



# Bylaw Amendment Application

Referral Form – RDCK File Z2302J

Amendment to Zoning Bylaw No. 1675

Amendment to Official Community Plan Bylaw No. 1157

Date: April 19, 2023

**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 May 17, 2023). 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(S):**

The property is 2.47 acres (1.0 ha) and has one existing residential dwelling. The lot is in Electoral Area J and borders the City of Castlegar on the east and north sides.

The permitted principal uses for this zone are one-family dwelling and two-family dwelling; however, two one-family dwellings are not permitted. The purpose of this application to allow a second detached dwelling on the subject property. The applicant is proposing to rezone from Country Residential (R2) to Country Residential (R2) Site Specific to facilitate this.

**LEGAL DESCRIPTION & GENERAL LOCATION:**

501 Lakeview Rd, Rural Castlegar  
 LOT 1 DISTRICT LOT 7181 KOOTENAY DISTRICT PLAN EPP14985  
 PID: 028-860-829

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
2.47 acres (1.0ha)	n/a	Country Residential (R2) RDCK Zoning Bylaw No. 1675, 2004	Country Residential 1 (CR1) Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996.

**APPLICANT/AGENT:**

Tim and Katherine Horcoff

**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.**

**SADIE CHEZENKO, PLANNER  
 REGIONAL DISTRICT OF CENTRAL KOOTENAY**

<input checked="" type="checkbox"/> TRANSPORTATION West Kootenay <input checked="" type="checkbox"/> HABITAT BRANCH <input type="checkbox"/> FRONT COUNTER BC (FLNRORD) <input type="checkbox"/> AGRICULTURAL LAND COMMISSION <input type="checkbox"/> REGIONAL AGROLOGIST <input type="checkbox"/> ENERGY & MINES	<b>FIRST NATIONS</b> <input checked="" type="checkbox"/> KTUNAXA NATION COUNCIL (ALL REFERRALS) YAQAN NU?KIY (LOWER KOOTENAY) ?AKINK'UM?ASNUQ?IT (TOBACCO PLAINS) ?AKISQNUK (COLUMBIA LAKE) ?AQ'AM (ST. MARY'S)
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Nelson Office: Box 590, 202 Lakeside Drive, Nelson, BC. V1L 5R4

Phone: 250.352.6665 | Toll Free: 1.800.268.7325 (BC) | Email: info@rdck.ca | Fax: 250.352.9300

- 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 J
- RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA)
- RDCK EMERGENCY SERVICES
- RDCK BUILDING SERVICES
- RDCK UTILITY SERVICES
- RDCK REGIONAL PARKS

- OKANAGAN NATION ALLIANCE
  - C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN)
  - KŁK'ƏR'MÍWS (LOWER SIMILKAMEEN)
  - SNPÍNTKTN (PENTICTON)
  - STQA?TKWƏWT (WEST BANK)
  - SUKNAQÍNX (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)
  - SKEETCHESTN INDIAN BAND
  - TK'EMLUPS 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. 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

**FILE: Z2302J APPLICANT: TIM AND KATHERINE HORCOFF**

**Name:**

**Date:**

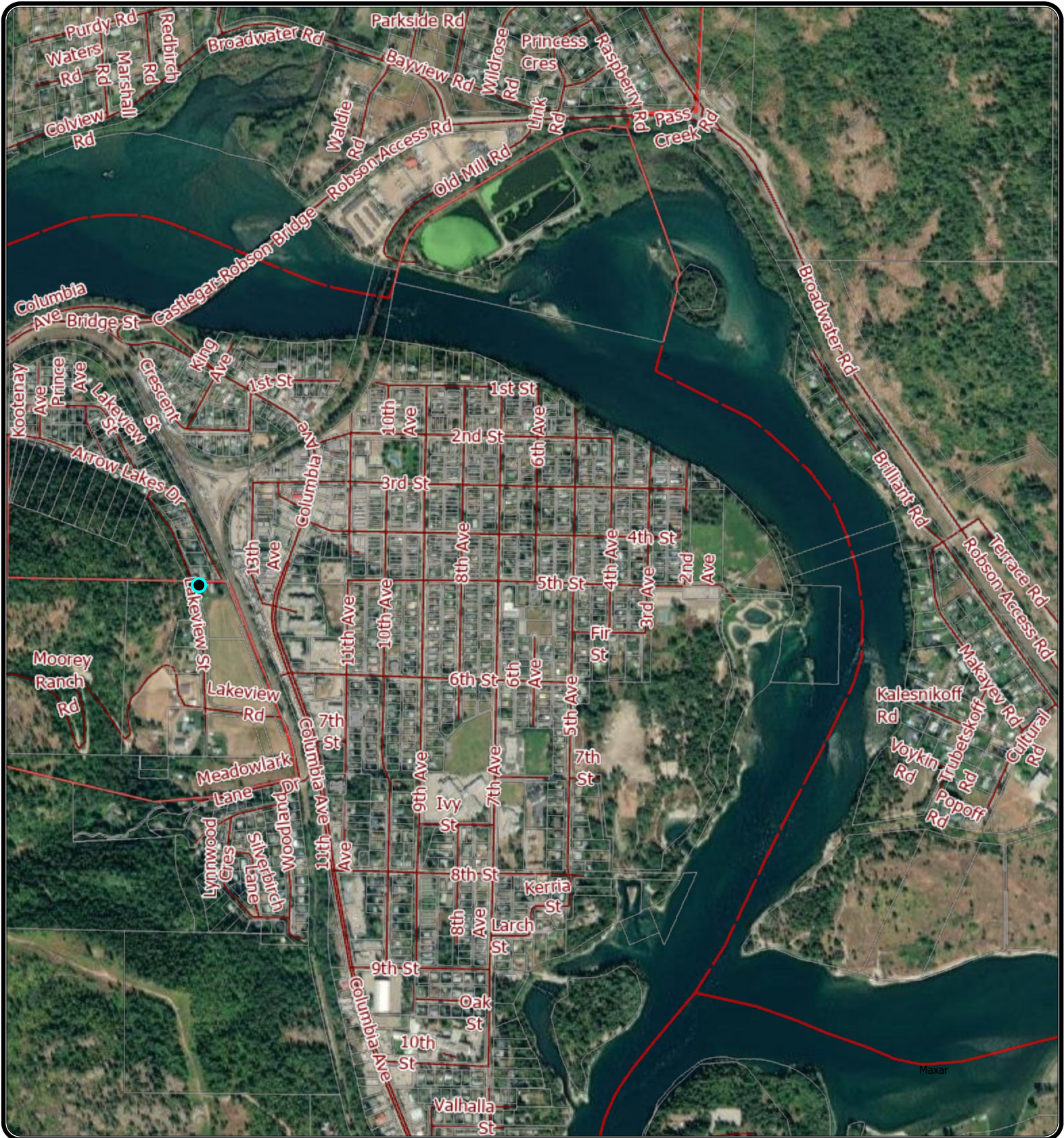
**Agency:**

**Title:**

RETURN TO: **SADIE CHEZENKO**, PLANNER  
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES  
REGIONAL DISTRICT OF CENTRAL KOOTENAY  
BOX 590, 202 LAKESIDE DRIVE  
NELSON, BC V1L 5R4  
Ph. 250-352-1585  
Email: [plandept@rdck.bc.ca](mailto: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: March 22, 2023



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.



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## Legend

- Electoral Areas
- RDCK Roads
- Cadastre
- Civic Address

## Map Scale:

1:2,257

Date: March 22, 2023



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## Official Community Plan

Country Residential

### Legend

- Electoral Areas
- RDCK Roads
- Cadastre
- Civic Address

### Map Scale:

1:2,257

Date: March 22, 2023



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 Nelson, BC V1L 5R4  
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 maps@rdck.bc.ca

## Zoning Class

- Residential 2
- Zoned

## Legend

- Electoral Areas
- RDCK Roads
- Cadastre
- Civic Address

## Map Scale:

1:2,257

Date: March 22, 2023



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To whom it may concern,

I Timothy Horcoff and my Mother Katherine Horcoff are applying for a rezoning of our hectare of land located in Electoral Area 'J'. We would like to change the zones code from an (R2), into an (R3) in order to accommodate multiple dwellings. If the rezoning is granted I will be placing a Modular Home with a detached garage onto 4 inch poured concrete with a paved driveway to the dwelling.

Sincerely,  
Tim Horcoff, Kathy Horcoff





**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.

- 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-