



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

**RDCK Planning File No. Z2107B**  
**Amendment to Comprehensive Land Use Bylaw No. 2316, 2013**  
**Date: November 18, 2021**

You are requested to comment on the attached Amendment Bylaw for potential effect on your agency's interests. We would appreciate your response **WITHIN 30 DAYS (PRIOR TO December 23, 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 BY LAW:**

The intent is to change the land use designation and zoning from Rural Resource (R4) to Country Residential (R2) to facilitate a five lot subdivision.

**LEGAL DESCRIPTION & GENERAL LOCATION:**

6365 Kitchener Road, Electoral Area 'B'  
 LOT 1 DISTRICT LOT 4592 KOOTENAY DISTRICT PLAN 16938 (PID 006-761-747)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
8.72 hectares (21.8 acres)	N/A	Rural Resource (R4)	Rural Residential (RR)

**APPLICANT/AGENT:**

Michelle Gerlinsky

**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.

**Eileen Senyk, 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. 8
  - 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

- 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?TKWƏ?WT (WEST BANK)
    - SUKNAQÍN?X (OKANAGAN)
    - SWÍWS (OSOYOOS)
    - SPAXOMƏN (UPPER NICOLA)
  - SHUSWAP NATION TRIBAL COUNCIL
    - KENPÉSQT (SHUSWAP)
    - QW?EWT (LITTLE SHUSWAP)
    - SEXQELTQÍN (ADAMS LAKE)

<input checked="" type="checkbox"/> RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA) <input checked="" type="checkbox"/> RDCK EMERGENCY SERVICES <input checked="" type="checkbox"/> RDCK BUILDING SERVICES <input type="checkbox"/> RDCK UTILITY SERVICES <input type="checkbox"/> RDCK REGIONAL PARKS	<input checked="" type="checkbox"/> SIMPCW ((SIMPCW) <input type="checkbox"/> SKEMTSIN (NESKONLITH) <input checked="" type="checkbox"/> SPLATSÍN (SPLATSÍN FIRST NATION) <input checked="" type="checkbox"/> TK'EMLUPS BAND
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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](mailto:info@rdck.bc.ca), or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

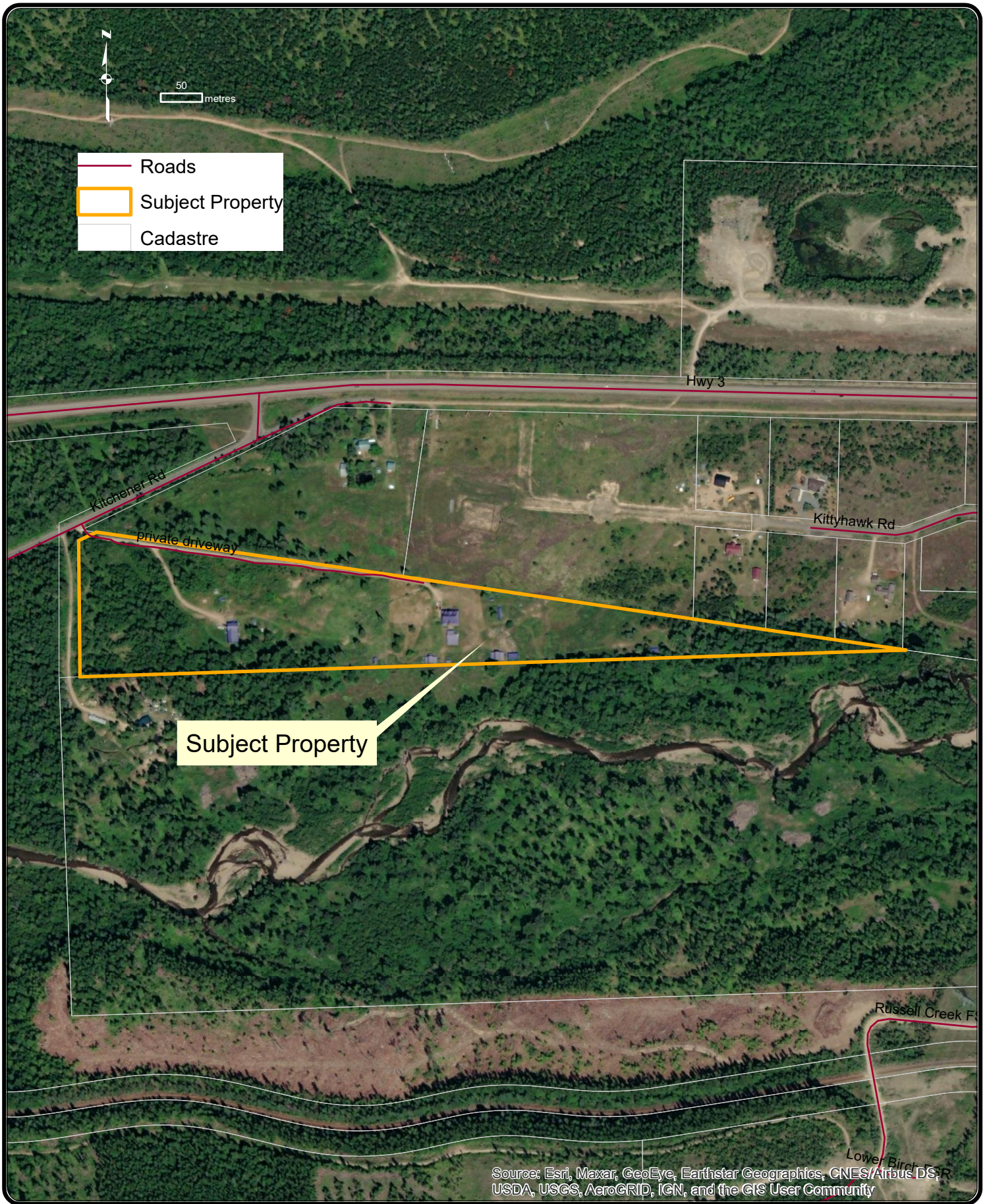
**RESPONSE SUMMARY**  
**PLANNING FILE NO.: Z2107B APPLICANT: MICHELLE GERLINSKI**

Name:  Date:

Agency:  Title:

**RETURN TO: EILEEN SENYK, PLANNER  
 DEVELOPMENT SERVICES**

**REGIONAL DISTRICT OF CENTRAL KOOTENAY**  
**BOX 590, 202 LAKESIDE DRIVE**  
**NELSON, BC V1L 5R4**  
[plandept@rdck.bc.ca](mailto:plandept@rdck.bc.ca)



## Bylaw Amendment Application RDCK File No. Z2107B

Map Projection: UTM Zone 11    Map Datum: NAD83  
Date Plotted: Monday, November 15, 2021

Proposed subdivision of Lot 1, District Lot 4592,  
Kootenay District, Plan 16938.

Scale 1:3000

All distances are in metres unless otherwise noted.

Kitchener Road

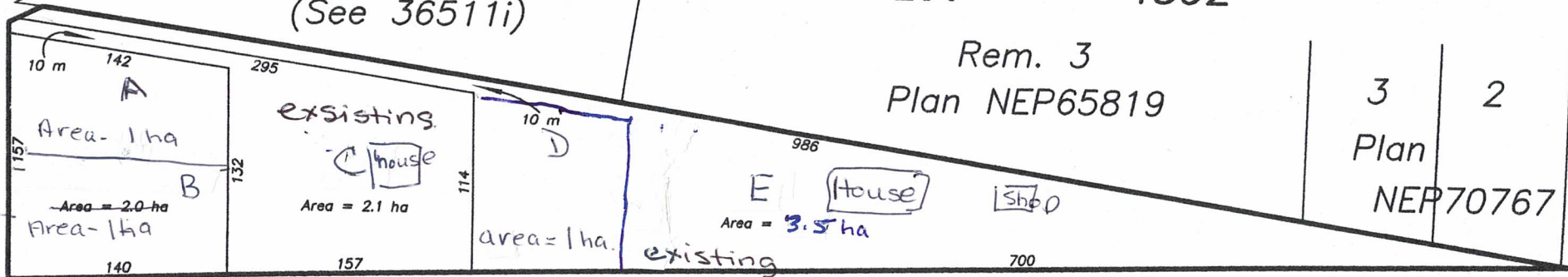
Parcel A  
(See 36511i)

District

Lot 4592

Rem. 3  
Plan NEP65819

3	2
Plan	
NEP70767	



Block A

District

Lot

492

Purposed Map

# STEEL WHEELS

BC 562166 LTD  
PO BOX 266,  
CRAWFORD BAY, B.C.  
V0B 1E0

Phone 250 227 9646  
Fax 250 227 9646

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Shane & Terry Adams  
PO BOX 111, Erickson  
6365 Kitchener Rd,

Re; sewage discharge feasibility for the proposed subdivision of Lot 1, Plan NEP16938, DL 4592, KLD.

This proposed 3 lot subdivision was studied for sewage discharge between October 14 and November 27, 2013. The lots have been designated A, B, C from west to east and are 2.0, 2.1, and 4.6 ha respectively. The land is a flat alluvial plain with thin top soils and gravelly sand sub soils to a depth exceeding 3m.

All test pits exhibit a similar profile consistent with an alluvial plain of stony gravelly sands with interbedded loamy sands and sands of various grades.

Proposed Lot A is undeveloped. It is overlain with 60 – 90cm of fine loamy sands with very stony loamy sand beneath to depth of 130cm. Since no slope is evident and an HLR of 25L/D/sq meter is indicated the IHA Discharge area sizing Table 1 requires an area of 419 sq meters arranged 16.8m x 25m.

Proposed Lot B is developed with a house and primary septic field. Several test pits revealed similar alluvial deposits of gravelly sands and an HLR of 25L/D/sq m. The primary septic field is not easily expanded due to slopes and heavy forest cover. Test pits indicate that almost any area could support two septic fields in an area of 419 sq meters.

Proposed Lot C is also developed and just recently a new septic field was constructed for the new house consequently the test pits have been consumed. However, they exhibit the same stony sand profile to a depth of 3 meters. Once again an HLR of 25L/D/ sq meter was indicated requiring 419 sq meters for two fields. A primary system exists for the mobile home but so much area is available for replacement it was not investigated.

Gravelly loamy sands do permit type 1 systems (SPM 2, Table 2 – 13) where vertical separation exceeds 72 inches. Clearly this is the case with all these lots.

Respectfully submitted,

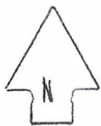
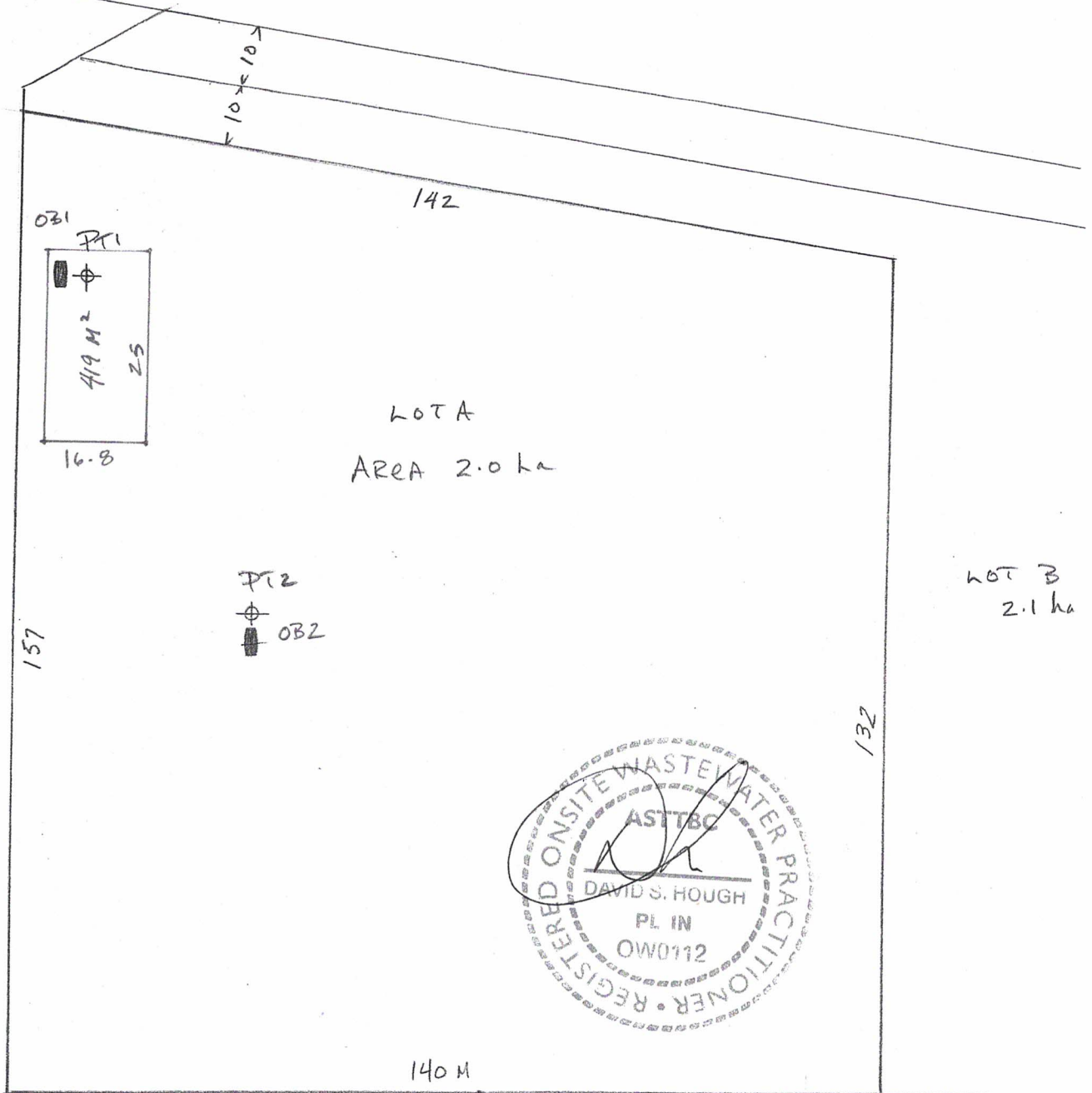


Dave Hough, ROWP 0112.



SEWAGE PLAN FOR LOT A OF PROPOSED SUBDIVISION OF  
 LOT 1, DL 4592, KD PLAN 16938 6365 KITCHENER RD  
 KITCHENER BC

KITCHENER RD



1:1000



SOIL PROFILE OB1 & OB2  
 0-90 CM FINE LOAMY SAND  
 90-130 CM VERY STONEY LOAMY SAND

## Permeameter Tests Summary

Client: Terry & Shane Adams

Subject Property Address: 6365 Kitchener Rd, Kitchener BC. LOT A

Permeameter Size: 4"

Date of Test: Oct 14/13

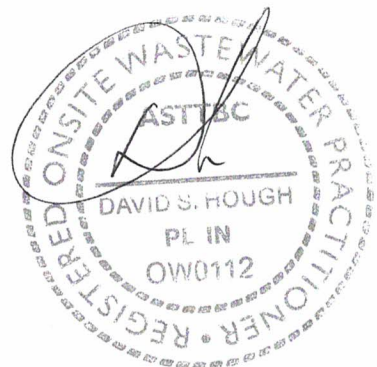
Conducted by: D Hough

Test #	Auger Hole Dia. (cm)	Auger Hole Depth (cm)	Stable Rate of Fall (mm/min)	CSS Soil Factor	K(fs) (mm/day)
1	7.0	60	4	72.0	288
2	7.0	60	1.4	72.0	101
3					
4					
5					
6					
7					
8					
9					
10					

Line up tests results in order from Lowest K(fs) to Highest K(fs)

Lowest 
→
 Highest

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## 18.0 COUNTRY RESIDENTIAL (R2)

### Permitted Uses

1. Land, buildings and structures in the Country Residential (R2) zone shall be used for the following purposes only:
  - Dwellings:
    - One Family
    - Two Family
  - Horticulture
  - Accessory Uses:
    - Accessory Buildings or Structures
    - Accessory Tourist Accommodation
    - Day Care Facility
    - Home Based Business
    - Horticulture
    - Keeping of Farm Animals
    - Sale of Site Grown Horticultural Produce
    - Accessory Dwelling
    - Portable Sawmills (for processing of materials harvested on-site only)

### Development Regulations

2. The minimum site area for each permitted use shall be one (1) hectare.
3. The minimum parcel size for a parcel subdivided for a relative under Section 514 of the *Local Government Act*, with the approval of the Interior Health Authority, shall be 0.8 hectares.
4. The maximum site coverage permitted shall be 50 percent of the lot area.
5. The keeping of farm animals shall comply with the requirements of section 16.0 (79).
6. Buildings and structures in the case of a lot that may be further sub-divided shall be sited so as to facilitate further subdivision of the lot or adjacent lots.
7. An accessory building may be constructed on a lot prior to construction of a dwelling subject to the maximum size of 56 square metres.
8. The maximum height of any accessory building or structure shall not exceed 8 metres.
9. The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.
10. The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

### Accessory Dwelling

11. 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.
12. The minimum separation distance between an accessory dwelling, inclusive of attached decks and porches, and another dwelling shall be three (3) metres.
  13. One (1) additional off-street parking space shall be provided for an accessory dwelling.
  14. Accessory dwellings shall not be used as tourist accommodation.

## **20.0 RURAL RESOURCE (R4)**

### **Permitted Uses**

1. Land, buildings and structures in the Rural Resource (R4) zone shall be used for the following purposes only:
  - Dwellings:
    - One Family
    - Two Family
  - Horse Riding Stables and Boarding Stables
  - Horticulture
  - Micro Cultivation, Cannabis
  - Micro Processing, Cannabis
  - Nursery, Cannabis
  - Nurseries, Greenhouses and Florists
  - Veterinary Clinics
  - Kennels
  - Accessory Uses:
    - Accessory Buildings or Structures
    - Accessory Tourist Accommodation
    - Home Based Business
    - Keeping of Farm Animals
    - Sale of Site Grown Agricultural Produce
    - Portable Sawmills

### **Development Regulations**

2. The minimum site area for each permitted use shall be two (2) hectares.
3. The maximum site coverage permitted shall be 50 percent of the lot area.
4. The keeping of farm animals shall comply with the requirements of section 16.0 (79).
5. 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.
6. Portable Sawmills shall be located a minimum of 30 metres from any property line.
7. The minimum setback for a kennel shall be 30 metres from any lot line.
8. An accessory building may be constructed on a lot prior to construction of a dwelling subject to the maximum size of 75 square metres (m<sup>2</sup>).
9. The maximum height of any accessory building or structure shall not exceed 8 metres.
10. The maximum footprint of any accessory building or structure shall not exceed 250 square metres.
11. The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.

### **Cannabis Regulations**

12. Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
13. Cannabis micro-cultivation, cannabis micro-processing or cannabis nursery licenses shall not be permitted in a dwelling place.