



Bylaw Amendment Application

Referral Form – RDCK File Z2311A

Amendment to Comprehensive Land Use Bylaw No. 2315, 2012

Date: January 12, 2024

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 12, 2024). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF THE BYLAW AMENDMENT: To rezone those portions of the subject property from Resource Area (RA) to match the existing Tourist Commercial (C3) zoning over the remaining lands. The intent is have consistent land use regulations across the entire subject site.

The subject property is currently developed as a seasonal resort on the eastern shore of Kootenay Lake with approximately 29 recreational vehicle sites, some summer cabins and related accessory buildings. Akokli Creek bisects the subject property.

LEGAL DESCRIPTION & GENERAL LOCATION:

11727 Highway 3A, Destiny Bay, Electoral Area 'A'
 LOT A LOT 888 KOOTENAY DISTRICT PLAN NEP90307 EXCEPT PLAN EPP7320 (PID: 028-137-477)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCF DESIGNATION
33.8 hectares	N/A	Resource Area (RA) & Tourist Commercial (C3)	Tourist Commercial (C3)

AGENT: A. Cowie

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.

**STEPHANIE JOHNSON, 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 checked="" type="checkbox"/> ARCHAEOLOGY BRANCH <input type="checkbox"/> ENERGY & MINES <input type="checkbox"/> MUNICIPAL AFFAIRS & HOUSING <input checked="" type="checkbox"/> INTERIOR HEALTH HBE Team, Nelson <input checked="" type="checkbox"/> KOOTENAY LAKES PARTNERSHIP <input type="checkbox"/> SCHOOL DISTRICT NO. <input type="checkbox"/> WATER SYSTEM OR IRRIGATION DISTRICT	FIRST NATIONS <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 type="checkbox"/> OKANAGAN NATION ALLIANCE <input type="checkbox"/> C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN) <input type="checkbox"/> K+k'ƏR'MÍWS (LOWER SIMILKAMEEN) <input type="checkbox"/> SNPÍNTKTN (PENTICTON) <input type="checkbox"/> STQA?TKWƏWT (WEST BANK)
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<input checked="" type="checkbox"/> UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER) REGIONAL DISTRICT OF CENTRAL KOOTENAY DIRECTORS FOR: <input checked="" 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 type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K ALTERNATIVE DIRECTORS FOR: <input checked="" 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 type="checkbox"/> I <input type="checkbox"/> J <input type="checkbox"/> K <input checked="" type="checkbox"/> APHC AREA A <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 type="checkbox"/> SUKNAQÍNX (OKANAGAN) <input type="checkbox"/> SWÍWS (OSOYOOS) <input type="checkbox"/> SPAXOMƏN (UPPER NICOLA) <input checked="" 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 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: Z2311A APPLICANT: A. COWIE

Name:

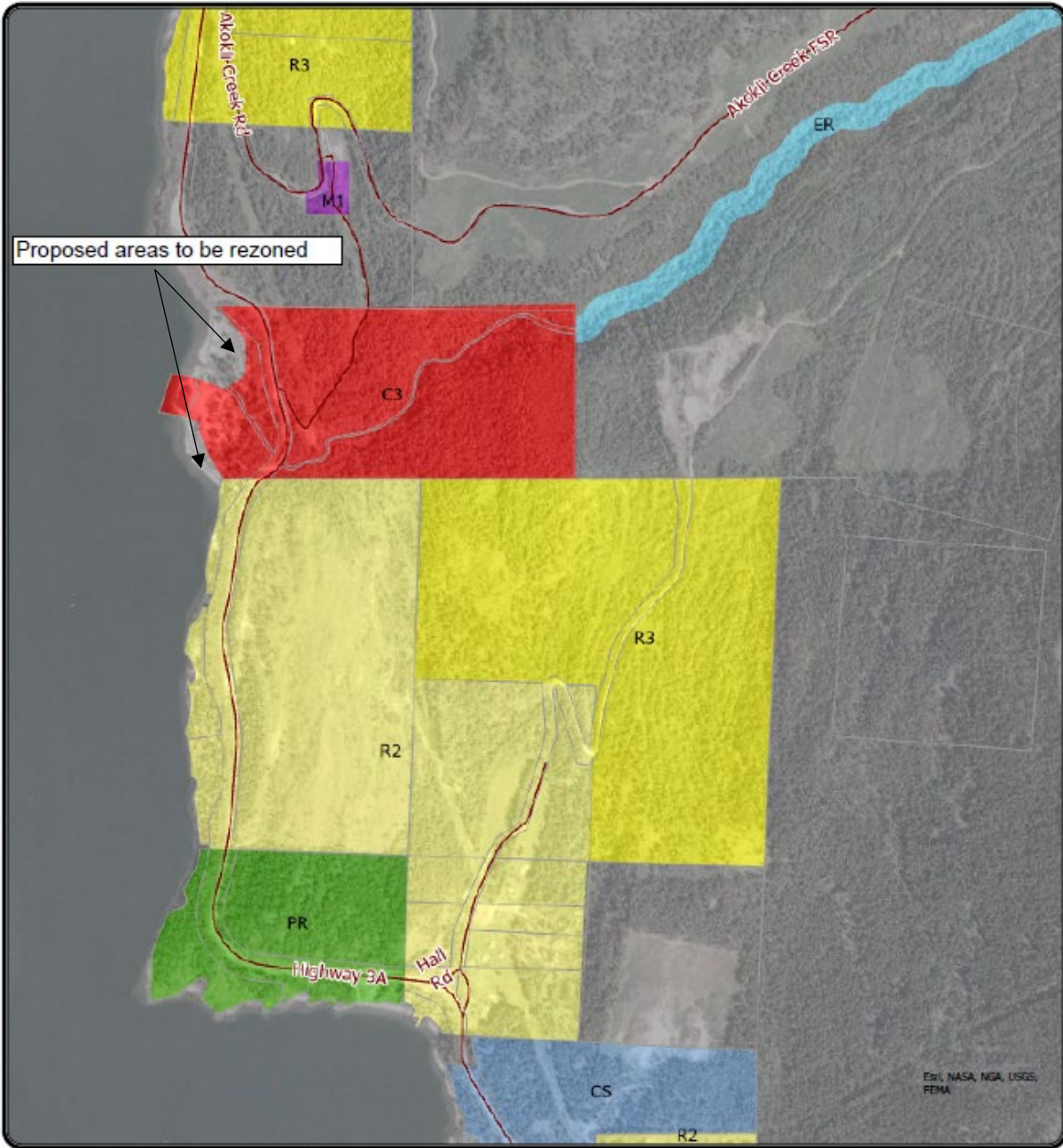
Date:

Agency:

Title:

RETURN TO: STEPHANIE JOHNSON, PLANNER
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
Ph. 250-352-8175
Email: plandept@rdck.bc.ca

RDCK Map



Proposed areas to be rezoned



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

Zoning Class

- Commercial
- Community Services
- Environmental Reserve
- Industrial
- Parks and Recreation

Legend

- Residential 2
- Residential 3
- <all other values>
- Electoral Areas
- RDCK Streets
- Cadastre

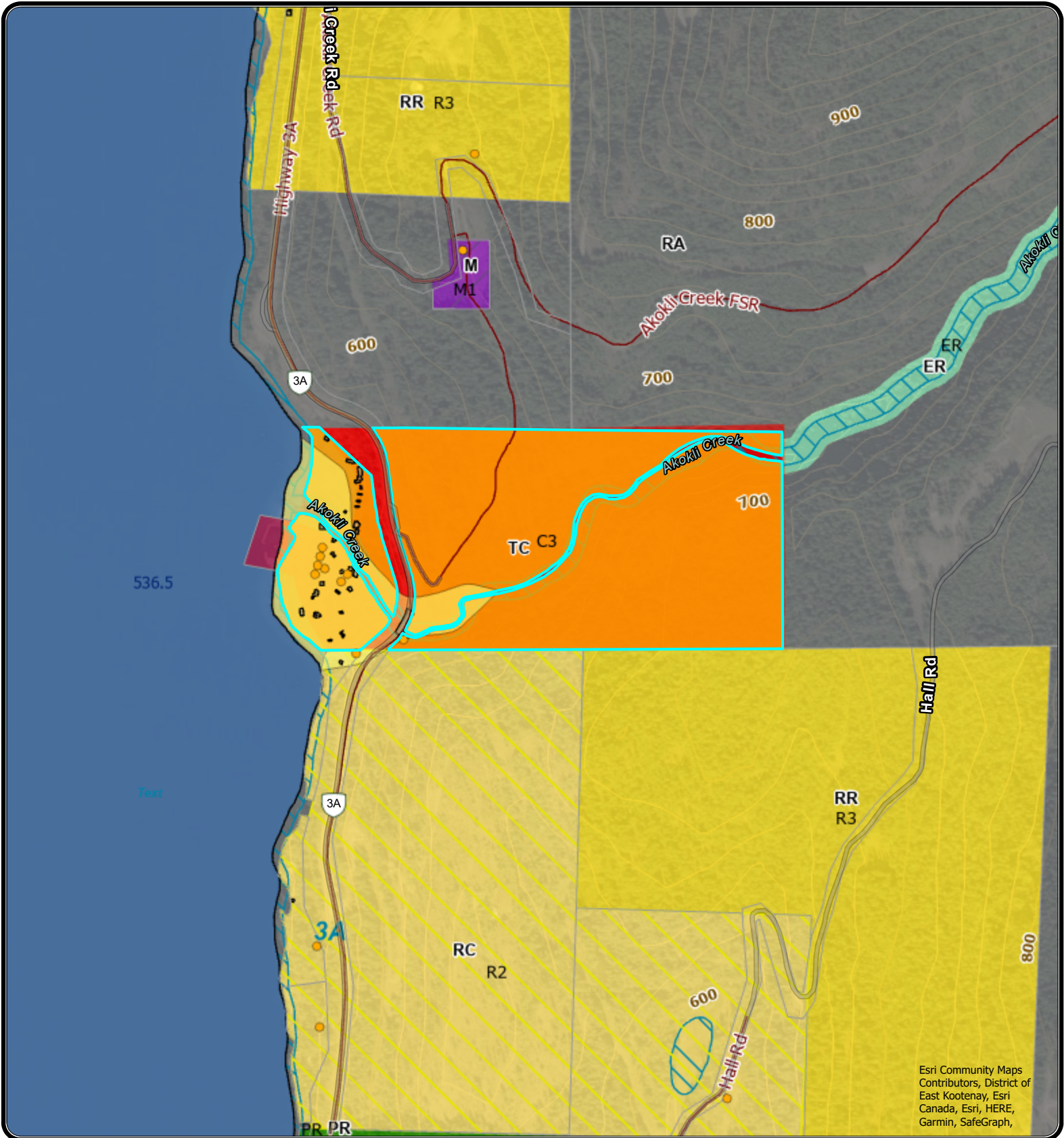
Map Scale:

1:18,056

Date: January 12, 2024



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.



Esri Community Maps Contributors, District of East Kootenay, Esri Canada, Esri, HERE, Garmin, SafeGraph,



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20 Meter Contours

- 20 meter
- 100 meter
- Building Footprints

Land Use Applications

- Land Use Bylaw Amendment

Legend

- | | |
|--------------------------------------|-------------------------|
| ■ Non Standard Flooding Erosion Area | ■ Rural Residential |
| Official Community Plan | Zoning Class |
| ■ Commercial | ■ Commercial |
| ■ Country Residential | ■ Environmental Reserve |
| ■ Environmental Reserve | ■ Industrial |
| ■ Industrial | ■ Parks and Recreation |
| ■ Parks and Recreation | ■ Residential 2 |
| ■ Resource Area | ■ Residential 3 |
| | ■ <all other values> |

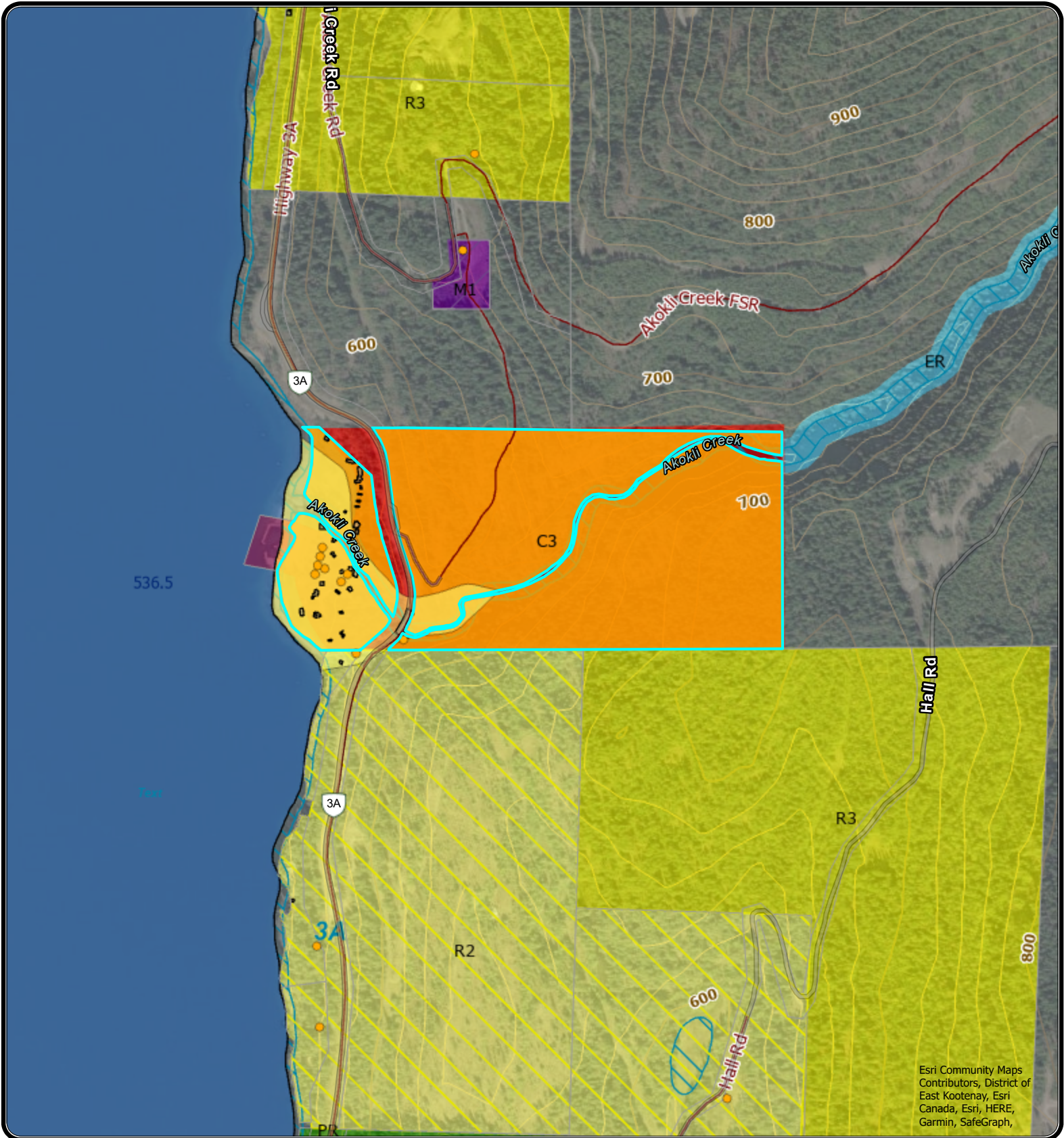
Map Scale:

1:9,028

Date: December 6, 2023



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Zoning Class

- Commercial
- Environmental Reserve
- Industrial
- Parks and Recreation
- Residential 2
- Residential 3
- <all other values>

Development Permit Areas

- Environmentally Sensitive
- Industrial
- Residential Cluster
- Flood Construction Levels - 1990
- Electoral Areas
- RDCK Streets
- Cadastre

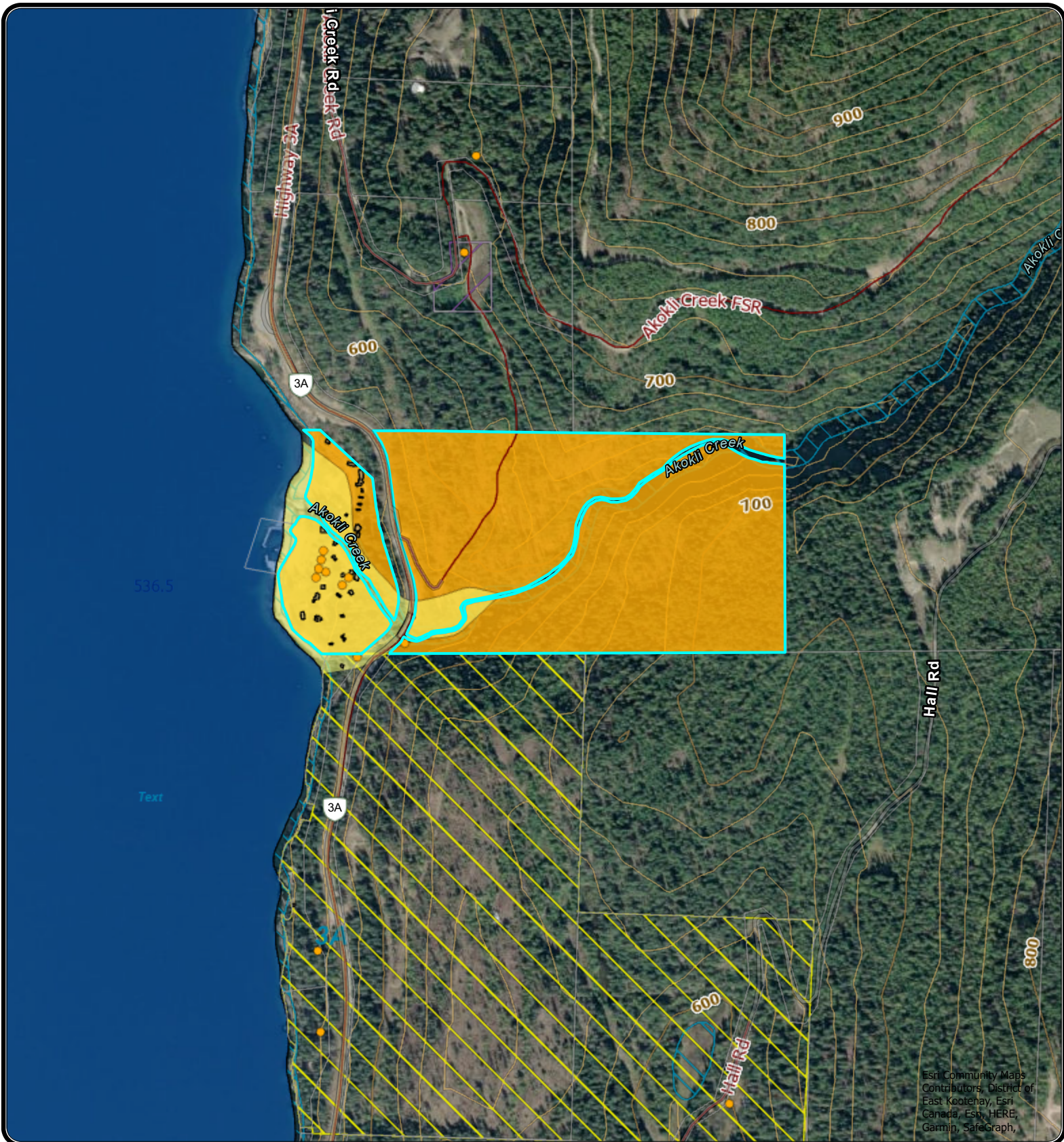
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- Address Points

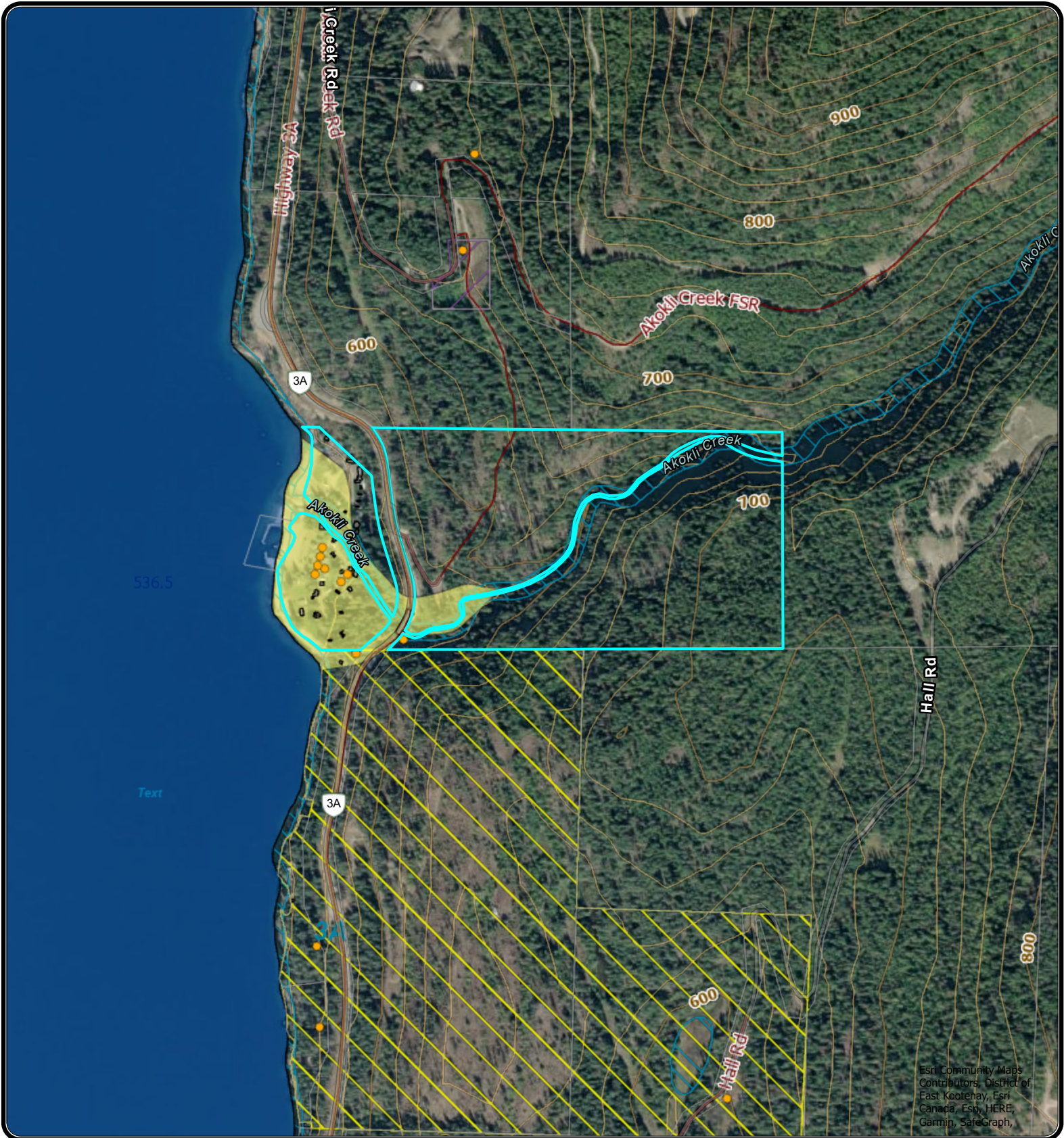
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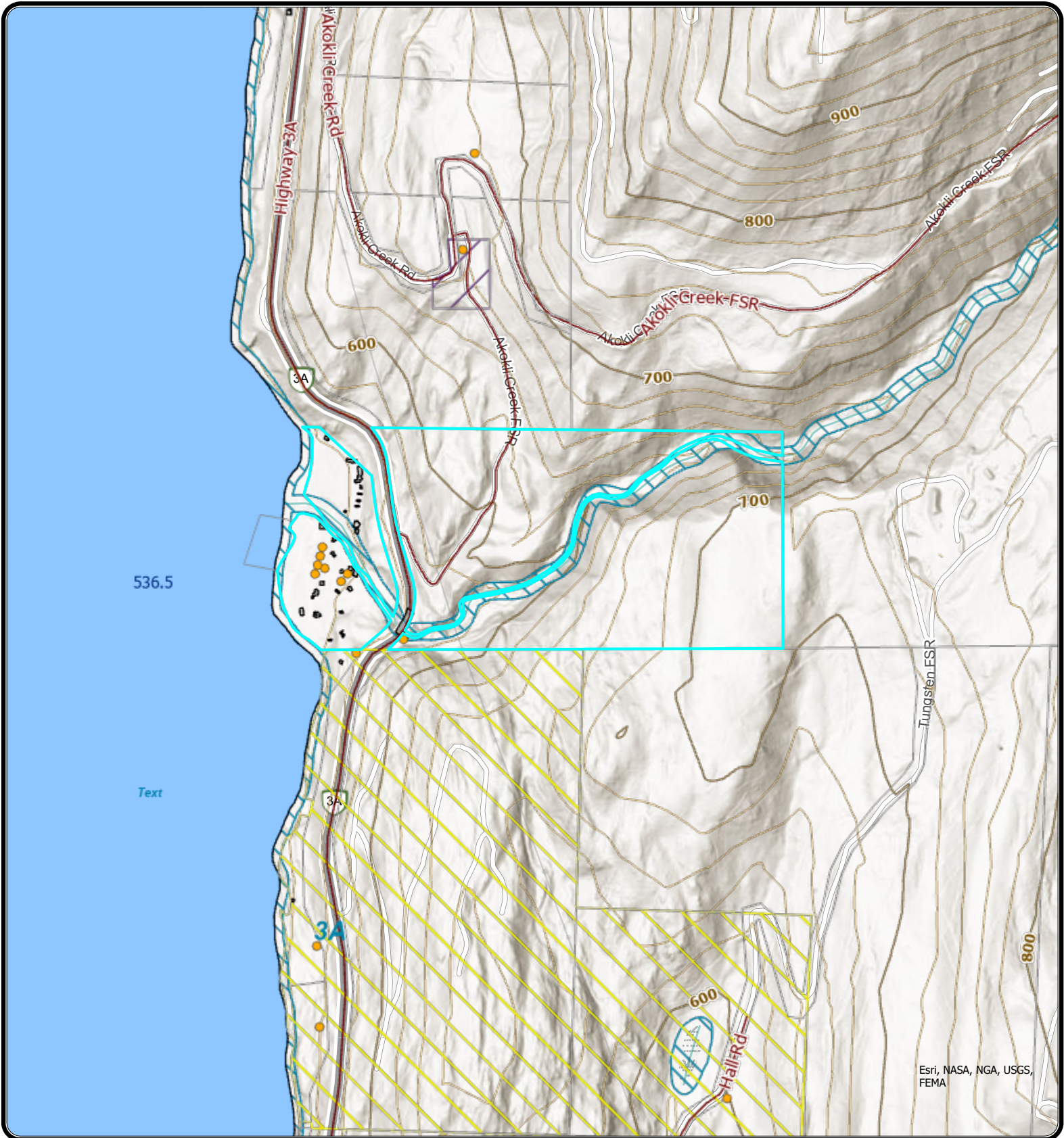
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Esri, NASA, NGA, USGS, FEMA



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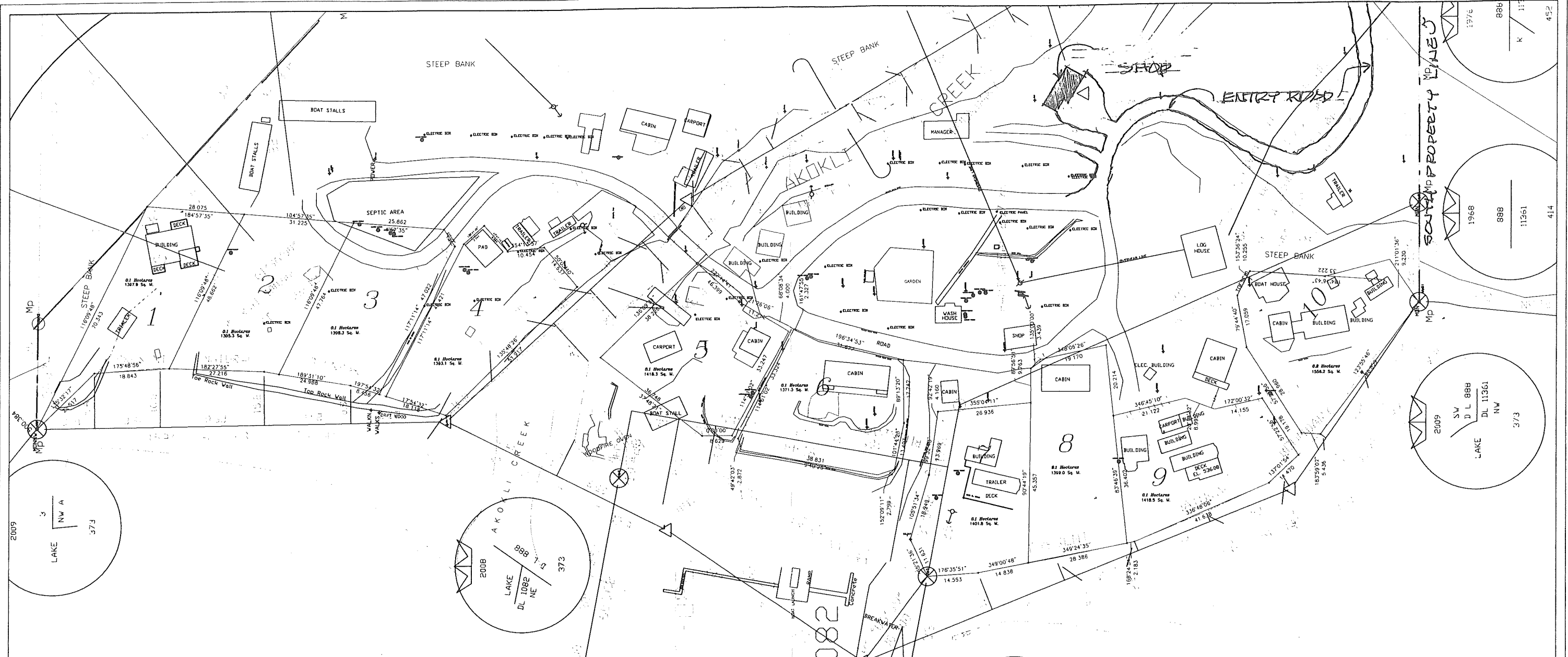
Akokli-Re-zoning Application (Item F. Proposal Summary)

The former Cummings Resort lands were purchased by Akokli Creek Developments Inc. (ACD) in 2006 with the intent that said foreshore lands would be developed for the exclusive use of owners and their immediate families with the remaining inland property (below Highway 3A) being utilized as an R.V. park. At the time of purchase by ACD, we understood that the property was not yet zoned. We now understand that zoning took place in 2014 and that A C-3 zoning was applied to the property. Subsequent to this portions of the property's lands were zoned RA, of which the present owners of ACD were not aware until very recently.

It is the desire of ACD to have the presently RA zoned portions of our lands to be re-zoned to C3 designation in order that the entirety of the ACD property fall under a single zone classification for consistency, that being C3.

We believe that the proposed rezoning of those current RA zoned portions forming part of the ACD lands will have no impact on the surrounding/adjoining properties. The current RA zoned areas of the ACD lands are bounded to the east by the ACD property itself and to the west by the lake foreshore.

As information, the current lot configurations (within RA zoned areas) were determined and constructed in 2008/2009 (well before zoning was established). Individual infrastructure services (i.e. water, sewer and power) were installed for future connection to owner residences recognizing that any future residences would be required to be relocatable (i.e. on wheels and towable).



1.	5474800.353	517705.377	534.371	SELO47
2.	5474859.725	517707.801	533.573	SELO30
3.	5474854.377	517770.542	0.0	cp51
4.	5474654.473	517798.888	0.0	cp52
5.	5474794.620	517893.759	0.0	cp3
6.	5474882.286	517722.357	0.0	cp4
7.	5475048.222	517737.749	0.0	cpNW
8.	5475047.908	517767.822	0.0	cpN2

LOWER PORTION (AKOKLI COVE)
 LOT A. PLAN 917
 D.L. 888
 KOOTENAY DISTRICT
 11727 HWY 3A ~ DESTINY BAY B.C.

- BUILDING
- DECK
- GARDEN
- STRUCTURE
- TRAILER

		SCALE: 1:500	FILE NO.	PROJECT NO.	UTM 5474856 N, 517740 E, ZONE 11	P. ENG	
SURVEY AND DESIGN <small>200-414-8888</small>		SITEPLAN MAP OF AKOKLI CREEK DEVELOPMENT MOUTH OF AKOKLI CREEK	DATE 07/11/18	REVISION 01 02 03	DWN. CH CH	APPD. CH CH	DATE 07/11/18 07/11/18 07/11/18
DWG. NO. 1		SHEET 1 OF 1		DESIGN BY: CS		CHECK BY: CS	

28.0 TOURIST COMMERCIAL (C3)

Permitted Uses

1. Land, buildings and structures in the Tourist Commercial (C3) zone shall be used for the following purposes only:
 - Artisan Crafts Production and Sales
 - Cannabis Retail Stores
 - Farmers Markets
 - Golf Courses
 - Horse Riding Arenas and Boarding Stables
 - Horticulture
 - Marinas
 - Mixed Use Developments
 - Museums
 - Personal Service Establishments
 - Pubs
 - Restaurants
 - Service Stations
 - Tourist Accommodation
 - Zoos
 - Recreational Vehicle Parks
 - Accessory Uses to Tourist Accommodation:
 - laundromats
 - curio shops
 - convenience stores
 - Accessory Uses:
 - accessory buildings or structures
 - one dwelling unit

Development Regulations

2. The minimum site area shall be provided as follows:

Hotel, Motel, Lodge and Similar Uses

On Site Servicing	1.0 hectare (up to 10 units), 600m ² for each additional sleeping unit, 0.1hectares for each additional housekeeping unit
Community Water	0.4 hectares (up to 10 units), 300m ² for each additional sleeping unit, 400 m ² for each additional housekeeping unit.
Full Servicing	0.2 hectares (first unit), 200 m ² for each additional sleeping or housekeeping unit.

All Other Uses

On Site Servicing	1 hectare
Community Water	0.4 hectares
Full Servicing	0.4 hectares

3. The maximum site coverage permitted shall be 50 percent of the lot area.
4. Landscaping shall comply with the requirements of Section 18 (93 to 106).
5. Lots adjacent to residential zones must provide screening and buffering. Landscaping used as screen or buffer shall be designed to minimize the cost of general maintenance and upkeep. In Suburban and Country Residential (R1) and (R2) zones adjacent to Tourist Commercial (C3) zones the buffer constitutes an area of 7.5 metres. In other larger residential zones this is reduced to 5.0 metres. The following provisions apply:
 - a. Screening and buffering shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building(s) improvements, expansions, or other site improvements.
 - b. In lieu of new improvements significant natural, historical and cultural site features; including but not limited to, large trees, hedgerows, woodlands, water-bodies, wetlands, and steep slopes may be considered part of a screen or buffer.
 - c. Buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.

35.0 RESOURCE AREA (RA)

Permitted Uses

1. Land, buildings and structures in the Resource Area (RA) zone shall be used for the following purposes only:
 - Agriculture
 - Community Wharves and Boat Launches
 - Commercial Back Country Recreation
 - Fishing and Hunting Camps
 - Outdoor Recreational Activities
 - Private Dock Adjacent to Upland Property
 - Resource Based Activities:
 - resource processing as defined
 - forest harvesting
 - mineral exploration and mining
 - Accessory Uses:
 - Accessory Buildings or Structures

Development Regulations

2. The minimum site area shall be fifteen (15) hectares.