



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. Z2207G
Amendment to Rural Land Use Bylaw No. 2452, 2018
Date: April 8, 2022

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 May 13, 2022). 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:

The proposal is to rezone the property from Agriculture (AG) to Rural Residential (R3) in order to facilitate a two lot subdivision. The property is 6.6 hectares in size and minimum site area for subdivision in the Agricultural zone is 4 hectares. Minimum site area for the R3 zone is 2 hectares. The property is partially located within the ALR.

LEGAL DESCRIPTION & GENERAL LOCATION:

161 Sheloff Rd, Rural Salmo
 Lot 2 District Lot 1237 Kootenay District Plan 6791 (PID 017-579-015)

AREA OF PROPERTY AFFECTED	ALR STATUS	ZONING DESIGNATION	OCP DESIGNATION
6.6 hectares (16.48)	The property is partially within the ALR	Agriculture	Agriculture

APPLICANT/AGENT:

Kevin & Rose Anderson

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.

Eileen Senyk

Eileen Senyk, 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. 8
 - 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 G
 - RDCK FIRE SERVICES – DISTRICT CHIEF (BY AREA)

- 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)

<input type="checkbox"/> RDCK EMERGENCY SERVICES <input checked="" type="checkbox"/> RDCK BUILDING SERVICES <input type="checkbox"/> RDCK UTILITY SERVICES <input checked="" type="checkbox"/> RDCK REGIONAL PARKS	<input type="checkbox"/> SKEMTSIN (NESKONLITH) <input checked="" type="checkbox"/> SPLATSÍN (SPLATSÍN FIRST NATION) <input checked="" type="checkbox"/> TK'EMLUPS BAND <input checked="" type="checkbox"/> SKEETCHESTN INDIAN BAND
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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.: Z2207G APPLICANT: KEVIN & ROSE ANDERSON




Name: Date:

Agency: Title:

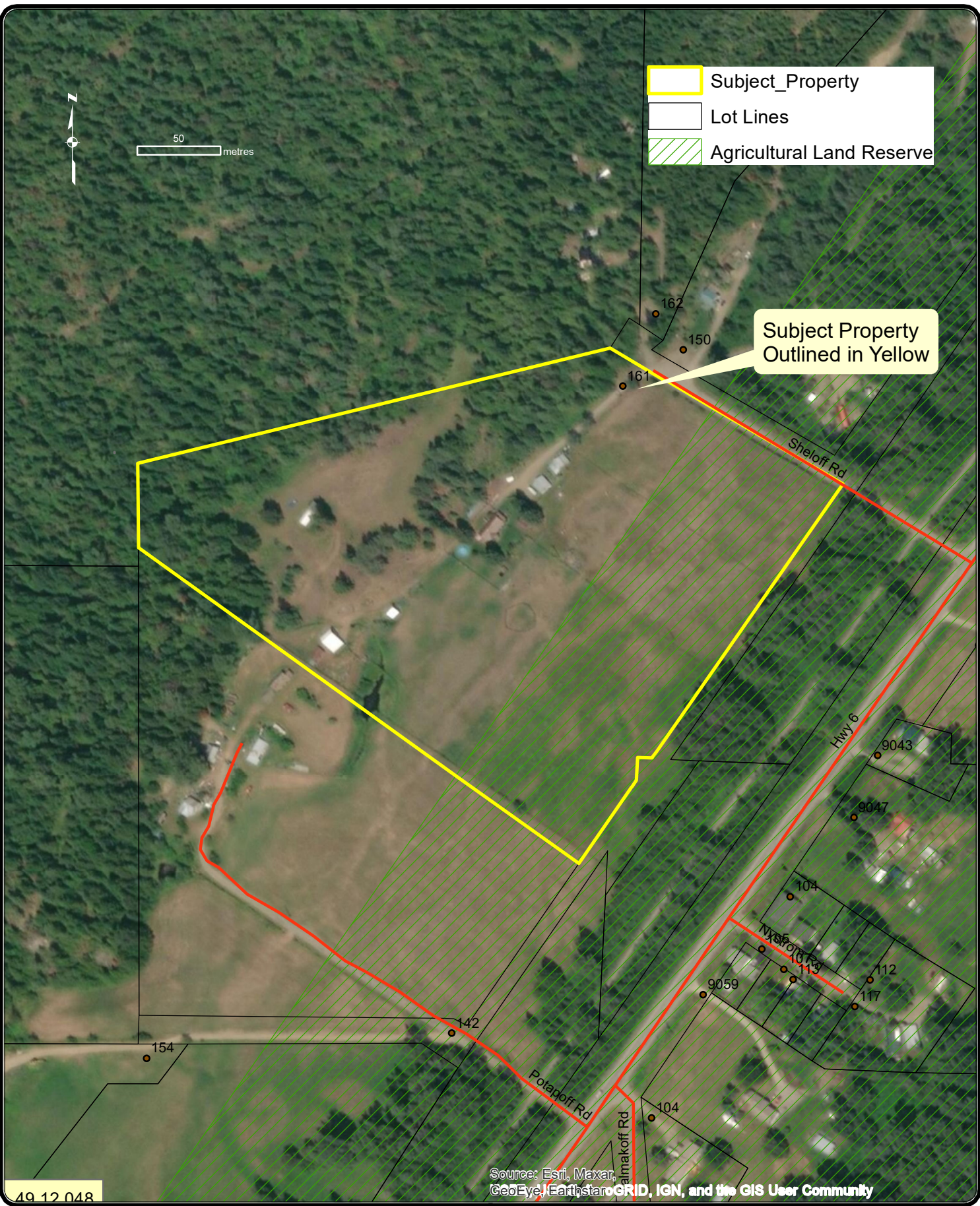
**RETURN TO: EILEEN SENYK, PLANNER
DEVELOPMENT SERVICES
REGIONAL DISTRICT OF CENTRAL KOOTENAY
BOX 590, 202 LAKESIDE DRIVE
NELSON, BC V1L 5R4
plandept@rdck.bc.ca**



50 metres

-  Subject_Property
-  Lot Lines
-  Agricultural Land Reserve

Subject Property
Outlined in Yellow



Source: Esri, Maxar, GeoEye, Earthstar, CNR, IGN, and the GIS User Community

49.12.048

Overview Map Bylaw Amendment Z2207G - Anderson

Map Projection: UTM Zone 11 Map Datum: NAD83
Date Plotted: Friday, April 8, 2022

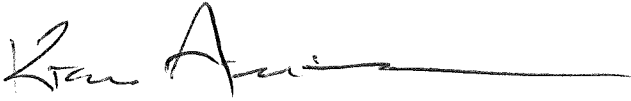
We, Kevin and Rose Anderson, property owners of **Lot 2, Plan NEP6791, District Lot 1237, Kootenay Land District, located at 161 Sheloff Road, Salmo BC,** are looking to rezone our property from **A** to to **R3**. We would like to subdivide the property in half to be able to give to our children. Once it is divided in half, the original piece with the existing house could revert to zone A.


The section we would like to section off would be for our daughter to build a house. Presently, we are not using that section of land for any agricultural uses. We believe it would be a very good building site and would not impact the immediate neighbours. Included is a letter of support from each immediate neighbour.

We are looking ahead to the future and the plan to have our daughter and family on the adjacent property to us would allow us to stay in our home as we age. There would be no impact on the use of agriculture as we have only used this property as recreational and do not make any income from farming.

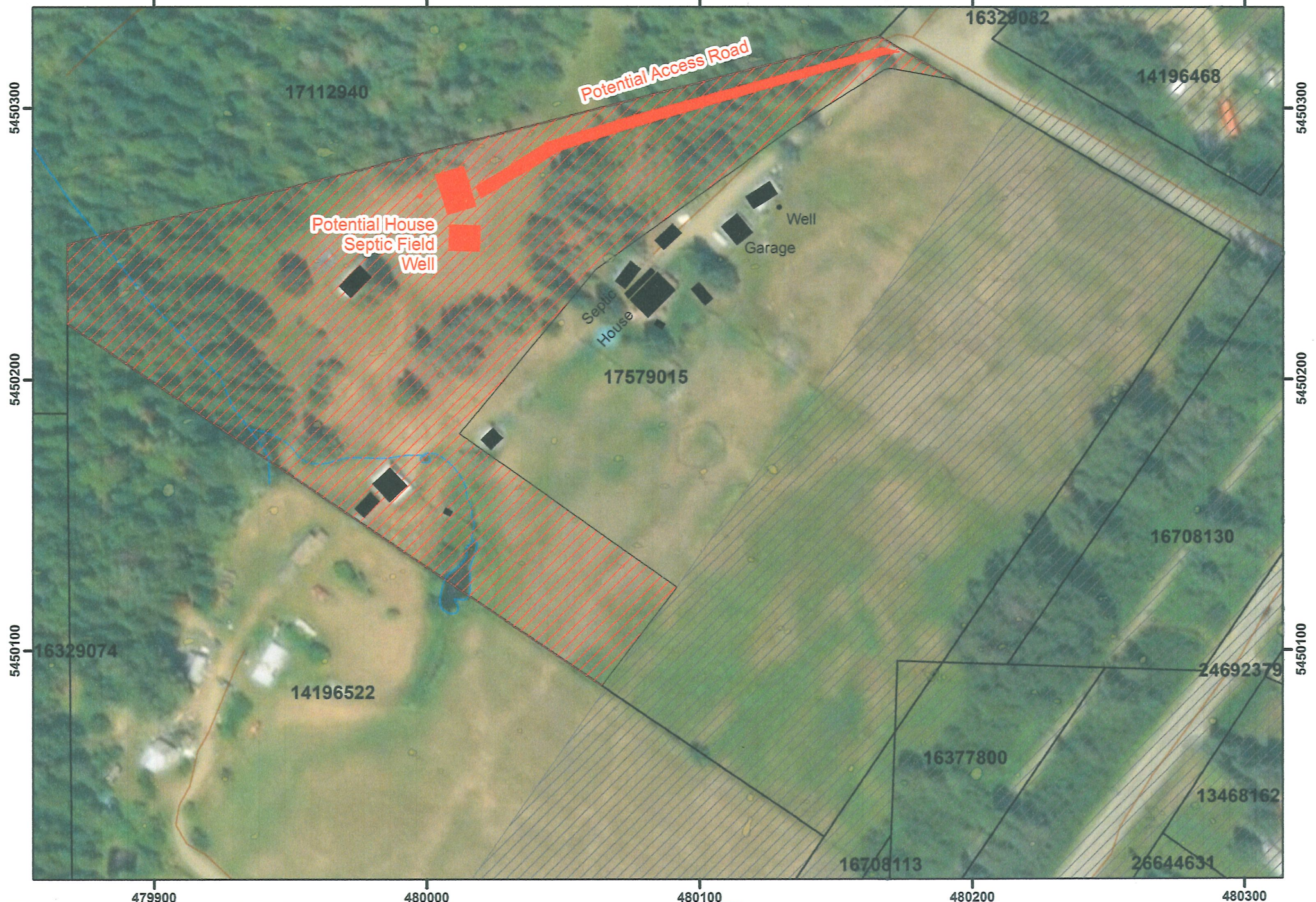
We look forward to working with the RDCK to rezone our property.

Thank you.


MAR 11/2022


Mar. 11/22

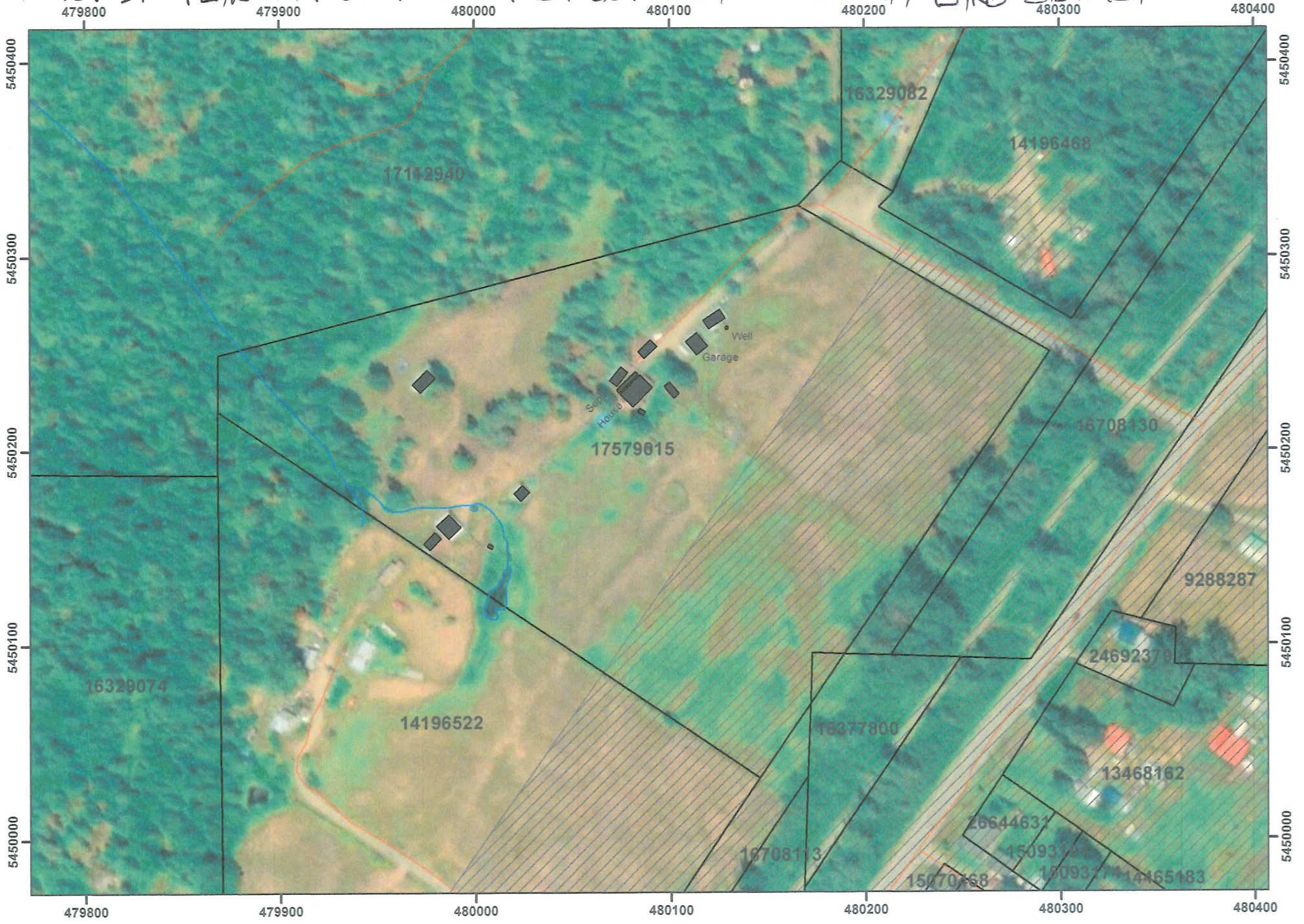
LOT 2 PLAN NEP 671 DISTRICT LOT 1237 KOSTENJAY LAND DISTRICT



 Private Land	 Existing Infrastructure	 Existing Roads	 Proposed Subdivision
 Potential Infrastructure	 ALR	 Creek	 Property Post-Subdivision

0 25 50 Meters 

LOT 2 PLAN NEP 6741 DISTRICT LOT 1237 KOOTENAY LAND DISTRICT



Private Land
 Existing Infrastructure
 ALR
 Existing Roads
 Creek

161 SHELOFF ROAD SALMO BC



30.0 AGRICULTURE (AG)

PERMITTED USES TABLE FOR AG ZONE	
1	<p>Principal Uses</p> <ul style="list-style-type: none"> Agriculture, Farm Buildings and Structures Abattoir Dwelling, One Family Dwelling, Two Family Farm Use (as defined in the Agricultural Land Commission Act and Part 2 Section 2 of the Agricultural Land Reserve Use, Subdivision and Procedures Regulation) Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Standard Cultivation, Cannabis Standard Processing, Cannabis <p>Non-Soil Based Cannabis Facilities may be subject to ALC Non-Farm Use approval where applicable</p> <p>Accessory Uses</p> <ul style="list-style-type: none"> Accessory Building or Structures Accessory Dwellings (as defined in the <i>Agricultural Land Commission Act</i> and the <i>Agricultural Land Reserve Use, Subdivision and Procedures Regulation</i>) Accessory Manufactured Home (<i>for the use of an immediate family member</i>) Accessory Secondary Suites Accessory Tourist Accommodation Accessory Camping Accommodation Home Based Business Secondary Dwellings (<i>subject to a lot being at least 50 hectares</i>) Non-Farm Uses (as defined in the <i>Agricultural Land Commission Act</i> and the <i>Agricultural Land Reserve Use, Subdivision and Procedures Regulation</i>)

DEVELOPMENT REGULATIONS TABLE FOR AG ZONE		
2	Minimum lot area for each Non-Farm Use	4 hectares
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 60 percent if area is covered in greenhouses only

8	Maximum building height: Principal buildings Accessory buildings and structures	15.0 metres 6.0 metres
9	Maximum building height for any building or structure for the purposes of cannabis standard cultivation, cannabis standard processing, cannabis micro cultivation, cannabis micro processing or cannabis nurseries	15.0 metres
10	Minimum setback for kennel operations (enclosures)	30.0 metres from any property line
11	Minimum setback for portable saw mills	30.0 metres from any property line
12	Minimum setback for any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries	15.0 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	Minimum setback for any building or structure for the purposes of cannabis standard cultivation or cannabis standard processing	30.0 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	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	250 square metres
15	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	600 square metres
16	Minimum lot area for subdivision	4 hectares

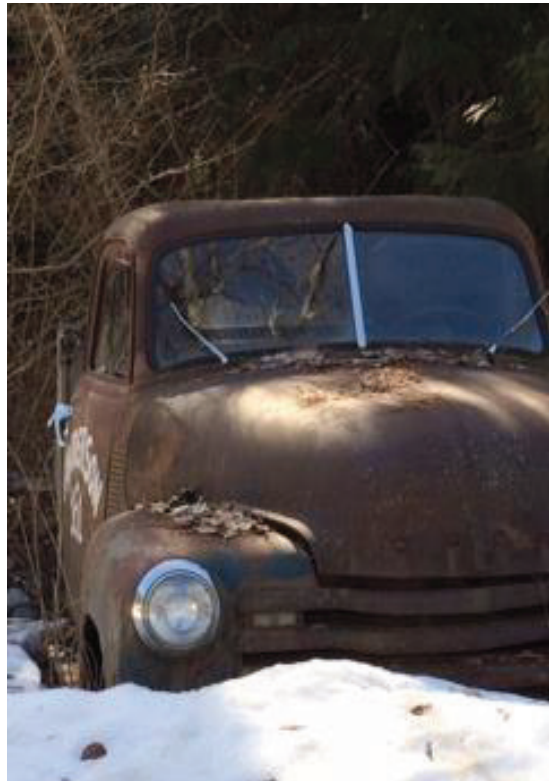
6.0 AGRICULTURE

Background

The amount of designated and undesignated land that is in agricultural production in the rural area is an important factor in developing a secure local food system. Lands within the Agricultural Land Reserve (ALR) can be found throughout the Plan area. Lands outside of the ALR are used for rural residential and country residential purposes and may contain hobby farms and small market gardens. These small scale agricultural uses can be an important contributor to local food production. Agricultural operations and activities, such as livestock grazing, are also dependent on rural lands outside of the agricultural designation.

Lands within the ALR comprise only 3 percent of the land base in Electoral Area G. In 2016, 340 hectares of lands within the ALR were being used actively for the purposes of agricultural production. This figure compares to 154 hectares of land being used for residential purposes and 1,709 hectares remaining in a natural or semi-natural state. It is important to note that there are

significant lands within the ALR within the Plan area that are not in active production due to Provincial ownership of such lands. The area has potential for agricultural expansion with focus on forage and meat production, as well as value added food processing. The short growing season and unpredictable frost cycles make the production of fruit and produce difficult³.



Agriculture Objectives

1. Preserve and promote the use of agricultural land for current and future agricultural production, and protect this land from uses which are inconsistent with agriculture or are incompatible with existing agricultural uses in the area.
2. Encourage the agricultural sector's viability by adopting supportive land use policies within and adjacent to farming areas and ensure adequate water and land resources for agricultural purposes with recognition of the importance of local food production.
3. Discourage agricultural land uses that adversely impact the surrounding environment or compromise the capability of the land for future food production.

³ RDCK Agricultural Area Plan (2011)

4. Minimize conflicts between agriculture and other land uses.
5. Encourage diversification and enhancing farm income by enabling uses secondary to and related to agricultural use consistent with the provisions of the *Agricultural Land Reserve Act*, associated regulations, orders and decisions of the Provincial Agricultural Land Commission.
6. Encourage senior levels of government to enable and facilitate agricultural activity and industry.
7. Support the Province, other agencies, non-profit societies and the agricultural community with the development of tools for the management of invasive and nuisance plant species to conserve agricultural values in the area.

Agriculture Policies

The Regional Board:

8. Anticipates that agricultural production will be accommodated within existing lands contained within the Agricultural Land Reserve and as designated on Schedule A.1 mapping.
9. Existing and future agriculture will also be encouraged and accommodated where possible on lands outside of the Agricultural Land Reserve (ALR) to help meet local food demands.
10. Directs that the principal use of land designated Agriculture shall be farm use.
11. Discourages applications to the Agricultural Land Commission for subdivision and non-farm use in the ALR unless the proposal provides evidence that it does not negatively impact agriculture or agricultural potential on the subject lot and adjacent agricultural operations.
12. Supports the consolidation of legal lots that may support more efficient agricultural operations.
13. Should consider potential impacts on water resources in agricultural areas when considering land use amendment applications not related to agriculture or subdivision and non-farm use proposals in the Agricultural Land Reserve.
14. Directs residential and non-farm uses to lands where there is low agricultural capability.
15. May consider buffering of commercial, industrial and high density residential development adjacent to agricultural areas.
16. Directs intensive agricultural operations to larger lots with increased building setbacks and other possible mitigation measures to prevent potential conflict with adjacent land uses.
17. Will enable secondary agricultural uses including home based business, agri-tourism or accessory tourist accommodation opportunities that are consistent with the

provisions of the *Agricultural Land Reserve Act*, associated regulations, orders and decisions of the Provincial Agricultural Land Commission.

18. May consider secondary dwelling applications within the ALR in accordance with the density provisions of the associated zoning regulations of this Bylaw and with Provincial approval where necessary.
19. Will encourage food processing activities and broadened market opportunities, such as: market gardens, craft wineries, breweries and meaderies, farmers' markets and farm gate sales.
20. Supports the efforts of non-profit and community organizations with regard to sustaining local food security by enabling access to healthy foods for all residents.

14. Encourages the clustering of residential development to create separation between neighbouring developments and to avoid continuous sprawl-like development where feasible.
15. Encourages the infill of vacant residential lots before development of new residential areas, in addition to the consolidation of small residential lots to address safe building and servicing requirements.
16. Recognizes the limitations for further residential development in specified areas of Ymir and Rosebud Lake where water supply may be limited or septic servicing at capacity.

Town-site Residential (RS) Policies

The Regional Board:

17. Directs that the principal use shall be one-family, two-family or multi-family dwellings.
18. Will allow for accessory buildings and structures, accessory dwellings, accessory tourist accommodation, home-based business, horticulture and the keeping of farm animals as accessory uses.
19. Supports residential development with lot sizes for subdivision determined by the level of available or proposed servicing. Density may increase with the provision of community water and waste water disposal.
20. Encourages directing higher density residential development to municipalities or existing residential nodes where infrastructure services are available or can be provided.
21. Encourages mixed use development that builds upon existing infrastructure.

Country Residential (RC) Policies

The Regional Board:

22. Directs that the principal use shall be one-family or two-family dwellings.
23. Will allow for accessory buildings and structures, accessory dwellings, accessory tourist accommodation, home-based business, horticulture and the keeping of farm animals as accessory uses.
24. Supports low density residential development with lot sizes for subdivision purposes determined by the capacity for on-site servicing, such as ground or surface water and Type 1 waste water disposal.

Rural Residential (RR) Policies

The Regional Board:

25. Directs that the principal use shall be one-family or two-family dwellings, horticulture or portable sawmills.
26. Will allow for accessory buildings and structures, accessory dwellings, accessory tourist accommodation, home-based business, horticulture, keeping of farm animals, kennels and small scale wood product manufacturing as accessory uses.
27. Supports rural residential development with lot sizes for subdivision that generally exceed 2.0 hectares.
28. Supports remote residential development with lot sizes for subdivision that generally exceed 4.0 hectares for properties that do not have access to a maintained public road or other servicing constraints.

Multi-Unit Residential (RMU) Policies

The Regional Board:

29. Directs that the principal use shall be multi-family dwellings or manufactured home parks.
30. Will allow for accessory buildings and structures, home-based business and horticulture as accessory uses in Multi-Unit Residential developments.
31. Will allow for accessory buildings and structures, and common facilities associated with a Manufactured Home Parks.
32. Supports that new Manufactured Home Parks will meet the standards for servicing and design as required under any applicable Regional District Manufactured Home Park Bylaw.
33. Supports residential development with lot sizes for subdivision determined by the level of available or proposed servicing. Density may increase with the provision of community water and waste water disposal.
34. Encourages directing higher density residential development to municipalities or existing residential nodes where infrastructure services are available or can be provided.
35. Encourages mixed use development that builds upon existing infrastructure.

21.0 RURAL RESIDENTIAL (R3)

PERMITTED USES TABLE FOR R3 ZONE	
1	Principal Uses Cabin Dwelling, One Family Dwelling, Two Family Horticulture Portable Sawmill Accessory Uses Accessory Building or Structures Accessory Dwellings Accessory Tourist Accommodation Accessory Camping Accommodation Home-based Business Horticulture Keeping of Farm Animals Kennels (maximum ten (10) dogs over 1 year of age) Micro Cultivation, Cannabis Micro Processing, Cannabis Nursery, Cannabis Small Scale Wood Product Manufacturing

DEVELOPMENT REGULATIONS TABLE FOR R3 ZONE		
2	Minimum lot area for each Principal Use	2.0 hectares
3	Minimum lot area for Accessory Kennel Operations	4.0 hectares
4	Minimum front setback	4.5 metres
5	Minimum exterior side setback	4.5 metres
6	Minimum interior side setback	2.5 metres
7	Minimum rear setback	2.5 metres
8	Maximum lot coverage	35 percent
9	Maximum building height: Principal buildings Accessory buildings and structures	10.0 metres 8.0 metres
10	Maximum footprint of any accessory building or structure	250 square metres
11	Cumulative gross floor area of all accessory buildings or structures	500 square metres
12	Minimum setback for kennel operations (enclosures)	30.0 metres from any property line
13	Minimum setback for portable sawmills	30.0 metres from any property line

14	Minimum setback for unenclosed small scale wood product manufacturing Minimum setback for enclosed small scale wood product manufacturing	30.0 metres from any property line 15.0 metres from any property line
15	Minimum setback for any building or structure for the purposes of cannabis micro cultivation, cannabis micro processing or cannabis nurseries	15.0 metres from any property line 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.
16	Cannabis micro-cultivation, cannabis micro-processing or cannabis nursery licenses shall not be permitted in a dwelling place.	
17	Minimum lot area for subdivision	2.0 hectares
18	Minimum lot area for subdivision (<i>site specific</i>) for portion of <i>Subsidy Lot 43 DL 1242 KD Plan NEPX59 Exc. Plans 16532 and 18785 (PID 012-953-385)</i>	1.0 hectares