

## REGIONAL DISTRICT OF EAST KOOTENAY

### BYLAW NO. 3401

A bylaw to amend Bylaw No. 2256 cited as "Regional District of East Kootenay – Wycliffe Zoning & Floodplain Management Bylaw No. 2256, 2010".

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WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 2256;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay – Wycliffe Zoning & Floodplain Management Bylaw No. 2256, 2010 – Amendment Bylaw No. 17, 2025 (Wycliffe / Novak)."
2. Section 1.28 (1) is amended by adding the following:
  - (g) A maximum of two dwelling units are permitted on Parcel A (see 1685481) Lot 3 District Lot 7327 Kootenay District Plan 6116 provided the second dwelling unit complies with the size requirements outlined in the ALR Use Regulation.

READ A FIRST TIME the       day of       , 2025.

READ A SECOND TIME the       day of       , 2025.

READ A THIRD TIME the       day of       , 2025.

APPROVED by the Ministry of Transportation and Transit the       day of       , 2025.

*Signature:* \_\_\_\_\_

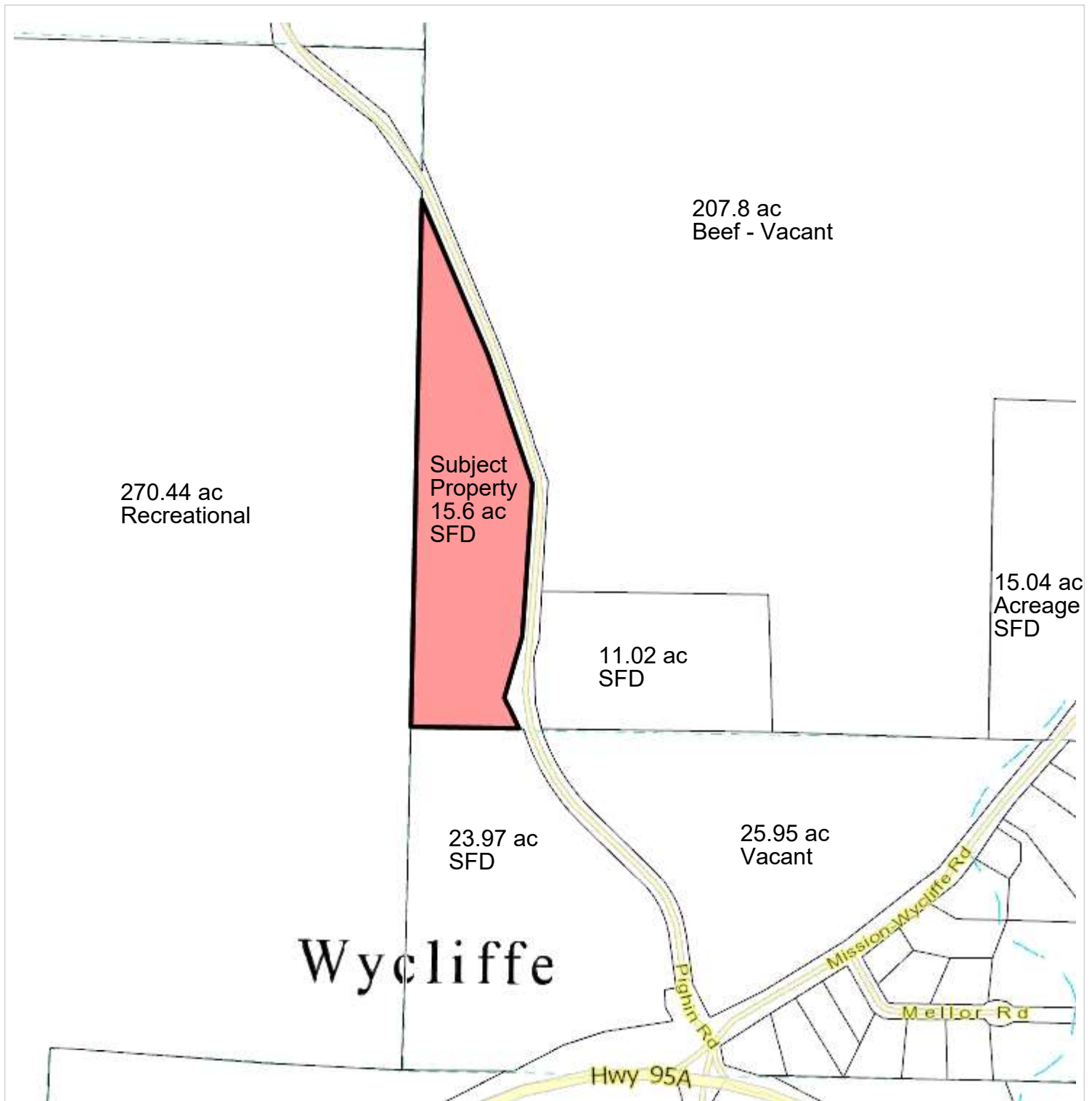
*Print Name:* \_\_\_\_\_

ADOPTED the       day of       , 2025.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

# Location and Land Use Map



Notes:

249 0 125 249 Meters

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
RDEK GeoViewer - 5-7-2025 12:27 PM

Scale = 1: 9,976



**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

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# OCP Designation Map



Notes:

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RDEK GeoViewer - 5-7-2025 12:30 PM

Scale = 1: 9,976



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# Zone Designation Map



Notes:

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RDEK GeoViewer - 5-7-2025 12:31 PM

Scale = 1: 9,976



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## Legend

- Lot Line
- - - Right of Way
- District Lot



## Notes:

80 0 40 80 Meters

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RDEK GeoViewer - 5-7-2025 12:36 PM

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## Terpsma Land Development Consulting

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8621 Pighin Rd, Cranbrook BC V1C 7C9 | 250-421-1004 | email: jean@terpsmaconsulting.com

March 18, 2025

File: 25-04

Jennifer MacDonald, Planning Technician  
Regional District of East Kootenay  
19 - 24 Ave S  
Cranbrook BC V1C 3H8

**Re: Site-Specific Zoning Bylaw Text Amendment Application**  
**Parcel A (See 168548I) Lot 3, DL 7327, KD Plan 6116 (PID: 008-519-471)**  
**Location: 9765 & 9767 Pighin Road, Wycliffe**

On behalf of Patricia (Pat) Novak and her daughter Kelly Novak I submit an application for a site-specific Zoning Bylaw Text Amendment on the above noted parcel in the Wycliffe area. The subject property is within the ALR, and it is approximately 6 ha (14.9 acres) in size.

On the property there is a single family dwelling, and a manufactured home that is permitted as a temporary residence for a relative requiring care. The manufactured home is 14' wide by 65' long, on a non-permanent foundation, with a 13' x 23' porch. Both units are connected to a groundwater well that is approximately 180 feet deep, producing approximately 5 gallons per minute. At the time the manufactured home was placed a new septic system was installed to adequately handle both dwellings.

The property is zoned RR-60, Rural Resource within the Wycliffe Zoning & Floodplain Management Bylaw. The application is a site-specific zoning bylaw text amendment to permit the manufactured home to remain as an accessory dwelling, and to permit a non-family member to live in it. Kelly currently lives in the manufactured home and assists her mother as required but she is considering moving from the property. For Pat to continue to stay in the home she has resided in for 40 years she requires some help. There is a family friend who is interested in moving into the manufactured home and assisting Pat as needed.

Should this application be successful the Accessory Dwelling Agreement and Safekeeping Housing Agreement with the RDEK will no longer be required. No changes to the zoning designation, existing land use or structures are being applied for. The proposed text amendment will provide greater flexibility for Pat to age in place as long as possible and it will provide an affordable housing option for a community member.

I trust you will find the application complete, however please contact me should you have any questions or require anything further at this time.

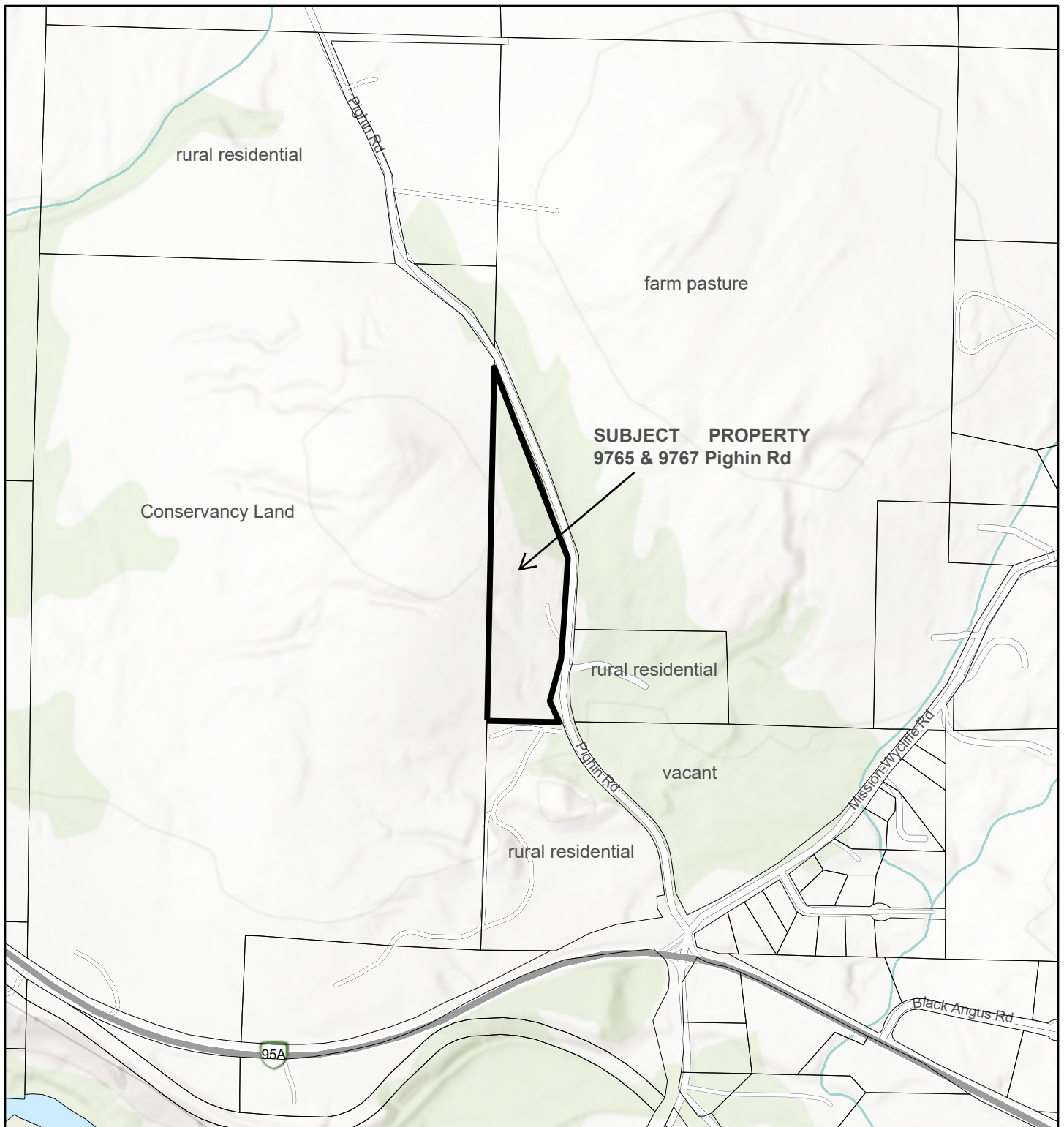
Sincerely,

Jean Terpsma

Encl.  
cc: P & K Novak

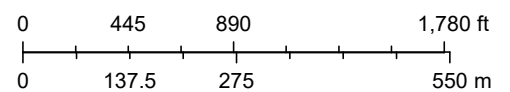


# Novak Location Map



Terpsma Land Development Consulting  
March 17, 2025

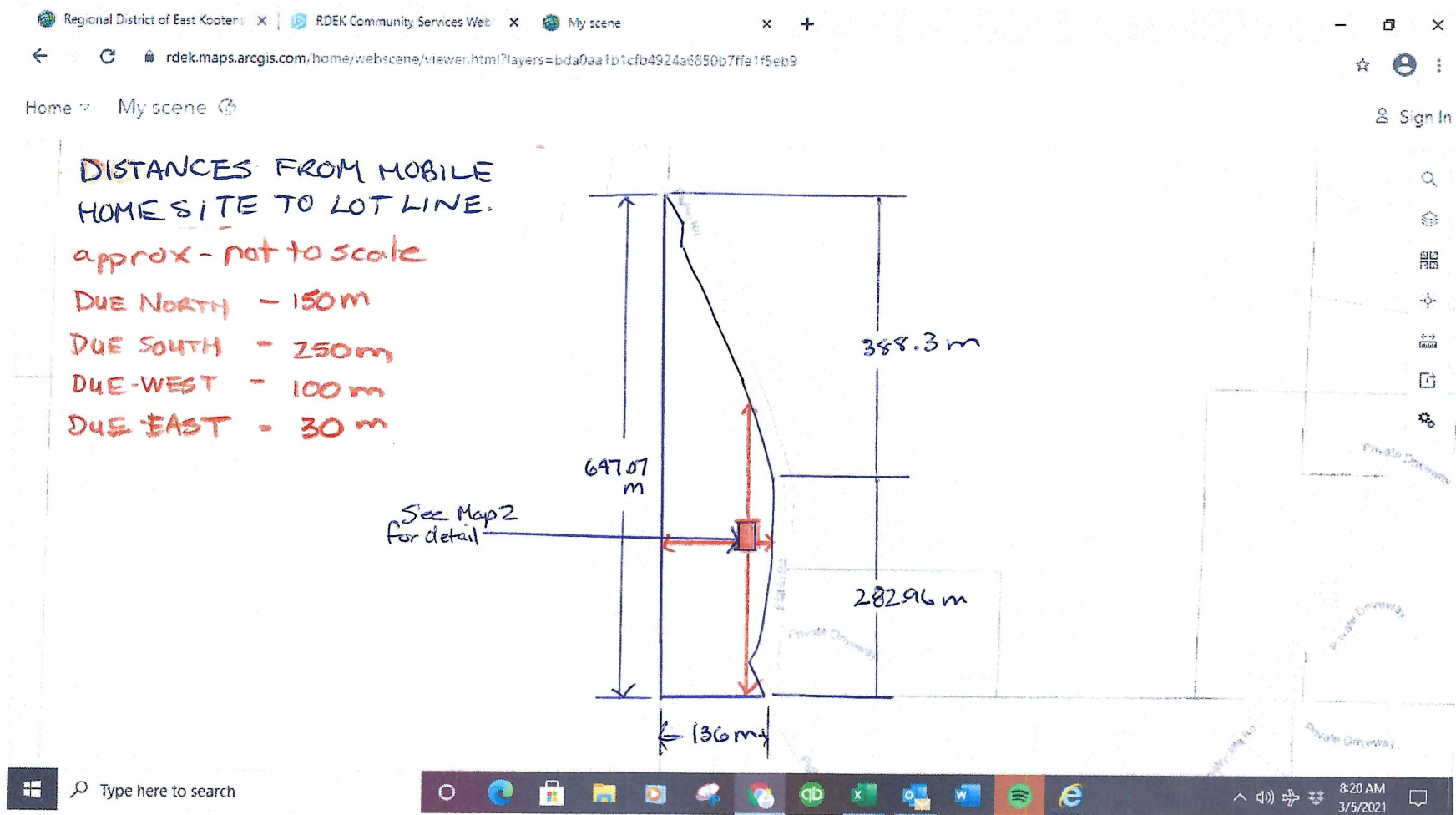
1:15,000



Esri, NASA, NGA, USGS, FEMA, Sources: NRCan, Esri Canada, and Canadian Community Maps contributors.

The Regional District of East Kootenay provides this data for information  
Use of this data without verification from original source material is at your own risk. The geo-referenced location cannot be guaranteed and should not be used for navigational purposes.

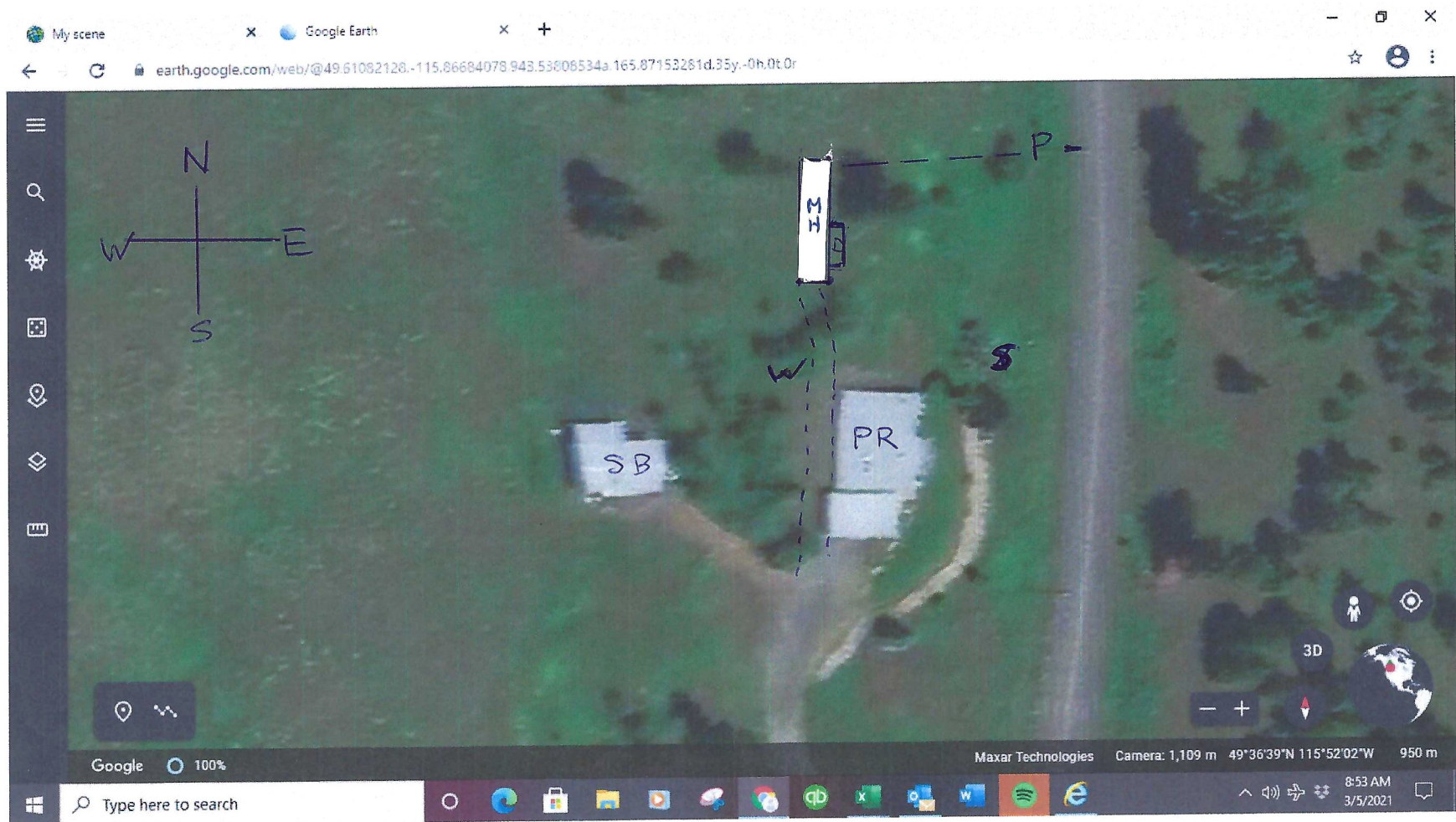
# MAP 1



Distances are approximate.  
See Map 2 for detail  
Not to scale



## MAP 2



Not to scale

### LEGEND

P - power-atrial  
S - septic  
W - well

PR - primary residence

SB - storage building

MH - proposed Mobile Home site  
MHD - " " " deck

--- - Access - extension of existing driveway

SIZES - approximate

PR - 13.4m X 23.4 m

SB - 15.5m X 12.7 m

MH - 4.3m X 19.8 m

MHD - 4m X 7m



July 5, 2023

Greetings,

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

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Ministry of Water,  
Land and Resource  
Stewardship

Land Use Policy,  
Planning and  
Ecosystems

PO BOX 9367 Stn  
Prov Govt  
Victoria, BC  
V8W 9M3

[www.gov.bc.ca/WLRS](http://www.gov.bc.ca/WLRS)

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:

Bird Species	Least Risk Timing Windows
Raptors (eagles, hawks, falcons, & owls)	Aug 15 – Jan 30
Hérons	Aug 15 – Jan 30
Other Birds	Aug 1 – March 31

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.

If the references above do not address your concerns, please do not hesitate to reach out to me for further investigation into your concerns.

Kind Regards,



Shannon White, RPBio  
*Ecosystems Section Head - Kootenay-Boundary Region*  
Ministry of Water, Land & Resource Stewardship  
778-520-2683 / [Shannon.white@gov.bc.ca](mailto:Shannon.white@gov.bc.ca)

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Ministry of Water,  
Land and Resource  
Stewardship

Land Use Policy,  
Planning and  
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**Jennifer MacDonald**

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**From:** [REDACTED]  
**Sent:** Tuesday, June 24, 2025 10:01 AM  
**To:** Jennifer MacDonald  
**Subject:** Bylaw Ammendment 3401

Hi Jenn

Could you please email me the information package. I live on Pighin Rd and have concerns regarding this amendment. There are several secondary residences that have popped up on Pighin Rd which are all within the ARL. Most of these secondary homes have added wells and septic systems and were done as temporary health support dwellings for a relative providing care for the land owner. Once the land owner has gone to the expense of putting these temporary dwellings in place, they most likely do not want to go to the expense of removing the structures once care is not needed or the situation has changed. With amending bylaw 3401 to allow a single property to have a secondary permanent dwelling, I believe you will set a precedence that will allow all rural property owners to utilize this loophole. This will increase the density of all rural areas and also increase property taxes in these areas. This will put higher demands on rural roads, which are already poorly maintained, increase demand on the aquifer, due to more ground water wells, and increase density to ARL lands.

Thanks Jamie



### **Chance Find Procedures for Archaeological Material**

This document provides information on how a developer and/or their contractor(s) can manage for potential archaeological material discoveries while undertaking construction and/or maintenance activities. This document can provide assistance to in-field contractors in the identification of archaeological remains and the procedures to follow if a discovery is made. The discovery of human remains initiates a different course of action and is outlined separately. Under the provincial *Heritage Conservation Act (HCA)*, archaeological sites that pre-date 1846 are automatically protected whether on public or private land. Protected sites may not be damaged, altered or moved in any way without a Section 12 or 14 Permit as issued through the *HCA*. It is illegal to collect or remove any heritage object from an archaeological site unless authorized to do so under permit.

#### **1. Activities occurring outside of known Archaeological Sites:**

When archaeological material is encountered outside of known archaeological site areas work in the vicinity must stop immediately no matter what type of material or feature has been identified. Alteration to an archaeological site can only occur under a Section 12 (Site Alteration Permit) or Section 14 (Heritage Inspection Permit) *Heritage Conservation Act* permit. Such permit applications should be prepared by a professional archaeologist.

If archaeological material is discovered during the course of construction activities:

- 1.1 **Stop Work:** Halt all work in the area of the discovery and safely secure the area. Contact the project manager or site foreman.
- 1.2 **Contact an Archaeologist:** An archaeologist should be contacted as soon as possible. For a list of qualified archaeologists in the area, the proponent is directed to the BC Association of Professional Consulting Archaeologists website: [www.bcapa.ca](http://www.bcapa.ca). The proponent may also wish to contact the Ktunaxa Nation Council ([archaeology@ktunaxa.org](mailto:archaeology@ktunaxa.org); 1-250-489-2464).
- 1.3 **Archaeologist provides guidance:** The archaeologist will direct the proponent on the next courses of action, which will include notifying the Archaeology Branch and First Nations with interest in the area.

#### **2. Activities Occurring within Known Archaeological Site Boundaries:**

Land altering activity within a previously recorded archaeological site must be conducted under a Section 12 HCA Site Alteration Permit (SAP), in some cases with an onsite archaeological

monitor. It is common for additional archaeological material and features to be encountered during activities occurring within previously recorded archaeological sites. Minor finds (lithic flakes, diffuse charcoal or fire altered rock) may not require work to stop, however significant finds require a level of assessment by a professional archaeologist, and it is up to the onsite project manager to determine the level of significance based on criteria presented below.

## **2.1 Significant Cultural Finds that Require a Professional Archaeologist (described in detail in Section 4)**

- Intact archaeological features, which can include but are not limited to hearths, cultural depressions (e.g. cache pits, house depressions) and rock alignments or forms (e.g. tipi rings, cairns, blinds)
- Significant archaeological materials, which include but are not limited to, the presence of formed lithic tools (e.g. projectile point, microblade core, scraper), a dense concentration of lithic waste flakes, or artistic items
- Human Remains (described in detail in Section 3)

## **2.2 Archaeological Site Management Options**

- 2.2.1 **Site Avoidance:** If the boundaries of a site have been delineated, redesign the proposed development to avoid impacting the site. Avoidance is normally the fastest and most cost effective option for managing archaeological sites. Site avoidance could also be achieved through minimizing ground disturbance by looking for alternative constructive methods.
- 2.2.2 **Mitigation:** If it is not feasible to avoid the site through project redesign, it is necessary to conduct systematic data collection and analysis within the site prior to its loss. This could include surface collection and/or excavation. This work can be time-consuming and therefore expensive to conduct.
- 2.2.3 **Protection:** It may be possible to protect all or portions of the site which will be impacted through installation of barriers during the development period and possibly for a longer period of time. Methods for barrier construction could include fencing around site boundaries or applying geotextile to the ground surface and capping it with fill. The exact method used would be site-specific.

## **3. Chance Find Procedures for Identified Human Remains**

Procedures in the event of the discovery of human remains during construction are covered in depth by an Archaeology Branch Policy Statement, found on their website at [www.for.gov.bc.ca/archaeology](http://www.for.gov.bc.ca/archaeology), and are summarized below.

- 3.1 Stop all construction activities immediately in the area of found or suspected human remains and contact the RCMP and/or Office of the Coroner.
- 3.2 The coroner must determine whether the remains are of contemporary forensic concern or archaeological/aboriginal.

3.3 If the remains are found to be of aboriginal ancestry then the next step involves the relevant First Nations collaboratively determining the appropriate treatment of those remains.

The key to respectfully dealing with ancient aboriginal remains is to involve the appropriate First Nations as early as possible in the process. However this must be done in a manner that does not interfere with the coroner's office ability to conduct their business in the manner that they see fit.

#### 4. Site Identification Guide

The following are characteristics typical to site types found within the Ktunaxa Traditional Territory.

##### 4.1 Artifact Scatters

Lithic (stone) scatters from the production and maintenance of stone tools are the most common type of archaeological site found in the region. Other materials that may be represented in artifact scatters are Fire Broken Rock (FBR), bone, antler and tooth.

##### Lithics: What to look for

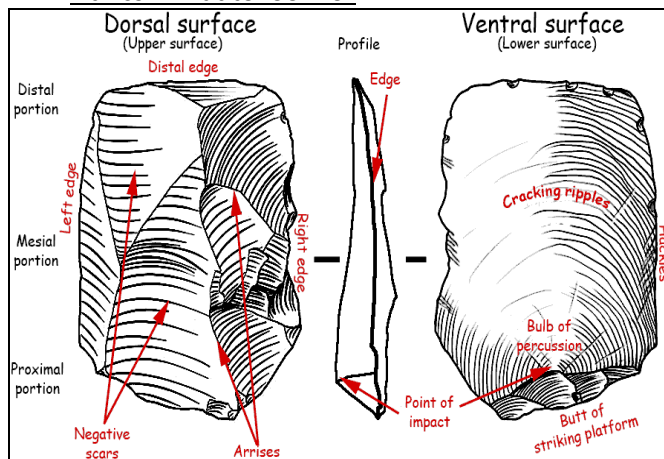


Image 1: Basic flake morphology



Image 2: Examples of lithic flakes

*Takisqnuuk*

*Taq'am*

*Lower Kootenay*

*Tobacco Plains*



Image 3: Example of lithic scatter found on ground surface



Image 4: Example of formed lithic artifacts

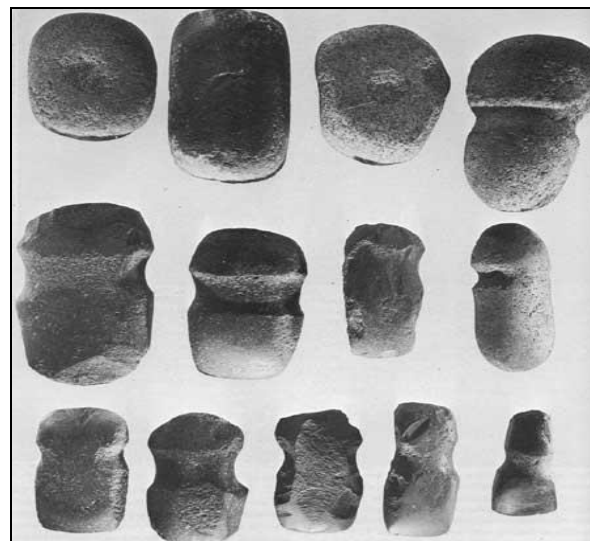


Image 5: Ground stone artifacts

*Takisqnuuk*

*Taqam*

*Lower Kootenay*

*Tobacco Plains*



#### Bone, Tooth and Antler Artifacts: What to Look For

- Obvious shaping
- Incising
- Unnatural holes



Image 6: Bone and Antler artifacts

#### 4.2 Fire Broken Rock and Hearths

Fire-broken rock (FBR) results from the use of fire during cooking, heating and processing activities. FBR is often associated with other features including hearths and cultural depressions, but can also be thinly scattered in concentrations away from the features with which they were first associated.

When looking for FBR, note concentrations of roughly fractured rock from rapid heating and cooling, rock showing signs of burning or oxidation and/or reddening or blackening of surrounding matrix.



Zig/Zag  
Pattern

*Takisqnuuk*

*Taq'am*

*Lower Kootenay*

*Tobacco Plains*



Image 7: Example of FBR; note the zig/zag pattern of breakage common to FBR

A hearth feature is evidence of a fire pit or other fireplace feature of any period. Hearths were used for cooking, heating, and processing of some stone, wood, faunal, and floral resources and may be either lined with a wide range of materials like stone or left unlined. Occasionally site formation processes (e.g., farming or excavation) deform or disperse hearth features, making them difficult to identify without careful study.

Hearths: What to look for

- FBR
- reddening or blackening of the associated soil/sediment
- charcoal
- layering of FBR and charcoal, and
- depressions in the earth associated with FBR, reddened or blackened matrix and charcoal.



Image 8: Example of a hearth uncovered along the wall of an excavation unit

#### 4.3 Cultural Depressions

Any depression seen on the ground surface that appears to have been excavated by man can be a cultural depression and have archaeological significance. These “pits” were dug for a variety of reasons such as for food storage, cooking or as a base for a dwelling. They can range in size from 1m across to 7-10m across, and are usually found associated with other artifacts such as FBR and lithic scatters.

To identify a cultural depression, look for:

- Subtle to deep scours on the ground surface that are circular to rectilinear in shape
- A raised rim along the edge of a depression
- Depressions associated with artifacts and FBR
- Depressions associated with fire reddening and blackening of the matrix



Image 9: Example of a large cultural depression in a natural setting

#### 4.6 Rock Alignments

There are several types of rock alignments that occur within the culture area, which include tipi rings, medicine wheels, cairns and blinds. When attempting to identify rock alignments, look for a group of rocks that look purposefully placed as in a circle, pile or line; isolated groups of rock that do not seem to belong to that landscape; and/or rocks which form a pattern.



Image 10: Example of a Cairn or piling of rocks



Image 11: Example of a tipi ring in a natural setting

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*Lower Kootenay*

*Tobacco Plains*