



Request for Decision Bylaw Amendment Application

File No: P 719 219
Reference: Bylaw No. 2969
Date: December 17, 2019

Subject: Bylaw No. 2969 (Jaffray / Barr)
Applicant: Vernon and Sharon Barr
Agent: Richard Haworth
Location: 2218 Highway 3/93, Jaffray
Legal: District Lot 6206, Kootenay District, except (1) Parcel A (Explanatory Plan 20286i) and (2) part included in Plans 2272, 2345, 2465, 2756, 4905, 4981, 8789, 15618 and Plans NEP69200, NEP91497 and R140

Proposal: To amend the land use designation of a 0.19 ha portion of the property from RR-60 to C-3 and a 0.6 ha portion of the property from C-3 to RR-60 to permit future subdivision to separate the existing commercial and residential uses.

Development Agreement: None

Options:

1. THAT Bylaw No. 2969 cited as "Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999 – Amendment Bylaw No. 33, 2019 (Jaffray / Barr)" be introduced.
2. THAT Bylaw No. 2969 cited as "Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999 – Amendment Bylaw No. 33, 2019 (Jaffray / Barr)" not proceed.

Recommendation: Option #1
The proposal does not change the current use of the land. The proposal continues to provide a range of housing opportunities in the area. No negative impacts are anticipated with the creation of separate residential and commercial parcels.

Property Information: **Current Land Use Designation:** Multiple – RR-60, Rural Resource Zone (minimum parcel size: 60 ha) and C-3, Recreation Commercial Zone (minimum parcel size: 0.4 ha). Approximately 13.4 ha of the property is zoned RR-60 and 9.2 ha zoned C-3.

Proposed Land Use Designation: Multiple – RR-60, Rural Resource Zone (minimum parcel size: 60 ha) and C-3, Recreation Commercial Zone (minimum parcel size: 0.4 ha). The proposal would leave approximately 13.7 ha of the property zoned RR-60 and 9.2 ha zoned C-3.

Land Use Objectives and Policies:

**Property
Information -
cont'd:**

- To provide for a range of housing opportunities for both permanent and seasonal residents.
- Board policy supports a pattern of low density residential development consisting of single family dwellings, two family dwellings and single family dwellings with a secondary suite on parcels not fronting the lakes. Higher density residential developments is not supported at this time.

However, in recognition of the need to provide a range of housing options for an aging population and a range of income groups, this policy will be reviewed periodically. Should the need for a broader range of housing options be identified, an amendment to this plan will be required. The amendment may be initiated by the Regional District or by an owner requesting the change.

- Establishment of commercial uses to serve both the travelling public and local and seasonal residents is directed to the Jaffray Loop, the south side of the highway in the plan area and the north side of the highway at Rosen Lake Road.

Parcel Size:

Existing: 23 ha (57 ac)

Proposed: Two parcels: 13.7 ha (33.8 ac) and 9.2 ha (22.7 ac)

Density: There are three existing single family dwellings on the subject property, all within the portion of the property zoned RR-60. The campground located on the portion of the land zoned C-3 contains 40 sites.

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Low to high, within the Jaffray fire protection area.

BC Assessment: Residential & Business/Other (MH)

Water and Sewer Services: Onsite

Flood Hazard Rating: Little Sand Creek flows through the subject property, floodplain regulations apply to development.

**Professional
Studies:**

None

**Additional
Information:**

- The proposed subdivision would create two parcels and would be subdivided along the zone boundary. The proposed rezoning provides a panhandle for access from the highway to the campground and allows the existing dwellings to meet setback requirements from new parcel boundaries.
- While the proposed RR-60 parcel will not meet the minimum parcel area requirement of the RR-60 zone, the land use bylaw identifies that

the parcel area requirement may be reduced where the proposed subdivision divides a parcel along a boundary line of a land use designation.

**Additional
Information -
cont'd:**

- The subject property has three dwellings that may be in non-compliance with the zoning bylaw.

Consultation:

APC Area B: Support

Referral Agencies:

- **Interior Health Authority:** Interests unaffected.
- **Transportation & Infrastructure:** Interests unaffected. However, the creation of additional access onto Hwy 3 will not be supported. Residential and commercial access is to be maintained via Jaffray Shop Road.
- **Environment:** Future development is to maintain a minimum 30 m buffer zone from Little Sand Creek and given the property is between the highway and railway, any future fencing must be wildlife friendly to avoid wildlife mortalities.
- **Ktunaxa Nation Council:** No concerns.
- **School District No. 5:** No comment to date.
- **Telus:** No comment to date.

**Documents
Attached:**

- Bylaw
- Location Map
- Land Use Map
- Land Use Designation Map
- Proposal

**RDEK
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