



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. Z2309F
Amendment to Zoning Bylaw No. 1675, 2004
Date: November 8, 2023

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 December 8, 2023). 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 rezone the subject property from Suburban Residential F (R1F) to a site specific Suburban Residential F (R1F site specific) for the subject property to permit a proposed two lot residential subdivision with a minimum lot size of 0.4 hectares (ha). Under the existing R1F Zone the minimum lot size regulation is 0.5 ha. All other development regulations under the existing R1F Zone are proposed to remain the same. The subject property is undeveloped and gains access from Six Mile Lakes Road via a panhandle connection.

The subject property is bounded by a commercial use to the north (mini-storage), suburban residential land uses (R1F zoning) to the west and south, and Six Mile Lakes Road and larger lot country residential (R2) land uses to the east.

LEGAL DESCRIPTION & GENERAL LOCATION:

2842 SIX MILE LAKES ROAD, SIX MILE, ELECTORAL AREA 'F'
 LOT B DISTRICT LOT 8788 KOOTENAY DISTRICT PLAN NEP63567 (024-362-140)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
1.2 ha (2.95 acres)	N/A	Suburban Residential F (R1F)	Suburban Residential (SR)

APPLICANT/AGENT:

Matt Scheffelmaier

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
 - ARCHAEOLOGICAL BRANCH
 - 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
- APHC AREA
- 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?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 (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.: Z2309F APPLICANT: SCHEFFELMAIER

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

RDCK Map



Esri Community Maps
Contributors, Esri Canada,
Esri, HERE, Garmin,
SafeGraph,
GeoTechnologies, Inc.



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

Map Scale:

1:18,056

Date: August 14, 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.

RDCK Map



Esri Community Maps
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Legend

Map Scale:

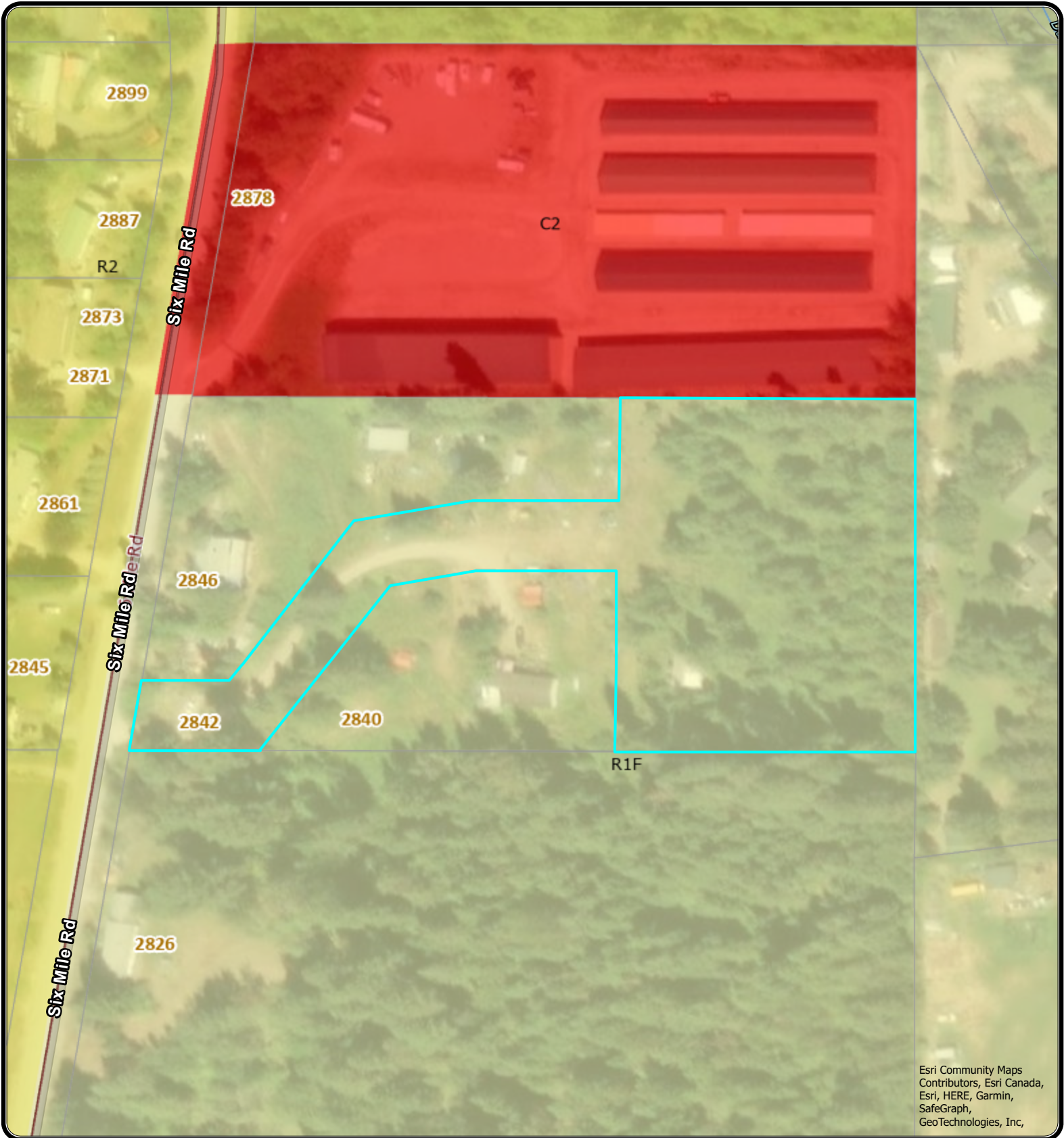
1:4,514

Date: August 14, 2023



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RDCK Map



Esri Community Maps
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Zoning Class

- Commercial
- Residential 1
- Residential 2

Legend

- Streams and Shorelines
- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

Map Scale:

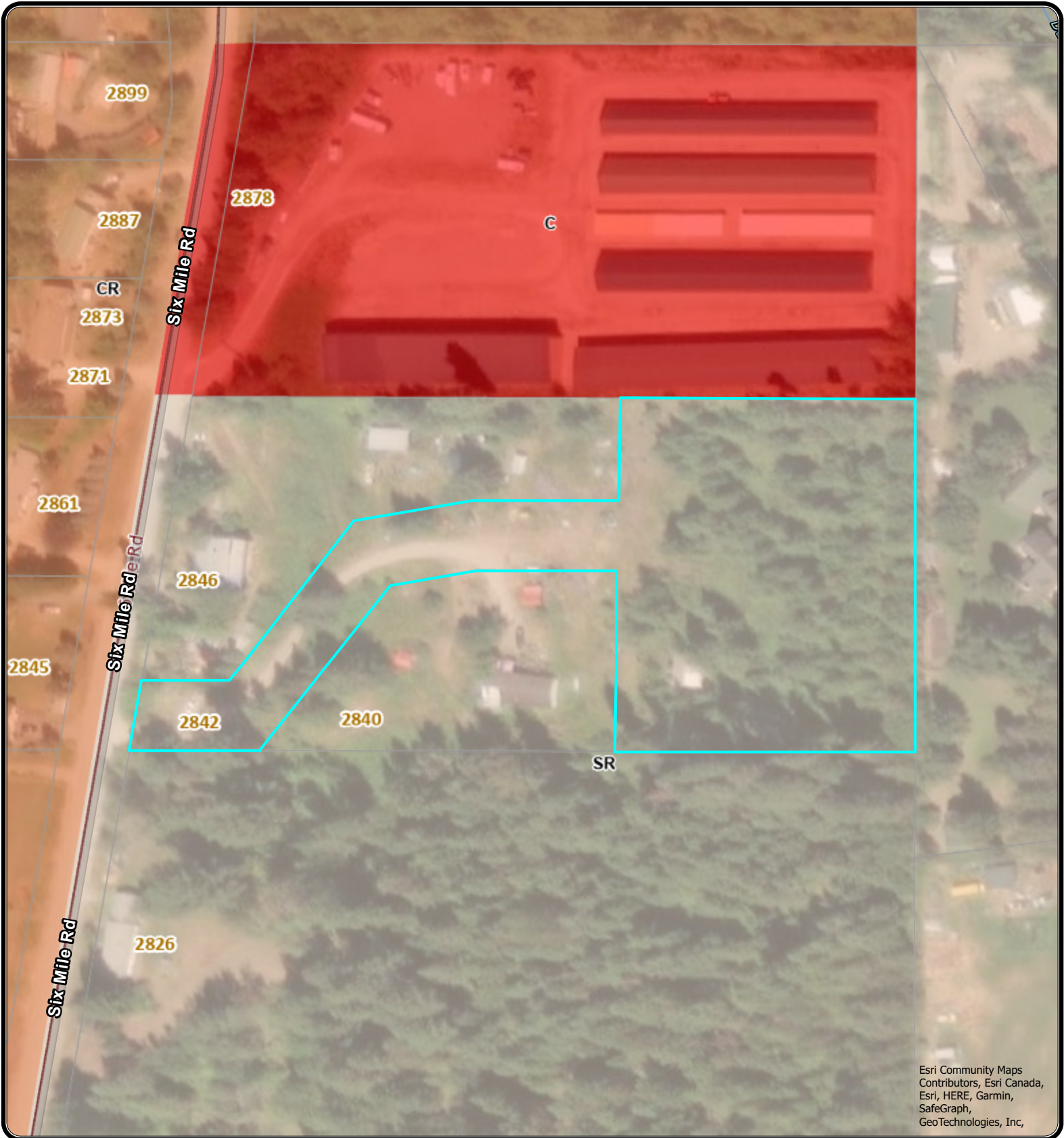
1:2,257

Date: August 14, 2023



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RDCK Map



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Official Community Plan

- Commercial
- Country Residential
- Suburban Residential

Legend

- Streams and Shorelines
- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

Map Scale:

1:2,257

Date: August 14, 2023



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RDCK Map



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Steep Creek Hazard Rating - 2020 Composite

- Deposition
- High
- Moderate
- Low

Legend

- Non Standard Flooding Erosion Area
- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points
- Streams and Shorelines
- Development Permit Areas
 - Commercial, Industrial, Comprehensive
 - Development, Gravel Extraction (Quarry) and High Density Residential

Map Scale:

1:2,257

Date: August 14, 2023



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To Whom it may concern,

The writer is the owner of 2842 Six Mile Lakes Road, legally described as: LOT B, PLAN NEP63567, DISTRICT LOT 8788, KOOTENAY LAND DISTRICT (the "Property"). This is an application for a zoning amendment.

This Application is supported by the following Schedules:

1. Schedule "A" Site Plan (the "Site Plan")
2. Schedule "B" Draft Bylaw (the "Draft Bylaw")

Request for Zoning Amendment

The Writer makes this application to request your consideration of a Land use Bylaw Amendment to rezone the Property from Suburban Residential (R1F) (the "Current Zoning") to Suburban Residential Site Specific (the "Proposed Zoning").

The only difference between the Current Zoning and Requested Zoning is that pursuant to the Requested Zoning, in the context of "on site servicing only", the required minimum site area of lots pursuant to paragraph 901 would be reduced from 0.5 hectare to 0.4 hectare (the "Zoning Amendment"). The specific changes are detailed in the attached draft bylaws (see Attachment B).

Description of the Property and Site Context (See Attached Site Plan page 3-5)

The Property is 10 minutes from the City of Nelson on Six Mile Lakes Road. It is located beside 6 Mile RV & Storage but set back from Six Mile Lakes Road. The Property is 1.2 hectare large and is accessed by way of a panhandle (the "Panhandle"). The property is therefore a "panhandle lot". The Panhandle is 0.32 hectare acres large. The Property excluding the Panhandle is about 0.872 hectare large (the "Lot"). See Page 3 for a surveyed map of the Property boundaries. See pages 4 and 5 for a view of the property as captured by a drone.

The Property is undeveloped, flat and mostly treed. The surrounding neighborhood is zoned Suburban Residential F (R1F), and characterized by one-family and two-family dwellings on a variety of lot sizes. Directly to the North of the Property is a commercial storage facility located on an approximately 2 hectare lot. To the East and South are a number of parcels ranging from 1.5 to 7.6 hectare. To the West are a number of smaller parcels ranging from 0.5 to 0.8 hectare. The smaller parcels are connected to a community water system. The majority of the nearby properties have been developed. The subject Property has not.

The Proposed Subdivision and Development of the Property

The writer wishes to subdivide the Lot into two lots (the "Proposed Lots") accessed by way of the Panhandle (the "Subdivision").

Conflicts between Current Zoning and the proposed Subdivision

Lot Size:

Under the Current Zoning, the minimum required site area of a lot created by subdivision is 0.5 hectare. Pursuant to the *Local Services Act Subdivision Regulation*, paragraph 6.10, where a parcel is a panhandle lot, the panhandle is not calculated as part of the minimum parcel area. The Lot is therefore 0.13 hectare too small to be subdivided under the Current Zoning. The Proposed Lots, if created, would each be 0.43 hectare, 0.07 hectare less than required.

The Subdivision is not permissible under the Current Zoning.

If the requested Zoning Amendment is granted, then the issue described above will be cured as the minimum site area for a lot created by subdivision under the Requested Zoning is 0.4 hectare. The Proposed Lots will be 0.43 hectare.

Compliance with Current Zoning and other Subdivision Requirements

Except for the lot size issue described above, the Property is otherwise well suited for subdivision.

Access:

Both of the Proposed Lots will have legal and practical by way of the Panhandle. The Panhandle is larger than necessary to provide access to the Proposed Lots. The existing driveway providing access to the Lot is currently 20 meters wide. The writer intends to improve the driveway so that two vehicles may pass each other without issue.

The frontage of the Property does not meet the requirement of paragraph 6.08 of the *Local Services Act Subdivision Regulation*, however, the minister will exempt the writer from that requirement and confirm the appropriateness of the access provided by the Panhandle once the driveway has been widened.

Water:

The writer has asked a professional well driller whether the area is suitable for drilling a well and has received confirmation that there are nearby functioning wells and that there are very likely suitable locations for two wells on the property.

Septic:

The writer has consulted with a professional septic installer to ask whether the area is suitable for four septic systems and, as a result of there being many flat locations on the property, has received confirmation that there is very likely suitable locations for four septic systems on the property.

Building Areas:

Given that the entire Lot is flat, there are multiple appropriate building sites on the Property.

All of these areas of concern will be properly addressed and satisfied to the RDCK's requirements at the time of subdivision application, once the requested zoning amendment has been approved.

Conclusion

In light of the current shortage of housing in the area, the writer believes that permitting the proposed rezoning of the Property would be beneficial by promoting the development of the Lot and allowing for additional housing. The writer also wishes to emphasize that the Property does not have the same rural appearance as the rest of the area given its proximity to the 6 Mile Storage facility. Allowing the proposed rezoning will not negatively affect the character of the area, rather, it will promote the improvement of the Lot which is currently underutilized and in need of development. Finally, the writer also wishes to emphasize that the proposed amendment is not a substantial change from the existing subdivision requirements. It is the writers view that allowing the Proposed Rezoning provides far more in terms of benefits to the area than it does drawbacks. We hope that the reader will agree with this position. If there are any questions or concerns, we look forward to being able to discuss them throughout this process.

SCHEDULE B PROPOSED ZONING

DIVISION 9 SUBURBAN RESIDENTIAL F (R1F)

Permitted Uses

900 Land, buildings and structures in the Suburban Residential F (R1F) 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

901

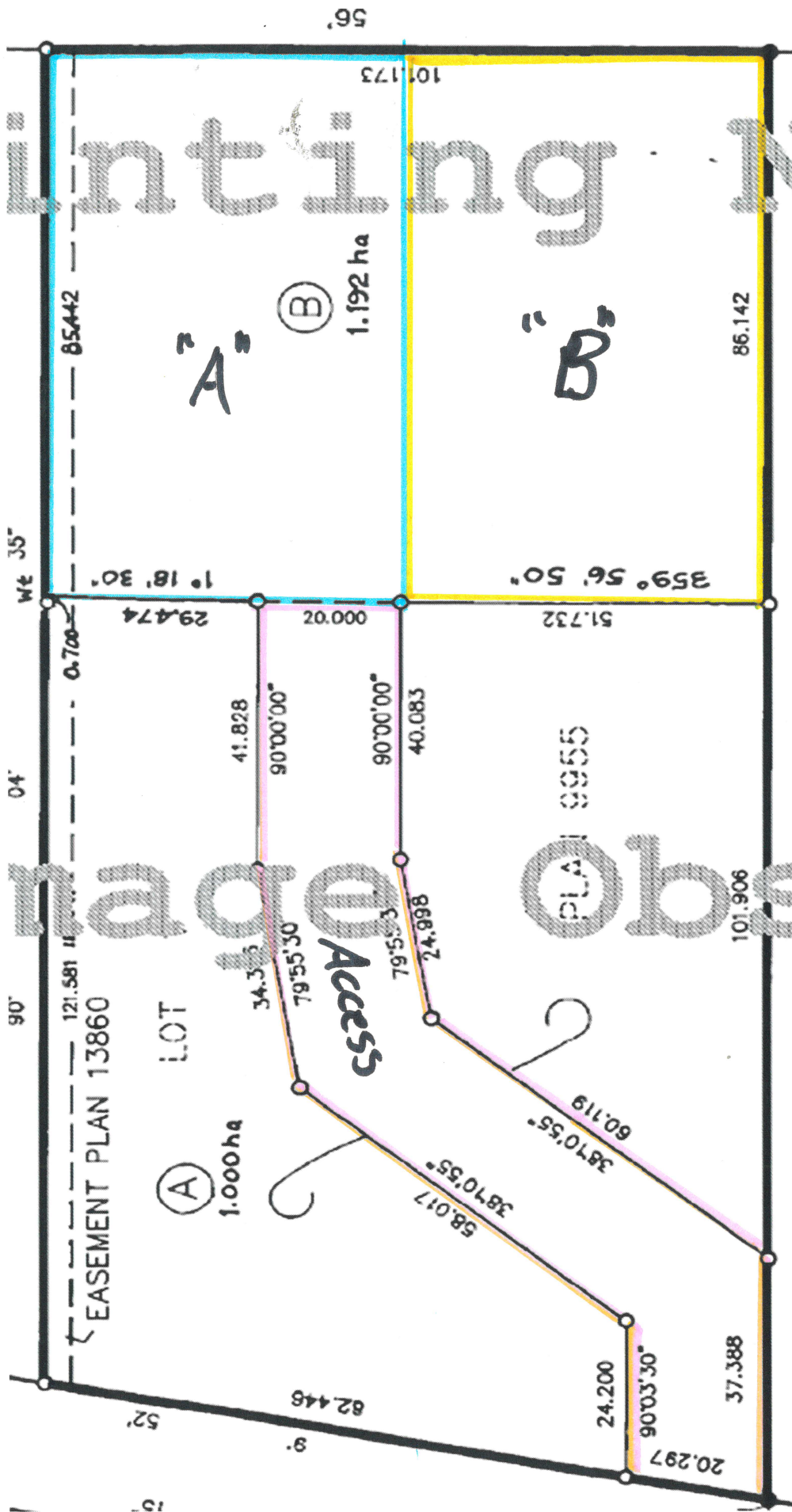
1 The minimum site area for the following uses shall be required as follows:

	Community Water Supply and Community Sewer System	Community Water Supply Only	On-Site Servicing Only
One-Family Dwelling	700 square metres	0.2 hectare	0.5 <u>0.4</u> hectare
Two-Family Dwelling	1,000 square metres	0.4 hectare	0.5 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 Subdivision of lots between 0.5 hectares to 1.0 hectares are subject to a qualified professional assessment of on-site water and sewer capacity prior to approval.
- 5 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.
- 6 Farm animals and poultry shall be caged, fenced or housed at all times.
- 7 No principal building may exceed ten (10) metres in height.
- 8 The maximum height of any accessory building or structure shall not exceed 6

metres.

- 9 The maximum gross floor area of any accessory building or structure shall not exceed 100 square metres.
- 10 The cumulative gross floor area of all accessory buildings or structures shall not exceed 200 square metres.
- 11 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.
- 12 Landscape screens or fences not exceeding a height of one (1) metre may be sited on any portion of a lot.
- 13 Fences not exceeding a height of two (2) metres may be sited to the rear of the required front lot line setback only.



DIVISION 9 SUBURBAN RESIDENTIAL F (R1F)

Permitted Uses

900 Land, buildings and structures in the Suburban Residential F (R1F) 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

901

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