



# Request for Decision Bylaw Amendment Application

File No: P 723 511  
Reference: Bylaw No. 3224  
Date: March 30, 2023

**Subject:** Bylaw No. 3224 (Panorama / Panorama Mountain Village Inc)  
**Applicant:** Panorama Mountain Village Inc  
**Agent:** Richard Haworth, Haworth Development Consulting  
**Location:** Trappers Way, Panorama  
**Legal:** Parts of Block A, District Lot 17108, Kootenay District, Except Plans NEP80595, EPP19561 and EPP40058 (PID: 026-052-245)  
Part of District Lot 17108, Kootenay District, Except Block A (PID: 026-052-253)

**Proposal:** To amend the Zoning designations for part of the subject properties from RES-2(S), Ski Resort/Residential Development Zone to R-2, Two Family Residential to facilitate future development of single family dwellings and two family dwellings.

**Development Agreement:** None

**Options:**

1. THAT Bylaw No. 3224 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 392, 2023 (Panorama / Panorama Mountain Village Inc)” be introduced.
2. THAT Bylaw No. 3224 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 392, 2023 (Panorama / Panorama Mountain Village Inc)” not proceed.

**Recommendation: Option 1**  
Introducing higher density two-family dwellings is supported in the Trappers Way subarea. The moderate increase in density and development of trails provide a buffer for the existing R-1, Single Family Residential Lots and future higher density development outlined in the Panorama Mountain Village Master Plan. The proposal expands the existing ski in-out to include the new phase and provides opportunities for further expansion at future phases. Additional year-round connectivity and access to lands beyond may be addressed at subdivision.

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**Property Information:** **OCP Designation:**  
R-SF, Residential Single Family which includes single family dwellings, duplexes and zoning that supports secondary suites.

**OCP Objectives & Policies:**

- New single family and multi-family residential development must be serviced by a community water and community sewer system.

**Property  
Information -  
cont'd:**

- Development of new residential areas should include internal non-motorized trails and identify connectivity with the existing Valley Trail and ski trail network.
- The integration of alternative housing options such as secondary suites accessory to single family dwellings, is supported within the Trappers Ridge, Greywolf and Springs Creek subareas.
- Future land use for the Trappers Ridge subarea is proposed to be a mix of residential densities ranging from single family to row or townhouse style development. The proposed densities are less than previously envisioned in the Comprehensive Development Plan and previous OCP land use designations. The decrease in density is a result of no longer designating a portion of the subarea for a Commercial Accommodation site and associated buffering of the commercial use via multi-family development.
- Each phase of development within the Trappers Ridge subarea must demonstrate connectivity to the broader trail network and the Resort Core. At such time as rezoning applications are proposed within the subarea, those lands proposed or currently utilized for trail or community connectivity should be designated as OSRT, Open Space, Recreation and Trails to ensure their conservation and future use.

**OCP Polices Related to Open Space, Recreation and Trails**

- The integration of connectivity between future development nodes in the Trappers Ridge and Greywolf subareas and the Resort Core is supported. Clear identification of how each development node connects to the Valley Trail network through designated right-of-ways or easements is required at the time of subdivision.
- The retention and continued provision for ski in / ski out access for existing and proposed development through designated right-of-ways or easements is required for the Trappers Ridge subarea.
- The design and maintenance of trails throughout the plan area is encouraged to be designed to accommodate pedestrian use on a year round basis. The priority for pedestrian oriented maintenance is for those trails that provide connectivity to the Resort Core.
- As new development nodes are developed within the Greywolf and Trappers Ridge subareas, the designation of designated right-of-ways, easements or undeveloped areas that are designated for access to the trail network to OSRT, Open Space, Recreation and Trails is encouraged.
- While planning for the future of the trail network, collaborative planning between Trail user groups, organized trail groups, Toby Creek Outfitters and Panorama Mountain Village is encouraged to ensure that the needs of a variety of users are met.
- The Ministry of Transportation and Infrastructure and Provincial Approving Officer are encouraged to require the dedication of an unconstructed right-of-way off of Trappers Way to ensure future access to lands beyond, including

**Property  
Information -  
cont'd:**

that portion of Block A, Sublot 1, DL 4596 south of Toby Creek, in conjunction with future subdivision applications for Block A DL 17108.

**Current Zoning:**

RES-2(S), Ski Resort/Residential Development Zone

**Proposed Zoning:**

R-2, Two Family Residential Zone

**Parcel Size:** Multiple:

Block A: 15.4 ha (38 ac)

Portion Proposed for rezoning:

~ 2.7 ha (6.6 ac)

Except Block A: 33.5 ha (82.7 ac)

Portion Proposed for rezoning:

~ 0.06 ha (0.15 ac)

**Density:**

No person shall site more than one (1) single family dwelling or one (1) two family dwelling on a parcel in the R-2 zone.

**ALR Status:** Not within the ALR

**Interface Fire Hazard Rating:** Moderate & High, within the Panorama fire service area

**BC Assessment:** Residential

**Water and Sewer Services:** Community Water and Sewer.

**Master Plan:**

Panorama Mountain Village, Comprehensive Development Plan

- The RES-2(S) section of the zoning bylaw refers to a Panorama Mountain Village OCP Concept Development Plan. Within the phasing strategy of the concept development plan, the area under application was originally intended for single family development. The area east and on the same plateau as the proposed development is intended for multi-family development. Future single family, multi-family & condominiums are intended for the areas south along Trappers Way.

**Additional  
Information:**

- The proposal includes ski-in/out opportunities for the development which connect the area to existing maintained ski runs. The applicant indicates a ski-way will be constructed (and all debris removed) between the proposed phase and the existing phase when the proposed phase is constructed.
- Staff identified concerns regarding lack of year-round access to the private lands north of the area under application. OCP Policies support connectivity to those private lands and the Ministry of Transportation and Infrastructure (MOTI) requested access in a previous subdivision application of the area. The RDEK will continue to provide recommendation to the MOTI at

subdivision to include connectivity via an undeveloped right of way to those private lands.

- The applicant has chosen not to include a development agreement regulating short term rentals. They state that the development, including subdivision, won't be completed until after the RDEK has finalized its Policies regarding Short Term Rentals.
- A Development Permit for Steep Slopes is required at subdivision, which applies to all lands with slopes that are equal to or greater than 15% within the plan area.
- The proposed zone is consistent with the updated draft Columbia Valley Zoning Bylaw which proposes new zones to eliminate the RES-2(S) and RES-2(G) zones as they were linked to land use designations in the 1999 OCP that was repealed by the new OCP adopted in 2020. If the rezoning application is adopted, the draft zoning bylaw will be amended to reflect the new zone designation. Public presentation of the draft is anticipated for late spring.

**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:** No response
- **Transportation & Infrastructure:** Ministry issues are unaffected by the proposed amendment; however the applicant should be aware that road and drainage improvements may be required as part of subdivision.
- **Mountain Resorts Branch:** Interests Unaffected
- **Ktunaxa Nation Council:** No response to date
- **Akisqnuq First Nation:** No response to date
- **School District No. 6:** No response to date
- **Telus:** Interests Unaffected
- **Environment, Ministry of Forests:**

Species at Risk	The project should be assessed by a Qualified Environmental Professional to assess Species at Risk Habitat. If the project is approved, work with a Qualified Environmental Professional to assess the area for species at risk and develop a management plan to minimize impacts to species at risk.
Site Degradation	If approved, seed roadsides and disturbed areas with at least 40% native seed mix certified free of invasive plants. Reclamation planning should also include replanting of shrubs. Loosen compact soil to promote vegetation recovery.

Consultation –  
 cont'd:

Access	<p>If approved, road construction should follow the <i>Guidelines for Amphibian and Reptile Conservation During Road Building and Management Activities</i>  <a href="http://a100.gov.bc.ca/pub/eirs/finishDownloadDocument.do?s_ubdocumentId=11201">http://a100.gov.bc.ca/pub/eirs/finishDownloadDocument.do?s_ubdocumentId=11201</a></p>
Invasive Species	<p>The project will increase invasive plant abundance and spread. The primary risk of concern from the proposed activities is introduction and spread of invasive plants. Invasive plants are typically introduced to British Columbia through human activities. These invasive plants lack natural predators and pathogens that would otherwise keep their populations in check. Invasive plants often establish themselves in soils disturbed from development of roads, utility lines, trails, commercial recreation sites, agriculture, etc. Once established, invasive plants have a tremendous capacity to invade adjacent, undisturbed natural plant communities displace wildlife and disrupt natural ecosystem functions.</p> <p>If approved, an invasive plant management strategy is necessary throughout construction activities and as ongoing maintenance which addresses invasive species on the regional priority list. Practices should prevent introduction and reduce spread/establishment of invasive plants on site. To control invasive plants:</p> <ul style="list-style-type: none"> <li>• Treat invasive plants <b>prior</b> to any activities (preferably using a qualified professional).</li> <li>• Ensure that equipment brought onto site is free of soil and plant material to reduce the possibility of invasive plant species spread/establishment.</li> </ul> <p>The proponent should maintain records of herbicide treatments, and should report invasive plants using the Report-A-Weed program (<a href="https://www.reportaweedbc.ca/">https://www.reportaweedbc.ca/</a>) or the Report Invasives BC App.</p>
Tree Removal	<p>If approved, see Section 34 of the <i>Wildlife Act</i> regarding tree removal. Remove trees outside of the sensitive nesting period (generally April to August), and check for existing or active nests prior to tree removal. Avoid the removal of large diameter trees (dbh &gt; 30 cm: live and dead), especially deciduous, and that are actively used by wildlife (e.g. contains visible nests and tree cavities).</p>
Migratory Bird Window	<p>If approved, works must proceed outside of the breeding bird window (generally April 15 to August 15) the applicant should be aware of requirements under the Migratory Bird Convention Act for addressing incidental take. More information can be found at  <a href="https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html">https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html</a></p>
Fisheries	<p>Stream crossings and work near water should be avoided to maintain water quality and habitat for Westslope cutthroat trout; construct crossings that will maintain water quality and</p>

	require minimal reclamation. Works near water must be authorized under the <i>Water Sustainability Act</i> .
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**Documents  
Attached:**

- Bylaws
- Location Map
- Land Use Map
- OCP Designation Map
- Zoning Designation Map
- Aerial Photo
- Applicant Proposal Letter
- Application Maps

**RDEK  
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