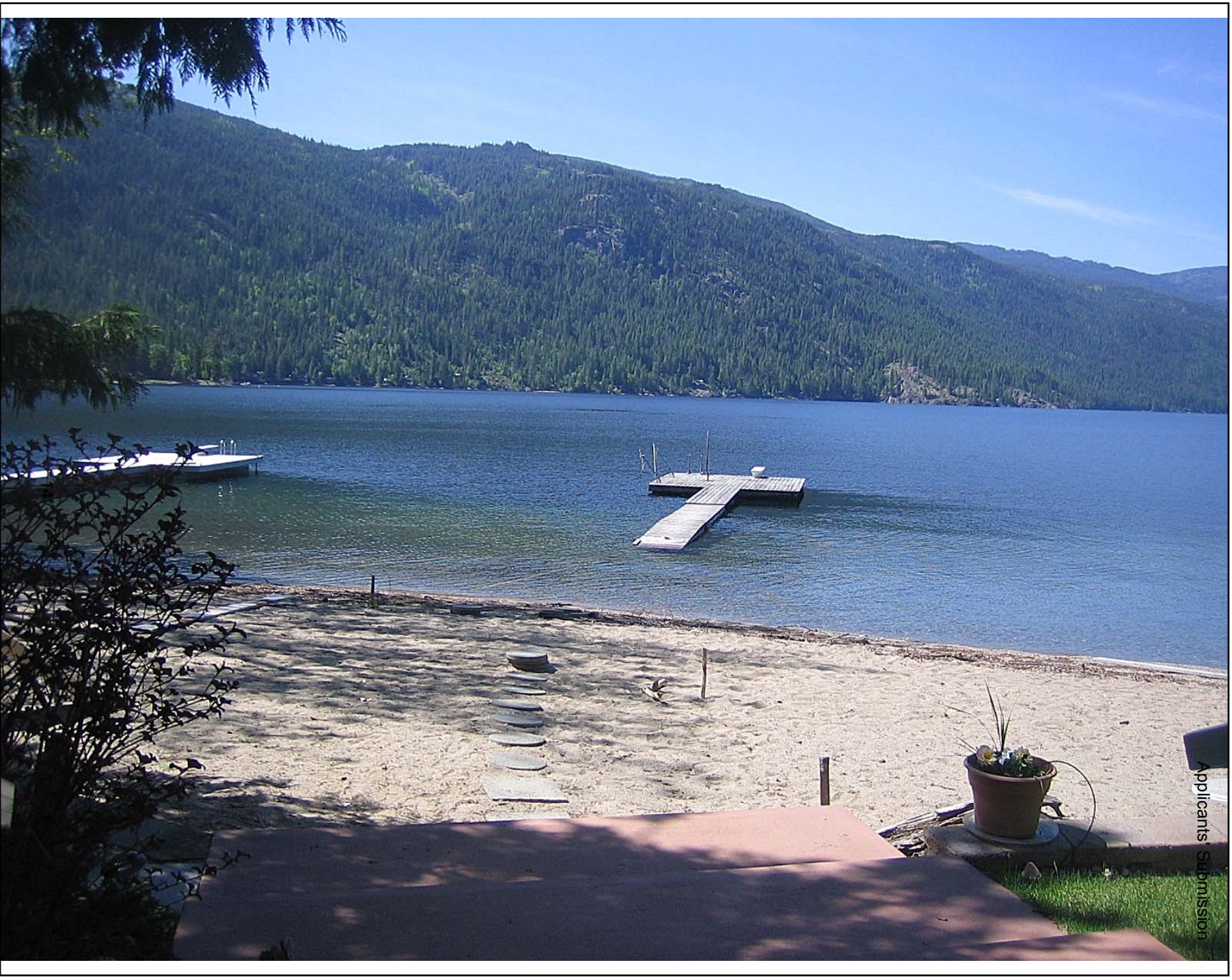
Applicants' Submission

ITEM ATTACHMENT # j)



LOT 2, D.L. 963, SDYD PLAN 6839  
SIDE VIEW PLAN





Applicants' Submission



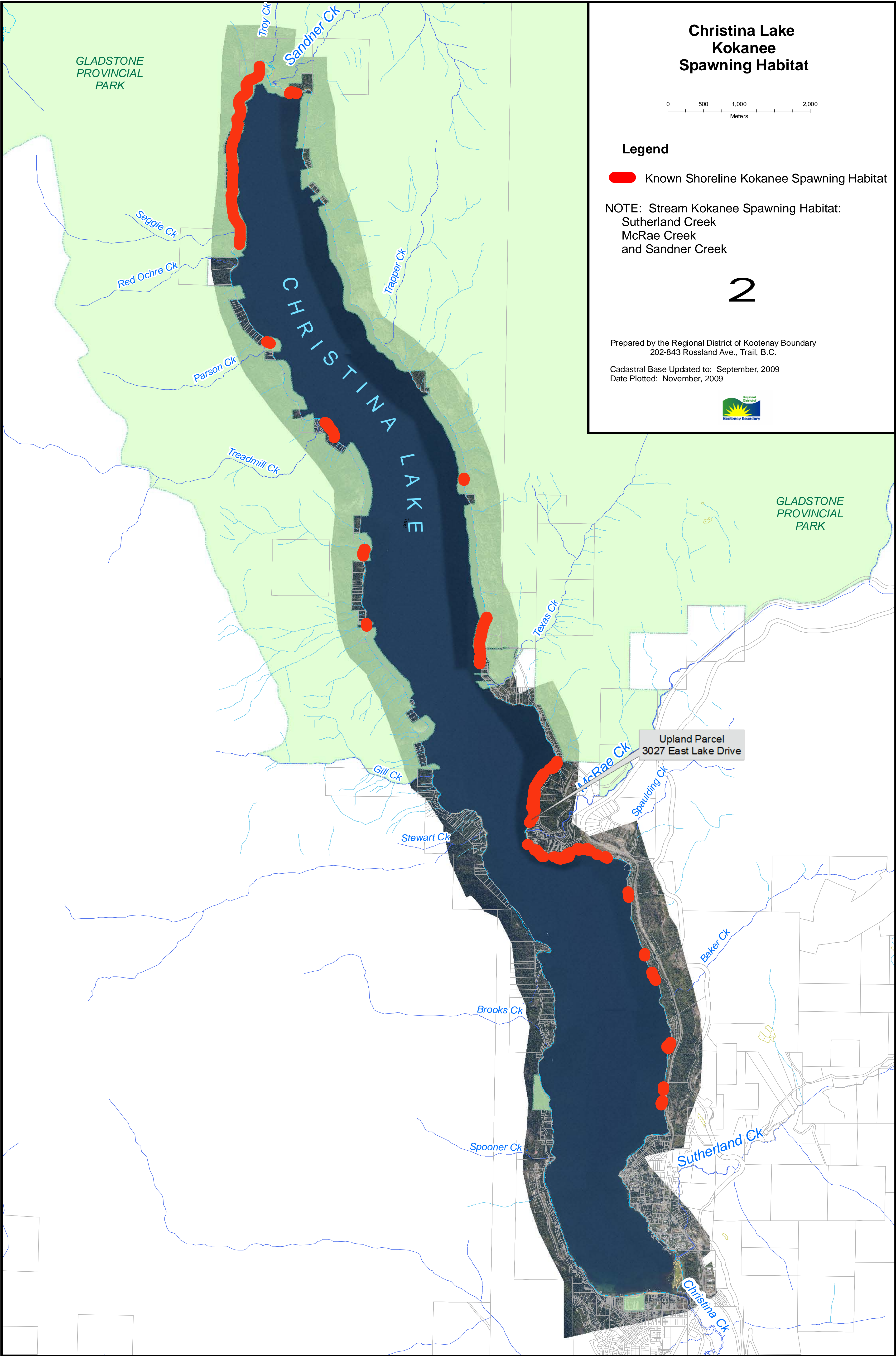






Applicants' Submission









File: 23000 – 20/Christina Lake Compliance Review

Date May 21, 2014

Dear Property Owner:

You are receiving this letter because you may own property at or near Christina Lake. The Ministry of Forests, Lands and Natural Resource Operations has been evaluating lakeshore habitat on selected lakes throughout the Kootenay Boundary Region. This is to advise the Ministry of Forests, Lands and Natural Resource Operations, Compliance and Enforcement Branch, has begun conducting an ongoing inventory of private docks, and foreshore modification sites on Christina Lake.

The inventory is to identify what structures have legal tenure, and if they are built to a prescribed standard. The goal is to improve compliance on the foreshore of Christina Lake in order to increase public safety on the water, ensure a healthy foreshore environment, and sustain a diversity of recreational experiences that can be enjoyed by all.

Inventory teams may access facilities from the water, along the foreshore or they may request access from property owners. Our goal is to gain significant compliance in both newer and older properties on the lake. Our 2014 target is to assess areas within known fish spawning and rearing habitat.

It is expected that some existing works and structures may require changes to address safety, environmental and, social issues. Structures found to be in non compliance will be given ample opportunity to address deficiencies and be given a reasonable amount of time to ensure minimal impact to the foreshore values.

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Listed below are links to further information legislative requirements and applications:  
*Water Act* and *Land Act*: Front Counter BC <http://frontcounterbc.gov.bc.ca>

Ministry of Forests, Lands and  
Natural Resource Operations

Kootenay Boundary  
Regions

Location:  
1907 Ridgewood Road  
Nelson, British Columbia  
CANADA

Mailing Address:  
1907 Ridgewood Road  
Nelson, British Columbia  
V1L 6K1  
Tel: (250) 825-1100  
Fax: (250) 825-9657

Private moorage guidelines:

[http://www.for.gov.bc.ca/Land\\_tenures/tenure\\_programs/programs/privatemoorage/index.html](http://www.for.gov.bc.ca/Land_tenures/tenure_programs/programs/privatemoorage/index.html)

Fisheries and Oceans Canada: <http://www.pac.dfo-mpo.gc.ca/index-eng.html>

For further information please contact the following Ministry of Forests, Lands and Natural Resource Operations staff:

- Lisa Tedesco – Habitat Biologist - [Lisa.M.Tedesco@gov.bc.ca](mailto:Lisa.M.Tedesco@gov.bc.ca)
- Iain Hartley – Natural Resource Officer –[Iain.Hartley@gov.bc.ca](mailto:Iain.Hartley@gov.bc.ca)

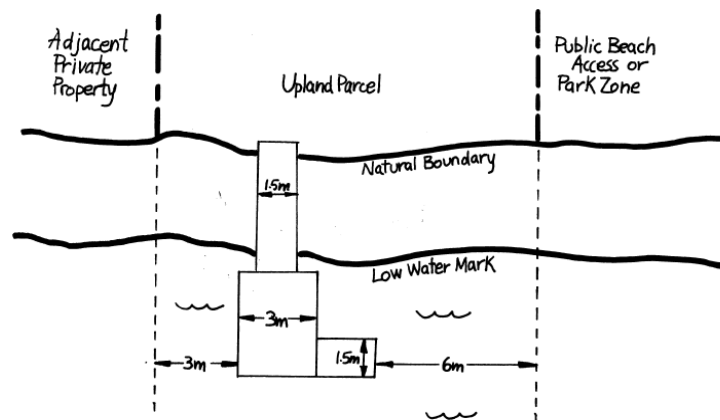
Yours truly,

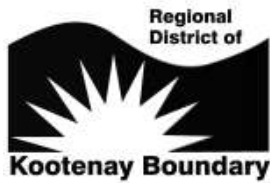
Iain Hartley  
Natural Resource Officer

## Area C/Christina Lake Zoning Bylaw No. 1300, 2007 Excerpt

**315. Docks**

1. Moorage facilities must not constitute a hazard to navigation in accordance with the federal *Navigable Waters Protection Act*;
2. The maximum number of docks utilized as accessory structures to a principal permitted use conducted on an adjacent parcel within the R1, R2, R3, R4, RUR1, and NR1 Zones is one (1) per **parcel**;
3. The maximum number of docks utilized in association with a principal permitted use conducted on an adjacent parcel within the in the C5 and C6 Zones is three (3) per **parcel** or one (1) dock per 30m of shoreline; whichever is less;
4. The maximum distance a dock may extend from the **natural boundary** of the upland **parcel** is 40m measured at right angles to the general trend of the shoreline in the immediate vicinity of the subject structure;
5. The minimum width of a dock is 1m;
6. The maximum width of a dock is 3m and a walkway is 1.5m;
7. L or T shaped docks are permitted provided the length of the portion, which is parallel to the shoreline, does not exceed the lesser of 10m or one half the width of frontage of the upland **parcel**;
8. The minimum setback from the interior or exterior side **parcel** line of the upland **parcel**, projected onto the foreshore is 3m;
9. The minimum setback from the interior or exterior side **parcel** line of the upland **parcel**, projected onto the foreshore, is 6m where the adjacent **parcel** is a right-of-way beach access or is in a P1 zone;
10. Siting of docks must be undertaken only in a manner that is consistent with the orientation of neighbouring docks, and avoids impacts on access to existing docks and adjacent **parcels**;
11. Dock supports must be made of non-toxic materials;
12. Roofs or covered structures on docks are prohibited;
13. Fences are not allowed on docks; and
14. Compliance with the regulations for docks outlined above in no way relieves the owner of the responsibility of adhering to all other legislation which may apply to the land and/or body of water.





## STAFF REPORT

Prepared for meeting of July 2015

<b>FrontCounter BC Referral – Specific Permission for Private Moorage</b>		
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors		
<b>Applicant:</b> Deborah and Gordon Weiland		<b>File No:</b> C-3966s-07256.030
<b>Location:</b> Foreshore of Christina Lake adjacent to 4054 Boat Access West, Electoral Area 'C'/Christina Lake		
<b>Legal Description:</b> All that Crown foreshore being part of the bed of Christina Lake, fronting that part of DL 3966S		<b>Application Area:</b> ±0.004 ha (400m <sup>2</sup> )
<b>OCP Designation:</b> Waterfront Residential	<b>Zoning:</b> Waterfront Residential 2/ (R2); Open Space 1 (OS1)	<b>DP Area:</b> Environmentally Sensitive Waterfront Development Permit Area
<b>Provincial Contact Information:</b> Referral No. 76265263-003 Curt Nixon, Tenures Forester FrontCounter BC Nelson, BC 250-825-1107 <a href="mailto:curt.nixon@gov.bc.ca">curt.nixon@gov.bc.ca</a>		<b>Owner Contact Information:</b> Deborah Weiland 3051 Keniris Road, Nelson BC V1L 6Z8 250.825.9575 <a href="mailto:dweiland@shaw.ca">dweiland@shaw.ca</a>
<b>Report Prepared by:</b> Carly Rimell, Planner		

### ISSUE INTRODUCTION

The Regional District of Kootenay Boundary has received a referral from FrontCounter BC, submitted by Deborah and Gordon Weiland, to legalize an existing dock through a Specific Permission (*see Site Location Map; Upland Parcel Map; Applicants' Submission*).

## HISTORY / BACKGROUND FACTORS

### Christina Lake Compliance Project

The Christina Lake Compliance project was initiated in 2014 by the Ministry of Forests, Lands and Resource Operations (FLNRO) in order to evaluate lakeshore habitat on selected lakes throughout the Kootenay Boundary Regions. The Compliance and Enforcement Branch conducted an inventory of private docks and foreshore modification sites on Christina Lake.

The inventory is to identify what structures have legal tenure and if they are built to a prescribed standard. The goal is to improve compliance on the foreshore of Christina Lake in order to increase public safety on the water, ensure a healthy foreshore environment, and sustain a diversity of recreational experiences that can be enjoyed by all.

Approximately 150 owners were found to be in trespass in respect to private moorage and foreshore encroachment. The referrals we are seeing now are known as Phase I and were identified with high to moderate fish habitat designated zone (*see Christina Lake Kokanee Spawning Habitat Map*). There are 50 upland property owners that have been sent notifications being asked to legalize their existing moorage structures (*see Christina Lake Compliance Letter*).

### Types of Crown Tenure

To date the Regional District of Kootenay Boundary has received four referrals from the Province regarding private moorage. There are two types of permission for private moorage which are described below. There is no fixed term or expiry date for either tenure.

General Permission	Specific Permission
<p>No application is required for General Permission provided the following criteria are met for the dock:</p> <ul style="list-style-type: none"> <li>Do not exceed 24m<sup>2</sup> in total surface area (ie. of dock, pier, walkway)</li> <li>Do not extend a distance greater than 30 m from the present natural boundary of the upland parcel</li> <li>Do not exceed 1.5m in width for access ramps or walkways and 3 meters width for any other portion of the dock</li> <li>It is the only dock or moorage facility fronting the upland property</li> <li>Pressure treated wood is not used in the construction</li> </ul>	<p>A Specific Permission must be applied for if the dock:</p> <ul style="list-style-type: none"> <li>Is located on a lake or river and the dock is over 24m<sup>2</sup></li> <li>Is located on a lake or river and the dock does not adhere to any of the requirements of the General Permission</li> <li>Is located in an Application-Only Area</li> <li>Includes a boat lift structure unattached to a dock or in the absence of an associated dock, or a permanent way or boat ramp and</li> <li>Is for group moorage three berths or less</li> </ul>



License of Occupation will only be used to renew existing or expired License of Occupations. It is the goal of the Crown to process the Christina Lake Compliance project through Specific Permission as opposed to License of Occupation.

*Regional District of Kootenay Boundary Land Use Bylaws*

*Electoral Area 'C'/Christina Lake Official Community Plan Bylaw No. 1250, 2004.*

There are two policies in the Electoral Area 'C'/Christina Lake Official Community Plan that are relevant to this application:

- The Regional District encourages the Minister responsible for the *Land Act* to only issue Licenses of Occupation for wharves and similar structures, which are constructed of environmentally sensitive materials (Policy #2.11.3.4); and
- Regulating the use of the lake's surface and Crown foreshore is ultimately a Provincial responsibility. However, the Province has a long history of consulting and cooperating with the Regional District in this regard and this practice will be encouraged to continue. In order to clearly establish the Regional District's position with respect to the use of the lake surface and Crown foreshore, it will be placed in a public open space zone in the implementing bylaws. This zone will allow water based recreational uses and moorage facilities which are accessory to a residence (provided they are within an area which is duly authorized by license or lease). Principal residential uses, such as houseboats and floating homes will not be permitted (Policy #2.11.3.5)

and an overall goal of "protection of the lakeshore environment is balanced with residential and recreational needs".

*Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, 2007*

The subject parcel is zoned Waterfront Residential (R2) in the Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, 2007. The lake is zoned Open Space 1 (OS1), which permits docks. The upland parcels are designated 'Waterfront Residential' in the Electoral Area 'C'/Christina Lake Official Community Plan Bylaw No. 1250, 2004. These parcels are also within the "Waterfront Environmentally Sensitive Development Permit Area"; for the purposes of this application a permit or permit amendment is not required.

The Zoning Bylaw Section 315, includes regulations for docks. This Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300 was adopted June 28, 2007 therefore some of these docks may be considered legal non-conforming (*see Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, Section 315 Excerpt*). If the structures are considered legal non-conforming they will not be required to comply with the bylaw until they are replaced.

## UPLAND PARCEL HISTORY

The upland parcel (4054 Boat Access West Side Christina Lake) is a boat access only property. The upland parcel applied for and received a development permit for the 'Waterfront Environmentally Sensitive Development Permit Area' in June 2014. The on-site sewage disposal system is in substantial compliance. The RDKB has no concerns about public health or water quality in the foreshore fronting the parcel at 4054 Boat Access West. The frontage of the parcel is estimated at  $\pm 30\text{m}$  ( $\pm 100\text{ft}$ ).

The existing floating dock is constructed of cedar decking, Den Hartog Industries float drums (foam filled EPS), aluminum ramp, and anchored with four steel pilings (*see Applicants Submission*). The 12.2m aluminum ramp is required due to the slope of the land to grant walking access to dock and beach. The dock is an irregular shape with a boat slip. The aluminum ramp is 1.2m wide and the dock is 1.5m wide where it connects to the dock. At the docks widest point it spans 8.2m. The dock was constructed in 2013 therefore could not be considered legal non-conforming.

## PROPOSAL

The proposal is for private moorage purposes fronting the landowner's private property to legalize an existing irregular shaped dock through Specific Permission from the Crown fronting their upland parcel at 4054 Boat Access West Side Christina Lake property. The proposed area is  $\pm 0.004$  ha.

## IMPLICATIONS

The dock does not appear to meet the Zoning Bylaw regulations (Section 315). The documentation shows the width of the dock is 8.2m which is 5.2m over the maximum allowable width of 3m.

Section 315.8 states the minimum setback from the interior side parcel line of the upland parcel, projected onto the foreshore is 3m. It is uncertain if the dock meets these setback requirement as the documentation is unclear.

A dock is crucial to a boat access only parcel for ease of access and safety. The Regional District encourages property owners to legalize their docks with the Crown. At the same time the Regional District discourages the use of materials for docks that could have a negative impact on the environment. The applicant asserts they considered this when they constructed their dock in 2013. The construction techniques used keep the dock and aluminum walkway away from any contact with the shoreline to minimize aquatic and terrestrial impacts.

All of the upland property owners contacted in Phase I of the Christina Lake Compliance Project were identified as the foreshore is within the high to moderate fish habitat zone according to FLNRO. This applies to the subject property as shown on the Upland Parcel Map.

The referral was submitted to the Planning and Development Department without a Management Plan, so there were less details available. Follow-up was done by the staff

but FrontCounterBC never received a Management Plan as part of the applicants' submission.

### **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'C'/Christina Lake APC's support for the Specific Permission is subject to the owner's being granted a Development Variance Permit for dock size.

### **BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

*Upland Parcel Map*

*Applicants' Submission*

*Christina Lake Kokanee Spawning Habitat*

*Christina Lake Compliance Letter*

*Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300, Section 315 Excerpt*

### **RECOMMENDATION**

That the Regional District of Kootenay Boundary Board of Directors recommends that the Province of British Columbia's approval for the application by Deborah and Gordon Weiland for Specific Permission for private moorage is subject to issuance of a Development Variance Permit that varies Section 315 of the Regional District of Kootenay Boundary's Zoning Bylaw No. 1300 to legalize the size of the dock, on the Crown foreshore, being part of the bed of Christina Lake, fronting the upland parcel legally described as Lot 6, DL 3966S, KAP30324, SDYD.

*Respectfully Submitted:*

*Concurrence: (Department  
Head)*

*Concurrence: (CAO)*





2015/06/25

# Site Location Map

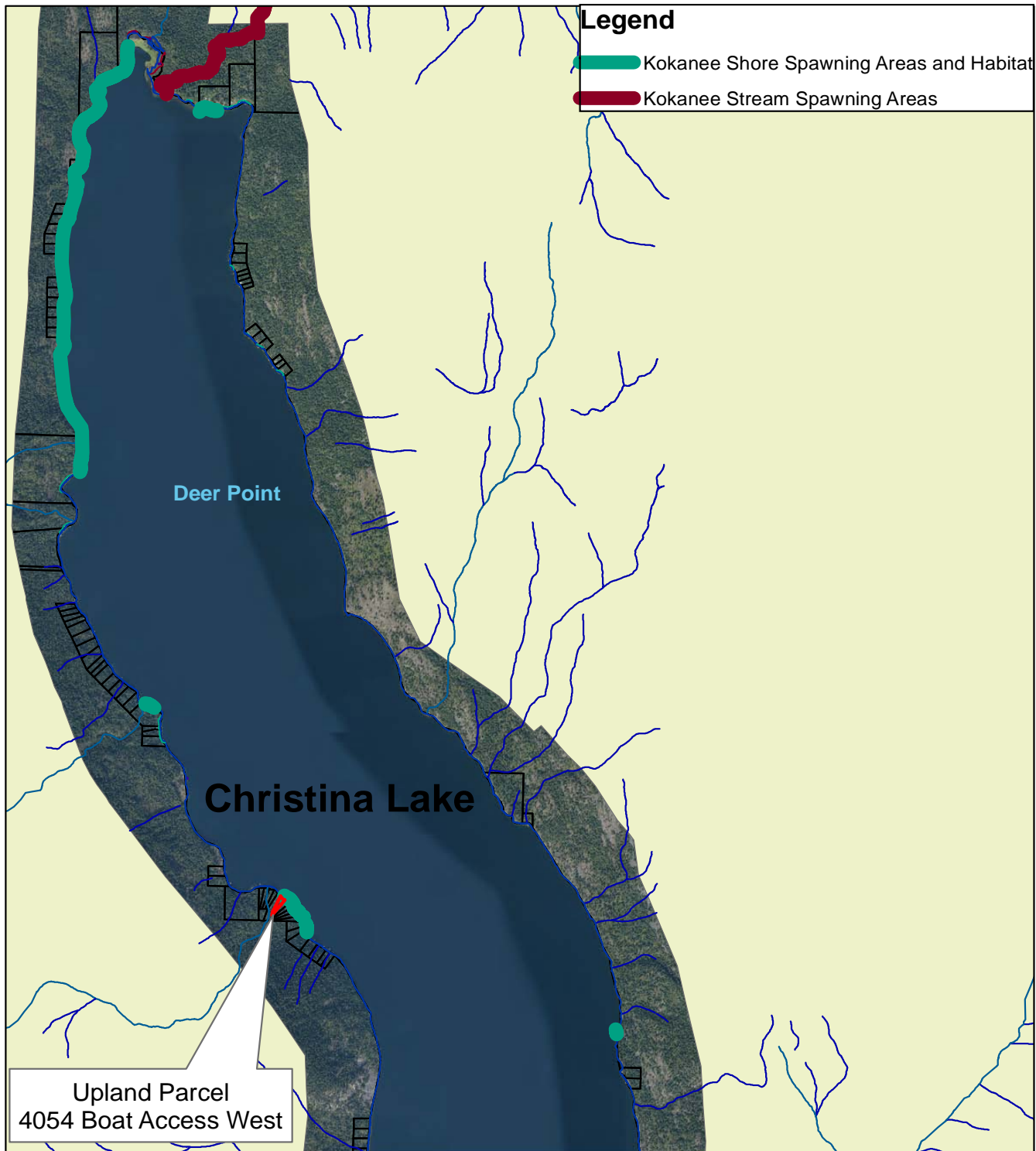
Scale 1:30,000



0 175350 700 1,050 1,400  
Meters

## Legend

- █ Kokanee Shore Spawning Areas and Habitat
- █ Kokanee Stream Spawning Areas



P:\GIS\WRDKBMapDocuments\Routine\_Maps\SiteLocationMap\Area\_ 'C'\_ ChristinaLake\SLM-C-3966s-Weiland\_2015-06-25





2015/06/25

# Upland Parcel Map

Scale 1:2,200



0 25 50 100  
Meters

## Legend

- █ Kokanee Shore Spawning Areas and Habitat
- █ Kokanee Stream Spawning Areas

## Christina Lake

Upland Parcel  
4054 Boat Access West

P:\GIS\WRDKB\MapDocuments\Routine\_Maps\SubjectPropertyMap\Area\_'C'\_ChristinaLake\SLM-C-3966s-Weiland\_2015-06-25



Applicants' Submission

590590 BC Ltd  
 3051 Keniris Road  
 Nelson BC V1L 6Z8  
 250 825 9575

April 13, 2015

Ministry of Forest, Land and Natural Resources  
 1907 Ridgewood Road  
 Nelson BC V1L 6K1

**Re: File 23060-40-DSE Inspection under the Land Act and Water Act**

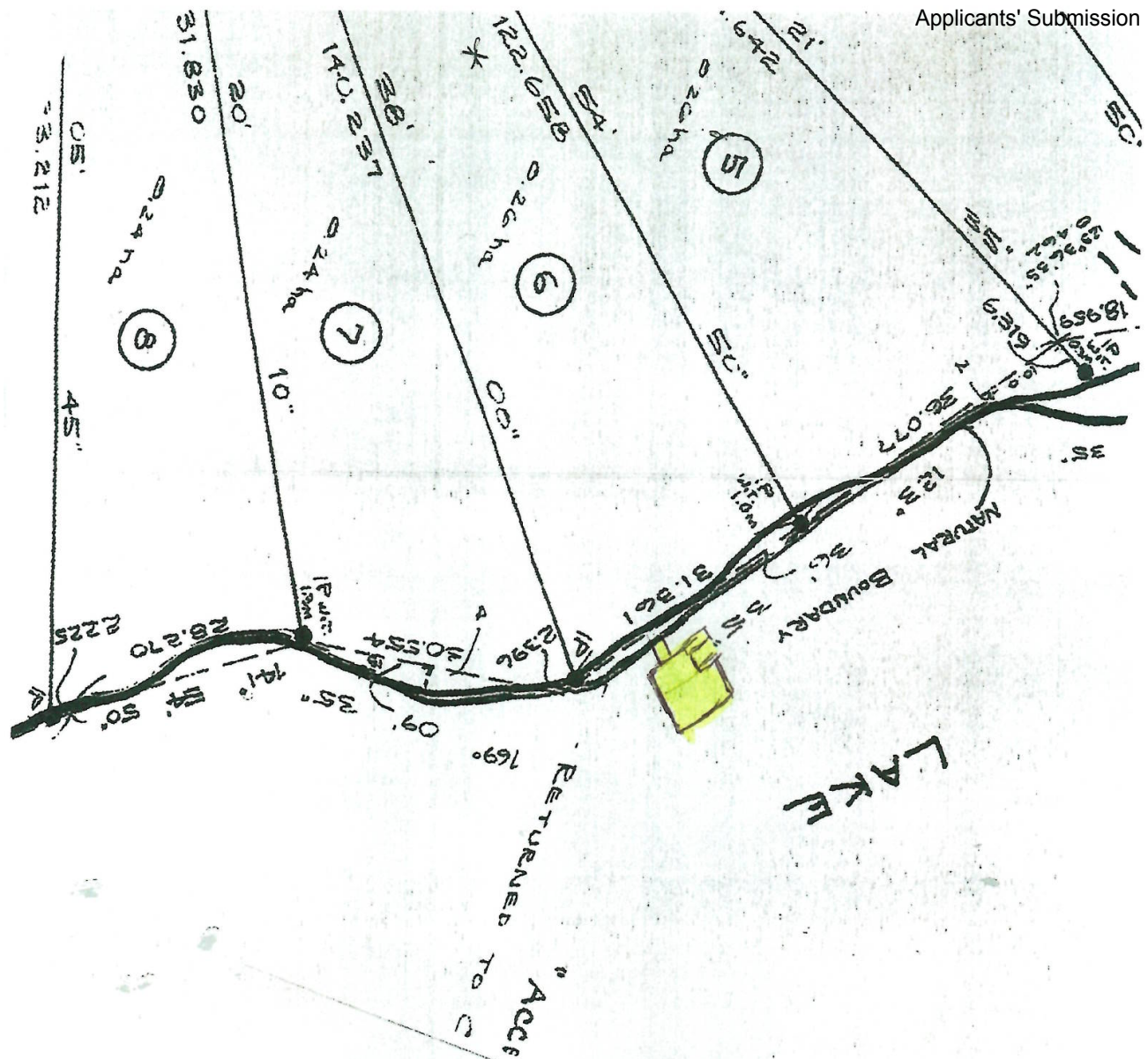
Application for morrage on crown land as access to boat access only property at Christina Lake BC.  
 Lot 6 Plan 30234 District Lot 39665 Kootenay land District / 4054 West Boat Access Christina Lake BC

**Management Plan:**

- 43.4 m2 dock and ramp installed (see attachment showing exact measurement of dock and ramp)
- 4 steel pilings for stability
- Dock and ramp grant access to boat access only property for the sole personal use for Gordon and Deborah Weiland.
- 40' Aluminum ramp is required due to the slope of land to grant walking access
- Weiland is the upland land property owner
- Dock has one boat slip
- Dock will be in place as continued property access
- 4 Steel pilings are existing since April 2013
- Dock is existing since April 2013
- Aluminum Ramp has been in place since June 2013
- Dock material consists of the following 1. Four steel pilings 2. Cedar decking 3. Aluminum ramp 4. Den Hartog Industries Float drums (foam filled EPS)

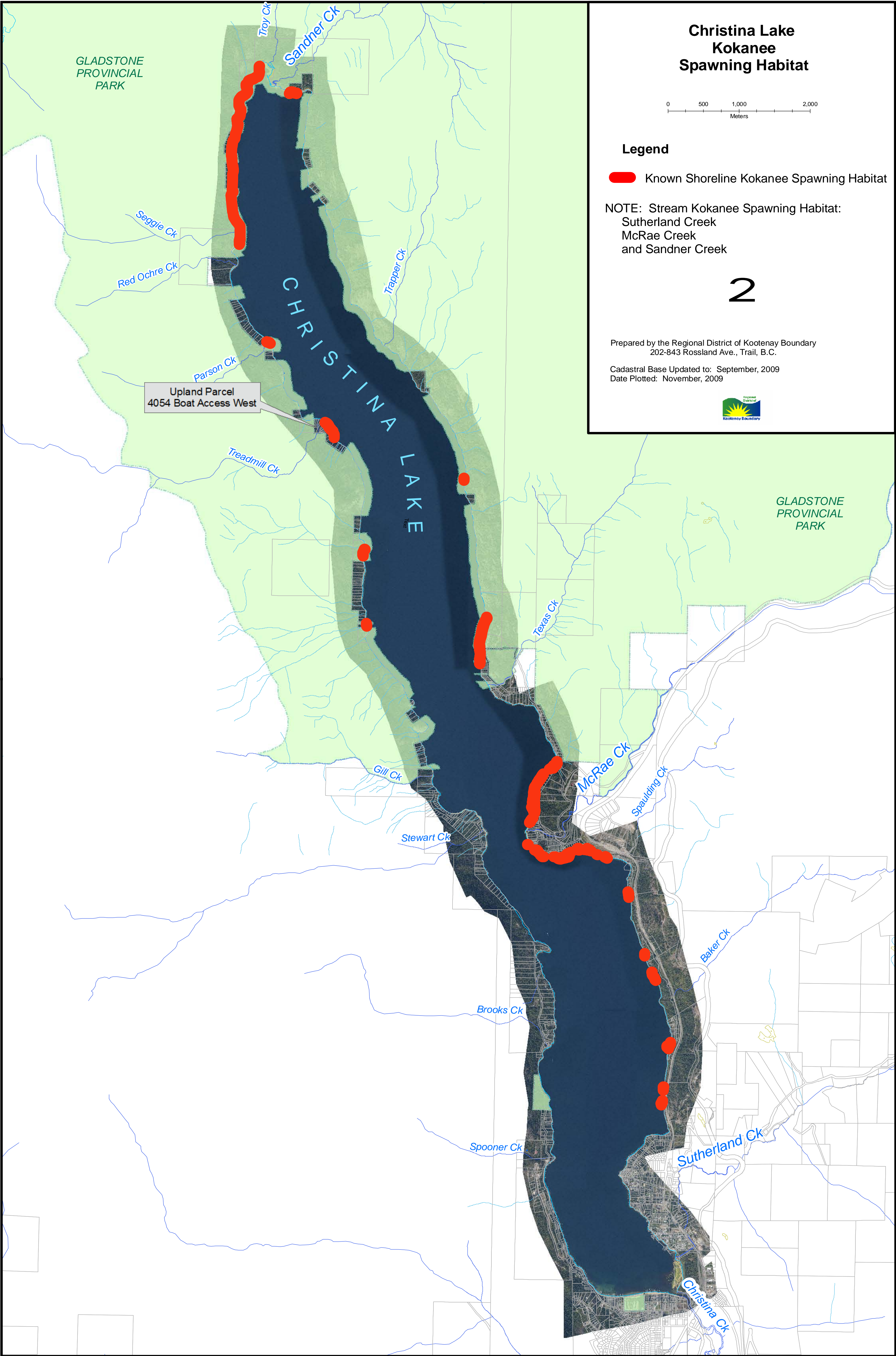
Sincerely,

Deborah Weiland  
 590590 BC Ltd



A hand-drawn site plan of Christina Lake. The plan shows a large rectangular dock area labeled "DOCK" with dimensions 22' x 16'. A ramp, labeled "Ramp", extends from the dock towards the top of the plan, with dimensions 4' x 4' and 5'. The ramp is situated between the dock and a wavy line representing the shoreline. The area above the shoreline is labeled "Property". The area below the dock is labeled "Christina Lake". The dock has three piles marked with black dots and arrows, and the ramp has one pile marked with a black dot and an arrow. The shoreline is marked with a wavy line and a circled "2" with an arrow pointing to it. Dimensions for the dock and ramp are: 22' (vertical), 16' (horizontal), 4' (vertical), 4' (horizontal), 5' (vertical), 22' (horizontal), 18' (horizontal), 5' (vertical), 6' (diagonal), 6' (diagonal), 8' (horizontal), and 22' (vertical).









File: 23000 – 20/Christina Lake Compliance Review

Date May 21, 2014

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For further information please contact the following Ministry of Forests, Lands and Natural Resource Operations staff:

- Lisa Tedesco – Habitat Biologist - [Lisa.M.Tedesco@gov.bc.ca](mailto:Lisa.M.Tedesco@gov.bc.ca)
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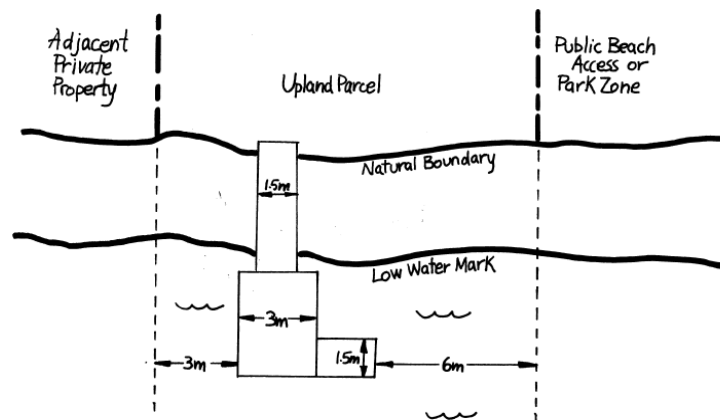
Yours truly,

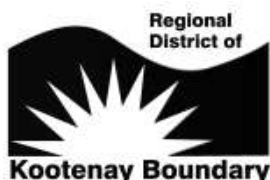
Iain Hartley  
Natural Resource Officer

## Area C/Christina Lake Zoning Bylaw No. 1300, 2007 Excerpt

**315. Docks**

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3. The maximum number of docks utilized in association with a principal permitted use conducted on an adjacent parcel within the in the C5 and C6 Zones is three (3) per **parcel** or one (1) dock per 30m of shoreline; whichever is less;
4. The maximum distance a dock may extend from the **natural boundary** of the upland **parcel** is 40m measured at right angles to the general trend of the shoreline in the immediate vicinity of the subject structure;
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12. Roofs or covered structures on docks are prohibited;
13. Fences are not allowed on docks; and
14. Compliance with the regulations for docks outlined above in no way relieves the owner of the responsibility of adhering to all other legislation which may apply to the land and/or body of water.





## STAFF REPORT

Prepared for meeting of July 2015

Ministry of Transportation - Subdivision Referral			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Owners:</b> Bron and Sons Nursery Floyd and Joyce Jensen		<b>File No:</b> D-363-02673.000 D-362-02691.000	
<b>Location:</b> 3540 Almond Gardens Road W 3601 Latkin Road			
<b>Legal Description:</b> Lot 16, DL 363, SDYD, KAP2430, Portion excluding Parcel A, Plan B5901 Except Plan 7521 Lot 26, DL 362, SDYD, KAP2430, Except Plan A965		<b>Area:</b> 3.7 ha (9.13 acre) 2.6 ha (6.43 acres)	
<b>OCP Designation:</b> Agricultural Resource	<b>Zoning:</b> Agricultural Resource 1 (AGR1)	<b>ALR status:</b> Entirely within	<b>DP Area:</b> No
<b>Contact Information:</b> Jill Carruthers District Development Approvals Technician, MoTI 250.354.6380 <a href="mailto:jill.carruthers@gov.bc.ca">jill.carruthers@gov.bc.ca</a>	Bron and Sons Nursery PO Box 2643 Grand Forks, BC V0H 1H0 250.442.2014 <a href="mailto:marie@bronandsons.com">marie@bronandsons.com</a>	Floyd and Joyce Jensen 3601 Latkin Road Grand Forks, BC V0H 1H4	
Prepared by: Carly Rimell, Planner			

### ISSUE INTRODUCTION

Bron and Sons Nursery, as applicant for their parcel and as agent for Floyd and Joyce Jensen, owners of an adjacent parcel to the south, have submitted an application for subdivision. The two parcels are south of Grand Forks and near Almond Gardens Road and Latkin Road (*see Site Location Map; Applicant's Submission*). No new lots are being created; the parties propose a boundary adjustment. A boundary adjustment is a type of subdivision and as the parcels are in the ALR, Agricultural Land Commission (ALC) approval is required.

## **HISTORY / BACKGROUND FACTORS**

Last year the RDKB received an application for a boundary adjustment within the ALR from Bron and Sons Nursery as an applicant for their parcel and agent for Floyd and Joyce Jensen, the owners of the adjacent parcel to the south.

The Electoral Area 'D'/Rural Grand Forks Advisory Planning Commission recommended the application for approval. The Board forwarded the application to the Agricultural Land Commission with a recommendation of support.

When the ALC received the application it was discovered there was a thin strip of forfeited Crown Land which laid between the Almond Gardens Road and the Latkin Road parcels. It was discussed between several government agencies including the RDKB; Forests, Lands and Natural Resources Operations (FLNRO) and the ALC that the best way to proceed was for Bron and Sons to apply to purchase the Crown Land.

Bron and Sons made an application to purchase the Crown Land earlier this year which is currently awaiting decision. The application to the ALC is also currently awaiting decision. The application for subdivision has now been submitted to the Ministry of Transportation and Infrastructure. Any subdivision approval from MoTI would be subject to approval from the ALC and Crown.

## **PROPOSAL**

The applicants seek a boundary adjustment to extend Bron and Sons Nursery, to encompass most of the Latkin Road parcel (*see Proposed Subdivision Map*). The application proposes to expand the nursery's property to increase their production of potted plants.

The area proposed for expansion is about  $\pm 1.8$ ha. The Latkin Road parcel would decrease in area from 2.6 ha to about  $\pm 0.8$  ha. The Bron and Sons parcel would increase in area accordingly, from 9.13 ha to  $\pm 10.93$  ha. If the sale of the forfeited Crown Land in between the Almond Gardens Road and Latkin Road parcel that would also be an additional increase of 0.05 ha.

## **IMPLICATIONS**

The Electoral Area 'D'/Rural Grand Forks Zoning Bylaw No. 1299, Section 307 has a minimum parcel area exception for alteration of interior parcel lines (boundary adjustments) between two or more parcels. Boundary adjustments are permitted provided that:

- No additional parcels are created upon completion of the alteration;
- The alteration does not infringe upon the required setbacks for existing buildings and structures; and
- The alteration does not reduce the site area required for a sewage disposal system.

Based on the proposal, the Latkin Road parcel would satisfy the setbacks for buildings and structures. The barn would satisfy the rear setback of 4.5 meters, and both the

barn and house satisfy the 1.5 meter setback from the new interior parcel line. The front and west interior parcel line setbacks remain unchanged and are satisfied.

Interior Health generally recommends that parcels not serviced by community water and sewer be at least 1 ha in area. The Latkin Road parcel, at 0.8 ha, will be smaller than that. However, it is already developed with a dwelling. Now that the subdivision application is in the formal subdivision stage, the Approving Officer will consider the adequacy of the parcel size in the subdivision review.

If Bron and Sons are able to purchase this portion of land from the Latkin parcel they would consolidate it into a larger parcel. This parcel would then be used for agriculture which it is currently not by the owners of the Latkin parcel. The RDKB Official Community Plan for Electoral Area 'D'/Rural Grand Forks encourages land within the ALR to be used primarily use for agriculture.

As previously discussed when this application was processed in September 2014 for subdivision within the ALR the recommendation was that it be forwarded to the Agricultural Land Commission with a recommendation of support.

#### **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'D'/Rural Grand Forks Advisory Planning Commission were in support of the application.

#### **BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

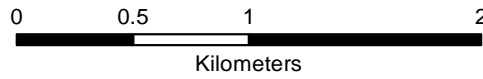
*Applicant's Submission*

*Proposed Subdivision Map*

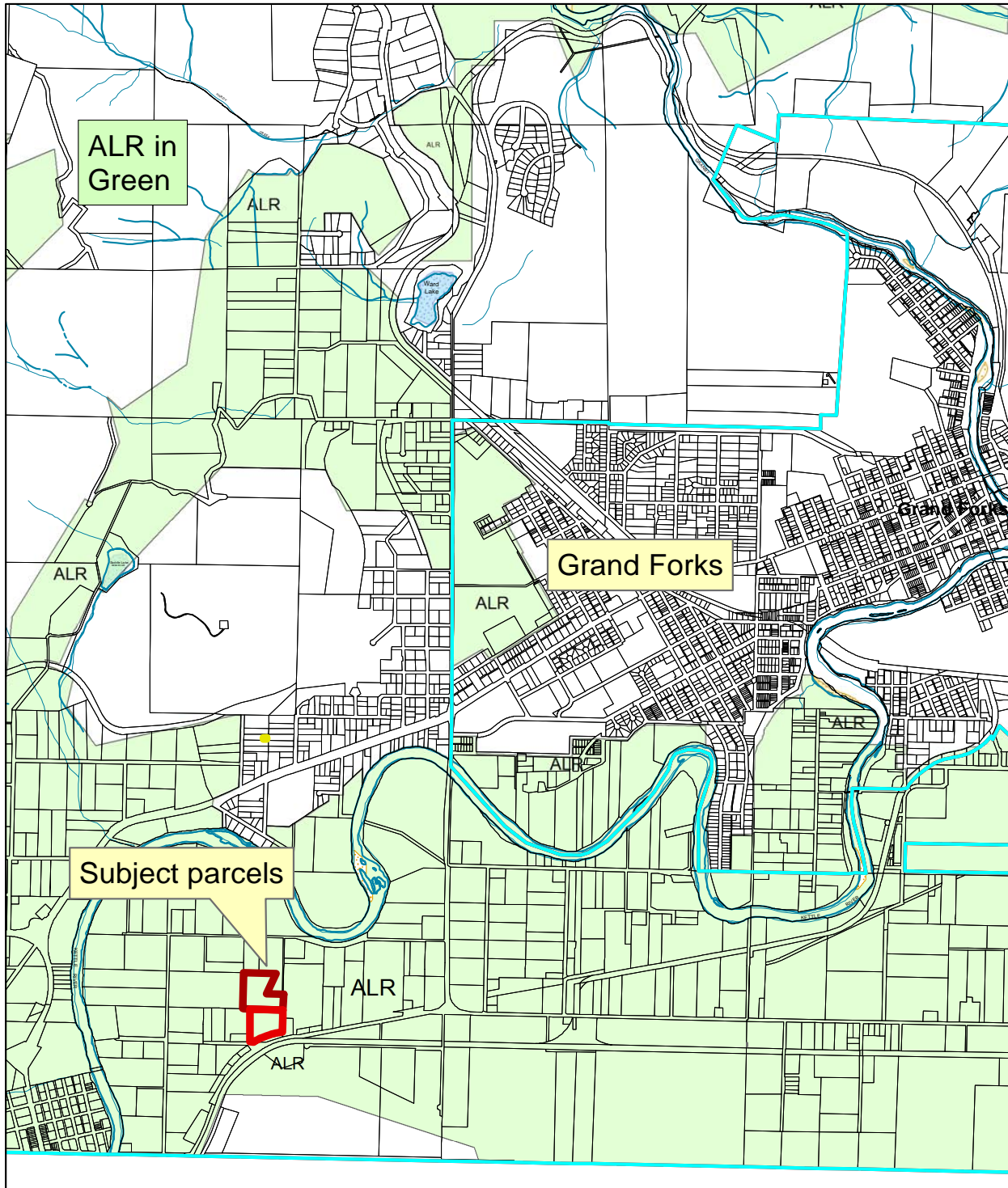
#### **RECOMMENDATION**

That the staff report regarding the application for subdivision, submitted by Bron and Sons Nursery, as applicant for their parcel and as agent for Floyd and Joyce Jensen for the adjacent parcel, for these properties legally described as Block 26, DL 362, SDYD, Plan KAp 2430, Except plan A965 and Lot 15, DL 363, SDYD, Plan KAP 2430, Portion EXI PCI a PL B5901 Except Plan 7521, be received.





## Site Location Map



Projected Coordinate System:  
NAD 83 UTM Zone 11N


**BRITISH  
COLUMBIA**

 Ministry of Transportation  
and Infrastructure

Applicants' Submission

**DEVELOPMENT APPROVALS  
REFERRAL**

Applicant File #:

eDAS File #: 2015-02891

Date: Jun/10/2015

Regional District of Kootenay Boundary  
202-843 Rossland Avenue  
TRAIL, BC V1R 4S8

Attention: Maria Ciardullo

**Re: Proposed Conventional Subdivision Application for:**  
**PID 011-029-111, Lot 16, DL 363, Similkameen Division of Yale, Plan 2430**  
**Except: (1) Plan 7521 and (2) Parcel A (Plan B5901)**  
**PID 008-082-430, Lot 26, DL 362, Similkameen Division of Yale, Plan 2430**  
**Except Plan A965**  
**Owners: BRON & SONS NURSERY/JENSEN**

Enclosed is a copy of a proposed Conventional Subdivision Application regarding the above noted location(s) on Almond Gardens Road West and Latkin Road.

It would be appreciated if you would examine this application from the viewpoint of your regulations and policies and give us your comments. Please send your reply to this office, with a copy to the applicant:

Floyd & Joyce Jensen and  
Bron and Sons Nursery Co Ltd.  
PO Box 2643  
Grand Forks, British Columbia V0H 1H0  
Phone: (250) 442-2014

The applicant has been advised of this referral and might contact you to discuss their proposal. In order to expedite the processing of the application, your agency's response would be appreciated by July 10<sup>th</sup>, 2015 after which we will prepare recommendations for the Approving Officer's decision.

Contact the applicant for any additional information you may require. If you have any questions please feel free to call Jill Carruthers at (250) 354-6380.

Please quote file number 2015-02891 when contacting this office.

Yours truly,

Heather Syfchuck  
A/Assistant Development Tech

Attachment

REGIONAL DISTRICT OF KOOTENAY BOUNDARY	
FILE #	D-363-02673.000
JUN 11 2015	
DOC #	.....
REF. TO:	M.C.
CC:	.....

Local District Address
West Kootenay District 310 Ward Street Nelson, BC V1L 5S4 Canada Phone: (250) 354-6400 Fax: (250) 354-6547

H1162-eDAS (2013/05)

Page 1 of 1

Applicants' Submission

BRITISH  
COLUMBIAMinistry of Transportation  
and Infrastructure**PRELIMINARY  
SUBDIVISION APPLICATION****Submit this application to the Ministry of Transportation and Infrastructure District Office in your area.****A. PROPOSAL***This is an application for preliminary layout approval for all properties involved*

Applicant File Number		Ministry File Number <i>2015-02891</i>	
<b>Subdivision Type</b>	<input type="checkbox"/> Conventional (fee simple) Subdivision <input type="checkbox"/> Bare Land Strata		No. of Lots Including remainder
	<input checked="" type="checkbox"/> Other (Specify) Lot Line Adjustment		No extra lots
<b>Full Legal Description(s) per State of Title Certificate(s)</b>	Split From: Block 26, Plan KAP2430, District Lot 362, Similkameen Div Of Yale Land District, Except Plan A96 PID: 008-082-430 To: Lot 16 DL 363 SDYD Plan 2430 Except: (1) Plan 7521 (2) Parcel A (Plan B5901) PID: 011-029-111		
<b>Full Civic Address</b>	Split From: 3601 Latkin Road To: 3540 Almond Gardens Road West		
<b>Property Location</b>	_____ Kilometres <input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West from _____ Local Gov't _____		
	Access Road Almond Gardens Road		Property Zoning ALR
	Existing Land Use ALR (unused)		Intended Land Use ALR
	Surrounding Land Use	North ALR	South ALR
Proposed Sewage Disposal	<input type="checkbox"/> Septic Tank <input type="checkbox"/> Community System <input checked="" type="checkbox"/> Other (specify) No new system required		
Proposed Water Supply	<input checked="" type="checkbox"/> Well <input type="checkbox"/> Community System (name of existing system) No new system required		
	<input type="checkbox"/> Water Licenses (License #)		<input type="checkbox"/> Other (specify)

**B. APPLICATION INFORMATION** Incomplete applications will not be accepted**Required items include:**

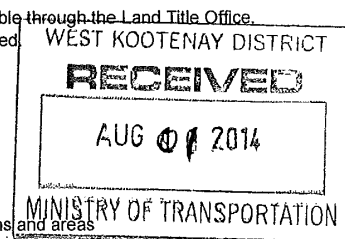
- ☐ Subdivision application form.
- ☐ The Preliminary Subdivision Application fee. Please make cheques payable to the Minister of Finance. (see page 2)
- ☐ An authorization letter from the owner(s) if someone else is applying on the owner's behalf. (Permission to Act as an Agent H1275)
- ☐ A copy of BC Assessment Authority Property Assessment Notice showing property tax classification.
- ☐ All new lots MAY require a sewage report—please contact your local Transportation office for clarification.
- ☐ One copy of the current State of Title Certificate so that property encumbrances can be checked.
- ☐ Copies of any covenants, easements, rights-of-way or other charges registered against the title. These are available through the Land Title Office.
- ☐ A copy of Contaminated Sites Profile form or Contaminated Sites declaration statement, duly completed and signed.
- ☐ Original copy and a .PDF file of a scaleable sketch plan of proposed layout with metric dimensions.

Properly engineered drawings will be required for final approval. The sketch must contain:

- ☐ the date it was drawn
- ☐ the scale
- ☐ north arrow
- ☐ legal description of the property being subdivided, and its adjacent properties
- ☐ outline of the subdivision in heavy black line
- ☐ all proposed lots, remainders, parks, rights-of-way, easements and roads showing metric dimensions and areas
- ☐ any existing property lines or roads proposed to be removed, closed or relocated
- ☐ all steep banks or slopes exceeding 2 m high and all slopes of 25% or greater, within or adjacent to the proposal area
- ☐ location of existing buildings and structures, wells and sewage disposal fields on the property, as well as adjacent properties within 30 m of property boundaries
- ☐ location of any onsite water sources to be developed (wells, surface)
- ☐ approximate location of all existing and proposed utility services
- ☐ existing access roads and other roads and trails on the property (state names of roads)
- ☐ location of all water courses (seasonal or otherwise) and water bodies

**Include these items as well, where applicable**

- ☐ A copy of the Provincial Agricultural Land Commission application (if located within ALR). While a developer can apply for subdivision approval before he or she receives permission to proceed from the Agricultural Land Commission or the local government if it has been delegated the authority, the Provincial Approving Officer can only give approval if the property has cleared the Land Commission process in the meantime.
- ☐ One copy of any test required by the Regional Health Authority.
- ☐ A Development Permit and plan where applicable.



Applicants' Submission

C. SUBDIVISION APPLICATION FEES		Make cheques payable to the Minister of Finance	PAYABLE UPON (see below)
1. Preliminary Subdivision Application	\$350.00	Per lot or shared interest, including remainders, to a maximum of \$70,000	Application
2. Final Conventional Plan Exam	\$50.00	Per examination	Final Subdivision Plan Submission
	\$100.00	Per lot, including remainders, on the final plan	
3. Final Strata Plan Examination	\$100.00	Per examination	
	\$100.00	Per lot, including remainders, on the final plan	
4. Other Strata Fees	\$100.00	To examine Form P for any phased development	Application
	\$100.00	Approval (Form Q) for each phase of a phased building strata plan	Application for phase approval

*Note: These fees may change without notice or amendment on this form. There may be other provincial and local government fees associated with your subdivision. To find out more, contact the local government in which the land is located, or contact the Islands Trust if located on the Gulf Islands.*

**D. FURTHER INFORMATION AND COMMENTS** (Attach a separate sheet if more space is required)

**E. OWNER(S)/APPLICANT INFORMATION**

Property Owner(s) Full Name(s)		Home Telephone
Bron and Sons Nursery and Floyd M. & Joyce M. Jensen		250-442-2014
Address		Business Telephone
Box 2643		800-831-9611
Grand Forks, BC	E-Mail	Fax
		250-442-5936
Agent Full Name		Home Telephone
Address		Business Telephone
E-Mail		Fax

I certify that all the information about and on all plans and other attachments is true, correct and complete.  
 I understand that this submission constitutes a preliminary application only.  
 No approvals are implied prior to receipt of written preliminary approval from the Ministry of Transportation and Infrastructure.

Applicant/Agent Signature

Date (yyyy/mm/dd)



July 31/14


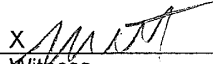
**COLLECTION INFORMATION**

The personal information on this form is collected under the authority of the Land Title Act. The information collected will be used to process your preliminary subdivision application, and it may be necessary for the ministry to provide this information to other agencies involved in the review and approval process. If you have any questions about the collection, use and disclosure of this information, contact District Development Technician at the nearest Ministry of Transportation and Infrastructure Office.

The information in this application may be subject to disclosure  
 under the Freedom of Information and Privacy Act.  
 Further information can be found at <http://www.gov.bc.ca/citz/lao/foi/submit/general/>

Applicants' Submission

BRITISH  
COLUMBIAMinistry of Transportation  
and InfrastructureMinistry of Transportation and  
Infrastructure District Office  
address hereProvincial Approving Officer  
Ministry of Transportation and InfrastructureDate: June 8, 2015  
File: \_\_\_\_\_I, Vince Bron, hereby acknowledge that *the Environmental Management Act*, 2003,  
is effective as of March 31st, 2005.Legal description of property: Split From: Block 26, Plan KAP2430, District Lot 362, Similkameen Div Of Yale  
Land District, Except Plan A96 PID: 008-082-430To: Lot 16 DL 363 SDYD Plan 2430 Except: (1) Plan 7521 (2) Parcel A (Plan B5901) PID: 011-029111Civic Address: Split from: 3601 Latkin Road To: 3540 Almond Gardens Road, Grand Forks, BCBased on my personal knowledge of the property in question, I do not believe that it is or has been used for any of  
the industrial or commercial purposes and activities specified in Schedule 2 of the regulations. Accordingly, I  
elect not to complete and submit a 'site profile', as outlined in Section 40.(1) of the *Act*.I further acknowledge that this election does not remove any liability, which may otherwise be applicable under  
the legislation.

X 	<u>08</u> / <u>06</u> / <u>2015</u>	X 	<u>08</u> / <u>06</u> / <u>2015</u>
Owner/Agent	dd mm yy	Witness	dd mm yy

Vince Bron  
Print nameMinistry of Transportation  
and InfrastructureJUN 08 2015

X 	<u>08</u> / <u>06</u> / <u>2015</u>
Owner/Agent	dd mm yy

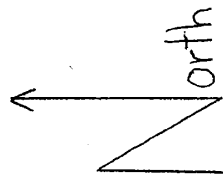
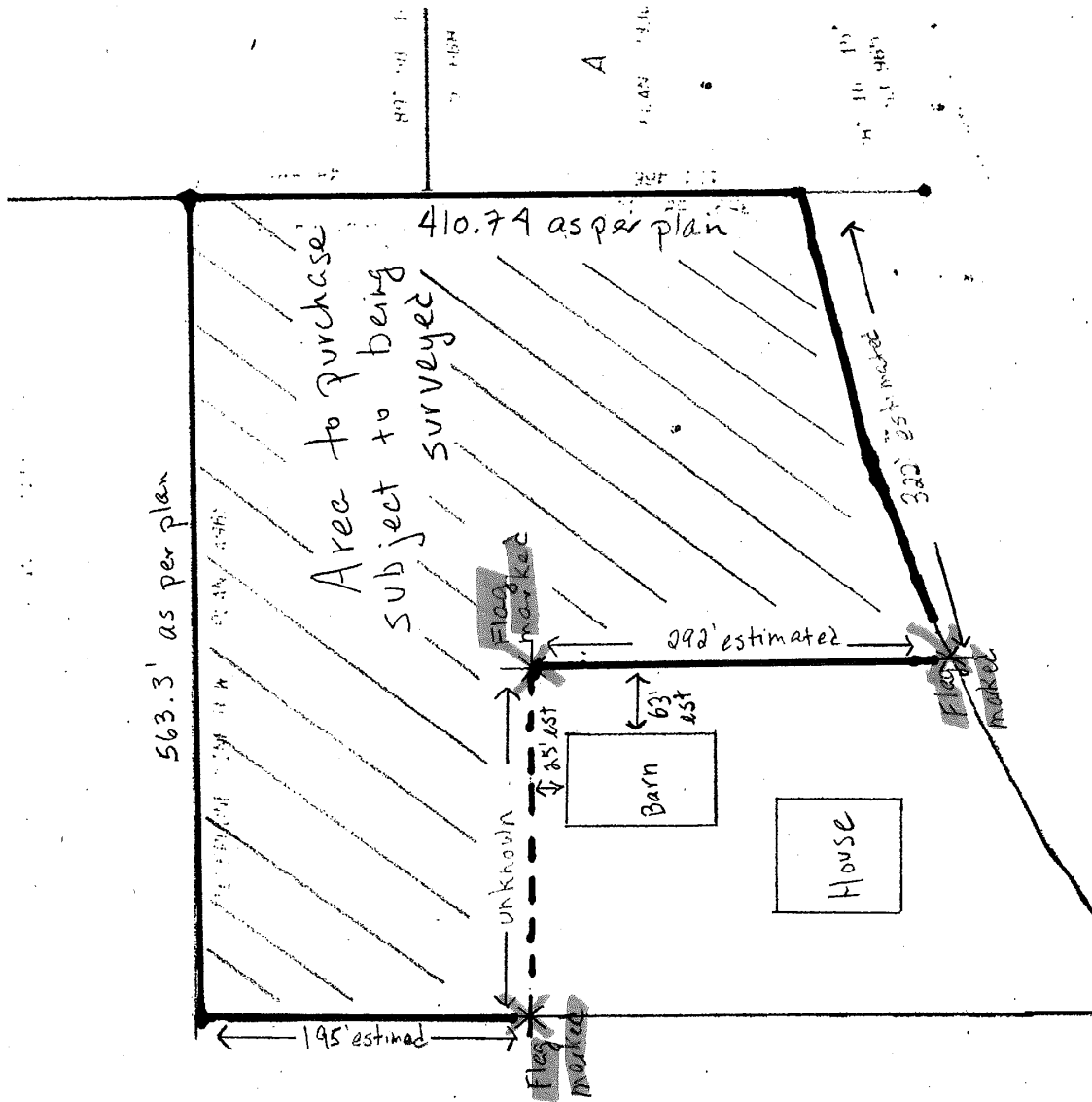
Floyd Jensen  
Print nameWest Kootenay District  
Grand Forks

The personal information on this form is collected under the authority of the Land Title Act. The information collected will be used to process your preliminary subdivision application, and it may be necessary for the ministry to provide this information to other agencies involved in the review and approval process. If you have any questions about the collection, use and disclosure of this information, contact District Development Technician at the nearest Ministry of Transportation and Infrastructure Office.

The information in this application may be subject to disclosure  
Under the Freedom of Information and Privacy Act.  
Further information can be found at <http://www.gov.bc.ca/citz/lao/foi/submit/general/>

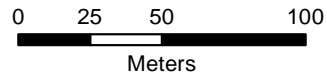


Applicants' Submission

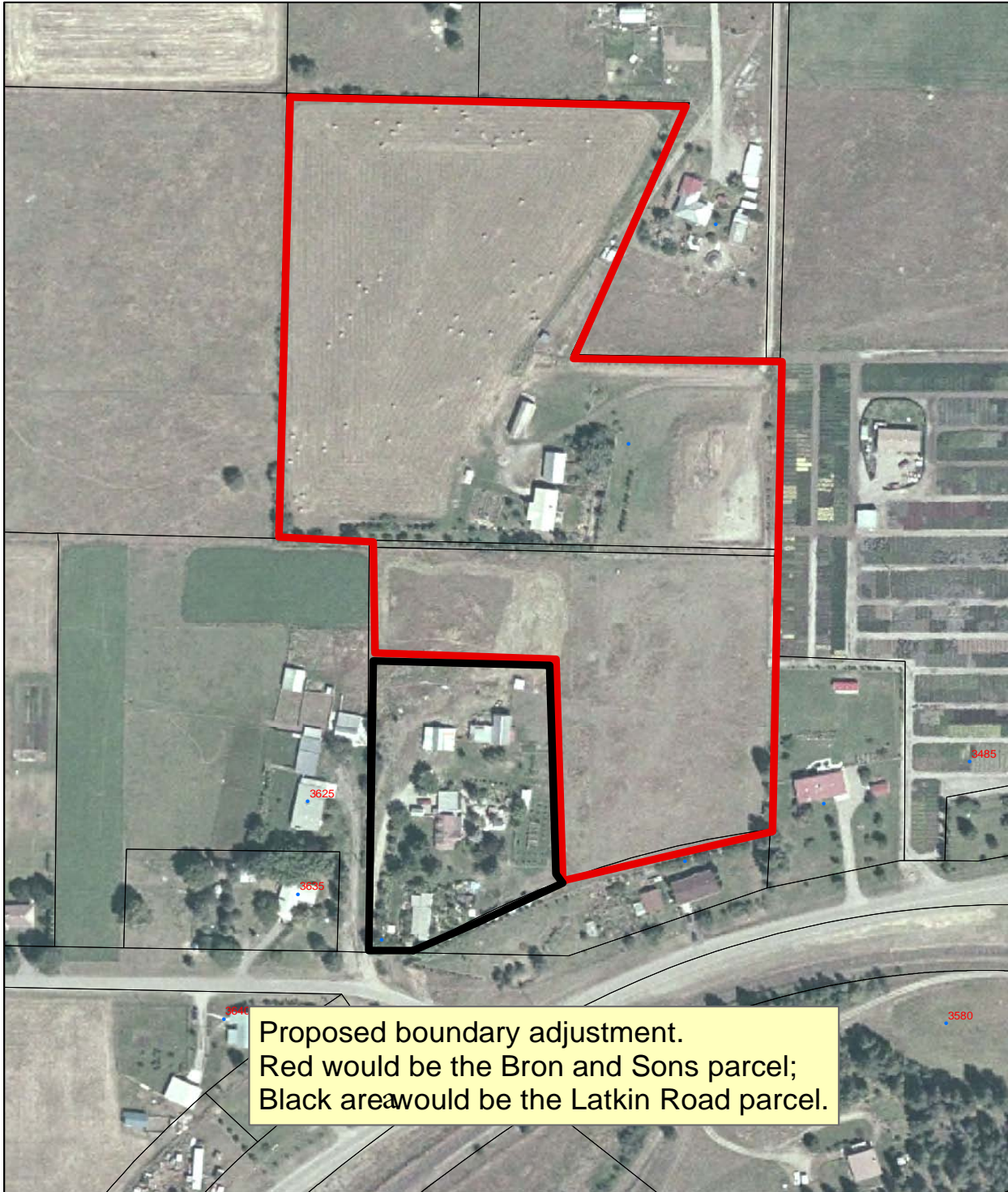


Not to Scale  
July 31/14

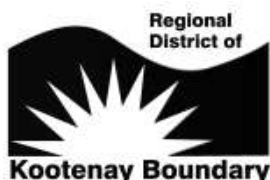
REM  
10



## Proposed Subdivision



Projected Coordinate System:  
NAD 83 UTM Zone 11N



## STAFF REPORT

Prepared for meeting of July 2015

<b>ALC – Subdivision within the ALR</b>			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Applicant:</b> 0472164 BC Ltd		<b>File No:</b> E-1250-04687.000	
<b>Agent:</b> R.G. (Bob) Holtby, P. Ag.			
<b>Location:</b> Electoral Area 'E'/West Boundary, Highway 33, near Beaverdell			
<b>Legal Description:</b> DL 1250, SDYD, Portion of PT W of RD PL 13939 Except Plan H16203		<b>Area:</b> 29.95 ha (74.01 acres)	
<b>OCP Designation:</b> None	<b>Zoning:</b> None	<b>ALR status:</b> Partially In	<b>DP Area:</b> None
<b>Contact Information:</b> R.G. (Bob) Holtby, P. Ag. 2533 Copper Ridge Dr West Kelowna, BC, V4T 2X6 Office: 250-804-1798 Home: 250-707-4664 <a href="mailto:bholtby@shaw.ca">bholtby@shaw.ca</a>			
<b>Report Prepared by:</b> Carly Rimell, Planner			

### ISSUE INTRODUCTION

R.G. Holtby, as agent for 0472164 BC Ltd., has submitted an application for subdivision within the ALR to create three new parcels. The subject property, which is split by Highway 33 is in Electoral Area 'E'/ West Boundary (*see Site Location Map*).

### HISTORY / BACKGROUND FACTORS

The subject property is located in Electoral Area 'E'/West Boundary. This Electoral Area currently has no Official Community Plan or zoning bylaws which may have directly affected this proposal.

The application is a re-submission of an application made in 2011, while the number of parcels proposed for subdivision in the ALR has been reduced from five proposed parcels in the 2011 application to three proposed parcels in the current application (*see Applicant's Submission*).

The 2011 application for subdivision was supported by the Electoral Area 'E'/West Boundary Advisory Planning Commission (APC); however the RDKB Board of Directors recommended forwarding the application to the Agricultural Land Commission (ALC) without a recommendation due to the absence of land use planning in the area. The agent for both the 2011 application and the current application incorrectly asserts that the 2011 application was 'approved' by both the APC and the Board of Directors.

The ALC denied the 2011 application for subdivision by Resolution #474/2012 (*see attached January 14, 2013 letter from the ALC*). A request for reconsideration was also denied in 2014. Considering the recent changes to the *Agricultural Land Commission Act*, which designates the Kootenay Boundary Area as Zone 2 there's now a different set of criteria which makes the applicants hopeful of approval.

#### *Current Land Use*

The applicant lists the current uses as raw land.

#### *Adjacent Land Uses*

The applicant lists the adjacent land uses:

North:	Hillside; undeveloped
East:	Farm land
South:	Rural residential
West:	Farm land

#### *Provincial Agricultural Capability Mapping*

The RDKB Agricultural Capability Map shows both portions within the ALR to be Class 5 with a small southwest portion in Class 6<sup>1</sup>. Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops (*see Agricultural Capability Map; Agricultural Classification*).

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<sup>1</sup> This agricultural land capability information and the map were prepared from information generated by Herb Luttmerding, P. Ag., as part of the professional services he provided in developing the Boundary Agricultural Area Plan. This information may differ some from the agricultural capability mapping information generated by the Province. If the application is forwarded to the ALC, they will use the information they deem most appropriate in their determination of agricultural capability, whether it be this, their own mapping, or a combination of information.

The limitations for agricultural production on the eastern portion of the parcel, which is subject to the applications for exclusion and subdivision are subclasses A (aridity), P (stony) and C (climate). Subclass 'A' denotes a soil moisture deficiency that can be improved through irrigation. Subclass 'P' indicates that the area is stony with coarse fragments significantly hindering tillage, planting and harvesting. Depending on the crop, this may or may not be a significant limitation. Subclass 'C' means that the area is limited by an adverse climate, the temperatures limit plant growth and this is not able to be improved. The eastern portion of the parcel is improvable to a Class 4 with irrigation, but is still impacted through the adverse climate.

More detailed discussion of the agricultural capability of the property and comments of the relevance of the provincial agricultural mapping system and its relation to the subject property is provided in the report submitted by the agent Bob Holtby (*Applicant's Submission Section 3.0*).

## PROPOSAL

The applicant proposes to subdivide the eastern portion of the parcel into 3 lots as follows: Lot 1; 0.65 ha (1.6 acres), Lot 2; 3.37 ha (8.33 acres), and Lot 3; 4.09 (19.2 acres). The proposed parcels would be accessed from Beaver Creek Road.

An Agrologist's Report, prepared by Bob Holtby, was submitted in support of the applications, and is attached (*see Applicant's Submission*). According to the report, the portion of the property to be subdivided contains more fine soil particles, therefore could be expected to produce a crop if water was provided. The report suggests that the creation of three parcels could increase the number of wells available and thus provide the subject parcel with the ability to irrigate. The report also argues that smaller, home-consumption type crops would be more logical and affordable as compared to an extensive and expensive irrigation system for a larger crop.

## IMPLICATIONS

### *Agricultural Land Commission Act: Introduction of Zone 2*

The ALC has now established 2 zones within the ALR. The Regional District of the Kootenay Boundary is within Zone 2. When exercising power under the *Agricultural Land Commission Act* in relation to land located in Zone 2, the commission must consider the following, in descending order of priority:

- a) the purposes of the commission set out in section 6;
  - to preserve agricultural land;
  - to encourage farming on agricultural land in collaboration with other communities of interest;
  - to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.



- b) economic, cultural, and social values;
- c) regional and community planning objectives;
- d) other prescribed considerations.

The proposed subdivision may lead to the sale of land for new property owners to farm. The proposed lots are reasonably small but may have some agricultural potential for small scale farming. However, the creation of smaller parcels also places limitations on the type and size of farm machinery that can be used for agricultural activities. The agent for the applicant asserts there will be little farming without irrigation of the property (*see Applicants Submission Section 5.0*). Without an irrigation license for surface water, groundwater is the best alternative. The agent suggests that if the subdivision was approved there would be a stronger likelihood of these lands being farmed, under new ownership as there is zero probability of agricultural production under current ownership.

Cultural and social values are not directly addressed in this proposal. While the RDKB does not have land use planning in this portion of Electoral Area 'E'/West Boundary, a Boundary Area Agricultural Plan, which was completed in 2011 includes the following strategic objective: "create long term planning policies and regulations for Area 'E' which foster respect of agricultural lands within the ALR and otherwise".

#### **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'E'/West Boundary Advisory Planning Commission provided the following comments:

- *It was agreed with the consultant's report that this land is of low agricultural capability*
- *This land is currently not being used for agriculture and in all likelihood would never be used for agriculture, according to the consultant's report and APC members*
- *Subdividing may encourage owners to use some of the land for agriculture*
- *The proposed subdivision would be to create three lots; Lot 1 at 0.65 ha, Lot 2 at 3.37 ha and Lot 3 at 8.33 ha. Apparently, Interior Health Authority recommends that parcels not serviced by community water be at least 1 ha in size. It is not clear what impact such a recommendation by Interior Health Authority would have on Lot 1 (0.65 ha) of this proposed subdivision*
- *It was noted that if the Agricultural Land Commission does approve such a subdivision, the final decision on the subdivision would be with the Ministry of Transportation and Infrastructure*

*The Electoral Area 'E'/ West Boundary APC supports the application for subdivision.*

## PLANNING AND DEVELOPMENT DEPARTMENT COMMENTS

If this application to subdivide within the ALR is approved by the ALC the application will then be forwarded to Ministry of Transportation and Infrastructure. MoTi will then evaluate and either approve or deny this application. The concerns raised by the APC are valid, but ultimately it is Ministry of Transportation and Infrastructure responsibility to evaluate the application against its set of criteria which includes Interior Health and parcel size. As previously mentioned the Regional District of Kootenay Boundary does not have zoning in this area of Electoral Area 'E'/ West Boundary, therefore no minimum parcel size can be imposed on these properties as these applications are evaluated.

## BACKGROUND INFORMATION PROVIDED

*Site Location Map*  
*Applicant's Submission*  
*January 14, 2014 letter from the ALC*  
*Agricultural Capability Map*  
*Agricultural Capability Classes*

## RECOMMENDATION

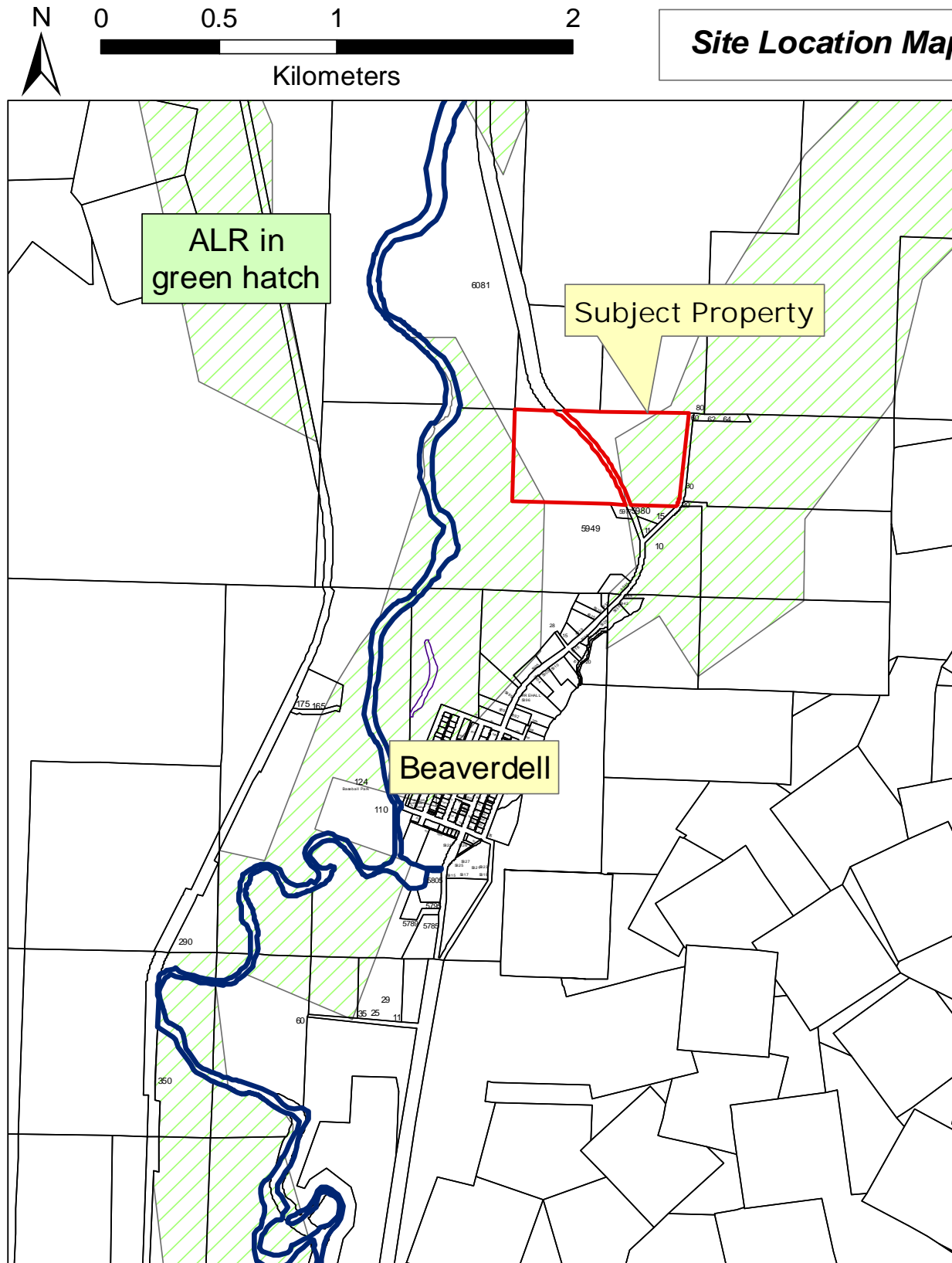
That the application for subdivision in the ALR, submitted by Bob Holtby as agent for 0472164 BC Ltd., for the property off Highway 33, near Beaverdell Electoral Area 'E'/ West Boundary, legally described as DL 1250, SDYD, Portion of PT W of RD PL 13939 except Plan H16203, be forwarded to the Agricultural Land Commission without a recommendation.

*Respectfully Submitted:*

*Concurrence: (Department  
Head)*

*Concurrence: (CAO)*





Applicant's Submission



# APPLICATION BY LAND OWNER

*NOTE: The information required by this form and the documents you provide with it are collected to process your application under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Agricultural Land Commission and ask for the staff member who will be handling your application.*

## TYPE OF APPLICATION (Check appropriate box)

- ☒ **EXCLUSION**  
under Sec. 30(1) of the Agricultural Land Commission Act
- ☒ **SUBDIVISION** in the ALR  
under Sec. 21(2) of the Agricultural Land Commission Act
- ☐ **INCLUSION**  
under Sec. 17(3) of the Agricultural Land Commission Act
- ☐ **Non-farm USE** in the ALR  
under Sec. 20(3) of the Agricultural Land Commission Act

## APPLICANT

Registered Owner: 0472164 B.C. LTD		Agent: R.G. (Bob) Holtby, P.Ag.	
Address: 355 Cornish Road		Address: 2533 Copper Ridge Drive	
Kelowna, BC	Postal Code V1X 4R4	West Kelowna, BC	Postal Code V4T 2X6
Tel. (home) (    ) (work) (250 )765-7479		Tel. (250 ) 707-4664 250-804-1798	
Fax (    )		Fax (    )	
E-mail		E-mail bholtby@shaw.ca	

## LOCAL GOVERNMENT JURISDICTION (Indicate name of Regional District or Municipality)

Regional District of Kootenay Boundary

## LAND UNDER APPLICATION (Show land on plan or sketch)

Title Number	Size of Each Parcel (Ha.)	Date of Purchase Month Year
CA843099	29.95	July 2008

## OWNERSHIP OR INTERESTS IN OTHER LANDS WITHIN THIS COMMUNITY (Show information on plan or sketch)

If you have interests in other lands within this community complete the following:

Title Number(s):

Application by a Land Owner

1

2003

1

Applicant's Submission

**PROPOSAL** *(Please describe and show on plan or sketch)*

See Attached

**CURRENT USE OF LAND** *(Show information on plan or sketch)*

List all existing uses on the parcel(s) and describe all buildings  
 Raw land

**USES ON ADJACENT LOTS** *(Show information on plan or sketch)*

North Hillside; undeveloped  
 East Farm land  
 South Rural Residential  
 West Farm land

**DECLARATION**

I/we consent to the use of the information provided in the application and all supporting documents to process the application in accordance with the *Agricultural Land Commission Act* and regulation. Furthermore, I/we declare that the information provided in the application and all the supporting documents are, to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the steps necessary to confirm the accuracy of the information and documents provided.

APRIL 15		TERRY GRAFF
Date	Signature of Owner or Agent	Print Name
_____	_____	_____
Date	Signature of Owner or Agent	Print Name
_____	_____	_____
Date	Signature of Owner or Agent	Print Name

**Please ensure the following documents are enclosed with your application:**

- Application fee payable to the Local Government
- Certificate of Title or Title Search Print
- Agent authorization (if using agent)
- Map or sketch showing proposal & adjacent uses
- Proof of Notice of Application \*(See instructions)
- Photographs (optional)



*A Report on an Application to Exclude Land from and Subdivide within the ARL.  
0472164 B.C. Ltd.*

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*Page 13*

## **8.0 Appendix B: Title Document**

Folio: TITLE - CA843099

KAMLOOPS LAND TITLE OFFICE TITLE NO: CA843099  
FROM TITLE NO: KN85982

APPLICATION FOR REGISTRATION RECEIVED ON: 07 JULY, 2008  
ENTERED: 15 JULY, 2008

REGISTERED OWNER IN FEE SIMPLE:  
0472164 B.C. LTD., INC.NO. BC0472164  
101 200 DOUGALL ROAD NORTH  
KELOWNA, BC  
V1X 4K5

TAXATION AUTHORITY:  
PENTICTON ASSESSMENT AREA

DESCRIPTION OF LAND:  
PARCEL IDENTIFIER: 014-990-016  
THAT PART OF DISTRICT LOT 1250 LYING WEST OF THE WESTERLY BOUNDARY OF THE  
66 FOOT ROAD AS SHOWN ON PLAN 13939; SIMILKAMEEN DIVISION YALE DISTRICT  
EXCEPT PLAN H16203

LEGAL NOTATIONS:

RE PARAGRAPHS (E) AND (F) SEC 23(1) LTA SEE DF. L40389 21/07/1976

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND  
COMMISSION ACT, SEE AGRICULTURAL LAND RESERVE PLAN NO. M11427

CHARGES, LIENS AND INTERESTS:

NATURE OF CHARGE  
CHARGE NUMBER DATE TIME

MORTGAGE

CA843244 2008-07-07 14:07

REGISTERED OWNER OF CHARGE:

BANK OF MONTREAL

CA843244

REMARKS: INTER ALIA

ASSIGNMENT OF RENTS

CA843245 2008-07-07 14:07

REGISTERED OWNER OF CHARGE:

BANK OF MONTREAL

CA843245

REMARKS: INTER ALIA

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28,  
L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*A Report on an Application to Exclude Land from and Subdivide within the ARL.*  
*0472164 B.C. Ltd.*

*Page 15*

\*\*\* CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN \*\*\*

*A Report on an Application to Exclude Land from and Subdivide within the ARL.  
0472164 B.C. Ltd.*

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## **9.0 Appendix C: Authorization of Agent**

*A Report on an Application to Exclude Land from and Subdivide within the ARL.  
0472164 B.C. Ltd.*

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I authorize Mr. R.G. (Bob) Holtby, P.Ag. to discuss and answer questions as to the contents of the attached report and application. I understand that he will be restricted to professional conduct and not advocate for my application.

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

APRIL 15/15



Applicant's Submission



**R.G. (Bob) Holtby, MSc, PAg. Principal**

REGIONAL DISTRICT OF KOOTENAY BOUNDARY	
FILE #	APR 27 2015
DOC #	.....
REF. TO:	.....
CC:	.....

## A Report on an Application to Exclude Land from and Subdivide within the ARL

**Client: 0472164 B.C. Ltd**

**Date: April 9, 2015**

**2533 Copper Ridge Drive, West Kelowna, BC, V4T 2X6,  
Phone: 250-707-4664, Cell: 250-804-1798, email: [bholtby@shaw.ca](mailto:bholtby@shaw.ca)**

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Applicant's Submission





## Appendix - Applicant Information Package

### PROOF OF SERVING NOTICE

AS REQUIRED BY SECTION 16 OF THE *AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURE REGULATION*

I TERRY FRANK GRAFF (full name of declarant)

of Box 231 BEAVERDELL BC V0H 1A0 (mailing address)

do solemnly declare that a copy of the notice of application and a copy of the signed application as required by Section 16 of the *Agricultural Land Reserve Procedure Regulation*

for land legally described as DL 1250

..... was served on the following owners of land:

NAME AND ADDRESS:	LEGAL DESCRIPTION OF LAND:	DATE OF SERVICE:	HOW SERVED: (Registered mail or <u>delivered</u> )
DOUGAL CLAPPERTON BEAVERDELL B.C. V0H 1A0	DL 1576 S. 4 DL 1575 S	NOV 20, 2014	IN PERSON
NOREEN MCCALLEY Box 223 BEAVERDELL BC V0H 1A0	DL 5980	NOV 20, 2014	DELIVERED
TERRY GOYMAN/JAMES TAYLOR 5977 HWY 33 BEAVERDELL BC V0H 1A0	DL 5977	NOV 20, 2014	DELIVERED
VERN MOLINE Box 129 BEAVERDELL BC V0H 1A0	DL 1466	NOV 20, 2014	DELIVERED

And I make this solemn declaration believing it to be true and correct to the best of my knowledge.

Terry Frank Graff  
(Signature of declarant)

March 23, 2015  
(Date)

IMPORTANT - AN APPLICATION FILED UNDER SECTION 30 OF THE *AGRICULTURAL LAND COMMISSION ACT* MUST INCLUDE A COPY OF THIS STATEMENT COMPLETED IN FULL, AND SIGNED AND DATED BY THE PERSON WHO SERVED THE NOTICE.

2011

Applicant's Submission

ITEM ATTACHMENT # m)



## Appendix - Applicant Information Package

### PROOF OF SERVING NOTICE

AS REQUIRED BY SECTION 16 OF THE AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURE REGULATION

I RC (Bob) White, P. Ag. (full name of declarant)  
of 2533 Copper Ridge Dr., West Kelowna, BC V4S 2A6 (mailing address)

do solemnly declare that a copy of the notice of application and a copy of the signed application as required by Section 16 of the *Agricultural Land Reserve Procedure Regulation*

for land legally described as That part of the 1250 lying W of the Westly Boundary of the 66 Feet  
Red as shown on Plan 13935, Similkameen Division, Yale District was served on the following owners of land: See P11/16/201

NAME AND ADDRESS:	LEGAL DESCRIPTION OF LAND:	DATE OF SERVICE:	HOW SERVED: (Registered mail or delivered)
See Attached			Registered Mail

And I make this solemn declaration believing it to be true and correct to the best of my knowledge.

(Signature of declarant)

(Date)

IMPORTANT - AN APPLICATION FILED UNDER SECTION 30 OF THE AGRICULTURAL LAND COMMISSION ACT MUST INCLUDE A COPY OF THIS STATEMENT COMPLETED IN FULL, AND SIGNED AND DATED BY THE PERSON WHO SERVED THE NOTICE.

2011

Applicant's Submission

ITEM ATTACHMENT # m)



Applicant's Submission



Brian Wolfe

Date: 2015/06/03

Dear Sir or Madam

Please find below the scanned delivery date and signature of the recipient of the item identified below:

Item Number	RN051994164CA
Product Name	Lettermail/Poste-lettres
Reference Number 1	Not Applicable
Reference Number 2	Not Applicable
Delivery Date (yyyy/mm/dd)	2015/05/28
Signatory Name	roberta Cockrane

Signature

A handwritten signature in black ink, appearing to read "Roberta Cockrane", is written over a faded Canada Post logo. The logo includes the word "CANADA" and "POSTES" in a stylized font.

Yours sincerely,

Customer Relationship Network

1-888-550-6333.

(From outside Canada 1 416 979-8822)

This copy confirms to the delivery date and signature of the individual who accepted and signed for the item in question. This information has been extracted from the Canadapost data warehouse

Applicant's Submission



Date: 2015/06/03

Green Provincial

Dear Sir or Madam

Please find below the scanned delivery date and signature of the recipient of the item identified below:

Item Number	RN048075113CA
Product Name	Lettermail/Poste-lettres
Reference Number 1	Not Applicable
Reference Number 2	Not Applicable
Delivery Date (yyyy/mm/dd)	2015/05/26
Signatory Name	J K

Signature

A handwritten signature in black ink, appearing to be "J K", is written over a faded Canada Post logo. The logo includes the words "CANADA" and "POSTES" in a light green font, with a red circular emblem in the center.

Yours sincerely,

Customer Relationship Network

1-888-550-6333.

(From outside Canada 1 416 979-8822)

This copy confirms to the delivery date and signature of the individual who accepted and signed for the item in question. This information has been extracted from the Canadapost data warehouse

Applicant's Submission



Date: 2015/06/03

Bohumil Posadovsky

Dear Sir or Madam

Please find below the scanned delivery date and signature of the recipient of the item identified below:

Item Number	RN051994204CA
Product Name	Lettermail/Poste-lettres
Reference Number 1	Not Applicable
Reference Number 2	Not Applicable
Delivery Date (yyyy/mm/dd)	2015/05/25
Signatory Name	BOHUMIL POSADOVSKY

Signature

A scanned image of a signature in black ink, written over a background that includes the Canada Post logo. The signature is stylized and appears to read "Bohumil Posadovsky".

Yours sincerely,

Customer Relationship Network

1-888-550-6333.

(From outside Canada 1 416 979-8822)

This copy confirms to the delivery date and signature of the individual who accepted and signed for the item in question. This information has been extracted from the Canadapost data warehouse

Applicant's Submission



*Lawrence Moline*

Date: 2015/06/03

Dear Sir or Madam

Please find below the scanned delivery date and signature of the recipient of the item identified below:

Item Number	RN048075158CA
Product Name	Lettermail/Poste-lettres
Reference Number 1	Not Applicable
Reference Number 2	Not Applicable
Delivery Date (yyyy/mm/dd)	2015/05/22
Signatory Name	Angelica Moline

Signature

A scanned image of a signature, "Angelica Moline", written in black ink. The signature is overlaid on a background that includes the Canada Post logo and the words "CANADA POST" and "POSTES CANADA".

Yours sincerely,

Customer Relationship Network

1-888-550-6333.

(From outside Canada 1 416 979-8822)

This copy confirms to the delivery date and signature of the individual who accepted and signed for the item in question. This information has been extracted from the Canadapost data warehouse

Applicant's Submission



Michael Feniak

Date: 2015/06/03

Dear Sir or Madam

Please find below the scanned delivery date and signature of the recipient of the item identified below:

Item Number	RN051994147CA
Product Name	Lettermail/Poste-lettres
Reference Number 1	Not Applicable
Reference Number 2	Not Applicable
Delivery Date (yyyy/mm/dd)	2015/05/22
Signatory Name	F F

Signature

Yours sincerely,

Customer Relationship Network

1-888-550-6333.

(From outside Canada 1 416 979-8822)

This copy confirms to the delivery date and signature of the individual who accepted and signed for the item in question. This information has been extracted from the Canadapost data warehouse



## 1.0 The Proposal

The principals of 0472164 BC Ltd. have asked me to prepare a second report on the impact on agriculture from their application to:

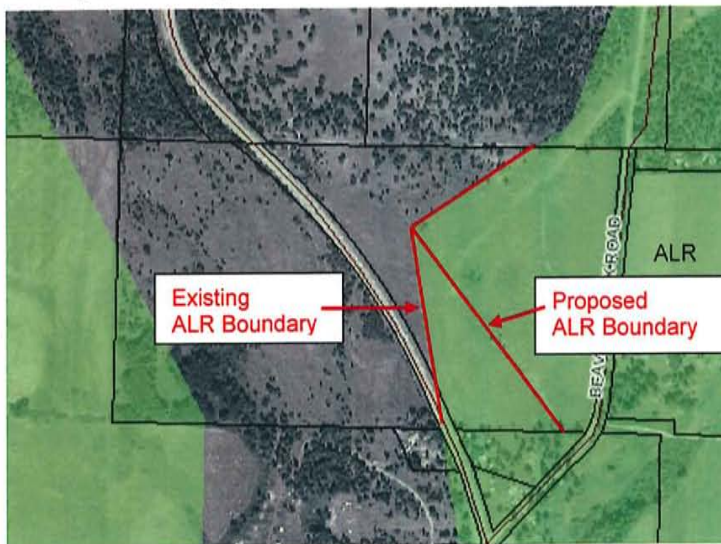
- a) Adjust the ALR boundary to follow the topographical break between the upper and the lower bench on the east side of the property. The total excluded area can then be developed into a truck stop/tourist facility. This adjustment is shown in Figure 1.
- b) To subdivide the ALR lands on the east side of the property to provide for three rural residential lots. The lots and the proposed alternate uses are shown in Figure 2.

The lands in question are described as:

That Part Of District Lot 1250 lying West Of The Westerly Boundary of the 66 Foot Road as shown on Plan 13939; Similkameen Division Yale District except Plan H16203

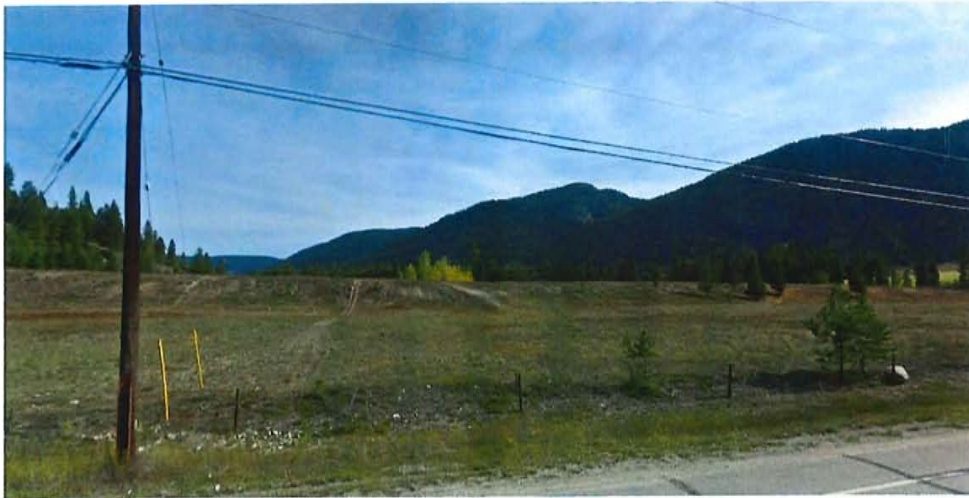
This application is a resubmission of an application made in 2011 which was not allowed under ALC file #52710. A request for reconsideration was denied in 2014. The recent changes in the Agricultural Land Commission Act to designate the subject property in Zone 2 with different criteria for decisions makes this application relevant.

**Figure 1: Proposed Changes to ALR Boundary**



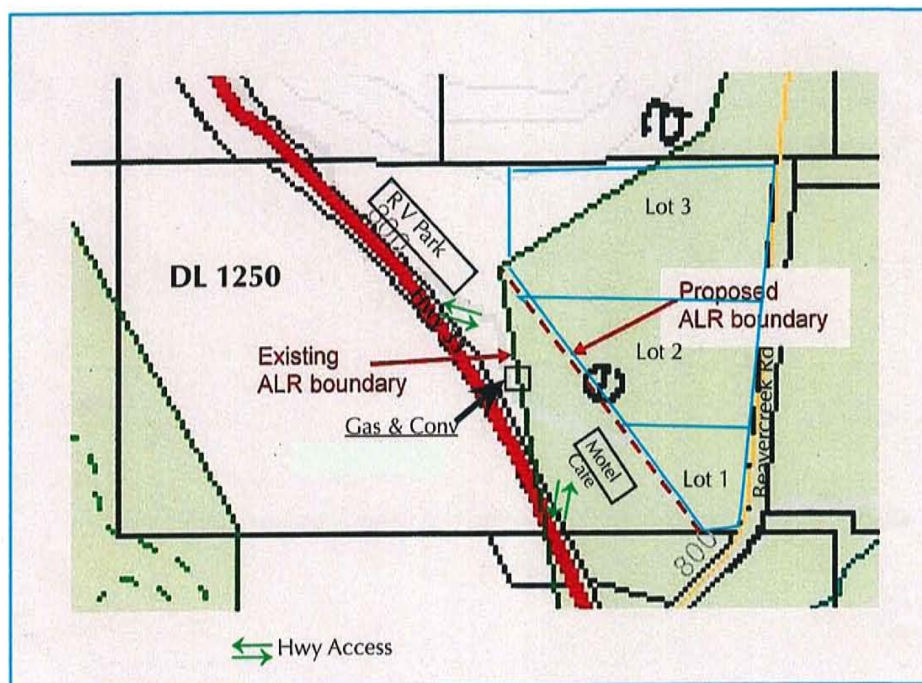
The panorama photograph in Photograph 1 shows the extent of the break between the levels on the parcel. The applicant proposes that the ALR boundary follow that break.

My calculation indicates that the movement of the boundary means about 5 acres or 2 hectares would be removed from the ALR.



**Photograph 1: Panoramic view of the bench break looking east from Highway 33**

**Figure 2: Layout of Proposed Land Use**



The sizes of the proposed lots within the ALR are as follows:

- Lot 1 0.65 ha (1.6 acres)
- Lot 2 3.37 ha (8.33 acres)
- Lot 3 4.09 ha (10.1 acres)



## **2.0 Qualifications**

I am a licensed Agrologist and have been a full member of the B.C. Institute of Agrologists since 1971 (except 2001-2002). I am a graduate from the University of British Columbia with a Bachelor of Science degree in 1967, specializing in Agriculture Economics, and a Master of Science degree in 1972, specializing in Farm Management. My thesis for my Master's degree was entitled *Resource Allocation for the Median Peace River Farm in British Columbia*. In it I dealt with the kind of farm resource allocation issues that are relevant in the present project.

I have been involved in the work of the Agricultural Land Commission since 1974 when the reserve boundaries were proclaimed. At that time, I was District Agriculturist for the British Columbia Ministry of Agriculture in Prince George. In October 1978 I entered private practice and have provided professional opinions for clients who have sought amendments to the Agricultural Land Reserve boundaries or who have needed assistance in compliance with requests from the Commission.

I have also written and spoken of the need to address the unintended consequences of the provincial land use policy.

During my years in both public and private practice, Courts and Review Boards have accepted me as an expert regarding farming practices in British Columbia. Consequently, I feel qualified to provide an assessment of a proposal under the *Agricultural Land Commission Act*. My qualifications and experience allow me to comment on the value of agricultural land and the practices of farming on that land.

I am currently a member of the Environmental Appeal Board and the Forest Appeals Commission. Following these appointments, I have received training in Administrative Law and the Rules of Natural Justice.

## **3.0 Agricultural Capability of the Subject Parcel**

The mapping of this area is somewhat obscure. The original Canada Land Inventory map indicates a Class 5 rating with various limitations. That map is shown in Figure 3.

The interesting aspect of this map is the diagonal line separating the landforms within the subject parcel. This line conforms to the proposal which follows the change in the bench on the parcel.

A second classification was given more recently that unfortunately relates only to land within the existing ALR. This map is shown in Figure 4.

The mapping on the east side of the subject parcel is Class 5 limited by aridness, stoniness, and climate. It is assumed to be improvable to Class 4 with irrigation.

It is clear from the cultivated field to the east of the subject property across the road that, given irrigation, the land can produce a crop. That crop would be limited to forages, that is, a grass-legume mix.

Soil pits for the two levels of the parcel are shown in Photographs 2 and 3. Photograph 2 illustrates the land above the break, proposed for retention within the ALR. This pit illustrates an increase in the number of fine soil particles over the more gravelly pit in Photograph 3

Figure 3: Map of Canada Land Inventory Classifications

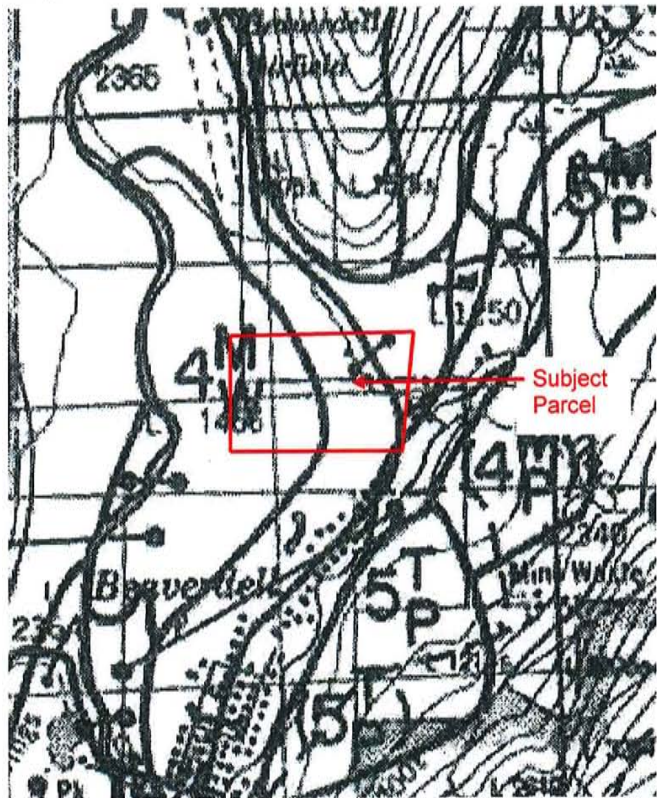
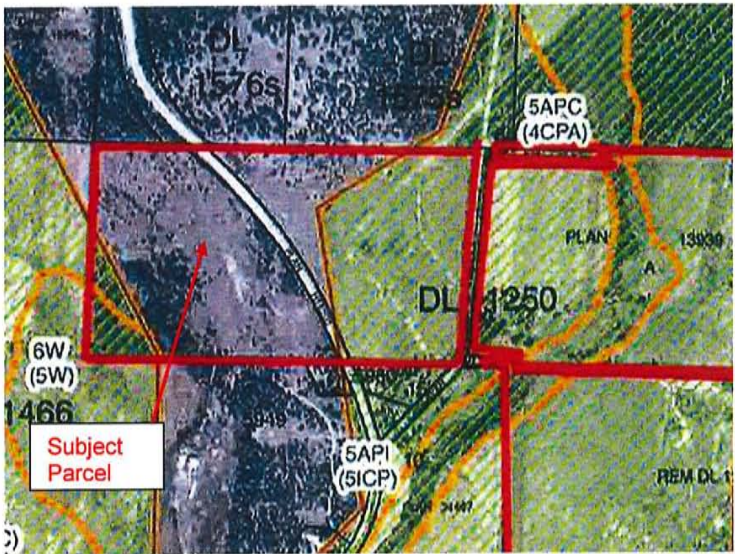


Figure 4: More Recent Land Classification Mapping







**Photograph 2: Soil Pit on Upper Bench**



**Photograph 3: Soil Pit on Lower Bench**

During my onsite inspection in May, 2012, I could not find any change in the landform on the lower area that might have caused the pedologists to draw the ALR boundary where they did. Indeed, as noted in Figure 3, the appropriate line should probably have been drawn along the escarpment, where the applicant now proposes to have the line drawn.



It is unfortunate that the pedologist who did the revised work shown in Figure 4 constrained himself to the land within the ALR and did not determine why the boundary was placed as it was.

A comparison of the native vegetation on the two areas is shown in Photographs 4 and 5 taken on November 12, 2014. The foreground on Photograph 5 is land proposed for exclusion.

As the photographs show, native vegetation is poor which is understandable given the lack of farm practices or irrigation. While there is some native vegetation on the upper bench, vegetation on the lower bench is spotty at best. These photographs confirm my finding as illustrated on Photographs 2 and 3.



**Photograph 4: Native Vegetation on the Upper Bench**



**Photograph 5: Native Vegetation on Lower Area**

*A Report on an Application to Exclude Land from and Subdivide within the ARL.  
0472164 B.C. Ltd.*

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Given the lack of irrigation availability in the area, the subdivided lots would have to be watered through well water sources. I believe that to be feasible given the information provided to me by the applicant. These lots are intended to provide a buffet between the proposed commercial establishment on the west side of the area and the ranches that lie to the east, across the road.

In its decision, the previous panel of the Commission concluded that<sup>1</sup> "... the land has agricultural capability." One is reminded of the warning of the late Gary Runka, P.Ag. in stating:

Please remember the agriculture capability classifications take into account the range of crops possible, and not productivity (i.e. yield/acre) of any crop.

As Photographs 4 and 5 illustrate, the native productivity of the area proposed for exclusion is low. Consequently I assume that the productivity of that land would be low.

#### **4.0 Local Government Concerns**

The subject parcel lies outside of an Official Community Plan. Consequently, one would expect the requirements of the provincial ministries and the Interior Health Authority would restrict the size and nature of the subdivision of the property.

It is my understanding that the previous application by this applicant was approved by both the local advisory planning committee and the Regional Board.

#### **5.0 Commission Goals**

Section 6 of the *Agricultural Land Commission Act* provides the purpose of the Commission as:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest;
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Section 1 of the act, the Definitions defines "Agricultural Land" as:

...land designated as agricultural land under this Act and includes agricultural land under a former Act;

After amendment, the Act now reads:

#### **4.2 The following zones are established:**

- (a) Zone 1, consisting of the Island Panel Region, the Okanagan Panel Region and the South Coast Panel Region;

<sup>1</sup> Agricultural Land Commission, *Minutes of the Provincial Agricultural Land Commission*, Application #51710, September 18, 2012

- (b) Zone 2, consisting of all geographic areas of British Columbia not in Zone 1.

### **Exercising a power in Zone 2**

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

The application seeks to move the ALR boundary to follow the break between the bench land and the non arable lands that lie along Highway 33. This means the reduction of the ALR by some 2 hectares or 5 acres.

With respect to the need to promote farming as provided in Section 6(b) of the *Act*, my opinion is that there will be little farming without irrigation of this property. Without an irrigation licence for surface water, groundwater is the best alternative. Given the cost of well drilling, it can really only be justified by the supply of domestic water with the balance available for irrigation. This area has a high need for water and a well can only supply a limited area. Consequently, the subdivision will increase the number of wells available on the subject parcel and the area that can be irrigated.

There is, of course, no guarantee that owners of the subdivided lands will grow any agricultural crops. However, there is a probability that they will, even if only for home consumption. That compares to the zero probability of production without irrigation that at least leaves a positive balance.

Given, then, that there is little probability for farming this land given the current status of the land, how does the proposal conform to the change in legislation in Section 4.3? As the applicant stated in the previous onsite inspection by the Commission, the 30 foot lot size in Beavertown prohibits the assembly of land for the proposed development. Consequently, allowing the proposal will allow for economic development which will benefit the community.

### **6.0 Summary and Conclusion**

The subject property and indeed the area contain land of low agricultural capability, mainly because of the rocky soils and high moisture deficit. The area proposed for retention in the ALR does contain more fine soil particles so can be expected to produce a forage crop if water is provided. The land to the east of the subject parcel lies in the same landform and does produce a hay crop with extensive irrigation. Providing water can be an expensive proposition with a limited expectation for a return from forages. Consequently, using water in excess of domestic needs provides the most logical scenario for the provision of that resource.

As I have opined previously, the 5 acres under application for removal from the ALR have marginal productive capability. There has been no attempt to farm any of the land

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0472164 B.C. Ltd.*

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on this landform. Leaving it in the ALR would prohibit any other development that might benefit the economic wellbeing of the area as the applicant proposes.

The proposal from the applicant allows for the development of the land that will be outside the ALR, the potential hobby farm development of the more capable land above the escarpment, and buffering between the commercial development and the established farms across the road.

I remain available to discuss my findings in this report.



R.G. (Bob) Holtby, P.Ag.

*A Report on an Application to Exclude Land from and Subdivide within the ARL,  
0472164 B.C. Ltd.*

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## **7.0 Appendix A: Application from the Landowner**



Applicant's Submission

A26 www.grandforksgazette.ca

Wednesday, December 3, 2014 Grand Forks Gazette

**Homes for Rent**

**Christina Lake** Cozy 2-bdrm mobile for lease. N/S, pets on approval. RR \$560/m + utilities. 250-447-2686

**Grand Forks:** 2-bedroom 1 bath mobile home, fenced yard, very clean. Damage deposit required, references required. \$750/month, utilities INCLUDED. 250-443-3173.

**Grand Forks:** 4 bdrm, 5 apply's lg fenced yard, centrally located, gas heat, N/S. \$1,100 + utils. 250-443-3124

**Grand Forks:** Clean older mobile home. F/S, gas, cent/air, laundry hook up. No Smokers, No Pets. Best suited for 1-2 quiet adults. Landlord References Required. 250-442-8289

**Grand Forks:** Downtown, 4 bdrm home. Rent negotiable, avail immedi. 1-306-713-8708.

**Grand Forks:** in town 3bdrm, newly renovated, F/S, laundry hook up, RR, NS 55+ preferred. \$850/m 250-442-3303

**Greenwood** 3bdrm, 1.5 bath, 5 apply's, fenced yard, sm greenhouse, sm garden shed, sm pet negotiable. \$850/m + utils. 604-951-0533.

Book a classified word ad  
and get the Advertiser  
**FREE!**

**Property Management****Rentals Grand Forks**

1 bdrm retro apt dwnwn 5 appl's \$750 utilities inc.

2 bdrm mobile private setting \$600  
2 bdrm condo close to dwnwn \$700  
2 bdrm updated condo \$750  
3 bdrm condo 5 appl's \$750  
3 bdrm home large yard nice view \$900

**Christina Lake**  
2 bdrm 2 bath 5 appl's mostly furnished home. 55+ strata community. Snow removal and lawn maintenance provided. \$850.  
2 bdrm 2 bath furnished suite. \$750 utilities inc. Avail until June 30th

**TERM NEGOTIABLE ON PRIME INDUSTRIAL COMMERCIAL or OFFICE SPACE IN GRAND FORKS AND GREENWOOD**  
N/S, N/P, References.  
Ken: 250-442-2632  
ken.dodds@yahoo.ca  
Grand Forks Realty Ltd.

**Suites, Lower**

**Grand Forks:** 1 bdrm, \$650/m + utilities. Downtown. 1-306-713-8708.

**Townhouses**

**Grand Forks:** 3 Bedroom units coming available at The Gables for \$728.00 per month. Subsidy may be available. Income limit may apply. Dependents required. No pets. Contact Jackie at jjoyce1.joyce@gmail.com or phone 250-443-0013.

**Grand Forks:** Responsible family to rent a 3bdrm, 1.5 bath, full complete basement, N/S, N/P, RR, F/S, W/D. Dec 1st. \$800+utils. 250-442-5160

**Transportation****Cars - Domestic**

**1999 Jeep** Grand Cherokee, excellent condition, straight 6, auto, PW, 250,000km, brand new hub and axle, one owner from Kamloops, \$4,400/obo. Also 1997 Jeep Sport, 4 dr, 6cy, 5sp, \$2,200. **2001 Ford Explorer XLT**, V6, auto, 200,000km, fully loaded including power seat, \$3,700, 250-442-0122 / 250-493-1807.

**2000 FORD** truck 1995. 1999 Ford Explorer 1995. 2000 Toyota rav4 1995. 2003 Honda 2995. 2006 VW diesel 7888. 2006 Dodge pickup 4995. Eagle Ridge 855-200-3899

**Recreational/Sale**

**2001 Itasca**, Horizon Motor home. 36 ft. Diesel 330 Cat. Allison Transmission. 2 slides. 61,620 miles. Onan generator. Booth dinette. Full interior amenities all in excellent condition. Asking \$55,000 or offers. Phone: 250-443-4090.

# BUSINESS DIRECTORY

**ACCOUNTANTS**

**Lia Azhure Inc.**  
Certified General Accountant  
**250-442-0141**  
7157 - 3<sup>rd</sup> Street

**KEMP HARVEY BURCH KIENTZ INC.**

Certified General Accountants  
619 Central Ave., Grand Forks, B.C.  
**Ph: 250-442-2121**

**APPRAISERS**

D.G. (DAVE) MARSHALL, CRA, RI  
**BOUNDARY APPRAISAL SERVICE**  
Serving Grand Forks & Boundary Country  
30+ Years Experience  
Residential & Vacant Acreage Appraisals for:  
-Mortgage Applications  
-Estate Purposes -Family Disputes  
-Assessment Resolution  
**Phone: Res-250-442-5199**  
**Cell-250-442-6199**  
**e-mail - marsda@telus.net**

**BOOKKEEPING**

**Christine Brooks Bookkeeping**  
Bookkeeping and E-file  
Income Tax Service Agent  
**Phone 250-442-6781**

**SC SMITH & COMPANY PROFESSIONAL SERVICES**  
Certified Professional Bookkeeper  
Member of IPBC and SAGE 50 Premier Advisor  
20+ years experience full cycle bookkeeping  
Remote/virtual bookkeeping available  
**250-442-2813 • smithandco@shaw.ca**

**BOTTLE DEPOT**

**GRAND FORKS BOTTLE DEPOT**  
7816 Donaldson Dr.  
Grand Forks, B.C.  
250-442-2523  
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is from a merchant  
you know*

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Now Open Saturdays  
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**250-442-2124**  
**1-800-949-4499**  
**www.bordercountryrealty.ca**



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distributed at the  
**Grand Forks Christian Centre**  
7525 4<sup>th</sup> Street on  
**December 5 and 6**  
**from 9 am - 4 pm**

**YOUR PRIVATE WINTER WONDERLAND**  
this Christmas! 7+Private ac. with 1625 sq. ft., full bsmt family home! Fenced, 24x18 hayshed, pond & gazebo! New Price is \$312,900. MLS #2192685.  
Call Sharon 250-442-6396

**SOLD**  
**ONE LEVEL LIVING AT ITS BEST.** This 3 bedroom home is on a large corner lot with underground sprinklers and a fenced private landscaped yard. \$226,000. MLS #2400303.  
Call Jazz 250-443-9088 or Val 250-442-7655

**CUSTOM HOME.** This bright 3 bedroom, 2 bath home has vaulted ceilings and a large open concept living area. \$129,000. MLS #2396998.  
Call Jazz 250-443-9088 or Val 250-442-7655

**2011 HOME IN QUIET LOCATION.** Large master bedroom with full ensuite & walk in closet, open floor plan, bright kitchen with high end gas stove. Large treated deck with metal railings and ramp. \$99,900. MLS #2398292.  
Call Jazz 250-443-9088 or Val 250-442-7655

**PRICE REDUCED \$20,000-MAKE THIS IDEAL HOBBY FARM YOUR FAMILY'S CHRISTMAS PRESENT!** 4.88 ac., 1450 sq. ft. home, professional woodworking shop, hayshed, storage sheds, all fenced and cross fence, abundant water! Trans Canada Trail just out your door and short walk to Kettle River. \$294,900. MLS #145297.  
Call Sharon 250-442-6396

**NEW HIGH-END KITCHEN** is to die for in this bright open concept home. 3 bedrooms up stairs all with high vaulted ceilings and large closets. Large family room with exposed wood beams, wet bar and a fully fenced yard. MLS #2398341. \$229,000.  
Call Jazz 250-443-9088 or Val 250-442-7655

**JUST STEPS AWAY** from Christina Lake Golf Course! This beautiful custom 3 bed, 3 bath home sits overlooking the golf course. MLS #2397578  
Call Jazz 250-443-9088 or Val 250-442-7655

**5 BEDROOM 2 BATHROOM HOME** is waiting for a new family. Large garden area is entirely deer fenced, underground sprinklers, storage shed. Located near hospital, school, shopping and recreation. MLS #2391495. Call Val or Jazz  
Call Jazz 250-443-9088 or Val 250-442-7655

**TRY YOUR OFFER ON THIS 1125 SQ FT FULL FIN. BASEMENT HOME ON 100' X 125' LOT IN IDEAL LOCATION.** Separate 22 x 25 garage/shop and storage shed. Quick possession possible. MLS#2398811  
Call Sharon 250-442-6396

**SNOWMOBILERS LOOK AT THIS!** 50 ac. right in heart of snow paradise! 2 excellent cabins. Easy access off Santa Rosa Rd. \$179,900 with \$25,000 rebate if power brought in. MLS #2218997. Call Sharon 250-442-6396

**PURCHASE 3.8 ACRES OF PRIVACY,** located just 4 km up the picturesque North Fork Valley. Treed, private and great views. Use this property to build your dream home or private camping spot. MLS # 2393813.  
Call Jazz 250-443-9088 or Val 250-442-7655

**LOCATED IN THE HERITAGE CORRIDOR OF GRAND FORKS** This beautiful home has been tastefully updated; maintaining its old world charm. The hardwood floors have been refinished, upgraded flooring, paint and appliances. \$242,500. MLS #2390262. Call Jazz 250-443-9088 or Val 250-442-7655

**Legal Notices****Legal Notices****NOTICE**

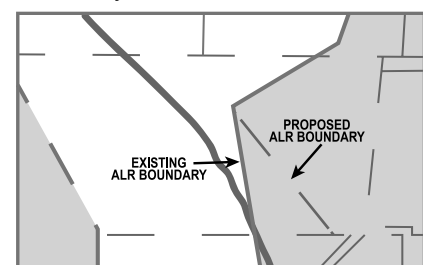
Notice is Hereby Given that Creditors and others, having claims against the Estate of Mollie (Molly) Soukoreff, formerly of 6 - 7225 Boundary Drive and Silver Kettle, Grand Forks BC, Deceased, are hereby required to send the particulars thereof to the undersigned Executor, c/o Angela Soukoreff, #2 - 70 Dallas Rd, Victoria BC V8V 1A2, on or before January 2, 2015, after which date the estate's assets will be distributed, having regard only to the claims that have been received.  
Angela Soukoreff, Executor

**LAND IN THE AGRICULTURAL LAND RESERVE**

I, 0472164 BC LTD, intend on making an application pursuant to Section 30(1) of the Agricultural Land Commission Act to exclude part of the land in the **Agricultural Land Reserve** the following property which is legally described as,

That Part of District Lot 1250 lying West of The Westerly Boundary of the 66 Foot Road as shown on Plan 13939; Similkameen Division Yale District except Plan H16203.

Any person wishing to express an interest in the application may do so by forwarding their comments in writing to the Regional District of Kootenay Boundary 202-843 Rossland Ave, Trail, BC, V1R 4S8 by December 12, 2014.



**TRY A bcclassified.com CLASSIFIED AD**

Applicant's Submission

Wednesday, December 10, 2014 **Grand Forks Gazette:**

# BUSINESS DIRECTORY

## ACCOUNTANTS

**Lia Azhure Inc.**  
Certified General Accountant  
**250-442-0141**  
7157 - 3<sup>rd</sup> Street

## KEMP HARVEY BURCH KIENTZ INC.

Certified General Accountants  
619 Central Ave., Grand Forks, B.C.  
**Ph: 250-442-2121**

## APPRAISERS

**D.G. (DAVE) MARSHALL, CRA, RI**  
**BOUNDARY APPRAISAL SERVICE**  
Serving Grand Forks & Boundary Country  
30+ Years Experience  
**Residential & Vacant Acreage Appraisals for:**  
-Mortgage Applications  
-Estate Purposes -Family Disputes  
-Assessment Resolution  
**Phone: Res-250-442-5199**  
**Cell-250-442-6199**  
**e-mail - marsda@telus.net**

## BOOKKEEPING

**Christine Brooks Bookkeeping**  
Bookkeeping and E-file  
Income Tax Service Agent  
**Phone 250-442-6781**

## SC SMITH & COMPANY PROFESSIONAL SERVICES

Certified Professional Bookkeeper  
Member of IPBC and SAGE 50 Premier Advisor  
20+ years experience full cycle bookkeeping  
Remote/virtual bookkeeping available  
**250-442-2813 • smithandco@shaw.ca**

## BOTTLE DEPOT

**GRAND FORKS BOTTLE DEPOT**  
7816 Donaldson Dr.  
Grand Forks, B.C.  
250-442-2523  
**Open Monday to Saturday**

## BREWERY

**Locally Crafted Beer**  
Now Open Saturdays  
Noon - 4 pm  
5850 Spencer Road  
250-442-6668

## CAR CARE

**KOOTENAY CAR CARE**  
Three great services at one convenient location!  
**Full Service Mechanical • Full Service Auto Body**  
**Full Service Custom Muffler Centre • ICBC ExpressVale Certified**  
**Mechanics: 250-442-3828 • Auto Body: 250-442-0507**  
**6391 Highway 3, Grand Forks, BC**

## THE CORPORATION OF THE CITY OF GRAND FORKS NOTICE OF YEAR 2015 REGULAR & COMMITTEE OF THE WHOLE COUNCIL MEETINGS

In accordance with Section 127 of the Community Charter, please take notice that the following is a listing of scheduled Regular Meetings of Council for the City of Grand Forks for the Year 2015.

Monday, January 12, 2015	Monday, June 29, 2015
Monday, January 26, 2015	Monday, July 20, 2015
Tuesday, February 10, 2015	Monday, August 17, 2015
Monday, February 23, 2015	Monday, September 14, 2015
Monday, March 9, 2015	Monday, September 28, 2015
Monday, March 23, 2015	Tuesday, October 13, 2015
Tuesday, April 7, 2015	Monday, October 26, 2015
Monday, April 20, 2015	Monday, November 9, 2015
Monday, May 4, 2015	Monday, November 30, 2015
Monday, May 25, 2015	Monday, December 14, 2015
Monday, June 15, 2015	

Please note there is only one Regular Meeting in the months of July, August and December. All Regular Meetings of Council are held at City Hall – 7217 – 4th Street in upstairs Council Chambers, beginning at 7:00 p.m., unless otherwise advertised.

The following is a listing of scheduled Committee of the Whole (COTW) Meetings of Council for the City of Grand Forks for the year 2015. The COTW Meetings are at 9:00 a.m. the morning of the Regular Meetings of Council and are held once per month at the same location as the Regular Meetings with exception of the budget process during February where an additional COTW has been scheduled.

Monday, January 26, 2015	Monday, July 20, 2015
Tuesday, February 10, 2015	Monday, August 17, 2015
Monday, February 23, 2015	Monday, September 14, 2015
Monday, March 9, 2015	Tuesday, October 13, 2015
Tuesday, April 7, 2015	Monday, November 9, 2015
Monday, May 4, 2015	Monday, December 14, 2015
Monday, June 15, 2015	

Dated this 1st day of December, 2014  
Sarah Winton  
Acting Corporate Officer

**A22 www.grandforksgazette.ca**

## Duplex / 4 Plex

**Grand Forks:** 1 bdrm (lg) ground level suite, N/S, N/P, lg secured yard, \$850 includes utils. Double car port. Private entrance. 250-442-2429

## Mobile Homes & Pads

**Grand Forks:** 1 spot available on the Kettle River in GF. \$325 a month incl. water, septic & garbage. 250-442-2995

## Homes for Rent

**Rare opportunity** for 2 private, well-located adjoining lots, each with a tenanted house. Large properties; total of 868 sq meters. Total rental income \$1300/mth. Houses are older with some recent improvements. Two blocks uphill from the intersection of Columbia Ave. and Washington St., in the heart of Rossland. (Please do not disturb the tenants.) Near shopping and restaurants, well treed and quiet. Zoned R1. \$280,000.00 for the 2 together. Will also sell separately. Private sale but will consider commission to purchaser's agent. Please call or text John at 604-834-6451.

**Christina Lake** creekfront. 3bdrm double wide w/basement storage, F/S, W/D, avail Dec 1st, long term, NS, pets ok, \$700. 250-442-9818

**Grand Forks:** 2-bedroom 1 bath mobile home, fenced yard, very clean. Damage deposit required, references required, \$750/month, utilities INCLUDED. 250-443-3173.

**Grand Forks:** 4-5 bdrm, central location, near Rec complex/Extra Foods & Hutton School area. N/S. \$975/m + utils. Avail now. 250-666-0088.

**Grand Forks:** 4 bdrm, 5 apply's lg fenced yard, centrally located, gas heat, N/S. \$1,100 + utils. 250-443-3124

**Grand Forks:** 5 bdrm, 4 appl. close to schools, hospital & grocery stores. \$1000/m + utils. Avail. Jan 1st. 250-442-3878 or 250-442-7920

**Grand Forks:** Clean older mobile home, F/S, gas, cent/air, laundry hookup, No Smokers, No Pets. Best suited for 1-2 quiet adults. Landlord References Required. 250-442-8289

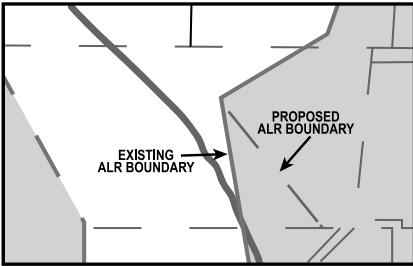
## Legal Notices

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Any person wishing to express an interest in the application may do so by forwarding their comments in writing to the Regional District of Kootenay Boundary 202-843 Rossland Ave, Trail, BC, V1R 4S8 by December 12, 2014.



## Homes for Rent

**Grand Forks:** small but very cozy 2 bdrm cottage overlooking river. Shares 1 acre with 2nd home. Blocks from Extra Foods. \$625/m + util. N/S. 250-666-0088.

**Greenwood** 3bdrm, 1.5 bath, 5 apply's, fenced yard, sm greenhouse, sm garden shed, sm pet negotiable, \$850/m + utils. 604-951-0533.

**BUYING OR SELLING?**  
[www.bcclassified.com](http://www.bcclassified.com)

## Property Management

## Rentals

**Grand Forks**  
1 bdrm retro apt dwntrwn 5 appl's \$750 utilities inc.  
2 bdrm mobile private setting \$600  
2 bdrm condo close to dwntrwn \$700  
2 bdrm updated condo \$750  
3 bdrm condo 5 appl's \$750  
2 bdrm house \$650  
3 bdrm home large yard nice view \$850

**Christina Lake**  
3 bdrm furnished home \$800 available until June 30 2015  
2 bdrm 2 bath 5 appl's mostly furnished home. 55+ strata community. Snow removal and lawn maintenance provided. \$850.  
2 bdrm 2 bath furnished suite, \$750 utilities inc. Avail until June 30th

**TERM NEGOTIABLE ON PRIME INDUSTRIAL COMMERCIAL or OFFICE SPACE IN GRAND FORKS AND GREENWOOD N/S, N/P, References. Ken: 250-442-2632 ken.dodds@yahoo.ca Grand Forks Realty Ltd.**

## Rooms for Rent

**Grand Forks**  
Room in quiet home, car a must, shared kitchen & bath. 5 min to town, \$325/m. 250-442-5732.

## Townhouses

**Grand Forks:** Responsible family to rent a 3bdrm, 1.5 bath, full complete basement, N/S, N/P, RR, F/S, W/D. Dec 1st. \$800+util's. 250-442-5160

## Want to Rent

**Writer wanting** a clean bright quiet house. May 15 for long term, reasonable, rural, can share, excellent refs, Boun-dary/Okanagan. 250-447-9713

## Transportation

## Cars - Domestic

**1999 Jeep** Grand Cherokee, excellent condition, straight 6, auto, PW, 250,000km, brand new hub and axle, one owner from Kamloops, \$4,400/obo. Also 1997 Jeep Sport, 4 dr, 6cy, 5sp, \$2,200. **2001 Ford Explorer XLT**, V6, auto, 200,000km, fully loaded including power seat, \$3,700. 250-442-0122 / 250-493-1807.

## Cars - Sports & Imports

**1992 Geo** Metro LSI Convertible, good condition, no damage, runs well, 210,000 km \$700.00. 250-443-1841

## Motorcycles

2012 Yamaha scooter, 125cc, 6,000km, good running order. \$2,200. 250-442-8930.

## Legal Notices

## Motorcycles

**ANNUAL GENERAL MEETING of ASSOCIATION FOR INJURED MOTORCYCLISTS INTERIOR CHAPTER**  
January 11, 2015  
1:00 P.M.  
**MEKONG RESTAURANT**  
1030 Harvey Ave., Kelowna, B.C.

## Recreational/Sale

**2001 Itasca**, Horizon Motor home. 36 ft. Diesel 330 Cat. Allison Transmission. 2 slides. 61,620 miles. Onan generator. Booth dinette. Full interior amenities all in excellent condition. Asking \$55,000 or offers. Phone: 250-443-4090.

## Trucks & Vans

**1997 Dodge** Ram 2500, one owner. H/Duty, Over loads, 174,000km, Auto, full electric and A/C, 4x4, camper/tow package, canopy. Excellent condition. \$10,900. 250-447-6400

## Legal Notices

## NOTICE

Notice is Hereby Given that Creditors and others, having claims against the Estate of Mollie (Molly) Soukoreff, formerly of 6 - 7225 Boundary Drive and Silver Kettle, Grand Forks BC, Deceased, are hereby required to send the particulars thereof to the undersigned Executor, c/o Angela Soukoreff, #2 - 70 Dallas Rd, Victoria BC V8V 1A2, on or before January 2, 2015, after which date the estate's assets will be distributed, having regard only to the claims that have been received.  
Angela Soukoreff, Executor



## THE CORPORATION OF THE CITY OF GRAND FORKS REQUEST FOR QUOTE REPLACEMENT OF WATER TANKS ON 2001 VACTOR TRUCK

The City of Grand Forks is requesting quotes to provide 2 lower water tanks to fit a 2001Vactor truck  
**Quotes are due by 1:00PM, December 17th, 2014**

## SPECIFICATIONS

- SUBMISSION INSTRUCTIONS**
  - "QU2001 Tanks" should be quoted in the subject line
  - Prior to awarding to the successful proponent, proof of an active City of Grand Forks Business License will be required.
- WATER TANK SPECIFICATIONS**
  - Quantity: 2
  - Upgraded large aluminum bottom tanks built for a 2001 Vactor truck
  - Build to OEM standards with magnesium anodes built in
  - Built to manufacturer grade specified welded aluminum
  - All internal baffling
  - Vactor Model No. 2110J6
- DELIVERY**
  - All prices to be F.O.B. Address : 130 Industrial Drive Grand Forks
  - Supplier will deliver tanks to Public Works yard in Grand Forks and delivery will take place between the hours of 7 a.m. and 2:30 p.m.
  - Supplier shall notify a City representative minimum two (2) days prior to delivery date to allow the City representative to schedule.

Please provide a cost for all the outlined in a lump sum quotation including all taxes that are inclusive of all costs with providing this product.

**4. Terms**  
The City of Grand Forks reserves the right to accept or reject any and all quotes and to waive irregularities and informalities at its discretion. The City reserves the right to accept a quote other than that with the highest evaluated score without stating reasons. By submitting a quote, the proponent waves any right to contest, in any proceedings or action, the right of the City to accept or reject any proposal in its sole and unfettered discretion. Without limiting the generality of the foregoing, the City may consider any other factor besides capability to supply the product, in its sole and unfettered discretion. This Request for Quote does not commit the City to award a contract or pay any costs incurred in the preparation of a proposal, or attendance at an interview meeting with City Staff.

Please forward all questions to:  
**Darryl Nielsen - Fleet Maintenance Technician**  
Phone: 250-442-8266

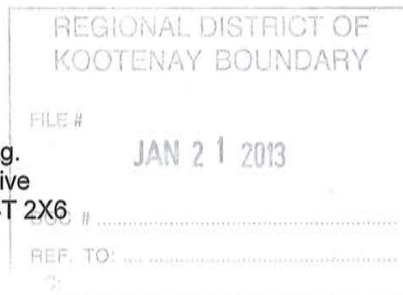
Please forward your quote to:  
**Roger Huston - Manager of Operations**  
Phone: 250-442-4148  
Fax: 250-442-8263  
E-mail: [rhuston@grandforks.ca](mailto:rhuston@grandforks.ca)



**Agricultural Land Commission**  
 133-4940 Canada Way  
 Burnaby, British Columbia V5G 4K6  
 Tel: 604 660-7000  
 Fax: 604 660-7033  
 www.alc.gov.bc.ca

January 14, 2013

R.G (Bob) Holtby, P. Ag.  
 2533 Copper Ridge Drive  
 West Kelowna, BC V4T 2X6



ALC File: # 52710

Dear Mr. Holtby:

**Re: Application to Exclude and Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #474/2012 as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

The Commission noted that both the exclusion and subdivision proposals were submitted on the same application form. For future reference, in circumstances where a client has multiple proposals (i.e. exclusion, subdivision and/or non-farm use), each proposal will require the submission of a separate application.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #474/2012  
 cc: Regional District of Kootenay Boundary (File: E-1250-04687.000)

52710d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 18, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52710.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Colin Fry	Executive Director
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### PROPOSAL

The applicants are applying for exclusion and subdivision on the 27.6 ha subject property of which 10.1 ha are within the ALR. The subject property is bisected by Highway 33.

Exclusion - To exclude 2 ha from the 27.6 ha parcel.

Subdivision - To subdivide six lots as follows:

- 1 x 2 ha lot
- 1 x 1.4 ha lot
- 1 x 0.7 ha lot
- 2 x 2 ha lots (partially in ALR)
- 1 x 19.5 ha lot

(Application for exclusion submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)  
 (Application for subdivision submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

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### EXCLUSION MEETING

An exclusion meeting was held on September 18, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. Those in attendance included the Commissioners and staff noted above, Terry Graff and Bob Holtby.

---



### SITE INSPECTION

A site inspection was conducted on July 16, 2012 at the subject property. Those in attendance included Commissioners Bullock, Thibeault, ALC staff Roger Cheetham and Lily Ford, the property owners Terry Graff and Kenna Graff and the applicants' agent Bob Holtby.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. Commissioner Thibeault provided a verbal account of the site inspection to all Commission members recorded above.

---

### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
  - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

---

### COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The improved agricultural capability rating identified on Canadian Land Inventory (CLI) map sheet 82E/06 for the subject property is Class 5.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are P (stoniness) and M (moisture deficiency).

**Conclusion:** The Commission is satisfied the land has agricultural capability.

2. The subject property is located in an area of predominantly large agricultural parcels within the ALR. The CLI Class 5PM rating is characteristic of lands in the area and is generally more productive in larger parcels. The Commission also considered whether the property was suitable for agriculture. This consideration included details such as property size, surrounding land use and limitations to agriculture.



Page 3 of 3

**Conclusion:** The Commission did not believe there are external factors that render the land unsuitable for agricultural use. In addition, both exclusion and subdivision would reduce the agricultural options available for the use of the subject property.

3. The proposed subdivision would create five small lots in the ALR, in an area predominately held in larger holdings. Small residential properties in the area are mainly grouped together in Beaverdell.

**Conclusion:** The proposal for non-farm use is inconsistent with objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner Gillette

**SECONDED BY:** Commissioner Miles

THAT the application be refused as submitted.

**CARRIED**

**Resolution #474/2012**

Commissioner Collins was opposed to the decision.



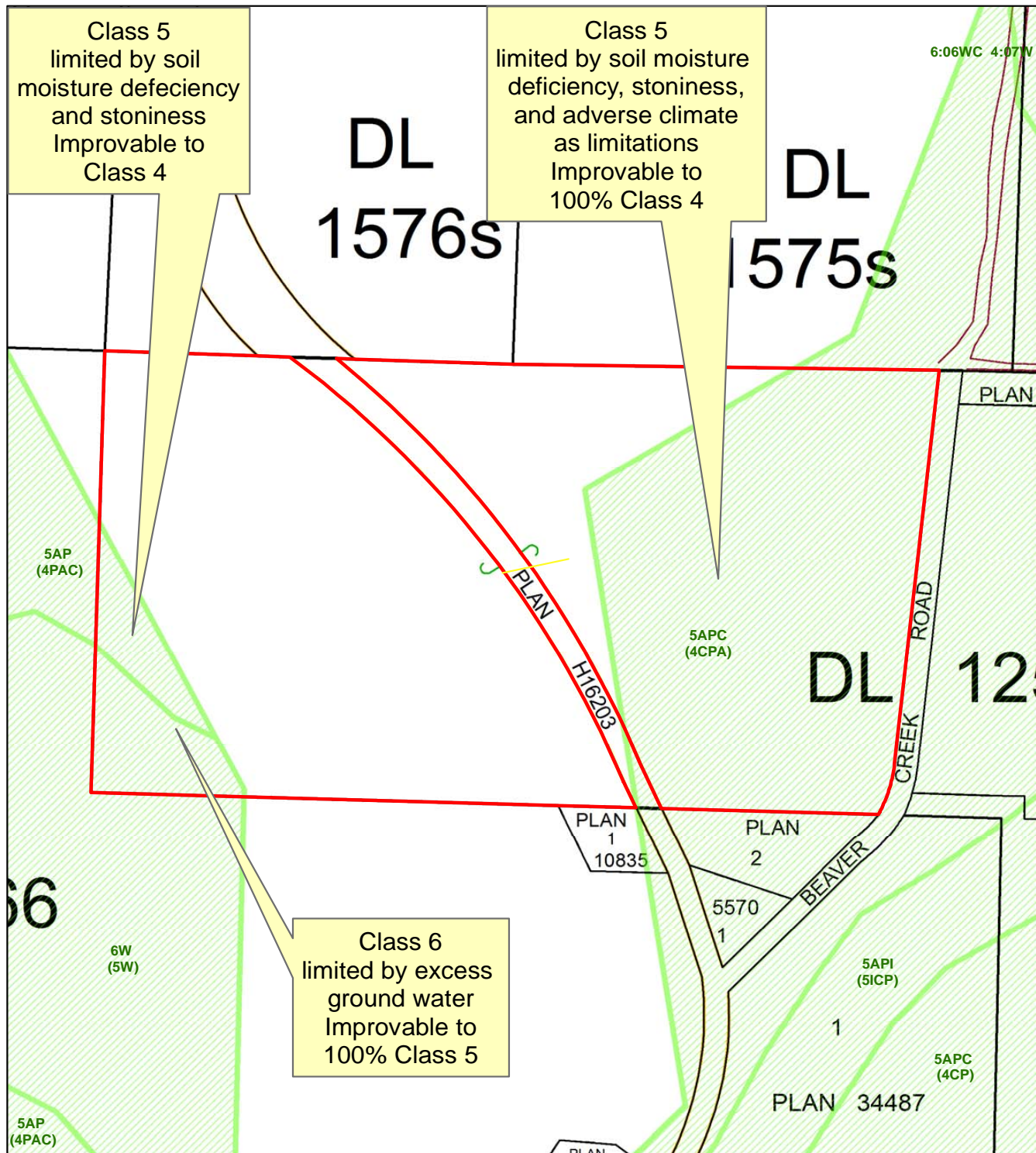
2015/06/09

# Agricultural Capability Map

Scale 1:4,500



0 50 100 200  
Meters



P:\GIS\IRDKBMap Documents\Routine Maps\Subject Property Map\Area D Rural Grand Forks\SPM D-1250 Agricultural Capability Map\_0472164



## Ag Capability Classes

**AGRICULTURAL CAPABILITY CLASSIFICATION IN BC****LAND CAPABILITY CLASSES FOR MINERAL SOILS**

The seven land capability classes for mineral soils are defined and described as follows:

**CLASS 1** LAND IN THIS CLASS EITHER HAS NO OR ONLY VERY SLIGHT LIMITATIONS THAT RESTRICT ITS USE FOR THE PRODUCTION OF COMMON AGRICULTURAL CROPS.

Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of field crops.

**CLASS 2** LAND IN THIS CLASS HAS MINOR LIMITATIONS THAT REQUIRE GOOD ONGOING MANAGEMENT PRACTISES OR SLIGHTLY RESTRICT THE RANGE OF CROPS, OR BOTH.

Land in class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which does not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.

**CLASS 3** LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE MODERATELY INTENSIVE MANAGEMENT PRACTISES OR MODERATELY RESTRICT THE RANGE OF CROPS, OR BOTH.

The limitations are more severe than for Class 2 land and management practises are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

**CLASS 4** LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE SPECIAL MANAGEMENT PRACTISES OR SEVERELY RESTRICT THE RANGE OF CROPS, OR BOTH.

Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practises are required. The limitations may seriously affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

**CLASS 5** LAND IN THIS CLASS HAS LIMITATIONS THAT RESTRICT ITS CAPABILITY TO PRODUCING PERENNIAL FORAGE CROPS OR OTHER SPECIALLY ADAPTED CROPS.

Land in Class 5 is generally limited to the production of perennial crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions. Note that in areas which are climatically suitable for growing tree fruits and grapes the limitations of stoniness and/or topography on some Class 5 lands are not significant limitations to these crops.

**CLASS 6** LAND IN THIS CLASS IS NONARABLE BUT IS CAPABLE OF PRODUCING NATIVE AND OR UNCULTIVATED PERENNIAL FORAGE CROPS.

Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for



## Ag Capability Classes

**AGRICULTURAL CAPABILITY CLASSIFICATION IN BC**

cultivation or use of farm machinery, or the soils do not respond to intensive improvement practises. Some unimproved Class 6 lands can be improved by draining and/or diking.

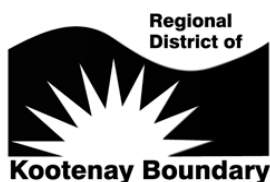
**CLASS 7** LAND IN THIS CLASS HAS NO CAPABILITY FOR ARABLE OR SUSTAINED NATURAL GRAZING.

All classified areas not included in Classes 1 to 6 inclusive are placed in this class. Class 7 land may have limitations equivalent to Class 6 land but they do not provide natural sustained grazing by domestic livestock due to climate and resulting unsuitable natural vegetation. Also included are rockland, other nonsoil areas, and small water-bodies not shown on maps. Some unimproved Class 7 land can be improved by draining or diking.

**Agriculture Capability Subclasses**

The subclass indicates lands with similar kinds but varying intensities of limitations and hazards. It provides information on the kind of management problem or use limitation. Except for Class 1 lands, which have no significant limitations, the capability classes are divided by subclasses on the basis of type of limitation to agricultural use. Each class can include many different kinds of soil, similar with respect to degree of limitation: but soils in any class may require unlike management and treatment as indicated by the subclasses shown.

<b>A &amp; M</b>	Soil moisture deficiency	<b>N</b>	Salinity
<b>C</b>	Adverse climate (excluding precipitation)	<b>P</b>	Stoniness
<b>D</b>	Undesirable soil structure	<b>R</b>	Shallow soil over bedrock and/or bedrock outcroppings
<b>E</b>	Erosion	<b>T</b>	Topography
<b>F</b>	Low fertility	<b>W</b>	Excess water (groundwater)
<b>I</b>	Inundation (flooding by streams, etc.)	<b>S &amp; X</b>	Cumulative and minor adverse conditions



## STAFF REPORT

Prepared for meeting of July 2015

<b>ALC – Exclusion from the ALR</b>			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Applicant:</b> 0472164 BC Ltd		<b>File No:</b> E-1250-04687.000	
<b>Agent:</b> R.G. (Bob) Holtby, P. Ag.			
<b>Location:</b> Electoral Area 'E'/West Boundary, Highway 33, near Beaverdell			
<b>Legal Description:</b> DL 1250, SDYD, Portion of PT W of RD PL 13939 Except Plan H16203		<b>Area:</b> 29.95 ha (74.01 acres)	
<b>OCP Designation:</b> None	<b>Zoning:</b> None	<b>ALR status:</b> Partially In	<b>DP Area:</b> None
<b>Contact Information:</b> R.G. (Bob) Holtby, P. Ag. 2533 Copper Ridge Dr West Kelowna, BC, V4T 2X6 Office: 250-804-1798 Home: 250-707-4664 <a href="mailto:bholtby@shaw.ca">bholtby@shaw.ca</a>			
<b>Report Prepared by:</b> Carly Rimell, Planner			

### ISSUE INTRODUCTION

R.G. Holtby, as agent for 0472164 BC Ltd., has submitted an application to exclude a  $\pm 2$  hectare portion of the subject property from the Agricultural Land Reserve (ALR). The subject property, which is split by Highway 33, is in Electoral Area 'E'/ West Boundary (*see Site Location Map*).

### HISTORY / BACKGROUND FACTORS

The subject property is located in Electoral Area 'E'/West Boundary. This Electoral Area currently has no Official Community Plan or zoning bylaws which may have directly



affected this proposal.

The exclusion application is a re-submission of an application made in 2011 (*see Applicant's Submission*).

The 2011 application for exclusion was supported by the Electoral Area 'E'/West Boundary Advisory Planning Commission (APC); however the RDKB Board of Directors recommended forwarding the application to the Agricultural Land Commission (ALC) without a recommendation due to the absence of land use planning in the area. The agent for both the 2011 application and the current application incorrectly asserts that the 2011 application was 'approved' by both the APC and the Board of Directors.

The ALC denied the 2011 application for exclusion by Resolution #474/2012 (*see attached January 14, 2013 letter from the ALC*). A request for reconsideration was also denied in 2014. Considering the recent changes to the *Agricultural Land Commission Act*, which designates the Kootenay Boundary Area as Zone 2 there's now a different set of criteria which makes the applicants hopeful of approval.

#### *Current Land Use*

The applicant lists the current uses as raw land.

#### *Adjacent Land Uses*

The applicant lists the adjacent land uses:

North:	Hillside; undeveloped
East:	Farm land
South:	Rural residential
West:	Farm land

#### *Provincial Agricultural Capability Mapping*

The RDKB Agricultural Capability Map shows both portions within the ALR to be Class 5 with a small southwest portion in Class 6<sup>1</sup>. Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops (*see Agricultural Capability Map; Agricultural Classification*).

The limitations for agricultural production on the eastern portion of the parcel, which is subject to the applications for exclusion and subdivision are subclasses A (aridity), P

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<sup>1</sup> This agricultural land capability information and the map were prepared from information generated by Herb Luttmerding, P. Ag., as part of the professional services he provided in developing the Boundary Agricultural Area Plan. This information may differ some from the agricultural capability mapping information generated by the Province. If the application is forwarded to the ALC, they will use the information they deem most appropriate in their determination of agricultural capability, whether it be this, their own mapping, or a combination of information.

(stony) and C (climate). Subclass 'A' denotes a soil moisture deficiency that can be improved through irrigation. Subclass 'P' indicates that the area is stony with coarse fragments significantly hindering tillage, planting and harvesting. Depending on the crop, this may or may not be a significant limitation. Subclass 'C' means that the area is limited by an adverse climate, the temperatures limit plant growth and this is not able to be improved. The eastern portion of the parcel is improvable to a Class 4 with irrigation, but is still impacted through the adverse climate.

More detailed discussion of the agricultural capability of the property and comments of the relevance of the provincial agricultural mapping system and its relation to the subject property is provided in the report submitted by the agent Bob Holtby (*Applicant's Submission Section 3.0*).

## PROPOSAL

The exclusion application is for  $\pm 2$  ha (5 acres) adjacent to and east of Highway 33 to a topographical break between lower bench (adjacent to the Highway) and the upper bench (*see Applicant's Submission Section 1.0*). The applicant proposes the land excluded from the ALR would be used for a truck stop and tourist facility.

An Agrologist's Report, prepared by Bob Holtby, was submitted in support of the application, and is attached (*see Applicant's Submission*). The report, in addition to its discussion on the application and interpretation of the agricultural capability classification, which is noted above, concludes that the portion proposed for exclusion from the ALR is of low agricultural capability.

## IMPLICATIONS

### *Notification Requirements*

The applicant submitted proof of sign posting, proof of delivery of notification to adjacent landowners, and copies of the newspaper advertisements in accordance with the requirements under Section 16(1) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*. Notification was posted on the fence along the property line.

Advertisements were placed in the Grand Forks Gazette on December 3, 2014 and December 10, 2014. This meets the requirement of publishing a notice of exclusion application in at least 2 issues of newspaper published or circulated not less than 7 days and not more than 14 days apart. The RDKB received no comments from the public from these advertisements.

There were originally four notices sent out to surrounding property owners which were sent on November 20, 2014. When the RDKB received the applicant's submission it was apparent some of the surrounding property owners had been missed. This has since been remedied and all nine adjacent property owners have been notified as of May 28, 2015. The applicant appears to have met all the notification requirements of the ALC.

*Agricultural Land Commission Act: Introduction of Zone 2*

The ALC has now established 2 zones within the ALR. The Regional District of the Kootenay Boundary is within Zone 2. When exercising power under the *Agricultural Land Commission Act* in relation to land located in Zone 2, the commission must consider the following, in descending order of priority:

- a) the purposes of the commission set out in section 6;
  - to preserve agricultural land;
  - to encourage farming on agricultural land in collaboration with other communities of interest;
  - to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.
- b) economic, cultural, and social values;
- c) regional and community planning objectives;
- d) other prescribed considerations.

The application is to remove a  $\pm$  2ha (5 acres) portion of land from the ALR, therefore a loss of agricultural land due to this proposal cannot be avoided. The agent asserts that from an economic standpoint the truck stop and tourist facility would benefit the community. The agent for the applicant suggests leaving the  $\pm$ 2 ha portion within the ALR, which has marginal productive capability, would prohibit any other development that might benefit the economic wellbeing of the area.

Cultural and social values are not directly addressed in this proposal. While the RDKB does not have land use planning in this portion of Electoral Area 'E'/West Boundary, a Boundary Area Agricultural Plan, which was completed in 2011 includes the following strategic objective: "create long term planning policies and regulations for Area 'E' which foster respect of agricultural lands within the ALR and otherwise".

**APC COMMENTS**

The Electoral Area 'E'/West Boundary Advisory Planning Commission provided the following comments:

- *An APC member said mining permit already exists for this parcel including the land in the ALR*
- *A question arose that if this exclusion were to be approved would transportation take some land from the parcel designated for the truck stop and tourist facility?*
- *it was noted that currently this land is not being used for agricultural purposes*
- *An APC member said this land is primarily gravel*
- *Having a truck stop and tourist facility would be an economic development to Beaverdell*

*The Electoral Area 'E' West Boundary APC chose to support this application for exclusion.*

#### **PLANNING AND DEVELOPMENT DEPARTMENT COMMENTS**

The RDKB Planning Department could not verify that a mining permit exists on this parcel. There is nothing within the RDKB property file that would indicate a mining permit was issued. If a permit was issued the RDKB was not included as part of a referral process.

Ministry of Transportation and Infrastructure often modifies highways to meet the needs and demands of the Province. If MoTI needs to modify Highway 33, they will implement expansion or construction when they deem it necessary. Despite soil quality there is some value in the land for agriculture as it has been designated by the Province as ALR.

#### **BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

*Applicant's Submission*

*January 14, 2014 letter from the ALC*

*Agricultural Capability Map*

*Agricultural Capability Classes*

#### **RECOMMENDATION**

That the application for exclusion from the ALR, submitted by Bob Holtby as agent for 0472164 BC Ltd., for the property off Highway 33, near Beaverdell Electoral Area 'E' West Boundary, legally described as DL 1250, SDYD, Portion of PT W of RD PL 13939 except Plan H16203, be forwarded to the Agricultural Land Commission without a recommendation.

*Respectfully Submitted:*

*Concurrence: (Department  
Head)*

*Concurrence: (CAO)*

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## STAFF REPORT

Prepared for meeting of July 2015

ALC – Exclusion from the ALR			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Applicant:</b> Edward and Deyanne Davies		<b>File No:</b> B-9A-TWP-10948.100	
<b>Location:</b> 455 Malde Creek Road, Electoral Area 'B'/Lower Columbia-Old Glory, in the South Belt Area			
<b>Legal Description:</b> Township 9A, KD, NEPX63, Subsidy Lot 181 Except Plan 17164 SRW 15310 SRW 17069		<b>Area:</b> 17.5 ha (43.2 acres)	
<b>OCP Designation:</b> Agricultural Resource 1 Rural Resource 1	<b>Zoning:</b> Agricultural Resource 1 (AGR 1)	<b>ALR status:</b> Partially In	<b>DP Area:</b> None
<b>Contact Information:</b> Edward and Deyanne Davies 455 Malde Creek Road Box 774 Rossland, BC V0G 1Y0 250.362.7727 <a href="mailto:fatquartersstudio@hotmail.com">fatquartersstudio@hotmail.com</a>			
<b>Report Prepared by:</b> Carly Rimell, Planner			

### ISSUE INTRODUCTION

Edward and Deyanne Davies, have submitted an application to exclude the subject property from the Agricultural Land Reserve (ALR) which is located in Electoral Area 'B'/ Lower Columbia-Old Glory, in the South Belt Area. (*see Site Location Map; Applicants' Submission*).

### HISTORY / BACKGROUND FACTORS

The subject property is almost entirely within the Agricultural Land Reserve aside from a rectangle in the south-west corner of the parcel. The subject property is designated



'Agricultural Resource 1' and 'Rural Resource 1' in the Electoral Area 'B'/ Lower Columbia-Old Glory Official Community Plan Bylaw No. 1470 (*see Subject Property Map OCP*).

The subject property is zoned 'Agricultural Resource 1' (AGR 1) (*see Subject Property Map Zoning*). There is a revised zoning bylaw for Electoral Area 'B'/ Lower Columbia-Old Glory, which is anticipated to be adopted July 2015. The subject parcel is zoned 'Rural Resource 1' (RUR1) and 'Agricultural Resource 1' (AGR1) in the revised Zoning Bylaw No. 1540.

Under both the current Zoning Bylaw and the revised Zoning Bylaw, the minimum parcel size requirement for new parcels created by subdivision is 10 hectares (24.7 acres). Therefore under the current and revised zoning the parcel cannot be subdivided.

#### *Current Land Use*

The applicant lists the current uses as rural residential. The buildings on the subject property are: a single family dwelling, carport, barn and greenhouse. The landscape can be described as hillside, forest, which is mixed with clearings.

#### *Adjacent Land Uses*

The applicant lists the adjacent land uses as:

North:	Rural residential; Field
East:	Forest resource/Rural resource; Dwelling and field
South:	Agricultural resource/Rural resource; Dwelling and forest
West:	Rural resource; Forest and clearings

#### *Provincial Agricultural Capability Mapping*

The Agricultural Capability Mapping shows the portion within the ALR to be 80% Class 4, with topography and stoniness as limitations. Land designated as Class 4 has limitations that require special management practices or severely restrict the range of crops or both. The land in Class 4 is suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practices are required.

The remaining 20% is designated Class 7 with topography and climate as limitations. The land in Class 7 has no capability for arable or sustained natural grazing.

A property located approximately 300 meters to the south of the subject parcel, known as Findley Creek Ranch, went through the application process to exclude their parcel from the ALR in 2004. The parcel had very similar agricultural capability of 70% Class 4 and with topography and stoniness as limiting factors and 30% Class 7 with topography and climate as limiting factors.

Members from the ALC visited the South Belt Area on August 31, 2004 and concluded the area has no significant agricultural potential for the area. ALC Resolution #428/2004 determined the area to have no significant agricultural potential and stated they are willing to consider the exclusion of the properties in the area upon application by the land owners (*See attached October 26, 2004 letter from the ALC*). The owners of the Findlay Creek Ranch property subsequently applied for exclusion and it was granted by Resolution #357/2005 in July 2005 (*see attached July 13, 2005 letter from the ALC*).

## **PROPOSAL**

The applicants seek to exclude their 17.5 ha (43.2 acre) parcel from the Agricultural Land Reserve. If the exclusion application is successful the applicants plan to apply to amend the OCP and Zoning Bylaw for their parcel so it can be subdivided.

## **IMPLICATIONS**

### *Notification Requirements*

The applicants submitted proof of sign posting, proof of delivery of notification to adjacent landowners, and copies of the newspaper advertisements in accordance with the requirements under Section 16(1) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*. Notification was posted on Malde Creek Road along the property line.

Advertisements were placed in the Rossland News on May 14, 2015 and May 21, 2015. This meets the requirement of publishing a notice of exclusion application in at least 2 issues of newspaper published or circulated not less than 7 days and not more than 14 days apart. The RDKB received no comments from the public from these advertisements.

There were five notices sent out to surrounding property owners which were sent from May 10-22, 2015. The applicant has met all the notification requirements of the Agricultural Land Commission (ALC).

### *Agricultural Land Commission Act: Introduction of Zone 2*

The Agricultural Land Commission has now established 2 zones within the ALR. The Regional District of Kootenay Boundary is within Zone 2. When exercising a power under the *Agricultural Land Commission Act* in relation to land located in Zone 2, the commission must consider the following, in descending order of priority:

- a) the purposes of the commission set out in section 6;
  - to preserve agricultural land;
  - to encourage farming on agricultural land in collaboration with other communities of interest;

- to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.
- b) economic, cultural, and social values;
- c) regional and community planning objectives;
- d) other prescribed considerations.

Historically the land has been logged and used for mining. To the best of the applicants' knowledge it has never been used for farming as the topography, climate and soil present large challenges. This application is for exclusion so the loss of land to the Agricultural Land Reserve is unavoidable. The ALC has previously stated surrounding lands of similar agricultural capability has no agricultural potential.

The Official Community Plan seeks to encourage the preservation of agricultural land but as stated previously, this land has little to no agricultural potential.

In the Electoral Area 'B'/ Lower Columbia-Old Glory Official Community Plan Bylaw No. 1470, Section 19.11.1.6 states if the ALC excludes lands in the 'Agricultural Resource 1' designation from the ALR, the Regional District may consider re-zoning such lands for other land uses and parcel sizes with an amendment to this plan. The applicants proposal is aligned with the objectives of the OCP.

The South Belt Area is a fairly mixed zone region ranging from 'Rural Residential', 'Rural Resource', 'Comprehensive Development', 'Agricultural Resource' and 'Forest Resource' in the revised Electoral Area 'B'/ Lower Columbia-Old Glory Zoning Bylaw No. 1540. What the applicants are suggesting does not raise concerns with land use conflict within the South Belt area.

Cultural, social, and economic values are not directly addressed in this proposal. Although it is suggested that if the land was excluded from the ALR the applicants intend to rezone and subdivide. This would be an economic gain for the property owner as well as any development which would take place on the potential parcel. Cultural and social values would be maintained if the subdivision were to be approved as their daughter would be able to build a home and raise her children in close proximity to their grandparents. Where the applicants propose the  $\pm$  4ha parcel, access would be from Drake's road. This does not pose any obvious issues.

#### **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'B'/ Lower Columbia-Old Glory Advisory Planning Commission was in support of the applications and provided the following comments:

*"After reading their submission and a brief from the couple it is felt that we had no problem with this submission. They will allow the existing trails through their property."*

**BACKGROUND INFORMATION PROVIDED***Site Location Map**Applicants' Submission**Subject Property Map OCP**Subject Property Map Zoning**October 26, 2004 letter from the ALC**July 13, 2005 letter from the ALC***RECOMMENDATION**

That the application for exclusion from the ALR, submitted by Edward and Deyanne Davies, for the property 455 Malde Creek Road, south of Rossland, Electoral Area 'B'/ Lower Columbia-Old Glory, legally described as Township 9A, KD, NEPX63, Subsidy Lot 181 Except Plan 17164 SRW 15310 SRW 17069, be forwarded to the Agricultural Land Commission with a recommendation of support.

*Respectfully Submitted:**Concurrence: (Department  
Head)**Concurrence: (CAO)*


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2015/06/11

# Site Location Map

Scale 1:35,000

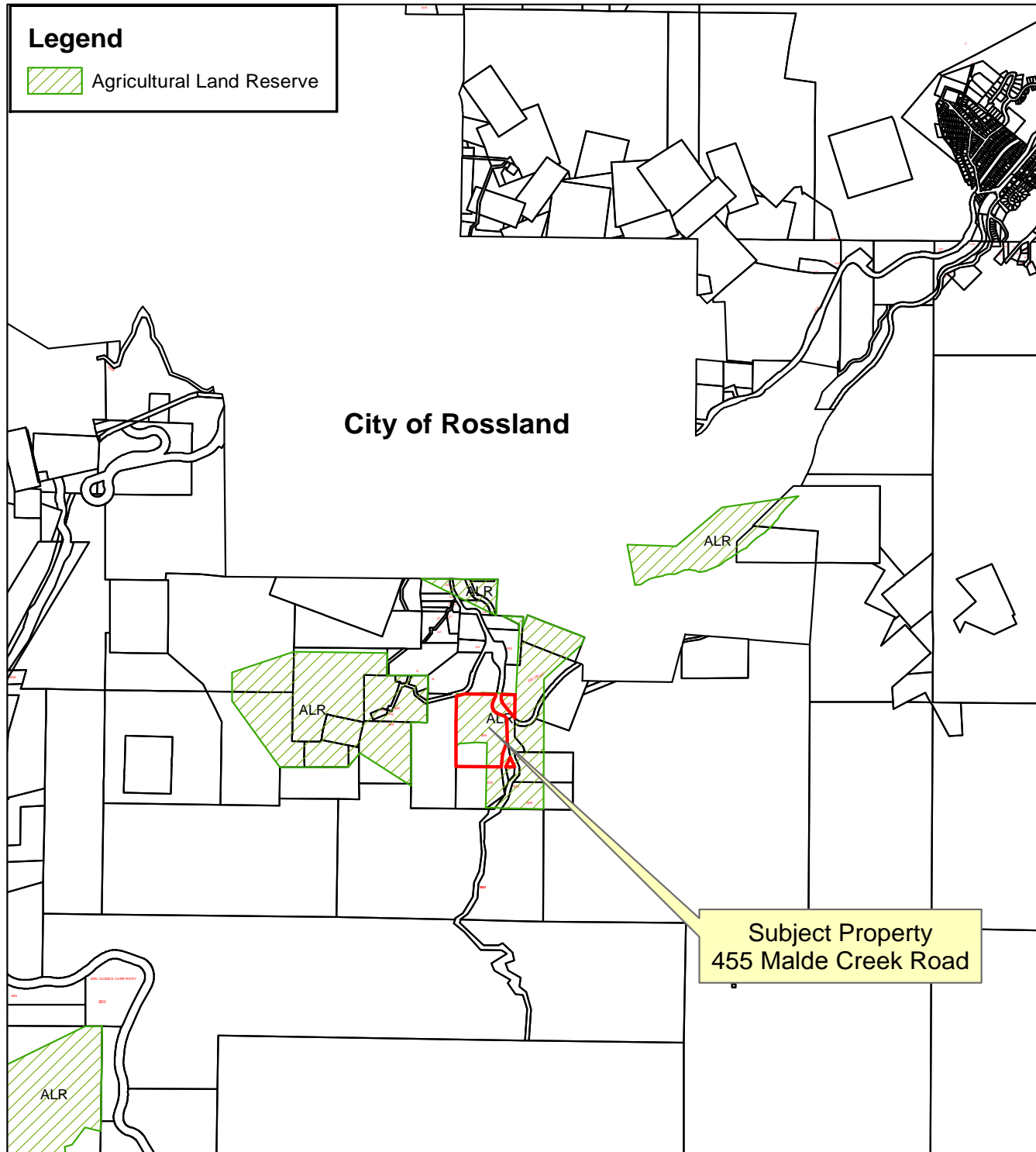


0 200 400 800 1,200

Meters

## Legend

Agricultural Land Reserve



P:\PD\IEA\_B\18-9A-TWP-10948.100\2015\_July\_ALR\_EXCIAPC\2015-06-11\_SLM\_Davies\_.pdf



Applicants' Submission

**APPLICATION BY LAND OWNER**

*NOTE: The information required by this form and the documents you provide with it are collected to process your application under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Agricultural Land Commission and ask for the staff member who will be handling your application.*

**TYPE OF APPLICATION** (Check appropriate box)**EXCLUSION**

under Sec. 30(1) of the Agricultural Land Commission Act

**SUBDIVISION** in the ALR

under Sec. 21(2) of the Agricultural Land Commission Act

**INCLUSION**

under Sec. 17(3) of the Agricultural Land Commission Act

**Non-farm USE** in the ALR

under Sec. 20(3) of the Agricultural Land Commission Act

**APPLICANT**

Registered Owner: <b>EDWARD &amp; DEYANNE DAVIES</b>		Agent:	
Address: <b>Box 744 ROSSLAND BC</b>		Address:	
<b>(455 MALDE CR. ROAD)</b>			
	Postal Code <b>V0G 1Y0</b>		Postal Code
Tel. (home)	(work)	Tel.	
Fax <b>250 362 7727</b>		Fax	
E-mail <b>Ø</b>		E-mail	

**LOCAL GOVERNMENT JURISDICTION** (Indicate name of Regional District or Municipality)**REGIONAL DISTRICT OF KOOTENAY BOUNDARY****LAND UNDER APPLICATION** (Show land on plan or sketch)

Title Number	Size of Each Parcel (Ha.)	Date of Purchase	
		Month	Year
<b>NE V27484</b>	<b>43.2 acres</b>	<b>SEPT.</b>	<b>1979</b>

**OWNERSHIP OR INTERESTS IN OTHER LANDS WITHIN THIS COMMUNITY**

(Show information on plan or sketch)

If you have interests in other lands within this community complete the following:

Title Number(s): **Ø**

Application by a Land Owner

1

2003

1

Applicants' Submission

**PROPOSAL** (Please describe and show on plan or sketch).

We want to subdivide a piece of property (Parcel B on map)  
 So family can build a home on it.  
 Our it will be approximately a 10 acre piece  
 "PARCEL B" is hillside, undeveloped forest  
 We will be applying to rezone our property  
 so this can be done

**CURRENT USE OF LAND** (Show information on plan or sketch)List all existing uses on the parcel(s) and describe all buildings

BUILDINGS: HOUSE - GREENHOUSE  
 Rural Residential CARPORT - BARN  
 hillside, forest, some clearings

**USES ON ADJACENT LOTS** (Show information on plan or sketch)

North Rural residential - field  
 East Forest resource - rural resource - dwelling, field  
 South agricultural resource - rural resource - forest, dwelling  
 West Rural resource forest and clearings

**DECLARATION**

I/we consent to the use of the information provided in the application and all supporting documents to process the application in accordance with the *Agricultural Land Commission Act* and regulation. Furthermore, I/we declare that the information provided in the application and all the supporting documents are, to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the steps necessary to confirm the accuracy of the information and documents provided.

May 8 2015  
 Date

Deyanne Davies  
 Signature of Owner or Agent

DEYANNE DAVIES  
 Print Name

May 8 2015  
 Date

Edward Davies  
 Signature of Owner or Agent

EDWARD DAVIES  
 Print Name

Date

Signature of Owner or Agent

Print Name

Please ensure the following documents are enclosed with your application:

- Application fee payable to the Local Government
- Certificate of Title or Title Search Print
- Agent authorization (if using agent)
- Map or sketch showing proposal & adjacent uses
- Proof of Notice of Application \*(See instructions)
- Photographs (optional)

Application by a Land Owner

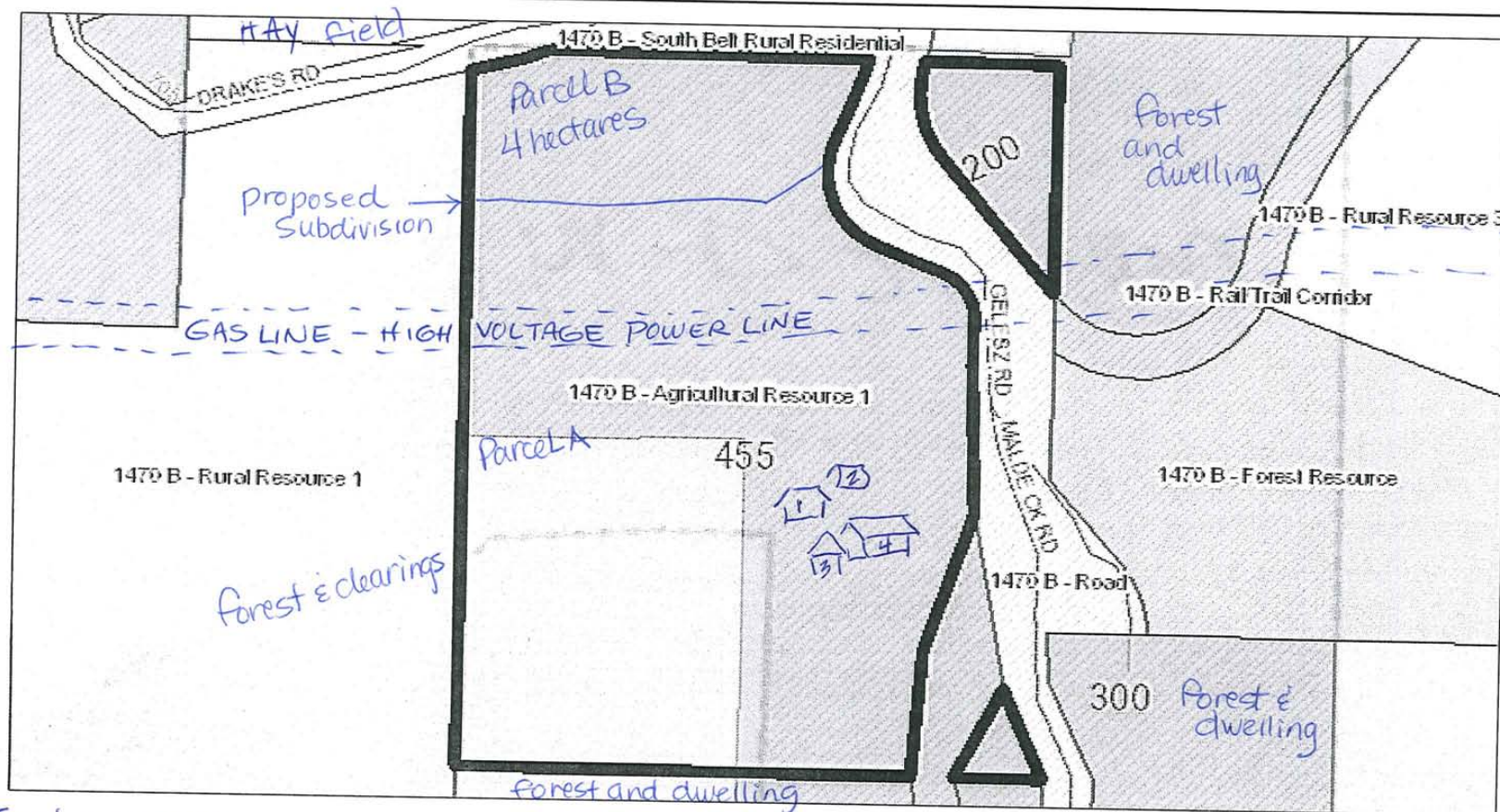
2

2003



## Owner Report

Monday, April 14, 2014



additional markings  
on map are NOT TO Scale.  
(approximations only)

- 1 HOUSE
- 2 GREENHOUSE
- 3 CARPORT
- 4 BARN

Scale 1: 5,112

Historically all this mountain land has been logged and used for mining with occasional shafts still exposed.

## Applicants' Submission

ITEM ATTACHMENT # 0)



## Appendix - Applicant Information Package

### PROOF OF SERVING NOTICE

AS REQUIRED BY SECTION 16 OF THE AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURE REGULATION

I DEYANNE and Edward Davies (full name of declarant)

of Box 744 ROSSLAND BC V0G1Y0 (mailing address)

do solemnly declare that a copy of the notice of application and a copy of the signed application as required by Section 16 of the Agricultural Land Reserve Procedure Regulation

for land legally described as Plan NEP X63 Township 9A KD 26 SUBSIDY LOT 181 except plan 17164

SRW 15310 SRW 17069 was served on the following owners of land:

NAME AND ADDRESS:	LEGAL DESCRIPTION OF LAND:	DATE OF SERVICE:	HOW SERVED: (Registered mail or delivered)
Mike Pistak 2310 Monte Cristo Rossland	Township 9A <sup>KD</sup> 26 Plan NEP X63 Subsidy lot 180 except plan NEP 69372	2015 May 10	delivered in person
Selkirk Forest 900-900 Howest Vancouver BC V6Z 2M4	Township 9A KD 26 plan NEP X63 PARCELA Subsidy lot 182 EXPL PL 467871 EXC SRW 17069 Managed forest #38	May 10	*registered mail
TRAVELING MOON 300 MALDE CREEK ROAD	Township 9A KD 26 LOT A plan NEP 17164	May 10	delivered in person
DAVID & JOAN MUFFLEY 475 MALDE CREEK ROAD	Township 9A KD 26 plan NEP X63 Sublot 144 except plan 15310-17164	May 10	registered mail
KIM DRAKE 85 GOBAT ROAD	Township 9A KD 26 NEP X62 PARCELA	May 12	delivered in person

And I make this solemn declaration believing it to be true and correct to the best of my knowledge.

Deyanne Davies Edward D Davies 28 May 2015  
(Signature of declarant) (Date)

IMPORTANT - AN APPLICATION FILED UNDER SECTION 30 OF THE AGRICULTURAL LAND COMMISSION ACT MUST INCLUDE A COPY OF THIS STATEMENT COMPLETED IN FULL, AND SIGNED AND DATED BY THE PERSON WHO SERVED THE NOTICE.

\* Registered Mail returned -  
information was delivered  
on May 22 by hand in Fruitvale at 59 Kootenay Ave. North

2011

Applicants' Submission

ITEM ATTACHMENT # 0)





Appendix - Applicant Information Package

**NOTICE OF EXCLUSION APPLICATION  
REGARDING LAND IN THE AGRICULTURAL LAND RESERVE**

WE DEYANNE DAVIES and Edward DAVIES (full name, or names, of registered owner)

of Box 744 Rossland BC V0G1Y0 (mailing address)

intend on making an application pursuant to Section 30(1) of the *Agricultural Land Commission Act*  
to exclude from the **Agricultural Land Reserve** the following property which is legally described as,

PLAN NEPX63 TOWNSHIP 9A RD 26

or SUBSIDY LOT 181 except plan 17164 SRW 15310 SRW 17069 (legal description from the title certificate)

and located at 455 MALDE CREEK RD. ROSSLAND BC (street address if applicable).

Any person wishing to express an interest in the application may do so by forwarding their comments in

writing to, REGIONAL DISTRICT OF KOOTENAY BOUNDARY

843 ROSSLAND AVE TRAIL BC V1R 4S8 (name and mailing address of the local government)

by June 4 2015 (14 days from the date of final publication)

2011

Applicants' Submission

ITEM ATTACHMENT # 0)



Applicants' Submission



Sign was located  
on Malde Creek Rd  
Between driveway  
300 and  
driveway 455







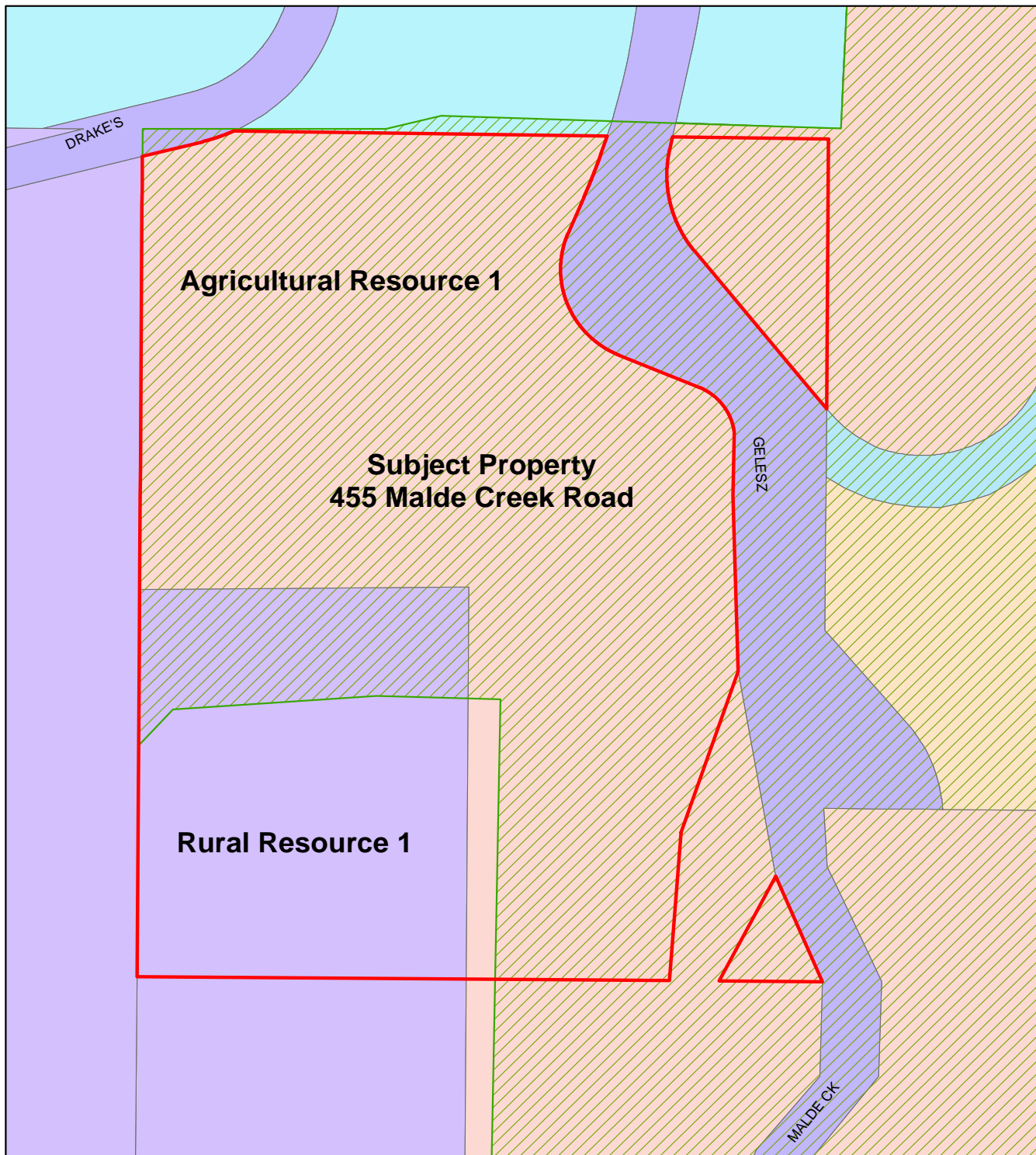


2015/06/11

# Subject Property Map OCP Bylaw No. 1470

Scale 1:3,000

0 50 100  
Meters



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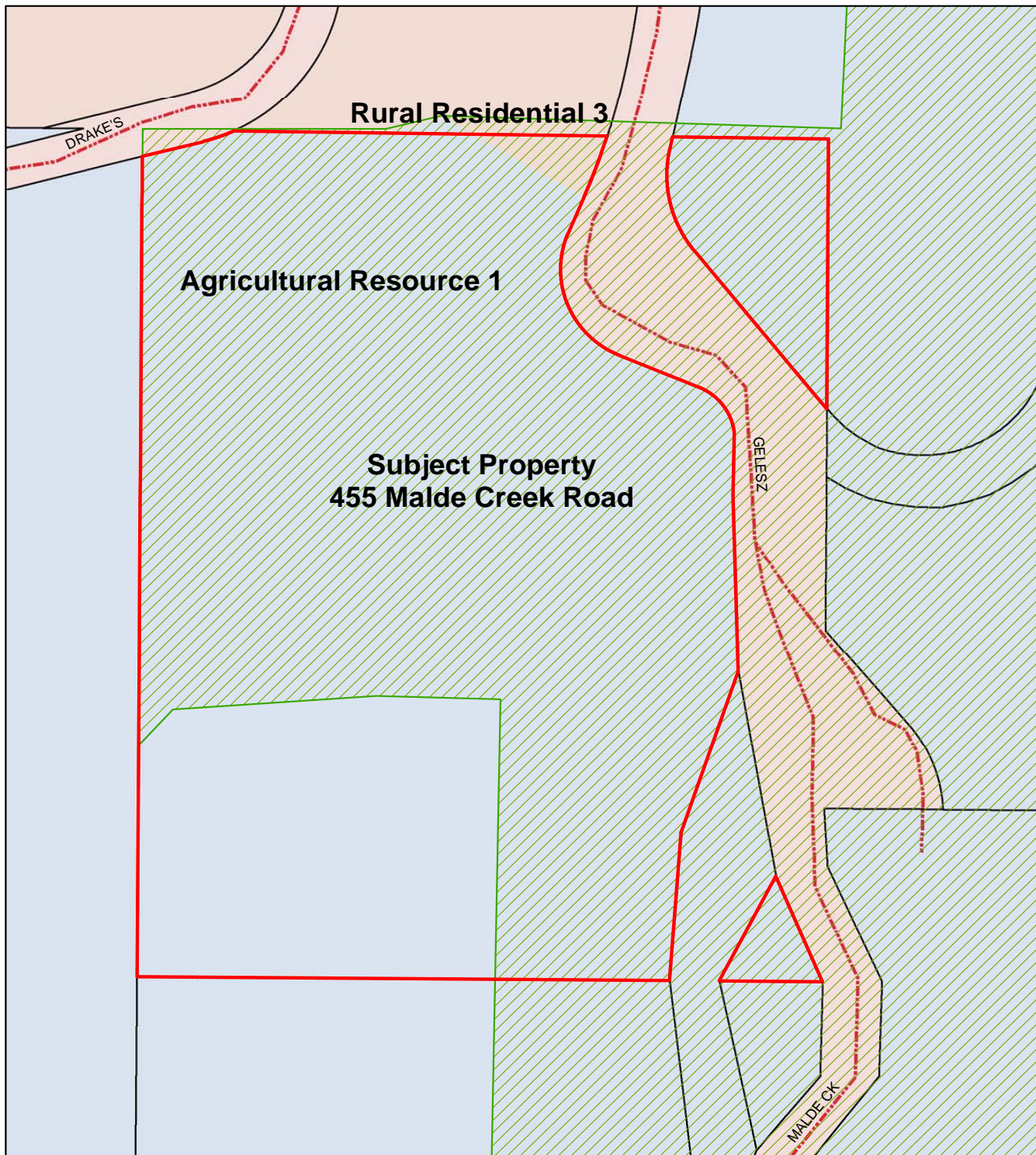


2015/06/11

# Subject Property Map Zoning Bylaw No. 1175

Scale 1:3,000

0 50 100  
Meters



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**Agricultural Land Commission**  
 133-4940 Canada Way  
 Burnaby, British Columbia V5G 4K6  
 Tel: 604-660-7000  
 Fax: 604-660-7033  
 www.alc.gov.bc.ca

October 26, 2004

Reply to the attention of Roger Cheetham

Regional District of Kootenay Boundary  
 202-843 Rossland Avenue  
 Trail, BC V1R 4B8

**Attention: Mark Andison, Director, Planning and Development**

Dear Mr. Andison:

**Re: ALR Review South of Rossland in Electoral Area "B"**  
**Our File: #Q - 33432**

Thank you for taking the time to tour the area with the Commission on August 31, 2004. The Commission found the tour enlightening and it greatly simplified its consideration of the issue.

The Commission concluded that the area has no significant agricultural potential. This being said, the Commission, by Resolution #428/2004, determined that it has no objection to any of the OCP provisions relating to the ALR areas south of Rossland. Furthermore since the Commission considers the area to have no significant agricultural potential it is willing to consider the exclusion of the properties in the area upon application by the land owners.

It would be appreciated if you could provide this office with an update of the Regional District's progress with regard to delegation.

Yours truly,

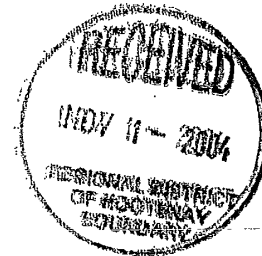
PROVINCIAL AGRICULTURAL LAND COMMISSION

PER:

K. B. Miller, Chief Executive Officer

cc: Ministry of Agriculture, Food and Fisheries – Cranbrook  
 Attention: Rieva McCuaig, Regional Resource Agrologist

CF/lv  
 33432d2





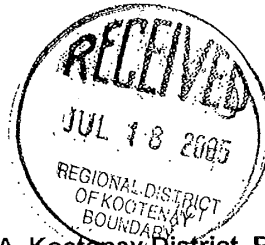


**Agricultural Land Commission**  
 133-4940 Canada Way  
 Burnaby, British Columbia V5G 4K6  
 Tel: 604-660-7000  
 Fax: 604-660-7033  
 www.alc.gov.bc.ca

July 13, 2005

Reply to the attention of Ron Wallace

Findlay Creek Ranch Co. Ltd.  
 PO Box 1213 – Malde Creek Road  
 Rossland, BC – V0G 1Y0



Dear Sir/Madam:

Re: Application #Q-35842  
 Lot C, Section 23, Township 9A, Kootenay District, Plan 17164  
 Lot D, Sections 22 & 23, Township 9A, Kootenay District, Plan 17164

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude approximately 76 ha from the ALR. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission writes to advise that it approved your application. The ALR portion of the above noted properties as shown on the attached map are excluded from the Agricultural Land Reserve Plan of the Regional District of Kootenay Boundary.

The decision noted above is recorded as Resolution #357/2005.

It is a condition of this approval that the owner or occupier must comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Regional District of Kootenay Boundary at your earliest convenience.

Yours truly,

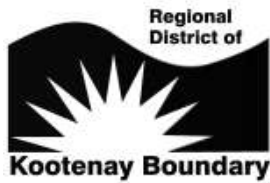
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Kootenay Boundary – B-9A-10946-230  
 BC Assessment - Cranbrook

RW/lv/Encl.  
 35842d1



## STAFF REPORT

Prepared for meeting of July 2015

Provincial Referral – ALR Non-Farm Use			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Owner:</b> Todd Dynneson		<b>File No:</b> E-TWP66-07983.000	
<b>Location:</b> 5985 Highway 3, Electoral Area 'E'/West Boundary			
<b>Legal Description:</b> That part SE ¼, Section 10 TWP 66, SDYD, Plan B1396		<b>Area:</b> 18.3 acres (7.4 ha)	
<b>OCP Designation:</b> N/A	<b>Zoning:</b> N/A	<b>ALR status:</b> In	<b>DP Area:</b> No
<b>Contact Information:</b> Todd Dynneson PO Box 57 Bridesville, BC V0H 1B0 (250) 446-2928 <a href="mailto:dynneson25@gmail.com">dynneson25@gmail.com</a>			
Prepared by: Jeff Ginalias, Senior Planner			

### ISSUE INTRODUCTION

Todd Dynneson has submitted an application for Non-Farm Use in the Agricultural Land Reserve, for this parcel, on the north side of Highway 3, southwest of Bridesville (*see Site Location Map*). He wants to use an existing shop to operate an auto body business. While there is no zoning bylaw in this portion of Electoral Area 'E'/West Boundary regulating permitted or prohibited uses, the proposed activity requires Non-Farm Use approval from the Agricultural Land Commission.

### HISTORY / BACKGROUND FACTORS

This 18.3 acre (7.4ha) parcel is in Electoral Area 'E'/West Boundary. The parcel is entirely within the Agricultural Land Reserve.

#### *Current Uses on the Land:*

The parcel is overgrown with weeds and sits empty and is not used for anything. The only buildings are the shop and the dwelling.

*Adjacent Land Uses:*

The applicant identifies the adjacent land uses as follows:

North	- Vacant land	East	- Vacant land
South	- Gravel pit	West	- Vacant land

*Agricultural Capability Mapping:*

There are two agricultural capability classes for the parcel. The western half roughly, is Class 6, limited by topography and shallow soil over bedrock. The eastern half is 70% Class 5 and 30% Class 6, improvable to 20% Class 4, 50% Class 5 and 30% Class 6, with special management practices<sup>1</sup> (*see Agricultural Capability Map; Agricultural Capability Classes*).

**PROPOSAL**

The applicant is requesting Non-Farm Use authorization to operate a home-based body shop "Boundary Collision and Salvage" from the existing shop<sup>2</sup> (*see Ortho Photo*).

The applicant suggests the operation would have no impact on the agricultural capability of the parcel. First, he argues the parcel is part of a steep hill, has no real agricultural capacity and has never been farmed. He notes the adjacent parcels are not farmed, and the parcel on the south side of Highway 3 is an operating gravel pit.

Even if the parcel was being farmed, he submits the auto body operations would all occur within the existing shop, thus not adversely impacting agriculture or agricultural capability. There is adequate parking and no soil would be removed or be deposited. The operation would be tucked away out of site from travelers on Highway 3.

The proposal and the operation are discussed in more detail in the application, along with a letter of support from neighbouring property owners (*see Applicant's Submission*).

**IMPLICATIONS**

There is no RDKB Official Community Plan or Zoning bylaw in place for this portion of Electoral Area 'E'/ West Boundary. Thus, there are no policies or objectives on agricultural land use for the local government to consider in this application.

**Agricultural Land Commission review criteria**

<sup>1</sup> This agricultural land capability information and the map were prepared from information generated by Herb Luttmerding, P. Ag., as part of the professional services he provided in developing the Boundary Agricultural Area Plan. This information may differ some from the agricultural capability mapping information generated by the Province. If the application is forwarded to the ALC, they will use the information they deem most appropriate in their determination of agricultural capability, whether it be this, their own mapping, or a combination of information.

<sup>2</sup> The ALC permits a home occupation use up to a maximum area of 100m<sup>2</sup> (1076ft<sup>2</sup>). The shop is 167m<sup>2</sup> (1800ft), exceeding the maximum. If the home occupation exceeds the maximum area, it requires specific Non-Farm Use approval, which is what this application is.

The Agricultural Land Commission has criteria established for their review of applications. In 2014, the *Agricultural Land Commission Act* was amended to create two zones. Different review criteria apply to each zone. Zone 1 consists of Vancouver Island, the South Coast (Lower Mainland, basically), and the Okanagan. The rest of the ALC land in the Province, including all ALR land in the entire Kootenay Boundary region is in Zone 2.

When exercising a power under the *Agricultural Land Commission Act* for land located in Zone 2, the commission must consider the following, in descending order of priority:

- a) *the purposes of the commission set out in section 6 (which are);*
  - *to preserve agricultural land;*
  - *to encourage farming on agricultural land in collaboration with other communities of interest;*
  - *to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.*
- b) *economic, cultural, and social values;*
- c) *regional and community planning objectives;*
- d) *other prescribed considerations.*

In regard to these criteria, the applicant states that this parcel is not farmable and has never been farmed. Thus, he suggests that there is no need to preserve the agricultural land, as it is not agricultural.

Regarding economic, cultural and social values, he states the business would provide economic benefits to the community, and may provide employment opportunities and skills training. If the business is successful, the applicant is considering sponsoring of youth organizations.

Concerning his family, the applicant believes that operating this business provides more options and opportunities for the family and provides them with a display of entrepreneurship, inspiring pride and confidence.

As noted, the local government has no established planning objectives for the area.

Other prescribed considerations seem captured in the applicant's discussion on the benefits this business offers to the community and the area.

### **Status of past operations**

As the applicant states, he previously operated an auto body shop on the parcel. This prior activity does not bestow or create legal non-conforming status for the parcel.

The application package includes prior correspondence from the Regional District stating that the operation of an auto body shop on this parcel is permitted. This information was partially true, but not complete. There was (and still is) no local

government land use regulations (i.e., zoning bylaw) applicable to this parcel. So the local government has no restrictions on permitted uses, and the correspondence states that. However, what could have been clearer was if the correspondence had provided the applicant details on provincial restrictions on the use of the parcel. At the time of the letters, in 2002, the ALC regulations applied to the parcel, and the auto body shop, while operating in good faith, was not in compliance the ALC regulations.

The auto body shop operated until about 2008, when the applicant stopped to pursue other work. When he prepared to resume the operations again in 2013, he requested from the Regional District a "comfort letter" similar to what had been provided before. However, this time the Regional District provided the applicant an explanation of the permitted land use provisions on the property, including the ALC restrictions, and advised him that a letter could not be issued similar to that which had been provided before (*see RDKB email*). This triggered the Non-Farm Use application.

So, based on the available information, the prior auto body use on the parcel is probably not "legal non-conforming". The application states the operation began about 1983, and he continued it in 2002. The ALR was established in 1972, so the use does not pre-date creation of the ALR. On-going non-permitted use does not become legal just because there has not been any enforcement. The fact that the Regional District provided the applicant incorrect or incomplete information which could be construed or interpreted as stating the operation was permitted does not make it legal.

#### **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'E'/West Boundary Advisory Planning Commission provided the following recommendation:

Recommendation: Support this application with the caveat that the proposed operation does not include any vehicle salvage. If in the future, the operation is to be expanded to include a vehicle salvage component, it would need to go through a review process.

#### **PLANNING AND DEVELOPMENT DEPARTMENT COMMENTS**

As noted above, this portion of Electoral Area 'E'/West Boundary does not have any OCP or zoning bylaw in effect. Thus there are no local government land use policies or regulations in place to review and provide direction for land use applications. Accordingly, ALR applications are forwarded to the ALC without a recommendation.

The inclusion of the word 'salvage' in the applicant's business name caused some concern to the APC. The APC supports the application for an auto body shop and suggests that any approval by the ALC be clear that salvage operations are not permitted. While the APC has provided their input; without broader input from the entire community as part of a community planning process their views represent a very small segment if the population.



**BACKGROUND INFORMATION PROVIDED**

*Site Location Map*  
*Agricultural Land Capability Map*  
*Agricultural Capability Classes*  
*Ortho Photo*  
*Applicant's Submission*  
*RDKB email*

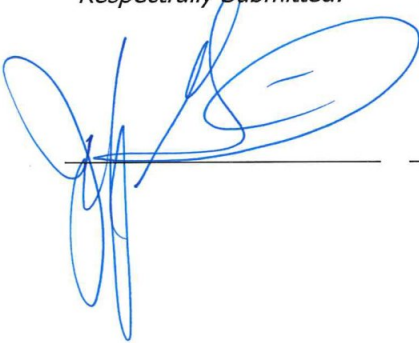
**RECOMMENDATION**

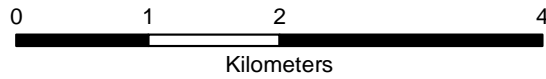
That the application for non-farm use within the ALR submitted Todd Dynneson for the property legally described as that part of SE ¼, Section 10 TWP 66, SDYD, Plan B1396, be forwarded to the Agricultural Land Reserve without a recommendation.

*Respectfully Submitted:*

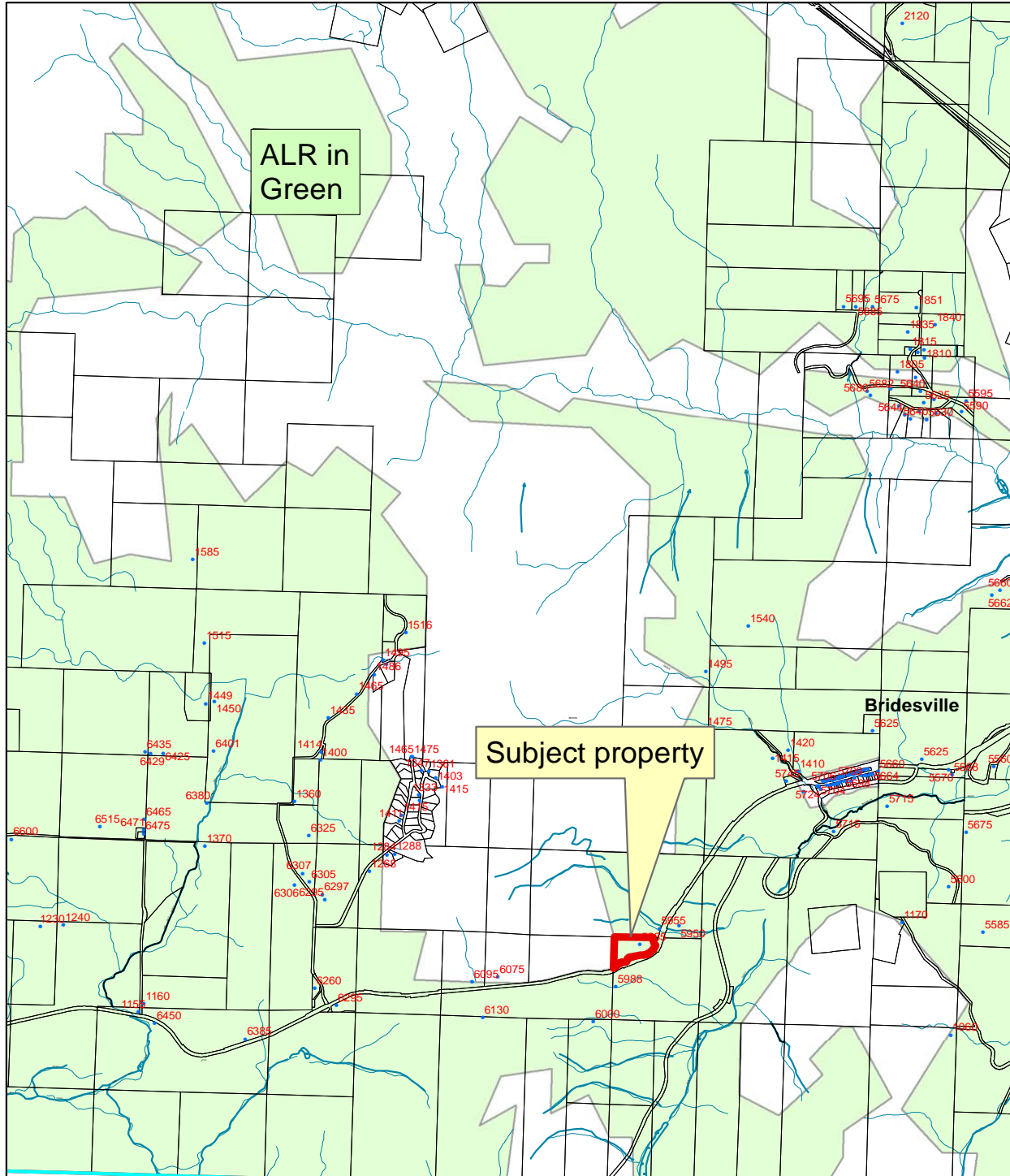
*Concurrence: (Department  
Head)*

*Concurrence: (CAO)*

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned over a horizontal line.



## Site Location Map



Projected Coordinate System:  
NAD 83 UTM Zone 11N

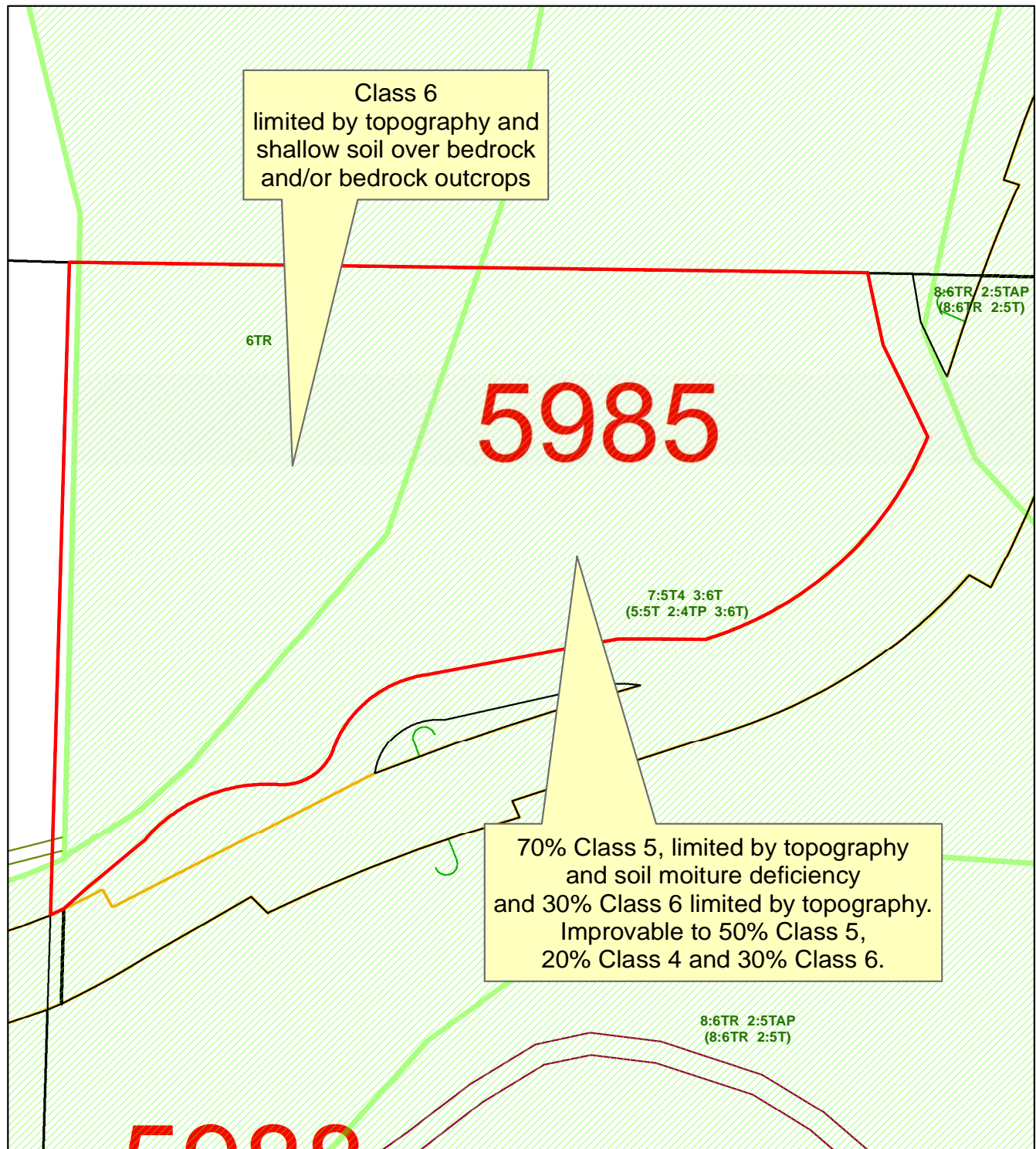


2015/05/21

# Agricultural Capability Map

Scale 1:2,276

0 50 100  
Meters



P:\GIS\VRDKBMap Documents\Routine Maps\Subject Property Map\Area D Rural Grand Forks\SPM D-1357 Agricultural Capability Map Demski



## Ag Capability Classes

**AGRICULTURAL CAPABILITY CLASSIFICATION IN BC****LAND CAPABILITY CLASSES FOR MINERAL SOILS**

The seven land capability classes for mineral soils are defined and described as follows:

**CLASS 1** LAND IN THIS CLASS EITHER HAS NO OR ONLY VERY SLIGHT LIMITATIONS THAT RESTRICT ITS USE FOR THE PRODUCTION OF COMMON AGRICULTURAL CROPS.

Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of field crops.

**CLASS 2** LAND IN THIS CLASS HAS MINOR LIMITATIONS THAT REQUIRE GOOD ONGOING MANAGEMENT PRACTISES OR SLIGHTLY RESTRICT THE RANGE OF CROPS, OR BOTH.

Land in class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which does not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.

**CLASS 3** LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE MODERATELY INTENSIVE MANAGEMENT PRACTISES OR MODERATELY RESTRICT THE RANGE OF CROPS, OR BOTH.

The limitations are more severe than for Class 2 land and management practises are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

**CLASS 4** LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE SPECIAL MANAGEMENT PRACTISES OR SEVERELY RESTRICT THE RANGE OF CROPS, OR BOTH.

Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practises are required. The limitations may seriously affect one or more of the following practises: timing and ease of tillage, planting and harvesting, and methods of soil conservation.

**CLASS 5** LAND IN THIS CLASS HAS LIMITATIONS THAT RESTRICT ITS CAPABILITY TO PRODUCING PERENNIAL FORAGE CROPS OR OTHER SPECIALLY ADAPTED CROPS.

Land in Class 5 is generally limited to the production of perennial crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions. Note that in areas which are climatically suitable for growing tree fruits and grapes the limitations of stoniness and/or topography on some Class 5 lands are not significant limitations to these crops.

**CLASS 6** LAND IN THIS CLASS IS NONARABLE BUT IS CAPABLE OF PRODUCING NATIVE AND OR UNCULTIVATED PERENNIAL FORAGE CROPS.

Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for



## Ag Capability Classes

**AGRICULTURAL CAPABILITY CLASSIFICATION IN BC**

cultivation or use of farm machinery, or the soils do not respond to intensive improvement practises. Some unimproved Class 6 lands can be improved by draining and/or diking.

**CLASS 7** LAND IN THIS CLASS HAS NO CAPABILITY FOR ARABLE OR SUSTAINED NATURAL GRAZING.

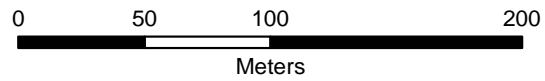
All classified areas not included in Classes 1 to 6 inclusive are placed in this class. Class 7 land may have limitations equivalent to Class 6 land but they do not provide natural sustained grazing by domestic livestock due to climate and resulting unsuitable natural vegetation. Also included are rockland, other nonsoil areas, and small water-bodies not shown on maps. Some unimproved Class 7 land can be improved by draining or diking.

**Agriculture Capability Subclasses**

The subclass indicates lands with similar kinds but varying intensities of limitations and hazards. It provides information on the kind of management problem or use limitation. Except for Class 1 lands, which have no significant limitations, the capability classes are divided by subclasses on the basis of type of limitation to agricultural use. Each class can include many different kinds of soil, similar with respect to degree of limitation: but soils in any class may require unlike management and treatment as indicated by the subclasses shown.

<b>A &amp; M</b>	Soil moisture deficiency	<b>N</b>	Salinity
<b>C</b>	Adverse climate (excluding precipitation)	<b>P</b>	Stoniness
<b>D</b>	Undesirable soil structure	<b>R</b>	Shallow soil over bedrock and/or bedrock outcroppings
<b>E</b>	Erosion	<b>T</b>	Topography
<b>F</b>	Low fertility	<b>W</b>	Excess water (groundwater)
<b>I</b>	Inundation (flooding by streams, etc.)	<b>S &amp; X</b>	Cumulative and minor adverse conditions





**Ortho Photo**



Projected Coordinate System:  
NAD 83 UTM Zone 11N



## APPLICATION BY LAND OWNER

*NOTE: The information required by this form and the documents you provide with it are collected to process your application under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Agricultural Land Commission and ask for the staff member who will be handling your application.*

### TYPE OF APPLICATION (Check appropriate box)

- |   |  |
|---|--|
| <input type="checkbox"/> <b>EXCLUSION</b><br>under Sec. 30(1) of the Agricultural Land Commission Act | <input type="checkbox"/> <b>SUBDIVISION in the ALR</b><br>under Sec. 21(2) of the Agricultural Land Commission Act             |
| <input type="checkbox"/> <b>INCLUSION</b><br>under Sec. 17(3) of the Agricultural Land Commission Act | <input checked="" type="checkbox"/> <b>Non-farm USE in the ALR</b><br>under Sec. 20(3) of the Agricultural Land Commission Act |

### APPLICANT

Registered Owner: <u>Todd Dynneson</u>		Agent:	
Address: <u>5985 Hwy 3</u>		Address:	
<u>Bridgesville BC</u>			
<u>Box 57</u>	Postal Code <u>V0H 1B0</u>		Postal Code
Tel. (home) <u>250 446-2928</u> (work) <u>250 528 2928</u>		Tel.	
Fax		Fax	
E-mail <u>dynneson25@gmail.com</u>		E-mail	

### LOCAL GOVERNMENT JURISDICTION (Indicate name of Regional District or Municipality)

RDKB area "E"

### LAND UNDER APPLICATION (Show land on plan or sketch)

Title Number	Size of Each Parcel (Ha.)	Date of Purchase	
		Month	Year
<u>CA1059854</u>	<u>18.3 acres</u>	<u>Sept</u>	<u>2000</u>

### OWNERSHIP OR INTERESTS IN OTHER LANDS WITHIN THIS COMMUNITY

(Show information on plan or sketch)

If you have interests in other lands within this community complete the following:

Title Number(s):   0



**PROPOSAL** (Please describe and show on plan or sketch)

To use the existing shop to run a home based auto body business. The business will use no farm land at all. There will be no need to remove or replace any soil. There will be no negative impact to my surrounding neighbours or the public driving by on Hwy 3.

**CURRENT USE OF LAND** (Show information on plan or sketch)

List all existing uses on the parcel(s) and describe all buildings

The is over grown with weeds and sits empty, it is not used for anything. The only buildings are the shop and our house we live in.

**USES ON ADJACENT LOTS** (Show information on plan or sketch)

North	Vacant land
East	Vacant land
South	gravel pit
West	Vacant land

**DECLARATION**

I/we consent to the use of the information provided in the application and all supporting documents to process the application in accordance with the *Agricultural Land Commission Act* and regulation. Furthermore, I/we declare that the information provided in the application and all the supporting documents are, to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the steps necessary to confirm the accuracy of the information and documents provided.

June 15/2015		Todd Dynneson
Date	Signature of Owner or Agent	Print Name

_____	_____	_____
Date	Signature of Owner or Agent	Print Name

_____	_____	_____
Date	Signature of Owner or Agent	Print Name

**Please ensure the following documents are enclosed with your application:**

- |   |  |
|---|--|
| ▪ Application fee payable to the Local Government | ▪ Map or sketch showing proposal & adjacent uses     |
| ▪ Certificate of Title or Title Search Print      | ▪ Proof of Notice of Application *(See instructions) |
| ▪ Agent authorization (if using agent)            | ▪ Photographs (optional)                             |

## HISTORY AND FUTURE OF THE SHOP

I am applying for non farm use status to run my home based body shop Boundary Collision and Salvage out of my existing shop. The shop and property in question is located at 5985 Highway 3 Bridesville in RDKB area "E". ( legal description is on certificate of title document enclosed) The shop is 1800 sq ft so does not qualify for home occupation status. The shop was built in 1982 with a building permit ( permit document enclosed). The property the shop sits on is 18.3 acres of steep rocky vacant land. Historically the shop has been used for many years as a mechanical shop and auto body shop. This property was used as an auto wrecking yard, with all the vehicles being dismantled in the shop by the previous owner and all the wrecks were stored down below the shop out of sight of the highway. I bought the property in 2000 and in 2002 asked for and received a letter from the Regional District (enclosed , two letters documents A and B) granting me permission to operate a body shop called Extreme Autobody. I ran the business until 2008 when I suspended full time operations because of the economic recession, while I pursued a job in construction, but never stopped working on vehicles in the shop. In 2014 I decided to resume my business to full time operations but change the name to "Boundary Collision and Salvage" a more appropriate name reflecting the Boundary Region in which we live. I was assured by the regional director of area "E" at the time, Bill Baird that it would be no problem to get another letter giving me permission to operate under the new name. A week later I received a phone call informing me the regional district would not grant me a letter, that I would have to apply to the ALC for non farm use status.

The operation of my body shop does NOT use any farmland whatsoever. This land has NEVER been farmed and I have no plans to farm it as long as I own it. The land my body shop sits on consists of the same soil as the gravel pit 150 yards to the south of me. The land all around my property is vacant land with the exception of the gravel pit to the south. All aspects of my business are performed INSIDE the existing shop . There is adequate parking in front of the shop and no need to remove or deposit soil anywhere. I am very respectful of the environment and have been in contact with Sajid Barlas from Environment Canada in Penticton to ensure proper procedures are followed. All of my immediate neighbours are in favour of my body shop and have signed a letter stating so (enclosed document C)

This business would be a huge asset to the community, with the possibility of employment, skills training, and sponsorship of local sports teams and youth organizations. I have been in discussions with the principal of the local high school developing a work experience programme for students interested in the trades.

There are huge benefits for my family as well. I am a married father of a two year old boy and a child on the way. With the business in place it will give my children options in the future. They can either take over the business, continuing to train and employ locals or they could sell the business and pursue other passions. Either way the business can carry on being an important part of the community and local economy. Without this business I will have to work in a shop run by someone else, severely hampering my earning potential, nullifying the reason I purchased the property in the first place - to run a home based body shop, be my own boss and inspire young people to have a career in the trades.



## BUSINESS OUTLINE

Normal business operations will entail;

- Collision repairs
- Classic car restorations
- Insurance claims
- Windshield repair and replacement
- Custom cars
- Industrial painting and fabrication
- Automotive painting
- Fiberglass repair

The business will run 5-6 days a week, eight hours a day, after hour work by appointment only. There will be tasteful signage, radio and print ads to promote the business. Courtesy cars will be available to customers for their convenience. Door to door pickup and delivery will be available for customers with mobility issues or during bad winter weather. There will be workmanship guarantees better than industry standards.

The success of the shop will totally depend on quality, service and accountability, all of which I take very seriously. I am committed to make this a successful, trustworthy business for many years to come. I am proud to be a member of the Bridesville community and cannot wait to offer my automotive services.



Document A

February 27, 2002

Extreme Autobody  
Box 57  
Bridgesville, BC V0H 1B0  
**Attn: Todd Dynneson**

Dear Sir;

**RE: OPERATION OF AUTO BODY SHOP  
BRIDGESVILLE, B.C. - RDKB ELECTORAL AREA 'E'**

This letter is to advise you that an auto body shop business located in Electoral Area 'E' of the Regional District of Kootenay Boundary is a permitted use. Electoral Area 'E' is an area which does not have any land use regulations in place (i.e. Official Community Plan, Rural Land Use Bylaw or Zoning Bylaws). Therefore, this category of business does not contravene a land use bylaw.

Conformity of the existing business with Provincial and Federal laws and regulations may be ascertained by consulting the responsible agencies directly.

Yours truly,

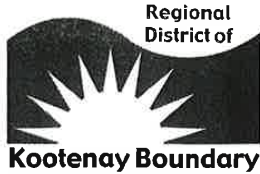
for: Grant Saprundoff,  
Sr. Planning Technician

GS/tl

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④





Document B

April 5, 2002

Extreme Autobody  
Box 57  
Bridesville, BC V0H 1B0  
Attn: Todd Dynneson

Dear Sir;

**RE: OPERATION OF AUTO BODY SHOP AND  
SALE OF AUTOMOBILES & AUTO PARTS  
BRIDESVILLE, B.C. - RDKB ELECTORAL AREA 'E'**

This letter is to advise you that auto body shops located in Electoral Area 'E' of the Regional District of Kootenay Boundary, where there are not any land use regulations in place, (i.e. Official Community Plan, Rural Land Use Bylaw or Zoning Bylaws) are allowed. Therefore, this type of business, including the sale of automobiles and auto parts, is permitted in this portion of the RDKB.

Conformity of the existing business with Provincial and Federal laws and regulations may be ascertained by consulting the responsible agencies directly.

Yours truly,

for: Grant Saprunoff,  
Sr. Planning Technician

GS/tl

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April 30, 2015

Document C

To Whom it May Concern,

I have spoken to Todd Dynneson, owner of Boundary Collision and Salvage, and I fully support his business to be granted a letter of support from the Regional District of Kootenay Boundary. I also support his request to have approval from the Agricultural Land Reserve for non-farm use status. He has assured me that proper business practices will be followed with respect to the environment and the safe handling of any harmful chemicals. I am also confident that his property and business will be well maintained and kept clean.

Sincerely,

Reid HedlundR. SIDALLMAY 7 15M. LaPointeM. LaPointeMAY 8 /15R. HedlundReid HedlundMay 21/15Gary OdenGary OdenMay 21/15Arthur HoffmanArthur HoffmanMay 31/15

⑥

**Regional District of Kootenay Boundary**109 Pine Ave., Trail, B.C. V1R 1Z2  
Building Inspector 368-9148107-S.E. 12th St., E 1965, Grand Forks, B.C. V0H 1H0  
Phone 442-2708**BUILDING PERMIT** No 6088Area 'E' Date December 30, 1982  
Pursuant to Regional District of Kootenay Boundary Bylaw No. 106 as amended. Permission is granted to construct the following.

\_\_\_\_\_ as shown on the approved

Plans at \_\_\_\_\_ Zoned \_\_\_\_\_  
Lot Part SE 1/4 Block Sec. 10 Plan B 1396 District Lot Township 66Owner John Hillier Address Can. Del., Bridesville, B.C.

Bulder \_\_\_\_\_ Address \_\_\_\_\_

Particulars Permission is granted to remove 1,000 cubic meters  
of soil as allowed by the British Columbia Land  
Commission application # 30-Q-82-15524.All work must be in full compliance with the above  
application #30-Q-82-15524 note \$25.00 fee was  
received September 14, 1982.

Signature of Building Inspector

Signature of Owner or Representative

**THIS PERMIT SHALL BE POSTED ON THE PREMISES DURING CONSTRUCTION**

The owner or contractor must give 24 hours notice to the authority having jurisdiction to obtain his inspection and approval of the following.

1) Prior to placing concrete in the footings. 2) After installation of drain tiles and dampproofing and before backfilling. 3) When framing and insulation is completed. 4) Before any part of the plumbing system is covered. 5) Fireplace or stove installation where applicable. 6) An occupancy permit is required prior to occupancy of a building.

FEE		RECEIPT	
Area of building .....	_____	No 6088	PERMIT FEE RECEIVED AND PERMIT GRANTED
Estimated cost .....	<u>25.00</u>		
Plumbing fixtures (number) .....	_____		
Demolition .....	_____		
Move building or mobile home .....	_____		
Total permit fee	<u>25.00</u>	(Date) _____	Signature of Building Inspector _____

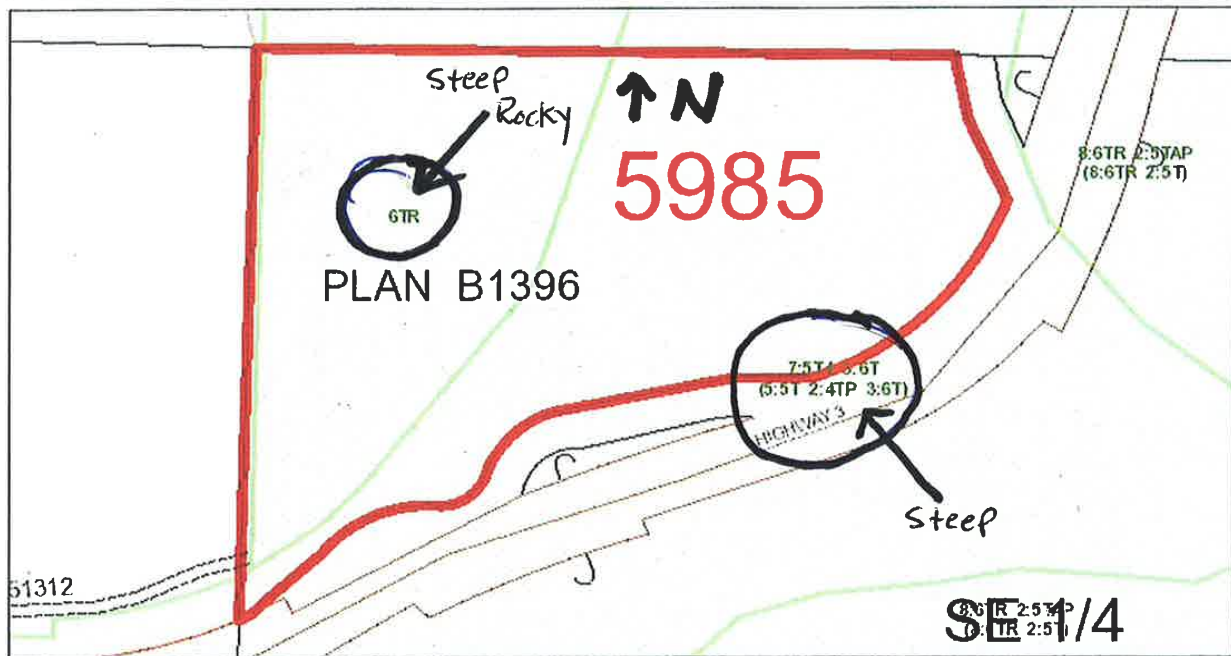
⑧





## Owner Report

Friday, December 20, 2013



Scale 1: 3,143

## Legal Information

Plan: KAPB1396	Section: 10	Jurs: 713	Lot Area: 18.3
Block:	Township: 66	Roll: 7983000	Area Unit: acr
Lot:	Land District: 54	PID: 015-228-983	Width (ft): 0
District Lot:			Depth (ft): 0
Street: 5985 HIGHWAY 3			
Description: Portion SE 1/4.			

## Owner Information:

TODD M. DYNNESON

PO BOX 57  
BRIDESVILLE BC  
V0H1B0

☆ TR - Steep Rocky Property West

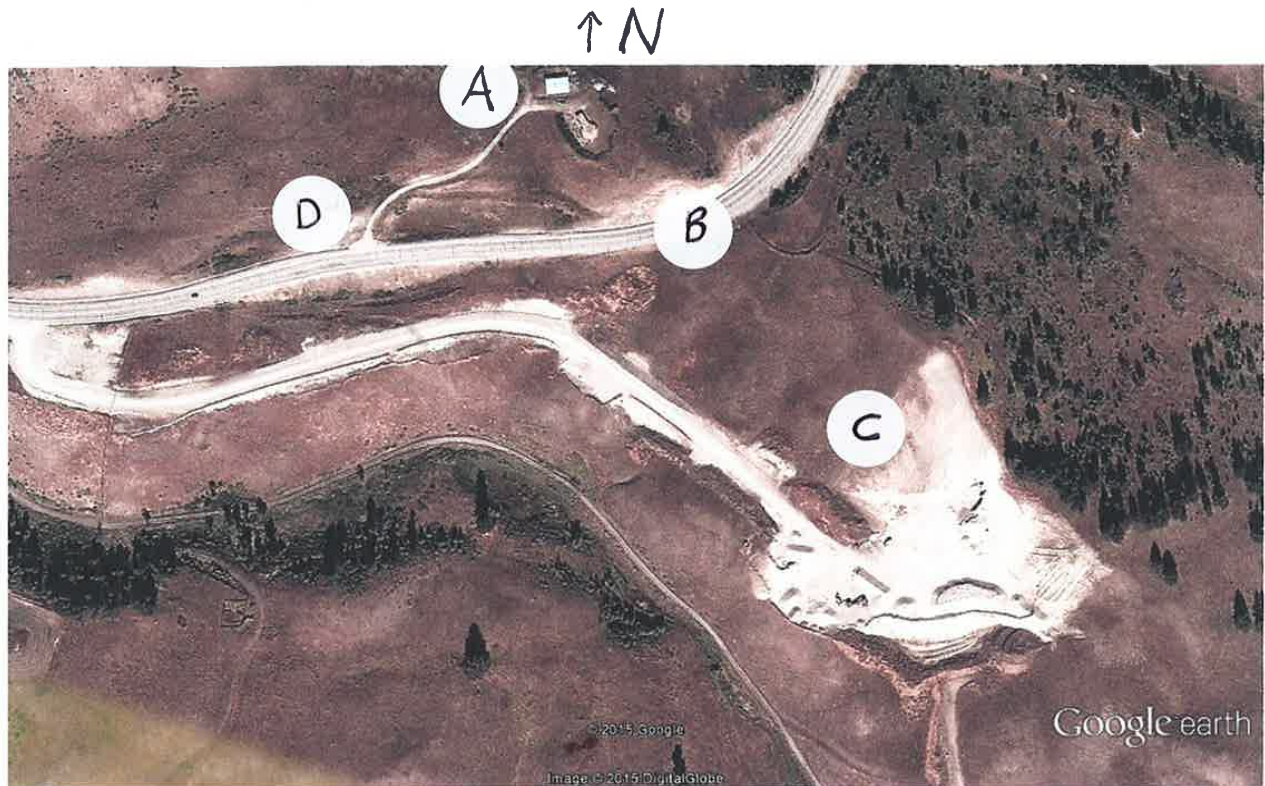
☆ T - Steep Property East.

CONFIDENTIAL

This report and map is for general information only. The RDKB does not guarantee its accuracy or correctness. All information should be verified. This ownership information should be used for internal government use only and is to be kept confidential.

Page 1 of 1

⑨



Google earth

feet  
meters1000  
400

A - Shop

B - Hwy 3

C - Gravel Pit

D - Hwy access for shop



Google earth

feet 10  
meters 4



☆ View from Hwy 3 looking West

(ii)





Google earth

feet 10  
meters 3



☆ View from Hwy 3 looking North East

(12)







RDKB email

**Jeff Ginalias**

**From:** Jeff Ginalias  
**Sent:** December-20-13 3:11 PM  
**To:** 'dynneson25@gmail.com'  
**Subject:** Non-Farm use inquiry  
**Attachments:** Nov\_E\_ALR non-farm use\_Siddall.docx; ALR Non-Farm Use application.pdf; Soil removal permit.pdf; Maps 5985 Highway 3.pdf

Todd,

The following information is in support of our conversation regarding Non-Farm use inquiry about your parcel west of Bridesville. You are considering operating an auto collision repair shop on the property and are wondering about the land use permitting requirements.

The parcel is in RDKB Electoral Area 'E'. There is no zoning in this portion of Area 'E'. So local government (RDKB) has no land use regulations on what you do with the land.

The parcel is entirely within the Agricultural Land Reserve (ALR). The Agricultural Land Commission (ALC) has regulations on use of ALR land. They are directed towards agricultural use. Operating a collision repair shop, or similar is a "non-farm use". Those type of activities require permission for "Non-Farm Use in the ALR. The ALC is the authority for approving that, but the process requires the owner to apply to the local government, to provide them an opportunity to comment, before the ALC considers it. Thus, you would apply to the RDKB.

The following is to an ALC link on the application process. It has the Application Package as well as Application Information Package. If you cannot access the forms, let me know and I can provide a copy.

[http://www.alc.gov.bc.ca/alr/application\\_process.htm](http://www.alc.gov.bc.ca/alr/application_process.htm)

This link is to the ALC home page

<http://www.alc.gov.bc.ca/>

Attached are some maps of your parcel, plus the excerpts from a Non-Farm Use application, and an RDKB Staff Report on that application. As discussed, RDKB comments, if any, are generated and provided to the ALC. For what it's worth, on that application the ALC did not approve the second dwelling. I know that proposal is far different than yours, but we have not had many Non-Farm use applications in the past few years. So, use it for what it's worth, and go from there.

On the Owner Report map, you will see the west side of your parcel is "6TR" and the east is "7:5TI 3:6T (5:5T 2:4TP 3:6T)". That has to do with the Agricultural Capability we discussed. As I mentioned the Classes are 1-7, with 1 being the "best". Classes 5-7 are common for your area, and generally indicate soil capability limits for certain types of crops. The letters are symbols for limiting subclasses (T is steep terrain, I is inundation "seasonal flooding), and R is rocky). These classes and subclasses are listed in a table in the Applicant Information package (page 8).

The reason for the splits is for a percentage. On the east 60% Class 5 and 30% Class 6). The groups in parentheses indicates how improvable that area is with irrigation or rocky removal. Confusing, probably. If you take some time to look at it, it should make sense.

As I mentioned, this is not the only criteria the ALC will consider, but it is quantifiable. Whether it is accurate and truly depicts the land is open to discussion.

RDKB email

Finally, some history, in 1983 the ALC approved the removal of 1000m<sup>3</sup> of soil from the property.

I hope this helps. Take a look and call with any questions.

Good luck.

Jeff Ginalias, Asst Planner  
Regional District of Kootenay Boundary  
1-800-355-7352  
Direct: 250-368-0228  
[jginalias@rdkb.com](mailto:jginalias@rdkb.com)  
[www.rdkb.com](http://www.rdkb.com)



## STAFF REPORT

Prepared for meeting of July 2015

<b>Ministry of Transportation and Infrastructure - Subdivision</b>			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Owner:</b> Bryan and Joyce Crookston		<b>File No:</b> E-1073s-04598.040	
<b>Agent:</b> Hoefsloot Land Surveying Ltd.			
<b>Location:</b> 6090 Christian Valley Road, 30km north of Westbridge, BC, Electoral Area 'E'/West Boundary			
<b>Legal Description:</b> Lot A, DL 1073s, Plan KAP70376 Except Plans KAP83255, KAP87143, and EPP29669		<b>Area:</b> 25.34 acres (10.25ha)	
<b>OCP Designation:</b> None	<b>Zoning:</b> None	<b>ALR status:</b> Out	<b>DP Area:</b> No
<b>Contact Information:</b> Art Hoefsloot Hoefsloot Land Surveying Ltd. 7425 - 2nd Street Box 2740 Grand Forks, BC V0H 1H0 250.442.5597 <a href="mailto:arthurfh@telus.net">arthurfh@telus.net</a>		Bryan and Joyce Crookston 6090 Christian Valley Road Box 90 Westbridge, BC V0H 2B0 250.446.2761	
<b>Report Prepared by:</b> Carly Rimell, Planner			

### ISSUE INTRODUCTION

The Regional District has received a referral from the Ministry of Transportation and Infrastructure for a proposed conventional subdivision, on Christian Valley Road fronting the Kettle River, in Electoral Area 'E'/West Boundary (*see Site Location Map*).

## **HISTORY / BACKGROUND FACTORS**

This property is located in Electoral Area 'E'/West Boundary and there are no OCP or zoning bylaws in this region which would impact the property. The parcel is not within the Agricultural Land Reserve.

In 2006, the applicants proposed a two lot subdivision which created a 1.2 ha lot south of the existing parcel. In 2007, this subdivision was approved and subsequently the property was the subject to a lot line consolidation with the parcel to the south; it is now a 4 ha parcel (Plan KAP83255). In 2008, the Ministry of Transportation and Infrastructure approved a second subdivision that created a 2.5 ha parcel to the north of the subject property (Plan KAP87143). In 2012, a third subdivision, a 1.6 ha portion was approved to the north of the subject property (Plan EPP29969) (*see Subject Property Map*).

There are two restrictive covenants on the property, both addressing the Kettle River Floodplain area. One covenant restricts development to 30m back and 3m above the natural boundary of the Kettle River. The second covenant restricts the property owner from altering or removing vegetation and/or soil within 7.5m of the Kettle River's natural boundary (*see Applicants' Submission*).

## **PROPOSAL**

The applicants propose to create a  $\pm 2.43$  ha (6 acre) northerly parcel with a  $\pm 7.8$  ha (19.34 acres) remainder (*see Subject Property Map with Ortho Photo*). The proposed new parcel has an existing cabin and septic system. The remainder is where the current landowner's home and accessory buildings are located.

## **IMPLICATIONS**

As noted, there are no OCP or zoning provisions in place which could impact this proposal. Interior Health Authority recommends parcels not serviced by community water be at least 1 hectare in size, and if serviced by water to be at least 0.2 ha (2000m<sup>2</sup>) in size. The proposed lots would meet the minimum recommended lot size.

This application is very similar to those previously approved. If the subdivision is approved the restrictive covenants would be included on the new parcel's Title. Any new development would be subject to the BC Building Code, the RDKB Floodplain Bylaw, and any other applicable Provincial Regulations.

## **ADVISORY PLANNING COMMISSION**

The Electoral Area 'E'/ West Boundary Advisory Planning Commission was in support of this application and provided the following comments:

- It was noted that environmental covenants already exist on the property to be subdivided and would extend to any further subdivision



- Previous subdivisions have already been approved with those covenants

**BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

*Subject Property Map*

*Applicants' Submission*

**RECOMMENDATION**

That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed subdivision on the property at 6090 Christian Valley Road, 30 kilometers north of Westbridge, Electoral Area 'E' West Boundary, legally described as Lot A, DL 1073s, Plan KAP70376 Except Plans KAP83255, KAP87143, and EPP29669, be received.



2015/06/12

# Site Location Map

Scale 1:120,000



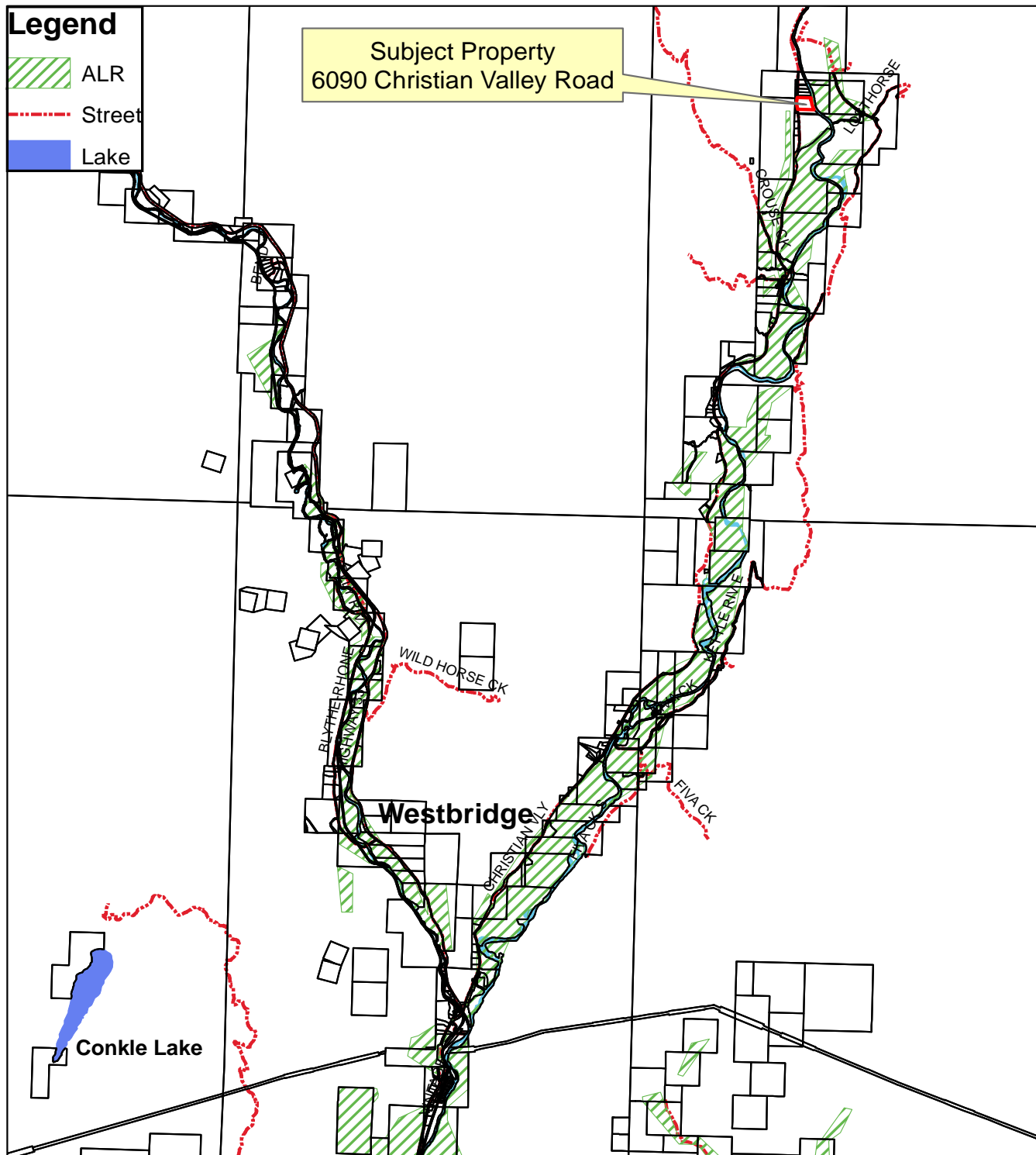
0 625 1,250 2,500 3,750 5,000

Meters

## Legend

-  ALR
-  Street
-  Lake

Subject Property  
6090 Christian Valley Road



P:\GIS\VRDKB\MapDocuments\Routine Maps\Site Location Map\Area 'E'\West Boundary\2015-06-12 Site Location Crookston

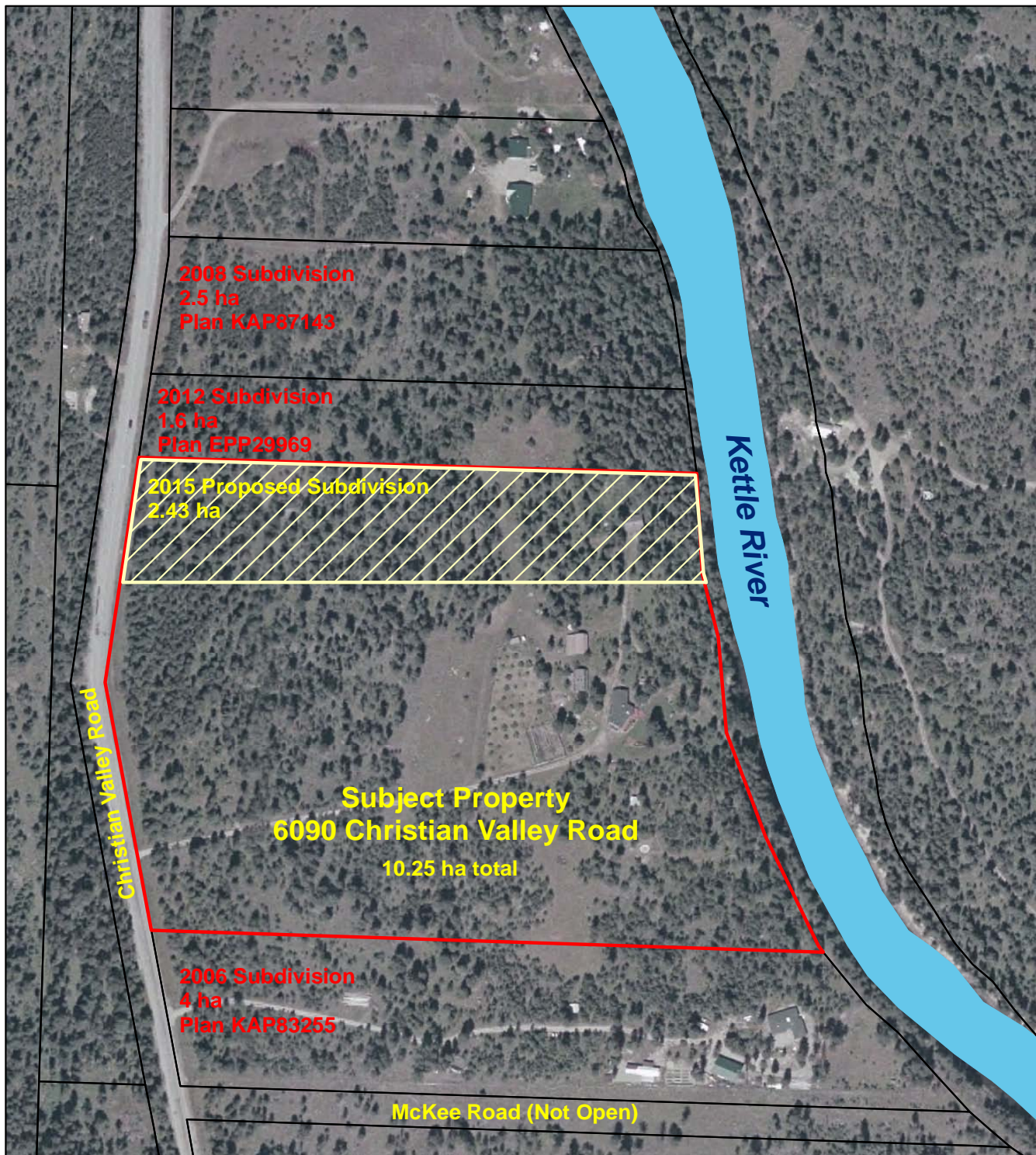


2015/06/23

# Subject Property Map

Scale 1:3,000

0 25 50 75 100  
Meters



P:\GIS\WRDKB\MapDocuments\Routine Maps\Site Location Map\Area 'E'\West Boundary\2015-06-12\_SPM\_Crookston





BRITISH  
COLUMBIA

Ministry of Transportation  
and Infrastructure

Applicant Submission

**DEVELOPMENT APPROVALS  
REFERRAL**

*E-10735-04598.090*

Applicant File #:

eDAS File #: 2015-02540

Date: May/25/2015

Regional District of Kootenay Boundary  
202-843 Rossland Avenue  
TRAIL, BC V1R 4S8

Attention: Maria Ciardullo

REGIONAL DISTRICT OF KOOTENAY BOUNDARY	
FILE #	MAY 27 2015
DOC #	.....
REF. TO:	.....
CC:	.....

**Re: Proposed Conventional Subdivision Application for:  
PID 025-208-501, Lot A, DL 1073S, Similkameen Division of Yale, Plan  
KAP70376 Except Plans KAP83255, KAP87143 and EPP29969  
6090 Christian Valley Road, Christian Valley**

Enclosed is a copy of a proposed Conventional Subdivision Application regarding the above noted location(s) on Christian Valley Rd.

It would be appreciated if you would examine this application from the viewpoint of your regulations and policies and give us your comments. Please send your reply to this office, with a copy to the applicant:

Bryan & Joyce Crookston;  
c/o Hoefsloot Land Surveying Ltd.  
Art Hoefsloot  
Box 2740  
Grand Forks, British Columbia V0H 1H0  
Phone: (250) 442-5597

Please contact the applicant for any additional information you may require. If you have any questions please feel free to call Jill Carruthers at (250) 354-6380.

In order to expedite the processing of the application, could you please reply by June 24, 2015. Please quote file number 2015-02540 when contacting this office.

Yours truly,

Heather Syfchuck  
A/Assistant Development Tech  
Attachment

Local District Address
West Kootenay District 310 Ward Street Nelson, BC V1L 5S4 Canada Phone: (250) 354-6400 Fax: (250) 354-6547

H1162-eDAS (2013/05)

Page 1 of 1

Applicant Submission

BRITISH  
COLUMBIAMinistry of  
Transportation

## PRELIMINARY SUBDIVISION APPLICATION

Submit this application to the Ministry of Transportation District Office or a Front Counter BC office in your area.

## A. PROPOSAL

This is an application for preliminary layout approval for all properties involved

Applicant File Number <u>06-30-5</u>		Ministry File Number <u>2015-02540</u>	
Subdivision Type	<input checked="" type="checkbox"/> Conventional Subdivision	<input type="checkbox"/> Sec 946 Local Government Act	<input type="checkbox"/> Bare Land Strata
	Other (Specify)		
Full Legal Description(s) per State of Title Certificate(s)	No. of Lots <u>2</u>		
	<u>Lot A, DL 10735, S.D.Y.D., Plan KAP70376</u> <u>EXCEPT PLANS KAP83255, KAP87143 AND EPP29969</u>		
Full Civic Address	<u>6090 Christian Valley Road</u>		
Property Location	<u>30</u> Kilometers <input checked="" type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West from <u>Westbridge</u> Local Gov't <u>RDKB Area E</u>		
	Access Road		Property Zoning <u>None</u>
	Existing Land Use <u>Res.</u>		Intended Land Use <u>Res.</u>
Surrounding Land Use	North <u>Res.</u>	South <u>Res.</u>	East <u>Res.</u> West <u>Res.</u>
Proposed Sewage Disposal	<input checked="" type="checkbox"/> Septic Tank <input type="checkbox"/> Community System <input type="checkbox"/> Other (specify)		
Proposed Water Supply	<input checked="" type="checkbox"/> Well <input type="checkbox"/> Community System <input type="checkbox"/> Water Licenses <input type="checkbox"/> Other (specify)		

## B. APPLICATION INFORMATION

Required items include:

- ☒ Subdivision application form.
- ☒ The Preliminary Subdivision Application fee. Please make cheques payable to the Minister of Finance.
- ☒ An authorization letter from the owner if someone else, such as an agent, is applying on the owner's behalf.
- ☒ Original plus five copies of a scaleable sketch plan of proposed layout.

Properly engineered drawings will be required for final approval. The sketch should contain:

- ☒ the date it was drawn
- ☒ the scale
- ☒ north arrow
- ☒ legal description of the property being subdivided, and its adjacent properties
- ☒ outline of the subdivision in red or heavy black line
- ☒ all proposed lots, remainders, parks, rights of way, easements and roads showing dimensions and areas
- ☒ any existing property lines or roads proposed to be removed, closed or relocated
- ☐ all steep banks or slopes exceeding 2 m high and all slopes of 25% or greater, within or adjacent to the proposed area
- ☐ location of existing buildings and structures on the property and adjacent properties within 30m of property boundaries
- ☐ location of any onsite water sources to be developed
- ☐ approximate location of all existing and proposed utility services
- ☐ existing access roads and other roads and trails on the property (state names of roads)
- ☐ site locations of the soil inspection test holes and the percolation tests on each parcel
- ☐ approximate extent of area available for sewage disposal surrounding the test holes
- ☒ location of sewage disposal system and wells on adjacent properties within 30 m of property boundaries

The sketch must include the approximate grades and widths of roads and a design profile, preferably including a cross section of the proposed road.

- ☐ One copy of the current State of Title Certificate so that property encumbrances can be checked.
- ☒ Copies of any covenants, easements, rights-of-way or other charges registered against the title. These are available through the Land Title Office.

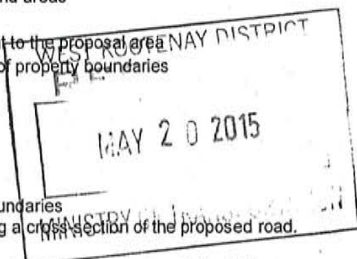
Include these items as well, where applicable

- ☐ A copy of the Provincial Agricultural Land Commission application (if located within ALR). While a developer can apply for subdivision approval before he or she receives permission to proceed from the Agricultural Land Commission or the local government if it has been delegated the authority, the Provincial Approving Officer can only give approval if the property has cleared the Land Commission process in the meantime.
- ☐ A copy of Contaminated Sites Profile form or Contaminated Sites declaration statement, duly completed and signed.
- ☐ One copy of any test required by the Regional Health Authority.
- ☐ A Development Permit and plan where applicable.
- ☐ A copy of BC Assessment Authority Tax Notice showing property tax classification.

Ministry of Transportation  
and Infrastructure

MAY 15 2015

West Kootenay District  
Grand Forks





## Applicant Submission

C. SUBDIVISION APPLICATION FEES			PAYABLE UPON
1. Preliminary Layout Application	\$350.00	Per lot or shared interest, including remainders, to a maximum of \$70,000	Application
2. Final Conventional Plan Exam	\$50.00	Per examination	Final Subdivision Plan Submission
	\$100.00	Per lot, including remainders, on the final plan	
3. Final Strata Plan Examination	\$100.00	Per examination	
	\$100.00	Per lot, including remainders, on the final plan	
4. Other Strata Fees	\$100.00	To examine Form E for any phased development	Application
	\$100.00	To issue a Certificate of Approval for each phase of a building strata development	Certificate Issuance

Note: These fees may change without notice or amendment on this form. There may be other provincial and local government fees associated with your subdivision. To find out more, contact the local government in which the land is located, or contact the Islands Trust if located on the Gulf Islands.

**D. FURTHER INFORMATION AND COMMENTS** (Attach a separate sheet if more space is required)

- Proposed new Lot 2.4 ha (6 acres) in size contains a cabin with an existing septic system.
- The proposed lot and remainder have good gravelly soils with a gentle slope from Christian Valley Road to the bank by the Kettle River.

**E. OWNER(S)/APPLICANT INFORMATION**

Property Owner(s) Full Name(s) Bryan & Joyce Crookston		Home Telephone 250-446-2761
Address P.O. Box 90 Westbridge, BC V0H 2B0		Business Telephone
E-Mail		Fax
Agent Full Name HOEFSLOOT LAND SURVEYING LTD		Home Telephone
Address P.O. Box 2740 G		Business Telephone 250-442-5597
E-Mail hls1.arte@gmail.com		Fax

I certify that all the information about and on all plans and other attachments is true, correct and complete.  
I understand that this submission constitutes a preliminary application only.  
No approvals are implied prior to receipt of written preliminary approval from the Ministry of Transportation.

Owner/Authorizing Signature

Date (yyyy/mm/dd)

Applicant/Agent Signature

Date (yyyy/mm/dd)

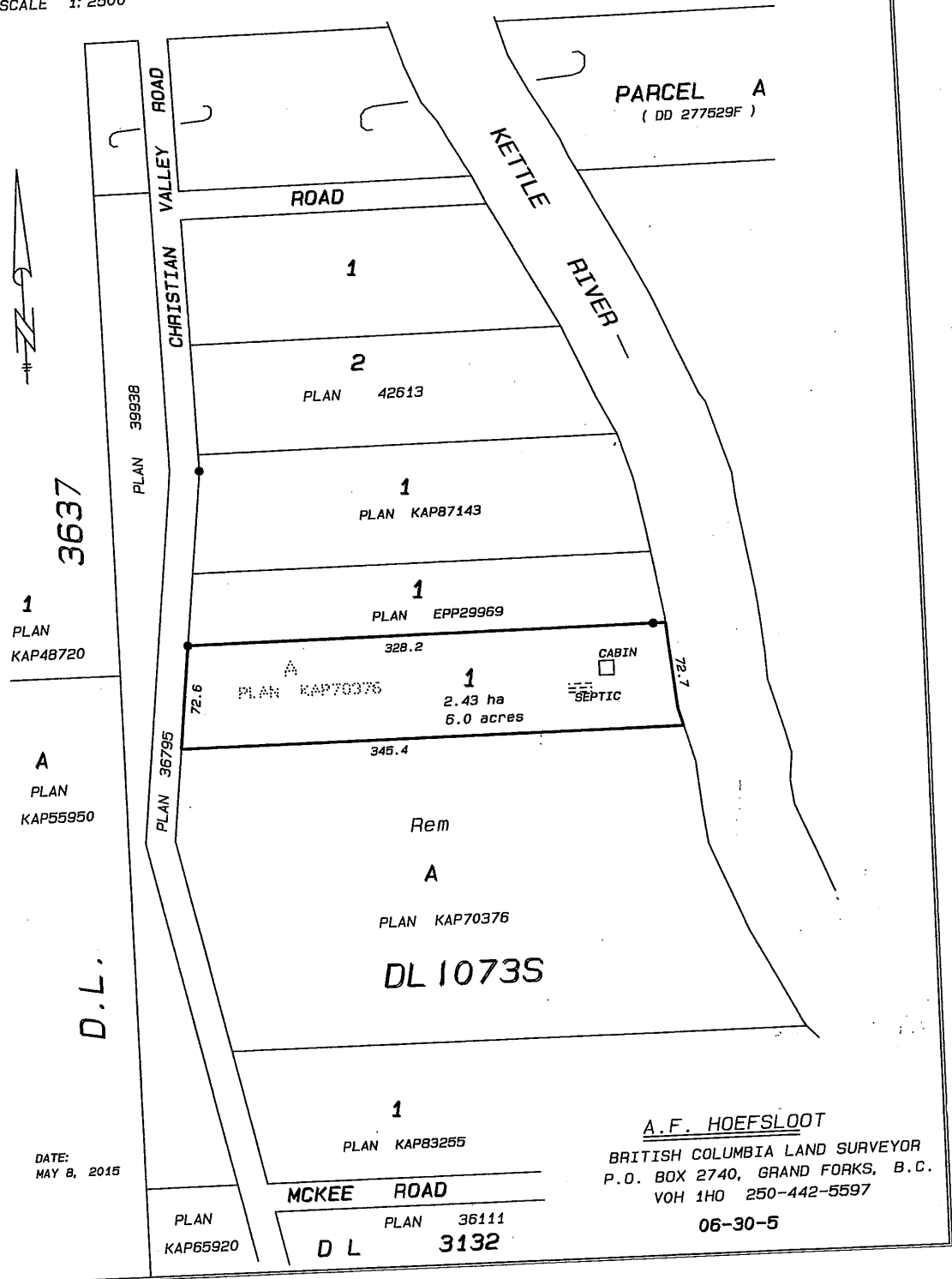
**Collection of Information:**

The personal information on this form is collected under the authority of the Land Title Act. The information collected will be used to process your preliminary subdivision application, and it may be necessary for the ministry to provide this information to other agencies involved in the review and approval process. If you have any questions about the collection, use and disclosure of this information, contact the District Development Technician at the nearest Ministry of Transportation office.

Applicant Submission

SUBDIVISION PLAN OF PART OF LDT A, D L 1073S, SDYD, PLAN KAP70376  
EXCEPT PLANS KAP83255, KAP87143 AND EPP29969  
6090 CHRISTIAN VALLEY ROAD

SCALE 1: 2500



# AGENT'S AUTHORIZATION Applicant Submission

**Bryan & Joyce Crookston,  
P.O. Box 90  
6090 Christian Valley Road,  
Westbridge, B.C.,  
V0H 2B0  
250-446-2761**

**April 30, 2015**

**Art Hoefsloot,  
Land Surveyor,  
7425 - 2nd Street,  
Grand Forks, B.C.,  
V0H 1H0**

**Dear Art:**

**Re: Application for Sub-division**

**6 acre parcel and large cabin located in the northerly  
part of the property, to be sub-divided from 6090  
Christian Valley Road, Westbridge, B.C.,  
Legal description: Lot A District Lot 1073S, SDYD,  
Plan KAP70376, except plans KAP83255,  
KAP87143 and EPP29969**

**Please find enclosed a cheque in the amount of \$700.00 for the  
Minister of Finance to make application for the above sub-division  
and a cheque in the amount of \$300.00 for you Art Hoefsloot, to  
prepare all paper work for this sub-division application.**

**Also enclosed is a map of the whole of the property and a small  
sketch of the large log cabin and septic field and tank. Hope this is  
what you wanted.**

**Thanks Art**

**Yours truly,  
Bryan and Joyce Crookston**

*Bryan Crookston*  
*Bryan Crookston*

Ministry of Transportation  
Infrastructure

MAY 15 2015

West Kootenay District  
Grand Forks

Applicant Submission

**TITLE SEARCH PRINT**

File Reference: Crookston

2015-05-15, 09:57:07

Requestor: Arthur Hoefsloot

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

<b>Title Issued Under</b>	SECTION 189 LAND TITLE ACT
<b>Land Title District</b>	KAMLOOPS
Land Title Office	KAMLOOPS
<b>Title Number</b>	LB518196
From Title Number	LB223884
<b>Application Received</b>	2013-05-24
<b>Application Entered</b>	2013-05-24
<b>Registered Owner in Fee Simple</b>	
Registered Owner/Mailing Address:	BRYAN GRANT CROOKSTON, SELF-EMPLOYED JOYCE ANNIE CROOKSTON, BOOKKEEPER/HOMEMAKER P.O. BOX 90 WESTBRIDGE, BC V0H 2B0 AS JOINT TENANTS
<b>Taxation Authority</b>	PENTICTON ASSESSMENT AREA
<b>Description of Land</b>	
Parcel Identifier:	025-208-501
Legal Description:	LOT A DISTRICT LOT 1073S SIMILKAMEEN DIVISION YALE DISTRICT PLAN KAP70376 EXCEPT PLANS KAP83255, KAP87143 AND EPP29969
<b>Legal Notations</b>	NONE
<b>Charges, Liens and Interests</b>	
Nature:	STATUTORY RIGHT OF WAY
Registration Number:	R57980
Registration Date and Time:	1980-09-26
Registered Owner:	WEST KOOTENAY POWER AND LIGHT COMPANY LIMITED
Remarks:	INTER ALIA

Ministry of Transportation  
Land Services

MAY 15 2015

West Kootenay District  
Grand Forks

Title Number: LB518196

TITLE SEARCH PRINT

Page 1 of 2

Applicant Submission

**TITLE SEARCH PRINT**

File Reference: Crookston

2015-05-15, 09:57:07

Requestor: Arthur Hoefsloot

Nature: COVENANT  
 Registration Number: KB6004  
 Registration Date and Time: 1988-08-05 13:05  
 Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF  
 BRITISH COLUMBIA  
 AS REPRESENTED BY THE MINISTER OF TRANSPORTATION  
 AND HIGHWAYS  
 REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
 INTER ALIA  
 Remarks: INCLUDES INDEMNITY UNDER SECTION 215 (2)(A) LTA

Nature: COVENANT  
 Registration Number: KR117752  
 Registration Date and Time: 2001-12-12 12:01  
 Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
 REGIONAL DISTRICT OF KOOTENAY-BOUNDARY  
 INTER ALIA  
 Remarks:

**Duplicate Indefeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE



Status: Registered

Doc #: KB6004

RCVD: 88-08-05 ROST: 2012-08-27 09:31

Applicant Submission

88 AU-5 13 05.9

KB000004

LAND TITLE ACT

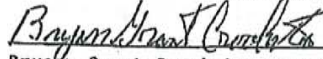
Form 17 (Section 151, 152 and 220)

Christian Valley Road,  
P.O. Box 90,  
Westbridge, B.C.,  
VOH 2B0  
JOINT TENANTS,  
(604) 446-2761

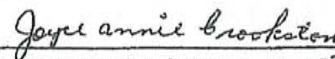
Covenant

Fees: \$35.00

Signature of Applicants



Bryan: Grant Crookston - SELF-EMPLOYED



Joyce Annie Crookston - BOOMER

This indenture made the 28th day of July 1987 pursuant to the provisions  
of Section 215 of the Land Title Act.

BETWEEN: Bryan Grant Crookston and Joyce Annie Crookston  
(Hereinafter call the "Grantor")

of the First Part

AND: HER MAJESTY, THE QUEEN, IN RIGHT OF THE PROVINCE OF BRITISH  
COLUMBIA, as represented by the Minister of Transportation  
and Highways, Parliament Buildings, Victoria, B.C.  
(Hereinafter call the "Grantee")

of the SECOND PART

and: Regional District Kootenay Boundary  
1159 Pine Ave.,  
Trail, B.C.,  
V1R 4E2

08/05/88 A3302k CHG NOM 35.00

of the THIRD PART

WHEREAS: The Grantor is the registered owner of and proposed to subdivide  
the following lands: West one half of district Lot 1073'S'  
Division Yale District except that part shown as parcel 'A'  
(2777529F) in the Kettle River Assessment District. According  
to a plan of subdivision sworn to by \_\_\_\_\_  
B.C.L.S., on the day of \_\_\_\_\_, 1988, a copy of  
which is annexed hereto.

AND WHEREAS: The grantee, as a condition of granting its approval to  
the subdivision, has requested the Grantor to enter into  
covenant hereinafter contained, pursuant to Section 82 (1)  
of the Land Title Act.

GRAND FLOOR BC

Applicant Submission

Status: Registered

Doc #: KB6004

RCVD: 88-08-05 RQST: 2012-08-27 09:30

- 2 -

NOW THEREFORE THIS INDENTURE WITNESSETH THAT in consideration of the premises and the sum of ONE DOLLAR (\$1.00) of lawful money of Canada paid by the Grantee to the Grantor, receipt whereof is hereby acknowledged, the Grantors do hereby covenant and agree with the Grantee to enter into the covenants as set out in "Schedule A" a copy of which is annexed hereto.

AND IT IS UNDERSTOOD AND AGREED BY AND BETWEEN the parties hereto, that the word "Grantor" and "Grantee wherever used in the agreement, shall include the parties hereto and their heirs, executors, administrators, successors and assigns.

I WITNESS WHEREOF The Grantor has executed these presents the 20 day of July 1987.

SIGNED IN THE PRESENCE OF:

Signature Rino Head as to the  
Address signature of Brian Crookston.

NO ADVICE REQUESTED NOR GIVEN  
ATTESTED ONLY BUT NOT DRAWN  
P. H. HOYT, #3 - 1470 WATER STREET, KILGOWNA, B.C.  
NOTARY PUBLIC IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

Occupation \_\_\_\_\_

Joyce Ann Crookston  
JOYCE ANNIE CROOKSTON  
dated July 30, 1987.  
NO ADVICE REQUESTED NOR GIVEN  
ATTESTED ONLY BUT NOT DRAWN

THERE IS NO REGISTERED MORTGAGE CHARGES against proposed subdivision or any of the land mentioned on this Restrictive Covenant.

Signed in the presence of  
Rino Head as to  
the signature of Joyce  
Ann Crookston on July 30/87.  
P. H. HOYT, #3 - 1470 WATER STREET, KILGOWNA, B.C.  
NOTARY PUBLIC IN AND FOR THE PROVINCE OF BRITISH COLUMBIA

This is the instrument creating the condition or covenant entered into under Section 215 of the Land Title Act by the registered owners referred to herein and shown on the print of the plan annexed hereto and initialled by me.

[Signature]  
Approving Officer  
Ministry of Transportation and Highways

Status: Registered

Doc #: KB6004

Applicant Submission

RCVD: 88-08-05 RQST: 2012-08-27 01

3

MINISTRY OF TRANS.  
AND HIGHWAYS  
MAY 6 1988  
GRAND FORKS, B.C.

MINISTRY OF TRANS.  
AND HIGHWAYS  
APR 28 1988  
GRAND FORKS, B.C.

GRAND FORKS, B.C.  
NOV 1 1987  
AND 1

Applicant Submission

Status: Registered

Doc #: KB6004

RCVD: 88-08-05 RQST: 2012-08-27 01

## SCHEDULE 'A' 4

1. Hereafter, no building shall be constructed, nor mobile home located within thirty (30.0) metres of the natural boundary of natural boundary of Kettle River.
2. Hereafter, no area used for habitation, business or storage of goods damageable by floodwaters shall be located within any building at an elevation such that the underside of the floor system thereof is less than three (3.0) metres above the natural boundary of Kettle River. In the case of a mobile home, the ground level or top of concrete or asphalt pad on which it is located shall be no lower than the above described elevation.
3. The required elevation may be achieved by structural elevation of the said habitable, business or storage area or by adequately compacted landfill on which any building is to be constructed or mobile home located, or by a combination of both structural elevation and landfill. No area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater. Where landfill is used to raise the natural ground elevation, the toe of the landfill slope shall be no closer to the natural boundary than the setback requirement given in condition (1) above. The face of the landfill slope shall be adequately protected against erosion from flood flows.
4. The owner acknowledges that the Province of British Columbia does not represent to the owner or any other person that any building constructed or mobile home located in accordance with conditions (1) and (2) herein will not be damaged by flooding or erosion, and the owner covenants and agrees not to claim damages from the Province or the Regional District of Kootenay Boundary or hold the Province or the Regional District responsible for damages caused by flooding or erosion to the land or to any buildings, improvement or other structure built, constructed or placed upon the said lands and to any contents thereof.

US - 100% GPASO



Status: Registered

Doc #: KB6004

RCVD: 88-08-05 RQST: 2012-08-27 01

Applicant Submission

*Seel*

MINISTRY OF TRANS  
AND HIGHWAYS  
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us: Registered

Doc #: KR117752

Applicant Submission

RCVD: 01-12-12 RQST: 2012-08-27 09:30

## LAND TITLE ACT

12 DEC 2001 12 01

KR117752

C-55

## FORM C

(Section 233(1))

Province of British Columbia

LAND TITLE OFFICE

## GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use)

PAGE 1 of 5

## 1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

GIBSON GERONAZZO LAW CORPORATION,  
P.O. BOX 1030, 7323 - 3<sup>rd</sup> Street, Grand Forks, BC  
V0H 1H0

Phone: 250 442-8294

File Ref. No: 2125

LTO Client No. 10532

Stephen W. Gibson, Authorized Agent

## 2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID)

(LEGAL DESCRIPTION)

002-772-841

The West 1/2 of DL 1073S SDYD except: 1) Parcel A (DD 277529F) 2) Plan 39938  
3) Plan 42613 4) Plan 36795

## 3. NATURE OF INTEREST:\*

DESCRIPTION

## DOCUMENT REFERENCE:

(page and paragraph)

## PERSON ENTITLED TO INTEREST

Section 219 Covenant

ENTIRE DOCUMENT

N/A

REGISTERED OWNER

## 4. TERMS: Part 2 of this Instrument consists of (select one only)

(a) Filed Standard Charge Terms ☐(b) Express Charge Terms ☒(c) Release ☐

D.F. No.

Annexed as Part 2

There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

## 5. TRANSFEROR(S):\*

BRYAN GRANT CROOKSTON and JOYCE ANNIE CROOKSTON

## 6. TRANSFEREE(S): (Including occupation(s), postal address(es) and postal code(s))\*

Her Majesty that Queen, in Right of the Province of British Columbia, as represented by the Ministry of Environment, Lands and Parks, Suite 201, 3547 Skaha Lake Road, Penticton, British Columbia, V2A 7K2, and Regional District of Kootenay-Boundary, #202 - 843 Rossland Avenue, Trail, British Columbia, V1R 4S8

## 7. ADDITIONAL OR MODIFIED TERMS:\*

N/A

01 01/12/12 12:02:24 01 KR 492225  
CHARGE \$55.00

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

Officer Signature(s)

Execution Date

Party(ies) Signature(s)

STEPHEN W. GIBSON  
LAWYER

P.O. BOX 1030  
GRAND FORKS, BC V0H 1H0  
(As to all signatories)

Y	M	D
2001	11	21

BRYAN GRANT CROOKSTON

JOYCE ANNIE CROOKSTON

## OFFICER CERTIFICATION:

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

\* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

\*\* If space insufficient, continue executions on additional page(s) in Form D.

END OF DOCUMENT

us: Registered

Doc #: KR117752

RCVD: 01-12-12 RQST: 2012-08-27 09.30

2

**RESTRICTIVE COVENANT**

(SECTION 219 LAND TITLE ACT)

THIS AGREEMENT made the 21<sup>st</sup> day of November, 2001.

BETWEEN:

BRYAN GRANT CROOKSTON and  
 JOYCE ANNIE CROOKSTON, both of  
 Box 90, Christian Valley Road  
 Westbridge, BC V0H 2B0

(hereinafter called the "Covenantor")

OF THE FIRST PART

AND:

HER MAJESTY THE QUEEN in Right of the Province of British Columbia, as  
 represented by the Regional Manager, Fish, Wildlife and Habitat Protection,  
 Ministry of Environment, Lands and Parks

(hereinafter called the "Covenantee")

OF THE SECOND PART

AND:

REGIONAL DISTRICT OF KOOTENAY-BOUNDARY,  
 #202 - 843 Rossland Avenue  
 Trail, BC V1R 4S8

(hereinafter called the "Second Covenantee")

OF THE THIRD PART

WHEREAS:

- A. The Covenantor is the registered owner of or has an equity of redemption in ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Penticton Assessment Area in the Province of British Columbia, and more particularly described as:

Parcel Identifier: 002-772-841

The West 1/2 of DL 1073S SDYD except:

- (1) Parcel A (DD 277529F)
- (2) Plan 39938
- (3) Plan 42613
- (4) Plan 36795

(hereinafter called the "Lands")



us: Registered

Doc #: KR117752

Applicant Submission

RCVD: 01-12-12 RQST: 2012-08-27 09.3

Page 3 of 5 pages

- B. The Covenantor proposes to subdivide the land.
- C. Section 219 of the *Land Title Act* provides, inter alia, that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of the land or the use of a building or to be erected on land, in favour of a Municipality or the Crown.
- D. The Kettle River is situated upon and runs through a portion of the Lands as shown on the Plan prepared by A.F. Hoefsloot, B.C.L.S. dated for reference October 24, 2001, Drawing No. 89-51-2, (hereinafter called the "River"). **ASSIGNED PLAN NO. KAP 70376**
- E. The Covenantor has agreed to restrictions on the use of a portion of the Lands adjacent to the River.

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that pursuant to Section 219 of the *Land Title Act*, and in consideration of the sum of One Dollar (\$1.00) now paid to the Covenantor by the First and Second Covenantees (the receipt and sufficiency whereof is hereby acknowledged), the parties hereto hereby covenant and agree each with the other as follows:

1. **THE COVENANTOR COVENANTS AND AGREES** with the Covenantees that:
- (a) the Covenantor shall not, without the prior written consent of the Covenantees, which consent to be in the Covenantees' sole discretion, cut down, trim, prune, defoliate, alter, remove or in any way tamper with or work on any trees, shrubs, plants, bushes, ground cover, vegetation or any other form of plant life within that portion of the Lands within a distance of 7.5 metres from the natural boundary of the River and any creeks on the Lands, so that the said trees, shrubs, plants, bushes, groundcover, vegetation and other forms of plant life remain in a naturally vegetated state in perpetuity;
  - (b) the Covenantor shall ensure that any clearing and/or excavation done on the Lands shall be completed in such a manner to ensure that silt, concrete leachate or any other deleterious substances shall not fall into the River via ditches, storm sewers or overland flow. And the Covenantor shall further ensure that all construction and excavation wastes, overburden, soil, or other substances deleterious to aquatic life shall be disposed of or placed in such a manner as to prevent their entry into any watercourse or storm sewer system;
  - (c) the Covenantor shall, at the expense of the Covenantor, do or cause to be done all acts reasonably necessary to grant priority to this Agreement over all charges and encumbrances which may have been registered against the title to the Lands in the Kamloops Land Title office save and except those specifically approved in writing by the Covenantees or in favour of the Covenantees;

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- (d) there must be a covenant protection zone established for a distance of three (3.0) metres from the covenant boundary in order to protect the root systems of trees within the covenant area. This means that no excavation, heavy equipment operation or other activities can take place that will impact on the health of the root systems of these trees.

2. **IT IS MUTUALLY UNDERSTOOD AND AGREED** by and between the parties here that:

- (a) in this agreement the term “**natural boundary**” means the high water mark or water level in watercourses, streams, wetlands, ponds, and lakes that is reached during annual winter flood events, as indicated by the presence of soil subject to regular inundation and/or vegetation that is typically adapted for life in submerged, semi-submerged or saturated soil conditions;
- (b) nothing contained or implied herein shall prejudice or affect the rights and powers of the Covenantees in the exercise of its functions under any public and private statutes, by-laws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Covenantor;
- (c) the covenants set forth herein shall charge the Lands pursuant to Section 219 of the *Land Title Act* and shall be covenants the burden of which shall run with the Lands. It is further expressly agreed that the benefit of all covenants made by the Covenantor herein shall accrue solely to the Covenantees and that this Agreement may only be modified or discharged by agreement of the Covenantees, pursuant to the provisions of Section 219(5) of the *Land Title Act*;
- (d) notwithstanding anything contained herein, the Covenantor shall not be liable under any of the covenants and agreements contained herein where such liability arises by reason of an act or omission occurring after the Covenantor ceases to have any further interest in the Lands;
- (e) wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require;
- (f) this Agreement shall endure to the benefit of and be binding upon the parties hereto, their respective successors and assigns; and

us: Registered

Doc #: KR117752

Applicant Submission


RCVD: 01-12-12 RQST: 2012-08-27 09:30

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- (g) the parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.


IN WITNESS WHEREOF the parties hereto have hereunto set their respective hands and seals on the day and year first above written.

SIGNED, SEALED AND DELIVERED )  
by BRYAN GRANT CROOKSTON )  
in the presence of: )

  
Name **STEPHEN W. GIBSON** )  
Address **LAWYER** )  
**P.O. BOX 1030** )  
**GRAND FORKS, BC V0H 1H0** )  
Occupation )

  
BRYAN GRANT CROOKSTON

SIGNED, SEALED AND DELIVERED )  
by JOYCE ANNIE CROOKSTON )  
in the presence of: )

  
Name **STEPHEN W. GIBSON** )  
Address **LAWYER** )  
**P.O. BOX 1030** )  
**GRAND FORKS, BC V0H 1H0** )  
Occupation )

  
JOYCE ANNIE CROOKSTON

This is the instrument creating the condition of covenant entered into under Section 219 of the *Land Title Act* by the registered owner referred to herein and shown on Plan \_\_\_\_\_.

Approving Officer   
Ministry of Transportation and Highways

END OF DOCUMENT





## STAFF REPORT

Prepared for meeting of July 2015

ATCO Forestry Referral – Crown Land			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Applicant:</b> ATCO Wood Products		<b>File No:</b> A-16	
<b>Location(s):</b> Crown Land - Electoral Area 'B'/Lower Columbia-Old Glory, north of Rossland, near the intersection of Highway 3 and Highway 3B			
<b>Legal Description:</b> Unsurveyed Crown Land		<b>Area:</b> 117.6 Hectares in 18 cut blocks	
<b>OCP Designation:</b> Rural Resource 3	<b>Zoning:</b> Rural Resource 1 (RUR1)	<b>ALR status:</b> Out	<b>DP Area:</b> None
<b>Contact Information:</b> ATCO Wood Products Attn: Alex Saumure PO Box 460 Fruitvale, BC V0G 1L0 Phone: 250-367-2523 Fax: 250-367-6210 <a href="mailto:alex.samure@atcowoodproducts.com">alex.samure@atcowoodproducts.com</a>			
<b>Report Prepared by:</b> Carly Rimell, Planner			

### ISSUE INTRODUCTION

ATCO Wood Products (ATCO) has invited the Regional District to provide comments regarding 18 proposed cut blocks (Development Area 'D') in the Trident and Cliff area. The proposed cut blocks are within Area 'B'/Lower Columbia-Old Glory on Crown land, north of Rossland, and east of Nancy Greene Provincial Park (*Applicant's Submission; Referral Map*).

## PROPOSAL

ATCO proposes to harvest pine, spruce, fir, larch, and balsam from 18 cut blocks in Electoral Area 'B'/ Lower Columbia-Old Glory.

The area of each of the proposed cut blocks are as follows:

<b>Block Number</b>	<b>Area of Cut (hectares)</b>
D01	8*
D09	0.1
D11	2.5*
D16	10
D17	4.5
D19	3.9
D20	13*
D21	10
D22	3.3
D24	1.7
D25	2.2
D26	8.7
D27	3*
D28	23.4
D30	11.3
D31	4.2
D32	4.4
D33	3.4
<b>Total</b>	<b>117.6</b>

Cut blocks demarcated with a \* straddle the Regional District of Kootenay Boundary (RDKB) and Regional District of Central Kootenay (RDCK). Measurements are in hectares and reflect the entire cut block and are not specific to the portion which falls within the RDKB.

ATCO anticipates Provincial approval for Fall 2015. The main focus of the cut blocks is timber volume, with some minor forest health. If ATCO receives approval, they will be given four years to harvest the cut blocks. ATCO would likely be done logging these areas within the first year and a half.

Road access to the proposed cut blocks would be via existing and proposed sections of Road Permit R01273 and R06431, as well as in-block roads. In total there is 5.7 kilometers of road proposed to be constructed with the development.

## **IMPLICATIONS**

The proposed development is on Crown land. The proposed cut block areas are zoned 'Rural Resource 1' (RUR1) in Electoral Area 'B'/Lower Columbia-Old Glory Zoning Bylaw No. 1175, 2001. The 'RUR1' Zone permits forestry, logging and silviculture. The revised Electoral Area 'B'/Lower Columbia-Old Glory Zoning Bylaw No. 1540, 2015 is anticipated to be adopted this summer; in the revised zoning bylaw these cut blocks are within the 'Rural Resource 3' (RUR3) Zone. Permitted uses within this zone include resource use. Resource use, which includes extraction of primary forest materials. There will be no conflict with the proposed zoning designation of 'Rural Resource 3'.

The Planning and Development Department inquired if the proposed cut block areas were affected by the Mountain Pine Beetle. The Mountain Pine Beetle infests only pines, primarily lodgepole pines; since there are few lodgepole pines within these stands, they have been minimally affected by the pine beetle.

To access the proposed cut blocks ATCO has permits to build new roads as well as in-block roads. Some of the proposed roads cross streams and creeks. The Planning and Development Department inquired how ATCO proposed to cross these streams. ATCO stated that these are non fish bearing streams and aren't within a community watershed; consequently culverts which follow the standard engineering code of the Forests Range and Practices Act (FRPA) would be used for crossings. Streams also run through several of the proposed cut blocks. ATCO is required to follow FRPA which has specific regulations for riparian management zones to try to minimize crossings of classified streams. An example of these practices include using a single designated crossing and taking extra precautions to reduce slash build up in riparian areas.

FRPA requires ATCO to conduct a visual impact assessment of the proposed cut blocks. ATCO anticipates the ability to meet the required visual quality objectives.

The surrounding lands are also unsurveyed Crown Land. Cutblock D01 is located approximately 2.5km north west of the China Creek Community Watershed boundary. Since the cutblock would be outside of the watershed, no negative impact is anticipated.

## **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'B'/ Lower Columbia-Old Glory Advisory Planning Commission was in support of this application.

## **BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

*Applicant's Submission*

*Referral Map*

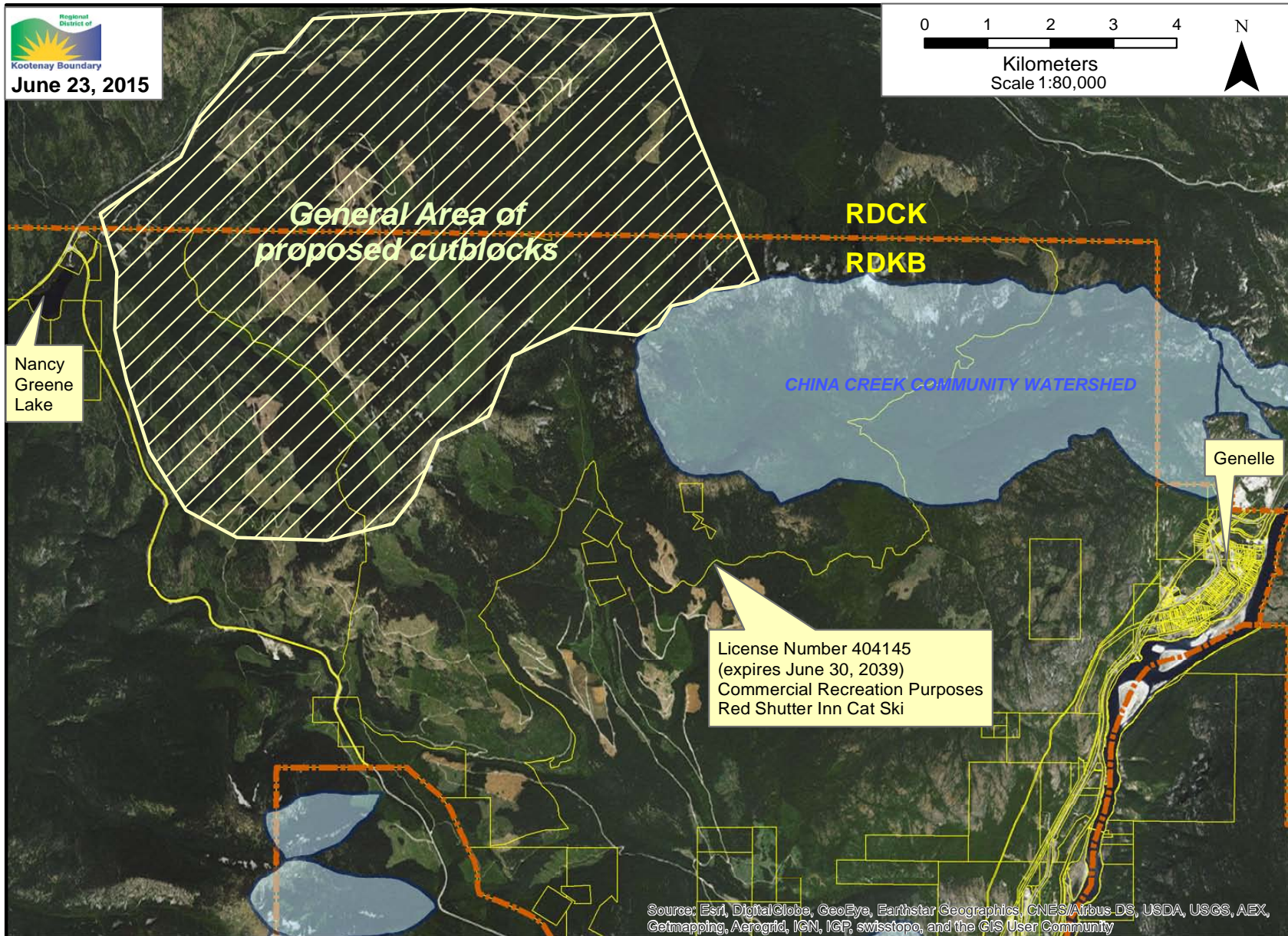
**RECOMMENDATION**

That the Regional District Board of Directors advise ATCO Wood Products that the application for 18 proposed cut blocks for Development Area 'D' in the Trident and Cliff geographic area, north of Rossland, east of Nancy Greene on Crown Land within the RDKB Electoral Area 'B'/Lower-Columbia-Old Glory, is supported.

*Respectfully Submitted:*      *Concurrence: (Department*      *Concurrence: (CAO)*  
*Head)*

\_\_\_\_\_

# Site Location Map



Document Path: P:\GIS\RDKBMapDocuments\Routine\_Maps\SiteLocationMap\Area\_B\_LowerColumbia-OldGlory\2015-06-23-SLM-WithBing-EastNancyGreeneLk-ATCO.mxd



Applicants Submission



May 21th, 2015

Regional District Kootenay/Boundary  
 #202 843 Rossland Ave.  
 Trail, B.C.  
 V1R 4S8

Attn: Mark Andison

**Re: Atco Wood Products, Development Area D (Trident & Cliff) Proposed Development**

This letter is to provide you with an opportunity to comment on proposed cut blocks D01, D09, D11, D16, D17, D19 to D22, and D24 to D33 in geographic area letter D. Attached is a 1:25 000 scale map for your reference of approximate block locations.

The proposed cut blocks are located in the Trident and Cliff geographic area. The proposed blocks will be accessed via existing and proposed sections of Road Permit R01273; and R06431; and in-block roads. The main focuses of the blocks are timber volume with some minor forest health.

Additional details of this development can be viewed at the Atco Wood Products Forestry Office at 1846 1<sup>st</sup> Street, Fruitvale from 7 a.m. to 4 p.m. Monday to Friday. Please contact me by my direct line or email (see below) to set up a confirmed time or to make alternate arrangements.

All comments must be received in writing by June 19, 2015.

Yours truly,

A handwritten signature in blue ink, appearing to read "Alex Saumure", is written over a circular blue stamp.

Alex Saumure, RFT  
 Development Technician



AS/as

P.O. Box 460 Fruitvale, BC V0G 1L0  
 Main Office: P 250 / 367.9441 F 250/367.6210  
 Direct Line : P 250 / 367.2523 F 250/367.6210  
 Email: alex.saumure@atcowoodproducts.com



Referral Map

Area D - Mackie

F.L.: A20193  
Mapsheets: 082F021  
Scale: 1:25,000  
Date: May 20, 2015



250 0 250 500 Meters

LEGEND

Existing Roads:

- Highway / Paved Road
- F.S.R.
- Road Permit Road
- Non-status Road
- Trail

Existing Blocks:

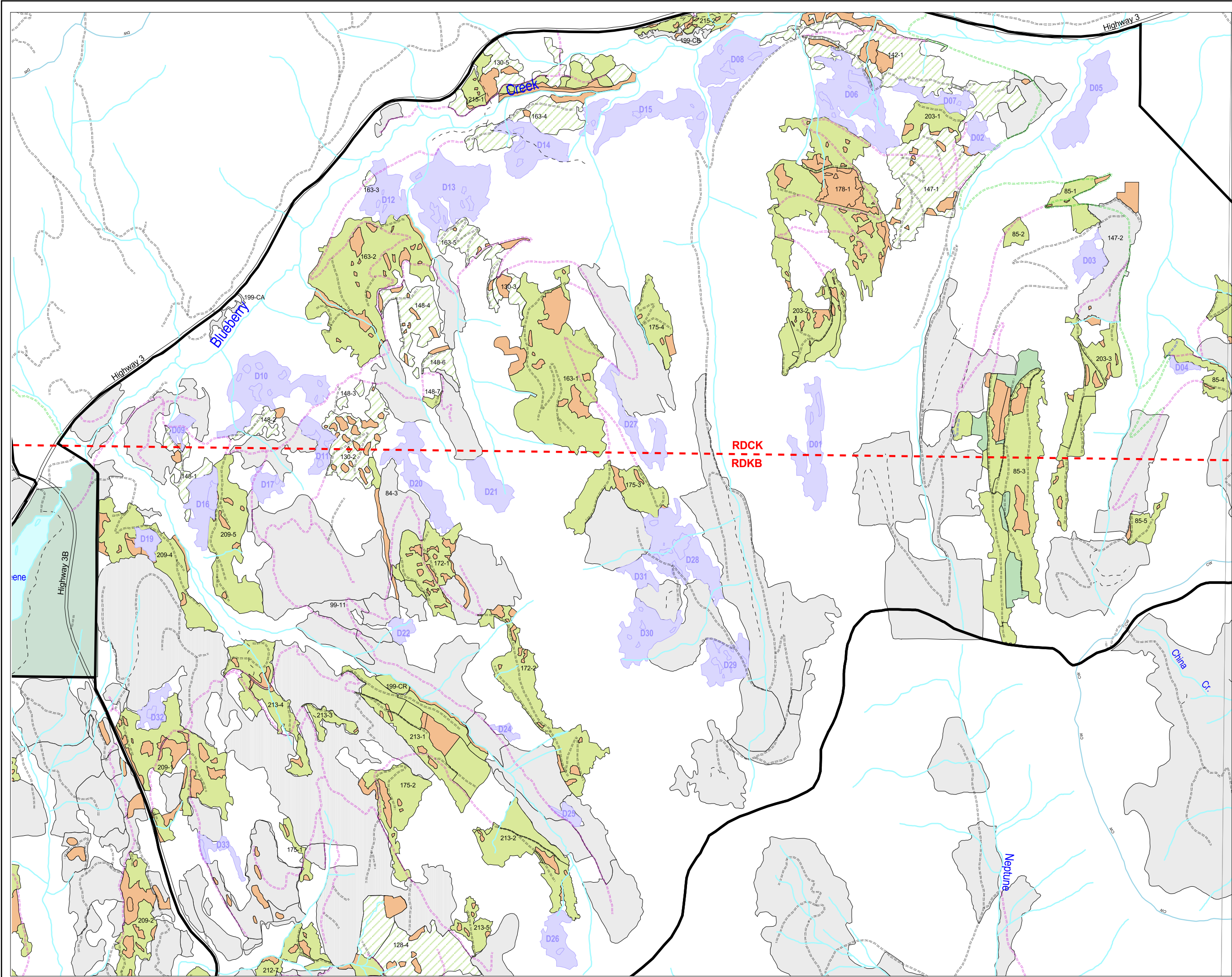
- C.P. Approved
- Greened Up
- Satisfactorily Restocked
- Existing WTP/Retention
- Relieved of Obligation / Other

Proposed Blocks:

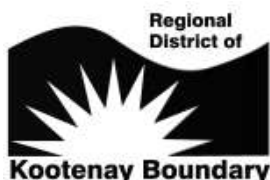
- Block

Other:

- Power Line
- Pipe Line
- Creek
- Lot Line
- Atco Chart Boundary
- CW Community Watershed Bdry.
- DW Domestic Watershed Bdry.
- Park
- Regional District Boundary







## STAFF REPORT

Prepared for meeting of July 2015

<b>FrontCounter BC Utilities Application</b>			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Applicant:</b> Shaw Cable		<b>File Nos:</b> C-498-02994.015 and C-498-02994.0016	
<b>Location:</b> Christina Lake Welcome Centre and adjacent Park, Electoral Area 'C'/Christina Lake			
<b>Legal Description:</b> DL 498  <b>License of Occupation No. 404062 (Park)</b> Lease/Permit/Licence # 404062 District Lot 498 750 THAT PART SHOWN OUTLINED ON PLAN ATTACHED TO LICENSE ISSUED FOR COMMUNITY PARK PURPOSES  <b>License of Occupation No. 404063 (Welcome Centre)</b> Lease/Permit/Licence # 404063 Portion EXC 6.29 AC Except Plan 2710 13142 13192 29837 37989 38106 UNSURVEYED PORTION OF DL ISSUED FOR A CENTER FOR ECOLOGICAL INTERPRETATION TOURIST INFORMATION ART GALLERY/STUDIO PURPOSES.		<b>Area:</b>  17.1 ha (42.3 acres)  0.9 ha (2.2 acres)  <b>Area under application:</b> 200m x 3m = <b>600m<sup>2</sup></b>	
<b>OCP Designation:</b> Parks and Recreational	<b>Zoning:</b> Parks and Recreational 1 (P1)	<b>ALR status:</b> Out	<b>DP Area:</b> No
<b>Contact Information:</b> Joel Sykes Shaw Communications Inc. 1951 Columbia Ave, Castlegar B.C. <a href="mailto:Joel.sykes@sjrb.ca">Joel.sykes@sjrb.ca</a>		Cavan Gates Community Coordinator Christina Gateway Community Development Association (250) 447-6165 <a href="mailto:coordinator@christinalake.ca">coordinator@christinalake.ca</a>	
<b>Prepared by:</b> Jeff Ginalias, Senior Planner			

## ISSUE INTRODUCTION

The Christina Gateway Community Development Association is working with Shaw Cable in preparing a *FrontCounter BC* Utility Application, seeking for permission to install a cable connection to the Christina Lake Welcome Centre. The connection would enable the building to access higher speed and more reliable internet connection. As the land is owned by the Crown, permission from the Province is required. The Regional District holds a License of Occupation for the Welcome Centre area and separate License of Occupation for the surrounding Park. This utilities R/W or License would cross parts of both (*see General Location R/W Map*).

## HISTORY / BACKGROUND FACTORS

The community service offices in the Christina Lake Welcome Centre currently operate on a low speed internet connection offered by China Creek Internet Service Ltd. The current connection is 5mb/s and has a 150 gb monthly cap. The Welcome Center wants to upgrade to a faster, more reliable service to better support community functions and services.

The Regional District previously provided Shaw Cable written authorization to install cable lines within the area of the RDKB Licenses of Occupation, to serve the Welcome enter (aka Living Arts Centre). (*see RDKB Authorization Letter*). The Province advises that this request for use of Crown land requires a formal application to obtain of some sort of tenure from the Province. Accordingly, the letter alone is not sufficient. The Province suggests a Board resolution, in support of the application, be provided.

## PROPOSAL

The applicants are requesting a Utility Application to install a cable connection which will significantly increase the internet connect speed, perhaps 10-20 times greater than the current set up. The Gateway Community seeks to offer free wifi at a community hub, which benefits the Centre and the community. The equipment is in place, but the limited speed and bandwidth presently available makes in not worth setting up. The cables would be installed on existing Fortis BC power poles within the Fortis BC R/W or immediately next to them. It is unclear at this point. Fortis has indicated they had no objection to the proposal, and written approval is being requested.

The application has not been submitted yet. The proposed applicants are preparing their application materials. Part of the material is a Board resolution, consenting to and supporting the application.

## IMPLICATIONS

Permission to establish utilities on Crown land first requires an application to the Province (*FrontCounter BC*). If approved, the tenure normally granted is a statutory right-of-way or easement. Another option may be a License of Occupation. Consent or

approval should also be obtained from any lessee or tenure holder (in this case the Regional District with its respective Licenses of Occupation and Fortis with the R/W). Thus, the matter is before the Board, seeking a resolution supporting the request.

The Zoning Bylaw (Section 302) General Regulations permits public utility use, such as this, in all zones.

#### **ADVISORY PLANNING COMMISSION COMMENTS**

This matter was not referred to the Electoral Area 'C' /Christina Lake Advisory Planning Commission or the RDKB Electoral Area Services Committee.

#### **BACKGROUND INFORMATION PROVIDED**

*General Location R/W Map*  
*RDKB Authorization Letter*

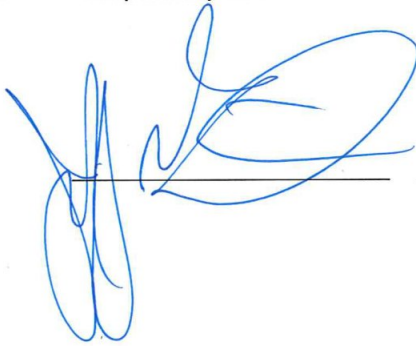
#### **RECOMMENDATION**

That the proposal to submit a utilities application to *FrontCounter BC* to establish cable connections on portions of Crown Land DL 498, License of Occupation Numbers 404062 and 404063, to provide better internet service to the Christina Lake Welcome Centre, is supported, and that a copy of this resolution be provided to Shaw Cable to include as part of the *FrontCounter BC* utilities application.

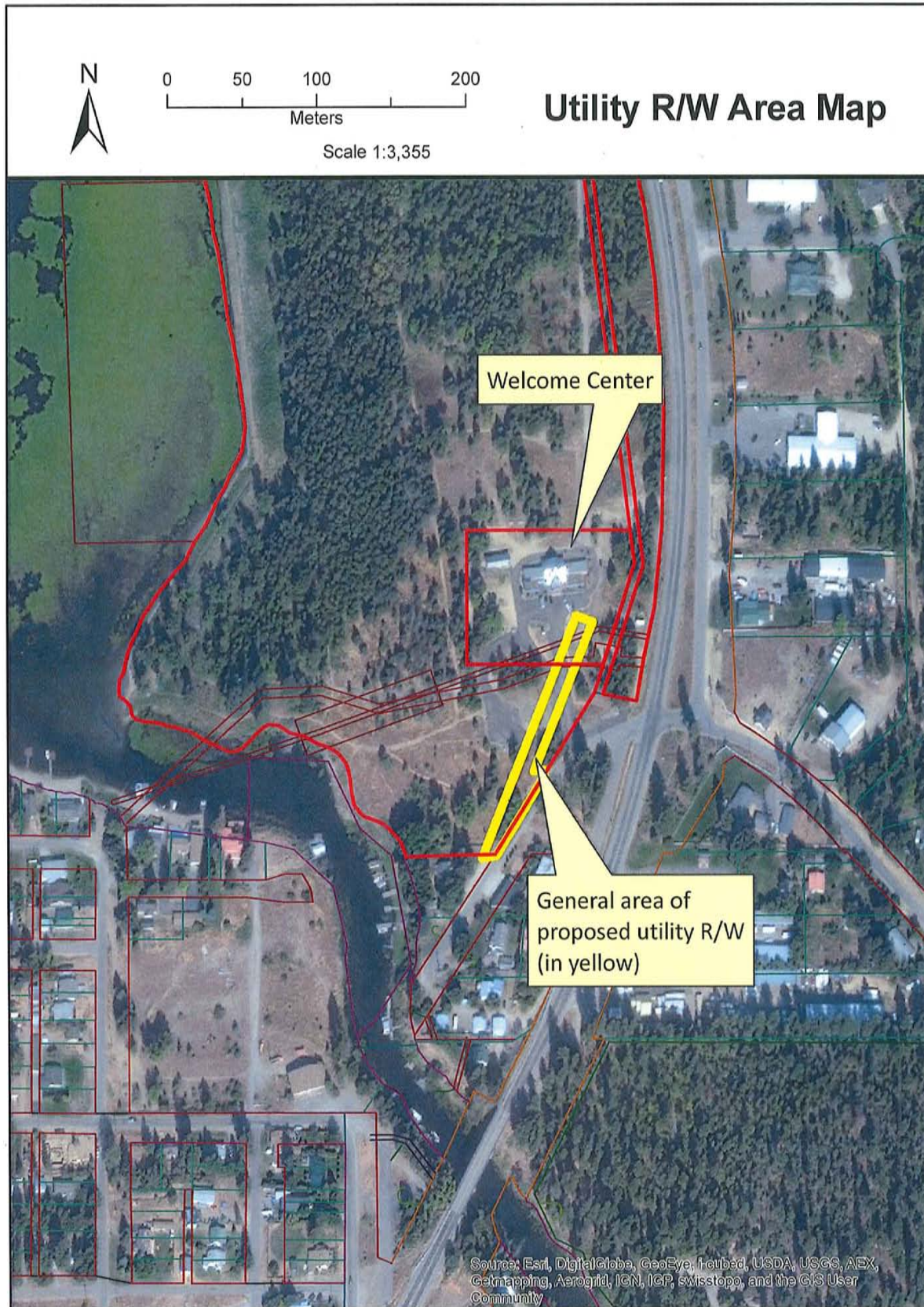
*Respectfully Submitted:*

*Concurrence: (Department  
Head)*

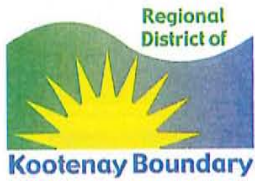
*Concurrence: (CAO)*







P:\GIS\RD\KB\MapDocuments\Area\_C\CLD\discGolf



January 7, 2014

Shaw Cable  
1951 Columbia Ave.,  
Castlegar, BC  
V1N 2W8

Dear Sir/Madam,

**RE: Authorization for Shaw Cable Service Connection to the Christina Lake Living Arts Centre (Welcome Centre), 1675 Highway 3, Christina Lake, BC**

Please consider this confirmation that the Regional District of Kootenay Boundary hereby authorizes Shaw Cable to install cable lines over an unsurveyed portion of District Lot 498, over which lands the RDKB holds a License of Occupation (#404063) from the Province of BC. The license authorizes the use of the tenured lands for the purpose of building and operating the Christina Lake Living Arts Centre, including all electrical, gas, water, and other utility connections.

Please note that the lands surrounding this tenure, including lands located between the License #404063 area and Highway No. 3, are also held under license by the Regional District of Kootenay Boundary (License #404062). We hereby authorize Shaw Cable to install cable lines over that tenured land as well for the purpose of servicing the Christina Lake Living Arts Centre.

Please feel free to contact me if you have any questions.

Sincerely,

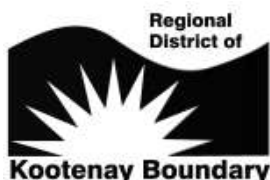
A handwritten signature in blue ink, appearing to read "John MacLean".

John MacLean  
Chief Administrative Officer

Attach: Owner Reports for License #404063 & 404062







## STAFF REPORT

Prepared for meeting of July 2015

License of Occupation – Disc Golf Course			
<b>To:</b> Chair McGregor and Members of the RDKB Board of Directors			
<b>Applicant:</b> Regional District of Kootenay Boundary		<b>File No:</b> C-498-02994.000	
<b>Location:</b> Crown land off Santa Rosa Road, Electoral Area 'C'/Christina Lake			
<b>Legal Description:</b> Crown land portion of District Lot 498, SDYD <sup>1</sup>		<b>Area:</b> Crown land parcel: ±53 ha (131 acres) Disk Golf course : ±13.3 ha (33 acres)	
<b>OCP Designation:</b> Parks and Recreational	<b>Zoning:</b> Parks and Recreational 1 (P1)	<b>ALR status:</b> Out	<b>DP Area:</b> N/A
<b>Contact:</b> Tom Sprado Manager of Facilities and Recreation Grand Forks Recreation Department Box 1486, Grand Forks BC. V0H 1H0 250 442-2202 <a href="mailto:tsprado@rdkb.com">tsprado@rdkb.com</a>			
<b>Report Prepared by:</b> Jeff Ginalias, Senior Planner			

### ISSUE INTRODUCTION

The purpose of this report is to formalize the Regional District of Kootenay Boundary's

<sup>1</sup> Note: DL 498 is a large district lot on both sides of Highway 3, which has been subdivided and portions parceled off several times. The legal description of the Crown land portion of DL 498 under consideration is:

DL 498, SDYD, Except Plan 2710 13142 13192 29837 37989 38106 KAP45806 KAP45822 KAP46580 EXC +/- 6.29 AC C&W RW ON PL ATTACHED TO PB VOL 4 FOLIO 433 SEE ALSO PL B3228 AND EXC +/- 44.479 AC AS SHOWN ON LBF 4401920 LICENCE #337614 AND EXC 2.718 AC AS SHOWN ON LBF 4402591 L/O #402648 & EXC PLAN KAP60519.

support for a License of Occupation to develop a portion of Crown land off Santa Rosa Road as a disc golf course (*see Site Location Map*). The matter has been considered by the Electoral Area 'C'/Christina Lake Parks and Recreation Commission and they support the proposal, recommending that the Regional District move forward with developing a management plan to submit in support of a License of Occupation application (*see Parks and Rec Committee Minutes*). To proceed requires a Board resolution.

## **HISTORY / BACKGROUND FACTORS**

This is a relatively large parcel of undeveloped Crown land southeast of the Christina Lake "central core". The Crown manages it as a reserve, but the management is passive. The Province previously identified some habitat concerns and potential species at risk on the parcel and any development must avoid or minimize any potential disturbance (*see Crown correspondence*).

## **PROPOSAL**

The Regional District proposes to apply for a License of Occupation to develop a good portion (about 13.3 ha or 33 acres) of the parcel as a disc golf course (*see Site Design*). Development would be minimal as no buildings are proposed. Regarding the course design, the following is proposed.

### **Tee Pads**

Two tee pads for each hole; one championship length and one junior length. The tee pads will be constructed to be flush with the surrounding ground.

Championship Tees - 18 – 5 foot by 12 foot concrete tee pads (4" nominal thickness)

Junior Tees - 18 – 4 foot by 7 foot concrete tee pads (4" nominal thickness)

### **Basket Bases**

18 cast-in-place concrete bases for baskets with metal locking sleeves inserted. These will be constructed using the smallest pre-made pier footing form (e.g. Bigfoot) and a short length of 6 inch diameter cardboard form tube. The top of the tube form will be flush with the surrounding ground.

### **Main and Directional Sign Bases**

There will be 2 cast-in-place concrete bases for the main directional/course map/course rules sign that will be installed at the entrance to the course. These will be constructed using the smallest pre-made pier footing form (e.g. Bigfoot) and a short length of 6 inch diameter cardboard form tube with the sign posts cast-in-place.

Up to 10 directional signs may be required. The bases will be pre-cast concrete collars about 18 inches diameter by 3 inches thick. The collars will be dug in flush with the surrounding ground and the sign posts inserted into the hole in the collars.

### **Hole Sign Bases**

There will be 36 sign bases. The bases will be pre-cast concrete collars about 18 inches diameter by 3 inches thick. The collars will be dug in flush with the surrounding ground and the sign posts inserted into the hole in the collars.

### **Trails**

Access trails to move players from baskets to tee pads will be required. Disturbances will be minimized and every effort will be made to use the extensive number of existing tracks and trails.

### **Parking**

Parking for at least to 10 vehicles will be required. There is a pre-existing cleared area on the east side of Santa Rosa Road near the first tee that could be used for that purpose.

No tree removal is proposed at this time.

### **IMPLICATIONS**

The parcel is designated and zoned for parks and recreational use, so rezoning is not required. Further, the zoning General Regulations permit parks, playgrounds and similar active or passive recreational areas in all zones.

The use would not be exclusive. There would be no restriction on access by the general public.

The "Reserve" status of the parcel will require that the course be developed and maintained to minimize habitat disruption.

The License of Occupation application requires submitting a Management Plan. The Management Plan would be based off the proposal, would address the concerns the Province has previously identified, and any additional concerns which are raised.

The attachments include some random disc golf activity photos, to show how portions of the course may be used or portions might look (*see Disc Golf Photos*).

### **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'C' /Christina Lake Advisory Planning Commission had no objection to this proposed application.

### **BACKGROUND INFORMATION PROVIDED**

*Site Location Map*

*Parks and Rec Committee Minutes*

*Crown correspondence*

*Site Design*

*Disc Golf Photos*




**RECOMMENDATION**

That the proposal by the Regional District of Kootenay Boundary to submit an application to *FrontCounter BC* for a License of Occupation to develop a disc golf course on approximately 13.3 hectares Crown land, legally described as the Crown land portion of District Lot 498, SDYD, Except Plan 2710 13142 13192 29837 37989 38106 KAP45806 KAP45822 KAP46580 EXC +/- 6.29 AC C&W RW ON PL ATTACHED TO PB VOL 4 FOLIO 433 SEE ALSO PL B3228 AND EXC +/- 44.479 AC AS SHOWN ON LBF 4401920 LICENCE #337614 AND EXC 2.718 AC AS SHOWN ON LBF 4402591 L/O #402648 & EXC PLAN KAP60519, is supported, and that staff be directed to prepare and submit the application.

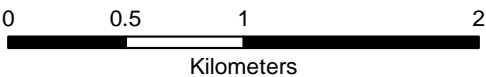
*Respectfully Submitted:*

*Concurrence: (Department  
Head)*

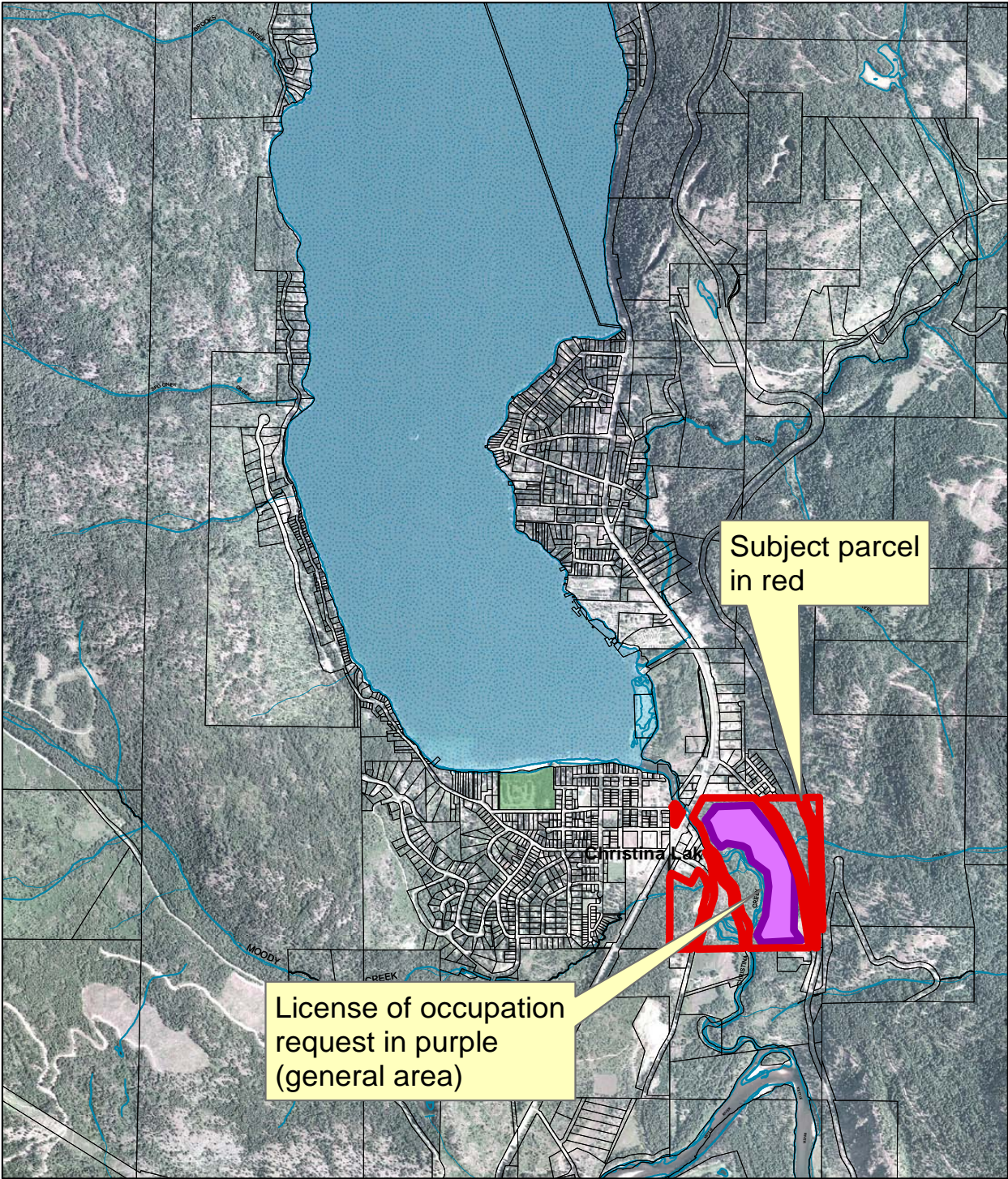
*Concurrence: (CAO)*







Site Location Map



Projected Coordinate System:  
NAD 83 UTM Zone 11N



## Park and Rec Committee Minutes

C-498-

Minutes of the Regular Meeting of the Electoral Area "C" Parks & Recreation  
Commission held Wednesday May 13, 2015 at the Welcome Centre

**Present**

Brenda Auge  
Dan Marcoux  
Dianne Wales  
Don Nelson  
Larry Walker  
Liz Stewart  
Paul Beattie  
Bob Dupee  
Carlo Crema

**Absent**

Dave Beattie

**RDKB Staff**

Tom Sprado/Lilly Bryant

**Area Director**

Grace McGregor

**Guest**

Cavan Gates

**Agenda**

1. M/S Larry Walker/Dan Marcoux, that the agenda be accepted as amended

**Carried**

**Minutes**

2. M/S Liz Stewart/Dan Marcoux, that the minutes of the regular meeting of April 8, 2015 be accepted

**Carried**

**Delegation: Les Sawyer spoke on behalf of the Pickleball group.**

The group felt that the Community Hall slab was not an ideal location because the slab is used for other events throughout the summer months.

A diagram for converting a section of the tennis courts to Pickleball courts was discussed. The group indicated 43 permanent residents were interested in Pickleball. Tom Sprado set up a meeting on Thursday, May 14<sup>th</sup> at 2pm to view potential sites for a permanent facility.

The group was directed to attend the monthly meeting of the Christina Lake Hall Association on Tuesday, May 19<sup>th</sup> at 1pm to discuss the option to convert the slab.

3. M/S Bob Dupee/Larry Walker, that Tom Sprado further investigate the cost and location for a permanent site for Pickle Ball. A meeting is scheduled for 8am on Thursday, May 21, 2015 at the Welcome Centre to discuss options.

**Carried**

**Business Arising from the Minutes - None**

## Park and Rec Committee Minutes

**Financial Plan (2015 budget)-** No concerns about the budget at this time

### **Old Business**

- **Pedestrian Bridge Feasibility Study Update**
    - Online Survey to be finalized and distributed by-mail drop off, Christina Gateway Newsletter and word of mouth.
    - Deadline to complete the on-line survey will be August 1st.
    - Steering Committee meeting to review on-line survey late August.
  - **Light Poles at the Community Hall**  
Brenda reported that the Poles have been installed and the power and lighting should be completed by Friday, May 15<sup>th</sup>.
  - **Johnson Road Beach access repair**  
Tom Sprado reported that upgrades to the Road end will not be done this year.
4. M/S Bob Dupee/Paul Beattie, that the Regional District of Kootenay Boundary submit application to the Province towards a License of Occupancy or other authority to develop the lake access at the end of Johnson Road in Christina Lake.

**Carried**

- **Disc Golf:**  
The Regional District currently does not hold a License of Occupation or other land use authority on the parcel (DL 498-Christina Lake) to be developed as a disk golf course. If a disk golf course is proposed, The Regional District would need authority, likely a License of Occupancy.
5. M/S Dan Marcoux/Larry Walker, that Regional District of Kootenay Boundary move forward with developing a management plan in support of an application for a License of Occupation for the development of a disk golf course.

**Carried**

- **Bump Pump Park-**
    - Review the Lawn Bowling Green area for a potential location.
    - Bob Dupee circulated a draft copy of a park designed created by Ben Koppin.
6. M/S Carlo Cremo/Brenda Auge, that a letter be written to Ben Koppin stating that the Recreation Commission is interested in working with Ben and parents in the future to build a Bump Pump Park and to thank him for all the work he has done with this project to date.

**Carried**



Crown correspondence

COPY

March 31, 2008

File: 2008SIP0128  
ILMB File: 4401664

Integrated Land Management Bureau  
1902 Theatre Road  
Cranbrook BC V1C 7G1

Attention: Lorraine Schmidt

Re: Proposed Senior Housing Development and Regional Park Expansion  
on the unsurveyed portion of DL 498, SDYD located in Christina Lake  
called Christina Creek Lowlands.

The Ecosystems Section of the Ministry of Environment (MoE) has reviewed the above mentioned referral and provides the following comments.

The Environmental Stewardship Division (ESD) has no concerns with the proposed seniors housing and expansion of a regional park, subject to the following conditions:

- The seniors' housing development will be located at the north-central portion of the reserve within the proposed 6.75 acre footprint. The footprint must include any required ancillary development works, such as septic fields.
- Development and park management planning is planned and implemented in accordance with guidelines in Section 3 and Section 4 of the best management practices (BMP) document **Develop with Care: Environmental Guidelines for Urban & Rural Land Development**:  
<http://www.env.gov.bc.ca/wld/BMP/bmpintro.html>.
- The Regional District Kootenay Boundary (RDKB) consults further with ESD during planning of any trail development or infrastructure proposed within the proposed regional park expansion. This is essential to avoid sensitive areas and areas with known occurrences of species-at-risk, particularly River Jewelwings.
- The RDKB implements the Riparian Area Assessment Methodology to determine site-specific streamside protection and enhancement areas within the proposed regional park expansion.
- A qualified professional shall be engaged by the proponents if any of the proposed activities are inconsistent with BMPs or any impacts to wildlife, wildlife habitat or rare plant will occur as a result of this application.

Ministry of Environment

Environmental Stewardship Division  
Okanagan Region  
102 Industrial Place  
Penticton BC V2A 7C8

Telephone: (250) 490-8200  
Facsimile: (250) 490-2231



Crown correspondence

The RDKB may be advised that ESD is willing to review applications for the above purposes.

It is the proponent's responsibility to ensure their activities are in compliance with all relevant legislation. All provincial BMP documents can be found at the following website: <http://www.env.gov.bc.ca/wld/BMP/bmpintro.html>.

If you have any questions or require additional information please contact Kristina Robbins at (250) 490-2285.

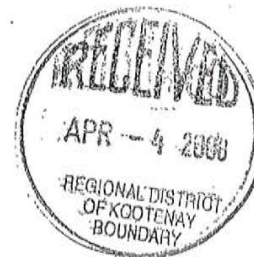
Yours truly,



Lora Nield  
Senior Ecosystem Biologist

LN/KR/cl

cc. Donna Dean, RDKB, 202-843 Rossland Avenue, Trail BC, V1R 4S8





Crown correspondence

October 3, 2001

Your File: Bylaw 1039 &amp; 1040

Ref #: 2001SIP0879

Regional District Of Kootenay-Boundary  
#202 - 843 Rossland Avenue  
Trail, BC V1R 4S8

Attention: Lisa Griffith

Re: DL 498 - Christina Creek

In regard to your letter of May 28, 2001, the Ministry of Water, Land and Air Protection, Southern Interior Region provides the following comments:

The Habitat Section has reviewed the various proposals and studies undertaken by the Christina Lake Chamber of Commerce, the Christina Lake Stewardship society, and The BC Conservation Data Center regarding the wildlife and fisheries values within the property known as DL 498, adjacent to Christina Creek. In addition the habitat officer is familiar with most of this property having walked portions of it over the last several years.

This aquatic and riparian ecosystem is one of the most sensitive fish and wildlife habitat areas in the Boundary. The various fish and wildlife habitats contained within this property could be described as in "recovering condition to stable condition". It is our opinion that with protection and control of human intrusion that the crucial habitats along and adjacent to the Christina Creek riparian zone can be enhanced.

The balance, function and interactions between aquatic and riparian ecosystems and their adjacent uplands is not an exact science. However, we do know that a healthy upland area protects and enhances the habitat and water quality values within adjacent wet ecosystems. For this reason, the Habitat Section will object strenuously to the alienation of any portion of DL 498, including any exchanges to acquire private lands within Gladstone Park.

In addition, the Habitat Section recommends a careful appraisal and cost analysis be made by the Provincial Parks Agency as to the ecological value of DL 498 and it's candidacy for inclusion as a Class A Provincial Park. The Habitat Section would object to any intensive use (campsites, picnic areas, etc.) of this property and feels regardless of the legal status of the land, an overall non-intrusive, low impact plan is necessary to maintain and enhance the property's habitat values, both riparian-aquatic and upland.

Ministry of Water,  
Land and Air  
Protection

Southern Interior Region

Telephone: (250) 490-8200  
Facsimile: (250) 492-1314

Mailing Address & Location:  
Suite 201-3547 Skaha Lake Rd,  
Penticton, B.C.  
V2A 7K2

Water Management Comments:

We have reviewed the above and have no recommendations or objections regarding this proposal at this time.

Any development of this property would be expected to comply with the Floodplain Management Regulations.

We advise that if any changes to the location or nature of any watercourse (stream, swamp, lake, river or creek) is contemplated, then an Approval or Notification under Section 9 of the Water Act is required. For further information, please contact the Water Management Program or the Fish, Wildlife and Habitat Program in Penticton at 490-8200. Please be aware that work in a watercourse is normally limited to a period of time called a "work window". These windows have been established to minimize the impact of development activities on the fisheries resource. The windows vary from stream to stream, may be brief (often one month), and are typically in the summer period. Applications for authority to do work in a watercourse should be submitted well in advance of the applicable work window to ensure that adequate time is available for adjudication.

Yours truly,

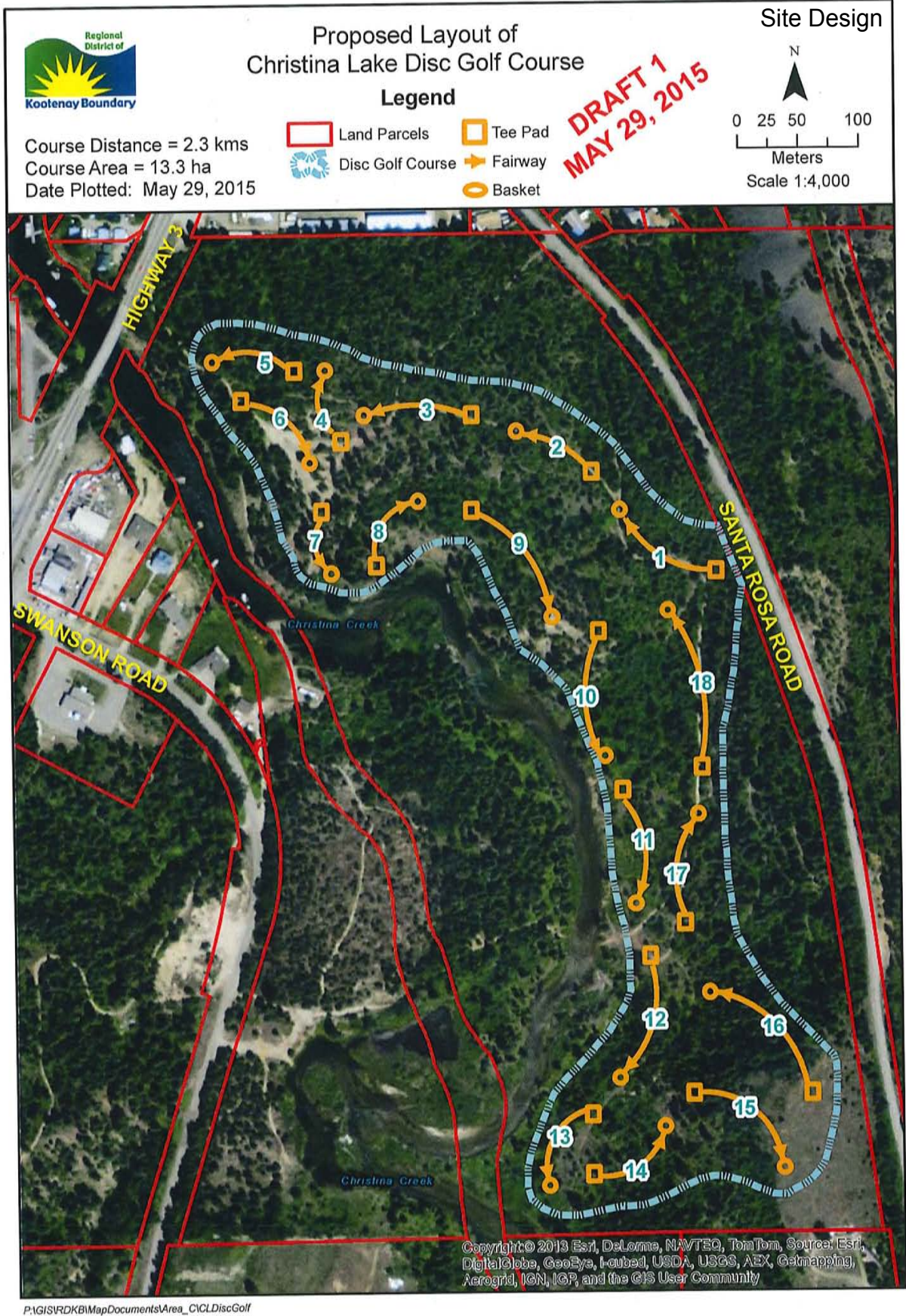


Referral Committee  
Ministry of Water, Land and Air Protection

MOLNAR/HARE/bar

Cc: Al Dean, BCAL





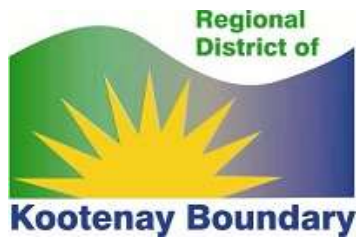


Disc Golf Photos

Photos of different disc golf setups and activities







## STAFF REPORT

**Date:** 30 Jul 2015

**File**

Boundary Animal  
Control -  
Commissionaires BC

**To:** RDKB Board of Directors

**From:** Mark Andison, General Manager of  
Operations / Deputy CAO

**Re:** Boundary Animal Control Service  
Contract Extension

### Issue Introduction

The current contract between the RDKB and the Commissionaires BC for the provision of animal control services in the Boundary terminates on August 31, 2015. The purpose of this report is to outline the options that have been considered by the service stakeholders for service delivery after August 31 and provide a recommendation based upon direction received from the stakeholders.

### History/Background Factors

The Boundary Animal Control Service encompasses four participating areas: the City of Greenwood; the City of Grand Forks; Christina Lake/Electoral Area 'C'; and Rural Grand Forks/Electoral Area 'D'. This is a longstanding service that has traditionally been delivered by contractors. Initially, the service was delivered by the BC SPCA under contract. After the BC SPCA vacated its facilities in Grand Forks, the RDKB contracted with private individuals to deliver the service. In 2013, after one of those individuals terminated his contract with the RDKB after less than a year, the RDKB engaged the Commissionaires in a one-year contract to deliver the service. That contract was extended for a further year in August 2014.

At this point, the stakeholder communities appear to be satisfied with the level and quality of service provided by the Commissionaires. A poll of the stakeholders has confirmed that there is consensus that the RDKB should seek a contract extension with the Commissionaires. The alternative presented was the initiation of a request for proposals process to seek out other potential service providers. The stakeholders have all expressed support for a three-year contract extension with the Commissionaires with annual payment increases equal to the Consumer Price Index

(CPI). Staff have proposed these terms to the Commissionaires and they have indicated that they would agree to the extension proposal as presented.

### **Implications**

Entering into a three-year contract with the Commissionaires will provide a level of service continuity with a contractor that has proven itself to be capable and effective. Having the right animal control contractor "fit" in the area is an important consideration. The alternative, considering a new contractor, would introduce an element of uncertainty to the service with respect to the capacity of the new contractor to manage the service effectively.

The contract would entail monthly payments to the Commissionaires in the amount of \$8686.00 from September 1, 2015 to August 31, 2016, with CPI increases for each of the following two years. Under the current contract, the Commissionaires have received a monthly payment of \$8,600.00 over the course of the past year.

### **Advancement of Strategic Planning Goals**

The proposal as presented advances the Board's goal of "Continuing to Focus on Organizational Excellence". The Commissionaires is an established security/bylaw enforcement organization that is respected in the community for the professionalism and capabilities that it has demonstrated to date.

### **Background Information Provided**

Proposed contract.

### **Alternatives**

As noted above, an alternative to the proposed contract extension would be to initiate a request for proposals process to determine if there are other more suitable or less-costly contractors available.

With respect to the contract itself, alternative contract terms (shorter or longer) and/or other pricing options to those proposed in this report may be considered.

### **Recommendation(s)**

That the Regional District of Kootenay Boundary Board of Directors awards the Boundary Animal Control Service contract to the Commissionaires B.C. for the period of September 1, 2015 to August 31, 2018 at a rate of \$8,686.00 per month from September 1, 2015 to August 31, 2016 with payment increases for each of the successive one-year periods equal to the Consumer Price Index.



## CONTRACT AGREEMENT

### THIS AGREEMENT MADE BETWEEN:

**COMMISSIONAIRES BC**  
**103-346 Lawrence Avenue**  
**Kelowna, BC V1Y 6L4**

(Hereinafter referred to as the "Contractor")

AND:

**REGIONAL DISTRICT OF KOOTENAY BOUNDARY**  
**202 – 843 Rossland Avenue**  
**Trail, BC V1R 4S8**

(Hereinafter referred to as "the District")

### WHEREAS:

- A. The Regional District is authorized to provide animal control services for the Animal Control Service Area.
- B. The Regional District is empowered to appoint an Animal Control Officer and Pound Keeper to undertake animal control and the licensing of dogs within the Animal Control Service Area; and
- C. The Regional District has agreed to appoint the Contractor as the Animal Control Officer and Pound Keeper for the Animal Control Service Area and the Contractor has agreed to perform the services and carry out the obligations of the Animal Control Officer and the Pound Keeper for the Animal Control Service Area, upon the terms and subject to the conditions of the this Agreement.

**NOW THEREFORE THIS AGREEMENT WITNESS THAT** in consideration of the mutual covenants and agreements herein contained, and subject to the terms and provisions hereinafter set out, the parties covenant and agree as follows:

#### 1. INTERPRETATION

##### 1.1 Definitions

- a) **"Animal Control Officer"** means the animal control officer for the Animal Control Service Area appointed by the Regional District under the authority of Bylaw No. 1550;
- b) **"Animal Control Service Area"** means collectively, the lands within the boundaries of the City of Grand Forks, the City of Greenwood and Electoral Areas "C" (which includes the community of Christina Lake) and "D" (which includes the rural Grand Forks area to the Brown Creek area) in the Regional District of Kootenay Boundary.
- c) **"Animal Control Services"** has the meaning set out in Section 2.1 below



- d) **"Bylaw No. 1550"** means RDKB Bylaw No. 1550, 2014, as may be amended from time to time, a copy of which is attached hereto as Schedule B;
- e) **"Commencement Date"** has the meaning set out in section 4.1 below;
- f) **"Lands"** means those lands (together with all the buildings and improvements located thereon, including the Pound) owned by the City of Grand Forks and legally described as PID: 023-560-227, Lot 7, DL520, SMDYD, Plan KAP59893;
- g) **"Pound"** means the RDKB's animal control facility, together with all the buildings and improvements associated therewith, located on the lands;
- h) **"Pound Keeper"** means the pound keeper for the Animal Control Services Area appointed by the RDKB pursuant to Bylaw No.1550; and
- i) **"Term"** has the meaning set out in section 4.1 below.

## 2. ANIMAL CONTROL SERVICES

### 2.1 Animal Control Services

The Contractor will provide all necessary materials, employees, labour, training, supervisions, uniforms, vehicles and equipment required in the connection with carrying out and performing the services set forth in this section 2.1 and shall perform all works and services incidental to the proper execution of the duties of the Animal Control Officer and Pound Keeper pursuant to the Bylaws, including but not limited to:

- a) Patrolling the Animal Control Service Area regularly for the purpose of enforcing the Bylaws;
- b) Providing at least one (1) vehicle ("patrol vehicle") for the use in patrolling the Animal Control Service Area, which patrol vehicle should be marked according to the instructions of the RDKB;
- c) Receiving and investigating complaints from the public and from the municipalities and electoral areas within the Animal Control Service Area related to the Bylaws;
- d) Taking appropriate and authorized enforcement measures as stipulated in the Bylaws;
- e) Communicating with the public in a respectful manner and resolving disputes with enforcement measures being the last resort;
- f) Liaising with the municipalities and electoral areas within the Animal Control Services Area regarding the Contractor's performance of the Animal Control Services;
- g) Operating and maintaining the Pound in a manner consistent with the humane treatment of animals;
- h) Complying with all applicable local, provincial and federal regulations or guidelines relating to the proper and humane treatment of animals;
- i) Providing various sized humane animal traps to trap problem animals that cannot be caught any other manner;
- j) Carrying out euthanasia on animals in a humane manner and in accordance with the Bylaws;
- k) Collecting and delivering to the RDKB animal license fees for dogs, in accordance with Bylaw No. 1072;
- l) Maintaining a record of activity & quarterly reports on the activities pursuant to this contract, which will be provided to the RDKB; and
- m) Performing such other reasonable services as the RDKB may from time to time require connection with the services set forth in the section 2.1 and the enforcement of the Bylaws or such other reasonable services as the parties may agree pursuant to section 2.2 below;

(Collectively, the "Animal Control Services")



## **2.2 Review of Animal Control Services**

The RDKB and the Contractor agree that within thirty (30) days of the expiry of six (6) months from the Commencement Date of this Agreement, the parties will meet to review and discuss the scope of the Animal Control Services, the Contractor's performance of the Animal Control Services and any other matters that the parties, acting reasonably, may agree to. The RDKB and the Contractor acknowledge and agree that, as a result of any discussions between the parties pursuant to this section 2.2, the RDKB may, acting reasonably, amend the scope of the Animal Control Services to be performed by the Contractor and the parties may, upon mutual agreement, amend any other term or provision of this agreement.

## **3. THE POUND**

### **3.1 Contractor's use of the Pound**

The Contractor will use the Pound for the purpose of carrying out the Animal Control Services and will not interfere with the RDKB's access to and use of the pound for the purposes of ensuring the Contractor's compliance with this Agreement and inspecting all written records required to be kept by the Pound Keeper pursuant to this Agreement and the Bylaws.

### **3.2 No interest in land**

The Contractor acknowledges and agrees that its right to use the Pound for the purpose of carrying out the Animal Control Services will not create or be deemed to create any interest in land in the Land or the Pound in the Contractor's favor.

### **3.3 Maintenance of the Pound and the Lands**

As Pound Keeper, the Contractor will secure and maintain the Lands and the Pound in accordance with Bylaw no. 1550 and the terms of this Agreement. Without restricting the generality of the foregoing, the Contractor will secure and maintain the Lands and the Pound in a clean, tidy and safe condition and will provide appropriate indoor and outdoor runs, automatic waterers, quality feed and such other facilities and provisions as required to provide reasonable and humane accommodation for impounded animals.

## **4. TERM AND TERMINATION**

### **4.1 Term**

Subject to the terms and conditions of this Agreement, the term of this Agreement (the "**Term**") shall consist of three (3) years, commencing on September 1, 2015 (the "**Commencement Date**") and expiring on August 31, 2018.

### **4.2 Termination for cause**

The Regional District may terminate this Agreement upon breach by the Contractor of any terms or covenant of this Agreement, provided the Contractor has first been given seven (7) days' notice of such breach and has failed in such time to remedy the breach to the satisfaction of the RDKB, acting reasonably.

### **4.3 Termination on Notice**

The RDKB may terminate the Agreement immediately and without prior notice upon any material breach by the Contractor of a term or covenant of this Agreement or upon any change in the members of the partnership compromising the Contractor from those set out on page 1 of this Agreement, unless such change in membership is approved by the RDKB.

### **4.4 Termination on Notice**

The Contractor may terminate this Agreement at any time, upon ninety (90) days prior written notice to the RDKB.

The RDKB may also terminate this Agreement at any time, upon ninety (90) days prior written notice to the Contractor.





## 5. SERVICE HOURS AND PAYMENT

### 5.1 Hours of Service

The Contractor will provide the Animal Control Services for a minimum of forty (40) hours per week (the "**Minimum Weekly Hours**").

**5.2** In full consideration of the performance of the Animal Control Services pursuant to this Agreement and the Bylaws, the Contractor (as opposed to the individual employees of the Contractor) the total sum of **\$8686.00** per month from September 1, 2015 – August 31, 2016. Cost of Living Increase (CPI) will be used for the September 1, 2016 – August 31, 2018 yearly increases. Payments will be preceded by an invoice from the Contractor (to be submitted to the RDKB monthly), which the RDKB will then pay in the ordinary course. The Contractor acknowledges and agrees the monthly compensation payable by the RDKB to the Contractor pursuant to this section .2 includes compensation for the Contractor's performance of up to 40 additional call out hours per month, over and above the total of the Minimum Weekly Hours worked by the Contractor in any one month (the total of the Minimum Weekly Hours worked by the Contractor in one month, plus the additional 40 call out hours per month, is hereinafter referred to as the ("**Maximum Compensable Monthly Hours**").

### 5.3 Overtime Hours

The RDKB and the Contractor acknowledge and agree that any additional call out hours worked by the Contractor over and above the Maximum Compensable Hours will be considered overtime hours for the purpose of this Agreement and the RDKB will not be required to compensate the Contractor for any overtime hours worked by the Contractor, unless;

- a) The overtime hours have been approved by a member of the municipalities and electoral areas within the Animal Control Service Area;
- b) The hourly rate payable by the RDKB to the Contractor for such overtime hours has been approved by the RDKB and the member municipalities and electoral areas within the Animal Control Service Area.
- c) The Contractor has delivered to the RDKB an invoice detailing the overtime hours worked and the nature of the services performed.

### 5.4 Acknowledgement

The Contractor acknowledges and agrees that, except as provided in sections 5.2 and 5.3 above, the Contractor will not be entitled to, and the RDKB will not be obligated to pay, any monies other than the compensation for the Animal Control Services provided, as set out in section 5.2 and 5.3 above.

## 6. UTILITIES AND TELEPHONE SERVICES

### 6.1 Utilities

The Contractor will pay, as and when due, the authority or person to which same or owing, all charges assessed by any lawful authority during the Term in respect of utilities and services used in or supplied to the Lands and the Pound (including without limitation electricity, gas, oil, telephone (voice and data), internet, water, sewer and garbage collection). The RDKB will forward promptly to the Contractor any assessment notice it receives in connection with such charges. Upon request by the RDKB, the Contractor will deliver promptly to the RDKB for inspection, receipts for payments of all charges payable by the Contractor pursuant to this section 6.1.

### 6.2 Telephone Services

The Contractor will, at its own expense, supply and maintain a twenty-four (24) hour local telephone service in the Animal Control Service Area, accessible without long distance tolls throughout the Animal Control Service Area, to be attended by a competent representative at all times, and to which all queries and complaints regarding animal control in the Animal Control



Service Area may be directed. Without limiting the generality of section 2.1 above, the Contractor will also supply, at its own expense, cell phones, two-way radios or pagers for immediate communication between the RDKB or complainant and the Animal Control Officer.

## **7. CONTRACTOR'S COVENANTS**

### **7.1 Compliance with this Agreement and the Bylaws**

The Contractor will carry out and obey every reasonable order and instruction given by the RDKB pursuant to this Agreement and the Bylaws and shall observe and enforce the terms and conditions of the Bylaws in a professional and humane manner.

### **7.2 Compliance with the laws**

The Contractor will, with all federal, provincial, municipal and local laws, regulations and ordinances applicable to the Animal Control Services.

### **7.3 Permits**

The Contractor will, at its own expense, procure all permits, insurance, certificates and licenses required by the Agreement or required to perform the Animal Control Services.

### **7.4 Record Keeping**

The Contractor will, in accordance with the Bylaws, maintain complete logs which detail the time of calls, the addresses of calling parties, the nature of complaints and the actions taken by the Animal Control Officer and/or the Pound Keeper to rectify the complaints in question. The logs shall be made available for inspection by the RDKB upon the RDKB's request.

### **7.5 Worker's Compensation**

The Contractor will, during the Term, maintain Worker's Compensation Registration in order to fully protect its employees, as may be required by the law, and shall, on demand from the RDKB, show proof of payment of claims in good standing with the Worker's Compensation Board. The Contractor will comply fully at all times with the Worker's Compensation Boards' rules and regulations.

### **7.6 Public relations**

The Contractor and its employees shall exercise good public relations in carrying out the Animal Control Services under this Agreement.

### **7.7 Patrol Vehicles**

The Contractor shall not park or store, or permit to be parked or stored, any patrol vehicle or equipment of the Contractor on any municipal streets or provincial highways, except as may be necessary or incidental to carrying out the Animal Control Services under this Agreement.

### **7.8 Protection of property and animals**

The Contractor will use due care and take all reasonable precautions to ensure the protection of persons, property and the animals within the Animal Control Service Area. The Contractor will be liable for all injury or damage which may occur to persons, property or to the animals within the Animal Control Service Area due to any act, omission, neglect or default of the Contractor or its employees, workers, or agents under this Agreement or the Bylaw.

## **8. INSURANCE**

### **8.1 Contractor's Insurance**

The Contractor, at its cost, will obtain and keep in force throughout the Term:

- a) Comprehensive general liability insurance against claims for personal injury, death or property damage (including without limitation fire, legal liability and contractual liability) arising from, occurring upon or in or about the Lands and the Pound in an amount of not less than \$2,000,000 per occurrence for bodily injury to any one or more persons or



property damage and such greater amounts as the RDKB may reasonably require from time to time; and

- b) Standard automobile insurance, covering all licensed vehicles owned by the Contractor, registered in the name of the Contractor, or any of its employees, and used in the performance of the Animal Control Services. Such insurance shall include liability insurance for bodily injury and property in an amount of not less than \$2,000,000, inclusive.

## **8.2 Policies**

The Contractor will affect all policies with insurers reasonably satisfactory to the RDKB. The Contractor will cause its insurance policies to also cover as unnamed insured's all member municipalities and electoral areas within the Animal Control Service Area, and anyone employed directly or indirectly by the Contractor to perform a part of parts of the Animal Control Services. The Contractor will cause its insurance policies to contain waiver of the insurer's subcontractors, and the Contractor hereby waives its rights of subrogation against such parties. The Contractor will cause liability insurance to name the RDKB as an additional insured with cross-liability and severability of interest endorsements. The Contractor will, upon request, provide to the RDKB insurance certificates with respect to such policies. If the Contractor fails to purchase or keep in force such insurance, the RDKB may affect such insurance, at the Contractors cost.

## **9. INDEMNITY**

### **9.1 Contractors Indemnity**

The Contractor will indemnify and save harmless the RDKB, its officers, employees, contractors, subcontractors and agents, as well as the member municipalities and electoral areas within the Animal Service Area and their respective officers, employees, contractors, subcontractors and agents, from and against all losses and all claims, demands, payments, suits, actions, recoveries and judgements of every nature and description, which the RDKB, or any of the member municipalities or electoral areas within the Animal Control Service Area, may suffer or incur or be put to arising out of or in connection with any default by the Contractor in observing and performing its obligations under this Agreement or arising as a result of the Contractor's performance of the Animal Control Services.

## **10. MISCELLANEOUS**

### **10.1 Independent contractor relationship**

The Contractor agree to perform the Animal Control Services solely as an independent contractor. The parties to this Agreement acknowledge and agree that this Agreement does not create any actual or apparent agency, partnership or relationship of employer and employees between the RDKB and the Contractor, or the RDKB and any of the individuals compromising the Contractor. Further, the RDKB and the Contractor acknowledge and agree that the RDKB will not be liable for taxes, Worker's Compensation premiums, unemployment insurance, employer's liability insurance, social security, withholding tax or any other taxes for or on behalf of the Contractor or the individuals compromising the Contractor. All such costs and taxes shall be the responsibility of the Contractor.

### **10.2 Joint and several liability of the Contractor**

The individuals compromising the Contractor, as set out on page 1 of this Agreement, will be personally liable as well as jointly and severally liable for the obligations and the liabilities of the Contractor under this Agreement, including but without limitation the indemnity of the Contractor as set out in 9.1 above.



**10.3 Assignment**

The Contractor will not assign or transfer this Agreement and will not permit or suffer any other person to occupy or use the whole or any portion of the Lands or the Pound without the prior written consent of the RDKB, which consent may be withheld by the RDKB in its sole discretion.

**10.4 Severability**

In the event that any provision herein or part of this Agreement shall be deemed void or invalid by a Court of Competent jurisdiction, the remaining provisions, or parts thereof, shall be and remain in full force and effect.

**10.5 Governing Law**

The provisions of this Agreement shall be governed and interpreted in accordance with the laws of the Province of British Columbia.

**10.6 Entire Agreement**

Except as expressly set out herein, there are no representations, warranties, conditions or collateral agreements between the RDKB and the Contractor, and this Agreement constitutes the whole of the agreement between such parties with respect to the Animal Control Services.

**10.7 Notice**

All notices and communications pursuant to the Agreement shall be in writing between the two parties and will be deemed to have been received by the addressee if delivered to the individual, or to a member of the firm, or to any officer of the RDKB for whom they are intended, or if sent by mail or fax addressed as follows:

**To the Regional District at:**

202-843 Rossland Avenue  
Trail, BC V1R 4S8  
Phone: 250.368.9148  
Fax: 250.368.3990

**To the Contractor at:**

103 – 346 Lawrence Avenue  
Kelowna, BC  
Phone: 250.979.4775  
Fax: 250.763.1099

**10.8 Independent legal advice**

Each of the parties comprising the Contractor acknowledges and agrees that they have obtained independent legal advice with respect to the contents and consequences of this Agreement. Each of the parties comprising the Contractor further acknowledge and agree that they have been advised of and understand the effects of the liabilities and obligations contained in this Agreement.

**10.9 No derogation**

Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the RDKB in the exercise of its functions under any public and private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands and the Pound as if this Agreement had not been executed and delivered by the RDKB.

**10.10 Counterpart execution**

This Agreement may be executed and delivered in any number of counterparts with the same effect as if all parties to this Agreement had signed and delivered the same document and all



counterparts will be construed together to be an original and will constitute one and the same agreement.

IN WITNESS WHEREOF the parties have signed this Agreement as of August \_\_\_\_, 2015

**Regional District Kootenay Boundary**

\_\_\_\_\_  
Authorized Signatory

\_\_\_\_\_  
Authorized Signatory

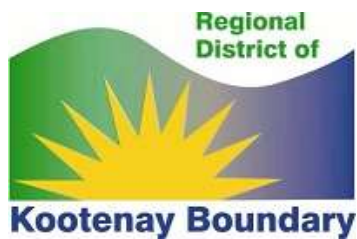
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Printed Name

\_\_\_\_\_  
Printed Name

**COMMISSIONAIRES BC**

\_\_\_\_\_  
Tom Houston  
Manager, Client Services - Interior Region



**STAFF REPORT**

**Date:** 14 Jul 2015 **File**  
**To:** Chair McGregor and Members of  
the RDKB Board of Directors  
**From:** Maureen Forster, Executive Assistant  
**Re:** Support - BC Conservation Tax  
Incentive Program (CTIP) Proposal

**Issue Introduction**

A staff report from Maureen Forster, Executive Assistant, regarding a request from the Comox Valley Regional District seeking support of a resolution which will be submitted to the UBCM in September 2015 to endorse a province-wide Conservation Tax Incentive Program (CTIP).

**History/Background Factors**

The Comox Valley Regional District was approached by the Land Trust Alliance of BC with a request to sponsor a resolution to the UBCM in September 2015 in support of a province-wide Conservation Tax Incentive Program (CTIP), modeled after the Island's Trust Natural Areas Protection Tax Exemption Program (NAPTEP). NAPTEP applies only to residential (class 1) land and only to the covenant (natural, undeveloped) area of the parcel. NAPTEP offers 65% property tax relief for landowners who enter into a conservation covenant to protect important natural features on their property.

If the resolution is endorsed by UBCM, the province would be asked to amend the *Local Government Act* to grant local governments the authority to implement a CTIP program in their area. The conservation covenants will provide a tool to enhance conservation of natural areas on private land through voluntary means and financial incentives would offset start-up costs which are borne by the landowners involved.

The main features of the proposed provincial tax incentive program would be:

1. the program title could be titled a "Conservation Tax Incentive Program" (CTIP) to distinguish it from the existing NAPTEP,
2. fully voluntary participation by local government, landowners and land trusts,

3. 100% annual property tax exemption for land with a qualifying conservation covenant, and
4. exit fees for land withdrawn from a CTIP should be defined on a basis similar to the Private Managed Forest Land Program:  
     full recovery of tax exemption benefits up to 5 years, then a declining recovery rate and no recovery after 15 years.

### **Implications**

Beyond legislative approval, there will need to be a process for awareness building, training for concerned local governments and land trusts and, likely, step-by-step implementation in regional districts and municipalities which have taken the necessary actions to adopt the program in their areas.

### **Advancement of Strategic Planning Goals**

The Regional District will further its environmental stewardship/climate preparedness focus by continuing to support the protection of ecologically important natural areas and corridors and the watershed, habitat, climate change mitigation and other benefits which it provides.

### **Background Information Provided**

1. Comox Valley Regional District - letter of July 10, 2015
2. Land Trust Alliance of BC - Proposal for a BC Conservation Tax Incentive Program

### **Alternatives**

1. Receipt
2. Deferral
3. Approval

### **Recommendation(s)**

The Regional District of Kootenay Boundary Board of Directors supports the resolution, which will be submitted to UBCM for consideration at the 2015 Convention, that the Ministry of Community, Sport and Cultural Development be requested to grant local governments the authority to implement a conservation tax incentive program modeled on the Natural Area Protection Tax Exemption Program.

## Office of the Chair

600 Comox Road, Courtenay, BC V9N 3P6  
 Tel: 250-334-6000 Fax: 250-334-4358  
 Toll free: 1-800-331-6007  
 www.comoxvalleyrd.ca



File: 4710-01

July 10, 2015

Sent via email only: [grace\\_mcgregor@xplornet.com](mailto:grace_mcgregor@xplornet.com)

Chair Grace McGregor  
 Kootenay Boundary Regional District  
 202 - 843 Rossland Avenue  
 Trail, BC, V1R 4S8

Dear Chair McGregor:

**Re: Support - British Columbia Conservation Tax Incentive Program proposal**

At its June 30, 2015 meeting the Comox Valley Regional District board of directors approved a motion to submit the following resolution to Union of BC Municipalities (UBCM) as a Comox Valley Regional District sponsored resolution:

WHEREAS the Islands Trust has successfully implemented a Natural Area Protection Tax Exemption Program (NAPTEP) which provides 65% property tax relief for landowners who enter into a conservation covenant to protect important natural features on their property;

AND WHEREAS the NAPTEP complements provincial and local programs and policies and does not result in any loss of tax revenue nor any significant additional costs;

AND WHEREAS regional districts and municipalities may wish to support and encourage landowners to preserve natural areas for current and future environmental benefits:

THEREFORE BE IT RESOLVED that the Ministry of Community, Sport and Cultural Development be requested to grant local governments the authority to implement a conservation tax incentive program modeled on the NAPTEP.

Comox Valley Regional District (CVRD) staff were recently approached by the Land Trust Alliance of BC with a request to sponsor the above-noted resolution to the UBCM in support of a province-wide conservation tax incentive program (CTIP), modelled after the Islands Trust natural areas protection tax exemption program (NAPTEP). The Land Trust Alliance of BC's proposal is attached.

If the resolution is endorsed by UBCM, the province would be asked to amend the *Local Government Act* to grant local governments the authority to implement a CTIP program in their area. NAPTEP applies only to residential (class 1) land and only to the covenant (natural, undeveloped) area of a parcel. The program offers 65 per cent land tax exemption for land with an Islands Trust fund covenant.

Impact on regional district resources would have to be determined on a case-by-case basis, should this program be enabled.

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If approved by UBCM, the conservation covenants will provide a tool to enhance conservation of natural areas on private land through voluntary means and financial incentives would offset start-up costs which are borne by the landowners involved.

In light of the above and in the interest of protecting and restoring sensitive natural areas, the Comox Valley Regional District respectfully request your support for the above-noted resolution at UBCM in September.

Sincerely,



Bruce Jolliffe  
Chair

Enclosure: Proposal for BC Conservation Tax Incentive Program

cc: Mr. John MacLean, Chief Administrative Officer

*Comox Valley Regional District*

## **Proposal for a B.C. Conservation Tax Incentive Program**

Draft Background Paper, April 15, 2015

Land Trust Alliance of BC

### **1. Natural Areas Protection Tax Exemption Program**

#### ***1.1 History***

In the early 1990's property values and assessments rose dramatically in B.C.'s Gulf Islands, triggering an increase in subdivisions and logging. Due to concerns about the impact of development on important ecological areas, locally elected trustees advocated for provincial legislation which would allow local governments to provide an incentive for landowners to voluntarily leave their properties in a natural state rather than developing or logging them to pay property taxes.

At the time the policy of the Islands Trust (a federation of local Gulf Islands governments) supported the use of property tax incentives to promote natural area conservation. As the concept of a conservation tax incentive program progressed it was felt that legislative changes allowing such incentives in the Islands Trust area only would be simpler than province-wide adoption.

The Natural Areas Protection Tax Exemption Program (NAPTEP) was instituted through amendments to the Islands Trust Act in 2000 and the Act's regulations in 2002. Launched initially in the Islands Trust areas overlapping with the Capital and Sunshine Coast Regional Districts, NAPTEP expanded between 2008 and 2011 to include the Islands Trust areas of the Nanaimo, Cowichan Valley, Comox Valley and Powell River regional districts. The only Islands Trust areas not yet approved for NAPTEP participation are the Municipality of Bowen Island and two other small islands in the Greater Vancouver Regional District.

#### ***1.2 Features of NAPTEP***

NAPTEP is a fully voluntary program offered by the Island Trust and Island Trust Fund (ITF – a conservation land trust for the Gulf Islands) – voluntary in terms of both regional district and municipal participation and in terms of landowner enrolment. All NAPTEP covenants are held by the ITF Board. NAPTEP covenants follow a standard “template” required by BC Assessment. This means that a few covenants which do not fit this template have been processed outside the scope of NAPTEP.



NAPTEP offers 65% tax exemption on land which is protected by a conservation covenant. Qualifying land must have special features such as undisturbed natural areas that are good examples of important ecosystems, habitat for rare native plants or plant communities, critical habitat for native animal species or special geological features.

NAPTEP covenants apply to natural areas and generally are not placed on developed portions of a parcel, such as homes, other buildings and roads. NAPTEP reduces only the land portion of property taxes, not parcel taxes or tax on improvements. Land with a NAPTEP covenant receives a Natural Area Exemption Certificate which is forwarded to BC Assessment and reduces annual taxes payable. NAPTEP covenants do not entail a requirement for public access to the protected land.

There is no minimum or maximum size for conservation covenants. However it is unlikely that owners of small parcels or land with low assessed value will apply to NAPTEP since the potential tax reduction benefits may not outweigh the costs of entering the program. Typically, landowners would be seeking to recover application costs in a few years.

Land approved under the NAPTEP program is classed as residential (BC Assessment class 1). However placement of a covenant on a parcel may lower the assessed value of land which could otherwise be developed since those development opportunities are foregone. Lands subject to other tax exemptions, such as Private Managed Forest Land (BC Assessment class 7) and agricultural land (class 9), are not eligible for NAPTEP. Also, land in the Agricultural Land Reserve (ALR) cannot have a restrictive covenant applied to it without special approval. Conservation covenants are therefore not applied to ALR land. Land enrolled under NAPTEP may qualify for the federal Ecological Gifts (EcoGift) program and charitable gift receipt. The EcoGift program gives private land owners a non-refundable income tax credit and an exemption from capital gains tax.

Landowners applying for NAPTEP are responsible for payment of covenant initiation costs, which include a \$450 ITF application fee, a legal land survey, baseline ecological survey, legal and tax advice and registry of the covenant with BC Land Titles. Total initiation costs are estimated to range from \$2500 to \$12,000, a significant cost for any landowner considering a covenant as permanent protection for their property. In some cases supplementary funding can be arranged to assist landowners with these initiation costs. The ITF is responsible for ongoing costs of monitoring and enforcement of the covenant.

Conservation covenants are permanent, remaining with the land title even if the land is sold. NAPTEP benefits are also permanent and will therefore help to balance the lowered development potential of the land for the initial and future owners of the land. However, if a landowner breaches the conditions of the covenant, the NAPTEP certificate may be revoked and past tax reduction benefits may be fully recovered. It should be noted that other, more equitable, exit provisions could be adopted. For example, the Private Managed Forest Land program uses a full benefit recovery approach (similar to NAPTEP) for land which has been enrolled for up to five years. After five years the exit fee is reduced and after fifteen years the land is no longer subject to an exit fee.

***NAPTEP Stories***

A landowner in the northern Gulf Islands felt motivated to protect his property which provides an important natural corridor between a provincial park and an area of coastal bluffs and Garry Oak habitat. After learning about NAPTEP he decided to proceed with negotiation of a covenant on approximately 85% of his 13.5 acre property. During the ecological assessment and communication with ITF he learned more about the restoration of a mature, healthy forest. Although he was able to take advantage of some favourable prices for the ecological survey and legal advice, his direct costs still amounted to approximately \$5000 for the initiation of the covenant. He estimates that his property taxes have been reduced by "a few hundred dollars per year", leaving him with a payback period of 6 – 8 years. Despite his relatively small covenant size and small annual tax savings, the landowner says that he is happy to have the covenant in place and happy that he is dealing with a land trust which takes the covenant seriously and supports his conservation goals. He reports that he has had very positive feedback from neighbours, although none have yet followed his lead. He agrees that a larger tax exemption might be critical for some landowners for whom a shorter payback period is more important.

A landowner family in the southern Gulf Islands was similarly motivated by a strong desire to protect 1.2 acres of Garry Oak meadow on his 4.2 acre property. The covenant, established in 2011, is held by the Islands Trust Fund and the local island conservancy. The cost of developing the covenant included the ITF fee, land survey, ecological assessment and registration with Land Titles and cost a total of about \$3400. In this case, a local endowment fund was available to offset approximately 75% of the covenant initiation costs, leaving them with over \$800 in out of pocket expense. Because the property and covenant area are small, the NAPTEP tax exemption saving is about \$200 per year. This small tax saving would not, by itself, be sufficient to justify the covenant on a strictly financial basis. The landowners' motivation for establishing a conservation covenant was clearly their love of the natural character of their property and the availability of the local endowment fund.

Conservation covenants require annual monitoring, communication between the covenant holder and landowner, and possible enforcement and even occasional resolution of legal issues. The degree of monitoring and other management required is usually related to the amount of detail and complexity in the covenant. Covenant management may also involve assistance to the landowner to maintain the identified ecological values (eg. invasive species removal).

Monitoring and management of covenants is the responsibility of the covenant holder, usually a conservation organization. In some cases endowment funds are set aside to offset the annual monitoring and management costs. In other cases landowners are required to pay an annual amount to cover, at least partially, these annual costs.

While these considerations apply regardless of whether or not a tax exemption program is in place, they have a considerable impact on the readiness of land owners and land trusts or others to put conservation covenants in place and, thus, the level of demand for a tax exemption program.

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### 1.3 NAPTEP Enrolment

While there is considerable land potentially eligible for protection under an IT covenant and tax exemption under NAPTEP, only a small amount has so far been enrolled. The following table shows the level of participation in the NAPTEP by year and regional districts. After ten years of implementation in the Capital RD (Saltspring, North Pender and Galiano islands) there are 20 participating properties with total covenant area of just over 62 ha. The RD of Nanaimo (Gabriola Island) and the Comox Valley RD (Hornby Island) have had shorter periods of participation and, so far, lower levels of usage. There have been no NAPTEP covenants approved yet in the ITF area covered by the Cowichan Valley, Sunshine Coast or Powell River RDs.

#### Land Enrolled in the ITF Natural Area Protection Tax Exemption Program

No. of parcels and (ha.)

Year	Capital RD		RD of Nanaimo		Comox Valley RD	
	NAPTEP	Non-NAPTEP	NAPTEP	Non-NAPTEP	NAPTEP	Non-NAPTEP
2005-06*	4 (31.2)	2				
2006-07	2 (10)	0				
2007-08	4 (8.3)	0				
2008-09**	5 (7.2)	0				
2009-10	2 (2.9)	0	1 (7.4)	0		
2010-11***	0	0	1 (2.1)	1		
2011-12	1 (0.8)	2	0	0		
2012-13	1 (0.9)	0	0	0	1 (4.7)	0
2013-14	0	1	0	0	0	0
2014-15	1 (0.8)	1	0	0	0	0
Total	20 (62.1)	6	2 (9.5)	1	1 (4.7)	0

\* 2005 – NAPTEP launched in Capital RD

\*\* 2008 – NAPTEP launched in RD of Nanaimo

\*\*\* 2010 – NAPTEP launched in Comox Valley RD

Source: Islands Trust Fund

Prior to the initiation of NAPTEP, the ITF had a total of 34 conservation covenants on both private and public land. Since NAPTEP came into effect in the Capital RD there have been about 2 NAPTEP covenants per year and less than one non-NAPTEP covenant per year.

ITF has indicated that older covenants can transition into the NAPTEP if they meet all eligibility criteria. To date only one such transition of an older covenant into the program has taken place although there have been a few other indications of interest.

It would appear that the level of usage or enrolment in the NAPTEP is holding relatively constant in the ITF area at 2 – 3 covenants per year. The modest level of NAPTEP enrolment reflects the fact that NAPTEP provides a fairly small financial incentive to landowners considering a conservation covenant. NAPTEP is not being used for tax avoidance purposes. However it is likely a positive influence on landowners who would otherwise be undecided about the overall benefits and costs of long-term conservation of their land.

It appears that for large properties which could potentially realize a greater benefit from a NAPTEP tax saving, there may be offsetting subdivision or other development potential which reduces landowners interest in participation. For small properties the tax saving potential is also small and may not be enough to outweigh the covenant initiation costs, some of which are fixed regardless of parcel size. Covenants are most likely where landowners have a clear conservation orientation or where there are offsetting sources of funding. In addition to these factors, possible expansion of a conservation tax incentive program to other areas of the province could be affected by the willingness of regional districts and municipalities to participate in the program.

The capacity of land trusts or local governments to initiate conservation covenants and make the commitment to their ongoing monitoring and management is also likely to be a limiting factor for land enrolment in a province-wide tax exemption program. Many land trusts operate with limited human and financial resources and are therefore unlikely to be able to handle the start-up or ongoing monitoring of more than a small number of covenants each year.

The expected impact of a NAPTEP-like, province-wide tax incentive program is therefore that there will be a modest increase in the number of conservation covenants. Those landowners who are positively inclined and have valuable natural areas may wish to proceed with a covenant if the costs and benefits can be shifted slightly in their favour. A province-wide tax incentive program is not going to result in a large influx of properties nor in a disruption of tax revenues or shifting of tax incidence.

#### ***1.4 NAPTEP Financing***

Two facts stand out with respect to the financing of NAPTEP tax exemptions. First, there is no loss of provincial or local tax income and no requirement for the province to compensate local governments for reduced tax. Instead, the NAPTEP program involves a tax shift from a small number of participating landowners to a large number of non-participating properties. And, second, the amount of tax shifting is very small.

In simple terms, property taxes are based on assessed values (the tax base) and tax (or mill) rates. Actual taxes payable are subject to both changes in the tax base and changes in revenue requirements for such things as schools, hospitals and local services. From a government revenue perspective, the 65% NAPTEP tax exemption is offset by both land development and other changes in assessments elsewhere and by shifting taxes to other taxpayers in the jurisdiction. This is the same as effect of the agricultural, heritage property and other tax exemptions. It should also be noted that the cost of administering the NAPTEP program is minimal. BC Assessment enters the tax exemption certificate into its records and shows the exemption on the landowner's annual assessment notice.

Calculation of actual tax shifting is rather complex and has only been done on a hypothetical basis for regional districts and areas considering participation with ITF in the NAPTEP program. Within these areas different tax categories are pooled differently. For example, the effect of a tax exemption on school, police and provincial rural taxes affects the provincial tax pool for these taxes and would be imperceptible. The effect of a tax exemption on regional hospital, parks and recreation, fire protection and other regional and local services would be slightly larger but would not affect taxpayers in other parts of the province. Also, mill rates vary by taxing authority and property classification.

The level of participation in NAPTEP was discussed above. The ITF calculated tax shifts for landowners in one island local trust.<sup>1</sup> Based on a 1% participation rate in NAPTEP, the resulting tax shift, or additional tax payable by non-NAPTEP properties, was estimated to be \$0.03 per year per landowner in the Cowichan Valley Regional district and \$0.04 per landowner in one of the island local trust areas. If the participation rate was 5%, these tax shift values would rise to \$0.14 and \$0.22 per landowner respectively. Another calculation of the tax shift impacts on provincial, regional district and IT area landowners ranged from \$0.01 to \$0.45 per year per taxpayer, based on a 1% participation rate in the NAPTEP program and \$0.07 to \$2.25 with a 5% participation rate.<sup>2</sup>

It appears that, in comparison to land acquisition costs, a voluntary tax exemption program such as NAPTEP offers a highly cost-effective means of protecting some of the most valuable, privately-owned natural areas in areas where such protection is often critical. Tax shifting to non-participating landowners is very small, likely to be offset by many other changes affecting tax rates, and very reasonable in comparison to the increased amenity values and positive impact on other property values which will result from conservation of natural areas. From a local government and provincial perspective, such a tax exemption program has no direct cost and minimal administrative requirements.

<sup>1</sup> Islands Trust Fund, "Hypothetical Tax Shift Due to Implementation of the Natural Area Protection Tax Exemption Program (NAPTEP) in the Thetis Island Local Trust Area (Cowichan Valley Regional District)," August 2008, unpublished.

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## **2. Conservation Incentive Programs in Other Jurisdictions**

### **2.1 Nova Scotia**

Nova Scotia promotes the conservation of natural areas on private land through a Conservation Property Tax Exemption Program (CPTEP) which began in 2009. The province has made a commitment to protect 12% of its land by 2015. However 75% of Nova Scotia land and 95% of its coast is privately owned, so protection of privately owned land is very important.

The CPTEP exempts landowners from 100% of property tax on qualifying conservation properties and it provides a grant from the province to municipalities in lieu of taxes on those properties. The program also eliminates "change of use" taxes which can be levied as a result of property becoming protected.

Qualifying conservation properties are those which are subject to a conservation easement (covenant) that is primarily dedicated to the protection of native biodiversity and natural processes. Industrial and commercial use is prohibited on conservation properties, including forestry, agriculture and quarrying. Qualifying conservation properties also include land held for the protection of native biodiversity and natural processes by an eligible body such as a land trust, municipality or provincial or federal government agency.

No application process is required for the CPTEP; government agencies and land trusts identify qualifying land. Once identified the tax exemption is provided year after year unless a change of use occurs. However if a change of use takes place a change of use tax of 20% of the fair market value of the property is charged.

### **2.2 Ontario**

The Province of Ontario recognizes that many of its most significant natural areas are privately owned and that it is important to encourage responsible stewardship of these lands and the protection of their outstanding natural heritage features. The Ontario Conservation Land Tax Incentive Program (CLTIP) replaced an earlier tax reduction (rebate) program in 1998. CLTIP is a voluntary program which provides an incentive for landowners to protect conservation lands by offering 100% property tax exemption.

Eligible conservation land include provincially significant wetlands, provincially significant areas of natural and scientific interest, habitat of a regulated species, or designated parts of the Niagara Escarpment. In 2004 the Ontario government added a Community Conservation Land category, consisting of land owned by charitable conservation organizations and conservation authorities, where these meet eligibility criteria and are

maintained to preserve natural heritage and biodiversity objectives. Eligible land parcels must be  $\frac{1}{2}$  acre or larger.

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Like B.C., Ontario has a Managed Forest Tax Incentive Program and a Farm Property Class Tax Rate Program which promote preservation and sound management of forest and agricultural land. In contrast, the CLTIP is for land which is preserved in a natural state and forest and agricultural products are not produced.

Although the provincial government does not directly compensate municipalities for revenue losses resulting from tax-exempt conservation lands, when calculating transfer payments to municipalities to assist with social costs, it takes into account that CLTIP properties do not directly generate municipal revenues.

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U.S. federal legislation allows donors of conservation easements to deduct a portion of the value of the easement from their income tax. In 2006 the income tax deduction limit was raised from 30% to 50% of the easement's appraised value, with a limit of 100% for qualifying farmers and ranchers. That program was not extended in 2014 but work is continuing to seek extension of the enhanced program in 2015. A number of states also have programs allowing personal and corporate income tax deduction for conservation easement donation.

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While private land makes up only about five percent of the land base in the province, much of this private land is concentrated in scarce, important and heavily developed ecological zones. Non-government organizations play an important part in the conservation of privately owned natural areas. As of 2013, BC NGOs held a total of close to 300,000 ha. in various forms of ownership and land interest, including close to 20,000 ha. in conservation covenants and other registered interests. These non-government land conservation efforts are a valuable and cost effective complement to the provincial government's protected areas program.

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"A high proportion of B.C.'s species at risk occur in naturally productive areas that are also attractive for human settlement and consist primarily of private lands. Individuals and conservation groups whose efforts are primarily focussed on private lands make a big contribution to voluntary protection and recovery of species at risk. Tools such as incentives and funding inspire, encourage and reward voluntary efforts to protect and manage species at risk. If local

governments, conservation partners, First Nations, private landowners and industry have these tools, they will be able to contribute more fully to species-at-risk conservation.”

The report also makes the recommendation to “Explore and recommend new ways (including incentives and possible project funding) to promote voluntary protection of species at risk (by 2015).”<sup>3</sup>

#### **Union of B.C. Municipalities (UBCM) and Local Governments**

In 2011 the RD of Sunshine Coast brought to the UBCM meeting a resolution, also endorsed by the Association of Vancouver Island and Coastal Communities, regarding NAPTEP. The following resolution was unanimously approved:

*THEREFORE BE IT RESOLVED that the Ministry of Community, Sport & Cultural Development be requested to grant local governments the authority to implement natural area protection tax exemption programs.*

The province’s response to this resolution was:

*This is the first time that regional districts have expressed an interest in having the authority to offer a Natural Area Protection Tax Exemption Program; as such this is not an area that is currently under consideration for legislative review. The Province would be willing to work with regional district representatives to consider questions such as the priority of legislative change for regional districts and applicability of the Natural Area Protection Tax Exemption modeled on the Islands Trust to regional districts and the success of the Islands Trust Natural Area Protection Tax Exemption Program.*

In addition to local government support for this resolution through UBCM, a number of regional districts have, in keeping with provincial NAPTEP legislation, agreed to participate in the NAPTEP. As noted above, the Capital RD and Sunshine Coast RD joined the program in 2005, RD of Nanaimo and Cowichan Valley RD joined in 2008, Comox Valley RD in 2010, and Powell River RD in 2011.

#### **Federation of B.C. Naturalists (BC Nature)**

Also in 2011 BC Nature passed the following resolution:

*BE IT RESOLVED that BC Nature urge the Union of BC Municipalities, municipalities and the Provincial Government to enact legislation to provide property tax incentives to those private land owners who wish to protect their land and its features by covenant from future development.*

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<sup>3</sup> Government of British Columbia, “Protecting Vulnerable Species: Five-Year Plan for Species at Risk in British Columbia,” 2014, p. 30-31

#### 4. Recommendations

##### Provincial Tax Incentive Program

Based on the 10-year experience which ITF has had in the implementation of NAPTEP, it is recommended that a BC-wide property tax exemption program should be enabled through amendment of the necessary provincial legislation. The main features of the program would be:

- the program title could be titled a "Conservation Tax Incentive Program" (CTIP) to distinguish it from the existing NAPTEP
- fully voluntary participation by local governments, landowners and land trusts
- 100% annual property tax exemption for land with a qualifying conservation covenant<sup>4</sup>
- Exit fees for land withdrawn from a CTIP should be defined on a basis similar to the Private Managed Forest Land Program: full recovery of tax exemption benefits up to 5 years, then a declining recovery rate and no recovery after 15 years.

It is proposed that if a CTIP program is adopted on a province-wide basis it should fully replace the NAPTEP in the ITF area.

##### Process Leading to Adoption and Beyond

The following steps are proposed to lead to provincial adoption of a CTIP:

- Awareness building and solicitation of support from selected local governments, land trusts and concerned provincial agencies
- Presentation of a resolution to the UBCM convention in September 2015
- Awareness building and solicitation of support for provincial action. This may include further analyses, briefing material, drafting of legislation and a proposal for inclusion in the 2016 legislative agenda.

<sup>4</sup> The negotiations around the initiation of the NAPTEP resulted in a reduction of the exemption rate to 65%, in part due to concerns that the program should not result in an influx of landowners seeking to avoid property taxes. The relatively low level of NAPTEP participation to date indicates that this has not been the case and suggests that a higher tax exemption rate might increase the protection of important natural areas which would otherwise continue to be lost to development.



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- Passage of the necessary provincial legislative amendments in 2016.

Beyond legislative approval there will need to be a process for awareness building, training for concerned local governments and land trusts and, likely, step-by-step implementation in regional districts and municipalities which have taken the necessary actions to adopt the program in their areas.

## **Proposal for a B.C. Conservation Tax Incentive Program**

Draft Background Paper, April 15, 2015

Land Trust Alliance of BC

### **1. Natural Areas Protection Tax Exemption Program**

#### ***1.1 History***

In the early 1990's property values and assessments rose dramatically in B.C.'s Gulf Islands, triggering an increase in subdivisions and logging. Due to concerns about the impact of development on important ecological areas, locally elected trustees advocated for provincial legislation which would allow local governments to provide an incentive for landowners to voluntarily leave their properties in a natural state rather than developing or logging them to pay property taxes.

At the time the policy of the Islands Trust (a federation of local Gulf Islands governments) supported the use of property tax incentives to promote natural area conservation. As the concept of a conservation tax incentive program progressed it was felt that legislative changes allowing such incentives in the Islands Trust area only would be simpler than province-wide adoption.

The Natural Areas Protection Tax Exemption Program (NAPTEP) was instituted through amendments to the Islands Trust Act in 2000 and the Act's regulations in 2002. Launched initially in the Islands Trust areas overlapping with the Capital and Sunshine Coast Regional Districts, NAPTEP expanded between 2008 and 2011 to include the Islands Trust areas of the Nanaimo, Cowichan Valley, Comox Valley and Powell River regional districts. The only Islands Trust areas not yet approved for NAPTEP participation are the Municipality of Bowen Island and two other small islands in the Greater Vancouver Regional District.

#### ***1.2 Features of NAPTEP***

NAPTEP is a fully voluntary program offered by the Island Trust and Island Trust Fund (ITF – a conservation land trust for the Gulf Islands) – voluntary in terms of both regional district and municipal participation and in terms of landowner enrolment. All NAPTEP covenants are held by the ITF Board. NAPTEP covenants follow a standard “template” required by BC Assessment. This means that a few covenants which do not fit this template have been processed outside the scope of NAPTEP.

NAPTEP offers 65% tax exemption on land which is protected by a conservation covenant. Qualifying land must have special features such as undisturbed natural areas that are good examples of important ecosystems, habitat for rare native plants or plant communities, critical habitat for native animal species or special geological features.

NAPTEP covenants apply to natural areas and generally are not placed on developed portions of a parcel, such as homes, other buildings and roads. NAPTEP reduces only the land portion of property taxes, not parcel taxes or tax on improvements. Land with a NAPTEP covenant receives a Natural Area Exemption Certificate which is forwarded to BC Assessment and reduces annual taxes payable. NAPTEP covenants do not entail a requirement for public access to the protected land.

There is no minimum or maximum size for conservation covenants. However it is unlikely that owners of small parcels or land with low assessed value will apply to NAPTEP since the potential tax reduction benefits may not outweigh the costs of entering the program. Typically, landowners would be seeking to recover application costs in a few years.

Land approved under the NAPTEP program is classed as residential (BC Assessment class 1). However placement of a covenant on a parcel may lower the assessed value of land which could otherwise be developed since those development opportunities are foregone. Lands subject to other tax exemptions, such as Private Managed Forest Land (BC Assessment class 7) and agricultural land (class 9), are not eligible for NAPTEP. Also, land in the Agricultural Land Reserve (ALR) cannot have a restrictive covenant applied to it without special approval. Conservation covenants are therefore not applied to ALR land. Land enrolled under NAPTEP may qualify for the federal Ecological Gifts (EcoGift) program and charitable gift receipt. The EcoGift program gives private land owners a non-refundable income tax credit and an exemption from capital gains tax.

Landowners applying for NAPTEP are responsible for payment of covenant initiation costs, which include a \$450 ITF application fee, a legal land survey, baseline ecological survey, legal and tax advice and registry of the covenant with BC Land Titles. Total initiation costs are estimated to range from \$2500 to \$12,000, a significant cost for any landowner considering a covenant as permanent protection for their property. In some cases supplementary funding can be arranged to assist landowners with these initiation costs. The ITF is responsible for ongoing costs of monitoring and enforcement of the covenant.

Conservation covenants are permanent, remaining with the land title even if the land is sold. NAPTEP benefits are also permanent and will therefore help to balance the lowered development potential of the land for the initial and future owners of the land. However, if a landowner breaches the conditions of the covenant, the NAPTEP certificate may be revoked and past tax reduction benefits may be fully recovered. It should be noted that other, more equitable, exit provisions could be adopted. For example, the Private Managed Forest Land program uses a full benefit recovery approach (similar to NAPTEP) for land which has been enrolled for up to five years. After five years the exit fee is reduced and after fifteen years the land is no longer subject to an exit fee.

***NAPTEP Stories***

A landowner in the northern Gulf Islands felt motivated to protect his property which provides an important natural corridor between a provincial park and an area of coastal bluffs and Garry Oak habitat. After learning about NAPTEP he decided to proceed with negotiation of a covenant on approximately 85% of his 13.5 acre property. During the ecological assessment and communication with ITF he learned more about the restoration of a mature, healthy forest. Although he was able to take advantage of some favourable prices for the ecological survey and legal advice, his direct costs still amounted to approximately \$5000 for the initiation of the covenant. He estimates that his property taxes have been reduced by "a few hundred dollars per year", leaving him with a payback period of 6 – 8 years. Despite his relatively small covenant size and small annual tax savings, the landowner says that he is happy to have the covenant in place and happy that he is dealing with a land trust which takes the covenant seriously and supports his conservation goals. He reports that he has had very positive feedback from neighbours, although none have yet followed his lead. He agrees that a larger tax exemption might be critical for some landowners for whom a shorter payback period is more important.

A landowner family in the southern Gulf Islands was similarly motivated by a strong desire to protect 1.2 acres of Garry Oak meadow on his 4.2 acre property. The covenant, established in 2011, is held by the Islands Trust Fund and the local island conservancy. The cost of developing the covenant included the ITF fee, land survey, ecological assessment and registration with Land Titles and cost a total of about \$3400. In this case, a local endowment fund was available to offset approximately 75% of the covenant initiation costs, leaving them with over \$800 in out of pocket expense. Because the property and covenant area are small, the NAPTEP tax exemption saving is about \$200 per year. This small tax saving would not, by itself, be sufficient to justify the covenant on a strictly financial basis. The landowners' motivation for establishing a conservation covenant was clearly their love of the natural character of their property and the availability of the local endowment fund.

Conservation covenants require annual monitoring, communication between the covenant holder and landowner, and possible enforcement and even occasional resolution of legal issues. The degree of monitoring and other management required is usually related to the amount of detail and complexity in the covenant. Covenant management may also involve assistance to the landowner to maintain the identified ecological values (eg. invasive species removal).

Monitoring and management of covenants is the responsibility of the covenant holder, usually a conservation organization. In some cases endowment funds are set aside to offset the annual monitoring and management costs. In other cases landowners are required to pay an annual amount to cover, at least partially, these annual costs.

While these considerations apply regardless of whether or not a tax exemption program is in place, they have a considerable impact on the readiness of land owners and land trusts or others to put conservation covenants in place and, thus, the level of demand for a tax exemption program.

### 1.3 NAPTEP Enrolment

While there is considerable land potentially eligible for protection under an IT covenant and tax exemption under NAPTEP, only a small amount has so far been enrolled. The following table shows the level of participation in the NAPTEP by year and regional districts. After ten years of implementation in the Capital RD (Saltspring, North Pender and Galiano islands) there are 20 participating properties with total covenant area of just over 62 ha. The RD of Nanaimo (Gabriola Island) and the Comox Valley RD (Hornby Island) have had shorter periods of participation and, so far, lower levels of usage. There have been no NAPTEP covenants approved yet in the ITF area covered by the Cowichan Valley, Sunshine Coast or Powell River RDs.

#### Land Enrolled in the ITF Natural Area Protection Tax Exemption Program

No. of parcels and (ha.)

Year	Capital RD		RD of Nanaimo		Comox Valley RD	
	NAPTEP	Non-NAPTEP	NAPTEP	Non-NAPTEP	NAPTEP	Non-NAPTEP
2005-06*	4 (31.2)	2				
2006-07	2 (10)	0				
2007-08	4 (8.3)	0				
2008-09**	5 (7.2)	0				
2009-10	2 (2.9)	0	1 (7.4)	0		
2010-11***	0	0	1 (2.1)	1		
2011-12	1 (0.8)	2	0	0		
2012-13	1 (0.9)	0	0	0	1 (4.7)	0
2013-14	0	1	0	0	0	0
2014-15	1 (0.8)	1	0	0	0	0
Total	20 (62.1)	6	2 (9.5)	1	1 (4.7)	0

\* 2005 – NAPTEP launched in Capital RD

\*\* 2008 – NAPTEP launched in RD of Nanaimo

\*\*\* 2010 – NAPTEP launched in Comox Valley RD

Source: Islands Trust Fund

Prior to the initiation of NAPTEP, the ITF had a total of 34 conservation covenants on both private and public land. Since NAPTEP came into effect in the Capital RD there have been about 2 NAPTEP covenants per year and less than one non-NAPTEP covenant per year.



ITF has indicated that older covenants can transition into the NAPTEP if they meet all eligibility criteria. To date only one such transition of an older covenant into the program has taken place although there have been a few other indications of interest.

It would appear that the level of usage or enrolment in the NAPTEP is holding relatively constant in the ITF area at 2 – 3 covenants per year. The modest level of NAPTEP enrolment reflects the fact that NAPTEP provides a fairly small financial incentive to landowners considering a conservation covenant. NAPTEP is not being used for tax avoidance purposes. However it is likely a positive influence on landowners who would otherwise be undecided about the overall benefits and costs of long-term conservation of their land.

It appears that for large properties which could potentially realize a greater benefit from a NAPTEP tax saving, there may be offsetting subdivision or other development potential which reduces landowners interest in participation. For small properties the tax saving potential is also small and may not be enough to outweigh the covenant initiation costs, some of which are fixed regardless of parcel size. Covenants are most likely where landowners have a clear conservation orientation or where there are offsetting sources of funding. In addition to these factors, possible expansion of a conservation tax incentive program to other areas of the province could be affected by the willingness of regional districts and municipalities to participate in the program.

The capacity of land trusts or local governments to initiate conservation covenants and make the commitment to their ongoing monitoring and management is also likely to be a limiting factor for land enrolment in a province-wide tax exemption program. Many land trusts operate with limited human and financial resources and are therefore unlikely to be able to handle the start-up or ongoing monitoring of more than a small number of covenants each year.

The expected impact of a NAPTEP-like, province-wide tax incentive program is therefore that there will be a modest increase in the number of conservation covenants. Those landowners who are positively inclined and have valuable natural areas may wish to proceed with a covenant if the costs and benefits can be shifted slightly in their favour. A province-wide tax incentive program is not going to result in a large influx of properties nor in a disruption of tax revenues or shifting of tax incidence.

#### ***1.4 NAPTEP Financing***

Two facts stand out with respect to the financing of NAPTEP tax exemptions. First, there is no loss of provincial or local tax income and no requirement for the province to compensate local governments for reduced tax. Instead, the NAPTEP program involves a tax shift from a small number of participating landowners to a large number of non-participating properties. And, second, the amount of tax shifting is very small.

In simple terms, property taxes are based on assessed values (the tax base) and tax (or mill) rates. Actual taxes payable are subject to both changes in the tax base and changes in revenue requirements for such things as schools, hospitals and local services. From a government revenue perspective, the 65% NAPTEP tax exemption is offset by both land development and other changes in assessments elsewhere and by shifting taxes to other taxpayers in the jurisdiction. This is the same as effect of the agricultural, heritage property and other tax exemptions. It should also be noted that the cost of administering the NAPTEP program is minimal. BC Assessment enters the tax exemption certificate into its records and shows the exemption on the landowner's annual assessment notice.

Calculation of actual tax shifting is rather complex and has only been done on a hypothetical basis for regional districts and areas considering participation with ITF in the NAPTEP program. Within these areas different tax categories are pooled differently. For example, the effect of a tax exemption on school, police and provincial rural taxes affects the provincial tax pool for these taxes and would be imperceptible. The effect of a tax exemption on regional hospital, parks and recreation, fire protection and other regional and local services would be slightly larger but would not affect taxpayers in other parts of the province. Also, mill rates vary by taxing authority and property classification.

The level of participation in NAPTEP was discussed above. The ITF calculated tax shifts for landowners in one island local trust.<sup>1</sup> Based on a 1% participation rate in NAPTEP, the resulting tax shift, or additional tax payable by non-NAPTEP properties, was estimated to be \$0.03 per year per landowner in the Cowichan Valley Regional district and \$0.04 per landowner in one of the island local trust areas. If the participation rate was 5%, these tax shift values would rise to \$0.14 and \$0.22 per landowner respectively. Another calculation of the tax shift impacts on provincial, regional district and IT area landowners ranged from \$0.01 to \$0.45 per year per taxpayer, based on a 1% participation rate in the NAPTEP program and \$0.07 to \$2.25 with a 5% participation rate.<sup>2</sup>

It appears that, in comparison to land acquisition costs, a voluntary tax exemption program such as NAPTEP offers a highly cost-effective means of protecting some of the most valuable, privately-owned natural areas in areas where such protection is often critical. Tax shifting to non-participating landowners is very small, likely to be offset by many other changes affecting tax rates, and very reasonable in comparison to the increased amenity values and positive impact on other property values which will result from conservation of natural areas. From a local government and provincial perspective, such a tax exemption program has no direct cost and minimal administrative requirements.

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"A high proportion of B.C.'s species at risk occur in naturally productive areas that are also attractive for human settlement and consist primarily of private lands. Individuals and conservation groups whose efforts are primarily focussed on private lands make a big contribution to voluntary protection and recovery of species at risk. Tools such as incentives and funding inspire, encourage and reward voluntary efforts to protect and manage species at risk. If local



governments, conservation partners, First Nations, private landowners and industry have these tools, they will be able to contribute more fully to species-at-risk conservation.”

The report also makes the recommendation to “Explore and recommend new ways (including incentives and possible project funding) to promote voluntary protection of species at risk (by 2015).”<sup>3</sup>

#### **Union of B.C. Municipalities (UBCM) and Local Governments**

In 2011 the RD of Sunshine Coast brought to the UBCM meeting a resolution, also endorsed by the Association of Vancouver Island and Coastal Communities, regarding NAPTEP. The following resolution was unanimously approved:

*THEREFORE BE IT RESOLVED that the Ministry of Community, Sport & Cultural Development be requested to grant local governments the authority to implement natural area protection tax exemption programs.*

The province’s response to this resolution was:

*This is the first time that regional districts have expressed an interest in having the authority to offer a Natural Area Protection Tax Exemption Program; as such this is not an area that is currently under consideration for legislative review. The Province would be willing to work with regional district representatives to consider questions such as the priority of legislative change for regional districts and applicability of the Natural Area Protection Tax Exemption modeled on the Islands Trust to regional districts and the success of the Islands Trust Natural Area Protection Tax Exemption Program.*

In addition to local government support for this resolution through UBCM, a number of regional districts have, in keeping with provincial NAPTEP legislation, agreed to participate in the NAPTEP. As noted above, the Capital RD and Sunshine Coast RD joined the program in 2005, RD of Nanaimo and Cowichan Valley RD joined in 2008, Comox Valley RD in 2010, and Powell River RD in 2011.

#### **Federation of B.C. Naturalists (BC Nature)**

Also in 2011 BC Nature passed the following resolution:

*BE IT RESOLVED that BC Nature urge the Union of BC Municipalities, municipalities and the Provincial Government to enact legislation to provide property tax incentives to those private land owners who wish to protect their land and its features by covenant from future development.*

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<sup>3</sup> Government of British Columbia, “Protecting Vulnerable Species: Five-Year Plan for Species at Risk in British Columbia,” 2014, p. 30-31

## 4. Recommendations

### Provincial Tax Incentive Program

Based on the 10-year experience which ITF has had in the implementation of NAPTEP, it is recommended that a BC-wide property tax exemption program should be enabled through amendment of the necessary provincial legislation. The main features of the program would be:

- the program title could be titled a "Conservation Tax Incentive Program" (CTIP) to distinguish it from the existing NAPTEP
- fully voluntary participation by local governments, landowners and land trusts
- 100% annual property tax exemption for land with a qualifying conservation covenant<sup>4</sup>
- Exit fees for land withdrawn from a CTIP should be defined on a basis similar to the Private Managed Forest Land Program: full recovery of tax exemption benefits up to 5 years, then a declining recovery rate and no recovery after 15 years.

It is proposed that if a CTIP program is adopted on a province-wide basis it should fully replace the NAPTEP in the ITF area.

### Process Leading to Adoption and Beyond

The following steps are proposed to lead to provincial adoption of a CTIP:

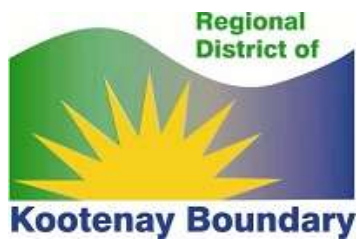
- Awareness building and solicitation of support from selected local governments, land trusts and concerned provincial agencies
- Presentation of a resolution to the UBCM convention in September 2015
- Awareness building and solicitation of support for provincial action. This may include further analyses, briefing material, drafting of legislation and a proposal for inclusion in the 2016 legislative agenda.

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<sup>4</sup> The negotiations around the initiation of the NAPTEP resulted in a reduction of the exemption rate to 65%, in part due to concerns that the program should not result in an influx of landowners seeking to avoid property taxes. The relatively low level of NAPTEP participation to date indicates that this has not been the cases and suggests that a higher tax exemption rate might increase the protection of important natural areas which would otherwise continue to be lost to development.

- Passage of the necessary provincial legislative amendments in 2016.

Beyond legislative approval there will need to be a process for awareness building, training for concerned local governments and land trusts and, likely, step-by-step implementation in regional districts and municipalities which have taken the necessary actions to adopt the program in their areas.



## STAFF REPORT

**Date:** 03 Jul 2015

**File**

ADMN - UBCM 0565-10

**To:** Chair McGregor and Board of Directors

**From:** Maureen Forster, Executive Assistant

**Re:** 2015 UBCM Cabinet Minister Meeting Requests.

### Issue Introduction

A staff report from Maureen Forster, Executive Assistant, dated July 3, 2015 regarding requests for Cabinet Minister meetings and other information for the 2015 UBCM Convention in Vancouver, BC, September 21 - 25, 2015 is presented.

### History/Background Factors

Each year in July, the Board reviews requests from the Electoral Area Directors regarding appointments with UBCM Cabinet Ministers. The Board considers the requests, prioritizes them and then authorizes Staff to undertake the necessary work for submitting the meeting requests to the Province as well as preparing briefing notes and UBCM binders for the Directors.

Further to emails sent to the Electoral Area Directors on May 13th and June 12th and minutes of the June 18, 2015 Board meeting, staff has received the following responses:

1. *Meeting with the Honourable Mary Polak, Ministry of Environment regarding Quagga and Zebra mussels.*
- **Proposed Attendees:** Chair McGregor, John M. MacLean, CAO and Theresa Lenardon, Manager of Corporate Administration
2. *Meeting with the Honourable Mary Polak, Ministry of Environment regarding the Milfoil Weevil (already existing in Christina Lake) as a form of bio-control to eradicate heavy infestation of Eurasian Milfoil in areas in and around the lake.*

- **Proposed Attendees:** Chair McGregor, John M. MacLean, CAO and Theresa Lenardon, Manager of Corporate Administration

*3. Meeting with Ministry of Community, Sport and Cultural Development to discuss the provincial response to the 2015 UBCM B104 Resolution: Absence of Director Due to Illness.*

- **Proposed Attendees:** Chair McGregor, John M. MacLean, CAO and Theresa Lenardon, Manager of Corporate Administration

*4. Meeting with Ministry of Environment Staff to discuss seeking an extension on the 2019 deadline to fully fund landfill liabilities.*

- **Proposed Attendees:** Chair McGregor, John M. MacLean, CAO and Theresa Lenardon, Manager of Corporate Administration

The RDKB Board of Directors must consider these requests and adopt a resolution. The resolution must include which RDKB Director(s) will attend the meetings. As part of the resolution, the Board is expected to also prioritize the requests. This is a requirement of the UBCM and is part of the on-line form that RDKB Staff must complete when submitting the meeting requests. The UBCM Meeting Request Coordinator will confirm which requests have been approved and granted. This will not occur much before mid to late August.

RDKB Staff will be preparing briefing notes, which will be reviewed and amended as necessary prior to any meetings. This is to ensure that a Director who has an interest in a matter has an opportunity to ensure that his or her views are forwarded to the appropriate provincial Minister or designated official. Staff must ensure that issues that are advanced have been properly and thoroughly discussed at the Provincial Staff level and that they represent strategic priorities of the Board. The Board should also be aware that it is often easier to meet with Provincial Staff and that often, this is a more effective course of action.

Staff will also be preparing binders for Directors attending the Convention. These binders will include schedules about Convention activities and events, Directors' personal schedules, accommodation, travel and contact information, invitations, etc.

### **Implications**

Requesting meetings and preparing briefing notes and binders are consistent with the Director Project Initiation Policy.

The implications associated with these tasks involve significant Staff time and resources.



Costs for attendance at the UBCM (e.g. participant registration, travel, accommodation etc.) have been included in the Budget.

### **Advancement of Strategic Planning Goals**

This work is consistent with the RDKB's Mission Statement:

*To provide a professional level of governance and advocacy both responsive and accountable to the needs of our regional community.*

and with the following Strategic Plan Goal:

*Improve and Enhance Communication: We will continue to advocate on issues that affect our region.*

### **Background Information Provided**

Letter from Premier Christy Clark dated May 27, 2015

### **Alternatives**

1. Receive the report.
2. Receive the report, consider the matter, prioritize the requests and adopt a resolution authorizing Staff to request Cabinet Minister meetings and to prepare associated briefing notes and Directors' binders.
3. Receive the report and no further action be taken.

### **Recommendation(s)**

That the Regional District of Kootenay Boundary Board of Directors considers and prioritizes the list of UBCM Cabinet Minister meeting requests and authorizes Staff to undertake the UBCM process for requesting the meetings and to prepare associated briefing notes and Directors' binders. **FURTHER** that the Board also select the RDKB's representatives to attend the designated meetings.



May 27, 2015

Dear Mayors and Regional District Chairs:

As we prepare for the upcoming 2015 UBCM Convention in Vancouver this September, I wanted to let you know that my caucus colleagues and I are once again looking forward to listening to the discussions around the issues and initiatives that affect British Columbia's communities and the people who live there. Our work depends on your input and your insight, and my colleagues and I will be there to listen and to learn about your priorities.

The theme this year, *Excellence in Action*, is a wonderful way to recognize the successful track we have worked on together to build our province, to highlight our strengths and to lead the way to securing a future for British Columbians today and for many years to come.

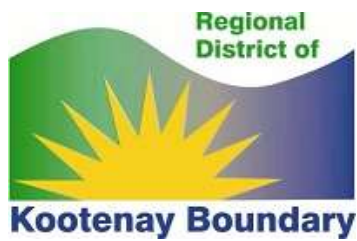
If you would like to request a meeting with me or a Cabinet Minister on a specific issue during this year's convention, the online registration form at <https://UBCMreg.gov.bc.ca> will go live on June 15<sup>th</sup>. The invitation code is MeetingRequest2015 and it is case sensitive.

It'll be great to see you at the UBCM Convention. If you have any questions, please contact my UBCM Meeting Request Coordinator, Tim Wong, via his email address which is: [UBCM.Meetings@gov.bc.ca](mailto:UBCM.Meetings@gov.bc.ca) or by phone at 604-775-1600.

Sincerely,

A handwritten signature in black ink, appearing to read "Christy Clark". The signature is fluid and cursive, with the first name "Christy" being more prominent than the last name "Clark".

Christy Clark  
Premier



## STAFF REPORT

**Date:** 22 Jul 2015 **File**  
**To:** Chair McGregor and Members of  
the RDKB Board of Directors  
**From:** John M. MacLean, CAO  
**Re:** Resolution of Support - Broadband  
Improvements in the Boundary

### Issue Introduction

A staff report from John M. MacLean regarding a request for a resolution of support from ABC Communications as they seek provincial grant funding to improve internet capacity and availability in rural British Columbia including a portion of Electoral Area 'E'/West Boundary.

### History/Background Factors

The RDKB has long been involved in efforts to improve internet capacity and capability in the region through our involvement with the RDEK, RDCK CBT and CBBC. Those efforts resulted in the CBT being approved for over \$3 million in federal grants to improve internet services for rural British Columbia.

One of the projects private business partners is seeking funding from a recently announced Provincial Program specifically designed to leverage the federal fund. They are asking that we support their overall application which includes both the components specifically addressing internet services in the Boundary as well as other parts of the Province.

### Implications

None, we are providing a letter of support.

### Advancement of Strategic Planning Goals

This is a continuation of an already successful partnership, and partnerships are a strategic priority.

**Background Information Provided**

- ABC Communications Letter
- Our initial letter of support

**Alternatives**

1. Receipt
2. Letter of Support

**Recommendation(s)**

That the Regional District of Kootenay Boundary supports the application to the Northern Development Initiative Trust from ABC Communications for a grant of \$2,510,685 for "*The Future is now - ABC Communications deploys TD-LTE Rural Broadband Networks in British Columbia*" from the Connecting British Columbia Program.



July 17, 2015

Grace McGregor  
Regional District of Kootenay-Boundary  
Director of Area C  
202-843 Rossland Ave,  
Trail, B.C. V1R 4S8

Dear Grace,

Thank you for supporting ABC Communications in our application towards the Industry Canada Connecting Canadian Program. ABC has been successful in its application with a conditional award from Industry Canada. In addition to this Federal program the Province launched the Connecting British Columbia Program to assist with additional funding towards Rural Broadband development in British Columbia.

ABC applied to the Northern Development Initiative Trust for the Connecting British Columbia Program. ABC has been conditionally awarded funding based on our application submission to Industry Canada. The Northern Development Initiative Trust does require a refresh of the support from Regional Districts in the form of a resolution by the Regional District for this project.

The Northern Development Initiative Trust requires all Regional Districts that have previously supported ABC's application to Industry Canada to provide a resolution to the Northern Development Initiative Trust in the following format.

*The Regional District of Kootenay-Boundary supports the application to Northern Development Initiative Trust from ABC Communications for a grant of up to \$2,510,685 for "The Future is now – ABC Communications deploys TD-LTE Rural Broadband Networks in British Columbia" from the Connecting British Columbia account.*

The total combined project amount that is to be spent in the Regional District of Kootenay-Boundary over the three year project is approximately \$350,000 dollars. As this resolution is the final requirement for projects to be awarded we urge the Regional District to provide this Resolution as soon as possible.

We would like to thank the Regional District of Kootenay-Boundary for their continued support towards Rural Broadband Network Developments in the Region.

Sincerely,

A handwritten signature in black ink, appearing to read 'Falko Kadenbach'.

Falko Kadenbach  
Vice President  
ABC Communications

248 Reid Street, Quesnel BC, V2J 2M2 Phone (250) 992-1230 Fax (250) 992-3930  
[www.abccomm.com](http://www.abccomm.com) [falko.kadenbach@abccomm.com](mailto:falko.kadenbach@abccomm.com)

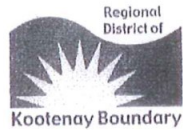


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January 9, 2015

ABC Communications  
 502 – 4<sup>th</sup> Avenue,  
 Prince George, BC  
 V2L 3G9

This is to confirm that the Regional District of Kootenay Boundary supports your plan to provide Internet service delivery in the area(s) of Rock Creek and Beaverdell.

Subject to the conditions outlined below, and in cooperation with the Columbia Basin/Boundary Regional Broadband Committee, Columbia Basin Trust and Columbia Basin Broadband Corporation (CBBC), this is to confirm our **intent** to provide up to \$76,109.00 in contributions (i.e. up to 17.5% of the capital cost of your proposed project), as matching funds in support of your application with CBBC for funding from the Industry Canada Digital 150: Connecting Canadians Program.

Our financial contribution to support this project is contingent on the following:

- (1) Receipt of confirmation of commitments from Industry Canada to provide 50% of the capital as requested from the Connecting Canadians program;
- (2) Your written commitment to provide 15% of the capital required;
- (3) Establishment of a regional district service which will require approval of the electors within the area(s) affected by the project; and
- (4) The Regional District and ISP entering into a partnering agreement which will set out the terms and conditions of the funding.

We thank you for your interest and efforts toward improving Internet services in our region and wish you success in securing support from Industry Canada.

Sincerely,

Grace McGregor, RDKB Chair  
 Electoral Area 'C'/Christina Lake

Vicki Gee, Director  
 Electoral Area 'E'/West Boundary

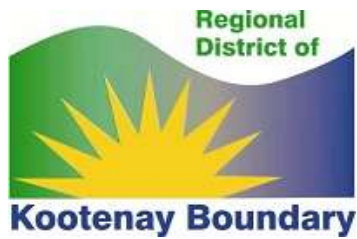
202 – 843 Rossland Ave Trail, British Columbia Canada V1R 4S8  
 toll-free: 1 800 355-7332 • tel: 250 368-9148 • fax: 250 360-3990  
 email: admin@rdkb.com • web: www.rdkb.com



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## STAFF REPORT

**Date:** 16 Jul 2015 **File**  
**To:** Chair McGregor and Members of  
the RDKB Board of Directors  
**From:** John M. MacLean, CAO  
**Re:** Organizational/Governance Review

### Issue Introduction

A staff report from John M. MacLean, CAO presenting information regarding an ongoing discussion around the possibility of conducting an organizational/governance review.

### History/Background Factors

The issue of performing an organizational/governance review has been on the table for the last couple of years.

It was initially raised as a request to look at the entire organization and ensure that our policies, practices and staffing were consistent with providing good governance and value for our constituents. Even at those initial stages there was confusion around the issue as some Directors felt it was an opportunity to examine organizational structure and whether the Boundary should separate and be a Regional District of its own.

In a Regional District it can be difficult to look at the organization as a whole. Individual services have the right and ability to determine service delivery levels based on the needs and expectations of the service participants. The in depth examination of a service is very achievable, and we have done it from time to time. The most recent example was the Mitchell Report on the Kootenay Boundary Regional Fire Rescue Service.

That is the largest challenge in doing a review of the entire Regional District. What are we looking for? What information are we seeking in order to improve our service to the constituents?

To assist the Board I spoke with two consultants that are, or were, actively engaged in working with local governments on issues such as this, Mr. George Cuff and Mr. Allan Neilson.

Mr. Neilson, a former consultant now employed in a Senior Management role with MetroVancouver, encouraged that Board have a fulsome and comprehensive discussion on what it is that the Board would be looking for in terms of a report. The range is from an individual service, to a governance review to what is commonly referred to as a core services review.

Mr. Cuff has long been engaged in working with local governments. After our discussion he provided the attached information, which much more eloquently than I could, expresses what a firm like his is prepared to offer.

Both individuals pointed out that the deeper you look the more time it takes and the more it will cost.

As requested we have provided this information as we move into the discussions for the 2016 Financial Plan. We would ask that the Board discuss the matter through the Financial Planning process and provide direction to staff as required. With clarity on what the Board would like to see in terms of investigation and analysis we can prepare the appropriate terms of reference for the Board's consideration and can be much more certain as to the amount of resources that would need to be allocated.

### **Implications**

There are cost and resource allocation implications related to the decision of having some sort of review completed. The Board should arrive at a consensus as to what a study is to provide which will allow staff to prepare the appropriate terms of reference for the Board's consideration.

### **Advancement of Strategic Planning Goals**

The Board is committed to good governance, outside review may contribute to service and administrative improvements consistent with that commitment.

### **Background Information Provided**

- Information provided by Mr. Cuff.

### **Alternatives**

At this point the request of the Board was to provide information as we move into financial plan discussions. If more information is required please let us know.

### **Recommendation(s)**

That the reports and information be received and referred to the Finance Committee for further discussion.

## Governance Model Alternatives

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### Introduction

Given our brief phone call and thus my limited understanding of your circumstances, I am not presuming to know what services of mine (if any) might be most helpful. The Regional District Board as I understand it may wish to have some sort of review process conducted. The scope of such a review will determine the costs and the timing.

There are at least four options including a comprehensive Corporate Review which this firm is not prepared to undertake (albeit I am sure that others would). This would be the most extensive and expensive option. Whether or not that is needed or ultimately useful is unclear based on our discussion. The terms of reference for such a review can be found on my website ([www.georgecuff.com](http://www.georgecuff.com)) but ironically it would have to be referred to another firm.

It may well be that a Governance Review would be a useful alternative. That is described below. Alternately, it could be that a more focused and limited terms of reference (i.e. a Governance Audit) which seeks to examine the key functions and working relationships may be all that is required to enable the Board and management to move forward. Or you may prefer to engage in a 1-2 day seminar on “good governance”. Depending on the circumstances facing your Regional District, any of these options or a combination thereof might be of help.

### Option One: One-Two Day Seminar

It is unlikely that a seminar on how the governance/administrative system ought to function will resolve any key systemic issues although it would likely serve to bring these into greater focus. What such a seminar may do is illuminate the areas in which your system is struggling (if it is) and provide more focus to how you move forward. This option would be centred on an afternoon/evening session(s) followed by a full day seminar the next day. All of the key areas of governance and senior management functions would be covered and there would obviously time for questions at each segment.

Based on my standard billing rates which includes the preparation and travelling time, the costs for this Governance Seminar would be \$7500-10,000 plus expenses at cost.



## Governance Model Alternatives

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### Option Two: Governance Audit

A Governance Audit is simply a more streamlined way of ensuring a reasonably in-depth understanding of your issues and a time-sensitive manner of providing the Board with a high level set of recommendations on how to improve/correct the system. We could conduct this audit over the course of 2-3 days and ensure that there is a written report of all the key findings and recommendations within 7-10 days following our time on site.

I would utilize one of my seasoned and senior Associates in the interviews in order to hear a second opinion and be able to interview a broader range of people.

### Terms of Reference for a Governance Audit:

The terms of reference for this Governance Audit would include:

- *Conduct an opening two hour seminar on Good Governance at the conclusion of our work in your offices on Day One*
- *Develop an appreciation of the issues that are currently faced by the Board and senior administration; determine whether these issues pertain to Board direction, policies, legislative practices or the current governance model or to the responsiveness to this Board by your senior administration*
- *Review the approach to governance by the Board and whether or not the decision-making process enables the Board to feel confident about the decisions being made*
- *Survey individual Board members (and the CAO & senior management/executive) to determine their sense of how the organization is currently doing in terms of its effectiveness/efficiency/responsiveness*
- *Identify, as a result of two days of confidential interviews and our brief, confidential pre-survey of Board members and senior administration and other documentation forwarded to us, the current Board and managerial practices and assess how well these practices are serving the needs of the organization*
- *Identify what significant roadblocks currently exist in the legislative organization*
- *Conduct a closing workshop session with all members of the Board which summarizes:*

### Governance Model Alternatives

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- *our findings and advice on the key issues brought to our attention*
- *our findings relative to what is currently the state of affairs (i.e. governance and administration) and what key steps might provide the Board and CAO with an enhanced sense of “well-being” e.g. the current governance model, the role of the Board, communication practices, organizational health*
- *our observations on what changes to your practices (and perhaps policies) that we feel might add to the sense of organizational effectiveness and health*
- *provide an in camera session with Board at the conclusion of our presentation.*
- *Provide practical and useful recommendations (in a written Report) on all such matters and any additional areas of concern that come to the attention of the consultant during the course of this focused engagement.*

Based on my standard billing rates which includes the preparation time, my fee for a Governance Audit would be \$35-40,000 plus expenses at cost.

#### **Option Three: Governance Review**

This is the most extensive option of these three and thus the alternative with the greatest likelihood of a lasting impact. It will take more time (likely 60-75 days) and require the active participation of the Board and the CAO, including at least one round of full interviews (i.e. about 1.5 hours each)(as contrasted with the 20-30 minutes each in a Governance Audit).

#### **Terms of Reference of a Governance Review**

Suggested terms of reference for such a Review follow:

- *develop an understanding of the issues and concerns of the present Board and its key priorities*
- *assess Board's governance objectives relative to how it would like to move the organization forward in a way that is consistent with the aims of this Board*
- *identify those areas which are felt to be strengths of the present day system and how these might best be retained/enhanced*

### Governance Model Alternatives

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- *review the Board's governance principles and assess how well the current model of governance helps the Board achieve its governance objectives in accordance with these principles*
- *review the current governance/administrative situation and examine existing governance/management styles and processes; review how the powers and responsibilities of the Chair and Directors are currently being discharged*
- *review the reporting relationships, roles and responsibilities of the CAO and senior management and recommend ways by which these might be improved now and function best in the future; examine the CAO's management style and reporting relationship to this Board and offer our assessment as to how that might be improved*
- *examine the present legislative decision-making processes, including the mandates, reporting procedures, functional guidelines and future need of standing committees and/or committee of the whole; identify how the Board can best fulfil its governance obligations and expectations*
- *review and assess current practices for preparing Board information, advising the Board, conducting meetings, following up on Board decisions*
- *recommend the most appropriate governance model*
- *and provide practical and useful recommendations on all matters covered by the terms of reference and any additional areas of concern which come to the attention of the consultant during the course of this engagement.*

Based on my standard billing rates which includes the preparation time, my fee for that session would be \$65-75,000 plus expenses at cost. These expenses would include air travel, lodging, meals, and any other incidental charges related to this study.

These are some of the options and thus open to discussion. I would be prepared to discuss this with you further at your convenience.

With best wishes,

George B. Cuff, FCMC  
President

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clients &amp; testimonials

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## Terms of Reference for a Corporate Review

### Purpose

To undertake a Corporate Review of the governance and operations of the Municipality of xxxx as per the following Terms of Reference.

### Governance

1. To review the functioning of Council as a legislative and leadership body and to determine what improvements could be made.
2. To review the present legislative decision-making processes including the use of staff reports, minutes, staff resources and committees/boards. Identify how Council can best fulfill its governance obligations and expectations.

**Vision/Direction**

3. To review what steps Council has taken to date in reviewing or establishing the vision, values and priorities which set the course for the municipality.
4. To assess ways by which the community may become involved in establishing key community goals and objectives.
5. To assess the current approach to business planning and Council's ownership of this key process.

**Working Relationships**

6. To evaluate the current working relationship and management style of the senior staff (i.e. top three levels of the organization) with Council and civic employees through interviews with each Councillor, each department head and division directors, and several random employees from each department.
7. To examine the communication processes both internally and externally.
8. To assess the role and responsibilities of the CAO in light of the legislative requirements placed on this position and the expectations of this Council.
9. To assess the morale of employees through a confidential instrument and to provide feedback to the organization on any necessary steps to be taken to make any necessary improvements as may be required.

**Organizational Design**

10. To assess the current organizational structure in light of both the municipality's goals and service requirements as well as sound organizational principles.
11. To review and identify recommendations for change that would improve the organization structure.
12. To review and identify whether employee numbers are appropriate in each department considering the size of this municipality compared to other similar jurisdictions.

**Service Efficiencies and Effectiveness**

13. To identify present service goals and standards and determine if these are appropriately determined, communicated and evaluated.



14. To undertake selective function assessments in key service areas designed to determine if further efficiencies should be expected.
15. To determine what the literature says about "best practices" and provide any relevant commentary to this client.

#### **Summary and Recommendations**

16. To provide Council and management with reports as to our findings, observations and recommendations for action.
17. Provide follow-up to our Action Plan over the ensuing months.

#### **PROPOSAL - METHODOLOGY**

##### **Preparation: Corporate Review Design**

Meet with the Council; review proposal & objectives outlined by Terms of Reference  
Discuss proposal with the CAO and other senior staff (as directed by Council)  
Amend work-plan and schedule if necessary, establish any needed logistical arrangements  
Pinpoint start-up dates & initial interviews  
Submit a list of documentation deemed pertinent to the Corporate Review

##### **Task 1: Functioning of Council**

Conduct individual and confidential interviews with:

- Mayor and Councillors
- CAO
- Department Heads
- A cross-section of other staff

Review legislative systems:

- Review current legislative committee structure

- Review timeliness, completeness and accuracy of reports received by Council/Committees
- Review presentation, review and processing of reports at Council/Committee level
- Review Council representation on internal and external committees
- Review orientation and planning processes
- Review Council's involvement in the Business Plan, Mission Statement & Statement of Goals/Objectives

**Task 2: Working Relationships**

Conduct individual and confidential interviews with the following people (these discussions may be combined with interviews noted above):

- Mayor and Councillors
- CAO
- Directors
- Other staff subordinate to the CAO and randomly selected employees
- External working contacts with the CAO (in-person and by phone)

Review organizational achievement and performance:

- Evaluate current and past working relationship with Council, management and staff
- Review past and current organizational plans and directional documents
- Review the management style of senior staff and their effectiveness as a management team
- Analyse organizational response to business plan, mission statement and statement of goals/objectives

**Task 3: Organizational Design**

Conduct individual and confidential interviews with the following personnel (may be combined with interviews above):

- Mayor and Councillors
- CAO
- Directors
- Staff subordinate to Directors
- External working contacts with Directors (in-person and by phone)
- Review options for an effective organizational structure
- Review past reports or studies relating to organizational structure
- Review information gathered from interviews above
- Conduct individual and confidential interviews with additional department staff

**Task 4: Service Efficiencies and Effectiveness**

Review department achievements and performance:

- Review current department policies and procedures and recent changes
- Review past and current department plans and directional documents
- Analyse department response to the Business Plan, Council Mission Statement and Statement of Goals/Objectives
- Develop list of services provided by departments; where services are contracted out
- Undertake a comparison with selected comparable municipalities
- Identify differences in employee numbers and probable causes
- Undertake department survey to identify service levels and completion times
- Obtain performance measurements related to individual services
- Review completion times and organizational targets
- Review demographic and financial data, provide analysis on forecasts or projections
- Review any published documentation relating to "best practices"

**Presentation of Draft Report**

7/17/2015

Corporate Review | George Cuff

Provide interim briefings on our observations and concerns  
Conduct further research as required  
Provide to the client our Draft Report and Implementation Plan

**Completion: Final Report**

Provide xxxx bound copies of our Final Report and Implementation Plan  
Provide originals for Executive Summary for release to public, plus web ready electronic file  
Meet with the Council and provide briefing on the report

**Completion: Follow-up**

Ensure ongoing and regular contact with the Council and CAO over the subsequent 6-12 months and respond to any questions which might arise. We are prepared to provide additional details if and as required.

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## Terms of Reference for a Corporate Review: Focus on Governance

### 1. Assessment of Current Practice

- Identify those areas which are felt to be strengths of the present day system and how these might best be retained/enhanced
- Review the reporting relationships, roles and responsibilities of the Chief Elected Official, Council, Committees, CAO, Directors and department heads

### 2. Review of Understanding of Terms

- Determine the Council's understanding of basic governance concepts



- Review the orientation process which Council members too part in subsequent to the last election

### 3. Assessment of Council's Governance Agenda and Style of Governing

- Review and determine what this Council sees as its main priorities relative to how the organization is being governed
- Assess how it has been governing to date and what style has evolved

### 4. Examination of Linkages to Senior Administration and to the Organization

- Analyse how the present governing system is linked to the Chief Administrative Officer and how Council's messages are conveyed to the rest of the organization

### 5. Assessment of Council Vision and Priorities

- Request information on what steps Council has taken to date in establishing its own sense of priorities with regard to the future vision of this community

### 6. Review of Council's Current Decision-Making Processes

- Conduct a thorough review of the decision-making processes of Council and assess the concerns which Council has with the current system
- Examine the committee system or model used by this Council and assess its merits as a decision-making tool

### 7. Assessment of the Impact of the Current Organization Structure and Management Styles

- Review the present organization structure with an assessment of the three senior reporting levels to Council; recommend an organizational structure which is most suitable to meeting the needs of the Council and the Corporation's responsibilities
- Assess the appropriateness of management styles of the current senior staff given the concerns and preferred governing style of the present Council
- Assess the appropriateness of the powers and authorities granted to the CAO relative to Council and assess whether or not Council is able to make the governance decisions

necessary to effective public representation

- Assess whether or not the CAO and senior administration are appropriately and fully advising Council on the key issues and then promptly following up on the Council decisions relative to these issues
- Identify what roadblocks exist in the organization and how these should be dealt with by Council

#### 8. Provide Insights, Advice and Recommendations

- provide practical and useful recommendations on all matters covered by the terms of reference and any additional areas of concern which come to the attention of the consultant during the course of this engagement.

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## Grant-in-Aid Request

Application to (please check where appropriate):

Electoral Area A Director Ali Grieve	<input checked="" type="checkbox"/> Electoral Area B/ Lower Columbia- Old Glory Director Linda Worley	Electoral Area C/ Christina Lake Director Grace McGregor	Electoral Area D/ Rural Grand Forks Director Roly Russell	Electoral Area E/West Boundary Director Vicki Gee
---	---	---	--	---

Applicant:	Kootenay Rockies Disc Golf Society		
Address:	1808A Columbia Ave., PO Box 1062, Rossland, BC, V0G1Y0		
Phone:	(250) 362-7778	Fax:	
Email:	craig.grimsrud@gmail.com		
Representative:	Craig Grimsrud - Society Director		
Make cheque payable to:	Craig Grimsrud		

**\*\*GIA Requests of \$5,000.00 or more may require official receipt\*\***

What is the Grant-in-Aid for:

Course improvement works at the Thin Air Disc Golf Course in Electoral Area B/Lower Columbia-Old Glory

Amount Requested: \$2,500

Date: June 25, 2015

Signature: *Craig Grimsrud*

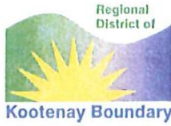
Print name: Craig Grimsrud

**SUBMIT**

Office Use Only

Grant approved by Director: *Linda Worley*

Approved by Board: \_\_\_\_\_



## Grant-in-Aid Request

Application to (please check where appropriate):

<input checked="" type="checkbox"/> Electoral Area A Director Ali Grieve	<input checked="" type="checkbox"/> Electoral Area B/Lower Columbia- Old Glory Director Linda Worley	<input checked="" type="checkbox"/> Electoral Area C/Christina Lake Director Grace McGregor	<input checked="" type="checkbox"/> Electoral Area D/ Rural Grand Forks Director Roly Russell	<input checked="" type="checkbox"/> Electoral Area E/West Boundary Director Vicki Gee
---	--	---	---	--

Applicant:	ALVIN CARON - TRAIL YOUTH BASEBALL		
Address:	3942 WOODLAND DR. TRAIL, B.C.		
Phone:	250-368-5898	Fax:	
Email:	JACARON@TELUS.NET		
Representative:	ALVIN CARON		
Make cheque payable to:	TRAIL YOUTH BASEBALL		

**\*\*GIA Requests of \$5,000.00 or more may require official receipt\*\***

What is the Grant-in-Aid for:

TOP SOIL AND SOD PLAYERS FROM SENIOR MEN'S BASEBALL TEAM PLAY ALL GAMES AT BUTLER PARK - NELSON PLAYERS AT BUTLER PARK PLUS ALL GREATER TRAIL PLAYERS.
---

Amount Requested: \$900 PER ELECTORAL AREA \$900  
(EACH A-E)

Date: JULY 20/15

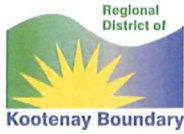
Signature: Alvin Caron

Print name: ALVIN CARON

### Office Use Only

Grant approved by Director: \_\_\_\_\_

Approved by Board: \_\_\_\_\_



## Grant-in-Aid Request

Application to (please check where appropriate):

<input type="checkbox"/> Electoral Area A Director Ali Grieve	<input type="checkbox"/> Electoral Area B/ Lower Columbia- Old Glory Director Linda Worley	<input checked="" type="checkbox"/> Electoral Area C/ Christina Lake Director Grace McGregor	<input type="checkbox"/> Electoral Area D/ Rural Grand Forks Director Roly Russell	<input type="checkbox"/> Electoral Area E/West Boundary Director Vicki Gee
--	--	---	---	--

Applicant:	Christina Lake Ladies Golf Club		
Address:	P. O. Box 268, Christina Lake, BC V0H 1E2		
Phone:	250-442-2823	Fax:	
Email:			
Representative:	Sandy Gillis		
Make cheque payable to:	Christina Lake Ladies Golf Club		

**\*\*GIA Requests of \$5,000.00 or more may require official receipt\*\***

What is the Grant-in-Aid for:

Annual Ladies Golf Open Tournament

Amount Requested: \$300.00 *Approve by Director McGregor July 13/15*

Date: July 6, 2015

Signature: \_\_\_\_\_

Print name: Sandy Gillis

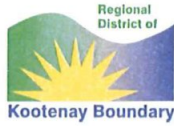
**SUBMIT**

Office Use Only

Grant approved by Director: G. M. McGregor

Approved by Board: \_\_\_\_\_





## Grant-in-Aid Request

Application to (please check where appropriate):

<input type="checkbox"/> Electoral Area A Director Ali Grieve	<input type="checkbox"/> Electoral Area B/ Lower Columbia- Old Glory Director Linda Worley	<input type="checkbox"/> Electoral Area C/ Christina Lake Director Grace McGregor	<input checked="" type="checkbox"/> Electoral Area D/ Rural Grand Forks Director Roly Russell	<input type="checkbox"/> Electoral Area E/West Boundary Director Vicki Gee
--	--	--	--	--

Applicant:	Granby Wilderness Society		
Address:	1325 North Fork Rd Grand Forks BC V0H 1H0		
Phone:	250.442.7969	Fax:	
Email:	jenny.coleshill@granbywilderness.ca		
Representative:	Jenny Coleshill		
Make cheque payable to:	Granby Wilderness Society		

**\*\*GIA Requests of \$5,000.00 or more may require official receipt\*\***

What is the Grant-in-Aid for:

Slope stabilization and erosion control for SION Cemetery slope on Kettle River. Manual installation of bioengineering structures using wire mesh, rock, gravel, soil, and live stakes. Includes materials, planning, permitting, volunteer and work crew coordination and installation (see documents)

Amount Requested: \$5000 *Approve by Director Russell July 23/15*

Date: July 22, 2015

Signature: (Graham Watt for Jenny Coleshill) *Graham Watt*

Print name: Jenny Coleshill

**SUBMIT**

Office Use Only

Grant approved by Director: \_\_\_\_\_

Approved by Board: \_\_\_\_\_

**Theresa Lenardon**

---

**From:** Graham Watt [plan@kettleriver.ca]  
**Sent:** July-23-15 11:42 AM  
**To:** Theresa Lenardon; Jenny Coleshill; Roly Russell  
**Subject:** GIA request  
**Attachments:** Grant-in-aidApplication-GWS-sion.pdf

Hi Theresa,

As discussed here is the Granby Wilderness Society Grant in Aid request for streambank/ slope stabilization and erosion control at SION Cemetery west of Grand Forks. Roly has been involved in the project for the last year or so and supports Granby Wilderness leading this project. We are working closely with SION Cemetery Society for cash and in-kind funding and FLNRO Habitat Biologist will be submitting permits - so it is already a streamlined project!

Thanks

Graham

--

Graham Watt  
Project Coordinator  
Kettle River Watershed Management Plan  
Regional District of Kootenay Boundary

Office: (250) 442-4111  
Cell: (250) 444-0550  
2140 Central Ave, Box 1965  
Grand Forks, BC V0H1H0  
email: [plan@kettleriver.ca](mailto:plan@kettleriver.ca)  
web: [kettleriver.ca](http://kettleriver.ca) | [www.rdkb.com](http://www.rdkb.com)

From: Bylands

To: 12503683990

07/03/2015 09:54

#481 P.002/002

Kootenay Boundary

## Grant-in-Aid Request

REGIONAL DISTRICT OF  
KOOTENAY BOUNDARY

FILE #

JUL - 3 2015

Application to (please check where appropriate):

Electoral Area A Director Ali Grieve	Electoral Area B/ Lower Columbia- Old Glory Director Linda Worley	Electoral Area C/ Christina Lake Director Grace McGregor	<input checked="" type="checkbox"/> Electoral Area D/ Rural Grand Forks Director Roly Russell	DOC # REF. TO: E/West Boundary Director Vicki Gee
--	---	---	--	---

Applicant:	SOBC soc Grand Forks		
Address:	c/o 4740 Well road, Grand Forks, V0H 1H5		
Phone:	250-442-3345	Fax:	
Email:	aestolker@hotmail.com		
Representative:	Program coordinator for SOBC soc Grand Forks		
Make cheque payable to:	SOBC soc Grand Forks		

**\*\*GIA Requests of \$5,000.00 or more may require official receipt\*\***

What is the Grant-in-Aid for:

In Februari 2016 our floor hockey team goes to the Nationals. Also our swim team, bowling team and our bocce team hopes to go to the regional qualifiers. We would love your help with travel cost and accomodation. Thank you for considering us.

Amount Requested: \$500

Apprv by Director Russell July 3/15

Date: 25-6-2015

Signature: Elizabeth Vader Stolker

Print name: Elizabeth Vader Stolker

SUBMIT

Office Use Only

Grant approved by Director: R. Russell

Approved by Board:



From: Bylands

To: 12503683990

07/03/2015 09:54

#481 P.001/002

July 2, 2015 Grand forks

**To:** Mrs. Maureen Forster, Mr. R Russell  
**Subject:** grant in aid for Special Olympics Grand Forks

Dear Mrs. M Forster, Mr Russell

Special Olympics BC Grand Forks is a sport organisation for special needs athletes. It is run by volunteers and provides athletes of all ages a chance to participate and compete in sports. Special Olympics BC Grand Forks offers bowling, bocce, swimming floor hockey baseball skiing and clubfit and for the really young athletes, fundamentals.

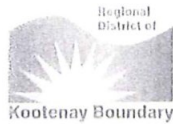
This year our floor hockey team goes to the nationals and our bocce, bowling and swim team would like to go to the regional qualifiers. The cost of transportation and the accommodation are high, this is why we would love your help.

With regards,  
Elizabeth Vader Stolker,  
Program coordinator for SOBC Grand Forks  
4740 Well Road  
Grand Forks, BC  
VOH 1H5

Tel 250 442 3345

att. Maureen Forster  
Fax 1-250-368 3990





## Grant-in-Aid Request

Application to (please check where appropriate):

Electoral Area A Director Ali Grieve	Electoral Area B/ Lower Columbia- Old Glory Director Linda Worley	Electoral Area C/ Christina Lake Director Grace McGregor	<input checked="" type="checkbox"/>	Electoral Area D/ Rural Grand Forks Director Roly Russell	<input checked="" type="checkbox"/>	Electoral Area E/West Boundary Director Vicki Gee
---	---	---	-------------------------------------	--	-------------------------------------	---

Applicant:	Boundary Invasive Species Society		
Address:	PO Box 57, Rock Creek, BC, V0H 1Y0		
Phone:	250-446-2232	Fax:	
Email:	boundaryinvasives@gmail.com		
Representative:	Bill Baird or Barb Stewart		
Make cheque payable to:	Boundary Invasive Species Society		

**\*\*GIA Requests of \$5,000.00 or more may require official receipt\*\***

What is the Grant-in-Aid for:

For completing the aquatic invasive species (bullfrogs, turtles, NZ mudsnails) inventories in lake, wetlands, and high use river access points in the east and west Boundary started last year. The funds will be used to top up summer student wages (CSJ confirmed), staff labour, and mileage.

Amount Requested: ~~\$2,000.00~~ from both electoral areas combined

\$1,000.00

Date: April 22, 2015

Signature: \_\_\_\_\_

Print name: Bill Baird

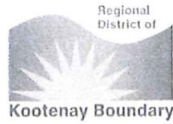
**SUBMIT**

Office Use Only

Grant approved by Director: V. Gee

Approved by Board: \_\_\_\_\_





## Grant-in-Aid Request

Application to (please check where appropriate):

<input type="checkbox"/>	Electoral Area A Director Ali Grieve	<input type="checkbox"/>	Electoral Area B/ Lower Columbia- Old Glory Director Linda Worley	<input type="checkbox"/>	Electoral Area C/ Christina Lake Director Grace McGregor	<input type="checkbox"/>	Electoral Area D/ Rural Grand Forks Director Roly Russell	<input checked="" type="checkbox"/>	Electoral Area E/West Boundary Director Vicki Gee
--------------------------	---	--------------------------	---	--------------------------	---	--------------------------	--	-------------------------------------	---

Applicant:	Christina Gateway CDA		
Address:	1675 HWY 3, Christina Lake, BC V0H 1E2		
Phone:	2504476165	Fax:	
Email:	coordinator@christinalake.ca		
Representative:	Cavan Gates		
Make cheque payable to:	Christina Gateway CDA		

**\*\*GIA Requests of \$5,000.00 or more may require official receipt\*\***

What is the Grant-in-Aid for:

Meeting between Area E non-profits and Gateway facilitating communication across the Boundary

Amount Requested: 159.27

Date: 6/16/15  
 Signature: Cavan Gates  
 Print name: Cavan Gates

**SUBMIT**

Office Use Only
Grant approved by Director: <u>V. Gee</u>
Approved by Board: _____

11(a) 1575 - security (ssing) / (d)  
 11(b) 1576 - self stab Airport  
 11(c) 1577 - service repair Airport  
 11(d) 1578 - CPT S.I.  
 11(e) Area B Zoning

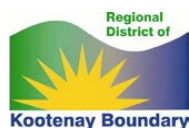
Regional District of  
 Kootenay Boundary

EA Directors  
 (stakeholder)  
 T Rossland

**Electoral Area 'B' /**  
**Lower Columbia - Old Glory**  
**Zoning Bylaw No. 1540**

Regional District of Kootenay Boundary  
 202-843 Rossland Avenue  
 Trail, BC V1R 4S8  
 Telephone: 250.368.9148  
 Toll Free in BC: 800.355.7352  
 Fax: 250.368.3990

*Adopted by*  
 The Regional District of Kootenay Boundary Board of Directors  
 (date)



### Bylaw No. 1575

---

A bylaw to authorize the entering into of an Agreement respecting financing  
between the Regional District of Kootenay Boundary  
and the Municipal Finance Authority of British Columbia

---

WHEREAS the Municipal Finance Authority of British Columbia (the "Authority") may provide financing of capital requirements for Regional Districts or for their member municipalities by the issue of debentures or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS under the provisions of section 825 of the *Local Government Act*, the amount of borrowing authorized by each of the following loan authorization bylaws, the amount already borrowed under the authority thereof, the amount of authorization to borrow remaining thereunder, and the amount being issued under the authority thereof by this bylaw is as follows:

<u>L/A</u> <u>Bylaw</u> <u>Number</u>	<u>Purpose</u>	<u>Amount of</u> <u>Borrowing</u> <u>Authorized</u>	<u>Amount</u> <u>Already</u> <u>Borrowed</u>	<u>Borrowing</u> <u>Authority</u> <u>Remaining</u>	<u>Term</u> <u>of</u> <u>Issue</u>	<u>Amount</u> <u>of Issue</u>
1572	Pedestrian/Pipebridge (East End Sewer)	\$ 4,200,000	\$ 0	\$ 4,200,000	25	\$ 4,200,000
Total		<u>\$ 4,200,000</u>	<u>\$ 0</u>	<u>\$ 4,200,000</u>		<u>\$ 4,200,000</u>

---

Total Financing under Section 825: \$ 4,200,000.00

---

GRAND TOTAL: \$ 4,200,000.00

AND WHEREAS the Regional Board, by this bylaw, hereby requests such financing shall be undertaken through the Authority:

NOW THEREFORE the Regional Board of the Regional District of Kootenay Boundary in open meeting assembled enacts as follows:

1. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Regional District and its member municipalities up to, but not exceeding Four Million Two Hundred Thousand

Dollars (\$ 4,200,000.00 ) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$ 4,200,000.00 (in Canadian Dollars) at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.

2. Upon completion by the Authority of financing undertaken pursuant hereto, the Chair and officer assigned the responsibility of financial administration of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements, which said agreement or agreements shall be substantially in the form annexed hereto as Schedule "A" and made part of this bylaw (such Agreement or Agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
3. The Agreement in the form of Schedule "A" shall be dated and payable in the principal amount or amounts of monies and in Canadian dollars or as the Authority shall determine and subject to the *Local Government Act*, in such currency or currencies as shall be borrowed by the Authority under Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
4. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
5. The Agreement shall be sealed with the seal of the Regional District and shall bear the signature of the Chair and the officer assigned the responsibility of financial administration of the Regional District.
6. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
7. During the currency of the obligations incurred under the said Agreement to secure borrowings in respect of Regional District of Kootenay Boundary Loan Authorization Bylaw No. 1572 the anticipated revenues accruing to the Regional District from the operation of the East End Regionalized Sewer Service are at any time insufficient to meet the annual payment of interest and the repayment of principal in any year, there shall be requisitioned an amount sufficient to meet such insufficiency.
8. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided, however, that if the sums provided for in the Agreement are not sufficient to

meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional Board of the Regional District shall make due provision to discharge such liability.

9. The Regional District shall pay over to the Authority at such time or times as the Treasurer of the Authority so directs such sums as are required pursuant to section 15 of the *Municipal Finance Authority Act* to be paid into the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.
10. This bylaw may be cited as "Regional District of Kootenay Boundary Security Issuing (Sewer – Pedestrian/Pipebridge) Bylaw No. 1575, 2015".

**Read a First and Second Time** the 30<sup>th</sup> day of July , 2015.

**Read a Third Time** the 30<sup>th</sup> day of July, 2015

I, Theresa Lenardon, Manager of Corporate Administration of the Regional District of Kootenay Boundary, hereby certify the foregoing to be a true and correct copy of Bylaw No. 1575 cited as "Regional District of Kootenay Boundary Security Issuing (Sewer-Pedestrian/Pipebridge) Bylaw No. 1575, 2015" as read a third time the 30<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
Manager of Corporate Administration

**RECONSIDERED AND ADOPTED** the 30<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Manager of Corporate Administration

I, Theresa Lenardon, Manager of Corporate Administration of the Regional District of Kootenay Boundary, hereby certify the foregoing to be a true and correct copy of Bylaw No. 1575 cited as "Regional District of Kootenay Boundary Security Issuing (Sewer-Pedestrian/Pipebridge) Bylaw No. 1575, 2015" as reconsidered and adopted the day 30<sup>th</sup>, day of July, 2015.

Certified a true copy of Bylaw No. 1575 as adopted.

\_\_\_\_\_  
Manager of Corporate Administration



SCHEDULE "A" to Bylaw No. 1575

C A N A D A

PROVINCE OF BRITISH COLUMBIA

A G R E E M E N T

Regional District of Kootenay Boundary

The Regional District of Kootenay Boundary\_ (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia at its Head Office in Victoria, British Columbia, (the "Authority") the sum of Four Million Two Hundred Thousand dollars (\$4,200,000.00) in lawful money of Canada, together with interest calculated semi-annually in each and every year during the currency of this Agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the \_\_\_\_ day of \_\_\_\_\_, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

DATED at \_\_\_\_\_, British Columbia, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

IN TESTIMONY WHEREOF and under the authority of Bylaw No. \_\_\_\_\_ cited as "\_\_\_\_\_"  
This Agreement is sealed with the Corporate Seal of the Regional District of \_\_\_\_\_ and signed by the Chair and the officer assigned the responsibility of financial administration thereof.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
General Manager - Finance

Pursuant to the Local Government Act, I certify that this Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any Court of the Province of British Columbia.

Dated \_\_\_\_\_ (month, day) 20\_\_\_\_

\_\_\_\_\_  
Inspector of Municipalities

(Reverse Side)

PRINCIPAL AND/ OR SINKING FUND DEPOSIT AND INTEREST PAYMENTS

<u>Date of Payment</u>	Principal and/or Sinking Fund <u>Deposit</u>	<u>Interest</u>	<u>Total</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____



**Bylaw No. 1578**

---

A bylaw to authorize the entering into of an Agreement respecting financing  
between the Regional District of Kootenay Boundary  
and the Municipal Finance Authority of British Columbia

---

WHEREAS the Municipal Finance Authority of British Columbia (the "Authority") may provide financing of capital requirements for Regional Districts or for their member municipalities by the issue of debentures or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS the City of Trail is a member municipality of the Regional District of Kootenay Boundary (the "Regional District");

AND WHEREAS the Regional District is to finance from time to time on behalf of and at the sole cost of the member municipalities, under the provisions of Section 824 of the *Local Government Act*, the works to be financed pursuant to the following loan authorization bylaws:

<u>Municipality</u>	<u>L/A Bylaw Number</u>	<u>Purpose</u>	<u>Amount of Borrowing Authorized</u>	<u>Amount Already Borrowed</u>	<u>Borrowing Authority Remaining</u>	<u>Term of Issue</u>	<u>Amount of Issue</u>	<u>Resolution #/Date</u>
City of Trail	2775	Columbia River Utilities/Pedestrian Bridge	\$4,916,000	\$ 0	\$ 4,916,000	25 years	\$4,916,000	July 13, 2015
<b>Total</b>			<u>\$4,916,000</u>	<u>\$ 0</u>	<u>\$4,916,000</u>		<u>\$4,916,000</u>	

AND WHEREAS the Regional Board, by this bylaw, hereby requests such financing shall be undertaken through the Authority:

NOW THEREFORE the Regional Board of the Regional District of Kootenay Boundary Board of Directors in open meeting assembled enacts as follows:

1. The Regional Board hereby consents to financing the debt of the City of Trail in the amount of four million nine hundred and sixteen thousand Dollars (\$4,916,000) in accordance with the following terms.
2. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Regional District and its member municipalities up to, but not exceeding four million nine hundred and sixteen thousand Dollars (\$4,916,000) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$4,916,000 in Canadian Dollars at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.
3. Upon completion by the Authority of financing undertaken pursuant hereto, the Chair and officer assigned the responsibility of financial administration of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements, which said agreement or agreements shall be substantially in the form annexed hereto as Schedule "A" and made part of this bylaw (such Agreement or Agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
4. The Agreement in the form of Schedule "A" shall be dated and payable in the principal amount or amounts of monies and in Canadian dollars or as the Authority shall determine and subject to the *Local Government Act*, in such currency or currencies as shall be borrowed by the Authority under Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
5. The obligation incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
6. The Agreement shall be sealed with the seal of the Regional District and shall bear the signature of the Chair and the officer assigned the responsibility of financial administration of the Regional District.
7. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.

8. During the currency of the obligations incurred under the said Agreement to secure borrowings in respect of the City of Trail Loan Authorization Bylaw cited as "Columbia River Utilities/Pedestrian Bridge Loan Authorization Bylaw No. 2775, 2014" there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.
9. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided, however, that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional Board of the Regional District shall make due provision to discharge such liability.
10. The Regional District shall pay over to the Authority at such time or times as the Treasurer of the Authority so directs such sums as are required pursuant to section 15 of the *Municipal Finance Authority Act* to be paid into the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.
11. This bylaw may be cited as "Regional District of Kootenay Boundary Security Issuing (Trail – Utility/Pedestrian Bridge) Bylaw No. 1578, 2015".

**Read a First and Second Time** the 30<sup>th</sup> day of July , 2015.

**Read a Third Time** the 30<sup>th</sup> day of July, 2015

I, Theresa Lenardon, Manager of Corporate Administration of the Regional District of Kootenay Boundary, hereby certify the foregoing to be a true and correct copy of Bylaw No. 1578 cited as "Regional District of Kootenay Boundary Security Issuing (Trail – Utility/Pedestrian Bridge) Bylaw No. 1578, 2015" as read a third time the 30<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
Manager of Corporate Administration

**RECONSIDERED AND ADOPTED** the 30<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Manager of Corporate Administration



I, Theresa Lenardon, Manager of Corporate Administration of the Regional District of Kootenay Boundary, hereby certify the foregoing to be a true and correct copy of Bylaw No. 1578 cited as "Regional District of Kootenay Boundary Security Issuing (Trail – Utility/Pedestrian Bridge) Bylaw No. 1578, 2015" as reconsidered and adopted the day 30<sup>th</sup>, day of July, 2015.

Certified a true copy of Bylaw No. 1578 as adopted.

---

Manager of Corporate Administration

SCHEDULE "A" to Bylaw No. 1578

C A N A D A

PROVINCE OF BRITISH COLUMBIA

A G R E E M E N T

Regional District of Kootenay Boundary

The Regional District of Kootenay Boundary (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia at its Head Office in Victoria, British Columbia, (the "Authority") the sum of four million Dollars (\$4,000,000) in lawful money of Canada, together with interest calculated semi-annually in each and every year during the currency of this Agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

DATED at Trail, British Columbia, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. \_\_\_\_\_ cited as "Regional District Security Issuing Bylaw". This Agreement is sealed with the Corporate Seal of the Regional District of Kootenay Boundary and signed by the Chair and the officer assigned the responsibility of financial administration thereof.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
General Manager - Finance

Pursuant to the *Local Government Act*, I certify that this Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any Court of the Province of British Columbia.

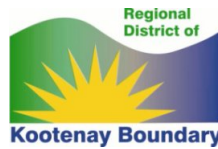
Dated \_\_\_\_\_ (month, day) 20

\_\_\_\_\_  
Inspector of Municipalities

(Reverse Side)

PRINCIPAL AND/ OR SINKING FUND DEPOSIT AND INTEREST PAYMENTS

<u>Date of Payment</u>	<u>Principal and/or Sinking Fund Deposit</u>	<u>Interest</u>	<u>Total</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____



**EAST END REGIONAL AIRPORT SERVICE CONVERSION AND SERVICE  
ESTABLISHMENT NO. 1576, 2015**

---

**A CONVERSION BYLAW OF THE REGIONAL DISTRICT OF KOOTENAY  
BOUNDARY IN THE PROVINCE OF BRITISH COLUMBIA TO CONVERT THE  
AUTHORITY FOR PROVISION OF AN AIRPORT TO A SERVICE FOR THE  
PURPOSES OF REPEALING THE SERVICE**

---

**WHEREAS:**

- A. By Supplementary Letters Patent dated January 23, 1982, as amended by further Supplementary Letters Patent, the Regional District of Kootenay Boundary was granted the function of undertaking the provision of an airport with the participants being the Cities of Rossland, and Trail, the Villages of Warfield, Montrose and Fruitvale, and the Electoral Areas of Electoral Area 'B'/Lower Columbia-Old Glory and Electoral Area 'A';
- B. The Board of the Regional District of Kootenay Boundary wishes to exercise such function granted to it by the Letters Patent in accordance with Part 24 of the Local Government Act subject to all the terms and conditions contained in the Letters Patent and including all the powers granted by the Letters Patent within the participants being the Cities of Rossland, and Trail, the Villages of Warfield, Montrose and Fruitvale, and the Electoral Areas of Electoral Area 'B'/Lower Columbia- Old Glory and Electoral Area 'A';
- C. The Board of the Regional District of Kootenay Boundary wishes to proceed under section 774.2 of the Local Government Act and convert the service to a service exercised under the authority of a bylaw for a portion of the Regional District by bylaw under sections 774.2(3) and 796 of the *Local Government Act*; and
- D. The Board of the Regional District of Kootenay Boundary has obtained the necessary consent on behalf of the electors under sections 801(2)(c) and 801.4 of the Local Government Act.

**NOW THEREFORE** the Board of the Regional District of Kootenay Boundary in open meeting assembled enacts as follows:

### 1. Service

A service is hereby established to provide for an airport service. This service shall be cited as the "East End Regional Airport Service".

### 2. Boundaries of Service Area

The service area is the area within the boundaries of the Cities of Rossland, and Trail, the Villages of Warfield, Montrose and Fruitvale, and the Electoral Areas of Electoral Area 'B'/Lower Columbia - Old Glory and Electoral Area 'A'.

### 3. Participating Areas

The participating areas for the Service consist of the Cities of Rossland, and Trail, the Villages of Warfield, Montrose and Fruitvale, and the Electoral Areas of Electoral Area 'B'/Lower Columbia - Old Glory and Electoral Area 'A'.

### 4. Cost Recovery

The annual operating costs and annual debt costs for the Service will be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (b) fees and charges that may be imposed under section 363 of the *Local Government Act*;
- (c) revenues raised by other means authorized by the *Local Government Act*, and
- (d) revenue received by way of agreement, enterprise, gift, grant or otherwise.

### 5. Maximum Requisition

The maximum amount that may be requisitioned under section 800.1(1) of the *Local Government Act* for the service is \$100,000.00.

### 6. Continuing Authority

Nothing in this bylaw will be interpreted as affecting or impairing in any way the rights and powers of the Regional District under the Supplementary Letters Patent, dated April 22, 1969, as amended by further Supplementary Letters Patent, in relation to that part of the Regional District not contained within the service area created by this bylaw.



## 7. Citation

This bylaw may be cited as the "Regional District of Kootenay Boundary East End Regional Airport Service Establishment Bylaw No. 1576, 2015".

**Read a First and Second Time** the 30<sup>th</sup> day of July , 2015.

**Read a Third Time** the 30<sup>th</sup> day of July, 2015

I, Theresa Lenardon, Manager of Corporate Administration of the Regional District of Kootenay Boundary, hereby certify the foregoing to be a true and correct copy of Bylaw No. 1576 cited as "Regional District of Kootenay Boundary East End Regional Airport Service Establishment Bylaw No. 1576, 2015" as read a third time the 30<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
Manager of Corporate Administration

The Corporation of the City of Rossland consented to the adoption of this bylaw by way of a resolution adopted \_\_\_\_\_, 2015.

The Corporation of the City of Trail consented to the adoption of this bylaw by way of a resolution adopted \_\_\_\_\_, 2015.

The Corporation of the Village of Warfield consented to the adoption of this bylaw by way of a resolution adopted \_\_\_\_\_, 2015.

The Corporation of the Village of Montrose consented to the adoption of this bylaw by way of a resolution adopted \_\_\_\_\_, 2015.

The Corporation of the Village of Fruitvale consented to the adoption of this bylaw by way of a resolution adopted \_\_\_\_\_, 2015.

The Director for Electoral Area 'A' consented to the adoption of this bylaw in a letter dated \_\_\_\_\_, 2015.

The Director for Electoral Area 'B'/Lower Columbia-Old Glory consented to the adoption of this bylaw in a letter dated \_\_\_\_\_, 2015.

**APPROVED BY THE INSPECTOR OF MUNICIPALITIES** this \_\_\_\_ day of \_\_\_\_\_, 2015.

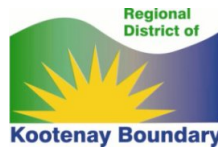
**RECONSIDERED AND ADOPTED** the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Manager of Corporate Administration

I, Theresa Lenardon, Manager of Corporate Administration of the Regional District of Kootenay Boundary, hereby certify the foregoing to be a true and correct copy of Bylaw No. 1576 cited as "Regional District of Kootenay Boundary East End Regional Airport Service Establishment Bylaw No. 1576, 2015" as reconsidered and adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Manager of Corporate Administration



## **EAST END REGIONAL AIRPORT SERVICE REPEALING BYLAW NO. 1577, 2015**

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### **A BYLAW OF THE REGIONAL DISTRICT OF KOOTENAY BOUNDARY IN THE PROVINCE OF BRITISH COLUMBIA TO REPEAL AND DISCONTINUE THE EAST END REGIONAL AIRPORT SERVICE**

---

#### **WHEREAS:**

- A. Through the adoptions of East End Regional Airport Service Conversion and Establishment Bylaw No. 1576, 2015 the Board converted and established the East End Regional Airport Service;
- B. The Board, having sold the airport lands and operations to the City of Trail, deems it appropriate and in the public interest to repeal the service establishment bylaw and discontinue the regional district service;
- C. The Board of the Regional District of Kootenay Boundary has obtained the necessary consent on behalf of the electors under sections 801(2)(c) and 801.4 of the *Local Government Act* to undertake these actions.

**NOW THEREFORE** the Board of the Regional District of Kootenay Boundary in open meeting assembled enacts as follows:

#### **1. Discontinuation and Repealing of Service**

East End Regional Airport Service Conversion and Establishment Bylaw No. 1576, 2015 is hereby repealed and the service known as the East End Regional Airport Service is hereby discontinued.

#### **2. Citation**

This bylaw may be cited as the "Regional District of Kootenay Boundary East End Regional Airport Service Establishment Repealing and Discontinuation Bylaw No. 1577, 2015".

**Read a First and Second Time** the 30<sup>th</sup> day of July , 2015.

**Read a Third Time** the 30<sup>th</sup> day of July, 2015

I, Theresa Lenardon, Manager of Corporate Administration of the Regional District of Kootenay Boundary, hereby certify the foregoing to be a true and correct copy of Bylaw No. 1577 cited as "Regional District of Kootenay Boundary East End Regional Airport Service Establishment Repealing and Discontinuation Bylaw, 2015" as read a third time the 30<sup>th</sup> day of July, 2015.

\_\_\_\_\_  
Manager of Corporate Administration

The Corporation of the City of Rossland consented to the adoption of this bylaw by way of a resolution adopted \_\_\_\_\_, 2015.

The Corporation of the City of Trail consented to the adoption of this bylaw by way of a resolution adopted \_\_\_\_\_, 2015.

The Corporation of the Village of Warfield consented to the adoption of this bylaw by way of a resolution adopted \_\_\_\_\_, 2015.

The Corporation of the Village of Montrose consented to the adoption of this bylaw by way of a resolution adopted \_\_\_\_\_, 2015.

The Corporation of the Village of Fruitvale consented to the adoption of this bylaw by way of a resolution adopted \_\_\_\_\_, 2015.

The Director for Electoral Area 'A' consented to the adoption of this bylaw in a letter dated \_\_\_\_\_, 2015.

The Director for Electoral Area 'B'/Lower Columbia-Old Glory consented to the adoption of this bylaw in a letter dated \_\_\_\_\_, 2015.

**APPROVED BY THE INSPECTOR OF MUNICIPALITIES** the \_\_\_\_ day of \_\_\_\_\_, 2015.

**RECONSIDERED AND ADOPTED** the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

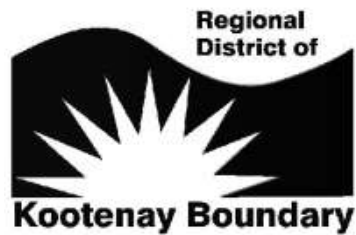
\_\_\_\_\_  
Chair

\_\_\_\_\_  
Manager of Corporate Administration

I, Theresa Lenardon, Manager of Corporate Administration of the Regional District of Kootenay Boundary, hereby certify the foregoing to be a true and correct copy of Bylaw No. 1577 cited as "Regional District of Kootenay Boundary East End Regional Airport Service Establishment Repealing and Discontinuation Bylaw as reconsidered and adopted the            day of            , 2015.

Manager of Corporate Administration





**Electoral Area 'B' /**  
**Lower Columbia - Old Glory**  
**Zoning Bylaw No. 1540**

Regional District of Kootenay Boundary  
202-843 Rossland Avenue  
Trail, BC V1R 4S8  
Telephone: 250.368.9148  
Toll Free in BC: 800.355.7352  
Fax: 250.368.3990

*Adopted by*  
The Regional District of Kootenay Boundary Board of Directors  
(date)

**REGIONAL DISTRICT OF KOOTENAY BOUNDARY**  
**Electoral Area 'B'/Lower Columbia-Old Glory Zoning Bylaw No. 1540**

---

The Regional District of Kootenay Boundary Board of Directors in open meeting assembled enacts as follows:

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Map 1. Electoral Area 'B'/Lower Columbia-Old Glory Zoning Map

Map 2. Comprehensive Development 1 (CD1) Zone Map

## Part 1: Interpretation

### 101. Title

This Bylaw may be cited as “Regional District of Kootenay Boundary Electoral Area ‘B’/Lower Columbia-Old Glory Zoning Bylaw No. 1540, 2014”.

### 102. Application

This Bylaw applies to all lands, including the surface of water and all uses, **buildings** and **structures** located within Electoral Area ‘B’/Lower Columbia-Old Glory, whose boundaries are described in the letters patent of the Regional District of Kootenay Boundary.

### 103. Definitions

In this Bylaw, all words and phrases have their normal or common meaning with the exception of those that have been changed, modified or expanded by the definitions below. Note that terms for which a definition has been provided are in **bold italic** text throughout the Bylaw, as a convenience only.

ACCESSORY means customarily incidental, clearly subordinate and secondary;

AGRICULTURAL PRODUCTION OF A CONTROLLED SUBSTANCE means agricultural production of a product that falls under the federal government’s Marihuana for Medical Purposes Regulation;

AGRICULTURE means “farm use” as defined in the *Agricultural Land Commission Act* and BC Regulation 171/2002, but excludes **intensive agriculture** and **agricultural production of a controlled substance**;

AUTOMOBILE SALVAGE YARD means a land use where wrecked, decommissioned or **derelict vehicles** and vehicle parts are stored, or kept, their usable parts sold for use in operating vehicles, while the unusable metal parts, known as scrap metal parts, are sold to metal recyclers; may also be referred to as a wrecking yard, scrap yard or a junk yard.

AVERAGE GRADE means the finished level of ground averaged at the perimeter of the exterior foundation of a **building** or **structure**, as determined by the Building and Plumbing Official;

BED AND BREAKFAST means an **accessory** use of a private **single family dwelling** occupied by an individual or **family** to provide, for compensation, accommodation and morning meals for the travelling public;

BOARDER OR LODGER means a person who for compensation occupies a sleeping room, in a **dwelling unit** occupied by an individual or **family** to which he/she may or may not be closely related by blood or marriage;

BUILDING means a **structure** wholly or partly enclosed by a roof or roofs supported by air, walls, or columns and used for the shelter or accommodation of persons, animals, chattels or things; excluding: tents, trailers, campers and recreational vehicles;

BUILDING AND CONTRACTING SUPPLY ESTABLISHMENT means the use of land, **buildings** or structures in which building, construction or home improvement materials are stored and offered for wholesale or retail sale;



BULK FUEL means bulk gasoline, fuel oil, heating oil, petroleum, propane, kerosene, coal, coke, fuel wood, natural gas, bio-fuels or similar fuels;

BULK FUEL DEPOT means the use of a **parcel** for the wholesaling of **bulk fuel**, not including **service stations**;

CAMPGROUND means a **parcel(s)** where sites are provided for **temporary accommodation** in tents, trailers, campers or recreational vehicles; and may include as secondary uses recreational and amusement facilities, a convenience store, an eating establishment, common sanitary facilities and related **buildings** and **structures**;

COMMUNITY WATER SYSTEM means a water supply system within the meaning of the *Drinking Water Protection Act* that is owned, operated and maintained by local government, Improvement District, Irrigation District, utility or an incorporated entity, where the owner is responsible to manage and monitor to current best water management practices and has the ability to set rates, invoice or has taxation ability to collect fees or revenue to ensure the viability of the water supply system to provide potable water;

COMMUNITY SEWER SYSTEM means a system of sewerage collection, treatment and disposal which is owned, operated and maintained by the Regional District of Kootenay Boundary.

CONCEALED means located within the footprint of a **building**, underground or enclosed by either a **solid fence**, **landscape screen**, a minimum of 1.5 metres in height;

DERILICT VEHICLE means any vehicle which has not been licensed for a period of one (1) year and which is not **concealed**, excluding farm equipment and vehicles;

DISTRIBUTION FACILITY means a warehouse or **storage** facility, including both indoor and outdoor **storage**, where the emphasis is on processing and moving goods;

DWELLING UNIT means one or more rooms used for the residential accommodation of one **family** and contains sleeping, cooking and sanitary facilities;

DWELLING, SINGLE FAMILY means any detached **building** consisting of one **dwelling unit**;

DWELLING WIDTH means the average width of a **building** containing a **dwelling unit**, not including vestibules, garages, decks or other additions that may be added to the **dwelling unit**;

EXTERIOR SIDE PARCEL LINE means the **parcel** line(s) not being the **front parcel line** or **rear parcel line** and common to the **parcel** and a **highway**;

FAMILY means two or more persons related by blood, marriage, adoption or foster parenthood, or five or fewer unrelated persons;

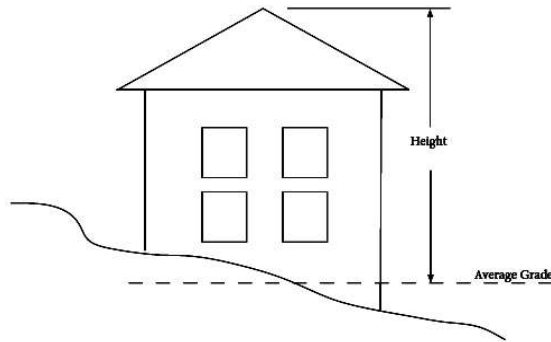
FOREST MANAGEMENT ACTIVITY means a use as defined in Schedule A of the Private Managed Forest Land Regulation (BC Regulation 371/2004);

FREIGHT TERMINAL means a station or depot to load or unload freight, and includes reload facilities;

FRONT PARCEL LINE means the **parcel** line(s) common to the **parcel** and a fronting **highway**, or where there is more than one fronting **highway**, the **parcel** line common to the **parcel** and the fronting **highway** towards which the majority of the **buildings** on adjacent **parcels** are faced;

GROSS FLOOR AREA means the sum of the areas of each storey in each **building** on a **parcel** measured between the exterior walls of such **buildings** where that storey is used as a principal permitted use;

HEIGHT (of a **building**) means the vertical distance measured from the **average grade** at the perimeter of the **building** or **structure** to the highest point thereof;



HIGHWAY means a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a private right of way on private property;

HOME-BASED BUSINESS means an occupation carried on for gain by the residents of the **parcel**, where the occupation is an extension of a trade, profession, service, hobby, or similar undertaking which is **accessory** to the use of the **parcel** for residential purposes;

HOTEL OR MOTEL means a **building** or group of **buildings** wherein accommodation is temporarily provided to travelers and may provide:

- a) an office with a public register;
- b) an attendant on duty at all times;
- c) a public dining room or restaurant;
- d) for the consumption of alcoholic beverages on the premises; and
- e) individual cooking facilities;

INSTITUTIONAL USE means a use that includes, but is not limited to, providing for: day care centres, customs houses, art galleries, churches, schools, museums, community halls, libraries, fire halls and similar uses;

INTENSIVE AGRICULTURE means feedlots, fur farms, poultry farms, pig farms and mushroom farms;

INTERIOR SIDE PARCEL LINE means the **parcel** line(s), not being the **front parcel line** or **rear parcel line**, common to another **parcel**;

KENNEL means any **building**, **structure**, compound or **parcel** upon which three or more dogs or cats, which are six months or more in age, are commercially trained, cared for, bred or boarded;

LANDSCAPE SCREEN means a continuous evergreen hedge or other compact plant material at least 1 metre in height when planted, when such hedge, fence or wall is broken only for access driveways and walkways;

LIGHT MANUFACTURING means processing, fabricating, assembly, or disassembly of items that takes place entirely within an enclosed **building**, and includes, but not limited to, manufacturing of: apparel, home accessories, clothing accessories, jewellery, instruments, computers, and electronic devices; food processing including only pre-dressed and government inspected meats and eviscerated poultry and excluding fish processing; and excluding forging, casting, punch presses or drop forges;

MANUFACTURED HOME means a transportable, factory-built **single family dwelling** unit that is:

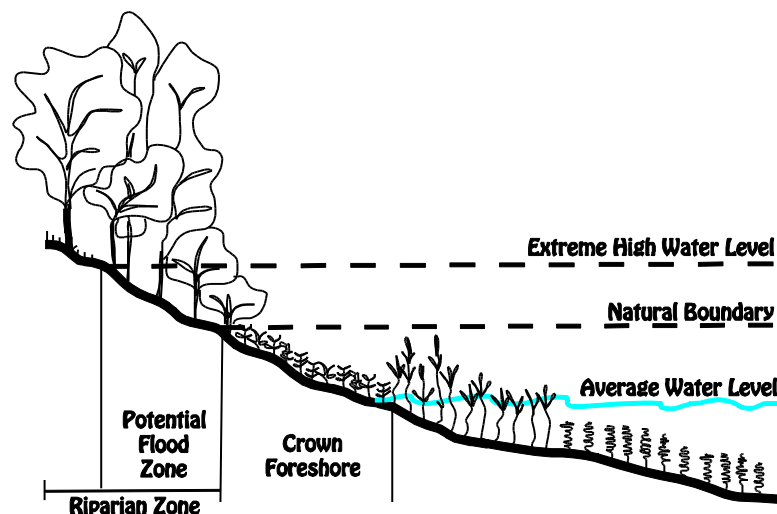
- (a) designed to provide year-round living accommodation for one family; and
- (b) able to be connected to utility services; and
- (c) in conformity with the CSA Z240 or CSA A277 certified standard; and
- (d) is a minimum of 50 m<sup>2</sup> in **gross floor area**.

MANUFACTURED HOME PARK means a **parcel** on which are located three or more **manufactured homes**;

MANUFACTURED HOME, SINGLE WIDE means any **manufactured home** that has a width greater than 2.4 metres and less than 5.5 metres when it is placed on the property, before any vestibules, garages, decks or other additions are added to the **manufactured home**;

MANUFACTURING means assembling, treatment, compounding, processing, fabrication, packaging, bottling and **storage** of previously prepared or unprepared materials; and includes **light manufacturing** and log home manufacturing;

NATURAL BOUNDARY means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself, and also includes the best estimate of the edge of dormant or old side channels and marsh areas;



OFFICE means the occupancy or use of a **building** for the purpose of carrying out business or professional activities;

OPEN FENCE means an upright structure typically made of wood, metal, concrete, stone, or vegetation which encloses or marks a boundary, which is not more than 30% opaque;

PARCEL means any lot, block or other area in which land is held as separate and distinct or into which it is subdivided, but does not include a **highway**;

PARCEL COVERAGE means the horizontal area within the vertical projection of the outermost walls of the **buildings** on the **parcel**, expressed as a percentage of the **parcel** area;

PASSENGER TERMINAL means a station or depot to load or unload passengers, where accessory uses may include ticket offices, luggage checking facilities, food services, and similar uses;

PASSIVE RECREATION means non-motorized recreation not requiring facilities and may include but not be limited to wildlife observation, picnicking, walking, biking and canoeing;

PERSONAL SERVICE ESTABLISHMENT means a premises which caters to personal needs including, but not limited to, tailors, hairstylists, shoe repair, photographers, barbershops and beauty salons;

PRINCIPAL BUILDING means the main **building** on a **parcel** which may contain a **dwelling unit(s)** and where at least 75% of the floor area is used for the principal permitted use;

REAR PARCEL LINE means the **parcel** line opposite to and most distant from the **front parcel line**, or where the rear portion of the **parcel** is bounded by intersecting **interior side parcel lines**, is deemed to be the point of such intersection;

RECYCLING DEPOT means a land use where recyclable materials are deposited either in comingled containers or bins or placed in separate containers or bins depending on the type of material. While bundling of the material may be done to prepare for transport, no processing of the materials is carried out.

RECYCLING FACILITY means the use of land for processing recyclable materials by physical means such as dismantling and separating, shredding, bundling and packaging to prepare them for transport.

RESOURCE USE means a use of land providing for the conservation, and management of natural resources; extraction of primary forest materials; extraction and grading of mineral resources; and **agriculture** and grazing;

SCREENING means the act of **concealing** or obstructing from view through the use of **vegetative screens** or **solid fences**; or placement within a **building**;

SECONDARY SUITE means an additional **dwelling unit** located upon a **parcel** as a **secondary use** of land that is contained either within a **single family dwelling** or an **accessory building** thereto;

SERVICE STATION means a use providing for the sale of vehicle fuel and may include as a minor vehicle repairs and service, but does not include major auto-body repairs;

**SIGN** means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a **building, structure** or **parcel** and which directs viewers' attention to an object, product, place activity, person, institution, business or organization;

**SKI LODGE** means one or more non-residential **buildings** containing facilities for the use and enjoyment of skiers, and which may include food services, first aid facilities, storage lockers, and related equipment rental, sales and service, and similar uses;

**SLEEPING UNIT** means one or more rooms used for the lodging of an individual or **family** when such a unit contains no cooking facilities;

**SOLID FENCE** means an upright structure typically made of wood, metal, concrete or stone, which encloses or marks a boundary, and is 70% or more opaque;

**STORAGE** means the action of storing or laying up a thing or things in reserve, where reserve means that there are no immediate plans to move it to another location;

**STORAGE SHED** means a detached non-residential **building** which is **accessory** to a permitted use located on the same **parcel** not in excess of 10 m<sup>2</sup> in **gross floor area** and not in excess of 3m in **height**;

**STRUCTURE** means any construction fixed to, supported by, or sunk into land or water;

**TEMPORARY ACCOMMODATION** means occupancy of a **building** or **structure**, tent, trailer, camper or recreational vehicle for a period not exceeding a period of 60 days per calendar year;

**TRADESPERSON** means a person who is skilled in and follows a trade or skilled handicraft; an artisan; a craftsman; and may include carpenters, electricians, bricklayers, mechanics, painters, printers, glaziers, plumbers, wall coverers, floor installers, convention and trade show decorators, sign and display workers, drywall finishers and other similar professions;

**VETERINARY CLINIC** means the use of a **building** designed for the care and treatment of animals under the supervision of a Doctor of Veterinary Medicine;

**WATERCOURSE** means any natural or man-made depression with well-defined banks and a bed zero point six (0.6) metre or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of two (2) square kilometres or more up stream of the point of consideration.

## 104. Interpretation

The Regional District of Kootenay Boundary is comprised of multiple Electoral Areas, and the Board of Directors have adopted several zoning bylaws, each at different times and of varying detail. This Electoral Area 'B'/Lower Columbia–Old Glory Zoning Bylaw, as all Regional District of Kootenay Boundary zoning bylaws, is intended to be interpreted in its entirety, but solely within its provisions and not in reference to the zoning bylaws of other Electoral Areas.



## Part 2: Administration

### 201. Enforcement

1. The Manager of Planning and Development; Senior Planner; Planner; and Building and Plumbing Official or other such person that may be appointed by the **Board of Directors** may enforce this Bylaw.
2. Persons appointed under subsection (1) above are authorized to enter on or into property pursuant to Section 16 of the *Community Charter* and Section 314.1 of the *Local Government Act*.

### 202. Prohibition

1. Land must not be used contrary to the provisions of this Bylaw.
2. **Buildings** or **structures** must not be used, constructed, reconstructed, altered, moved, placed or extended contrary to the provisions of this Bylaw.
3. No subdivision may be approved, in particular to create parcels less than the minimum permissible parcel area and other regulations, as identified in this Bylaw.
4. Every use of land, building and structure permitted in each zone must conform to all the regulations of the applicable zone and all other regulations of this Bylaw.
5. No land, building or structure may be used or occupied, or left with no use, except in conformity with this Bylaw.

### 203. Violation

A person is deemed to have committed an offence who:

- a) Violates any of the provisions of this Bylaw;
- b) Causes or permits, any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
- c) Neglects or omits to do anything required under this Bylaw;
- d) Carries out, causes or permits to be carried out any use, construction or subdivision in a manner prohibited by or contrary to any of the provisions of this Bylaw;
- e) Fails to comply with an order, direction or notice given under this Bylaw; or
- f) Prevents, obstructs or attempts to prevent or obstruct the authorized entry on property of a person authorized to enforce this Bylaw under Section 201.

### 204. Penalty

Any person who violates any of the provisions of this Bylaw is, upon summary conviction, liable to the maximum fine provided in the *Offence Act*, plus the cost of prosecution for each offence.

### 205. Severability

If any portion of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, that portion is severed and the remaining portions of this Bylaw continue with full force and effect.

**206. Effective Date**

This Bylaw is effective upon adoption.

## Part 3: General Regulations

### 301. Application

This Part is applicable to the entire zoned area.

### 302. Permitted and Prohibited Uses

1. No land, building or structure may be used for a use that is not specifically listed under the heading "Permitted Principal Uses" or "Permitted Secondary Uses" in the Zone that the land, building or structure is located, and no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged for any use other than a specifically permitted use in that Zone. Furthermore,
  - a) A use listed under "Permitted Secondary Uses" is only permitted if a use under "Permitted Principal Uses" is lawfully established and ongoing.
  - b) A use is only permitted if lawfully established and ongoing in accordance with:
    - (i) The applicable regulations and conditions of use as identified in each Zone; and
    - (ii) Such further general regulations applicable to the use, as identified throughout this Bylaw.
  - c) A use not specifically permitted in a Zone is prohibited from that Zone.
  - d) A use not specifically permitted in this Bylaw is prohibited from the Electoral Area.
  - e) Except where specifically permitted within a zone established by this Bylaw, no *parcel* may be used for the *storage* of *derelict vehicles(s)*.
  - f) Residential occupancy for a period exceeding 60 days per calendar year of *accessory buildings*, tents, recreational vehicles, and similar shelters is prohibited except where:
    - (i) The residential occupancy of an *accessory building* conforms with the *secondary suite* provisions of this Bylaw;
    - (ii) *Campgrounds* are listed as a permitted use;
    - (iii) The occupancy has been approved under Section 302.2(h) of this Bylaw.
2. Except as otherwise stated in this Bylaw, the following uses are permitted in all zones:
  - a) *Highways*;
  - b) *Landscape screens* and *fences*;
  - c) Parks, playgrounds, cemeteries, and similar active or *passive recreation* areas including *buildings* and *structures*;
  - d) Churches; libraries, museums, community halls, fire halls, police and ambulance stations, schools and similar uses;
  - e) Utility uses and *structures* and *buildings* associated therewith, excluding *offices*, maintenance garages and *storage* areas;
  - f) Railroad tracks;
  - g) Storage *buildings*, including garages, may be located on a *parcel* that does not have a principal use or *principal building* provided they are only to be used for the non-commercial/industrial *storage* of goods or vehicles belonging to the owner. Such *buildings* are be subject to the regulations for *accessory buildings* in the zone within which they are located and must not exceed 60 m<sup>2</sup> in floor area;
  - h) Residential occupancy (maximum of two years) in a *manufactured home* or recreational vehicle for the property owner while a *dwelling unit* is under construction,

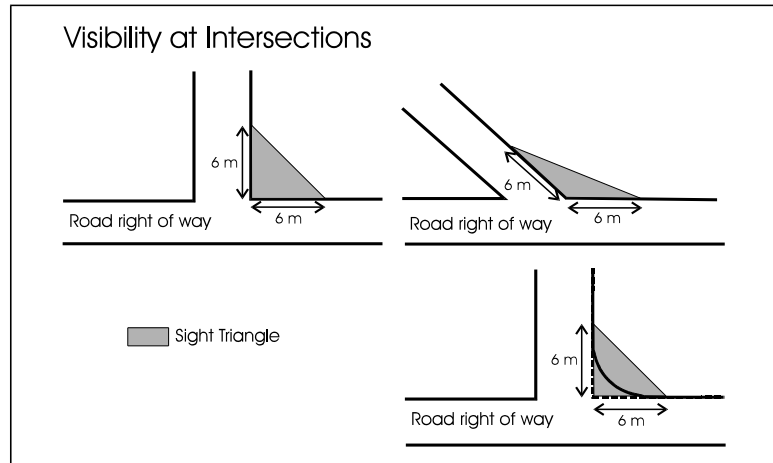
- provided the owner signs a notarised statement of intent to cease occupying and remove the **manufactured home** within 30 days after the **dwelling unit** has been completed;
- i) Temporary **buildings**, structures and storage of materials required for an approved construction project on the same **parcel** provided such temporary **buildings**, structures and storage are removed within 30 days of completion of the approved construction;
  - j) Site preparation to accommodate or enhance a permitted use;
  - k) A facility for composting of organic waste operated by or with the consent of the Regional District of Kootenay Boundary pursuant to an approved Solid Waste Management Plan;
  - l) A **recycling depot** pursuant to an approved Stewardship Plan under the *Environmental Management Act* and associated Recycling Regulation.

### 303. Siting Requirements and Exceptions

Where a Zone includes a regulation entitled "Setbacks", or where this Bylaw otherwise makes reference to a minimum setback, no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged nearer to the parcel line or the point of reference than the distance so specified, and for certainty:

1. Setbacks may vary according to any combination of use, building, structure or location within a Zone or adjacent Zone, or by parcel dimensions, or to a specific highway, natural boundary or other point of reference, and the provisions of this Bylaw must be interpreted accordingly;
2. Any portion of a building or structure located below finished grade is subject to all setbacks for the Zone in which the building or structure is located or that are otherwise applicable;
3. The minimum setback distance for pit privies is 30m from the **natural boundary** of any **watercourse**.
4. Selected structures are excluded from the setback requirements of this Bylaw; however a separate approval from the Ministry of Transportation and Infrastructure may be required where the setback is adjacent to a **highway**. The exceptions are regulated as follows:
  - a) Unenclosed steps, eaves, sunlight control projections, canopies, chimneys, bay windows, balconies, porches and other similar projections may project:
    - i) 2 metres within a required **front parcel line**, **rear parcel line**, or **exterior side parcel line** setback; and
    - ii) 0.7 metres within a required **interior side parcel line** setback.
  - b) An underground **structure** may be sited on any portion of a **parcel** provided that the top surface of such **structure** at no point extends more than 0.5 metres above the average finished ground elevation within the relevant setback area of the zone in which it is located.
  - c) Free standing lighting poles, warning devices, antennas, masts, utility poles, wires, flag poles, **signs** and **sign structures**, except as otherwise limited in this or other bylaws may be sited on any portion of a **parcel** at the sole responsibility of the owner or utility company.
5. No person being the owner, occupier or lessee of any **parcel** located at the intersection of any two **highways**, may, without the consent of the Ministry of Transportation and Infrastructure or his designate, place or permit to be placed or grow any tree, shrub, plant, fence or other structure with a horizontal dimension exceeding 0.6m within the sight triangle an elevation

such that an eye 0.9m above the surface elevation of one **highway** cannot see an object 0.9m above the surface elevation of the other **highway**.



### 304. Height and Width

1. Where a Zone includes a regulation entitled "Height", or where this Bylaw otherwise makes reference to a maximum **height**, no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged in a manner that exceeds the **height** specified for the Zone in which the **building** or **structure** is located. For certainty, maximum **height** in a Zone may vary according to the use of the **building** or **structure**.
2. The following exceptions to the **height** regulations apply:
  - a) **Height** restrictions do not apply to the following, except in accordance with subsection (b): industrial cranes; silos; windmills; solar panels; towers; tanks; radio and television antennas; church spires, belfries and domes; monuments; chimney and smoke stacks; flag poles; lighting poles; and elevator shafts.
  - b) Where such **structures** are located on top of a **building** they must not occupy more than 10% of the horizontal plane of the roof area.
3. Where a Zone includes a regulation entitled "**Dwelling Width**", or where this Bylaw otherwise makes reference to **dwelling width**, no dwelling may be placed, constructed, sunk into, erected, moved, sited, or altered that does not meet the minimum width requirement for the Zone in which the dwelling is located.



### 305. Density

1. Where a Zone includes a regulation entitled "Parcel Coverage", or where this Bylaw otherwise makes reference to "maximum parcel coverage", the parcel coverage of all **buildings** and **structures** on the parcel must not exceed the percentage specified for the Zone in which the parcel is located, or to the percentage that is otherwise specified.
2. Where a Zone includes a density regulation expressed as an absolute number of units figure, no parcel may be subdivided and no parcel may be developed with more than the number of parcels or units identified for the Zone in which the parcel is located.
3. For certainty, where more than one of the above density regulations apply to any particular parcel, the most restrictive governs but all remain applicable.
4. The maximum permitted **dwelling unit** density for **parcels** upon which there are more than one lawfully established and legally constructed **dwelling unit** in existence at the time of adoption of this Zoning Bylaw, is the **dwelling unit** density permitted at the time of legal establishment and construction.

### 306. Subdivision Regulations

1. Where a Zone includes a regulation entitled "Parcel Area", or this Bylaw otherwise refers to a minimum parcel area, then no parcel may be created by subdivision that has an area less than the figure specified for the Zone in which the parcel is located.
2. Where a Zone includes a regulation entitled "Frontage", or this Bylaw otherwise refers to a minimum parcel frontage, then no parcel may be created by subdivision that has a frontage less than the figure so specified.  
Furthermore, where a Zone includes a minimum parcel area or minimum frontage, then a parcel that does not satisfy all minimum requirements for the regulated use(s) may not be used for that use, unless the parcel was created prior to the adoption of this Bylaw and no other permitted use is available for the parcel.
3. A **parcel** which is reduced in size by the dedication of land to a public body in order to accommodate a necessary public service, utility, facility or **highway**, subsequent to the approval date of this Bylaw is deemed to be in conformity with the minimum **parcel** area requirements of this Bylaw.
4. Where as a result of land acquisition for a public use after this Bylaw comes into force by:
  - a) The Regional District;
  - b) A municipality;
  - c) The Provincial Government;
  - d) The Federal Government;
  - e) An Improvement District;
  - f) The Board of School Trustees;
  - g) A Public Utility
    - i) The **parcel** of land that could have been subdivided into two or more **parcels** under this Bylaw when the land was acquired, and
    - ii) The **parcel**, as a result of the acquisition, can no longer be subdivided into the same number of **parcels**,

the **parcel** is deemed to conform to this Bylaw for the purposes of subdivision as though the land acquisition had not occurred, but only to the extent that none of the **parcels** that would

- be created by the subdivision would be less than 90% of the area that would otherwise be permitted by this Bylaw.
5. The minimum **parcel** area requirements of this Bylaw do not apply to the consolidation of existing **parcels** or the addition of closed **highways** to an existing **parcel**.
  6. The alteration of one or more **interior parcel lines** between two or more **parcels** is permitted provided that:
    - a) no additional **parcels** are created upon completion of the alteration;
    - b) the alteration does not infringe within the required setbacks for an existing **building** or **structure** located on the **parcel**;
    - c) the alteration does not reduce the site area required for a sewage disposal system on any **parcel** being altered;
    - d) if the alteration applies to land within the 'Rail/Trail Corridor 1 (RTC1) Zone', a corridor must be maintained within that zone that is a minimum of 30 metres wide and is suitable for the possible reestablishment of a railway.
  7. **Parcels** upon which there are located two or more lawfully-established and legally-constructed **buildings** containing a **dwelling unit** or units in existence as of the date of adoption of this Zoning Bylaw may be subdivided such that the above-mentioned **buildings** are located on separate **parcels**, with the minimum **parcel** area not less than:
    - a) 2000 m<sup>2</sup> where connected to a **community water system**, or
    - b) 1 hectare not connected to a **community water system**.
  8. **Parcels** that are physically separated by an existing improved **highway** or railway right-of-way may be subdivided, regardless of the minimum **parcel** size of the zones in which such **parcels** are located. However, such subdivisions are permitted only where the physical separation of the **parcel** would be resolved, using the right-of-way as the subdivision boundary. Further, no **parcel** created pursuant to this Section may be less than 1 hectare in area where there is no **community water system** connection and 2000 m<sup>2</sup> in area where **community water system** connections are made to each **parcel**.
  9. The minimum size for a parcel of land that may be subdivided pursuant to Section 946 of the *Local Government Act* is 20 hectares. This regulation does not apply within the Agricultural Land Reserve.
  10. Individual **parcels** created by way of subdivision or boundary adjustment after the effective date of this bylaw may not be separated by an existing road or railway right of way on a deposited Plan of Subdivision unless:
    - a) All separated portions of the new **parcels** are equal to or greater than the minimum **parcel** size requirement of the zone in which they are located; or
    - b) The **parcel(s)** being subdivided already are separated by a **highway** or railway right of way and the proposed subdivision would not create any additional **parcels** which are non-contiguous.
  11. The minimum parcel size at subdivision in any zone established under this bylaw does not apply:
    - a) where the parcel being created is to be used solely for the unattended equipment necessary for operation of
      - i) public utility uses with no exterior storage of any kind;

- ii) radio or television broadcasting antennae, or other similar communications infrastructure;
- iii) air or marine navigation aids; and
- b) where no sewage is generated, and
- c) where the owner agrees in writing to registering a condition or covenant pursuant to section 219 of the *Land Title Act* in favour of the Regional District of Kootenay Boundary at the time the subdivision is registered, and such condition or covenant shall be satisfactory to the approving officer and shall restrict the use of any parcel.

## Part 4: Supplemental Regulations for Certain Uses and Circumstances

### 401. Home-Based Businesses

1. Where a **home-based business** use is expressly permitted, the following regulations apply:
  - a) The **home-based business**, including associated **storage** areas, must be carried out solely within a **single family dwelling** or wholly enclosed **accessory building**;
  - b) The **home-based business** must not give any indication that the **building** or **parcel** is being used for any purpose other than that of a **dwelling unit** or accessory use;
  - c) The **home-based business** must not produce any odorous, toxic or noxious matter, noise, vibration, smoke, heat, dust, litter, glare or radiation other than that normally associated with a **dwelling unit** nor will it create or cause any fire hazard, electrical interference or traffic congestion on the **highway**;
  - d) Notwithstanding Section 316 , a maximum of one **sign** is permitted per **parcel**, which identifies the **home-based business**. The maximum visible surface area is 1m<sup>2</sup> and the **sign** must not be illuminated;
2. The **home-based business**, including associated storage areas, must not occupy more than 100m<sup>2</sup> of **gross floor area** per **parcel** in total, which applies to the entire **parcel** regardless of the number of **home-based businesses**;
3. All **storage** of materials, equipment, containers or finished products must be **concealed**.
4. The operator(s) of the **home-based business** must be permanent resident(s) of the subject **parcel**.

### 402. Secondary Suites

Where a **secondary suite** is expressly permitted as a secondary use within a zone, the following regulations apply:

- a) The floor area of the **secondary suite** must not exceed 90m<sup>2</sup> or 40% of the floor area of the **single family dwelling building**, whichever is less;
- b) Prior approval of the authority responsible for liquid waste disposal, pursuant to the relevant Provincial legislation, must be obtained before issuance of building permit;
- c) For **parcels** located within an area served by a **community water system**, prior approval of the water purveyor must be obtained before issuance of a building permit;
- d) Not more than one **secondary suite** may be located on a **parcel**;
- e) No **secondary suite** may be stratified, subdivided, or otherwise legally separated from the principal **single family dwelling** use to which it is considered a secondary use, except where the subdivision is in conformity with the minimum **parcel** area requirements of this bylaw; and
- f) A **secondary suite** must not be connected to a **community water system** which is subject to a Drinking Water Notification pursuant to the *Drinking Water Protection Act* under an order of the Drinking Water Protection Officer.

### 403. Bed and Breakfasts

For Zones in which **bed and breakfasts** are a permitted use, not more than three (3) bedrooms or **sleeping units** located inside a **dwelling unit** on a single **parcel** of land may be used, at the same time, for the accommodation of paying guests.

#### 404. Screening and Fencing

1. Except where provided otherwise in this Bylaw:
  - a) **Open fences** may be sited on any portion of a **parcel**;
  - b) **Solid fences** and **landscape screens** 1.3 metres or less in height may be sited on any portion of a **parcel**;
  - c) **Solid fences** and **landscape screens** greater than 1.3 metres and less than 2 metres in height may not be placed in the **front parcel** and **exterior side parcel** setbacks;
  - d) **Solid fences** and **landscape screens** 2 metres or greater in height must be sited in accordance with the required setbacks for a **principal building**;
  - e) The use of barbed wire fences within or abutting the Residential 1, Residential 2, Manufactured Home Park, Comprehensive Development, Rural Resource 1, Rural Resource 2, Rural Resource 3, Commercial, Institutional and Community Facilities, and Parks and Recreation Zones is prohibited.
2. Outdoor storage areas in the Light Industrial 1, Light Industrial 2, Industrial 3 and Commercial Zones must be enclosed by either a **solid fence**, or a **landscape screen**, a minimum of 1.8 metres in height.
3. Where the Light Industrial 1 Zone is adjacent to a **parcel** or **parcels** in the Residential 2 Zone, the following **screening** must be placed on the **parcel** in the Light Industrial 1 Zone along the **parcel** boundary as shown in red on the map below: a double row of mixed evergreen and deciduous trees, hedges or shrubbery;



#### 405. Sign Regulations

1. With the exception of regulations to the contrary within any particular zone or in the **home-based business** regulations under this Bylaw, no **parcel** may be used for the display of any exterior **signs** on a permanent basis other than:
  - a) Those advertising a permitted use on a **parcel** of land;
  - b) Those for a **building** or facility permitted pursuant to Section 302 of this Bylaw;
  - c) Temporary **signs** such as election; 'For Sale'; and 'For Rent' **signs**;



- d) Advisory **signs** such as 'No Trespassing', 'No Hunting', and 'Beware of Dog', not limited as to number, provided each sign does not exceed 0.3 m<sup>2</sup> in size on any one side.
2. Unless otherwise permitted or restricted elsewhere in this Bylaw, the maximum visible surface area of a **sign** is 3 m<sup>2</sup> per side.
  3. Unless otherwise permitted or restricted elsewhere in this Bylaw, not more than two **signs** may be located on a **parcel** of land.
  4. No **sign** may advertise a use of land or **buildings**, a product or a business which does not occur on the **parcel** of land upon which the **sign** is located.
  5. No **sign** may be equipped with motion or flashing lights or a mechanical device which causes the **sign** to move.

## Part 5: Parking and Loading

1. Minimum off-street parking spaces and facilities must be provided in accordance with the following:

TYPE	USE	REQUIREMENT
RESIDENTIAL	<b>Single family dwellings</b>	2 spaces per <b>dwelling unit</b> . A maximum of two spaces may be in tandem
	<b>Bed and Breakfast</b> and Boarding Use	In addition to the parking requirement for the principal residential use, one space per bedroom used for bed and breakfast/boarding purposes must also be provided
	<b>Secondary Suite</b>	In addition to the parking requirement for the principal residential use, one space per <b>secondary suite</b>
COMMERCIAL	Auction Mart (indoor)	1 space per 4 seats or one space per 35 m <sup>2</sup> for use by its patrons, whichever is greater
	Artisan's workshops; <b>personal service establishments</b> ; retail stores; small appliance & business equipment sales and service facilities; <b>service stations</b> ; <b>passenger terminals</b>	1 space per 20 m <sup>2</sup> of <b>gross floor area</b>
	Animal shelters, <b>kennels</b> , <b>veterinary clinic</b> , <b>offices</b>	1 space per 30 m <sup>2</sup> of <b>gross floor area</b>
	<b>Building and contracting supply establishment</b> ; rental, sales and associated service facilities for vehicles and light equipment	1 space per 90 m <sup>2</sup> of covered sales & storage area
	Eating and drinking establishment	1 space per 3 seats (at capacity)
	<b>Hotels</b> and <b>Motels</b>	1 space per unit
	<b>Light manufacturing</b> , <b>tradespersons shop</b>	1 space per 3 employees on a maximum working shift but not less than 5 spaces per establishment
	Nursery and commercial greenhouse	1 space per 14 m <sup>2</sup> of <b>gross floor area</b> used for display and sales
	Vegetable, produce, craft or similar roadside display stand	1 space per 20m <sup>2</sup> of <b>gross floor area</b>
INDUSTRIAL	All industrial uses unless listed elsewhere	1 space per 3 employees on a maximum working shift but not fewer than 5 spaces per establishment

TYPE	USE	REQUIREMENT
INSTITUTIONAL	Community hall; church and church hall; lodge and similar fraternal organizations, library, art gallery; museum and similar facility	1 space per 4 seats or 1 space per 35 m <sup>2</sup> available for patrons, whichever is greater
	Schools where the student body is entirely younger than the legal driving age	10 spaces plus 1 additional space per employee
	Other school and educational facilities	10 spaces plus 1 space per employee, plus 1 space per 10 students, plus 1 space per 3 beds in an associated dormitory or residential facility
	Utility uses and works yards and maintenance facilities	1 space per 3 employees on a maximum working shift
RECREATIONAL	Arena, rink; swimming pool; tennis court; bowling green; ski area; stadium; vehicle race track; golf course and driving range; rodeo and gymkhana ground	1 space per 4 seats plus 1 space per 4 players or participants
	Playing field; <b>campground</b> and day camp; fairgrounds and amusement parks; park; trail and similar land extensive recreational uses	Off-street parking will be provided at the discretion of the owner

2. Where a **building** or **parcel** contains more than one function or use, the required number of parking spaces is the sum of the requirements of each function.
3. Where a use is not specifically mentioned, the parking requirement will be the same as for a similar use mentioned in Section 317.1.
4. Required spaces must be provided on the same **parcel** as the **building** or use for which they are required.
5. Each parking space must be at least 2.5 metres wide, 5.5 metres long and 2.5 metres high and the width of each parking space must be increased to 3 metres where such a space is adjacent to any side wall, post, pillar or other such obstruction.
6. Each parking space must be so located as to permit unobstructed access to and egress from that space to a **highway** at all times.
7. Required off-street parking areas to accommodate three or more vehicles must have a surface which is continually dust free and individual parking spaces, maneuvering aisles, entrances and exits must be clearly marked.
8. The number of access points from each parking area to a **highway** must not exceed two.
9. Development abutting a Controlled Access Highway is subject to the provisions of Part 6 and Part 54(1) of the *Highway Act*.
10. The parking requirements established in Section 317 of this Bylaw do not apply to a **building** or use existing prior to the adoption date of this Bylaw. However, if there is an expansion or addition to an existing use or **building**, the provisions of Section 317 will apply to such expansion or addition.
11. Off-street loading facilities for commercial or industrial uses involving the receipt and delivery of goods or materials by vehicles must include 1 space for the first 12,000 m<sup>2</sup> of **gross floor area** or fraction thereof, plus 1 additional space for each additional 2,000 m<sup>2</sup> of **gross floor**

**area** or fraction thereof.

12. Off-street loading facilities must:

- a) be provided on the same **parcel** as the use it serves;
- b) be set back a minimum of 6 metres from the designated fronting **highway**;
- c) have a minimum of 30 m<sup>2</sup> area, at least 3 metres in width and 4 metres in height for each space;
- d) not project into any **highway**;
- e) have unobstructed vehicular access to a **highway**;
- f) have a durable dust free surface.

## Part 6: Zones

### 601. Zones

1. For the purpose of this Bylaw,
2. Electoral Area 'B'/Lower Columbia–Old Glory of the Regional District of Kootenay Boundary is classified and divided into the following zones:

Zone Names	Short Form
Residential 1	R1
Residential 2	R2
Manufactured Home Park	MHP
Comprehensive Development 1	CD1
Rural Residential 1	RR1
Rural Residential 2	RR2
Rural Residential 3	RR3
Agricultural Resource 1	AGR1
Agricultural Resource 2	AGR2
Agricultural Resource 3	AGR3
Drinking Water Resource 1	DWR1
Drinking Water Resource 2	DWR2
Rural Resource 1	RUR1
Rural Resource 2	RUR2
Rural Resource 3	RUR3
Forest Resource	FR
Commercial	C
Light Industrial 1	IN1
Light Industrial 2	IN2
Industrial 3	IN3
Industrial 4	IN4
Industrial 5	IN5
Industrial 6	IN6
Parks and Recreation	PR
Conservation	CONS
Institutional and Community Facilities	ICF
Rail/Trail Corridor	RTC

2. The extent and boundary of each zone is shown on the Zoning Map (Map 1), which is attached to and forms part of this Bylaw.
3. When a zone boundary is shown as following a **highway** (*but not a railway*), or **watercourse**, the centre-line of such feature is the zone boundary.



4. Where a zone boundary does not follow a legally defined line, the location of the zone boundary is determined by scaling from the Zoning Map (Map 1).

**602. Residential 1 Zone****R1**

The following provisions apply to lands in the Residential 1 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) *Single family dwelling*.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 602.1 above:

- a) *Accessory buildings* and *structures*;  
 b) *Bed and breakfast*;  
 c) Home-based business;  
 d) *Secondary suite*.

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than:

- a) 850 m<sup>2</sup> when connected to both a *community water system* and a *community sewer system*;  
 b) 2,000 m<sup>2</sup> when connected to a *community water system*;  
 c) 1 hectare when not connected to a *community water system*.

**4. Frontage for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must have a minimum 20 metres frontage abutting a *highway*.

**5. Density**

Maximum one *single family dwelling* and one *secondary suite* per *parcel*.

**6. Minimum Dwelling Width**

*Buildings* containing a *dwelling unit* must have a minimum *dwelling width* of 5.5 metres.

**7. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Principal buildings and structures</i>	<i>Accessory buildings and structures</i>	<i>Storage sheds</i>	Recreational type Vehicles
<i>Front</i>	4.5	4.5	7.5	4.5
<i>Exterior side</i>	4.5	4.5	4.5	4.5
<i>Interior side</i>	2.0	2.0	0.6	0.0
<i>Rear</i>	3.0	3.0	0.6	0.0
<i>Rear</i> adjacent to a developed laneway	3.0	1.0	0.6	1.0

**8. Parcel Coverage**

Maximum *parcel coverage* is 33%.

**9. Height**

- a) *Principal buildings* must not exceed 9 metres in *height*,
- b) *Accessory buildings* and *structures* must not exceed 4.5 metres in *height*.

**10. Large Vehicle and Recreational Vehicle Parking**

- a) Except in the case of service calls, no commercial vehicle with a gross vehicle weight of more than 3700 kg may be parked or stored on a *parcel*;
- b) Maximum of two recreational type vehicles (RVs and pleasure boats) may be parked or stored per *parcel*, and only in accordance with noted setbacks.

**11. Parking**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

**603. Residential 2 Zone****R2**

The following provisions apply to lands in the Residential 2 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) *Single family dwelling*.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 603.1 above:

- a) *Accessory buildings* and *structures*;  
 b) *Bed and breakfast*;  
 c) Home-based business;  
 d) *Secondary suite*.

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than:

- a) 2,000 m<sup>2</sup> when connected to a *community water system*;  
 b) 1 hectare when not connected to a *community water system*.

**4. Density**

Maximum one *single family dwelling* and one *secondary suite* per *parcel*.

**5. Minimum Dwelling Width**

*Buildings* containing a *dwelling unit* must have a minimum *dwelling width* of 5.5 metres.

**6. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Principal buildings and structures</i>	<i>Accessory Buildings and structures</i>	<i>Storage sheds</i>	Recreational type Vehicles
<i>Front</i>	4.5	4.5	7.5	4.5
<i>Exterior side</i>	4.5	4.5	4.5	4.5
<i>Interior side</i>	3.0	3.0	0.6	0.0
<i>Rear</i>	3.0	3.0	0.6	0.0
<i>Rear</i> adjacent to a developed laneway	3.0	1.0	0.6	0.0
Any <i>parcel</i> line adjacent to a Light Industrial 1 Zone, including where separated by a <i>highway</i>	7.5	7.5	7.5	0.0

**7. Parcel Coverage**

Maximum *parcel coverage* is 33%.

**8. Height**

- a) *Principal buildings* must not exceed 9 metres in *height*,
- b) *Accessory buildings* and *structures* must not exceed 4.5 metres in *height*.

**9. Large Vehicle and Recreational Vehicle Parking**

- a) Except in the case of service calls, no commercial vehicle with a gross vehicle weight of more than 3700 kg must be parked or stored on a *parcel*;
- b) Maximum of two recreational type vehicles (RVs and pleasure boats) may be parked or stored per *parcel*.

**10. Parking**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.



**604. Manufactured Home Park Zone****MHP**

The following provisions apply to lands in the Manufactured Home Park Zone:

**1. Permitted Principal Uses:**

Only the following *principal uses* are permitted:

- a) *Manufactured home park*;

**2. Permitted Secondary Uses:**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 604.1 above:

- a) *Accessory buildings* and *structures*;
- b) Service *buildings* including laundry and entertainment facilities and similar uses for the exclusive use of *manufactured home park* residents;

**3. Manufactured Home Parks**

Manufactured Home Parks are subject to the provisions of Regional District of Kootenay Boundary Mobile Home Park Bylaw No. 97, as amended.

**4. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than 1.2 hectares.

**6. Parcel Coverage**

Maximum *parcel coverage* is 50%.

**7. Recreation Area**

A minimum of 6% of the total area of the *parcel* upon which the bare land strata plan is registered must be designated as common property for exclusive recreational use by residents.

**8. Buffer Zone**

A landscaped buffer zone of 10 metres must be maintained within the boundaries of the *parcel* upon which a bare land strata plan is registered, within which no *buildings* may be located.

**9. Storage**

A common storage area must be provided for the residents of a bare-land strata subdivision. Such a storage area must be located on the Strata Council's common property, and must be enclosed in a ***building*** or within a compound screened by a ***closed fence*** not less than 2 metres in height.

**10. Parking**

Off-street parking spaces for a ***manufactured home park*** must be provided in accordance with the Regional District of Kootenay Boundary Mobile Home Park Bylaw No. 97 as amended.

**605. Comprehensive Development 1 Zone****CD1**

The following provisions apply to lands in the Comprehensive Development 1 (CD1) Zone:

**1. Permitted *principal uses* within that portion of the lands identified as 'Area 1A' and 'Area 1B' on the CD1 Zone map attached as Map 2:**

Only the following *principal uses* are permitted:

- a) Forestry, logging, silviculture;
- b) ***Agriculture***;
- c) Equestrian facilities;
- d) Outdoor recreation facilities;
- e) ***Single family dwelling*** for use as a caretaker's residence.

**2. Permitted Secondary Uses within that portion of the lands identified as 'Area 1A' and 'Area 1B' on the CD1 Zone map attached as Map 2:**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 605.1 above:

- a) ***Accessory buildings*** and ***structures***;
- b) Common storage and maintenance facility.

**3. Permitted *principal uses* within that portion of the lands identified as 'Areas 2A – 2K' on the CD1 Zone map attached as Map 2:**

Only the following *principal uses* are permitted:

- a) ***Agriculture***;
- b) One recreational/assembly amenity building;
- c) ***Single family dwelling***.

**4. Permitted Secondary Uses within that portion of the lands identified as 'Areas 2A – 2K' on the CD1 Zone map attached as Map 2:**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 605.3 above:

- a) ***Accessory buildings*** and ***structures***;
- b) ***Secondary Suite***.

**5. Minimum Parcel Area and Average Parcel Area at Subdivision**

- a) Within Areas '2A – 2K' as shown on Map 2, the average ***parcel*** area must not be less than 1.8 hectares, where "average parcel area" is determined by dividing the total area of the land within the CD1 Zone, excluding those portions dedicated to the Crown as highway pursuant to the *Land Title Act* and excluding those portions designated as access routes pursuant to the *Bare Land Strata Regulations*, by the total number of ***parcels*** located within the CD1 Zone.
- b) The minimum ***parcel*** area for lands located within that portion of the CD1 Zone identified as 'Area 2A - 2K' on the CD1 Zone Map attached as Map 2 must be 3,000 square metres.

- c) Within Areas '1A' and '1B' as shown on Map 2, the average **parcel** area must not be less than 29 hectares, where "average parcel area" is determined by dividing the total area of the land within Areas '1A' and '1B', excluding those portions dedicated to the Crown as highway pursuant to the *Land Title Act* and excluding those portions designated as access routes pursuant to the *Bare Land Strata Regulations*, by the total number of **parcels** located within Areas '1A' and '1B'.

#### 6. Maximum Cluster Density

Subject to the minimum average **parcel** area requirements under Section 605.5, the maximum number of **dwelling units** permitted in each area of the CD1 Zone, as identified on the CD1 Zone Map attached as Map 2, are as follows:

Area as shown on Map 2	Maximum Number of <b>Dwelling Units</b>
1A and 1B combined	1
2A	8
2B	5
2C	2
2D	8
2E	10
2F	8
2G	5
2H	8
2I	5
2J	5
2K	10

#### 7. Density of Development on Individual Parcels

The maximum number of **dwelling units** permitted on a **parcel** in the CD1 Zone is one **single family dwelling** and one **secondary suite**, except 'Area 1A' and 'Area 1B' where no secondary suite is permitted.

#### 8. Setbacks

Minimum setbacks for all **buildings** and **structures** within the CD1 Zone is 5.0 metres from any and all **parcel** lines.

#### 9. Parcel Coverage

Maximum **parcel coverage** is 33%.

#### 10. Height

All **Buildings** and **structures** must not exceed 14 metres in **height**.

#### 11. Secondary Suites

**Secondary Suites** are only permitted on **parcels** larger than 2.0 hectares in area on lands identified as 'Area 2A – 2K' on the CD Zone Map attached as Map 2.

#### 12. Sewage Disposal Systems

Sewage disposal systems required to service ***dwelling units*** in the CD1 Zone may be located anywhere in the zone, subject to the approval of the Health Authority or the Ministry of Environment, whichever agency has jurisdiction.

**13. Common Storage and Maintenance Facility**

In the CD1 Zone:

- a) A common storage and maintenance facility, as permitted under Section 1(f), may be conducted both within a ***building*** and outdoors.
- b) A common storage and maintenance facility is limited to storage and maintenance activities which are accessory to residential use of lands occurring within the zone.
- c) The total area of land used for common storage and maintenance facility is restricted to 2,000 square metres.
- d) All exterior storage and maintenance activity occurring within the common storage and maintenance facility must be screened from view by a ***solid fence*** or ***landscape screen*** not less than 1.8 metres in height.

**14. Parking**

Off-street parking must be provided in accordance with Part 5 of this bylaw.



**606. Rural Residential 1 Zone****RR1**

The following provisions apply to lands in the Rural Residential 1 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) *Agriculture*;
- b) *Single family dwelling*;

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 606.1 above:

- a) *Accessory buildings* and *structures*;
- b) *Bed and breakfast*;
- c) Home-based business;
- d) *Secondary suite*.

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than 1.8 hectares

**4. Density**

Maximum one *single family dwelling* and one *secondary suite* per *parcel*.

**5. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Buildings</i> and <i>structures</i>	<i>Storage sheds</i>
<i>Front</i>	7.5	7.5
<i>Exterior side</i>	7.5	4.5
<i>Interior side</i>	7.5	0.6
<i>Rear</i>	7.5	0.6

**6. Parcel Coverage**

Maximum *parcel coverage* is 33%

**7. Height**

*Buildings* and *structures* must not exceed 14 metres in *height*.

**8. Parking**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

**607. Rural Residential 2 Zone****RR2**

The following provisions apply to lands in the Rural Residential 2 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) *Agriculture*;
- b) *Single family dwelling*.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 607.1 above:

- a) *Accessory buildings* and *structures*;
- b) *Bed and breakfast*;
- c) Home-based business.

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than 2 hectares.

**4. Density**

Maximum one *single family dwelling* per *parcel*.

**5. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Buildings</i> and <i>structures</i>	<i>Storage sheds</i>
<i>Front</i>	7.5	7.5
<i>Exterior side</i>	4.5	4.5
<i>Interior side</i>	4.5	0.6
<i>Rear</i>	5.0	0.6

**6. Parcel Coverage**

Maximum *parcel coverage* is 33%.

**7. Height**

*Buildings* and *structures* must not exceed 14 metres in *height*.

**8. Parking**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

**608. Rural Residential 3 Zone****RR3**

The following provisions apply to lands in the Rural Residential 3 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) *Agriculture*;
- b) *Single family dwelling*.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 608.1 above:

- a) *Accessory buildings* and *structures*;
- b) *Bed and breakfast*;
- c) Home-based business;
- d) *Secondary Suite*.

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than 4 hectares

**4. Density**

Maximum one *single family dwelling* and one *secondary suite* per *parcel*.

**5. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Buildings</i> and <i>structures</i>	<i>Storage sheds</i>
<i>Front</i>	7.5	7.5
<i>Exterior side</i>	4.5	4.5
<i>Interior side</i>	4.5	0.6
<i>Rear</i>	5.0	0.6

**6. Parcel Coverage**

Maximum *parcel coverage* is 33%

**7. Height**

*Buildings* and *structures* must not exceed 14 metres in *height*.

**8. Parking**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

**609. Agricultural Resource 1 Zone****AGR1**

The following provisions apply to lands in the Agricultural Resource 1 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) ***Agricultural Production of a Controlled Substance***, some aspects of which may require approval from the Agricultural Land Commission;
- b) ***Agriculture***;
- c) ***Intensive Agriculture***;
- d) ***Single family dwelling***.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 609.1 above:

- a) ***Accessory buildings*** and ***structures***;
- b) ***Bed and breakfast***;
- c) Home-based business;
- d) ***Secondary suite***.

**3. Parcel Area for New Parcels Created by Subdivision**

***Parcels*** to be created by subdivision must not be less than 10 hectares.

**4. Density**

Maximum one ***single family dwelling*** and one ***secondary suite*** per ***parcel***.

**5. Setbacks**

Minimum setbacks measured in metres:

<b><i>Parcel Line</i></b>	<b><i>Buildings and structures</i></b>	<b><i>Storage sheds</i></b>	<b><i>Agricultural Production of a Controlled Substance</i></b>
<b><i>Front</i></b>	7.5	7.5	60
<b><i>Exterior side</i></b>	4.5	4.5	30
<b><i>Interior side</i></b>	4.5	0.6	30
<b><i>Rear</i></b>	5.0	0.6	30

**6. Parcel Coverage**

Maximum ***parcel coverage*** is 35% for farm use, or 75% for greenhouses.

**7. Parking and Loading**

Off-street parking and loading must be provided in accordance with Part 5 of this Bylaw.

**610. Agricultural Resource 2 Zone****AGR2**

The following provisions apply to lands in the Agricultural Resource 2 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) ***Agricultural Production of a Controlled Substance***, some aspects of which may require approval from the Agricultural Land Commission;
- b) ***Agriculture***;
- c) ***Campground***;
- d) ***Intensive Agriculture***;
- e) ***Single family dwelling***.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 610.1 above:

- a) ***Accessory buildings and structures***;
- b) ***Bed and breakfast***;
- c) Home-based business;
- d) ***Secondary suite***.

**3. Parcel Area for New Parcels Created by Subdivision**

***Parcels*** to be created by subdivision must not be less than 20 hectares.

**4. Density**

Maximum one ***single family dwelling*** and one ***secondary suite*** per ***parcel***.

**5. Setbacks**

Minimum setbacks measured in metres:

<b><i>Parcel Line</i></b>	<b><i>Buildings and structures</i></b>	<b><i>Storage sheds</i></b>	<b><i>Agricultural Production of a Controlled Substance</i></b>
<b><i>Front</i></b>	7.5	7.5	60
<b><i>Exterior side</i></b>	4.5	4.5	30
<b><i>Interior side</i></b>	4.5	0.6	30
<b><i>Rear</i></b>	5.0	0.6	30

**6. Parcel Coverage**

Maximum ***parcel coverage*** is 35% for farm use, or 75% for greenhouses.

**7. Parking**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.



**611. Agricultural Resource 3 Zone****AGR3**

The following provisions apply to lands in the Agricultural Resource 3 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) *Agriculture*;
- b) *Campground*;
- c) Driving range;
- d) Golf Course;
- e) *Single family dwelling*.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 611.1 above:

- a) *Accessory buildings* and *structures*;

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than 10 hectares.

**4. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Buildings</i> and <i>structures</i>	<i>Storage</i> <i>sheds</i>
<i>Front</i>	7.5	7.5
<i>Exterior side</i>	7.5	7.5
<i>Interior side</i>	7.5	7.5
<i>Rear</i>	7.0	7.5

**5. Parcel Coverage**

Maximum *parcel coverage* is 25%.

**6. Parking**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

**612. Drinking Water Resource 1 Zone****DWR1**

The following provisions apply to lands in the Drinking Water Resource 1 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) *Single family dwelling*;
- b) *Resource use*, *excluding processing*

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 612.1 above:

- a) *Accessory buildings* and *structures*.

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than 25 hectares.

**4. Density**

Maximum one *single family dwelling* per *parcel*.

**5. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Buildings</i> and <i>structures</i>
<i>Front</i>	7.5
<i>Exterior side</i>	7.5
<i>Interior side</i>	7.5
<i>Rear</i>	7.5

Notwithstanding the above, *buildings* and *structures* must be setback a minimum of 30 metres from the *natural boundary* of any *watercourse*.

**6. Parcel Coverage**

Maximum *parcel coverage* is 33%

**7. Parking**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

**613. Drinking Water Resource 2 Zone****DWR2**

The following provisions apply to lands in the Drinking Water Resource 2 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) *Single family dwelling*;
- b) *Resource use*.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 613.1 above:

- a) *Accessory buildings* and *structures*.

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than 50 hectares.

**4. Density**

Maximum one *single family dwelling* per *parcel*.

**5. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Buildings</i> and <i>structures</i>
<i>Front</i>	7.5
<i>Exterior side</i>	7.5
<i>Interior side</i>	7.5
<i>Rear</i>	7.5

Notwithstanding the above, *buildings* and *structures* must be setback a minimum 30 metres from the *natural boundary* of any *watercourse*.

**6. Parcel Coverage**

Maximum *parcel coverage* is 33%.

**7. Parking**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

**614. Rural Resource 1 Zone****RUR1**

The following provisions apply to lands in the Rural Resource 1 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) *Campground*;
- b) Cemetery;
- c) Portable shake, shingle, sawmill and lumber mill operations;
- d) *Resource use*;
- e) *Single family dwelling*.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 614.1 above:

- a) *Accessory buildings* and *structures*;
- b) Bed and breakfast;
- c) Home-based business;
- d) *Secondary suite*.

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than 10 hectares.

**4. Density**

Maximum one *single family dwelling* and one *secondary suite* per *parcel*.

**5. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Buildings</i> and <i>structures</i>
<i>Front</i>	7.5
<i>Exterior side</i>	4.5
<i>Interior side</i>	4.5
<i>Rear</i>	5.0

**6. Parcel Coverage**

Maximum *parcel coverage* is 33%.

**7. Parking and Loading**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

**615. Rural Resource 2 Zone****RUR2**

The following provisions apply to lands in the Rural Resource 2 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) ***Campground***;
- b) Cemetery;
- c) Portable shake, shingle, sawmill and lumber mill operations;
- d) ***Resource use***;
- e) ***Single family dwelling***;

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 615.1 above:

- a) ***Accessory buildings*** and ***structures***;
- b) Home-based business;
- c) ***Secondary Suite***.

**3. Parcel Area for New Parcels Created by Subdivision**

***Parcels*** to be created by subdivision must not be less than 25 hectares.

**4. Density**

Maximum one ***single family dwelling*** and one ***secondary suite*** per ***parcel***.

**5. Setbacks**

Minimum setbacks measured in metres:

<b><i>Parcel</i></b> Line	<b><i>Buildings</i></b> and <b><i>structures</i></b>
<b><i>Front</i></b>	7.5
<b><i>Exterior side</i></b>	4.5
<b><i>Interior side</i></b>	4.5
<b><i>Rear</i></b>	5.0

**6. Parcel Coverage**

Maximum ***parcel coverage*** is 33%.

**7. Parking**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.



**616. Rural Resource 3 Zone****RUR3**

The following provisions apply to lands in the Rural Resource 3 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) *Campground*;
- b) *Resource use*.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 616.1 above:

- a) *Accessory buildings* and *structures*.

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than 50 hectares.

**4. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Buildings</i> and <i>structures</i>
<i>Front</i>	7.5
<i>Exterior side</i>	4.5
<i>Interior side</i>	4.5
<i>Rear</i>	5.0

**5. Parcel Coverage**

Maximum *parcel coverage* is 33%.

**6. Parking and Loading**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

**617. Forest Resource Zone****FR**

The following provisions apply to lands in the Forest Resource Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) *Agriculture*;
- b) *Forest management activity*, provided the *parcel* is classified as managed forest land under the *Assessment Act*;
- c) *Single family dwelling*.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 617.1 above:

- a) *Accessory buildings* and *structures*.

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than 25 hectares.

**4. Density**

Maximum one *single family dwelling* per *parcel*.

**5. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Buildings</i> and <i>structures</i>
<i>Front</i>	7.5
<i>Exterior side</i>	4.5
<i>Interior side</i>	4.5
<i>Rear</i>	5.0

**6. Parcel Coverage**

Maximum *parcel coverage* is 33%.

**7. Parking and Loading**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

## 618. Commercial Zone

**C**

The following provisions apply to lands in the Commercial Zone:

### 1. Permitted Principal Uses

Only the following *principal uses* are permitted:

- a) Eating and drinking establishment;
- b) ***Hotel***
- c) ***Motel***;
- d) ***Office***;
- e) ***Passenger terminal***;
- f) ***Personal Service Establishment***;
- g) Retail store;
- h) ***Service station***.

### 2. Permitted Secondary Uses

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 618.1 above:

- a) ***Accessory buildings*** and ***structures***;
- b) ***Bed and Breakfast***;
- c) Home-based business;
- d) ***Single family dwelling***.

### 3. Parcel Area for New Parcels Created by Subdivision

Parcels to be created by subdivision must not be less than:

- a) 2000 m<sup>2</sup> when connected to a ***community water system***;
- b) 1 hectare when not connected to a ***community water system***.

### 4. Dwelling Unit

Maximum one ***single family dwelling*** per ***parcel***.

### 5. Setbacks

Minimum setbacks measured in metres:

<b><i>Parcel Line</i></b>	<b><i>Buildings and structures</i></b>	<b><i>Storage sheds</i></b>	<b><i>Outdoor storage</i></b>
<b><i>Front</i></b>	4.5	4.5	4.5
<b><i>Exterior side</i></b>	4.5	4.5	4.5
<b><i>Interior side</i></b>	3.0	0.6	0.0
<b><i>Rear</i></b>	3.0	0.6	0.0

### 6. Parcel Coverage

Maximum ***parcel coverage*** is 50%.

### 7. Screening

Screening must be provided in accordance with Section 404 of this Bylaw.

### 8. Parking and Loading

Off-street parking and off-street loading must be provided in accordance with Part 5 of this Bylaw.

**619. Light Industrial 1 Zone****IN1**

The following provisions apply to lands in the Light Industrial 1 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) Auction mart;
- b) ***Building and contracting supply establishment***;
- c) Contractor's shops and yards;
- d) ***Distribution facility***;
- e) Eating and drinking establishment;
- f) ***Freight terminal***;
- g) ***Light manufacturing***;
- h) ***Passenger terminal***;
- i) Rental, sales and associated service facilities for vehicles and light equipment;
- j) Retail store;
- k) ***Storage***;
- l) ***Tradesperson*** shop;
- m) Wholesale establishment.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 619.1 above:

- a) ***Accessory buildings*** and ***structures***;
- b) Administrative Office;
- c) ***Dwelling Unit***.

**3. Parcel Area for New Parcels Created by Subdivision**

***Parcels*** to be created by subdivision must not be less than 1 hectare.

**4. Dwelling Unit**

- a) Maximum one ***dwelling unit*** per ***parcel***;
- b) ***Gross floor area*** of the ***dwelling unit*** must not exceed 92m<sup>2</sup>.

**5. Setbacks**

Minimum setbacks measured in metres:

<b><i>Parcel Line</i></b>	<b><i>Buildings and structures</i></b>	<b><i>Storage sheds</i></b>	<b><i>Outdoor storage</i></b>
<b><i>Front</i></b>	15.0	7.5	7.5
<b><i>Exterior side</i></b>	15.0	4.5	4.5
<b><i>Interior side</i></b>	3.0	0.6	0.0
<b><i>Rear</i></b>	3.0	0.6	0.0

**6. Parcel Coverage**

Maximum ***parcel coverage*** is 40%.

**7. Screening**

Screening must be provided in accordance with Section 404 of this Bylaw.



**8. Parking and Loading**

Off-street parking and off-street loading must be provided in accordance with Part 5 of this Bylaw.

**620. Light Industrial 2 Zone****IN2**

The following provisions apply to lands in the Light Industrial 2 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) Auction mart;
- b) ***Building and contracting supply establishment***;
- c) Contractor's shops and yard;
- d) ***Distribution facility***;
- e) Eating and drinking establishment;
- f) ***Freight terminal***;
- g) ***Light manufacturing***;
- h) Log home manufacturing;
- i) ***Passenger terminal***;
- j) Rental, sales and associated service facilities for vehicles and light equipment;
- k) Retail store;
- l) ***Storage***;
- m) ***Tradesperson*** shop;
- n) ***Veterinary clinic***;
- o) Wholesale establishment.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 620.1 above:

- a) ***Accessory buildings*** and ***structures***;
- b) Administrative Office;
- c) ***Dwelling Unit***.

**3. Parcel Area for New Parcels Created by Subdivision**

***Parcels*** to be created by subdivision must not be less than:

- a) 2000 m<sup>2</sup> when connected to a ***community water system***
- b) 1 hectare when not connected to a ***community water system***

**4. Dwelling Unit**

- a) Maximum one ***dwelling unit*** per ***parcel***;
- b) ***Gross floor area*** of the ***dwelling unit*** must not exceed 92m<sup>2</sup>.

**5. Setbacks**

Minimum setbacks measured in metres:

<b><i>Parcel</i></b> Line	<b><i>Buildings and structures</i></b>	<b><i>Storage sheds</i></b>	<b><i>Outdoor storage</i></b>
<b><i>Front</i></b>	7.5	7.5	7.5
<b><i>Exterior side</i></b>	7.5	4.5	4.5
<b><i>Interior side</i></b>	3.0	0.6	0.0
<b><i>Rear</i></b>	3.0	0.6	0.0

**6. Parcel Coverage**

Maximum *parcel coverage* is 50%.

**7. Screening**

Screening must be provided in accordance with Section 404 of this bylaw.

**8. Parking and Loading**

Off-street parking and off-street loading must be provided in accordance with Part 5 of this Bylaw.

**621. Industrial 3 Zone****IN3**

The following provisions apply to lands in the Industrial 3 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) ***Agricultural Production of a Controlled Substance***;
- b) Animal shelters;
- c) Auction mart;
- d) ***Automobile salvage yard***;
- e) ***Building and contracting supply establishment***;
- f) ***Bulk fuel depot***;
- g) Contractor's shops and yards;
- h) ***Distribution facility***;
- i) Eating and drinking establishment;
- j) ***Freight terminal***;
- k) ***Kennels***;
- l) ***Manufacturing***;
- m) ***Passenger terminal***;
- n) ***Recycling depot***;
- o) ***Recycling facility***;
- p) Rental, sales and associated service facilities;
- q) Retail store;
- r) ***Storage***;
- s) ***Tradesperson*** shop;
- t) Utility uses;
- u) Vehicle and heavy equipment maintenance and repair;
- v) ***Veterinary clinic***;
- w) Wholesale establishment.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 621.1 above:

- a) ***Accessory buildings*** and ***structures***;
- b) Administrative Office;
- c) ***Dwelling Unit***.

**3. Parcel Area for New Parcels Created by Subdivision**

***Parcels*** to be created by subdivision must not be less than:

- a) 2000 m<sup>2</sup> when connected to a ***community water system***
- b) 1 hectare when not connected to a ***community water system***

**4. Dwelling Unit**

- a) Maximum one ***dwelling unit*** per ***parcel***;
- b) ***Gross floor area*** of the ***dwelling unit*** must not exceed 92m<sup>2</sup>.

**5. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Buildings and structures</i>	<i>Storage sheds</i>	<i>Outdoor storage</i>	<i>Agricultural Production of a Controlled Substance</i>
<i>Front</i>	7.5	7.5	7.5	60
<i>Exterior side</i>	7.5	4.5	4.5	30
<i>Interior side</i>	3.0	0.6	0.0	30
<i>Rear</i>	3.0	0.6	0.0	30

**6. Parcel Coverage**

Maximum *parcel coverage* is 50%.

**7. Screening**

Screening must be provided in accordance with Section 404 of this bylaw.

**8. Parking and Loading**

Off-street parking and off-street loading must be provided in accordance with Part 5 of this Bylaw.



**622. Industrial 4 Zone****IN4**

The following provisions apply to lands in the Industrial 4 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) ***Distribution facility***;
- b) Highway maintenance depot;
- c) ***Storage***;
- d) Truck cleaning facility;
- e) Vehicle and heavy equipment maintenance and repair.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 622.1 above:

- a) ***Accessory buildings*** and ***structures***;
- b) Administrative Office;
- c) ***Dwelling Unit***.

**3. Parcel Area for New Parcels Created by Subdivision**

***Parcels*** to be created by subdivision must not be less than 2 hectares.

**4. Dwelling Unit**

- a) Maximum one ***dwelling unit*** per ***parcel***;
- b) ***Gross floor area*** of the ***dwelling unit*** must not exceed 92m<sup>2</sup>.

**5. Setbacks**

Minimum setbacks measured in metres:

<b><i>Parcel</i></b> Line	<b><i>Buildings and structures</i></b>	<b><i>Storage sheds</i></b>
<b><i>Front</i></b>	4.5	7.5
<b><i>Exterior side</i></b>	4.5	4.5
<b><i>Interior side</i></b>	4.5	0.6
<b><i>Rear</i></b>	4.5	0.6

**6. Parcel Coverage**

Maximum ***parcel coverage*** is 50%.

**7. Parking and Loading**

Off-street parking and off-street loading must be provided in accordance with Part 5 of this Bylaw.

**623. Industrial 5 Zone****IN5**

The following provisions apply to lands in the Industrial 5 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) ***Manufacturing***;
- b) ***Storage***.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 623.1 above:

- a) ***Accessory buildings*** and ***structures***;
- b) Administrative Office;
- c) ***Dwelling Unit***.

**3. Parcel Area for New Parcels Created by Subdivision**

***Parcels*** to be created by subdivision must not be less than 8000 m<sup>2</sup>.

**4. Dwelling Unit**

- a) Maximum one ***dwelling unit*** per ***parcel***;
- b) ***Gross floor area*** of the ***dwelling unit*** must not exceed 92m<sup>2</sup>.

**5. Setbacks**

Minimum setbacks measured in metres:

<b><i>Parcel</i></b> Line	<b><i>Buildings and structures</i></b>	<b><i>Storage sheds</i></b>
<b><i>Front</i></b>	7.5	7.5
<b><i>Exterior side</i></b>	7.5	4.5
<b><i>Interior side</i></b>	7.5	0.6
<b><i>Rear</i></b>	7.5	0.6

**6. Parcel Coverage**

Maximum ***parcel coverage*** is 60%.

**7. Parking and Loading**

Off-street parking and off-street loading must be provided in accordance with Part 5 of this Bylaw.

**624. Industrial 6 Zone****IN6**

The following provisions apply to lands in the Industrial 6 Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) Asphalt plant,
- b) ***Automobile salvage yard***;
- c) ***Light manufacturing***;
- d) ***Recycling facility***;
- e) ***Storage***;
- f) Vehicle and heavy equipment maintenance and repair.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 624.1 above:

- a) ***Accessory buildings*** and ***structures***;
- b) Administrative Office;
- c) ***Dwelling Unit***.

**3. Parcel Area for New Parcels Created by Subdivision**

***Parcels*** to be created by subdivision must not be less than 2 hectares.

**4. Dwelling Unit**

- a) Maximum one ***dwelling unit*** per ***parcel***;
- b) ***Gross floor area*** of the ***dwelling unit*** must not exceed 92m<sup>2</sup>.

**5. Setbacks**

Minimum setbacks measured in metres:

<b><i>Parcel</i></b> Line	<b><i>Buildings and structures</i></b>	<b><i>Storage sheds</i></b>
<b><i>Front</i></b>	4.5	7.5
<b><i>Exterior side</i></b>	4.5	4.5
<b><i>Interior side</i></b>	4.5	0.6
<b><i>Rear</i></b>	4.5	0.6

**6. Parcel Coverage**

Maximum ***parcel coverage*** is 50%.

**7. Parking and Loading**

Off-street parking and off-street loading must be provided in accordance with Part 5 of this Bylaw.

**625. Parks and Recreation Zone****PR**

The following provisions apply to lands in the Parks and Recreation Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) **Campground**;
- b) Community hall;
- c) Cross-country ski areas;
- d) Golf courses, including driving ranges;
- e) Gun range;
- f) Outdoor recreation facilities;
- g) Retreat facilities (e.g. Bible Camps);
- h) Ski lodges.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 625.1 above:

- a) **Accessory buildings** and **structures**;
- b) Eating and Drinking Establishment;

**3. Maximum Height for Buildings**

20 metres

**4. Setbacks**

Minimum setbacks measured in metres:

<b>Parcel Line</b>	<b>Buildings and structures</b>
<b>Front</b>	7.5
<b>Exterior side</b>	7.5
<b>Interior side</b>	7.5
<b>Rear</b>	7.5

**5. Parcel Coverage**

Maximum *parcel coverage* is 25%.

**6. Parking and Loading**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

**626. Conservation Zone****CONS**

The following provisions apply to lands in the Conservation Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) ***Agriculture***;
- b) Conservation activities;
- c) ***Passive recreation***;
- d) ***Single family dwelling***.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 626.1 above:

- a) ***Accessory buildings*** and ***structures***;

**3. Dwelling Unit**

Maximum one ***dwelling unit*** per ***parcel***.

**4. Parcel Area for New Parcels Created by Subdivision**

***Parcels*** to be created by subdivision must not be less than 25 hectares.

**5. Setbacks**

Minimum setbacks measured in metres:

<b><i>Parcel</i></b> Line	<b><i>Buildings</i></b> and <b><i>structures</i></b>
<b><i>Front</i></b>	7.5
<b><i>Exterior side</i></b>	7.5
<b><i>Interior side</i></b>	7.5
<b><i>Rear</i></b>	7.5

**6. Parking and Loading**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.



**627. Institutional & Community Facilities Zone****ICF**

The following provisions apply to lands in the Institutional & Community Facilities Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) *Institutional Use*.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 627.1 above:

- a) *Accessory buildings* and *structures*.

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than 2 hectares.

**4. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Buildings</i> and <i>structures</i>
<i>Front</i>	5.0
<i>Exterior side</i>	5.0
<i>Interior side</i>	3.0
<i>Rear</i>	3.0

**5. Parcel Coverage**

Maximum *parcel coverage* is 33%.

**6. Height**

*Buildings* and *structures* must not exceed 12 metres in *height*.

**7. Parking and Loading**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

**628. Rail/Trail Corridor Zone****RTC**

The following provisions apply to lands in the Rail/Trail Corridor Zone:

**1. Permitted Principal Uses**

Only the following *principal uses* are permitted:

- a) Cross-country ski areas;
- b) Railways;
- c) Railway sidings; and
- d) Recreational trails and corridors, excluding motorized recreational use with the exception of highway and driveway crossings and maintenance vehicles.

**2. Permitted Secondary Uses**

Only the following secondary uses are permitted, and only in conjunction with a use listed in subsection 628.1 above:

- a) *Accessory buildings* and *structures*.

**3. Parcel Area for New Parcels Created by Subdivision**

*Parcels* to be created by subdivision must not be less than 100 hectares.

**4. Height**

*Buildings* and *structures* must not exceed 4.5 metres in *height*.

**5. Setbacks**

Minimum setbacks measured in metres:

<i>Parcel</i> Line	<i>Buildings</i> and <i>structures</i>
<i>Front</i>	4.5
<i>Exterior side</i>	4.5
<i>Interior side</i>	4.5
<i>Rear</i>	4.5

**6. Parcel Coverage**

Maximum *parcel coverage* is 33%.

**7. Parking and Loading**

Off-street parking must be provided in accordance with Part 5 of this Bylaw.

**READ A FIRST AND SECOND** time this 31<sup>st</sup> day of March, 2015.

**PUBLIC HEARING** this 13<sup>th</sup> day of April, 2015.

**READ A THIRD TIME** this 30<sup>th</sup> day of April, 2015.

**THIRD READING RESCINDED** this 28<sup>th</sup> day of May, 2015.

**SECOND READING AS AMENDED** this 28<sup>th</sup> day of May, 2015.

**PUBLIC HEARING** this 9<sup>th</sup> day of June, 2015.

**READ A THRID TIME** this 18<sup>th</sup> day of June, 2015.

**APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE** Approving  
Officer this 7 day of July, 2015.

  
 \_\_\_\_\_  
 APPROVING OFFICER

**FINAL ADOPTION** this       day of       , 2015.

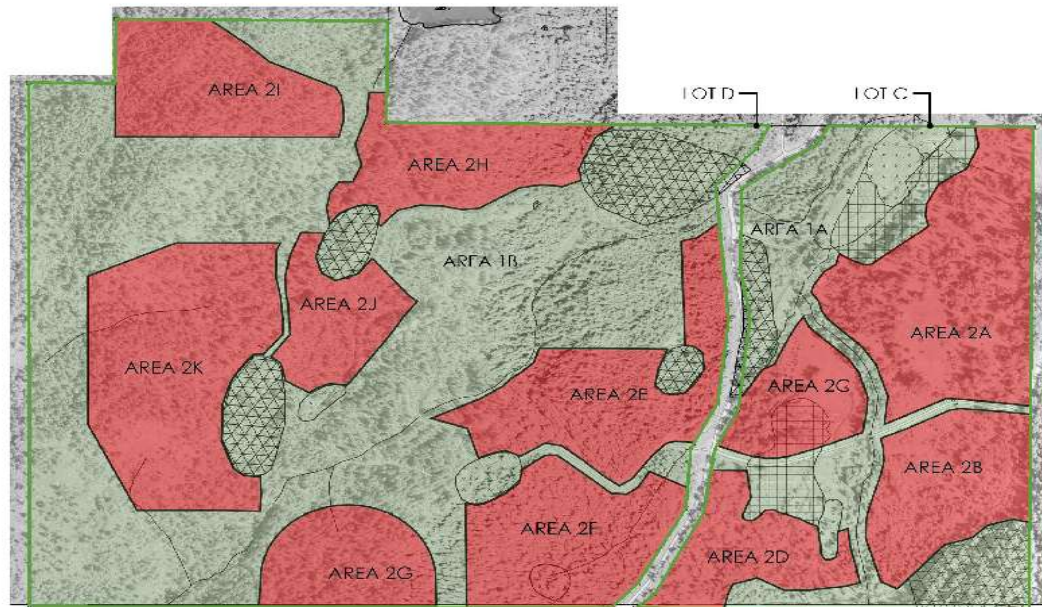
\_\_\_\_\_  
 Manager of Corporate Administration

\_\_\_\_\_  
 Chair

I, Theresa Lenardon, Manager of Corporate Administration of the Regional District of Kootenay Boundary, hereby certify that this is a true and correct copy of Bylaw No. 1540, cited as "Electoral Area 'B'/Lower Columbia-Old Glory Zoning Bylaw No. 1540, 2015".

\_\_\_\_\_  
 Manager of Corporate Administration

Map 2. Comprehensive Development 1 (CD1) Zone



All those areas not identified as Areas 2A – 2K on the CD 1 Zone Map are designated as “Area 1A” and “Area 1B” of the “Comprehensive Development 1 Zone” as referred to under Section 605 of Regional District of Kootenay Boundary Electoral Area ‘B’ Zoning Bylaw No. 1540, 2015.



