

# Have Your Say.

## Notice of Two Public Hearings

Wednesday December 18, 2024 | 6:00 pm

### Learn more.

Two proposed land use bylaw amendments can be reviewed from December 9, 2024 - December 18, 2024.

Please be advised that two separate amendments are being considered at this hearing (Bylaw No. 2984 and Bylaw No. 2986)

**Online:** [rdck.ca/landuseapplications](https://rdck.ca/landuseapplications)

**In Person:** RDCK Office, 202 Lakeside Drive, Nelson, BC

### Tell us what you think.

Make a verbal submission at the public hearing or send a written submission before 4:00 pm on December 18, 2024.\*

### Attend a public hearing.

**Online:** Via Zoom | <https://rdck-bc-ca.zoom.us/j/98142446557?pwd=8qabKhjcXbXferATcEWxOGZF0godfc.1>

**Phone:** +1 778 907 2071 (Toll free: 833 955 1088)

**Meeting ID:** 981 4244 6557

**Meeting Password:** 831664

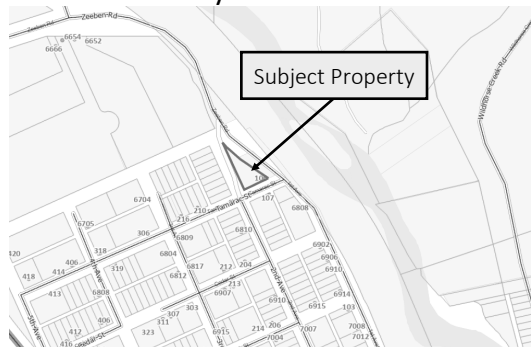
**In Person:** Ymir Community Hall (7210 First Ave, Ymir, BC)

Visit [rdck.ca/publichearings](https://rdck.ca/publichearings) for further details.



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

### 1 - Bylaw No. 2986



**From:** Town site Residential (RS/R1)

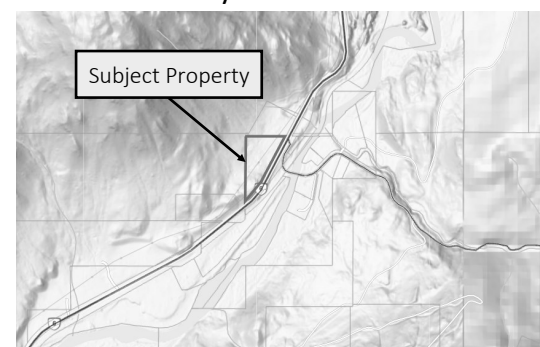
**To:** Tourist Commercial (TC/C3)

#### Location and Legal Description:

106 Tamarac Street, Ymir, Electoral Area 'G', LOT A BLOCK 35 DISTRICT LOT 1242 KOOTENAY DISTRICT PLAN EPP131954  
PID: 032-102-780

**Bylaw 2986:** Being a bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018 by changing the Land Use Designation from Town-site Residential (RS) to Tourist Commercial (TC) and the Zoning from Town site Residential (R1) to Artisan Tourist Commercial (C3) to facilitate the development of a multi-purpose arts, culture and events facility.

### 2 - Bylaw No. 2984



**From:** General Commercial (GC/C1)

**To:** Country Residential (RC/R2)

#### Location and Legal Description:

8114 Highway 6, Ymir, Electoral Area 'G'  
LOT 1 DISTRICT LOT 276 KOOTENAY DISTRICT PLAN 10571  
PID: 012-929-409

**Bylaw 2984:** Being a bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018 by changing the Land Use Designation from General Commercial (GC) to Country Residential (RC) and the Zoning from General Commercial (C1) to Country Residential (R2) to recognize the existing non-conforming residential use on the property and provide the property owner with an opportunity to construct an accessory dwelling unit in the future.

[rdck.ca/publichearings](https://rdck.ca/publichearings)

Please direct enquiries to the Planning Department | 250.352.1536  
1.800.268.7325 | [planning@rdck.bc.ca](mailto:planning@rdck.bc.ca)



# Land Use Bylaw Amendment Application

RDCK File Z2407G

Proposed Amendment to Land Use Bylaw No. 2452, 2018

Date: August 7, 2024

**You are requested to comment on the attached LAND USE BYLAW AMENDMENT APPLICATION for potential effect on your agency's interests. We would appreciate your response WITHIN 30 DAYS (PRIOR TO September 7, 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 'G' approximately 2 km south of the village of Ymir. The fee simple lot has been improved with a single detached dwelling and 2 accessory buildings.

The purpose of this application is to rezone the subject property from General Commercial (C1) to Country Residential (R2) and amend the land use designation from General Commercial (GC) to Country Residential (RC). This is being sought to recognize the existing non-conforming residential use on the property and provide the property owner with an opportunity to construct an Accessory Dwelling Unit in the future.

**LEGAL DESCRIPTION & GENERAL LOCATION:**

8114 Highway 6, Ymir, Electoral Area 'G'  
 LOT 1 DISTRICT LOT 276 KOOTENAY DISTRICT PLAN 10571  
 PID: 012-929-409

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
3 hectares (7.43 acres)	n/a	General Commercial (C1)	General Commercial (GC)

**APPLICANT:**

Dianne Pallagi

**OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:**

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

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

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

**ZACHARI GIACOMAZZO, PLANNER  
 REGIONAL DISTRICT OF CENTRAL KOOTENAY**

<input checked="" type="checkbox"/> TRANSPORTATION West Kootenay <input checked="" type="checkbox"/> HABITAT BRANCH <input checked="" type="checkbox"/> FRONT COUNTER BC (FLNRORD) <input type="checkbox"/> AGRICULTURAL LAND COMMISSION <input type="checkbox"/> REGIONAL AGROLOGIST <input type="checkbox"/> ENERGY & MINES <input type="checkbox"/> MUNICIPAL AFFAIRS & HOUSING <input checked="" type="checkbox"/> INTERIOR HEALTH, HBE Team <input checked="" type="checkbox"/> ARCHAEOLOGY BRANCH <input type="checkbox"/> SCHOOL DISTRICT NO.	<b>FIRST NATIONS</b> <input checked="" type="checkbox"/> KTUNAXA NATION COUNCIL (ALL REFERRALS) YAQAN NU?KIY (LOWER KOOTENAY) ?AKINK'UM?ASNUQ?IT (TOBACCO PLAINS) ?AKISQNUK (COLUMBIA LAKE) ?AQ'AM (ST. MARY'S) <input checked="" type="checkbox"/> OKANAGAN NATION ALLIANCE <input type="checkbox"/> C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN) <input checked="" type="checkbox"/> K?K'ƏR'MÍWS (LOWER SIMILKAMEEN) <input checked="" type="checkbox"/> SNPÍNTKTN (PENTICTON)
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- WATER SYSTEM OR IRRIGATION DISTRICT
- UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)
- REGIONAL DISTRICT OF CENTRAL KOOTENAY
- DIRECTORS FOR:
- A  B  C  D  E  F  G  H  I  J
- K
- ALTERNATIVE DIRECTORS FOR:
- A  B  C  D  E  F  G  H  I  J
- K
- APHC AREA G
- RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA)
- RDCK EMERGENCY SERVICES
- RDCK BUILDING SERVICES
- RDCK UTILITY SERVICES
- RDCK REGIONAL PARKS

- STQA?TKWƏ+WT (WEST BANK)
- SUKNAQÍN (OKANAGAN)
- SWÍWS (OSOYOOS)
- SPAXOMƏN (UPPER NICOLA)
- SHUSWAP NATION TRIBAL COUNCIL
- KENPÉSQT (SHUSWAP)
- QW?EWT (LITTLE SHUSWAP)
- SEXQELTQÍN (ADAMS LAKE)
- SIMPCW ((SIMPCW)
- SKEMTSIN (NESKONLITH)
- SPLATSÍN (SPLATSÍN FIRST NATION)
- SKEETCHESTN INDIAN BAND
- TK'EMLUPS BAND
- SINIXT CONFEDERACY

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](mailto:info@rdck.bc.ca), or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

**RESPONSE SUMMARY**

**FILE: Z2407G    APPLICANT: DIANNE PALLAGI**

**Name:**

**Date:**

**Agency:**

**Title:**

RETURN TO:    ZACHARI GIACOMAZZO, PLANNER  
DEVELOPMENT AND COMMUNITY SUSTAINABILITY SERVICES  
REGIONAL DISTRICT OF CENTRAL KOOTENAY  
BOX 590, 202 LAKESIDE DRIVE  
NELSON, BC V1L 5R4  
Ph. 250-352-8190  
Email: [plandept@rdck.bc.ca](mailto:plandept@rdck.bc.ca)

# RDCK Map



Maxar



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

-  Lakes and Rivers
-  Streams and Shorelines
-  Electoral Areas
-  RDCK Streets
-  Cadastre - Property Lines

## Map Scale:

1:18,056

Date: July 16, 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.

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-  Lakes and Rivers
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-  Electoral Areas
-  RDCK Streets
-  Cadastre - Property Lines
-  Address Points

### Map Scale:

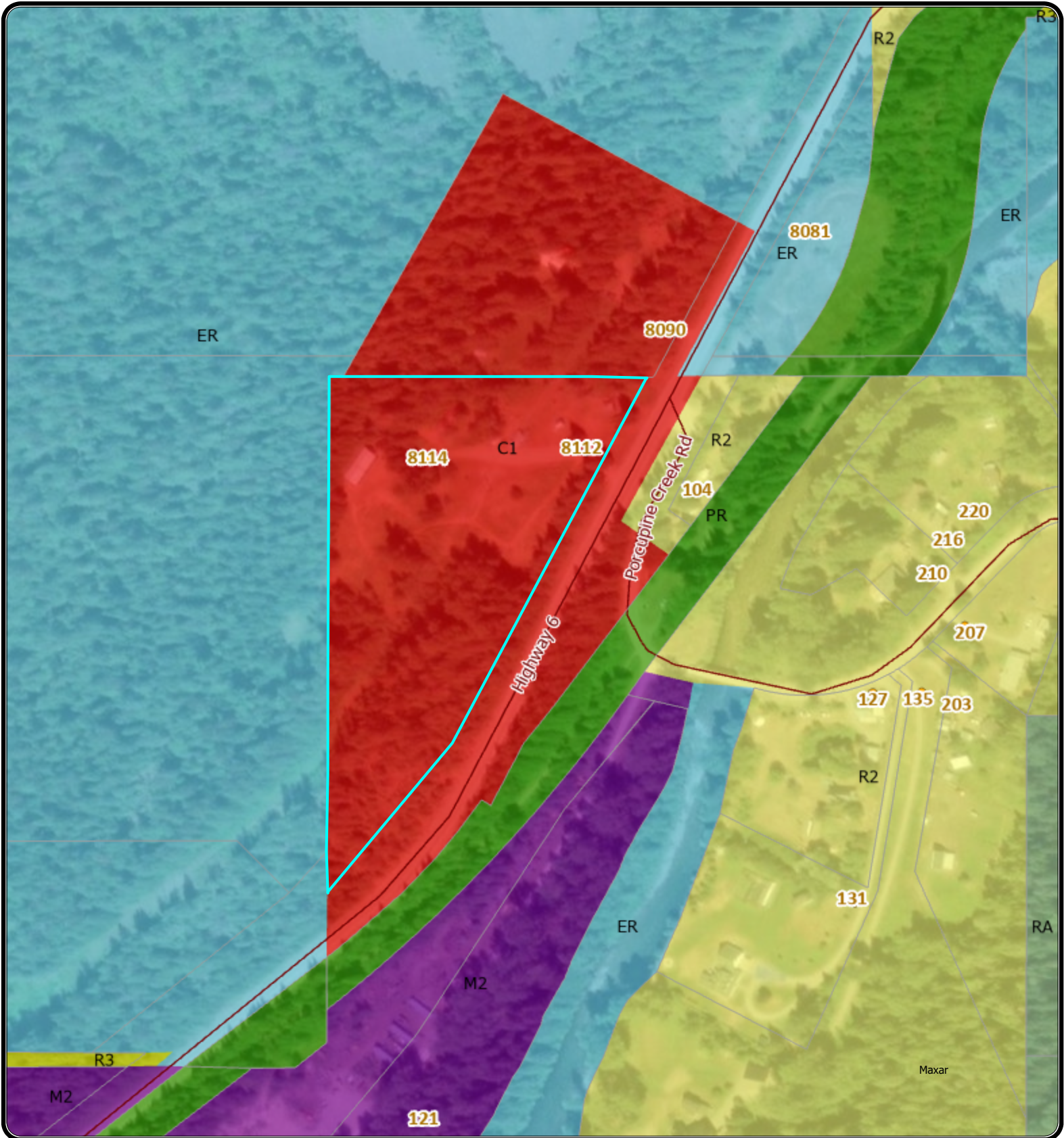
1:4,514

Date: July 16, 2024



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## Zoning Class

- Commercial
- Environmental Reserve
- Industrial
- Parks and Recreation
- Residential 2

## Legend

- Residential 3
- Resource Area
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

## Map Scale:

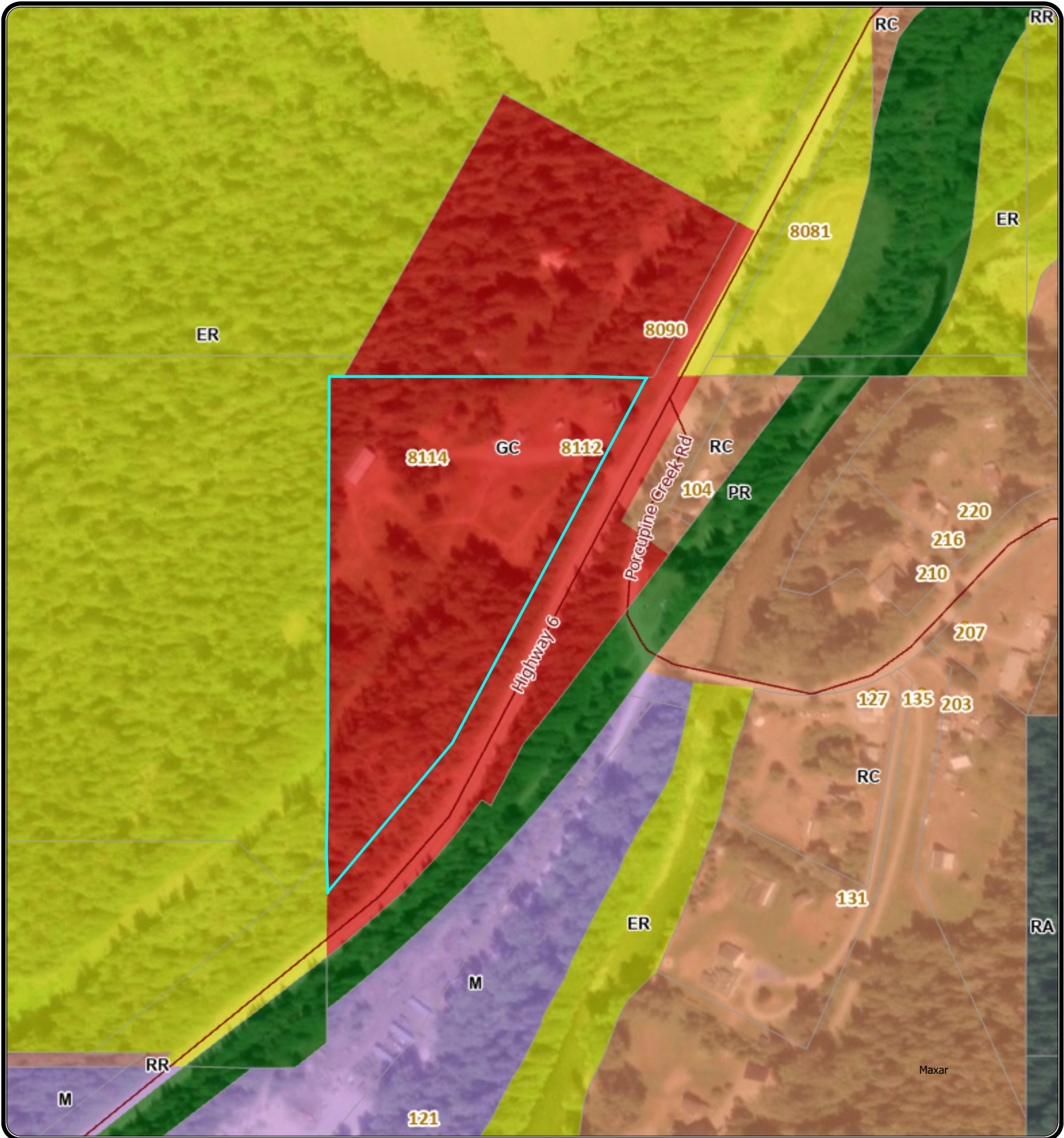
1:4,514

Date: July 16, 2024



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 maps@rdck.bc.ca

## Legend

### Official Community Plan

- Commercial
- Country Residential
- Environmental Reserve
- Industrial
- Parks and Recreation

- Resource Area
- Rural Residential
- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

## Map Scale:

1:4,514

Date: July 16, 2024



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Land Use Bylaw Amendment: 8112 and 8114 Highway 6

I understand there are two addresses to this property. 8112 and 8114 Highway 6, Salmo BC.

Would like the property to be rezoned from commercial -C1 (light commercial) to rural country Residential R2. I have heard that this property has not been used commercially for a long time.

The property is currently being used as residential.

One dwelling on property was grandfathered.

Would like to build a second dwelling on the corner of the property next to the crown land, or possibly on the other side of the property. Not sure yet. Looking at possibly building next year.

There is crown land beside and behind property on one side, the other side has one neighbour. There are residents across the highway on porcupine road.

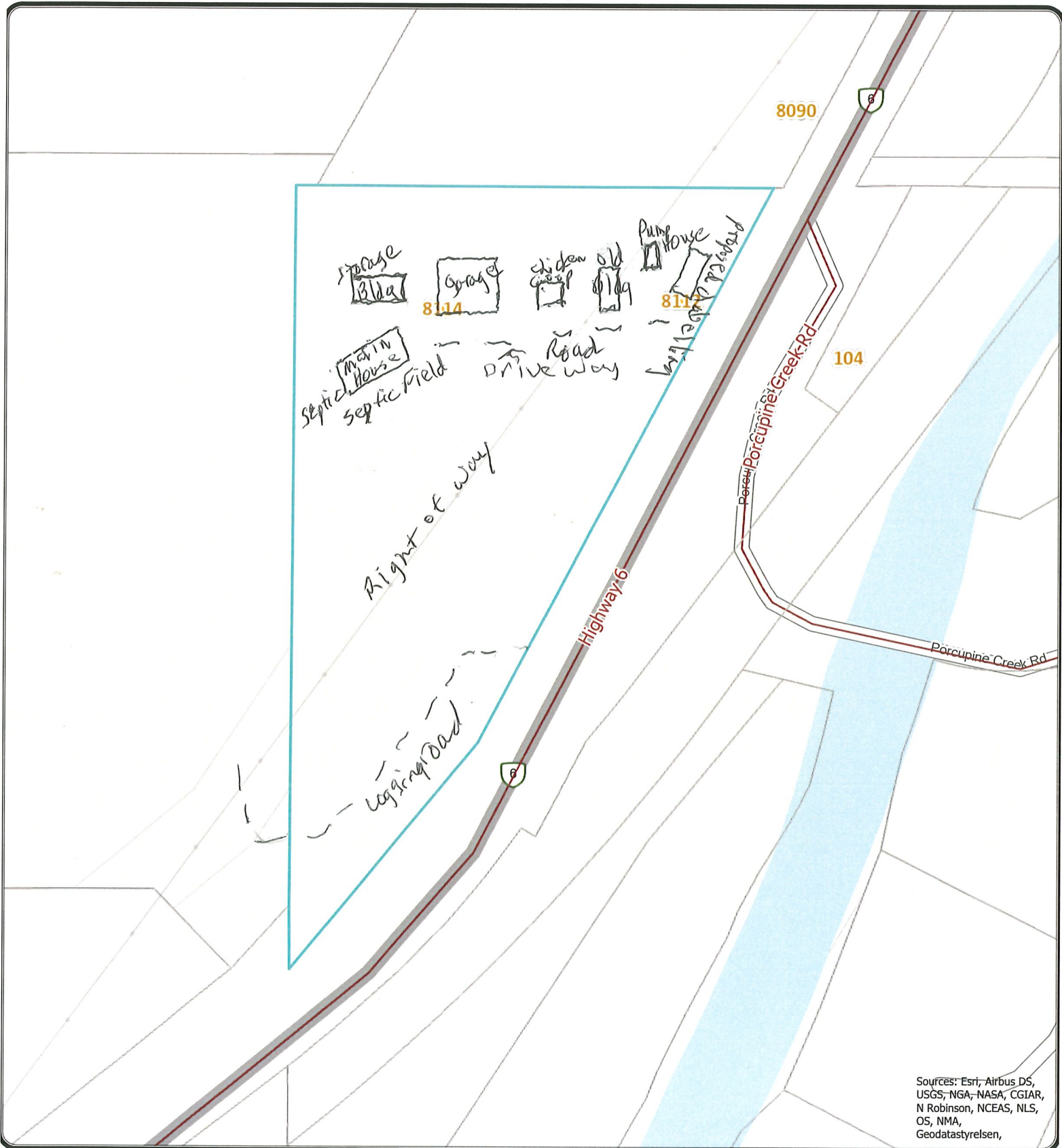
I do not want to use this property for commercial use.

My daughter and her family would like to move here therefore we need a second dwelling. They want to be on the same property as me as they would be here to look after me when I get older and help with the property.

The effects would be positive as another family would move into the area and contribute to the community.

There is a private well, existing septic system and electricity to the current dwelling.

Dianne Pallagi



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



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**Legend**

- Electoral Areas
- RDCK Streets
- Cadastre - Property Lines
- Address Points

**Map Scale:**

1:3,000

Date: July 11, 2024



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**Legend**

- Electoral Areas
- RDCK Streets
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**Map Scale:**

1:3,000

Date: July 11, 2024



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*Existing Zone*

**24.0 GENERAL COMMERCIAL (C1)**

<b>PERMITTED USES TABLE FOR C1 ZONE</b>	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> <li>Artisan Crafts Production and Sales</li> <li>Breweries and Distilleries</li> <li>Cannabis Retail Store</li> <li>Community Market</li> <li>Day Care Facility</li> <li>Eating and Drinking Establishment</li> <li>Farmer’s Market</li> <li>Food and Beverage Processing</li> <li>Golf Course</li> <li>Group Care Facilities</li> <li>Laundromat</li> <li>Liquor Store</li> <li>Mixed Use Development</li> <li>Offices</li> <li>Personal Service Establishment</li> <li>Repair Shop</li> <li>Retail Store</li> <li>Service Station</li> <li>Veterinary Clinic</li> </ul> <p>Accessory Uses</p> <ul style="list-style-type: none"> <li>Accessory Building or Structures</li> </ul>

<b>DEVELOPMENT REGULATIONS TABLE FOR C1 ZONE</b>		
2	<p>Minimum lot area for each Principal Use:</p> <ul style="list-style-type: none"> <li>Community Water System and Community Wastewater System</li> <li>Community Water System and On-site Wastewater Disposal or Individual Water Source and On-lot Wastewater Disposal</li> <li>Individual Water Source and On-site Wastewater Disposal</li> </ul>	<p>0.1 hectares</p> <p>0.4 hectares</p> <p>1.0 hectares</p>
3	Minimum front setback	7.5 metres
4	Minimum exterior side setback	7.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	50 percent
8	<p>Maximum building height:</p> <ul style="list-style-type: none"> <li>Principal buildings</li> <li>Accessory buildings and structures</li> </ul>	<p>10.0 metres</p> <p>6.0 metres</p>

9	Minimum lot area for subdivision: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal	0.1 hectares  0.2 hectares  1.0 hectares

*Proposed Zone*

**20.0 COUNTRY RESIDENTIAL (R2)**

<b>PERMITTED USES TABLE FOR R2 ZONE</b>	
1	Principal Uses Single Detached Housing Duplex Housing Accessory Uses Accessory Building or Structures Accessory Dwelling Unit Accessory Tourist Accommodation Accessory Camping Accommodation Home-based Business Horticulture Keeping of Farm Animals

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



# Committee Report

**Date of Report:** September 26, 2024  
**Date & Type of Meeting:** October 16, 2024 – Rural Affairs Committee  
**Author:** Zachari Giacomazzo, Planner  
**Subject:** BYLAW AMENDMENT  
**File:** Z2407G – Pallagi  
**Electoral Area/Municipality:** G

## SECTION 1: EXECUTIVE SUMMARY

The purpose of this report is for the Regional Board to consider an application for a land use bylaw amendment in Electoral Area ‘G’ to rezone a property from General Commercial (C1) to Country Residential (R2) and change the land use designation from General Commercial (GC) to Country Residential (RC).

The application would recognize an existing non-conforming single detached dwelling and provide the property owner with the flexibility to construct an accessory dwelling unit (ADU) in the future.

Staff recommend that Amending Bylaw No. 2984, 2024 being a bylaw to amend Electoral Area ‘G’ Land Use Bylaw No. 2452, 2018 be given FIRST and SECOND reading by content and referred to a public hearing.

## SECTION 2: BACKGROUND/ANALYSIS

### GENERAL INFORMATION

<b>Property Owner:</b> Dianne Pallagi
<b>Property Location:</b> 8114 Highway 6, Ymir, Electoral Area ‘G’
<b>Legal Description:</b> LOT 1 DISTRICT LOT 276 KOOTENAY DISTRICT PLAN 10571 (PID: 012-929-409)
<b>Property Size:</b> 3.0 hectare
<b>Current Zoning:</b> General Commercial (C1) - Salmo River Valley Electoral Area G Land Use Bylaw No. 2452, 2018
<b>Current Official Community Plan Designation:</b> General Commercial (GC) - Salmo River Valley Electoral Area G Land Use Bylaw No. 2452, 2018

### SURROUNDING LAND USES

<b>North:</b> General Commercial (C1)
<b>East:</b> Country Residential (R2), Parks and Recreation (PR), Medium Industrial (M2)
<b>South:</b> Parks and Recreation (PR), Medium Industrial (M2)
<b>West:</b> Environmental Reserve (ER)

### Background and Site Context

The subject property is located in Electoral Area ‘G’ on Highway 6, approximately 8 km north of the Village of Salmo. The property has been improved with a single detached dwelling, and 3 accessory buildings. The existing

dwelling is serviced by a domestic well and an on-site wastewater (septic) system. Historically, the property was used for various commercial uses including rock sales and storage.

**Land Use Bylaw Amendments Proposed**

The property is no longer used for any commercial uses which is why the applicant is seeking a Land Use Bylaw Amendment in order to recognize the existing residential use of the property. Under the current C1 zoning, the existing dwelling on the property is an existing non-conforming use. This prevents the property owner from expanding the existing residential use or establishing an ADU in accordance with the general provisions for residential properties in electoral area ‘G’.

The applicant is seeking a Land Use Bylaw Amendment in order to legitimize the existing non-conforming residential use and to provide additional flexibility to enjoy the Accessory Dwelling Unit permissions that were adopted on June 13, 2024 in Electoral Area ‘G’ under the Bill 44 Provincial Housing Changes zoning updates project completed by the Planning Department.



Figure 1 - Location Map



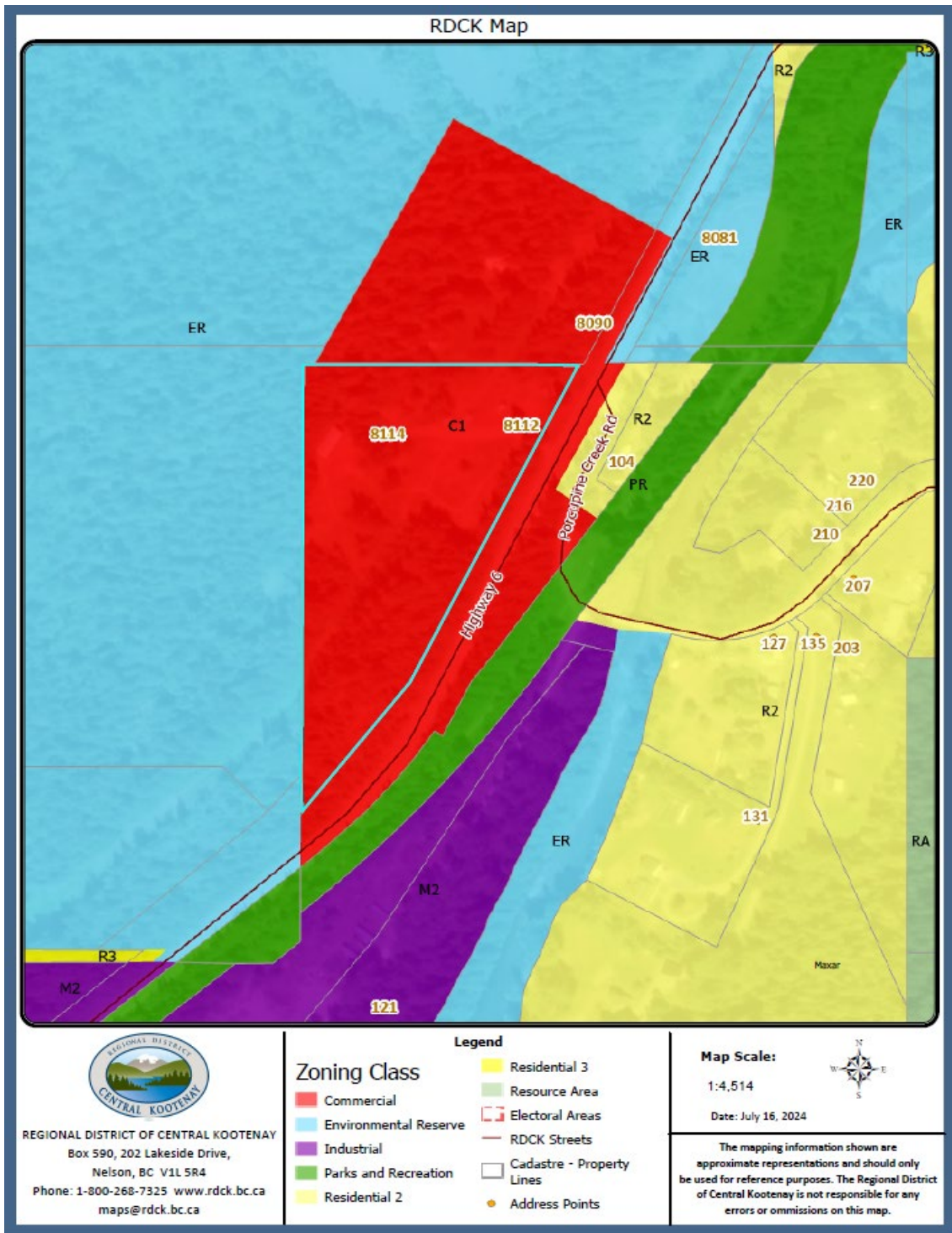


Figure 2 - Zoning Map

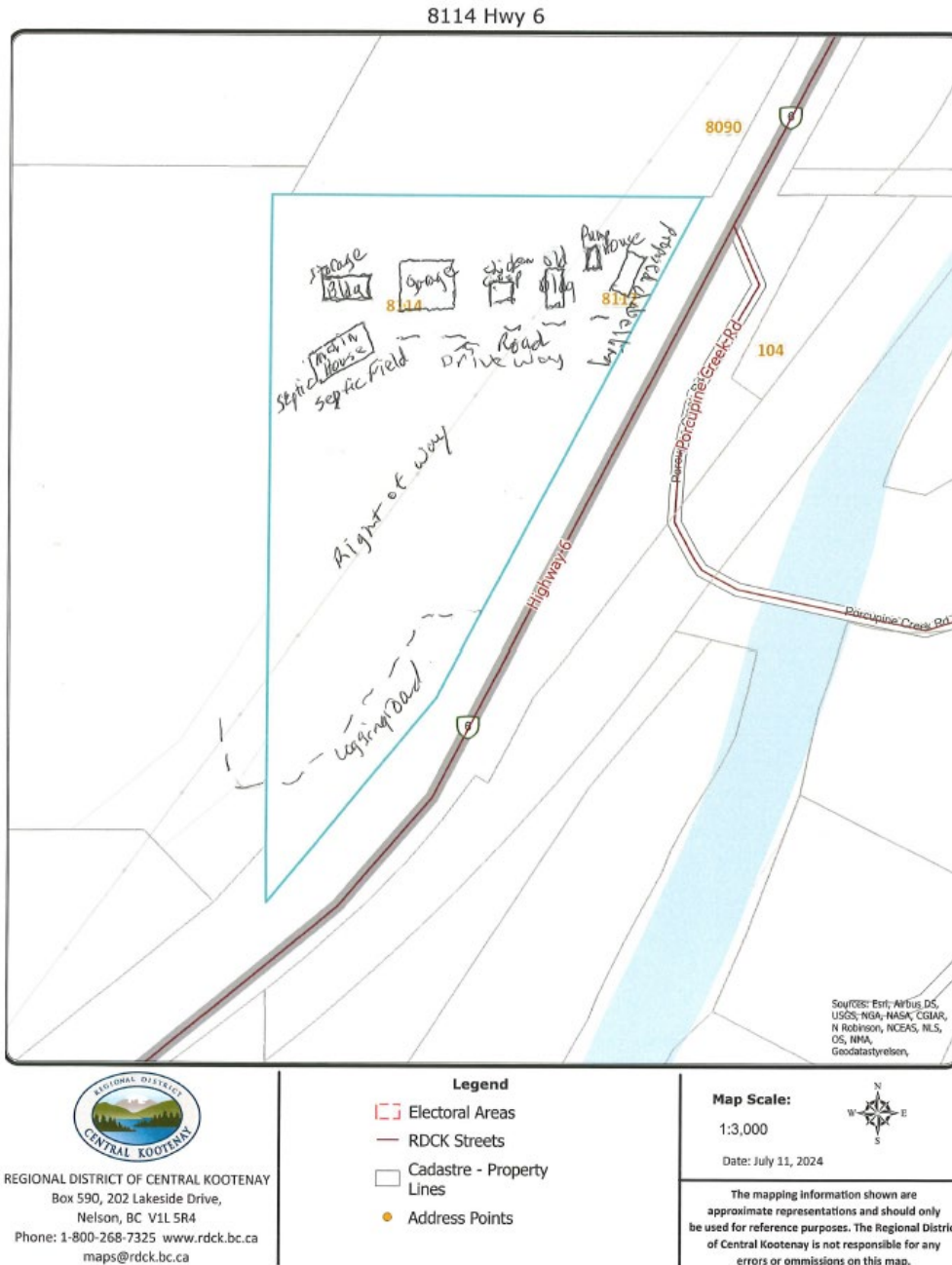


Figure 3 - Site Plan showing existing buildings and the potential location of a future Accessory Dwelling Unit

## Planning Policy

### Electoral Area 'G' Land Use Bylaw No. 2452, 2018

#### 4.0 COMMERCIAL AND INDUSTRIAL

##### Commercial Objectives

1. Enhance the long term vitality and economic sustainability of the Plan area by supporting new and existing businesses and the creation of employment.
2. Provide for commercial activities servicing the needs of local residents and visitors
3. Recognize the commercial and service center role of the City of Nelson and Village of Salmo and direct that commercial development in the rural communities will primarily be oriented toward serving local community needs and visitor needs.
4. Encourage home based businesses as a means of strengthening the economic base.
5. Expand employment opportunities associated with home based businesses and occupations.

### General Commercial (GC) Policies

The regional Board:

7. Anticipates that general commercial needs will be accommodated within existing commercial nodes within the community of Ymir and Village of Salmo as designated on Schedule A.1 mapping.

## SECTION 3: DETAILED ANALYSIS

### 3.1 Financial Considerations – Cost and Resource Allocations:

<b>Included in Financial Plan:</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<b>Financial Plan Amendment:</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Debt Bylaw Required:</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<b>Public/Gov't Approvals Required:</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Pursuant to Planning Fees and Procedures Bylaw No. 2457, 2015 the applicant has paid the Land Use Bylaw amendment fee of \$1600 in full.

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

The application was processed in accordance with Planning Fees and Procedures Bylaw No. 2457, 2015.

### 3.3 Environmental Considerations

Not applicable.

### 3.4 Social Considerations:

A written notice of the proposed bylaw amendment was mailed to nine (9) neighbouring property owners. One written response was received from a neighbouring property owner who identified that they “have no objection whatsoever to this rezoning”. The letter is included as attachment ‘C’.

### 3.5 Economic Considerations:

None anticipated.

### 3.6 Communication Considerations:

The application was sent to nine (9) neighbouring property owners, relevant government agencies and First Nations.

The following responses were received from internal departments, external agencies and First Nations:

## **RDCK Building Department**

*No comments provided.*

## **Interior Health Authority**

*No comments provided.*

## **Fortis BC**

### *Land Rights Comments*

• *There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric (“FBC(E)”) services, if required.*

### *Operational & Design Comments*

- *There are FortisBC Electric (“FBC(E)”) primary distribution and transmission facilities bisecting the subject property.*
- *All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.*
- *The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries. The applicant is further reminded that structures are typically not permitted within the right of way registered on title.*
- *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.*

*In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.*

- *Electrician’s Name and Phone number*
- *[FortisBC Total Connected Load Form](#)*
- *Other technical information relative to electrical servicing*

*For more information, please refer to FBC(E)’s overhead and underground design requirements:*

*FortisBC Overhead Design Requirements*

*<http://fortisbc.com/ServiceMeterGuide>*

*FortisBC Underground Design Specification*

*<http://www.fortisbc.com/InstallGuide>*

*If you have any questions or comments, please contact us at your convenience.*

## **BC Hydro**

*Thank you for your email. BC Hydro has no objection in principle to the Land Use Bylaw Amendment application.*

*The following comments are for the property owner's information:*

1. *For new construction, BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors, including those utility works installed within road allowance adjacent to the property.*
2. *It is the responsibility of the Architect and Electrical Engineer of Record (EEOR) to ensure compliance with the Canadian Electrical Code (CEC), Canadian Safety Association (CSA) and WorkSafeBC (WSBC).*

*The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach).*

- 3. Should the development require distribution service, changes to the property's service or the relocation of distribution lines, please contact BC Hydro's Electrical Service Coordination Centre (ESCC) at 1-877-520-1355.*

*Let me know if you have any questions or concerns.*

**Ministry of Forests**

*The Ministry of Forests has no concern with this application of rezoning in the Ymir area.*

**Ministry of Transportation and Infrastructure**

*Thank you for the opportunity to comment on this amendment.*

*The subject property fronts a Controlled access Highway and there is currently no permit in place for the property's access. The property owner must apply for Access to a Controlled Access Highway Permit. Any future improvements on the property should be able to be served by a single access point. MoTI limits properties fronting Controlled Access Highways to a single driveway. Any secondary highway access points on the property must be decommissioned.*

*If the proponent needs help applying for a permit they can contact [WKD@gov.bc.ca](mailto:WKD@gov.bc.ca).*

**Ktunaxa Nation Council**

*No comments provided.*

**Ministry of Water, Land and Resource Stewardship – Water Officer**

*The interests of Kootenay Boundary Water Stewardship are unaffected.*

**Ministry of Water, Land and Resource Stewardship – Ecosystems Section Head – Kootenay-Boundary Region**

*The Kootenay-Boundary Ecosystems Section of the Ministry of Water, Land and Resource Stewardship has received your referral request. We are currently unable to provide a detailed review of the referral but provide the following standard requirements, recommendations and/or comments:*

- 1. All activities are to follow and comply with all higher-level plans, planning initiatives, agreements, Memorandums of Understanding, etc. that local governments are parties to.*
- 2. Changes in and about a "stream" [as defined in the Water Sustainability Act (WSA)] must only be done under a license, use approval or change approval; or be in compliance with an order, or in accordance with Part 3 of the Water Sustainability Regulation. Authorized changes must also be compliant with the Kootenay-Boundary Terms and Conditions and Timing Windows documents. Applications to conduct works in and about streams can be submitted through FrontCounter BC.*
- 3. No "development" should occur within 15 m of the "stream boundary" of any "stream" [all as defined in the Riparian Areas Protection Regulation (RAPR)] in the absence of an acceptable assessment, completed by a Qualified Professional (QP), to determine if a reduced riparian setback would adversely affect the natural features, functions and conditions of the stream. Submit the QP assessment to the appropriate Ministry of Water, Land and Resource Stewardship office for potential review. Local governments listed in Section 2(1) of RAPR are required to ensure that all development is compliant with RAPR.*

4. *The federal Species at Risk Act (SARA) protects Endangered, Extirpated or Threatened species listed under Schedule 1 of SARA. Developers are responsible to ensure that no species or ecosystems at risk (SEAR), or Critical Habitat for Federally listed species, are adversely affected by the proposed activities. The BC Species and Ecosystem Explorer website provides information on known SEAR occurrences within BC, although the absence of an observation record does not confirm that a species is not present. Detailed site-specific assessments and field surveys should be conducted by a QP according to Resource Inventory Standard Committee (RISC) standards to ensure all SEAR have been identified and that developments are consistent with any species or ecosystem specific Recovery Strategy or Management Plan documents, and to ensure proposed activities will not adversely affect SEAR or their Critical Habitat for Federally-listed Species at Risk (Posted).*
5. *Development specific Best Management Practices (BMPs) should be applied to help meet necessary legislation, regulations, and policies. Current BC BMPs can be found at: Natural Resource Best Management Practices - Province of British Columbia (gov.bc.ca) and Develop with Care 2014 - Province of British Columbia.*
6. *Vegetation clearing, if required, should adhere to the least risk timing windows for nesting birds (i.e., development activities should only occur during the least risk timing window). Nesting birds and some nests are protected by Section 34 of the provincial Wildlife Act and the federal Migratory Birds Convention Act. Guidelines to avoid harm to migratory birds can be found at: Guidelines to avoid harm to migratory birds - Canada.ca. If vegetation clearing is required during the bird nesting period (i.e., outside of the least risk timing window) a pre-clearing bird nest survey should be completed by a QP. The following least risk windows for birds are designed to avoid the bird nesting period:*

<b>Bird Species</b>	<b>Least Risk Timing Windows</b>
<i>Raptors (eagles, hawks, falcons, &amp; owls)</i>	<i>Aug 15 – Jan 30</i>
<i>Hérons</i>	<i>Aug 15 – Jan 30</i>
<i>Other Birds</i>	<i>Aug 1 – March 31</i>

7. *The introduction and spread of invasive species is a concern with all developments. The provincial Weed Control Act requires that an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person. Information on invasive species can be found at: Invasive species - Province of British Columbia. The Invasive Species Council of BC provides BMPs that should be followed, along with factsheets, reports, field guides, and other useful references. For example, all equipment, including personal equipment such as footwear, should be inspected prior to arrival at the site and prior to each daily use and any vegetative materials removed and disposed of accordingly. If noxious weeds are established as a result of this project or approval, it is the tenure holder’s responsibility to manage the site to the extent that the invasive, or noxious plants are contained or removed.*
8. *Section 33.1 of the provincial Wildlife Act prohibits feeding or attracting dangerous wildlife. Measures should be employed to reduce dangerous human-wildlife conflicts. Any food, garbage or organic waste that could attract bears or other dangerous wildlife should be removed from the work area. If this is not feasible and waste is not removed, it should be stored in a bear-proof container to avoid drawing wildlife into the area and increasing the threat of human/wildlife conflict.*
9. *If this referral is in relation to a potential environmental violation it should be reported online at Report All Poachers & Polluters (RAPP) or by phone at 1-877-952-RAPP (7277).*
10. *Developments must be compliant with all other applicable statutes, bylaws, and regulations.*

### **Ministry of Forests – Archaeology Branch**

Thank you for your referral regarding a land use bylaw amendment for 8114 Highway 6, Ymir, PID 012929409, LOT 1 DISTRICT LOT 276 KOOTENAY DISTRICT PLAN 10571. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

### **Results of Provincial Archaeological Inventory Search**

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 area shown in the screenshot below.

Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables, such as the proximity of the Salmo River. 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**

- A protected archaeological site is located on the subject property, and there is high potential for previously unidentified portions of the site to extend to other parts of the property. **OR**
- There is high to moderate 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.

### How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website ([www.bcapa.ca](http://www.bcapa.ca)) and in local directories. Please note, the Archaeology Branch cannot provide specific recommendations for consultants or cost estimates for archaeological assessments. Please contact an eligible consulting archaeologist to obtain a quote.

### Questions?

For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or [archaeology@gov.bc.ca](mailto:archaeology@gov.bc.ca).

For more general information, visit the Archaeology Branch website at [www.gov.bc.ca/archaeology](http://www.gov.bc.ca/archaeology).

### 3.7 Staffing/Departmental Workplace Considerations:

Should the Board choose to give the amending bylaw First and Second reading and refer to public hearing, staff will organize the public hearing pursuant to Planning Fees and Procedure Bylaw No. 2457, 2015.

### 3.8 Board Strategic Plan/Priorities Considerations:

Not applicable.

## SECTION 4: OPTIONS & PROS / CONS

### Planning Discussion

The purpose of this land use bylaw amendment is to authorize the existing residential use of the subject property. The property owner has no intentions to use their property for a commercial purposes and the proposed Country Residential (R2) zone is consistent with how the property is currently being used. This proposal would align the Land Use Bylaw with how the property is currently being used.

Staff recommend first and second reading by content and referral to a public hearing for the proposed Zoning/Land Use Bylaw Amendment for the following reasons:

- There has been no opposition received from surrounding landowners or the general public related to the proposed bylaw amendment application.
- There are no changes being made to the property at this time. The application seeks to bring the Land Use Bylaw into conformity with the existing use of the property.



- The proposed zoning/land use designation are consistent with the surrounding land uses and development pattern in this rural area.
- There will be additional opportunity for consultation and feedback at a public hearing

**Option 1: Initial readings and refer to public hearing**

That Electoral Area ‘G’ Land Use Amendment Bylaw No. 2984, 2024 being a bylaw to amend Electoral Area ‘G’ Land Use Bylaw No. 2452, 2018 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

And Further

That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area ‘G’ Director Hans Cunningham is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

**Option 2: Deny the application**

That no further action be taken with respect to Electoral Area ‘G’ Land Use Amendment Bylaw No. 2984, 2024 being a bylaw to amend Electoral Area ‘G’ Land Use Bylaw No. 2452, 2018

**SECTION 5: RECOMMENDATIONS**

That Electoral Area ‘G’ Land Use Amendment Bylaw No. 2984, 2024 being a bylaw to amend Electoral Area ‘G’ Land Use Bylaw No. 2452, 2018 is hereby given FIRST and SECOND reading by content and referred to a PUBLIC HEARING.

And Further

That in accordance with Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015, Electoral Area ‘G’ Director Hans Cunningham is hereby delegated the authority to chair the Public Hearing on behalf of the Regional District Board.

Respectfully submitted,

Zachari Giacomazzo, Planner

**CONCURRENCE**

Planning Manager – Nelson Wight **Digitally Approved**  
 Manager of Development and Community Sustainability – Sangita Sudan **Digitally Approved**  
 Chief Administrative Officer – Stuart Horn **Digitally Approved**

**ATTACHMENTS:**

**Attachment A – Zoning excerpts (existing and proposed zoning regulations)**  
**Attachment B – Draft Amendment Bylaw No. 2984, 2024**

**Attachment C – Letter of support from neighbour**  
**Attachment D – Shuswap Band Response**

*Existing Zone*

**24.0 GENERAL COMMERCIAL (C1)**

<b>PERMITTED USES TABLE FOR C1 ZONE</b>	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> <li>Artisan Crafts Production and Sales</li> <li>Breweries and Distilleries</li> <li>Cannabis Retail Store</li> <li>Community Market</li> <li>Day Care Facility</li> <li>Eating and Drinking Establishment</li> <li>Farmer’s Market</li> <li>Food and Beverage Processing</li> <li>Golf Course</li> <li>Group Care Facilities</li> <li>Laundromat</li> <li>Liquor Store</li> <li>Mixed Use Development</li> <li>Offices</li> <li>Personal Service Establishment</li> <li>Repair Shop</li> <li>Retail Store</li> <li>Service Station</li> <li>Veterinary Clinic</li> </ul> <p>Accessory Uses</p> <ul style="list-style-type: none"> <li>Accessory Building or Structures</li> </ul>

<b>DEVELOPMENT REGULATIONS TABLE FOR C1 ZONE</b>		
2	<p>Minimum lot area for each Principal Use:</p> <ul style="list-style-type: none"> <li>Community Water System and Community Wastewater System</li> <li>Community Water System and On-site Wastewater Disposal or Individual Water Source and On-lot Wastewater Disposal</li> <li>Individual Water Source and On-site Wastewater Disposal</li> </ul>	<p>0.1 hectares</p> <p>0.4 hectares</p> <p>1.0 hectares</p>
3	Minimum front setback	7.5 metres
4	Minimum exterior side setback	7.5 metres
5	Minimum interior side setback	2.5 metres
6	Minimum rear setback	2.5 metres
7	Maximum lot coverage	50 percent
8	<p>Maximum building height:</p> <ul style="list-style-type: none"> <li>Principal buildings</li> <li>Accessory buildings and structures</li> </ul>	<p>10.0 metres</p> <p>6.0 metres</p>

9	Minimum lot area for subdivision: Community Water System and Community Wastewater System Community Water System and On-site Wastewater Disposal or Individual Water Source and Community Wastewater System Individual Water Source and On-site Wastewater Disposal	0.1 hectares  0.2 hectares  1.0 hectares

*Proposed Zone*

**20.0 COUNTRY RESIDENTIAL (R2)**

<b>PERMITTED USES TABLE FOR R2 ZONE</b>	
1	Principal Uses Single Detached Housing Duplex Housing Accessory Uses Accessory Building or Structures Accessory Dwelling Unit Accessory Tourist Accommodation Accessory Camping Accommodation Home-based Business Horticulture Keeping of Farm Animals

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

REGIONAL DISTRICT OF CENTRAL KOOTENAY

Bylaw No. 2984

A Bylaw to amend Electoral Area 'G' Land Use Bylaw No. 2452, 2018

WHEREAS it is deemed expedient to amend the Electoral Area 'G' Land Use Bylaw No. 2452, 2018, 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.1' and 'B.1' of Electoral Area 'G' Land Use Bylaw No. 2452, 2018 be amended by changing the Land Use Designation from General Commercial (GC) to Country Residential (RC) and the Zoning from General Commercial (C1) to Country Residential (R2) for LOT 1 DISTRICT LOT 276 KOOTENAY DISTRICT PLAN 10571 (PID: 012-929-409), as shown on Schedules 'A' and 'B' which are attached hereto and form part of this bylaw.

2 This Bylaw shall come into force and effect upon its adoption.

CITATION

3 This Bylaw may be cited as "Electoral Area 'G' Land Use Amendment Bylaw No. 2984, 2024."

READ A FIRST TIME this 17th day of October, 2024.

READ A SECOND TIME this 17th day of October, 2024.

WHEREAS A PUBLIC HEARING was held this day of , 2024.

READ A THIRD TIME this [Date] day of [Month], 202X.

APPROVED under Section 52 (3)(a) of the Transportation Act this [Date] day of [Month], 20XX.

Approval Authority,
Ministry of Transportation and Infrastructure

ADOPTED this XX day of XX, 202X.

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Aimee Watson, Board Chair

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Mike Morrison, Corporate Officer

Zachari Biacomazzo,  
(Planner)

September 12, 2024

This letter is with regards to our next door neighbour Diannal Pallagi and her property at 8114 Hwy. #6 kmir electoral area Lg. being rezoned to country residential.

We Sharon von Micks and Stacy J. von Micks have no objection whatsoever to this rezoning.

Sharon von Micks  
Stacy





# Shuswap Band

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**Project Name:**

Land Use Bylaw Amendment - Pallagi

**FN Consultation ID:**

Z2407G

**Consulting Org Contact:**

Zachari Giacomazzo

**Consulting Organization:**

[Regional District of Central Kootenay](#)

**Date Received:**

Wednesday, August 7, 2024

August 8, 2024

Weyt-k (Hello),

Shuswap Band is in receipt of the project information for: -Land Use Bylaw Amendment - Pallagi.

The proposed project is located within Shuswap Band's Caretaker Area, within the greater Secwépemcúlecw (Secwepemc Traditional Territory). As land users and stewards, Shuswap Band members continue to exercise their Section 35 Aboriginal rights as their ancestors have done for generations, including hunting, trapping, gathering, and fishing, along with rights associated with spiritual and cultural traditions that are practiced in accordance with Secwepemc customs, laws, and governance structures. Secwepemc share an obligation of caretaker responsibility (stewardship) which is to act mindfully, learning from and caring for surrounding ecosystems for the health and survival of future generations, as is their Indigenous right (UNDRIP, Bill 41, Bill C15) Secwepemc culture hinges on the belief that the land responds positively to care and respect, and that tmicw (the air, lands, and resources) is interconnected at a watershed level. It is therefore critical for Shuswap Band to be actively engaged and consulted on all developments occurring within their Caretaker Area.

*Based on our initial review, the nature of the proposed activity, its location, the current information available to our office at this time, we do not see any apparent significant impacts to our indigenous rights, including title at this time. However, we may at future date want to revisit consultation on this matter should new information become available.*

Further, the watersheds in this area are significant to Shuswap Band's cultural heritage, as an area of ancestral land use, and presently significant as an area needing restoration and protection. Currently, Shuswap Band members collect medicines and berries in the surrounding area, fish the area waters, and camp nearby. While the area and its vitality has been impacted by industry developments, Shuswap Band has been actively involved in research and other initiatives which aim to restore this region to an ecologically and culturally thriving place.

Wherever possible, Shuswap Band recommends the reuse of existing infrastructure so as to avoid unnecessary ground disturbance and additional cumulative impacts to the region. It is Shuswap Bands expectation that all disturbed areas be reclaimed as soon as possible with the areas being monitored and treated for invasive plants to aid the ecosystem in its healing.

The province is responsible for ensuring adequate consultation and where appropriate, accommodation to address potential impacts of proposed developments on asserted Aboriginal rights including title. It is Shuswap Band expectation that continued consultation on projects and on matters that may affect our long-term traditional land use, occupancy and access, including potential cumulative impacts between proposed activity and other previous or future developments within the

project footprint and in adjacent areas (watershed, habitat type, aquifer, viewscape, etc).

Kukwstsétsemc (Thank you).

Referrals Coordinator

*"Our people are our strength. Our children are our future."*

cc: Barb Cote - Chief, Shuswap Band

Mark Thomas - Councilor, Shuswap Band

Richard Martin - Councilor, Shuswap Band

Manon Moreau - Director, Territorial Stewardship, Shuswap Band

Travis Yeats - Referrals Coordinator, Shuswap Band

Joshua Martin - Guardian Manager, Shuswap Band

Enola Eugene - Culture, Shuswap Band

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