



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 February 16, 2018. 2780 Trans Canada Highway and 2750 Big Bend Highway, Donald.

RECOMMENDATION #1: THAT: "Highway Planning Area No. 1 Amendment (Donald Development Corporation) Bylaw No. 649-1", be read a second time, as amended, this 29th day of March, 2018.

RECOMMENDATION #2: THAT: a public hearing to hear representations on "Highway Planning Area No. 1 Amendment (Donald Development Corporation) Bylaw No. 649-1" be held;

AND THAT: notice of the public hearing be given by the 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 Director Karen Cathcart, as Director of Electoral Area A being that in which the land concerned is located, or Alternate Director Stephanie Knaak, if Director Cathcart is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

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 was proposed to 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. The Board gave the proposed bylaw first reading at the August 17, 2017 regular meeting.

The applicant's Engineering consultant has provided additional information on site servicing, which proposes to install works on an additional neighbouring property. As a result, the bylaw is required to be amended at second reading to include the specific uses for the additional property.

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.

New Development Area 4 is proposed to be for the wastewater treatment facility and effluent ground dispersal areas as well as associated infrastructure. New Development Area 5 is proposed to be for agricultural use and resource (aggregate extraction) use.

With the provision of servicing information, it is now appropriate for the Board to review this information together with the referral responses received and consider the bylaw at second reading, as amended, and delegating a public hearing.

VOTING:	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

REGISTERED OWNER:

1. Larwill Contracting Ltd.
2. Donald Development Corporation
3. Floyd and Eleanora Larwill

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
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
3. The Southwest ¼ of Section 22, Township 29, Range 23, West of the 5th Meridian, Kootenay District, Except Parts included in Plans 11442, 16194, and 18358

PID:

1. 008-262-519
2. 005-777-267
3. 011-603-721

CIVIC ADDRESS:

1. 2760 Trans Canada Highway
2. No address
3. 2750 Big Bend Highway

SURROUNDING LAND USE PATTERN:

NORTH = Rural Residential/Agricultural/Crown

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

WEST = Industrial

EAST = Agricultural/Rural Residential/Log Home Construction/Crown

CURRENT USE:

1. Vacant
2. Vacant
3. Agriculture/Resource Extraction (aggregate)

SIZE OF PROPERTY:

1. 29.5 ha (72.89 ac)
2. 1.293 ha (3.2 ac)
3. 57.87 ha (142.99 ac)

DESIGNATION:

N/A

ZONE:

Highway Planning Area No. 1

Zone 1

Zone 2

POLICY:

See "2017-08-17_Board_DS_BL649-1_Larwill.pdf" attached.

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 provided a pre-servicing design brief indicating that sewage disposal will be provided by a standalone system, owned by a private utility. The system would need to be registered under the Municipal Wastewater Regulation (MWR) by the Ministry of Environment.

The design brief advises that the sewage from the uses on the main portions of the development (DA 1, DA 2, and DA 3) would be collected on site and fed via a forcemain within the Big Bend Highway to an adjacent property (Property 3) owned by Floyd and Eleanora Larwill. It is the installation of a wastewater treatment facility, associated infrastructure and effluent ground dispersal fields on this other property that requires the proposed rezoning bylaw to be amended to include this property, both to permit this use on the portion earmarked, and to allow the current agriculture and resource extraction use on the remainder.

It should be noted that the system design and site soil characteristics have not been studied to the point where the size of area required for the sewage system is known. As a result, with the approval of the first subdivision, enough should be known to process an amendment to the zoning at a future date to reflect the actual land areas required.

See "WSP_Design_Brief_2017-12-21_BL649-1.pdf" attached.

The pre-design brief 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, based on as many as 2 separate options for groundwater wells. The pre-servicing design brief submitted presents Option 1 as an on-site groundwater well supplying all water through a pressurized system or some kind of reservoir on site for the development. Option 2 is a groundwater well situated off site, on the Property 3 which has the added benefit of elevation where a reservoir could also be located.

The system will require a Certificate of Public Convenience and Necessity (CPCN) from the Water Rights Branch of the Ministry of Forests Lands, Natural Resource Operations and Rural Development (MFLNRORD) for the supply, and authorization from a Health Officer to construct the system. It will then be run as a private utility. 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.

Ultimately water supply could be from one or both of these options. Neither well has been constructed, so the Engineer has provided options in lieu of hard data.

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.

Community Sewer System Works – DA4

Property 3 would be the location for both the wastewater treatment plant and the effluent ground dispersal areas. The Engineer has not done soil tests or established design flows for the sewer system yet, so the area shown may change as such work is done. Any changes to the area of DA4 would need to be reconciled in some future rezoning amendment.

Agriculture and Aggregate Extraction – DA5

The remainder of Property 3 lot is currently used to produce forage crops on the western portion and there is a gravel pit located on the property. DA5 would recognize these uses.

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.

Environmental Issues

The applicant submitted an Environmental Assessment, dated January, 2018, by JRC Environmental Consulting Ltd. The report discusses the Riparian Area Regulation impact on the development due to Colepitts Creek and recommends a 15.0 m buffer on either side of the creek where existing vegetation should be retained. The report advises that the 15.0 m buffer area may be reduced if a full Riparian Area Assessment Report were to be performed on the site.

The report further notes that during logging of the site white-Bark Pine was harvested. White-Bark Pine is a blue-listed species in BC. The report suggests that the developer may offset the loss of these trees by planting some new ones in required buffer areas on the site.

See "JRC_Env_Summary_2018-01-09_BL649-1" attached.

SUMMARY:

The applicant has provided additional information which has required the bylaw to be amended. It is now appropriate for the Board to consider the new information, and the referral responses and to consider the bylaw for second reading, as amended, as well as to consider delegating a public hearing.

IMPLEMENTATION:

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommended the simple consultation process. Neighbouring property owners first became aware of the application for zoning amendments when the notice of development sign was posted on the property.

COMMUNICATIONS:

If the Board gives Bylaw No. 649-1 second reading, as amended, and a public hearing is delegated staff will proceed with notification of adjacent property owners and advertising the Public Hearing as set out in the Local Government Act.

Referral agencies have provided their comments.
See "Agency_Referral_Responses_Bylaw_BL649-1" attached

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:	2018-03-29_Board_DS_BL649-1_Larwill.docx
Attachments:	<ul style="list-style-type: none">- BL649-1_Second_Amended.pdf- 2017-08-17_Board_DS_BL649-1_Larwill.pdf- WSP_Design_Brief_2017-12-21_BL649-1.pdf- JRC_Env_Summary_2018-01-09_BL649-1.pdf- Agency_Referral_Responses_BL649-1.pdf- Maps_Plans_BL649-1_Second.pdf
Final Approval Date:	Mar 20, 2018

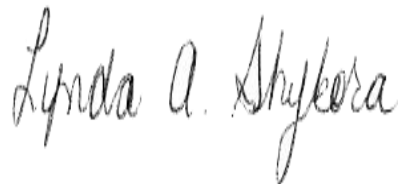
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Mar 15, 2018 - 10:43 AM



Gerald Christie - Mar 15, 2018 - 5:53 PM



Lynda Shykora - Mar 19, 2018 - 3:45 PM



Charles Hamilton - Mar 20, 2018 - 8:38 AM