



Bylaw Amendment Application

Referral Form – RDCK File Z2402J

Amendment to Zoning Bylaw No. 1675

Amendment to Official Community Plan Bylaw No. 1157

Date: March 4, 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 April 4, 2024). If no response is received within that time, it will be assumed that your agency’s interests are unaffected.

PURPOSE OF THE BYLAW AMENDMENTS: The purpose of this application is to change the Official Community Plan (OCP) designation from Suburban Residential (SR) to Community Services (CS) and to rezone the subject property from Suburban Residential One (R1) to Institutional (I).

The applicant seeks the above bylaw amendments to facilitate the development of a day care by converting the existing building on the subject property. The subject lot is less than 25 metres from the Robson Community School grounds.

LEGAL DESCRIPTION & GENERAL LOCATION: 3124 Waldie Avenue, Robson, Electoral Area ‘J’
LOT A DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 9317 (PID: 013-130-871)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
Approx. 809 m ²	None	Suburban Residential (R1)	Suburban Residential (SR)

APPLICANT/AGENT: Angela Flinn

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"/> FIRST NATIONS
<input checked="" type="checkbox"/> HABITAT BRANCH	<input checked="" type="checkbox"/> KTUNAXA NATION COUNCIL (ALL REFERRALS)
<input checked="" type="checkbox"/> FRONT COUNTER BC (FLNRORD)	YAQAN NU?KIY (LOWER KOOTENAY)
<input type="checkbox"/> AGRICULTURAL LAND COMMISSION	?AKINK’UM?ASNUQ?I?IT (TOBACCO PLAINS)
<input checked="" type="checkbox"/> ARCHAEOLOGY BRANCH	?AKISQNUK (COLUMBIA LAKE)
<input type="checkbox"/> ENERGY & MINES	?AQ’AM (ST. MARY’S)
<input checked="" type="checkbox"/> MUNICIPAL AFFAIRS & HOUSING	<input checked="" type="checkbox"/> OKANAGAN NATION ALLIANCE

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

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

- C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN)
- K+k'ƏR'MÍWS (LOWER SIMILKAMEEN)
- SNPÍNTKTN (PENTICTON)
- STQA?TKWƏ+WT (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, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RESPONSE SUMMARY
FILE: Z2402J APPLICANT: ANGELA FLINN

Name:

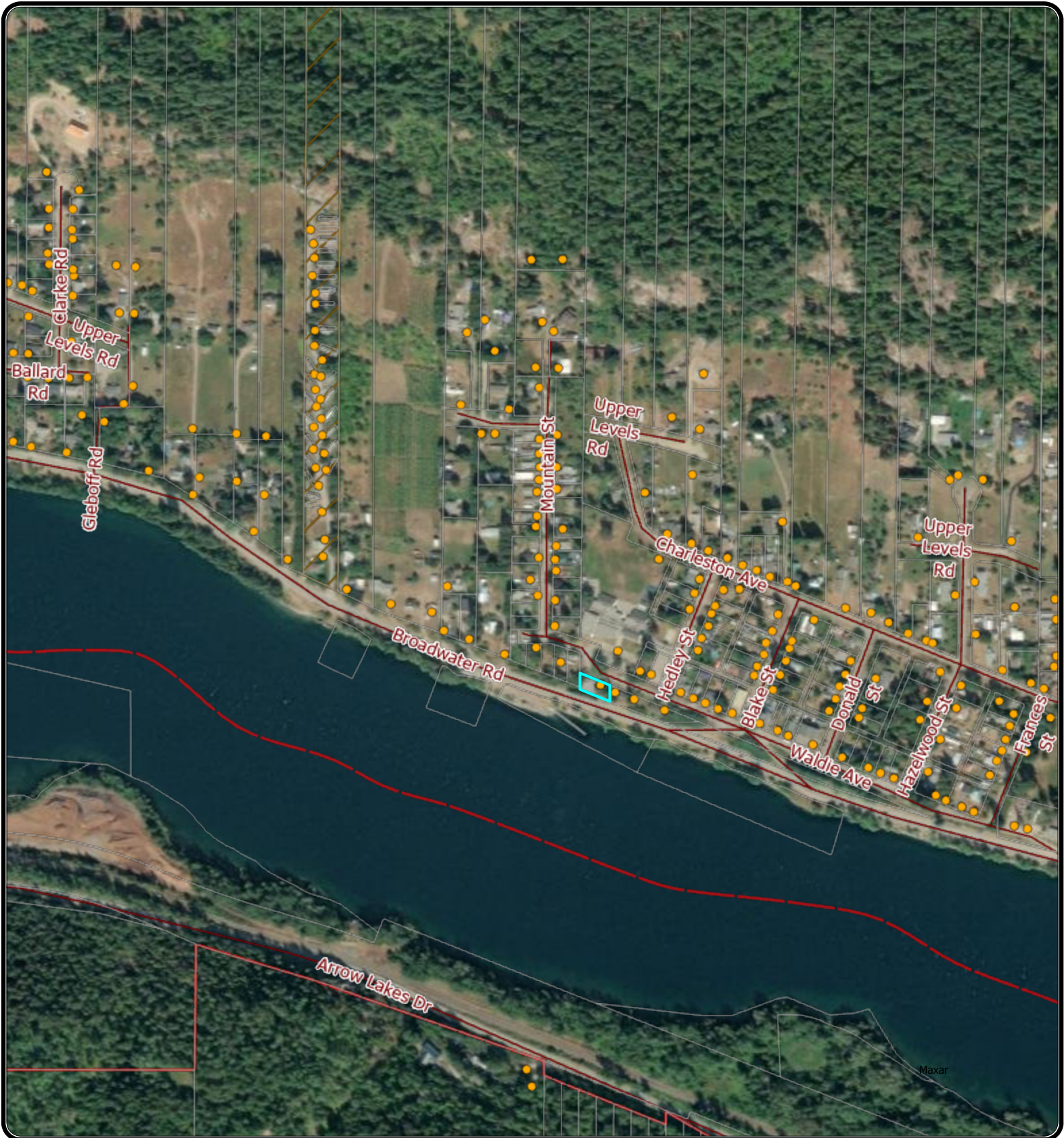
Date:

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



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

Development Permit Areas

Commercial, Industrial, Comprehensive
 Development, Gravel Extraction (Quarry) and High Density Residential

- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

Map Scale:

1:9,028

Date: February 27, 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.

RDCK Map







Maxar, Microsoft



REGIONAL DISTRICT OF CENTRAL KOOTENAY
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Nelson, BC V1L 5R4
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Legend

-  Electoral Areas
-  RDCK Streets
-  Cadastre
-  Address Points

Map Scale:

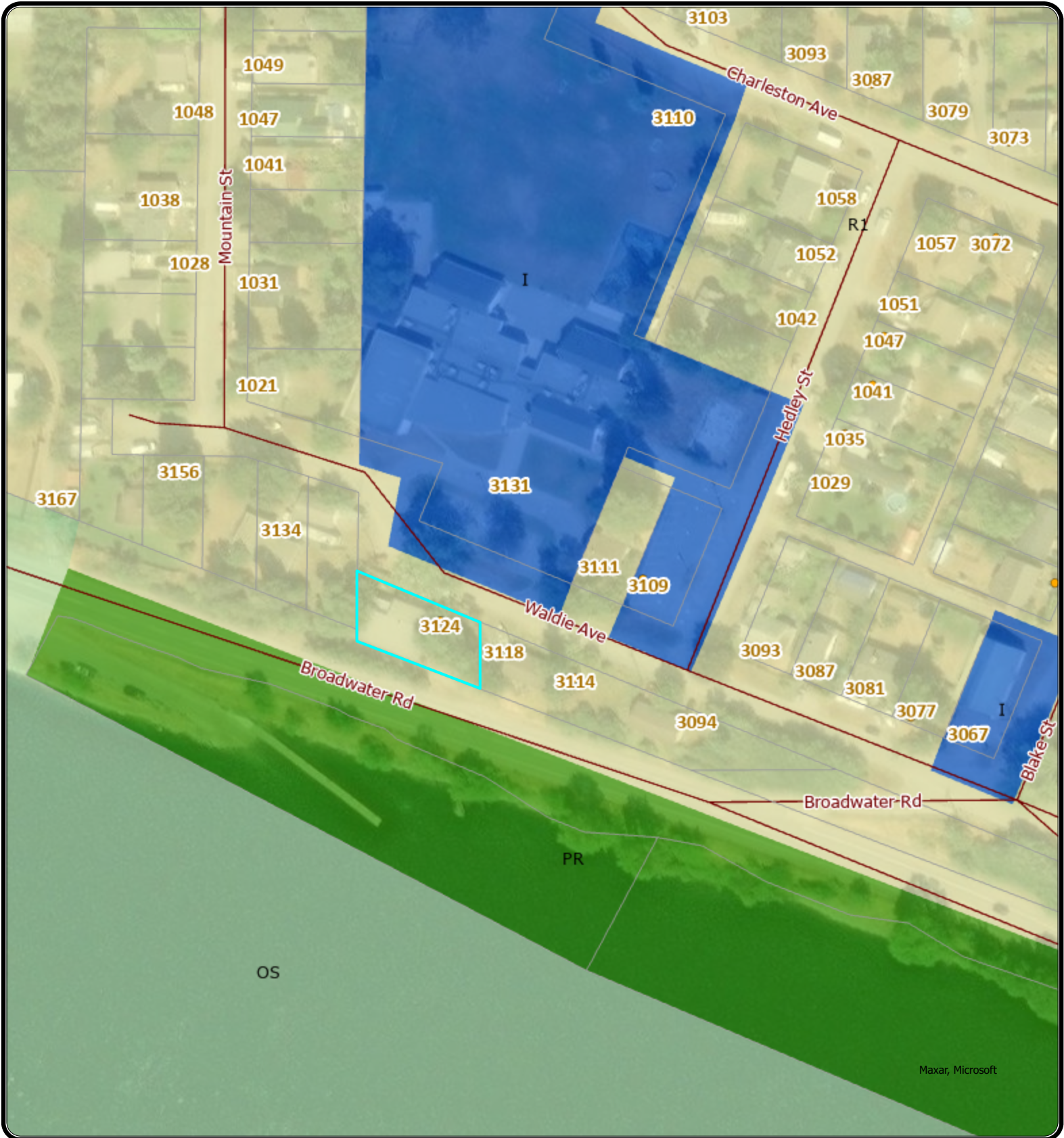
1:2,257

Date: February 27, 2024



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RDCK Map



Maxar, Microsoft



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Zoning Class

- Institutional
- Open Space
- Parks and Recreation

Legend

- Residential 1
- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

Map Scale:

1:2,257

Date: February 27, 2024



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RDCK Map









Maxar, Microsoft



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Legend

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

Map Scale:

1:1,128

Date: February 27, 2024



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RDCK Map



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Official Community Plan

- Community Services
- Environmental Reserve
- Open Space

Legend

- Suburban Residential
- Electoral Areas
- RDCK Streets
- Cadastre
- Address Points

Map Scale:

1:2,257

Date: February 27, 2024







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RDCK Map



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Legend

-  Electoral Areas
-  RDCK Streets
-  Cadastre
-  Address Points

Map Scale:

1:1,128

Date: February 27, 2024



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RDCK Map








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Legend

-  Flood Construction Levels - 1990
-  Electoral Areas
-  RDCK Streets
-  Cadastre
-  Address Points

Map Scale:

1:1,128

Date: February 27, 2024



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T 403.314.4461

Suite 200, 5218 – 50th Avenue Red Deer, AB T4N 4B5

berryarchitecture.ca



berry architecture
+associates

February 1, 2024

Attention:
Regional District Central Kootenay

RE: 3124 Waldie Avenue, Robson – Rezoning

Dear To Whom It May Concern:

Please see attached Development Application to rezone 3124 Waldie Avenue, Robson from R1 to Institutional. Blue Berry Community School (BCCS) is interested in purchasing the property and using the existing facility as daycare.

The site is located across the street Robson Community School.

The building area is approximately 220 square meters, and there is a basement and main floor. There is a large drive aisle and parking area on the backside of the property accessible from Broadwater Road. A portion of the drive aisle appears to be located outside of the property. The plan includes adding parking stalls along the front of the building.

If the property is re-zoned and BCCS will renovate the building to suite the daycare needs, including bringing life safety and accessibility to meet current building code requirements.

A detailed facility condition assessment has been completed on the property, and can be provided upon request.

BCCS will provide a detailed operation plan for the property upon request.

If you require additional information, please contact me at angelaf@berryarchitecture.ca.

Sincerely,

Angela Flinn
Project Manager

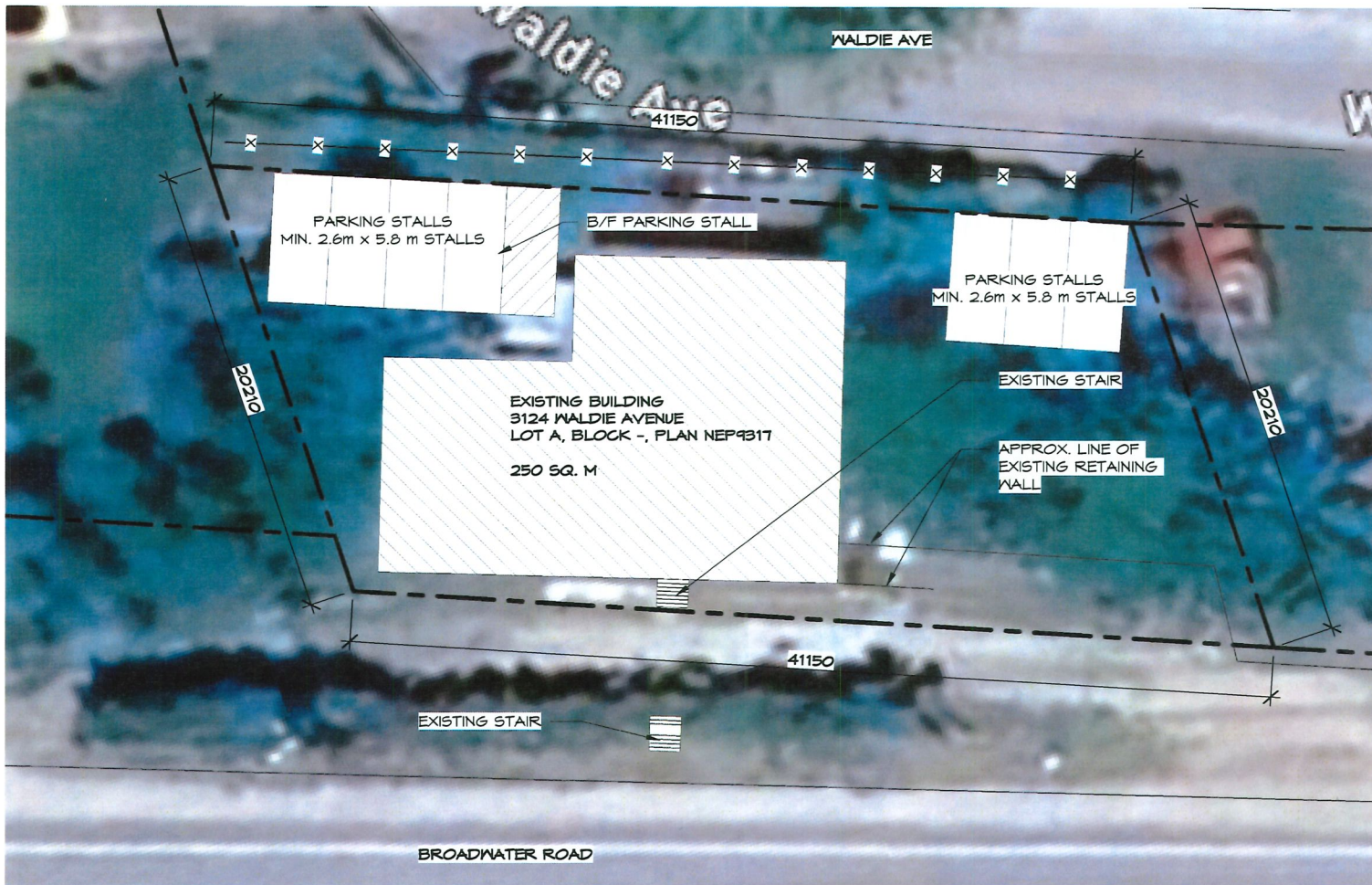
Berry Architecture + Associates Ltd.

PRINCIPALS

George Berry
ARCHITECT, AAA, AIBC, MRAIC
PRINCIPAL, CEO

Susanne Wiedecke
CCCA, LEED® PROFESSIONAL
PARTNER, COO

Isaac Martinez
ARCHITECT, AAA, AIBC, MRAIC
PRINCIPAL, LEED® PROFESSIONAL



SITE LEGEND

- PROPERTY LINE
- [Hatched Box] EXISTING BUILDING TO REMAIN
- X- FENCE

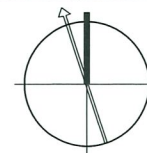
APPROX. PROPERTY AREA: 771 SQ. M
 APPROX. BUILDING AREA: 250 SQ. M
 APPROX. PARKING SPACE AREA: 119.44 SQ. M
 (9 STALLS REQUIRED, 2 STALLS PROVIDED IN EXISTING GARAGE)

APPROX. OUTDOOR SPACE AREA: 401.56 SQ. M

SITE PLAN

SCALE 1:200

SITE PLAN
 3124 WALDIE AVE - REZONING
 2024 01 31



KOOTENAY COLUMBIA RIVERS

**KOOTENAY-COLUMBIA RIVERS
OFFICIAL COMMUNITY PLAN BYLAW NO.
1157, 1996**

- 3.2.1.2 Zoning shall limit subdivision pursuant to Section 996 of the *Municipal Act* on land outside the Agricultural Land Reserve.
 - 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 except one dwelling unit and one secondary suite shall be permitted on Lot 2 District Lot 4598 Kootenay Land District EPP75763 (PID 030-260-191).
 - 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-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 and with the exception of Lot 1, District Lot 11912, Kootenay District Plan EPP82210 which shall be 0.79 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.
-

3.8.3.3.2.9 consider and make recommendation as to the highest and best use of such adjacent lands.

3.8.3.3.3 Commercial uses confined indoors;

3.8.3.3.4 Light industrial uses shall be considered only if they are directly related to an Airport activity.

3.8.3.4 Zoning provisions shall reflect subsections 3.8.3.1 to 3.8.3.3.

3.8.4 Trail Development

3.8.4.1 A comprehensive trail development system for pedestrians and cyclists shall be considered as a high priority on lands adjacent to the Kootenay and Columbia Rivers as shown on attached Schedule 'C' - Trail Development.

3.8.4.2 In general, recreation trails shall be directed away from the Agricultural Land Reserve areas. However, where such trails are proposed on land within the Reserve, the onus shall be on the proponent to demonstrate that the proposed trail system shall not interfere or otherwise restrict the optimum agricultural operation of adjacent or potential agricultural holdings.

3.8.4.3 In determining the appropriateness of a proposed recreation trail within the Agricultural Land Reserve, the proponent shall submit information documenting the likely impacts on adjacent existing and potential agricultural operations as well as possible mitigative measures including the use of vegetative screening and buffers, natural features and fencing. The proponent shall also demonstrate that the proposal has the support of adjacent agricultural operators and local agricultural organizations.

3.8.4.4 On land within the Agricultural Land Reserve, proposed recreation trails where approved by the Agricultural Land Commission shall not bisect existing or potential agricultural operations and such trails shall be directed to the periphery of the Agricultural Land Reserve block.

3.8.4.5 Where recreation trails are proposed on land within the Agricultural Land Reserve, the proponent shall obtain approval of the Agricultural Land Commission prior to development.

3.9 Community Service Policies

3.9.1 Community Services permitted on lots designated for Community Service on Schedule 'B' - Land Use Designations, shall include public recreation facilities, community halls, public utility structures and services, schools, universities/colleges, firehalls, greenspace, museums, hospitals and similar uses.

3.9.2 Subdivision approval within the entire Plan Area shall be subject to proof of adequate potable water supply to every newly created parcel and soil

conditions suitable for sewage disposal by septic tank systems if the properties are not serviced by community sewer system.

- 3.9.3 The Board of the Regional District will continue to undertake detailed planning, engineering and environmental impact studies to meet the long term sanitary landfill requirements to serve the Plan Area.
- 3.9.4 The Board of the Regional District will continue to maintain and enhance fire protection throughout the Plan Area.
- 3.9.5 In all subdivision applications involving land adjacent to water bodies, the Approving Officer shall be requested to require access to that water body.
- 3.9.6 New and improved domestic water supply systems shall be designed and constructed to provide hydrants and sufficient flows for fire protection and the Regional District recommends to Improvement and Irrigation Districts, the City of Castlegar and the Regional District of Central Kootenay owned water systems that the same utility standards be used so that in case of emergencies, fire equipment can be interchanged and critical repairs made.
- 3.9.7 The Plan supports the provision and enhancement of public transit services to the Plan Area.
- 3.9.8 Encouragement shall be given to the use of subdivision designs that accommodate services, such as public transit vehicles, emergency vehicles, group mail boxes.
- 3.9.9 The Board of the Regional District shall continue to work closely with school and health authorities to plan for school and health care facilities as settlement occurs.
- 3.9.10 The City of Castlegar, the Regional District of Central Kootenay, the Provincial Government and the public are encouraged to jointly develop an emergency measures plan that covers the City of Castlegar and the Plan Area.
- 3.9.11 Institutional zoning shall be provided for public institutional uses.

3.10 Specific Community Policies

3.10.1 Robson/Raspberry

- 3.10.1.1 The Provincial Government is encouraged to acquire the right-of-way for the proposed upper Robson Road and construct the road.
 - 3.10.1.2 The minimum lot size for single detached housing within Robson is 700 square metres provided it is serviced by a community water system and a community sewer system.
 - 3.10.1.3 Land serviced only by the Robson/Raspberry Improvement District's community water system shall have a minimum lot size of 2000 square metres.
 - 3.10.1.4 Within upper Raspberry land shall be designated as Country Residential as shown on Schedule 'B'.
-

- 3.10.1.5 The Board of the Regional District encourages the development of a community sewer system for all lands serviced by the Robson/Raspberry Improvement District.
- 3.10.1.6 All other private lands not serviced by the Robson/Raspberry Improvement District's community water system shall be designated Country Residential, Rural or Agricultural.
- 3.10.1.7 All existing Manufactured Home Parks serviced by the Robson/Raspberry Improvement District shall be designated as High Density Residential.
- 3.10.1.8 Consideration may be given to identifying lands near or adjacent to the old ferry landing for higher density residential development for seniors housing, lower income housing or strata development subject to servicing by a community sewer system.
- 3.10.1.9 Commercial Development is only encouraged on lands near or adjacent to the old ferry landing subject to landscaping requirements.
- 3.10.1.10 The Board of the Regional District encourages the Ministry of Transportation and Highways to maintain public access to the old ferry landing and the old Robson Wharf.
- 3.10.1.11 Light industrial/commercial uses adjacent to both the access to the Robson bridge and to the Castlegar Sewage Lagoon may be considered.

3.10.2 Blueberry Creek/Fairview

- 3.10.2.1 Land serviced by the community water system operated by the Blueberry Creek Irrigation District shall have a minimum lot size of 2000 square metres and shall be designated as Suburban Residential as shown on Schedule 'B'.
- 3.10.2.2 Consideration for the development of a neighbourhood commercial development within Blueberry may be considered subject to good access and landscaping standards.
- 3.10.2.3 On District Lot 7163 and remainder of District Lot 7164, priority shall be given to the extraction and processing of sand and gravel resources. After extraction is complete, consideration may be given to the development of lots for residential purposes.
- 3.10.2.4 Consideration for the designation of District Lots 7163, 7164 and 7166 shall be to Suburban Residential subject to the completion of detailed feasibility studies which accurately assess subdivision potential with respect to water supply, sewage disposal as well as other services.

3.10.3 Ootischenia Community Specific Policies

3.10.3.1 Residential Development Policies

ELECTORAL AREAS F, I, J AND K

**REGIONAL DISTRICT OF CENTRAL
KOOTENAY ZONING BYLAW NO.
1675, 2004**

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 front lot line setback or exterior side setback on a lot.

DIVISION 45 INSTITUTIONAL (I)

Permitted Uses

4500 Land, buildings and structures in the Institutional (I) zone shall be used for the following purposes only:

Cemeteries

Churches

Community Care Facilities

Community Halls

Convention Facilities

Day Care Centres

Educational Facilities

Group Care Facilities

Historic Interpretative Facilities (accessory uses include heritage restaurants, retail sales of heritage products, small scale manufacture of heritage products)

Hospitals

Quasi-Governmental Offices supporting permitted uses

Recycling Depot

Retreat Centre

Accessory Uses:

Accessory Buildings and Structures

One Dwelling Unit

Site Specific - Lot 3, District Lot 302A, Kootenay District, Plan 1318, Except part included in Plan 12613 - Division 32, Institutional Permitted Uses, 3200, "Government Offices" be added as a permitted use.

Site Specific - Lot 1 District Lot 9156 Kootenay Land District Plan NEP6680 (PID 014-045-052) to reduce minimum parcel size to 0.2 hectares.

Development Regulations

4501

- 1 The minimum site area for each permitted use shall be one (1) hectare.
- 2 The maximum site coverage shall be 50 percent of the lot area.
- 3 The maximum size of accessory use structures for Historical Interpretative Facilities shall be 300 square metres.