

## Electoral Area Services

**Thursday, February 11, 2016 - 5:00 pm**

**The Regional District of Kootenay  
Boundary Board Room, RDKB Board Room,  
2140 Central Ave., Grand Forks, BC**

### **A G E N D A**

1. CALL TO ORDER
2. ACCEPTANCE OF AGENDA (ADDITIONS/DELETIONS)

A) February 11, 2016

**Recommendation:** That the February 11, 2016 Electoral Area Services Committee Agenda be adopted.

3. MINUTES

A) January 14, 2016

**Recommendation:** That the January 14, 2016 Electoral Area Services Committee Minutes be received.

[Minutes EAS - 14 Jan 2016](#)

4. DELEGATIONS

A) **George Edney, Woodlands Manager**

**RE: BC Timber Sales**

**\*\*At the discretion of Chair Worley, this delegation is extended to 30 minutes inclusive of the question period.\*\***

[BC Timber Sales Committee Request Form](#)

5. UNFINISHED BUSINESS

A) **Grant in Aid Form**

**Recommendation:** That the revised Grant in Aid form be received.

[GIA Form-With Additional Revisions](#)

B) **A Memorandum of resolutions and their status**

**Recommendation:** That the Electoral Area Services Committee Memorandum of Action Items for the period ending January 2016 be received.

[ToEndOfJanForFeb2016](#)

C) **Planning and Development Department  
Proposed Five-Year Financial Plan**

**Recommendation:** That the Electoral Area Services Committee approves the Planning and Development Department's 2016-2020 Five-Year Financial Plan. Further that the Five Year Financial Plan be referred to the Committee of the Whole with a recommendation that it be included in the overall Regional District of Kootenay Boundary 2016-2020 Five Year Financial Plan.

[2016FinalBudget](#)

6. NEW BUSINESS

A) **Deyanne and Edward Davies**

**RE: OCP/Zoning Amendment, Electoral Area  
'B'/Lower Columbia-Old Glory**

455 Malde Creek Road

RDKB File: B-Twp9A-10948.100

**Recommendation:** That the application by Edward and Deyanne Davies for an OCP and Zoning Bylaw Amendment to the 'South Belt Rural Residential' designation and the 'Rural Residential 3' Zone for their parcel legally described as Township 9A, KD, NEPX63, Subsidy Lot 181 Except Plan

17164 SRW 15310 SRW 17069 be deferred to allow Planning and Development Department staff time to explore the possibility of securing the use of this section of the Dewdney Trail in perpetuity as part of this application.

[2016-02-04 Davies EAS](#)

- B) **Kathleen Smythe**  
**RE: OCP/Zoning Amendment, Electoral Area 'C'/Christina Lake**  
136 and 140 Alpine Road  
RDKB File: C-963-04270.010

**Recommendation:** That the application be deferred to allow the applicant an opportunity to revise the proposal to try to address the concerns raised about a commercial campground operation in this residential neighbourhood.

[2016-01-20-Smythe EAS](#)

- C) **Tony and Courtney Jewitt**  
**RE: Development Variance Permit, Electoral Area 'C'/Christina Lake**  
2065 Massie Road  
RDKB File: C-970-04474.020

**Recommendation:** That the Development Variance Permit application submitted by Casper Venter of Venter Construction and Solar Inc., as agent for Anthony Jewitt and Courtney Courter Jewitt, to allow an interior side parcel line variance of 1.9m (from 3.0m to 1.1m) for an accessory building on the property legally described as Lot 2, DL 970, SDYD, Plan KAP53896, Electoral Area 'C'/Christina Lake, be presented to the Board for consideration, with a recommendation of support.

[2015-12-10 Jewitt EAS](#)

- D) **Neil and Catherine Muth**  
**RE: Development Variance Permit, Electoral Area**

**'C'/Christina Lake**

1690 West Lake Drive

RDKB File: C-317-02573.000

**Recommendation:** That the Development Variance Permit application submitted by Neil and Catherine Muth, to allow a front parcel line variance of 4.5m (from 4.5m to 0m) and an interior side parcel variance of 1.36m (from 1.5m to 0.14m) for a single family dwelling; an interior parcel line variance of 1.1m (from 3.0m to 1.9m) for a sleeping quarters; and an interior side parcel variance of 1.4m (from 3.0m to 0.16m) for an accessory building on the property legally described as Lot A, DL 317, SDYD, Plan KAP25631, Electoral Area 'C'/Christina Lake, be presented to the Board for consideration, with a recommendation of support.

[2016-02-03-Muth EAS](#)

E) **Marvin Dean, Iron Horse Developments**  
**RE: Development Permit Amendment, Electoral Area 'E'-Big White**

60 Grizzly Ridge Trail

RDKB File: BW-4213-07913.242

**Recommendation:** That the application submitted by Marvin Dean, as agent for Iron Horse Developments and Strata KAS 3742, for a Development Permit Amendment on the parcel legally described as, Lot A, Plan KAP83081, SDYD, District Lot 4213 4248 Except Plan KAS3742 PH I, be received.

[2015-02- 04 Grizzly DP EAS](#)

F) **Proposed Geographical Naming of Mountain East of Saddle Lake Regional Park**

District Lot 2735, Portion AFB 6/44/6816A

RDKB File: D-2735-06847.020

**Recommendation:** That the Regional District of Kootenay



Boundary Board of Directors direct staff to submit an application to the BC Geographical Names Office to formally name the mountain east of Saddle Lake Regional Park on the property legally described as District Lot 2735, Portion AFB 6/44/6816A.

[2015-12-30-NameProposal EAS](#)

- G) **Permit Non Compliance - possible bylaw discussion**  
Mark Andison, General Manager of Operations/Deputy CAO will speak to this issue.  
[BylawEnforceMemo](#)

- H) **Grant in Aid Report**

**Recommendation:** That the Grant in Aid report be received.  
[2016 Grant in Aid](#)

- I) **Gas Tax Report**

**Recommendation:** That the Gas Tax report be received.  
[Gas Tax Agreement](#)

7. LATE (EMERGENT) ITEMS
8. DISCUSSION OF ITEMS FOR FUTURE AGENDAS
9. CLOSED (IN CAMERA) SESSION
10. ADJOURNMENT



**Electoral Area Services  
Minutes**

**Thursday, January 14, 2016  
RDKB Board Room, 843 Rossland Ave., Trail, BC**

**Directors Present:**

Director Linda Worley, Chair  
Director Ali Grieve  
Director Grace McGregor  
Director Roly Russell  
Director Vicki Gee

**Staff Present:**

Mark Andison, General Manager of Operations/Deputy CAO  
Donna Dean, Director of Planning & Development  
Maria Ciardullo, Recording Secretary

**Guests:**

Bill Edwards, Alternate Director

**CALL TO ORDER**

Chair Worley called the meeting to order at 5:00 p.m.

**ACCEPTANCE OF AGENDA (ADDITIONS/DELETIONS)**

January 14, 2016

There was an additional item added to the agenda:  
7 Q. BC Timber Sales

Moved: Director McGregor

Seconded: Director Gee

That the January 14, 2016 Electoral Area Services Agenda be adopted as amended.

Carried.

**MINUTES**

November 12, 2015

Moved: Director Russell

Seconded: Director Grieve

That the minutes of the November 12, 2015 Electoral Area Services Committee meeting be received.

Carried.

**ELECTION OF VICE CHAIR**

Chair Worley called a first time for nominations for Vice-Chair of the Electoral Area Services Committee for 2016.

Moved: Director Grieve

That Director Gee be nominated for the position of Vice-Chair of the Electoral Area Services Committee for 2016.

Director Gee accepted the nomination.

Chair Worley called a second time for nominations for Vice-Chair of the Electoral Area Services Committee for 2016.

Chair Worley called a third time for nominations for Vice-Chair of the Electoral Area Services Committee for 2016.

There being no further nominations, Director Gee was declared by acclamation the Vice-Chair of the Electoral Area Services Committee for 2016.

Carried.

**DELEGATIONS**

There were no delegations in attendance.

**UNFINISHED BUSINESS****Electoral Area Services Committee Memorandum of Action Items**

Moved: Director McGregor

Seconded: Director Russell

Director Gee had some comments related to the Bridesville OCP review, the Boundary Agricultural Plan and the proposed hiring of an Agriculture Liaison person. Mark Andison, General Manager of Operations/Deputy CAO updated the Committee members on the progress made thus far on the proposed hiring of an Agriculture Liaison person.

That the Electoral Area Services Committee Memorandum of Action Items for the period ending November 2015 be received.

Carried.

**NEW BUSINESS****Jody and Troy Sherstobitoff****RE: Electoral Area 'A' Zoning Amendment**

Roger Road, north of Fruitvale, west of Highway 3B, Electoral Area 'A'  
RDKB File: A-1236-05532.020

Donna Dean, Manager of Planning and Development, reviewed this application with the Committee members. It was stated that the Agricultural Land Commission approved the subdivision in 2005, however since 10 years has passed, the minimum parcel size has changed, so applicants have applied to add a minimum parcel size exception rule for their situation. The APC supports this application.

Moved: Director Grieve

Seconded: Director Russell

That the application submitted by Nick and Carolyn Sherstobitoff as agents for Jody Sherstobitoff and Troy Sherstobitoff to amend Section 310 of the Electoral Area 'A' Zoning Bylaw No. 1460, 2014 to allow for an exception rule to minimum parcel size which would allow subdivision where previous approval to subdivide within the Agricultural Land Reserve was supported prior to the adoption of the zoning bylaw and that the size of the parcel being subdivided is greater than 8 ha, be supported AND FURTHER that the staff be directed to draft an amendment bylaw for presentation to the RDKB Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed zoning bylaw amendment.

Carried.

**Patrick and Sharon Walls****RE: Development Variance Permit**

3173 East Lake Drive, Electoral Area 'C'/Christina Lake

RDKB File: C-3063s-07038.000

Donna Dean reviewed the application with the Committee members. It was noted that the applicants had applied in 2011 and were given approval, but time has lapsed therefore they had to re-apply. The APC supports this application. There was general discussion around floodplain exemption and the repercussions around building in the floodplain area.

Moved: Director McGregor

Seconded: Director Russell

That the Development Variance Permit application submitted by Sharon and Patrick Walls to allow for a decreased setback from the natural boundary of Christina Lake of 4.33m (from 7.5m to 3.17m) and a decreased setback from the front parcel line of 4m (from 4.5m to 0.5m) to construct a single family dwelling on the property legally described as Lot 3, DL 3063s, SDYD, Plan 10615, Electoral Area 'C'/Christina Lake be presented to the Board for consideration, with a recommendation of support.

Carried.

**Elwood and Nancy Kehler****RE: Development Variance Permit**

102 Sandner Road, Electoral Area 'C'/Christina Lake

RDKB File: C-317-02535.011

Donna Dean reviewed the application with the Committee members. Director McGregor provided a brief history of the property.

Moved: Director McGregor

Seconded: Director Grieve

That the Development Variance Permit application submitted by Elwood and Nancy Kehler to allow a height variance of 2.7m (from 4.6m to 7.3m) for an accessory building on the property legally described as Lot 1, DL 317, SDYD, Plan KAP33410, Electoral Area 'C'/Christina Lake, be presented to the Board for consideration, with a recommendation of support.

Carried.

**Frank Van Oyen****RE: MOTI Subdivision Referral**

3230 Christian Valley Road, 4 km north of Westbridge, Electoral Area 'E'/West Boundary

RDKB File: E-730s-04013.005

It was noted that the ALC approved this application in 2015. The APC supports this referral.

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Moved: Director Gee

Seconded: Director Russell

That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed conventional one lot subdivision of the property legally described as DL 730s, Except Plan 33808 and KAP48435, SDYD, located off Christian Valley Road, in Electoral Area 'E'/ West Boundary, be received.

Carried.

**Geoffrey Furniss**

**RE: MOTI Subdivision Referral**

1810 Hulme Creek Road, near Rock Creek, Electoral Area 'E'/West Boundary  
RDKB File: E-2454-06580.000

Donna Dean reviewed this referral with the Committee members. It was noted this is a relatively straightforward referral.

Moved: Director Gee

Seconded: Director Russell

That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed conventional one lot subdivision on the property legally described as DL 2454, SDYD, Except Plan 38495 KAP64195 & EXC PL KAP87238 PT Lying E of the ELY Limit of PL H722, off Hulme Creek Road, near Rock Creek, Electoral Area 'E'/ West Boundary, be received.

Carried.

**Randall and Tracy Smith**

**RE: MOTI Subdivision Referral**

3030 Boundary Creek Road, 9 km north of Greenwood, Electoral Area 'E'/West Boundary  
RDKB File: E-471s-02938.000

It was noted that both the APC and MOTI have no concerns regarding this referral. There was a brief discussion on ALC decisions and approval process.

Moved: Director McGregor

Seconded: Director Grieve

That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed conventional one lot subdivision on the property legally described as DL 471s, Portion N 1/2 including closed road as described in DF 26823B, SDYD, located off Boundary Creek Road, 9km north of Greenwood in Electoral Area 'E'/ West Boundary, be received.

Carried.

**Rock Creek Provincial Park****RE: Offer from Province**

4132 Highway 3, Rock Creek, Electoral Area 'E'/West Boundary

RDKB File: E-352-02638.009

The Province of BC is offering this park to the RDKB. There are 3 ways to purchase: 1. Direct purchase (Crown grant) \$161,000.00; 2. Sponsored Crown Grant; or 3. Nominal Rental Tenure. There would be First Nations Consultation regardless of the manner of purchase. The RDKB would manage the park and fund it through the Electoral Area 'E'/West Boundary Park Service.

Moved: Director Russell

Seconded: Director McGregor

That the Regional District of Kootenay Boundary Board of Directors forward a letter to The Ministry of Environment's BC Parks Division - Okanagan, expressing interest in the acquisition of Rock Creek Park through Nominal Rent Tenure and THAT The Regional District Board of Directors direct staff to submit an application to FrontCounter BC seeking a Community/Institutional License of Occupation for Rock Creek Provincial Park property legally described as Lot 1, DL 352, SDYD, Plan KAP12904.

Carried.

**Planning and Development Department - 2015 Annual Report**

Donna Dean reviewed the 2015 Annual Report with the Committee members. Director McGregor would like the list of Bylaw enforcements/infractions emailed to each Director.

Moved: Director Grieve

Seconded: Director McGregor

That the Staff Report regarding the Planning and Development Department's 2015 Annual Report be received.

Carried.

**Planning and Development Department's Proposed 2016 Work Program and Five-Year Financial Plan**

Donna Dean explained the work that is currently being done in the Planning and Development Department such as:

- Rural Bridesville OCP review
- Electoral Area 'D'/Rural Grand Forks OCP review/adoption
- Kettle River Watershed Management Plan Implementation
- Boundary Agricultural Plan Implementation

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- GIS Mapping
- Bylaw Enforcement.

She also reviewed the Planning and Development proposed budget for 2016. Items discussed were:

- Salaries
- Legal Fees
- Reserves
- Planning agreements - fringe areas

It was also noted that the title of the budget sheets should be changed from "Environmental Planning and Zoning" to a more appropriate term.

Moved: Director Gee

Seconded: Director McGregor

That the report to the Electoral Area Services Committee Planning and Development Department's Proposed 2016 Work Program and Five-Year Financial Plan be received.

Carried.

#### **2016 Planning and Development Department Application Process and Meeting Schedule**

Moved: Director Grieve

Seconded: Director McGregor

That the 2016 Planning and Development Department Application Process and Meeting Schedule be received.

Carried.

#### **Staff Report by Mark Andison, General Manager of Operations/Deputy CAO RE: Electoral Area Building Permit Fee Review**

Mark Andison, General Manager of Operations/Deputy CAO reviewed the Building Permit fee staff report with the Committee members. There was discussion revolving around the possible impacts of increasing building permit fees and a comparison table was presented that showed what other Regional Districts are charging. It was stated that by increasing building permit fees, there would be approximately a 5% reduction in tax requisition for property owners.

There was also a brief discussion regarding municipalities opting in/out of the RDKB Building Inspection service.



Moved: Director Grieve

Seconded: Director Russell

That Building Permit Fees be increased from \$8.00 per \$1000.00 construction value to \$10.00 per \$1000.00 construction value. FURTHER THAT, Building Permit fees will be reviewed on a yearly basis.

Carried.

### **Discussion Paper and Proposed Minister's Bylaw Standards**

#### **RE: Regulating Agri-tourism and Farm Retail Sales in the Agricultural land Reserve**

For receipt only. No comments given.

### **Pest Management Plan Discussion**

#### **RE: Inclusion of the RDKB**

An email from Alan Stanley, General Manager of Environmental Services regarding inclusion of the entire RDKB in a mosquito control management plan, was read by Director Russell to the Committee members.

Moved: Director Russell

Seconded: Director McGregor

That Staff look into the inclusion of the Regional District of Kootenay Boundary in the creation of a region wide Mosquito Control Management Plan.

Carried.

### **Grant in Aid Report**

There was discussion around the formatting and content of the current Grant in Aid Application Form. It was felt among the Committee Members that more information is required from each applicant. A few suggested line items for the Grant in Aid form were:

1. What is the cost of your project?
2. List all your sources of funding for this project.
3. How much funding is secured and from whom for this project?

It was suggested to also have a line at the bottom of the Grant in Aid form to read - 'The Electoral Director may ask for additional information regarding this project.'

It was also requested that more space be included for the description of the project and also when the application is submitted online via our website, a 'notice of receipt' of some sort be displayed to confirm submission was successful.

Moved: Director McGregor

Seconded: Director Grieve

That the Grant in Aid report be received.

Carried.

Moved: Director Grieve

Seconded: Director McGregor

That staff amend/re-design the Grant in Aid application form to reflect the changes requested by the Electoral Area Directors, to include the following:

1. What is the total cost of this project?
2. List all sources of funding for this project.
3. How much funding has been secured to date and from whom?
4. The Electoral Area Director may ask for additional information regarding this project.

Carried.

### **Gas Tax Report**

There was discussion about the "Strategic Priorities Fund" - for Regional Trail funding. The application intake is within the next few months.

Moved: Director Grieve

Seconded: Director McGregor

That the Gas Tax report be received.

Carried.

Moved: Director Russell

Seconded: Director McGregor

That Staff research the deadline for the Strategic Priorities Fund and provide a report to the Electoral Area Services Committee.

Carried.

**GIA & GAS TAX**

**A Staff Report from Theresa Lenardon, Manager of Corporate Administration, regarding Grant in Aid applications and a Gas Tax application which were approved through the Special Voting Regulation (BC Reg 41/91) in December 2015.**

Moved: Director Russell

Seconded: Director Grieve

That pursuant to the *Regional District Special Voting Regulation 41/91* that the Electoral Area Services Committee recommends to the Regional District of Kootenay Boundary Board of Directors that the following Grant in Aid applications be approved:

Beaverdell Community Club-Electoral Area 'E'/West Boundary - \$895.99

Beaverdell Community Club-Electoral Area 'E'/West Boundary - \$653.72

Rossland Winter Carnival - Electoral Area 'B'/Lower Columbia-Old Glory-\$1,000

Selkirk College - Electoral Area 'D'/Rural Grand Forks - \$212.60

**FURTHER** that also pursuant to the *Regional District Special Voting Regulation 41/91* that the Board approves the Gas Tax application as submitted by the Regional District of Kootenay Boundary for the acquisition of the Hardy Mountain Doukhobor Village as a heritage property in the amount of \$37,892.50 (dependent on actual closing date) which is the cost of assuming / paying off the remaining mortgage from The Land Conservancy.

Carried.

**B.C. Timber Sales****RE: Operating Plan #11 Forest Stewardship Plan**

There was discussion around BC Timber Sales referrals and the deadline for response. It was stated that the RDKB currently does not receive any referrals from BC Timber Sales.

Moved: Director Russell

Seconded: Director Gee

That the Electoral Area Services Committee respectfully requests that BC Timber Sales Kootenay Business Area extends the deadline for comments regarding Proposed Development under Operating Plan #11 of the 2011-2016 Forest Stewardship Plan for the Arrow/Boundary Forest District, Boundary TSA to at least February 26, 2016 and FURTHER THAT BC Timber Sales is encouraged to forward referrals for public comment on future operations to the RDKB where feasible.

Carried.

**LATE (EMERGENT) ITEMS**

There were no late/emergent items.

**DISCUSSION OF ITEMS FOR FUTURE AGENDAS**

There were no items for discussion.

**CLOSED (IN CAMERA) SESSION**

An in-camera meeting was not required.

**ADJOURNMENT**

There being no further business to discuss, Chair Worley adjourned the meeting at 7:15 p.m.

## Board Delegation/Presentation Policy



## Board/Committee Delegation Request Form

Name of person or organization wishing to appear:	<b>BC Timber Sales Kootenay Business Area</b>		
Subject of delegation:	<b>Discussion of Operating Plan #11</b>		
Purpose of delegation (please check where appropriate):	Information Only	<input checked="" type="checkbox"/>	
	Requesting a letter of support	<input type="checkbox"/>	
	Request for funding	<input type="checkbox"/>	
	Other (please provide details):		
<p><b>As discussed with Linda, BC Timber Sales is requesting <del>30 minutes on the agenda for a short presentation</del> followed by discussion and questions.</b></p>			
Contact Person (if different from above):	George Edney, RPF Woodlands Manager		
Telephone:	250-825-1120	Email:	George.Edney@gov.bc.ca
Meeting Date Requested:	Feb 11/16		
Technical Requirements: Will you be using a powerpoint presentation?	<input checked="" type="checkbox"/>	<b>If yes, you are required to submit the presentation before the meeting as well as bringing it on a memory stick.</b>	
<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>			
<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			
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## Board Delegation/Presentation Policy

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:

George Edney

Name of Delegate/Representative of Group

January 28/15

Date

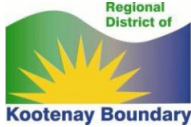
Signature

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	

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**SUBMIT**



## Grant-in-Aid Request

Please check all Electoral Area Boxes You Are Making Application To:

Electoral Area 'A' Director Ali Grieve	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
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Applicant:				
Address:				
Phone:		Fax:		E-Mail:
Representative:				
Make Cheque Payable To:				

\*\*\*\*GIA Requests of \$5,000.00 or more may require official receipt. The Electoral Area Director may ask for additional information.

What is the total Cost of the Project? \$\_\_\_\_\_ What is the Grant-in-Aid for? (attach an extra sheet if necessary)


Please list all other organizations you have applied to for funding:

Name of Organization _____	Amount Secured: _____
Amount Requested: _____	
Name of Organization _____	Amount Secured: _____
Amount Requested: _____	
Name of Organization _____	Amount Secured: _____
Amount Requested: _____	
Name of Organization _____	Amount Secured: _____
Amount Requested: _____	
Date: _____	Applicant Signature _____ Print Name _____

### Office Use Only

Grant approved by Electoral Area Director: \_\_\_\_\_  
 Approved by Board: \_\_\_\_\_

**RDKB MEMORANDUM OF  
COMMITTEE ACTION ITEMS  
ELECTORAL AREA SERVICES COMMITTEE**

**Action Items Arising from Electoral Area Services Committee Direction (Task List)**

**Pending Tasks**

<b>Date</b>	<b>Item/Issue</b>	<b>Actions Required/Taken</b>	<b>Status – C / IP</b>
Feb. 14/13	Boundary Ag Plan Implementation	Consider areas 'C' & 'D' OCP review recommendations;	IP
Mar. 12/15	Building Inspection Service	Consult with Area 'E' residents re: needs assessment survey recommendations;	IP
		Staff to research options (increase in fees/decrease in expenses); articulate a plan for 2016	
	Partnership Agr. - maintenance of Kettle Valley Rail Trail (Area 'E')	Staff to look into different models available to managing trails (ownership/partnership/third party agreements)	IP
	Branding & Corporate Logo	Staff to look into a communication plan for inclusion in the next strategic plan session	IP
May 14/15	Grant in Aid documentation process	Staff to research	IP
Oct. 22/15	Agricultural Liaison Officer position	Staff to work with RDCK and RDEK to assist with proposal development	IP
Nov. 18/15	Kettle River Watershed Plan	Staff to submit gas tax app to EAS Committee to cover Implementation costs	IP
Nov. 18/15	Kettle River Watershed Plan	Staff to provide update if additional gas tax funds needed by August 2017 or sooner	IP

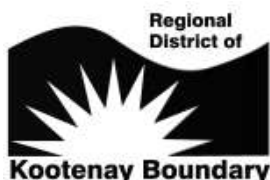
**Tasks from Electoral Area Services Committee Meeting January 14, 2016**

<b>Date</b>	<b>Item/Issue</b>	<b>Actions Required/Taken</b>	<b>Status – C / IP</b>
Jan. 14/16	Sherstobitoff Zoning Amendment	Sent to Board for 1 <sup>st</sup> /2 <sup>nd</sup> reading & public hearin	C
	Walls DVP	Sent to Board for approval	C
	Kehler DVP	Sent to Board for approval	C
	Rock Creek Prov. Park	Forward Ltr to MOE	IP
	Pest Management	Inclusion of RDKB in region wide mosquito control	IP
	Grant in Aid Form	Staff to revise application form	IP
	GIAs applications (Beaverdell Community Club)		
	Rossland Winter Carnival, Selkirk, Hardy Mtn	Sent to Board for approval	C
	Doukhobor Village)		
	BC Timber Sales Deadline Ltr & Referrals	Sent to BC Timber Sales	C
	Planning & Dev. Dept. 5 yr Financial Plan	Final proposed budget back to EAS with year end values	IP

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*Memorandum of Committee Action Items  
Electoral Area Services to the End of January 2016*





## Electoral Area Services Committee Staff Report

Prepared for meeting of February 11, 2016

### Planning and Development Department's Proposed Five-Year Financial Plan

**Prepared by:** Donna Dean, Manager of Planning and Development

**File No:**

### INTRODUCTION

The purpose of this report is to present the Proposed 2016 Work Program and Five-Year Financial Plan for the Planning and Development Department (the Department). The proposed five-year budget now includes all the 2015 actual expenses and the final value for the surplus (see *attached Proposed Planning and Development Department's Five-Year Financial Plan*).

### CHANGES SINCE THE BUDGET WAS PRESENTED IN JANUARY

The name of the financial plan has been changed to 'Planning and Development' from 'Environmental Planning and Zoning'.

There were three expenditure lines that went over budget in 2015:

- Library and Research was over by \$1267 due to increases in fees for land titles and survey plans.
- Office Building Expense was over by \$1503 because the cost was underestimated.
- Office Equipment was over by \$1611 due to the purchase of a lap top computer.

The actual surplus from 2015 was greater than anticipated. The original proposed budget anticipated a surplus of \$15,348; however the actual was \$52,048. With the surplus the requisition decreased by approximately 2.4% between the 2015 and 2016 budgets.

Two increases since the January meeting are proposed to the budget, which results in an overall increase of slightly less than 0.5%.

- Increase the overlap for a temporary planning technician by an additional month for a total of three months.
- An addition of \$3000 for a new work station for the temporary planning technician.

The Proposed Five-Year Financial Plan will be forwarded to the Committee of Whole in March for approval to be included in the RDKB overall budget for 2016.

**RECOMMENDATION**

That the Electoral Area Services Committee approves the Planning and Development Department's 2016-2020 Five-Year Financial Plan. Further that the Five Year Financial Plan be referred to the Committee of the Whole with a recommendation that it be included in the overall Regional District of Kootenay Boundary 2016-2020 Five Year Financial Plan.

**ATTACHMENT** *Proposed Planning and Development Department's Five-Year Financial Plan*



REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
FIVE YEAR FINANCIAL PLAN

EXHIBIT NO. 005  
PLANNING & DEVELOPMENT

PARTICIPANTS: Grand Forks, Greenwood, Rossland, Trail, Fruitvale,  
Midway, Montrose, Warfield, Electoral Areas 'A','B','C','D' & 'E'

		PAGE	2014 ACTUAL	2015 BUDGET	2015 ACTUAL	(OVER) UNDER	2016 BUDGET	Increase(Decrease) between 2015 BUDGET and 2016 BUDGET		2017 BUDGET	2018 BUDGET	2019 BUDGET	2020 BUDGET
								\$	%				
<b>REVENUE:</b>													
Electoral Taxes - Management Development Services	2		527,615	538,975	538,976	(1)	541,479	2,503	0.46	605,318	603,890	616,156	628,666
All Participants Taxes - Regional Development Services	3		175,872	179,658	179,658	0	180,493	834	0.46	201,773	201,297	205,385	209,555
11 210 100 Federal Grant In Lieu	4		1,143	750	1,392	(642)	1,000	250	33.33	1,000	1,000	1,000	1,000
11 460 100 Rezoning Fees	5		10,585	10,000	8,790	1,210	10,000	0	0.00	10,200	10,404	10,612	10,824
11 460 200 ALR Commission Appeal Fees	6		1,500	2,000	600	1,400	2,000	0	0.00	2,040	2,081	2,122	2,165
11 460 300 House Numbering Recovery	7		15,000	15,000	15,000	0	15,000	0	0.00	15,000	15,000	15,000	15,000
11 460 400 Map & Report Sales	8		910	1,500	0	1,500	1,500	0	0.00	1,530	1,561	1,592	1,624
11 590 159 Miscellaneous Revenue	9		0	21,000	20,163	837	1,000	(20,000)	(95.24)	1,000	1,000	1,000	1,000
11 911 100 Previous Year's Surplus	10		26,540	80,886	80,887	(0)	52,048	(28,838)	(35.65)	0	0	0	0
11 921 205 Transfer From Reserve	11		0	0	0	0	20,000	20,000	0.00	0	0	0	0
Planning Agreements	12		7,539	7,539	7,539	0	7,539	0	0.00	7,539	7,539	7,539	7,539
Total Revenue			766,705	857,309	853,004	4,305	832,059	(25,250)	(2.95)	845,399	843,771	860,406	877,373
<b>EXPENDITURE:</b>													
12 610 111 Salaries and Benefits	13		497,875	607,590	581,280	26,310	615,366	7,776	1.28	627,673	621,931	634,370	647,058
12 610 210 Travel Expense	14		11,316	13,000	8,696	4,304	13,000	0	0.00	13,260	13,525	13,796	14,072
12 610 220 Public Participation Program	15		7,457	10,000	3,332	6,668	10,000	0	0.00	10,200	10,404	10,612	10,824
12 610 223 Report Reproduction	16		26	0	0	0	0	0	0.00	0	0	0	0
12 610 229 Maps	17		402	500	65	435	500	0	0.00	500	500	500	500
12 610 230 Board Fee	18		42,954	43,726	43,726	0	44,514	788	1.80	45,404	46,312	47,239	48,183
12 610 232 Legal Fees	19		6,260	10,000	6,453	3,547	10,000	0	0.00	10,200	10,404	10,612	10,824
12 610 234 Library & Research	20		3,551	4,709	5,976	(1,267)	6,009	1,300	27.61	6,129	6,252	6,377	6,504
12 610 235 Operating Contract	21		34,300	43,270	27,446	15,824	43,270	0	0.00	44,135	45,018	45,918	46,837
12 610 239 Advisory Planning Commission	22		1,699	6,000	3,895	2,105	6,000	0	0.00	6,120	6,242	6,367	6,495
12 610 243 Office Building Expense	23		50,084	50,020	51,523	(1,503)	51,906	1,886	3.77	52,944	54,003	55,083	56,185
12 610 247 Office Equipment	24		7,016	6,000	7,611	(1,611)	9,000	3,000	50.00	6,000	6,000	6,000	6,000
12 610 251 Office Supplies	25		3,208	4,080	2,777	1,303	4,080	0	0.00	4,162	4,245	4,330	4,416
12 610 253 Vehicle Operation	26		12,875	12,875	12,875	0	12,875	0	0.00	13,133	13,395	13,663	13,936
12 610 610 Capital/Amortization	27		0	0	0	0	0	0	0.00	0	0	0	0
12 610 741 Contribution To Reserve	28		6,795	25,539	25,539	0	5,539	(20,000)	(78.31)	5,539	5,539	5,539	5,539
12 610 990 Previous Year's Deficit	29		0	0	0	0	0	0	0.00	0	0	0	0
12 610 999 Contingencies	30		0	20,000	19,761	239	0	(20,000)	(100.00)	0	0	0	0
Total Expenditure			685,819	857,309	800,955	56,353	832,059	(25,250)	(2.95)	845,399	843,771	860,406	877,373
Surplus(Deficit)			80,886		52,048								

REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
Five Year Financial Plan

Name	Property Tax Requisition	2016	2017	2018	2019	2020
	<i>Management of Development Services</i>	Budget	Budget	Budget	Budget	Budget
Item No	Description	Amount	Amount	Amount	Amount	Amount
	As per Board Resolution No 461-92					
	Total Expenditures					
	Less anticipated revenues from other sources					
	Equals Net Expenditures					
Exp	721,972		807,090	805,187	821,541	838,222
75%	541,479	541,479	605,318	603,890	616,156	628,666
2015						
Actual						
113,087	11 830 901 005 Electoral Area 'A'	107,349	120,005	119,722	122,154	124,634
59,439	11 830 902 005 Electoral Area 'B' / Lower Columbia/Old	60,852	68,026	67,866	69,244	70,650
117,298	11 830 903 005 Electoral Area 'C' / Christina Lake	117,597	131,461	131,151	133,815	136,532
75,380	11 830 904 005 Electoral Area 'D' / Rural Grand Forks	79,910	89,331	89,120	90,930	92,777
173,772	11 830 905 005 Electoral Area 'E' / West Boundary	175,771	196,494	196,031	200,012	204,074
538,976	Sub	541,479	605,318	603,890	616,156	628,666
	<b>Total Requisition</b>	<b>541,479</b>	<b>605,318</b>	<b>603,890</b>	<b>616,156</b>	<b>628,666</b>

Notes:

Management of Development covers the Regional District's rural area planning program (e.g. OCPs, Zoning, Development Permits, etc.). It is a "General Service" pursuant to the Local Government Act with costs apportioned to the Electoral Areas only.



REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
Five Year Financial Plan

Name	Property Tax Requisition	2016	2017	2018	2019	2020
2015	<i>Regional Development Services</i>	Budget	Budget	Budget	Budget	Budget
Actual	Description	Amount	Amount	Amount	Amount	Amount
	As per Board Resolution No 461-92					
	Total Expenditures					
	Less anticipated revenues from other sources					
Exp	721,972		807,090	805,187	821,541	838,222
25%	180,493	180,493	201,773	201,297	205,385	209,555
5,493	11 830 100 005 Fruitvale	5,336	5,965	5,951	6,072	6,195
16,346	11 830 200 005 Grand Forks	16,369	18,299	18,256	18,627	19,005
1,863	11 830 300 005 Greenwood	1,874	2,095	2,091	2,133	2,176
2,951	11 830 400 005 Midway	2,974	3,325	3,317	3,384	3,453
2,911	11 830 500 005 Montrose	2,969	3,319	3,312	3,379	3,448
15,578	11 830 600 005 Rossland	16,263	18,181	18,138	18,506	18,882
42,781	11 830 700 005 Trail	42,442	47,445	47,334	48,295	49,276
4,473	11 830 800 005 Warfield	4,440	4,964	4,952	5,053	5,155
18,309	11 830 901 005 Electoral Area 'A'	17,411	19,464	19,418	19,813	20,215
9,623	11 830 902 005 Electoral Area 'B' / Lower Columbia/OK	9,870	11,033	11,007	11,231	11,459
18,991	11 830 903 005 Electoral Area 'C' / Christina Lake	19,073	21,322	21,272	21,704	22,145
12,204	11 830 904 005 Electoral Area 'D' / Rural Grand Forks	12,961	14,489	14,455	14,748	15,048
28,135	11 830 905 005 Electoral Area 'E' / West Boundary	28,509	31,870	31,795	32,441	33,099
179,658						
	<b>Total Requisition</b>	<b>180,493</b>	<b>201,773</b>	<b>201,297</b>	<b>205,385</b>	<b>209,555</b>

Notes:  
Regional Development Services includes such region wide activities as  
coordination, research, regional mapping, ALR and subdivision reviews, etc.  
It is a "General Service" pursuant to the Local Government Act with costs apportioned  
to all constituent members of the Regional District.

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REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
Five Year Financial Plan

Name	Federal Grant In Lieu	2015	2016	2017	2018	2019	2020
Account	11 210 100 005	Prior Year	Budget	Budget	Budget	Budget	Budget
Item No	Description	Amount	Amount	Amount	Amount	Amount	Amount
1	Federal Grant In Lieu	750	1,000	1,000	1,000	1,000	1,000
Current Year Budget		750	1,000	1,000	1,000	1,000	1,000

Notes:

Previous Year Budget	750
Actual to December 31, 2015	1,392

Name	Rezoning Fees	2015	2016		2017		2018		2019		2020
Account	11.460.100.005	Prior Year	Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Rezoning Fees	10,000	10,000	2.0%	10,200	2.0%	10,404	2.0%	10,612	2.0%	10,824
	Current Year Budget	10,000	10,000		10,200		10,404		10,612		10,824

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Name		2015	2016		2017		2018		2019		2020
Account	ALR Fees 11 460 200 005	Prior Year	Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Agricultural Land Reserve Fees	2,000	2,000	2.0%	2,040	2.0%	2,081	2.0%	2,122	2.0%	2,165
	<b>Current Year Budget</b>	2,000	2,000		2,040		2,081		2,122		2,165

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REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
Five Year Financial Plan

Name	House Numbering Recovery	2015	2016	2017	2018	2019	2020
Account	11 460 300 005	Prior Year	Budget	Budget	Budget	Budget	Budget
Item No	Description	Amount	Amount	Amount	Amount	Amount	Amount
1	Area 'A ' & 'C' House Numbering	6,000	6,000	6,000	6,000	6,000	6,000
2	Area 'B' house Numbering	3,000	3,000	3,000	3,000	3,000	3,000
3	Area 'D' house Numbering	3,000	3,000	3,000	3,000	3,000	3,000
4	Area 'E' house Numbering	3,000	3,000	3,000	3,000	3,000	3,000
5	Services provided to Municipalities	-	-	-	-	-	-
Current Year Budget		15,000	15,000	15,000	15,000	15,000	15,000

Notes:

Previous Year Budget	15,000
Actual to December 31, 2015	15,000
Internal Transfer from participating members	

REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
Five Year Financial Plan

Name	Map Sales	2015	2016		2017		2018		2019		2020
Account	11 460 400 005	Prior Year	Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Map Sales	1,500	1,500	2.0%	1,530	2.0%	1,561	2.0%	1,592	2.0%	1,624
Current Year Budget		1,500	1,500		1,530		1,561		1,592		1,624

Notes: Previous Year Budget 1,500  
 Actual to December 31, 2015 -  
 Estimate based on last year's revenue from map sales  
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REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
Five Year Financial Plan

Name	Miscellaneous Revenue	2015	2016	2017	2018	2019	2020
Account	11 590 159 005	Prior Year	Budget	Budget	Budget	Budget	Budget
Item No	Description	Amount	Amount	Amount	Amount	Amount	Amount
1	Services provided to Municipalities	1,000	1,000	1,000	1,000	1,000	1,000
2	Age Friendly Community Study - Christina Lake	20,000					
3							
Current Year Budget		21,000	1,000	1,000	1,000	1,000	1,000

Notes:

Previous Year Budget	21,000
Actual to December 31, 2015	20,163

Name	Previous Year's Surplus	2015	2016		2017		2018		2019		2020
Account	11 911 100 005	Prior Year	Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Amount		Amount		Amount		Amount		Amount
1	Previous Year's Surplus	80,886	52,048		-		-		-		-
	Current Year Budget	80,886	52,048		-		-		-		-

Name Account	Transfer From Reserve 11 921 205 005	2015 Prior Year	2016 Budget		2017 Budget		2018 Budget		2019 Budget		2020 Budget
Item No	Description	Amount	Amount		Amount		Amount		Amount		Amount
1	Taxation Offset		20,000								
	Current Year Budget	-	20,000		-		-		-		-

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REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
Five Year Financial Plan

Name	SECTION 820(9) - PLANNING AGREEMENTS	2015 Prior Year	2016 Budget		2017 Budget		2018 Budget		2019 Budget		2020 Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	11 330 100 005 Village of Fruitvale	1,166	1,166	0.0%	1,166	0.0%	1,166	0.0%	1,166	0.0%	1,166
2	11 330 200 005 City of Grand Forks	1,668	1,668	0.0%	1,668	0.0%	1,668	0.0%	1,668	0.0%	1,668
3	11 330 500 005 Village of Montrose	1,044	1,044	0.0%	1,044	0.0%	1,044	0.0%	1,044	0.0%	1,044
4	11 330 600 005 City of Rossland	1,712	1,712	0.0%	1,712	0.0%	1,712	0.0%	1,712	0.0%	1,712
5	11 330 700 005 City of Trail	1,949	1,949	0.0%	1,949	0.0%	1,949	0.0%	1,949	0.0%	1,949
	Greenwood		-	0.0%	-	0.0%	-	0.0%	-	0.0%	-
	Midway		-	0.0%	-	0.0%	-	0.0%	-	0.0%	-
	Warfield		-	0.0%	-	0.0%	-	0.0%	-	0.0%	-
<b>Current Year Budget</b>		<b>7,539</b>	<b>7,539</b>		<b>7,539</b>		<b>7,539</b>		<b>7,539</b>		<b>7,539</b>

Notes: Previous Year Budget 7,539  
Actual to December 31, 2015 7,539  
Based on agreements entered into with participating municipalities  
pursuant to Section 804.1 of the Local Government Act  
allowing partial participation in Part 26 Planning Services

REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
Five Year Financial Plan

Name	Salaries & Benefits	2015				2016		2017		2018		2019		2020
Account	12 610 111 005	Prior Year				Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Incumbent	Hours	Rate	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	General Manager, Operations / DCAO	37,991	M. Andison	30%	128,599	38,580	2.0%	39,351	2.0%	40,138	2.0%	40,941	2.0%	41,760
2	Planning & Development Manager	88,740	D. Dean	100%	90,116	90,116	2.0%	91,918	2.0%	93,757	2.0%	95,632	2.0%	97,544
3	Senior Planner	73,017	J. Ginalias	1892.5	39.20	74,186	2.0%	75,670	2.0%	77,183	2.0%	78,727	2.0%	80,301
4	Planner	67,051	C. Rimell	1892.5	36.00	68,130	2.0%	69,493	2.0%	70,882	2.0%	72,300	2.0%	73,746
5	Senior Planning Technician	61,598	I. Haas	1892.5	33.07	62,585	2.0%	63,837	2.0%	65,113	2.0%	66,416	2.0%	67,744
6	GIS Technician	59,185	Bart	1892.5	31.77	60,125	2.0%	61,327	2.0%	62,554	2.0%	63,805	2.0%	65,081
7	Senior Planning Secretary	55,005	Maria	1892.5	29.53	55,886	2.0%	57,003	2.0%	58,143	2.0%	59,306	2.0%	60,492
8	Clerk/Steno/Rec (PT 4 Hours x 261 Days)	27,770	Lori	1044	27.14	28,334	2.0%	28,901	2.0%	29,479	2.0%	30,068	2.0%	30,670
9	Provision for unused Holidays (1wk/employee)	-		0	30.00	-	2.0%	-	2.0%	-	2.0%	-	2.0%	-
10	Overtime and extra time	5,000				5,000	2.0%	5,100	2.0%	5,202	2.0%	5,306	2.0%	5,412
11	Temp GIS Tech	-		450	31.77	14,297	2.0%	14,582	2.0%					
12	Cost Pressures	3,060				3,060	2.0%	3,121	2.0%	3,184	2.0%	3,247	2.0%	3,312
13	Allownace for CUPE Contract Increase (2%)													
	SubTotal	478,417				500,297		510,303		505,635		515,748		526,063
	Benefits @	129,173	23%			115,068	23.0%	117,370	23.0%	116,296	23.0%	118,622	23.0%	120,994
	Current Year Budget	607,590				615,366		627,673		621,931		634,370		647,058

Notes:	Previous Year Budget	607,590
	Actual to December 31, 2015	581,280
Item #1	GMO / DCAO Salary Split: 30% Planning; 40% Building; 30% Admin	
Item #12	Cost pressure allowance @ 3.0 %	

Name	Travel Expense	2015	2016		2017		2018		2019		2020
Account	12 610 210 005	Prior Year	Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Estimates for meals, mileage, etc, while travelling within RDKB	1,700	1,700	2.0%	1,734	2.0%	1,769	2.0%	1,804	2.0%	1,840
2	Professional Staff Development - PIBC, Planning Director's Conf., Victoria, Technical Courses, etc.	8,000	8,000	2.0%	8,160	2.0%	8,323	2.0%	8,490	2.0%	8,659
3	Miscellaneous travel (outside RDKB)	3,000	3,000	2.0%	3,060	2.0%	3,121	2.0%	3,184	2.0%	3,247
4	Board of Variance expenses	300	300	2.0%	306	2.0%	312	2.0%	318	2.0%	325
							-				
	Current Year Budget	13,000	13,000		13,260		13,525		13,796		14,072



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Name Account	Report Reproduction 12 610 223 005	2015 Prior Year	2016 Budget		2017 Budget		2018 Budget		2019 Budget		2020 Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Material costs associated with the production of major reports (i.e. pre-printed covers, bindings, maps, graphics.)	-	-	2.0%	-	2.0%	-	2.0%	-	2.0%	-
	Current Year Budget	-	-		-		-		-		-

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Name Account	Maps 12 610 229 005	2015 Prior Year	2016 Budget		2017 Budget		2018 Budget		2019 Budaet		2020 Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Acquisition of mapping data	500	500		500		500		500		500
	Current Year Budget	500	500		500		500		500		500

Notes:	Previous Year Budget	500
	Actual to December 31, 2015	65

Name	Board Fee	2015	2016		2017		2018		2019		2020
Account	12 610 230 005	Prior Year	Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Board Fee (2% increase for C.P.I.)	39,381	40,169	2.0%	40,972	2.0%	41,792	2.0%	42,628	2.0%	43,480
2	Carbon Offset & Climate Change Initiatives	4,345	4,345	2.0%	4,432	2.0%	4,521	2.0%	4,611	2.0%	4,703
	Current Year Budget	43,726	44,514		45,404		46,312		47,239		48,183

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Name	Legal Fees	2015	2016		2017		2018		2019		2020
Account	12 610 232 005	Prior Year	Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Legal Fees	10,000	10,000	2.0%	10,200	2.0%	10,404	2.0%	10,612	2.0%	10,824
	Current Year Budget	10,000	10,000		10,200		10,404		10,612		10,824

Notes:	Previous Year Budget	10,000
	Actual to December 31, 2015	6,453

Name	Library & Research	2015	2016		2017		2018		2019		2020
Account	12 610 234 005	Prior Year	Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Subscriptions to technical journals	250	250	2.0%	255	2.0%	260	2.0%	265	2.0%	271
2	Acquisition of research materials (i.e. from Central Statistics, books, etc)	459	459	2.0%	468	2.0%	478	2.0%	487	2.0%	497
3	Professional dues (PIBC X 3; MISA; ARDPM)	3,000	3,000	2.0%	3,060	2.0%	3,121	2.0%	3,184	2.0%	3,247
4	LTSA and Maps	1,000	2,300	2.0%	2,346	2.0%	2,393	2.0%	2,441	2.0%	2,490
	Current Year Budget	4,709	6,009		6,129		6,252		6,377		6,504

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Item #3-6	ESRI Canada (ARCVIEW, ARCEditor) contract

REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
Five Year Financial Plan

Name	Advisory Planning Commission	2015	2016	2017	2018	2019	2020
Account	12 610 239 005	Prior Year	Budget	Budget	Budget	Budget	Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount
1	\$1000 discretionary fund for use by each Electoral Area Director to offset expenses for the 6 APCs pursuant to Section 897(3) of the Municipal Act	6,000	6,000	2.0%	6,120	2.0%	6,242
							6,367
							2.0%
							6,495
	Current Year Budget	6,000	6,000		6,120		6,242
							6,367
							6,495

Notes: Previous Year Budget 6,000  
Actual to December 31, 2015 3,895



Name	Office Building Expense	2015	2016		2017		2018		2019		2020
Account	12 610 243 005	Prior Year	Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Heating share of RDKB Office	3,043	3,043	2.0%	3,104	2.0%	3,166	2.0%	3,229	2.0%	3,294
2	Power share of RDKB Office	9,561	9,590	2.0%	9,782	2.0%	9,977	2.0%	10,177	2.0%	10,381
3	Janitorial & Maintenance	20,778	22,456	2.0%	22,905	2.0%	23,363	2.0%	23,830	2.0%	24,307
4	Grand Forks Office Rental	7,144	7,323	2.0%	7,469	2.0%	7,619	2.0%	7,771	2.0%	7,927
5	Photocopy Recovery - Administration	9,494	9,494	2.0%	9,684	2.0%	9,878	2.0%	10,075	2.0%	10,277
	Current Year Budget	50,020	51,906		52,944		54,003		55,083		56,185

Name	Office Equipment	2015	2016		2017		2018		2019		2020
Account	12 610 247 005	Prior Year	Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Amount		Amount		Amount		Amount		Amount
1	Miscellaneous Equipment	6,000	6,000		6,000		6,000		6,000		6,000
2	Addition of a third GIS work station for temporary employee		3,000								
	Current Year Budget	6,000	9,000		6,000		6,000		6,000		6,000

Page 1

REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
Five Year Financial Plan

Name Account	Office Supplies 12 610 251 005	2015 Prior Year	2016 Budget		2017 Budget		2018 Budget		2019 Budget		2020 Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Print paper (maps), ink, tapes, binding material and other misc. office supplies (primarily required for maps, graphics and reports)	4,080	4,080	2.0%	4,162	2.0%	4,245	2.0%	4,330	2.0%	4,416
Current Year Budget		4,080	4,080		4,162		4,245		4,330		4,416

Notes:

Previous Year Budget	4,080
Actual to December 31, 2015	2,777

Name	Vehicle Operation	2015	2016		2017		2018		2019		2020
Account	12 610 253 005	Prior Year	Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Amount	%	Amount	%	Amount	%	Amount	%	Amount
1	Annual allocation of fleet vehicle costs	12,875	12,875	2.0%	13,133	2.0%	13,395	2.0%	13,663	2.0%	13,936
	Current Year Budget	12,875	12,875		13,133		13,395		13,663		13,936

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Name Account	Capital 12 610 610 005	2015 Prior Year	2016 Budget		2017 Budget		2018 Budget		2019 Budget		2020 Budaet
Item No	Description	Amount	Amount		Amount		Amount		Amount		Amount
1		-	-		-		-		-		-
	Current Year Budget	-	-		-		-		-		-

Notes:	Previous Year Budget	-
	Actual to December 31, 2015	-

REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
Five Year Financial Plan

Name	Contribution To Reserve	2015	2016	2017	2018	2019	2020
Account	12 610 741 005	Prior Year	Budget	Budget	Budget	Budget	Budget
Item No	Description	Amount	Amount	Amount	Amount	Amount	Amount
1	Contribution to Reserve	5,000	5,000	5,000	5,000	5,000	5,000
2	Management Early Retirement Incentive Plan	1,795	539	539	539	539	539
3	To offset taxation in future years	20,000					
#1 This reserve is intended to be used when a major computer/equipment upgrade is required for the Department's Geographic Information System. Such upgrades are typically required about every 5 years.							
Current Year Budget		26,795	5,539	5,539	5,539	5,539	5,539

Notes:		Previous Year Budget	25,539
		Actual to December 31, 2014	25,539
Item #2	ERIP Funds transferred to Administration Reserve	Actual to December 31, 2015	
	GL Account Number 34 700 001		
	M. Anderson \$1,795 (30% Planning, 30% Building, & 40% Admin)		

\$43,823.65

Balance in Reserve December 31, 2015  
Account Number 34 700 005

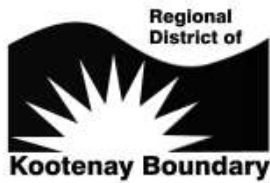
Name	Previous Year's Deficit	2015	2016		2017		2018		2019		2020
Account	12 610 990 005	Prior Year	Budget		Budget		Budget		Budget		Budget
Item No	Description	Amount	Amount		Amount		Amount		Amount		Amount
1	Previous Year's Deficit	-	-		-		-		-		-
	Current Year Budget	-	-		-		-		-		-

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Name Account	Contingencies 12 610 999 005	2015 Prior Year	2016 Budget		2017 Budget		2018 Budget		2019 Budget		2020 Budget
Item No	Description	Amount	Amount		Amount		Amount		Amount		Amount
1	Age Friendly Community Study - Christina Lake	20,000	-		-		-		-		-
	Current Year Budget	20,000	-		-		-		-		-

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## Electoral Area Services Committee Staff Report

Prepared for meeting of February 2016

<b>OCP and Zoning Amendment</b>			
<b><i>Applicant:</i></b> Edward and Deyanne Davies		<b><i>File No:</i></b> B-9A-TWP-10948.100	
<b><i>Location:</i></b> 455 Malde Creek Road, Electoral Area 'B'/Lower Columbia-Old Glory, in the South Belt Area			
<b><i>Legal Description:</i></b> Township 9A, KD, NEPX63, Subsidy Lot 181 Except Plan 17164 SRW 15310 SRW 17069		<b><i>Area:</i></b> 17.5 ha (43.2 acres)	
<b><i>OCP Designation:</i></b> Agricultural Resource 1 Rural Resource 1	<b><i>Zoning:</i></b> Agricultural Resource 1 (AGR 1) Rural Resource 1	<b><i>ALR status:</i></b> No	<b><i>DP Area:</i></b> None
<b><i>Contact Information:</i></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><i>Report Prepared by:</i></b> Carly Rimell, Planner			

### ISSUE INTRODUCTION

Edward and Deyanne Davies, are applying for an Official Community Plan amendment and a Zoning Bylaw amendment for their property, which is located in the South Belt Area of Electoral Area 'B'/ Lower Columbia-Old Glory (*see Site Location Map; Applicants' Submission*).

## **HISTORY / BACKGROUND FACTORS**

This property received approval for exclusion from the Agricultural Land Reserve in November 2015 from the Agricultural Land Commission by Resolution #379/2015.

Since the majority of this property was formerly in the ALR, most of the subject property is designated 'Agricultural Resource 1', while the remainder is designated '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 currently split zoned 'Agricultural Resource 1' (AGR 1) to correspond with the portion which was formerly in the ALR, while the portion which lays outside of the previous ALR's boundaries is zoned 'Rural Resource 1' in the Electoral Area 'B'/ Lower Columbia-Old Glory Zoning Bylaw No. 1540 (*see Subject Property Map Zoning*). The minimum parcel size requirement for new parcels created by subdivision is 10 hectares (24.7 acres) in these zones. Therefore under the current zoning the parcel cannot be subdivided.

## **PROPOSAL**

The applicants propose to amend Electoral Area 'B'/ Lower Columbia-Old Glory OCP Bylaw No. 1470 to designate the entire property as 'South Belt Rural Residential'. In addition they propose to amend Electoral Area 'B'/ Lower Columbia-Old Glory Zoning Bylaw No. 1540 to zone the entire property to the corresponding 'Rural Residential 3' Zone. While the owners application states that their intent is to create one parcel for their daughter, the smaller minimum parcel size of 4ha (10 acres) in the 'Rural Residential 3' Zone would allow the owners to create up to three new parcels.

## **IMPLICATIONS**

This section discusses implications to both the OCP and Zoning Bylaw amendment. Both would involve changes to the maps only since no text amendment would be required.

### *OCP Amendment*

The 'Agricultural Resource 1' designation is only intended to be used for lands within the Agricultural Land Reserve. As this property is no longer included within the Agricultural Land Reserve the Objectives and Policies specified in Sections 19.11 of the OCP are no longer applicable.

Since the 'Agricultural Resource 1' designation is no longer applicable, the adjacent designations should be considered for this parcel. The designations, which may be considered ('Cluster Residential', 'Rural Resource 1' or 'South Belt Rural Residential'), are discussed below:

1. While the subject parcel meets the size requirement of 12 ha for a 'Cluster Residential' designation, it would be a more complex development plan and the owner has not applied for this.

2. The 'Rural Resource 1' designation "strives to balance the resource extraction activities of forestry and mining, with recreational values and possible future needs for residential expansion, each of which adds value to the community."

The subject parcel is adjacent to 'Rural Resource' lands to the west and south although current and proposed uses on those lands are, similar to the subject parcel, residential. The applicants acknowledge that historically the subject property was logged and used for mining as there are still exposed mine shafts on their property. As this property has already had these resources extracted, and as it is now excluded from the ALR, the land use priorities have shifted towards a residential use.

*The objectives of the Board with respect to areas designated 'Rural Resource' are as follows:*

- *To discourage the intrusion of incompatible land uses into Rural Resource areas;*
- *To focus settlement in close proximity to existing built up areas in the Plan Area;*
- *To discourage the intrusion of settlement into areas that are suited to resource extraction activities, except in support of a resource extraction or utilization operation; and*
- *To reinforce existing and potential primary resource utilization opportunities by discouraging the intrusion of incompatible land use and development activities into the rural resource areas.*

3. The third option would be to consider the 'South Belt Rural Residential' designation, which is proposed by the applicant. This designation would be similar to the neighboring parcels to the north in the South Belt Area, and better reflect the current use of the property.

The OCP acknowledges the possible future needs for residential expansion and notes it adds value to the community. There are smaller lots immediately to the north of the property which are designated 'South Belt Rural Residential'. If the proposed designation of 'South Belt Rural Residential' were approved it would not be out of character with the surrounding parcel sizes and land use.

The proposed 'South Belt Rural Residential' designation (Section 19.7 of the OCP) is located along the southerly boundary of the City of Rossland, and west of Redstone Golf Course.

*The objectives of the Board with respect to areas designated 'South Belt Rural Residential' are as follows:*

- *To recognize that there is a diversity of demand for rural living and aim to meet this demand by establishing a land use designation which bridges the gap between small parcels within the boundaries of the City of Rossland and resource lands beyond;*
- *To encourage the safe and quiet use and enjoyment of residential properties; and*
- *To maintain the rural character of the South Belt area.*

Creation of four 4 ha parcel would not be out of character in this South Belt Area. There would be available access from Gelesz Road and potentially Drake Road.

#### *Zoning Bylaw Amendment*

The zoning of the subject parcel, and all parcels must match the OCP designation, therefore the proposed 'Rural Residential 3' Zone is appropriate in this case.

#### *Dewdney Trail*

A small portion, roughly 200 metres, of the historic Dewdney Trail passes through the northerly portion of the subject property (*see Kootenay Columbia Trail Society Drakes Trail Map*). The Trail is also known as Drakes Trail in this location. The Dewdney Trail was completed in 1865. This Trail, which extended from the coast to the Kootenays was constructed due to the discovery of gold at Wild Horse Creek near the present City of Cranbrook. The portion of the Dewdney trail which remains most intact is between Christina Lake and Paterson. The Province designated portions of the Dewdney Trail in the Kootenay Region as a historic trail in the late 1970's.

#### Section 8, Heritage Resources, Electoral Area 'B'/ Lower Columbia-Old Glory OCP

This section of the OCP acknowledges the Dewdney Trail as a heritage resource. An objective of the Board with respect to Heritage Resources is to "raise public awareness of the heritage values in the plan area and encourage retention of the heritage features."

#### Section 9, Recreation Resources, Electoral Area 'B'/ Lower Columbia-Old Glory OCP

Easy access to recreation opportunities was one of the most cited amenities in the survey of Electoral Area 'B'/ Lower Columbia-Old Glory residents in 2009 that was conducted as part of the OCP review.

An objective of the OCP is to "strive to legalize access to areas presently used by residents of the Plan Area for recreational purposes, possibly through land acquisition. The following policies with respect to Recreation Resources are as follows:

9.8 Support the efforts of the Kootenay Columbia Trails Society (KCTS) to establish a quality network of trails that are easily accessed, well maintained, and managed in a spirit of cooperation with the Crown and private land owners

9.15 Support the continued use of the Trans-Canada Trail, the Dewdney Trail and associated trails in the Plan Area; while encouraging public involvement in determining and refining trail routes, to minimize impacts upon property owners.

#### **ADVISORY PLANNING COMMISSION COMMENTS**

The Electoral Area 'B' / Lower Columbia-Old Glory Advisory Planning Commission met but there were not enough members present for quorum. However they decided to continue with their meeting and the comments were as follows;

*"The APC members present noted that a portion of the historic Dewdney Trail, referred to as Drakes Trail in this location, passes through the northerly portion of the parcel. It was also mentioned that the applicants expressed support for trails and retention of this feature for future use at an earlier meeting.*

*Members also highlighted statements and policies in the Electoral Area 'B'/Lower Columbia-Old Glory OCP that recognize the historical significance of the Dewdney Trail and the importance of recreational opportunities for area residents. A group of individuals has formed the Dewdney Trail Heritage Society and is researching whether the Dewdney Trail is a public right of way.*

*Recommendation:*

*The APC recommends to the Regional District that the application be supported and suggest that Planning and Development Department staff work with the applicants to determine if they would consider dedicating the trail as part of the OCP and Zoning Bylaw amendment and subsequent subdivision."*

#### **PLANNING AND DEVELOPMENT DEPARTMENT COMMENTS**

The future subdivision of the subject parcel offers an opportunity to secure, in perpetuity this portion of the Dewdney Trail. While this section is small, a trail dedication for this portion of the Dewdney Trail would help ensure the retention and connectivity of this historic trail.

The Planning and Development Department contacted the applicants to see if they would consider a trail dedication for Drakes Trail/Dewdney Trail. They are open to discussions regarding options to legalize the trail by way of statutory right-of-way or fee simple transfer of lands. Considering this development the Planning and Development Department will require additional time to coordinate resources and consider options to implement a trail dedication. Therefore, at this time, it is suggested that this application be deferred in order for staff to create an arrangement with the property owners, KCTS, Dewdney Trail Heritage Society, and the Province for a trail dedication.

**RECOMMENDATION**

That the application by Edward and Deyanne Davies for an OCP and Zoning Bylaw Amendment to the 'South Belt Rural Residential' designation and the 'Rural Residential 3' Zone for their parcel legally described as Township 9A, KD, NEPX63, Subsidy Lot 181 Except Plan 17164 SRW 15310 SRW 17069 be deferred to allow Planning and Development Department staff time to explore the possibility of securing the use of this section of the Dewdney Trail in perpetuity as part of this application.

**ATTACHMENTS**

*Site Location Map*

*Applicants' Submission*

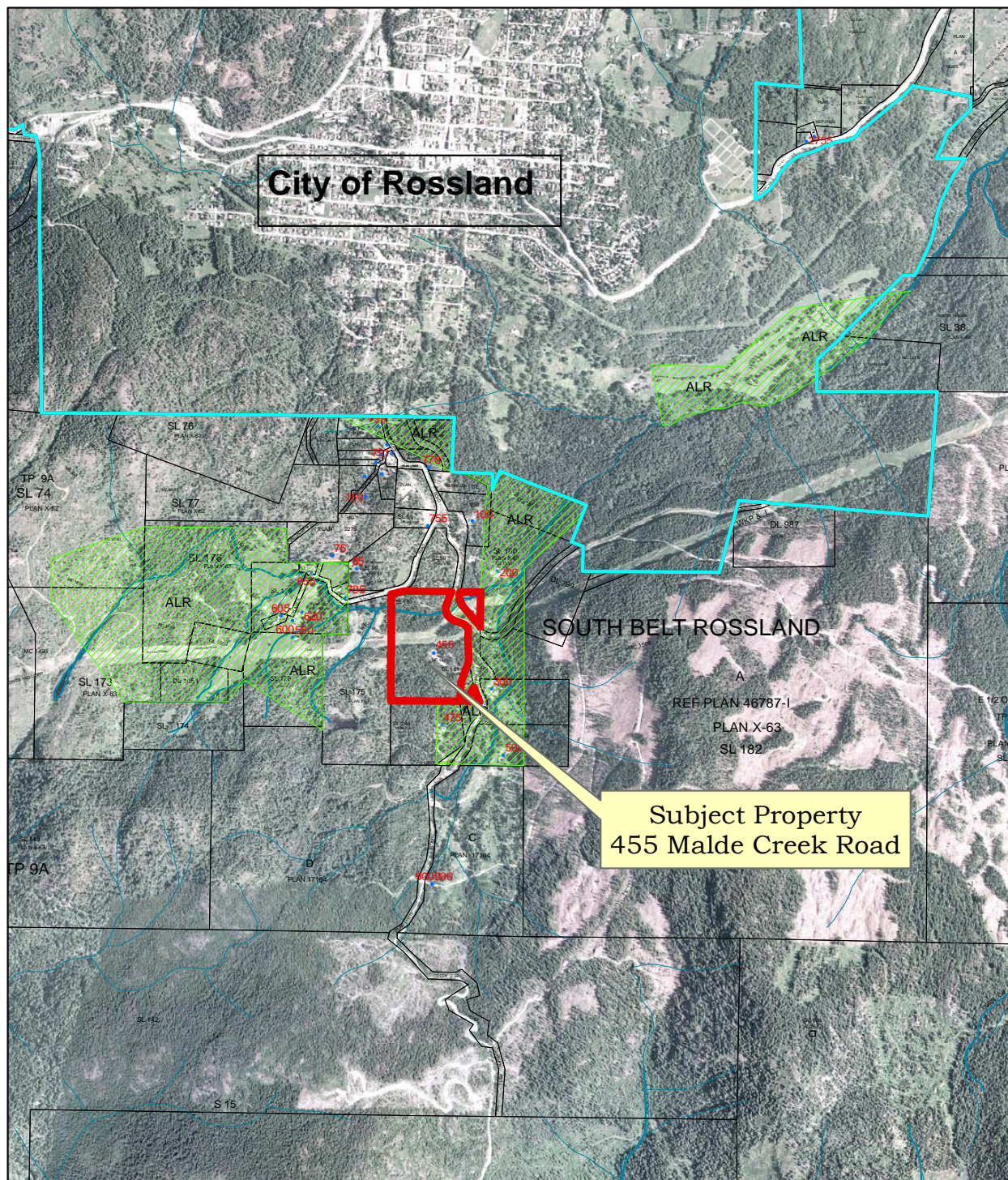
*Subject Property Map OCP*

*Subject Property Map Zoning*

*KCTS Drakes Trail/Dewdney Trail Map*



## Site Location Map



Projected Coordinate System:  
NAD 83 UTM Zone 11N



Mail - Deyanne Davies - Outlook

<https://outlook.live.com/owa/?ver=16.1027.13.1873621&cver=16.102...>

Applicants' Submission

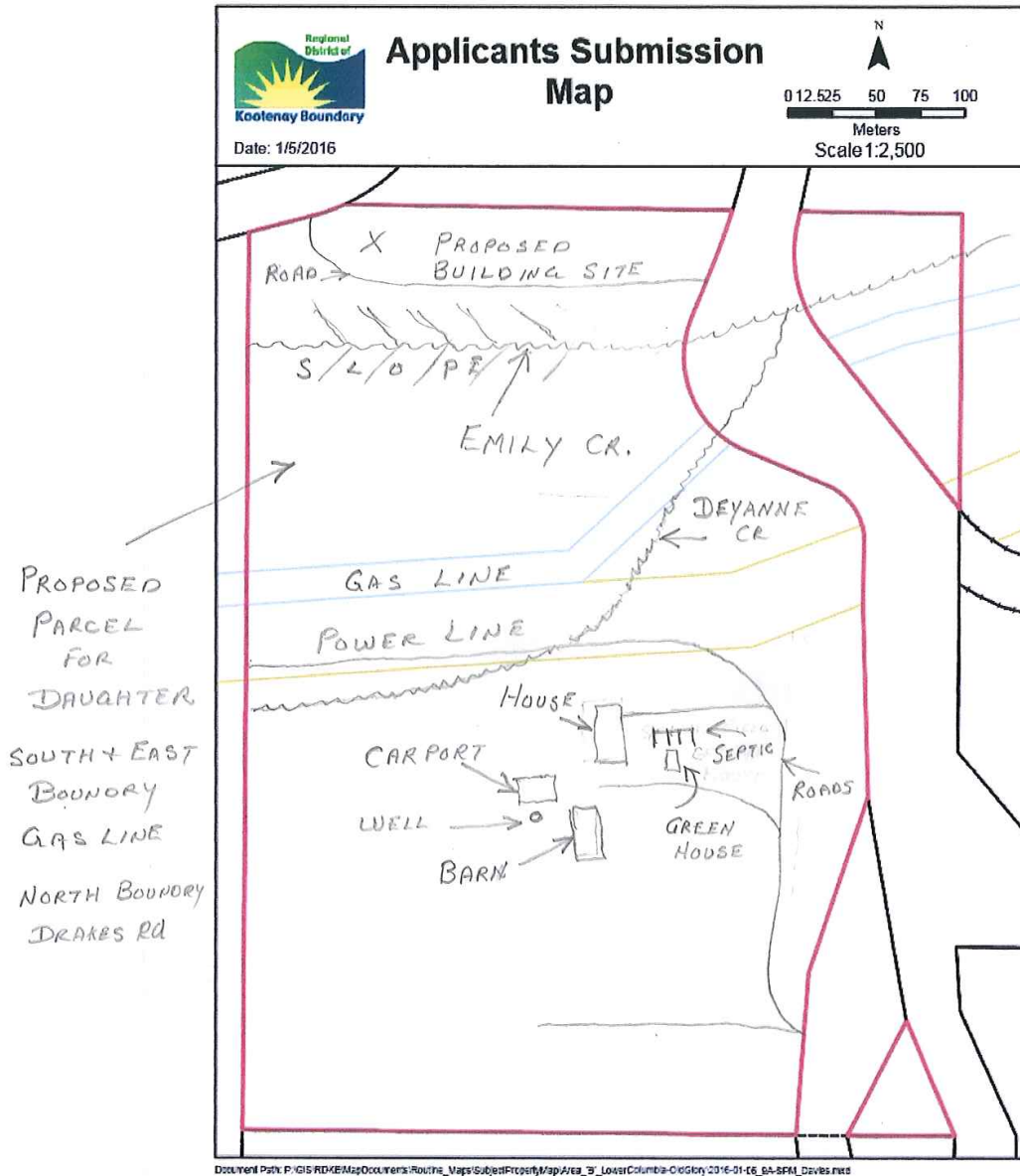
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Edit and reply

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Word Online

Print Find Download ? Help ...



455 Malde Creek Road

Plan NEP x 63 sublot 181 Township 9A  
Kootenay Land District, except plan 17164  
SRW 15310 SRW 17069

PAGE 1 OF 1

HELP IMPROVE OFFICE 100%

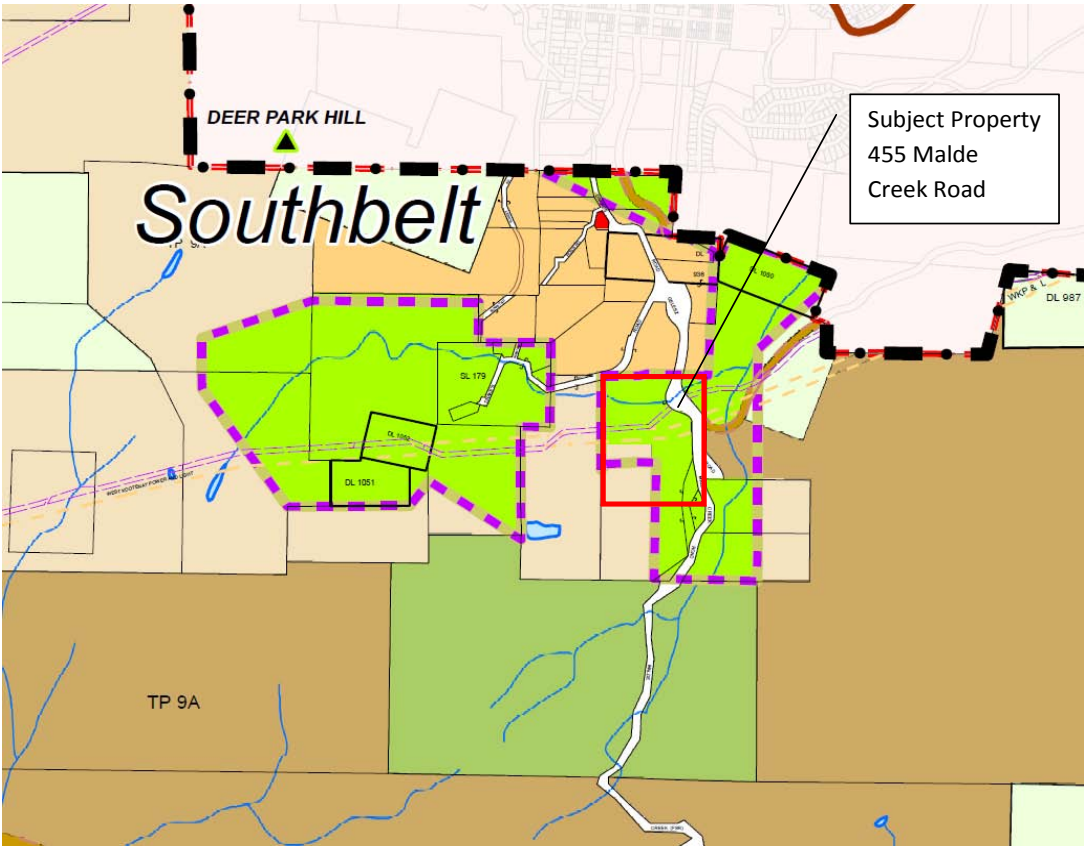
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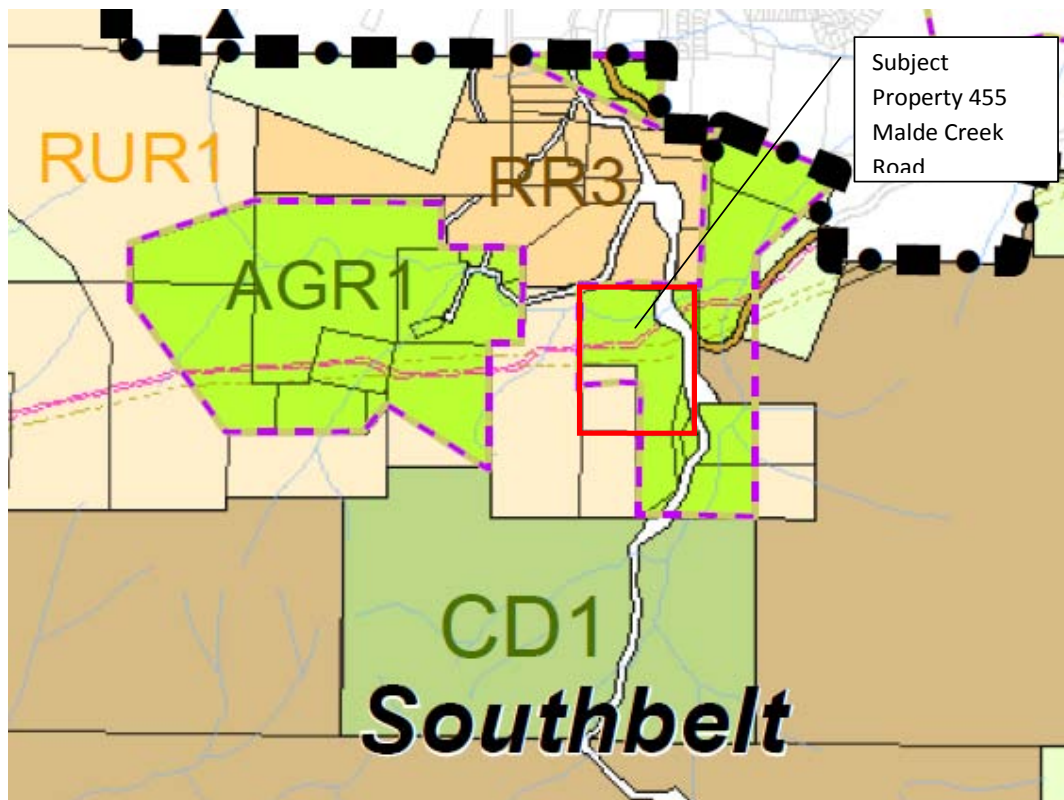
Subject Property Map OCP Bylaw No. 1470

- South Belt Rural Resident
- Drinking Water Resource
- Drinking Water Resource
- Rural Resource 1
- Rural Resource 2
- Rural Resource 3
- Forest Resource
- Agricultural Resource 1
- Agricultural Resource 2
- ALR

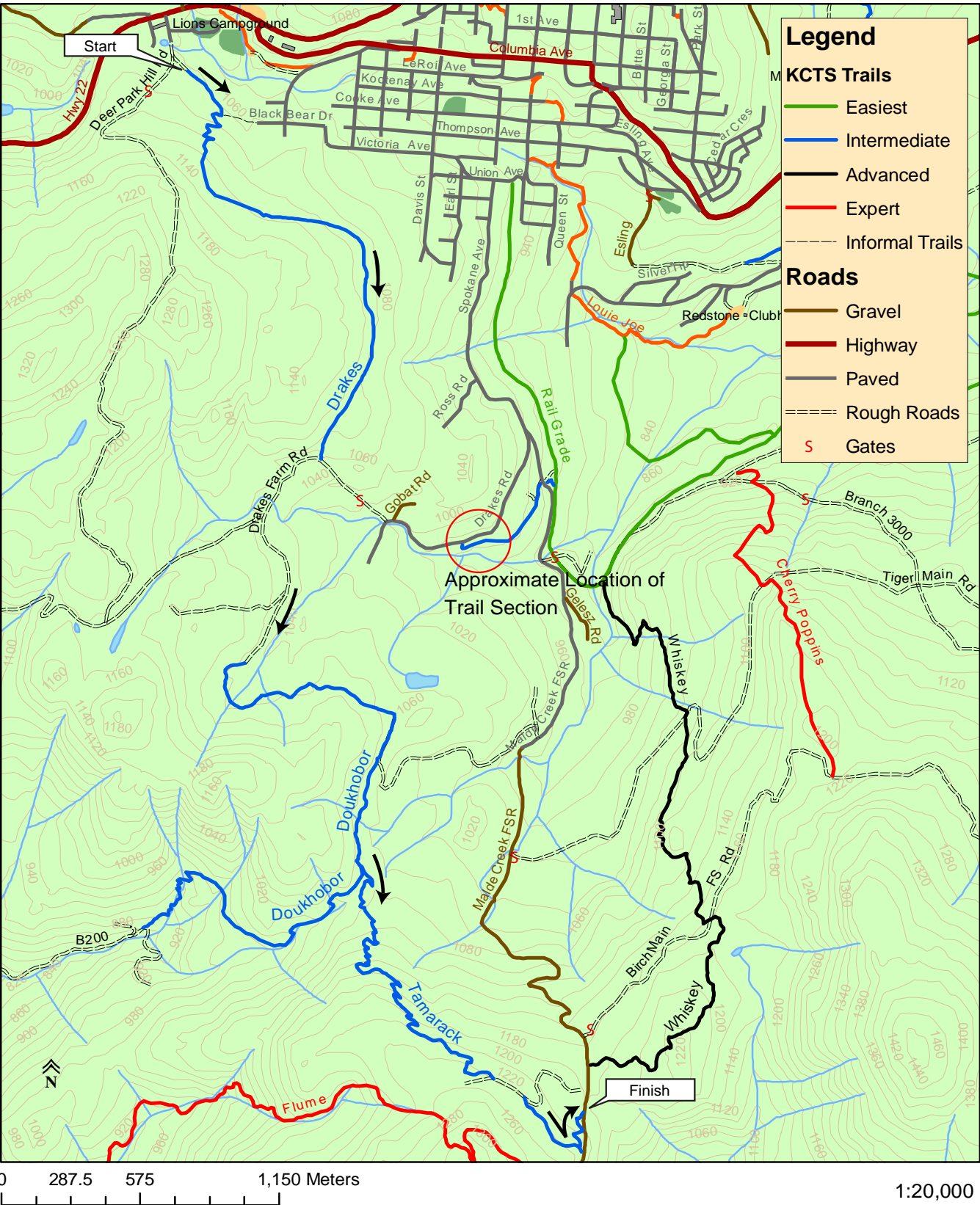


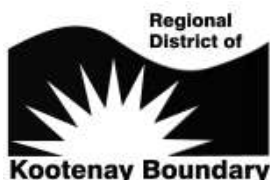
## Subject Property Map Zoning Bylaw No. 1540

- 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)
- ALR Boundary



# Drakes - Doukhobor - Tamarack





## Electoral Area Services Committee Staff Report

Prepared for meeting of February 2016

<b>OCP and Zoning Amendment</b>			
<b>Owner:</b> Kathleen Smythe		<b>File No:</b> C-963-04270.010 C-963-04270.015	
<b>Location:</b> 136 and 140 Alpine Road, Christina Lake BC, Electoral Area 'C'/Christina Lake			
<b>Legal Description:</b> Lot 3, Block 4 DL 963, SDYD, Plan KAP6348 (140 Alpine Rd) Lot 4, Block 4 DL 963, SDYD, Plan KAP6348 (136 Alpine Rd)		<b>Area:</b> 1477m <sup>2</sup> (0.365 acres) 1477m <sup>2</sup> (0.365 acres)	
<b>OCP Designation:</b> Waterfront Residential	<b>Zoning:</b> Waterfront Residential 2 (R2)	<b>ALR status:</b> Out	<b>DP Area:</b> No
<b>Contact Information:</b> Kathleen Smythe 159 Alpine Road Christina Lake, BC V0H 1E1 250-447-6201 <a href="mailto:info@sunflowerinnbb.com">info@sunflowerinnbb.com</a>			
<b>Report Prepared by:</b> Jeff Ginalias, Senior Planner			

### ISSUE INTRODUCTION

Kathleen Smythe has applied to amend the Electoral Area 'C'/Christina Lake OCP Bylaw No. 1250 and Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300 to re-designate and rezone two adjacent parcels from residential use to commercial use, to permit a campground or RV camping, in the Alpine Road neighbourhood. (*see Site Location Map*).

### HISTORY / BACKGROUND FACTORS

In August 2014, the owner applied for an OCP and Zoning bylaw amendments to permit 10 RV sites on these parcels. The application was considered by the Advisory Planning Commission and the Electoral Area Services Committee, but was not supported and it

lapsed. This is a new application, smaller in scale than the original submission, but still for a commercial use. The proposal is discussed in more detail below.

These two parcels are located on the north side of Alpine Road, away from the waterfront. The parcels are currently designated 'Waterfront Residential' in the Electoral Area 'C'/Christina Lake OCP Bylaw and are zoned 'Waterfront Residential 2' (R2) in the Electoral Area 'C'/Christina Lake Zoning Bylaw.

The applicant has been operating a commercial RV site on these two parcels for several years, she says since at least 2006. Originally there were 2 sites, which eventually grew to 5 sites over the 2 parcels. There have been upgrades to the parcels (more power, a septic system, benches and tables, camp site pads) to accommodate RV camping.

In the summer of 2014 the RDKB started receiving complaints from neighbouring property owners regarding the commercial land use in a residential area. Some of the specific complaints were noisy guests, heavy campfire smoke, trash, traffic congestion and access problems from large RV's and boat trailers.

More complaints were again received in early June 2015. The applicant was reminded that a commercial campground was not a permitted use on the parcels. Periodic staff site visits confirmed one RV on site, apparently occupied most of the summer. However, no additional complaints were received in 2015.

The applicant operates the Sunflower Inn B&B, at 159 Alpine Road. The septic system for the Sunflower Inn is on Lot 3 (140 Alpine Road). To protect the integrity of the septic system a covenant on Lot 3 restricts development on the parcel. There is additional discussion on this matter below.

## **PROPOSAL**

The applicant is requesting an OCP and zoning amendment to permit a total of 4 RV sites on these two parcels, for short term and long term stays (*see Applicant's Submission*). The application requests 1 RV site on Lot 3, and 3 RV sites on Lot 4.

The application also contains additional requests, some which may go against charges on title, one being the covenant previously referenced, and some which are beyond the authority of the Regional District.

## **IMPLICATIONS**

The property is zoned 'Waterfront Residential 2' in the current Electoral Area 'C'/Christina Lake Zoning Bylaw No. 1300 and was similarly zoned in the previous Electoral Area 'C'/Christina Lake Zoning Bylaw No. 900, 1996. Commercial campgrounds or RV sites are not permitted uses within this residential zone now and were not permitted uses in the prior zoning. Therefore this commercial operation is not legal non-conforming. It has no protected status. The fact that the Regional District has not enforced this contravention, either because they were unaware of it or somehow indicated tacit approval, does not create legal status for the use.

There are some policies in the Electoral Area 'C'/Christina Lake Official Community Plan which are relevant to Waterfront Residential development and commercial campgrounds in and around Christina Lake. They include:

***Electoral Area 'C'/Christina Lake OCP Provisions (Excerpts)***

The policies for the Waterfront Residential designated parcels are not extensive or detailed. However they recognize that these parcels are generally small lots, in difficult terrain up against the lake, and that further development in these areas should be carefully considered. There also is recognition of the unique historic development in the nearby Alpine Point Resort designation.

**2.11.1 Waterfront Residential**

Waterfront residential areas are characterized by smaller lots, private water and sewer services and difficult terrain conditions such as slope and soils. These factors, together with the anticipated higher per unit costs for the installation of community services suggest that further development at this time would be premature and could contribute to the degradation of lake water quality and the shoreline in general. Therefore, it shall be a policy of this plan to continue discouraging small lot subdivisions by supporting a minimum parcel size of 10 ha.

The maximum number of dwelling units shall be 1 per parcel in the implementing bylaws. Notwithstanding this policy, those parcels having multiple dwellings or guest cabins shall be classified as legal non-conforming.

Notwithstanding the permitted uses and densities in the Waterfront Residential designation the Alpine Point Resort shall be classified as a legal conforming use in the implementing Zoning Bylaw. This legal conforming status shall limit the maximum number of dwelling units to 66 and the total amount of habitable floor area to 4000 m<sup>2</sup> (which includes current buildings plus another 7 m<sup>2</sup> per cabin, plus about 69 m<sup>2</sup> each for the four undeveloped sites). New development will continue to be subject to Provincial regulations and approvals regarding sewage disposal.

The Area 'C'/Christina Lake OCP provisions on commercial campgrounds provide some goals, objectives and policies which may be useful. The provisions suggest that campgrounds blend into the surrounding environment, retain natural vegetation, be linked to camping related recreational opportunities, and provide some basic camping related facilities and amenities. These provisions were drafted with "traditional" campground locations in mind, essentially larger parcels devoted to a bigger scale camping operations rather the one currently before you under application, therefore some of these provisions are likely not applicable.

**2.3 Campground Commercial**

**2.3.1 Goals**

- That commercial campgrounds are integrated into the natural environment.

### **2.3.2 Objectives**

- Encourage the retention of trees and natural vegetation.
- Encourage connectivity with adjacent linear trail systems, where present.

### **2.3.3 Policies**

1. Those areas which are considered suitable as Campground Commercial designation are identified on the Land Use Map.
2. The permitted uses within the Campground Commercial designation shall be limited to include campgrounds as a principal use; and one convenience store not to exceed 100m<sup>2</sup> in retail floor area, and one single family dwelling as secondary uses.
3. Maximum density 50 campsites per hectare with a minimum area of 125m<sup>2</sup> per site will be permitted.
4. Must be connected to an approved sewage disposal system.
5. Provides temporary accommodation for the travelling public.
6. That cabins be considered as a permitted use in Campground Commercial designated areas.

There are other issues unique to this proposal, which are not reflected in the OCP policies on campgrounds, but should be given consideration in reviewing a proposal for a commercial campground in a residential neighbourhood.

One consideration is parking and access. Most commercial campgrounds are fairly spacious and have relatively good parking and access features for RVs to manoeuvre through. The Alpine area is notorious for having access and parking issues in the high season. Permitting a commercial RV campground in the midst of it will likely exacerbate the problem. Other areas in Christina Lake, such as Lavalley Point, which have permitted the combination of residential use with commercial campground operations, have recurring problems and complaints related to parking and access.

Another consideration is water. Water is provided to the residents thorough a community water service. The ability to service several campsites has not been explicitly addressed in this application. The applicant suggests the water is provided by the water provider (Alpine Water Association). One of the objections to the application is that this water service is for domestic residential use, and commercial use is prohibited, for liability reasons. This matter is not directly related to the application at hand, but it is relevant to the proposal in general, and would need to be resolved if this application moves forward.

Another concern is sewer, which was previously alluded to. One parcel (Lot 3) has a septic system serving the Sunflower Inn. Apparently a separate septic system was installed on Lot 4 and RV campsite waste from both parcels is connected to it. The applicant asserts the system is capable of handling this effluent, but no evidence has been provided. The adequacy of this system to handle fluctuating capacity is a



legitimate concern, not to mention whether there are regulatory concerns or permitting requirements connecting waste treatment systems from different parcels.

There does not appear to be a history of camping or parking RVs over the septic field on Lot 3, nor is there a developed campsite over the field. There is a building on the north end of the parcel, which is permitted under the terms of the covenant. The covenant states no habitable building, mobile home or unit, modular home or fixed equipment shall be constructed, reconstructed, moved, extended or located on Lot 3 (the covenant includes a provision for the previously referenced accessory building on parcel). Placing temporary RVs on the Lot 3 parcel, if they do not interfere with the septic system, is not specifically addressed in the covenant. A question could be raised whether a developed RV site is in contravention with the terms of the covenant if it does not impact the disposal field (*see Covenant KG25750*). It probably does not, but if the application goes forward, it may be appropriate to review the status of the septic systems on both parcels.

### ***Statutory Building Scheme***

The subject parcels, plus many of the surrounding parcels, have a statutory building scheme registered on Title. The building scheme was registered in 1978, when several of the residential parcels were created by subdivision. The building scheme intended to assure that development in the neighbourhood would conform to a standard on dwelling design (restrictions on trailers, mobile homes and RVs). The building scheme does not explicitly address permitting a campground operation, but an argument could be made that the proposal is contrary to the provisions, if not the intent, of the building scheme.

The Regional District is not a party to the building scheme, and therefore cannot enforce it. The holder of the building scheme, Okanagan West Shores View Estates Ltd., may no longer exist, however other parties subject to the covenant could form an organization to enforce the building scheme. Rezoning the parcels does not alter or affect the terms of the building scheme. The building scheme runs with the land as part of the Title, regardless of the local government land use regulations. If the parcels are rezoned, and the rezoning does not conform to the building scheme, it is conceivable that interested parties could initiate a civil action to enforce the provisions of the building scheme (*see Building Scheme*).

### ***Past Complaints Involving Commercial Campground at 136 and 140 Alpine Road***

The RDKB has received several complaints, mostly written but some verbal, about the commercial use of these parcels, and the recent application has generated several objections to rezoning, raising most of the same issues.<sup>1</sup> The concerns include:

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<sup>1</sup> The staff report attachments do not include copies of the objections received. There were nine letters (emails) of objection, basically stating the concerns noted in the following table. The applicant has submitted 13 letters of support for her application, all but one being a form letter. A redacted copy of



<b>Objections received by RDKB</b>	<b>Response from Applicant</b>
Size of the operation growing	This proposal is for 4 sites, unlike the previous application for 10.
Large fires and bonfires create a hazard, and smoke drift onto neighbouring properties	Proposes propane campfires, but asserts that campfires are a permitted use in the area.
There is no on-site manager overseeing the operation	There is an off-site manager who checks sites 3-4 times a day. The <b>manager's</b> relatives live next to the sites and notify the manager if there is an issue.
Concern over failure of septic systems and capacity issues	The applicant asserts there is an adequate septic system (no documentation was provided) other than providing the location for hook-up and the fact that only RV's with self contained washrooms would be permitted.
Traffic congestion with numerous large RV's and boats hindering emergency vehicle access and access to residential lots	The applicant asserts her renters usually park off the street and have not caused a problem in the past, and do not contribute to congestion.
RV Site users often have several guests, sometimes pitching tents, which increase traffic congestion and noise	The applicant asserts her guests are quiet by 10 pm and that no parties take place on the sites.
The neighbours purchased their properties for single family residential use and intended to be surrounded by the same use	The applicant provided a list of neighbours which were in support of the OCP and Zoning amendment for a commercial campground. While some of the letters are from nearby neighbours, none were included from the owners immediately to the south.
Property values may be affected	This was not addressed within the application
Residents pay an annual fee for water by way of private local water supply. Belief that water supply is not intended for commercial use.	The applicant asserts that there is an adequate water system in place and is provided with potable water from Christina Lake Water Suppliers. (No documentation provided in support of this by Christina Lake Water Suppliers).

the form letter is provided in the attachments. All the other letters are not attached, to protect privacy, and to avoid redundancy. The points raised have been made.

### ADVISORY PLANNING COMMISSION COMMENTS

At the Advisory Planning Commission (APC) meeting, the applicant and some supporters were present, as were some concerned neighbours. The applicant presented some additional written information on the status and use on several of the properties in the Alpine Road/English Point neighbourhood, as well as a couple more letters of support for her proposal. The applicant then presented her argument in favor of her application. The Chair then allowed some discussion between the APC members, the applicant and other members of the public on the application and the issues involved, trying to identify all the concerns, to help all the parties understand the issues, and to add some clarity and direction on this application to determine a path forward.

The APC comments are as follows:

The applicant made a lengthy presentation justifying her proposed use.

- An inquiry was made to the size of trailers which generally occupy the sites? The response was 26-36' travel trailers.
- A neighbour in opposition commented that nothing has changed. Neighbours still have same concerns and fear the legal change of use is inappropriate.
- Another neighbour commented that having multiple campfires on one small property compounds smoke problem.
- The APC Chair commented that perhaps there is some alternate way to address all parties' concerns.
- An APC member also asked if there was some way that the opposing parties could try to find a compromise.
- A neighbour is concerned that any meetings should be conducted when all the seasonal owners were available.

**The consensus of the APC** – they will not support a rezone to commercial use. However, in the interests of seeing if there is any solution available which is acceptable to all the parties, the APC would support a deferral of the application to allow the parties to meet and explore any available options. Three members abstained.

**Recommendation:** The APC recommends that this application be deferred to allow the parties an opportunity to meet to determine if there are any available options.

### PLANNING AND DEVELOPMENT DEPARTMENT COMMENTS

Following the APC meeting, and in response to the APC recommendation to defer to allow the parties to meet and explore any options for agreement, the neighbours in opposition to the application discussed the matter amongst themselves and have determined that there is no common middle ground which can be agreed upon, and thus there is no need for further discussion amongst the parties (*see Neighbourhood Follow up Response*). Simply put, they oppose a campground in the neighbourhood. Accordingly, they see no benefit to further conversation on the matter. It's either permitted to be a campground or it's not; there is nothing in between.

The APC recommends the application be deferred, to allow the parties an opportunity to explore the matter further. The neighbours have since come forward and clearly state that they oppose the proposal, in this form or basically any form. With that in mind, is there any proposal the applicant can put forward which might gain widespread support in neighbourhood? If so, then she should be given an opportunity to present it. But if not, then is there any real purpose served by deferring this application? If not, then perhaps the Committee should adopt a resolution based on the merits of the application.

The options for the Committee include:

- Defer the application to allow the applicant to explore other options which may be more acceptable; or
- Provide a recommendation to the Board on the merits of the proposal.

If the Committee is inclined to adopt a resolution on this proposal, or allow the applicant to submit a revised proposal, there are some things the Committee should consider:

Is there a need for additional RV campsites at Christina Lake?	Probably so.
If there is a need, is this a proper location for an RV campsite?	Strong arguments against it.
If it determined that this may be an acceptable location, what should be the scope of the operation?	Balance commercial use in residential neighbourhood with small lots and existing parking and access problems. Enforcement issues may arise, some which may involve matters beyond RDKB authority.
If this proposal is approved, will it result in more applications?	If so, what criteria should be established for future applications?

## RECOMMENDATION

That the application be deferred to allow the applicant an opportunity to revise the proposal to try to address the concerns raised about a commercial campground operation in this residential neighbourhood.

## ATTACHMENTS

*Site Location Map; Applicant Submission and Additional Information; Building Scheme Covenant KG25750; Neighbourhood Follow up Response*







Document Path: P:\GIS\RD\B\MapDocuments\Routine\_Maps\SubjectPropertyMap\Area\_'C'\_ChristinaLake\2016-02-02-SPM-9A-TWP\_Smythe.mxd



Applicant's Submission

## Reasons for requesting this application

- (1) to provide sites for rent in this area as there is a need
- (2) to provide myself with <sup>added</sup> income
- (3) there is no provision for this in my area with the existing bylaw
- (4) this land has had continued use as a "campground" since before 1960, family campground  
was used as a temporary trailer site by McKinnon's ~~then~~ now myself. since 1993 and still is today.
- (5) I am requesting to be granted permission to rent out sites for RV's in a temporary stays capacity of weekly, biweekly and monthly stays for spring, summer & fall (early) use.
- (6) I have several neighbours in favour of my proposal.  
- letters of support enclosed upon request.

**RECEIVED**

JAN 13 2016

REGIONAL DISTRICT OF  
KOOTENAY BOUNDARY



Applicant's Submission

Certificate of Title [✓] lot 3 [✓] lot 4

Plan drawn to scale

• legal boundaries

lot 3 60 x 265

lot 4 60 x 265

• no new lots

• no topographical restraints

• buildings - 2 sheds

1 - lot 3

1 - lot 4

• proposed buildings - none @ present time

• access roads - there are no existing driveways

(1) for lot 3 east side of lot  
+ (1) for lot 4 west side of lot  
2

existing driveways were there before lots were purchased

at present time - no existing fences  
natural screening - trees & shrubs

• sewage disposal - already exists - i.e. tile field  
drainage field - put in by R. Darrall

• water source - Christine Lake Water Suppliers  
potable water -

• earthworks - like natural as much as possible

RV sites

het3 Pad 1

REGIONAL DISTRICT OF  
KOOTENAY BOUNDARY

502

PP power pole Acres  
Septic Tank 5 Tank  
S sewer  
W water  
P power.



Applicant's Submission

Re:- complaints of summer 2014

- (1) re:- campfire smoke - propose propane campfire, but campfires are permitted use -
- (2) noise! quiet by 10 pm. / no parties  
My guests are
- (3) "transient people" -
  - (1) firemen
  - (2) professionals
  - (3) relatives of CHARA people - cousins, brothers etc.
  - (4) golfers
  - (5) relatives of owners across the lake

please
- (4) off site manager: sites are checked daily sometimes 3-4 x / d.  
owner lives 4 houses away.  
- her relatives are next door to the lots and are respectful professional people.

**RECEIVED**

JAN 13 2016

REGIONAL DISTRICT OF  
KOOTENAY BOUNDARY

Applicant's Submission

**Letter of Recommendation regarding of Operation of RV Sites for 136 and 140 Alpine Road for Rental Purposes. July 2015**

I/We are in favour of Kathleen Smythe, operating RV sites for rental purposes at 136 and 140 Alpine Road. She has been operating from 1996 -fall of 2014. She has contributed to our local area of "Alpine" by providing RV sites for our friends and relatives to come and visit us at the lake for the past eighteen years in the Alpine Area and for the people that visit their friends and relatives across the lake.

Kathleen has helped bring people to our area –letting them COME HOME TO THE LAKE as per Grace MacGregor's Christina Lake slogan.

She has contributed to the local business economy by providing business to the following businesses: Christina Lake Marina – her tourists rent boats and shop at the local marina a few blocks away, Christina Lake Golf Course, Cascade Par 3, Mini Golf -they golf at our golf courses, Owl Mountain Ranch, Lakeside General Store, Huckleberry Mountain Market, From the Hearth, Ravenous, Beach Hut, Wildways, Esso- they shop at our grocery stores, bakeries, and shops, they eat at our restaurants. All the campgrounds-she sends the potential tourists that she does not have room for or cannot accommodate to all the other campgrounds.

She cares for and keeps her land well, and is a good neighbour. We find that her patrons are friendly, great people, who do not litter, or cause a raucous, they are considerate with their bonfires. She runs her business well and has been conscientious about it for the past 18 years. Our friends and relatives stay at her RV sites and they are not considered transient people.

We ask that you provide a variance to the zoning, or change of zoning for Kathleen Smythe to operate these RV sites legally for rental purposes in the spring, summer and fall as she has done in the past 18 years. She prefers to rent to people that are willing to stay for one, two, or three weeks or for longer terms.

Her RV renters usually park off the street and have not caused a problem in the past and do not contribute to congestion in our neighbourhood as the RDKB surmises. We ask that she be given permission to operate 4 RV sites. She accepts RV units that are self-contained with their own washrooms only. She has an adequate sewer system for these RV sites and gets potable water from Christina Lake Water Suppliers Society. Thank you for taking care of this now and for providing for the necessary changes in your zoning bylaws to allow Kathleen to operate her small RV rental business. We feel it is an asset to our area at Alpine. Thank you, from her friendly neighbours. Further comments may be on the reserve side.

Name

Address

Phone number

#years

as her

neighbour

REGIONAL DISTRICT OF  
KOOTENAY BOUNDARY

Applicant's Submission  
Additional Information

24 lots in Block 4 Plan 6348 SDYD 963

Here are some facts:

1 lot is CLARA on Lot#24

This leaves 23 lots

2 lots are empty, just bare land, they have water, one has power, both have no sewage -#5 & 6

2 lots for septic fields only - #12 and 13

3 lots for garages - #7, #19 and #23

8 lots for trailers and possibly 2 more makes 10 - #14, 15, 16, 20, 22, 3, 4, 10

4 lots for cabins - #17, 21, 1, 2 are summer use only

4 lots for houses (3 of which are used all year round, one is used 6 months of the year) 18, 8, 9, & 11

19 of 23 of these lots do not have permanent homes on them since these lots were released as separate lots in 1978 (this is 38 years)

There are only 4 permanent homes-one of these is used for only 6 months of the year.

Only 2 homes have been built in the last ten years.

2 of the cabins were there before 1978

6 of the eight cabins and homes were built prior to the last 10 years. Not a lot of neighbourhood making. 2 of the buildings have been there since before 1960.

Only 2 homes have been built on these lots in the last 10 years.

This past year 2015, on Alpine Road there are only 9 permanent residents in 6 houses, in 2014 there were only 5 or 6 of us.

Not a lot of change in this neighbourhood.

Applicant's Submission  
Additional Information

8 of these lots have had trailers on them consistently for the last 38 years.

9 until last year, 10 until Seminoff's house was built 2-3 years ago.

CLARA is one lot with 68 sites on it with seasonal cabins, this is a campground under the campground definition. Many of these cabins are rented in the summer time. With more than 4 cabins being rented on one lot this now becomes a commercial entity. This falls under your definition of a campground today, but you have given it a special name:

"Seasonal residential"

The same argument applies for English Point Resort, these are seasonal cabins that are on one lot and some of them are rented out, this is another campground with a special name.

Lot 14 and 15 is a family campground

Lot 16 is a family campground

Lot 20 is a family campground

Lot 10 is a campground with a website

Lot 3 & 4 has been a campground until fall of 2014.

CLARA, English Point Resort, and the 3 mentioned campground plus mine make 6 campgrounds in this area called Alpine (encompassed by Alpine Road) on nine separate lots.

By the definition of campground in the RDKB bylaw definitions, not all of them are commercial. But some are.

By definition of commercial- CLARA is commercial, English Point is commercial,

Lot 10 is commercial, and Lot 3 and 4 could be commercial again.

These commercial entities have earned some money. Is there harm done in this? My answer would be no, so what is the fear, may the bylaw or the permitted use be changed please and may a permitted use for me be granted to legally rent out an RV site. Thank you.

Applicant's Submission  
Additional Information

Lot 3 & 4 could have a special name as well, and be allowed to legally rent out sites or units. Is there any harm being done to anyone by doing this? If there is, what is it? If there is harm, is this harm perceived or real? From 1993-2014 there was no harm done.

Does changing the zoning or granting renting out RV sites as a permitted use devalue the properties on the lakeside or the other neighbours on Alpine Road and Larson Road, it does not seem to have done so from 1993-2014. No one's property values changed because I had rented out my RV sites. Property values changed with the Land Assessment Authority based on the relative market value of the land sold in the year that it was sold. Land values seemed to be dependent on: hot weather-stifled by fires in our area, hazardous waste treatment plants trying to come to our area (not many properties sold here in the two years that this was put forth, economy of the area and of our province.

RECEIVED  
STAFF OFFICE  
JUN 28 80  
B ADD  
TITLES

N 26190

78 MAY 15 14:42

## FORM V

## DECLARATION OF CREATION OF BUILDING SCHEME

WE, OKANAGAN WEST SHORES VIEW ESTATES LTD., a body corporate,  
of Second Floor, 1560-A Water Street, in the City of Kelowna,  
Province of British Columbia, DECLARE:

1. THAT we are the registered owners in fee simple of  
Lots 2 to 10 inclusive  
Lots 14 to 22 inclusive  
All in Block 4, District Lot 963, Similkameen Division  
Yale District, Plan 6348.
2. WE HEREBY CREATE a Building Scheme relating to the  
lots.
3. A sale of any of the lots is subject to the restrictions  
enumerated in the schedule.
4. The restrictions shall be for the benefit of all of  
the lots.

DATED at Kelowna, in the Province of British Columbia,  
this 11<sup>th</sup> day of MAY, 1978.

The Corporate Seal of OKANAGAN WEST  
SHORES VIEW ESTATES LTD. was here-  
unto affixed in the presence of:

MAY 17 1978  
Registered the \_\_\_\_\_ Day of \_\_\_\_\_  
19 \_\_\_\_\_ on Application Received  
at \_\_\_\_\_ and Stamped

Substitute Forms 'A', 'C', 'D' & 'E'  
Particulars

Applicant: R. HARRIS  
Address: Box 945  
Phone No: 372-2924  
Selling Agent for: C.R.W. 002  
Declared Value: N/A  
Nature of Document/Charge: S.B.S.  
Forwarded to: B/T to Applicant  
Signature: R. Harris  
Signature of Applicant/Selling Agent

1978 050659 2

3/5

15 MAY 78



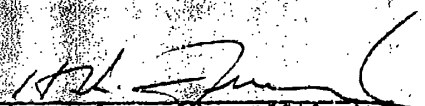
### SCHEDULE

1. No houses shall be moved onto any of the lots save and except new prefabricated homes which may be moved onto the lots subject to the approval of the Promoter, the Building Inspector and the Health Department.
2. No signs shall be placed on vacant lots without permission of the Promoter prior to March 1, 1985
3. No poultry or livestock shall be kept on the lots
4. No trailer, double-wide trailer home or mobile home shall be moved onto any of the lots, even if located on cement foundations, without the written consent of the Promoter, Okanagan West Shores View Estates Ltd., the Building Inspector and the Health Officer.
5. No dwelling shall be allowed to remain uncompleted on the outside of the building for more than one year after the commencement of construction of such dwelling.
6. No building shall be erected or maintained on the lots except a single family dwelling house having complied with the Canadian Building Code and the building regulations of British Columbia. However, with the written approval of the Promoter, the Building Inspector and the Health Officer, duplexes will be permitted on the larger lots or on two adjoining lots and, further, with the written approval of the Promoter, the Building Inspector and the Health Officer, multiple dwellings may be permitted on a multiple of adjoining lots.
7. Recreational camper units or motor homes, not exceeding 35' in length, may be placed on the property for a period of three months in any one year providing, however, the unit meets the requirements of the Building Inspector, the Health Officer and the Regional District of Kootenay Boundary.
8. No person shall be liable for breaches of the restrictions herein contained except for breaches committed or continuing during his, her or their joint or sole seisin of or title to the lot upon which or in respect of which such breaches shall have been committed.

ACKNOWLEDGEMENT OF OFFICER OF A CORPORATION

I HEREBY CERTIFY that on the 12<sup>th</sup> day of MAY, 1978, at the City of Kelowna in the Province of British Columbia, Patrick John McBride, personally known to me, appeared before me and acknowledged to me that he is the President of Okanagan West Shores View Estates Ltd. and that he is the person who subscribed his name to the annexed instrument as President of the said Company and affixed the seal of the said Company to the said instrument; that he was first duly authorized to subscribe his name as aforesaid and affix the seal to the said instrument and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY WHEREOF I have hereunto set my Hand and Seal of Office, at the City of Kelowna, in the Province of British Columbia, this 12<sup>th</sup> day of MAY, 1978.

  
A Commissioner for taking Affidavits  
for the Province of British Columbia

H. R. FRIETWELL  
BARRISTER & SOLICITOR  
STE. 101-1470 ST. PAUL ST.  
KELOWNA, B.C.



CONSENT OF MORTGAGEE

Cascade Alpine Inn Ltd., a body corporate, of  
 Castlegar Medical Arts Building, in the village of  
 Castlegar, Province of British Columbia, being the  
 holder of a mortgage registered under number \_\_\_\_\_  
 against the lands described in the within Building  
 Scheme, DO HEREBY CONSENT to the creation of the said  
 Building Scheme.

DATED at CASTLEGAR, British Columbia, this  
11<sup>th</sup> day of MAY, 1978.

The Corporate Seal of CASCADE  
 ALPINE INN LTD. was hereunto  
 affixed in the presence of:

Gustav Leitner President  
Harold R. Smythe Secretary-Treasurer

ACKNOWLEDGEMENT OF OFFICERS OF A CORPORATION

I HEREBY CERTIFY that, on the 11<sup>th</sup> day of MAY, 1978,  
 at CASTLEGAR, British Columbia, Gustav Leitner, Sr., who  
 is personally known to me, appeared before me and acknowledged  
 to me that he is the PRESIDENT of Cascade Alpine Inn Ltd.,  
 and Dr. Harold R. Smythe, who is personally known to me, appeared  
 before me and acknowledged to me that he is the SECRETARY  
 of Cascade Alpine Inn Ltd., and both the aforementioned acknowledged  
 that they are the persons who subscribed their names to the annexed  
 instrument as President and Secretary-Treasurer of the said company  
 and affixed the seal of the said company to the said instrument;  
 that they were first duly authorized to subscribe their names as  
 aforesaid and affix the said seal to the said instrument and that  
 such corporation is legally entitled to hold and dispose of land  
 in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of  
 Office at CASTLEGAR, in the Province of British Columbia,  
 this 11<sup>th</sup> day of MAY, 1978.

J. M. Young  
 A Commissioner for taking Affidavits  
 for the Province of British Columbia

Status: Registered

Doc #: KG25750

RCVD: 1993-03-29 RQST: 2014-07-08 08.59.02

## PART 2 - TERMS OF INSTRUMENT

Page 4

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 1993

BETWEEN:

KATHLEEN MARGUERITE LOUISE MACKENZIE, Nurse  
 General Delivery  
 Christina Lake, British Columbia, V0H 1E0  
HAROLD HEMPHILL SMYTHE, Physician and Surgeon  
 313 Silica Street  
 Nelson, British Columbia, V1L 4M4  
 (hereinafter called the "Grantor")

OF THE FIRST PART,

AND:

HER MAJESTY THE QUEEN IN RIGHT OF  
THE PROVINCE OF BRITISH COLUMBIA  
 as represented by:

Medical Health Officer  
 for the Central Kootenay Health Unit  
 810 - 10th Street, Castlegar, British Columbia  
 V1N 2H7

-and-

Ministry of Transportation and Highways  
 Parliament Buildings, Victoria, British Columbia,  
 V8V 1X4

REGIONAL DISTRICT OF KOOTENAY BOUNDARY  
 #202 - 843 Rossland Avenue  
 Trail, British Columbia, V1R 4S8

(hereinafter called the "Grantee")

OF THE SECOND PART.

## W H E R E A S:

A. Both KATHLEEN MARGUERITE LOUISE MACKENZIE and HAROLD HEMPHILL SMYTHE are the registered owners in fee simple of the following lands in the Province of British Columbia, more particularly known and described as:

Page 5

Lot 1, Block 5, DL 963, SDYD, Plan 6348 Except Plan 8781

and the Grantor, KATHLEEN MARGUERITE LOUISE MACKENZIE, is the registered owner in fee simple of the following lands in the Province of British Columbia, more particularly known and described as:

Lot 3, Block 4, DL 963, SDYD, Plan 6348

(hereinafter called the "Lands" or "Lot 1" or "Lot 3");

B. The Grantor proposes to build a residence on Lot 1, Block 5, DL 963, SDYD, Plan 6348 Except Plan 8781 according to a preliminary plan completed on October 21, 1992 by Newman Engineering Limited, a copy of which is attached hereto as Schedule "A";

C. Lot 1 does not have sufficient area to install a proper sewage disposal system in accordance with the requirements of the Ministry of Health and the Regional District of Kootenay Boundary;

D. A covenant under section 215 of the Land Title Act is required by the Medical Health Officer for the Central Kootenay Health Unit pursuant to the Health Act as a condition of the consent to approval of a sewage disposal system on Lot 3 for the benefit of the residence to be constructed on Lot 1;

E. Section 215 of the Land Title Act provides that there may be registered as a charge against the title to Lot 1 and Lot 3 a covenant in favour of the Province and a Regional District that land is to be used in a particular manner or that land is not to be built on except in accordance with the covenant;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada and other good and valuable consideration paid by the Grantee to the Grantor, the receipt of which is hereby acknowledged, the Grantor does hereby covenant and agree with

Page 6

the Grantee under Section 215 of the Land Title Act of the Province of British Columbia as follows:

1. The Grantor on behalf of themselves, their heirs, executors, administrators, successors and assigns, hereby covenants and agrees with the Grantee as a covenant in favour of the Grantee pursuant to Section 215 of the Land Title Act, it being the intention and agreement of the Grantor that the provisions hereto be annexed to and run with and be a charge upon the Lands, that from and after the date hereof:

- (a) No habitable building, mobile home or unit, modular home or fixed equipment shall be constructed, reconstructed, moved, extended or located on Lot 3; PROVIDED that the existing driveway and vegetable and flower garden together with a yet to be built garage or carport and tool shed can be erected on Lot 3 as long as it does not interfere with the sewage disposal system to be installed on Lot 3.
- (b) No pipes or conduits shall be buried on Lot 3 except for a sewage disposal system approved by the Grantee, and a water pipeline to water the existing vegetable and flower garden and power to operate the garage door and light.
- (c) Neither Lot 1 nor Lot 3 can be sold as separate lots, as the sewage disposal system on Lot 3 is to be constructed to service the residence to be constructed on Lot 1.
- (d) No bedrooms will be added to the house other than the bedrooms set out in the house plans.
- (e) No water, plumbing fixtures or appliances will be installed or used in the house except for low water faucets, showers, dishwashers and clothes washers.

Page 7

2. The Grantor will indemnify and save harmless the Grantee and its servants and agents against all losses, damages, costs and expenses, including fees of solicitors and other professional advisors arising out of any breach, violation or non-performance of any terms, conditions, covenant or other provision of this Agreement.

3. (a) No term, condition, covenant or other provision of this Agreement will be considered to have been waived by the Grantee unless the waiver is expressed in writing by the Grantee.

(b) Any waiver by the Grantee of any term, condition, covenant or other provision of this Agreement or any waiver by the Grantee of any breach, violation or non-performance of any term, condition, covenant or other provision of this Agreement does not constitute and will not be construed as a waiver of any further or other term, condition, covenant or other provision of this Agreement or any further or other breach, violation or non-performance of any term, condition, covenant or other provision of this Agreement.

4. The terms, conditions, covenants and other provisions of this Agreement will extend to, be binding upon and enure to the benefit of the parties to this Agreement and their respective successors and assigns.

5. In this Agreement unless the context otherwise requires, the singular includes the plural and vice versa.

6. This Agreement will be interpreted according to the laws of the Province of British Columbia.

7. Where there is a reference to an enactment in this Agreement, the reference will include any subsequent enactment of the Province of British Columbia of like effect and all enactments referred to are enactments of the Province of British Columbia.

Page 8

8. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

9. This Agreement runs with the lands and will be registered as a charge against the title to the lands under Section 215 of the Land Title Act.

10. Nothing contained or implied in this Agreement will prejudice or affect the rights, powers and remedies of the Grantee in the exercise of the Grantee's functions under any public or private statutes, regulations, bylaws or orders or in equity, all of which may be fully and effectively exercised by the Grantee in relation to the Grantee or the lands as if this Agreement had not been made.

11. The Grantor will do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Agreement.

12. This Agreement will not be modified or discharged except in accordance with the provisions of Section 215(5) of the Land Title Act.

13. This Agreement shall be interpreted according to the laws of the Province of British Columbia.

14. This covenant will only be registered as a charge on the Land if a residence is in fact built on Lot 1 otherwise it will be null and void.

15. This covenant becomes null and void when a community sewage system is established.

Status: Registered

Doc #: KG25750

RCVD: 1993-03-29 RQST: 2014-07-08 08.59.02

Page 9

16. Where there is a reference to an enactment of the Province of British Columbia in this Agreement, that reference shall include a reference to any subsequent enactment of the Province of British Columbia of like effect, and unless the context otherwise requires, all statutes referred to herein are enactments of the Province of British Columbia.

IN WITNESS WHEREOF the parties hereto have executed this Agreement on the day and year first above written.

SIGNED, SEALED AND DELIVERED  
by the Grantor in the presence of: )

Name PETER SOMERVILLE )  
Address 135 Market Avenue, )  
P.O. Box 1016, )  
Occupation Grand Forks, B.C. V0H 1H0 )

Kathleen Mackenzie  
KATHLEEN MARGUERITE LOUISE MACKENZIE

SIGNED, SEALED AND DELIVERED  
by the Grantor in the presence of: )

Name Peter Kanigan )  
Address 515 Vernon Street )  
Occupation Nelson, B.C. V1L 4E9 )  
Notary Public

Harold Hemphill Smythe  
HAROLD HEMPHILL SMYTHE

This is the instrument creating the condition of Covenant pursuant to section 215 of the Land Title Act by the Grantor referred to herein.

Nelson Amos  
APPROVING OFFICER/Medical Health  
Officer for the Central Kootenay  
Health Office

[Signature]  
APPROVING OFFICER/Ministry of  
Transportation and Highways

[Signature]  
APPROVING OFFICER/Regional District  
of Kootenay Boundary

Page 9 of 10

Letter of Opposition

Ellen McDonnell  
2221 Fife Road  
Christina Lake BC  
V0H 1E3

To:  
Christina Lake Advisory Council, Mr. Dave Durand  
Mr. Jeff Ginalias, Planning Dept. RDKB  
Ms. Kathleen Smythe

3 February 2016

Pursuant to our discussion of the evening of the 2<sup>nd</sup> February, when it was suggested that I might meet with Kathleen Smythe regarding her proposal for a rezoning of the two properties in question on Alpine Road, I have consulted with neighbours and have attempted to draw up an agenda for a possible meeting. I find that this presents a significant challenge.

The problem is this: what would there be to discuss? First, there is no campground arrangement for these properties that would be acceptable to the neighbours, for the many reasons that have been enumerated elsewhere. Secondly, the rezoning of the properties in question is not going to happen.

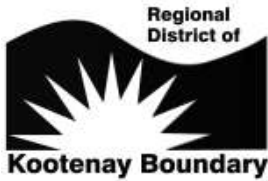
I'm afraid that there's no possible common ground between Ms. Smythe and her neighbours with respect to rezoning these properties, as we all simply oppose changing the bylaw, rezoning the properties, and establishing a campground. So I would have nothing to offer by way of conversation in any possible meeting other than to repeat our concerns, objections, and legal rights, which Ms. Smythe has certainly already heard. We will not condone any illegal commercial venture on those properties.

I would be in a position of simply restating all of the above and advising Ms. Smythe to withdraw her proposal.

Yours truly,

Ellen McDonnell





## Electoral Area Services Committee Staff Report

Prepared for meeting of February 2016

<b>Development Variance Permit</b>			
<b>Owners:</b> Anthony Jewitt and Courtney Courter Jewitt		<b>File No:</b> C-970-04474.020	
<b>Agent:</b> Casper Venter, Venter Construction And Solar Inc.			
<b>Location:</b> 2065 Massie Road, Electoral Area 'C'/Christina Lake			
<b>Legal Description:</b> Lot 2, DL 970, SDYD, Plan KAP53896		<b>Area:</b> 0.63 acres (2550 m <sup>2</sup> )	
<b>OCP Designation:</b> Residential	<b>Zoning:</b> Single Family Residential 1 (R1)	<b>ALR status:</b> No	<b>DP Area:</b> Waterfront Environmentally Sensitive Development Permit Area
<b>Contact Information:</b> Casper Venter Venter Construction and Solar Inc. 1920 Ritchie Road Christina Lake, BC V0H 1E2 250.666.1611 <a href="mailto:casper@venterinc.com">casper@venterinc.com</a>			
<b>Report Prepared by:</b> Carly Rimell, Planner			

### ISSUE INTRODUCTION

Anthony Jewitt and Courtney Courter Jewitt through their agent Casper Venter of Venter Construction and Solar Inc. have applied for a Development Variance Permit to construct an accessory building to be used as a boathouse on their residential property on Massie Road in Area 'C'/Christina Lake. They seek an interior parcel line variance of 1.9 meters (from 3.0m to 1.1m). The application has been modified from the original request to place the structure 0.2m from the interior side parcel line.

## **HISTORY / BACKGROUND FACTORS**

The subject property is located at 2065 Massie Road (*see Site Location Map; Applicants' Submission*). The property is designated 'Residential' in the Electoral Area 'C'/Christina Lake Official Community Plan and zoned 'Single Family Residential 1' (R1) in the Electoral Area 'C'/Christina Lake Zoning Bylaw.

On the property there is a single family dwelling and a detached garage in the southern corner. There is an existing boathouse in the northern corner of the parcel bordering Christina Lake. The existing boathouse is falling into disrepair so the applicants would like to replace it partially within the existing footprint while expanding the size from 240 ft<sup>2</sup> to 400 ft<sup>2</sup> (*see Site Photos*).

## **PROPOSAL**

The applicants propose to construct an accessory building on the north corner of their property for boat storage. The proposed accessory building is 16 ft x 25 ft (4.9m x 7.6m). The accessory building will meet the required 3.0 meter setback from the natural boundary of Christina Lake as it will be sited at 4.5 meters. To site the building where the applicants would like will require a Development Variance Permit to modify the setback from the interior side parcel line. The variance requested is;

- Interior side parcel line variance of 1.9m (from 3.0m to 1.1m).

## **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.

The proposed variance would allow the owners to replace the boathouse and still use the existing ramp. There are constraints to the buildable area as there is a large grassy knoll in the middle of their yard. Also the applicants would like to avoid having the footprint encroach further onto the grassy area of the yard.

The applicants suggests the addition of a new boathouse will be an improvement to the development as it would be an aesthetically pleasing new structure and replace their existing boathouse which is in disrepair. Furthermore, the building would provide additional storage to keep things orderly and tidy.

The applicant further suggests the development will not have adverse impacts on neighbouring properties or obstruct views. The property to the north has a larger boathouse along the shared interior parcel line. Visibility will not be impacted from Massie Road and view of the neighbour to the south is obscured by vegetative screening.

Boathouses are not subject to the RDKB Floodplain Bylaw as they are not used for dwelling purposes, business, or storage of goods which are susceptible to damage by floodwater.

The requested variance, if granted, will be 1.1m from the interior property line. The boathouse on the property to the north is also near the same property line. There may be some issues with fire separation but that would be a concern dealt with by the Building Inspector if the variance is granted.

The application proposes snow catches to minimize snow shedding which could impact the neighboring property.

### **ADVISORY PLANNING COMMISSION COMMENTS**

It was discussed that it is unlikely they will be able to reuse the old foundation. It was suggested that the building could be moved south to be parallel with the sidelot line allowing them to keep the exiting ramp. Still would require a sidelot variance.

Recommendation:

The APC recommends to the Regional District that the subject Development Application be supported for a lesser variance subject to the applicant working with Planning Department Staff to come up with a modified plan (by consensus).

### **PLANNING AND DEVELOPMENT COMMENTS**

The original application, which was submitted December 2015, requested a variance of 2.8m (from 3.0m to 0.2m).

The updated variance request is for 1.9m (from 3.0m to 1.1m). The new submission takes into consideration the comments from the APC and Planning and Development Department.

### **RECOMMENDATION**

That the Development Variance Permit application submitted by Casper Venter of Venter Construction and Solar Inc., as agent for Anthony Jewitt and Courtney Courter Jewitt, to allow an interior side parcel line variance of 1.9m (from 3.0m to 1.1m) for an accessory building on the property legally described as Lot 2, DL 970, SDYD, Plan KAP53896, Electoral Area 'C'/Christina Lake, be presented to the Board for consideration, with a recommendation of support.

### **ATTACHMENTS**

*Site Location Map*  
*Applicants' Submission*  
*Site Photos*



Document Path: P:\GIS\RD\KB\MapDocuments\Routine\_Maps\SiteLocationMap\Area\_\"C\"\_ChristinaLake\SPM-C-970-2015-12-14-Jewitt.mxd



# VENTER

## CONSTRUCTION & SOLAR INC

20 JANUARY 2016

DEAR CARLY,

PLEASE FIND ATTACHED A NEW SET OF DRAWINGS WHICH REPRESENTS THE EXISTING LOCATION OF THE BOATHOUSE ACCORDING TO THE SURVEY BY ART HOEFSLOOT. IT ALSO INCLUDES A ROUGH SKETCH OF THE EXISTING BOATHOUSE.

THEN THERE IS A SET OF DRAWINGS MERELY FOR CLARIFICATION PURPOSES OF WHERE THE NEW BOATHOUSE WILL BE POSITIONED ON THE SURVEY REPORT WITH A ZOOMED IN( DETAIL) DRAWING OF THE NEW BOATHOUSE LOCATION RUNNING PARALLEL WITH THE PROPERTY LINE AT THE 1.1M MINIMUM.

TO COMPLY WITH THE MINIMUM DISTANCE FROM THE PROPERTY LINE OF 1.1M AS PER LAST MEETING FOR THE FULL DISTANCE OF THE BUILDING, WE AGREE TO BREAK UP AND REMOVE THE OLD CONCRETE OF THE OLD BOATHOUSE AND POUR A NEW FOUNDATION AND SLAB IN THE POSITION OF THE NEW BOATHOUSE.

I INCLUDE A BASIC SKETCH OF WHAT THE NEW BOATHOUSE WILL LOOK LIKE. WE PROPOSE THAT THE NEW BOATHOUSE WILL BE 25' X 16 ' IN SIZE. THE NEW BOATHOUSE WILL BE WOOD FRAMING 2X 4 WALLS WITH PEAKED ROOF , COVERED WITH METAL ROOFING INCLUDING SNOW CATCHES. THE OUTSIDE WALLS WILL BE COVERED WITH HARDIE CEMENT BOARD. WE PROPOSE TO HAVE ONE MAN DOOR ON THE NW WALL AS WELL AS BARN DOORS TOWARDS THE LAKE FOR BOAT ACCESS.

WE DO NOT PROPOSE TO MOVE THE BOATHOUSE ANY CLOSER TO THE LAKE .

ONCE THE VARIANCE PERMIT IS APPROVED WE WILL APPLY FOR A BUILDING PERMIT AND PRESENT ARCHITECT/ENGINEERS DRAWINGS IF SO REQUIRED.

PLEASE ADVISE IF THERE IS ANYTHING ELSE YOU MIGHT NEED TO PRESENT THIS UPDATED INFO TO OUR APPLICATION.

KIND REGARDS

CASPER VENTER

231 COUGARSTONE CIRCLE. SW, CALGARY T3H 4W5  
1920 RITCHIE RD, CHRISTINA LAKE , BC, V0H 1E2

CELL: 403 - 690 1611  
TELL: 250 - 666 1611

EMAIL: [CASPER@VENTERINC.COM](mailto:CASPER@VENTERINC.COM)

[WWW.VENTERINC.COM](http://WWW.VENTERINC.COM)

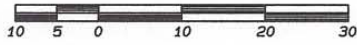


Existing

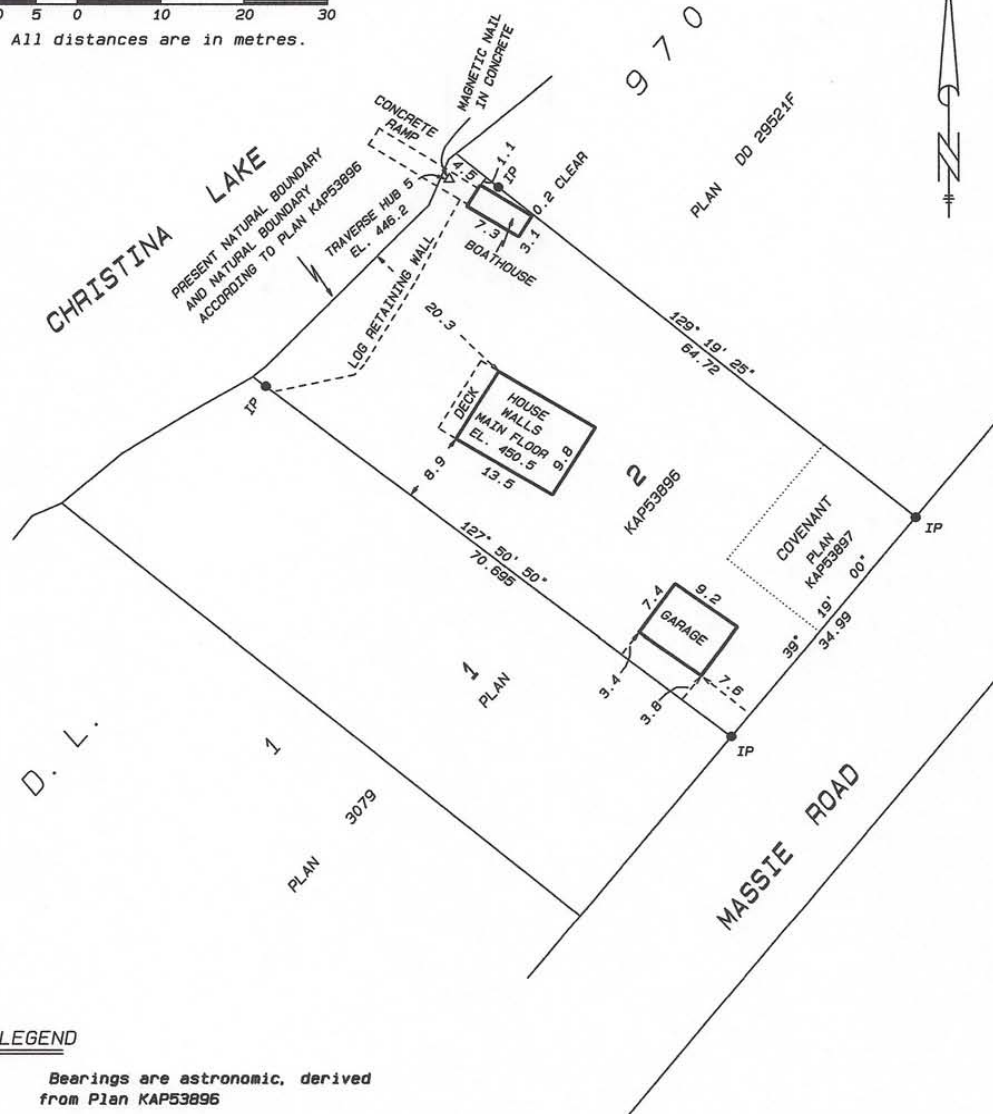
PLAN SHOWING LOCATION OF STRUCTURES ON  
LOT 2, D.L. 970, SDYD, PLAN KAP53896

BCGS 82 E.009

SCALE 1 : 500



All distances are in metres.



LEGEND

Bearings are astronomic, derived  
from Plan KAP53896

- denotes standard iron post found
- △ denotes traverse hub

Survey completed August 18, 2015

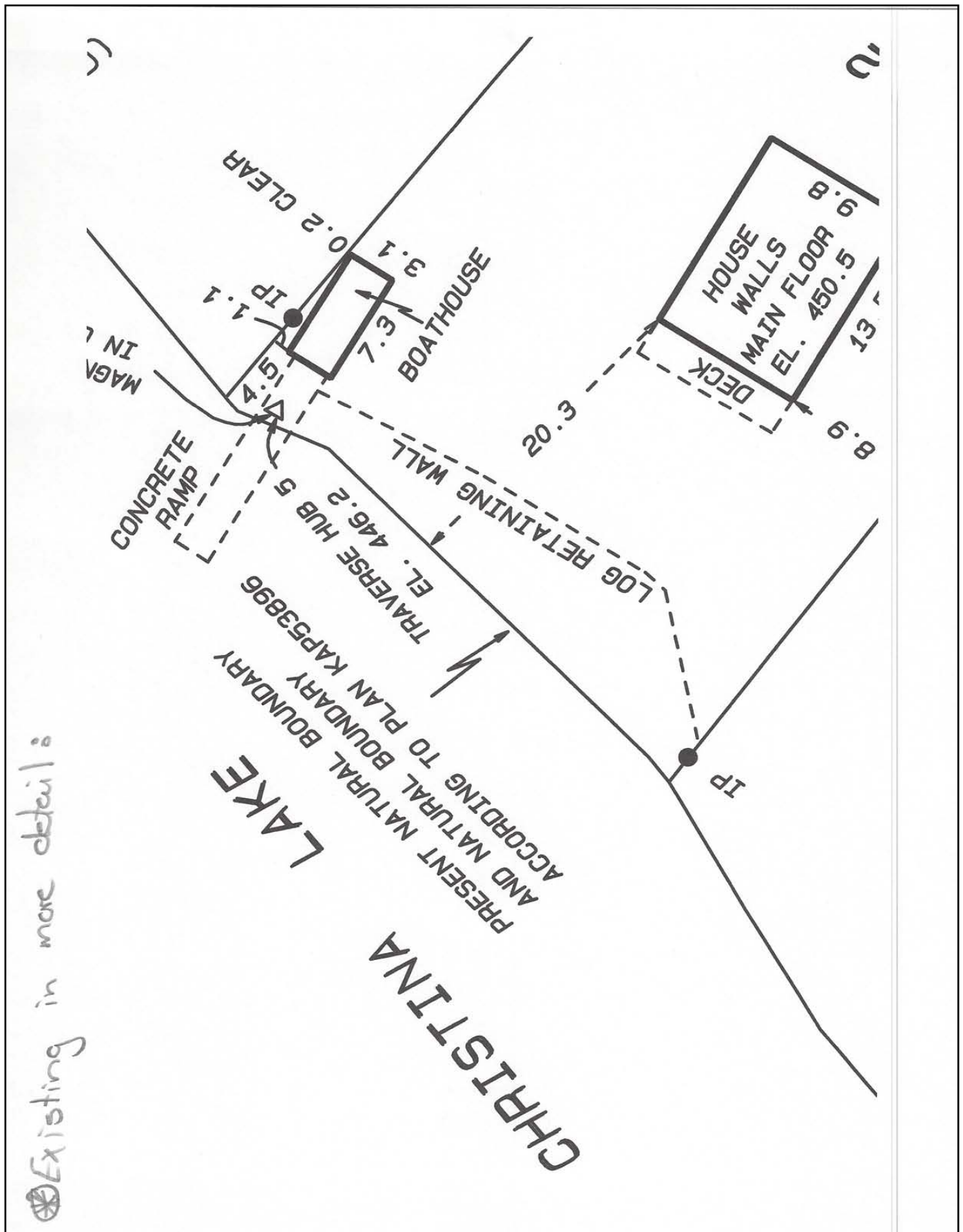
Elevations are geodetic and are  
referred to the CVD28 Datum.

CIVIC ADDRESS:  
2055 Massie Road, Christina Lake, BC

**A.F. HOEFSLOOT**

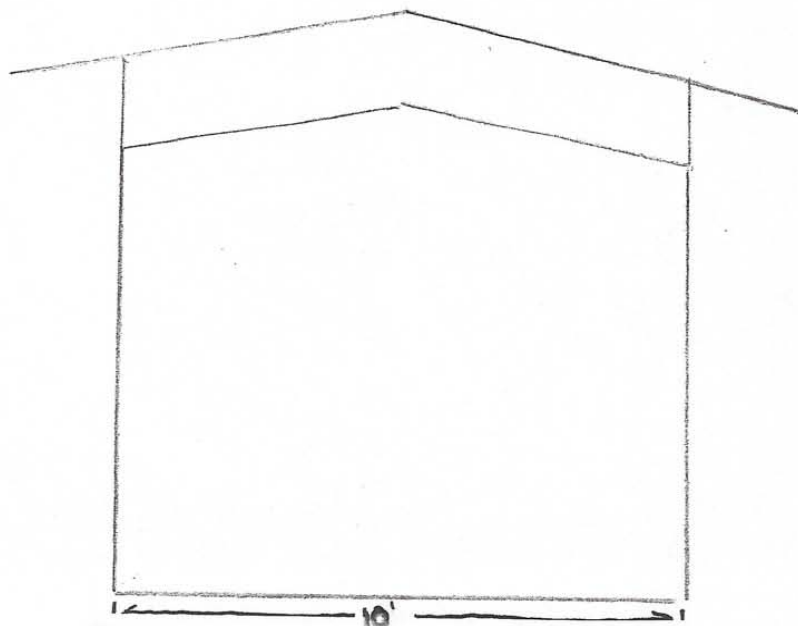
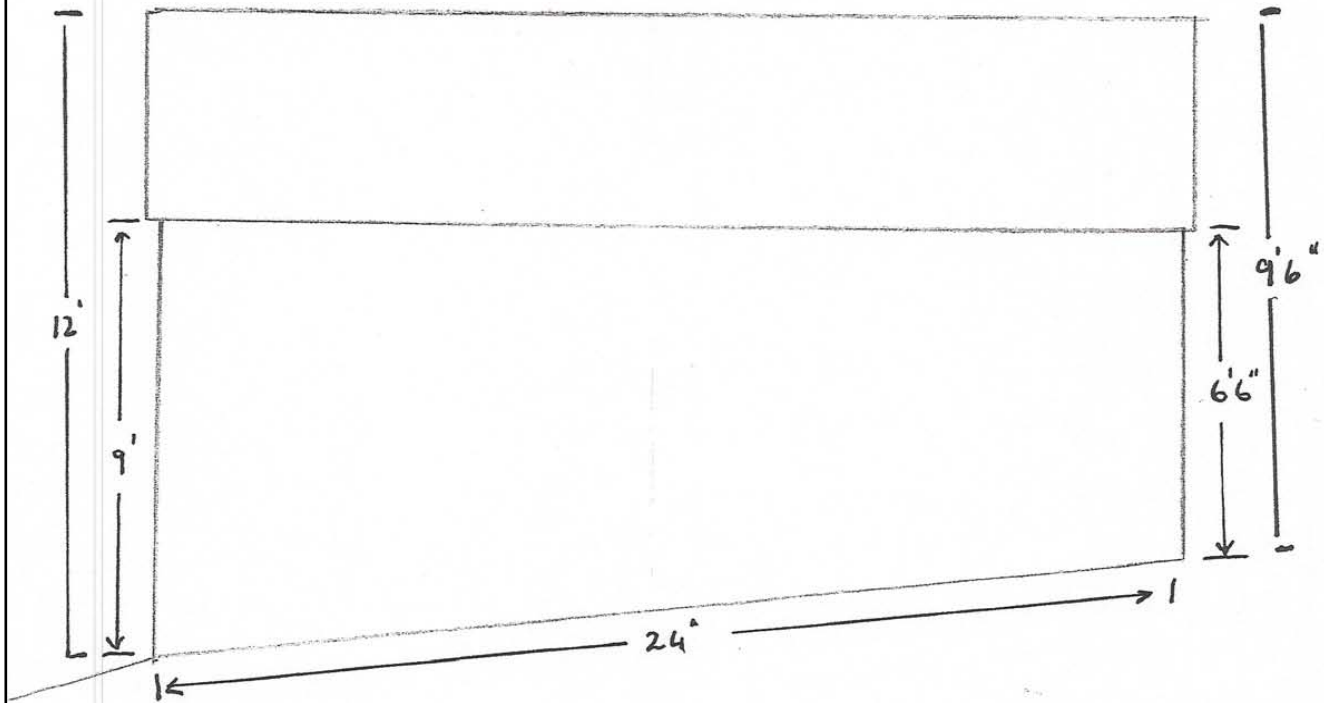
BRITISH COLUMBIA LAND SURVEYOR  
P.O. BOX 2740, GRAND FORKS, B.C.  
V0H 1H0 250-442-5597

07-40-2



\* Boothouse  
Existing

2065 Massie rd.





PROPOSED:

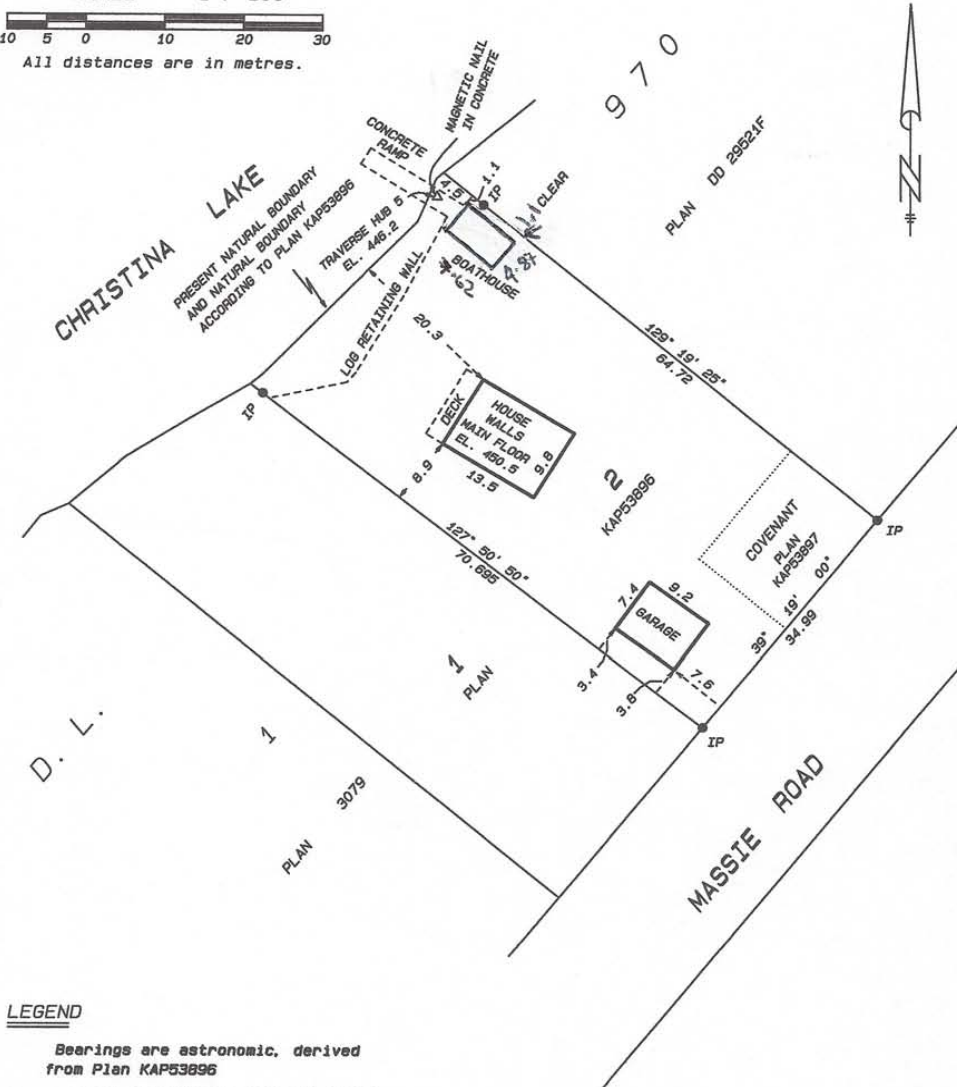
PAGE 10

(see page 2 for detail)

PLAN SHOWING LOCATION OF STRUCTURES ON  
LOT 2, D.L. 970, SDYD, PLAN KAP53896

BCGS 82 E.009

SCALE 1 : 500

**LEGEND**

Bearings are astronomic, derived  
from Plan KAP53896

- denotes standard iron post found
- △ denotes traverse hub

Survey completed August 18, 2015

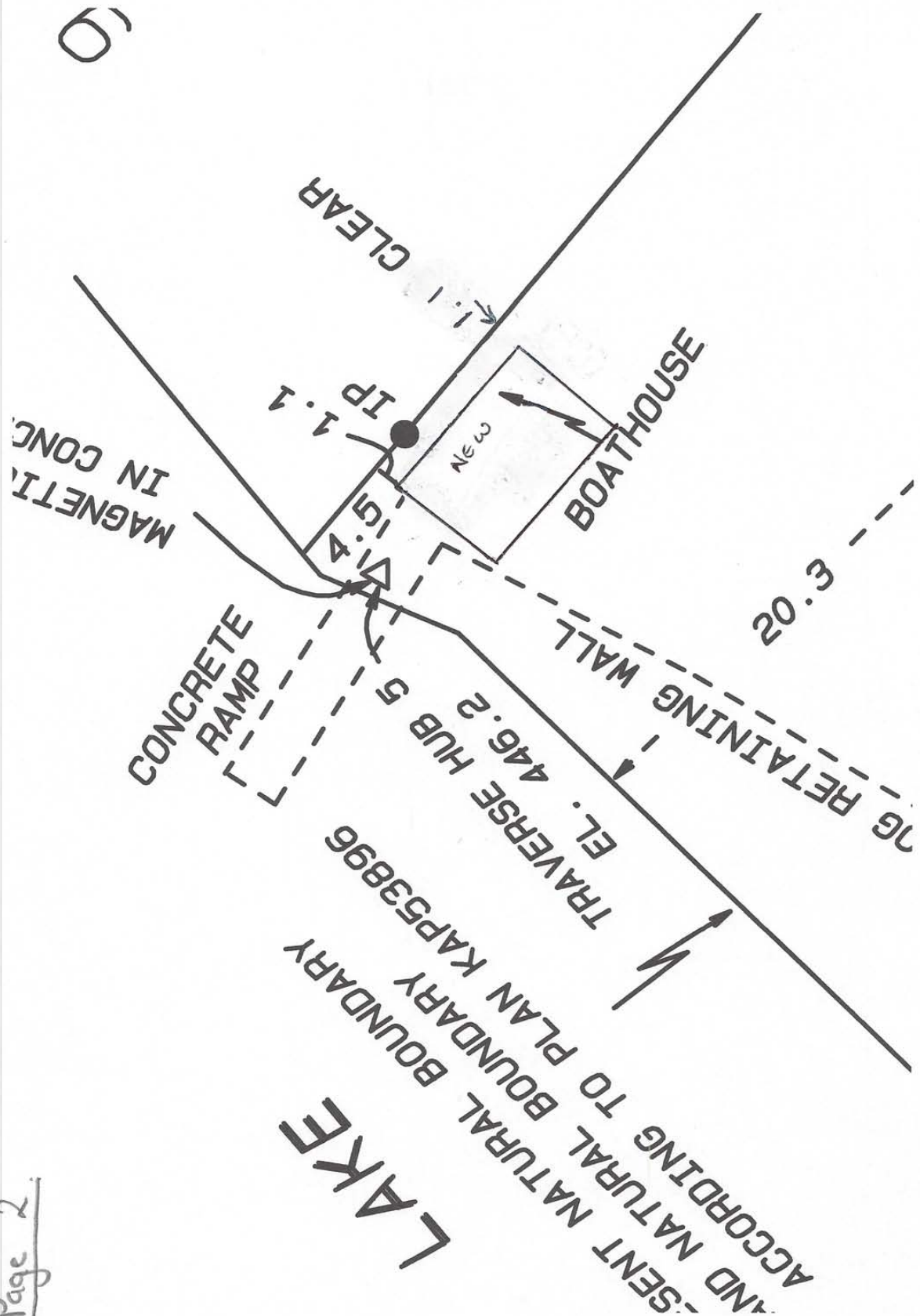
Elevations are geodetic and are  
referred to the CVD28 Datum.

CIVIC ADDRESS:  
2065 Massie Road, Christina Lake, BC

**A.F. HOEFSLOOT**

BRITISH COLUMBIA LAND SURVEYOR  
P.O. BOX 2740, GRAND FORKS, B.C.  
VOH 1H0 250-442-5597

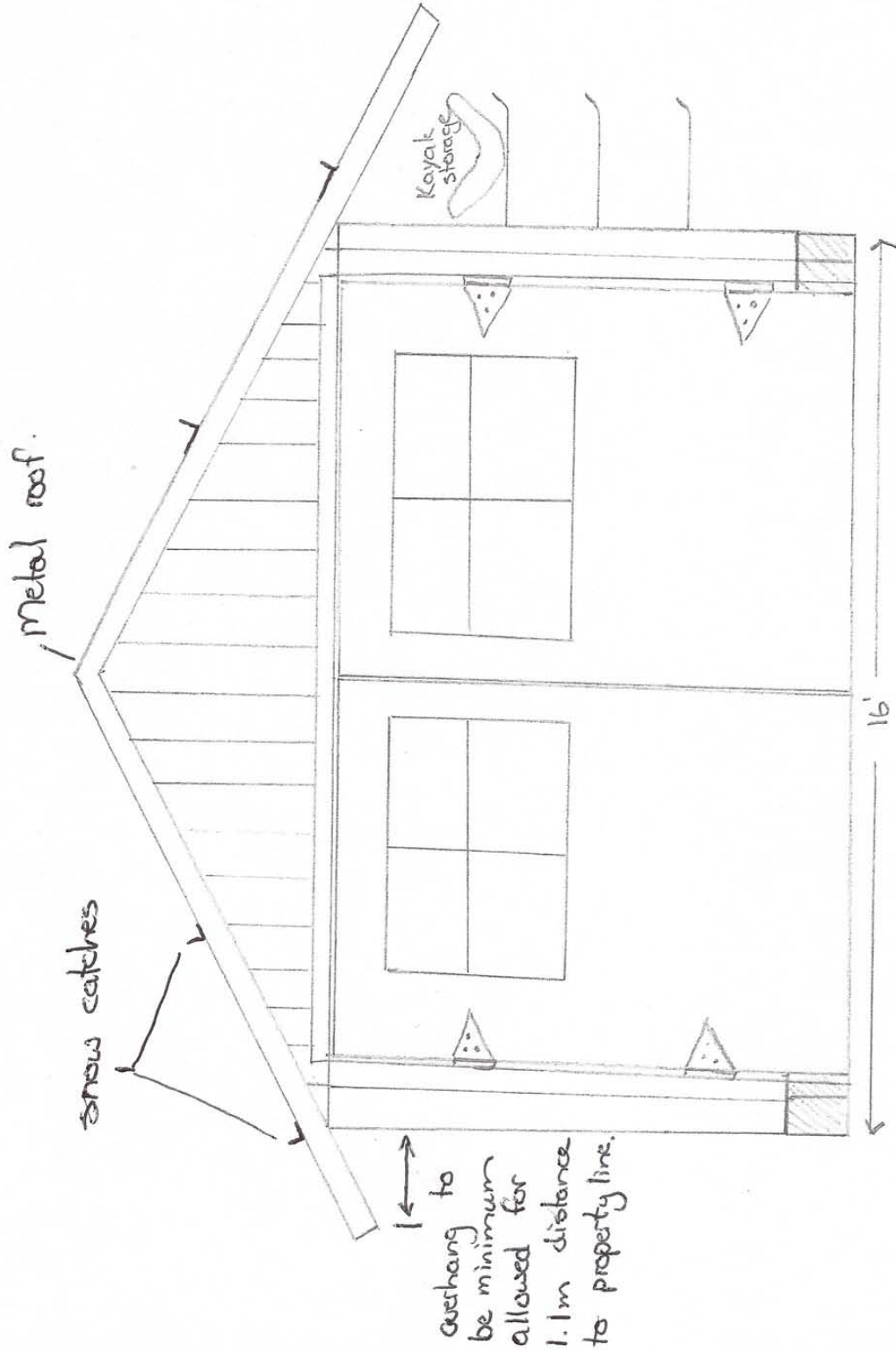
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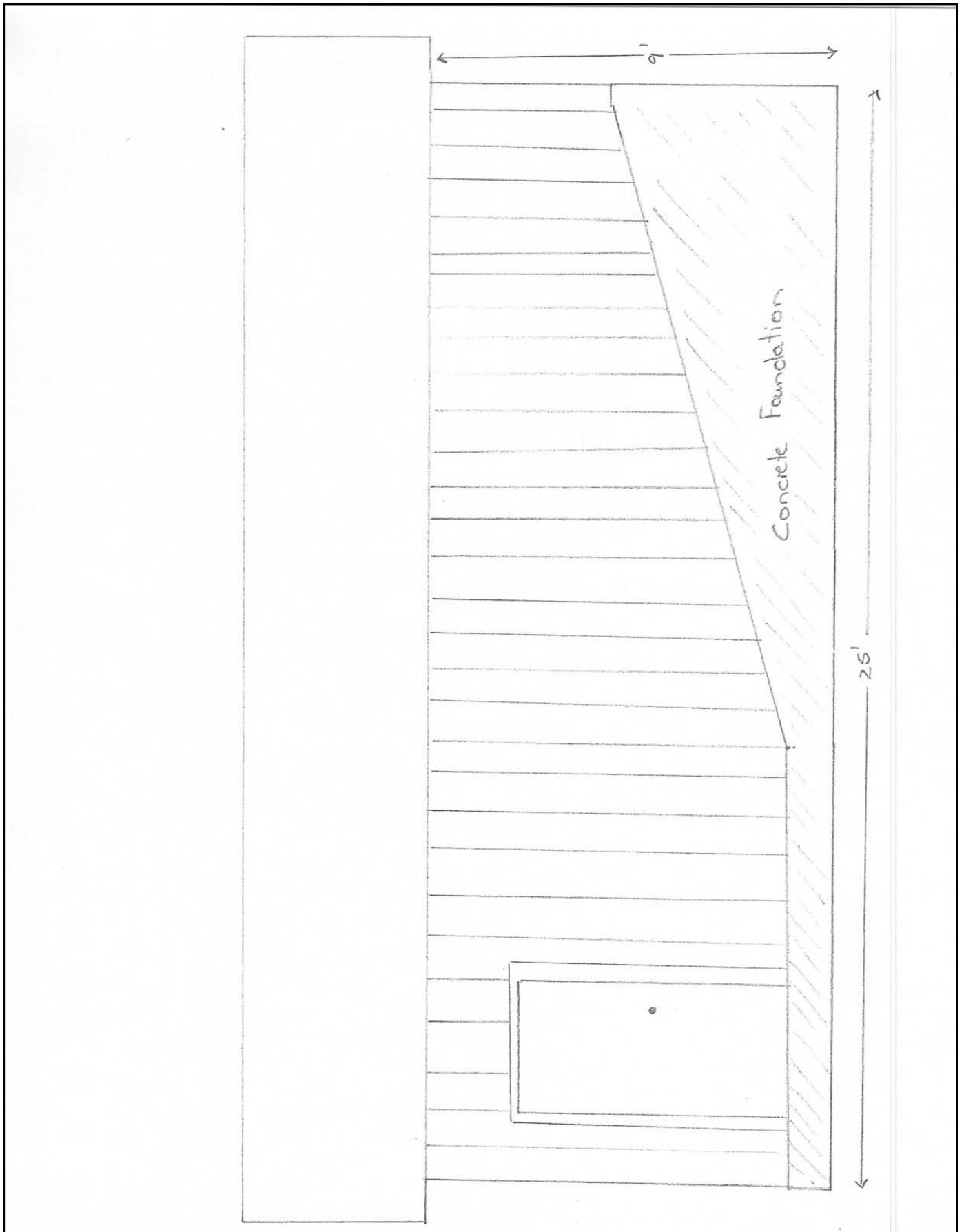


Zoom in of Proposed Page 1.

Page 2.

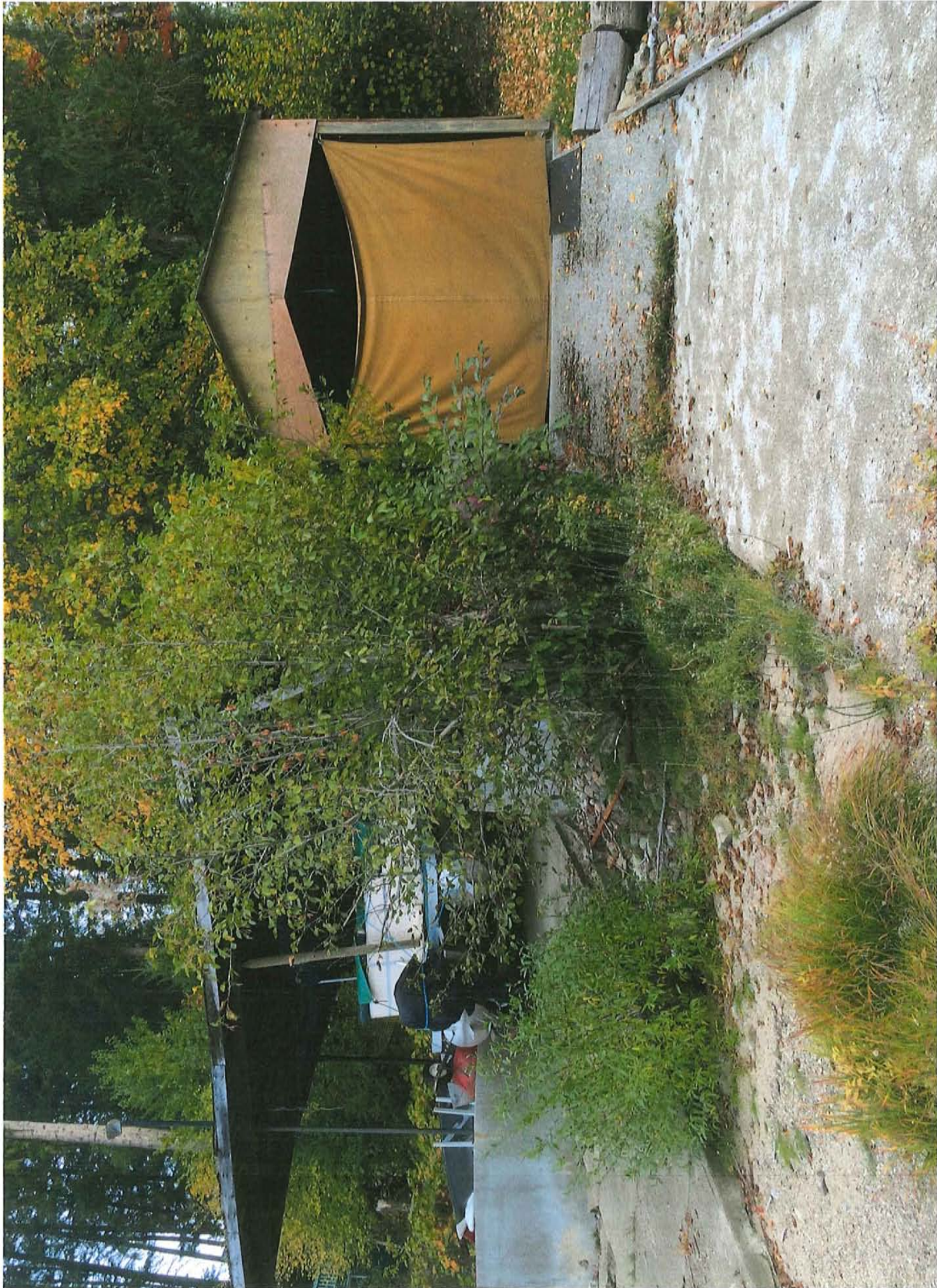
Proposed Boathouse 2065 Massie Rd.







Site Photos





Site Photos





Site Photos

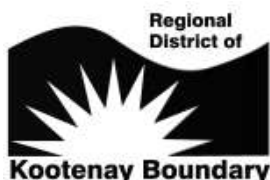




Site Photos







## Electoral Area Services Committee Staff Report

Prepared for meeting of February 2016

Development Variance Permit			
<b>Owners:</b> Neil and Catherine Muth		<b>File No:</b> C-317-02573.000	
<b>Location:</b> 1690 West Lake Drive, Electoral Area 'C'/Christina Lake			
<b>Legal Description:</b> Lot A, DL 317, SDYD, Plan KAP25631		<b>Area:</b> 0.634 acres (2566m <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>Report Prepared by:</b> Carly Rimell, Planner			

### ISSUE INTRODUCTION

Neil and Catherine Muth have applied for a Development Variance Permit to vary both the front and interior side parcel lines as part of a construction project to convert an existing summer home into a year round home (*see Subject Property Map*). In conjunction the applicant wishes to vary the interior side parcel line for two new buildings, a proposed sleeping quarter and a proposed accessory building.

### HISTORY / BACKGROUND FACTORS

The subject property is located at 1690 West Lake Drive. The property is designated as 'Waterfront Residential' in the Electoral Area 'C'/Christina Lake OCP Bylaw 1020, 2001 and zoned 'Waterfront Residential 2' (R2) in the Electoral Area 'C'/Christina Lake Zoning Bylaw 1300, 2007. The property abuts Christina Lake, and therefore is in the 'Waterfront Environmentally Sensitive Development Permit Area'.

The lot is divided by West Lake Drive. The home is located near the road right of way on the west side of West Lake Drive.

In conjunction with the creation of Plan 25631, the road allowance was widened, creating the irregularly shaped parcel frontage. The irregularity appears to conform to the shape of the existing dwelling.

There is no on-site parking on the subject property as the location of the cabin blocks the only feasible access to the property for parking. Given the topography, parcel frontage and placement of the dwelling, it is challenging to provide on-site parking.

There are no building permits on file, but the applicant believes the existing home was built in 1961. Since that was well before adoption of the first zoning bylaw in July 1978, (Bylaw #164) the location of the dwelling and the parking requirements would be considered legal non-conforming; that is the dwelling was legally constructed but does not comply with the zoning bylaw requirements.

The Ministry of Transportation and Infrastructure (MOTI) has issued a Permit to build within their required 4.5 m setback from West Lake Drive.

## PROPOSAL

The applicants wish to convert a portion of an existing deck into indoor living space within the front parcel line setback and build an addition within the southerly interior parcel line setback (*see Applicant's Submission*). The current 800ft<sup>2</sup> structure would be expanded to between 1200 and 1300ft<sup>2</sup>. The development proposal includes removal of a portion of the existing deck, which extends into the road allowance.

The requested variances for the existing single family dwelling are as follows:

- Decrease the setback distance from the front parcel line by 4.5m (from 4.5m to 0m); and
- Decrease the setback distance from the interior side parcel line by 1.36m (from 1.5m to 0.14m).

In conjunction a sleeping quarter and an accessory building are proposed, which will also require variances to the interior side parcel line as follows:

- Decrease the setback distance from the interior side parcel line for a sleeping quarter by 1.1m (from 3.0 m to 1.9m); and
- Decrease the setback distance from the interior side parcel line for an accessory building by 1.4m (3.0 m to 1.6m).

No additional parking is required as part of this development proposal.

## 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.

The applicants assert the requested variances are necessary to resolve a hardship given the steep topography of the site and the challenges and costs of moving the existing structure to comply with the setbacks.

The portion of the existing deck that projects into the road right of way will be removed thereby improving the development. The applicants plan to convert the seasonal cabin into a year round residence, which is also an improvement.

Potential negative impacts to neighbouring properties, if any, would be limited to the parcel to the south. However, it appears that the home to the south is located towards the centre of the frontage for that parcel, some distance from the shared interior parcel line. The applicant advises he has discussed this matter with the neighbor and the neighbor did not express concerns.

The new buildings would be within the setback, but are farther from the neighbour's house than the dwelling. The applicant suggests the rise of the land towards the south and the area being heavily wooded reduces any impact to the neighbour from the proposed location of these new buildings (*see Ortho Layout Map*). The adjacent property owners will be notified of the proposed Development Variance Permit and given the opportunity to provide comments or express concerns.

If the Development Variance Permit is approved the applicants will also require a Development Permit as the property lies within the Environmentally Sensitive Development Permit Area.

#### **ADVISORY PLANNING COMMISSION COMMENTS**

- Will the septic be upgraded? RDKB staff stated they will need a Development Permit, supported by a professional report, which will assess the adequacy of the current system. That information will determine whether the system needs to be upgraded.
- Could the accessory buildings be moved north to avoid the necessity of a variance for these new structures? The applicant advised that the septic line runs parallel across the property just north of the proposed buildings, which may restrict the ability to move buildings north. The applicant further noted that the topography of the property rises steeply behind the proposed location for the buildings, so the impact on the neighbor should be minimal, if any.

Consensus of APC – no opposition.

#### **RECOMMENDATION**

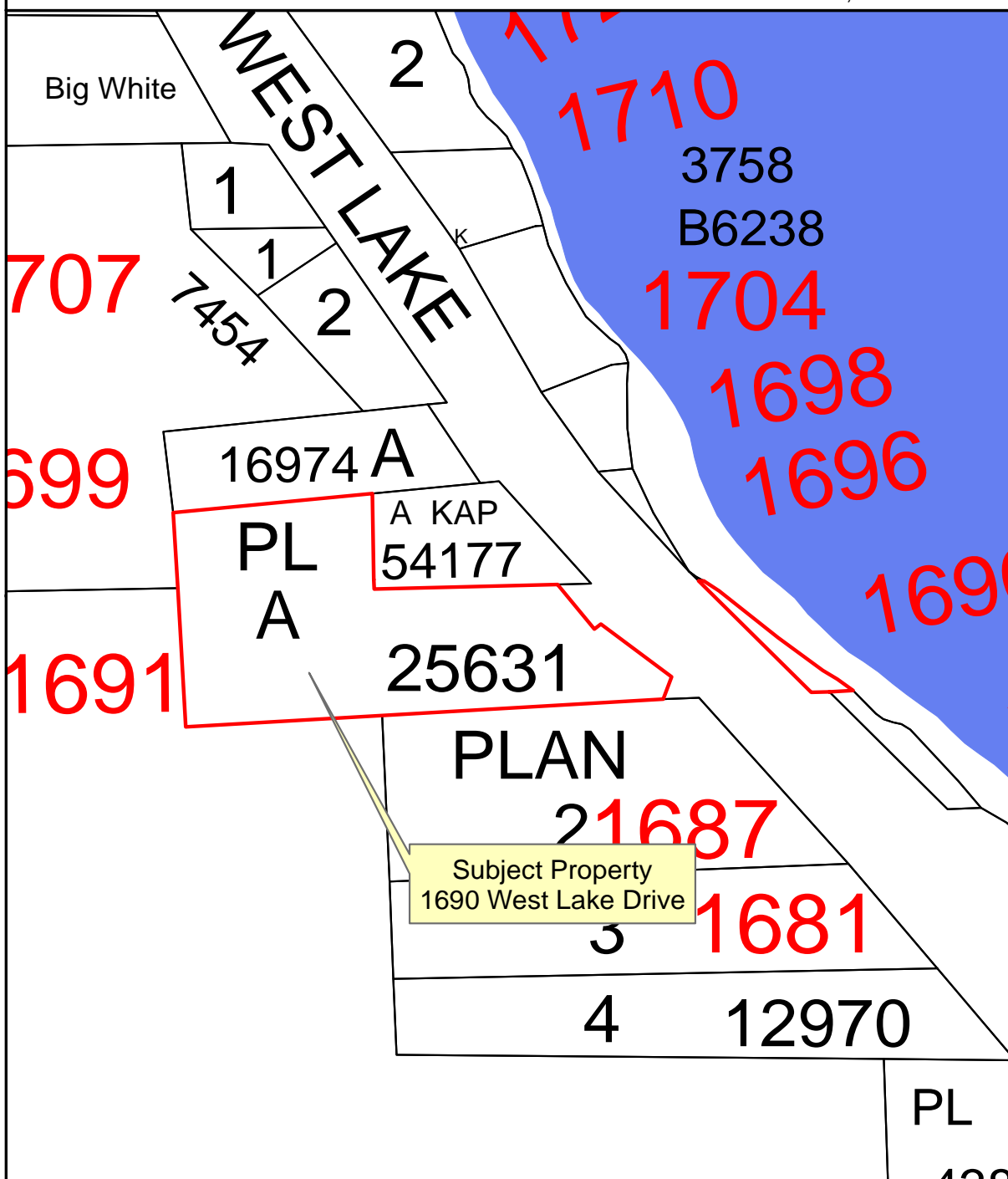
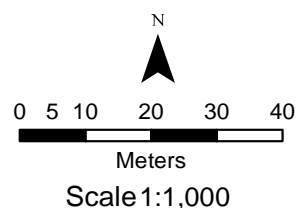
That the Development Variance Permit application submitted by Neil and Catherine Muth, to allow a front parcel line variance of 4.5m (from 4.5m to 0m) and an interior side parcel variance of 1.36m (from 1.5m to 0.14m) for a single family dwelling; an interior parcel line variance of 1.1m (from 3.0m to 1.9m) for a sleeping quarters; and an interior side parcel variance of 1.4m (from 3.0m to 0.16m) for an accessory building on the property legally described as Lot A, DL 317, SDYD, Plan KAP25631, Electoral Area 'C'/Christina Lake, be presented to the Board for consideration, with a recommendation of support.

**ATTACHMENTS:**

*Subject Property Map*  
*Applicant's Submission*  
*Ortho Layout Map*

Lot A, DL 317, LD 54  
Plan KAP 25631

Date: 20/01/2016



Document Path: P:\GIS\RDKB\MapDocuments\Routine\_Maps\SubjectPropertyMap\Area\_'C'\_ChristinaLake\2016-01-20\_1690WestLakeDr\_Muth.mxd

### **Reasons for Requesting Development Variance Permit**

We would like to renovate our existing seasonal cabin at 1690 West Lake Drive and turn it into our year round home.

We believe that the existing cabin is a “legal non-conforming structure” as it is located within the current minimum setbacks and does not meet current parking requirements. We have researched the option of removing the existing cabin and building a new home that would conform to the minimum setbacks and parking requirements. However, because of the nature of the property (particularly, the property’s slope and location), this option is not economically feasible. Therefore, to realise our hope of establishing a permanent home at Christina Lake, we need to maintain the current structure and convert it into a year round home.

The existing cabin has 3 bedrooms and a total size of less than 800 square feet. Three bedrooms are sufficient for us, but we would like to increase the total living space to 1200 to 1300 square feet. We have researched various options for doing so; the best option is to enclose the cabin’s existing deck and make it part of the main house, and add a separate sleeping quarter. The renovated cabin/house would have two bedrooms, with the third bedroom being provided by the sleeping quarter. We would also like to add a new deck, and add one small addition to one corner of the cabin. All of these plans are shown on the attached drawings.

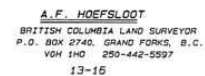
The addition to the cabin (i.e., the enclosed deck) and the new deck would both be within the front parcel line setback. However, part of the existing deck will be removed (including a part that is actually not within the property lines), which reduces the existing encroachment into the setback. The small addition to the corner of the cabin would be within the side parcel line setback.

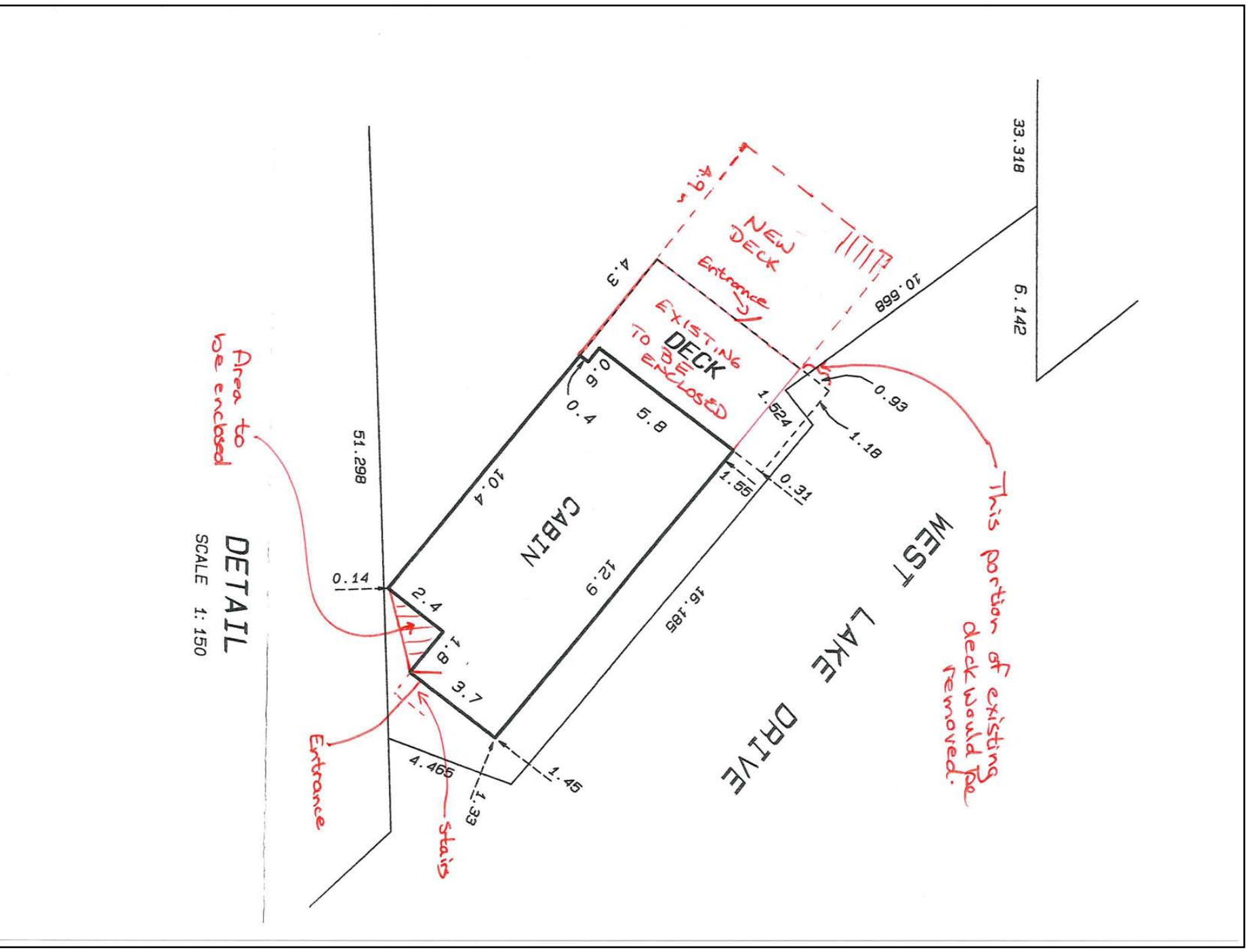
We have obtained a setback variance permit from the Ministry of Transportation and Infrastructure for the renovations and have attached a copy.

We are also not able to meet the parking requirements, as the existing cabin’s location blocks the only feasible access to the property for purposes of parking. We currently park on West Lake Drive, and would propose to continue to do so – we are able to get our vehicles off the road, even during the summer season, and the parking does not impede traffic flow. There is no aspect of our proposed development that would result in a need for additional parking – i.e., we are not adding bathrooms or additional bedrooms or secondary suites with the intention of having additional family or company visit or stay with us beyond what currently occurs and we have no intention of renting.

In summary, we are hoping to turn our cabin into a year round home and make Christina Lake our permanent home. While the renovations would be within setbacks, there is no encroachment beyond what currently exists and, in fact, we are reducing the encroachment in one area. The renovations will not result in any additional use or parking requirements beyond what currently exist and are met satisfactorily. We also do not believe that any of these plans adversely affect any of our neighbours (e.g., we are not blocking any views, nor interfering with anyone’s use of their property). Finally, based on our research, we believe that there is simply no other economically feasible option to build a year round home on our property.

Thank you for consideration of this application.





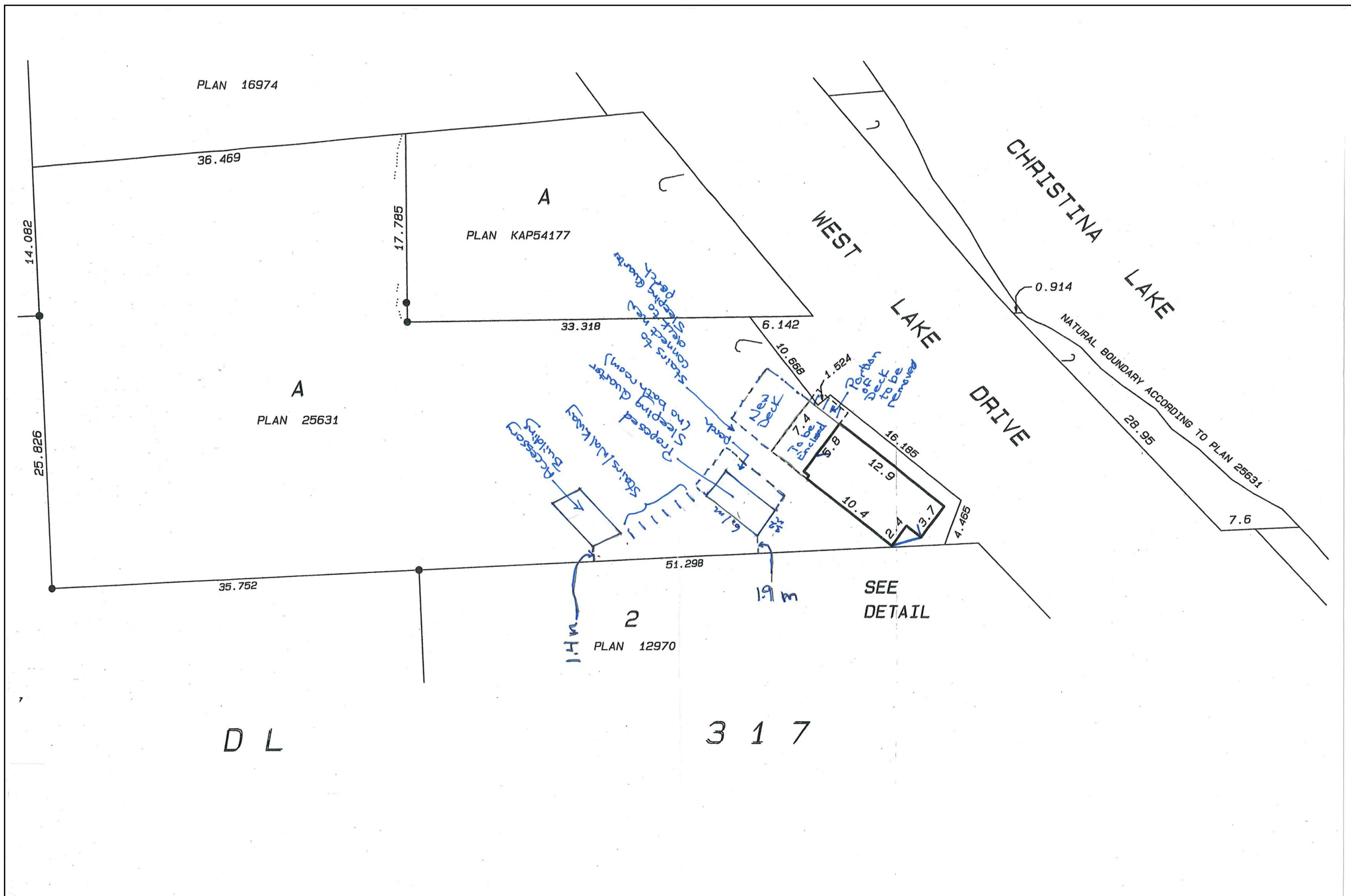




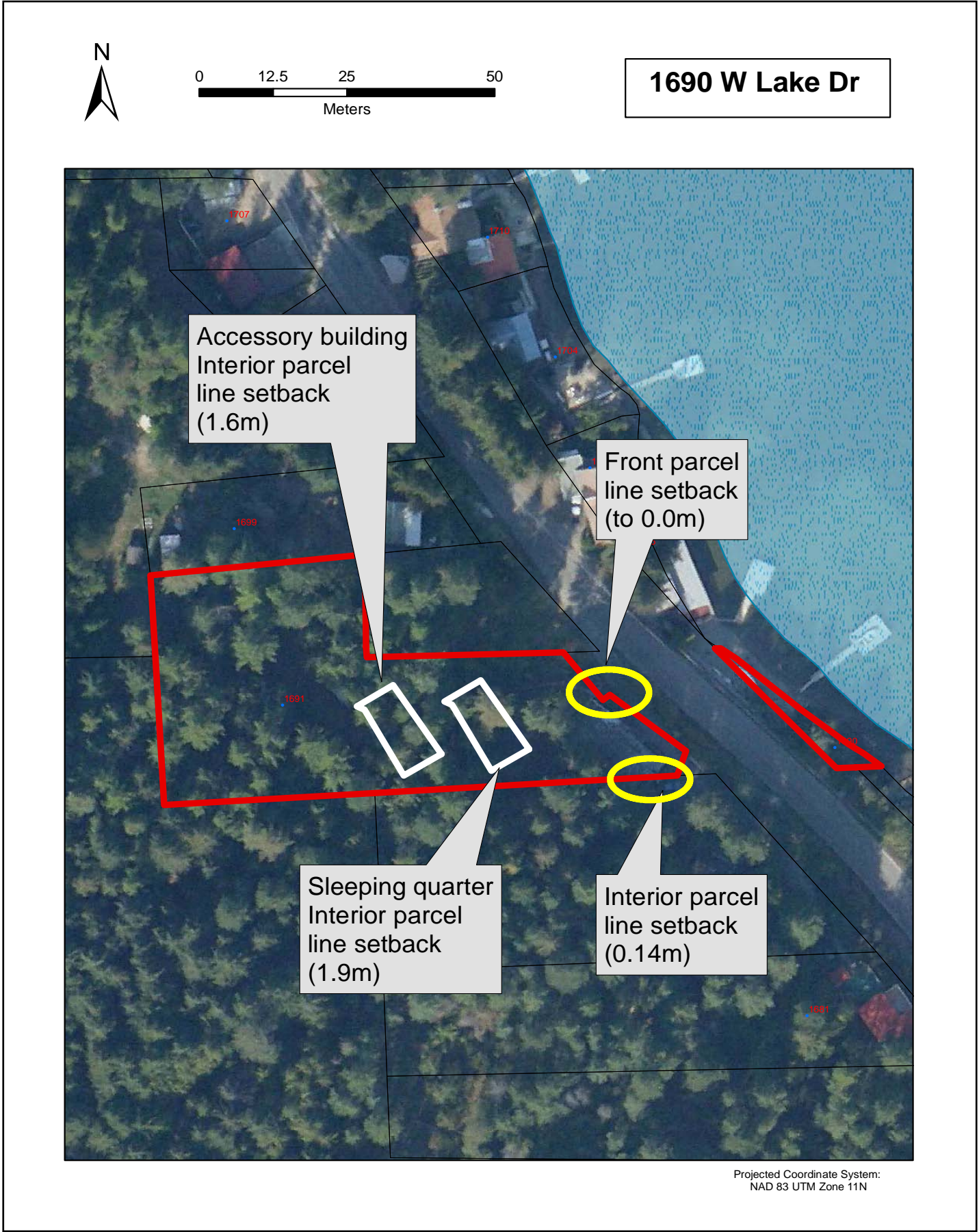
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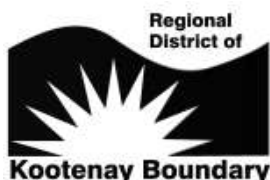


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## Electoral Area Services Committee Staff Report

Prepared for meeting of February 2016

<b>Development Permit Amendment</b>			
<b>Agent:</b> Marvin Dean, Iron Horse Developments			
<b>Owners:</b> KAS 3742 and Iron Horse Developments			<b>File No:</b> BW-4213-07913.242
<b>Location:</b> 60 Grizzly Ridge Trail, Big White, Electoral Area 'E'/West Boundary			
<b>Legal Description:</b> Lot A, Plan KAP83081, SDYD, District Lot 4213 4248 Except Plan KAS3742 PH I			<b>Area:</b> 6.16 acres (2.49 ha)
<b>OCP Designation:</b> Medium Density Residential	<b>Zoning:</b> Medium Density Residential 4	<b>ALR status:</b> N/A	<b>DP Area:</b> Commercial & Multi Family/Alpine Environmentally Sensitive
<b>Contact Information:</b> Marvin Dean, acting as agent 113-515 Wren Place Kelowna, BC V1W 5H7 250.878.0666 <a href="mailto:marvin.dean@shaw.ca">marvin.dean@shaw.ca</a>			
Prepared by: Carly Rimell, Planner			

### ISSUE INTRODUCTION

Marvin Dean as agent for KAS3742 and Iron Horse Developments, has applied for an amendment to the Development Permit to allow locking of the gate at the front entrance of the Grizzly Ridge Development during the summer months (*see Site Location Map; Google Image of Grizzly Ridge Gate*).

## HISTORY / BACKGROUND FACTORS

The subject property is located at 60 Grizzly Ridge Trail in upper Snowpines. The development to date includes one duplex and an eight unit townhouse complex. The property is designated as 'Medium Density Residential' in the Big White Official Community Plan Bylaw No. 1125, 2001 and zoned 'Medium Density Residential 4' in the Big White Zoning Bylaw No. 1166, 2002. The property is within the 'Commercial & Multiple Family and Alpine Environmentally Sensitive' Development Permit Area.

The current Development Permit (DP#302B-09D), which was issued in 2009, includes a condition that the development not include a gate across the access road. The rationale for the condition is outlined in a letter from Gordon McCleary, who was Fire Chief at the time the original development permit was issued (*see Big White Fire Department Gord McCleary Letter, 2006*). The Chief's opposition to a locking gate was to the potential hindrance of emergency access to the development.

In 2010, the Building Official for Big White noted a gate has been constructed at the front entrance of Grizzly Ridge, which was in direct contravention of the Development Permit (*see Big White Fire Department, Chris Freer Letter 2010*). A letter was composed to Grizzly Ridge Developments at that time, which noted the RDKB and BWFD would not require removal of the gate with the understanding that at no time the gate be closed to form a barrier across the road. If the gate was found closed it would result in a Stop Work Order being issued from the Building Department of the RDKB.

## PROPOSAL

Iron Horse and the Strata (KAS 3742) would like the RDKB to consider removing the stipulation of the Development Permit (302B-09D) under section 9(e) "As per the letter from Gordon McCleary, Big White Fire Chief, June 23, 2006, attached as Schedule 10 the development plans must not include a gate across the access road."

Concerns have been raised by the strata (KAS 3742) of Grizzly Ridge of trespassers and vandalism. The strata asserts that a closed gate would offer a visible deterrent to these activities. The strata contacted the Big White Fire Department and asked that they reconsider permitting a gate at the front entrance. Jamie Svendsen, Big White Fire Chief provided a letter stating his support for allowing a locked gate subject to the following conditions (*see Big White Fire Department Letter, Jamie Svendsen, 2015*):

- A lock Box (BWFD Spec) installed on the gate support structure clearly visible from the entrance;
- Lock Box to include code, key fob and directions to override system;
- Gate to remain in the open position during the ski season mid November to end of April;
- Gate to be locked out to prevent accidental closure during Ski Season; and
- Gate to be maintained and serviced in order to keep in good working condition.

## **IMPLICATIONS**

The conditions imposed on the locking of the gate satisfy the Fire Department's concerns with access to the development in the event of an emergency. The list of conditions outlined in Chief Svendsen's letter would become part of the Development Permit, if approved.

## **ADVISORY PLANNING COMMISSION COMMENTS**

The Big White Advisory Planning Commission met, however there were not enough members present to hold quorum. There were no comments provided on this application at the time this report was assembled.

## **REFERRALS**

The application was referred to the Ministry of Transportation and Infrastructure (MoTI) and Big White Utilities for comment. Staff have yet to receive comment from MoTI. Big White Utilities responded and have no concerns with regards to this application.

## **RECOMMENDATION**

That the application submitted by Marvin Dean, as agent for Iron Horse Developments and Strata KAS 3742, for a Development Permit Amendment on the parcel legally described as, Lot A, Plan KAP83081, SDYD, District Lot 4213 4248 Except Plan KAS3742 PH I, be received.

## **ATTACHMENTS**

*Site Location Map*

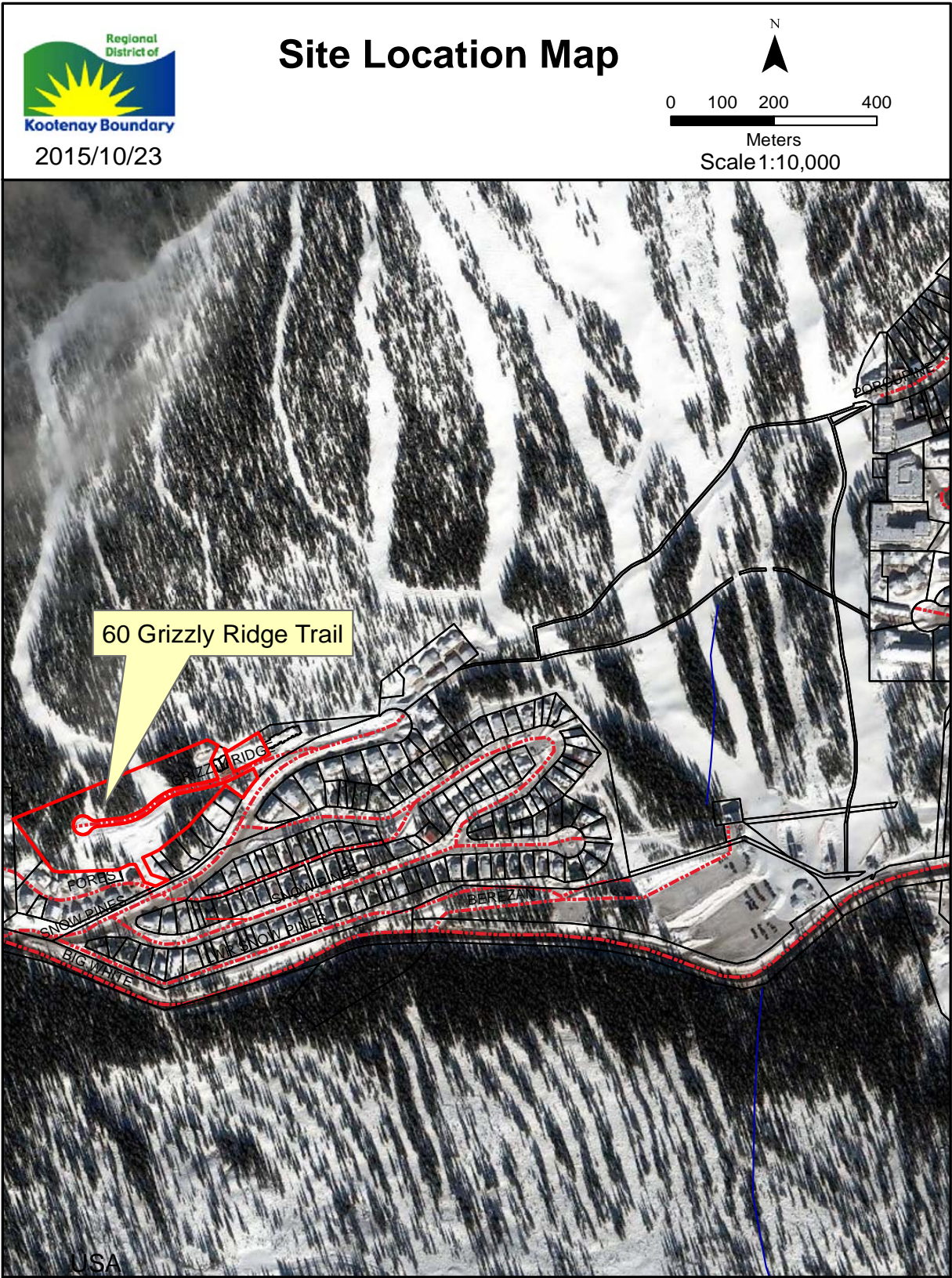
*Google Image of Grizzly Ridge Gate*

*Big White Fire Department Gord McCleary Letter, 2006*

*Big White Fire Department, Chris Freer Letter, 2010*

*Big White Fire Department, Jamie Svendsen, 2015*





Document Path: P:\GIS\RD\KB\MapDocuments\Routine\_Maps\SiteLocationMap\BW\2015-10-23\_Grizzly\_SLM.mxd







Ph: (250) 765-3090

Fax: (250) 765-3051



DEVELOPMENT

PERMIT NO. 302B-09D

www.rdkb.com/fire

 SCHEDULE 10 Box 2039 Station "R"  
Kelowna, BC  
V1X 4K5
Attention: Marvin Dean, Grizzly Ridge Dev.Number of Pages – 01Phone – 250-878-0666Email – marvin.dean@shaw.caFrom: Gord McClearyJune 23, 2006

**Re: Application for a Development Permit at Big White – ‘Grizzly Ridge’  
Lot 13, DL4213, SDYD, Plan KAP68354**

Having reviewed the proposed Development Proposal information provided at the site of the above stated properties I have the following comments to be addressed;

- 1) It is my understanding that the development site is intended to have a large gate installed across the access road to the site. Due to the potential that this gate may cause great hindrance to any emergency access to the site in the event of a failure to open, this department is unable to support this type of installation in this community.
- 2) Please confirm the access road will be constructed in accordance to Ministry of Highways standards, that the fire department turnaround will have a turn radius of not less than 12m and that the access road described has a slope/grade of not greater than 8%.
- 3) Please supply documentation to ensure an adequate water supply is available to the property to meet the required sprinkler and fire flow hydraulic calculations from a qualified sprinkler system professional engineer.
- 4) Before commencement of construction a Construction Fire Safety Plan must be proposed to the Fire Department for approval as per BC Fire Code Sec. 2.14 and BC Building Code 8.2.3, Fire safety and Construction Sites.

Please contact myself to discuss adequate placement of the Fire Department connections if so required on proposed structure...

Good luck with your project and feel free to contact me at your convenience if you have any questions, concerns or wish to discuss further any of the above stated items...

Sincerely;

*Gordon S. McCleary*

Gordon S. McCleary, Fire Chief  
Local Assistant to the Fire Commissioner  
Regional District Kootenay Boundary  
Big White Fire Department

Cc Donna Dean, RDKB Planning

**911**

*Join in your community and Volunteer*

**911**

Ph: (250) 765-3090

Fax: (250) 765-3051

[www.bigwhitefire.com](http://www.bigwhitefire.com)
 PO Box 45004  
 Kelowna, BC  
 V1P-1P3

Nov. 2 / 2010

Grizzly Ridge Developments

Attention: Marvin Dean

Re: Gate at #60, Grizzly Ridge Trail

As per the fax dated Friday October 15<sup>th</sup>, 2010 from Robert Silva of the Building Department at RDKB, contrary to the development permit issued for the Grizzly Ridge Development, a gate has been erected at the entrance to Grizzly Ridge Trail. RDKB development permit No. 302A-08D, paragraph 9, sentence D "the development plans must not include a gate across the access road."

The Big White Fire Department in conjunction with the RDKB Planning Department, is prepared to accept, as an acceptable solution, the permanent attachment of these gates to the side of Grizzly Ridge Trail, with the understanding that at no time will these gates be closed to form any type of perpendicular barrier across the road for any reason whatsoever.

It is understood that the developer has contravened the intent of this section of the development permit and that **any solution short of permanent attachment of the gates in a parallel position to the road is unacceptable and will result in a stop work order being issued by the Building Department of the Regional District of Kootenay Boundary.**

It is the intention of all RDKB staff, including the Big White Fire Department, to work in conjunction with the public, including developers, on matters related to Fire and Life Safety within the community of Big White.

Regards,

 Chris Freer  
 LAFC # 2037
**911***Join in your community and Volunteer***911**



Ph: (250) 765-3090

Fax: (250) 765-3051

[www.bigwhitefire.com](http://www.bigwhitefire.com)

PO Box 45004

Kelowna, BC

V1P-1P3

### MEMORANDUM

**To:** Carly Rimell, Planner Regional District of Kootenay Boundary

**From:** James Svendsen, Fire Chief Big White Fire Department

**Date:** Oct 22<sup>nd</sup>, 2015

**Re:** Grizzly Ridge Gate

---

As per our discussion, I support the request of utilizing the main gate located at the entrance way to Grizzly Ridge Estates. As outlined in my previous letter, the following guidelines would apply.

- A lock Box (BWFD Spec) installed on the gate support structure clearly visible from the entrance
- Lock Box to include code, key fob and directions to override system
- Gate to remain in the open position during the ski season mid November to end of April
- Gate to be locked out to prevent accidental closure during Ski Season
- Gate to be maintained and serviced in order to keep in good working condition

Any questions please call anytime

Regards...

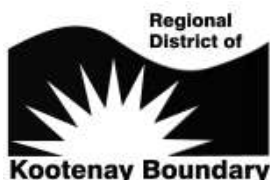
*Jamie Svendsen*

Jamie Svendsen, CFO

Fire Chief

Big White Fire Department, RDKB

E-Mail - [fcsvendsen@bigwhitefire.com](mailto:fcsvendsen@bigwhitefire.com)



## Electoral Area Services Committee Staff Report

Prepared for meeting of February 2016

<b>Proposed Geographical Naming of Mountain East of Saddle Lake Regional Park - Application to Ministry of Forests, Lands and Natural Resource Operations</b>	
<b>Owner:</b> Crown	<b>File No:</b> D-2735-06847.020
<b>Location:</b> District Lot 2735, Portion AFB 6/44/6816A	
<b>Report Prepared by:</b> Carly Rimell, Planner	

### ISSUE INTRODUCTION

The prominent mountain to the east of Saddle Lake Regional Park does not have a formal name. In the interest of developing historical and cultural awareness and encouraging recreational use of this area. Planning and Development Department staff suggest considering initiating the formal naming process of this landmark (*see Site Location Map, Subject Property Map, Google Earth Image*).

### HISTORY/ BACKGROUND

Saddle Lake Dam was built by the Doukhobours in 1912 as a reservoir to meet the irrigation needs for the village(s) located down slope. The name likely derived from Sedlina from the Russian term *Sedlo* meaning "saddle". The name **Saddle Lake**, while it is commonly used and appears on some maps, does not appear to be officially recognized by the Province or Federal Government either.

The elevation of the mountain is approximately 840m at the peak. The valley bottom floor is approximately 580m.

The Grandby Wilderness Society and the Boundary Museum already refers to this landmark as Saddle Mountain, which is illustrated in the document attached *Home of the Invasive and the Endangered*.

The parcel where the mountain is located is designated 'Estate Lot Residential' in the Electoral Area 'D'/Rural Grand Forks Official Community Plan Bylaw No. 852 and zoned 'Estate Lot Residential 3' in the Electoral Area 'A' Zoning Bylaw No. 1299. The draft revised Official Community Plan designates this parcel as 'Parks and Recreation'.

This is a Crown Parcel of land and the City of Grand Forks owns an Airport Obstruction Beacon atop of the mountain, this is placed on the property legally through a License of Occupation (404312).

A public meeting was held on May 5, 2015 as part of the Electoral Area 'D'/Rural Grand Forks Official Community Plan No 852 review. There the RDKB Planning and Development Department handed out forms requesting suggested names for the mountain from which the following results were received:

<b>Suggested Name</b>	<b>Votes Received</b>
Saddle	9
Tuttle	1
Ed's	1
Beacon Saddle	1
Saddle Lake	1
Saddle Knob	1
Saddle Hill	1
Beacon Knob	1

### **PROPOSAL**

The proposal is to submit an application to the Ministry of Forests, Lands and Natural Resource Operations to formalize the name Saddle Mountain for the mountain east of Saddle Lake Regional Park. The RDKB proposes formally naming this landmark due to the recent formation of Saddle Lake Regional Park in 2014 and to create awareness in the community of the recreational space and highlight the historical and cultural significance of these areas.

### **IMPLICATIONS**

There is no cost associated with the application to FLNRO to formally name this landmark.

There was question from a resident on whether this landform's elevation was high enough to be considered a mountain. Staff conducted research and found that the BC Geographical Naming Office only provides definitions for feature types. There are no set regulations for elevation requirements to be considered a mountain. The definition provided by the BC Geographical Names for a mountain is a 'mass of land prominently elevated above the surrounding terrain, bounded by steep slopes and rising to a summit and/or peaks'.

The mountain is connected to Hardy Mountain Road to the north via Saddle Bluffs Regional Park and an easement through private property.

Connectivity of the Saddle Lake Regional Park parcel to the Crown parcel with the unnamed mountain and the Regional District parcel to the east is through private land and there is no access agreement with the private land owner at this time (*see Map of Adjacent Parcels*).

**RECOMMENDATION**

That the Regional District of Kootenay Boundary Board of Directors direct staff to submit an application to the BC Geographical Names Office to formally name the mountain east of Saddle Lake Regional Park on the property legally described as District Lot 2735, Portion AFB 6/44/6816A.

**ATTACHMENTS**

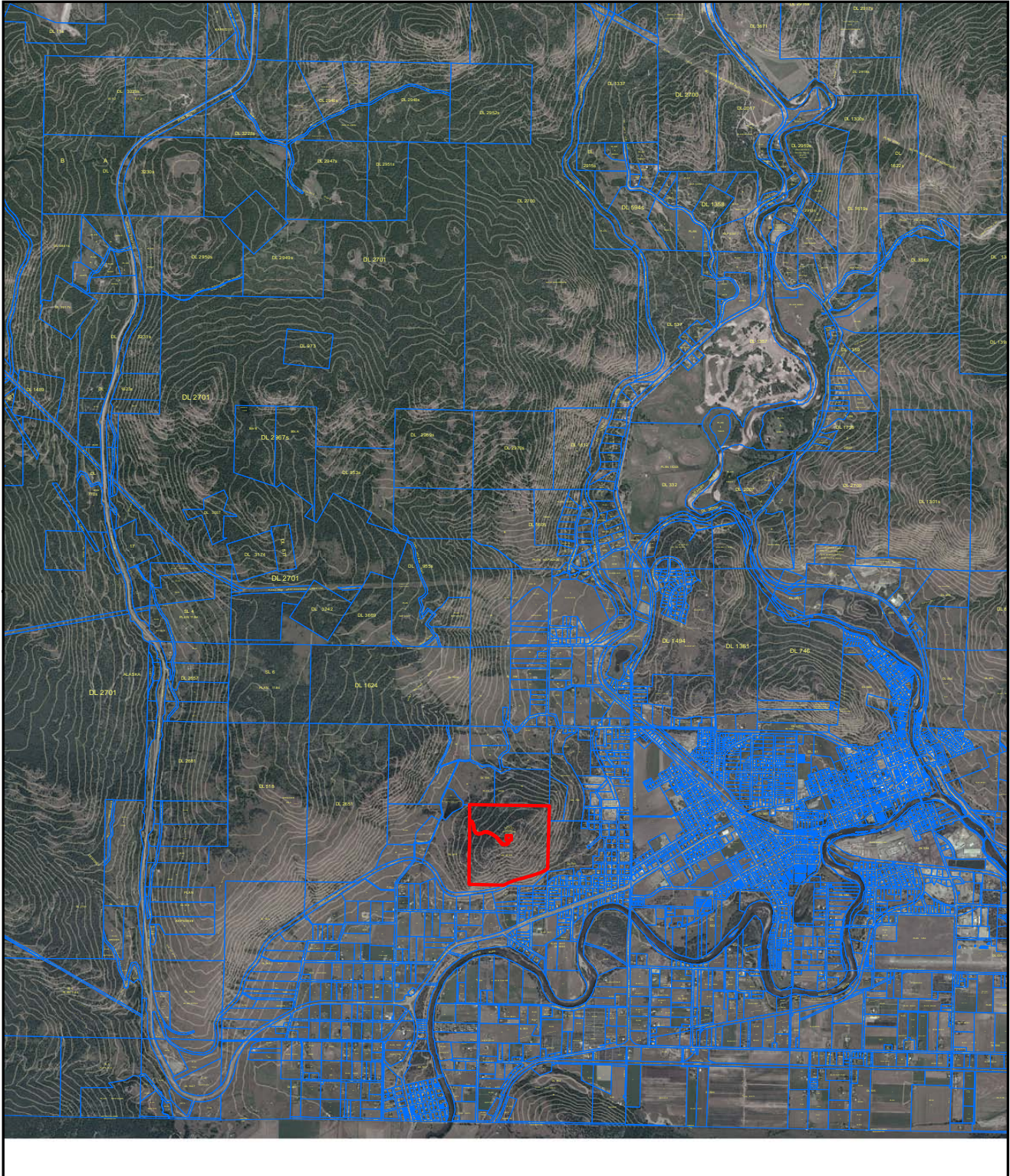
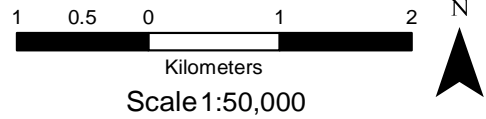
*Site Location Map;*  
*Subject Property Map;*  
*Google Earth Image;*  
*Home of the Invasive and Endangered;*  
*Map of Adjacent Parcels.*





Date: 2/1/2016

# Site Location Map



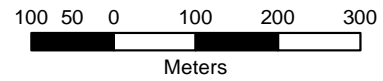
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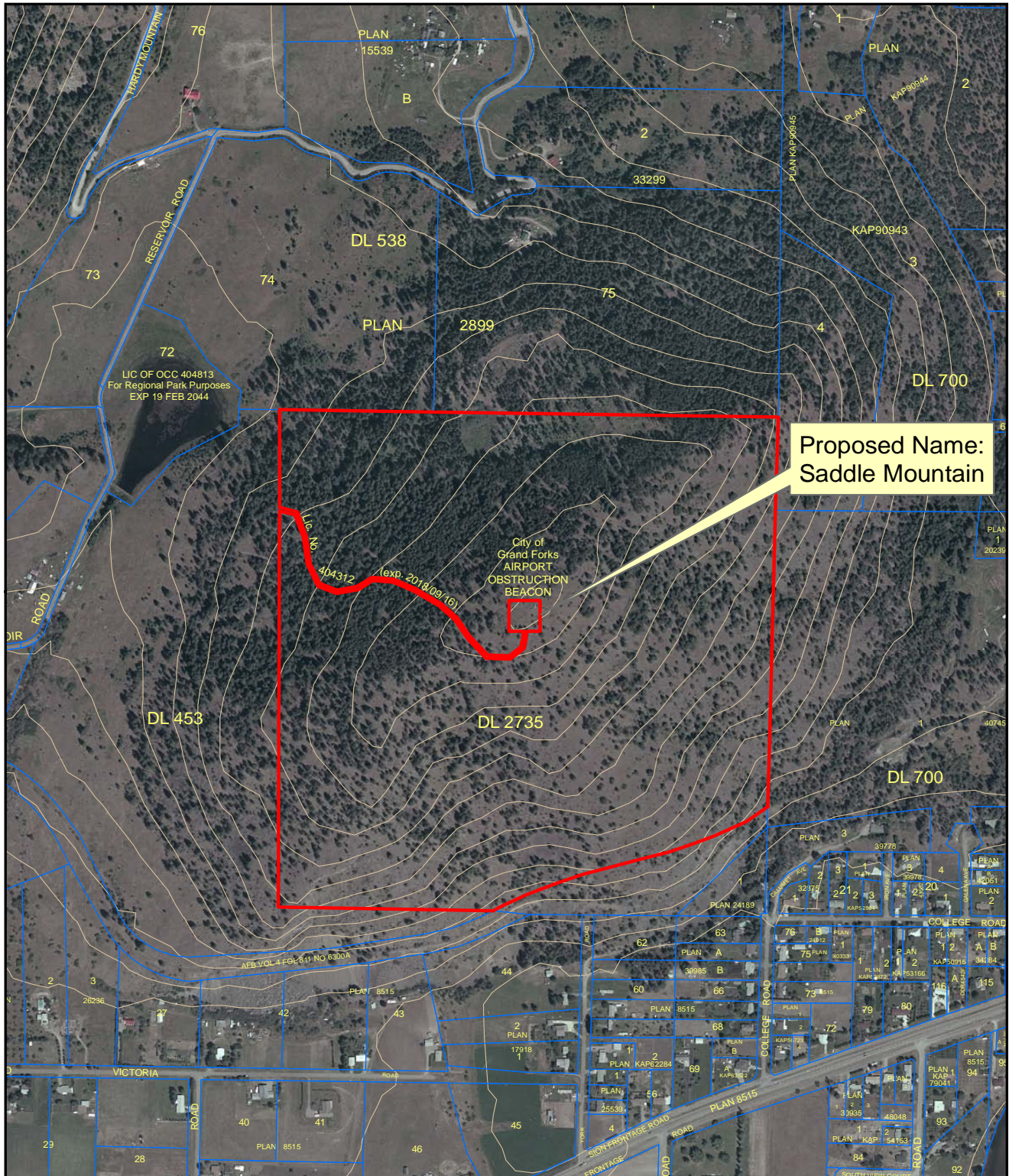


Date: 2/1/2016

# Subject Property Map



Scale 1:8,000



Proposed Name:  
Saddle Mountain

Document Path: P:\GIS\RD\BMapDocuments\Routine\_Maps\SubjectPropertyMap\Area\_D\_RuralGrandForks\2016-01-06\_SaddleMountain\_SPM.mxd



# Google Earth Image

Mountain looking North



## AT SADDLE LAKE

Tiger Salamanders have been sighted throughout the Grand Forks area and have been documented at Saddle Lake. However, this aquatic habitat is now threatened with the introduction of Goldfish. The red listed blotched tiger salamander use to once thrive in Grand Forks. Due to the Goldfish's opportunistic feeding habits, it feeds upon the eggs and larvae of the Tiger Salamander and other amphibians. This will likely have a significant impact upon all the local amphibian populations.

---

## LOCAL EFFORTS

In an effort to bring more attention to Saddle Lake's issues a partnership was created between the Boundary Museum Society and the Granby Wilderness Society. Together a sign was erected to help provide public education on the problems with alien species and the threat they pose to native species. Various removal methods for the Goldfish are being considered. There is hope that one day Saddle Lake may serve as a conservation area for the local flora and fauna.

## THIS BROCHURE WAS PROVIDED BY:



The Granby Wilderness Society

<http://www.granbywilderness.ca/>

And



**BOUNDARY MUSEUM**

<http://www.boundarymuseum.com/>

Copyright 2011

## SADDLE LAKE



**HOME TO THE  
ENVASIVE AND  
THE  
ENDANGERED**

---

## HISTORY

Saddle Lake sits in between Hardy, Spencer and Saddle Mountains, approximately 1 km north of the Boundary Museum. The lake was created in 1914 by the Doukhobors as a reservoir to irrigate nearby orchards. This land feature, likely a wetland, was dammed and filled with water piped in from July Creek. At one point in the 1930's Saddle Lake's dam burst causing a cascade of water, rocks, boulders and mud down the valley below all the way down to the Kettle River. Over time, Saddle Lake has become a refuge for many wildlife species that use the lake for nesting and foraging habitat because the area exhibits key wetland and grassland habitat characteristics.



Peter 'Lordly' Verigin Boat at Saddle Lake  
Circa 1923



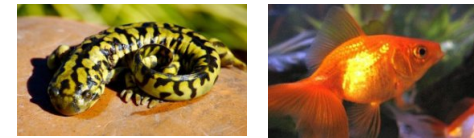
- Land Saturated with Water
- Water Loving Plants
- Amphibians
- Insects
- Serves as a:
  - Breeding Site for Animals/Insects
  - Migratory Stop for Birds
  - Nesting Site for Birds
- Regulates and Cleans Ground Water
- Recharge Aquifers
- Threatened By Development



- Assembly of Grasses and Forbs
- Located between Deserts and Forests
- Thrives on Natural Destructive Processes such as Fire
- Winter Range for Ungulates
- Many Red and Blue Listed Species Including:
  - Rattlesnakes
  - Tiger Salamanders
  - Lewis Wood Peckers
  - Gopher Snakes
  - Badgers
- Most Endangered Ecosystem in the World
- Loss Due to Development and Agriculture

## THE INVASIVE GOLD FISH

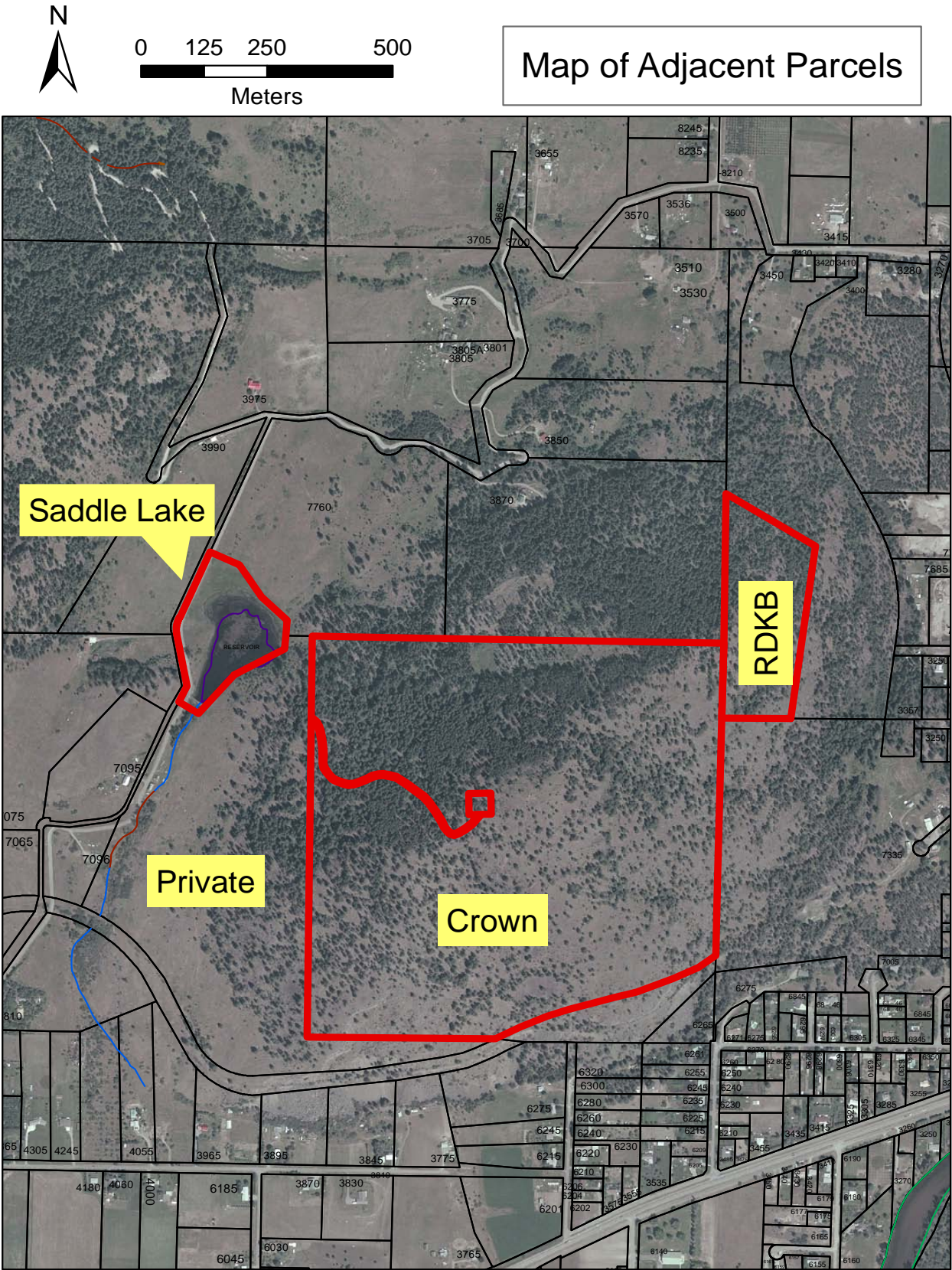
- Scientific Name: *Carassius auratus*
- An Invasive Fish in Saddle Lake and Southern Canada
- Take 2 to 14 Days to Hatch
- Opportunistic
- Possibly Eats the Larvae and Eggs of the Tiger Salamander
- Tolerates A Large Range of Water Conditions
- Has Distressed the Local Habitat



## THE ENDANGERED TIGER SALAMANDER

- Scientific Name: *Ambystoma tigrinum*
- Red Listed in British Columbia
- Dark Patches Amongst a Green to Yellow Surface
- Largest Terrestrial Salamander in the World
- Hibernates Underground
- Needs Aquatic Breeding Grounds
- Lays Eggs In Saddle Lake
- Abandons Eggs and Breeding Site
- Eats Invertebrates and Small Vertebrate
  - Larvae
  - Copepods
  - Worms
  - Crickets









## MEMORANDUM

**TO: RDKB ELECTORAL AREA SERVICES COMMITTEE**

**FROM: THERESA LENARDON, MANAGER OF CORPORATE ADMINISTRATION**

**DATE: FEBRUARY 8, 2016**

**RE: LOCAL GOVERNMENT BYLAW DISPUTE AND ADJUDICATION  
Bylaw Enforcement Notice System-Local Government Bylaw Notice  
Enforcement Act**

The purpose of this memo is to provide a brief description regarding the permission given to local governments to address minor bylaw infractions in an informal manner before using the court-based system with implementation of the Municipal Ticketing and Information (MTI) Bylaw to penalize those more severe infractions.

The *Local Government Bylaw Notice Enforcement Act (the Act)* allows for in-house administration, mediation and settlement of regulatory bylaw violations and disputes by permitting local governments (eg designated employees such as Building officials, Planners, Corporate/Administration), to issue tickets to individuals for non-compliance / minor infractions against the RDKB's regulatory bylaws. For minor infractions, this system could replace the court-based MTI scheme that is cumbersome, costly and uses valuable staff resources and time.

The following lists the types of regulatory bylaws and a few, but not all, of the minor infractions where this system could be used:

### **Animal Control:**

- more than 3 dogs on a property, animals running at large, animals on private property, dog not leashed, animal/dog not licensed

### **Big White Noise Control:**

- making noise or sounds which disturbs the quiet, peace and enjoyment of the neighbourhood, operation of, or playing musical instruments, radio, electronics that disturbs the quiet and peace of the neighbourhood, noise from any animal such as cries, barks or other noises or sounds that disrupt the peace and quiet of the neighbourhood, noise from construction, alteration or demolition

**Zoning Bylaws and Rural Land Use Bylaws**

- unlawful use of land or buildings, storage of derelict vehicles, not meeting setbacks, height and or minimum parcel size requirements, screening and fencing, residential occupancy of accessory buildings and or secondary suites, parking and sewer requirements

**Building and Plumbing:**

- commence or continue to work without a permit, occupy structure without permit, fail to obtain inspection

**Refuse Disposal:**

- deposit material in undesignated areas at landfill, illegal dumping, unauthorized removal of materials from landfills.

Presently, most bylaw investigations are initiated as a result of a complaint and are primarily managed with attempts at obtaining voluntary compliance. In relation to certain hazardous situations or declared nuisances, the RDKB could order a person to rectify the situation, or take action to eliminate the hazard or damage. Where compliance with a bylaw is a condition of a licence or permit, the RDKB may suspend the licence or permit until the person, or persons, comply. However, the Bylaw Dispute and Adjudication / Bylaw Enforcement Notice system does not apply for responses to, and management of non-compliance with development permits, development variance permits and industrial / commercial use permits. Therefore, tickets cannot be issued for non-compliance with permits, licences etc.

Ultimately, when efforts at obtaining compliance fail and voluntary compliance is not accomplished, the RDKB must decide whether the contravention of its bylaws requires enforcement. The Bylaw Dispute and Adjudication / Bylaw Enforcement Notice system allows the local government to levy a maximum fine of up to \$500. To deal with more severe infractions such as vandalism, trespassing, obstruction of an official, physical and or verbal abuse against a bylaw enforcement officer/official, chronic repeat offenders who do not respond to the Bylaw Notice approach, the court-based MTI system could come into force.

I am working towards completing detailed research and the first steps to introduce the Bylaw Dispute and Adjudication / Bylaw Enforcement Notice model to the Board of Directors in March-April. The Board will be presented with a staff report with sufficient information to assist them in deciding whether staff should move forward with undertaking the work required to launch this system remembering that it applies only to minor non-compliance with our regulatory bylaws.

Should the Board direct staff to move forward, staff will apply to the Court Services Branch, Ministry of Attorney General to request an amendment to the *Bylaw Notice Enforcement Regulation* (BC Reg 175 2004) to have the *Act* apply to the RDKB and should we be successful, the Board will be presented with a Bylaw Enforcement Notice (BEN) Bylaw for consideration that would kick-start approximately 8-10 months of work to get the system into place.

Thank You for your consideration of this information.

/TL

		M E M O R A N D U M			
TO:	Director Ali Grieve, Area "A"				
FROM:	Deep Sidhu - Financial Services Manager				
RE:	Grants-In-Aid 2016				
Balance Remaining from 2015				\$	1,050.00
RESOLUTION #	DATE	RECIPIENT	DESCRIPTION	AMOUNT	
GIA33-16	Jan-16	Beaver Valley Nite Hawks	Board ad/1/2 page program ad	\$	1,300.00
GIA33-16		Champion Lakes Golf & Country Club	Renewal of Tee Box sign	\$	210.00
GIA33-16		Beaver Valley Skating Club	Silver Level Sponsorship - Regionals	\$	250.00
GIA33-16		Beaver Valley Recreation	Senior's Dinner 2016	\$	1,100.00

		<b>M E M O R A N D U M</b>		
<b>TO:</b>	<b>Director Linda Worley, Electoral Area 'B'/ Lower Columbia-Old Glory</b>			
<b>FROM:</b>	<b>Deep Sidhu - Financial Services Manager</b>			
<b>RE:</b>	<b>Grants-In-Aid 2015</b>			
Balance Remaining from 2015				\$ 6,245.79
<b>RESOLUTION #</b>	<b>DATE</b>	<b>RECIPIENT</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
GIA33-16	Jan-16	Beaver Valley Skating Club	Gold Level Sponsorship - Regionals Karate Team attending BC Winter Games	\$ 500.00
GIA33-16		Scott Hutcheson, Trail Tradional Karate		\$ 1,575.00
GIA33-16		Trail Harmony Choir	Hosting of 2016 ICF	\$ 500.00
GIA33-16		Christina Gateway CFD	Maintenance on Gordon Keir cabin	\$ 500.00
<b>Total</b>				\$ 3,075.00

		<b>M E M O R A N D U M</b>		
<b>TO:</b>	Director Grace McGregor, Electoral Area 'C'/Christina Lake			
<b>FROM:</b>	Deep Sidhu, Financial Services Manager			
<b>RE:</b>	Grants-In-Aid 2016			
Balance Remaining from 2015				<b>\$ 4,613.47</b>
<b>RESOLUTION #</b>	<b>DATE</b>	<b>RECIPIENT</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
GIA 33-16	Jan-16	Christina Gateway CDF	Winterfest 2016 expenses	\$ 1,000.00
GIA 33-16		C.L. Health-Care Auxiliary	Annual Conference expenses	\$ 1,500.00
<b>Total</b>				<b>\$2,500.00</b>

M E M O R A N D U M				
TO:	Roly Russell - Acting Director, Electoral Area 'D'/R			
FROM:	Deep Sidhu - Financial Services Manager			
RE:	Grants-In-Aid 2016			
Balance Remaining from 2015				\$18,925.73
RESOLUTION #	DATE	RECIPIENT	DESCRIPTION	AMOUNT
GIA 33-16	Jan-16	City of Grand Forks	Family Day Activites expenses	\$ 500.00
GIA 33-16		Community Futures Boundary	Cultural Activity - Author Lawrence Hill	\$ 1,500.00
GIA 33-16		G.F. Boundary Agricultural/Danna O'Donnell	Registration fee for BCAFM's AGM	\$ 271.33
Total				\$2,271.33



		<b>M E M O R A N D U M</b>		
<b>TO:</b>	<b>Director Vicki Gee, Electoral Area 'E'/ West Boundary</b>			
<b>FROM:</b>	<b>Deep Sidhu, Financial Services Manager</b>			
<b>RE:</b>	<b>Grants-In-Aid 2016</b>			
Balance Remaining from 2015				<b>\$     18,354.86</b>
<b>RESOLUTION #</b>	<b>DATE</b>	<b>RECIPIENT</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
GIA 33-16	Jan-16	Phoenix Mountain Alpine Ski Society	Mountain Youth Ski program - equip.	\$     1,000.00
GIA 33-16		Midway Ladies Hockey	Assistance with costs	\$     1,000.00
GIA 33-16		Trails to the Boundary Society	Assistance with Consultants costs	\$     1,000.00
<b>Total</b>				<b>\$     3,000.00</b>

**Regional District of Kootenay Boundary  
Status Report - Gas Tax Agreement  
February 4, 2016**

**ELECTORAL AREA 'A'**

	Description	Status	Allocation	
--	-------------	--------	------------	--

**Revenue:**

Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$	96,854.94
Allocation to Dec 31, 2008	Received		46,451.80
Allocation to Dec 31, 2009	Received		91,051.00
Allocation to Dec 31, 2010	Received		89,796.00
Allocation to Dec 31, 2011	Received		89,788.04
Allocation to Dec 31, 2012	Received		87,202.80
Allocation to Dec 31, 2013	Received		87,167.87
Allocation to Dec 31, 2014	Received		84,868.70
Allocation to Dec 31, 2015	Received		84,868.70
Allocation to Dec 31, 2016	Estimated		87,726.69

TOTAL AVAILABLE FOR PROJECTS

\$ 845,776.54
---------------

**Expenditures:**

Approved Projects:

2009	Columbia Gardens Water Upgrade	Completed	\$	250,000.00
2011	South Columbia SAR Hall	Completed		2,665.60
281-13	BV Family Park - Solar Hot Water	Funded		16,684.00
	BV Family Park - Solar Hot Water	Pending or Committed		11,316.00
451-13	Beaver Valley Arena - Lighting	Funded		69,000.00
26-14	LWMP Stage II Planning Process	Funded		805.88
		Pending or Committed		
17-15	Beaver Creek Park - Band Shell/Arbour	Committed		100,000.00

TOTAL SPENT OR COMMITTED

\$ 450,471.48
---------------

TOTAL REMAINING

\$ 395,305.06
---------------

**Regional District of Kootenay Boundary  
Status Report - Gas Tax Agreement  
February 4, 2016**

**ELECTORAL AREA 'B' / LOWER COLUMBIA/OLD GLORY**

	Description	Status	Allocation	
--	-------------	--------	------------	--

**Revenue:**

## Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$	69,049.93
Allocation to Dec 31, 2008	Received		33,116.46
Allocation to Dec 31, 2009	Received		64,912.00
Allocation to Dec 31, 2010	Received		64,017.00
Allocation to Dec 31, 2011	Received		64,010.00
Allocation to Dec 31, 2012	Received		65,936.00
Allocation to Dec 31, 2013	Received		65,907.41
Allocation to Dec 31, 2014	Received		64,169.02
Allocation to Dec 31, 2015	Received		64,169.02
Allocation to Dec 31, 2016	Estimated		66,329.94

TOTAL AVAILABLE FOR PROJECTS

**\$ 621,616.78****Expenditures:**

## Approved Projects:

8547	GID - Groundwater Protection Plan	Completed	\$	10,000.00
11206	GID - Reducing Station (Advance)2008	Completed		16,000.00
2009	GID - Reducing Station (Balance)	Completed		14,000.00
2009	GID - Upgrades to SCADA	Completed		22,595.50
2009	Casino Recreation - Furnace	Completed		3,200.00
Phase 1	GID - Pipe Replacement/Upgrades	Completed		60,000.00
Phase 2	Looping/China Creek	Completed		18,306.25
2012	Rivervale Water SCADA Upgrade	Completed		21,570.92
2013	Rossland-Trail Country Club Pump	Funded		20,000.00
261-14	Rivervale Water & Streetlighting Utility	Funded		20,000.00
262-14	Genelle Imp. District - Water Reservoir	Funded		93,750.00
		Pending or		
	Genelle Imp. District - Water Reservoir	Committed		31,250.00
263-14	Oasis Imp. District - Water Well	Completed		34,918.00
	Castlegar Nordic Ski Club (Paulson Cross			
251-15	Country Ski Trail Upgrade)	Funded		10,000.00
	Black Jack Cross Country Ski Club Society			
252-15	(Snow Cat)	Funded		10,000.00
	Rivervale Water & Streetlighting Utility (LED			
253-15	Streetlights)	Funded		14,417.00
254-15	Rivervale Oasis Sewer Utility (Flow Meters)	Funded		90,000.00

TOTAL SPENT OR COMMITTED

**\$ 490,007.67**

TOTAL REMAINING

**\$ 131,609.11**

04/02/2016

Gas Tax Agreement EA Committee.xls

Regional District of Kootenay Boundary  
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ELECTORAL AREA 'C' / CHRISTINA LAKE

	Description	Status	Allocation	
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Revenue:

Per Capital Allocation of Gas Tax Grant:			
	Allocation to Dec 31, 2007	Received	\$ 69,877.75
	Allocation to Dec 31, 2008	Received	33,513.49
	Allocation to Dec 31, 2009	Received	65,690.00
	Allocation to Dec 31, 2010	Received	64,785.00
	Allocation to Dec 31, 2011	Received	64,778.00
	Allocation to Dec 31, 2012	Received	65,746.00
	Allocation to Dec 31, 2013	Received	65,718.43
	Allocation to Dec 31, 2014	Received	63,985.02
	Allocation to Dec 31, 2015	Received	63,985.02
	Allocation to Dec 31, 2016	Estimated	66,139.74
TOTAL AVAILABLE FOR PROJECTS			\$ 624,218.45

Expenditures:

Approved Projects:			
11207	Christina Lake Community and Visitors Centre	Advanced	\$ 50,000.00
2009	CLC&VC	Advanced	25,000.00
2010	CLC&VC	Advanced	25,000.00
2010	Living Machine	Advanced	80,000.00
2012	Kettle River Watershed Study	Funded	5,000.00
2013	Kettle River Watershed Project	Funded	9,959.86
2014	Kettle River Watershed Project	Funded	3,548.77
2015	Kettle River Watershed Project	Funded	1,371.07
	Kettle River Watershed Study	Pending or Committed	120.30
417-13	Kettle River Watershed (Granby Wilderness Society)	Funded	2,000.00
2011	Solar Aquatic System Upgrades	Completed	7,325.97
418-13	Christina Lake Chamber of Commerce (Living Arts Centre Sedum/Moss Planting Medium)	Funded	20,697.00
106-14	Christina Gateway Community Development Association	Funded	20,000.00
264-14	Christina Lake Solar Aquatic System Upgrades	Funded	4,227.29
	Christina Lake Solar Aquatic System Upgrades	Pending or Committed	772.71
	Christina Lake Nature Park - Riparian and Wetland Demonstration Site and Native Plant Nursery		
16-15		Funded	32,072.33
	Christina Lake Nature Park - Riparian and Wetland Demonstration Site and Native Plant Nursery	Pending or Committed	10,690.78
18-15	CL Elementary Parent Advisory Council - Hulitan/Outdoor Classroom	Funded	27,660.00
	CL Elementary Parent Advisory Council - Hulitan/Outdoor Classroom	Pending or Committed	9,220.00
256-15	Christina Lake Recreation Commission (Pickle Ball & Pump Bike Park)	Funded	53,949.21
	Christina Lake Recreation Commission (Pickle Ball & Pump Bike Park)	Pending or Committed	16,330.79
360-15	Christina Lake Community Association (Design & Installation Make-Up Air System)	Pending or Committed	12,750.00
	Christina Lake Community Association (Design & Installation Make-Up Air System)	Pending or Committed	4,250.00
361-15	Christina Lake Boat Access Society (Redesign Texas Point Boat Launch Parking)	Pending or Committed	30,000.00
TOTAL SPENT OR COMMITTED			\$ 451,946.08
TOTAL REMAINING			\$ 172,272.37

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**ELECTORAL AREA 'D' / RURAL GRAND FORKS**

	Description	Status	Allocation	
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**Revenue:**

Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$ 154,656.26
Allocation to Dec 31, 2008	Received	74,173.40
Allocation to Dec 31, 2009	Received	145,389.00
Allocation to Dec 31, 2010	Received	143,385.00
Allocation to Dec 31, 2011	Received	143,370.00
Allocation to Dec 31, 2012	Received	150,634.00
Allocation to Dec 31, 2013	Received	150,571.27
Allocation to Dec 31, 2014	Received	146,599.76
Allocation to Dec 31, 2015	Received	146,599.76
Allocation to Dec 31, 2016	Estimated	151,536.57

TOTAL AVAILABLE FOR PROJECTS

**\$ 1,406,915.02**

**Expenditures:**

Approved Projects:

8549	City of GF - Airshed Quality Study	Completed	\$ 5,000.00
2010	Kettle River Water Study	Funded	25,000.00
2012-1	Kettle River Watershed Study	Funded	15,000.00
2012-2	Kettle River Watershed Study	Funded	10,000.00
2013	Kettle River Watershed Project	Funded	24,899.66
2014	Kettle River Watershed Study	Funded	41,490.99
2015	Kettle River Watershed Study	Funded	7,857.50
	Kettle River Watershed Study	Pending or Committed	751.85
417-13	Kettle River Watershed (Granby Wilderness Society)	Funded	2,000.00
		Pending or Committed	
2010	Boundary Museum Society - Phase 1	Completed	13,000.00
2011	Boundary Museum Society - Phase 2	Completed	30,000.00
2012	Boundary Museum Society - Phase 2	Completed	8,715.00
2011	Phoenix Mnt Alpine Ski Society	Completed	63,677.00
2012	Phoenix Mnt Alpine Ski Society	Completed	1,323.00
2012	Phoenix Mnt Alpine Ski Society	Additional	12,600.00
2012	Grand Forks Curling Rink	Completed	11,481.00
27-14	Boundary Museum	Funded	77,168.50
178-15	Grand Forks Rotary Club (Spray Park)	Funded	25,000.00
426-15	Jack Goddard Memorial Arena (LED Lights)	Funded	40,000.00
7-16	RDKB (Hardy Mountain Doukhobor Village)	Funded	38,165.19

TOTAL SPENT OR COMMITTED

**\$ 453,129.69**

TOTAL REMAINING

**\$ 953,785.33**

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ELECTORAL AREA 'E' / WEST BOUNDARY

	Description	Status	Allocation	
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Revenue:

Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$	108,785.28
Allocation to Dec 31, 2008	Received		52,173.61
Allocation to Dec 31, 2009	Received		102,266.68
Allocation to Dec 31, 2010	Received		100,857.14
Allocation to Dec 31, 2011	Received		100,846.00
Allocation to Dec 31, 2012	Received		93,112.00
Allocation to Dec 31, 2013	Received		93,073.54
Allocation to Dec 31, 2014	Received		90,618.62
Allocation to Dec 31, 2015	Received		90,618.62
Allocation to Dec 31, 2016	Estimated		93,670.24

TOTAL AVAILABLE FOR PROJECTS	\$	926,021.73
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Expenditures:

Approved Projects:

283	Greenwood Solar Power Project	Completed	\$	3,990.00	
8548	Kettle Valley Golf Club	Completed		20,000.00	
8546	West Boundary Elementary School Nature Park	Completed		13,500.00	} 28,500.00
8546E	2010 WBES - Nature Park (expanded)	Completed		15,000.00	
2009/10	Kettle Wildlife Association (heat pump)	Completed		35,000.00	
2010	Rock Creek Medical Clinic (windows/doors)	Completed		18,347.56	
2010	Kettle Valley Golf Club (Pumps)	Completed		24,834.63	} 41,368.00
2011	Kettle Valley Golf Club (Pumps)	Completed		10,165.37	
2011	Kettle Valley Golf Club (Pumps)	Completed		6,368.00	
2010	Rock Creek Fairground Facility U/G	Completed		14,235.38	} 44,000.00
2011	Rock Creek Fairground Facility U/G	Completed		22,764.62	
2011	Rock Creek Fairground Facility U/G	Completed		7,000.00	
2010/11	Beaverdell Community Hall Upgrades	Completed		47,000.00	
2010	Kettle River Water Study	Funded		25,000.00	
2012-1	Kettle River Watershed Study	Funded		15,000.00	
2012-2	Kettle River Watershed Study	Funded		40,000.00	
2013	Kettle River Watershed Project	Funded		49,799.31	
2014	Kettle River Watershed Study	Funded		33,201.82	
2015	Kettle River Watershed Study	Funded		10,946.27	
	Kettle River Watershed Study	Pending or Committed		1,052.60	
417-13	Kettle River Watershed (Granby Wilderness Society)	Funded		2,000.00	
145-14	Rock Creek & Boundary Fair Association (Electrical Lighting & Equipment Upgrade)	Funded		35,122.00	
221-15	Greenwood Heritage Society (Zee Brick Replacement)	Funded		6,000.00	
222-15	Big White Chamber of Commerce (Tourist Trails Information Sign)	Funded		2,085.70	
	Big White Chamber of Commerce (Tourist Trails Information Sign)	Pending or Committed		695.23	
255-15	Rock Creek & Boundary Fair Association (Irrigation Upgrades)	Funded		20,866.89	
341-15	Greenwood Heritage Society (Install 2 Electric Car Charging Stations)	Funded		2,527.56	
342-15	Kettle River Museum (Install 2 Electric Car Charging Stations)	Funded		2,173.11	
	Kettle River Museum (Install 2 Electric Car Charging Stations)	Pending or Committed		724.37	
343-15	Trails to the Boundary Society (Trans-Canada Trail Between Mcculloch and Eholt)	Funded		22,180.57	
	Trails to the Boundary Society (Trans-Canada Trail Between Mcculloch and Eholt)	Pending or Committed		7,393.52	

TOTAL SPENT OR COMMITTED	\$	514,974.51
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TOTAL REMAINING	\$	411,047.22
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