



# BOARD REPORT

**TO:** Chair and Directors

**SUBJECT:** Electoral Area A: Highway Planning Area No. 1 Amendment Bylaw No. 168-01

**DESCRIPTION:** Report from Ken Gobeil, Senior Planner, dated June 26, 2025.  
2760 Trans-Canada Hwy, Donald

**RECOMMENDATION:** THAT: "Highway Planning Area Amendment Bylaw No. 168-01" be given third reading, this 17<sup>th</sup> day of July 2025  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*

## SUMMARY:

The owners of 2760 Trans-Canada Highway in Donald are applying to amend the Highway Planning Area No. 1 Bylaw No. 168, as amended (Highway Planning Area Bylaw) to develop a residential and commercial subdivision with a 0.2 ha minimum lot size.

The Board gave first reading to the amending bylaw (Bylaw No. 168-01) at their August 19, 2021 meeting, and second reading, as amended at their April 17, 2025 where staff were instructed to hold a public hearing.

A public hearing was held on May 28, 2025. It is now appropriate for the Board to consider the amending bylaw for third reading. If the amending bylaw is given third reading it will be forwarded to the Ministry of Transportation and Transit (MOTT) for approval as per Section 52(3) of the Transportation Act.

## BACKGROUND:

See [Item 16.1 of the August 2021 Meeting Agenda](#) for the Staff Report for First Reading of the amending bylaw and supporting documents. This report includes a brief history of the subject property and Bylaw No. 168.

See [Item No. 18.1 of the April 17, 2025 Board Meeting Agenda](#) for the Staff Report for Second Reading as Amended and supporting documents. This report includes a summary of the public information meeting and referral responses received.

## POLICY:

See [August 19, 2021 Board Report](#) for the relevant excerpts from the [Highway Planning Area No. 1 Bylaw No. 168](#).

## FINANCIAL:

There are no financial implications associated with this application.

## KEY ISSUES/CONCEPTS:

Residents and tenants in occupation of properties within 100m of the subject property received a written notification and notice of the hearing was posted on the CSRD website and social media, as per the Development Services Procedures Bylaw No. 4001-02, as amended, and Public Notice Bylaw No. 5893. A public hearing package (with all board reports and supporting documents) was also made available on the website.

### Public Hearing

The CSRD held a public hearing (in person and via Zoom) at the Golden Senior Centre (1401 9 St S, Golden, BC) on May 28, 2025, with 27 participants (24 in person and 3 via Zoom). A copy of the redacted minutes is attached to this report (see "BL168-01\_Public\_Hearing\_Minutes\_Redacted.pdf"). A copy of the redacted written submission is attached to this report as well (see "BL168-01\_Public\_Submission\_Redacted.pdf").

There was only one verbal comment made and one written submission (email) during the hearing. The verbal comment included technical questions and concerns on the implications of future development on local residents (in the Donald area), these include:

- How roads are maintained and services provided (ambulance, police and firefighting services).
  - It was noted that there are other large developments in the area, and it was asked who would be responsible for the costs associated with additional traffic and residents.
- If consideration will be made for wildlife corridors for future development.
- They are also concerned about the water availability in the area and impacts to their well if the bylaw amendment is approved and lots are subdivided.

The Chair (Director Cathcart) asked the applicants (who were attending electronically via Zoom) if they would be able to stay online at the close of the hearing to answer technical questions that the public may have.

The Chair called for further comment and reminded the public that any comment or question after the hearing is closed cannot be received or considered by the Board of Directors in deciding on this bylaw amendment application.

After the hearing was closed there was an informal question-and-answer period where people in attendance asked technical questions to the applicants. These technical questions and responses cannot be considered by the Board of Directors in this application as they were made after the hearing was closed.

Only one written submission was received, and it was received during the hearing, which supported the proposed amending bylaw and potential future development (see, "BL168-01\_Public\_Submission\_Redacted.pdf" attached).

### Analysis

The verbal comment made at the hearing was not opposed to the bylaw amendments, and potential future development itself, the comment was only questioning future impact to residents, with most topics outside of the CSRD's jurisdiction:

#### *Traffic and carrying capacity of roads*

Outside of municipalities, roads are maintained and administered by the Ministry of Transportation and Transit (MOTT). MOTT can review road condition and impose road improvements on developers at three separate instances for the subject property: (1) during a zoning amendment, (2) at subdivision, and (3) at the time of development when a commercial access driveway is installed. Each of these are responsibilities of MoTT.

Zoning Amendments – Section 52(3) of the Transportation Act requires MOTT to approve all zoning bylaws and amendments within 800m of a controlled access highway. Staff referred the amending bylaw to MOTT, which has noted conditional approval of the amending bylaw with the registration of a Section 219 Restrictive Covenant registered on title (see, [April 17, 2025 Board Report](#) for more information on the MOTT referral response). The owners have agreed to prepare the covenant and will work with MOTT on the accepted wording of the covenant.

Subdivision - Subdivisions in the CSRD are approved by the provincial government (which is also a function of MOTT). Provincial Approving Officers (PAOs) can also review roads and infrastructure during a subdivision review and may impose road improvements as a condition of subdivision.

Commercial Access Driveways – Prior to any new commercial development, property owners must obtain a commercial access permit. MOTT will review each proposed development and the implications (including condition of the existing road, intersection safety, road carrying capacity, road designs, and establishing speed limits) in deciding whether to approve an access permit. MOTT can require an applicant pay for improvements as a condition to their approval.

Commercial access permits apply to all commercial development regardless of its location, and it is up to MOTT to administer and enforce their regulations.

#### *Police and Ambulance Services*

Police and ambulance services are provincial services. The closest police and ambulance stations are in Golden. Police and ambulance services are established in communities that are large enough to support the services, and it is up to the province to determine the appropriate locations for future police and ambulance stations.

#### *Fire Services*

The question of fire services is applicable to the CSRD, as fire protection can be a local government service. However, currently the subject property (and community of Donald) is not in a CSRD fire service area. Currently the only fire protection for Donald is provided by BC Wildfire Service (BCWS). BCWS manages wildfires on both Crown and private lands outside of a local government's fire service area. However, BCWS does not provide structural fire protection.

Planning staff discussed the public hearing comments with the Protective Services Department, and it was noted that for the CSRD to provide a fire protection service, a new service must be established. If the Board is interested in the feasibility of a Fire Protection Service, further analysis would be required.

#### *Wildlife Considerations*

Electoral Area A does not have an Official Community Plan in effect which would require a property owner to include considerations of wildlife corridors in development plans and proposals. However, the owners have completed a Riparian Area Assessment Report as per the Provincial Riparian Areas Protection Regulation (RAPR) to preserve the environmentally sensitive areas around a watercourse (Colepitts Creek) which flows through the property and wildlife can use this area as a corridor (see [JRC Riparian Areas Regulation Assessment 2020-12-14 Redacted.pdf](#)).

As noted in the [August 21, 2021 Board Report](#), a Section 219 Restrictive Covenant prohibiting the Streamside Protection and Enhancement Area (SPEA) from development is required as a condition of adoption of the bylaw amendment. The owners have agreed to a covenant being registered on title and will work with CSRD staff on the accepted wording of the covenant.

#### *Water availability*

As part of their bylaw amendment application to the CSRD, the owners completed an evaluation of a water supply to confirm there would be enough water to serve the proposed development. Western Water Associates oversaw the drilling and testing of three wells on the subject property and completed a water quantity analysis (see "[Western Water Groundwater Report 2022-12-09 Redacted](#)"). The report concluded that one of the three test wells can produce 5.4 litres per second which will exceed the average daily demand of the proposed development at full buildout. The report also noted that the expected well interference to other neighbouring wells to be negligible. However, additional reporting would be required for a future subdivision.

If the amending bylaw is adopted and the property is subdivided into lots less than 1 ha, the owners will be required to create a community water system and obtain a water license from the province. The water supply and potential impact to surrounding residents will be reviewed as part of the application process.

If the bylaw amendment is not adopted the subject property can be subdivided into 1 ha lots with independent on-site water systems (i.e. a well). Future subdivision would be required to meet the servicing requirements in Part 9 of the Subdivision Servicing Bylaw No. 680 which includes a report from a qualified professional which would review potential drawdown impacts on existing wells within 250 m from a new well.

#### Rationale for Recommendation

Staff continue to support the application and recommend that Highway Planning Area No. 1 Amendment Bylaw No. 168-01 be given third reading for the following reasons:

- Donald is an established community and well suited for the proposed commercial development next to the Trans Canada Highway and the residential development to the north.
- The proposed subdivision and development will integrate well with existing land uses.
- The proposed development would provide serviced commercial properties that are not currently available in Electoral Area A.
- The bylaw amendment includes establishing maps for Bylaw No. 168.
- Referral responses have been received that do not oppose the proposed amendments.
- The owners have completed the public consultation components of the complex consultation process.
- Professional Reports confirm the proposed development is feasible.
- Of the two public hearing comments submitted (one verbal and one written) one was supportive and the other was not opposed to the application.
- Concerns raised in the public hearing were mostly regarding items outside of the CSRD's jurisdiction.

#### **IMPLEMENTATION:**

If the Board agrees with the staff recommendation and the amending bylaw is given third reading, staff will forward the amending bylaw to MOTT for approval and will work with the applicant to register the Section 219 Restrictive Covenants regarding the Provincial Riparian Areas Protection Regulation Report. The owners will work directly with MOTT for the covenant regarding future commercial developers' responsibility to obtain Commercial Access Permits.

#### **COMMUNICATIONS:**

See [Agency and First Nation Referral Responses](#) for comments received from referral agencies and First Nations;

See [Public Meeting Summary](#) for notes from the Public Information meetings held by the owners on July 25, 2023.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation.

**BOARD'S OPTIONS:**

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

**Report Approval Details**

Document Title:	2025-07-17_Board_DS_BL168-01_Third.docx
Attachments:	<ul style="list-style-type: none"><li>- BL168-01_Third.pdf</li><li>- BL168-01_Third_Schedule_A_Zoning_Overview_Map.pdf</li><li>- BL168-01_Third_Schedule_B_Zoning_Mapbook.pdf</li><li>- BL168-01_Public_Submission_Redacted.pdf</li><li>- BL168-01_Public_Hearing_Minutes_Redacted.pdf</li></ul>
Final Approval Date:	Jul 9, 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