

## Request for Decision Bylaw Amendment Application

File No: P 722 505  
Reference: Bylaw No. 3132  
Date: May 6, 2022

**Subject:** Bylaw No. 3132 (Windermere East / HGK Holdings Ltd)  
**Applicant:** HGK Holdings Ltd.  
**Agent:** Global Raymac Land Surveying (Adam Brash)  
**Location:** The subject property is located along Cooper Road near Highway 93/95 north of Windermere.  
**Legal:** Lot 6, District Lot 9001, Kootenay District, Plan NEP84492 except Plan EPP7311

**Proposal:** To amend the zoning designation of the HGK Holdings Ltd. property to give the owner a broader range of permitted uses for future development. The zoning designation is proposed to be amended from C-3, Regional Commercial to C-1, Community Commercial.

**Options:**

1. THAT Bylaw No. 3132 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 382, 2022 (Windermere East / HGK Holdings Ltd)” be introduced.
2. THAT Bylaw No. 3132 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 382, 2022 (Windermere East / HGK Holdings Ltd)” not proceed.

**Recommendation:** **Option 1**  
Service Commercial Zoning provides a larger variety of retail uses, food and beverage industries and service uses. The range of permitted commercial uses also includes those supporting commercial recreation, tourism and the traveling public along Highway 93/95, which aligns with OCP policies.

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**Property Information:** **Current OCP Designation:** C, General Commercial which supports local commercial uses intended primarily for local residents and the travelling public and commercial uses of a regional nature intended for a wide range of potential users.

**OCP Objectives and Policies:**

- Maintain commercial development in existing commercial nodes within the plan area.
- Support commercial recreation and tourism land uses within the plan area where it is compatible with adjacent land uses.

**Property  
Information -  
cont'd:**

- Support commercial development that offers year round or high quality seasonally appropriate services for residents, visitors and the traveling public.
- Except where otherwise noted, commercial development is generally directed to existing commercial nodes along Highway 93/95, Athalmer Road and the Windermere core.
- Commercial development along the Highway 93/95 corridor must be adequately screened and landscaped as per the development permit area guidelines found in Section 19.5.

**Current Zone Designation:** C-3, Regional Commercial Zone (minimum parcel size: 555 m<sup>2</sup>)

**Proposed Zone Designation:** C-1, Community Commercial Zone (minimum parcel size: 555 m<sup>2</sup>)

**Parcel Size:** 1.5 ha (3.7 ac)

**Density:**

Existing: The parcel is currently vacant.

Proposed: No proposed change in density.

**ALR Status:** Not within the ALR

**Interface Fire Hazard Rating:** High, within the Windermere Rural fire protection area

**BC Assessment:** Business / Other (Vacant)

**Water and Sewer Services:** Community Water & Sewer

**Flood Hazard Rating:** N/A

**Professional  
Studies:**

None

**Additional  
Information:**

- This property has direct overlap with an area of archaeological potential. AOA Polygon ID: 25-36
- Covenant LB95233 is registered on the property title that states the Covenantor shall not subdivide nor construct or permit constriction of any structure until the Covenantor and Covenantee (Ministry of Transportation) have agreed to the design and constriction specifications of certain highway intersection works to be constructed at the intersections of Highway 93/95 and Cooper Road and Highway 93/95 and Athalmer Highway.
- Covenant LB139575 is registered on the property title that states that the lands will not be subdivided, built on, or used except in accordance with the following conditions:
  - The lands at all times must have no fewer than 26 parking stalls for the parking of vehicles in connection with the use of the Resort at Copper Point

- Parking stalls will be maintained in a tidy and safe condition and will ensure that the parking stalls and all vehicular and pedestrian access routes to and from the parking stalls are, at all times during the day and night, accessible and lit.
- The covenant will be discharged given that the Covenantor (RDEK) is satisfied the required parking stalls have been achieved on the lands of the Resort at Copper Point.

**Consultation:** Section 475 of the *Local Government Act* requires that local government consider the depth and breadth of consultation to be undertaken with persons or organizations that it considers may be affected by the proposed zoning amendment. Consultation completed to date for this amendment includes referral of the bylaw to the following organizations. In addition, there will be opportunity for discussion with the public prior to the commencement of the public hearing.

**APC Areas F & G:** Supported

**Referral Agencies:**

- **Interior Health Authority:** Interests Unaffected
- **Transportation & Infrastructure:** Interests Unaffected. The Ministry of Transportation and Infrastructure would like it to be noted that all commercial properties require a commercial access permit prior to operation.
- **Environment:** No comment to date
- **Ktunaxa Nation Council:** No arch concerns with the re-zoning of the subject property. There are arch concerns with the future development of the property. The property is entirely within a known/shared AOA polygon. These polygons indicate moderate to high potential for archaeological remains. The property owners should be aware, that an arch assessment will be required before any ground altering activity associated with the subject property.
- **Shuswap Indian Band:** No comment to date
- **School District No. 6:** No comment to date
- **Telus:** Interests Unaffected

**Documents  
Attached:**

- Bylaw
- Schedule A
- Location Map
- Land Use Map
- Zoning and OCP Designation Map
- Aerial Photo
- Proposal

**RDEK  
Contact:**

Brett Kormos, Planning Technician  
Phone: 250-489-0306  
Email: [bkormos@rdek.bc.ca](mailto:bkormos@rdek.bc.ca)

