



## NOT ALL INFORMATION IS INCLUDED

# Request for Decision Bylaw Amendment Application

File No: P 719 214  
Reference: Bylaw No. 2956  
Date: November 20, 2019

**Subject:** Bylaw No. 2956 (Tie Lake / Fenwick)  
**Applicant:** Thomas and Brenda Fenwick  
**Agent:** Haworth Development Consulting (Richard Haworth)  
**Location:** 1524 Thistle Road, Tie Lake  
**Legal:** Lot 27, District Lot 4590, Kootenay District, Plan 4883

**Proposal:** To amend the land use designation of the property from RS-1 to RS-1(A) and to amend the text of the Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw to permit a minimum parcel size requirement of 1500 m<sup>2</sup> to permit future subdivision.

**Development Agreement:** None

**Options:**

1. THAT Bylaw No. 2956 cited as "Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999 – Amendment Bylaw No. 32, 2019 (Tie Lake / Fenwick)" be introduced.
2. THAT Bylaw No. 2956 cited as "Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999 – Amendment Bylaw No. 32, 2019 (Tie Lake / Fenwick)" not proceed.

**Recommendation:** Option #1.

The proposed zone change and subdivision would have no change in density. The proposal would limit the use of the two proposed lots to one single family dwelling each, which are already existing.

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**Property Information:** **Current Land Use Designation:** RS-1, Single Family Residential Zone (minimum parcel size: 0.3 ha)

**Proposed Land Use Designation:** RS-1(A), Single Family Residential Zone (minimum parcel size: 0.3 ha)

**Land Use Objectives and Policies:**

- 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

**Property  
Information -  
cont'd**

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.

**Parcel Size:**

Existing: 0.31 ha (0.78 ac)

Proposed: two parcels of approx. 0.15 ha (0.39 ac)

**Density:** There are two existing single family dwellings on the subject property. One single family dwelling is permitted per parcel. The proposed reduction in parcel size would allow for the creation of two parcels with one dwelling on each parcel.

**ALR Status:** Not within the ALR

**Interface Fire Hazard Rating:** High, within the Jaffray fire protection area.

**BC Assessment:** Residential (SFD)

**Water and Sewer Services:** One dwelling has an existing septic field and well and the other dwelling has no potable water and utilizes an outhouse for septic. The applicants have submitted a development variance permit to waive subdivision servicing requirements for proposed Lot 2.

**Flood Hazard Rating:** The subject property is located approximately 100 m from Tie Lake and is not identified as being within a flood hazard area.

**Professional  
Studies:**

None

**Additional  
Information:**

- The applicants are proposing to subdivide the property into two lots so that each of the existing dwellings are on a single parcel. No new density is proposed as a result of this subdivision.
- A DVP will be required for servicing at the time of subdivision as the parcels are too small for a traditional Type 1 septic system and replacement field.
- The RS-1 zone permits a single family dwelling and secondary suite or a two family dwelling on a parcel. The RS-1(A) zone does not permit a two family dwelling or secondary suite.

**Consultation:**

**APC Area B:** Support

**Referral Agencies:**

- **Interior Health Authority:** Does not support the use of an outhouse for sewage disposal. See attached letter.
- **Transportation & Infrastructure:** Interests unaffected
- **Environment:** No comments.
- **Ktunaxa Nation Council:** The entire subject property is covered by an archaeology potential polygon. Preliminary field reconnaissance should be conducted prior to any ground disturbance.
- **School District No. 5:** No comment to date.
- **Telus:** No comment to date.

**Consultation -  
cont'd:**

**Documents  
Attached:**

- Bylaws
- Location Map
- Land Use Map
- Land Use Designation Map
- Proposal
- Letter from Interior Health

**RDEK  
Contact:**

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