



Committee Report

Date of Report: May 1, 2024
Date & Type of Meeting: May 15, 2024, Rural Affairs Committee
Author: Stephanie Johnson, Planner
Subject: BYLAW AMENDMENTS
File: Z2402J-01555.100-Whitehead-BA000080
Electoral Area/Municipality J

SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Rural Affairs Committee and Regional Board to consider an application for amendments to the Official Community Plan Bylaw (OCP) and Zoning Bylaw to consider the development of a daycare at 3124 Waldie Avenue in Robson, Electoral Area 'J'. The proposed amendment bylaws are as follows:

- **OCP Designation:** From Suburban Residential (SR) to Community Service (CS)
- **Zoning Designation:** From Suburban Residential One (R1) to Institutional (I) site specific

Staff recommend that the OCP and Zoning amendment bylaws be given first and second readings by content and referred to a public hearing.

SECTION 2: BACKGROUND/ANALYSIS

GENERAL INFORMATION

Property Owner: Jessilyn Melville and Jarrod Whitehead

Property Location: 3124 Waldie Avenue, Robson, Electoral Area 'J'

Legal Description: LOT A DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 9317 (PID: 013-130-871)

Property Size: 0.08 hectares (ha) / 809 m²

Current Zoning: Suburban Residential (R1)

Current Official Community Plan Designation: Suburban Residential (SR)

SURROUNDING LAND USES

North: Robson Community School - Institutional use (I) and Waldie Avenue

East: Suburban Residential (R1) uses

South: Broadwater Road, Robson Boat Ramp Regional Park and the Columbia River

West: Suburban Residential (R1) uses

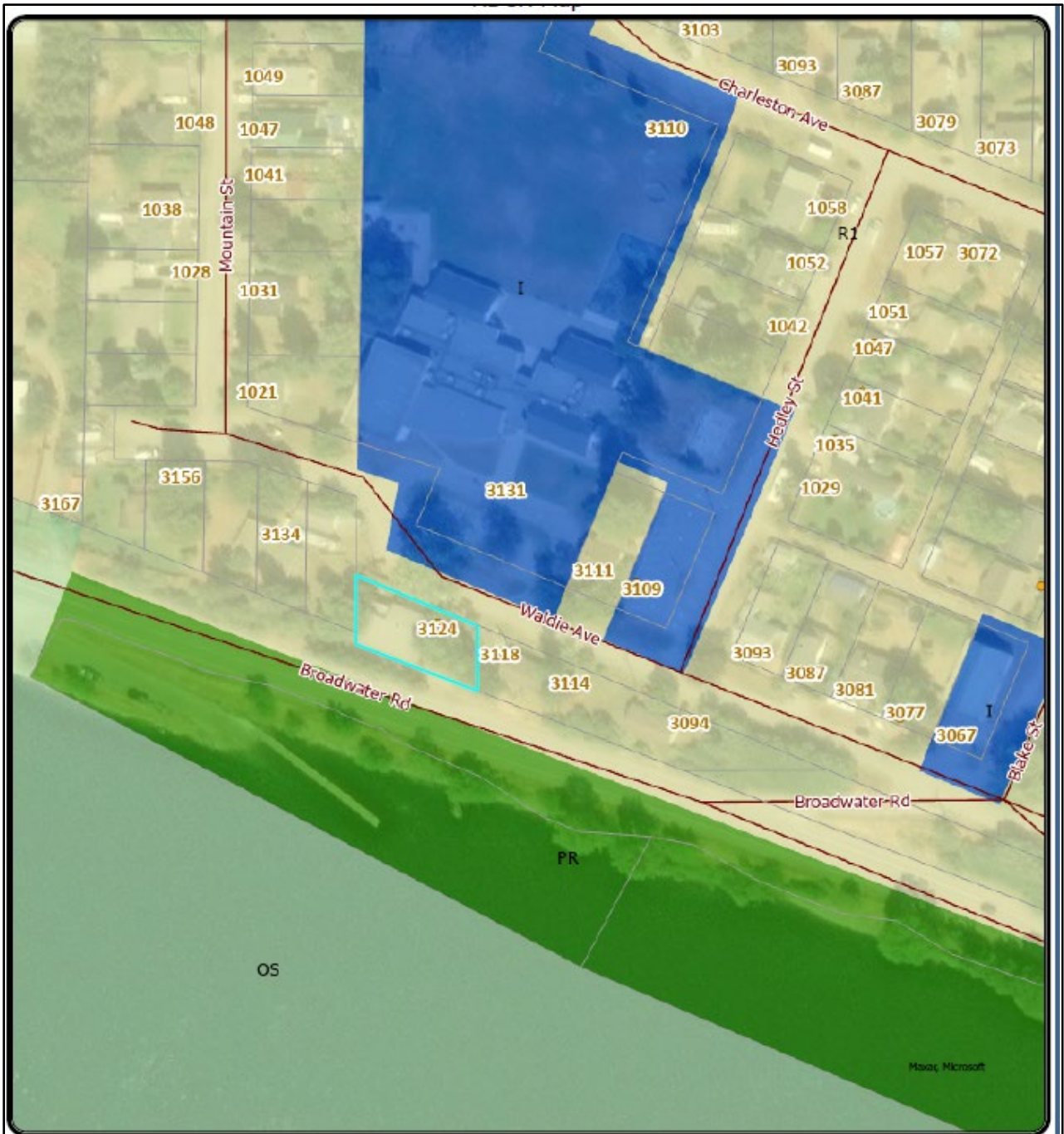
Background and Site Context

The subject property is located in the community of Robson and is accessed off of Waldie Avenue and Broadwater Road. The existing driveway to the two (2) attached garage parking spaces are also accessed off of Broadwater Road. The lot is less than 25 metres from the Robson Community School grounds, and is also across the road to the south from the Robson Boat Launch Regional Park, which is located on the north shore of the

Columbia River across from the City of Castlegar. The lot is 809 m² in size, and an existing residence currently occupies the site. A BC Transit bus stop is located adjacent to the Robson Community Hall, which is approximately 150 metres from the subject property.



Figure 1: Location Overview 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

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



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.

Figure 2: Zoning Map

Development Proposal

The purpose of this application is to change the OCP designation from Suburban Residential (SR) to Community Services (CS) and to rezone the subject property from Suburban Residential One (R1) to Institutional (I) site specific to reflect the siting of the existing building and lot size. The Blue Berry Community School (BCCS) seeks the above bylaw amendments to facilitate the purchase and development of a daycare by converting the existing building on the subject property for this use.

The proposal includes the conversion of an existing residence (approximately 220 m² / 2,368 ft² in size) into a daycare facility. The site plan (Figure 3) shows five (5) surface vehicle parking spaces and two (2) in the attached single care garages accessed off of Broadwater Road. An outdoor play area to meet the Province’s licensing requirements will also be developed. The daycare programming and operations propose to include approximately seven staff members, and have been designed to accommodate 42 daycare spaces broken down by the following age categories:

- 0-2 year olds – 12 spaces
- 3-5 year olds – 20 spaces
- 5-12 year olds – 10 after school care spaces

The proposed Institutional Zone (Attachment ‘A’) will include site-specific land use regulations for density, building setbacks and parking to reflect the reuse and conversion of the building from a dwelling to an institutional daycare use. The proposed site specific regulations are summarized below:

Density - The minimum site area for a daycare centre use shall be 0.08 ha.

Setbacks - To reflect the siting of the existing principal building the setbacks shall be as follows:

- Front setback - 4.5 metres;
- Exterior setback (rear) - 1.8 metres; and
- Exterior setback (west) - 1.8 metres.

Parking - The minimum number of off-street parking spaces shall be seven (7).

Regulation Type	Zoning Bylaw Requirement	Proposed
<i>Minimum Parcel Size</i>	1.0 hectare (ha)	0.08 ha
<i>Principal Building Setbacks</i>		
Front:	7.5 metres	4.5 metres
Exterior:	7.5 metres	1.8 metres
Side:	2.5 metres	2.5 metres
<i>Off-Street Parking Requirements</i>		
Childcare Centre – 4.4 spaces per 100 m ² of GFA	9	7

Table 1: Zoning Bylaw Regulation Review



Figure 3: Site Plan

Planning Policy

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

Suburban Residential (SR)

Residential Objectives

2.1.3. To provide for a choice of housing

2.1.6 To maintain the rural character, environmental integrity, the social and cultural diversity of the Plan Area.

Suburban Residential Policies

3.2.2.1 The principal use shall be residential.

Specific Community Policies

3.10.1 Robson/Raspberry

Community Services

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, fire halls, greenspace, museums, hospitals and similar uses.

Official Community Plan Consultation, RDCK Policy No. 400-02-19

The purpose of this policy is to establish a consistent process to comply with Local Government Act (LGA) consultation requirements during a minor amendment to an OCP, which is the case with this application. Further to that policy the consultation process includes the following requirements:

Consultation in the early stages of the plan development process will include initial contact to apprise persons of the nature of the proposed amendment, and the Board will consider any comments received prior to proceeding to any public hearing.

Further consultation prior to proceeding to any public hearing will include:

- i. Referral of the plan, as prepared for first reading, for comment to be received by the party consulted under 'Early and Ongoing Consultations with Persons', within 30 days;
- ii. Board consideration of every comment received in writing; and
- iii. A staff report to clarify issues that might arise during the consultation process, and delivery of such submissions with the staff report to the Board for Board consideration prior to any public hearing.

This consultation process should be construed as the minimum. Should the Board desire increased consultation, they may pass a resolution detailing additional desired consultation.

SECTION 3: DETAILED ANALYSIS

3.1 Financial Considerations – Cost and Resource Allocations:

Included in Financial Plan: Yes No **Financial Plan Amendment:** Yes No

The joint OCP/Rezoning application fee was paid in full pursuant to *Planning Procedures and Fees Bylaw No. 2457, 2015*.

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

If the amending bylaws receive first and second readings, the proposed OCP and Zoning amendment bylaws will be advertised in a locally circulating newspaper and a Public Hearing will be held to allow public comment, in accordance with Section 464 of the *Local Government Act*.

3.3 Environmental Considerations

The proposed daycare will repurpose an existing residential building, and minimal site alterations are proposed for this developed site.

3.4 Social Considerations:

Much like the social determinants of health, early learning programs and care spaces are key to a healthy community. Access to quality child care is directly linked to better later-life outcomes for children, is a vital factor to achieving gender equity and contributes to overall economic health in communities.

3.5 Economic Considerations:

Returning to work after starting a family is a decision with personal, professional and practical implications. Values, beliefs, finances, and occupational outcomes factor into families' choices on whether or not to seek professional child care for their children. However, the current lack of accessible options means that families are left to make alternative decisions that have the potential to impact their careers and the economy in general. According to Statistics Canada, almost one in 10 parents of children aged 0–5 (9%) changed their work schedule because they had difficulty finding child care, with nearly 13% working fewer hours or postponing their return to work. When families are unable to find child care, women are disproportionately leaving the workforce entirely or returning to work part-time in order to care for children, as women account for 90% of stay-at-home parents. Recognizing the above, no negative economic considerations are anticipated.

3.6 Communication Considerations:

In accordance with Schedule 'C' of the *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, a 'Notice of Development' sign was placed in a visible location on the subject property. Notice of this proposal was given to owners and tenants of all parcels within 100 meters of the subject property pursuant to *Planning Procedures and Fees Bylaw No. 2457, 2015*. To date, no responses to the above notification have been received.

The following referral responses were received from internal RDCK departments, external stakeholders, advisory commissions, government agencies and First Nations:

RDCK Building Department

"Due to the type of proposed occupancy (A2 – Assembly Classification), an Architect would be required to be engaged for the project and provide a Schedule A – Letter of Assurance as a Coordinating Registered Professional (CRP), as well as a Schedule B- Letter of Assurance for the Architectural Discipline. The Architect will also review the building and should be able to direct the owners as to if and what other qualified professionals are required to be involved with the project, depending on the necessary scope of work for the change of use of the building.

The following is a list of required documentation that shall be included in the Building Permit Application:

1. Completed application form – signed by the registered owner.
2. A copy of the Property Title that is within 30 days of the application - this can also be pulled by the RDCK at a small cost that would be added to the permit fee once the permit has been approved and ready for pick up.
3. A complete set of design drawings, including a Building Code Analysis of the building completed by the Architect. The drawings and scope shall be determined by your consultant, and will likely include Architectural, but also may include Structural, mechanical, electrical and fire safety / suppression drawings – if they are determined to be applicable.
4. Proof of septic – depending on the type of system and capacity, further evaluation by a professional may be required in order to permit the use of the building. The Building Department suggests that the owner engage a professional to review the existing septic system to determine if upgrades are required

Prior to occupancy approval of the building with this use, the RDCK Building Official will also request copy of the Operating Permit issued by Interior Health Authority, any applicable approvals by any other applicable health authorities for the specific use of the building, Fire Alarm verification report and tests – completed by a third party agency, and all completed Schedule C-B – Letters of Assurance from all involved Registered Professionals.

A Building Permit would not be issued until the RDCK receives confirmation from the Province’s Archaeological Branch that their requirements have been satisfied.

Please note that this is a high level review of the Bylaw Amendment application, a full comprehensive review of the Building Permit may reveal other required documentation and or clarification required in addition to the above noted items required”.

RDCK Fire Services

Fire Services has “no issues whatsoever. This property is immediately protected by a hydrant and the walls of this building are 18 inch thick concrete”. The building is “very well constructed and very well accessible”.

Interior Health (IH)

“This referral has been reviewed from Healthy Community Development and Environmental Public Health perspective and the following is for your consideration.

There are many intersecting factors that contribute to the health of individuals and communities, including our social and physical environments, our genetics, and our access to doctors and hospitals. We know that the social determinants of health (i.e., income, education, employment, etc.) have the biggest influence. Early learning programs and childcare spaces contribute to early childhood development and creating a healthy community. For example, access to quality childcare contributes to better later-life outcomes for children, is a vital factor to achieving gender equity and contributes to overall economic health in communities.

For the applicants information I’ve provided a link to our public website the speaks to Child Care Licensing including how to apply for a license: [Licensing | Child Care & Community Care Home Providers | IH \(interiorhealth.ca\)](#).

If the proposed daycare will be connected to existing community services (e.g. community drinking water system and community sewer system) our interests are unaffected.

If the building serving as a daycare will be serviced by private onsite services (e.g. individual well and septic system), we offer the following for consideration:

Drinking Water

Providing drinking water to consumers (children and staff at the daycare) may require a valid operating permit or approval under the Drinking Water Protection Act and Regulation. More information can be found at [Drinking Water Providers & Operators | Businesses | IH \(interiorhealth.ca\)](#).

Sewerage Disposal

Per the [Standard Practice Manual](#) (SPM) under the Sewerage System Regulation, if the existing sewerage disposal system is being repurposed to serve a new or expanded use (e.g. the daycare), to determine whether the existing system will be adequate and appropriate for the intended use and will not create a health hazard, we would recommend requiring a compliance inspection and a performance inspection, as identified in the SPM, being completed by an authorized person.

Overall, from a healthy community development and population health perspective we are supportive of this proposed development. Interior Health is committed to working collaboratively with the Regional District of Central Kootenay to support healthy, sustainable community development, land use planning and policy creation”.

Ministry of Transportation and Infrastructure (MOTI)

“In principle, the Ministry has no concerns over this Zoning Bylaw amendment; however, we want to ensure the proponent is aware of the commercial access requirements they will need to adhere to.

The Ministry has the following comments that should be shared with the proponent regarding access requirements:

- *A commercial access permit will be required for the facility. As part of this permit, the proponent will need to demonstrate how the property can accommodate both parking and complete turn around of vehicles on site as vehicles exiting the property must do so forward facing due to safety concerns.*
- *The Ministry will not permit parking on the road right-of-way for either Waldie Avenue or Broadwater Road.*
- *The Ministry preference would be to limit the property to only one access point; however, given the constraints of the property we will consider the request for a secondary access off Broadwater Road, utilizing the ‘large drive aisle’ as noted in the application letter, provided the following can be accommodated:*
 - *Safe sight lines can be met for the ingress and egress of this drive aisle, which would be 180m for Broadwater Road.*
 - *Vehicles utilizing this access are required to park and turnaround on private property. Please note: This ‘large drive aisle’ is almost completed contained on Ministry right-of-way making it unsuitable for parking or vehicle turnaround.*

The proponent can learn more about and apply for a commercial access permit here:

<https://www2.gov.bc.ca/gov/content/transportation/funding-engagement-permits/permits/access/commercial>”

Advisory Planning and Heritage Commission (APHC)

Due to a lack of quorum, the APHC for Electoral Area ‘J’ has not yet provided a recommendation on this bylaw amendment application. Should the APHC meet before the relevant Rural Affairs Committee meeting staff will provided a verbal update.

Archaeological Branch

“According to Provincial records, there are no known archaeological sites recorded on the subject property.

However, archaeological potential modelling for the area indicates there is high potential for previously unidentified archaeological sites to exist on the property, as indicated by the purple colour shown over everything in the second screenshot below.

Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites, and their results may be refined through further assessment.

Archaeology Branch Advice -

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned for the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the Heritage Conservation Act and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

*Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.*

If there are no plans for land altering activities on the property, no action is required at this time.

Rationale and Supplemental Information -

- *There is high potential for previously unidentified archaeological deposits to exist on the property.*
- *Archaeological sites are protected under the Heritage Conservation Act and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.*
- *If a permit is required, be advised that the permit application and issuance process takes approximately 20 to 40 weeks; the permit application process includes referral to First Nations and subsequent engagement.*
- *The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.*
- *The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person’s expense, in certain circumstances, as set out in the Heritage Conservation Act.*

- *Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit”.*

Penticton Indian Band (PIB)

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

Ktunaxa Nation Council

“The Ktunaxa Nation Council has no further concerns with this [Bylaw] Amendment”.

Okanagan Indian Band

“The Territorial Stewardship Division would like to acknowledge receipt of the above referral. The Okanagan Indian Band (“OKIB”) has conducted a desktop review of the project. The location of the project to which the referral relates is within Syilx (Okanagan Nation) territory, and may have impacts on Syilx Aboriginal Title and Rights, which OKIB holds as part of the Syilx. However, the project is located outside the OKIB’s Area of Responsibility as a member of the Syilx. At this time, we defer to the Penticton Indian Band...for a more in depth review”.

3.7 Staffing/Departmental Workplace Considerations:

Upon receipt of an application, accompanied with the relevant documents and fee, staff review the application in accordance with the Land Use Amendments Procedures within Schedule ‘D’ of the *Planning Procedures and Fees Bylaw No. 2547, 2015*. Should the Board give the amending bylaws first and second readings, staff will coordinate the scheduling of a public hearing.

3.8 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 planning rationale behind the staff recommendation:

- This development proposal represents an opportunity to repurpose an existing dwelling in to a daycare facility, which would help to address the need for child care in the Robson area, and would help with minimizing existing gaps in providing this service, including after school care.
- The subject site and proposed institutional use would be complementary to the area, which has a mixed land use pattern of residential and institutional uses, including the Robson Community School, the Robson Community Hall and the Robson and District Volunteer Fire Department.
- The proposed site specific Institutional zoning regulations are designed to accommodate converting the existing dwelling in to a daycare centre, by formally recognizing the current siting (e.g. setbacks), exiting parcel size, and reduces the minimum number of parking spaces from 9 to 7 to avoid having vehicles park on the MOTI’s road right-of-way. The MOTI also acknowledges the constraints of this site, and is amenable to permitting two accesses for this development proposal given the community benefit.
- The subject property is approximately 25 metres from the neighbouring elementary school, and is accessible by BC Transit (closest stop is less than 150 metres) with week day service from approximately seven (7) AM to five (5) PM.

- To date, no community feedback and or inquiries have been received or fielded by staff.
- Should the bylaw amendments be supported by the Regional Board, modifications to the building to ensure the daycare centre will meet the licensing requirements of the Province, as well as, the BC Building Code requirements will be necessary.

It is for the above reasons, that staff support these bylaw amendments proceeding to a public hearing.

Options

Option 1

1. That *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2964, 2024* 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.
2. That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2965, 2024* 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.
3. That in accordance with *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, Electoral Area 'J' Director Hanegraaf is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Option 2

1. That no further action be taken with respect to *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2964, 2024* being a bylaw to amend the *Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996*.
2. And that no further action be taken with respect to *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2965, 2024* being a bylaw to amend the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004*.

SECTION 5: RECOMMENDATIONS

1. That *Kootenay-Columbia Rivers Official Community Plan Amendment Bylaw No. 2964, 2024* 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.
2. That *Regional District of Central Kootenay Zoning Amendment Bylaw No. 2965, 2024* 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.
3. That in accordance with *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015*, Electoral Area 'J' Director Hanegraaf is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Respectfully submitted,

"Submitted electronically"

Stephanie Johnson, Planner

CONCURRENCE

Planning Manager – Nelson Wight

Sangita Sudan – General Manager of Development and Community Sustainability

Stuart Horn – Chief Administrative Officer

ATTACHMENTS:

Attachment A – Relevant Bylaw Excerpts

Attachment B – Draft *OCP Amendment Bylaw No. 2964, 2024*

Attachment C – Draft *Zoning Amendment Bylaw No. 2965, 2024*

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**

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.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2964, 2024

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

WHEREAS it is deemed expedient to amend the 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 the Kootenay-Columbia Rivers Official Community Plan Bylaw No. 1157, 1996 be amended by changing the Future Land Use Designation of LOT A DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 9317 (PID: 013-130-871) from Suburban Residential (R1) to Community Services (CS) as shown on Schedule 'A' which is attached hereto and forms part of this bylaw.
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. 2964, 2024."

READ A FIRST TIME this [Date] day of [Month], 2024.

READ A SECOND TIME this [Date] day of [Month], 2024.

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

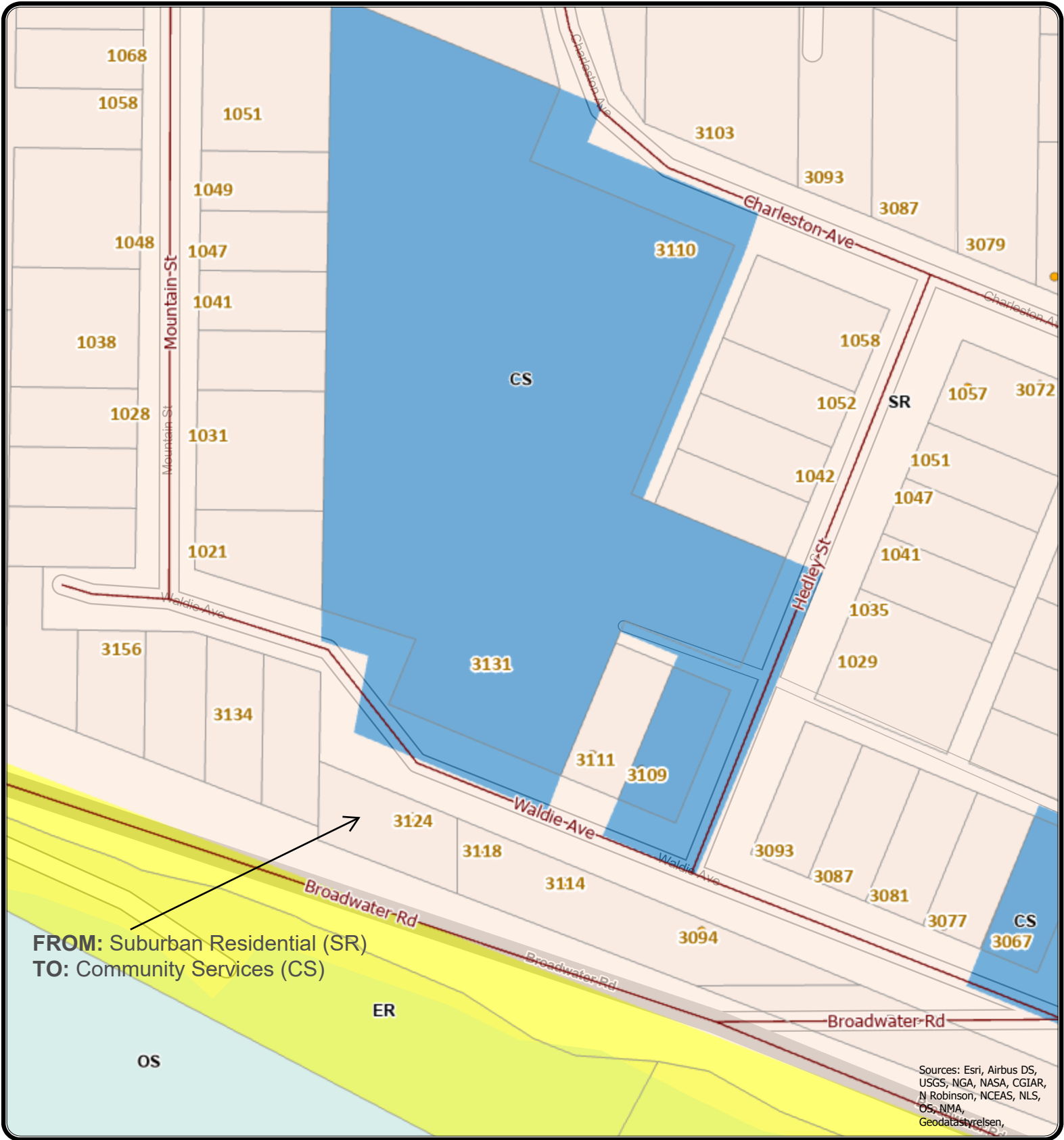
READ A THIRD TIME this [Date] day of [Month], 20XX.

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

Amy Watson, Board Chair

Mike Morrison, Corporate Officer

Schedule 'A'



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

Proposed Official Community Plan
 Amendment Bylaw No. 2964, 2024
 Schedule 'A'

Z2402J - Whitehead

Map Scale:

1:2,000

Date: April 30, 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.

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2965, 2024

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 the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* be amended by adding after Division 45 'Institutional (I)', Section 4600 'Permitted Uses' in the case of LOT A DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 9317 (PID: 013-130-871) the following provisions shall apply:

Site Specific - LOT A DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 9317 (PID: 013-130-871) the following provisions shall apply:

- i. The minimum parcel size for a daycare centre use shall be 0.08 hectares.
 - ii. Notwithstanding Section 605 1 the minimum setbacks for the principal building shall be 4.5 metres from the front setback, 1.8 from the western exterior setback and 1.8 metres for the rear setback.
 - iii. Notwithstanding the Table 'Off-Street Parking and Loading Space Requirements' the minimum number of off street parking spaces shall be 7.
- 2 That Schedule 'B' of the *Regional District of Central Kootenay Zoning Bylaw No. 1675, 2004* be amended by changing the Zoning Designation of LOT A DISTRICT LOT 301A KOOTENAY DISTRICT PLAN 9317 (PID: 013-130-871) from Suburban Residential (R1) to Institutional (I), as shown on the attached Map.
- 3 This Bylaw shall come into force and effect upon its adoption.

CITATION

- 4 This Bylaw may be cited as "***Regional District of Central Kootenay Zoning Amendment Bylaw No. 2965, 2024.***"

Schedule 'A'



FROM: Suburban Residential (R1)
TO: Institutional (I)

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



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Proposed Zoning Amendment
Bylaw No. 2965, 2024
Schedule 'A'

Z2402J - Whitehead

Map Scale:

1:2,257

Date: April 30, 2024



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