

Request for Decision Bylaw Amendment Application

File No: P 722 506
Reference: Bylaw No. 3133
Date: May 2, 2022

Subject: Bylaw No. 3133 (Windermere East / HGK Holdings Ltd)
Applicant: HGK Holdings Ltd.
Agent: Global Raymac Land Surveying (Adam Brash)
Location: The subject property is located near the southeast side of the intersection of Cooper Road and Emerald E Frontage Road north of Windermere.
Legal: Lot A, District Lot 9561, Kootenay District, Plan NEP76483

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. 3133 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 383, 2022 (Windermere East / HGK Holdings Ltd)” be introduced.
2. THAT Bylaw No. 3133 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 383, 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

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.
- Support commercial development that offers year round or high quality seasonally appropriate services for residents, visitors and the traveling public.

**Property
Information -
cont'd:**

- 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 m²)

Proposed Zone Designation: C-1, Community Commercial Zone (minimum parcel size: 555 m²)

Parcel Size: 1.4 ha (3.5 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

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

**Consultation -
cont'd:**

- **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:** The property owner should be aware that there is an AOA, which indicted moderated to high potential archeology. Therefore, an arch assessment will need to be conducted by a professional consulting archaeologist before any ground alterations
- **Shuswap Indian Band:** Shuswap Band would like to receive an Archaeology review in the form of an Archaeology Impact Assessment. If not available, Shuswap will require a site visit in which to look at the area in which to conduct a site assessment and may require capacity funding.
- **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