



# Request for Decision Bylaw Amendment Application

File No: P 722 5109  
Reference: Bylaw Nos. 3208 & 3209  
Date: March 9, 2023

**Subject:** Bylaw No. 3208 & Bylaw No. 3209 (Fairmont / 1368511 BC Ltd)  
**Applicant:** 1368511 BC Ltd  
**Agent:** Richard Haworth, Haworth Development Consulting Ltd  
**Location:** Fairmont Resort Road  
**Legal:** Part of Lot 3, DL 4596, KD, Plan NEP20033 (PID: 017-935-911)

**Proposal:** To amend the OCP and zone designations of a portion of the property to permit a single family residential subdivision. The entire property currently permits multi-family development.

**Development Agreement:** The owners have offered to register a covenant to prohibit development on the parcels located within the Cold Spring Creek Debris Flow Hazard Study area until after the RDEK completes the Cold Spring Creek debris flow mitigation project and subject to the owner engaging a qualified professional to determine the hazard risks post mitigation and potential safe development nodes.

- Options:**
1. THAT Bylaw No. 3208 cited as “Regional District of East Kootenay – Fairmont Hot Springs & Columbia Lake Area Official Community Plan Bylaw No. 2779, 2017 – Amendment Bylaw No. 11, 2023 (Fairmont / 1368511 BC Ltd)” be introduced and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.
  2. THAT Bylaw No. 3209 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 390, 2023 (Fairmont / 1368511 BC Ltd)” be introduced and further, that a development agreement containing the item identified in the March 7, 2023 staff report be registered on title prior to bylaw adoption.
  3. THAT Bylaw No. 3208 cited as “Regional District of East Kootenay – Fairmont Hot Springs & Columbia Lake Area Official Community Plan Bylaw No. 2779, 2017 – Amendment Bylaw No. 11, 2023 (Fairmont / 1368511 BC Ltd)” not proceed.
  4. THAT Bylaw No. 3209 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 390, 2023 (Fairmont / 1368511 BC Ltd)” not proceed.

**Recommendation: Options 1 & 2**

The land is within the Fairmont Hot Springs development node and the proposal is compatible with the surrounding area. The proposed zoning includes an opportunity for development of secondary suites which could provide more affordable housing options. The proposal recognizes the identified hazard areas on the property and potential development

limitations as determined by the Cold Spring Creek Debris Flow Hazard Assessment.

**Property  
Information:**

**Current OCP Designation:** RES-MU, Resort Mixed Use, which supports a variety of land uses including resort recreation, commercial accommodation, general commercial, multifamily residential and similar types of development.

**Proposed OCP Designation:** R-SF, Residential Low Density which supports single family residential subdivisions, duplexes and zoning that supports secondary suites.

**OCP Policies:**

- Except where otherwise noted, new residential development is generally directed to existing development nodes within the Fairmont Hot Springs subarea. Rural subdivision is generally not supported.
- New subdivisions of single family or greater density should be serviced by community water and sewer systems.
- Bylaw amendment applications for residential development should address the following:
  - compatibility of the proposed development with surrounding land uses, parcel sizes, local rural character and lifestyle;
  - access and proposed internal road networks;
  - demonstrate the use of Conservation Subdivision Design principles such as:
    - (A) identify and establishing buffers from features such as riparian areas, wetlands, Class 1 ungulate winter range, wildlife corridors, wildlife habitat areas, natural hazard areas, woodlands and agricultural land;
    - (B) clustering development into nodes of smaller lots in order to preserve larger contiguous environmentally sensitive areas and agricultural zones; and
    - (C) utilizing compact neighbourhood design with dwelling units built in close proximity to each other to minimize the overall development footprint and required infrastructure.
  - integrate FireSmart principles.
- A mix of residential densities is supported in the Fairmont Hot Springs subarea.
- Secondary suites will be supported in new single family developments. Rezoning applications to permit secondary suites in existing developments will be considered on a case by case basis.
- Rezoning to accommodate residential dwellings for short term rentals (nightly and weekly) for tourist accommodation is not supported. The use of single family residential dwellings for long term rentals (monthly) is supported.

**Property Information – cont'd:**

**Current Zoning:** R-3, Multiple Family Residential – Medium Density Zone which has a minimum parcel size requirement of 1000 m<sup>2</sup>.

**Proposed Zoning:** R-1(C), Single Family Residential – Auxiliary Dwelling Unit Zone which has a minimum parcel size requirement of 555 m<sup>2</sup>.

**Parcel Size:** Total: 7.0 ha (17.5 ac)  
Area under application: ~ 4.45 ha (11 ac)

**Density:** Within the R-1(C) Zone, one single family dwelling is permitted per parcel and an auxiliary dwelling unit is permitted as an accessory use.  
**Existing:** The subject lands are vacant and zoned to permit multi-family development of up to 30 dwelling units per gross hectare of useable site area which, at maximum, if the entire site was considered useable, up to 133 dwelling units might be possible.

**Proposed:** 18 single family residential lots

**Potential:** If the proposed R-1(C) lands were developed with full community servicing at the minimum parcel size permitted by the zone, up to 80 lots might be possible.

(Note: The above calculations do not consider allowances for roads, infrastructure or topographical constraints. The useable site area of the land is likely much lower than the total area under application).

**ALR Status:** Not within the ALR

**Interface Fire Hazard Rating:** Ranging from low to moderate, within the Fairmont Hot Springs fire service area

**BC Assessment:** Residential and Business (other) – Miscellaneous and Industrial (other)

**Water and Sewer Services:** Fairmont Hot Springs Water Utility and Fairmont Hot Springs Sewer Services.

**Professional Studies:**

Property is included within the study area of the Cold Spring Creek Debris Flow Hazard Assessment (October 2020) and ongoing work by BCG Engineering Inc.

**Additional Information:**

- The property is partly within the RDEK Cold Spring Creek Debris Flow Hazard Assessment study area and has multiple hazard designations.
- The portion of Proposed Lot 1 (shown on the attached conceptual plan) with Cold Spring Creek (with a high & very high hazard designation) will remain free of development and connected to both the development's common lot access route and a small piece of common property at the southwest corner.
- Proposed Lot 19 (which ranges from low to high hazard designation) will be a parent parcel intended for subdivision into 5 additional single-family lots if the land is deemed safe for development in future following the RDEK completion of the Cold Spring Creek debris flow mitigation project.

**Additional Information – cont'd:**

- The southerly central portion of property lies outside the Cold Spring Creek Debris Flow Hazard Assessment study area and is proposed to be rezoned to permit single family residential lots (shown as Lots 2-18 on the conceptual plan).
- Proposed Lot A and B shown on the conceptual plan are not the subject of any proposed bylaw amendments in this application and are currently zoned to permit multi-family development. They are shown here because they will be created as parent parcels within the intended subdivision.
- Proposed Lot A and Lot 19 are within the study area for Cold Spring Creek and since there is uncertainty about safety, hazard, and risk in this area, a covenant has been offered to prohibit development on these 2 lots until after the RDEK completes the Cold Spring Creek debris flow mitigation project and the parcels are re-assessed and shown to be safe for development.
- All proposed residential lots will be connected to community water and sewer services.

**Consultation:**

Section 475 of the *Local Government Act* requires that local government consider the depth and breadth of consultation to be undertaken with persons or organizations that it considers may be affected by the proposed OCP amendment. Consultation completed to date for this amendment includes referral of the bylaw to the following organizations. In addition, there will be opportunity for discussion with the public prior to the commencement of the public hearing.

**APC Areas F & G:** Support recommended.

**Referral Agencies:**

- **Interior Health Authority:** To ensure that the community water system meets the requirements of the proposed development, we recommend consultation with the local water supplier Fairmont Hot Springs Utilities Ltd. This will help determine if the existing water system has sufficient water quantity and treatment capacity for the additional homes. Alteration or extension of the water system will also require an Interior Health construction permit under the *BC Drinking Water Protection Act*.
- **Transportation & Infrastructure:** Requirements for the access onto Ministry roads will be addressed at subdivision. The applicant will be responsible for any infrastructure upgrades that may be required because of the subdivision.
- **Environment:** No response
- **Ktunaxa Nation Council:** No concerns
- **Akisqnuq First Nation:** No response
- **School District No. 6:** No response
- **Telus:** No response

**Specific  
Considerations:**

The RDEK currently does not have updated policies or bylaws related to consideration of development within the Cold Spring Creek Debris Flow Hazard Study area. A Development Guidance Project for Coldstream Creek is pending in 2023. The scope of the Development Guidance Project and support from the professional expert is subject to a pending funding application submitted to the UBCM Community Emergency Preparedness Fund, Disaster Risk Reduction – Climate Adaptation Stream. The funding application was submitted in late February with notice of a decision anticipated by late May.

**Documents  
Attached:**

- Bylaws
- Location Map
- Land Use Map
- OCP Designation Map
- Zoning Designation Map
- Aerial Photo
- Proposal letter from the Applicant
- Application Maps
- Conceptual Proposed Subdivision Plan from Applicant

**RDEK  
Contact:**

Tracy Van de Wiel, Planning Technician 2  
Phone: 250-489-0311  
Email: [tvandewiel@rdek.bc.ca](mailto:tvandewiel@rdek.bc.ca)