



**REGIONAL DISTRICT OF CENTRAL KOOTENAY**  
**BOX 590, 202 Lakeside Drive, NELSON, BC V1L 5R4**  
 ph: 250-352-8165 fax:: 250-352-9300 email: rdck@rdck.bc.ca

**RDCK Planning File No. Z1911A**  
**Amendment to OCP Bylaw No. 2315**  
**Amendment to Zoning Bylaw No.2315**  
**Date: August 21, 2019**

**You are requested to comment on the attached Amendment Bylaw(s) for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO SEPTEMBER 24, 2019). If no response is received within that time, it will be assumed that your agency's interests are unaffected. This referral notice has also been provided to adjacent property owners within 100 metres (328 feet) or greater of the subject property for review and comment.**

**PURPOSE OF THE BYLAW:**

From: Suburban Residential (R1)  
 To: NEW ZONE Mixed Use Residential (MUR)

The proposed amendments are intended to reflect the current and intended use of the subject property for residential and recreational purposes. The property consists of 14 shared interest lots used for both residential and recreational purposes. The original intent of the subject property for principal residential use has not occurred and the intent for the property has shifted toward seasonal recreational use. The property fronts Kootenay Lake and is located in a hazard area associated with the Sanca Creek which has limited the development potential of the property. The property is serviced by a community wastewater system and individual water wells. One of the shared interest lots is served by the Sanca Creek Water System. The proposed NEW ZONE will accommodate one-family, two-family and recreational vehicle use based on available servicing.

**LEGAL DESCRIPTION & GENERAL LOCATION:**

10901 Highway 3A  
 Lot A District Lot 913 Kootenay District Plan NEP82192 (PID 026-847-663)

AREA OF PROPERTY AFFECTED	ALR STATUS	CURRENT ZONING	CURRENT OCP DESIGNATION
7.29 ACRES	NOT IN ALR	Suburban Residential (R1)	Suburban Residential (RS)

**APPLICANT/AGENT:**

Sanca Creek Beach Resort Cooperative Association

**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 bylaw.**

**MEERI DURAND, SENIOR PROJECT PLANNER**  
**REGIONAL DISTRICT OF CENTRAL KOOTENAY**

- TRANSPORTATION West Kootenay
  - HABITAT BRANCH (FLNRORD)
  - INTERIOR HEALTH HBE Team, Nelson
  - KOOTENAY LAKES PARTNERSHIP
  - SCHOOL DISTRICT NO. 8 (KOOTENAY LAKE)
  - UTILITIES (FORTIS)
- 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
- APC AREA A
  - RDCK FIRE SERVICES – NORA HANNON
  - RDCK EMERGENCY SERVICES
  - RDCK BUILDING SERVICES
  - RDCK UTILITY SERVICES

- FIRST NATIONS
- KTUNAXA NATION COUNCIL (ALL REFERRALS)
    - YAQAN NU?KIY (LOWER KOOTENAY)
    - ?AKINK'UM?ASNUQ?IT (TOBACCO PLAINS)
    - ?AKISQNUK (COLUMBIA LAKE)
    - ?AQ'AM (ST. MARY'S)
  - QWELMINTE SECWEPEMC
    - KENPÉSQT (SHUSWAP)
    - QW?EWT (LITTLE SHUSWAP)
    - SEXQELTQÍN (ADAMS LAKE)
    - SIMPCW ((SIMPCW)
    - SPLATSÍN (SPLATSÍN FIRST NATION)
    - TK'EMLUPS SECWEPEMC
    - SKEETCHSTN INDIAN 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. If you have any questions about the collection of your personal information, contact the Privacy Officer at 250.352.8168, [mmorrison@rdck.bc.ca](mailto:mmorrison@rdck.bc.ca), or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

**RESPONSE SUMMARY**

**PLANNING FILE NO.: Z1911A APPLICANT: SANCA CREEK BEACH RESORT COOPERATIVE ASSOCIATION**

Name:  Date:

Agency:  Title:

**RETURN TO: MEERI DURAND, SENIOR PROJECT PLANNER  
PLANNING SERVICES  
REGIONAL DISTRICT OF CENTRAL KOOTENAY  
BOX 590, 202 LAKESIDE DRIVE  
NELSON, BC V1L 5R4  
[plandept@rdck.bc.ca](mailto:plandept@rdck.bc.ca)**



The Regional District of Central Kootenay

Box 590, 202 Lakeside Drive, Nelson British Columbia V1L 5R4

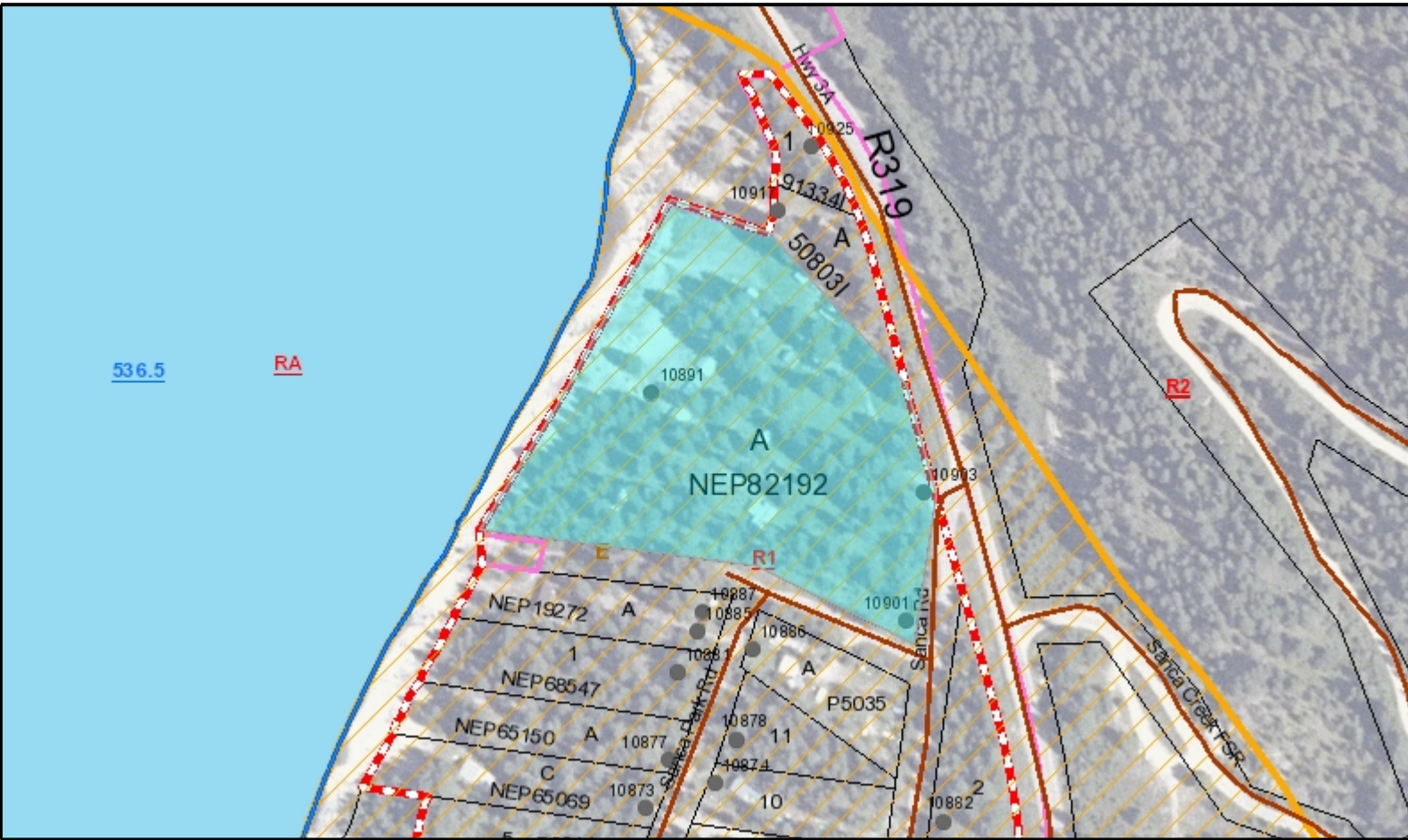
Phone: 250-352-6665 Toll Free 1-800-268-7325 Web:

www.rdck.bc.ca E-Mail: Info@rdck.bc.ca

16-Aug-2019

**Property Information Report**

Folio Number:	786.03979.000	EA: A
Site Address:	10901 HIGHWAY 3A	
PID:	026-847-663	Parcel area: 7.29 ACRES
Legal Description:	LOT A PLAN NEP82192 DISTRICT LOT 913 KOOTENAY LAND DISTRICT	
Site Address:	14-10901 HIGHWAY 3A	



**Land-use Information**

Zoning Designation:	2315-R1		
Zoning Designation:	CONFIRM	NSFEA & Rating:	Sanca Creek E

**General Services Information**

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This information is provided as a public resource for general information purposes only. The information shown is compiled from various sources and the Regional District of Central Kootenay makes no warranties, expressed or implied, as to the accuracy or completeness of the information. This report is not a legal document and is published for information and convenience only. The RDCK is not responsible for any errors or omissions. Report generated: 16-Aug-2019

## 19.0 SUBURBAN RESIDENTIAL (R1)

### Permitted Uses

1. Land, buildings and structures in the Suburban Residential (R1) zone shall be used for the following purposes only:

Dwellings:

- One-family
- Two-family

Accessory Uses:

- Accessory Tourist Accommodation
- Day Care Facility
- Home Based Business
- Horticulture
- Keeping of Farm Animals
- Sale of Site Grown Horticultural Produce
- Accessory Dwelling

### Development Regulations

2. The minimum site area for the following uses shall be required as follows:

#### LEVEL OF SERVICES PROVIDED

	<b>Community Water and Sewer</b>	<b>Community Water or Sewer</b>	<b>On Site Only</b>
<b>One-family</b>	700 m <sup>2</sup>	0.2 hectares	1 hectare
<b>Two-family</b>	1000 m <sup>2</sup>	0.4 hectares	1 hectare

3. The maximum Site Coverage is 50 percent of the site area.
4. Buildings and structures shall not cover more than 33 percent of the site area.
5. The keeping of farm animals shall comply with the requirements of Section 18.0 (78).
6. Farm animals and poultry shall be caged, fenced or housed at all times.
7. No principal building may exceed ten (10) metres in height.
8. The maximum height of any accessory building or structure shall not exceed 6 metres.
9. The maximum gross floor area of any accessory building or structure shall not exceed 100 square metres.

10. The cumulative gross floor area of all accessory buildings or structures shall not exceed 200 square metres.
11. Buildings and structures in the case of a lot that may be further sub-divided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
12. Landscape screens or fences not exceeding a height of one (1) metre may be sited on any portion of a lot; whereas fences not exceeding a height of two (2) metres may be sited only on the rear lot line or along exterior side lot lines.

**Accessory Dwelling**

13. Subject to compliance with the requirements of the Province for sewage disposal and water supply, one (1) accessory dwelling per lot is permitted as an accessory use to a single family dwelling subject to the following:
  - a. the minimum site area for the accessory dwelling shall be the same as for a two-family dwelling, depending on level of servicing;
  - b. a maximum gross floor area of 90 square meters (m<sup>2</sup>);
  - c. the accessory dwelling shall not be a vehicle; and/or
  - d. the accessory dwelling shall have a separate entrance and separate living, sleeping, sanitary and kitchen facilities from the single detached dwelling.
14. The minimum separation distance between an accessory dwelling, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
15. One (1) additional off-street parking space shall be provided for an accessory dwelling.
16. Accessory dwellings shall not be used as tourist accommodation.

**NEW PROPOSED MIXED USE RESIDENTIAL (MUR)**

**Permitted Uses**

2500 Land, buildings and structures in the Mixed Use Residential (MUR) zone shall be used for the following purposes only:

- Dwellings:
  - One-Family
  - Two-Family
- Recreational Vehicle
- Horticulture
- Accessory Uses:
  - Accessory Buildings and Structures
  - Accessory Tourist Accommodation
  - Home Based Business
  - Recreational Facilities
  - Sale of Site Grown Farm Products

**Development Regulations**

2501

1 The minimum site area for the following uses shall be required as follows:

	Community Water Supply and Community Sewer System	Community Water Supply Only	On-Site Servicing Only
Recreational Vehicle Unit	350 sq. metres	0.1 hectare	0.5 hectare
One-Family Dwelling	700 sq. metres	0.2 hectare	1.0 hectare
Two-Family Dwelling	1,000 sq. metres	0.4 hectare	1.0 hectare

- 2 The maximum site coverage is 50 percent of the site area.
- 3 Buildings and structures shall not cover more than 30 percent of the site area.
- 4 The maximum size of any accessory building shall not exceed 54 square metres. A maximum of one accessory building is permitted on lots less than 2000 square metres.

- 5 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate the further subdivision of the lot or adjacent lots.
- 6 One-family dwellings may be used for short term rentals.
- 7 Mixed Use Residential developments shall comply with the landscape screening requirements of Section 18.0 (93-106).

# SANCA CREEK BEACH RESORT

SKETCH PLAN OF  
PARCELS WITHIN LOTA  
PLAN NEP82192, DL 913,  
KOOTENAY DISTRICT  
10901 HIGHWAY 3A  
LEGEND

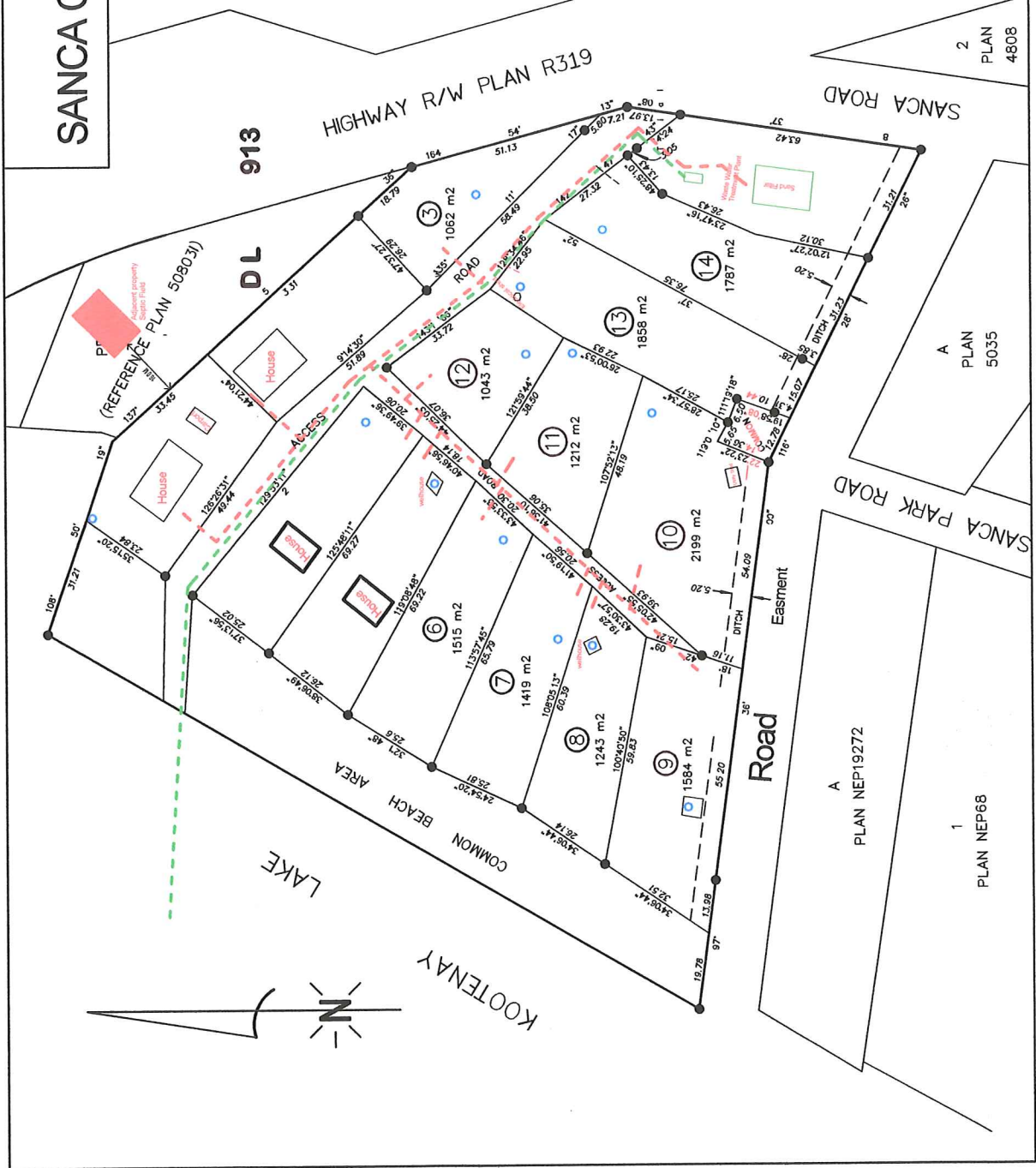
All distances are in metres  
● STANDARD SURVEY POST  
● REBAR POST



SCALE 1:1000

- Waterwell
- - - Untreated Effluent
- - - Treated Effluent

SKYLINE LAND SURVEYING LTD.  
125 KOOTENAY STREET NORTH  
CRANBROOK BC V1C 3T5  
PHONE: (250) 489-1182  
11-046-SKEICH-R1  
October 24, 2018



2  
PLAN  
4808

A  
PLAN  
5035

1  
PLAN  
NEP68

A  
PLAN  
NEP19272





## PROPOSAL SUMMARY

### **Purpose of Application for Land Use and Zoning Amendment**

To request a change in land use and zoning that better reflects the current and intended use of the Sanca Creek Beach Resort Cooperative Association property at 10901 Highway 3A, Sanca (Boswell), B.C. VoB 1A2; Lot A Plan NEP 82192, District Lot 913, Kootenay Land District, PID 026-847-663.

### **Background**

The 2.95 hectare property owned by Sanca Creek Beach Resort Cooperative Association (SCBRCA) is comprised of 14 internally-designated **untitled** lots, with SCBRCA owning all the land, and members of the association purchasing a membership with a land-occupancy permit for each internal lot. The original development plan submitted to RDCK in 2006 was for each internal lot to have one single-family dwelling or one recreational vehicle for temporary accommodation. To date, however, only two dwellings have been built (circa 2008) and two pre-existing cabins from the Sanca Resort historical era (circa 1940's) continue to stand.

SCBRCA made plans in 2008 to apply for bare-land strata that would have given individual property rights and title to each member-lot (as under the existing co-operative structure, individuals do not hold title or property rights to the lots they occupy). SCBRCA borrowed over \$300,000 between 2008 and 2012 to drill water-wells and build a community wastewater treatment system to support the application for bare-land strata. By the time the wastewater treatment project was completed, SCBRCA discovered that the granting of bare-land strata on alluvial fans had been suspended.

All development post-2008 (beginning prior to the RDCK East Shore OCP) has been entirely in the form of family recreational-vehicle clusters (multiple units per lot). SCBRCA permitted this usage in order to meet the needs of the SCBRCA membership and to increase occupancy and funding to sustain the association. Between 2008 and 2013, member-families were permitted to have as many as four recreational vehicles per lot. With no RDCK land-use bylaw in effect at the time, SCBRCA did not believe there to be any need to inform RDCK of the change in usage from that originally submitted in 2006. Resales of memberships/lots continued to be marketed permitting families to have an unspecified number of recreational vehicles per lot. In 2015, SCBRCA (somehow unaware of the new 2013 RDCK OCP) changed its association rules to establish a limit of up to 3 recreational vehicles per lot, grandfathering two lots for 4 and 5 recreational vehicles respectively. This unintentionally and unknowingly put SCBRCA rules and land-usage out of compliance with the new RDCK bylaws. Construction of permanent dwellings at SCBRCA has stalled from 2009 to date due to:

- Economic recession and slow recovery;
- Inability to obtain approval for bare-land strata titled lots;
  - Member-families' and potential purchasers' discomfort with building a costly permanent dwelling on land to which they don't hold title (land is owned by SCBRCA).
  - Inability to obtain mortgages – banks won't finance individuals for property owned by a co-op. Purchasers need to pay the full amount for land-occupancy (average of approximately \$150,000 - \$250,000) plus building construction costs all **in cash**.

- Uncertainty regarding the risk of building a permanent dwelling on an alluvial fan, considering the unusual flooding of Sanca Creek that caused damage to the SCBRCA property in 2012, and the knowledge that RDCK has been studying the alluvial fan risk. SCBRCA's Natural Hazard Investigation engineer's report in 2006 determined a very low probability of flooding.
- Resident-families have been part-time seasonal residents only

Thus, given the choice between building a permanent dwelling large enough to accommodate their families and guests, or installing multiple recreational vehicles, SCBRCA members have favored recreational vehicles as the lower-risk, lower-cost, more eco-friendly, and more family-flexible option. This usage has begun to increase occupancy and members' involvement, and to improve the financial and social sustainability of the SCBRCA community. SCBRCA did not become aware that the association was out of compliance with RDCK bylaws until April 2019, and is currently taking steps to fully comply by September 6, 2019, while simultaneously applying for a change in land-use and zoning.

### 2019 Application for Land Use and Zoning Amendment

SCBRCA is requesting a change in land-use and zoning that better reflects the current and intended use of the property.

With most current member-families and the marketplace favoring recreational vehicles over home construction on this property, and with some families still interested in possibly building a permanent dwelling in the future, SCBRCA seeks to be formally recognized as a mixed residential community that includes both permanent dwellings and recreational vehicles. A new zoning and land-use designation is proposed as "**Mixed Residential Recreational**". The new designation would better reflect and legitimize the land usage that member-families have actually been enjoying (and that SCBRCA has permitted) since 2008, and how SCBRCA sees the community evolving and sustaining itself into the future. This intended continued usage will increase the financial and social sustainability of the SCBRCA community, while minimizing disruption to the environment, reducing risks, and creating only minimal (if any) increase in activity levels in the area as compared to the current zoning.

**Zoning-Land use:** The permitted uses within the new zone are proposed to include one-, two- and multi-family dwellings, and recreational vehicles. Accessory uses are proposed to include those permitted within other RDCK residential zones, e.g., R1 Suburban Residential and R6 Multi-family Residential. Additional accessory uses for the new zone would include uses, buildings, and structures accessory to recreational vehicles (e.g., annex rooms, screen/sun shelters) and marina facilities. SCBRCA intends to retain its existing marina rights.

**Density:** SCBRCA plans to retain the existing site plan with 14 internally-designated lots, to which member-families will continue to hold occupancy rights (but not title) under the co-operative association agreements. Density parameters proposed for the new zone, and SCBRCA's usage include:

- Density calculations are based on the 2.95 hectare property, being serviced by on-site water (13 wells), and a modern community sewerage system with the capacity to serve the proposed

density. There is currently one dwelling on the property serviced by RDCK (Sanca) community water.

- Density for dwellings to be one single-family unit per 1500 square meters serviced by community sewer and onsite water (or one unit per 700 square meters if serviced by community water and sewer) as a factor of the 2.95 hectares.
- Density for recreational vehicles to be one unit per 500 square meters serviced by community sewer and shared onsite water (or one unit per 200 square meters if serviced by community water and sewer) as a factor of the 2.95 hectares.
- The above ratios would target a conversion rate of up to three recreational vehicles to one dwelling (i.e., for every dwelling built, up to three recreational vehicles would be removed).
- While this formula represents an increased number of units over the existing zoning, the recreational vehicle units are smaller and more eco-friendly, and will not materially alter the overall numbers of potential occupants, nor ecological impact (water usage and sewage output).

Because the internal lots vary in size (from approximately 1000 – 2200 square meters), SCBRCA will internally manage the allocation of units to the individual member-lots through development of cooperative association rules and architectural controls that will consider factors such as lot size, lot location, and dwelling size. Targeted “per lot” configurations of units will include:

- one dwelling;
- one dwelling and up to two recreational vehicles;
- recreational-vehicle clusters of up to 3 units;
- grandfathered recreational-vehicle clusters of up to 5 units.

This will result in a target-range of permitted units between 28 and 40 units, depending on the mix of dwellings vs. recreational vehicles as it evolves over time, and will not exceed the density for the SCBRCA 2.95 hectares as permitted by RDCK within the new zone. The mix of dwellings and recreational vehicles will fluctuate over time, and be driven, in part, by the progress and eventual outcomes of the RDCK alluvial-fan risk study together with the SCBRCA ownership model and association rules. It is anticipated that for as long as uncertainty continues around the risks of construction on alluvial fans and the future of bare-land strata, applications for construction of dwellings will be limited; however, SCBRCA does wish to retain that option into the future.

**Water:** There is currently a dedicated water-well on 13 of the 14 internal lots. Well reports are available. The wells currently operating on lots with recreational vehicles have proven more than adequate to each serve up to five recreational vehicles. One lot continues to be serviced by RDCK Sanca Water, and other families have also expressed interest in subscribing to Sanca community water if or when capacity and the opportunity were to become available.

**Sewerage:** The SCBRCA wastewater treatment system is regulated by B.C. Ministry of Environment, Environmental Management Act and is registered under the Municipal Wastewater Regulation – registration number 100338. SCBRCA has an operating plan actively in place with regular monitoring and maintenance procedures occurring. Compliance reports have recently been submitted to the regulator as required. A peak design flow of 24 m<sup>3</sup>/d (5280 lgal/day) has been calculated using

guidelines stipulated in the Ministry of Health's Sewerage System Standard Practices Manual and Municipal Wastewater Regulation (MWR). SCBRCA has been advised that the system is currently being used at only approximately 10% capacity, and that recreational vehicles generate significantly lower water usage and sewerage output than the average single-family dwelling. Thus SCBRCA believes the system is adequate to support the usage and density as now proposed.

**Common areas:** The SCBRCA property has designated significant land to common-use areas for purposes including: fore-shore buffer zone between developed lots and the beach and lake; park area; family recreation; waste-water treatment plant, utility and storage; internal roadways; flood-control; and natural ecological landscape.

**Landscaping:** SCBRCA architectural controls will ensure that common areas and all internal lots, particularly those with recreational vehicles, are attractively landscaped in keeping with the character of the area, and well-maintained. SCBRCA is committed to retaining as many of the existing trees and natural vegetation as safely possible, and to re-planting to replace trees that must be removed for safety reasons. As compared to building permanent dwellings, placement of recreational vehicles will help minimize the need to disrupt the environment or alter the natural character of the property.

For exterior boundaries, SCBRCA is sensitive to the neighbouring properties and the environment. On the exterior boundaries of the SCBRCA property where recreational vehicle areas are adjacent to or highly visible from neighbouring residential properties, screening plans will focus firstly on retaining the existing natural vegetation and character of the area. This will also prevent obstruction of the natural pathways for wildlife to continue to safely access the lake for water. Where required for greater noise or glare containment, or for visual purposes, additional constructed or cultivated screening may be added to supplement the natural screening. This requirement will be very minimal as significant natural-vegetation screening is already in place around the exterior boundaries, and only one residential lot is directly adjoining the SCBRCA property (to the north of our 2 cottage lots). Sanca Park Road and a natural flood-channel and public-beach access roadway also create separation from near-by properties in the neighbourhood to the south. Our mostly-vacant utility lot, a raised berm, and Sanca Park Road along the east and southeast edge of the property also provide additional visual separation. A small area on the south boundary may need to be left free from permanent screening for water-line access.

**Parking:** Off-street parking of vehicles is provided within the boundaries of each lot. Parking space for any watercraft and storage of other vehicles is also provided within the boundaries of each lot. Neighbouring properties and public-beach access will not be impacted by SCBRCA parking.

**Access and traffic:** All traffic entering and exiting SCBRCA will be through the east gate, directly off Highway 3A at the intersection with Sanca Park Road. Thus, SCBRCA traffic will not create congestion within the neighbourhoods and public beach served by Sanca Park Road. The entry/egress point from SCBRCA to Highway 3A is along a relatively straight and flat stretch of the highway, which provides reasonably good visibility and ease of merging with traffic flow.

**Conclusion and future:** SCBRCA believes the land-use/zoning designation now being applied for to be the most appropriate, flexible, viable, and sustainable for its cooperative association ownership structure and member-families; and likely also a more suitable lower-risk use for land on an alluvial fan.

This re-zoning would better reflect and legitimize the usage that has actually been taking place since 2008 (before and after the RDCK OCP came into effect) and the future intended use.

Should the RDCK risk study result in a conclusions that would support future bare-land strata development on the Sanca Creek alluvial fan, SCBRCA believes that the newly proposed land-use and zoning would continue to be suitable within a bare-land strata development (if SCBRCA or a new entity were to choose to pursue it).

From a social perspective, many of our SCBRCA families and Directors have deep family roots in the area, and decades-old fond memories of Sanca Beach and the East Shore Kootenay Lake. Sanca has a long and rich history as a "camping-style" natural setting and social culture for ordinary folks. The families at SCBRCA look forward to continuing to create memorable experiences, strengthening relationships with our neighbours, and contributing positively to the local community. The land-use/zoning change will enable members of SCBRCA to continue involving families and friends in the experience for years to come, while still preserving the natural charm and environmental integrity of the property.

The members of SCBRCA sincerely thank RDCK departments, First Nations, government ministries and agencies, and our neighbours for your kind consideration of this application to rezone the SCBRCA property to a new zoning-designation – proposed as "Mixed Residential Recreational."