



BOARD REPORT

TO: Chair and Directors

File No: DVP 851-03
PL20180125

SUBJECT: Electoral Area B: Development Variance Permit No. 851-03 (Great Northern Snow-Cat Skiing Ltd.)

DESCRIPTION: Report from Candice Benner, Development Services Assistant, dated August 29, 2018.
5400 Hwy 31, Trout Lake

RECOMMENDATION: THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 851-03 for District Lot 16968 Kootenay District, varying Electoral Area B Zoning Bylaw No. 851, as follows:

- Section 3.16(1)(a) Maximum floor area for a tourist cabin from 65 m² to 66.8 m² for two new tourist cabins; and
- Section 5.12(3)(k) Maximum height for a new accessory building (day building) from 10 m to 11.37 m;

be approved this 20th day of September, 2018.

SHORT SUMMARY:

The subject property is the location of a cat-skiing tourist lodge located near Trout Lake in Electoral Area B; the operation has existed for several years and the owners are wanting to build a new accessory building (day building) for staff accommodation and two new guest cabins. The uses existing and proposed on this property are permitted in the Highway Commercial zone but the new buildings require variances for the height of the new day building and the maximum floor area for the new tourist cabins.

VOTING:	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

OWNERS:
Great Northern Snow-Cat Skiing (1990) Ltd., Inc. No. A36208

APPLICANT:
cbstudio architecture Inc.

ELECTORAL AREA:
B (Trout Lake)

CIVIC ADDRESS:
5400 Hwy 31

LEGAL DESCRIPTION:

District Lot 16968 Kootenay District

PID:

023-241-098

SIZE OF PROPERTY:

3.516 ha

ALR:

100%

SURROUNDING LAND**USE PATTERN:**

NORTH: Crown land

SOUTH: Hwy 31, Crown land

EAST: Crown land, Trout Lake Transfer Station

WEST: Crown land

DESIGNATION:

Electoral Area B Official Community Plan Bylaw No. 850

HC – Highway Commercial

ZONE:

Electoral Area B Zoning Bylaw No. 851

HC – Highway Commercial

CURRENT USE:

Cat-skiing lodge

PROPOSED USE:

Cat-skiing lodge, day building for staff accommodation, two tourist cabins

SITE COMMENTS:

The subject property currently has a lodge that includes sleeping accommodation for staff and guests and dining areas. There are also some existing accessory maintenance buildings to support the operation. All existing and proposed buildings are located at the rear of the parcel, away from Highway 31 and access to the parcel is from a Forest Service Road off of Highway 31. The property is densely treed and is surrounded by forested Crown land with the nearest neighbour being the Trout Lake Transfer Station located to the west.

POLICY:**Electoral Area B Zoning Bylaw No. 851**

3.16 TOURIST CABINS (1) A tourist cabin must: (a) have a floor area of less than 65 m² ; (b) have a door direct to the outdoors; and (c) be located on a parcel 1 ha or larger in area. (d) have all parking

associated with tourist cabin be on-site. Two (2) parking spaces shall be provided: (i) per tourist cabin; (ii) in compliance with the dimensions and access requirements as set out in Part 4 of this Bylaw.

5.12 Highway Commercial – HC Zone

(1) Principle Uses

The uses stated in this subsection and no others are permitted in the Highway Commercial zone as principal uses, except as stated in Part 3: General Regulations: (a) amusement establishment (b) campground (c) convenience store (d) day care (e) hotel (f) general trade contracting office and works yard (g) mini storage (h) motel (i) office (j) owner/operator dwelling (k) outdoor sales (l) personal service (m) plant nursery and services (n) pub (o) public assembly facility (p) recycling drop-off facility (q) rental shop (r) restaurant (s) retail store (t) service station (u) single family dwelling (v) wholesale establishment.

(2) Secondary Uses

The use stated in this subsection and no others are permitted in the Highway Commercial zone as a secondary use, except as stated in Part 3: General Regulations: (a) accessory use (b) home occupation (c) secondary dwelling unit (d) tourist cabin

(3) Regulations

- | | |
|---|----------------|
| (c) Maximum parcel coverage: | 40% |
| (d) Maximum density of tourist cabins or camping spaces per parcel: | |
| • where a parcel is serviced by both a community sewer system and a community water system: | 40 per hectare |
| • in all other cases: | 6 per hectare |
| (j) Maximum number of sleeping spaces for staff accommodation per parcel: | 10 |
| (k) Maximum height for: | |
| • principal buildings and structures: | 11.5 m |
| • accessory buildings: | 10 m |

Development Variance Permit

- Section 3.16(1)(a) Maximum floor area for a tourist cabin from 65 m² to 66.8 m² for two new tourist cabins; and
- Section 5.12(3)(k) Maximum height for an accessory building (day building) from 10 m to 11.37 m.

Agricultural Land Reserve

The subject property is completely within the ALR. In 1993 the owners of the subject property at that time received approval from the ALC to use the property for unfettered recreational purposes (ALC Resolution #1147/93).

FINANCIAL:

There are no financial implications related to this application.

KEY ISSUES/CONCEPTS:

The owners intend to use the proposed day building for staff accommodation, an office, and an infirmary. Staff currently have shared rooms with bunk style accommodation in the main lodge providing accommodation for 9 staff; the new day building will include 5 new bedrooms that will accommodate single sleeping accommodation allowing the 9 staff members to each have their own accommodation either in the main lodge or in the new day building. Zoning permits 10 sleeping spaces for staff accommodation.

The proposed day building requires a variance for height as the proposed building has a lower level walk out basement and the slopes of the property create an over height situation for the building of 1.37 m.

The owners are proposing to build two new guest cabins to accommodate guests who wish for increased privacy. The current operation is provincially licensed for up to 50 guest units though the owner has indicated that their current operational capacity is 14-16 guests; there is currently space for 16 guests in the main lodge. With the two new cabins this increases the accommodation potential for the operation; each cabin will be capable of accommodating four guests. Zoning permits 6 tourist cabins per hectare (3 tourist cabins permitted on this 3.516 ha parcel), and 50 sleeping units within a lodge per parcel.

Servicing

The subject property is accessed by a Forest Service Road over Crown land; the applicants are currently working on obtaining access tenure with the province. The Forest Service Road is also used by the CSRD owned Trout Creek Transfer Station; Operations staff have indicated they have no issue with sharing the access with the subject property operation and have provided a letter to the province supporting a joint use agreement with the subject property owners.

The existing lodge has a type 1 septic system; staff is in receipt of a letter, July 30, 2018 from a Registered On-site Wastewater Practitioner (ROWP), Sam LeRose indicating that he has been maintaining and servicing the existing system for eleven years and it appears to be in good working order.

Staff is in receipt of a record of sewerage, effective July 12, 2018, for both the proposed day building and the two tourist cabins; the lodge and day building will have their own septic system while the two tourist cabins will share a system. Each of the septic systems described in the latter sentence will be type 1 septic systems.

Marangie Creek flows through the property; the owners have an industrial water licence (Licence #400951) for their operation which permits 2,500 gallons per day all year round. The licence specifies an infiltration location and disinfection facility to be located on Crown land but for use by the subject property. The licence was issued in 1989 for one building (lodge), the owners are currently working with the water licencing branch to update the licence to current standards and to include the new day building and tourist cabins. The owners have indicated that through their assessment for septic requirements for the new development that the expected water usage for staff is 31 gallons per day

and 55 gallons per day for guests for a total of 86 gallons per day which would be well within the permitted limit of the licence.

SUMMARY:

The owners of the subject property want to build a day building that includes staff accommodation and two new tourist cabins for their guests. The day building is over height by 1.37 m and the two cabins are over the maximum allowable floor area by 1.8 m² each and therefore require a Development Variance Permit.

Staff is recommending that the Board approve the Development Variance Permit, for the following reasons:

1. The Highway Commercial zone permits the day building and tourist cabin uses;
2. The accommodation proposed within the day building will likely improve the habitable situation for staff; and,
3. From the documentation submitted to staff, it appears that the servicing of the property is sufficient for the existing and proposed commercial operation;
4. The proposed variances are considered minor and it is anticipated that there will be no negative impact on surrounding properties.

IMPLEMENTATION:

If this DVP and the DP are both approved, the owners will continue with a building permit application for the proposed works.

COMMUNICATIONS:

Notice of the proposed DVP and DP was sent to all owners of properties lying within 100 m of the subject property in accordance with Section 499 of the Local Government Act advising of the opportunity to comment on the proposed variances. As of the date of this report, no report submissions have been received.

Both the DVP and DP were sent to the Area B Advisory Planning Commission (APC) for review. APC B met on September 5, 2018, to discuss this application; the APC had no concerns regarding the variances requested and supported this DVP application.

DESIRED OUTCOMES:

Endorse the staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area B Official Community Plan Bylaw No. 850
2. Electoral Area B Zoning Bylaw No. 851
3. Application
4. ALC resolution (#1147/93)
5. Septic Documentation
6. Water Licence (69561)