



BOARD REPORT

TO: Chair and Directors

File No: BL851-14
PL20180000117

SUBJECT: Electoral Area B: Electoral Area B Zoning Amendment (Revelstoke Backcountry Guides) Bylaw No. 851-14

DESCRIPTION: Report from Erica Hartling, Development Services Assistant, dated September 7, 2018.
Unsurveyed Crown land, Twin Butte area, East of Revelstoke

RECOMMENDATION #1: THAT: "Electoral Area B Zoning Amendment (Revelstoke Backcountry Guides) Bylaw No. 851-14" be read a first time this 20th day of September, 2018.

RECOMMENDATION #2: THAT: the Board utilize a simple consultation process for Bylaw No. 851-14, and it be referred to the following agencies and First Nations:

- Area B Advisory Planning Commission;
- Interior Health;
- Ministry of Environment;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – FrontCounter BC (Cranbrook);
- CSRD Operations Management;
- City of Revelstoke;
- All relevant First Nations Bands and Councils.

SHORT SUMMARY:

The crown land subject to this rezoning amendment application is located approximately 14 km east of Revelstoke in the backcountry area of Twin Butte.

The proposal is to rezone 0.07 hectares of Crown land from RSC - Rural Resource to RC2 – Resort Commercial 2; to permit an intensive use site for a tenured backcountry skiing operation, which will include a backcountry lodge and accessory structures.

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:

PROPERTY OWNERS:
Province of British Columbia (Crown land)

AGENT/APPLICANT:
Mike Bromberg, President, Revelstoke Backcountry Guides Inc. (RBG)

ELECTORAL AREA:
B

LEGAL DESCRIPTION:

Township 23, Range 20, Meridian 5

LOCATION:

GPS Coordinates 50.988741 N, 117.98114 W

Unsurveyed Crown land in the vicinity of Twin Butte, east of Revelstoke

BCGS Mapsheet 82K091, CSRD Mapsheet 2736

BC Land file 4405817

SURROUNDING LAND USE PATTERN:

Remote Crown land

CURRENT USE:

Vacant remote Crown land

PROPOSED USE:

Intensive use site for a tenured backcountry skiing operation, including a 2.5 storey 96 m² lodge and accessory structures.

PARCEL SIZE:

Proposed zone area = 0.07 hectares

Intensive use site = 25 m x 25 m

DESIGNATION:

Electoral Area B Official Community Plan Bylaw No. 850

RSC - Rural Resource

ZONE:

Electoral Area B Zoning Bylaw No. 851

RSC - Rural and Resource

PROPOSED ZONE:

RC2 – Resort Commercial 2

SITE COMMENTS:

See "Maps_Plans_Photos_BL851-14.pdf" attached.

A site visit was not done for this application. Information provided in this report is based on satellite imagery interpretation, site plan, and details provided by both the Province of BC and the applicant (RBG).

The subject area is located in the Twin Butte backcountry, located approximately 14 km east of Revelstoke. The approved extensive use area is approximately 3,184 hectares ranging in elevation from 1500 m up to 2471 m. The extensive use area is for winter use only, specifically guided backcountry ski touring. Access to the tenured area will be via helicopter from Revelstoke (Revelstoke Airport as the staging area). Egress will be by ski or helicopter.

The proposed intensive use site is approximately 625 m² (25 mx 25 m) and will include a 2.5 storey 96 m² lodge and accessory structures (toilets and shed). The intensive use site is setback more than 30 m

from an alpine lake and nearby creeks. The intensive use site will be located outside of the City of Revelstoke's Greeley Creek Community Watershed.

POLICY:

Electoral Area 'B' Official Community Plan Bylaw No. 850

2. Planning Strategy

2.1 Growth Patterns – East Revelstoke

The East Revelstoke area, including Canyon Hot Springs and Greeley, includes a small developed area of highway commercial uses and the Canyon Hot Springs resort development. There are also a few private properties and small farms. Some of the lands are in the ALR. This area contains two National Parks and any future development pressures must carefully consider environmental issues, particularly in relation to the National Parks.

3. Rural Resource

3.3.3 Support approval of appropriate Federal and Provincial agencies. Uses include but are not limited to: forestry, agriculture, mining, and public utilities.

- Forest uses include silviculture, watersheds, timber extraction, compatible ranching and/or backcountry recreational activities.
- Mining uses include: extraction and processing.
- Public Utility uses that could potentially impact neighbouring properties (e.g. waste water treatment facilities) will require specific zoning and/or land use designations.

3.3.4 Limit development activity and human access within designated community watersheds. Public roads and settlement uses are not encouraged. Management of crown tenures should include provisions to restore the site to natural condition and watershed flow levels.

3.3.5 Encourage relevant agencies to develop strategies to manage public access to the backcountry, commercial backcountry use, backcountry tenures and existing and new applications.

3.3.7 Develop a zone for resort or intensive recreation uses on Crown Land and require rezoning approval for new resort or intensive recreation uses. This process will provide an opportunity for public input and a comprehensive review of the proposal including: environmental impact (sensitive and hazardous areas), servicing (water, sewer, roads, power generation, waste disposal) and other relevant issues.

3.3.14 Backcountry recreation activity is supported subject to the policies and guidelines of the Ministry of Forests & Range Land Management Plan and a local public consultation process. The Regional District recognizes the multi-agency nature of backcountry recreation management and commits to participating cooperatively in the development of inter-agency background strategies. Recognizing that Area 'B' contains areas where backcountry recreation may impact wilderness management objectives, the CSRD supports using a comprehensive strategy to evaluate new backcountry wilderness recreation activities. The strategy should include the following:

a. Recognition of three broad policy tools:

- prohibitive – activity not allowed in specific areas or during specific periods of the year;
- limits on inputs – activity allowed but quotas applied to the number of users and their activities;
- and

- limits on outcomes – activity allowed within the context of activity-specific evaluation of backcountry recreation guidelines.

b. Evaluation Components:

i. Issue themes to be considered.

- degradation of the soil, air and water quality;
- integrity of vegetation communities;
- direct disturbance of wildlife;
- integrity of fisheries resource; and
- special management related to species of concern.

ii. Achieves desired “results” with respect to wildlife and their habitats.

iii. “Desired behaviours” that outline the practices of users that are most likely to achieve desired conditions.

iv. Indicators that measure whether a desired condition is being achieved.

v. Limits that set upper and lower targets for indicators.

Electoral Area B Zoning Bylaw No. 851

Part 5: Zones

5.3 Rural and Resource - RSC

Principal Uses

- (1) The *uses* stated in this subsection and no others are permitted in the Rural and Resource zone as *principal uses*, except as stated in Part 3: General Regulations:

- (a) *airfield*
- (b) *agriculture*
- (c) *aquaculture*
- (d) *backcountry recreation*
- (e) *forestry*
- (f) *guest ranch*
- (g) *horticulture*
- (h) *kennel*
- (i) *small-scale sawmill*
- (j) *resource extraction*
- (k) *single family dwelling*
- (l) *standalone residential campsite*
- (m) *timber harvesting*

Secondary Uses

- (2) The *uses* stated in this subsection and no others are permitted in the Rural and Resource zone as *secondary uses*, except as stated in Part 3: General Regulations:

- (a) *accessory use*
- (b) *home occupation*
- (c) *residential campsite*
- (d) *secondary dwelling unit*

5.15 Resort Commercial 2 – RC2

Principal Uses

- (1) The *uses* stated in this subsection and no others are permitted in the Resort Commercial 2 zone as principal *uses*, except as stated in Part 3: General Regulations:
 - (a) *backcountry lodge*
 - (b) *lodge*
 - (a) *single family dwelling*
 - (b) *tourist cabin*

Secondary Uses

- (2) The *uses* stated in this subsection and no others are permitted in the Resort Commercial 2 zone as *secondary uses*, except as stated in Part 3: General Regulations:
 - (a) *accessory use*
 - (b) *secondary dwelling unit*

Regulations

- (3) On a *parcel*/zoned Resort Commercial 2, no land shall be used; no building or structure shall be constructed, located or altered; and no plan of subdivision approved; that contravenes the regulations stated in this subsection, except as stated in Part 3: General Regulations and Part 4: Parking and Loading Regulations.

- (h) Minimum number of sleeping units: 4
- (i) Maximum number of sleeping units per parcel: 15
- (j) Maximum number of guests per parcel: 30
- (k) Maximum height for
 - principal buildings and structures: 11.5 m
 - accessory buildings: 10 m

Part 1: Definitions

ACCESSORY BUILDING is a detached *building* ancillary and exclusively devoted to a *principal use* or *single family dwelling* and is used for *accessory use* or, where permitted, a *home occupation* or *secondary dwelling unit* or both;

ACCESSORY USE is the *use* of land, *buildings* and structures that is customarily ancillary to and exclusively devoted to a principal *use* or *single family dwelling*;

BACKCOUNTRY RECREATION is the *use* of land, not immediately accessible by vehicle, for backcountry recreational activities including, but not limited to: hiking, mountain biking, skiing, paddling, or snowmobiling;

BACKCOUNTRY LODGE is the *use* of land, *buildings* and structures to provide accommodation on a *temporary* basis to guests engaged in *backcountry recreation*, within a *building*, and may also include a helipad, *accessory building*, and fuel storage.

FINANCIAL:

There are no financial implications to the CSRD as a result of this application.

KEY ISSUES/CONCEPTS:

See "Maps_Plans_Photos_BL851-14.pdf",
"Winter_Backcountry_Recreation_Tenure_Management_Plan_2017.06.02.pdf",

"Winter_Backcountry_Recreation_Tenure_Management_Plan_2017.12.13.pdf", and "Agency_Comments_Crown_Tenure_4405817.pdf" attached.

The OCP RSC designation provides consideration and support for commercial tourist accommodation uses subject to the appropriate scale and location of the proposed operation.

Backcountry recreation is permitted in the RSC zone. This permits the use of land, not immediately accessible by vehicle, for backcountry recreational activities. However, the RSC zone does not outright permit the use of land, buildings and structures to provide accommodation on a temporary basis to guests engaged in backcountry recreation, within a building. As the proposal includes buildings and structures for tourist accommodation, staff is proposing that the subject Crown land be rezoned from RSC to RC2. Several of the existing backcountry commercial lodges within the remote areas of Rural Revelstoke predate Bylaw No. 851 and have been recognised with an RC2 zone in the bylaw. This is the first rezoning application for a backcountry ski lodge operation that staff has reviewed and will be considered by the CSRD Board.

Waste Collection Treatment and Sewage Disposal

RBG will dispose of all waste as per behavior guidelines defined in the "Wildlife Guidelines for Backcountry Recreation/Tourism in BC" document. Grey water will be disposed of in appropriate grey water pit adjacent to the lodge site. Any cleaning agents used will be environmentally sound and fully biodegradable and will not drain into any waterway. All human waste will be flown out periodically in barrels or eliminated using incinerating and/or composting toilets as is common with winter backcountry lodge environment. RBG will comply with Interior Health's Onsite Sewerage System Regulations or privy/outhouse for remote structures without plumbing if deemed appropriate by Interior Health.

Water Supply

Water is currently proposed to be supplied via melted snow. Future water sourcing may be from adjacent seasonal creeks and lake and would occur only after necessary water license(s) are obtained as per the Water Sustainability Act.

Environmental

RBG will operate all activities as per behavior guidelines defined in the "Wildlife Guidelines for Backcountry Recreation/Tourism in BC" document.

Access

Access to the tenured area will be via helicopter from the Revelstoke Airport. Egress will be by ski via Greeley Creek or West Twin Creek to Twin Main Line FSR or by helicopter via Revelstoke.

Riparian Area Regulation Development Permit Area

A Riparian Area Regulation Development Permit will not be required, as the proposed development will be located more than 30 m from a watercourse.

Commercial Development Permit Area

A Commercial Development Permit addressing form and character will not be required for the proposed development, as the subject area is not subject to a commercial designation (it is designated Rural Resource), and the proposed lodge is not accessed by a Ministry of Transportation road or visible to the local community.

Building Regulation

The backcountry lodge and accessory structures are regulated by Building Regulation Bylaw No. 660 and will require a building permit issued by a CSRD Building Official.

Crown Land Application

See "Winter_Backcountry_Recreation_Tenure_Management_Plan_2017.06.02.pdf", "Winter_Backcountry_Recreation_Tenure_Management_Plan_2017.12.13.pdf", and "Agency_Comments_Crown_Tenure_4405817.pdf" attached.

The Ministry of Forest, Lands, Natural Resource Operation and Rural Development (MFLNRORD) has authorized Mike Bromberg to act as agent/applicant to apply to the CSRD to rezone the intensive use site. MFLNRORD has confirmed that the intensive use site has been approved by MFLNRORD as part of the applicant's Land Act tenure; however, the rezoning process must be completed with the CSRD prior to intensive use site construction commencing.

The CSRD received notification (July 18, 2017) of the proposed works through the Crown land referral process and notified the applicant that a rezoning application would be required for the proposed tourist accommodation, the backcountry skiing portion does not require a rezoning. The Crown land application was also referred out by MFLNRORD to additional agencies, such as: Interior Health, City of Revelstoke, MFLNRORD Habitat Branch, MFLNRORD Columbia Forest District, and Overlapping Tenure Agreement Users.

Interior Health and the City of Revelstoke had concerns with the initial proposal's impact on the City of Revelstoke's Greeley Creek Community Watershed area. The other agencies had no objection to the proposal subject to conditions. It is understood that the Interior Health and City of Revelstoke concerns have been addressed by the agent/applicant.

SUMMARY:

DS staff is recommending BL851-14 be given first reading and sent to the referral agencies listed below for the following reasons:

- The rezoning is consistent with the OCP policies for the designated area
- The initial proposal has been amended to address the agency referral comments coordinated by MFLNRORD
- The proposed tenure area has no conflict with overlapping tenure holders
- The Province has approved the Intensive Use Site, pending CSRD approval
- The proposed lodge and structures will require a building permit

IMPLEMENTATION:**Consultation Process**

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommends a simple consultation process. After first reading staff will send out referrals.

Staff has determined that a 'Notice of Application Sign' as required by Development Services Procedures Bylaw No. 4001 is not required to be posted on the subject crown land, due to the remote location, no road access, and that there are no neighbouring property owners. Neighbouring Crown land tenure holders have already been notified of this proposal through the Crown land tenure referral process and they all submitted that there is no conflict.

If the proposed bylaw receives second reading and a Public Hearing is delegated at a future date, notices for the public hearing will be sent to owners and tenants within 100 m of the subject area (crown land) and newspaper ads for the public hearing will be placed in two consecutive editions of the Revelstoke Review.

COMMUNICATIONS:

If the Board gives Bylaw No. 851-14 first reading, the bylaw will be sent out to referral agencies. Referral responses will be provided to the Board with a future Board report, prior to recommendation of delegation of a public hearing.

The following list of referral agencies is recommended:

- Area B Advisory Planning Commission;
- Interior Health;
- Ministry of Environment;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development - FrontCounter BC (Cranbrook);
- CSRD Operations Management;
- City of Revelstoke;
- Adams Lake Indian Band;
- Akisqnuq First Nation;
- Ktunaxa Nation Council;
- Little Shuswap Indian Band;
- Lower Kootenay Band;
- Lower Similkameen Indian Band;
- Neskonlith Indian Band;
- Okanagan Indian Band;
- Okanagan Nation Alliance;
- Penticton Indian Band;
- Shuswap Indian Band;
- Simpcw First Nation;
- Splat'sin First Nation;
- St. Mary's Indian Band;
- Tobacco Plains Indian Band.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

BOARD'S OPTIONS:

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

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

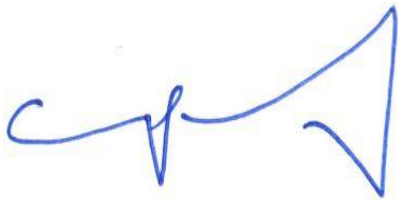
1. Electoral Area B Official Community Plan Bylaw No. 850

2. Electoral Area B Zoning Bylaw No. 851

Report Approval Details

Document Title:	2018-09-20_Board_DS_BL851-14_Revelsoke_Backcountry_Guides.docx
Attachments:	<ul style="list-style-type: none">- BL851-14.pdf- Maps_Plans_Photos_BL851-14.pdf- Winter_Backcountry_Recreation_Tenure_Management_Plan_2017.06.02.pdf- Winter_Backcountry_Recreation_Tenure_Management_Plan_2017.12.13.pdf- Agency_Comments_Crown_Tenure_4405817.pdf- Provincial_Offer_Letter.pdf
Final Approval Date:	Sep 12, 2018

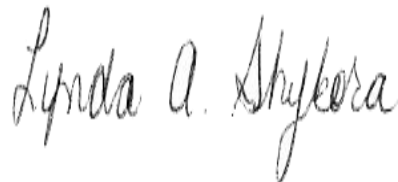
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Sep 11, 2018 - 10:21 AM



Gerald Christie - Sep 12, 2018 - 9:27 AM



Lynda Shykora - Sep 12, 2018 - 10:36 AM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Sep 12, 2018 - 10:38 AM