

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 2975

A bylaw to amend Bylaw No. 900 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 900;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 359, 2020 (Westside / 1129759 Alb Ltd)."
2. The designation of Lot 1, District Lot 4596, Kootenay District, Plan NEP88930, Except Plan EPP43962, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from A-1, Rural Resource Zone to SH-2, Small Holding Semi-Rural Zone.

READ A FIRST TIME the day of , 2020.

READ A SECOND TIME the day of , 2020.

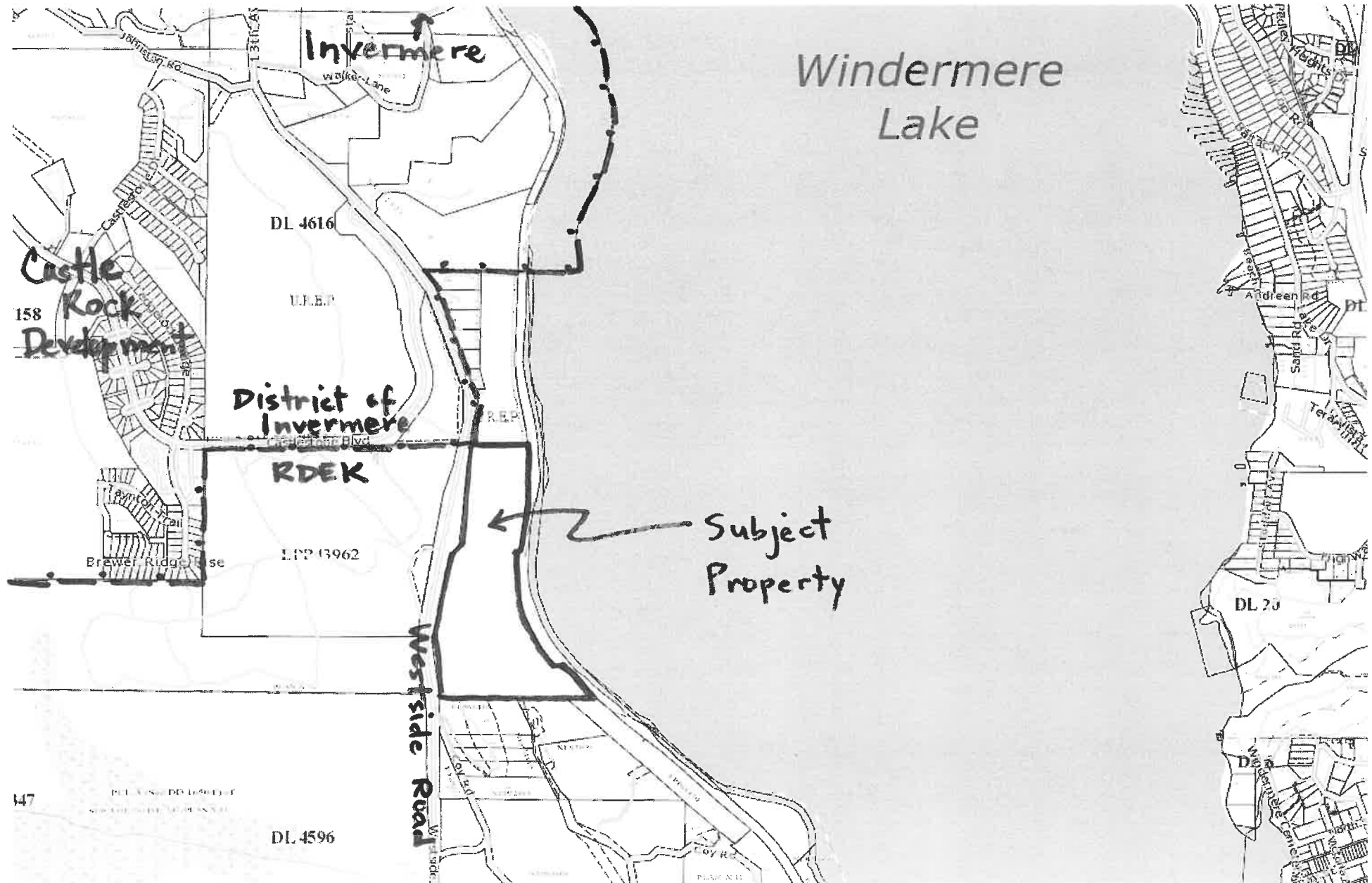
READ A THIRD TIME the day of , 2020.

ADOPTED the day of , 2019.

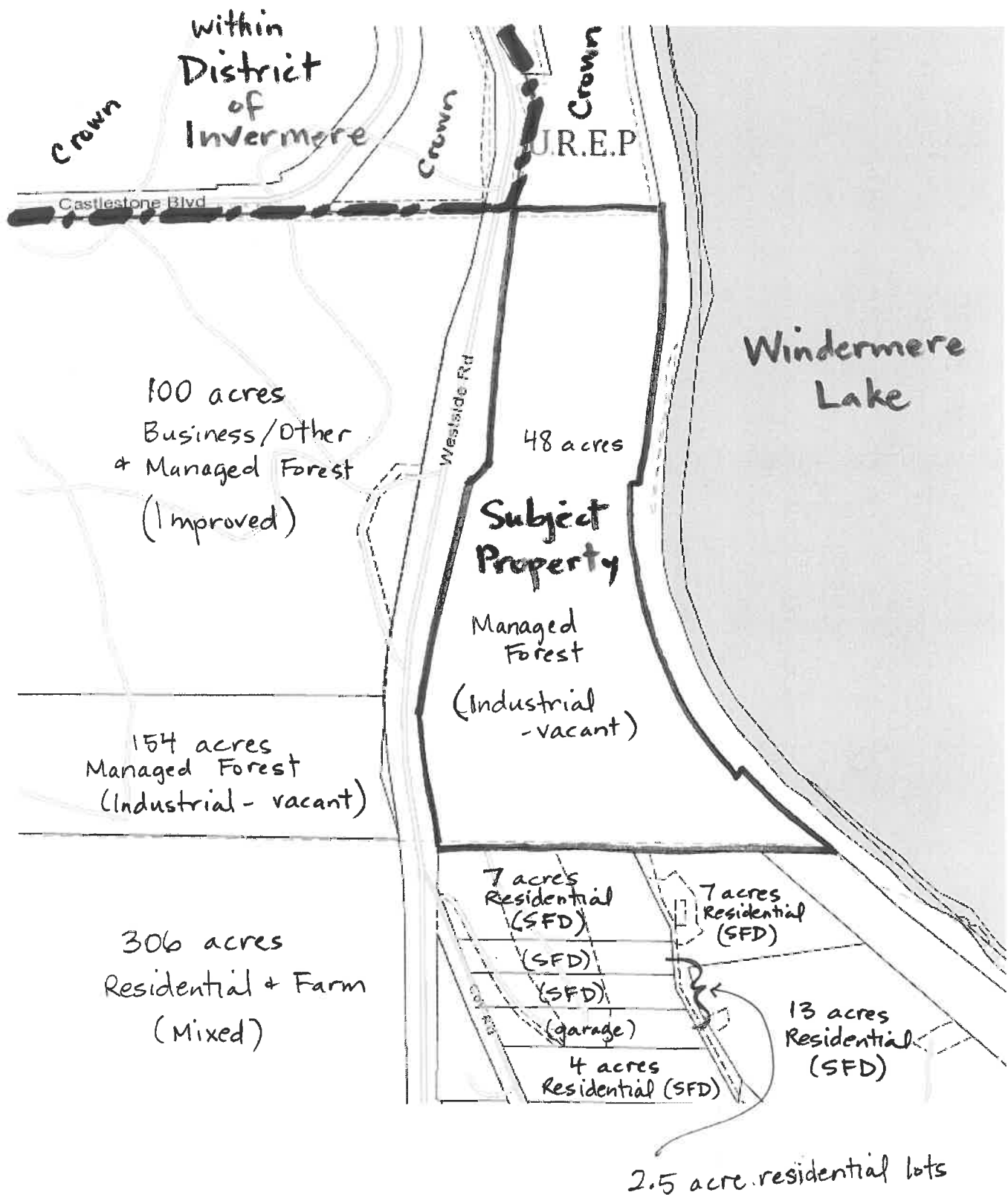
CHAIR

CORPORATE OFFICER

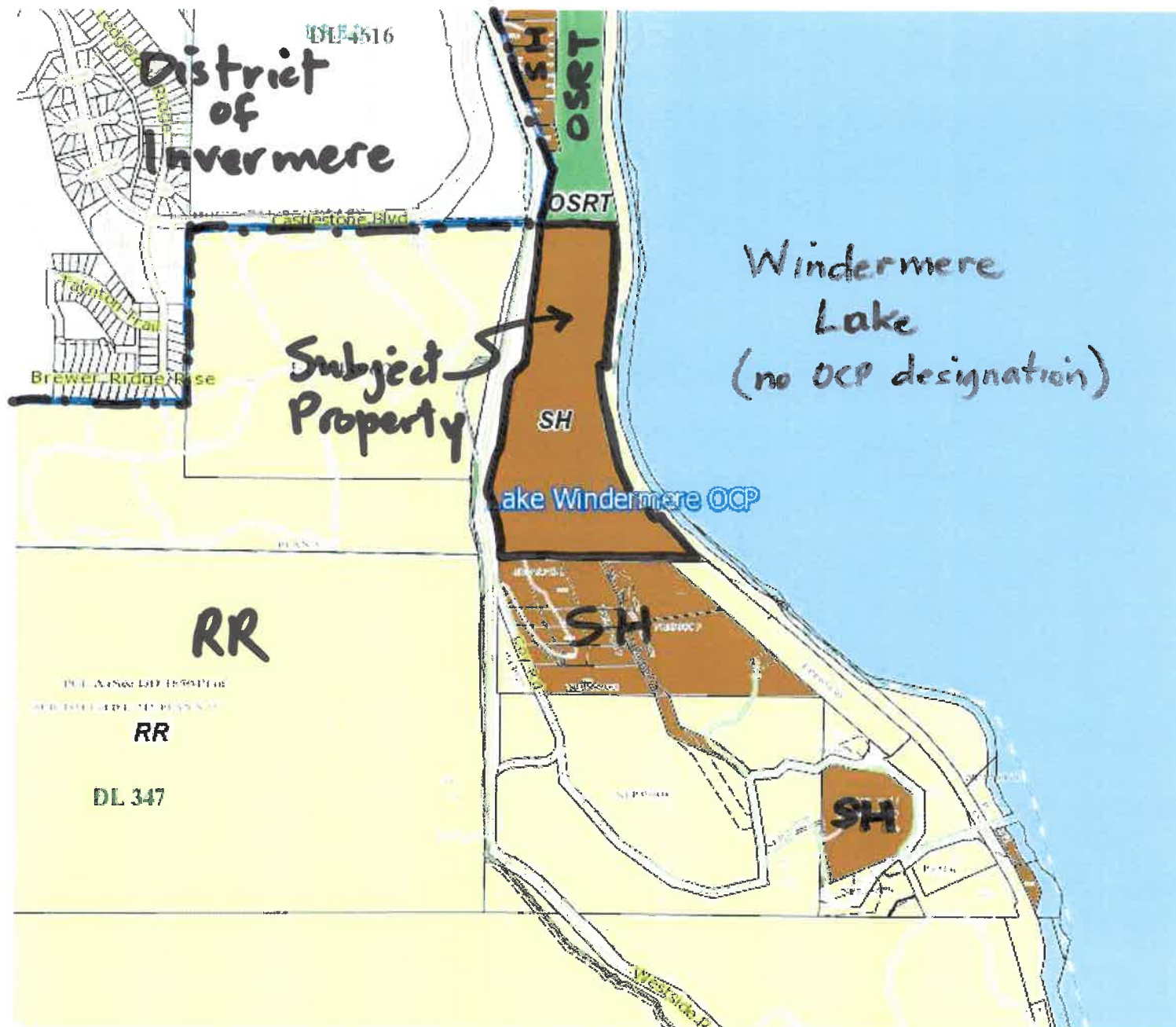
Location Map



Land Use Map



OCP Designations



- (3) Maintain the rural character of land by only considering residential development proposals if they are located in such a way that they minimize impacts to views, do not hinder access to recreational areas, consider impacts to traffic volumes and make improvements based on the scale of impact, and do not compromise environmental or natural resource values identified elsewhere in this plan.
- (4) Ensure that development which occurs at the interface with urban boundaries integrates principles that will facilitate future development of urban parcel sizes and infrastructure.

4.3 Policies

(1) General

- (a) New multi-parcel subdivisions of single family or greater density should be serviced by community water and sewer systems.
- (b) A mix of residential densities is supported within the plan area.
- (c) Incorporating secondary suites into the plan area is supported. This will require an amendment to the Upper Columbia Valley Zoning Bylaw and will consider what types of secondary suites may be appropriate and how to address potential impacts on parking and septic systems.
- (d) The current zoning regulations do not include a zone to recognize the short-term rental of single family dwellings. Undertaking a stand-alone public planning process to establish regulations pertaining to the use of single family residences for short term rentals is supported.
- (e) 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.
- (f) 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.
- (g) 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) 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;

cont'd
↓

- (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.

(h) Development is encouraged to recognize and integrate opportunities to retain and maximize the viewscape.

(2) Windermere North

- (a) A mix of residential densities is supported on the lands shown in Figure 1, subject to community sewer and water servicing, connection with existing trail networks and consideration of impacts to existing road networks.

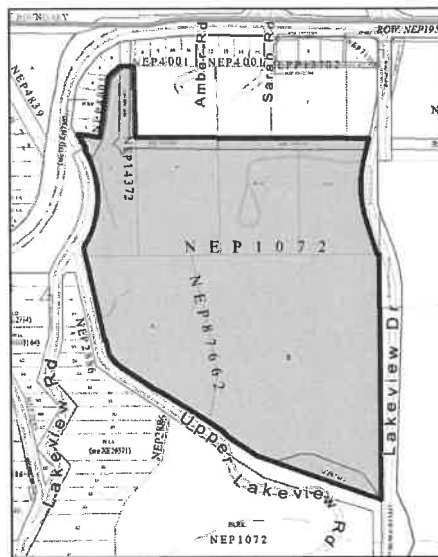


Figure 1

- (b) Road access for the parcels shown highlighted in Figure 2 should be considered from Amber Road, Sarah Road and Lakeview Drive.

- D. Minimize the construction of new roads by utilizing existing roads and disturbed area as much as possible;
 - E. The number of parcels in development clusters should be approximately the same as the number of parcels that would be provided on the parent parcel through a conventional rural subdivision. This is achieved by permitting smaller parcels in development clusters than would be provided in a conventional rural subdivision; and
 - F. To achieve higher densities in the development clusters, provision of community sewer and water services may be required.
- (b) Subdivision of lands shown in Figure 7 is not supported within the RDEK. The lands are suitable for an extension of the Castlerock subdivision and annexation by the District of Invermere is supported in order to provide appropriate levels of community servicing.

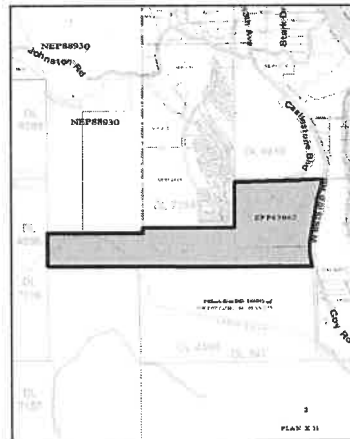


Figure 7



- (c) The lands shown in figure 8 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:
- i. Consideration of a vegetated buffer, greenspace or extended building setbacks for new parcels adjacent to existing small holdings;
 - ii. Proof of the provision of potable water;
 - iii. Servicing by a community sewer system is strongly encouraged; and
 - iv. No net loss of the grassland ecosystem.

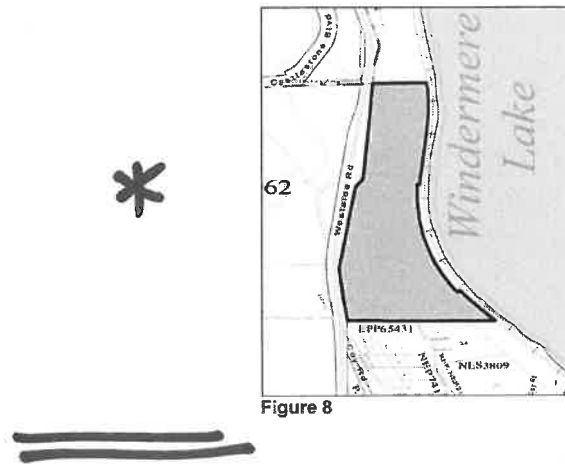


Figure 8

- (d) Despite the minimum parcel size requirements established within the zoning bylaw, subdivision of land within the Westside subarea to a parcel size of less than 120 hectares is not generally supported, with the exception of subdivision for a relative and sections 4.3(5)(a) - (c).
- (e) In order to keep grazing cattle off of private lands, landowners are responsible for incorporating sufficient controls, such as fencing and cattle guards.
- (f) A rezoning application for Lot 1, District Lot 347, Plan X11, shown in Figure 9, to facilitate subdivision as per the 1976 Agricultural Land Commission approval #4667/76 may be supported.



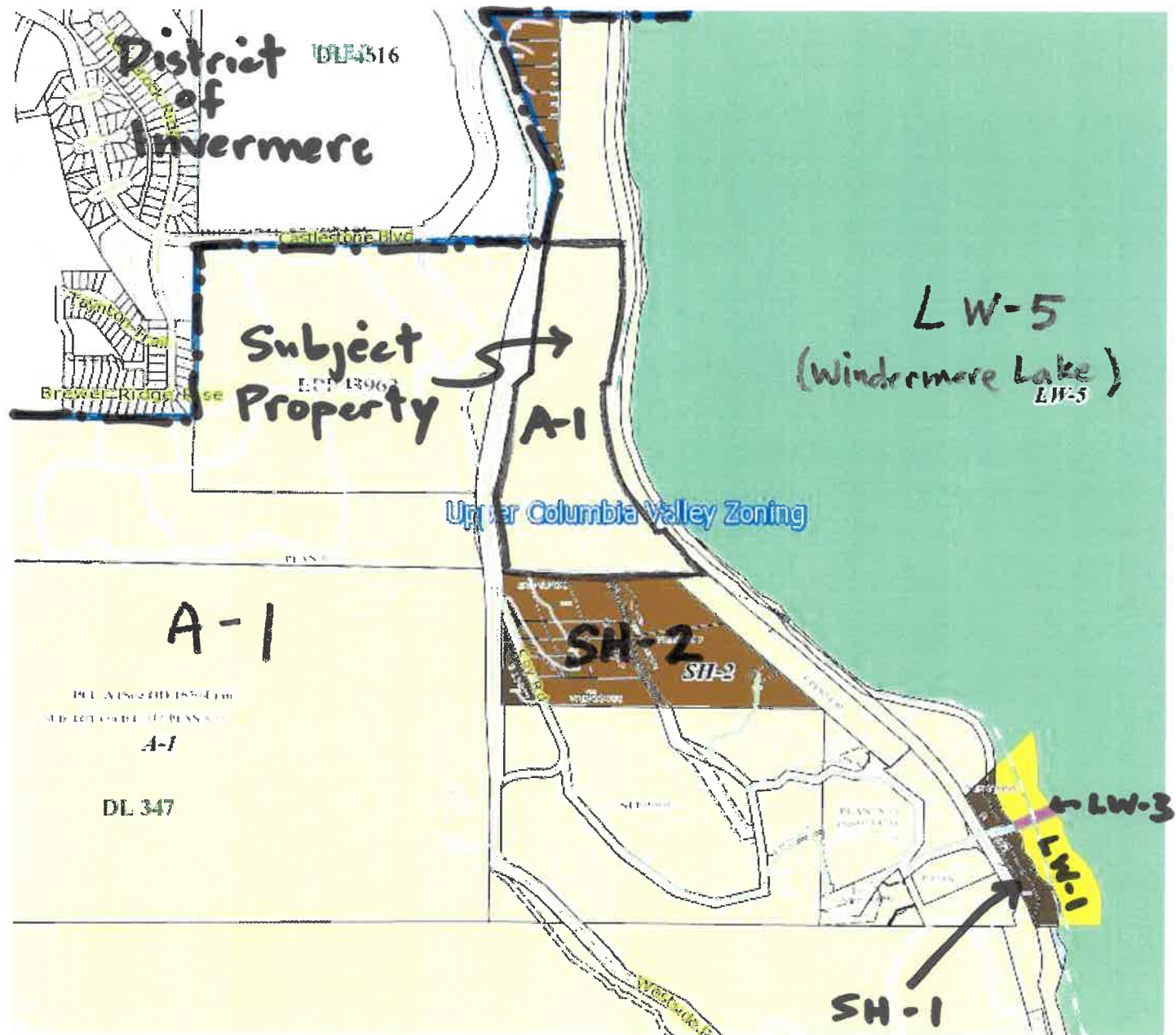
Figure 9

(6) Home Based Business Policy

The following policy identifies when home based businesses are supported within the plan area:

- (a) Home based businesses which are accessory to the residential use, operate on a scale that is appropriate for the area, conform with home based business and sign regulations in the zoning bylaw, and do not disrupt the residential nature of the surrounding area are supported in order to facilitate diversified economic development.

Current Zone Designations



RURAL RESOURCE ZONE: A-1

7.15 (1) Permitted Uses

Within the A-1 zone the following uses only are permitted:

- (a) Single family dwelling;
- (b) Agricultural use;
- (c) Seasonal produce stand;
- (d) Veterinary clinic;
- (e) Kennel, subject to subsection (5)(e);
- (f) Guest Ranch, subject to subsection (7)(d);
- (g) Riding stable, equestrian center;
- (h) Rifle, archery, trap and skeet range, subject to subsection (5)(f);
- (i) Fish pond;
- (j) Rural retreat;
- (k) Hostel;
- (l) Extraction of sand and gravel, including grading, washing, screening, crushing and transporting of materials;
- (m) Harvesting, transport and storage of forest resources; silviculture practices and Christmas tree management;
- (n) Sawmill, shakemill and planermill, subject to subsections (5)(g), (h), (i) and (7)(c);
- (o) Private air strip and helicopter landing pad;
- (p) Wildland Use;
- (q) Sanitary landfill site, subject to subsection (5)(j);
- (r) Wireless communication facility;
- (s) Uses permitted under Section 4.03 of this Bylaw.

BL 1047
09 Jul 93

BL 1936
03 Mar 07

(2) Accessory Uses

- (a) Cement, concrete, asphalt or ready-mix plant accessory to sand and gravel pits subject to subsection 5(g);
- (b) Concession stand accessory to fish pond;
- (c) Cabin accessory to Wildland use;
- (d) Guide-outfitting lodge accessory to Wildland use;
- (e) Home based business; subject to (7)(f).
- (f) Secondary dwelling for farm hands; subject to (7)(e).
- (g) Auxiliary dwelling unit;

BL 2387
05 Oct 12

BL 2350
06 Jan 12

BL 2369
07 Sept 12

- (h) Other uses, buildings and structures accessory to above permitted uses.

(3) Parcel Area

- (a) No parcel shall be created in the A-1 zone which is less than 60.0 ha (148.5 acres) except as provided for in clause (b) and under Section 5.02 and 5.03 of this Bylaw.
- (b) The Approving Officer may permit the creation of parcels having an area less than 60.0 ha (148.5 acres) but greater than 1.0 ha (2.48 acres) provided:
 - (i) the applicant for such subdivision is a farmer who intends to retire from the occupation of farming on the land to be subdivided; and
 - (ii) the applicant provides an undertaking that he intends to reside on the parcel.

(4) Density

- (a) No person shall site more than one (1) single family dwelling on a parcel within the A-1 zone, except as permitted under subsection (2)(f) above.

(5) Siting

- (a) No person shall site a principal building in the A-1 zone which has:
 - (i) a front yard less than 7.5 m (24.6 ft);
 - (ii) a rear yard less than 7.5 m (24.6 ft);
 - (iii) a side yard less than 7.5 m (24.6 ft);
- (b) No person shall site an accessory building or structure in the A-1 zone which has:
 - (i) a front yard less than 7.5 m (24.6 ft);
 - (ii) a rear yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;
 - (iii) a side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.
- (c) No person shall site a secondary dwelling for farm hands in the A-1 zone which has:
 - (i) a front yard less than 7.5 m (24.6 ft);
 - (ii) a rear yard less than 7.5 m (24.6 ft);
 - (iii) a side yard less than 7.5 m (24.6 ft).

Subsection (5)(d) deleted by Bylaw No. 1668 adopted 11 April 2003.

- (e) No person shall site a kennel building, structure or enclosed run closer than 60 m (196.9 ft) from a parcel line.
- (f) No person shall establish a rifle, archery, trap, and skeet range in the A-1 zone less than 50 m (164 ft) from a parcel line, and not less than 100 m (328.1 ft) from an existing dwelling not on the same parcel.

- (g) No person shall site a sawmill, shakemill, or use permitted under subsection (2)(a) less than 100 m (328.0 ft) from a parcel line.
- (h) No person shall establish a planermill in the A-1 zone less than 300.0 m (984.3 ft) from a parcel line.
- (i) All sawmills, shakemills, and planermills shall be located on a contiguous area not larger than 1.6 ha (3.95 acres) in area, including log storage area, mill area, and waste disposal area.
- (j) No person shall site sewage treatment or sanitary landfill sites in the A-1 zone less than 1000.0 m (3280.8 ft) from any dwelling, nor from any buildings or structures in the P-1 Zone.

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a building or structure in the A-1 zone which exceeds a height of 10.0 m (32.8 ft).

BL 1408
05 Mar 99

- (b) Parcel coverage in the A-1 zone shall not exceed 10%.

(7) Other Regulations

- (a) All persons carrying out a use permitted in the A-1 zone shall comply with the relevant provisions of Parts 4, 5, and 6 of this Bylaw.
- (b) No person shall use or permit the use of any portion of a parcel in the A-1 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one derelict vehicle in other than the front yard.
- (c) All planermills shall be enclosed by walls on three (3) sides and a roof.
- (d) *Repealed by Bylaw No. 2561 adopted Sept. 4/15.*

BL 2350
06 Jan 12

- (e) On District Lot 111, Kootenay District no more than four secondary dwellings for farm hands are permitted.

BL 2461
06 Dec 13

- (f) Despite Section 4.07 (8)(c) of this Bylaw on Lot 1, District Lot 346, Kootenay District, Plan NEP88457 a Bed and Breakfast use may be carried out in an accessory building.

SMALL HOLDING SEMI-RURAL ZONE: SH-2

7.12 (1) Permitted Uses

Within the SH-2 zone, the following uses only are permitted:

- (a) Single family dwelling;
- (b) Keeping of farm animals;
- (c) Horticulture;
- (d) Veterinary clinic;
- (e) Kennel subject to subsection (5) (d);
- (f) Uses permitted under Section 4.03 of this Bylaw.

(2) Accessory Uses

- (a) Home based business;
- (b) Auxiliary dwelling unit;
- (c) Other uses, buildings and structures accessory to above permitted uses.

BL 2369
07 Sept 12

(3) Parcel Area

No parcel shall be created in the SH-2 zone which is less than 1.0 ha (2.47 ac) in area except as permitted under Sections 5.03 and 5.04 of this Bylaw.

(4) Density

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

(5) Siting

- (a) No person shall site a principal building in the SH-2 zone which has:
 - (i) a front yard less than 7.5 m (24.6 ft);
 - (ii) a rear yard less than 7.5 m (24.6 ft);
 - (iii) a side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.
- (b) No person shall site an accessory building or structure in the SH-2 zone which has:
 - (i) a front yard less than 7.5 m (24.6 ft);
 - (ii) a rear yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane;
 - (iii) a side yard less than 1.5 m (4.9 ft), nor less than 4.5 m (14.8 ft) where adjacent to a highway right-of-way other than a lane.

Subsection (5)(c) deleted by Bylaw No. 1668 adopted 11 April 2003.

- (d) No person shall site a kennel building, structure or enclosed run closer than 60 m (196.9 ft) from a parcel line.

(6) Size and Dimensions of Buildings and Structures

- (a) No person shall site a building or structure in the SH-2 zone which exceeds a height of 10.0 m (32.8 ft).

BL 1408
05 Mar 99

- (b) Parcel coverage in the SH-2 zone shall not exceed 20%.

(7) Other Regulations

- (a) All persons carrying out a use permitted in the SH-2 zone shall comply with the relevant provisions of Parts 4, 5, and 6 of this Bylaw.

- (b) No person shall use or permit the use of any portion of a parcel in the SH-2 zone for the wrecking and repair of vehicles or for the storage of derelict vehicles except for the storage of not more than one derelict vehicle in other than the front yard.

BL 2814
01 Dec 17

- (c) Despite, Section 4.17(1)(k) of this Bylaw, on Lot 1, District Lot 347, Kootenay District, Plan NEP74119 an auxiliary dwelling unit is permitted.

BL 2941
06 Dec 19

- (d) Despite Section 4.21 of this Bylaw, on Lots 4 and 5, District Lot 4596, Kootenay District, Plan EPP52907, in accordance with section 4.06 (2), up to two kitchens are permitted in a single family dwelling unit.



View of south portion of subject property from over Lake Windermere. Subject property lies between lake and Westside Road.

Proposed common lot access route is visible in photo.



View of south portion of subject property from over Lake Windermere. Subject property lies between lake and Westside Road.

Proposed common lot access route is visible in photo.



*View of north portion
of subject property
from over Lake
Windermere. Subject
property lies between
lake and Westside
Road.*



*View of north portion
of subject property
from over Lake
Windermere. Subject
property lies between
lake and Westside
Road.*



View south along Westside Road with property to east (left). Existing site access gate is located proximate to hydro pole in centre of photo.



Site access and existing drive to property. Access gate shown is the same as shown on top photo.

Proposal

HAWORTH
Development Consulting

Box 233, Suite 202, 826 - 7th Avenue,
Invermere, British Columbia V0A 1K0
T: 250 342 1327

CASTLEROCK
LIFE AND SOBER

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REV	DATE	DESCRIPTION
1	19 DEC 2019	ISSUED FOR PERMIT

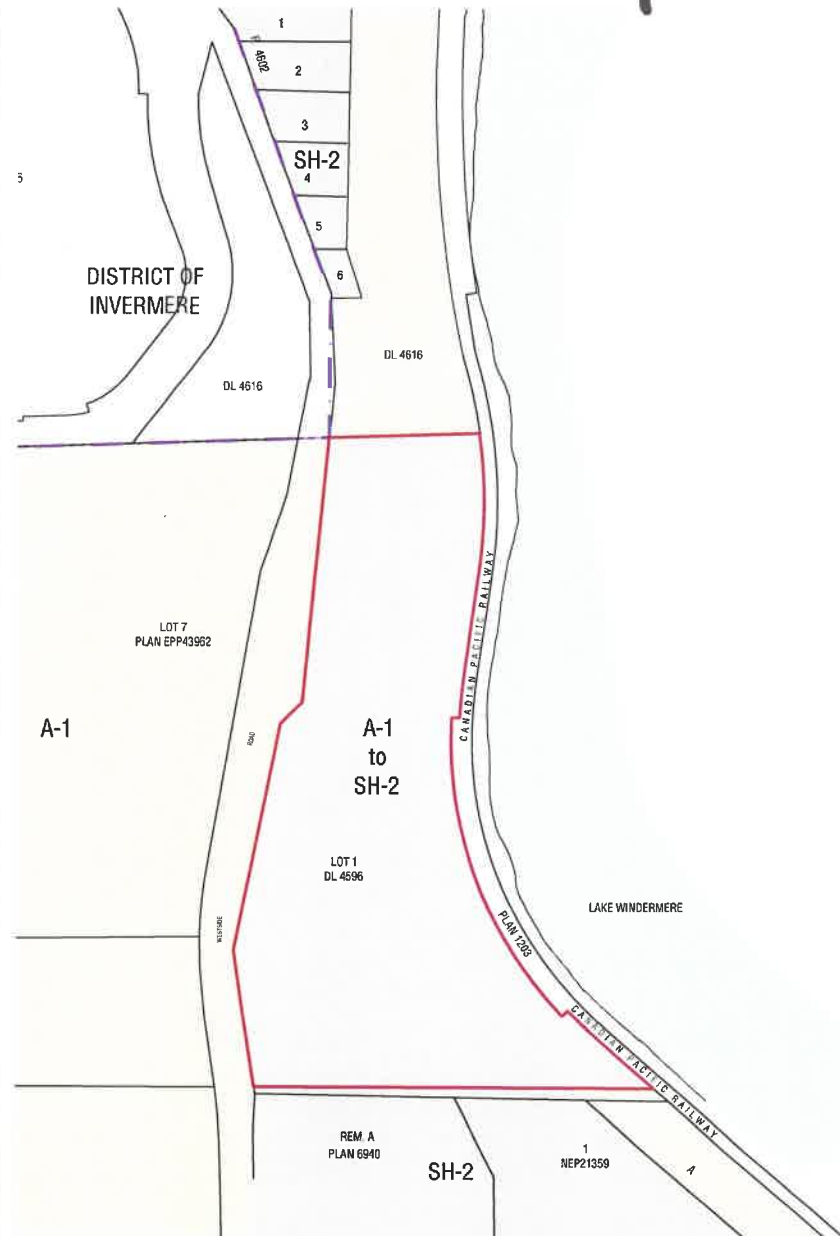
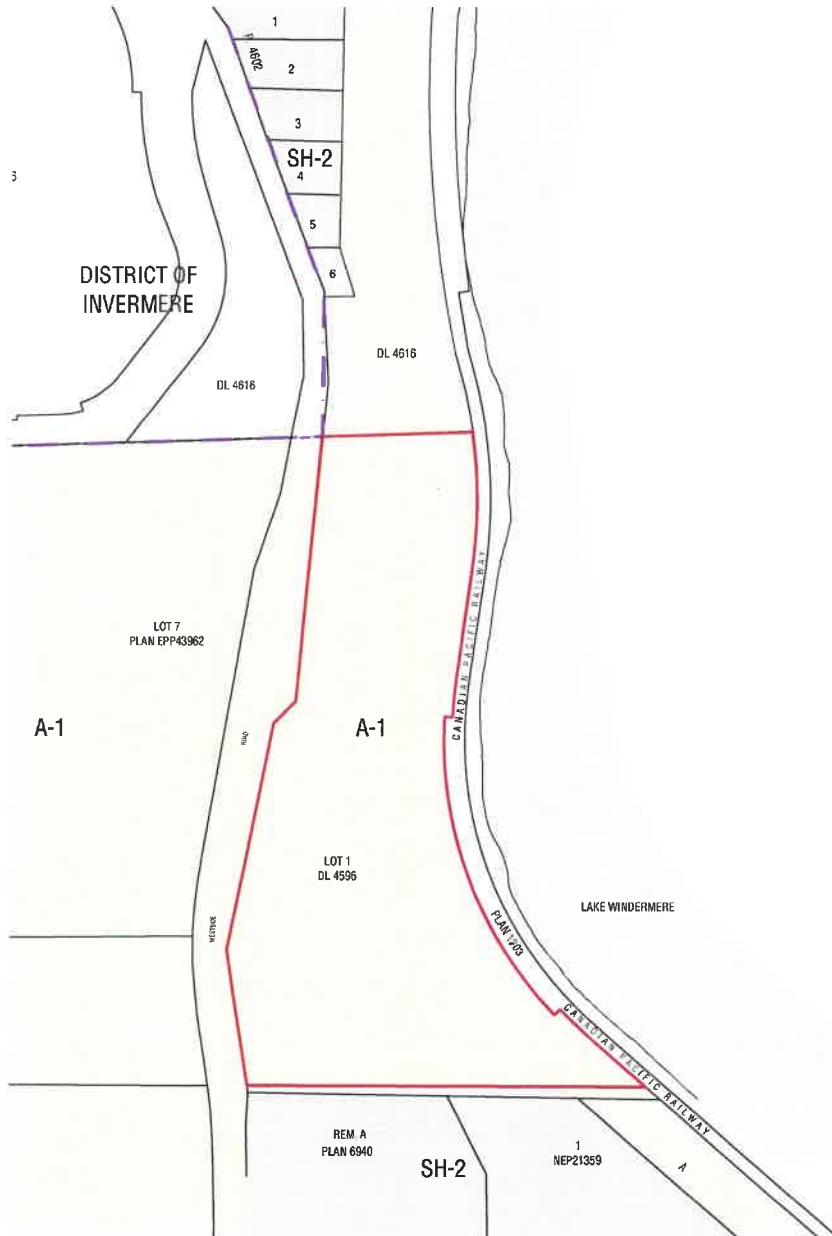
**LOT 1, DL 4596
PLAN EPP43962
WESTSIDE ROAD**

REGIONAL DISTRICT OF EAST KOOTENAY,
BRITISH COLUMBIA

SCALE	AS NOTED
DATE	19 DECEMBER 2019
ISSUED FOR	LAND USE
PROJECT NUMBER	10043
DESIGN BY	HL
CHECKED BY	HL

**ZONING
AMENDMENT**

(Drawn by: 10043)



Conceptual Subdivision Plan

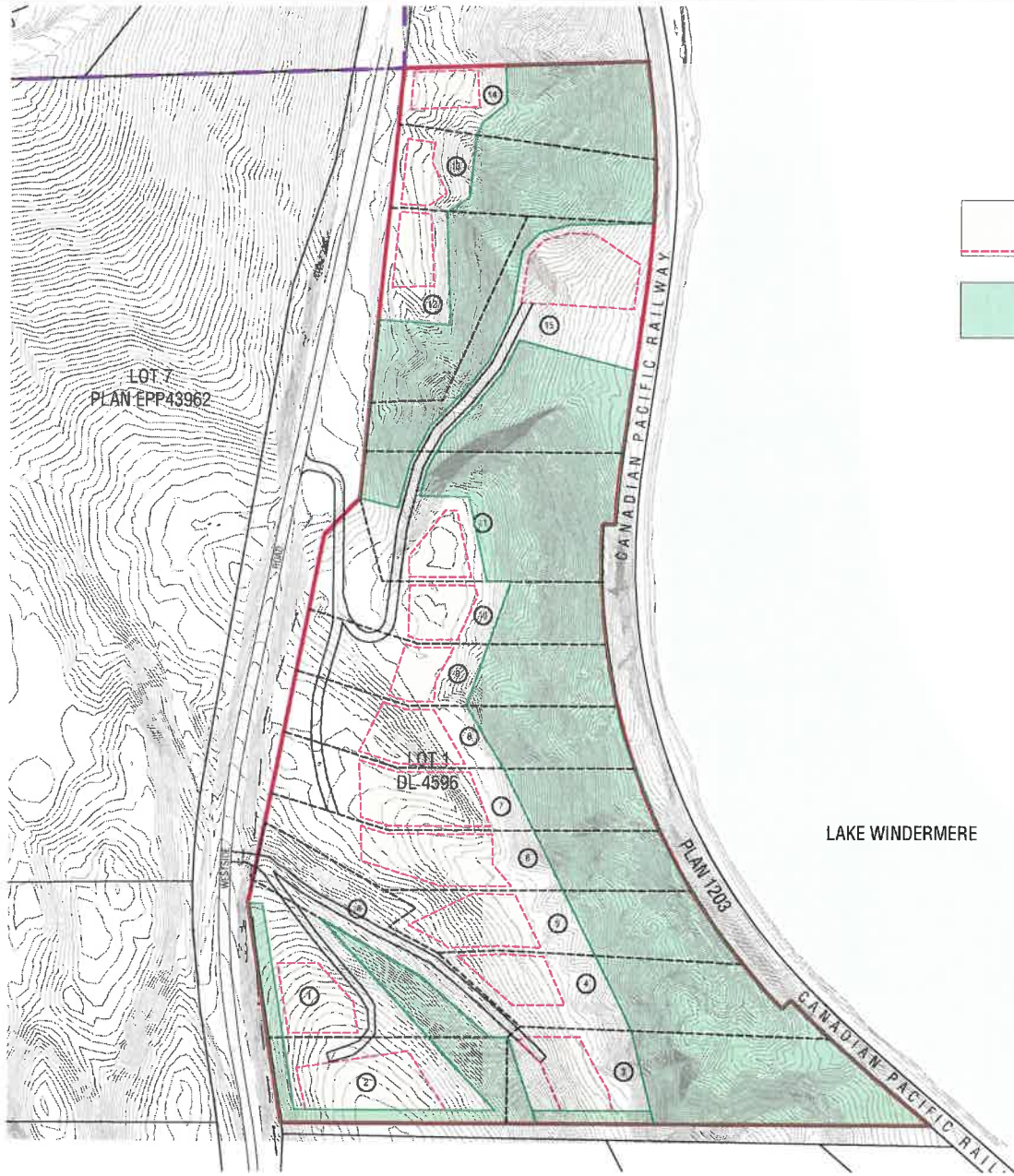
HAWORTH
Development Consulting

Box 229, Suite 203, 828 - 7th Avenue,
Invermere, British Columbia V0A 1K0
T: 250.342.1227

CASTLEROCK
Development Consulting

- PROPOSED BUILDING ENVELOPE**
- Development permitted outside of Building Envelope limited to driveway, septic field, well and landscaping.
- PROPOSED COVENANT AREA**
- No Construction / Placement of Buildings or Structures
- No Excavation or Placement of Fill
- No Vegetation Removal or Disturbance (Firesmart requirements from the RDEK may require select tree removal and removal of undergrowth and vegetative debris).

NOTE: PROPOSED PLAN OF SUBDIVISION IS CONCEPTUAL ONLY AND SUBJECT TO REVISION PRIOR TO FINAL SUBDIVISION.



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REVISIONS		
NO.	DATE	DESCRIPTION

LOT 1, DL 4596
PLAN EPP43962
WESTSIDE ROAD

RECORDING OFFICE OF EAST KODJONA, BRITISH COLUMBIA	
SCALE	AS NOTED
DATE	14 DECEMBER 2014
PREPARED FOR	SUBDIVISION
PROJECT NUMBER	1041
DESIGNED BY	DL
DRAWN BY	DL

DRAWING TITLE
PROPOSED PLAN OF SUBDIVISION
- PROPOSED COVENANT AREA

2/14/14 DL 10/10/14



BRITISH
COLUMBIA

Letter from
NRO - Habitat

Referral Number: ATS#830072

Referral Type: Bylaw amendment

MFLNRORD Habitat Management Comments

MFLNRORD habitat management does not recommend approval of this bylaw amendment due to the potential for removal of functioning wildlife habitat, and the sensitivity of the habitat features. The area provides shoreline to upland connectivity for wildlife which is necessary for many species to carry out life-stage requirements. The area has sensitive grasslands and open forests, and provides habitat for American Badger and Lewis' Woodpecker (both are species at risk). Great blue heron (species at risk) were noted near this site; locally herons have been noted using coniferous trees near waterbodies more frequently and this site provides suitable habitat. The area is actively used by wildlife according to telemetry and aerial observation flight survey data. It provides ungulate winter range for moose, elk, mule deer and whitetail deer.

Anthropogenic disturbances (i.e., roads, construction sites, high fences, tree removal, invasive plant spread, etc.) pose a threat to the species in this area. With subdivision and the additional of houses, shops, domestic animals, driveways, tree removal, etc. the functioning habitat in this area will be degraded and/or removed. There is a high risk for invasive plant introduction and spread, which would reduce forage quality and displace native species. The size of this area (almost 50ha) and the proposed increase in human use (15 residences) amplify the risks/threats to wildlife and habitat. Sensitive species are known to abandon areas due to human presence.

If this application is approved, please contact MFLNRORD habitat management for specific recommendations to minimize impacts to wildlife and habitat.