



Request for Decision Bylaw Amendment Application

File No: P 725 508
Reference: Bylaw No. 3381 & Bylaw No. 3382
Date: March 27, 2025

Subject: Bylaw No. 3381 & Bylaw No. 3382 (Columere / 596848 British Columbia Ltd.)
Applicant: 596848 British Columbia Ltd.
Agent: Jean Terpsma, Terpsma Land Development Consulting
Location: 6079 Highway 93/95, Columere
Legal: Sublot 19, District Lot 4596, Kootenay District Plan X32, except parts included in Plans 7339, 8490, 16995, NEP66894 and R347 (PID: 011-083-191)

Proposal: To amend the OCP and zone designations of the property from small lot single family and multi-family residential zones to a large holding rural residential zone to facilitate a five lot subdivision. The applicant is also requesting that a restrictive covenant related to development controls be modified or released as it is no longer applicable under the requested zoning.

Development Agreement: None.

Options:

1. THAT Bylaw No. 3381 cited as “Regional District of East Kootenay – Fairmont Hot Springs & Columbia Lake Area Official Community Plan Bylaw No. 2779, 2017 – Amendment Bylaw No. 17, 2025 (Columere / 596848 British Columbia 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. 3382 cited as “Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023 – Amendment Bylaw No. 25, 2025 (Columere / 596848 British Columbia Ltd.)” be introduced.
3. THAT Bylaw No. 3381 cited as “Regional District of East Kootenay – Fairmont Hot Springs & Columbia Lake Area Official Community Plan Bylaw No. 2779, 2017 – Amendment Bylaw No. 17, 2025 (Columere / 596848 British Columbia Ltd.)” not proceed.
4. THAT Bylaw No. 3382 cited as “Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023 – Amendment Bylaw No. 25, 2025 (Columere / 596848 British Columbia Ltd.)” not proceed.
5. THAT subject to adoption of Bylaw No. 3381 and Bylaw No. 3382, the release of Covenant CV3774880 for Sublot 19, District Lot 4596, Kootenay District Plan X32, except parts included in Plans 7339, 8490, 16995, NEP66894 and R347, to remove development controls no longer applicable under the proposed bylaw amendments be supported.

Recommendation: Options 1, 2 & 5

The proposed zoning is in keeping with the rural nature of the lands to the west of Highway 93/95 and as the proposed density is greatly decreased, would comply with OCP policies regarding the location of further residential subdivisions.

Further, the covenant requesting to be released would not be applicable for the proposed new designations.

**Property
Information:**

Current OCP Designation: R-SF, Residential Low Density which supports single family and multi-family residential development; and R-MF, Residential Multi-Family which supports medium and high density non-commercial residential accommodation such as duplexes, fourplexes, townhouses and apartments.

Proposed OCP Designation: LH, Large Holdings which supports rural residential development and rural resource land uses on parcel sizes in the range of 2.0 ha to 8.0 ha.

OCP Policies:

- Except where otherwise noted, new residential development is generally directed to existing development nodes within the Fairmont Hot Springs subarea. Rural subdivision is generally not supported.
- 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 and proposed internal road network;
 - Demonstrate the use of Conservation Subdivision Design principles 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 principals.
- Rezoning of land to accommodate residential development of lands west of Highway 93/95 is generally not supported
- New residential developments should include internal non-motorized trails and identify connectivity with existing or proposed trail networks where possible.

**Property
Information
cont'd:**

Current Zone Designation: R-1, Single Family Residential Zone (minimum parcel size: 555 m²) & R-3, Multiple Family Residential – Medium Density Zone (minimum parcel size: 1000 m²)

Proposed Zone Designation: SH-3, Small Holding Rural Zone (minimum parcel size: 2 ha)

Parcel Size: 20.0 ha (49.8 ac)

Density:

Existing: The maximum number of units permitted on the parcel is 110, no more than 40 lots for single family residences and no more than 75 townhome units, as per covenant CA3774880 registered on title in favour of the RDEK.

Proposed: The application proposes five approximately 3 ha rural residential parcels be created if this application is approved, however the SH-3 zoning would allow up to ten 2 ha parcels to be created.

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Low to high, within the Fairmont Hot Springs Fire Protection Area

BC Assessment: Residential (Vacant)

Water and Sewer Services: The application indicates that the proposed source of potable water will be from individual wells or the Columere Waterworks community water system, and the proposed sewage disposal system is a septic tank and field for the new lots.

Flood Hazard Rating: RDEK mapping indicates there may be an unnamed creek or seasonal drainage flowing through the property. Development must comply with floodplain regulations.

**Professional
Studies:**

None.

**Additional
Information:**

- The application states that the proposal is for five parcels because the land has some significant topography that limits the practical buildable area of each proposed lot. It notes that there are slopes in the range of 15-30% over the north half of the property, sloping from west to east towards the highway.
- The application states that the property was previously logged and an internal roadway was constructed at that time, running from the south entrance toward the north property line. It is the applicant's intent to use this existing roadway as the internal access route to each proposed parcel, by means of legal access through easement agreement. Each proposed parcel has road frontage to Highway 93/95, however the Provincial Approving Officer has advised the applicants that individual access to the highway would not likely be approved. The total area of the internal road is approximately 1.45 ha.

**Additional
Information
cont'd:**

- The application notes that access off Highway 93/95 is south of the subject property through Crown land, over which there is a Licence of Occupation. This licence was recently transferred from the previous property owners to the current ones.
- A covenant in favour of the RDEK is registered over the property from a previous rezoning application. The covenant identifies a maximum number of lots that can be created through subdivision (110 units), restricts construction and vegetation removal in certain areas and identifies a maximum height requirement. As part of this application the owners are requesting the covenant be removed or modified as most of it would not be applicable should the proposed rezoning be completed.
- The application states that RDEK mapping shows the Pye Creek watershed that is the site of an old water system currently owned by Columere Waterworks Ltd and used periodically for irrigation purposes. The water source is located on Crown land west of the subject property and there are two Statutory Right of Ways registered on title protecting the existing infrastructure and access to the system.
- The application states that while they acknowledge the current demand for housing in the Columbia Valley and this property would 'downzone' 20 hectares of vacant land from single family and multi-family development to rural acreages, there are two undeveloped areas within the Bella Vista Estates property east of the highway that are zoned as R-4. They believe higher density residential development is more practical within an area like Bella Vista. They note that this proposal meets OCP policies that encourage compact development within established development areas such as Fairmont Hot Springs, and between Columere Park and Columbia Ridge Estates. This would also maintain the rural character of the area.
- There are no environmentally sensitive areas identified on the property and only a small portion of the land is identified as Class 2 ungulate winter range. In addition, the proposed subdivision has an established safe access point to the highway and the proposed 3 ha parcels would be compatible with the rural character of the west side of Columbia Lake.

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.

APC Area F&G: Support recommended

Referral Agencies:

- **Interior Health Authority:** No response

- **Transportation & Transit:** No issue with the bylaw change. Access and highway intersection will be addressed in the subdivision process.
- **Water, Land & Resource Stewardship:** Standard response letter
- **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
- Aerial Photo
- WLRS Referral Response

**RDEK
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