

Request for Decision Bylaw Amendment Application

File No: P 719 223
Reference: Bylaw No: 2973 & 2974
Date: February 24, 2020

Subject: Bylaw No. 2973 & 2974 (Sweetwater – KV Properties Inc.)
Applicant: KV Properties Inc.
Agent: Ben Barrington Design Consultant
Location: McMorran Drive, Sweetwater
Legal: Part of Lot 2, DL 10348, Kootenay District Plan EPP14443

Proposal: To amend the OCP and zoning designation of part of the property to permit future subdivision. The proposed OCP designation change is from C, Commercial to R-SF, Residential Low Density and the proposed zoning designation change is from C-1, Mixed Use Village Commercial Zone to R-1(B), Single Family Residential – Medium Lot Zone.

Development Agreement: None.

- Options:**
1. THAT Bylaw No. 2973 cited as “Regional District of East Kootenay – Lake Koocanusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 4, 2019 (Sweetwater / KV Properties Inc.) be introduced;

And further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.
 2. THAT Bylaw No. 2974 cited as “Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 7, 2019 (Sweetwater / KV Properties Inc.) be introduced.
 3. THAT Bylaw No. 2973 cited as “Regional District of East Kootenay – Lake Koocanusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 4, 2019 (Sweetwater / KV Properties Inc.) not proceed;
 4. THAT Bylaw No. 2974 cited as “Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 7, 2019 (Sweetwater / KV Properties Inc.) not proceed.
 5. THAT Bylaws No. 2973 and No. 2974 be postponed pending confirmation from a qualified professional that the community wastewater treatment system is fully operational.

Recommendation: Options 5

The proposal is consistent with the current community vision. The remaining land zoned for commercial and multi-family dwellings can still be utilized to establish a viable village core.

OCP policies state that rezoning applications should be considered partially on the provision of community sewer servicing. Considering the community sewer system is still not operational despite previous information stating that it would be completed in 2019, confirmation of fully functioning and self-contained system is recommended before proceeding with further zoning approvals.

**Property
Information:**

Current OCP Designation: C, Commercial

Proposed OCP Designation: R-SF, Residential Low Density

OCP Policies:

- The overall maximum density for principal dwelling units shall not exceed 7.4 dwelling units per hectare within the Sweetwater Subarea.
- Subsequent rezoning applications for the Sweetwater Subarea will be considered on an individual basis in relation to the following criteria:
 - Consistency with the original development vision for the parcel reflecting a high density village concept design
 - Provision of community water and sewer servicing; and
 - Provision of approximately 150 recreational vehicle spaces, approximately 1/3 of which will be available for short-term rental (less than 14 days), and 2/3 of which will be available for full season ownership and use.
- Despite section 4.3(2)(a) parcels smaller than 0.4 ha in size are supported in the Sweetwater Subarea, consistent with the original development vision.
- Despite section 4.3(2)(b) parcels smaller than 1.0 ha in size along the shoreline of Lake Kooacanusa are supported in the Sweetwater Subarea, consistent with the original development vision.
- Commercial development in the Sweetwater subarea is directed to the village square adjacent to the south marina.

**Property
Information -
cont'd:**

Current Zone Designation: C-1, Mixed Use Village Commercial Zone (minimum parcel size: 300 m²)

Proposed Zone Designation: R-1(B), Single Family Residential – Medium Lot (minimum parcel size: 570 m²)

Parcel Size: 37.4 ha (92.4 ac)

Area under application: Approx. 3.0 ha (7.5 ac)

Density:

Existing: Vacant

Proposed: 26 residential lots

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Moderate, not within a fire protection area

BC Assessment: Residential (vacant)

Water and Sewer Services: Community Services. The community water system has been in operation since 2012. The wastewater sewermain components and lift stations are operational, but numerous damaged components have been discovered and replacement parts have been ordered. Currently sewage is pumped and hauled to an off-site treatment facility. The community sewerage system is scheduled to be fully operational by the end of February 2020.

The engineer for the community systems has stated that the current water and sewer systems have sufficient capacity to service the proposed lots.

Flood Hazard Rating: The proposed lots are adjacent to Lake Koocanusa. Flood regulations will apply to development.

**Professional
Studies:**

None

**Additional
Information:**

- The application states that the owners do not believe the amount of existing commercial land is required to produce a viable and functional commercial hub for the area. They do believe that the land around the south marina is the most appropriate location for a commercial hub with the opportunity for higher density residential uses. Therefore, while still keeping an area of land zoned commercial they wish to rezone a portion from commercial to residential.
- The attached master plan shows the direction that the owner is wishing to pursue. The application states that the plan does not seek to maximize density but does allow for multi-family product in the latter stages of the development. Commercial uses are envisioned to be largely seasonal and as such would not be capable of being financially viable on a year-round basis. The owners see some limited commercial uses that would be sustainable year round once adequate build out is achieved, but the majority of commercial uses would likely operate for 5 to 6 months per year, in the warmer months.

**Additional
Information -
cont'd:**

- Covenant CA2620464 registered on the subject property restricts use of the land to a parent parcel upon which a future bare land strata will be registered. Any use of the property for residential, commercial or industrial purposes is prohibited until servicing is provided in accordance with the requirements of the subdivision servicing bylaw.

Consultation: **APC Area B:** Support, subject to covenant registration to ensure the sewage system is fully operating before the APC will entertain any further development at Koocanusa Village.

Referral Agencies:

- **Interior Health Authority:** Interests unaffected.
- **Transportation & Infrastructure:** Interests unaffected
- **Environment:** No comments.
- **Ktunaxa Nation Council:** Approximately half of Area 2 falls within Arch potential polygon overlap. There are also registered Arch sites within 1 km of the proposed development. There needs to be a proper arch assessment done.
- **School District No. 5:** No response.
- **Telus:** No response.
- **Crown Land Authorization:** No response.

**Documents
Attached:**

- Amending Bylaws
- Location Map
- Land Use Map
- OCP Map
- Zoning Map
- Proposal
- Current Master Plan
- Aerial Photo

**RDEK
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