



BOARD REPORT

TO: Chair and Directors

SUBJECT: Electoral Area B: Development Permit No. 850-61

DESCRIPTION: Report from Christine LeFloch, Planner III, dated February 27, 2025.
20 Highway 31, Galena Bay

RECOMMENDATION: THAT: in accordance with Section 490 of the Local Government Act, Development Permit No. 850-61 for District Lot 7044, Kootenay District, Except That Part in Plan 9151 be authorized for issuance, this 20th day of March, 2025.

Stakeholder Vote Unweighted (LGA Part 14) Majority

SUMMARY:

The owners of the subject property would like to develop a service station including cardlock gasoline and diesel fuels and EV charging stations, helipad and helicopter refueling station, along with public washrooms and rest area with food truck on the subject property. A Commercial Development Permit is required to address the form and character of the proposed development.

BACKGROUND:

ELECTORAL AREA:
B

LEGAL DESCRIPTION:
District Lot 7044, Kootenay District, Except That Part in Plan 9151

PID:
011-740-671

CIVIC ADDRESS:
20 Highway 31

SURROUNDING LAND USE PATTERN:
North = Small Holdings
South = Small Holdings
East = Crown Land
West = Crown Land

CURRENT USE:
Vacant

PROPOSED USE:
Service station, including cardlock gasoline and diesel fuels and EV charging stations, helipad and helicopter refueling station, rest area with washrooms, picnic tables and walking trails, coffee/food truck

PARCEL SIZE:

17.13 ha (42.33 ac)

~2.7 ha – area of parcel proposed to be used for the proposed use

PROPOSED PARCEL SIZES:

Subdivision of the property is not proposed at this time. The minimum parcel size in the proposed HC - Highway Commercial Zone is 1 ha.

DESIGNATION:

[Electoral Area B Official Community Plan Bylaw No. 850](#)

SH – Small Holdings

PROPOSED DESIGNATION:

HC – Highway Commercial (portion of the property outside the ALR as shown on Schedule 1 of BL850-18 included in "DP850-61_Maps_Plans_Photos.pdf", attached) – Bylaw Amendment is being recommended for adoption at the March 20, 2025 Board meeting.

ZONE:

[Electoral Area B Zoning Bylaw No. 851](#)

SH – Small Holdings

PROPOSED ZONE:

HC – Highway Commercial (portion of the property outside the ALR as shown on Schedule 1 of BL851-25 included in "DP850-61_Maps_Plans_Photos.pdf", attached) - Bylaw Amendment is being recommended for adoption at the March 20, 2025 Board meeting.

AGRICULTURAL LAND RESERVE:

57%

SITE COMMENTS:

The subject property is located at the junction of Highway 23 South and Highway 31 just south of the Galena Bay ferry terminal. The property is divided into 3 portions by these two highways and is currently vacant. Portions of the property are within the ALR, including the part of the property lying between the two highways which the applicant is proposing to rezone and develop. Hyham Creek crosses the portion of the property west of Highway 23 South and there is a mapped wetland at the east end of the portion of the property located east of Highway 31 that feeds into Payne Creek. Slopes on the property are gentle and there are no buildings or structures on the property at this time.

BYLAW ENFORCEMENT:

This application is not the result of bylaw enforcement.

POLICY:

Please see "[BL850-18 BL851-25 Excerpts BL850 BL851.pdf](#)" for all applicable Official Community Plan policies and zoning regulations related to this application.

FINANCIAL:

There are no financial implications associated with this application.

KEY ISSUES/CONCEPTS:

The subject property is under application for OCP amendment and rezoning which proposes to change the OCP land use designation and zoning from SH Small Holdings to HC Highway Commercial with the intent to develop the property with a cardlock service station (gas and diesel pumps) with EV charging and a helipad with helicopter refueling station. The proposal also includes a rest area with public washrooms and picnic area along with space for a food truck. A report recommending adoption of the OCP and zoning amendment bylaws will also be on the agenda for the March 20, 2025 Board meeting. A development permit is required to address the form and character of commercial development on the subject property.

Official Community Plan

Section 5.2 of the Electoral Area B Official Community Plan Bylaw No. 850 (OCP) includes the objective to provide for commercial activities servicing the needs of local communities and the traveling public, and to recognize unique recreation and resort opportunities subject to detailed project reviews among the list of objectives for commercial lands in Electoral Area B. General commercial policies note that the minimum parcel size shall be 1 ha and parcels shall be serviced by an approved water system and approved sewer system subject to relevant regulations and approvals. Water and sewer requirements for the proposed development were addressed during the OCP amendment and rezoning process.

Commercial Development Permit Area

The Commercial Development Permit is a type of form and character development permit. The guidelines for form and character development permits are intended to ensure that the appearance of a proposed development from roads and public spaces on adjacent properties meets a specified level of aesthetic. See attached "DP850-61_Excerpts_BL850_BL851.pdf" for development permit guidelines, OCP policies and zoning regulations applicable to this development.

The applicant has prepared a site plan showing the proposed development to demonstrate how it will meet the development permit guidelines. There are several guidelines such as landscaping, parking, waste collection, signage, lighting, safety and building design that are applicable to this proposal.

Landscaping

The development permit guidelines indicate that landscaping shall be provided along property lines that are next to public areas, along the base of buildings that are seen from public areas, and between parking areas and roads. The south and west sides of the portion of the property proposed for development front onto Highway 31 and Highway 23 South. The other boundary of the proposed development area abuts the portion of the property located within the ALR.

The landscape plan indicates that a 5 m wide landscape buffer consisting of native vegetation will be established and maintained along both highway frontages. A wider 7 m landscaped buffer will also be provided along the ALR boundary. The area of the property proposed for walking trails will have natural trees and vegetation. Landscaping is to be integrated with any signage proposed.

Parking, Vehicular Traffic & Waste Collection Area

Vehicular traffic will enter and exit the site from a driveway off Highway 31. This driveway will route vehicles to a turn around large enough to accommodate B train transport trucks and large RVs so that they can fuel up at the gas and diesel pumps before exiting the site. This driveway will also provide access to the EV charging stations and parking area which will be situated near the public washroom

and food truck. The driveway and turn around are proposed to be surfaced in gravel. Additional parking will be provided near the helipad. There is ample room for additional parking on the site if needed.

Bear proof waste bins will be provided at the rest stop/washroom area and waste will be managed by a local caretaker who lives nearby for the initial few years. Waste bins will be fenced to further manage wildlife issues. This is included as a condition of the development permit.

Signage and Lighting

The guidelines indicate that signage and lighting will be managed to maintain the rural landscape and atmosphere and to minimize visual impacts from the highway. At the time of writing the applicant did not have designs prepared for signage for the proposed development but indicated that it would be designed to meet the zoning regulations for commercial signage in Electoral Area B. The site plan includes signage at the corner of the property at the intersection of Highways 31 and 23 South, and at the entrance to the property. The applicant also indicated that as it will be a 24-hour cardlock, signage will require lighting so that it can be seen from the two highways. The zoning regulations for commercial signage state that internal and external illumination of signs is permitted provided that the light source does not cause undue glare to adjacent properties or interfere with the function of a traffic light or sign. There are no traffic lights in the area and signage on other properties is minimal. The permit will include a condition that all signage for the development shall meet the requirements of the Area B Zoning Bylaw No. 851.

Lighting is proposed for the cardlock gas pump area, the EV charging stations and washrooms. Lights may also be installed at the helipad for safety, although the applicant indicated that they do not intend for the helipad to be used frequently at night. Staff recommend that lighting utilize downward facing fixtures to minimize light pollution in the rural environment. The applicant is agreeable to this, and it has been included as a condition of the permit.

Safety

The lighting noted above along with the use of bear proof waste bins add to the safety of the site.

Building Design

The guidelines state that buildings shall create visual interest and encourage the use of strong detailing in windows and doors, no large expanses of blank wall, and localized lighting. The only building proposed at this time is the public washroom which is intended to be located in a shipping container converted for this purpose. While it is challenging to apply the guidelines to this type of building staff recommend that the washroom building be painted a uniform colour that blends with the rest of the development. The 2 fuel tanks for the cardlock will be located above ground near the pumps. There are no plans to construct a canopy or other buildings at this time. A photo of a similar style cardlock facility is included in the attached "DP850-61_Maps_Plans_Photos.pdf".

Zoning

Once the OCP amendment and rezoning bylaws are adopted, the subject property will be zoned HC – Highway Commercial in Electoral Area B Zoning Bylaw No. 851. Service station and restaurant are permitted uses in this zone. The zoning amendment bylaw includes a special regulation that limits development on the property to a few of the permitted uses in the HC Zone including owner/operator dwelling unit, restaurant, retail store, service station and accessory use. A second special regulation for the property will permit a helipad and refueling station for the subject property. The proposed development complies with the zoning for the property.

The required setback from all property boundaries for uses and structures in the Highway Commercial Zone is 5 m. The site plan indicates that all proposed uses and structures will be located beyond this setback.

Building Permits

Building permits are required for all construction in Electoral Area B.

Analysis

Guidelines and zoning regulations related to building design, parking, vehicular traffic, waste collection and safety have been discussed in their respective sections noted above and can adequately be addressed for the subject property. Therefore, no further analysis is required. Staff are satisfied that the proposed development is in general accordance with the guidelines for the Commercial Development Permit Area.

Rationale for Recommendation:

A Commercial Development Permit is required for the development proposed for the subject property. Staff are recommending that Development Permit No. 850-61 be approved for issuance for the following reasons:

- The proposed development is in accordance with the Commercial Development Permit guidelines for building design, parking, vehicular traffic, waste collection and landscaping; and
- The proposed development meets the zoning requirements for the Highway Commercial Zone.

IMPLEMENTATION:

If Development Permit No. 850-61 is approved, staff will send notice of the permit for registration at the Land Titles Office and the development permit will be issued. Once all building requirements are addressed the Building Official will be able to issue building permits for construction of the proposed buildings.

There is no notification of public input requirement for this type of development permit as per the [Development Services Procedures Bylaw No. 4001-2](#), as amended.

COMMUNICATIONS:

The application was referred to the CSRD Community and Protective Services Department. Protective Services staff noted that the property is not located within a Fire Service Area and would therefore not respond to a fire in this location.

DESIRED OUTCOMES:

That the Board 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.*

Report Approval Details

Document Title:	2025-03-20_Board_DS_DP850-61.docx
Attachments:	- DP850-61_Permit.pdf - DP850-61_Excerpts_BL850_BL851.pdf - DP850-61_Maps_Plans_Photos.pdf
Final Approval Date:	Mar 10, 2025

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

No Signature - Task assigned to Corey Paiement was completed by assistant Crystal Robichaud

Corey Paiement



Gerald Christie



Jennifer Sham



John MacLean