



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. Z2103G
Amendments to LUB Bylaw No. 2452, 2018
Date: Mach 18, 2021

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 April 18, 2021). 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: To amend the land use designation from General Commercial (GC) to Country Residential (RC), and to rezone the subject property from General Commercial (C1) to Country Residential (R2). The applicant seeks the above bylaw amendments to address the split designation and zoning on the property to facilitate the construction of an accessory structure (i.e. garage or carport) related to the residential use, and to allow for future development potential (i.e. home based business) accessory to the R2 zoning on the subject property. The property is bounded by Crown Land and Electoral Area 'E' to the north and west, Highway 6 and residential zoned parcels to the east, and Forest Reserve (FR) zoned lands to the south. The "rail trail" zoned Parks and Recreation (PR) bisects the parcel, and an unnamed watercourse is also shown running through the southern section of the lot.

LEGAL DESCRIPTION & GENERAL LOCATION:

4476 Highway 6, Hall Siding
 PLAN NEPX58 DISTRICT LOT 1241 KOOTENAY LAND DISTRICT SUBSIDY LOT 1 EXCEPT PLAN NEP23657 (016-313-551)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
21.1 hectares (52.12 acres)	N/A	General Commercial (C1) /Country Residential (R2)	General Commercial (GC)/ Country Residential (RC)

APPLICANT/AGENT:

Lauren Smith and Ryan DeJong

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.

Stephanie Johnson, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY

- TRANSPORTATION West Kootenay
 - HABITAT BRANCH
 - FRONT COUNTER BC (FLNRORD)
 - AGRICULTURAL LAND COMMISSION
 - REGIONAL AGROLOGIST
 - ENERGY & MINES
 - MUNICIPAL AFFAIRS & HOUSING
 - INTERIOR HEALTH HBE Team, Nelson
 - KOOTENAY LAKES PARTNERSHIP
 - SCHOOL DISTRICT NO. 20
 - 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
- APC AREA G
 - RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA)
 - RDCK EMERGENCY SERVICES
 - RDCK BUILDING SERVICES
 - RDCK UTILITY SERVICES
 - RDCK REGIONAL PARKS

- FIRST NATIONS
- KTUNAXA NATION COUNCIL (ALL REFERRALS)
 - YAQAN NU?KIY (LOWER KOOTENAY)
 - ?AKINK'UM?ASNUQ?I?IT (TOBACCO PLAINS)
 - ?AKISQNUK (COLUMBIA LAKE)
 - ?AQ'AM (ST. MARY'S)
 - OKANAGAN NATION ALLIANCE
 - C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN)
 - K?K'ƏR'MÍWS (LOWER SIMILKAMEEN)
 - SNPÍNTKTN (PENTICTON)
 - STQA?TKWƏWT (WEST BANK)
 - SUKNAQÍN?X (OKANAGAN)
 - SWÍWS (OSOYOOS)
 - SPAXOMƏN (UPPER NICOLA)
 - SHUSWAP NATION TRIBAL COUNCIL
 - KENPÉSQT (SHUSWAP)
 - QW?EWT (LITTLE SHUSWAP)
 - SEXQELTQÍN (ADAMS LAKE)
 - SIMPCW ((SIMPCW)
 - SKEMTSIN (NESKONLITH)
 - SPLATSÍN (SPLATSÍN FIRST NATION)

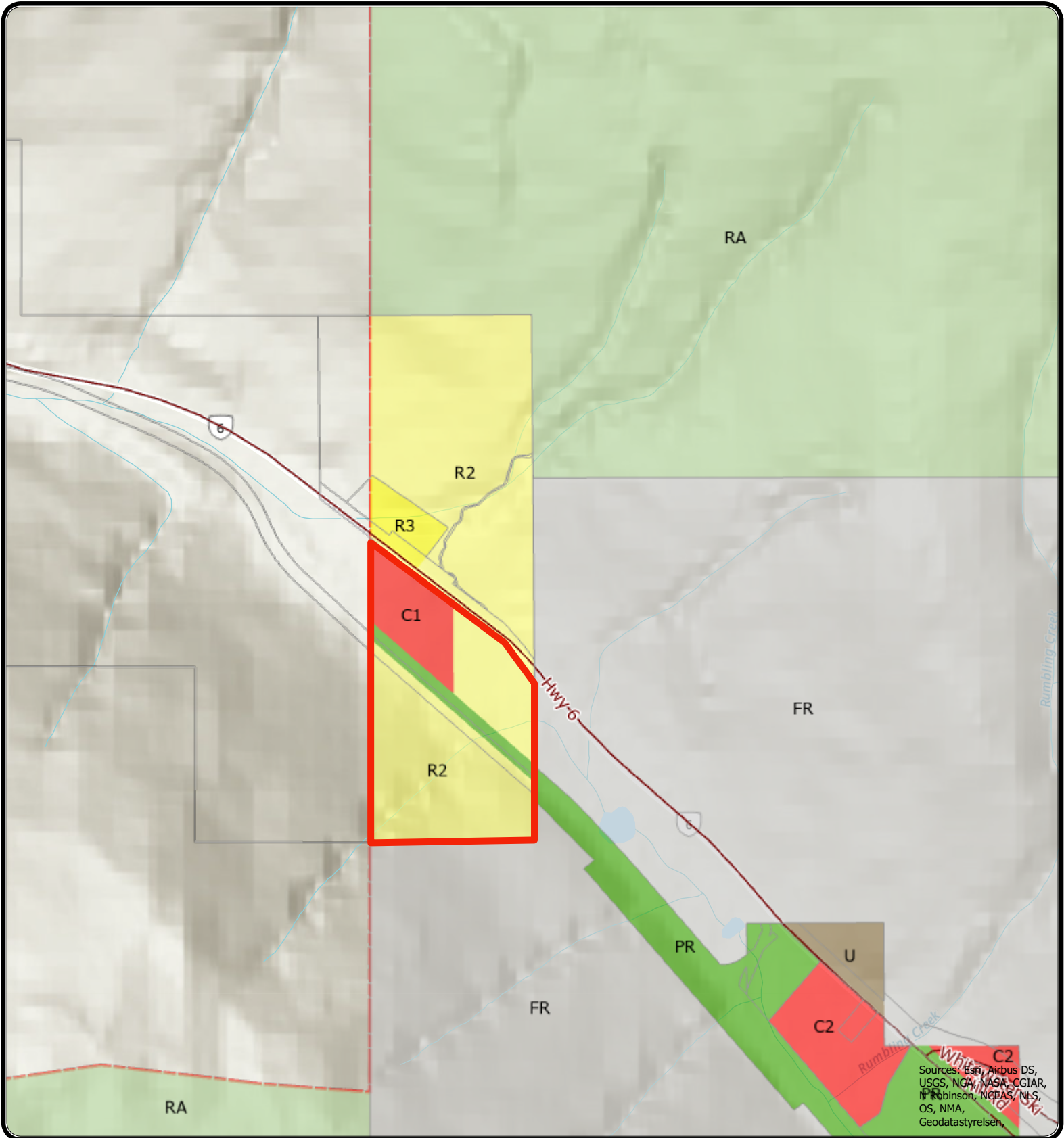
The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, 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
PLANNING FILE NO.: Z2103G APPLICANTS: SMITH/DEJONG

Name: Date:

Agency: Title:

RETURN TO: STEPHANIE JOHNSON RPP MCIP, PLANNER
DEVELOPMENT SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
plandept@rdck.bc.ca



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, Robinson, NCEAS/NLS, OS, NMA, Geodatastyrelsen, etc.



REGIONAL DISTRICT OF CENTRAL KOOTENAY
 Box 590, 202 Lakeside Drive,
 Nelson, BC V1L 5R4
 Phone: 1-800-268-7325 www.rdck.bc.ca
 maps@rdck.bc.ca

Legend

- | | |
|--------------------------|-----------------|
| Commercial | Residential 2 |
| Forest Resource/ Reserve | Residential 3 |
| Parks and Recreation | Resource Area |
| Public Utility | Electoral Areas |
| | RDCK Roads |
| | Cadastre |

Map Scale:

1:18,056

Date: March 18, 2021



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.

Proposal Summary – March 5th, 2021

PID 016-313-551 Sublot 1, District Lot 1241, Kootenay District Plan X58 Except part in plan NEP23657 (legal description)

Hello Planning Dept. Folks,

We are looking to initiate a re-zoning process for our rural property at 4476 Highway 6 (area G). Currently, the property is a combination of C1 and R2 (see attached map). Specifically, we are looking to change the C1 portion back to R2 (i.e. we would like the entire property to be zoned R2). We have newly purchased the acreage and house, though it has been a family property for many decades. After much back-and-forth with RDCK staff, it seems that the current zoning greatly limits the small changes/improvements we wish to make on the property, hence our desire to rezone.

The existing house is a legal, non-conforming structure and is our only and primary residence. There is no commercial activity on the property, nor are there any commercial buildings. It really is set up as a rural acreage with one single-family dwelling; the C1 zoning does not suit the current or intended future use. We understand from conversations with our family that a portion of the property was rezoned to C1 with hopes of developing commercial revenue (guest accommodation), but this utility was very limited in the past and it has not been used as such for (nearly 15?) years now. Commercial buildings and the like were never built. We have no intentions now or in the future of “C1” type commercial activity as described in the area G community plan.

What we do hope to change, if granted R2 zoning in the current C1 portion, is very minimal. We would like to have the opportunity to build a carport or garage for personal use. We may also like to, in the future, have a small cabin or tiny house on the property and in compliance with current regulations. The intended use for the potential structure would be as an office/studio or guest space. In terms of a concept plan, as we will not be changing anything structurally in the immediate future, all I can offer in this regard is hypothetically where we would plan to locate a potential carport and/or garage space (detached from house) and potential detached office/studio (see attached map).

After review of the Area G community plan, re-zoning the C1 portion to R2 appears, from our perspective, to be more in line with the community plan than the current C1 portion.

We look forward to your guidance and input.
Best wishes, Lauren Smith & Ryan DeJong

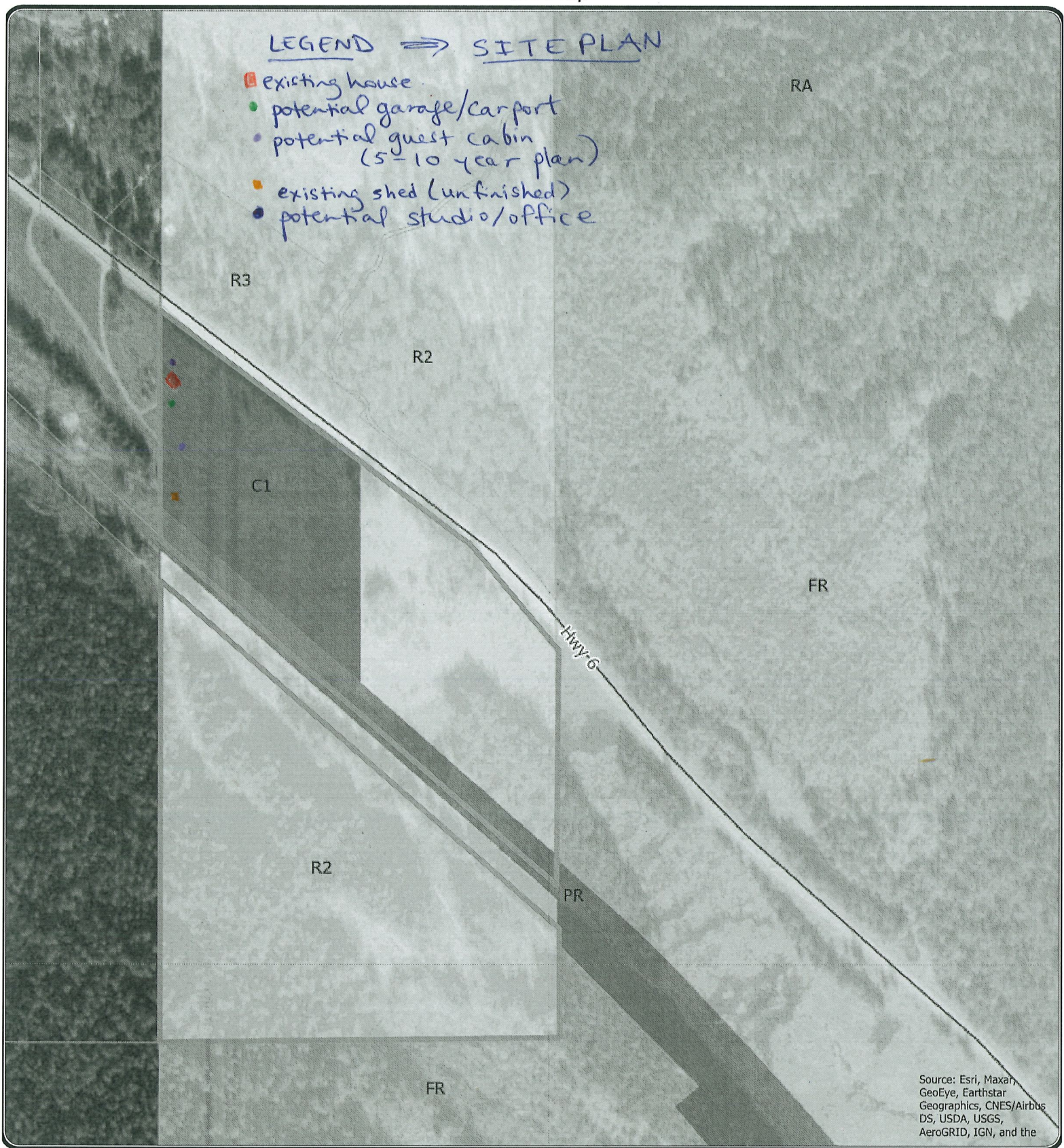
[REDACTED]

[REDACTED]

RDCK Map

LEGEND ⇒ SITE PLAN

- existing house
- potential garage/carport
- potential guest cabin (5-10 year plan)
- existing shed (un finished)
- potential studio/office



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the



REGIONAL DISTRICT OF CENTRAL KOOTENAY
 Box 590, 202 Lakeside Drive,
 Nelson, BC V1L 5R4
 Phone: 1-800-268-7325 www.rdck.bc.ca
 maps@rdck.bc.ca

Zoning Class		Legend	
	Commercial		Residential 3
	Forest Resource/ Reserve		Resource Area
	Parks and Recreation		Electoral Areas
	Residential 2		RDCK Roads
			Cadastre

Map Scale:
 1:7,500



Date: January 18, 2021

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.

20.0 COUNTRY RESIDENTIAL (R2)

PERMITTED USES TABLE FOR R2 ZONE	
1	Principal Uses Dwelling, One Family Dwelling, Two Family Accessory Uses Accessory Building or Structures Accessory Dwellings <i>with the exception of Hall Siding</i> Accessory Tourist Accommodation Accessory Camping Accommodation Home-based Business Horticulture Keeping of Farm Animals

DEVELOPMENT REGULATIONS TABLE FOR R2 ZONE		
2	Minimum lot area for each Principal Use	1.0 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	Maximum lot coverage	35 percent
8	Maximum building height: Principal buildings Accessory buildings and structures	10.0 metres 8.0 metres
9	Maximum gross floor area of any accessory building or structure	200 square metres
10	Cumulative gross floor area of all accessory buildings or structures	400 square metres
11	Minimum lot area for subdivision	1.0 hectares

24.0 GENERAL COMMERCIAL (C1)

PERMITTED USES TABLE FOR C1 ZONE	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> Artisan Crafts Production and Sales Breweries and Distilleries Cannabis Retail Store Community Market Day Care Facility Eating and Drinking Establishment Farmer's Market Food and Beverage Processing Golf Course Group Care Facilities Laundromat Liquor Store Mixed Use Development Offices Personal Service Establishment Repair Shop Retail Store Service Station Veterinary Clinic <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures

DEVELOPMENT REGULATIONS TABLE FOR C1 ZONE		
2	<p>Minimum lot area for each Principal Use:</p> <ul style="list-style-type: none"> Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and On-lot Wastewater Disposal Individual Water Source and On-site Wastewater Disposal 	<p>0.1 hectares</p> <p>0.4 hectares</p> <p>1.0 hectares</p>
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	Maximum lot coverage	50 percent
8	<p>Maximum building height:</p> <ul style="list-style-type: none"> Principal buildings Accessory buildings and structures 	<p>10.0 metres</p> <p>6.0 metres</p>

9	Minimum lot area for subdivision: Community Water System and Community Wastewater System	0.1 hectares
	Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System	0.2 hectares
	Individual Water Source and On-site Wastewater Disposal	1.0 hectares