

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.

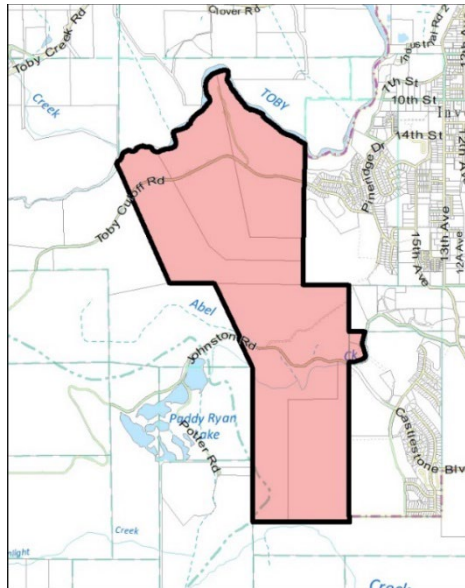


Figure 6

- (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 9th day of May, 2024.

READ A SECOND TIME the 9th day of May, 2024.

READ A THIRD TIME the day of , 2025.

ADOPTED the day of , 2025.

CHAIR

CORPORATE OFFICER