



BOARD REPORT

TO:**Chair and Directors**

File No:	BL 649-1 PL20170088
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SUBJECT:

Electoral Area A: Highway Planning Area No. 1 Amendment (Donald Development Corporation) Bylaw No. 649-1

DESCRIPTION:

Report from Dan Passmore, Senior Planner, dated July 14, 2017.
2780 Trans Canada Highway, Donald

**RECOMMENDATION
#1:**

THAT: "Highway Planning Area No. 1 Amendment (Donald Development Corporation) Bylaw No. 649-1", be read a first time this 17th day of August, 2017;

AND THAT:

the Board utilize the simple consultation process for Bylaw No. 900-21, and it be referred to the following agencies and First Nations:

- Interior Health Authority;
- Ministry of Environment;
- Ministry of Forests, Lands and Natural Resource Operations, Water Rights Branch;
- Ministry of Forests, Lands and Natural Resource Operations, Archaeology Branch;
- Ministry of Transportation and Infrastructure;
- School District No. 6;
- CSR D Operations Management;
- CSR D Financial Services; and
- All relevant First Nations

SHORT SUMMARY:

The applicant is proposing to rezone portions of the subject properties from Zone No. 1, and Zone No. 2, as well as portions not currently zoned to a new Comprehensive Development 2 Zone CD2A to support a proposed future 9 lot subdivision of the subject properties. The CD2A zone would establish 3 separate Development Areas which would correspond with proposed Lots 1 and 2 (DA 1 and DA2), and Lots 3 through 9 (DA3) of a proposed subdivision plan.

Development Area 1 is proposed to be developed first and would be a major travel centre consisting of service station, restaurants and pubs, retail stores, and some service features for trucks. Development Area 2 is proposed to be a card-lock fueling facility. Development Area 3 would permit a variety of commercial uses and would include a second floor residential dwelling unit.

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

REGISTERED OWNER:

1. Larwill Contracting Ltd.
2. Donald Development Corporation

APPLICANT:

WSP, c/o Jean Horton, P.Eng.

ELECTORAL AREA:

A (Donald Area)

LEGAL DESCRIPTION:

1. Lot 2, Section 16, Township 29, Range 23, West of the 5th Meridian, Kootenay District, Plan 11465 (PID: 008-262-519)
2. Block D Shown Coloured Pink on Plan 1717 of Legal Subdivisions 1, 2, 8, and 15, Sections 16 and 21, Township 29, Range 23, West of the 5th Meridian, Kootenay District, Plan 1717, Except Plan 11465, R42 and NEP23756 (PID: 005-777-267)

CIVIC ADDRESS:

2760 Trans Canada Highway

SURROUNDING LAND USE PATTERN:

NORTH = Rural Residential/Agricultural

SOUTH = Trans Canada Highway/CNR Main Line/Columbia River

WEST = Industrial

EAST = Agricultural/Rural Residential/Log Home Construction

CURRENT USE:

Vacant

SIZE OF PROPERTY:

1. 29.5 ha (72.89 ac)
2. 1.293 ha (3.2 ac)

DESIGNATION:

N/A

ZONE:

Highway Planning Area No. 1

Zone 1

Zone 2

POLICY:**CSRD Strategic Plan 2008-2012**

Section 1.3 states the following policy goal; "To ensure that development is designed and built to standards that protect human safety."

Under Section 7, Land Use, the Strategic Plan contains the general statement; "The CSRD is committed to promoting and establishing land uses that are environmentally, socially and

economically sustainable that provide for a healthy, livable and diverse community with efficient infrastructure."

Section 7.2 further states; "Direct community development in an organized and desirable manner utilizing sound and sustainable planning principles that reflect the community's requirements."

Highway Planning Area No. 1

Zone No. 1

Permitted Uses:

- (a) Residential uses, which may include a home occupation
- (b) Farming
- (c) extraction and removal of natural resources;
- (d) public utilities including broadcasting antennae, telecommunication equipment, water reservoirs and the like, but excluding open storage.

Zone No. 2 (All Legal Uses)

FINANCIAL:

There are no financial implications to the CSRD with regard to this application.

KEY ISSUES/CONCEPTS:

Access:

Access to the Travel Centre would be from an existing 2-way access onto the frontage Road, Donald Road from the Trans-Canada Highway.

Sewage Disposal:

The applicant has indicated that sewage disposal will be handled by a standalone system, but has not provided a pre-design brief of either where the treatment plant, or the dispersal areas will be situated. However, they have advised that the anticipated design flows for the first stage of the development will exceed 5,000 gallons per day, which will require that the system receive registration under the Municipal Sewage Regulation (MSR) from the Ministry of Environment (MoE).

Staff are not prepared to recommend either second reading or delegation of a public hearing until the applicant has provided these details, so that they would be available to the Public for the Public Hearing.

Drinking Water Supply

The applicant has indicated that the drinking water supply would be provided by a standalone system, but has not provided any details beyond this. Since the supply will be providing drinking water to the public, the owner will likely need to obtain a Certificate of Public Necessity and Convenience (CPCN) from the Water Rights Branch of the Ministry of Forests Lands and Natural Resource Operations (MFLNRO). It is also likely that the Interior Health Authority (IHA) will require some form of treatment of the water supply through their review and approval of the water supply system.

Staff are concerned that the proposal, as it is lacking these details should not receive second reading until the applicant has addressed this fundamental issue.

Highway Planning Area No 1 Bylaw No. 168 – General Amendments

Highway Planning Area No. 1 was a regulation introduced by the Province prior to the incorporation of the Columbia Shuswap Regional District (CSRD). The Letters Patent for the CSRD granted by the Province required that the CSRD incorporate the regulations of the Highway Planning Area No. 1 as if they were a Zoning Bylaw.

Highway Planning Area No. 1 originally only regulated the 304.8 m (1000') swath of land to either side of the centreline of the Trans-Canada Highway. Through the years, as amendments have been made to the bylaw, the CSRD has attempted to include the entire area of lands bordering the highway to their full depth, even if this fell outside the original area.

As a part of this proposed amendment, Development Services staff have included some administrative/housekeeping amendments to the bylaw, as follows:

1. The word Interpretive will replace every time the non-word interpretative is used throughout the bylaw.
2. The bylaw Section 1 will be amended to include all of the subject property.
3. Section 2 Development Permits is proposed to be extensively revised in the bylaw to update some dated language; the new Section 2 provides for a new Board Approved Form and Character Development Permit for commercial, industrial and multi-family residential development, along with appropriate guidelines that are proposed to apply to the Zone No. 9 area only. This replaces the existing outdated Development Permit Area. Additionally, staff have introduced a RAR Development Permit for development occurring within 30 m of a watercourse. For Zone No. 9, only this will be a delegated Technical Development Permit, and closely follows guidelines from all other Electoral Areas with such a Development Permit requirement. RAR Development Permits have been mandated by the Province and in this case where there is no Official Community Plan in Electoral Area A, but Development Permits have been part of the Highway Planning Area No. 1 since its adoption, and the Development Permit section was being overhauled, staff included a RAR section.
4. Staff are proposing to delete the old Section 6 and add a new Section 6 Inspection and Contravention of Bylaw, to enable bylaw enforcement where the bylaw has been contravened. The amendment also allows ticketing provisions for offenses.
5. The definitions section of the bylaw is proposed to be deleted and replaced by a more extensive interpretation section which provides precise definitions for all permitted uses, as well as some technical specifications for the general regulations being introduced to the CD2A zone.

Comprehensive Development 2 Zone – CD2A

The overall development plan of the subject property involves a blend of commercial, service commercial, industrial and residential uses. Future development of the subject property may also include other use patterns. The best way to accommodate such disparate uses, without leading to conflict between the uses and by only introducing a single new zone to the bylaw is to propose a comprehensive development zone, which includes built-in provisions for landscaping, screening and buffering that will mitigate any such conflict, and will be specific to the area of the subject property proposed for re-development only.

Travel Centre – Development Area 1 (DA1)

The applicant is proposing to construct a 30,400 ft² building that is designed to resemble a roundhouse type of structure (semi-circular). The proposed building is architecturally significant and will feature post and beam construction methods and natural wood and stone exterior elements.

The building will be strata-titled once it has been constructed into separate lots for the proposed 10 restaurants forming a food court, the retail store(s) and courtyard type seating for up to 200 patrons. Other services available will be a fueling station for passenger and commercial vehicles, a Commercial vehicle scale, and minor service options for all vehicles including a car/truck wash.

Other amenities for the travelling public will include a large parking area at the front of the building for passenger vehicles and recreational vehicles, and a large commercial vehicle parking area at the rear of the building. Outdoor seating would be available in a park-like courtyard, and walking pathways will be installed around the perimeter of the site through the treed landscaped buffer areas.

Card Lock Facility – Development Area 2 (DA2)

The applicant has advised that a First Nations group is partnering to develop a card lock refueling facility on proposed Lot 2. Proposed uses will be the same as DA1. No details regarding site planning have been provided.

Commercial/Residential – DA3

The applicant is proposing combined commercial ground floor with a residential upper floor component as the development pattern for Lots 3 to 9 of the proposed plan of subdivision.

Highway Planning Area – Map Schedules

Rather than just describing the majority of the bylaw as a certain distance from centreline of the Trans Canada Highway, staff have precisely mapped the impacted area and incorporated it into a convenient overview map, as well as a mapbook.

Public Consultation

The applicant has held two community open houses regarding the proposal, prior to the development application being submitted to the CSRD. The open houses were held February 18 and March 11, 2017. The applicant reports that the open houses were well-attended. The applicant supplied CSRD staff with a list of questions and concerns that were voiced at the open houses. Staff have attached the letter detailing this with the report background information.

Additionally the owner has been in consultations with First Nations.

SUMMARY:

The proposal is to amend the Highway Planning Area No. 1 bylaw to include a Comprehensive Development zone, which will foster the development of a significant economic generator in the Donald area. The owner would seek to subdivide the property and the new Comprehensive Development 2 Zone would then apply to the first 9 lots subdivided. Future subdivision would engender a rezoning amendment to provide for different use patterns for the remainder lots.

Staff are recommending that the Board consider the bylaw for first reading, and referral to affected agencies and First Nations.

IMPLEMENTATION:

Consultation Process

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommends the simple consultation process. Typically in cases where a new Comprehensive Development zone is contemplated, with the potential to impact an area significantly, staff would recommend the complex

consultation process. However, in this case the owner has taken the initiative to hold open houses, so staff is satisfied that the spirit of the Consultation process has been met.

Neighbouring property owners will first become aware of the application for zoning Amendments when a notice of development sign is posted on the property.

Referral Process

The following list of referral agencies is recommended:

- Interior Health Authority;
- Ministry of Environment;
- Ministry of Forests, Lands and Natural Resource Operations, Water Rights Branch;
- Ministry of Forests, Lands and Natural Resource Operations, Archaeology Branch;
- Ministry of Transportation and Infrastructure;
- School District No. 6;
- CSRD Operations Management;
- CSRD Financial Services; and
- All relevant First Nations, including the following:
 - ✓ Adams Lake Indian Band;
 - ✓ Akisqnuq First Nation;
 - ✓ Ktunaxa Nation Council;
 - ✓ Lower Kootenay Band;
 - ✓ Lower Similkameen 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:

To be provided following referral process.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

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

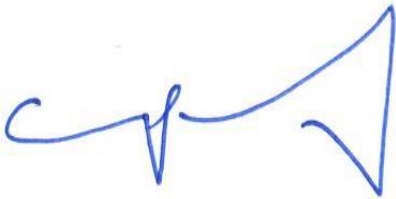
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Highway Planning Area No. 1 Zoning Regulations, Bylaw No. 168

Report Approval Details

Document Title:	2017-08-17_Board_DS_BL649-1_Larwill.docx
Attachments:	- Maps_Plans_BL649-1.pdf - BL 649-1 FirstReading-Complete.pdf
Final Approval Date:	Aug 9, 2017

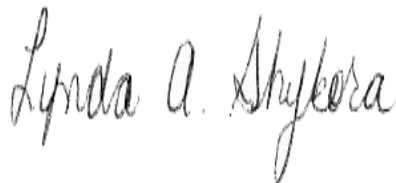
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Aug 4, 2017 - 8:58 AM



Gerald Christie - Aug 4, 2017 - 1:25 PM



Lynda Shykora - Aug 9, 2017 - 3:21 PM



Charles Hamilton - Aug 9, 2017 - 4:01 PM