

# **Bylaw Amendment Application**

Referral Form – RDCK File Z2409I Proposed Amendment to Zoning Bylaw No. 1675

Date: November 06, 2024

You are requested to comment on the attached BYLAW AMEDNMENT for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO DECEMBER 06, 2024). If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PRESENT USE AND PURPOSE OF THE BYLAW AMENDMENT:

The subject property is located in Electoral Area 'l' in Glade. It is 0.73 ha (1.81 ac) in size and is within the Agricultural Land Reserve. This lot has been improved with a dwelling and a shop. The owner operates an organic farm and an associated home based business on the parcel that "feeds underprivileged school children in the Kootenay area."

The purpose of this application is to rezone the subject property from Agriculture 1 (AG1) to Agriculture 1 (AG1) Site Specific to permit a detached 90m2 accessory dwelling unit (ADU) for the owner's family. Due to the parcel's size, the owners are permitted to have a 90m2 *attached* ADU (secondary suite) but not a *detached* 90m2 ADU. The only change to the zoning that is proposed is to allow a detached ADU on a lot that is 0.73ha rather than 1.0ha.

The property is currently serviced the Glade Irrigation District (GID). The property also has a well that was drilled in 2015 that will be used to provide water to the ADU. As such, the applicant would not be seeking a new connection from GID. The owner has provided confirmation that there is an existing septic system on site that has the capacity to accommodate the proposed ADU.

LEGAL DESCRIPTION & GENERAL LOCATION: 2130 Glade Road, Glade, Electoral Area 'I' PARCEL A (SEE 160462I) LOT 48 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 2888 PID: 015-083-985

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
0.73 hectares (1.81 acres)	Yes	Agriculture 1 (AG1)	Agriculture (AG)
APPLICANT:			

Ariah and Charles Desilets

OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:

If your Advisory Planning Commission plans to hold a meeting to discuss this Bylaw Amendment application, please note that the applicants must be provided with an opportunity to attend such meeting, in accordance with Section 461, subsection (8) of the *Local Government Act*, which reads as follows:

"If the commission is considering an amendment to a plan or bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend meetings of the commission and be heard."

Please fill out the Response Summary on the back of this form. If your agency's interests are 'Unaffected' no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this permit.

	SADIE CHEZENKO, PLANNER REGIONAL DISTRICT OF CENTRAL KOOTENAY
TRANSPORTATION West Kootenay	FIRST NATIONS
🔀 HABITAT BRANCH	🔀 KTUNAXA NATION COUNCIL (ALL REFERRALS)
🔀 FRONT COUNTER BC (FLNRORD)	YAQAN NU?KIY (LOWER KOOTENAY)
AGRICULTURAL LAND COMMISSION	?AKINK'UM‡ASNUQ‡I?IT (TOBACCO PLAINS)
REGIONAL AGROLOGIST	<b>?AKISQNUK (COLUMBIA LAKE)</b>
	Nelson Office: Box E00, 202 Lekoside Drive Nelson BC V/11 EB4

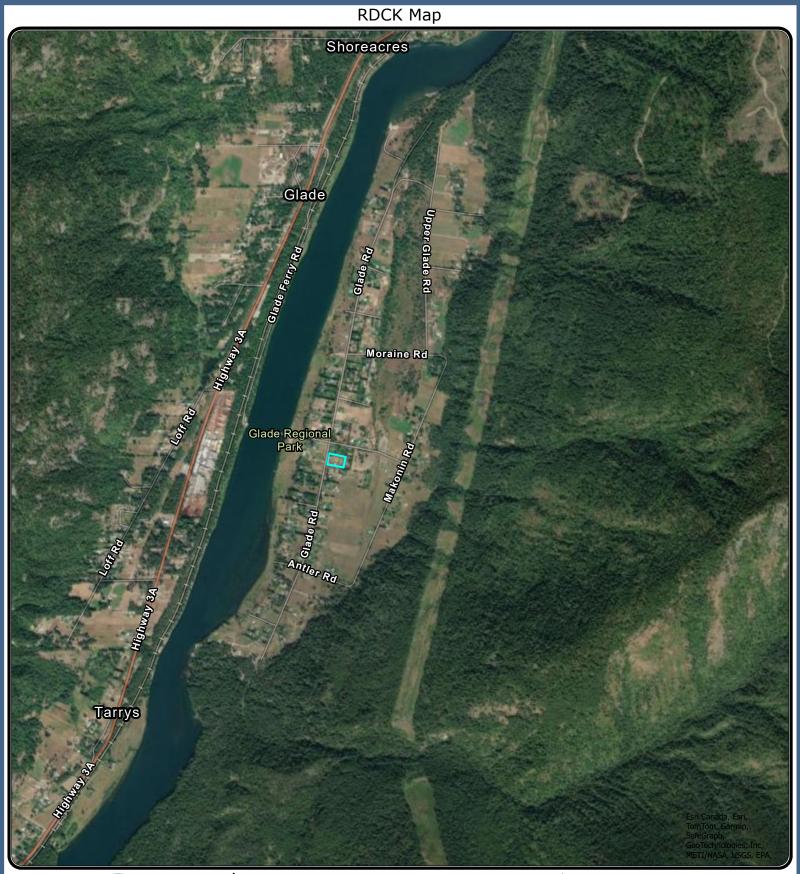
Nelson Office: Box 590, 202 Lakeside Drive, Nelson, BC. V1L 5R4 Phone: 250.352.6665 | Toll Free: 1.800.268.7325 (BC) | Email: info@rdck.ca | Fax: 250.352.9300

ENERGY & MINES	?AQ'AM (ST. MARY'S)
MUNICIPAL AFFAIRS & HOUSING	🔀 OKANAGAN NATION ALLIANCE
🔀 INTERIOR HEALTH HBE Team, Nelson	C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN)
🔀 ARCHAEOLOGY BRANCH	🔀 KłK'ƏR'MÍWS (LOWER SIMILKAMEEN)
KOOTENAY LAKES PARTNERSHIP	🛛 SNPÍNTKTN (PENTICTON)
SCHOOL DISTRICT NO.	🗌 STQA?TKWƏ <del>I</del> WT (WEST BANK)
GLADE IRRIGATION DISTRICT	🖂 SUKNAQÍNX (OKANAGAN)
UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA	🖂 SWÍWS (OSOYOOS)
POWER)	🖂 SPAXOMƏN (UPPER NICOLA)
REGIONAL DISTRICT OF CENTRAL KOOTENAY	SHUSWAP NATION TRIBAL COUNCIL
DIRECTORS FOR:	🔀 KENPÉSQT (SHUSWAP)
	QW?EWT (LITTLE SHUSWAP)
ALTERNATIVE DIRECTORS FOR:	🗌 SEXQELTQÍN (ADAMS LAKE)
	SIMPCW ((SIMPCW)
🔀 APHC AREA I	SKEMTSIN (NESKONLITH)
RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA)	SPLATSÍN (SPLATSÍN FIRST NATION)
RDCK EMERGENCY SERVICES	SKEETCHESTN INDIAN BAND
RDCK BUILDING SERVICES	TK'EMLUPS BAND
RDCK UTILITY SERVICES	SINIXT CONFEDERACY
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), <u>info@rdck.bc.ca</u>, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

	FILE: Z24091	RESPONSE SUMN APPLICANT: ARIAH	1ARY 1 AND CHARLES DESILETS
Name:			Date:
Agency:			Title:

SADIE CHEZENKO, PLANNER		
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES		
REGIONAL DISTRICT OF CENTRAL KOOTENAY		
BOX 590, 202 LAKESIDE DRIVE		
NELSON, BC V1L 5R4		
Ph. 250-352-1585		
Email: plandept@rdck.bc.ca		





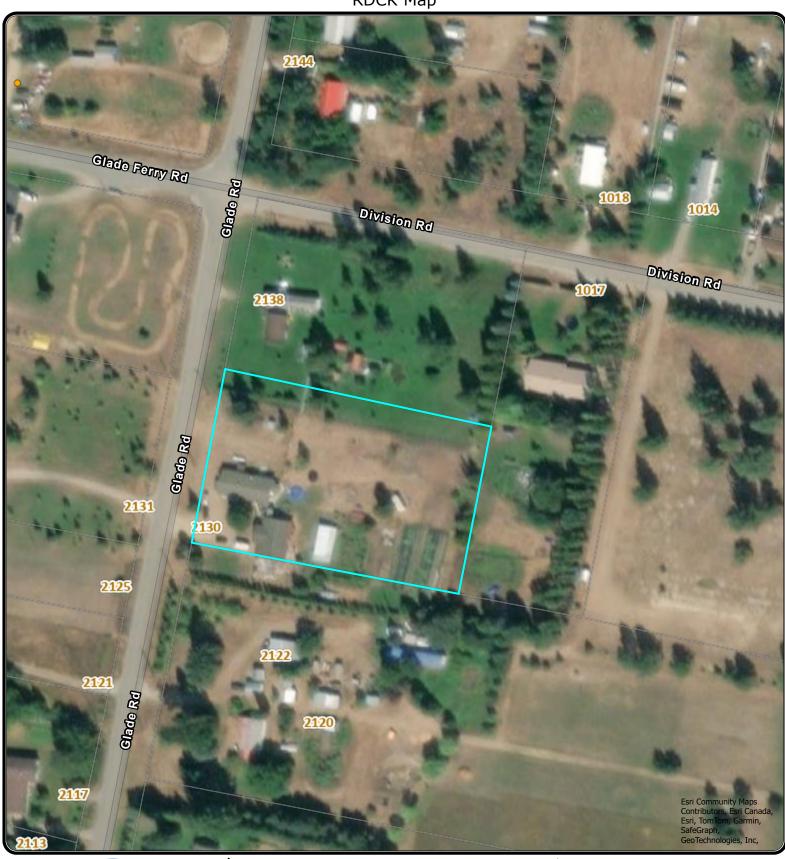
REGIONAL DISTRICT OF CENTRAL KOOTENAY Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4 Phone: 1-800-268-7325 www.rdck.bc.ca maps@rdck.bc.ca Legend

Map Scale: 1:36,112

Date: November 4, 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 ommissions on this map.







REGIONAL DISTRICT OF CENTRAL KOOTENAY Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4 Phone: 1-800-268-7325 www.rdck.bc.ca maps@rdck.bc.ca

#### Legend Cadastre - Property Lines

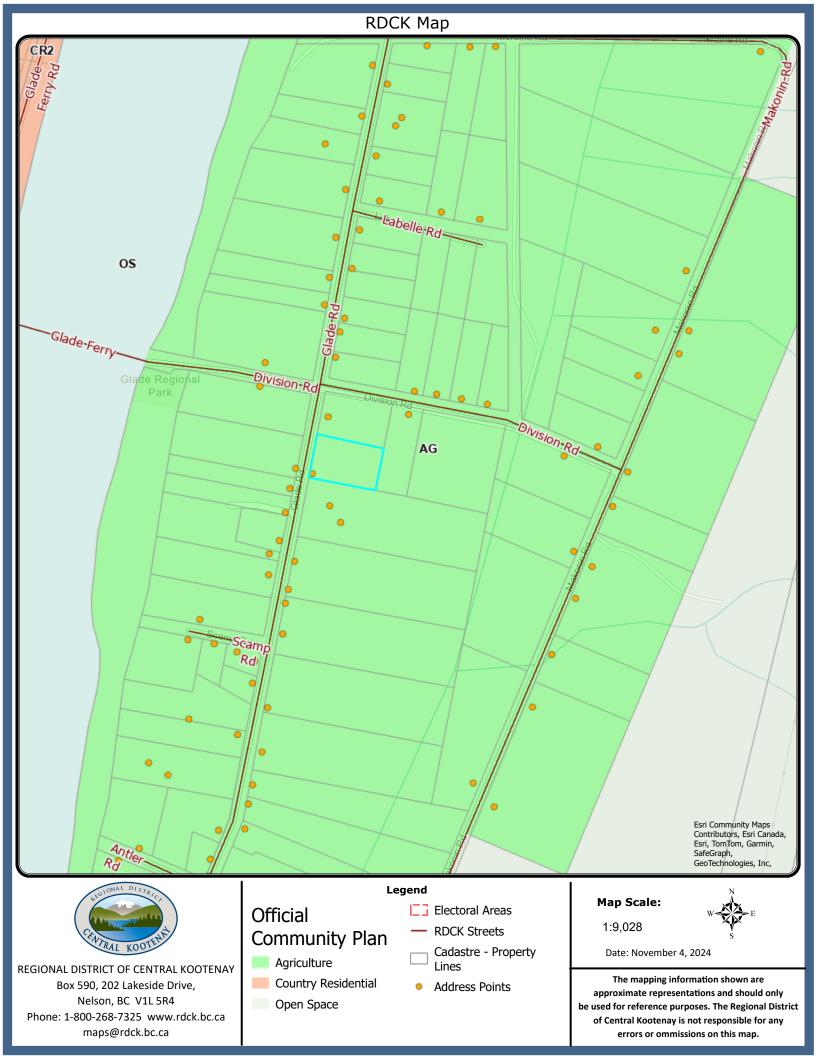
Address Points

### Map Scale: 1:2,257

Date: November 4, 2024

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To Whom it May Concern,

This letter serves to present my request for revised zoning of the property in order to allow construction of an ADU on the .87 ha property. Currently the zoning only allows an ADU if the property is 1 ha or above. When I originally bought and developed the property, an ADU was allowed, but in the recent past the zoning has been changed to disallow this. The plan for the property has always been to build an ADU for family, and I'm looking to obtain an amendment to allow this. The current zoning is Agriculture 1 (AG1), and the proposed zoning is Agriculture 1 (AG1) Site Specific.

### **Proposed Development**

We propose to construct the ADU on Lot 48, Plan 2888, District Lot 1239 (SEE 160462I), Kootenay Land District. The property is .87 ha, and is serviced by the GID (Glade Improvement District). The proposed build would comply with existing ADU bylaws, and would be no more than 90 square meters. It would be located within a single detached house, and not be connected to existing buildings by a breezeway or carport. The proposed construction would comply with current BC building code requirements. Details of the build are;

- No more than 90 square meters
- One bedroom and one den
- One bathroom

### Intended Use

The use of the proposed dwelling would be to house immediate family. I own and operate a business which feeds underprivileged school children in the Kootenay area. The business is growing, and needs more support as I age. My son is a partner in the business, and he is looking at returning to the Kootenays and needs housing. The ADU would enable him to move back to the Kootenays, help me grow the business, and have affordable housing.

### Water Usage

The property is currently serviced by the GID. However, there is a well on the property that is currently unused, and water for the proposed build would be serviced by this well. There is sufficient water flow from the well to service the proposed build. There would be no approval needed from the GID for a water connection.

# Approved Record of Sewage System

There is an existing septic field that was installed in 2012 that the proposed build would utilize. When the field was installed it was designed to be able to accommodate another home of this size. Another tank would be installed and connected to the field, please see attached drawings for the design and IH approval.

# Support for Farming in the ALR

The property is currently being used for farming purposes. It is an organic certified farm, with the produce being used in the business to feed school children. Having another person on the property to assist in the farming tasks would greatly help with the many tasks that are required to keep a farm running. Having family help to use the land for food production would not only support the intention of the ALR, but allow community members to also benefit from local farming.

### **Community Support**

We have talked to and gained the support for the build from the four neighboring properties. Please find attached a letter stating their support with their signatures.

## Alignment with RDCK Official Community Plan

Based on my review of the OCP, I have not identified any components of this proposed build that would conflict with the intentions of it. The build would promote affordable housing for family, support local business through cooperation, and allow residents to age in place and continue to enjoy their property. It would also be in alignment with the ALR's mission of promoting farming use.

### Section 3.2 Broad Goals

3.2.1 Agriculture. Support the area's existing and future agricultural activity and famers by supporting agricultural systems and protecting agricultural lands that contribute to the economic base, character and sense of place.

3.2.5 Homes for all. Encourage housing options in existing residential areas that are consistent with rural character of the area. Support affordable housing and aging in place.

4.1 Residential ands and Housing

4.1.2 Encourage new infill housing forms that complement existing single detached housing neighborhoods to increase affordable housing , support aging in place and promote rental opportunities.

### Closure

I trust this letter provides reasonable justification for the proposed bylaw amendment to the RDCK area I Zoning Bylaw. I'd like to express my willingness to work with the RDCK to address any concerns or meet any requirements. Please contact me with any questions, concerns, or clarification.

Thank you for your consideration,

Ariah Desilets

2130 Galde Road, Glade BC, V1N 4R3

### RDCK Map



REGIONAL DISTRICT OF CENTRAL KOOTENAY Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4 Phone: 1-800-268-7325 www.rdck.bc.ca maps@rdck.bc.ca

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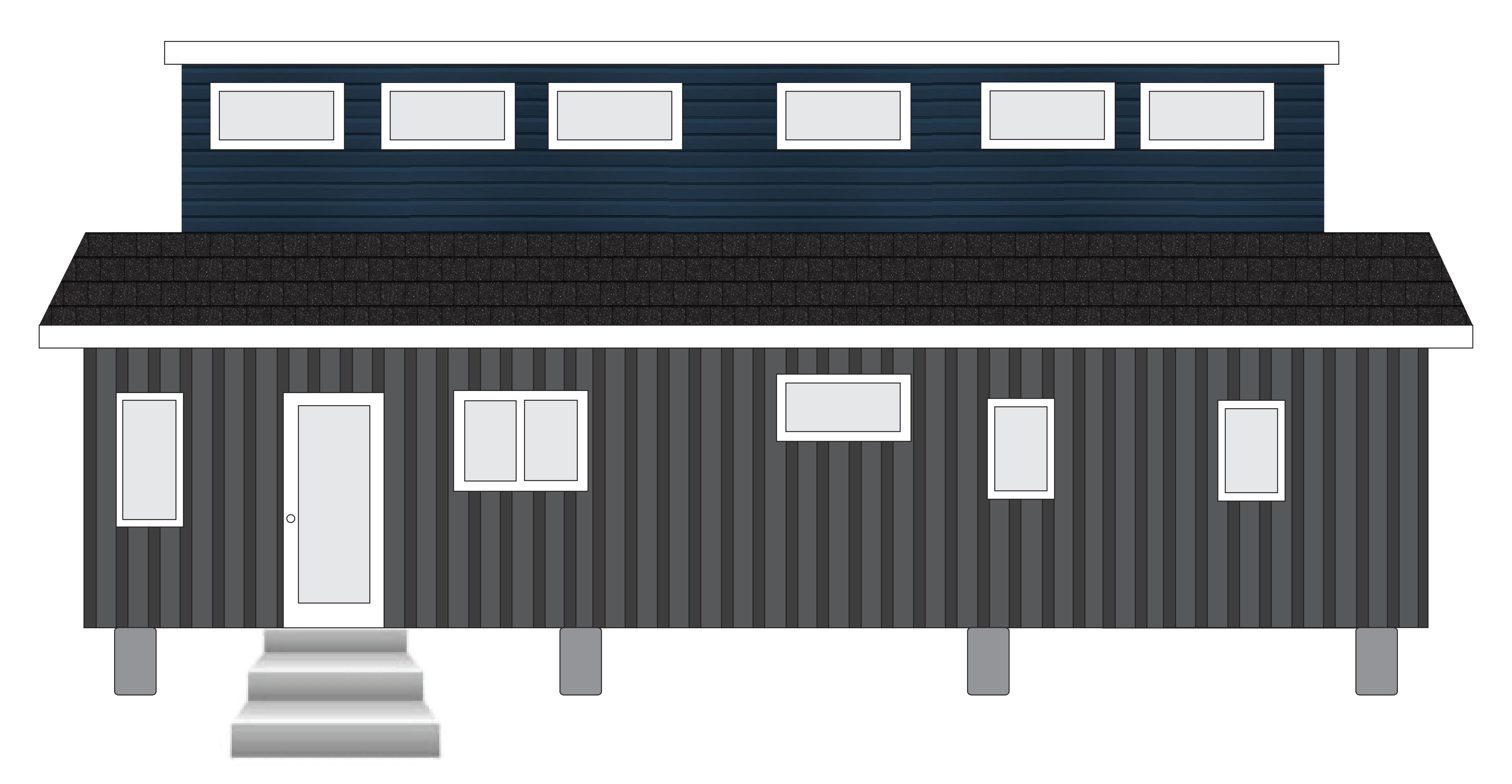
- **RDCK Streets**
- Cadastre Property Lines
- Address Points



Date: November 5, 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 ommissions on this map.





#### DIVISION 27 AGRICULTURE 1 (AG1)

#### Permitted Uses

2700 Subject to the *British Columbia Agricultural Land Commission Act, Agricultural Land Reserve Use Regulation* and Orders, land, buildings and structures in the Agriculture 1 (AGI) zone shall be used for the following purposes only:

#### Agriculture

- Farm Product Processing of farm product from another parcel in the Regional District of Central Kootenay (may require ALC non-farm use approval)
- Home Based Business
- Portable Sawmills for processing of material harvested on site only
- Temporary Farm Worker Housing (may require ALC non adhering residential use approval)

#### **Development Regulations**

2701

- The minimum lot size shall be 4.0 hectares in the Agricultural Land Reserve and
  2.0 hectares outside the Agricultural Land Reserve.
- 1B. The maximum density is 2 Dwelling Units.
- 2. The maximum site coverage permitted shall be 35 percent of the lot area

unless an areanot larger than 60 percent of the lot is covered with greenhouses.

- 3. The maximum Farm Residential Footprint shall be a maximum of 2000 square meters where one dwelling unit is permitted plus 500 square meters per additional permitted dwelling unit.
- 4. The maximum depth of the Farm Residential Footprint shall not exceed 60.0 metres measured from the Front Lot Line or Exterior Side Lot Line.
- 5. The Maximum Gross Floor Area of Single Detached Housing is 300.0 square metres.
- 6. Deleted by Bylaw 2958.
- 7. Temporary Farmworker Housing is permitted on a lot provided that all of the following apply:
  - a. the lot is classified as a farm under the Assessment Act;
  - b. the lot is larger than 1.2 hectares;
  - c. the minimum setback is 6.0 metres from the Front Lot Line and Exterior Lot Line and 15.0 metres from other lot lines; and
  - d. the minimum setback from the nearest exterior wall of a dwelling unit on another lot is 30.0 metres, or where a landscape screen comprised of a thick hedge of hardy shrubs or evergreen trees not less than 1.8 metres in height and 1.5 metres in width and maintained in a healthy growing condition is provided, the minimum setback from the nearest exterior wall of a dwelling unit shall not be required.
- No building, structures or enclosures used for housing farm animals; no drinking or feeding troughs and no manure piles may be located within 5 metres of a lot line.
- 9. Section 2701(8) does not apply to fences adjacent to lot lines that are used for enclosures for the grazing of farm animals.
- 10. Farm Product processing that involves processing livestock:
  - a. must be located on a minimum 2 hectare site outside the Agricultural LandReserve;
  - b. must be setback at least 7.5 metres from any lot line; and
  - c. must be located at least 30 metres from the nearest

business orresidence on another parcel.

11. The minimum setback for a kennel building shall be 7.5 metres from any lot line.

#### **Cannabis Regulations**

- 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. Any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing shall be a minimum of 30 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.
- 14. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
- 15. The maximum footprint of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 250 square metres.
- 16. The maximum gross floor area of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall not exceed 600 square metres.

Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.

#### DIVISION 27 AGRICULTURE 1 (AG1)

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#### **Development Regulations**

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- The minimum lot size shall be 4.0 hectares in the Agricultural Land Reserve and
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unless an areanot larger than 60 percent of the lot is covered with greenhouses.

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- 14. The maximum height of any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries shall be 15 metres.
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Cannabis Facilities may require the submission of a Notice of Intent to the ALC for the removal of soil or placement of fill.

Site Specific - PARCEL A (SEE 160462I) LOT 48 DISTRICT LOT 1239 KOOTENAY DISTRICT PLAN 2888 (PID 015-083-985) from Agriculture 1 (AG1) to Agriculture 1 (AG1) 'site specific' to enable a detached accessory dwelling unit.

### Zoning Bylaw General Regualtions: Accessory Dwelling Units

- a. be provided with screening in the form of a fence not less than 1.5 metre in height or by a hedge not less than 1.5 metre in height at the time of planting where adjacent to a lot in any Residential zone; such screening shall be planted or installed so that no person shall be able to see through it;
- b. be separated from any directly abutting lot in any Residential zone and from any adjoining highway other than a lane, by a fully and suitably landscaped and properly maintained strip not less than 1.5 metres in width.
- 4 Where any lot is used for commercial, industrial and institutional purposes, any part of such lot that is not used for buildings, exterior display areas, parking or loading facilities shall be maintained as a landscaped area, or as undisturbed forest.
- 5 Where any off-street parking area for four (4) or more vehicles is located within 4.5 metres of a front or exterior side lot line, it shall be screened by an evergreen hedge not less than 1.5 metre in height at the time of planting. The minimum width of soil area for the hedge shall be 0.75 metres. The hedge shall be planted one (1) metre from curbs or wheel stops.
- 6 The design, installation and maintenance of any landscaping area or screen should be in conformity with the current specifications of the 'British Columbia Landscape Standard' prepared by the B.C. Society of Landscape Architects and the B.C. Nursery Trades Association.
- 7 In the Quarry zone, a landscape screen or a continuous three (3) metre high opaque fence shall be maintained within the 100 metre setback required for any processing operation.

#### **Development Permit Variances**

622 Pursuant to Section 489 of the *Local Government Act*, setback and height variances may be approved by the Regional District on a Development Permit where community plan objectives for the form and character of commercial, industrial and multi-unit housing developments can be achieved provided that no siting variances cross a property line.

#### Accessory Dwelling Units

- 623 An accessory dwelling unit is subject to the following regulations:
  - 1 The maximum number of accessory dwelling units per lot is one.
  - 2 The minimum lot size for an accessory dwelling unit shall be 1.0 hectare.
  - 3 Notwithstanding section 623(b) secondary suites are permitted an all lots.
  - 4 The maximum gross floor area is 90.0 square metres.
  - 5 The maximum height is 8.0 metres.

- 6 The maximum number of storeys is 2.
- 7 An accessory dwelling unit must be serviced by an on-site sewerage disposal system in accordance with the Sewerage System Regulations of the Public Health Act and it must be demonstrated that there is a suitable back up field area on the parcel unless a community sewer system is available in which case connection to the community sewer system is required.
- 8 An accessory dwelling unit is not permitted to be used as accessory tourist accommodation or a short term rental.
- 9 The accessory dwelling unit shall not be a recreational vehicle or other vehicle.
- 10 A secondary suite shall not be connected to a single detached house by a breezeway or carport.