



# Request for Decision Bylaw Amendment Application

File No: P 724 510  
Reference: Bylaw Nos. 3317 & 3318  
Date: October 22, 2024

**Subject:** Bylaw No. 3317 & Bylaw No. 3318 (Lyttle Lake / Vertz)  
**Applicant:** Diane and Ron Vertz  
**Location:** 3453 Kootenay #3 Road, Windermere  
**Legal:** Lot 1, District Lot 4596, Kootenay District Plan 4023 except Plans NEP22509 and NEP69091 (PID: 014-973-499)

**Proposal:** To amend the OCP and zoning designation of part of the subject property to accommodate future subdivision of rural residential parcels.

**Development Agreement:** None

- Options:**
1. THAT Bylaw No. 3317 cited as “Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2929, 2019 – Amendment Bylaw No. 13, 2024 (Lyttle Lake / Vertz)” be introduced; and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.
  2. THAT Bylaw No. 3318 cited as “Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023 – Amendment Bylaw No. 12, 2024 (Lyttle Lake / Vertz)” be introduced;
  3. THAT Bylaw No. 3317 cited as “Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2929, 2019 – Amendment Bylaw No. 13, 2024 (Lyttle Lake / Vertz)” not proceed.
  4. THAT Bylaw No. 3318 cited as “Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023 – Amendment Bylaw No. 12, 2024 (Lyttle Lake / Vertz)” not proceed.

**Recommendation: Options 1 & 2**

The proposed parcel sizes are compatible with surrounding parcel sizes and land use and the proposed parcel size is large enough to support onsite services. This proposal will provide a mix of residential densities within the plan area and will have less of an impact on the natural ecosystem than the current zoning permits.

This development will be required to service all new parcels created in compliance with the RDEK Subdivision Servicing Bylaw and must complete any road improvements required by the Ministry of Transportation and Infrastructure.

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**Property Information:** **Current OCP Designation:** Multiple – CR, Commercial Recreation; R-MF, Residential Multi-Family; and R-SF, Residential Low Density

**Property  
Information -  
cont'd:**

**Proposed OCP Designation:** Multiple – CR, Commercial Recreation; and R-SF, Residential Low Density

**OCP Policies:**

- New multi-parcel subdivisions of single family or greater density should be serviced by community water and sewer systems.
- A mix of residential densities is supported within the plan area.
- Development of new residential areas include internal non-motorized trails and identify connections with existing trail networks. Where existing trail networks are not yet established, connectivity with parks, open space, recreation amenities and commercial services should be demonstrated.
- Bylaw amendment applications for residential development should address the following:
  - (i) Compatibility of the proposed development with surrounding land uses, parcel sizes, local rural character and lifestyle;
  - (ii) Access to the development and proposed internal road networks;
  - (iii) Demonstrate the use of Conservation Subdivision Design principles where appropriate, such as:
    - (a) Identifying 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.
  - (iv) Integrate FireSmart Principles.
- Development is encouraged to recognize and integrate opportunities to retain and maximize the viewscales.

**Current Zone Designations:**

RES-2, Resort Recreation Zone (minimum parcel size: 0.5 ha)

R-1, Single Family Residential Zone (minimum parcel size: 555 m<sup>2</sup>)

R-3, Multiple Family Residential – Medium Density Zone (minimum parcel size: 1000 m<sup>2</sup>)

**Proposed Zone Designations:**

RES-2, Resort Recreation Zone (minimum parcel size: 0.5 ha)

SH-2, Small Holding Semi-Rural Zone (minimum parcel size: 1.0 ha)

**Parcel Size:**

Total Parcel Area: 117 ha (289.4 ac)

Area under application: 47.7 ha (117.9 ac)

**Density:**

Existing: The parcel is currently vacant but is zoned to permit almost 900 units.

**Property Information - cont'd:**

Proposed: The proposal is for a 24 lot subdivision. Each parcel would be permitted one single family dwelling and one secondary suite within the principal dwelling.

Potential: There is a potential for up to 47 one hectare lots that could be created with the proposed amendments.

**ALR Status:** Not within the ALR

**Interface Fire Hazard Rating:** Moderate to high, within the Windermere fire protection area

**BC Assessment:** Residential & Business/Other – seasonal resort

**Water and Sewer Services:** Individual onsite sewerage disposal systems are proposed. Use of the existing water licence for Lyttle Lake and individual onsite groundwater wells are also proposed. Proposed servicing must comply with the RDEK Subdivision Servicing Bylaw.

**Flood Hazard Rating:** Lyttle Lake and several unnamed watercourses or seasonal drainages are located on the property. Development must comply with floodplain regulations.

**Professional Studies:**

None

**Additional Information:**

- The property is currently zoned to permit establishment of a golf course and mid- to high-density residential development on the portion of the property closer to Kootenay #3 Road. This was facilitated by the previous property owners. This application is to align with the current property owners intended future use of the land.
- An Environmentally Sensitive Area (ESA) Development Permit (DP) area is located on the property, around Lyttle Lake and an unnamed watercourse, for riparian and wetland ecosystems. A development permit application is required for subdivision and all development within the ESA DP area.
- This application is intended to facilitate family legacy planning, providing parcels for the owners' family members. The remainder of the parcel zoned RES-2 is proposed for shared use by the residential property owners for outdoor recreation.
- The application states that the subdivision will occur in a phased manner, creating approximately four residential parcels for the owners and owners' children in the next 10 years, and create the remainder of the residential parcels for grandchildren over the next 40 years.
- There is an existing internal road on the property that is proposed for continued use to provide access to the residential parcels.

**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.

**Advisory Planning Commissions:**

**APC Area F:** Support recommended

**Referral Agencies:**

- **Interior Health Authority:** No comment to date.
- **Transportation & Infrastructure:** Concerns with the highway access of Kootenay No. 3 Road. This will have to be addressed during the subdivision process. Road improvements are development driven and will be at the developers' expense. Access onto Kootenay No. 3 Road and dedicated roads or common lot accesses within the property will also be the responsibility of the developer.
- **Ministry of Forests:** Standard referral response.
- **Ministry of Water, Land and Resource Stewardship:** The existing water licence on Lyttle Lake cannot be used to service residential dwellings and should not be considered as a way of service at this time. There is one well drilled on the property that could be used to service a single dwelling, but not multiple residences. The aquifer has low well density and moderate productivity, and potentially has the capacity for further well construction to service additional residential properties (subject to referral of a Regional hydrogeologist).
- **Ktunaxa Nation Council:** No comment to date.
- **Shuswap Band:** At this time they do not see any apparent significant impacts to their indigenous rights. However, they may at a future date want to revisit consultation on this matter should new information become available.
- **School District No. 5:** No comment to date.
- **Telus:** Advise the applicant to reach out if they require work or service by Telus.

**Documents  
Attached:**

- Bylaws
- Location Map
- Land Use Map
- OCP Designation Map
- Zone Designation Map
- Proposal
- Aerial Photo

**RDEK  
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