

Request for Decision Bylaw Amendment Application

File No: P 720 503
Reference: Bylaw No. 2975
Date: February 26, 2020

Subject: Bylaw No. 2975 (Westside / 1129759 Alb Ltd)
Applicant: 1129759 Alberta Ltd (Mark Himmelspace)
Agent: Haworth Development Consulting
Location: Westside Road
Legal: Lot 1, District Lot 4596, Kootenay District, Plan NEP88930 Except Plan EPP43962 (PID: 027-903-052)

Proposal: To amend the zone designation of the subject property from A-1, Rural Resource Zone to SH-2, Small Holding Semi-Rural Zone to permit subdivision.

Development Agreement: The applicant has offered to register a 'no disturbance' covenant over about 50% of the property. This protected area will include native grassland ecosystems and steep slopes.

The owner has offered amenity contributions in the amount of \$1000 per residential lot created to be held in a reserve fund for improvements to parks and recreation facilities in Electoral Area F including improvements to public lake accesses to Lake Windermere.

Options:

1. THAT Bylaw No. 2975 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 359, 2020 (Westside / 1129759 Alb Ltd)" be introduced.
2. THAT Bylaw No. 2975 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 359, 2020 (Westside / 1129759 Alb Ltd)" not proceed.

Recommendation: **Option #1**
The OCP designation for the subject portion of land supports the request and the watershed and riparian values will be protected by both the ESA development permit process and the 'no development' covenant offered by the applicant for the most sensitive portions of the property.

Property Information: **OCP Designation:** SH, Small Holdings which supports low density residential development with minimum parcel sizes in the range of 0.2 ha to 2.0 ha. An OCP amendment is not required for the proposed development.

General Residential OCP Policies:

- New multi-parcel subdivisions of single family or greater density should be serviced by community water and sewer systems.

**Property
Information -
cont'd:**

- Development of new residential areas should 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, recreational amenities and commercial services should be demonstrated.
- Rezoning to create new residential parcels within the plan area or to increase on water boat moorage/storage could increase the use and associated impacts on existing public lake access points and recreational amenities such as trails. Community amenity contributions can assist in mitigating these impacts by funding upgrades to public lake access, trails or other public recreational amenities. Community amenity contributions are not a requirement of rezoning, but will be negotiated with developers at time of rezoning in order to reduce the impact that new development has on existing community amenities and for the provision of new amenities. Exceptions may be made for the provision of non-market attainable and affordable housing options.
- Bylaw amendment applications for residential development should address the following:
 - a) compatibility of the proposed development with surrounding land uses, parcel sizes, local rural character and lifestyle;
 - b) access to the development and proposed internal road networks;
 - c) demonstrate the use of Conservation Subdivision Design principles where appropriate, such as:
 - 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;
 - clustering development into nodes of smaller lots in order to preserve larger contiguous environmentally sensitive areas and agricultural zones; and
 - 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.
- Development is encouraged to recognize and integrate opportunities to retain and maximize the viewscales.

Residential OCP Policies for the Subject Property:

- The lands shown in figure 8 (the subject property) are located between properties zoned for a minimum parcel size of 1 ha. Rezoning of the property to allow infill rural acreages may be supported, subject to the following conditions:
 - a) Consideration of a vegetated buffer, greenspace or extended building setbacks for new parcels adjacent to existing small holdings;
 - b) Proof of the provision of potable water;

**Property
Information -
cont'd:**

- c) Servicing by a community sewer system is strongly encouraged; and
- d) No net loss of the grassland ecosystem.

Current Zoning: A-1, Rural Resource

Proposed Zoning: SH-2, Small Holding Semi-Rural Zone, minimum parcel size: 1.0 ha

Parcel Size: 19.4 ha (47.9 ac)

Density: One single family dwelling is permitted.

ALR Status: Not within

Interface Fire Hazard Rating: Ranging from moderate to high, not within a fire service area

BC Assessment: Managed Forest (Industrial - vacant)

Water and Sewer Services: Onsite wells proposed and either onsite individual or onsite community sewer

**Professional
Studies:**

Well water: Western Water Associates reviewed the property and found the presence of two aquifers. They determined that, based on the interpreted hydrogeology, there is good potential to develop multiple groundwater sources across the site which are capable of producing the water flows required to permit subdivision.

Archaeology:

- a) A Preliminary Field Reconnaissance Archaeological Assessment was completed in 2016 which found a small portion of the property requiring further study. The application states this more detailed assessment will be completed prior to subdivision and the area is included in the proposed 'no disturbance' covenant area offered by the owner.
- b) Archaeological Review of Proposed Road was completed in 2010 and a covenant is currently registered on the property which requires that any removal or displacement of soil be in accordance with the report.

Geotechnical: A Field Report which included the subject property was prepared by Miles Stepanck, P. Eng. in 2010 and a covenant is currently registered requiring further geotechnical study prior to any earth or vegetation removal and/or placement of any buildings or structures.

Environmental: A report is currently being prepared by Mary Louise Polzen from VAST Resource Solutions to review the grassland ecosystems. This work has determined that the present grassland is in a compromised state due to encroachment by shrubs and non-native vegetation. Recommendations have been made to supplement the existing grassland to ensure no post-development net-loss. A

Professional Studies – cont'd: development permit for environmental sensitivity will be required prior to subdivision sign-off by the RDEK.

Additional Information: A 10 m vegetated buffer is proposed as part of the no disturbance / green space covenant to provide an additional building setback from the neighbouring small holdings parcel to the south.

Consultation: **Advisory Planning Commission:**

APC Areas F & G: Support recommended

Referral Agencies:

- **Interior Health Authority:** Interests unaffected
- **Transportation & Infrastructure:** Interests unaffected
- **Environment:** No response
- **Ktunaxa Nation Council:** No response
- **Akisqnuk First Nation:** No response
- **Shuswap Indian Band:** No response
- **School District No. 6:** No response
- **Telus:** No response

Documents Attached:

- Bylaw
- Location Map
- Land Use Map
- Photos Provided by Applicant
- Existing & Proposed Zone Map
- Conceptual Subdivision Plan Provided by Applicant
- Letter from NRO – Habitat Management Section

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