



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. Z22081
Amendment to OCP Bylaw No. 1157, 1996
Amendment to Zoning Bylaw No. 1675, 2004
Date: May 17, 2022

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 June 24, 2022)**. 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: The applicant proposes to amend the current zoning from Country Residential I (R2I) to Suburban Residential (R1) and the Land Use Designation from Country Residential 2 (CR2) to Suburban Residential (RS) in order to build two dwellings.

Little is known at this time regarding proposed servicing (water and sewer) and so it must be assumed that on site servicing is proposed. There does not appear to be a community water system servicing the surrounding area. A septic assessment has not been provided.

LEGAL DESCRIPTION & GENERAL LOCATION:

1411 Highway 3A, Thrums
 LOT M, PLAN EPP75472, DISTRICT LOT 7093, KOOTENAY LAND DISTRICT (PID 031-014-224)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
0.27 hectares (0.677 acres)	N/A	Country Residential I (R2I)	Country Residential 2 (CR2)

APPLICANT/AGENT:

Jason and Lori Chernoff

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

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. 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 I

- 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 <input checked="" type="checkbox"/> SKEETCHESTN INDIAN 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, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

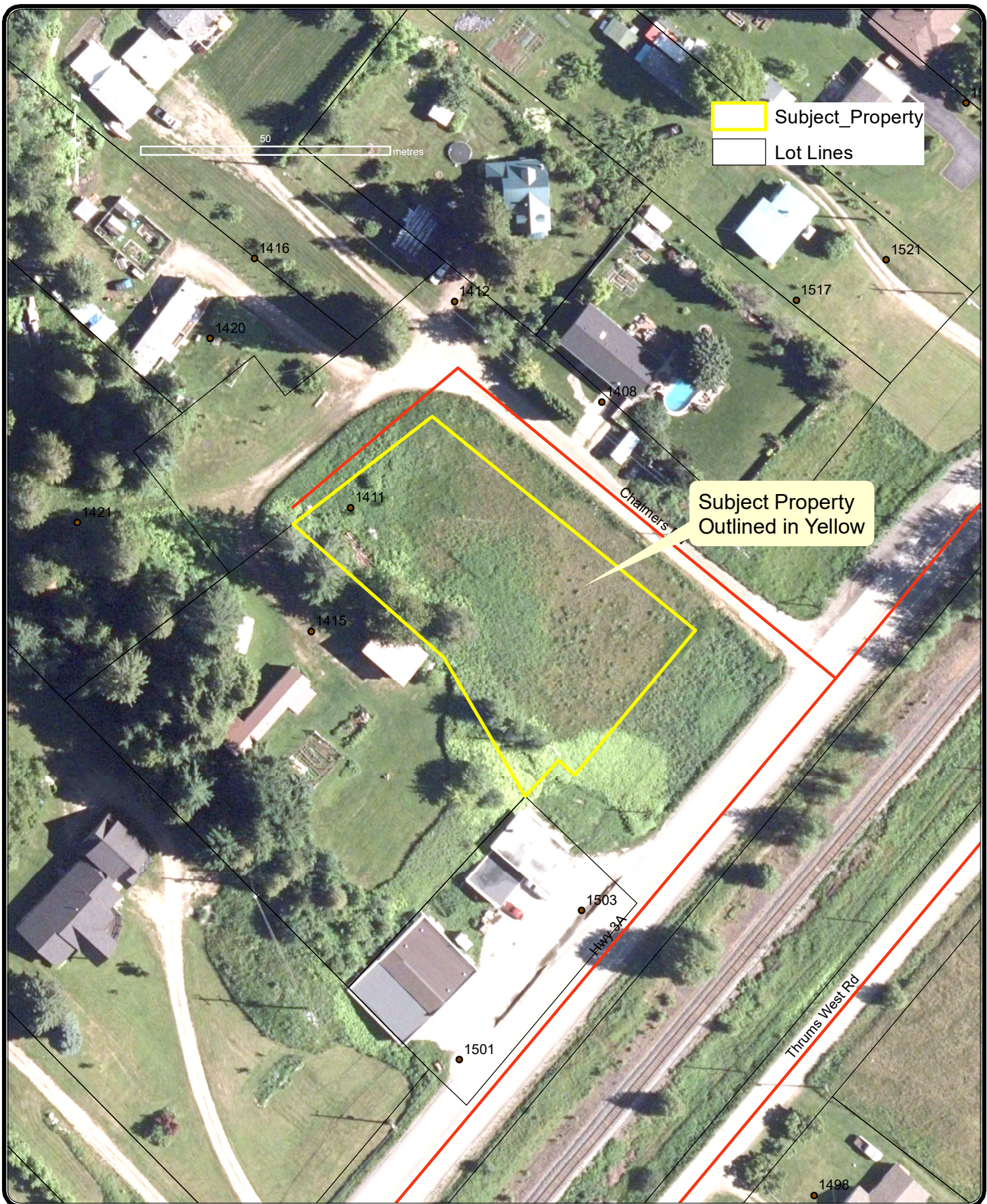
RESPONSE SUMMARY

PLANNING FILE NO.: Z22081 APPLICANT: JASON & LORI CHERNOFF

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**



Subject_Property
Lot Lines

Subject Property
Outlined in Yellow

Bylaw Amendment Z2208I - Chernoff

Proposal Summary

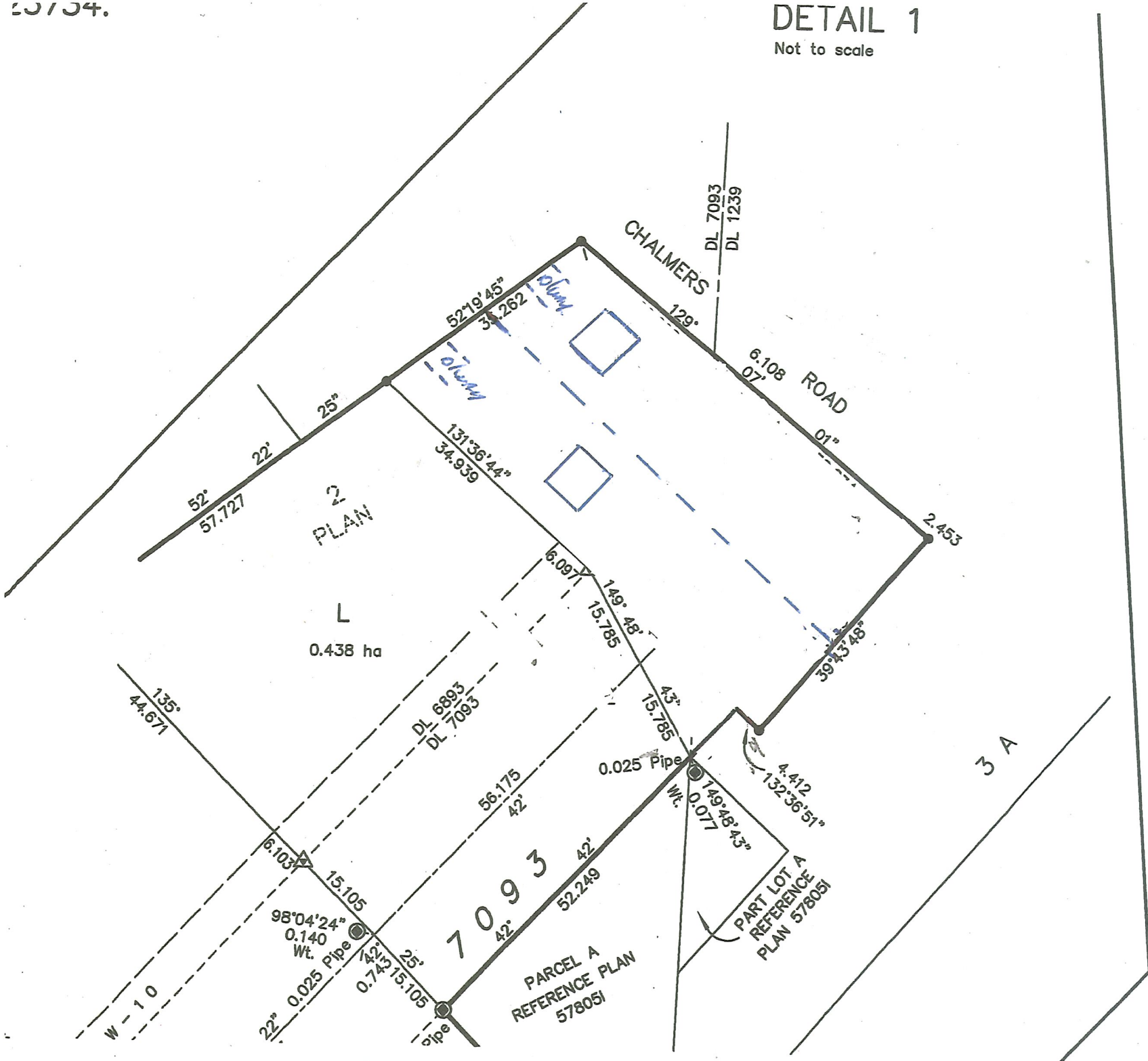
To change the zoning from Country Residential I (R2I) to Suburban Residential (R1) and the OCP designation from Country Residential 2 (CR2) to Suburban Residential (SR) to construct a second house.

23734.

DETAIL 1

Not to scale

UNSURVE



1411
Hwy 3A.

1420
CHALMERS
ROAD.

3 A

PARCEL A
REFERENCE PLAN
578051

PART LOT A
REFERENCE
PLAN 578051

2
PLAN

L
0.438 ha

7093

W-10

- 2.9.2 To improve communication between the Board of the Regional District and residents on planning and service delivery within the Plan Area.
- 2.9.3 To encourage provincial agencies to respect past assurances on land and to recognize the historical heritage and cultural significance and development of those properties.
- 2.9.4 To encourage planning and feasibility studies are completed prior to transfer of all Crown Lands having potential for future development.

3

POLICIES

3.1 Zoning

- 3.1.1 A new zoning bylaw which enforces the policies of this Plan shall be developed upon adoption of this bylaw.
- 3.1.2 Zoning regulations shall specify landscaping buffer standards for industrial, commercial and multi-residential properties.
- 3.1.3 Land use decisions for all zones shall be directed by the following criteria:
 - 3.1.3.1 preservation of the rural nature of the area,
 - 3.1.3.2 existing land use,
 - 3.1.3.3 soil conditions with special regard to stability, liability to ponding, drainage, slope and topography, fertility and suitability for farming, horticulture or silviculture,
 - 3.1.3.4 proven availability of adequate potable water,
 - 3.1.3.5 proven capability for sewage disposal without danger of contaminating groundwater,
 - 3.1.3.6 the desirability of securing reasonable privacy for residents,
 - 3.1.3.7 the desirability of providing access to riparian areas for residents and tourists alike,
 - 3.1.3.8 the need to prevent pollution of the environment and to protect the quality of the visual landscape, and
- 3.1.4 The need to protect areas identified as important for the maintenance of the groundwater resources.

3.2 General Residential Policies

- 3.2.1 The following residential land use policies apply to all land where residential use is allowed irrespective of land use designation. These general policies are followed by policies specific to individual designations.
 - 3.2.1.1 Existing lots smaller than the minimum lot size permitted by designation, may be used for the purposes permitted in the designation providing all other regulations are met.
 - 3.2.1.2 Zoning shall limit subdivision pursuant to Section 996 of the *Municipal Act* on land outside the Agricultural Land Reserve.
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- 3.2.1.3** Clustering of residential development shall be permitted in order to create separation between neighbouring developments and to ensure that they do not form continuous development.
 - 3.2.1.4** Zoning regulations shall provide for a mix of residential lot sizes.
 - 3.2.1.5** An adequate supply of potable water as specified in regulation, must be proven for each new lot created by subdivision.
 - 3.2.1.6** The Approving Officer is requested to ensure that before a subdivision is approved, it must be demonstrated that where required through regulation, withdrawal of ground water for new lots will not adversely affect the supply to existing and potential water users.
 - 3.2.1.7** Flood proofing regulations on setback of buildings and structures from water bodies and elevation of ground floors above water bodies shall be articulated either through zoning regulations or by adoption of a Floodplain Management Bylaw pursuant to Section 969 of the *Municipal Act*.
 - 3.2.1.8** A conservation zone may be assigned to land covenanted or deeded against further development or use, including common property in strata title subdivisions.
- 3.2.2** Suburban Residential Policies (As shown on Schedule 'B' - Land Use Designations)
- 3.2.2.1** The principal use shall be residential.
 - 3.2.2.2** The minimum lot size shall be 2000 square metres.
 - 3.2.2.3** One dwelling unit shall be permitted per 2000 square metres of site area.
 - 3.2.2.4** Shall be serviced by a community water system.
 - 3.2.2.5** In areas where individual septic systems are adversely affecting the environment or the quality of water, a sewer system may be required where the minimum lot size for a single detached dwelling shall be 700 square metres.
- 3.2.3** Country Residential 1 Policies (As shown on Schedule 'B' - Land Use Designations)
- 3.2.3.1** The principal use shall be residential and/or agriculture.
 - 3.2.3.2** One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every one (1) hectare of lot area over one (1) hectare.
 - 3.2.3.3** The minimum lot size shall be one (1) hectare.
 - 3.2.3.4** The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on non-
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agricultural lands will be considered and encouraged by the Board of the Regional District.

3.2.4 Country Residential 2 Policies

3.2.4.1 The principal use shall be residential and/or agriculture.

3.2.4.2 One single detached dwelling or duplex shall be permitted per lot. In addition, if a lot is developed with a single detached dwelling, a manufactured home may be placed on the lot to provide temporary accommodation for a relative of the occupant of the principal dwelling. Lands within the Agricultural Land Reserve shall comply with the *Agricultural Land Commission Act, Regulations and Orders*.

3.2.4.3 The minimum lot size shall be one (1) hectare with the exception of Lot 19, District Lot 1239, Kootenay District Plan 5230 which shall be .39 hectare.

3.2.5 Rural Residential Policies (As shown on Schedule 'B' - Land Use Designations)

3.2.5.1 The principal use shall be residential or agricultural.

3.2.5.2 One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every two (2) hectares of lot area over two (2) hectares.

3.2.5.3 The average lot size for subdivision of Rural Residential land shall be at least two (2) hectares.

3.2.5.4 Within this designation a number of different zones may be applied allowing differing levels of uses accessory to residential uses.

3.2.5.5 The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on non-agricultural lands will be considered and encouraged by the Board of the Regional District.

3.2.6 Remote Residential Policies (As shown on Schedule 'B' - Land Use Designations)

3.2.6.1 The principal use shall be residential or agricultural.

3.2.6.2 Non-ALR lands greater than ten (10) hectares in area that are limited by access, topography and/or natural hazards shall be designated *Remote Residential*.

3.2.6.3 Lands designated *Remote Residential* shall have a minimum lot size of two (2) hectares. One single detached dwelling or duplex is permitted and one additional single detached dwelling or duplex shall be permitted per every additional four (4) hectares of lot area.

3.2.6.4 Within this designation a number of different zones may be applied allowing differing levels of uses accessory to residential uses.

3.2.6.5 The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on non-

DIVISION 12

COUNTRY RESIDENTIAL I (R2I)

Permitted Uses

1200 Land, buildings and structures in the Country Residential I (R2I) zone shall be used for the following purposes only:

Dwellings:

One-Family

Two-Family

Horticulture

Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Keeping of Farm Animals

Sale of Site Grown Farm Products

Portable Sawmills for processing of material harvested on site only

Development Regulations

1201

- 1 The minimum site area for each permitted use shall be one (1) hectare.
- 2 Not more than one (1) one-family dwelling or one (1) two-family dwelling shall be located on a lot, except where the lot has a one-family dwelling; a manufactured home may be placed on the lot to provide temporary accommodation for immediate family of the occupant of the principal dwelling.
- 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 hectare.
- 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 613.
- 6 Portable sawmills shall be located a minimum of 30 metres from any property line.
- 7 *Deleted by Bylaw 2757.*
- 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.

DIVISION 7 SUBURBAN RESIDENTIAL (R1)

Permitted Uses

700 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 Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Horticulture

Keeping of Farm Animals

Sale of Site Grown Farm Products

Development Regulations

701

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
One-Family Dwelling	700 square metres	0.2 hectare	1.0 hectare
Two-Family Dwelling	1,000 square 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 33 percent of the site area.

4 The keeping of farm animals shall comply with the requirements of section 613 except that under all circumstances swine shall not be kept on any lot.

5 Farm animals and poultry shall be caged, fenced or housed at all times.

6 No principal building may exceed ten (10) metres in height.

7 The maximum height of any accessory building or structure shall not exceed 6 metres.

8 The maximum gross floor area of any accessory building or structure shall not exceed 100 square metres.

- 9 The cumulative gross floor area of all accessory buildings or structures shall not exceed 200 square metres.
- 10 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.
- 11 Landscape screens or fences not exceeding a height of one (1) metre may be sited on any portion of a lot.
- 12 Fences not exceeding a height of two (2) metres may be sited to the rear of the required front lot line setback only.