



## **Request for Decision Bylaw Amendment Application**

File No: P 723 588  
Reference: Bylaw No. 3270 & Bylaw No. 3271  
Date: March 27, 2025

**Subject:** Bylaw No. 3270 & Bylaw No. 3271 (Toby Benches / Statham-Widmer)  
**Applicant:** Bruce Statham, Marjorie Widmer & Kalie Widmer  
**Agent:** Richard Haworth, Haworth Development Consulting Ltd.  
**Location:** Westside Road, Toby Benches, south of Wilmer Townsite  
**Legal:** Lot 1, District Lot 375, Kootenay District Plan 4119  
(PID: 014-920-221)

**Proposal:** To amend the OCP and zoning designation of the majority of the subject property to accommodate a five lot residential subdivision and accommodate development of a specialty nature resort.

**Development Agreement:** In response to the findings of the Environmentally Sensitive Area Assessment report, the applicant is proposing to register a covenant over portions of the property identified as containing natural features worthy of protection. These features include Wildlife Trees, Wildlife Features, and the Native Vegetation Community. The lands adjacent to the Columbia River Wetlands are also proposed to be protected by the covenant. Within the covenant areas no disturbance will be permitted except for construction and maintenance of walking trails and fencing, landscape restoration work and site maintenance.

**Options:**

1. THAT Bylaw No. 3270 cited as "Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2929, 2019 – Amendment Bylaw No. 11, 2023 (Toby Benches / Statham-Widmer)" be introduced; and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.
2. THAT Bylaw No. 3271 cited as "Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023 – Amendment Bylaw No. 3, 2023 (Toby Benches / Statham-Widmer)" be introduced; and further, that a development agreement containing the items identified in the March 27, 2025 staff report be registered on title prior to bylaw adoption.
3. THAT Bylaw No. 3270 cited as "Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2929, 2019 – Amendment Bylaw No. 11, 2023 (Toby Benches / Statham-Widmer)" not proceed.
4. THAT Bylaw No. 3271 cited as "Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023 – Amendment Bylaw No. 3, 2023 (Toby Benches / Statham-Widmer)" not proceed.

**Recommendation: Options 1 & 2**

The proposal provides a unique commercial tourism experience for people recreating in the Columbia Valley and will help ease pressure from other accommodation options. The proposal seeks to reduce the amount of conflict between the proposed use and impacts on wildlife and sensitive ecosystems. The proposed residential development also provides a buffer between the proposed tourist accommodation and other existing residential parcels.

While not included as part of the offered Development Agreement, the applicants should use wildlife friendly fencing and ensure all guests are educated in reducing human-wildlife conflict during their stays.

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**Property  
Information:**

**Current OCP Designation:** RR, Rural Resource

**Proposed OCP Designation:** CR, Commercial Recreation

**OCP Objectives & 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 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.
- Bylaw amendment applications for residential development should address the following:
  - compatibility of the proposed development with surrounding land uses, parcel sizes, local rural character and lifestyle;
  - access to the development and proposed internal road networks;
  - demonstrate the use of Conservation Subdivision Design principles where appropriate, such as:
    - 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;
    - 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
- The following uses may be supported outside of the established commercial nodes if there will be no significant adverse impact on adjacent uses, rural character, or the environment;
  - Commercial tourism or recreation activities adjacent to a site with recognized recreation capability;

**Property  
Information -  
cont'd:**

- Ecotourism activities that provide economic diversification and have limited impacts on the environment, agriculture and heritage resources;
  - Agritourism activities that provide economic diversification and have limited impacts on the environment, agriculture and heritage resources.
- The development of nightly stay campgrounds is preferred over campgrounds developed for seasonal occupancy.
  - The Columbia Wetlands are recognized as a wetland of international importance and habitat conservation efforts in the wetlands are supported.
  - Future land uses should promote habitat connectivity and discourage fragmentation of contiguous ecosystems and ecosystem components to preserve landscape diversity and allow wildlife and migratory bird use, movement and dispersal.
  - Future land uses should not compromise the integrity of badger habitat, Class 1 and 2 ungulate winter range and Mountain Goat habitat particularly range located along west facing slopes.
  - Habitat connectivity, sensitive ecosystems, vulnerable plant communities and movement of endangered animal species will be considered at the time of rezoning or OCP amendment applications. Despite the development permit requirements of section 19.3 of this plan, additional development approval information may be required by the RDEK as part of the development approval process.
  - Preservation and restoration of wildlife connectivity corridors is encouraged and supported by the following:
    - Contiguous habitat areas should be preserved.
    - Structures and barriers that impede wildlife movement such as exclusion fencing should be avoided within connectivity corridors. For example, solid walls or fences erected to control wildlife capable of jumping over a fence 2.0 m in height should not be used.
    - Extensive development within connectivity corridors that restricts the opportunity for wildlife movement should be avoided.
    - If the construction of a structure within a connectivity corridor cannot be avoided, the structure should be located at the periphery of the corridor to limit the impediment of wildlife movement.
    - Extensive pruning of underbrush within connectivity corridors should be avoided.
    - Forest cover should be maintained to encourage the use of connectivity corridors by wildlife.
    - Native vegetation within connectivity corridors should be maintained. Conversion of vegetation within corridors to non-native species should be avoided.
    - Snags, downed logs, stumps and other forest features should be preserved unless they present a danger to personal or public safety.

**Property  
Information -  
cont'd:**

- Property owners and occupiers are required to control and manage invasive plants in accordance with applicable RDEK bylaws and provincial acts and regulations.
- Development is encouraged to avoid streams, wetlands and riparian areas and to provide appropriate development setbacks and buffer areas.
- Undertaking an Archaeological Overview Assessment (AOA) for the plan area is supported. The intent of the AOA is to identify areas with potential to contain archaeological sites and recognize known archaeological sites. Upon completion of the AOA, the OCP may be amended to integrate a schedule depicting the areas of archaeological distribution and potential. This schedule should then be incorporated into the RDEK development application process in order to alert applicants to their obligations under provincial heritage legislation.
- Developers are encouraged to engage professional archaeological consultants prior to proceeding with land clearing and site grading to determine if an Archaeological Impact Assessment (AIA) is required to manage and mitigate the impact of the development on any known or unrecorded archaeological sites protected under the Heritage Conservation act. Impact management should be discussed with the Ktunaxa Nation Council as per the Ktunaxa Nation Archaeological Engagement Guidelines and the Shuswap Band.

**Current Zone Designation:** A-2, Rural Resource Zone (minimum parcel size: 8.0 ha)

**Proposed Zone Designation:** SH-1, Small Holding Residential Zone (minimum parcel size 0.4 ha) and NR-1, Nature Resort Zone (minimum parcel size: 8.0 ha)

**Parcel Size:** 17.2 ha (42.5 ac)

Proposed Residential Lots: Five 0.4 ha lots (1.0 ac) – 2.3 ha total

Proposed Nature Resort Lot: 11 ha (27.2 ac)

Land proposed to be returned to Crown: 3.9 ha (9.7 ac)

**Density:**

Existing: One SFD and one secondary suite or one duplex is permitted in the A-2 zone

Proposed: The SH-1 zone allows for one SFD and one secondary suite per parcel.

The NR-1 zone would allow for up to 90 glamping sites.

**ALR Status:** Not within the ALR

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

**BC Assessment:** Residential (Vacant)

**Property  
Information -  
cont'd:**

**Water and Sewer Services:** The residential parcels are proposed to be serviced by individual onsite services. The nature resort is proposed to provide water service in compliance with the *Drinking Water Protection Act*, with an existing well. Additional wells will be drilled as required. Sewer service is proposed in compliance with the requirements of the Sewerage System Regulation (*Public Health Act*).

**Flood Hazard Rating:** A portion of the property is identified as being within the floodplain for the Columbia River. These lands correspond with the area proposed to be covenanted and fenced off to restrict access by guests of the resort. No development is proposed for these lands.

**Professional  
Studies:**

An Environmentally Sensitive Area Assessment was completed for the property by VAST Resource Solutions in June 2024.

The assessment concluded, among other things, that:

- the proposal is not anticipated to impact the movement of badgers;
- wildlife trees should be retained to provide nesting for Lewis' woodpeckers and pileated woodpeckers;
- the proposed fence provides adequate controls to prevent the public from entering the wetlands and disturbing birds;
- development activities requiring vegetation clearing and/or topsoil stripping should occur outside April 1-August 31, the bird nesting window; and
- the property may provide ungulate winter range but assumed that due to the nature of the development being seasonal that the property can continue to provide ungulate winter range.

A copy of the full assessment is available upon request.

**Additional  
Information:**

- The application states that development of the proposed residential lots on the north-west portion of the property will complement adjacent residential development and provide a buffer between existing residential development and the proposed nature resort. The residential lots would be accessed via a shared common access lot.
- The application states that they are proposing to leave the wetlands area (those lands below the high-water mark) zoned as A-2. They anticipate that these lands will be returned to Crown when subdivision of the residential lots is completed. A fence and signage will be provided to discourage access to the wetland area from the site.
- The application states that they are proposing to develop a glamping experience which will offer a selection of accommodation opportunities including glamping cottages, glamping structures, prospector tents, and stationary recreational vehicles. The proposed development will have a central parking area and all guests will either walk or be shuttled by golf cart to their accommodation unit. A central guest lodge is proposed that will serve as a gathering area for guests and may provide food service.
- The application states that the proposed glamping sites are to be situated within the landscape, terraced along the hillsides, overlooking the Columbia River wetlands. Care has been taken to locate proposed development to minimize the view corridor from Westside Road. A

**Additional  
Information  
cont'd:**

large area of greenspace is proposed along Westside Road and most sites are located at the lower part of the site out of view from Westside Road.

- The application states that a trail network will be provided within the property that will include viewing platforms overlooking the wetland. The proposed development is designed to minimize any potential impact on the Columbia River Wetlands. All glamping sites are located well above water level and there will be a 20 m buffer provided between the glamping sites and the wetland. There will be no access to the Columbia River Wetlands from the property.
- The use of ATVs, golf carts, motorcycles and other unlicensed vehicles by guests will not be permitted within the property.
- Individual wood campfires will not be permitted at the individual sites (individual propane firepits may be provided). A limited number of shared communal firepits will be provided at central locations within the facility. Limiting wood campfires will decrease smoke within the development and control fire risk (water will be provided at each community fire pit location).
- The proposed development is not considered a campground and therefore a campground permit will not be required.
- A large portion of the property is within a development permit area for environmental sensitivities, for riparian and wetland ecosystems and connectivity corridors. A development permit application will be required prior to any building permits being issued for the development.

**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 Areas F & G:** Refusal recommended. There are concerns over increased traffic volumes and people for a sensitive area, wildlife corridor impacts, and Wilmer residents against this development.

**Referral Agencies:**

- **Interior Health Authority:** No objections from a healthy community planning perspective for the Small Holdings amendment, however recommends the SH-2, Small Holding Semi-Rural Zone is the most appropriate for the proposed parcels as the 0.46 ha parcel size is small for parcels intended to be serviced by onsite sewerage and drinking water wells and the parcels seem to slope which may constraint the land for onsite sewerage.

**Consultation  
cont'd:**

- **Transportation & Transit:** There are no concerns at this time. Site lines are good for both accesses. MOTT will have a chance to review the application during the subdivision phase.
- **Water, Lands & Resource Stewardship:** Given the proximity of this parcel to the Columbia Wetlands Wildlife Management Area (CWWMA) the Province has concerns about visitors to the campground, and their pets, accessing and disturbing the wetlands, waterfowl and other species within the wetlands, and acting as a vector for invasive species. Additional trail development within or as access to the CWWMA is not authorized. The Province supports the subdivision and return to Crown of the wetland portion of this parcel to be incorporated into the CWWMA. Restrictive covenants offered for wetland, arch sites and highly sensitive areas are supported.

Split rail fencing along the proposed trail will likely be sufficient in most cases. Fencing should be built to wildlife-friendly specifications to allow wildlife to safely move between wetlands and upland habitat. Disturbed areas should be seeded with a native seed mix following fence building to reduce risk of invasive plant spread. Signage should be deployed to inform residents that access to the CWWMA is not permitted due to ecological sensitivity.

- **Ktunaxa Nation Council:** KNC supports the plan to limit human access to the wetlands as unintentional damage could occur to the riparian area. KNC would like to request that if they install a fence along the wetlands, that they make it wildlife friendly so that animals (especially deer and elk) can still pass to access the wetlands and/or upland areas. KNC encourages the proponent to ensure that guests are educated about the local wildlife so that human-wildlife conflict is minimized. Guests will need to be educated about how to properly store food and odorous items and how to appropriately respond if they encounter wildlife. KNC would like to connect with the proponent to ask if they might be interested in installing Ktunaxa signage in the resort (ex. Ktunaxa place names and informational signage).
- **Shuswap Band:** Not supported - See attached letter and 'Issue Tracker' which outline the Band's concerns and the proponent's responses. The Shuswap Band requested deferral of a decision until after a government-to-government meeting between the Shuswap Band and the RDEK. The application was deferred as requested however no further discussions have occurred.
- **School District No. 6:** No response.
- **Telus:** No objections.
- **District of Invermere:** No significant concerns noted and no direction to DOI Staff to convey any concerns to the RDEK.

**Documents  
Attached:**

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

**Documents**

**Attached cont'd:**

- Site Photos
- Shuswap Band – Issue Tracker
- IHA Referral Response
- WLRS Referral Response
- Shuswap Band Referral Response

**RDEK**

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