



Request for Decision Bylaw Amendment Application

File No: P 723 401
Reference: Bylaw Nos. 3211 and 3212
Date: March 29, 2023

Subject: Bylaw No. 3211 & Bylaw No. 3212 (Meadowbrook / Campbell & Blackburn)
Applicant: Bernard Blackburn and Robin Campbell
Agent: Jean Terpsma, Terpsma Land Development Consulting
Location: 2155 Bussey Road, Meadowbrook
Legal: Part of Lot 2, District Lot 12722, Kootenay District, Plan 6232 except parts included in Plans 8790, 10355, and 11946 (PID: 014-152-266)

Proposal: To amend the OCP and zoning designation of a portion of the property to permit future subdivision. The proposed OCP designation change is from LH, Large Holdings to SH, Small Holdings and the proposed zoning designation change is from RR-2, Rural Residential (Small Holding) Zone to RR-1, Rural Residential (Estate) Zone.

Development Agreement: None

Options:

1. THAT Bylaw No. 3211 cited as "Regional District of East Kootenay – Kimberley Rural Official Community Plan Bylaw No. 2760, 2017 – Amendment Bylaw No. 6, 2023 (Meadowbrook / Campbell-Blackburn)" be introduced and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.
2. THAT Bylaw No. 3212 cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 37, 2023 (Meadowbrook / Campbell-Blackburn)" be introduced.
3. THAT Bylaw No. 3211 cited as "Regional District of East Kootenay – Kimberley Rural Official Community Plan Bylaw No. 2760, 2017 – Amendment Bylaw No. 6, 2023 (Meadowbrook / Campbell-Blackburn)" not proceed.
4. THAT Bylaw No. 3212 cited as "Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 37, 2023 (Meadowbrook / Campbell-Blackburn)" not proceed.

Recommendation: Options 3 & 4

OCP policies do not support parcel sizes less than 2 ha where the parcel has a designation of LH, Large Holdings. There are no other parcels in the vicinity that are zoned RR-1. Aside from two smaller parcels on Berard Road, this application is inconsistent with the parcel sizes in the surrounding area. This recommendation is consistent with the 2021 application that did not proceed following a public hearing.

**Property
Information:**

Current OCP Designation: LH, Large Holdings

Proposed OCP Designation: SH, Small Holdings

OCP Policies:

- Bylaw amendment applications for residential development should address the following:
 - Compatibility of proposed development with surrounding land uses and parcel sizes;
 - Access to the development and proposed road network;
 - Integration of Conservation Subdivision Design principles by utilizing a compact neighbourhood design and identifying and protecting wetlands, steep slopes, woodlands and wildlife corridors;
 - Capability of the natural environment to support the proposed development, and its impact on important habitat areas;
 - Identification of trail connectivity within the area under application and adjacent developments;
 - Consideration of water reduction measures for buildings and landscapes;
 - Consideration of building envelopes to maximize views and passive solar orientation;
 - Mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas;
 - Integration of FireSmart principles;
 - Consideration of the potential impacts on groundwater;
 - Susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
 - Suitability of the parcels for on-site groundwater wells and septic systems; and
 - Consideration of vegetated buffers or setbacks where the proposed development is adjacent to agricultural land.
- Rezoning applications of parcels designated LH, Large Holdings to permit parcels sizes 2 ha or greater will generally be supported. The application should address the criteria in section 4.3 (1)(g) (see above).

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

Proposed Zone Designation: RR-1, Rural Residential (Estate) Zone
(minimum parcel size: 1 ha)

Parcel Size: 3.9 ha (9.75 ac)
Proposed Lot A – 1.1 ha
Proposed Remainder – 2.8 ha

**Property
Information -
cont'd:**

Density:

Existing: There is an existing dwelling on the property.

Proposed: The proposal is for a two-lot subdivision. Each parcel is permitted one single family dwelling.

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Low and high, not within a fire protection area

BC Assessment: Residential (SFD)

Water and Sewer Services: Onsite existing and proposed

Flood Hazard Rating: Mather Creek runs through the northern portion of the subject property. The proposed subdivision should not impact the creek, but any development must comply with floodplain regulations.

**Professional
Studies:**

None

**Additional
Information:**

- A previous application with the same proposed lot sizes and configuration was refused at the December 3, 2021 RDEK Board Meeting following a public hearing on the application.
- If approved, proposed Lot A would be zoned RR-1 and the proposed remainder would remain zoned RR-2.
- The application states that proposed Lot A would be vacant and the proposed remainder would include the existing single family dwelling, outbuildings, well and sewage disposal system.
- The application states that proposed Lot A is primarily flat and treed with suitable building sites.

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 Area E: Support recommended.

Referral Agencies:

- **Interior Health Authority:** No comment to date
- **Transportation & Infrastructure:** Interests unaffected
- **Environment:** No comment to date
- **Ktunaxa Nation Council:** No comment to date

**Consultation
cont'd:**

- **School District No. 5:** No comment to date
- **Telus:** Interests Unaffected

In addition to the above referral agencies, a letter in support of the application has been received from a direct neighbor.

**Documents
Attached:**

- Bylaws
- Location Map
- Land Use Map
- OCP Designation Map
- Zone Designation Map
- Applicant Proposal Letter
- Aerial Photo provided by Applicant

**RDEK
Contact:**

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