



Bylaw Amendment Application

RDCK File Z2308G

Proposed Amendment to Land Use Bylaw No. 2452

Date: September 11, 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 October 12, 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:

The subject property is located in Electoral Area 'G' on Highway 6, approximately 10 km south of the City of Nelson at the base of Whitewater Ski Hill Road. The property is presently used as a portion of and the main entrance (Apex Kiosk) to Nelson Nordic Ski Club.

The purpose of this application is to rezone a 1 hectare portion of the 14.4 ha subject property from Parks and Recreation (PR) to Country Residential (R2). This is being sought to facilitate the development of a one-family dwelling with on-site servicing. A subdivision application has been submitted to the Ministry of Transportation and Infrastructure to subdivide the 1 ha portion of the property being considered through this application so that the future dwelling would be on a separate fee simple lot.

LEGAL DESCRIPTION & GENERAL LOCATION:

4650 Highway 6, Hall Siding, Electoral Area 'G'
LOT A DISTRICT LOT 1241 KOOTENAY DISTRICT PLAN 17958
PID: 011-707-721

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
14.4 hectares (35.6 acres) (1 hectare proposed to be rezoned)	n/a	Parks and Recreation (PR)	Parks and Recreation (TC)

APPLICANT:

Robert Filippo

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 <input checked="" type="checkbox"/> HABITAT BRANCH <input checked="" type="checkbox"/> FRONT COUNTER BC (FLNRORD) <input type="checkbox"/> AGRICULTURAL LAND COMMISSION	FIRST NATIONS <input checked="" type="checkbox"/> KTUNAXA NATION COUNCIL (ALL REFERRALS) YAQAN NU?KIY (LOWER KOOTENAY)
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<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) 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 checked="" type="checkbox"/> G <input type="checkbox"/> H <input 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 checked="" 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 G <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	ʔAKINK'UMʔASNUQʔIʔIT (TOBACCO PLAINS) ʔAKISQNUK (COLUMBIA LAKE) ʔAQ'AM (ST. MARY'S) <input checked="" type="checkbox"/> OKANAGAN NATION ALLIANCE <input type="checkbox"/> C'ƏC'ƏWIXAʔ (UPPER SIMILKAMEEN) <input checked="" type="checkbox"/> KʔK'ƏR'MÍWS (LOWER SIMILKAMEEN) <input checked="" type="checkbox"/> SNPÍNTKTN (PENTICTON) <input type="checkbox"/> STQAʔTKWƏʔWT (WEST BANK) <input checked="" type="checkbox"/> SUKNAQÍN (OKANAGAN) <input 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 checked="" type="checkbox"/> QWʔEWT (LITTLE SHUSWAP) <input checked="" type="checkbox"/> SEXQELTQÍN (ADAMS LAKE) <input checked="" type="checkbox"/> SIMPCW ((SIMPCW) <input type="checkbox"/> SKEMTSIN (NESKONLITH) <input checked="" type="checkbox"/> SPLATSÍN (SPLATSÍN FIRST NATION) <input checked="" type="checkbox"/> SKEETCHESTN INDIAN BAND <input checked="" 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: Z2308G APPLICANT: ROBERT FILIPPO

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. 250-352-8190
Email: plandept@rdck.bc.ca



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maps@rdck.bc.ca

Legend

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

Map Scale:

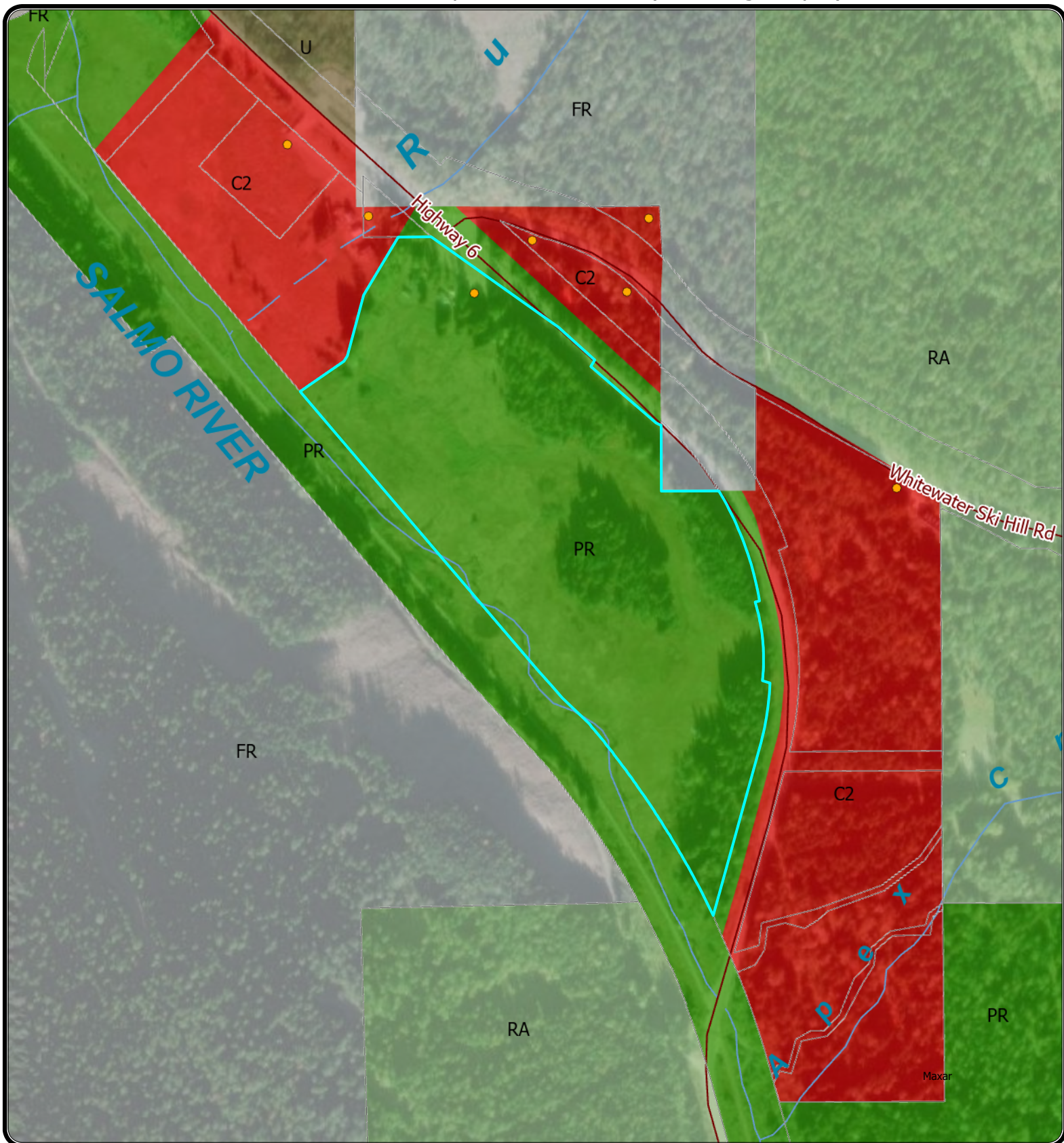
1:8,000

Date: September 1, 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.

Z2308G: Land Use Bylaw Amendment (4650 Highway 6)



REGIONAL DISTRICT OF CENTRAL KOOTENAY
Box 590, 202 Lakeside Drive,
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Phone: 1-800-268-7325 www.rdck.bc.ca
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Zoning Class

- Commercial
- Forest Resource/ Reserve
- Parks and Recreation
- Public Utility

Legend

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

Map Scale:

1:8,000

Date: September 1, 2023



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Legend

- | | |
|------------------------------------|----------------|
| Non Standard Flooding Erosion Area | RDCK Streets |
| Streams and Shorelines | Cadastre |
| Electoral Areas | Address Points |

Map Scale:

1:8,000

Date: September 1, 2023



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Aug 5 2023

Development Application.

Re: Site plan, Proposal Summary, Landscape plan.

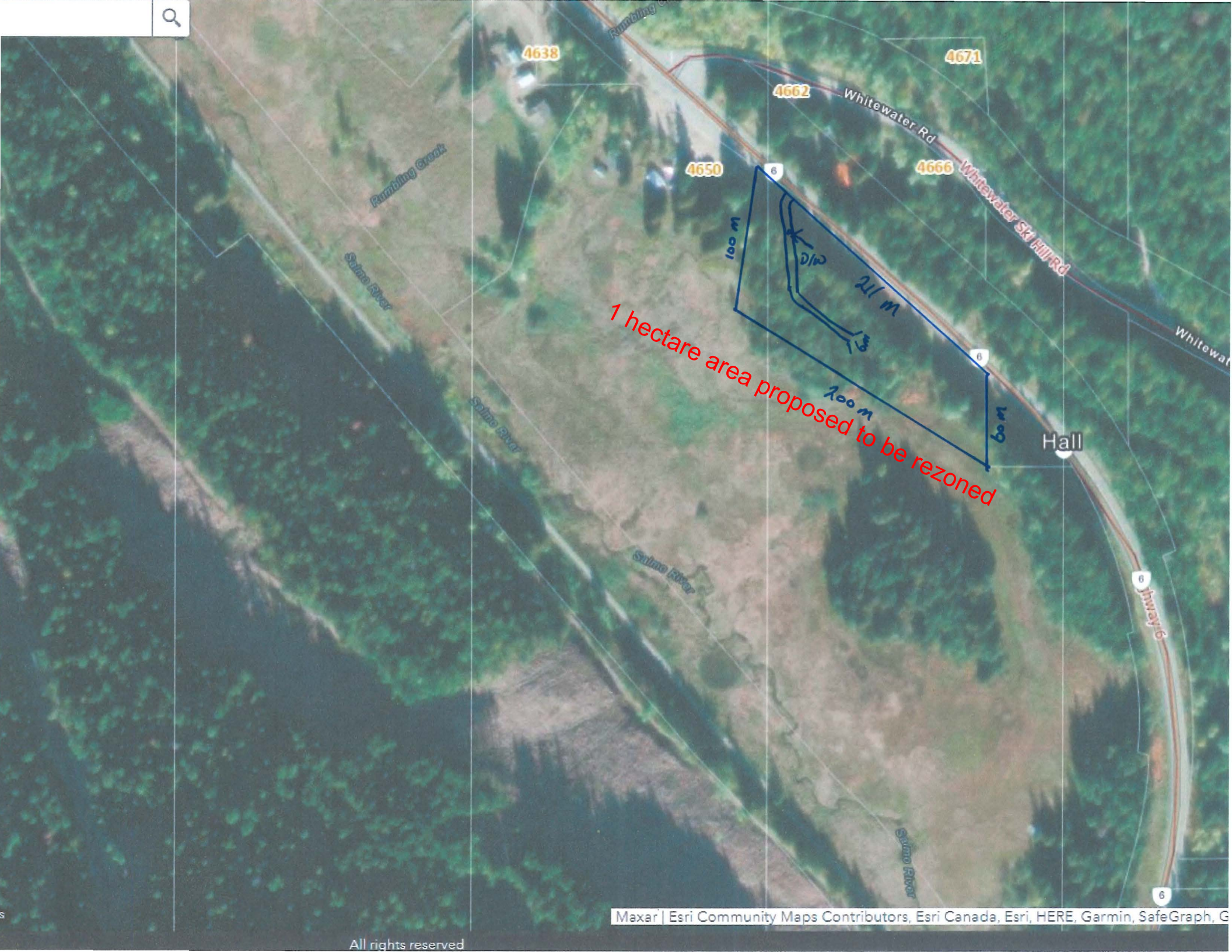
Site plan: Location of dwelling has yet to be determined. The dwelling will be placed on high ground well above Salmo river plane, as well above main field area. Dwelling will not be encroaching set backs as lots of room within lot.

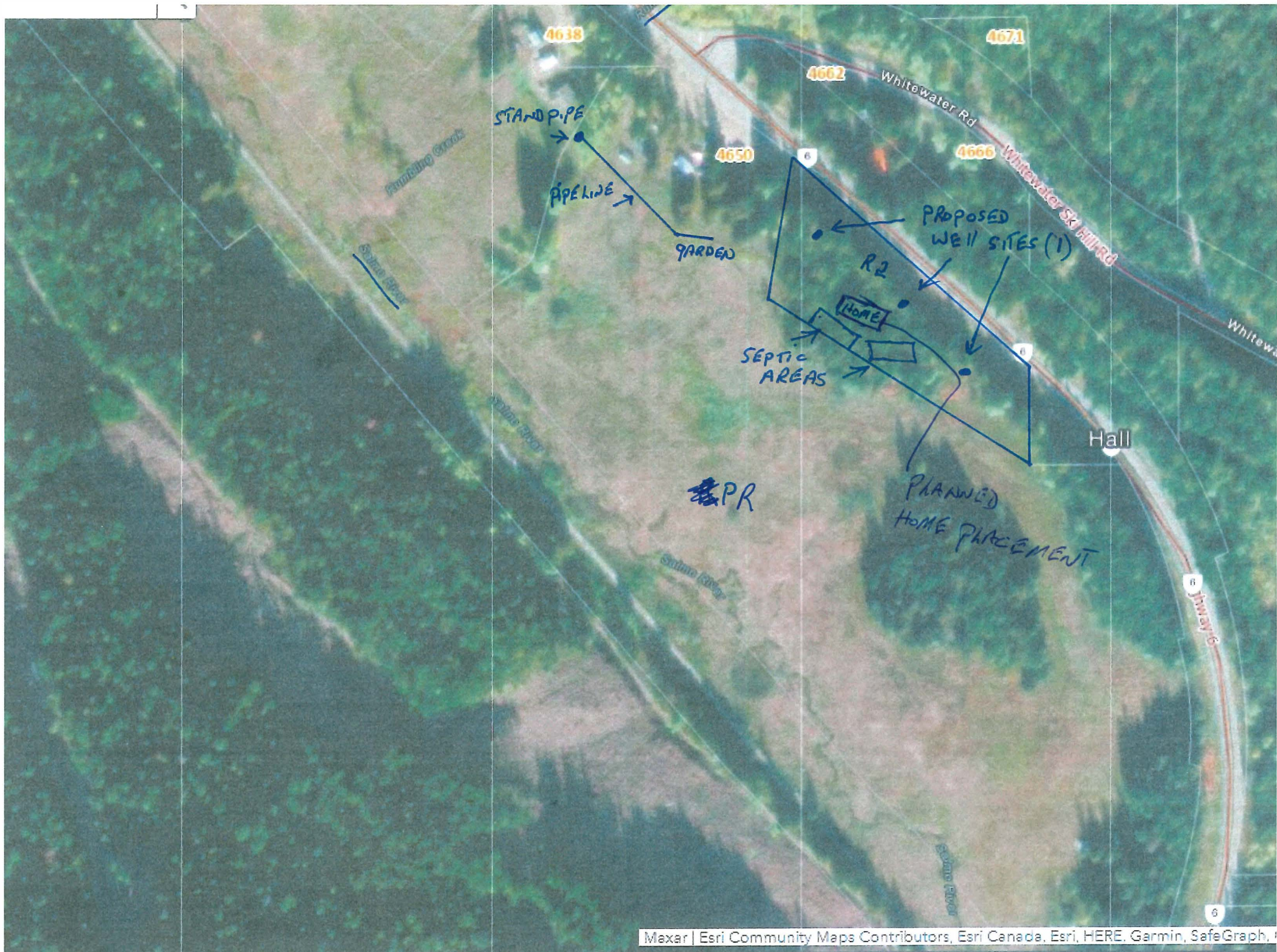
Driveway will be 6m in width built above natural ground by 600mm, allowing drainage on both sides as well area to place snow plowing. At highway access a culvert will be installed according to MOTI specifications. Access to highway will be at a 90 degree sight line. Driveway access has been applied for with MOTI.

Proposal Summary: In 1988 14.416Ha, of Apex area was purchased by the Filippo family, with intentions to use property for cross country skiing, as well in other seasons to maintain a wildlife habitat. The property has not been maintained for over 40 years and has gone a little too wild. I plan on building a small dwelling on a 1Ha piece to live out my retirement, and to maintain the property. With recent changes to WhiteWater as a year round resort, rails to trails, and the introduction of Rumbling creek resort, the area will see more public to use Apex area for recreation, wildlife viewing, and wild environment.

Flood plane: The dwelling location will be on high ground well out of Rumbling, Apex, and Salmo river plains. Map attached

Landscape Plan. I will be landscaping in a manner that will conform to the current surroundings. I will not be introducing any none native species. The intension is to keep area natural, any tree removal will be replaced with resistant white pine. Natural regeneration for grasses, only invasive plants will be removed by the recommended manner.





31.0 PARKS AND RECREATION (PR)

PERMITTED USES TABLE FOR PR ZONE	
1	Principal Uses Campground Community Garden Community Market Community Wharves and Boat Launches Farmer's Market Nature Sanctuary Parks Accessory Uses Concessions Interpretative Facilities Washroom Facilities

DEVELOPMENT REGULATIONS TABLE FOR PR ZONE		
2	Minimum lot area for each Principal Use	1.0 hectares
3	Minimum front setback	4.5 metres
4	Minimum exterior side setback	4.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	35 percent
9	Minimum lot area for subdivision	1.0 hectares

Proposed Zone

20.0 COUNTRY RESIDENTIAL (R2)

PERMITTED USES TABLE FOR R2 ZONE	
1	Principal Uses Dwelling, One Family Dwelling, Two Family Accessory Uses Accessory Building or Structures Accessory Dwellings <i>with the exception of Hall Siding</i> Accessory Tourist Accommodation Accessory Camping Accommodation Home-based Business Horticulture Keeping of Farm Animals

DEVELOPMENT REGULATIONS TABLE FOR R2 ZONE		
2	Minimum lot area for each Principal Use	1.0 hectares
3	Minimum front setback	7.5 metres
4	Minimum exterior side setback	7.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	35 percent
8	Maximum building height: Principal buildings Accessory buildings and structures	10.0 metres 8.0 metres
9	Maximum gross floor area of any accessory building or structure	200 square metres
10	Cumulative gross floor area of all accessory buildings or structures	400 square metres
11	Minimum lot area for subdivision	1.0 hectares

7.0 PARKS AND RECREATION

Background

Electoral Area G contains two RDCK Regional Parks: the Great Northern Rail Trail which extends through Electoral Area G from Apex to the Village of Salmo and the Rosebud Lake Wildlife Refuge. Provincial sites include Champion Lakes Provincial Park and the former Erie Lake Provincial Park. Provincial recreation sites in the area include Clearwater, Salmo Riverside, Barrett Lake, Huckleberry Hut and Erie Creek.

Ymir and the Village of Salmo also maintain community park space: including a campground, skateboard park and picnic areas in Ymir, and Knights of Pythias Park and Springboard Park in the Village of Salmo. A volunteer run ski hill and golf course operate just south and east of the Village of Salmo.



Public recreational trails and public spaces of all types exist informally or are managed by local interest groups on Crown lands or public lands throughout the Plan area. Coordination and partnership with the RDCK and other government agencies strive to ensure that land development does not inhibit the potential of establishing and maintaining an integrated trail network.

Parks and Recreation Objectives

1. Develop a comprehensive regional park and trail system that is consistent and complementary with other parks and trails in the RDCK.
2. Encourage the Province to provide on-going access to public recreation sites, trails and forest service roads for the purposes of outdoor recreation, foraging and wild harvesting.
3. Partner with the Village of Salmo to ensure that the long term recreational needs of the community are met.
4. Support the enhancement of opportunities for children, youth, and adult recreational and leisure activity and the creation of inter-generational programs to improve youth engagement and encourage social interaction for rural seniors.

Parks and Recreation Policies

The Regional Board:

5. Supports the existing network of public outdoor recreation lots and trails, as well as the creation and extension of a connected network of trails and public corridors to access community parks, recreation areas, public open space and amenities where feasible and as indicated on Schedules A.1 and A.3.
6. Recognizes the importance and significance of the Great Northern Rail Trail at a community and regional level.
7. Recognizes the importance and significance of the Fort Shepard to Salmo portion of the Dewdney Trail at a community and regional level.
8. Supports continued dialogue and investigation of options toward dedicated non-motorized use on portions of the Great Northern Rail Trail in collaboration with all users.
9. Encourages on-going dialogue between residents of Porto Rico and the operator of the Rifle Range to ensure that community impacts are mitigated.
10. Supports the establishment of public access points along the Salmo River for the purposes of swimming, fishing and other recreational pursuits.
11. Supports opportunities to re-establish and enhance recreational and visitor facilities at Erie Lake and Rosebud Lake.
12. Encourages investigation into options for the potential purchase or protection of conservation lands in the vicinity of Rosebud Lake.
13. Encourages investigation into options for the conservation and on-going access to recreational lands associated with rock climbing adjacent to Highway 6 in proximity to Hall Siding.
14. Recognizes and supports the establishment of an integrated trail network between the various unincorporated communities of the Plan area and the Village of Salmo; including on-going and proposed improvements at the Salmo Ski Hill and south slopes between Erie and the Village of Salmo.

3.0 RESIDENTIAL

Background



This section outlines the objectives and policies for Town-site Residential, Country Residential, Rural Residential, Remote Residential and Multi-Unit Residential designations in the areas covered by this Plan (OCP).

Electoral Area 'G' has a population of 1,627 persons based on 2016 census data. The area has a total of 794 dwellings, most of which are single person or two person households. One family dwellings and modular homes are the predominant housing type.

Development activity with regard to subdivision in the area remains small scale with an average of 14 new lots being created per year. Similarly, building activity tends to be focused on renovations and additions to existing residential structures.

Electoral Area 'G' is expected to grow due to parallel growth in the proximate communities of City of Nelson and Castlegar. It is anticipated that there will be an increase in population of 80 new residents within five years and 160 new residents over a ten year period¹.

General Residential Objectives

1. Accommodate anticipated residential growth in a manner that protects the rural character, environmental integrity, and the social and cultural diversity of the Plan area.
2. Encourage a variety of residential locations, types, tenures, and densities, including mixed use buildings in commercial areas to accommodate expected growth in the community and to accommodate options for housing affordability.
3. Direct residential development of less than 1 hectare (2.47 acres) to established residential areas and municipalities to ensure efficient use of existing services, amenities, and infrastructure.
4. Direct residential development that is not related to agricultural production or farm use to lands outside of the Agricultural Land Reserve (ALR).
5. Encourage high quality design, building, development and landscaping standards that improve energy efficiency and maintain and enhance rural character.

¹ Columbia Basin Selkirk College Rural Development Institute (2012) and (2016) Census Data

6. Support accessibility in housing to ensure that seniors and those with mobility challenges are able to reside safely in their respective communities.
7. Continue to provide for the keeping of farm animals and market gardens on residential properties provided that the keeping of farm animals is conducted in a manner that minimizes negative impact to adjacent property owners.
8. Continue to enable income-generating accessory uses including home based business and tourist accommodation opportunities, provided that they are compatible with the residential character of Plan area communities.

General Residential Policies

The Regional Board:

9. Will accommodate anticipated residential growth in the areas designated as residential on Schedule A.1 mapping.
10. Will increase housing diversity and choice in the community through allowing for accessory dwellings such as: secondary suites, cottages, carriage houses and garage suites to increase the number of dwellings available for rental occupancy and to single occupancy households.
11. Will support initiatives to provide for special needs housing required for seniors and those with mobility issues or in need of support, within the Village of Salmo or Ymir where servicing needs can be met given the predominately rural nature of the Plan area.
12. Will assess and evaluate proposed residential development based on the following:
 - a. capability of accommodating on-site domestic water and waste water disposal;
 - b. capability of the natural environment to support the proposed development, and any impacts on habitat and riparian areas;
 - c. susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
 - d. compatibility with adjacent land uses and designations, and how the form and character complements the surrounding rural area;
 - e. proximity and access to existing road networks and other community and essential services if they exist; and
 - f. mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas.
13. Recognizes that existing lots smaller than the minimum lot size permitted by designation may be used for the purposes permitted in the designation provided all other regulations are met.

14. Encourages the clustering of residential development to create separation between neighbouring developments and to avoid continuous sprawl-like development where feasible.
15. Encourages the infill of vacant residential lots before development of new residential areas, in addition to the consolidation of small residential lots to address safe building and servicing requirements.
16. Recognizes the limitations for further residential development in specified areas of Ymir and Rosebud Lake where water supply may be limited or septic servicing at capacity.

Town-site Residential (RS) Policies

The Regional Board:

17. Directs that the principal use shall be one-family, two-family or multi-family dwellings.
18. Will allow for accessory buildings and structures, accessory dwellings, accessory tourist accommodation, home-based business, horticulture and the keeping of farm animals as accessory uses.
19. Supports residential development with lot sizes for subdivision determined by the level of available or proposed servicing. Density may increase with the provision of community water and waste water disposal.
20. Encourages directing higher density residential development to municipalities or existing residential nodes where infrastructure services are available or can be provided.
21. Encourages mixed use development that builds upon existing infrastructure.

Country Residential (RC) Policies

The Regional Board:

22. Directs that the principal use shall be one-family or two-family dwellings.
23. Will allow for accessory buildings and structures, accessory dwellings, accessory tourist accommodation, home-based business, horticulture and the keeping of farm animals as accessory uses.
24. Supports low density residential development with lot sizes for subdivision purposes determined by the capacity for on-site servicing, such as ground or surface water and Type 1 waste water disposal.

Rural Residential (RR) Policies

The Regional Board:

25. Directs that the principal use shall be one-family or two-family dwellings, horticulture or portable sawmills.
26. Will allow for accessory buildings and structures, accessory dwellings, accessory tourist accommodation, home-based business, horticulture, keeping of farm animals, kennels and small scale wood product manufacturing as accessory uses.
27. Supports rural residential development with lot sizes for subdivision that generally exceed 2.0 hectares.
28. Supports remote residential development with lot sizes for subdivision that generally exceed 4.0 hectares for properties that do not have access to a maintained public road or other servicing constraints.

Multi-Unit Residential (RMU) Policies

The Regional Board:

29. Directs that the principal use shall be multi-family dwellings or manufactured home parks.
30. Will allow for accessory buildings and structures, home-based business and horticulture as accessory uses in Multi-Unit Residential developments.
31. Will allow for accessory buildings and structures, and common facilities associated with a Manufactured Home Parks.
32. Supports that new Manufactured Home Parks will meet the standards for servicing and design as required under any applicable Regional District Manufactured Home Park Bylaw.
33. Supports residential development with lot sizes for subdivision determined by the level of available or proposed servicing. Density may increase with the provision of community water and waste water disposal.
34. Encourages directing higher density residential development to municipalities or existing residential nodes where infrastructure services are available or can be provided.
35. Encourages mixed use development that builds upon existing infrastructure.