



# BOARD REPORT

**TO:** Chair and Directors

**File No:** BL850-14  
PL20190206  
BL851-17 PL20190186

**SUBJECT:** Electoral Area B: Electoral Area B Official Community Plan Amendment (Dow/Pors) Bylaw No. 850-14 and Electoral Area B Zoning Amendment (Dow/Pors) Bylaw No. 851-17

**DESCRIPTION:** Report from Laura Gibson, Planner I, dated December 19, 2019. 3270 Loschinski Road, West Revelstoke

**RECOMMENDATION #1:** THAT: "Electoral Area B Official Community Plan Amendment (Dow/Pors) Bylaw No. 850-14", be given first reading this 16<sup>th</sup> day of January, 2020.

**RECOMMENDATION #2:** THAT: "Electoral Area B Zoning Amendment (Dow/Pors) Bylaw No. 851-17", be given first reading this 16<sup>th</sup> day of January, 2020.

**RECOMMENDATION #3:** THAT: The Board utilize the simple consultation process for "Electoral Area B Official Community Plan Amendment (Dow/Pors) Bylaw No. 850-14" and "Electoral Area B Zoning Amendment (Dow/Pors) Bylaw No. 851-17", and the bylaws be referred to the following agencies and First Nations:

- Area B Advisory Planning Commission;
- Interior Health Authority;
- Provincial Archaeology Branch;
- Ministry of Transportation and Infrastructure;
- Canadian Pacific Railway;
- CSRD Operations Management;
- CSRD Financial Services;
- City of Revelstoke; and,
- All relevant First Nations Bands and Councils.

## SHORT SUMMARY:

The subject property is located at 3270 Loschinski Road, approximately 3.5 km west of the City of Revelstoke, between the Trans-Canada Highway and the Canadian Pacific Railway, in Electoral Area B. A single family dwelling and accessory building currently exist on the property. The property owners are proposing to add three to six tourist cabins to the subject property. The property owners currently reside in the single family dwelling, and will operate the cabin rentals themselves. It is proposed to redesignate the portion of the property where up to six tourist cabins will be located from SH – Small Holdings to RC – Resort Commercial in the Electoral Area B Official Community Plan Bylaw No. 850 (Bylaw No. 850) and rezone that same portion of property from SH – Small Holdings to RC2 – Resort Commercial 2, with a special regulation to restrict the number of tourist cabins to six, in Electoral Area B Zoning Bylaw No. 851 (Bylaw No. 851).

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

## PROPERTY OWNERS:

Logan Robert Joseph Dow  
Charlene Michelle Pors

## ELECTORAL AREA:

B

## LEGAL DESCRIPTION:

The Southwest ¼ of Section 30 Township 23 Range 2 West of the 6<sup>th</sup> Meridian Kootenay District, Except (1) Part included in RW Plan 1345, (2) Parcel A (see 1531881) and (3) Parts included in Plans 5427, 5595, 5831, 6200, 6400, 9233, 12880 and R265

## PID:

005-603-170

## CIVIC ADDRESS:

3270 Loschinski Road

## SURROUNDING LAND USE PATTERN:

North = Trans-Canada Highway, Highway Commercial land, Small Holdings vacant private land

South = Canadian Pacific Railway, Industrial land (Stella-Jones pole yard)

East = Small Holdings vacant private land

West = Small Holdings residential land, Highway Commercial land (including Smoky Bear Campground)

## CURRENT USE:

Single family dwelling and accessory building (workshop)

## PROPOSED USE:

Addition of up to six tourist cabins

## PARCEL SIZE:

10.50 HA (21.48 Acres)

## DESIGNATION:

Electoral Area B Official Community Plan Bylaw No. 850

SH – Small Holdings

## PROPOSED DESIGNATION:

Electoral Area B Official Community Plan Bylaw No. 850

RC – Resort Commercial

## ZONE:

Electoral Area B Zoning Bylaw No. 851  
SH – Small Holdings

**PROPOSED ZONE:**

Electoral Area B Zoning Bylaw No. 851  
SH – Small Holdings  
RC2 – Resort Commercial 2

**SITE COMMENTS:**

The subject property is located at the end of Loschinski Road, and is relatively flat with no waterbodies or watercourses on or nearby the property. The Canadian Pacific Railway borders the south end of the property. To the north are private properties and the Trans-Canada Highway. The existing single family dwelling and accessory building are located near the centre of the property. The tourist cabins are proposed to be located in the southwest corner of the property, accessed by a separate driveway off of the main driveway. There are treed areas between where the proposed cabins will be located and the neighbouring small holdings residential property to the west and railway to the south. There are several other tourist accommodation and campground uses within 500 m of the subject property, on properties zoned Highway Commercial (see attached "Maps\_Plans\_Photos\_BL850-14\_BL851-17.pdf").

**POLICY:**

See staff discussion of the applicable policies and land use regulations in the Key Issues/Concepts section of this report. See excerpts of the relevant policies and land use regulations in the attached "BL850\_851\_Excerpts\_BL851-17.pdf"

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

*(Adopted August 21, 2014)*

- Growth Patterns – West Revelstoke – West Trans-Canada Highway
- Residential
  - Community Context
  - Objectives
  - Land Use & Density Policies
    - Small Holdings
  - Community Specific Policies – West Trans-Canada Highway
- Commercial
  - Community Context
  - Objectives
  - General Commercial Policies
    - Resort Commercial 2

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

*(Adopted October 16, 2008)*

- Definitions
- General Regulations
- Zones
  - SH – Small Holdings zone
  - RC2 – Resort Commercial zone

**FINANCIAL:**

There are no financial implications regarding the re-designation and rezoning applications; the CSRD Finance department will review these amendments pertinent to the CSRD Financial Plan as part of the recommended referral process.

**KEY ISSUES/CONCEPTS:**Proposal

The property owners are proposing to construct three to six tourist cabins on the subject property. The property owners currently reside in the existing single family dwelling, and will operate the cabin rentals themselves. Two to three cabins will be constructed initially, with the remaining cabins constructed at a later date if the business is successful. The property owners have indicated that the tourist cabins will be rented out on a short-term basis (i.e. maximum of a week) through a website such as AirBnb.

Bylaw No. 851 allows the tourist cabin use in the Highway Commercial and Resort Commercial zones only. A tourist cabin is defined in Bylaw No. 851 as the use of land for a detached building or park model used exclusively for tourist accommodation for the temporary accommodation for the traveling public. Temporary is defined in Bylaw No. 851 as less than four (4) consecutive weeks.

Staff are proposing that the 2.2 ha portion of the property to be used for the cabin rentals be redesignated from SH – Small Holdings to RC – Resort Commercial in Bylaw No. 850 and rezoned from SH – Small Holdings to RC2 – Resort Commercial 2 in Bylaw No. 851, with a special regulation limiting the use to only tourist cabins and limiting the maximum number of tourist cabins to six. Without the recommended restrictions in the special regulation, the portion of the property proposed to be rezoned could potentially have up to 13 tourist cabins, as well as a lodge. The remainder of the property is proposed to remain SH – Small Holdings in Bylaw No. 850 and Bylaw No. 851.

Official Community Plan Policies

The subject property is located 3.5 km west of Revelstoke and is subject to Bylaw No. 850. The property falls within the West Revelstoke - West Trans-Canada Highway area, which contains a mixture of commercial, industrial, and residential uses.

Bylaw No. 850 states that Resort Commercial uses may be considered throughout the plan area. The proposal is consistent with the criteria outlined for Resort Commercial uses, which include:

- a. accessible to adequate transportation routes;*
- b. capable of being serviced with municipal, private or public utilities;*
- c. capable of being sufficiently buffered from adjacent non-compatible land uses to ensure the quality of life (e.g. character and integrity of quiet rural residential area) of those and adjacent occupiers;*
- d. accessible to community services, recreation and open space;*
- e. cognizant of, and addressing special site features such as mature vegetation, landscaping, topography, adjacent development, environmental sensitive habitat and wildlife corridors, and view sheds; and*
- f. all parking requirements, as specified in the zoning bylaw shall be provided on site.*
- g. may include primary and accessory residential uses in conjunction with the Resort Commercial use.*

The property is accessible to adequate transportation routes, being located just 320 m from the intersection of Pole Yard Road and the Trans-Canada Highway. The tourist cabins will be serviced by on-site private well and septic system. Sufficient buffering from adjacent residential land and the railway will be possible along the west parcel boundary as the property owners are proposing to keep a 10-15 m wide buffer of existing trees and vegetation that currently borders the property. At 10-15 m, the buffer may need to be enhanced with additional landscaping and/or the buffer width expanded up to 20 m. Furthermore, this landscape buffer be maintained and enforced through the Commercial Development Permit for form and character that will be required prior to the alteration of land for site preparation and building. If these bylaw amendment applications proceed to adoption, the Commercial Development Permit will be considered for issuance at the same Board meeting.

The property is 3.5 km from Revelstoke, which offers community services, recreation, and open spaces. The development should not interfere with environmental sensitive habitat or wildlife corridors, and mature vegetation is intended to be maintained as a landscape buffer between the tourist cabins and adjacent residential properties. All parking requirements will be available on the RC2 zoned portion of the property.

#### Zoning Regulations

The Resort Commercial 2 (RC2) zone permits a backcountry lodge, lodge, and up to six tourist cabins per ha, as well as a single family dwelling, secondary dwelling unit, and accessory use. The portion of the property proposed to be rezoned from SH to RC2 to accommodate the tourist cabins is 2.2 ha (5.4 acres) in area. CSRD staff propose to include a special regulation for the RC2 portion of the property that would only allow for the use tourist cabin and limit the maximum number of tourist cabins to six. This special regulation would allow the property owners to operate the business as proposed without also permitting a larger-scale business. As per the General Regulations in Bylaw No. 851, each tourist cabin will be limited to 65 m<sup>2</sup> in floor area and two parking spaces shall be provided for each cabin.

The proposed split-zoning of the property would allow the property to meet an exception to the minimum parcel size for subdivision in Section 3.5 of Bylaw No. 851. Therefore, staff are also proposing to include in the special regulation that no subdivision shall occur along the zone boundary, as the SH and RC2 zones have a minimum parcel size of 4 ha otherwise. The purpose of the proposal is not to facilitate a subdivision, but rather to provide a small business opportunity for the property owners to operate while living in the single family dwelling on the same property. Additionally, this is compatible with the policy 4.4.24 of Bylaw No. 850, which encourages maintaining a rural character with a minimum parcel size of 4 ha in the West Revelstoke – Trans-Canada Highway area.

#### Sewage Disposal

An existing on-site septic system currently services the single family dwelling. A new on-site septic system is proposed to service the new tourist cabins. The property owner has provided a letter from Dave Seaton, Registered Onsite Wastewater Practitioner (ROWP), dated November 21, 2019 which confirms that the proposed RC2 site is large enough to support onsite wastewater disposal for the proposed 6 cabins. The ROWP recommends this be achieved by constructing one system that serves all the tourist cabin units collectively.

#### Water Supply

An existing well currently services the single family dwelling. The applicant is still determining whether to use the existing well or install a new well to service the tourist cabins. The applicant has been in contact with Interior Health to discuss the required permits related to drinking water. Interior Health requires that a water source must not be put in service until the water source has been evaluated by

an Environmental Health Officer (EHO), a Construction Permit has been issued by a Public Health Engineer, and a Permit to Operate has been issued by the EHO. Interior Health has confirmed the existing well may be used provided it is evaluated and found acceptable for use. A referral for this bylaw amendment application will be sent to Interior Health following first reading.

#### Access and Parking

The property is located at the end of Loschinski Road, which is accessed from Pole Yard Road off of the Trans-Canada Highway. Although a portion of the property borders the Trans-Canada Highway, the access from Pole Yard Road appears to provide a safer access than if the property were to be accessed directly from the highway. The Ministry of Transportation and Infrastructure (MOTI) is proposed to be sent a referral on the proposal and any concerns they may have with the property's access will be noted. MOTI will also need to sign-off on the bylaw amendment following third reading as the property is located within 800 m of a controlled access highway. The cabins will be accessed by a driveway off of the main driveway that leads to the existing single family dwelling and workshop. Parking will be located adjacent to each of the cabins. Two parking spaces are required for each tourist cabin in Bylaw No. 851.

#### Commercial Development Permit

If these bylaw amendments are approved by the Board, a Commercial Development Permit (DP) will be required to be issued by the Board prior to the alteration of land for site preparation and the construction of the tourist cabins to address the form, character, appearance, and landscaping of the commercial portion of the property and cabins. This Commercial DP process will provide an opportunity for the Board to require that the trees between the area proposed for the tourist cabins and the adjacent properties (including the railway) remain as a landscaping buffer. The exterior of the buildings, signage, and lighting proposals will also be considered through the Commercial DP process. Additionally, the property owners will be required to provide a plan for bear-proofing the subject area.

#### Building Regulation

The property is subject to CSRD Building Regulation Bylaw No. 660. A building permit will be required to be issued prior to the construction of a tourist cabin.

### **SUMMARY:**

The applicant has applied to amend Bylaw No. 850 and Bylaw No. 851 to be permitted to construct up to six tourist cabins as a permitted use on the portion of the property. Staff propose to redesignate a 2.2 ha portion of the property from SH to RC and to rezone that same portion of the property from SH to RC2, with a special regulation that allows a maximum of six tourist cabins only and restricts subdivision along the zone boundary.

Staff recommend Bylaw No. 850-14 and Bylaw No. 851-17 be given first reading and be sent to the recommended referral agencies for the following reason:

- The property and proposed use meet the criteria for a Resort Commercial designation in Bylaw No. 850;
- The proposed rezoning to Resort Commercial 2 with a special regulation for the property in Bylaw No. 851 will allow the property to maintain a level of commercial use that should be compatible with the adjacent residential properties and nearby commercial properties;
- The redesignation to Resort Commercial in Bylaw No. 850 will require that the property owners apply for and be issued by the Board a Commercial Development Permit prior to the alteration of land for site preparation and construction of the tourist cabins, which will address the form, character, appearance, parking, and landscaping of the tourist cabin area and will allow the

CSRD to ensure adequate buffering between the commercial use and adjacent residential properties is maintained.

## **IMPLEMENTATION:**

### Consultation Process

Policy P-18 regarding Consultation Processes – Bylaws, staff recommend the simple consultation process. Neighbouring property owners will first become aware of the application when a notice of application sign is posted on the property.

### Referral Process

The following list of referral agencies is recommended:

- Area B Advisory Planning Commission;
- Interior Health Authority;
- Provincial Archaeology Branch;
- Ministry of Transportation and Infrastructure;
- Canadian Pacific Railway;
- CSRD Operations Management;
- CSRD Financial Services;
- 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;
- Splots'in First Nation;
- St. Mary's Indian Band; and,
- Tobacco Plains Indian Band.

## **COMMUNICATIONS:**

If the Board gives Bylaw No. 850-14 and Bylaw No. 851-17 first reading, the bylaws will be sent out to referral agencies. Referral responses will be provided to the Board with a future Board report, prior to delegation of a public hearing.

## **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.*

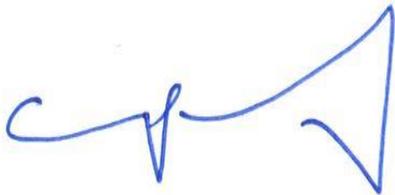
**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Electoral Area B Official Community Plan Bylaw No. 850
2. Electoral Area B Zoning Bylaw No. 851

**Report Approval Details**

Document Title:	2020_01_16_Board_DS_BL850-14_BL851-17_Dow-Pors.docx
Attachments:	- BL850-14_first.pdf - BL851-17_first.pdf - BL850_851_Excerpts_BL850-14_BL851-17.pdf - Maps_Plans_Photos_BL850-14_BL851-17.pdf
Final Approval Date:	Jan 7, 2020

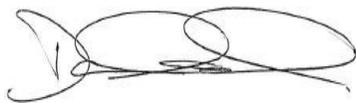
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement



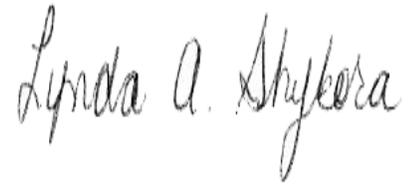
Gerald Christie



Darcy Mooney



Jodi Pierce

A handwritten signature in cursive script that reads "Lynda A. Shykora".

Lynda Shykora

A handwritten signature in cursive script that reads "C.A. Hamilton".

Charles Hamilton