

Request for Decision Bylaw Amendment Application

File No: P 720 567
Reference: Bylaw No. 3020 & 3021
Date: **January 5, 2021**

Subject: Bylaw No. 3020 & Bylaw No. 3021 (Columbia Lake West / Bella Vista Properties Ltd)

Applicant: Bella Vista Properties Ltd. (Bob Walker)

Agent: Jean Terpsma

Location: At the end of Bella Vista Boulevard between Canal Flats and Fairmont Hot Springs

Legal: A portion of Lot 1, DL 4596, KD, Plan NEP68504 (PID: 027-491-439)

Proposal: To amend the OCP and zone designations of a portion of the subject property to permit multi-family residential development.

Development Agreement: None.

Options:

1. THAT Bylaw No. 3020 cited as "Regional District of East Kootenay – Fairmont Hot Springs & Columbia Lake Area Official Community Plan Bylaw No. 2779, 2017 – Amendment Bylaw No. 7, 2020 (Columbia Lake West / Bella Vista Properties Ltd)" be introduced, and further that the OCP consultation identified in the staff report is appropriate.
2. THAT Bylaw No. 3021 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 366, 2020 (Columbia Lake West / Bella Vista Properties Ltd)" be introduced.
3. THAT Bylaw No. 3020 cited as "Regional District of East Kootenay – Fairmont Hot Springs & Columbia Lake Area Official Community Plan Bylaw No. 2779, 2017 – Amendment Bylaw No. 7, 2020 (Columbia Lake West / Bella Vista Properties Ltd)" not proceed.
4. THAT Bylaw No. 3021 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 366, 2020 (Columbia Lake West / Bella Vista Properties Ltd)" not proceed.

Recommendation: **Option 1 & 2**
The OCP supports residential development in this area. The subject property already has a portion designated for multi-family development and the adjacent lands to the south are conserved greenspace.

**Property
Information:**

Current OCP Designation: R-SF, Residential Low Density, which includes single family residential subdivisions, duplexes and zoning that supports secondary suites.

**Property
Information –
cont'd:**

Proposed OCP Designation: R-MF, Residential Multi-Family, which medium and high density non-commercial residential accommodation such as duplexes, fourplexes, townhouses and apartments.

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:
 - a) compatibility of the proposed development with surrounding land uses, parcel sizes, local rural character and lifestyle;
 - b) access and proposed internal road networks;
 - c) demonstrate the use of Conservation Subdivision Design principles such as:
 - identify 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;
 - utilizing compact neighbourhood design with dwelling units built in close proximity to each other to minimize the overall development footprint and required infrastructure; and
 - integrate FireSmart principles.
- New development of single family or greater density should be serviced by community water and sewer systems.
- Development is encouraged to recognize and integrate opportunities to retain and maximize the viewscales.
- Rezoning of land to accommodate residential development of lands west of Highway 93/95 is generally not supported.
- Future demand for residential development on the west side of Columbia Lake should be concentrated in the existing development node north of Columbia Ridge Estates and south of Columere Park. Land designated SH, Small Holding and DL 7548 may be appropriate to rezone to higher densities subject to meeting the intention of sections 4.3 (1)(b) and 4.3 (1)(g), and other environmental and hazard conditions identified in this plan.
- New residential developments should include internal non-motorized trails and identify connectivity with an existing or proposed trail networks where possible.

**Property
Information –
cont'd:**

Current Zoning: A-2, Rural Residential (Country) Zone

Proposed Zoning: R-3, Multiple Family Residential – Medium Density Zone which requires a minimum parcel size of 1000 m²

Parcel Size:

Total Parcel: 4 ha (10 ac)

Portion under application: 0.56 ha (1.4 ac)

Density:

Existing: vacant

Proposed: One single family dwelling

Potential: In the R-3 Zone, up to 30 dwelling units are permitted per gross hectare of useable site area. If the entire site is considered useable site area, the maximum number of dwelling permitted will be 16.

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Low to high, within the Fairmont Hot Springs fire service area

BC Assessment: Residential (vacant)

Water Services: Servicing will be via connection to the existing community water system.

Sewer Services: Installation of a new shared onsite sewage disposal system. Ole Westergaard, ROWP, has provided a letter stating that an onsite system is possible to service a multi-family building. His letter sets out some examples of types of possible systems and how many units they could service (letter attached).

**Professional
Studies:**

None

**Additional
Information:**

Covenant CA7398923 is registered in the interest of the owners within the existing strata and it is intended to protect the environmental values in the vicinity. The RDEK is not involved in enforcement of this covenant and the application states that this proposal will not affect the protected area.

The property is not designated in the OCP as being within a development permit area for environmental sensitivity.

The owner does not wish to restrict building height because of the topography in the area.

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,

Consultation – cont'd: there will be opportunity for discussion with the public prior to the commencement of the public hearing.

Advisory Planning Commission:

APC Areas F & G: Support recommended

Referral Agencies:

- **Interior Health Authority:** No response
- **Transportation & Infrastructure:** No response
- **Environment:** If this application is approved, MFLNRORD Habitat staff request that the area is assessed for badgers prior to any development, and that if fencing occurs it is wildlife-friendly (see images attached)
- **Ktunaxa Nation Council:** No response
- **Akisqnuk First Nation:** No response
- **Shuswap Indian Band:** No response
- **School District No. 6:** No response
- **Telus:** No response

Documents Attached:

- Bylaws
- Location Map
- Land Use Map
- Proposal
- Photos
- Proposed Subdivision Plan
- ROWP Letter
- Fence Images from MoE

RDEK Contact:

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