

Request for Decision Bylaw Amendment Application

File No: P 725 317
Reference: Bylaw No. 3401
Date: June 27, 2025

Subject: Bylaw No. 3401 (Wycliffe / Novak)
Applicant: Novak, Patricia and Kelly
Agent: Terpsma Land Development Consulting
Location: 9767 Pighin Road, Wycliffe
Legal: Parcel A (See 168548I) Lot 3 District Lot 7327 Kootenay District Plan 6116 (PID: 008-519-471)

Proposal: To amend the zoning bylaw to permit a second dwelling unit on the subject property to house a non-related caregiver for the property owner, provided the second dwelling unit does not exceed the size requirement outlined in the ALR Use Regulation.

Development Agreement: N/A.

Options:

1. THAT Bylaw No. 3401 cited as “Regional District of East Kootenay – Wycliffe Zoning & Floodplain Management Bylaw No. 2256, 2010 – Amendment Bylaw No. 17, 2025 (Wycliffe / Novak)” be introduced.
2. THAT Bylaw No. 3401 cited as “Regional District of East Kootenay – Wycliffe Zoning & Floodplain Management Bylaw No. 2256, 2010 – Amendment Bylaw No. 17, 2025 (Wycliffe / Novak)” not proceed.

Recommendation: Option 1

The second dwelling unit is an 84.5 m² (910 ft²) manufactured home, placed on a non-permanent foundation and complies with the ALR Use Regulations. There is an existing well that services both dwellings and to adequately handle sewage disposal, a new septic system was installed.

Property Information: **OCP Designation:** RR, Rural Resource includes agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

OCP Objectives and Policies:

- Support residential development on a range of rural parcel sizes.
- Land in the ALR is generally designated and supported for agricultural use.
- It was determined that the OCP planning process was not the appropriate time to pre-designate significant land use changes for properties in the plan area. The preferred course of action is that specific amendments and changes to land use that could have a significant impact on the community be reviewed on an individual basis through the regular amendment process. The amendment process will allow the specific details and impacts of the

Property Information - cont'd:	<p>proposed land use change to be reviewed by the Regional District and the public on a site specific basis.</p> <p>Zone Designation: RR-60, Rural Resource which has a minimum parcel area requirement of 60 ha.</p> <p>Parcel Size: 6.3 ha (15.58 ac).</p> <p>Density: No change. There is currently a SFD and a manufactured home placed on the property under a relative requiring care agreement.</p> <p>ALR Status: Within the ALR.</p> <p>Interface Fire Hazard Rating: High and moderate; does not fall within a fire protection area.</p> <p>BC Assessment: 2 acres or more – SFD; duplex.</p> <p>Water and Sewer Services: Onsite.</p> <p>Flood Hazard Rating: The subject property is not identified as being within a flood hazard area.</p>
Professional Studies:	None
Additional Information:	There is currently a relative requiring care agreement in place which permits a manufactured home on the property to house a relative who provides care for the property owner. The caregiver (relative) is no longer able to provide care for the property owner; therefore, the property owner is applying to amend the zoning bylaw to permit a second dwelling unit on the property to house a non-related caregiver to reside on the property.
Consultation:	<p>Under revised Section 464(3) of the <i>Local Government Act</i> a local government must not hold a public hearing on a zoning bylaw if:</p> <ul style="list-style-type: none">a) an OCP is in effect for the area that is subject of the zoning bylaw;b) the bylaw is consistent with the OCP;c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development; andd) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development. <p>Section 467(1) of the <i>Local Government Act</i> specifies that if a local government decides to not hold, or is prohibited from holding, a public hearing, it must provide notice to the public prior to first reading of the bylaw. Notice must be provided in accordance with the RDEK Public Notice Regulation Bylaw and the applicable requirements of Section 466 of the <i>Local Government Act</i>.</p> <p>Publication Date: June 19, 2025 – Advertiser.</p> <p>Notice Mailing Date: May 29, 2025.</p>

Consultation
- cont'd:

Notices Mailed: Eight.

Response to Notice: One response in opposition to Bylaw No. 3401 has been received in response to the notices mailed or advertising for this proposal and no notices have been returned as undeliverable.

APC Area C: Application supported.

Referral Agencies:

- **Interior Health Authority:** No concerns.
- **Ministry of Transportation & Transit:** No concerns.
- **Water, Land & Resource Stewardship:** Standard letter.
- **Ktunaxa Nation Council:** Chance Find Procedures.
- **Agricultural Land Commission:** No concerns.
- **School District No. 5:** No response.
- **Telus:** No response.

Documents
Attached:

- Bylaw
- Location and Land Use Map
- OCP Designation Map
- Zone Designation Map
- Aerial Map
- Proposal
- Referral Responses
- Notice Response

RDEK
Contact:

Jenn MacDonald, Planning Technician
Phone: 250-489-6903
Email: jmacdonald@rdek.bc.ca