



## **Request for Decision Bylaw Amendment Application**

File No: P 722 101  
Reference: Bylaw No. 3127  
Date: February 24, 2022

**Subject:** Bylaw No. 3127 (Anderson Rd / Bruhjell & Ragan)  
**Applicant:** Rebecca Bruhjell and David Ragan  
**Agent:** Richard Haworth, Haworth Development Consulting Ltd.  
**Location:** 2139 McLeod Avenue, west of Fernie  
**Legal:** That part of District Lot 8528 described in DD 11338, KD except part shown as road on Plan 19555i

**Proposal:** To amend the zoning designation of a portion of the property. The proposed zoning designation change is from RR-1, Rural Residential (Estate) Zone to RR-2, Rural Residential (Small Holding) Zone.

**Development Agreement:** None

1. THAT Bylaw No. 3127 cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 101, 2022 (Anderson Rd / Bruhjell & Ragan)" be introduced.
2. THAT Bylaw No. 3127 cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 101, 2022 (Anderson Rd / Bruhjell & Ragan)" not proceed.

**Recommendation:** **Option #1**  
The proposal will remove the current split zoning of the property. The zoning designation and potential land use and subdivision potential is similar to surrounding properties.

---

**Property Information:** **OCP Designation:** SH, Small Holdings, which supports low density residential development with minimum parcel sizes in the range of 0.2 ha to 2.0 ha.

**OCP Policies:**

- In addition to the policies identified for specific Subareas, all rezoning applications within the plan area will be reviewed on an individual basis in relation to the following considerations:
  - Compatibility of the proposed lot size and density with existing and surrounding land uses, parcel sizes, local rural character and lifestyle;
  - The capability to provide onsite disposal in accordance with provincial requirements;
  - Potential impacts of the proposal on the quality and quantity of existing groundwater resources;

**Property  
Information -  
cont'd:**

- Integration of the Conservation Subdivision Design provisions outlined in subsection 4.3(1)(d);
  - Identification and mitigation of development impacts on environmentally sensitive areas including grasslands, connectivity corridors, wetlands and riparian areas and old growth forests, in accordance with Section 10 of this plan concerning environmental considerations;
  - Susceptibility to natural and geotechnical hazards and integration of hazard mitigation strategies, in accordance with Section 11 of this plan concerning development constraints; and
  - For land location within the ALR, potential impacts or benefits of the proposed subdivision on the agricultural capability and suitability of both the parcel proposed for subdivision and on neighbouring parcels.
- The Anderson Road Subarea is to maintain its existing rural large lot character.
  - Development in the rural areas is encouraged to be compatible with the rural character of the surrounding parcels.
  - Rezoning applications are encouraged to include a commitment to register on title a restrictive covenant or statutory building scheme directing the construction of buildings away from the center of parcels and toward the corners of parcels to enable future subdivision of the parcel.

**Current Zone Designation:** Multiple - RR-2, Rural Residential (Small Holding) Zone (minimum parcel size: 2 ha) and RR-1, Rural Residential (Estate) Zone (minimum parcel size: 1 ha)

**Proposed Zone Designation:** RR-2, Rural Residential (Small Holding) Zone (minimum parcel size: 2 ha)

**Parcel Size:** 4.2 ha (10.4 ac)  
Area under application: approx. 1 ha (2.5 ac)

**Density:**

Existing: The maximum number of lots that may be possible under the current designations are two.

Proposed: One lot

Potential:

The maximum number of lots that may be possible with the proposed zoning is two 2 ha lots.

**ALR Status:** Not within the ALR

**Interface Fire Hazard Rating:** Low and high, within the Fernie Rural fire protection area

**BC Assessment:** Residential (SFD)

**Property  
Information -  
cont'd:**

**Water and Sewer Services:** Onsite existing

**Flood Hazard Rating:** The property is not identified as being within a flood hazard rating area.

**Professional  
Studies:**

None

**Additional  
Information:**

- The property was rezoned in 2018 by the previous property owner in anticipation of subdividing the property to create two building lots. The 2018 rezoning created the RR-1 zoned portion of the property.
- The application states that the current property owners purchased the property prior to the subdivision being completed and do not want to subdivide the property. The owners are now seeking to remove the split zoning and return the property to RR-2 zoning to allow construction of a new home on the property without the constraints created by the split zoning.

**Consultation:**

**APC Area A:** Support recommended

**Referral Agencies:**

- **Interior Health Authority:** Interests unaffected
- **Transportation & Infrastructure:** Interests unaffected. However, it should be noted that as per NEP19555i there is a dedicated road bisecting the northern portion of the property. The Ministry does not support the closure of this road and will retain the right of way for public use.
- **Environment:** No response
- **Ktunaxa Nation Council:** No further concerns.
- **School District No. 5:** No response
- **Telus:** No response

**Documents  
Attached:**

- Bylaw
- Location Map
- Land Use Map
- Zone Designation Map
- Proposal
- Photos provided by Applicant

**RDEK  
Contact:**

Krista Gilbert, Planning Technician  
Phone: 250-489-0314  
Email: [kgilbert@rdek.bc.ca](mailto:kgilbert@rdek.bc.ca)