



## Request for Decision Bylaw Amendment Application

File No: P 725 105  
Reference: Bylaw No. 3383  
Date: March 25, 2025

**Subject:** Bylaw No. 3383 (West Fernie / Bragg)  
**Applicant:** Bragg, Patricia  
**Location:** 3292 Anderson Road, West Fernie  
**Legal:** Lot 19 District Lot 5237 Kootenay District Plan 1280  
(PID: 011-840-692)

**Proposal:** To amend the zoning designation of the subject property to accommodate a proposed two lot subdivision.

**Development Agreement:** None

**Options:**

1. THAT Bylaw No. 3383 cited as “Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 116, 2025 (West Fernie / Bragg)” be introduced.
2. THAT Bylaw No. 3383 cited as “Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 116, 2025 (West Fernie / Bragg)” not proceed.

**Recommendation:** Option 1

The OCP supports 1 ha (2.02 ac) lots within the Anderson Road subarea. While the proposal does not offer the development recommendations outlined in the OCP for residential subdivision and annexation into the City of Fernie, historical discussions with the City and local residents indicated that there is limited interest in annexing these lands into the City.

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**Property Information:** **Current OCP Designation:** SH, Small Holdings supports low density residential development with minimum parcel sizes in the range of 0.2 ha to 2.0 ha.

**Proposed OCP Designation:** No change

**OCP Objectives:**

- Maintain minimum parcel sizes that reflect the rural lifestyle and character of the area.
- Encourage single family residential development on a range of rural parcel sizes.

**OCP Policies - General:**

In addition to the policies identified for specific subareas, all rezoning applications within the plan area will be reviewed on an individual basis in relation to the following considerations:

**Property  
Information –  
cont'd**

- compatibility of the proposed lot size and density with existing and surrounding land uses, parcel sizes, local rural character and lifestyle;
- the capability to provide onsite disposal in accordance with provincial requirements;
- potential impacts of the proposal on the quality and quantity of existing groundwater resources;
- integration of the Conservation Subdivision Design provisions outlined in subsection 4.3(1)(d);
- identification and mitigation of development impacts on environmentally sensitive areas including grasslands, connectivity corridors, wetlands and riparian areas and old growth forests, in accordance with Section 10 of this plan concerning environmental considerations;
- susceptibility to natural and geotechnical hazards and integration of hazard mitigation strategies, in accordance with Section 11 of this plan concerning development constraints; and
- for land located within the ALR, potential impacts or benefits of the proposed subdivision on the agricultural capability and suitability of both the parcel proposed for subdivision and on neighbouring parcels.

**OCP Policies - Anderson Road Subarea:**

- The Anderson Road Subarea is to maintain its existing rural large lot character.
- Development in the rural areas is encouraged to be compatible with the rural character of the surrounding parcels.
- Subdivision to a parcel size smaller than 1.0 ha is generally not supported.
- Rezoning applications in the Anderson Road Subarea will be reviewed on an individual basis in relation to the potential for the provision of buffers such as extended setbacks, fencing and screening on non-agricultural properties adjacent to parcels on which farming is taking place to avoid conflict between agriculture and non-agricultural development.
- If existing parcels are rezoned to accommodate residential subdivision, development is strongly encouraged to occur in such a manner so as not to impede annexation by the City of Fernie, future infill development opportunities, and infrastructure and servicing upgrades.
- Rezoning applications are encouraged to include a commitment to register on title a restrictive covenant or statutory building scheme directing the construction of buildings away from the centre of parcels and towards the corners of parcels to enable future subdivision of the parcel.

**Current Zoning:** RR-2, Rural Residential (Small Holding).

**Proposed Zoning:** RR-1, Rural Residential (Estate).

**Parcel Size:** 2.02 ha (5.0 ac)

**Property  
Information –  
cont'd**

**Minimum Useable Site Area:** 1,670 m<sup>2</sup> when the parcel is serviced by a well and sewage disposal field.  
**Density:** One single family or two family dwelling.

**ALR Status:** Not within the ALR

**Interface Fire Hazard Rating:** Moderate; within the boundary of the Fernie rural fire protection service area.

**Flood Hazard Rating:** The property is not identified as being within a flood hazard rating area.

**BC Assessment:** Residential – Single Family Dwelling, Duplex.

**Servicing:** Onsite well and sewage disposal field.

**Professional  
Studies:**

None

**Additional  
Information:**

- Two neighbouring properties recently received approval to change the zoning designation from RR-2, Rural Residential (Small Holding) to RR-1, Rural Residential (Estate).
- If the proposed subdivision proceeds, the subdivision will create two lots (one with a SFD and the other with an accessory structure (garage). As per Elk Valley Zoning Bylaw No. 829, an accessory structure is not permitted prior to the principal use being established. At the subdivision phase, the applicants would be required to apply for a variance to permit the garage to remain placed prior to the principal use being established.

**Consultation:**

***Local Government Act:***

Under revised Section 464(3) of the *Local Government Act* a local government must not hold a public hearing on a zoning bylaw if:

- a) an OCP is in effect for the area that is subject of the zoning bylaw;
- b) the bylaw is consistent with the OCP;
- c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development; and
- d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

Section 467(1) of the *Local Government Act* specifies that if a local government decides to not hold, or is prohibited from holding, a public hearing, it must provide notice to the public prior to first reading of the bylaw. Notice must be provided in accordance with the RDEK Public Notice Regulation Bylaw and the applicable requirements of Section 466 of the *Local Government Act*.

**Publication Date:** Fernie Free Press, April 3, 2025

**Consultation  
Cont'd:**

**Notice Mailing Date:** March 24, 2025

**Notices Mailed:** 10 (1 returned as undeliverable)

**Response to Notices:** No responses received

**Advisory Planning Commission Area A:** Support recommended

**Referral Agencies:**

- **Interior Health Authority:** No response
- **Ministry of Transportation & Transit:** No concerns
- **Water, Land & Resource Stewardship:** Standard letter (attached)
- **Ktunaxa Nation Council:** No concern
- **School District No. 5:** No response
- **City of Cranbrook:** No response
- **Telus:** No response

**Documents  
Attached:**

- Bylaws
- Location & Land Use Map
- Zoning & OCP Designation Maps
- Aerial Map
- Proposal
- WLRS Referral Response

**RDEK  
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