

Request for Decision Development Variance Permit Application

File No: P 726 520
Reference: DVP 9-26
Date: April 20, 2026

Subject: DVP No. 9-26 (Columere / Rivard & Warner)
Applicant: Gabriela Rivard and Kenneth Warner
Agent: Jean Terpsma, Terpsma Land Development Consulting
Location: 5571 Highway 93/95, Columere, west of Columbia Lake
Legal: Lot A District Lot 344 Kootenay District Plan 16473 (PID: 007-935-391)

Proposal: To waive the minimum useable site area for proposed Lot 1 in a two-lot subdivision.

Options:

1. THAT Development Variance Permit No. 9-26 (Columere / Rivard & Warner) be granted.
2. THAT Development Variance Permit No. 9-26 (Columere / Rivard & Warner) be refused.

Recommendation: **Option 1**

While OCP policies explicitly state that varying minimum usable site area is not supported, a professional engineer report has been submitted confirming that the buildable area analyzed is safe for residential use. A covenant will be registered on title restricting development outside of the buildable area as part of subdivision registration process.

**Property
Information:**

OCP Designation: RR, Rural Resource which supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

OCP Policies:

- Applications to vary the minimum usable site area requirements contained within the zoning bylaw will generally not be supported.
- Development on land with slope equal to or greater than 15%, susceptible to erosion and landslip is discouraged. Land susceptible to erosion and landslip should be used for open space and passive recreation purposes.
- Development of lands with slopes equal to or greater than 30% is discouraged and is subject to a geotechnical assessment and the registration of a covenant identifying the hazard and remedial requirements as specified in the geotechnical assessment.

Zone Designation: A-2, Rural Residential (Country) Zone which requires a minimum parcel size of 8.0 ha.

Property Information - cont'd:

Parcel Size: 16.8 ha (41.6 ac)

Density: One Single Family Dwelling and one secondary suite is permitted per parcel.

ALR Status: Within the ALR. Approval to subdivide was granted by the ALC with Resolution #114/2023.

Interface Fire Hazard Rating: Low and High, within the Fairmont Hot Springs Fire Protection Area.

BC Assessment: Residential (SFD)

Water and Sewer Services: Individual onsite well and sewage disposal system.

Flood Hazard Rating: Not within a flood hazard rating area.

Professional Studies:

A Geotechnical Site Investigation Report was completed by Groundtech Engineering Ltd. dated June 3, 2025. The report classified lands in the subject property as either Zone 1 or Zone 2. Zone 1 has terrain that is considered suitable for development with residential structures or driveways and is considered safe for the intended use. Zone 2 terrain is not considered suitable for development with residential structures. However, driveways from Highway 93/95 are acceptable within Zone 2 lands. Residential construction on Zone 2 lands may be possible, however a site specific geotechnical investigation would be required.

The Report states that the geohazard Zone 1 area should be established as covenant areas.

Additional Information:

- The definition of usable site area in the Columbia Valley Zoning Bylaw is a contiguous area of land with an average slope not exceeding 15%, no portion of which is subject to land slip, avalanche, rock fall, flooding or high water table. The variance is required because there is not a contiguous area of land with an average slope not exceeding 15% of the required size within proposed Lot 1.
- As part of the subdivision process the Ministry of Transportation and Transit will require registration of a covenant reflecting the information in the Geotechnical Site Investigation Report. The RDEK will be named on the covenant and it will be registered with the final subdivision plan.
- A letter from a surveyor was submitted as part of the subdivision referral from the Ministry confirming that the remainder parcel has the required minimum usable site area as defined in the Columbia Valley Zoning Bylaw.

Consultation:

APC Areas F & G: Support recommended

Response(s) to Notice: Six (6) notices were mailed on March 31, 2026 to all property owners within 100 m. No notices were returned as undeliverable and no responses were submitted from the public.

**Documents
Attached:**

- Permit
- Location Map
- Land Use Map
- Slope Hazard Map
- Proposed Subdivision Plan
- Geohazard Zone Map
- Covenant Areas
- Aerial Photo

**RDEK
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