

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 3334

A bylaw to amend Bylaw No. 2929 cited as “Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2929, 2019.”

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2929;

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 – Lake Windermere Official Community Plan Bylaw No. 2929, 2019 – Amendment Bylaw No. 15, 2024 (Westside / 1129759 Alberta Ltd).”
2. The designation of parts of Lot 3 and Lot 4, District Lot 4596, Kootenay District Plan NEP88930, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, are amended from RR, Rural Resource and WP, Watershed Protection, to SH, Small Holdings, OSRT, Open Space Recreation and Trails, and WP, Watershed Protection.
3. Schedule A – Section 4.3 (5) be is amended by repealing the Background section and subsections (a) and (b) and substituting the following:

(5) Westside

Background

During the planning process, options for limited development of the lands shown in Figure 6 were proposed, which resulted in public opposition to the potential development of the lands. Public opposition was primarily based on a desire to see mountain goat habitat protected, leaving wildlife corridors undeveloped and discouraging development in grassland ecosystems. At the time, zoning of the lands was primarily A-1, Rural Resource Zone, which has a minimum *parcel* size of 60 ha and provides for a wide range of uses including resource extraction such as forest harvesting, sawmill, and sand and gravel extraction.

During OCP development, a cap of 188 residential dwelling units was established for the lands. In 2024, in conjunction with consideration of a bylaw amendment application for the most southerly lands, the density cap has been reduced from 188 dwelling units to 125 dwelling units. In order to realize further environmental protections and secure the types of community benefits that the public desires on these private lands, the RDEK will consider using tools such as development agreements, zoning approvals and development permits. The following revised policies are meant to inform further rezoning processes and development agreements for the lands if the lands are developed within the RDEK and are designed to provide environmental protections, community amenities and significant contiguous open space.

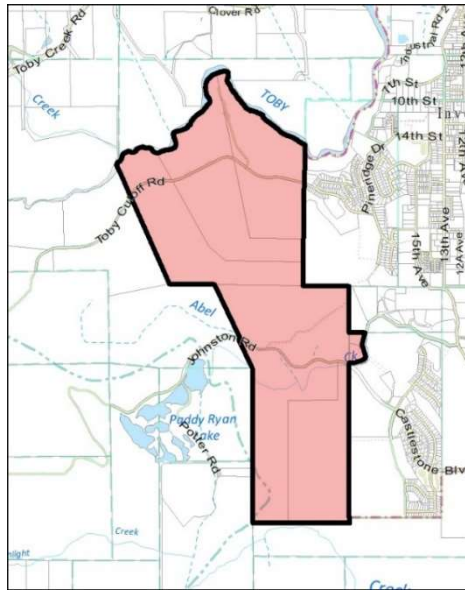


Figure 6

- (a) The northerly three parcels shown in Figure 6 are supported for annexation into the District of Invermere.
- (b) If the lands shown in Figure 6 are proposed for development within the RDEK, the application must demonstrate how it will achieve the following:
- (i) A cap of 125 dwelling units be applied to the entirety of the lands;
 - (ii) The Toby Creek escarpment is an important environmentally sensitive area with significant wildlife connectivity and habitat values, including mountain goat habitat. Permanent protection of the environmentally sensitive area along the Toby Creek escarpment to maintain ecosystem connectivity by way of restrictive covenant or other instrument acceptable to the RDEK is a required condition of development. A qualified environmental professional may be used to verify the extent of the environmentally sensitive area.
 - (iii) A report from a qualified professional to determine potential development impacts on the present and future use of Paddy Ryan Lakes reservoir area may be required if requested by the District of Invermere.
 - (iv) Retention of open space and trail network for public use is required and it must be demonstrated how the natural character of the open space network will be preserved and maintained for trail users. Trails must be protected for public use in perpetuity using a restrictive covenant, statutory right-of-way, transfer of ownership to the District of Invermere or the RDEK, or another legal instrument amenable to the RDEK.

- (v) Application of the following Conservation Subdivision Design principles to provide conventional development densities while retaining a network of contiguous undeveloped open space for wildlife, recreation and potential future expansion of the District of Invermere:
- A. Retaining approximately 60% of the total area of the lands shown in Figure 6 as undeveloped space and not subdivided is preferred;
 - B. The area designated as undeveloped open space should not be subdivided, should contain the highest value wildlife habitat and most significant trails established on the parent parcels;
 - C. Cluster development parcels;
 - D. Minimize the construction of new roads by utilizing existing roads and disturbed areas 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; and
 - F. To achieve higher densities in the development clusters, provision of community sewer and water services may be required.

READ A FIRST TIME the day of , 2025.

READ A SECOND TIME the day of , 2025.

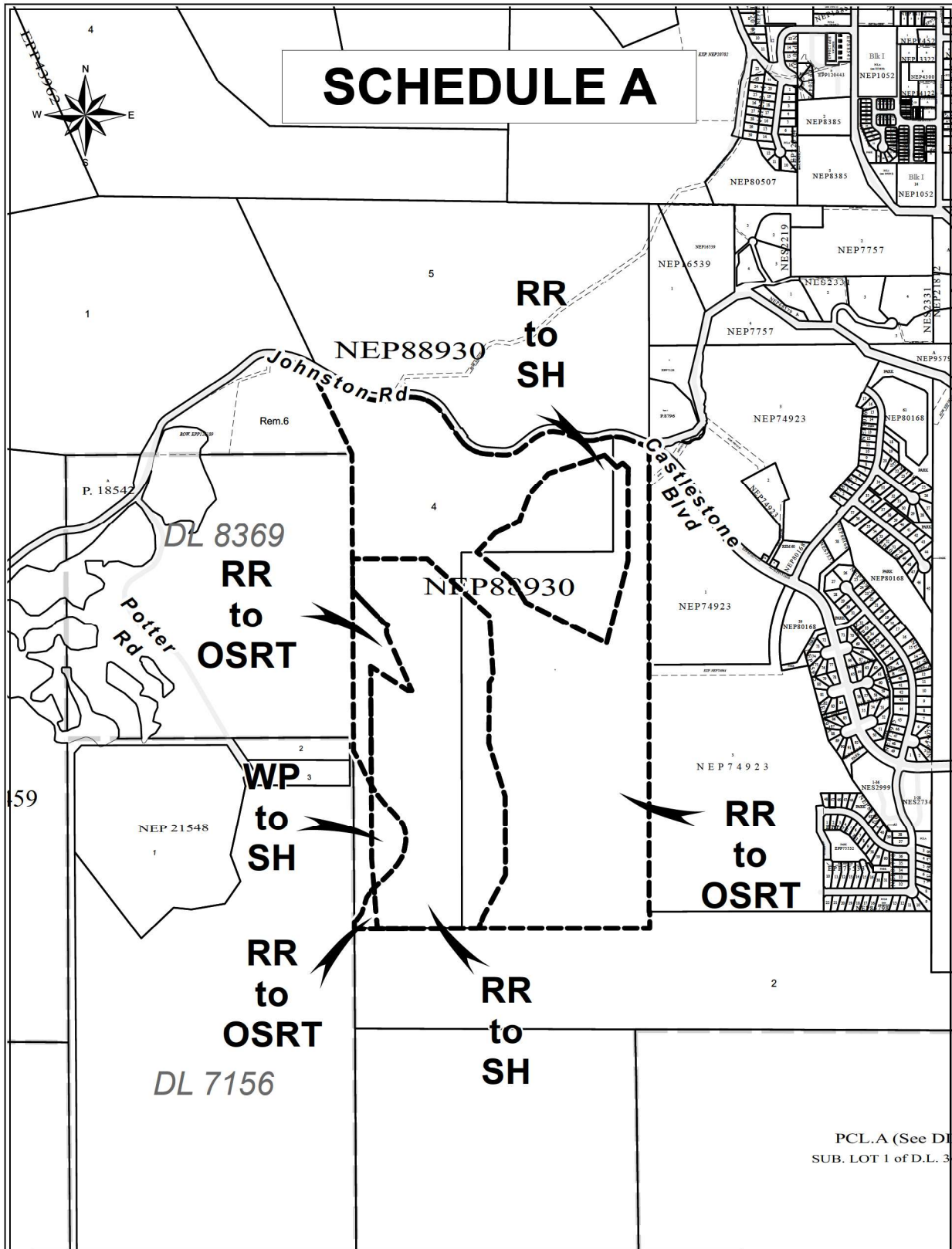
READ A THIRD TIME the day of , 2025.

ADOPTED the day of , 2025.

CHAIR

CORPORATE OFFICER

SCHEDULE A



This is Schedule A referred to in Bylaw No. 3334 cited as "Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2929, 2019 – Amendment Bylaw No. 15, 2024 (Westside / 1129759 Alberta Ltd)."

Chair

Corporate Officer

Date

DL 347

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 3335

A bylaw to amend Bylaw No. 3255 cited as “Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023.”

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 3255;

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 – Columbia Valley Zoning Bylaw No. 3255, 2023 – Amendment Bylaw No. 16, 2024 (Westside / 1129759 Alberta Ltd).”
2. The designation of parts of Lot 3 and Lot 4, District Lot 4596, Kootenay District, Plan NEP88930, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, are amended from A-1, Rural Resource Zone to SH-2, Small Holding Semi-Rural Zone and P-2, Parks and Open Space Zone.

READ A FIRST TIME the day of , 2025.

READ A SECOND TIME the day of , 2025.

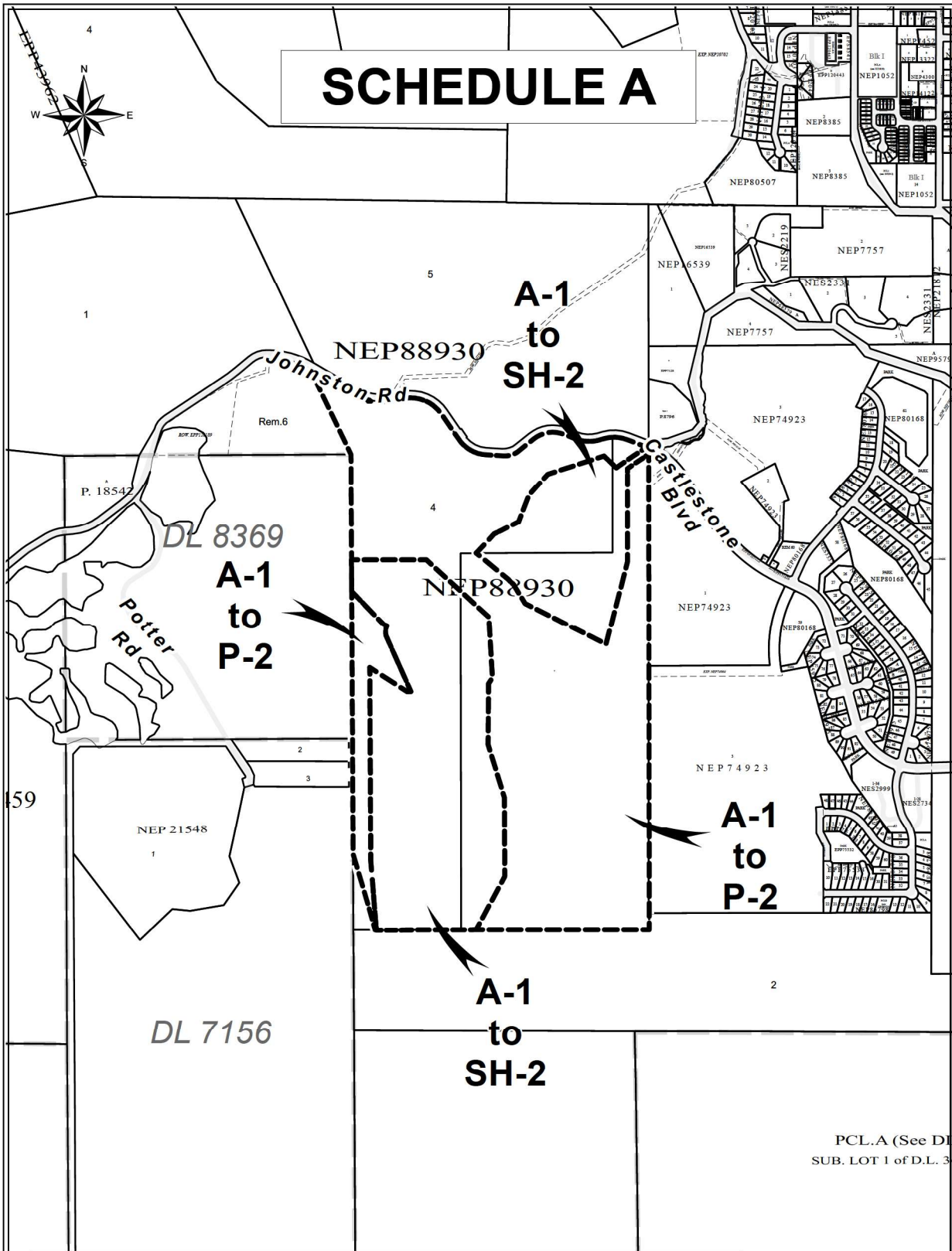
READ A THIRD TIME the day of , 2025.

ADOPTED the day of , 2025.

CHAIR

CORPORATE OFFICER

SCHEDULE A



PCL.A (See DL
SUB. LOT 1 of D.L. 3

This is Schedule A referred to in Bylaw No. 3335 cited as
"Regional District of East Kootenay – Columbia Valley Zoning
Bylaw No. 3255, 2023 – Amendment Bylaw No. 16, 2024
(Westside / 1129759 Alberta Ltd)."

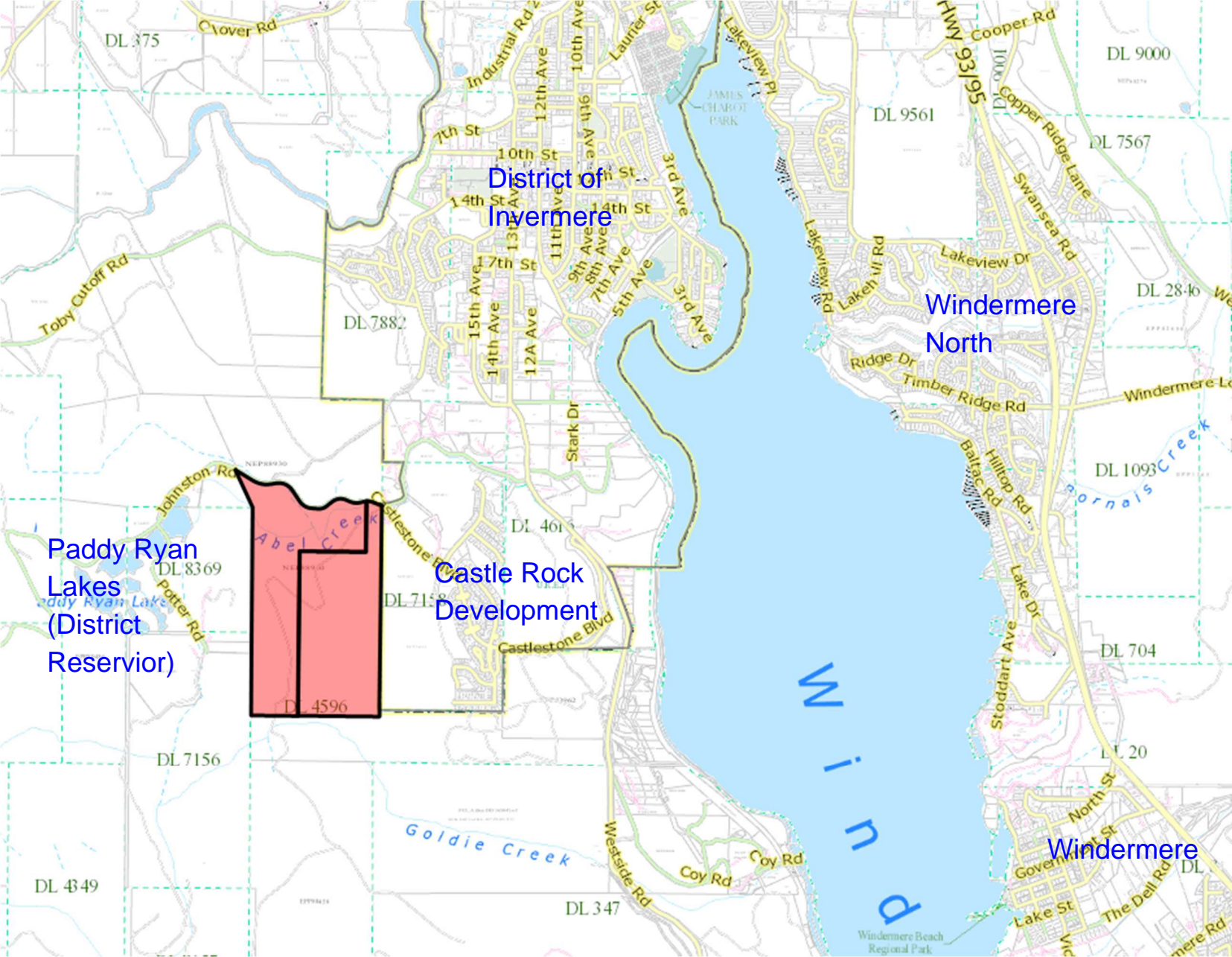
Chair

Corporate Officer

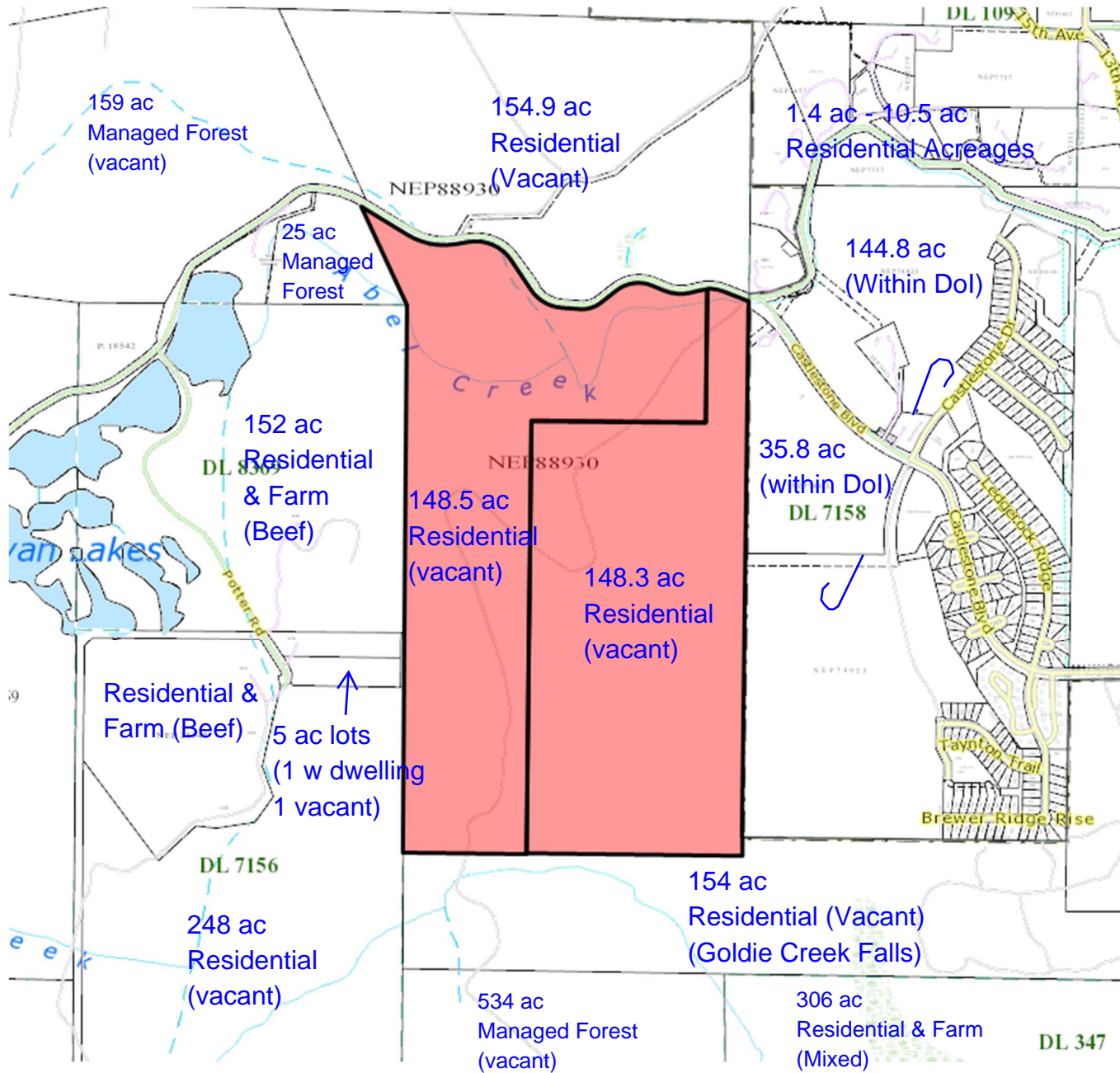
Date

DL 347

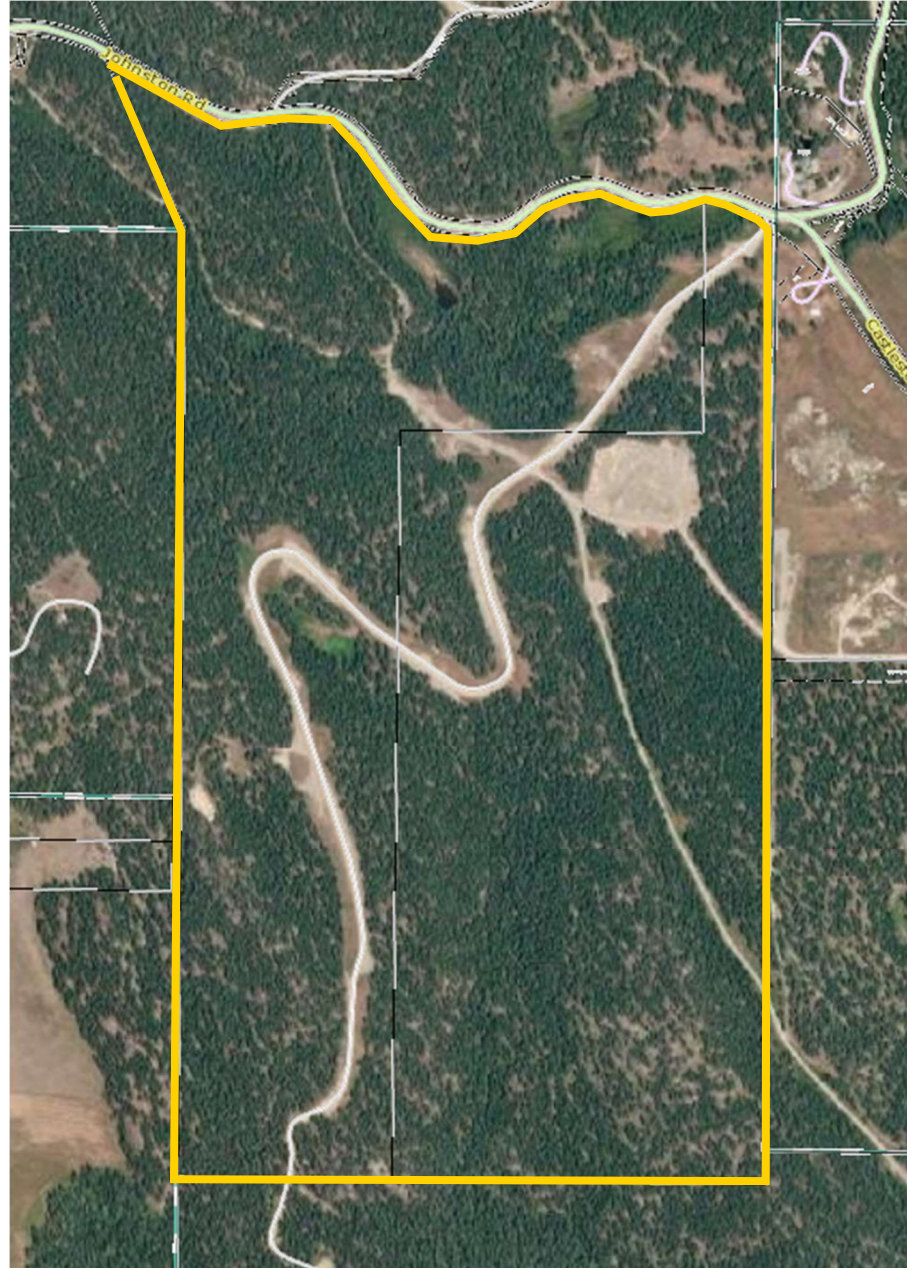
Location Map



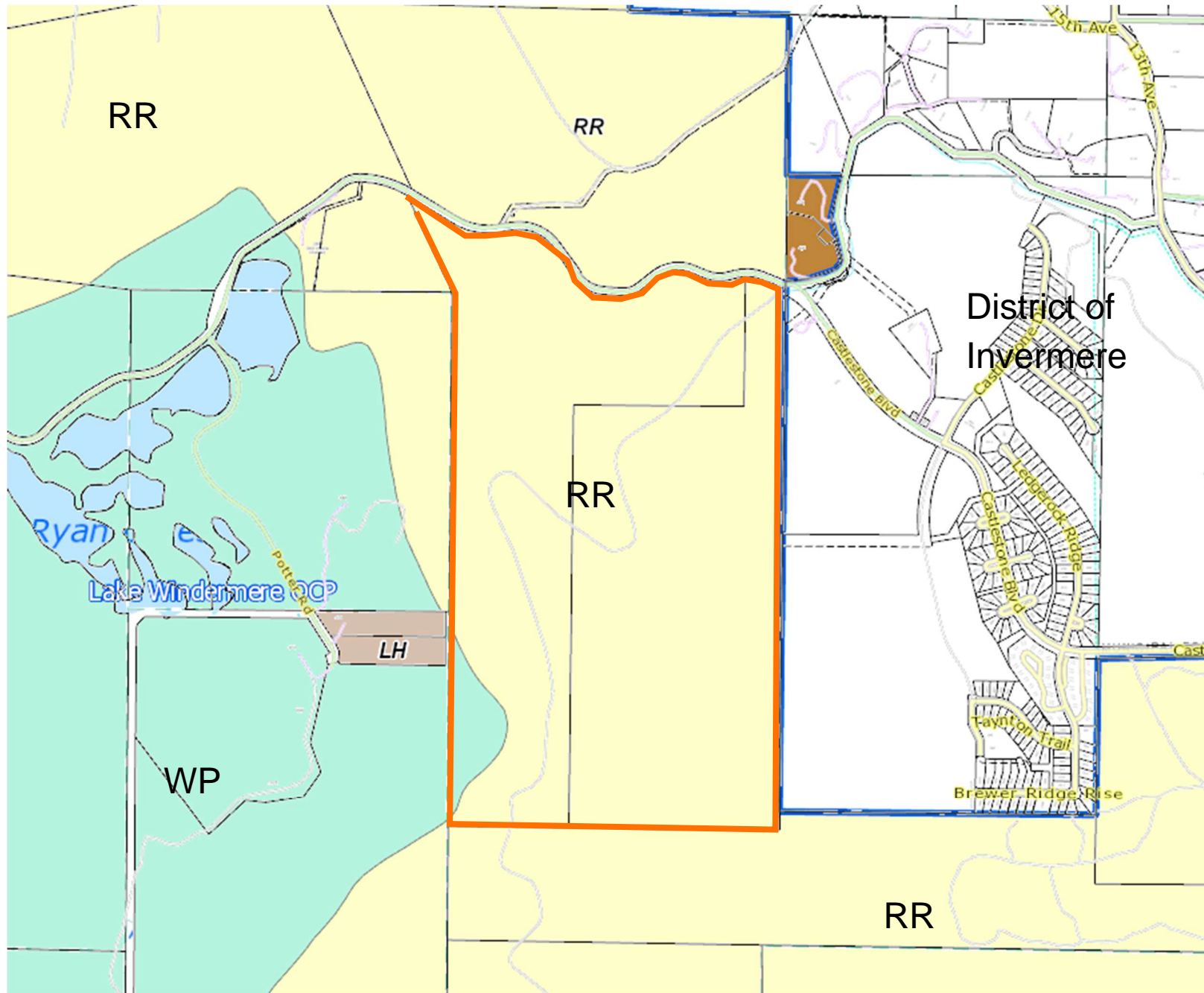
Land Use Map



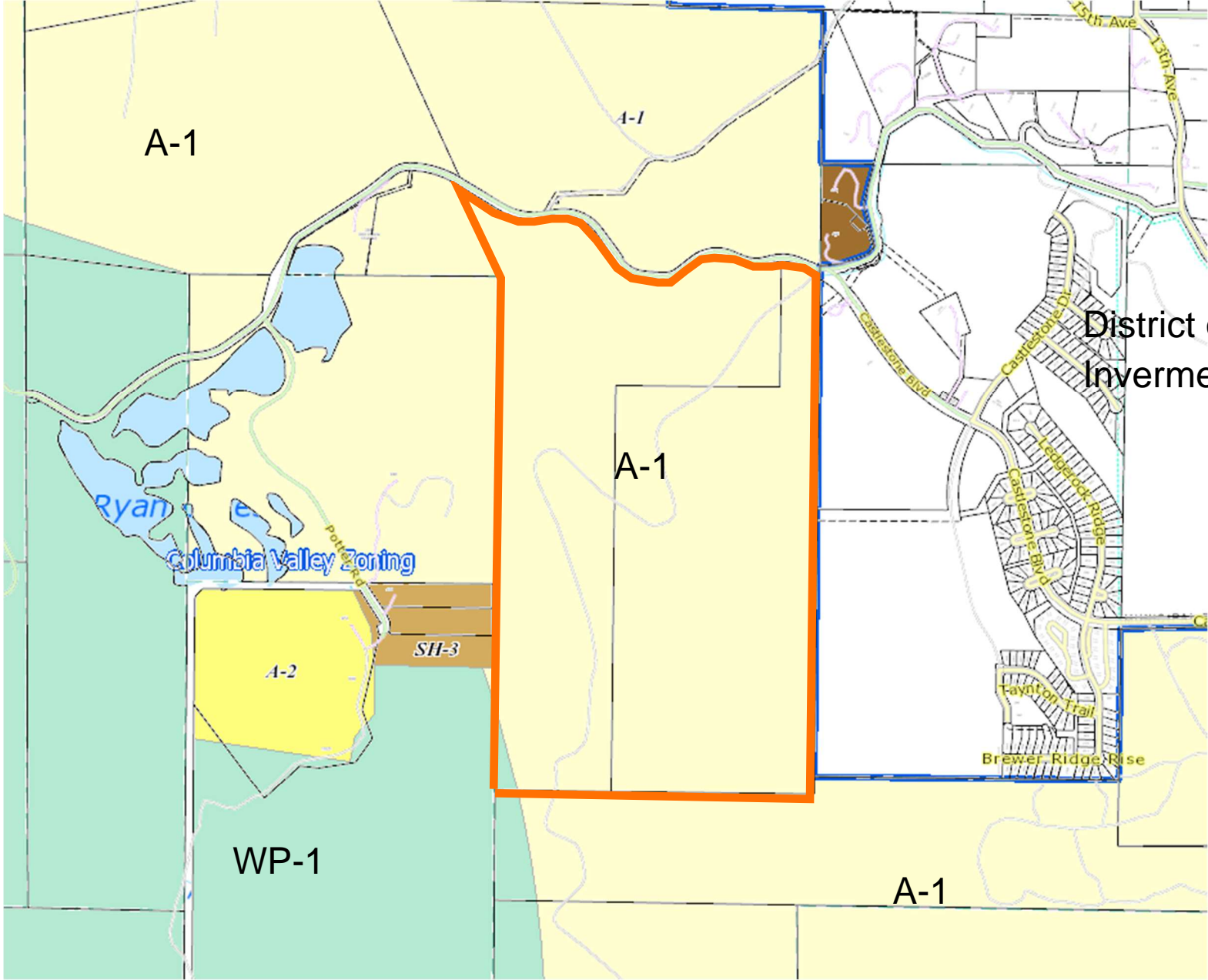
Aerial Photo



OCP Designation Map



Zoning Map



District of Invermere

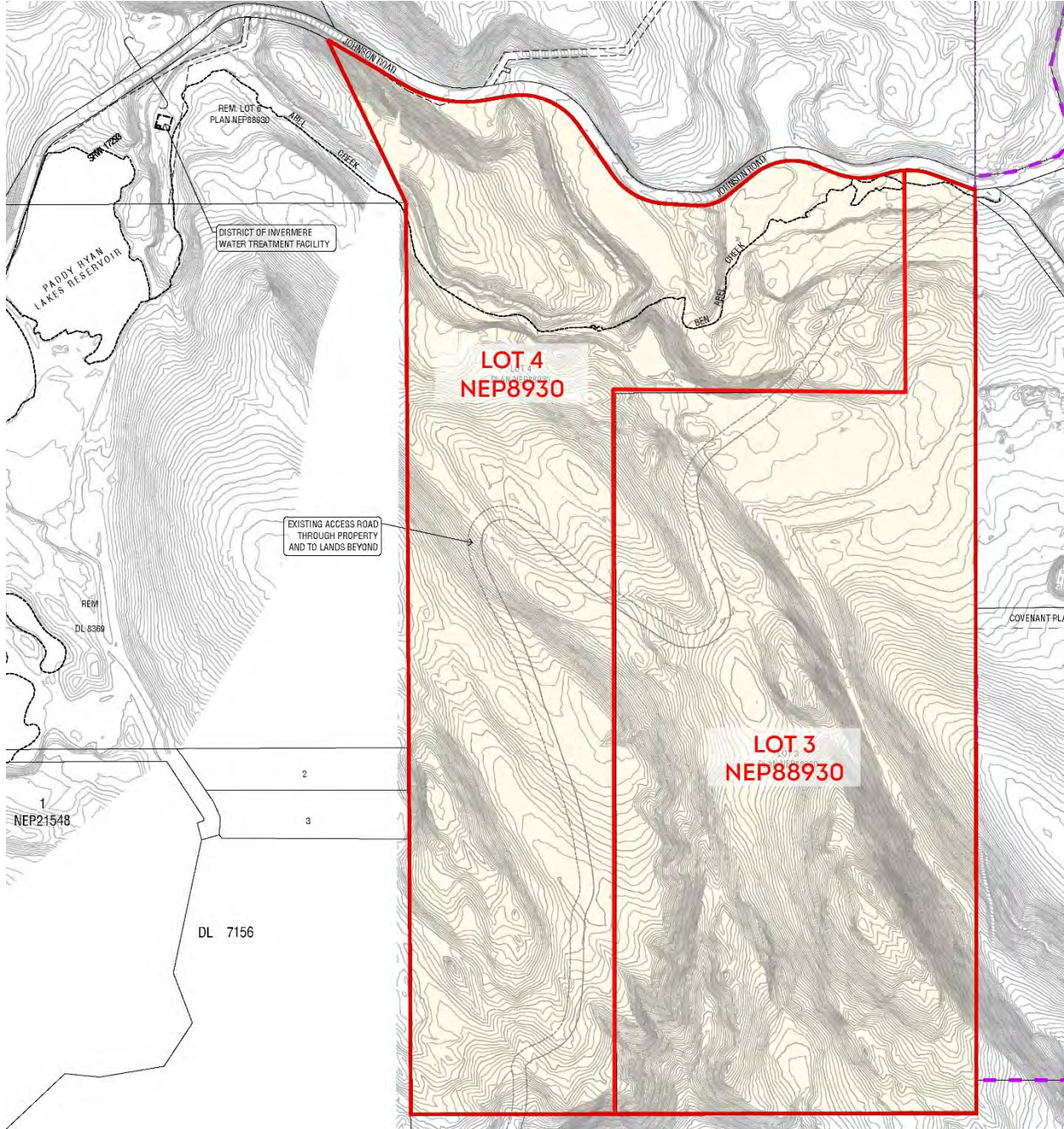


Figure 2 - Subject Property – Legal Description



Figure 6 - Air Photo, 1999

Subject properties shown outlined in red.

Air photo sourced from British Columbia, Geographic Data Services.



Figure 8 - Air Photo, 2018

Subject properties shown outlined in red.

Air photo sourced from British Columbia, Geographic Data Services.

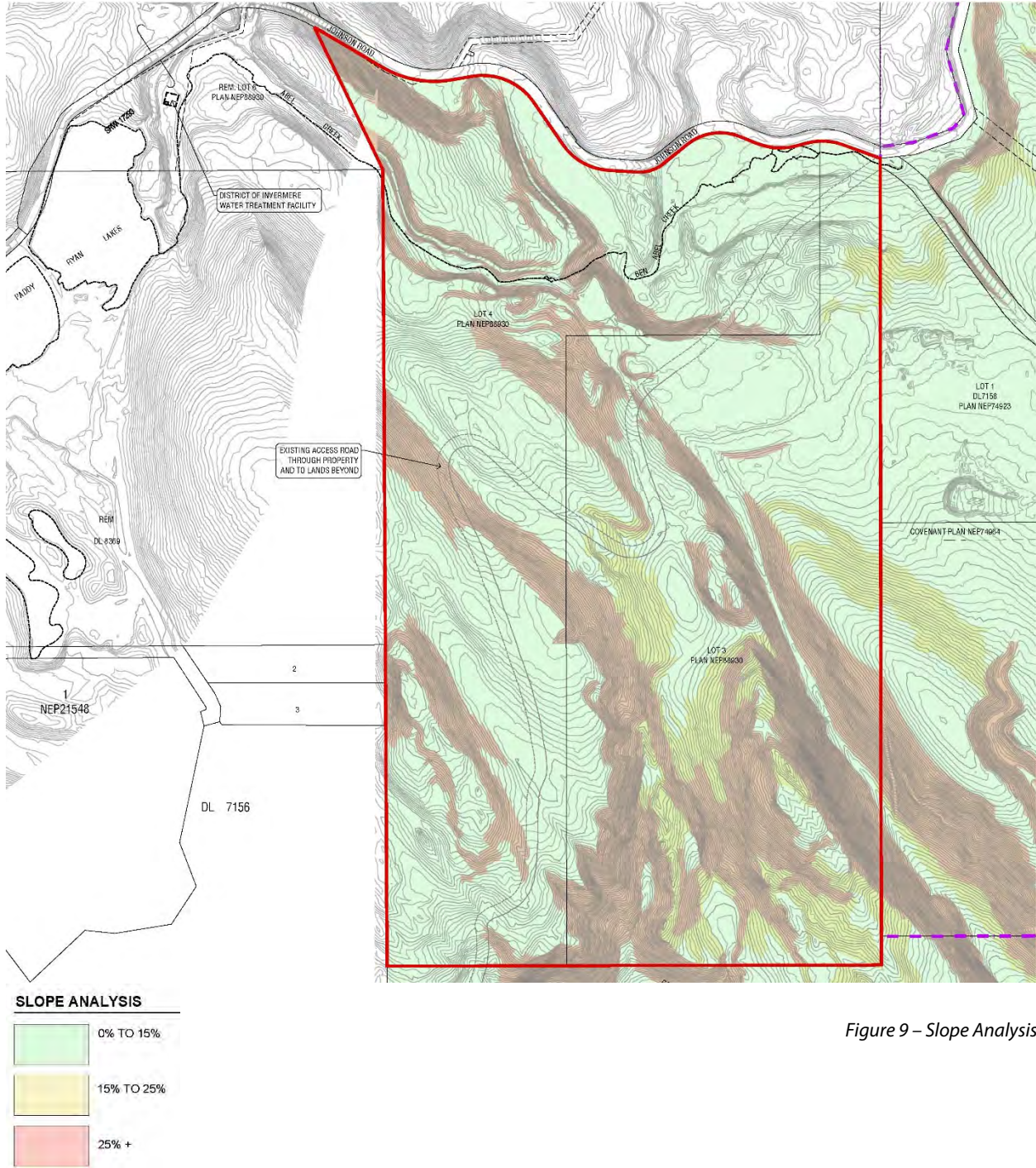


Figure 9 – Slope Analysis

Slope analysis based on topographic data.

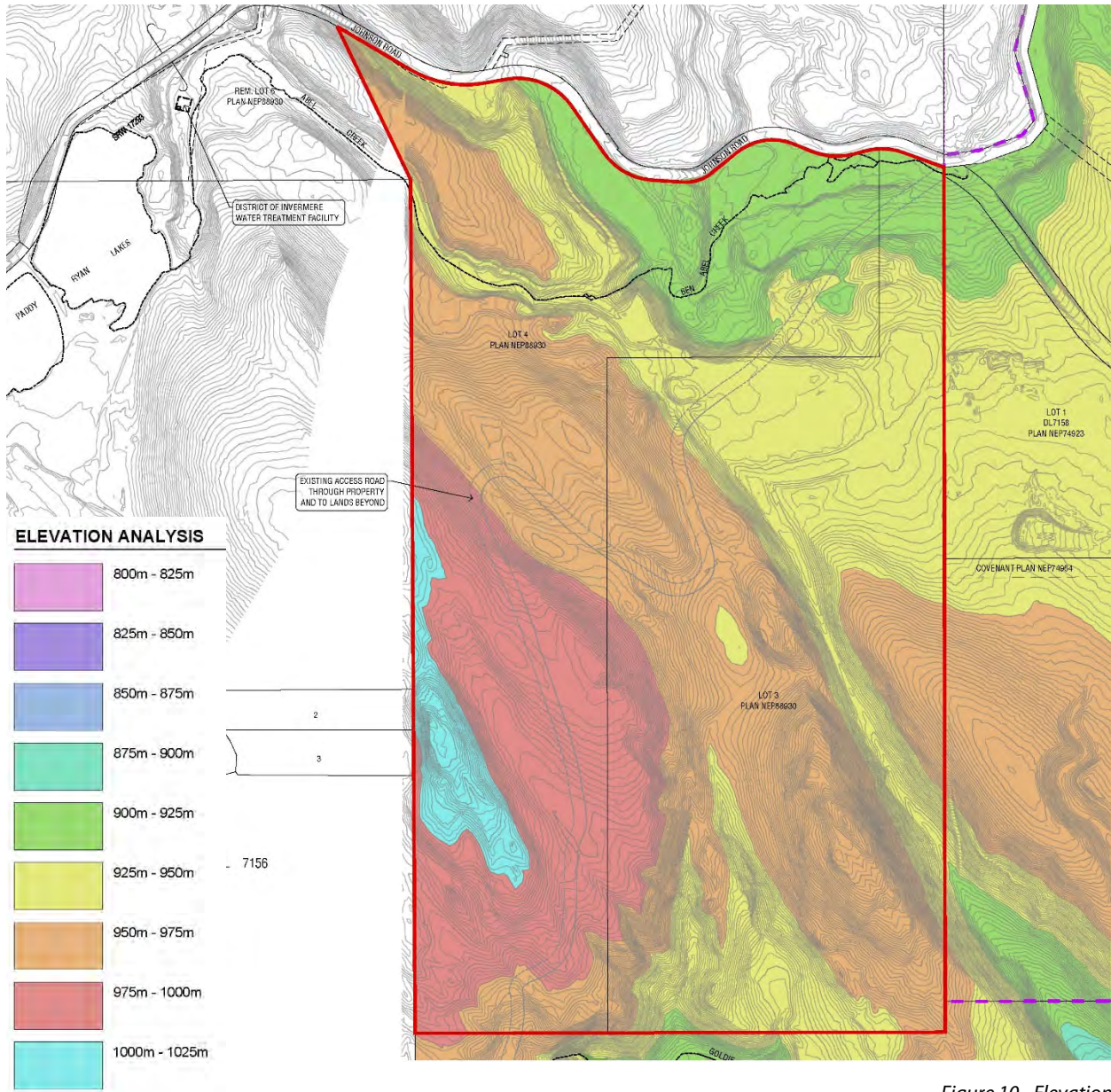


Figure 10 - Elevation

Elevation analysis based on topographic data. Analysis demonstrates general trend of topography.



Waterbodies, Wetlands and Riparian Area

Paddy Ryan Lake reservoir – which is an important potable water source for the District of Invermere is located immediately west of the property. Abel Creek flows from Paddy Ryan Lake reservoir through the north portion of the property and includes areas of wetland habitat.

The Regional District of East Kootenay - Floodplain Management Bylaw requires a riparian setback of 15 metres from these watercourses. Additionally, a covenant (LB301726) registered over the properties requires a minimum 15m horizontal setback and 1.5m vertical setback from Paddy Ryan Lake, Abel Creek and/or Goldie Creek.

Residential development is not permitted within a riparian setback. All lands shown within riparian setbacks are to be protected and are not proposed for residential development.

Floodplain, Alluvial and Debris Flow Fans

The RDEK Lake Windermere OCP and the RDEK Flood Hazard Web Map (<https://rdek.maps.arcgis.com/apps/webappviewer/index.html?id=27de63c1cc4f42bdbcd3c840f7ed9969>) define the location of alluvial and debris flow fans, and active floodplain. The subject property does not contain any floodplain or alluvial or debris hazard lands.

Archaeological

The subject property lies within the traditional territory of the Ktunaxa Nation and the Shuswap Band (*Kenpesq't*).

The Shuswap Band is a member of the Secwépemc Nation. Secwépemc Traditional Territory covers approximately 180,000 square kilometres over BC and Alberta.

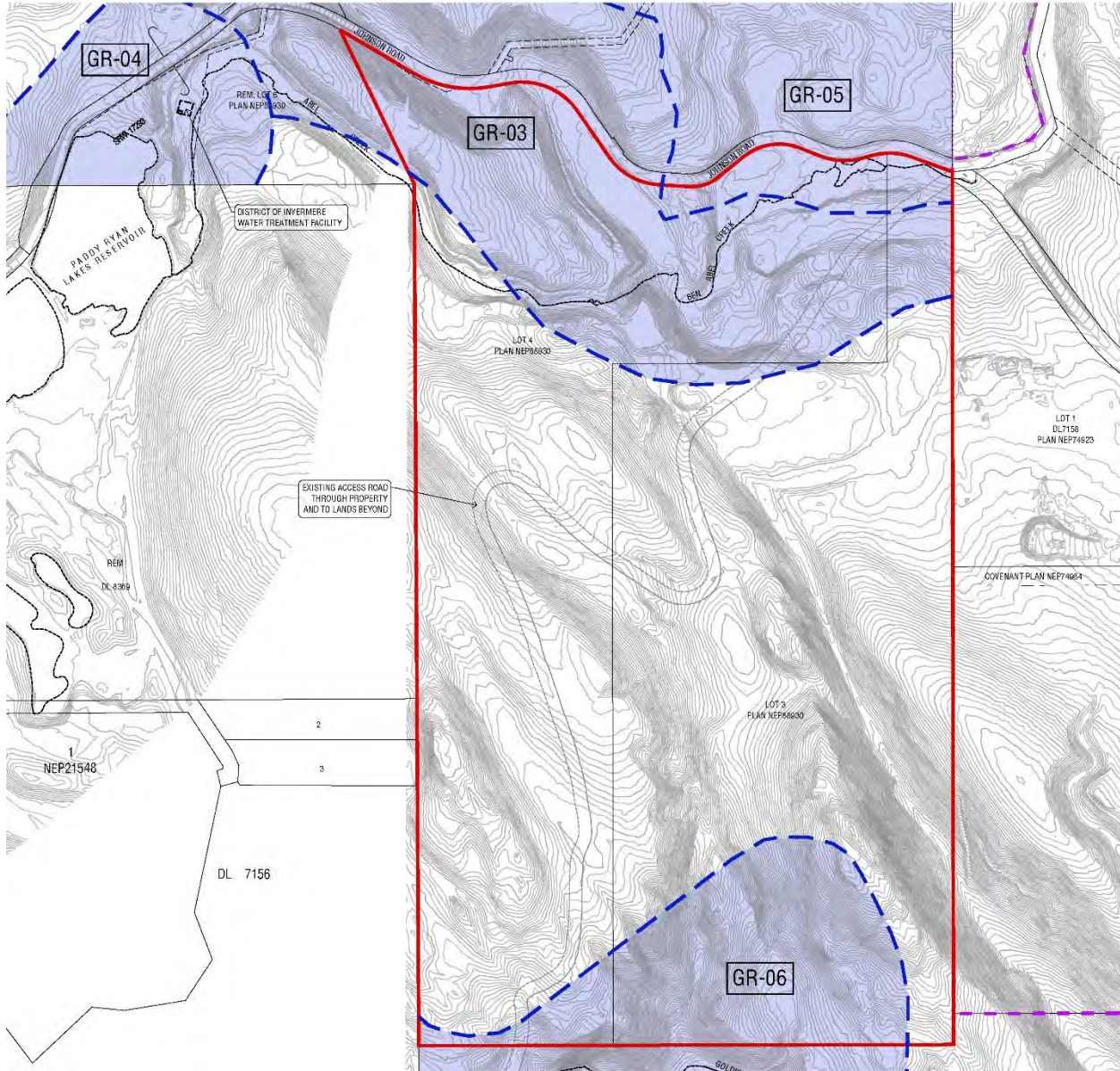
The Traditional Territory of the Ktunaxa Nation covers approximately 70,000 square kilometres within the Kootenay region of south-eastern British Columbia and historically included parts of Alberta, Montana, Washington, and Idaho.

An Archaeological Overview Assessment of the Grizzly Ridge properties was completed in 2009 by Wayne Choquette. This report identifies recorded archaeological sites and potential polygons. There are no recorded archaeological sites within or adjacent to the subject property. All known sites are located close to Lake Windermere and well outside the bounds of the property proposed for development.

There are three landform-based polygons that were identified as having potential to contain archaeological sites within the subject properties (*see Figure 11 – Archaeological Potential Polygons*). Of these, Potential Polygon GR-05 is assessed as being of high archaeological potential and Polygon GR-03 and GR-06 are ranked as having medium archaeological potential.

Polygons GR-03, GR-05 and GR-06 encompass ridges and terraces associated with stream channels, either those still flowing today or relict watercourses related to deglaciation. One polygon (GR-05 on the north side of Abel Creek) has high archaeological potential as it encompasses several well-defined level terraces with southern exposures in a grassland setting. Previously recorded archaeological site EcQa-18 is approximately 1 km east of this Polygon. More intensive archaeological investigation will be necessary prior to initiation of subsurface disturbances in these polygons.

An Archaeological Impact Assessment will be undertaken as a component of future subdivision of the property as required by the subdivision approval authority.



ARCHAEOLOGICAL OVERVIEW ASSESSMENT



 ARCHAEOLOGICAL POTENTIAL POLYGONS

Figure 11 – Archaeological Potential Polygons

Archaeological Potential Polygons from “Archaeological Overview Assessment of Grizzly Ridge Properties Near Invermere, BC” by Wayne Choquette, January 2009.

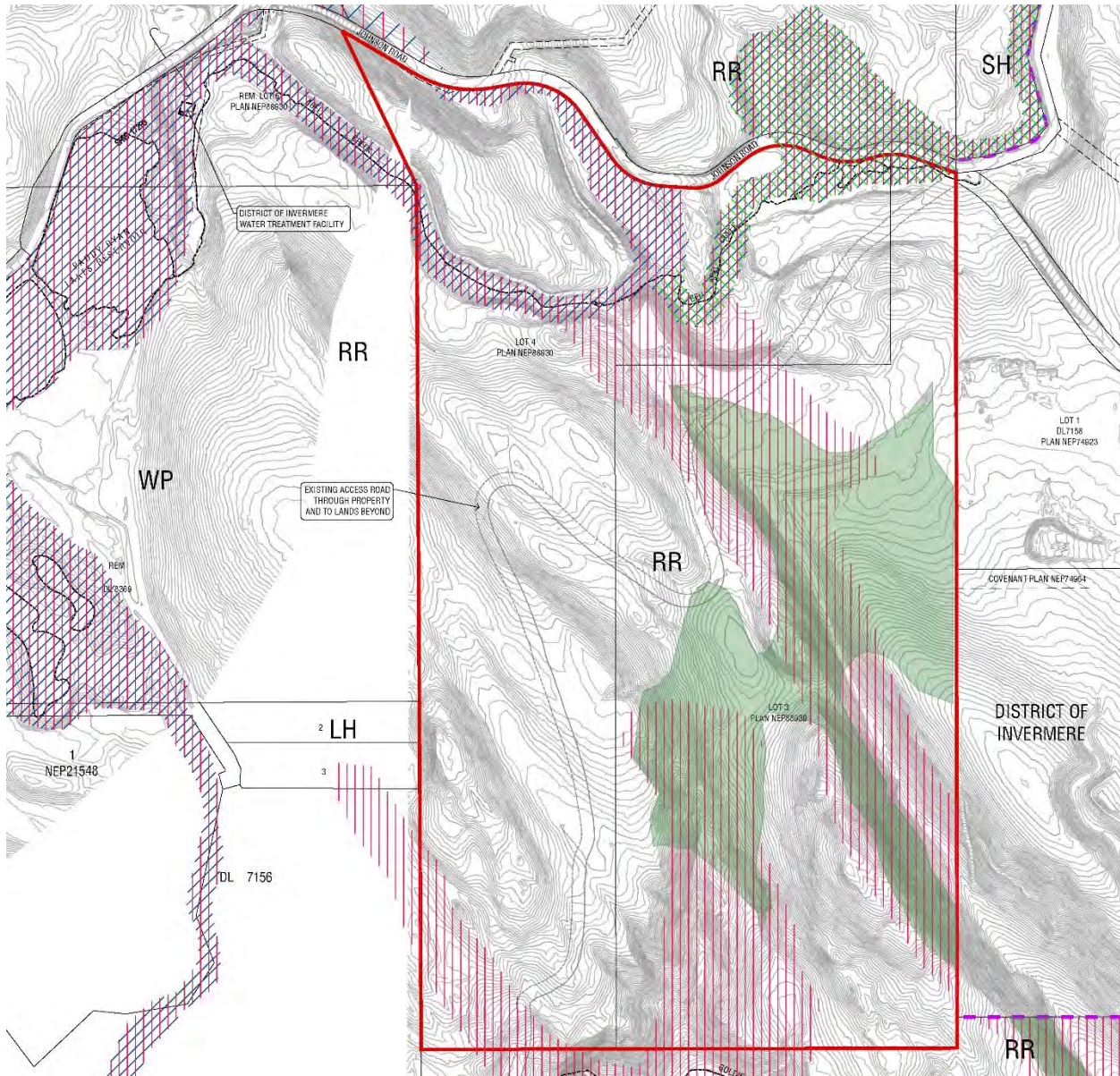



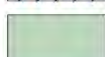


Figure 12 – Environmentally Sensitive Areas

RDEK DP ENVIRONMENTALLY SENSITIVE AREAS

-  GRASSLAND ECOSYSTEM
-  CONNECTIVITY CORRIDOR
-  WETLAND AND RIPARIAN ECOSYSTEMS
-  OLD GROWTH FOREST

ESA AREAS FROM LAKE WINDERMERE OCP, SCHEDULE 11, DEVELOPMENT PERMIT AREA #2

Environmentally sensitive areas mapping derived from RDEK Lake Windermere Official Community Plan, Schedule 11 – Development Permit Area #2 – ESA (Northwest)

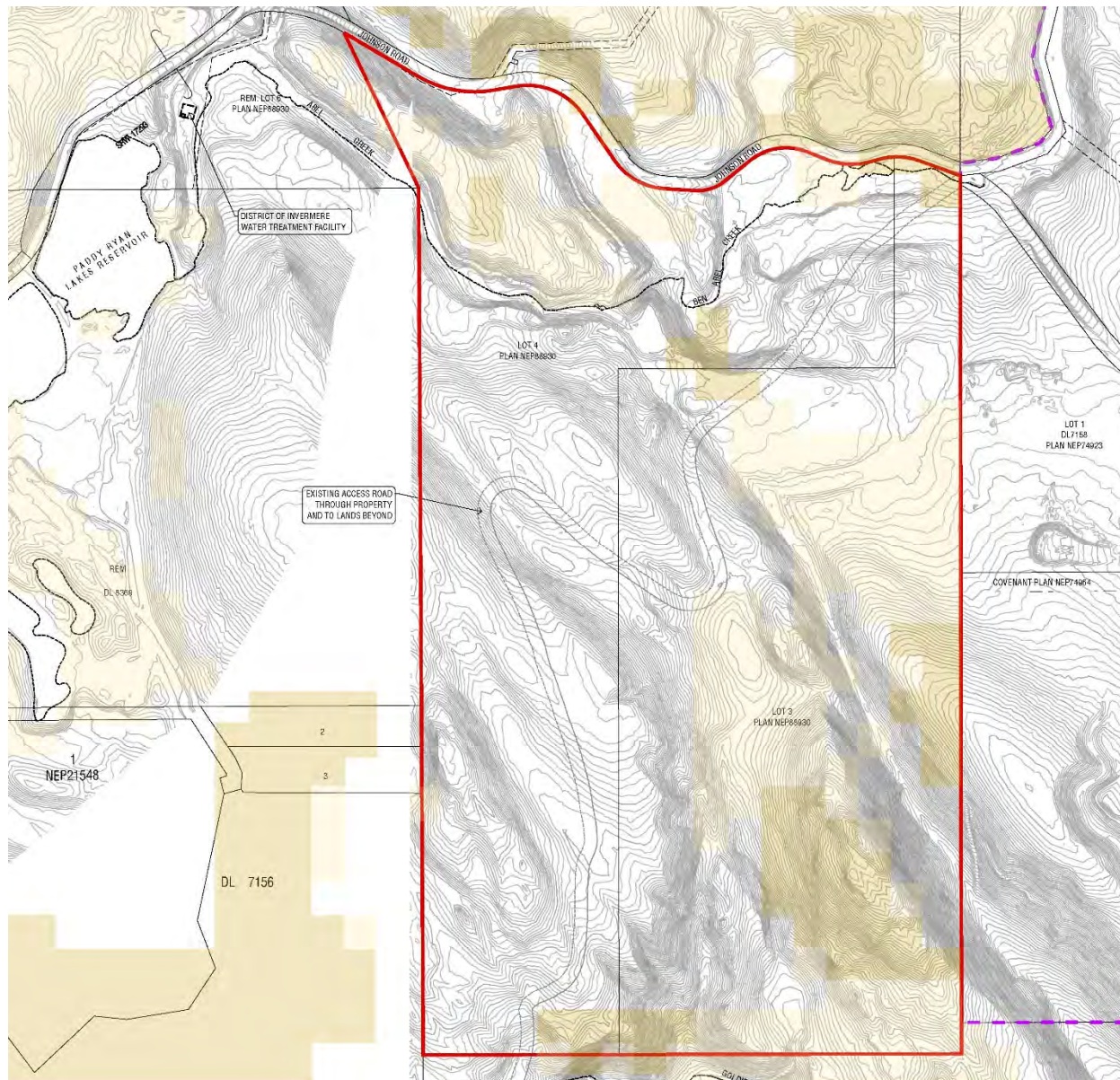




Figure 13 – Ungulate Winter Range

RDEK UNGULATE WINTER RANGE

 UNGULATE WINTER RANGE CLASS 1

 UNGULATE WINTER RANGE CLASS 2

UNGUULATE WINTER RANGE AREAS FROM LAKE WINDERMERE OCP, SCHEDULE E, UNGULATE WINTER RANGE

Ungulate winter range mapping derived from RDEK Lake Windermere Official Community Plan, Schedule E – Ungulate Winter Range.

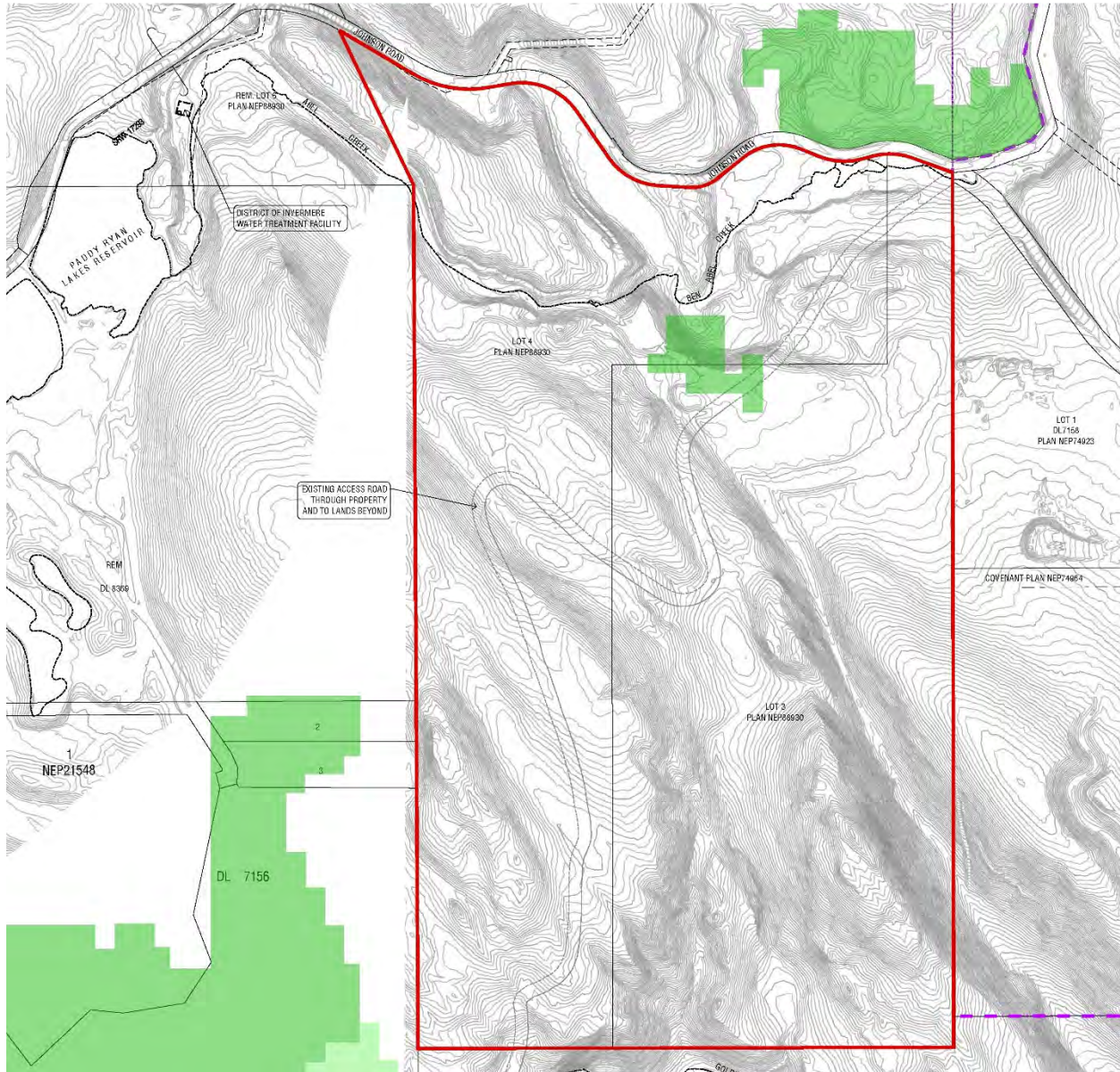




Figure 14 – Potential Badger Habitat

RDEK BADGER HABITAT

-  POTENTIAL BADGER HABITAT VERY HIGH
-  POTENTIAL BADGER HABITAT HIGH

BADGER HABITAT AREAS FROM LAKE WINDERMERE OCP, SCHEDULE F, BADGER HABITAT

Potential badger habitat mapping derived from RDEK Lake Windermere Official Community Plan, Schedule F – Badger Habitat.

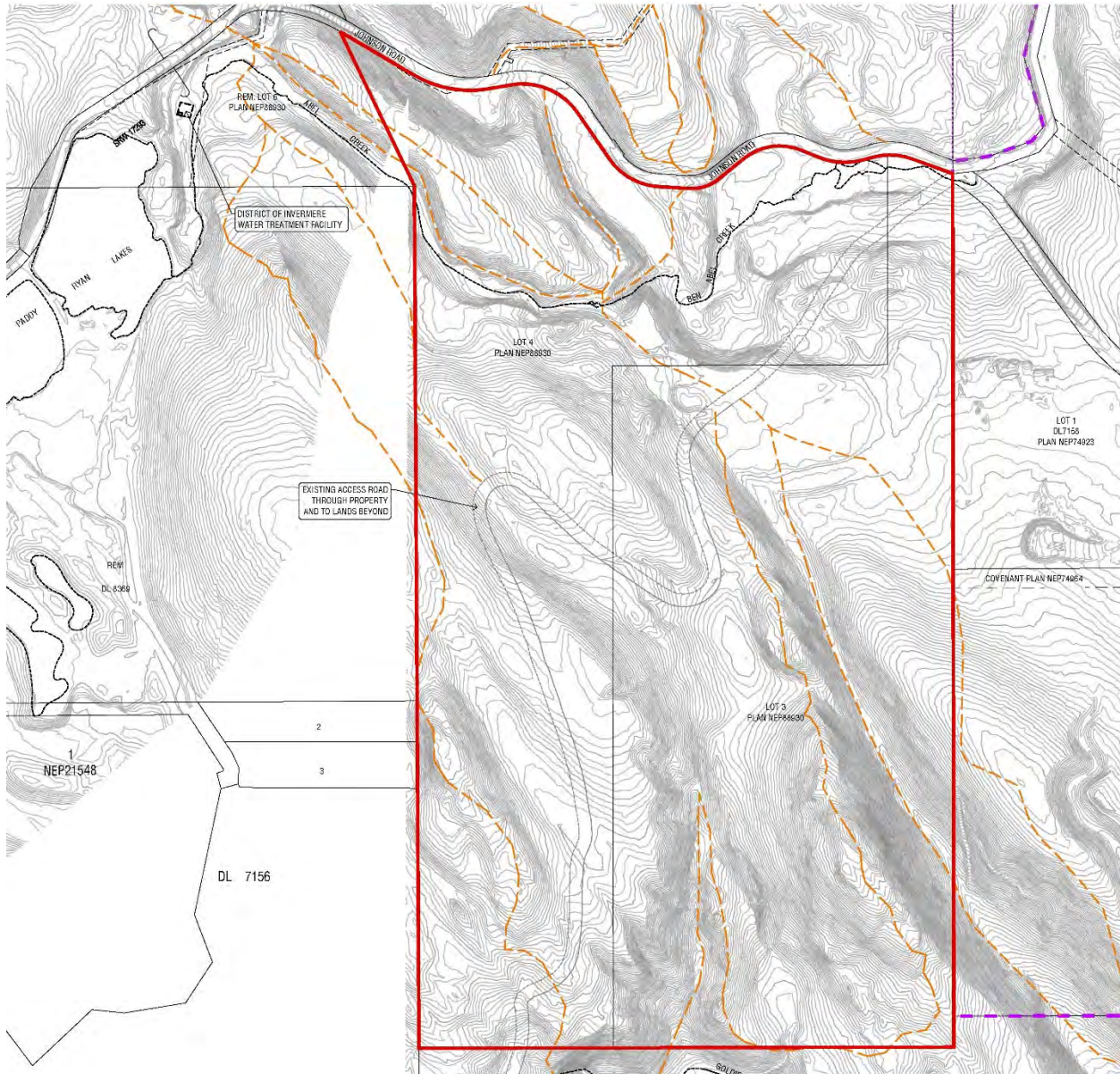


Figure 16 - Existing Trail Network

TRAIL NETWORK



EXISTING TRAIL LOCATION (BIKE/HIKE TRAIL)
- Based on mapping data provided by Columbia Valley Cycling Society,
www.openstreetmap.org and aerial photograph interpretation.

Trail mapping based on data from Columbia Valley Cycling Society, Openstreet.org and air photo interpretation.

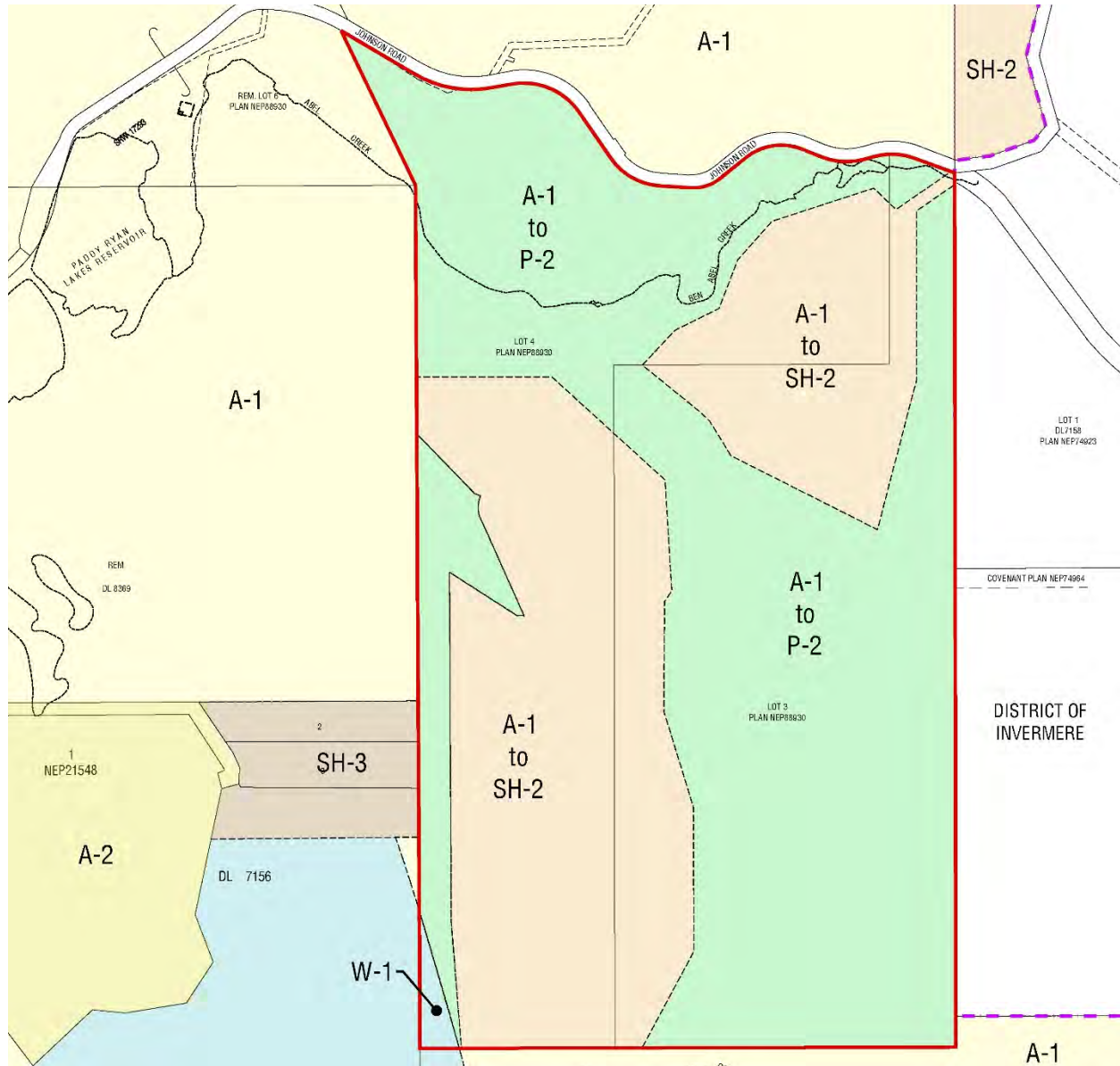
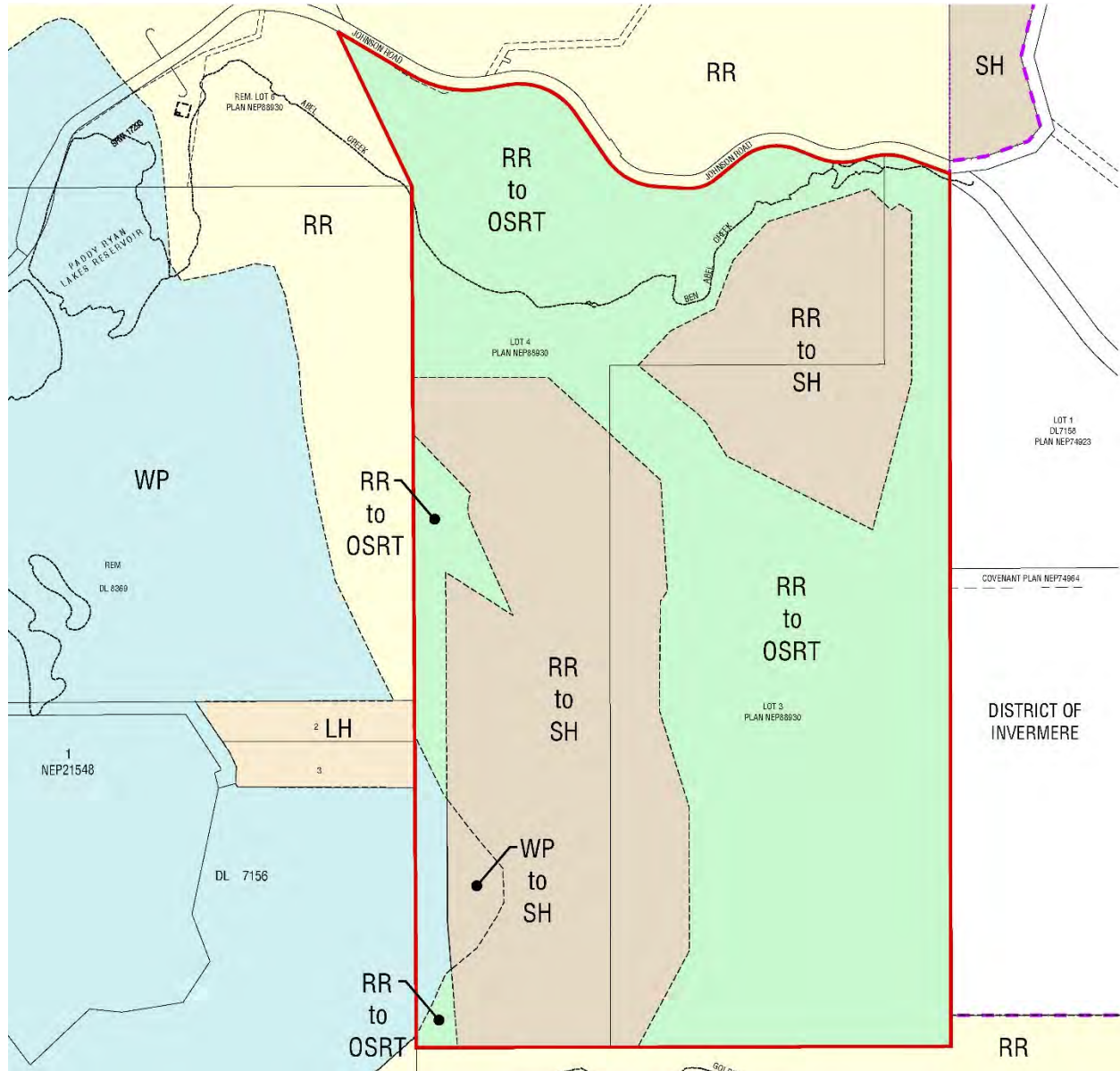


Figure 21 - Proposed Zoning Designations

ZONING DESIGNATIONS

	A-1 RURAL RESOURCE ZONE
	A-2 RURAL RESIDENTIAL (COUNTRY) ZONE
	W-1 WATERSHED ZONE
	P-2 PUBLIC PARK AND OPEN SPACE ZONE
	SH-2 SMALL HOLDINGS (SEMI-RURAL) ZONE Minimum 1.0 ha (2.5 acre) lot
	SH-3 SMALL HOLDINGS (RURAL) ZONE Minimum 2.0 ha (5.0 acre) lot

Subject properties shown outlined in red.



OFFICIAL COMMUNITY PLAN DESIGNATIONS

	RR	RURAL RESOURCE
	WP	WATERSHED PROTECTION
	OSRT	OPEN SPACE, RECREATION AND TRAIL
	SH	SMALL HOLDINGS
	LH	LARGE HOLDINGS

Figure 23 - Proposed OCP Designations

Subject properties shown outlined in red.

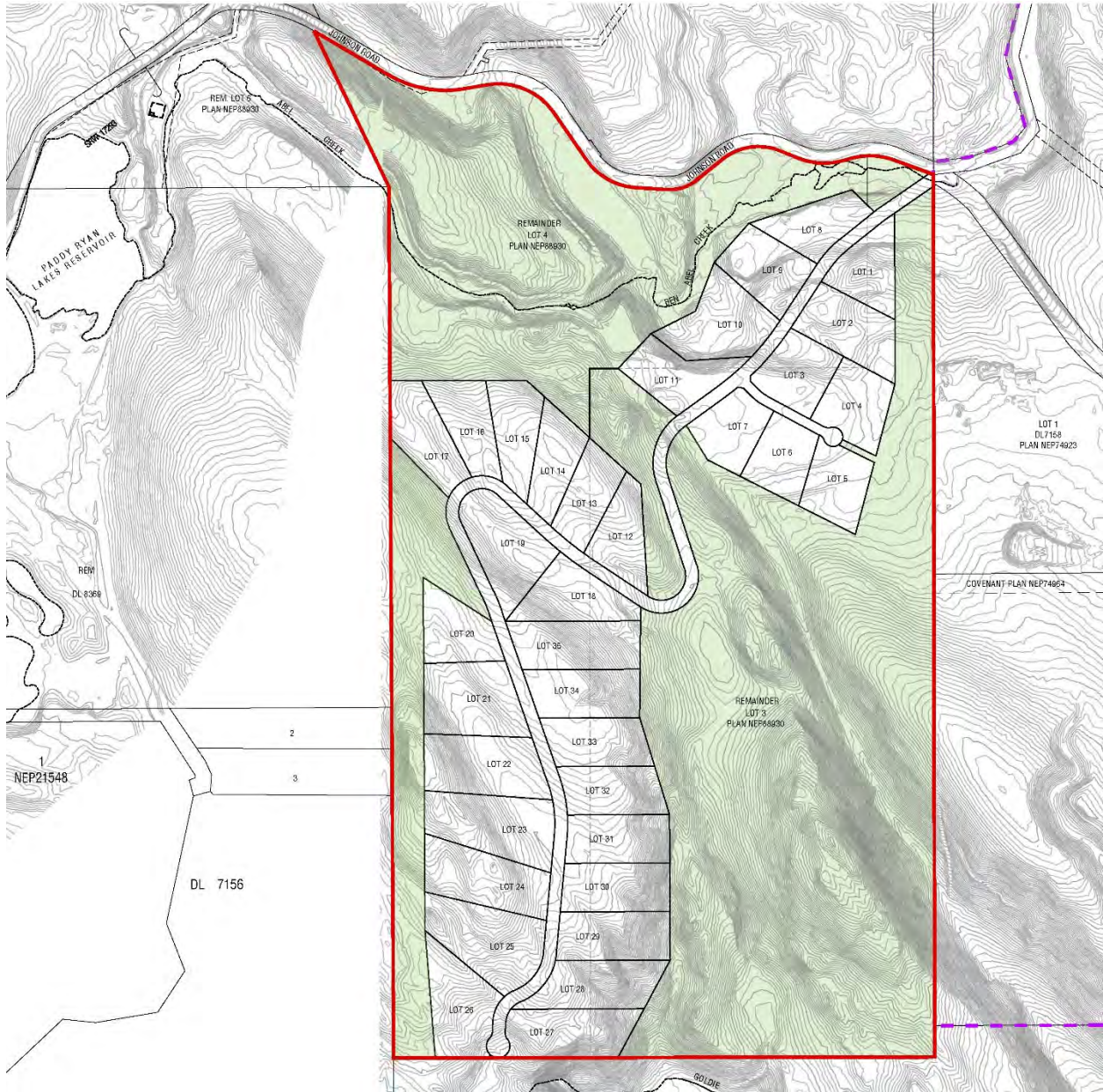


Figure 19 – Conservation / Recreation Lands

CONSERVATION / RECREATION LANDS

	Conservation / Recreation Lands 80.9 ha (199.7 Acres) = 62.1% of Total Area
--	--

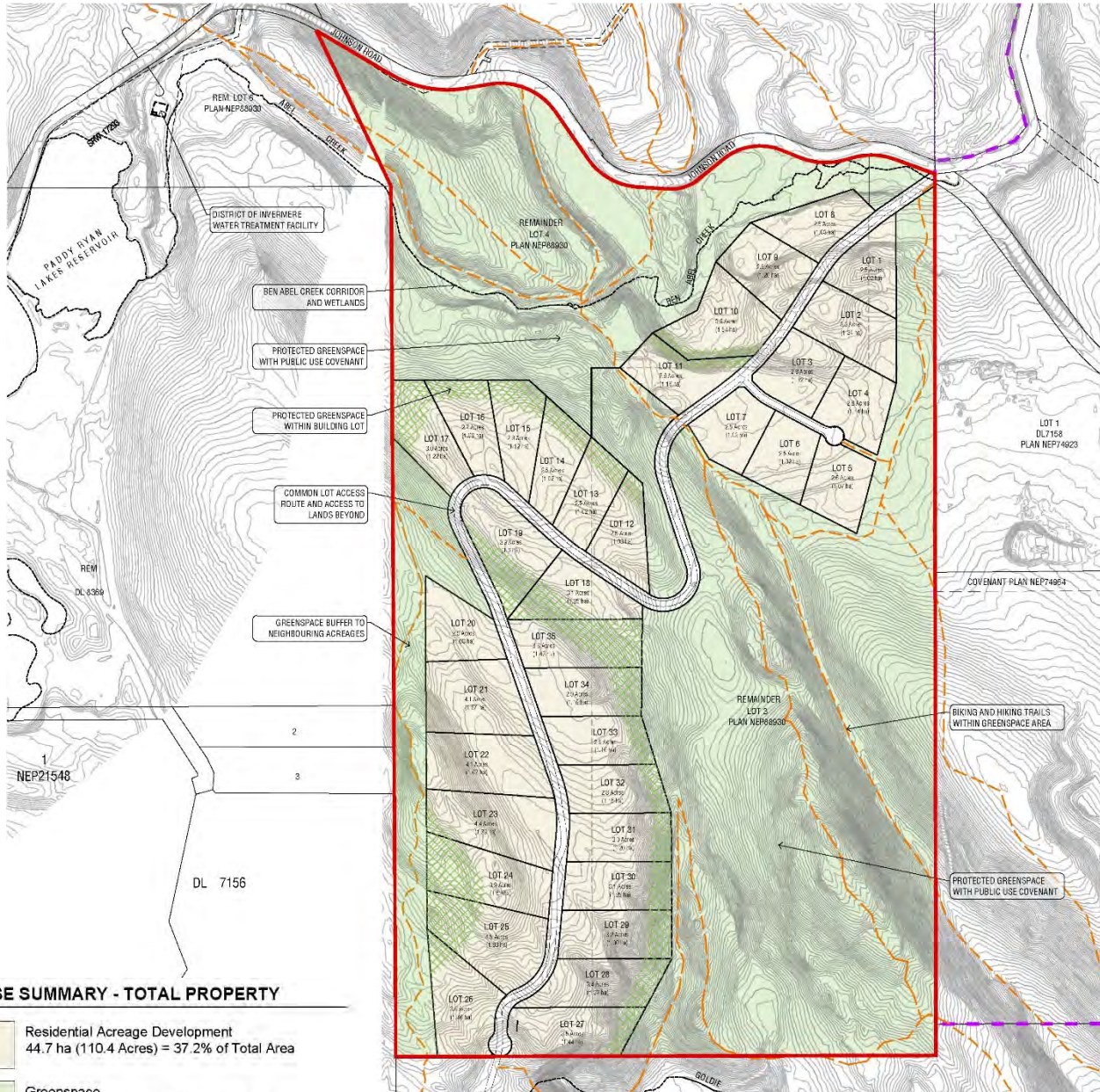

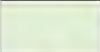
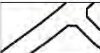




Figure 17 - Conceptual Site Plan

LAND USE SUMMARY - TOTAL PROPERTY

-  Residential Acreage Development
44.7 ha (110.4 Acres) = 37.2% of Total Area
-  Greenspace
70.7 ha (174.7 Acres) = 58.9% of Total Area
-  Road - Common Lot
4.7 ha (11.5 Acres) = 3.9% of Total Area

TOTAL PARCEL AREA
120.1 ha (296.7 Acres)

-  Greenspace Covenant Registered over Residential Lots
7.6 ha (18.8 Acres) = 6.3% of Total Area
-  Existing and Proposed Biking and Walking Trails

Total Land Conserved as Greenspace
78.3 ha (193.5 Acres) = 65.2% of Total Area

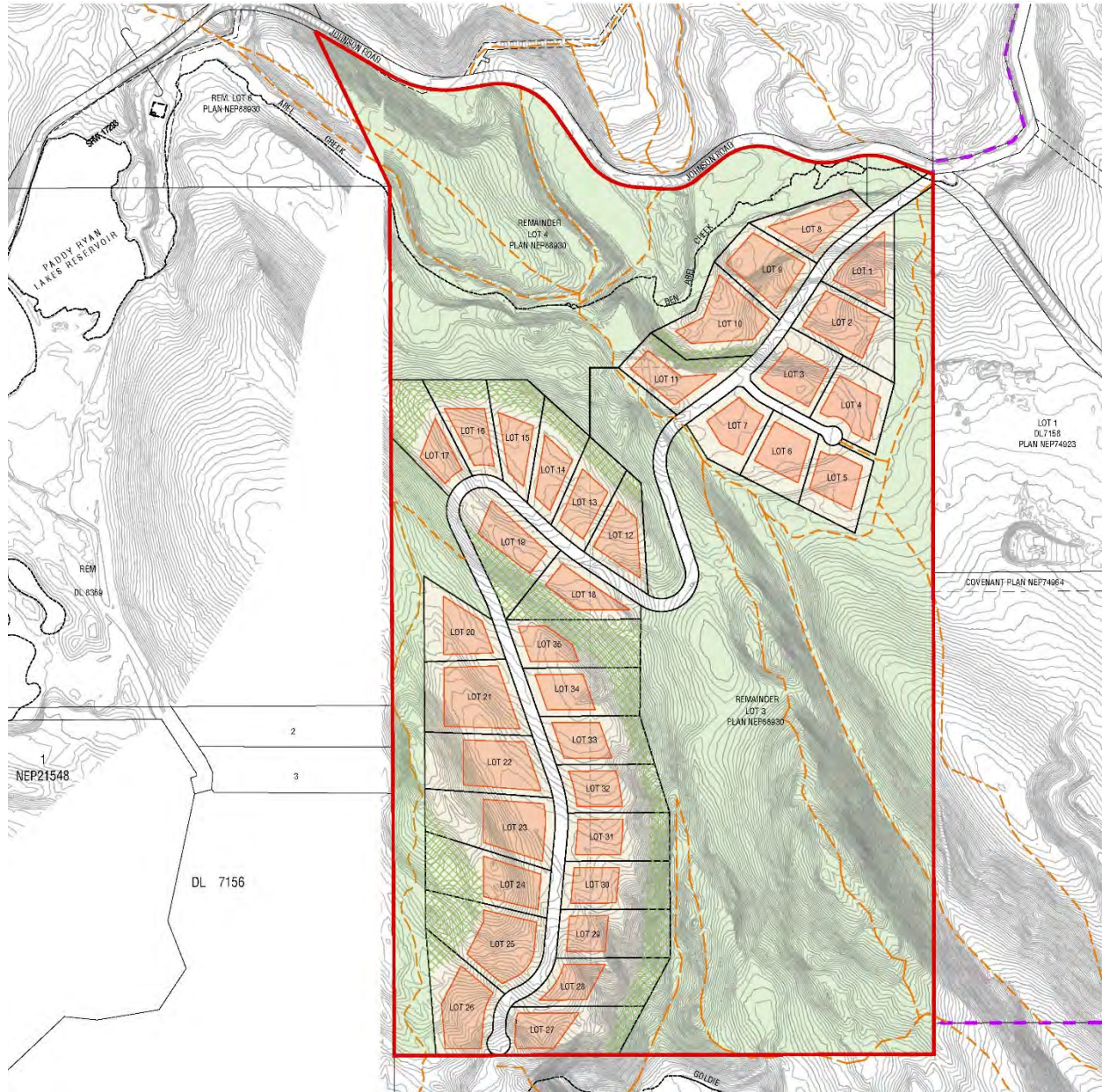


Figure 18 - Conceptual Building Envelope Plan

BUILDING ENVELOPE PLAN

-  Building Envelope
-  Greenspace
-  Greenspace Covenant Registered over Residential Lots
-  Existing and Proposed Biking and Walking Trails