



REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 Lakeside Drive, NELSON, BC V1L 5R4
 ph: 250-352-8165 fax:: 250-352-9300 email: rdck@rdck.bc.ca

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

You are requested to comment on the attached Amendment Bylaw(s) for potential effect on your agency's interests. We would appreciate your response **WITHIN 30 DAYS (PRIOR TO August 8, 2021)**. If no response is received within that time, it will be assumed that your agency's interests are unaffected. This referral notice has also been provided to adjacent property owners within 100 metres (328 feet) or greater of the subject property for review and comment.

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

LEGAL DESCRIPTION & GENERAL LOCATION:

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

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

APPLICANT/AGENT:

DANIEL & FAITH SONNTAG

OTHER INFORMATION: ADVISORY PLANNING COMMISSION PLEASE NOTE:

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

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

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

Submitted electronically

Stephanie Johnson, PLANNER
REGIONAL DISTRICT OF CENTRAL KOOTENAY

- TRANSPORTATION West Kootenay
 - HABITAT BRANCH
 - FRONT COUNTER BC (FLNRORD)
 - AGRICULTURAL LAND COMMISSION
 - REGIONAL AGROLOGIST
 - ENERGY & MINES
 - MUNICIPAL AFFAIRS & HOUSING
 - INTERIOR HEALTH HBE Team, Nelson
 - KOOTENAY LAKES PARTNERSHIP
 - SCHOOL DISTRICT NO. 20
 - WATER SYSTEM OR IRRIGATION DISTRICT
 - UTILITIES (FORTIS, BC HYDRO, NELSON HYDRO, COLUMBIA POWER)
- REGIONAL DISTRICT OF CENTRAL KOOTENAY
 DIRECTORS FOR:
 A B C D E F G H I J K
 ALTERNATIVE DIRECTORS FOR:
 A B C D E F G H I J K
- APC AREA J
 - RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA)
 - RDCK EMERGENCY SERVICES
 - RDCK BUILDING SERVICES

- FIRST NATIONS
- KTUNAXA NATION COUNCIL (ALL REFERRALS)
 - YAQAN NU?KIY (LOWER KOOTENAY)
 - ?AKINK'UM?ASNUQ?I?IT (TOBACCO PLAINS)
 - ?AKISQNUK (COLUMBIA LAKE)
 - ?AQ'AM (ST. MARY'S)
 - OKANAGAN NATION ALLIANCE
 - C'ƏC'ƏWIXA? (UPPER SIMILKAMEEN)
 - K?K'ƏR'MÍWS (LOWER SIMILKAMEEN)
 - SNPÍNTKTN (PENTICTON)
 - STQA?TKWƏ?WT (WEST BANK)
 - SUKNAQÍN?X (OKANAGAN)
 - SWÍWS (OSOYOOS)
 - SPAXOMƏN (UPPER NICOLA)
 - SHUSWAP NATION TRIBAL COUNCIL
 - KENPÉSQT (SHUSWAP)
 - QW?EWT (LITTLE SHUSWAP)
 - SEXQELTQÍN (ADAMS LAKE)
 - SIMPCW ((SIMPCW)
 - SKEMTSIN (NESKONLITH)
 - SPLATSÍN (SPLATSÍN FIRST NATION)

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

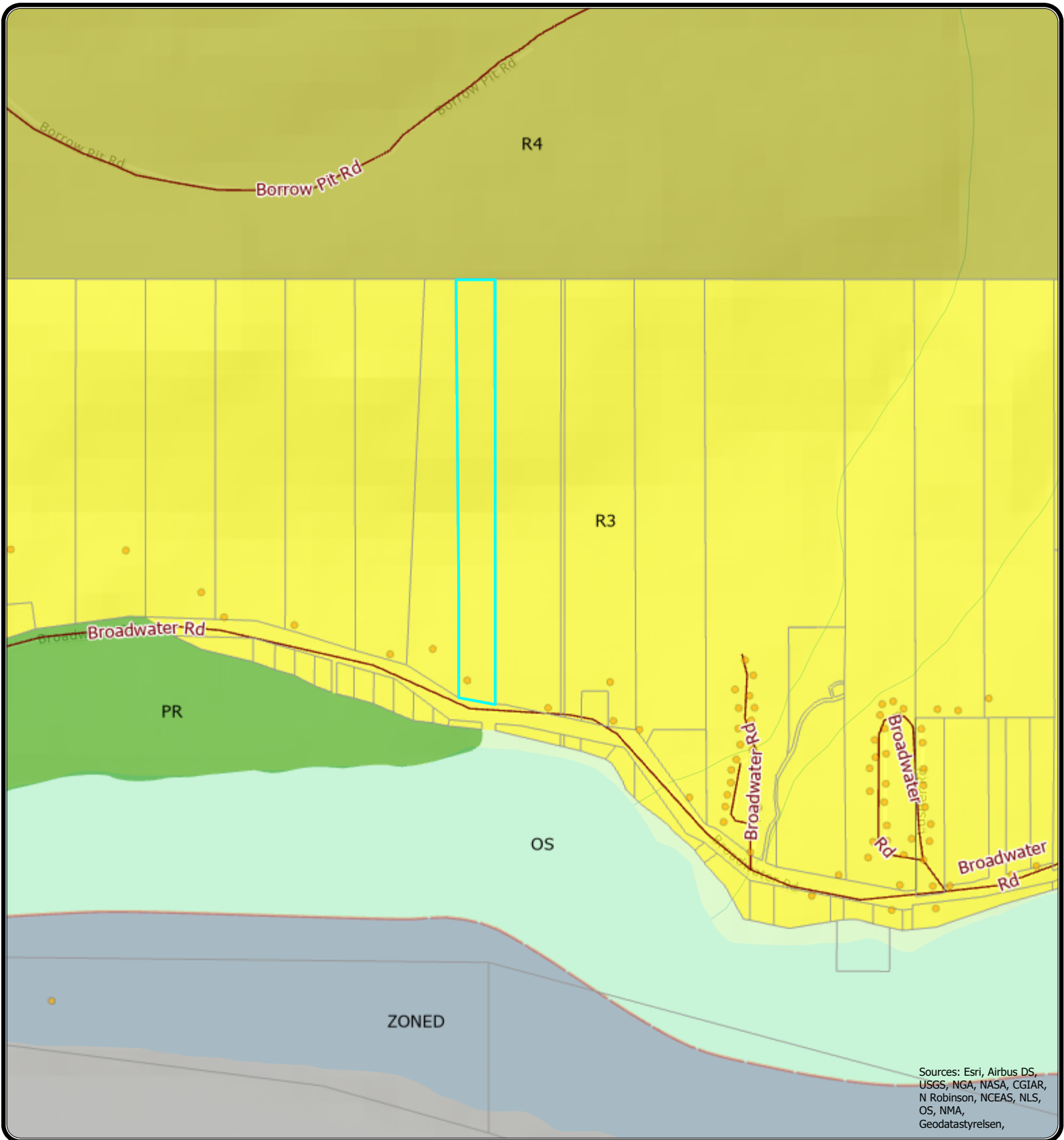
The personal information on this form is being collected pursuant to *Regional District of Central Kootenay Planning Procedures and Fees Bylaw No. 2457, 2015* for the purpose of determining whether the application will affect the interests of other agencies or adjacent property owners. The collection, use and disclosure of personal information are subject to the provisions of FIPPA. Any submissions made are considered a public record for the purposes of this application. Only personal contact information will be removed. If you have any questions about the collection of your personal information, contact the Regional District Privacy Officer at 250.352.6665 (toll free 1.800.268.7325), info@rdck.bc.ca, or RDCK Privacy Officer, Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4.

RESPONSE SUMMARY
PLANNING FILE NO.: Z2106J APPLICANT: SONNTAG

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

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

Zoning Overview



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



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

Zoning Class

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

Legend

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

Map Scale:

1:9,028

Date: July 8, 2021



The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

Air Photo







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



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Legend

-  Electoral Areas
-  RDCK Roads
-  Cadastre
-  Civic Address

Map Scale:

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July 11/2021

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

H. Semler



ROCK BLUFF'S

A

D.L.

REM. B

Covenant

Plan 20

NEP

NEP 79219

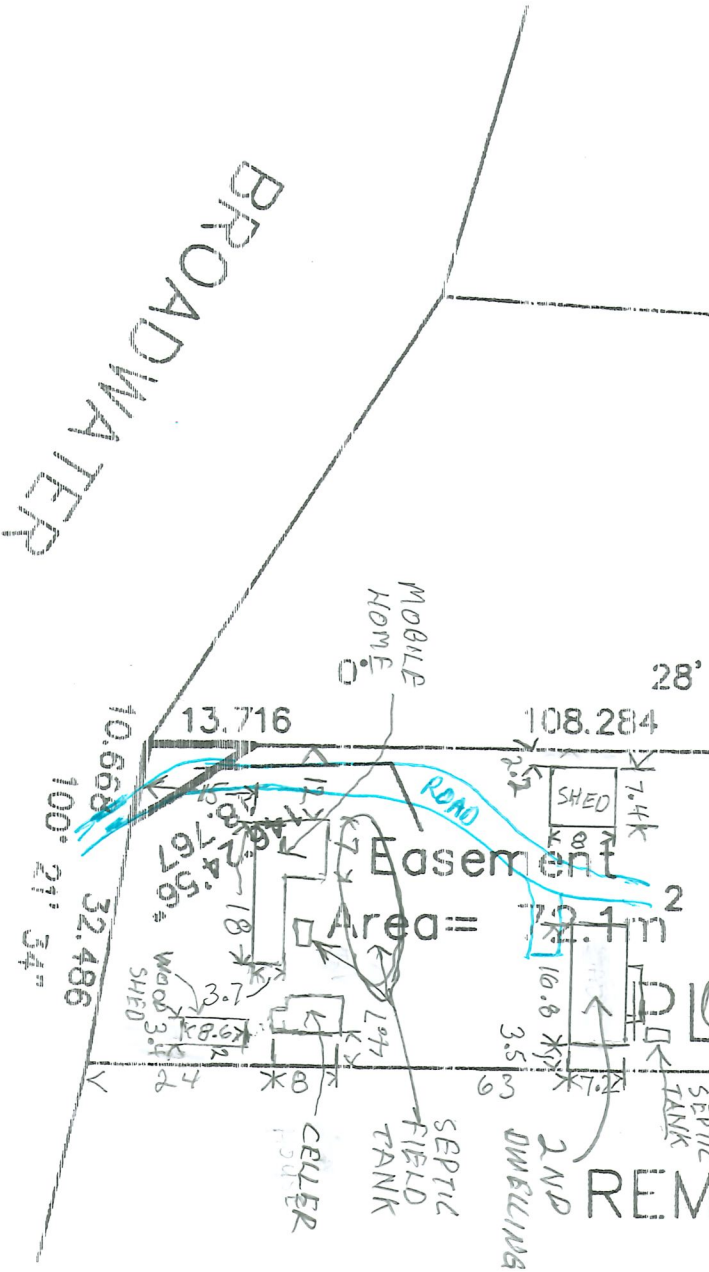
PLAN

15533

1

PLAN

REM. 13



DIVISION 11 COUNTRY RESIDENTIAL (R2)

Permitted Uses

1100 Land, buildings and structures in the Country Residential (R2) zone shall be used for the following purposes only:

Dwellings:

One-Family

Two-Family

Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Horticulture

Keeping of Farm Animals

Sale of Site Grown Farm Products

Portable Sawmills for processing of material harvested on site only

Development Regulations

1101

- 1 The minimum site area for each permitted use shall be one (1) hectare.
- 2 The minimum parcel size for a parcel subdivided for a relative under Section 514 of the *Local Government Act*, with the approval of the Interior Health Authority shall be 0.8 hectare.
- 3 The maximum site coverage permitted shall be 50 percent of the lot area.
- 4 The keeping of farm animals shall comply with the requirements of section 613.
- 5 One-family dwellings and two-family dwellings shall be permitted subject to conformance with the density provisions of Section 1101(1).
- 6 Buildings and structures in the case of a lot that may be further subdivided shall be sited so as to facilitate further subdivision of the lot or adjacent lots.
- 7 Portable Sawmills shall be located a minimum of 30 metres from any property line.
- 8 A garage may be constructed on a lot prior to construction of a dwelling subject to the maximum size of 56 square metres.
- 9 The maximum height of any accessory building or structure shall not exceed 8 metres.
- 10 The maximum gross floor area of any accessory building or structure shall not exceed 200 square metres.

- 11 The cumulative gross floor area of all accessory buildings or structures shall not exceed 400 square metres.

Site Specific - Lot 13 District Lot 6300 Kootenay District Plan NEP21755 (PID 019-022-069) from Country Residential (R2) to Country Residential (R2) 'site specific' to enable a second dwelling to be constructed up to a maximum height of 6.5 meters, with a minimum 6.5 meter setback from a front lot line of and a minimum 5 meter setback from an interior side lot line.

DIVISION 15 RURAL RESIDENTIAL (R3)

Permitted Uses

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

Dwellings:

One-Family

Two-Family

Horticulture

Veterinary Clinics

Accessory Uses:

Accessory Buildings and Structures

Accessory Tourist Accommodation

Home Based Business

Keeping of Farm Animals

Micro Cultivation, Cannabis

Micro Processing, Cannabis

Nursery, Cannabis

Sale of Site Grown Farm Products

Portable Sawmills for processing of material harvested on site only

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

Development Regulations

1501

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

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

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

3 POLICIES

3.1 Zoning

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

3.2 General Residential Policies

- 3.2.1 The following residential land use policies apply to all land where residential use is allowed irrespective of land use designation. These general policies are followed by policies specific to individual designations.
 - 3.2.1.1 Existing lots smaller than the minimum lot size permitted by designation, may be used for the purposes permitted in the designation providing all other regulations are met.
 - 3.2.1.2 Zoning shall limit subdivision pursuant to Section 996 of the *Municipal Act* on land outside the Agricultural Land Reserve.
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- 3.2.1.3 Clustering of residential development shall be permitted in order to create separation between neighbouring developments and to ensure that they do not form continuous development.
 - 3.2.1.4 Zoning regulations shall provide for a mix of residential lot sizes.
 - 3.2.1.5 An adequate supply of potable water as specified in regulation, must be proven for each new lot created by subdivision.
 - 3.2.1.6 The Approving Officer is requested to ensure that before a subdivision is approved, it must be demonstrated that where required through regulation, withdrawal of ground water for new lots will not adversely affect the supply to existing and potential water users.
 - 3.2.1.7 Flood proofing regulations on setback of buildings and structures from water bodies and elevation of ground floors above water bodies shall be articulated either through zoning regulations or by adoption of a Floodplain Management Bylaw pursuant to Section 969 of the *Municipal Act*.
 - 3.2.1.8 A conservation zone may be assigned to land covenanted or deeded against further development or use, including common property in strata title subdivisions.
- 3.2.2 Suburban Residential Policies (As shown on Schedule 'B' - Land Use Designations)
- 3.2.2.1 The principal use shall be residential.
 - 3.2.2.2 The minimum lot size shall be 2000 square metres.
 - 3.2.2.3 One dwelling unit shall be permitted per 2000 square metres of site area.
 - 3.2.2.4 Shall be serviced by a community water system.
 - 3.2.2.5 In areas where individual septic systems are adversely affecting the environment or the quality of water, a sewer system may be required where the minimum lot size for a single detached dwelling shall be 700 square metres.
- 3.2.3 Country Residential 1 Policies (As shown on Schedule 'B' - Land Use Designations)
- 3.2.3.1 The principal use shall be residential and/or agriculture.
 - 3.2.3.2 One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every one (1) hectare of lot area over one (1) hectare.
 - 3.2.3.3 The minimum lot size shall be one (1) hectare.
 - 3.2.3.4 The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on non-
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agricultural lands will be considered and encouraged by the Board of the Regional District.

3.2.4 Country Residential 2 Policies

3.2.4.1 The principal use shall be residential and/or agriculture.

3.2.4.2 One single detached dwelling or duplex shall be permitted per lot. In addition, if a lot is developed with a single detached dwelling, a manufactured home may be placed on the lot to provide temporary accommodation for a relative of the occupant of the principal dwelling. Lands within the Agricultural Land Reserve shall comply with the *Agricultural Land Commission Act, Regulations and Orders*.

3.2.4.3 The minimum lot size shall be one (1) hectare with the exception of Lot 19, District Lot 1239, Kootenay District Plan 5230 which shall be .39 hectare.

3.2.5 Rural Residential Policies (As shown on Schedule 'B' - Land Use Designations)

3.2.5.1 The principal use shall be residential or agricultural.

3.2.5.2 One dwelling unit shall be permitted per lot and one additional dwelling shall be permitted for every two (2) hectares of lot area over two (2) hectares.

3.2.5.3 The average lot size for subdivision of Rural Residential land shall be at least two (2) hectares.

3.2.5.4 Within this designation a number of different zones may be applied allowing differing levels of uses accessory to residential uses.

3.2.5.5 The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on non-agricultural lands will be considered and encouraged by the Board of the Regional District.

3.2.6 Remote Residential Policies (As shown on Schedule 'B' - Land Use Designations)

3.2.6.1 The principal use shall be residential or agricultural.

3.2.6.2 Non-ALR lands greater than ten (10) hectares in area that are limited by access, topography and/or natural hazards shall be designated *Remote Residential*.

3.2.6.3 Lands designated *Remote Residential* shall have a minimum lot size of two (2) hectares. One single detached dwelling or duplex is permitted and one additional single detached dwelling or duplex shall be permitted per every additional four (4) hectares of lot area.

3.2.6.4 Within this designation a number of different zones may be applied allowing differing levels of uses accessory to residential uses.

3.2.6.5 The clustering of development in either single detached or multi-residential dwellings subject to the maintenance of buffers on non-

