

Have Your Say.

Notice of Public Hearing

Thursday May 2, 2024 | 6:00 pm

Learn more.

Review the proposed land use bylaw amendment from April 18, 2024 - May 2, 2024.

Online: rdck.ca/landuseapplications

In Person: RDCK Office, 202 Lakeside Drive, Nelson, BC
Mon - Fri: 8:30 am - 4:30 pm
(Closed for lunch 12:30 pm - 1:30 pm)

Tell us what you think.

Make a verbal submission at the public hearing or send a written submission before 4:00 pm on May 2, 2024.*

Attend a public hearing.

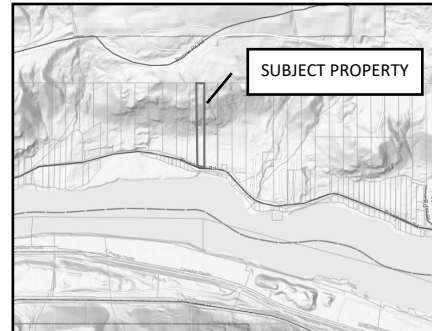
Online: Via Webex | Email zgiacomazzo@rdck.bc.ca for an emailed access invitation.

Phone: 1.604.449.3026 | Code: 2771 382 7620

In Person: Castlegar District Community Complex - Columbia Room (2101 6th Avenue, Castlegar, BC)

Visit rdck.ca/publichearings for further details.

**All written submissions are public information pursuant to the Freedom of Information and Protection of Privacy Act.*



From: Rural Residential (R3/RR)
To: Country Residential (R2/CR1)

Location and Legal Description:

4135 Broadwater Road, Robson, Electoral Area 'J'

LOT 1 DISTRICT LOT 4599 KOOTENAY DISTRICT PLAN NEP79219 (PID: 026-447-185)

Bylaw 2801 Being a bylaw to amend Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 from Rural Residential (RR) to Country Residential '1' (CR1).

Bylaw 2802 Being a bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004 from Rural Residential (R3) to Country Residential (R2).



rdck.ca/publichearings

Please direct enquiries to Zachari Giacomazzo | 250.352.8190
1.800.268.7325 | zgiacomazzo@rdck.bc.ca



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. Z2106J
Amendment to OCP Bylaw No. 1157, 1996
Amendment to Zoning Bylaw No. 1675, 2004
Date: July 8, 2021

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 August 8, 2021)**. 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 amend the Official Community Plan land use designation from Rural Residential to Country Residential One and to rezone subject property from Rural Residential (R3) to Country Residential (R2). The applicants seek the above bylaw amendments to remedy a non-conforming dwelling unit on the subject property. The intent is to remedy this non-conformity to allow for two dwellings units to be sited on the subject property. The site is located south of Keenleyside Dam in an area surrounded by rural residential parcels. A small portion of the forward section of the lot falls within a non-standard flooding erosion area and Clearwater flood hazard priority.

LEGAL DESCRIPTION & GENERAL LOCATION:

4135 BROADWATER ROAD, ELECTORAL AREA 'J'
 LOT 1 PLAN NEP79219 DISTRICT LOT 4599 KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 12974
 (026-447-185)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
2.1 hectares	N/A	Rural Residential (R3)	Rural Residential (RR)

APPLICANT/AGENT:

DANIEL & FAITH SONNTAG

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.

Submitted electronically

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
 - 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

- FIRST NATIONS
- 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)
 - OKANAGAN NATION ALLIANCE
 - C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN)
 - K?K'ƏR'MÍWS (LOWER SIMILKAMEEN)
 - SNPÍNTKTN (PENTICTON)
 - STQA?TKWƏ?WT (WEST BANK)
 - SUKNAQÍN?X (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)

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|---|--|
| <input checked="" type="checkbox"/> RDCK UTILITY SERVICES | |
| <input type="checkbox"/> RDCK REGIONAL PARKS | |

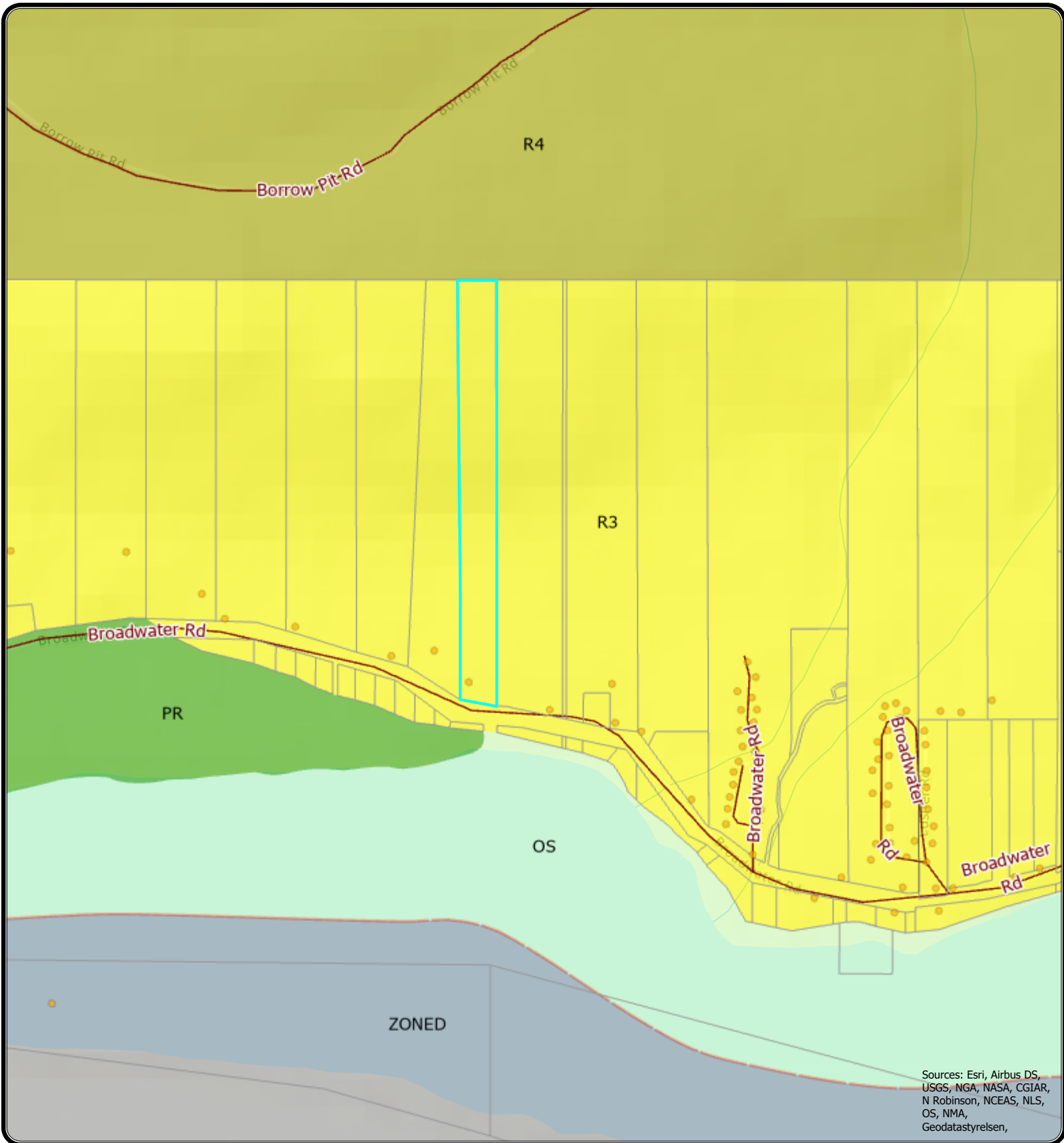
The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, 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.: Z2106J APPLICANT: SONNTAG

Name:	<input type="text"/>	Date:	<input type="text"/>
Agency:	<input type="text"/>	Title:	<input type="text"/>

RETURN TO: **STEPHANIE JOHNSON PLANNER, RPP MCIP**
DEVELOPMENT SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
plandept@rdck.bc.ca

Zoning Overview



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,



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

- Open Space
- Parks and Recreation
- Residential 3
- Residential 4

Legend

- Zoned
- Electoral Areas
- RDCK Roads
- Cadastre
- Civic Address

Map Scale:

1:9,028

Date: July 8, 2021



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.

Air Photo







Sources: Esri, Airbus DS,
USGS, NGA, NASA, CGIAR,
N Robinson, NCEAS, NLS,
OS, NMA,
Geodatastyrelsen,



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-  Electoral Areas
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July 11/2021

to being the property opening into line because of
2 dwellings on the property, as it will be properly
permitted

H. Semler



ROCK BLUFF'S

A

D.L.

REM. B

Covenant

Plan 20

NEP

NEP 79219

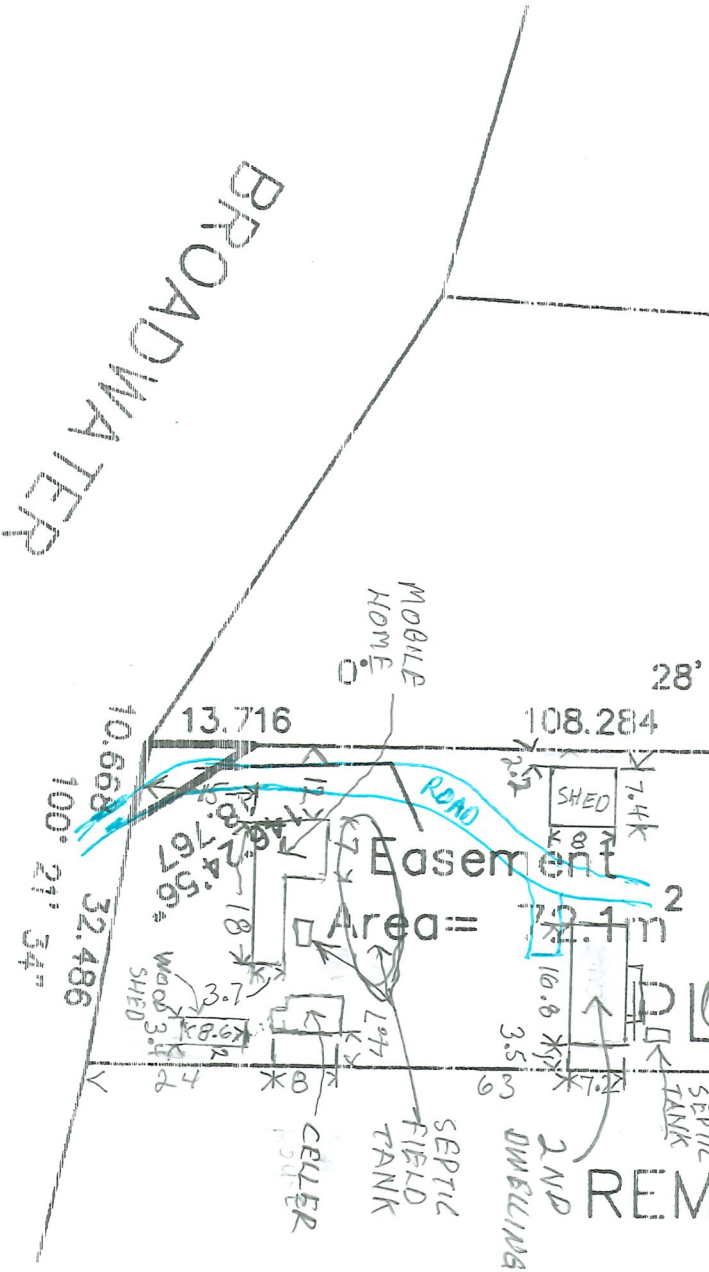
PLAN

15533

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PLAN

REM. 13



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 A garage may be constructed on a lot prior to construction of a dwelling subject to the maximum size of 56 square metres.
- 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.

DIVISION 15 RURAL RESIDENTIAL (R3)

Permitted Uses

1500 Land buildings and structures in the Rural Residential (R3) zone shall be used for the following purposes only:

Dwellings:

One-Family

Two-Family

Horticulture

Veterinary Clinics

Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Keeping of Farm Animals

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Sale of Site Grown Farm Products

Portable Sawmills for processing of material harvested on site only

Site Specific – Part E ½ of N ½ of DL 11917 Animal Physical Rehabilitation Facility

Development Regulations

1501

- 1 The minimum site area for each permitted use shall be two (2) hectares.
- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 The keeping of farm animals shall comply with the requirements of section 613.
- 4 One-family dwellings and two-family dwellings shall be permitted subject to conformance with the density provisions of section 1501(1).
- 5 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.
- 6 Portable sawmills shall be located a minimum of 30 metres from any property line.
- 7 A garage may be constructed on a lot prior to construction of a dwelling subject to the maximum size of 56 square metres.

- 8 An animal rehabilitation facility shall be limited to a parcel no less than 8 hectares (20 acres); no more than 15 animals on the premises at any time; and animals are to be confined within a building between the hours of 9:00 pm and 6:00 am.
- 9 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 10 The maximum footprint of any accessory building or structure shall not exceed 250 square metres.
- 11 The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.
- 12 Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 13 Cannabis micro cultivation, cannabis micro processing or cannabis nursery shall not be permitted in a dwelling place.

- 2.9.2 To improve communication between the Board of the Regional District and residents on planning and service delivery within the Plan Area.
- 2.9.3 To encourage provincial agencies to respect past assurances on land and to recognize the historical heritage and cultural significance and development of those properties.
- 2.9.4 To encourage planning and feasibility studies are completed prior to transfer of all Crown Lands having potential for future development.

3 POLICIES

3.1 Zoning

- 3.1.1 A new zoning bylaw which enforces the policies of this Plan shall be developed upon adoption of this bylaw.
- 3.1.2 Zoning regulations shall specify landscaping buffer standards for industrial, commercial and multi-residential properties.
- 3.1.3 Land use decisions for all zones shall be directed by the following criteria:
 - 3.1.3.1 preservation of the rural nature of the area,
 - 3.1.3.2 existing land use,
 - 3.1.3.3 soil conditions with special regard to stability, liability to ponding, drainage, slope and topography, fertility and suitability for farming, horticulture or silviculture,
 - 3.1.3.4 proven availability of adequate potable water,
 - 3.1.3.5 proven capability for sewage disposal without danger of contaminating groundwater,
 - 3.1.3.6 the desirability of securing reasonable privacy for residents,
 - 3.1.3.7 the desirability of providing access to riparian areas for residents and tourists alike,
 - 3.1.3.8 the need to prevent pollution of the environment and to protect the quality of the visual landscape, and
- 3.1.4 The need to protect areas identified as important for the maintenance of the groundwater resources.

3.2 General Residential Policies

- 3.2.1 The following residential land use policies apply to all land where residential use is allowed irrespective of land use designation. These general policies are followed by policies specific to individual designations.
 - 3.2.1.1 Existing lots smaller than the minimum lot size permitted by designation, may be used for the purposes permitted in the designation providing all other regulations are met.
 - 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.
 - 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-



Committee Report

Date of Report: March 3, 2022
Date & Type of Meeting: March 18, 2021, Rural Affairs Committee
Author: Stephanie Johnson, Planner
Subject: LAND USE BYLAW AMENDMENTS
File: Z2106J-07695.170-SONNTAG-BA000052
Electoral Area/Municipality: Electoral Area 'J'

SECTION 1: EXECUTIVE SUMMARY

This report seeks the Board’s consideration of an application to amend the Official Community Plan (OCP) Bylaw’s land use designation, and to rezone the subject property at 4135 Broadwater Road, Electoral Area ‘J’.

The application seeks to amend the OCP designation from Rural Residential (RR) to Country Residential One (CR1), and to rezone the subject property from Rural Residential (R3) to Country Residential (R2). The applicant seeks the above bylaw amendments to remedy an existing non-conforming and unauthorized dwelling unit on the subject property under a stop work order.

Staff recommends that the Board give first and second readings to *OCP Amendment Bylaw No. 2801, 2021* and *Zoning Amendment Bylaw No. 2802, 2021*.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION	
Property Owners:	Faith and Daniel Sonntag
Property Location:	4135 Broadwater Road, Electoral Area ‘J’
Legal Description:	LOT 1 PLAN NEP79219 DISTRICT LOT 4599 KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 12974 (026-447-185)
Property Size:	2.1 hectares (ha)
OCP Designation:	Rural Residential (RR)
Zoning:	Rural Residential (R3)

ORIENTATION	ZONING	LAND USE
North	Rural Resource (R4)	Open space and resource land uses
East	Rural Residential (R3)	Residential land uses
South	Rural Residential (R3) & Open Space (OS)	Residential land uses, Broadwater Road and Columbia River
West	Rural Residential (R3)	Residential land uses

Site Context

The subject property is designated Rural Residential (RR) under the *Electoral Area 'J' Official Community Plan Bylaw No. 1157, 1996* and zoned Rural Residential (R3) under the *RDCK Zoning Bylaw No. 1675, 2004*. The 2.1 ha in size subject property is located south of Keenleyside Dam in an area surrounded by rural residential parcels. A small portion of the forward section of the lot falls within a non-standard flooding erosion area and Clearwater flood hazard priority. A residence and an unauthorized, non-conforming dwelling unit and two accessory structures currently exist on the subject property

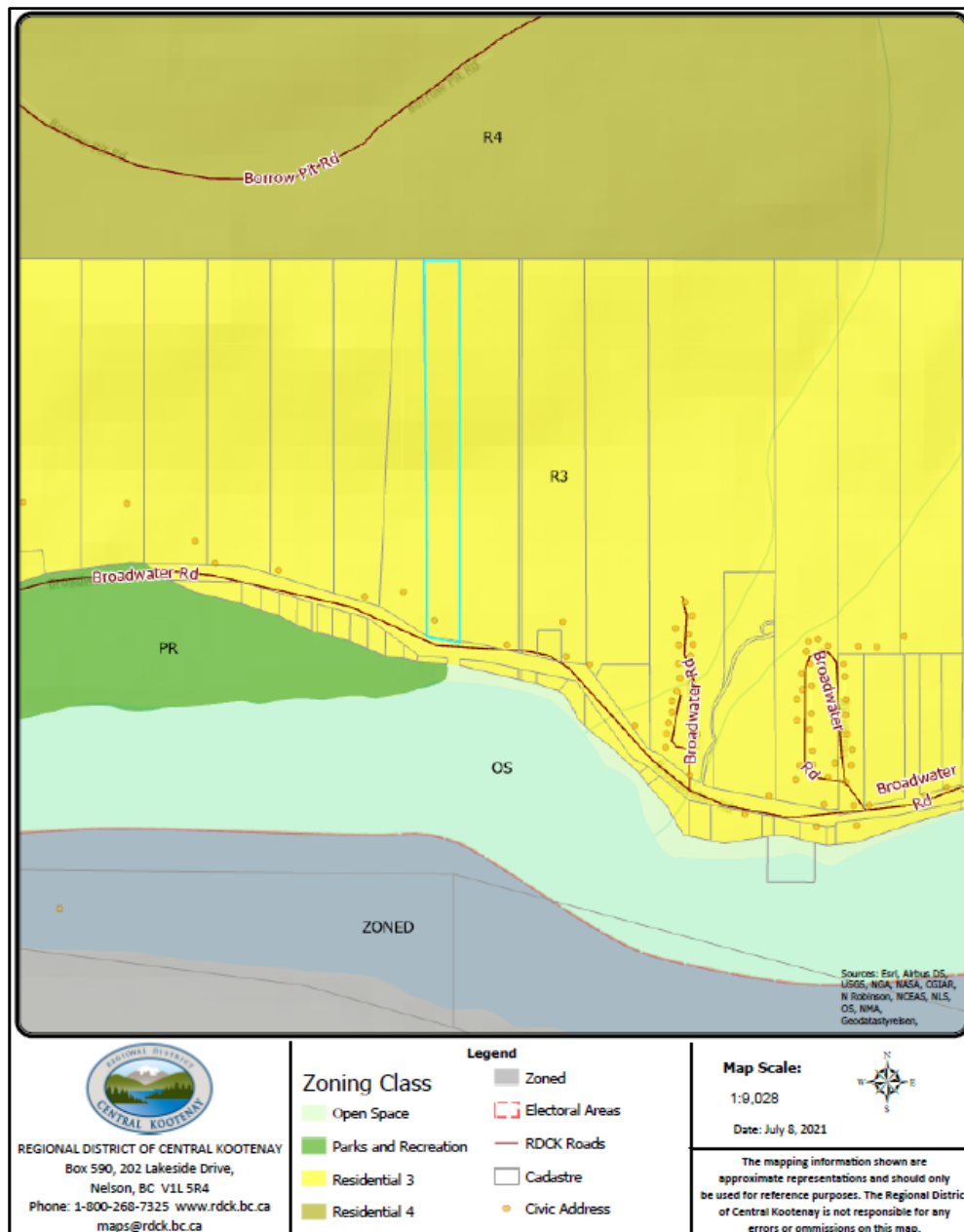


Figure 1: Zoning Overview

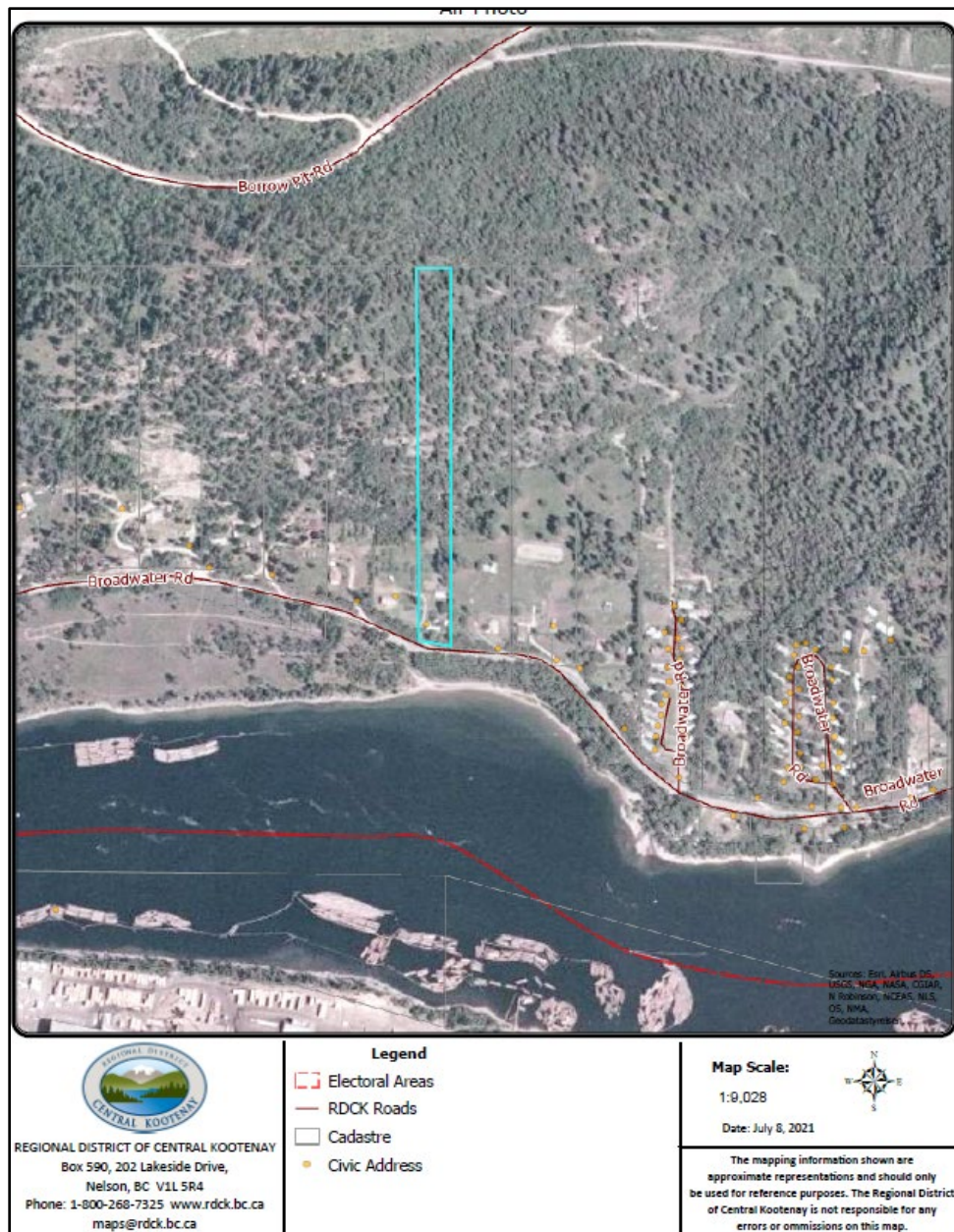


Figure 2: Air Photo Map

Development Proposal

To amend the OCP land use designation from Rural Residential (RR) to Country Residential One (CR1) and to rezone subject property from Rural Residential (R3) to Country Residential (R2). The applicant seeks the above bylaw amendments to remedy an existing non-conforming and unauthorized dwelling unit to allow for two dwellings units to be sited on the subject property.

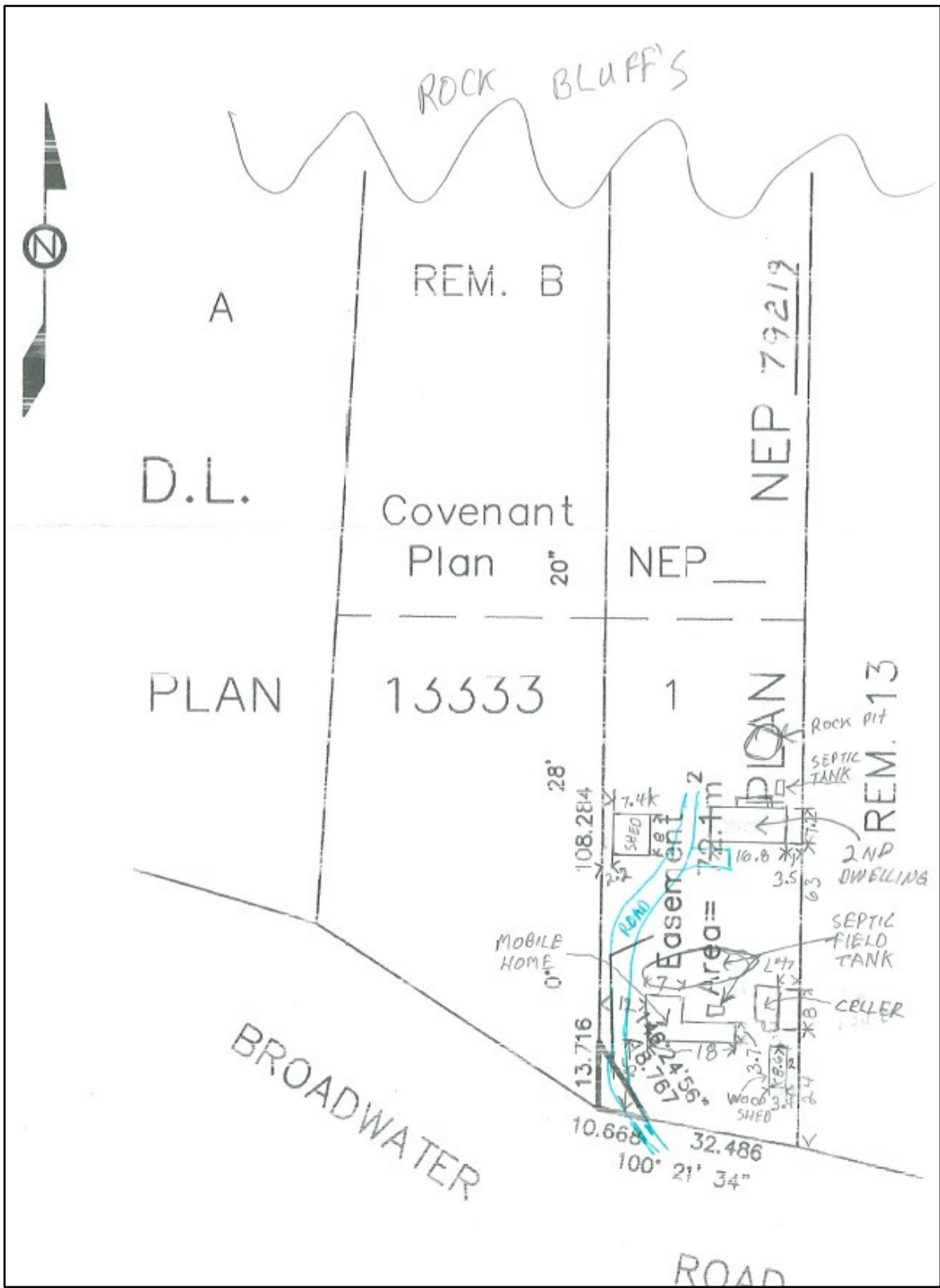


Figure 3: Site Plan

Kootenay - Columbia Rivers Official Community Bylaw No. 1157, 1996

Relevant General Residential Policies

3.2.1 The following residential land use policies apply to all land where residential use is allowed irrespective of land use designation. These general policies are followed by policies specific to individual designations.

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.

Relevant Rural Residential Policies

3.2.5.1 The principal use shall be residential and/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.

Relevant Country Residential One Policies:

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.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No **Financial Plan Amendment:** Yes No
Debt Bylaw Required: Yes No **Public/Gov't Approvals Required:** Yes No

The \$1,800 fee for an OCP amendment bylaw and Zoning amendment bylaw was paid pursuant to the RDCK's *Planning Procedures and Fees Bylaw No. 2457, 2015*.

3.2 Legislative Considerations (Applicable Policies and/or Bylaws):

If the amending bylaw receives second reading, it will be advertised in a locally circulating newspaper and a Public Hearing will be held to allow for public comment, in accordance with Section 464 of the LGA.

3.3 Environmental Considerations

No additional environmental impacts are anticipated on this already developed site.

3.4 Social Considerations:

If approved, this development proposal would enable two additional residential dwellings to be constructed on the subject property. This would increase local housing stock, and provide some benefit in addressing local housing needs.

3.5 Economic Considerations:

No economic considerations are anticipated.

3.6 Communication Considerations:

In accordance with the RDCK's *Planning Procedures and Fees Bylaw No. 2547, 2015*, a sign describing the proposal was posted on the subject property, and notices were mailed to nearby properties within a 100 metre radius of the subject property on July 8, 2021. To date, no comments have been received in response to the above notice circulation and sign posting.

A referral was sent to the following internal RDCK departments, local first nations, external stakeholders and agencies, and the Local Area Director.

The following referral responses have been received:

Building Department

This additional "dwelling has been converted from a shop building to a dwelling without a building permit per [Stop Work Order] SW000124. No objection to rezoning of the property to permit the second dwelling conditional to obtaining all subsequent required building permits for the second dwelling and detached garage".

Penticton Indian Band (PIB)

The PIB circulated a standard referral response requesting a referral processing fee (i.e. \$500) to commence their review process.

Interior Health Authority (IHA)

"An internal file search produced no documentation on the existing two onsite sewage disposal systems. As such, we cannot determine if the systems meet with today's standards as per the Sewerage System Standard Practice Manual, Version 3. We recommend as a part of bringing the property to conform with the requirements of the RDCK, that both sewerage systems are assessed and upgraded, if required, to meet with today's standards in order to ensure that the systems are functional and will not cause a health hazard. Therefore, a compliance inspection completed by an Authorized Person under the BC Sewerage System Regulation (B.C. Reg. 326/2004) should be conducted to assess the current state of both sewerage systems prior to approving the OCP amendment and rezoning.

Interior Health is committed to working collaboratively with the Regional District of Central Kootenay to support healthy, sustainable land use planning and policy creation. Please feel free to contact me directly if you have any

further questions or comments”.

Ministry of Transportation and Infrastructure (MOTI)

“The interests of [the] MOTI are unaffected”.

BC Hydro

“Please note that we have no concerns with the [proposal]”.

FortisBC Inc.

“There are FortisBC Inc (Electric) (“FBC(E)”) primary distribution facilities along Broadwater Road. All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant. For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements. Otherwise, FBC(E) has no concerns with this circulation”.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD)

The Ministry’s “has determined that this project should not impact the Resource Management Division’s legislated responsibilities. It is the responsibility of the landowner to ensure that any liability associated with buildings within a non-standard flooding erosion area and Clearwater flood hazard priority are their sole obligation. Vegetation clearing should adhere to the least risk timing windows for nesting birds (i.e. construction activities should occur only during least risk period). Nesting birds and some nests are protected by the Provincial Wildlife Act Sec.34 and Federal Migratory Bird Act. Nesting periods can be identified by a qualified professional. General least risk windows for bird species are designed to avoid the nesting period. If nests are present at this site or adjacent to it and will be impacted by the works, the following work windows apply:

Species	Least Risk Window
Raptors (eagles, hawks, falcons, & owls)	Aug 15 – Jan 30
Hérons	Aug 15 – Jan 30
Other Birds	Aug 1 – March 31

Archaeology Branch - MFLNRORD

“Since this land use application includes no new plans for development, the property owner is not required to” undertake any “additional archaeological work or permitting for a development to proceed”.

3.6 Staffing/Departmental Workplace Considerations:

The proposed public consultation process does not commit Planning Services to any new staffing or departmental workplace considerations.

3.7 Board Strategic Plan/Priorities Considerations:

The application falls under the operational role of Planning Services.

SECTION 4: OPTIONS & PROS / CONS

Planning Discussion

Please find the following rationale behind the staff recommendation:

- That the amendment bylaws are to remedy the existing unauthorized and non-conforming residential use and building, which is currently under a stop work order.
- The provision of housing would be considered a priority under the RDCK's 'Housing Needs Assessment' and implementation action plan.
- That should the Board support this application moving forward to a public hearing a compliance inspection to be completed by an Authorized Person BC Sewerage System Regulation (B.C. Reg. 326/2004) would required to be conducted to assess the current state of both sewerage systems prior to the public hearing; and
- No community feedback in response to this land use application has been received to date.

It is for the above reasons, that staff support this land use designation amendment and rezoning application proceeding to a public hearing.

OPTIONS:

OPTION 1: That *Official Community Plan Amendment Bylaw No. 2801, 2022* being a bylaw to amend the *Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING;

And that *Zoning Amendment Bylaw No.2802, 2022* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING;

And that prior to the scheduling of Public Hearing a compliance inspection report to be completed by an Authorized Person BC Sewerage System Regulation (B.C. Reg. 326/2004) to assess the current state of both sewerage systems is required to be submitted prior to the PUBLIC HEARING;

And further that in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, Electoral Area 'J' Director Rick Smith is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

OPTION 2: That no further action be taken with respect to *Official Community Plan Amendment Bylaw No. 2801 2022* being a bylaw to amend the *Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996*.

And that no further action be taken with respect to *Zoning Amendment Bylaw No. 2802, 2022* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*.

SECTION 5: RECOMMENDATIONS

That *Official Community Plan Amendment Bylaw No. 2801, 2022* being a bylaw to amend the *Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING;

And that *Zoning Amendment Bylaw No.2802, 2022* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING;

And that prior to the scheduling of Public Hearing a compliance inspection report to be completed by an Authorized Person BC Sewerage System Regulation (B.C. Reg. 326/2004) to assess the current state of both sewerage systems is required to be submitted prior to the PUBLIC HEARING;

And further that in accordance with the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, Electoral Area 'J' Director Rick Smith is hereby delegated the authority to chair the PUBLIC HEARING on behalf of the Regional District Board.

Respectfully submitted,

"Submitted electronically"

Stephanie Johnson

CONCURRENCE

Planning Manager – Digitally approved by Nelson Wight.

General Manager of Development and Community Sustainability – Digitally approved by Sangita Sudan.

Chief Administrative Officer – Digitally approved by Stuart Horn.

ATTACHMENTS:

Attachment A – Bylaw Excerpts

Attachment B – Draft OCP Amendment Bylaw No. 2801, 2022

Attachment C – Draft Zoning Amendment Bylaw No. 2802, 2022

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 A garage may be constructed on a lot prior to construction of a dwelling subject to the maximum size of 56 square metres.
- 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.

DIVISION 15 RURAL RESIDENTIAL (R3)**Permitted Uses**

1500 Land buildings and structures in the Rural Residential (R3) zone shall be used for the following purposes only:

Dwellings:

One-Family

Two-Family

Horticulture

Veterinary Clinics

Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Keeping of Farm Animals

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Sale of Site Grown Farm Products

Portable Sawmills for processing of material harvested on site only

Site Specific – Part E ½ of N ½ of DL 11917 Animal Physical Rehabilitation Facility

Development Regulations

1501

- 1 The minimum site area for each permitted use shall be two (2) hectares.
- 2 The maximum site coverage permitted shall be 50 percent of the lot area.
- 3 The keeping of farm animals shall comply with the requirements of section 613.
- 4 One-family dwellings and two-family dwellings shall be permitted subject to conformance with the density provisions of section 1501(1).
- 5 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.
- 6 Portable sawmills shall be located a minimum of 30 metres from any property line.
- 7 A garage may be constructed on a lot prior to construction of a dwelling subject to the maximum size of 56 square metres.

- 8 An animal rehabilitation facility shall be limited to a parcel no less than 8 hectares (20 acres); no more than 15 animals on the premises at any time; and animals are to be confined within a building between the hours of 9:00 pm and 6:00 am.
- 9 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 10 The maximum footprint of any accessory building or structure shall not exceed 250 square metres.
- 11 The cumulative gross floor area of all accessory buildings or structures shall not exceed 500 square metres.
- 12 Any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be a minimum of 15 metres from all property lines, with the exception of a structure that has a base entirely of soil which may be located within 7.5 metres of a property line.
- 13 Cannabis micro cultivation, cannabis micro processing or cannabis nursery shall not be permitted in a dwelling place.

- 2.9.2 To improve communication between the Board of the Regional District and residents on planning and service delivery within the Plan Area.
- 2.9.3 To encourage provincial agencies to respect past assurances on land and to recognize the historical heritage and cultural significance and development of those properties.
- 2.9.4 To encourage planning and feasibility studies are completed prior to transfer of all Crown Lands having potential for future development.

3 POLICIES

3.1 Zoning

- 3.1.1 A new zoning bylaw which enforces the policies of this Plan shall be developed upon adoption of this bylaw.
- 3.1.2 Zoning regulations shall specify landscaping buffer standards for industrial, commercial and multi-residential properties.
- 3.1.3 Land use decisions for all zones shall be directed by the following criteria:
 - 3.1.3.1 preservation of the rural nature of the area,
 - 3.1.3.2 existing land use,
 - 3.1.3.3 soil conditions with special regard to stability, liability to ponding, drainage, slope and topography, fertility and suitability for farming, horticulture or silviculture,
 - 3.1.3.4 proven availability of adequate potable water,
 - 3.1.3.5 proven capability for sewage disposal without danger of contaminating groundwater,
 - 3.1.3.6 the desirability of securing reasonable privacy for residents,
 - 3.1.3.7 the desirability of providing access to riparian areas for residents and tourists alike,
 - 3.1.3.8 the need to prevent pollution of the environment and to protect the quality of the visual landscape, and
- 3.1.4 The need to protect areas identified as important for the maintenance of the groundwater resources.

3.2 General Residential Policies

- 3.2.1 The following residential land use policies apply to all land where residential use is allowed irrespective of land use designation. These general policies are followed by policies specific to individual designations.
 - 3.2.1.1 Existing lots smaller than the minimum lot size permitted by designation, may be used for the purposes permitted in the designation providing all other regulations are met.
 - 3.2.1.2 Zoning shall limit subdivision pursuant to Section 996 of the *Municipal Act* on land outside the Agricultural Land Reserve.

Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996
Page 7

- 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-

Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996
Page 8

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-

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2801

A Bylaw to amend Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996

WHEREAS it is deemed expedient to amend Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

- 1 That Schedule 'B' of Kootenay Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 be amended by changing the Land Use Designation of LOT 1 PLAN NEP79219 DISTRICT LOT 4599 KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 12974 (026-447-185) from Rural Residential (RR) to Country Residential One (CR1), as shown on the attached Map.
2 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 3 This Bylaw may be cited as "Kootenay Columbia Rivers Official Community Plan Amendment Bylaw No. 2801, 2022."

READ A FIRSTTIME this [Date] day of [Month], 2022

READ A SECOND TIME this [Date] day of [Month], 2022

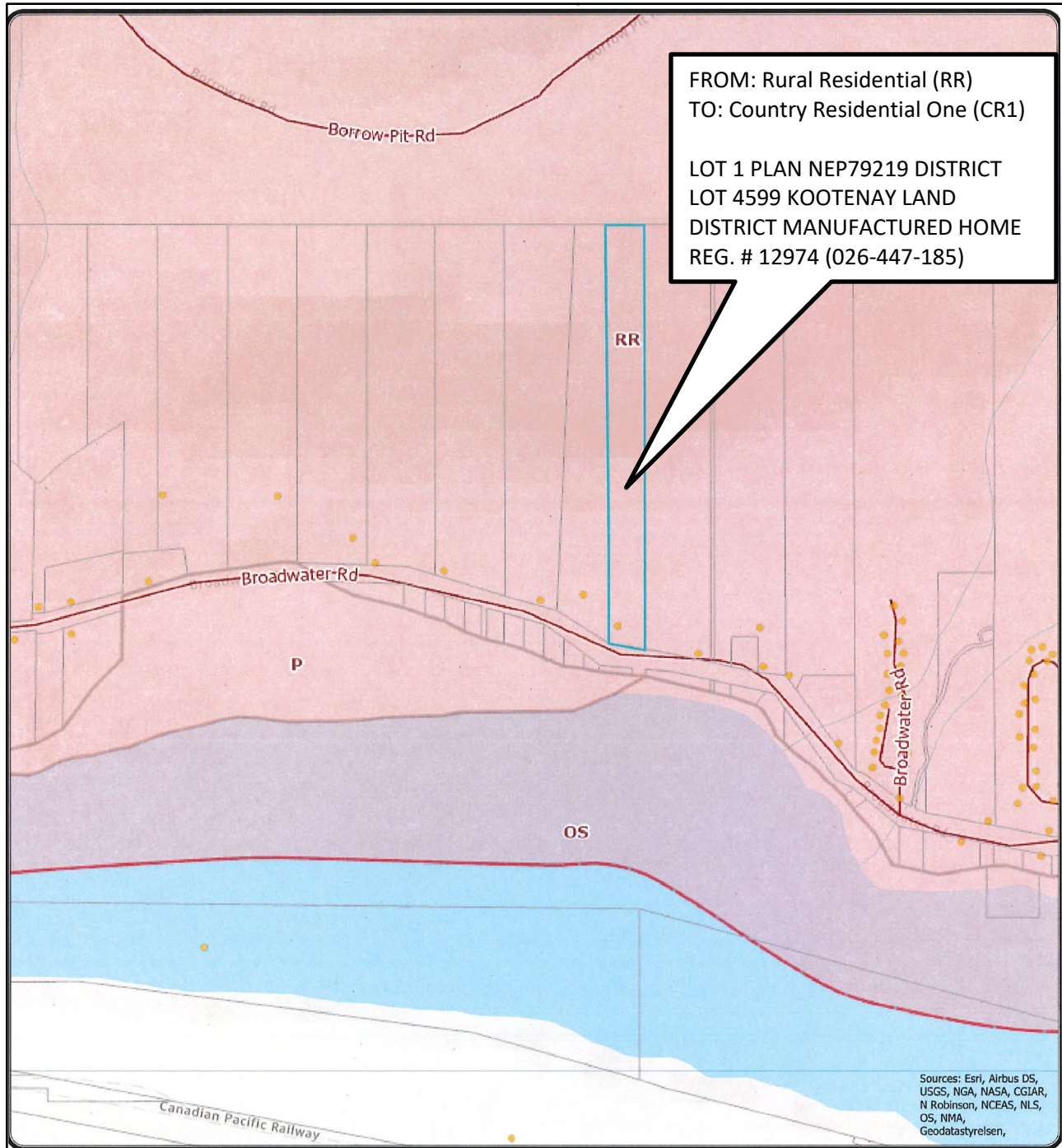
WHEREAS A PUBLIC HEARING was held this [Date] day of [Month], 2022.

READ A THIRDTIME this [Date] day of [Month], 2022.

ADOPTED this [Date] day of [Month], 20XX.

Aimee Watson

Mike Morrison, Corporate Officer



FROM: Rural Residential (RR)
 TO: Country Residential One (CR1)
 LOT 1 PLAN NEP79219 DISTRICT
 LOT 4599 KOOTENAY LAND
 DISTRICT MANUFACTURED HOME
 REG. # 12974 (026-447-185)

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,



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

Schedule 'B'
 Amendment Bylaw No. 2801, 2022
 4600-20-Z2106J-07695.170
 Owner: Sonntag

Map Scale:

1:9,028

Date: January 31, 2022



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.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2802

A Bylaw to amend Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004

WHEREAS it is deemed expedient to amend the Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004, and amendments thereto.

NOW THEREFORE the Board of the Regional District of Central Kootenay, in open meeting assembled, HEREBY ENACTS as follows:

APPLICATION

- 1 That Schedule 'A' of Regional District of Central Kootenay Zoning Amendment Bylaw No. 1675, 2004 be amended by changing the Zoning Designation of LOT 1 PLAN NEP79219 DISTRICT LOT 4599 KOOTENAY LAND DISTRICT MANUFACTURED HOME REG. # 12974 (026-447-185) from Rural Residential (R3) to Country Residential (R2), as shown on the attached Map.
2 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 3 This Bylaw may be cited as "Regional District of Central Kootenay Zoning Amendment Bylaw No. 2802, 2022."

READ A FIRSTTIME this day of , 2022.

READ A SECOND TIME this day of , 2022.

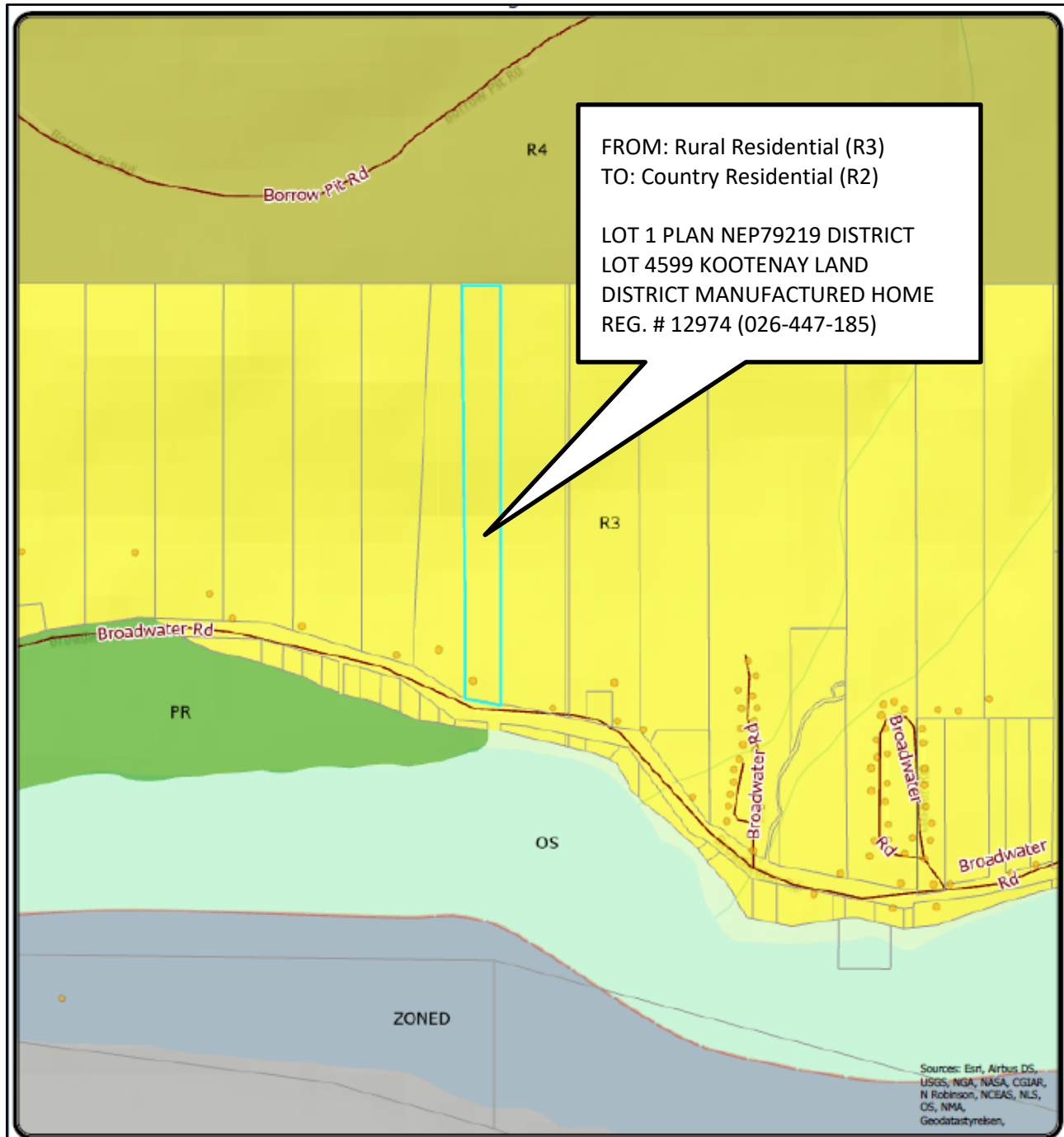
WHEREAS A PUBLIC HEARING was held this [Date] day of [Month] , 20XX.

READ A THIRDTIME this [Date] day of [Month] , 20XX.

ADOPTED this [Date] day of [Month] , 20XX.

Aimee Watson, Board Chair

Mike Morrison, Corporate Officer



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

Schedule 'A'
 Amendment Bylaw No. 2802, 2022
 4600-20-Z2106J-07695.170
 Owner: Sonntag

Map Scale:

1:9,028

Date: July 8, 2021



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.