



Request for Decision Bylaw Amendment Application

File No: P 724 578
Reference: Bylaw No. 3365 & Bylaw No. 3366
Date: **March 25, 2025**

Subject: Bylaw No. 3365 & Bylaw No. 3366 (Windermere South / Brewer Ridge Holdings Ltd.)
Applicant: Brewer Ridge Holdings Ltd.
Agent: Richard Haworth, Haworth Development Consulting Ltd.
Location: Rocky Mountain Avenue, Windermere
Legal: Parcel D (being a consolidation of Lots 23-31 see CA6492472), Block 4, District Lot 8, Kootenay District, Plan 686 (PID: 030-326-346)

Proposal: To amend the OCP and zone designations to facilitate development of a multi-family apartment building.

Development Agreement: The applicants have offered to register a covenant restricting short-term rentals.

- Options:**
1. THAT Bylaw No. 3365 cited as "Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2929, 2019 – Amendment Bylaw No. 17, 2024 (Windermere South / Brewer Ridge Holdings Ltd.)" be introduced; and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.
 2. THAT Bylaw No. 3366 cited as "Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023 – Amendment Bylaw No. 22, 2024 (Windermere South / Brewer Ridge Holdings Ltd.)" be introduced; and further, that a development agreement containing the items identified in the March 25, 2025 staff report be registered on title prior to bylaw adoption.
 3. THAT Bylaw No. 3365 cited as "Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2929, 2019 – Amendment Bylaw No. 17, 2024 (Windermere South / Brewer Ridge Holdings Ltd.)" not proceed.
 4. THAT Bylaw No. 3366 cited as "Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023 – Amendment Bylaw No. 22, 2024 (Windermere South / Brewer Ridge Holdings Ltd.)" not proceed.

Recommendation: Options 1 & 2

A mix of residential densities is supported within the Windermere South subarea. This property is in close proximity to existing community services and amenities and is proposing to service the parcels with community systems, of which the East Side Lake Windermere water system has been assessed and determined to have capacity to service the property. The property is also near several parcels that are already designated in the

OCP for multi-family development and therefore is compatible with surrounding future land uses.

**Property
Information:**

Current OCP Designation: R-SF, Residential Low Density

Proposed OCP Designation: R-MF, Residential Multi-Family

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 in the Windermere South subarea.
- 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 parcels, 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;
 - Integrate FireSmart principles.

Current Zone Designation: R-1, Single Family Residential Zone (minimum parcel size: 555 m²)

Proposed Zone Designation: R-4, Multiple Family Residential – High Density Zone (minimum parcel size: 1500 m²)

Parcel Size: 0.38 ha (0.93 ac)

Density:

Existing: One single family dwelling plus one secondary suite within the principal dwelling is permitted per parcel in the R-1 zone. The property is large enough to be subdivided into seven parcels, if serviced by community services.

**Property
Information -
cont'd:**

Proposed: The R-4 zone allows for 60 dwelling units per gross hectare of usable site area. Assuming the entire parcel meets the definition of usable site area, a maximum of 22 dwelling units could be developed on this parcel if zoned R-4.

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Low, within the Windermere Fire Protection Area

BC Assessment: Residential (Vacant)

Water Services: The application proposes to connect to the RDEK East Side Lake Windermere Community Water System.

Sewer Services: The application proposes to develop an on-site package treatment facility or a larger community system if viable. The application notes that an assessment of the property has been completed to confirm that the soils are suitable for an on-site package treatment facility that can service the proposed development.

The applicants have further indicated that sewer services will be provided for the property in accordance with the requirements of the RDEK Subdivision Servicing Bylaw and other Provincial legislation (ie. either Interior Health or Ministry of Environment & Parks Municipal Wastewater Regulations). There are several options available to service the property which are being explored, including connection to the larger Windermere Water & Sewer system or cooperation with neighbouring property owners to create a new community sewer system.

Flood Hazard Rating: The properties are not identified as being within a flood hazard rating area.

**Professional
Studies:**

None.

**Additional
Information:**

- The applicants have indicated that road upgrades will be provided as required by MoTT. They will address the requirement for road upgrades, the extent of road upgrades required and potential cost sharing with other users, as development of the property proceeds.
- The application states that sidewalks and/or trail connections to the community will be provided.
- The proposed development is situated beside Windermere Elementary School and the Windermere Townsite core, providing easy access for residents to the school and local commercial amenities. The applicant identifies that the location of the proposed multiple-family development complements adjacent land uses and the character of the community while providing much needed housing options within the community.
- The applicant proposes that Firesmart principles will be integrated into the proposed development including the use of Firesmart building materials and landscaping.

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.

Engineering Department: There is currently sufficient capacity within the East Side Lake Windermere Water System to accommodate the additional demand, subject to the timing of other connections. Several upgrades and conditions need to be met for the proposed development, outlined in the attached letter.

Columbia Valley Fire Services: Proposed external and internal accesses were reviewed. No comments at this time.

Building Department: The BC Building Code has requirements for an access route for emergency vehicles that need to be met prior to occupancy on any areas or units in the building.

APC Areas F & G: Support recommended only if the developer registers a covenant on title prohibiting short-term rental use in the units.

Referral Agencies:

- **Interior Health Authority:** Support expressed for the application as it will provide necessary housing identified in the RDEK Housing Needs Report. However, there are concerns about servicing this development with onsite sewerage. Ideally, higher density developments are serviced by community sewer systems owned and operated by the local government. IHA also recommends consideration for the housing needs of the community in the design and tenure types of the housing units. The comments also spoke about the recent changes for considering wastewater servicing under the *Sewerage System Regulation* and the *Municipal Wastewater Regulation*. IHA strongly recommends back-up dispersal field area(s) be identified and protected with a covenant; especially since much of the parcel will be covered by parking which is unsuitable for onsite sewerage. See attached.
- **Transportation & Transit:** MOTT has concerns with the access and the state of Rocky Mountain Road relating to the fact that it is unmaintained, not to Ministry standard and an agreement was made with the school district for parking. The Ministry has no issue with development on this lot, only the effect it will have on the road. As this will not be a subdivision application and they will only require a building permit, the developer must understand that the upgrade to Ministry standards will be required for the whole section of Rocky Mountain Road to **Government Street**. We request that the Regional District work with the Ministry to make sure the infrastructure is upgraded. They will not need an access permit if they have one driveway. If they have an in and out they will need a permit for the second access. This is the only way the Ministry can address the road directly with them and this is if they do apply for a second access permit at all. See attached.

**Consultation
cont'd:**

- **Water, Land & Resource Stewardship:** Standard referral response (attached)
- **Ktunaxa Nation Council:** No response
- **School District No. 6:** No response
- **Telus:** No response

**Documents
Attached:**

- Bylaws
- Location Map
- Land Use Map
- OCP Designation Map
- Zone Designation Map
- Proposal
- Site Photos
- Aerial Photo
- RDEK Engineering Department Comments (Jan 2025)
- IHA Referral Response
- MOTT Referral Response

**RDEK
Contact:**

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