



Bylaw Amendment Application

RDCK File Z2403G

Proposed Amendment to Land Use Bylaw No. 2452

Date: April 29, 2024

You are requested to comment on the attached DEVELOPMENT PERMIT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO May 29, 2024). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PRESENT USE AND PURPOSE OF THE BYLAW AMENDMENT:

The subject properties are located south of the Pend d'Oreille River approximately three km north of the Canada/USA border, adjacent to the Kootenay-Boundary Regional District boundary to the west, and is surrounded by other larger tracts of Resource Area (RA) land in Electoral Area 'G'. The parcels are currently undeveloped.

The purpose of this application is to rezone the three subject properties from RA to RA site specific to allow for the construction of one dwelling unit as a principal use on each parcel.

LEGAL DESCRIPTION & GENERAL LOCATION:

No Civic Addresses, Pend d'Oreille area, Electoral Area 'G'

DISTRICT LOT 7730 KOOTENAY LAND DISTRICT EXCEPT PART INCLUDED IN EXPLANATORY PLAN 102460I (PID: 016-426-266)

DISTRICT LOT 7729 KOOTENAY LAND DISTRICT EXCEPT PART INCLUDED IN EXPLANATORY PLAN 102460I (PID: 016-426-380)

DISTRICT LOT 7728 KOOTENAY LAND DISTRICT EXCEPT PART INCLUDED IN EXPLANATORY PLAN 102461I (PID: 016-425-146)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
427 hectares (1,056 acres)	n/a	Resource Area (RA)	Resource Area (RA)

AGENT:

Nelson Land Corp. c/o Ron Thomson

OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:

If your Advisory Planning Commission plans to hold a meeting to discuss this Bylaw Amendment application, please note that the applicants must be provided with an opportunity to attend such meeting, in accordance with Section 461, subsection (8) of the *Local Government Act*, which reads as follows:

"If the commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard."

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

**STEPHANIE JOHNSON, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY**

<input checked="" type="checkbox"/> TRANSPORTATION West Kootenay <input checked="" type="checkbox"/> HABITAT BRANCH <input checked="" type="checkbox"/> FRONT COUNTER BC (FLNRORD) <input type="checkbox"/> AGRICULTURAL LAND COMMISSION <input type="checkbox"/> REGIONAL AGROLOGIST	FIRST NATIONS <input checked="" type="checkbox"/> KTUNAXA NATION COUNCIL (ALL REFERRALS) YAQAN NU?KIY (LOWER KOOTENAY) ?AKINK'UM?ASNUQ?I?IT (TOBACCO PLAINS) ?AKISQNUK (COLUMBIA LAKE)
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ENERGY & MINES
 MUNICIPAL AFFAIRS & HOUSING
 INTERIOR HEALTH HBE Team, Nelson
 ARCHAEOLOGY BRANCH
 SCHOOL DISTRICT NO.
 WATER SYSTEM OR IRRIGATION DISTRICT
 UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)
 REGIONAL DISTRICT OF CENTRAL KOOTENAY
 DIRECTORS FOR:
 A B C D E F G H I J
 K
 ALTERNATIVE DIRECTORS FOR:
 A B C D E F G H I J
 K
 APHC AREA G
 RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA)
 RDCK EMERGENCY SERVICES
 RDCK BUILDING SERVICES
 RDCK UTILITY SERVICES
 RDCK REGIONAL PARKS

ʔAQ'AM (ST. MARY'S)
 OKANAGAN NATION ALLIANCE
 C'ƏC'ƏWIXAʔ (UPPER SIMILKAMEEN)
 KʔK'ƏR'MÍWS (LOWER SIMILKAMEEN)
 SNPÍNTKTN (PENTICTON)
 STQAʔTKWƏʔWT (WEST BANK)
 SUKNAQÍN X (OKANAGAN)
 SWÍWS (OSOYOOS)
 SPAXOMƏN (UPPER NICOLA)
 SHUSWAP NATION TRIBAL COUNCIL
 KENPÉSQT (SHUSWAP)
 QWʔEWT (LITTLE SHUSWAP)
 SEXQELTQÍN (ADAMS LAKE)
 SIMPCW ((SIMPCW)
 SKEMTSIN (NESKONLITH)
 SPLATSÍN (SPLATSÍN FIRST NATION)
 SKEETCHESTN INDIAN BAND
 TK'EMLUPS BAND

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

RESPONSE SUMMARY

FILE: Z2403G AGENT: RON THOMSON

Name:

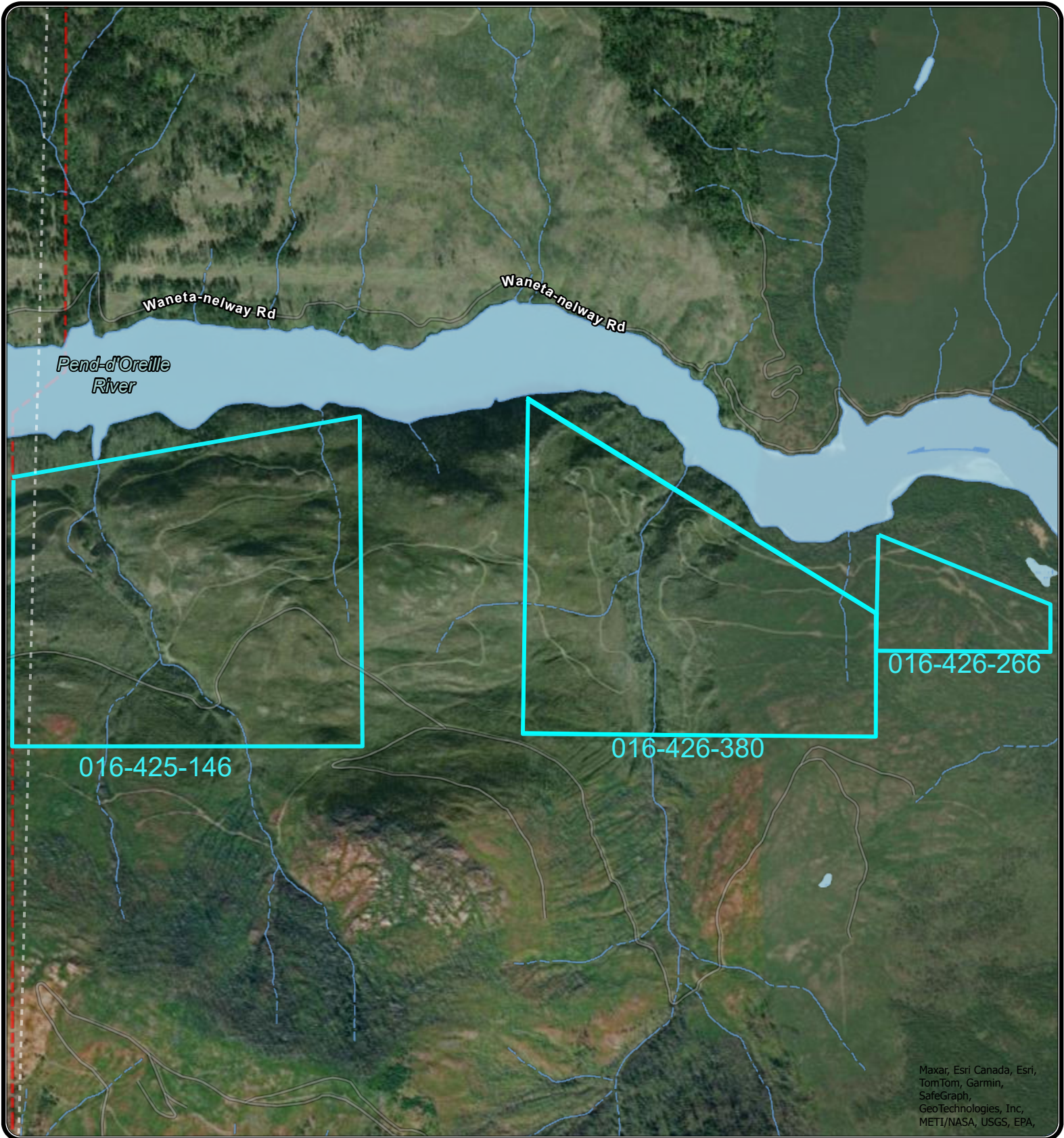
Date:

Agency:

Title:

RETURN TO: STEPHANIE JOHNSON, PLANNER
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
Ph. 250-352-8190
Email: plandept@rdck.bc.ca

RDCK Map







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Legend

-  Wetlands
-  Streams and Shorelines
-  Lakes and Rivers
-  Electoral Areas

Map Scale:

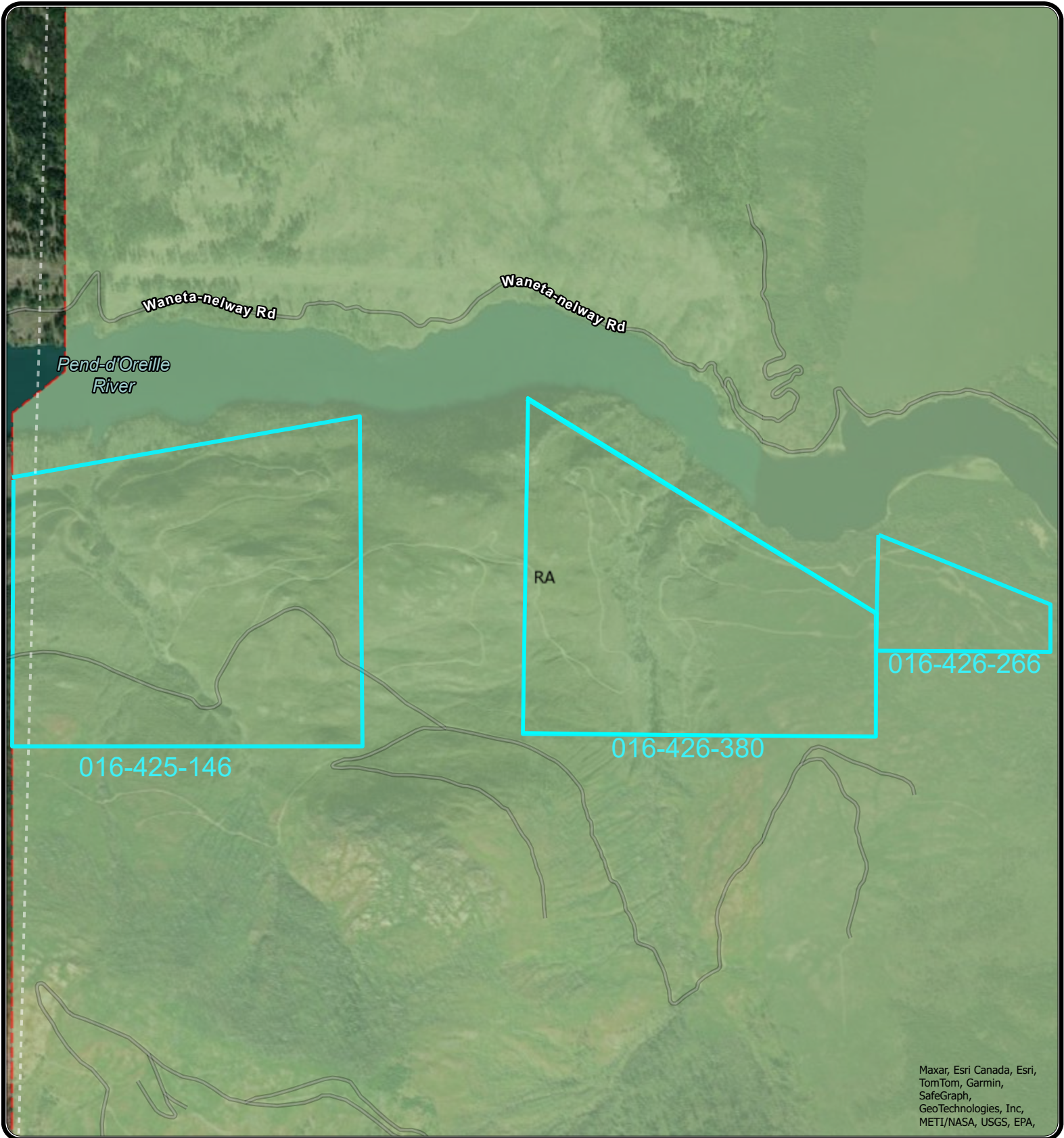
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Date: April 9, 2024



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

RDCK Map





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Legend

Zoning Class

-  Resource Area
-  Electoral Areas

Map Scale:

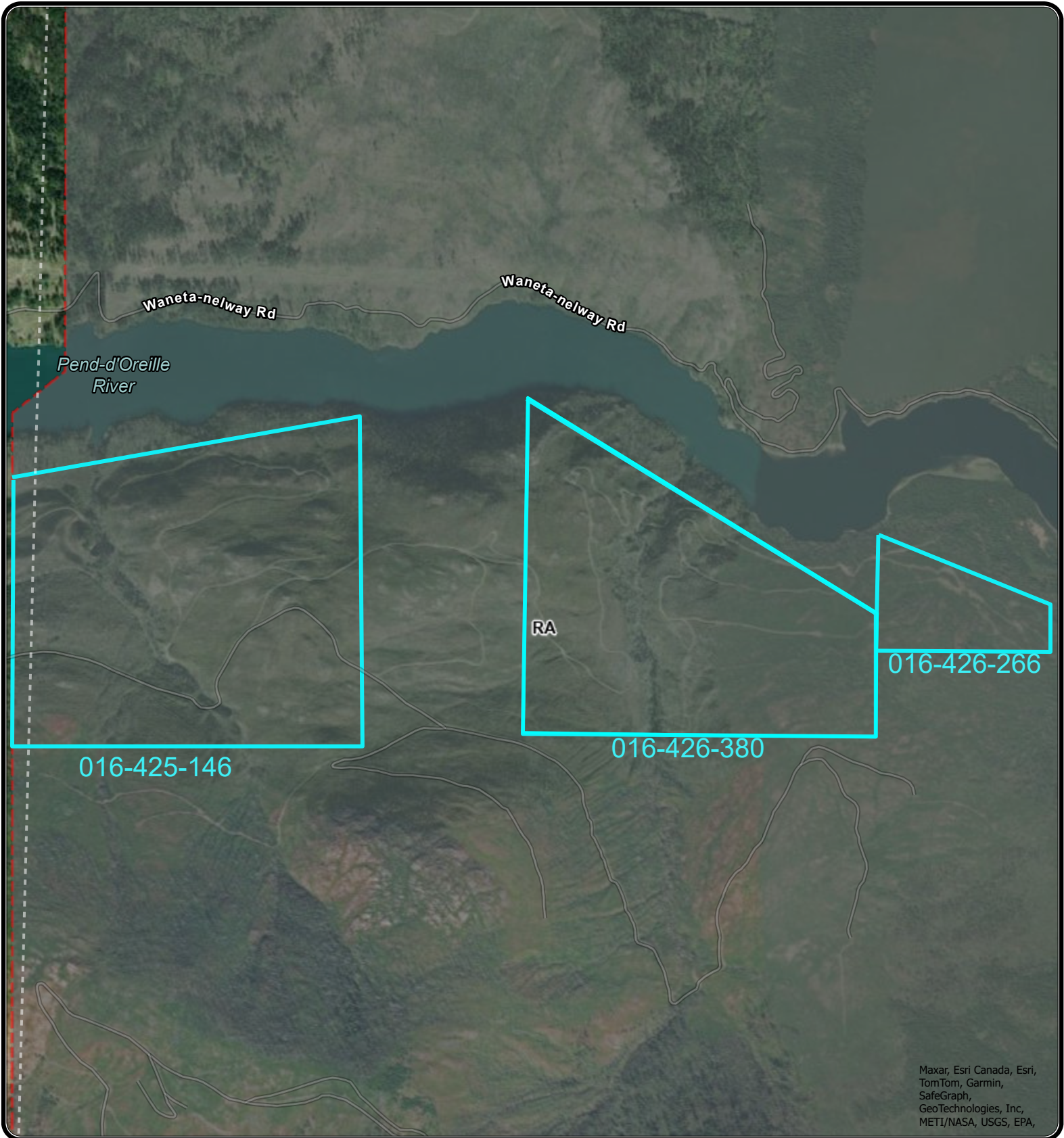
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Legend

Official Community Plan

-  Resource Area
-  Electoral Areas

Map Scale:

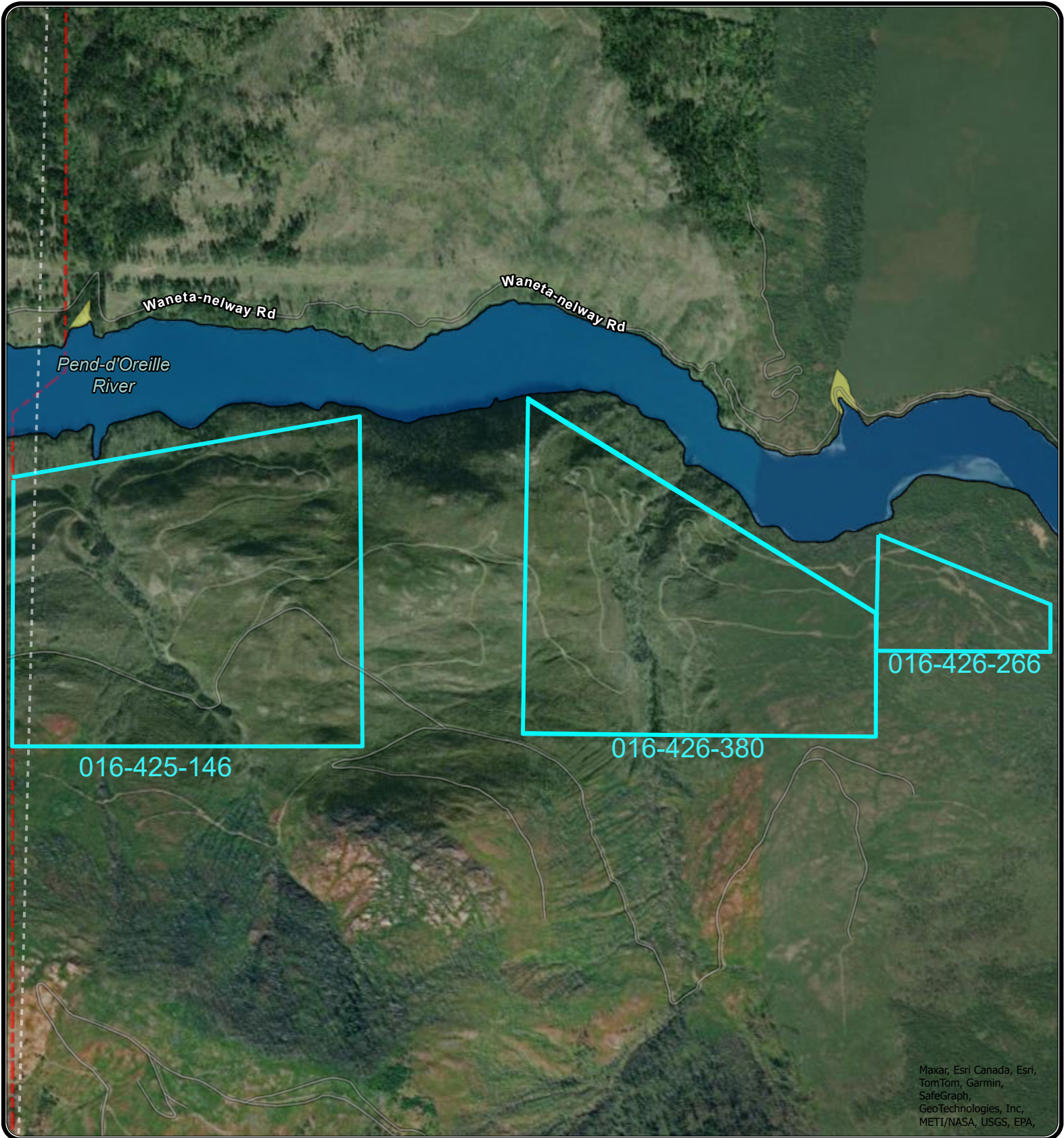
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Legend

-  Flood Construction Levels - 1990
-  Non Standard Flooding Erosion Area
-  Electoral Areas

Map Scale:

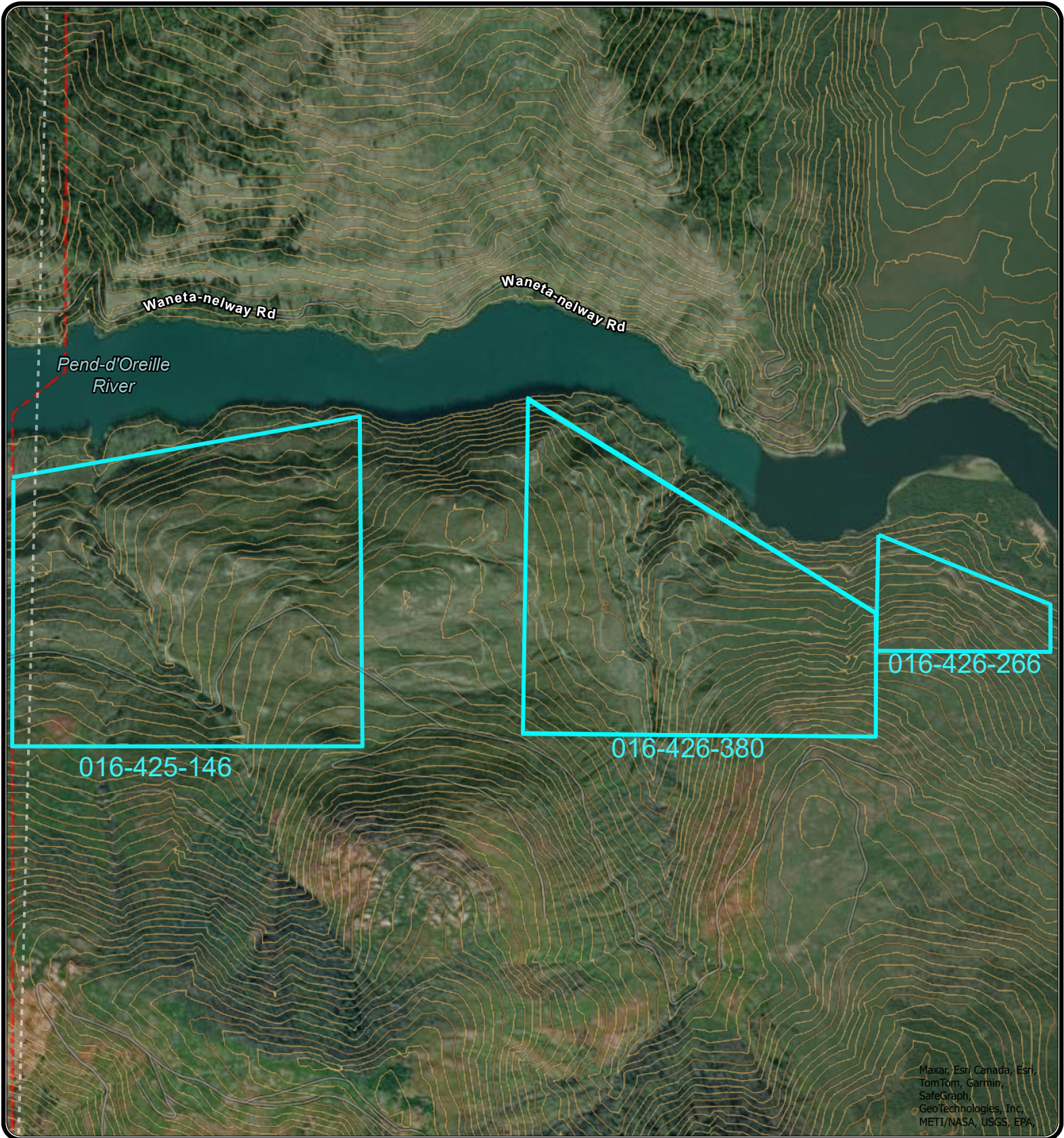
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Legend

20 Meter Contours

- 20 meter
- 100 meter
- ▭ Electoral Areas

Map Scale:

1:36,112

Date: April 9, 2024



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Proposal Summary

RDCK application to make a bylaw amendment to three properties in the Pond D Orielle area (Electoral Area G).

Namely: District Lots 7730, 7729 and 7728 all of the Kootenay Land District. PID#s 016-426-266, 016-426-380 and 016-425-146. Titles and property list attached.

All three properties are currently zoned RA Resource Area and identified as the same in the OCP.

The permitted uses indicated in the AR Zone include Agriculture, Commercial Back Country Recreation, Nature Sanctuary, Resource Based Activities, Resource Processing and Accessory uses. The permitted uses are suitable for the current land use but do not include a Residence, Cabin or other Dwelling in the principal use. We feel establishing a dwelling is conducive to establishing one of the other permitted uses.

Establishing a residence or cabin can be a steppingstone to an owner discovering the full potential of the land. Allowing a dwelling on these large parcels does nothing to diminish the other permitted uses rather we see it enhancing them. A residence in these remote areas can benefit the land owner and the community at large by providing stewardship. Remote back county areas would benefit by early detection of wildfire, discourage dumping, poaching and squatting in the area.

A stated goal of the OCP for the Resource Area is to:

“Retain and diversify resource-based land uses which contribute to the local economy and nature of communities in the Plan area.”

Allowing a residence can provide an owner a real attachment to the land. Two of the parcels are in excess of 400 acres, this should provide an opportunity to have a residence, a guest cabin, a vineyard, a Christmas tree farm and a market garden. Prohibiting uses is more likely to create a monoculture and wasting of the land.

It is worth noting that Resource based Activities (Forestry) is currently a Principal Use and an accessory building is permitted. Two of these properties are more than 400 acres and are currently in various states or regeneration. The MAI (Mean Annual Increment) for these properties was stated as 7m³ a year. Meaning the 400 acre+ lots are currently generating 1,200m³ of fiber annually. The footprint required for a dwelling will have minimal impact on the land base.

There are currently no zones in the RDCK that promote such resource diversity in concert with liveaboard stewardship. We propose a text amendment specific to these three titles that would allow for a Cabin, Dwelling one family and Dwelling two family in addition to the current permitted uses.

We believe this is consistent with the stated goals of the OCP and will create some useful, utilized properties going forward. When there is an outcry for more housing everywhere in the province, prohibiting opportunities for housing is counterintuitive.

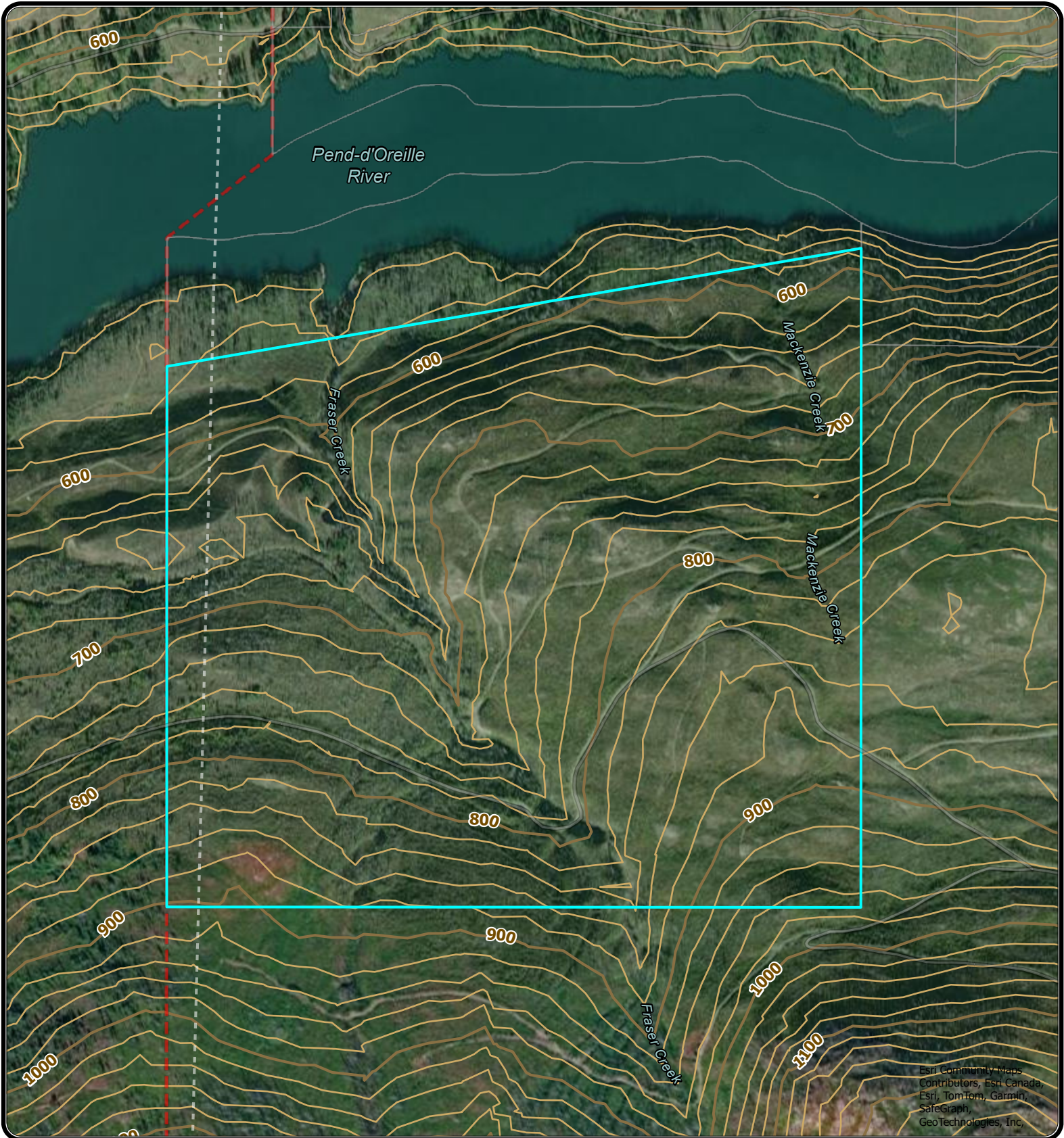
Note:

Our goal is to have a dwelling permitted on each title.

It seems there are a few ways to achieve this.

- A site specific text amendment to the zoning bylaw. (which we chose)
- A re-zoning to a zone that permitted for a residence such as the Remote Residential Zone (R4).
- Or re-zoning to a new zone tailored to the specific situation perhaps Remote Residential (R15).

We felt the site-specific amendment to the current zoning the simplest but we are certainly willing to pursue another avenue with the same outcome should that be preferable.





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Legend

-  Electoral Areas
-  Cadastre - Legal Parcels

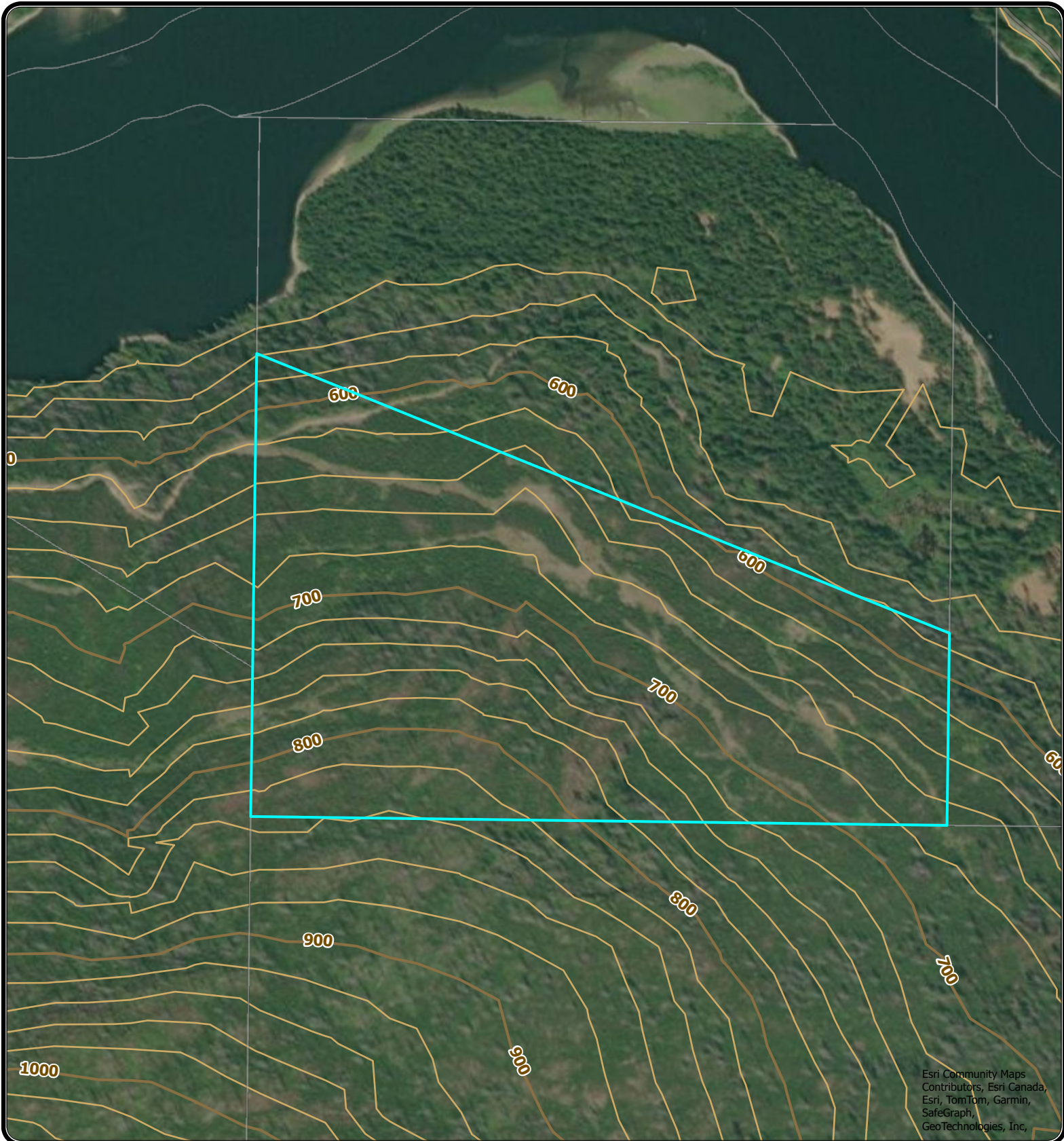
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Date: March 8, 2024



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-  Cadastre - Legal Parcels

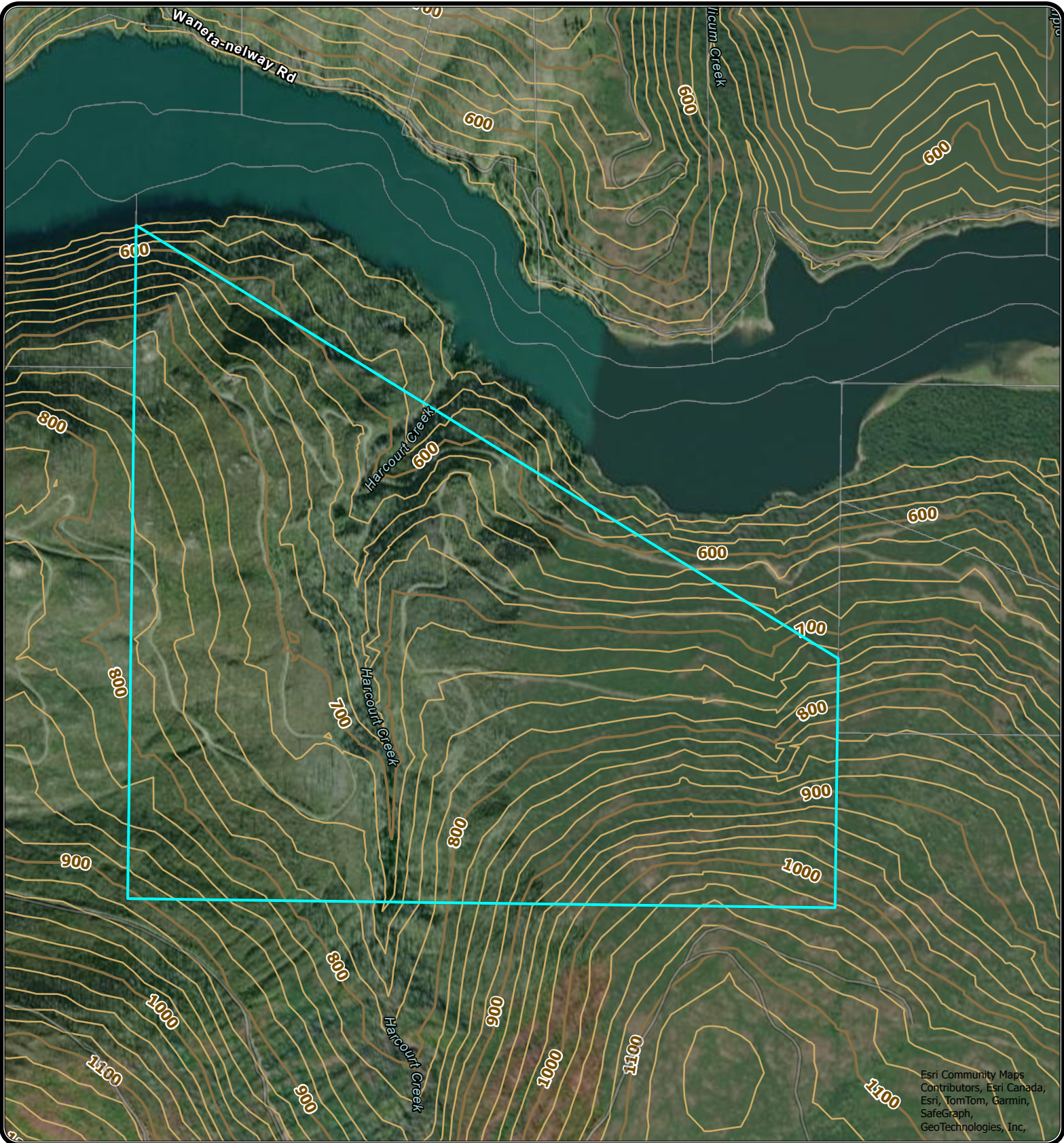
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-  Cadastre - Legal Parcels

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1:18,056

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14.0 RESOURCE AREA

Background

Resource Areas (RA) are described as large lots of land and include both private and Crown land used for resource based activities. Typical uses include forest land, grazing or range land, public recreation areas, watersheds, and resource extraction areas. Although it is recognized that local land use designations do not apply to the Crown, the designation is intended to provide regulations upon alienation and to address Crown leases and licenses, as well as situations where the Crown is otherwise compelled or chooses to respect local government zoning. Forest Reserves (FR) may also be delineated within the Plan area and reflect both private and community owned and managed forest lands.

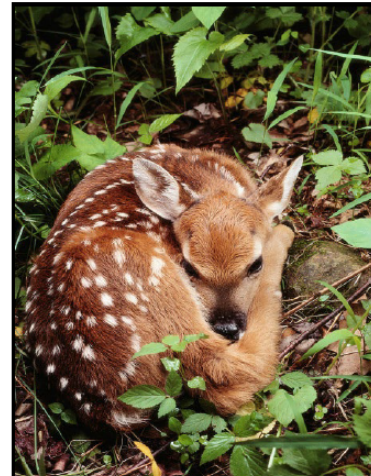
Resource Area Objectives

1. Retain and diversify resource-based land uses which contribute to the local economy and nature of communities in the Plan area.
2. Recognize the importance of Crown lands for recreational values and opportunity.
3. Work with the province and private land owners to ensure that resource based activities do not result in increased occurrence or magnitude of natural hazards in areas where there is risk to persons or property in the area and that such activities include safeguards for water supply.

Resource Area Policies

The Regional Board:

4. Recognizes the jurisdiction of the province over public Crown land.
5. Will work with the province and regional health authority to recognize and protect community watersheds and sources of domestic water supply.
6. Will support the development of community owned and managed woodlots in consultation and with the support of the community.
7. Supports appropriate small scale forest related activities, such as sustainable gathering of products, food crops, hiking, bird watching and wildlife viewing, education and value added resource industries.



35.0 RESOURCE AREA (RA)

PERMITTED USES TABLE FOR RA ZONE	
1	Principal Uses Agriculture Commercial Back Country Recreation Nature Sanctuary Resource Based Activities Resource Processing Accessory Uses Accessory Buildings or Structures Interpretative Facilities Washroom Facilities

DEVELOPMENT REGULATIONS TABLE FOR RA ZONE		
2	Minimum lot area for each Principal Use	15.0 hectares
3	Minimum front setback	7.5 metres
4	Minimum exterior side setback	7.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Minimum lot area for subdivision	15.0 hectares