



Bylaw Amendment Application

Referral Form – RDCK File Z22111
Amendment to Zoning Bylaw No. 1675, 2004

Date: January 4, 2022

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 FEBRUARY 4, 2022). 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 property is currently used as a rural residential property and there are two existing dwellings: The principal one-family dwelling and a manufactured home for an immediate family member that is currently occupied by one of the property owner's children.

Pursuant to Section 1201 (2) of Zoning Bylaw No. 1675, 2004 the R2I zone permits a maximum residential density of two dwellings: one permanent dwelling and one manufactured home for immediate family. The purpose of this bylaw amendment application is to permit a total of 3 dwellings in order to allow the property owner to construct a second manufactured home on the property for an additional immediate family member.

This application is to amend only the Zoning Bylaw. An OCP Amendment is not required because the land use designation, Country Residential 1 (CR1), permits 1 dwelling for every 1 hectare of lot area. For more information on the applicable land use designation in the OCP please see the highlighted section of OCP Bylaw No. 1157 that is included in this referral package.

LEGAL DESCRIPTION & GENERAL LOCATION:

1757 Terrace Road, Castlegar, Electoral Area 'I'

THAT PART OF SUBLOT 28 DISTRICT LOT 4598 KOOTENAY DISTRICT PLAN X34 SHOWN OUTLINED IN RED ON REFERENCE PLAN 54686I EXCEPT PART INCLUDED IN PLAN 6755 (PID: 017-087-040)

AREA OF PROPERTY	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
AFFECTED 34.4 ha (85 acres)	N/A	Country Residential I (R2I)	Country Residential 1 (CR1)

APPLICANT/AGENT: Harold 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 permit.

**ZACHARI GIACOMAZZO, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY**

<input checked="" type="checkbox"/> TRANSPORTATION West Kootenay	FIRST NATIONS
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<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 <input type="checkbox"/> ENERGY & MINES <input type="checkbox"/> MUNICIPAL AFFAIRS & HOUSING <input checked="" type="checkbox"/> INTERIOR HEALTH HBE Team, Nelson <input type="checkbox"/> KOOTENAY LAKES PARTNERSHIP <input type="checkbox"/> SCHOOL DISTRICT NO. <input type="checkbox"/> WATER SYSTEM OR IRRIGATION DISTRICT <input checked="" type="checkbox"/> UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER) <input checked="" type="checkbox"/> ARCHAEOLOGY BRANCH REGIONAL DISTRICT OF CENTRAL KOOTENAY DIRECTORS FOR: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input checked="" type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K ALTERNATIVE DIRECTORS FOR: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H <input checked="" type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input checked="" type="checkbox"/> APHC AREA I <input checked="" type="checkbox"/> RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA) <input 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"/> 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) <input checked="" type="checkbox"/> OKANAGAN NATION ALLIANCE <input type="checkbox"/> C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN) <input checked="" type="checkbox"/> K?K'ƏR'MÍWS (LOWER SIMILKAMEEN) <input checked="" type="checkbox"/> SNPÍNTKTN (PENTICTON) <input type="checkbox"/> STQA?TKWƏ?WT (WEST BANK) <input checked="" type="checkbox"/> SUKNAQÍN (OKANAGAN) <input checked="" type="checkbox"/> SWÍWS (OSOYOOS) <input checked="" type="checkbox"/> SPAXOMƏN (UPPER NICOLA) <input type="checkbox"/> SHUSWAP NATION TRIBAL COUNCIL <input checked="" type="checkbox"/> KENPÉSQT (SHUSWAP) <input type="checkbox"/> QW?EWT (LITTLE SHUSWAP) <input type="checkbox"/> SEXQELTQÍN (ADAMS LAKE) <input type="checkbox"/> SIMPCW ((SIMPCW) <input type="checkbox"/> SKEMTSIN (NESKONLITH) <input checked="" type="checkbox"/> SPLATSÍN (SPLATSÍN FIRST NATION) <input type="checkbox"/> SKEETCHESTN INDIAN BAND <input 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, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RESPONSE SUMMARY
FILE: Z2211I APPLICANT: HAROLD CHERNOFF

Name:

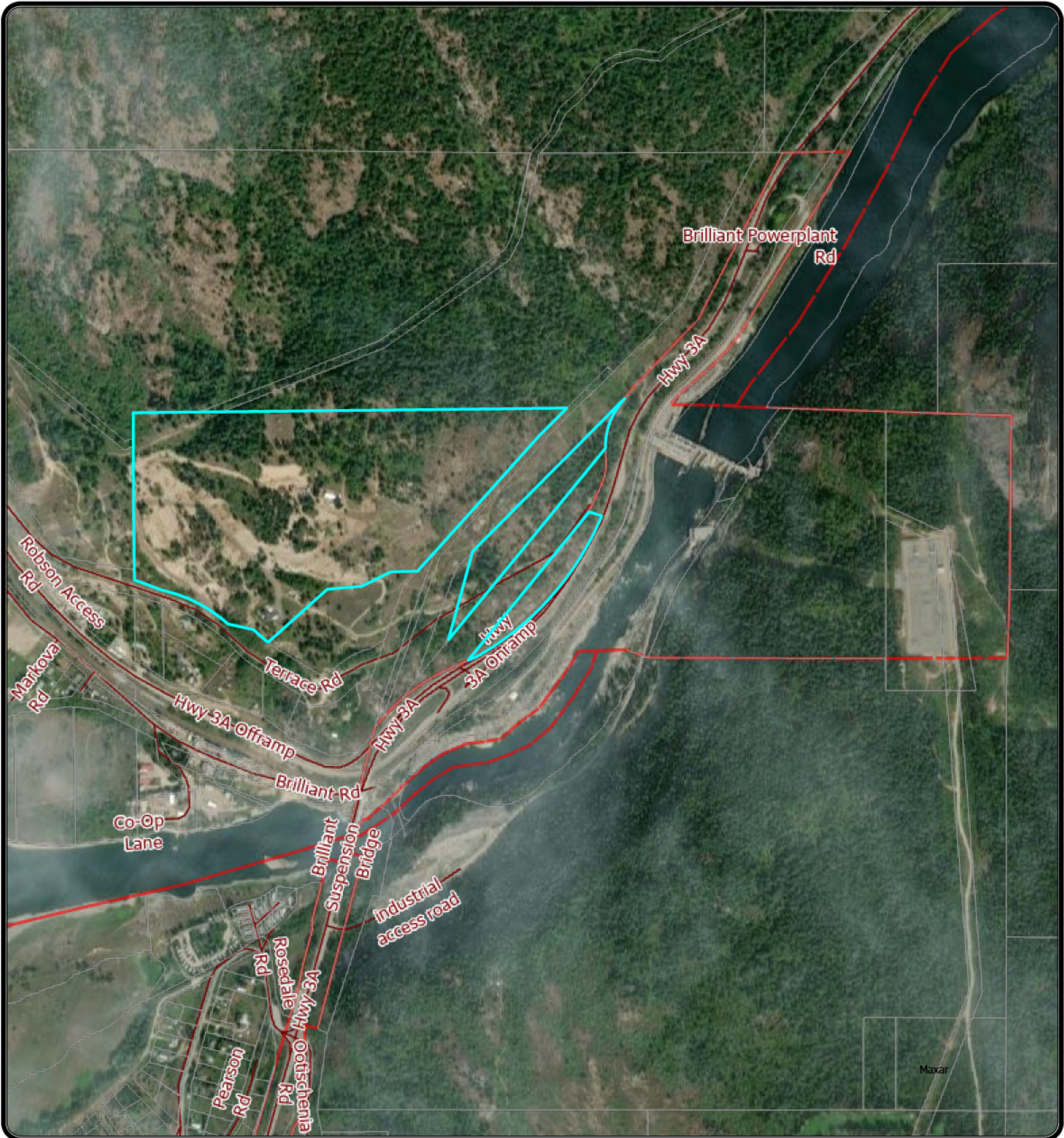
Date:

Agency:

Title:




RETURN TO: ZACHARI GIACOMAZZO, PLANNER
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
Ph. 250-352-8153
Email: plandept@rdck.bc.ca

RDCK Map



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

-  Electoral Areas
-  RDCK Roads
-  Cadastre

Map Scale:

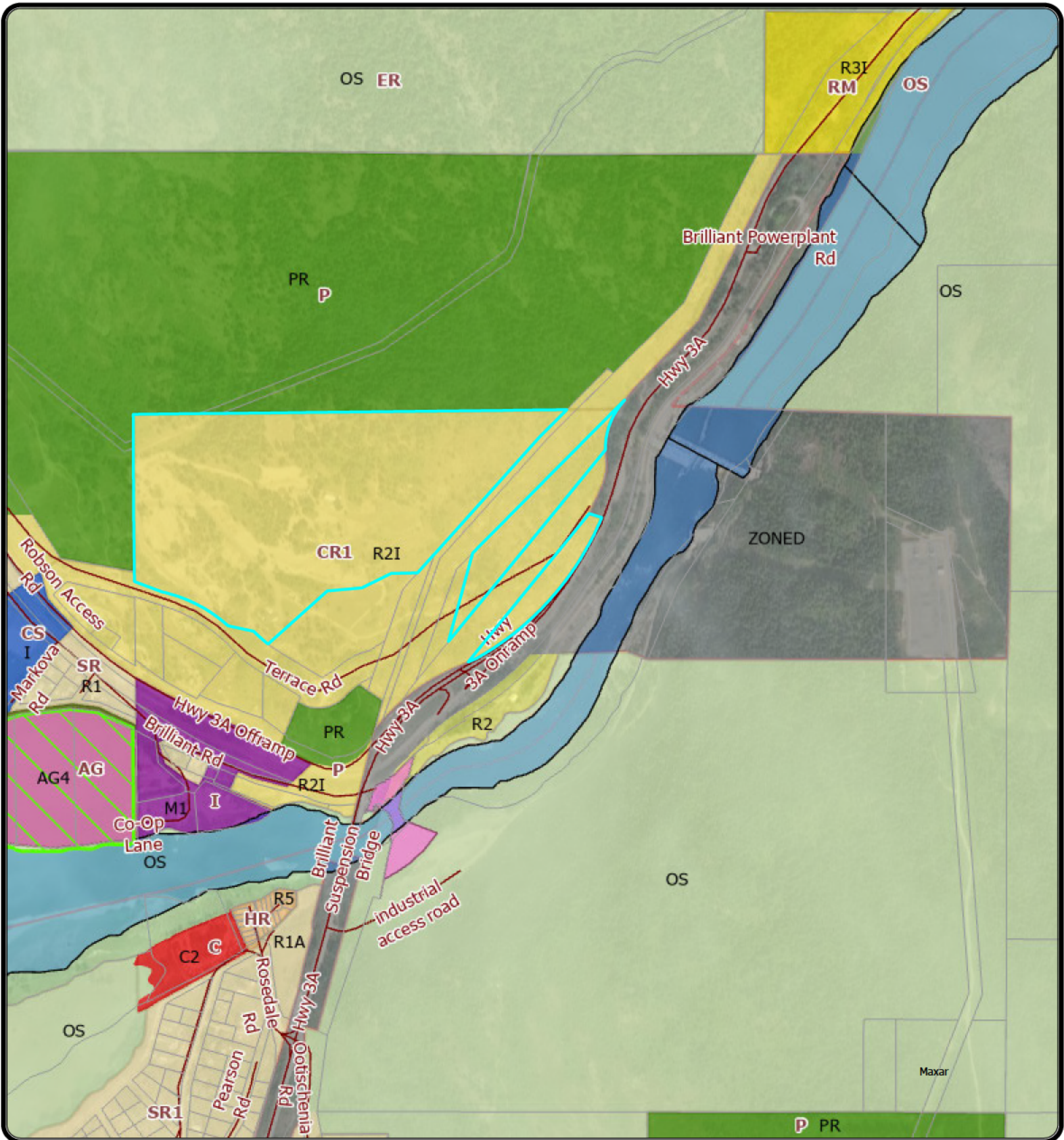
1:18,056

Date: November 24, 2022



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



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	
Official Community Plan Register	Agriculture
Flood Construction Levels - 1990	Commercial
Agriculture Land Reserve	Industrial
	Institutional
	Open Space
	Parks and Recreation
	Residential 1
	Residential 2
	Residential 3
	Residential 5
	Zoned
	Electoral Areas
	RDCK Roads
	Cadastre

Map Scale:

1:18,056

Date: November 24, 2022



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Rezoning Application Proposal Summary

To Whom It May Concern,

I am submitting this application to rezone my property at 1757 Terrace Road Castlegar so my daughter can put her mobile home on it. My son is currently on the property with his mobile home, and my wife and I are also on the property with our house.

~~The current OCP designation is CR1, the proposed new designation is CR.~~ The current zoning designation is R2i, and the proposed zoning designation is R2.

There will be no impact on the surrounding property. There is one neighbour in a mobile home on the property beneath us, as well as Verigin's Tomb below and to the East. This is not for temporary use and is not in a flood plain. The variance is required to provide a property site to set up a mobile home for my daughter.

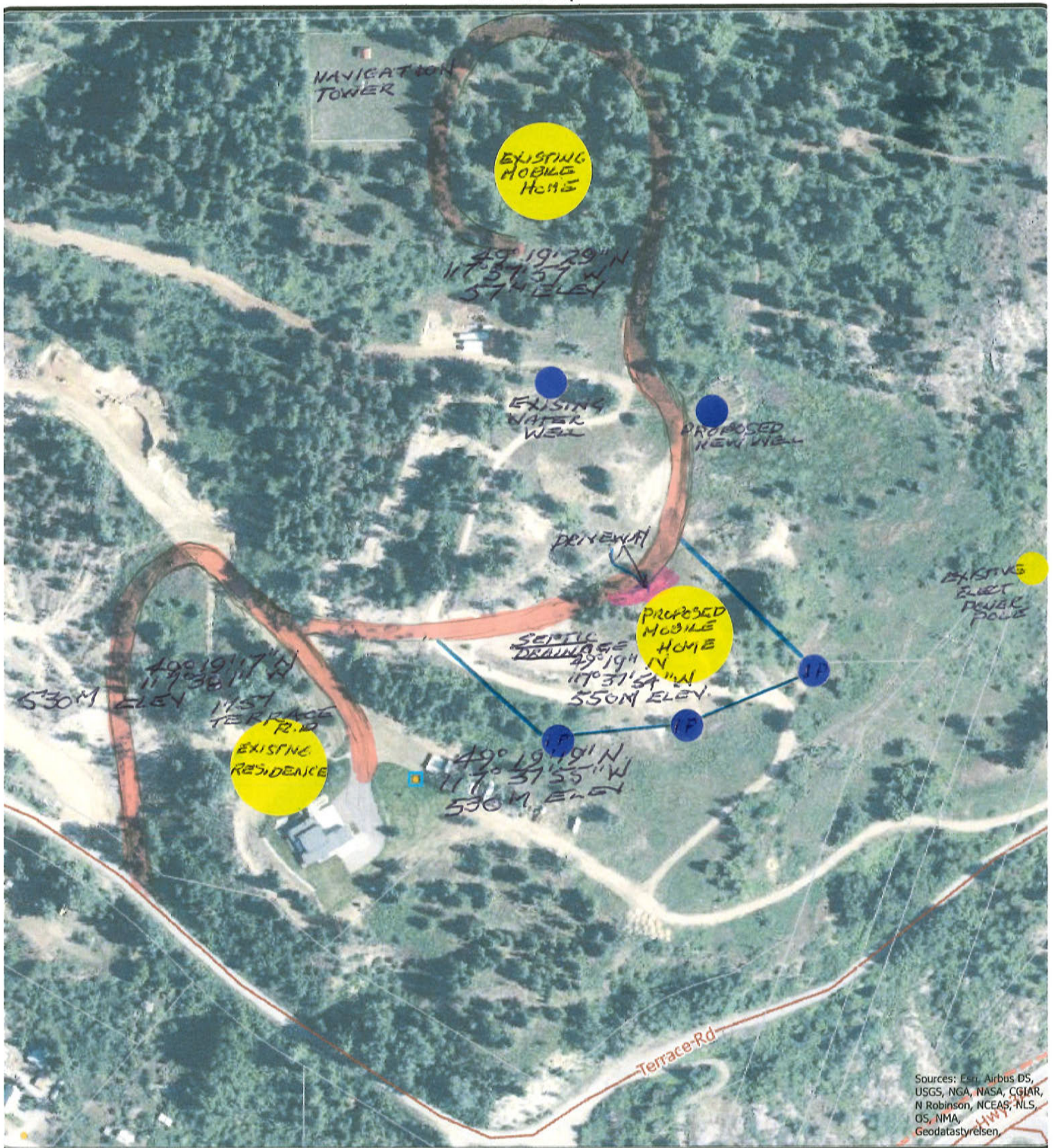
If you require more information, please call me at [REDACTED] or email me at [REDACTED].

We thank you for your time and consideration.

Harold Chernoff



RDCK Map



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

- Electoral Areas
- RDCK Roads
- Cadastre - Legal Parcels
- Civic Address

RDCK Imagery

- Red: Band_1
- Green: Band_2
- Blue: Band_3

Map Scale:

1:4,514

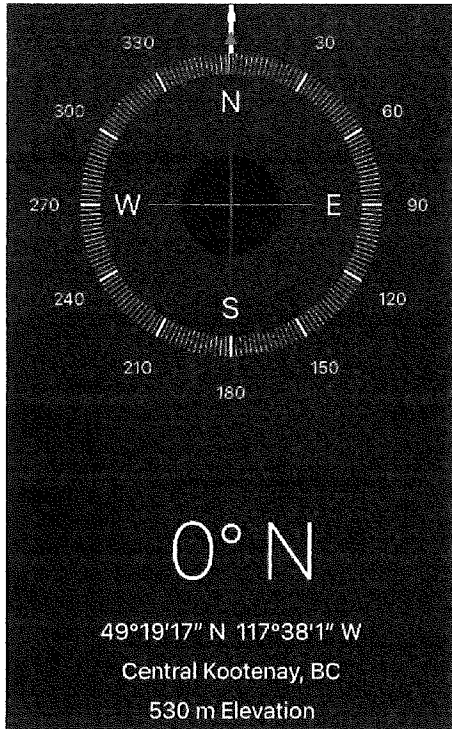
Date: October 18, 2022



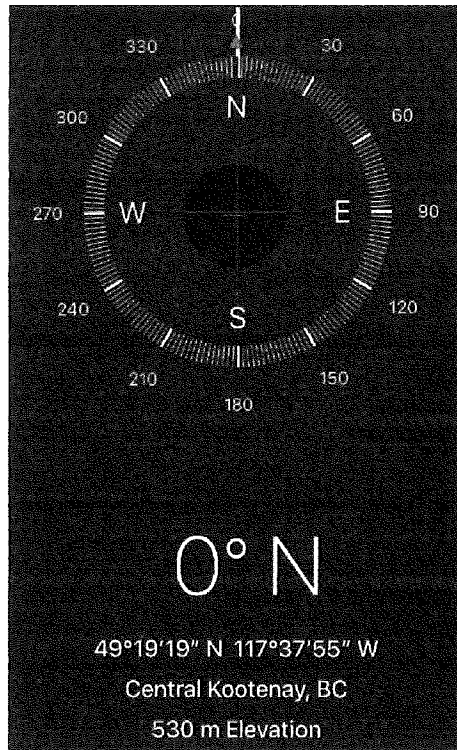
The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

Coordinates

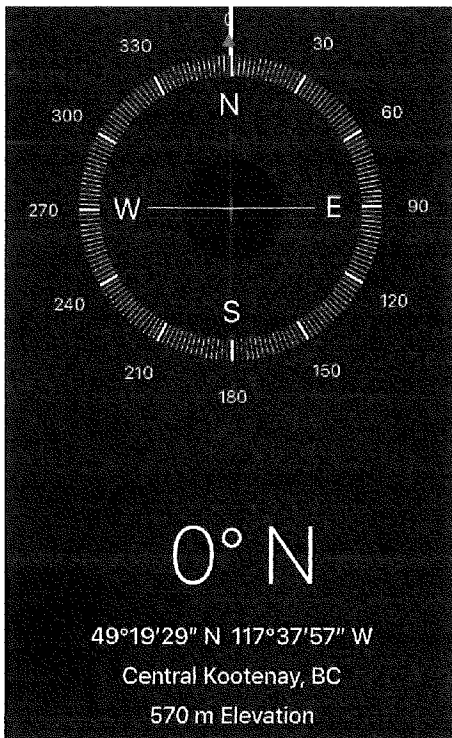
Existing Residence South:



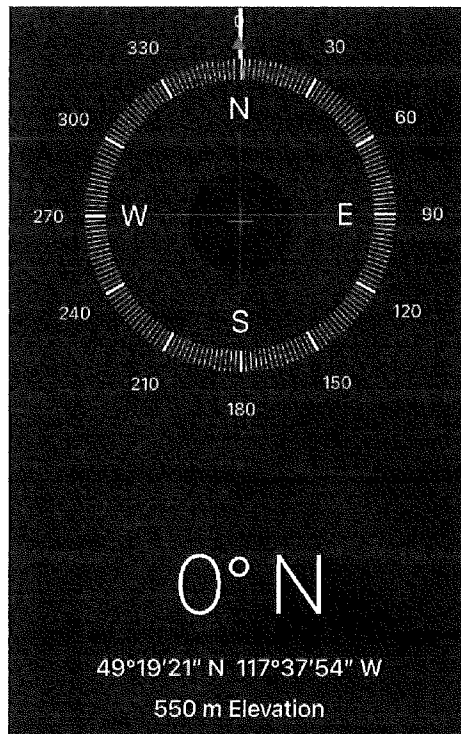
Pin:



Existing Residence North:



Proposed Residence:



- 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-

Current Zone

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.

Proposed Zone

DIVISION 11 COUNTRY RESIDENTIAL (R2)

Permitted Uses

1100 Land, buildings and structures in the Country Residential (R2) 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

Portable Sawmills for processing of material harvested on site only

Development Regulations

1101

- 1 The minimum site area for each permitted use shall be one (1) hectare.
- 2 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.
- 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 613.
- 5 One-family dwellings and two-family dwellings shall be permitted subject to conformance with the density provisions of Section 1101(1).
- 6 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate further subdivision of the lot or adjacent lots.
- 7 Portable Sawmills shall be located a minimum of 30 metres from any property line.
- 8 *Deleted by Bylaw 2757.*
- 9 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 10 The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.
- 11 The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

Site Specific - Lot 13 District Lot 6300 Kootenay District Plan NEP21755 (PID 019-022-069) from Country Residential (R2) to Country Residential (R2) 'site specific' to enable a second dwelling to be constructed up to a maximum height of 6.5 meters, with a minimum 6.5 meter setback from a front lot line of and a minimum 5 meter setback from an interior side lot line.