



Request for Decision Bylaw Amendment Application

File No: P 724 560
Reference: Bylaw No. 3348
Date: October 22, 2024

Subject: Bylaw No. 3348 (Windermere South / Egan)
Applicant: Lin and Oliver Egan
Location: 1681 Highway 93/95, Windermere South
Legal: Lot 67, District Lot 8, Kootenay District Plan 1080, except parts included in Plans R121 and R289 (PID: 011-931-531)

Proposal: To amend the text of the zoning bylaw to permit two single family dwellings and to permit a maximum parcel coverage of up to 50% for greenhouses on the subject property.

Development Agreement: None

1. THAT Bylaw No. 3348 cited as “Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023 – Amendment Bylaw No. 18, 2024 (Windermere South / Egan)” be introduced.
2. THAT Bylaw No. 3348 cited as “Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023 – Amendment Bylaw No. 18, 2024 (Windermere South / Egan)” not proceed.

Recommendation: Option #1

While this parcel is not identified as being within the Windermere Townsite core area, it is in close proximity and the proposal provides some mixed-use development on a parcel that has a commercial OCP designation. Further, this helps to facilitate a range of housing opportunities to the area, particularly as a rental unit.

The greenhouses are already on the property and the amendment would bring the property into compliance with the zoning bylaw and support continued use for agriculture.

Property Information: **OCP Designation:** C, General Commercial, which supports local commercial uses intended primarily for local residents and the travelling public and commercial uses of a regional nature intended for a wide range of potential users.

- OCP Policies:**
- A mix of residential densities is supported within the plan area.
 - 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;

**Property
Information -
cont'd:**

- (ii) Access to the development and proposed internal road networks;
 - (iii) Demonstrate the use of Conservation Subdivision Design principles where appropriate, 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.
 - (iv) Integrate FireSmart Principles.
- A mix of residential densities is supported within the Windermere South subarea.
 - Mixed use commercial and residential is encouraged on commercially zoned properties within the Windermere townsite core (Figure 3). Ground floor commercial use should be retained and residential uses may be located above or behind the commercial use. This policy could be realized by amending the Upper Columbia Valley Zoning Bylaw to include a mixed use zone or supporting rezoning applications to 'split zone' parcels in the Windermere Townsite.

Zone Designation: SH-2, Small Holding Semi Rural Zone; minimum parcel size is 1 ha.

Parcel Size: 1.3 ha (3.3 ac)

Density:

Existing: The parcel currently has one single family dwelling.

Proposed: The proposal is for two single family dwellings, allowing for one additional single family dwelling in addition to the current conditions.

ALR Status: Within the ALR. An additional dwelling is permitted within the ALR when the principal dwelling is no larger than 500 m² and the additional dwelling is no larger than 90 m².

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

BC Assessment: Residential, Farm & Business/Other – Small Fruits

Water and Sewer Services: East Side Lake Windermere Water System and onsite sewerage disposal system. The proposed dwelling would be connected to a new onsite sewerage disposal system. The application states that they have confirmed with a contractor that there is adequate space for an additional system while meeting setback requirements.

Flood Hazard Rating: Windermere Creek is located directly south of the subject property. Development must comply with floodplain regulations.

Professional Studies: None

Additional Information:

- The applicants have indicated that the existing dwelling has a total floor space of 278 m² and the proposed dwelling would have a total floor space of 86.4 m², thus complying with the Agricultural Land Reserve Regulations for residences within the ALR.
- The applicant has indicated that either The Dell Road or the existing driveway would be utilized to access the proposed additional dwelling.
- In determining the requested type of accessory dwelling unit, the applicants stated that they do not want to limit occupancy to a farm hand as they do not want to be required to only rent the unit to someone who is required to help with the farm operation. However, future occupants of this rental unit may provide some assistance for the farm and commercial operations on the property if the fit is right.

Consultation: **APC Area F:** Support recommended

Engineering Department: Connection to the East Side Lake Windermere Water System is not straight forward. The applicants have been provided with options to consider, as outlined in the attached memo from the engineering department. If this application is approved the applicant will need to determine which route to take at time of building permit application.

Referral Agencies:

- **Interior Health Authority:** From an Environmental Public Health perspective, this proposal poses a risk of over-development of the property, which would impact available suitable land for on-site septic disposal. IHA recommends the property be assessed by an Authorized Person to identify appropriate areas for primary and reserve septic disposal that will service the additional dwelling. The Regional District may further consider the use of a covenant to protect the identified reserve area from any soil disturbance or development. IHA has no objections to this proposal.
- **Transportation & Infrastructure:** No concerns with the proposal, but will not access an additional access for this new dwelling from Hwy 93/93. The new dwelling will have to share the existing access from the highway or access from The Dell Road.
- **Environment:** Standard handout form.
- **Ktunaxa Nation Council:** No concern.
- **Shuswap Band:** Based on initial review, the nature of the proposed activity, its location, the current information available at this time, they do not see any apparent significant impacts to their Indigenous rights. However, they may want to revisit consultation on this matter should new information become available.
- **School District No. 5:** No comment to date.
- **Telus:** No comment to date.

**Documents
Attached:**

- Bylaw
- Location Map
- Land Use Map
- Zone Designation Map
- Proposal
- Aerial Photo
- Engineering Department Memo
- Referral Responses

**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdk.bc.ca