



BOARD REPORT

TO: Chair and Directors

File No: BL851-13 PL20180000065

SUBJECT: Electoral Area B: Electoral Area B Zoning Amendment (Boulder Mountain Resort) Bylaw No. 851-13

DESCRIPTION: Report from Erica Hartling, Development Services Assistant, dated November 21, 2018.
3069 Trans Canada Hwy, West Revelstoke

RECOMMENDATION #1: THAT: "Electoral Area B Zoning Amendment (Boulder Mountain Resort) Bylaw No. 851-13" be given second reading, as amended, this 7th day of December, 2018.

RECOMMENDATION #2: THAT: a public hearing to hear representations on Electoral Area B Zoning Amendment (Boulder Mountain Resort) Bylaw No. 851-13 be held;

AND THAT: notice of the public hearing be given by staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;

AND FURTHER THAT: the holding of the public hearing be delegated to Alternate Director Andy Parkin of Electoral Area B, being that in which the land concerned is located, and the Alternate Director give a report of the public hearing to the Board.

SHORT SUMMARY:

The proposal is to rezone 2.3 ha of Crown land, situated east and adjacent to the existing Boulder Mountain Resort property, from RSC - Rural Resource to HC - Highway Commercial; to permit tenting sites for the camping season. The proposal also includes new tourist cabins on the west side of the Boulder Mountain Resort (BMR) property, ten in the form of park model buildings and three stick built. Two of the proposed stick built cabins are over the permitted floor area for a tourist cabin and a site specific regulation under the HC zone is proposed to allow for a maximum of two 150 m² tourist cabins on the subject property. Electoral Area B Zoning Amendment (Boulder Mountain Resort) Bylaw No. 851-13 (Bylaw No. 851-13) also proposes to amend the definition of a tourist cabin to include park model as a permitted building type; and amend the HC and RC1 - Resort Commercial 1 zones by removing camping spaces from the additional servicing and lot size density restriction and base this density restriction on tourist cabins alone. The bylaw has been amended at second reading to clearly list and outline the correct lettering in Section 5.12 (1), to reflect the addition of lodge and tourist cabin as principal uses.

The bylaw was given first reading and the Board directed staff to refer the bylaw to applicable agencies and First Nations for comment. Comments have been received and are summarized in this report. It is now appropriate for the Board to consider the bylaw for second reading, as amended, and forwarded to a public hearing.

VOTING:Unweighted
Corporate☐LGA Part 14
(Unweighted)☒Weighted
Corporate☐Stakeholder
(*Weighted*)☐

BACKGROUND:

See "2018-08-16_Board_DS_BL851-13_Boulder_Mountain_Resort.pdf" and "Maps_Plans_Photos_BL851-13.pdf" attached.

Update**SITE COMMENTS:**

Part of the proposal includes placement of new tourist cabins on the west side of the BMR property, ten in the form of park model buildings. Staff previously noted in the August 16, 2018 Board presentation, that there were two tourist cabin park model buildings located on the subject property (placed on site last winter). The applicant was advised in spring 2018 that the park models are currently not permitted tourist cabin building types, but that these two could remain during the rezoning process but no more could be brought on to the property. One purpose of the rezoning application is to recognise a park model building as a tourist cabin, which is a permitted use in the HC zone. If the rezoning was not approved the two park models would need to be removed from the property.

Since first reading of Bylaw No. 851-13, staff have been notified in October that the applicant has now located up to six more park models on the subject property prior to the required approvals, creating a total of eight tourist cabins out of the proposed ten. Staff have been in contact with the applicant and have reiterated that the CSRD has not approved the location and use of these park models on the subject property; the park models are not to be used or occupied on site until the Board adopts Bylaw No. 851-13. If the Board does not adopt Bylaw No. 851-13, and the property owner does not bring the property into compliance and remove the park models, staff will initiate bylaw enforcement.

POLICY:

See "2018-08-16_Board_DS_BL851-13_Boulder_Mountain_Resort.pdf" attached.

FINANCIAL:

See "2018-08-16_Board_DS_BL851-13_Boulder_Mountain_Resort.pdf" attached.

If the Board does not adopt the proposed amending bylaw, and the owner does not bring the property into compliance and remove the park models, the Board may choose to direct staff to seek a legal opinion regarding possible court action. Costs for the legal opinion and possible court action, although partially recoverable through court, could nonetheless be substantial. Staff involvement in legal action is not recoverable.

KEY ISSUES/CONCEPTS:

See "2018-08-16_Board_DS_BL851-13_Boulder_Mountain_Resort.pdf" attached.

Update

Referral responses are attached, see "Agency_Referral_Responses_BL851-13.pdf".

The Board gave first reading to Bylaw No. 851-13 at its August 16, 2018 Board meeting and directed staff to refer the bylaw to applicable agencies and First Nations for comment. Referral comments have now been received and are summarized in the Communications section of this report and are also detailed and commented on below.

The Area B Advisory Planning Commission (APC) reviewed the application at their September 5, 2018 meeting. Staff attended this meeting and presented and listened to the APC's remarks and discussion on the application. The APC recommend approval of Bylaw No. 851-13, with two additions.

1. The APC had one concern with the proposed tenting sites on the Crown land and recommended that there be adequate bear proofing considered. The applicant was also in attendance and have confirmed with staff that they will be submitting a bear proofing plan, which staff will include in the active Commercial Development Permit No. 850-28 to be presented to the Board at a later date.
2. The APC also discussed usage of the BMR property and asked the applicant if they were intending on using the property for seasonal use. At the time, the applicant had not considered this type of use but noted that they may want to operate seasonally in the future. The APC recommended and approved adding seasonal use to the amending Bylaw No. 851-13. Currently, the subject property is zoned for temporary commercial use (less than 4 consecutive weeks). Staff discussed the application further with the applicant and it was determined that temporary commercial use is consistent with their proposal and the applicant will not be requesting an additional special regulation permitting seasonal use.

The City of Revelstoke recommended approval subject to three conditions:

1. The proposed development must follow and be in accordance with the Source Water Protection Strategy: Big Eddy Waterworks District.
 - a. Interior Health (IH) was referred the bylaw and asked to comment on the Source Water Protection Strategy. IH responded stating they have no concerns with the proposed development and has been determined the water source does not require disinfection treatment.
2. Structures on the subject property shall follow and be in accordance with the BC Fire Code prior to any additional development activity.
 - a. The buildings and structures on the property will follow and be in accordance with the BC Fire Code prior to any Building Permits being issued.
3. The proposed development shall consult with the Revelstoke RCMP Detachment to have a Crime Prevention through Environmental Design (CPTED) review prior to CSRD final approval.
 - a. The applicant has notified staff that they will contact the RCMP to complete a review.

Adams Lake Indian Band (ALIB) initially objected Bylaw No. 851-13, noting that their concerns with the development are due to a known historic trade trail in the area. The applicant has since reached out to ALIB and has advised them that work will be stopped if any archaeological sites are found.

SUMMARY:

The bylaw has been amended at second reading to clearly list and outline the correct lettering in Section 5.12 (1), to reflect the addition of lodge and tourist cabin as principal uses.

Staff are recommending that Bylaw No. 851-13, as amended, be considered for second reading and forwarded to a public hearing in order to hear the views of the public on this matter.

IMPLEMENTATION:

Consultation Process

CSRD Policy P-18 regarding Consultation Processes-Bylaws, indicates that a simple consultation process can be followed. Neighbouring property owners first became aware of the application when a notice of application sign was posted on the property. As of the date of this report, no written submissions from the public have been received. If the Board approves the staff recommendation, a public hearing will be scheduled to receive input from the public.

COMMUNICATIONS:

If the Board supports second reading of Bylaw No. 851-13, as amended, and delegates a Public Hearing, staff will proceed with notification of property owners within 100 metres and publication of notices as required by the Local Government Act.

Bylaw No. 851-13 was referred to the following agencies and First Nations for comments, which are summarized below. Referral responses are attached, see "Agency_Referral_Responses_BL851-13.pdf".

- Area B Advisory Planning Commission:
Recommend approval, with two additions. See discussion in Key Issues/Concepts of this report.
- Archaeology Branch:
Interest unaffected.
- Interior Health (IH):
No objections. Noted IH approvals that are still required.
- Ministry of Transportation and Infrastructure:
No concerns. Preliminary Approval is granted for Bylaw No. 851-13.
- Ministry of Environment:
No objections.
- CSRD Operations Management department:
Fire Service Coordinator: Adequate access for emergency vehicles as per MOTI guidelines is required. FireSmart guidelines should be encouraged.
All other: no concerns.
- CSRD Financial Services:
Interests Unaffected by Bylaw.
- City of Revelstoke:
Approval recommended subject to conditions. See discussion in Key Issues/Concepts of this report.
- Adams Lake Indian Band:
Objects rezoning (initial comments). See update in Key Issues/Concepts of this report.

- Little Shuswap Indian Band (LSLIB):
Approval recommended subject to conditions. Due to sensitive archaeology information, LSLIB conditions are available from staff.

The following agencies did not respond to the request for comments:

- Ministry of Forests, Lands, Natural Resource Operations and Rural Development
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Land Authorizations
- Akisqnuq First Nation
- Ktunaxa Nation Council
- 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
- Splots'in First Nation
- St. Mary's Indian Band
- Tobacco Plains Indian Band

DESIRED OUTCOMES:

That the Board endorse staff recommendations.

BOARD'S OPTIONS:

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

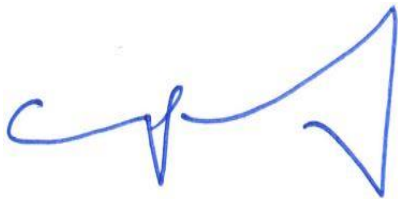
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area B Official Community Plan Bylaw No. 850
2. Electoral Area B Zoning Bylaw No. 851
3. LSLIB Referral Response
4. Crown Land Tenure Application and Management Plan
5. ROWP Letter
6. Sewerage Permit, August 24, 2017
7. Commercial DP, issued July 18, 2013
8. Waterworks Construction Permit, October 10, 2017
9. RAR DP, issued June 14, 2013
10. Terrain Stability Assessment, completed by Onsite Engineering Ltd. dated December 14, 2012
11. Riparian Areas Assessment, completed by Azimuth Forestry and Mapping Solution dated December 10, 2012

Report Approval Details

Document Title:	2018-12-07_Board_DS_BL851-13_Boulder_Mountain_Resort.docx
Attachments:	<ul style="list-style-type: none">- BL851-13_Second.pdf- 2018-08-16_Board_DS_BL851-13_BoulderMountainResort.pdf- BL851-13_First.pdf- Agency_Referral_Responses_BL851-13.pdf- Maps_Plans_Photos_BL851-13.pdf
Final Approval Date:	Nov 27, 2018

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



Corey Paiement - Nov 26, 2018 - 4:34 PM



Gerald Christie - Nov 27, 2018 - 10:20 AM

No Signature - Task assigned to Lynda Shykora was completed by assistant Jennifer Sham

Lynda Shykora - Nov 27, 2018 - 3:39 PM



Charles Hamilton - Nov 27, 2018 - 3:47 PM