



BOARD REPORT

TO: Chair and Directors

File No: BL851-12
PL20170171

SUBJECT: Electoral Area B: Electoral Area B Zoning Amendment (Eagle Pass Heli-Skiing) Bylaw No. 851-12

DESCRIPTION: Report from Christine LeFloch, Development Services Assistant, dated March 27, 2018.
3451 Trans-Canada Highway, West Revelstoke

RECOMMENDATION #1: THAT: "Electoral Area B Zoning Amendment (Eagle Pass Heliskiing) Bylaw No. 851-12" be given second reading as amended, this 19th day of April, 2018.

RECOMMENDATION #2: THAT: a public hearing to hear representations on "Electoral Area B Zoning Amendment (Eagle Pass Heliskiing) Bylaw No. 851-12" be held;
AND THAT: notice of the public hearing be given by 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 Loni Parker, as Director for Electoral Area B being that in which the land concerned is located, or Alternate Director Doug Stuart, if Director Parker 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:

This application originally proposed the service of beer and wine to day use patrons of a heli-skiing business as an après-ski service at their base which is located on the subject property. The applicant has advised that they are no longer interested in pursuing a liquor license therefore they do not require zoning for this use. However, they would like to move forward with the bylaw amendment in order to clarify the existing uses on the property through a site specific zoning amendment. The Board gave first reading to BL851-12 at their meeting on December 1, 2017. Since that time, staff have amended the bylaw to remove the liquor service use, and clarify permitted uses on the property such as guest lounge, heli-tourism day lodge and staff accommodation, and add new definitions related to these uses.

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:
0969883 BC Ltd. (Paul and Kelly Tigchelaar)

AGENT:
Shawn West c/o Eagle Pass Heliskiing

ELECTORAL AREA:

B

LEGAL DESCRIPTION:

The SE ¼ of Section 25, Township 23, Range 3, West of the 6th Meridian, Kootenay District, Except parts included in RW Plans 663A, 12984 and R265

PID:

016-655-958

CIVIC ADDRESS:

3451 Trans-Canada Hwy, Revelstoke

SURROUNDING LAND USE PATTERN:

North: Trans-Canada Hwy, Rural and Resource

South: CP Rail line, Tonkawalla Creek

East: Highway Commercial, Small Holdings, Industrial

West: Rural Resource, Industrial

CURRENT USE:

Airfield, Eagle Pass Heliskiing day lodge and staff accommodation, Glacier Helicopters day lodge, and staff accommodation

PROPOSED USE:

Airfield, Eagle Pass Heliskiing day lodge and staff accommodation, Glacier Helicopters day lodge and staff accommodation

PARCEL SIZE:

51.85 ha

DESIGNATION:

Electoral Area B Official Community Plan Bylaw No. 850

RSC – Rural and Resource

ZONE:

Electoral Area B Zoning Bylaw No. 851

RH – Rural Holdings

PROPOSED ZONE:

Special Regulation to be added to RH – Rural Holdings zone adding permitted uses which would be site specific to the subject property only including guest lounge, heli-tourism day lodge and staff accommodation.

SITE COMMENTS: The property is divided by the Trans-Canada Highway and the CPR right of way. The portion of the property north of the highway has a small rock quarry located on it. The portion of the property that is the focus of this application is the area located between the Trans-Canada Highway and the railway line. There are currently two helicopter bases located on the property, including Glacier Helicopters and Eagle Pass Heliskiing. Each of these businesses have their own operations building,

including day lodge, staff accommodation, and associated parking. There is also a double walled helicopter fuel tank for refuelling of helicopters on the site. The property is located just outside of the Revelstoke Fires Services Area.

POLICY:

See Staff Report (2017_12_01_Board_DS_BL851-12_EaglePass) attached.

FINANCIAL:

There are no financial implications to the CSRD as a result of this application.

KEY ISSUES/CONCEPTS:

According to the agent, the Eagle Pass Heliskiing base has been operating from this location for four (4) years. The existing building includes the operations base and day lodge on the main floor of the building and seasonal staff housing which is located on the second floor. Glacier Helicopters has been operating from this location for five (5) years. The existing building also includes an operations base and day lodge on the main floor with the potential for future staff housing on the second floor. A large portion of the building also contains a hangar. The proposal from Eagle Pass originally included the addition of beer and wine service to passengers returning from a day of skiing, however the applicant has advised that they are no longer pursuing a liquor license for this use and have asked that the application be amended to remove this use. They would like to continue with the zoning amendment however, in order to provide clarity within the bylaw regarding the existing uses on the property.

Staff previously noted that the airfield use is considered the principal use on the property and the heliskiing day lodge buildings are permitted as accessory uses. An "airfield" is defined in Bylaw No. 851 as "an area of land set aside for the take-off, landing and maintenance of aircraft". It does not include any services related to passengers, nor does it include buildings related to administration of businesses which use the airfield, or staff accommodation related to this type of business. As these uses exist on the subject property staff recommend that they be specifically defined and included as permitted uses within the site specific regulation.

The following definitions are proposed to be added to the interpretation section of Electoral Area B Zoning Bylaw No. 851:

GUEST LOUNGE is an area within a *heli-tourism day lodge* where passengers can wait prior to embarking or after deplaning;

HELI-TOURISM DAY LODGE is a building used for heli-tourism business administration, including the embarking and deplaning of passengers for skiing, sightseeing, and other helicopter related tours, *guest lounge*, and washroom facilities;

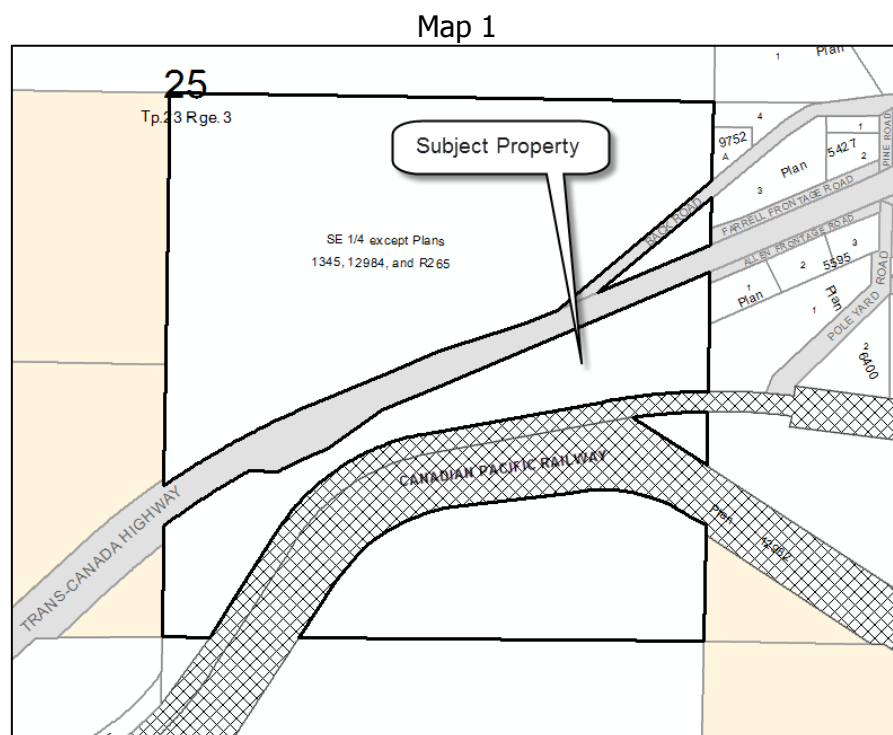
STAFF ACCOMMODATION means a dwelling unit specifically intended as an accessory use to a principal commercial or industrial business to house staff employed by the principal commercial or industrial business.

It is also proposed that the special regulation for the subject property proposed to be included in the Rural Holdings Zone be amended to read as follows:

"Special Regulations

(5) In this subsection, lands are described by legal description and by map. In the event of any discrepancy between the legal description of the lands and the map, the map governs.

- (a) Notwithstanding subsection 5.4(2)(a), the following uses are permitted on the portion of the property legally described as SE ¼, Section 25, Township 23, Range 3, West of the 6th Meridian, Kootenay District, Except Parts included in RW Plans 633A and 12984, and Plan R265, lying between the Trans-Canada Highway and the Canadian Pacific Railway shown on Map 1 below:
- i) *heli-tourism day lodge (maximum of 2);*
 - ii) *staff accommodation* for up to 7 persons (maximum of 2); and
 - iii) *guest lounge* limited to the area of the main floor of the *heli-tourism day lodges* only.



SUMMARY:

The applicant originally applied to amend the Electoral Area 'B' Zoning Bylaw No. 851 to include site specific regulations to permit the service of beer and wine as an après-ski service in the Eagle Pass

Heliskiing building on the subject property. The applicant recently advised that they are no longer pursuing the liquor license and do not require this permitted use to be included in the zoning amendment. The bylaw has been amended at second reading to include definitions to clarify the heli-tourism day lodge guest lounge, and staff accommodation uses on the property. It also specifies that only 2 day lodges and their associated uses are permitted on the property. The proposed bylaw has been sent to applicable First Nations for comment. It has also been referred to the Advisory Planning Commission for comment on the amended bylaw. Comments received are summarized below. Staff recommends that a public hearing be scheduled to hear representations from the public regarding the proposed bylaw amendment.

IMPLEMENTATION:

Consultation Process

Since the proposed bylaw amendments are specific to the subject property only and there are no zoning map changes being proposed, staff recommend the simple consultation process.

COMMUNICATIONS:

Neighbouring property owners first became aware of this application when a sign was posted on the subject property, in accordance with Section 7.2 of the Development Services Procedures Bylaw No. 4001 as amended. The sign was originally posted for the Temporary Use Permit (TUP) application. The applicant has indicated that the sign has since been amended to state that it is for a rezoning.

As outlined in the previous staff report (2017-12-01_Board_DS_BL851-12_EaglePass), referrals were sent out to applicable agencies at the time of the original TUP application and were also advised that the application has changed to a permanent rezoning. The amended bylaw was referred to the following first nations and the Area B Advisory Planning Commission for comment which are summarized below:

Adams Lake Indian Band	No response.
Akisqnuq First Nation	No response.
Ktunaxa Nation Council	No response.
Little Shuswap Indian Band	No response.
Lower Kootenay Band	No response.
Lower Similkameen Band	No response.
Neskonlith Indian Band	No response.
Okanagan Indian Band	No response.
Okanagan Nation Alliance	No response.
Penticton Indian Band	No response.
Shuswap Indian Band	No response.
Simpcw First Nation	Outside of Simpcw's territory.
Splat'sin First Nations	No response.
St. Mary's Indian Band	No response.
Tobacco Plains Indian Band	No response.

Area B Advisory Planning Commission

The Area B APC recommended that the Board not approve Bylaw No. 851-12 until a number of their concerns are addressed. These included ensuring that the Notice of Development sign is erected and visible; ensuring that Interior Health concerns regarding the design flow of the sewage disposal system are addressed and obtained the required drinking water system operating permit for the proposed use.

They also recommended zoning the entire property commercial or subdividing in advance of rezoning and then zoning the area accordingly.

Staff were not asked to attend the APC meeting, but did respond to the concerns expressed by the APC via email. Staff advised the APC that the applicant was contacted and asked that they ensure that the sign is visible from the highway. With regard to the concerns regarding sewage disposal and drinking water, staff advised that the applicant is aware that these items will need to be addressed prior to adoption of the bylaw amendment. Staff further advised that a special regulation has been proposed in this case because commercial zones typically contain a long list of permitted uses, and changing to such a zone would not only permit the current businesses but would also permit a variety of other commercial operations which may not be desirable for this location. Also, as the special regulation only affects a small area of the property, it can be written so that it applies to the affected area only.

DESIRED OUTCOMES:

That the Board give second reading as amended to Bylaw No. 851-12 and delegate a public hearing.

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. Electoral Area B Official Community Plan Bylaw No. 850
2. Electoral Area B Zoning Bylaw No. 851
3. Electoral Area B Advisory Planning Commission Minutes dated February 21, 2018

Report Approval Details

Document Title:	2018-04-19_Board_DS_BL851-12_EaglePass.docx
Attachments:	- BL851-12_Second_as_amended.pdf - Maps_Plans_Photos_BL851-12.pdf - 2017-12-01_Board_DS_BL851-12_EaglePass_1st.pdf
Final Approval Date:	Apr 9, 2018

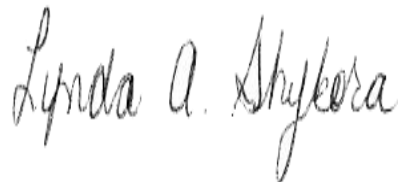
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Apr 5, 2018 - 12:55 PM



Gerald Christie - Apr 5, 2018 - 8:31 PM



Lynda Shykora - Apr 6, 2018 - 2:49 PM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Apr 9, 2018 - 11:15 AM