



REGIONAL DISTRICT OF CENTRAL KOOTENAY

Memo to General Manger of Development Services

Date of Memo: September 16, 2020
Author: Tamara Dale, Planner
Subject: DEVELOPMENT PERMIT (Halcyon Heights Estates Ltd – 5770 Highway 23)
File: 09/4260/20/2020/DP2002K-01000.155-Halcyon_Heights-DP000099

Owner	Halcyon Heights Estates Ltd
Civic Address	5770 Highway 23, Halcyon, BC
Legal Description	DISTRICT LOT 100 KOOTENAY LAND DISTRICT EXC (1) PCL 1 (SK PL 4614I) & (2) PLS 9709, 17137, 17948, NEP23675, NEP61860, NEP83283 & NEP85242
PID	008-191-042
Lot Size	46.1 hectares (114.09 acres)

PROPOSAL:
<p>The Development Permit relates to the development of a campground, including ground works and landscaping to create 20 campsites (10 serviced by power and non-potable water and 10 without electricity); a Mixed Use Development comprising caretaker’s dwelling and two self-contained tourist accommodation units; garage; and two washrooms.</p> <p>The development subject of the Permit has already begun, and a Building Permit for the garage has been submitted.</p> <p>The development is consistent with all the guidelines except the one which states that “particular emphasis be given to landscaping and the retention of natural vegetation”. In fact, particular emphasis has been given to not retaining natural vegetation. However, given the limitations of the legislation in compelling a better outcome here, Staff recommend it be approved.</p>

Electoral Area	K
Development Permit Area	Resort Commercial

Guidelines	Meets?	Comments
Development proposals shall be articulated in a detailed development plan.	Yes	The Applicant has provided a Site Plan indicating the arrangement of each campsite within the property boundaries, as well as the siting of the washrooms, garage, and Mixed Use building.

		A Layout Plan has also been provided showing the general layout and landscaping for each camp site.
Buildings and structures should be sited and shaped in a manner as to be visually unobtrusive and aesthetically pleasing.	Yes	The proposed buildings comprise a Mixed Use building, garage, office, and two washrooms interspersed throughout the site. These buildings have been designed to utilize similar materials, features, and form, and are considered to be visually interesting and aesthetically pleasing. The siting of the buildings has also considered the topography of the site to ensure that they are set back from public vantage points and remain unobtrusive from wider landscape view. The siting of the proposed buildings is therefore considered acceptable.
The shape, siting, roof line and exterior finish of buildings should be sufficiently varied to avoid a monotonous appearance.	Yes	The proposed buildings have been designed to provide visual interest through the use of contrasting materials, varying roof lines, and other design features. The buildings are therefore considered to encompass visual interest and relief, avoiding a monotonous appearance. The design, form and appearance of the buildings is therefore considered acceptable.
A residential component located above commercial development is encouraged.	Yes	The proposal includes a three storey Mixed Use building which is to be utilized as two self-contained AirBnB units on the first and third floors, with the second floor utilized as a dwelling unit.
Parking should be in small clusters, screened from view from internal and adjacent residential uses and adjacent streets.	Yes	Each campsite includes a dedicated parking area. While sporadic trees are present within the property, which would screen some of the parking areas, the majority of the camp sites would retain a degree of openness, only screened from view by low fencing or rock walls. As such, most parking areas would still be perceptible from within the development site. However, given the nature and interconnectedness of the campsite use, it is not considered that the harm arising from these views would be so severe to cause significant concern. The topography of the site results in the majority of the development site being raised above the

		<p>adjacent street, with the banked areas self seeded and encompassing some sporadic tree cover. In addition, the property boundaries comprise mature vegetation which enables only intermittent views of the development site. On this basis, it is not considered that the resulting parking areas would be overtly visible from public vantage points or along the street scene.</p>
<p>Particular emphasis should be given to landscaping and the retention of natural vegetation. Landscaping and screening shall comply with the requirements of any applicable zoning bylaw.</p>	<p>No</p>	<p>From discussion with the Applicant, the property has been subject of previous selective logging, with a recent windstorm resulting in a high loss of trees within the site. The Applicant has outlined that the remaining vegetation would be retained, with the banked areas to be self-seeded (as evidenced at the most recent site visit). This loss of vegetation has resulted in a sense of openness throughout the development site, which although desirable to the Applicant, does impact the rural character and natural environment.</p> <p>Each campsite would be landscaped with a paved area around the picnic bench, along with a mix of post fencing and rock walls to define the boundaries of each site. No further planting or soft landscaping is proposed within the campsites or the campground as a whole.</p> <p>A request to provide a Landscape Plan to secure additional planting throughout the development site was declined by the Applicant.</p> <p>The Resort Commercial Development Permit Area is designated pursuant of Section 488(1)(f) of the Local Government Act. This establishes objectives for the form and character of commercial, industrial or multi-family residential development.</p> <p>Section 491(8) of the Local Government Act states that <i>“for land within a development permit area designated under section 488(1)(f), a development permit may include requirements respecting the character of the development...but only in relation to the general character of the development and not to particulars of the landscaping or of the exterior design and finish of buildings and other structures.”</i></p>

		<p>It is recognized that the development has given limited consideration to landscaping and the natural environment, and this has cumulatively resulted in the erosion of the defining characteristics and environmental quality of the subject property; while subsequently resulting in the loss of the intrinsic natural features that define and reinforce the character of the locality.</p> <p>While this is against the intention of the relevant guideline, it is however recognized that the aforementioned provisions of the LGA dictate that the Regional District may only consider the general character of the development, and not the particulars of the landscaping.</p> <p>There is however the necessity to consider the landscaping requirements as found within the relevant zoning bylaw. Sections 622(3) and 622(4) of Electoral Areas F, I, J and K Zoning Bylaw No. 1675, 2004 are of particular relevance. These require consideration of landscaping around off-street parking areas, and between commercial and residential zoned properties. Following the site visit, the proposed fencing would meet the minimum height requirement, with existing mature vegetation providing a buffer strip as required. The landscaping is therefore considered to comply with these regulations.</p> <p>The extensive clearing and grading that has occurred to create roads and campsites has resulted in a significant loss of natural vegetation. This could be mitigated with landscape restoration works to re-introduce native species of plants. However, the applicant has refused Staff's request to undertake this work, preferring instead to maintain this stark and sterile aesthetic.</p>
<p>Landscaping along the street should be established so that it is sympathetic to the neighbourhood.</p>	<p>Yes</p>	<p>No alterations are proposed to the existing landscaping along the frontage of the site. The existing vegetation is considered to reflect and reinforce the rural character and visual amenity of the surroundings.</p>
<p>The development of new structures may require a geotechnical report prepared by a Professional Engineer.</p>	<p>Yes</p>	<p>The land does not appear to be a potential Slide Area, and is not designated as a Non-Standard Flooding and Erosion Area. While the land has</p>

<p>The Report shall address potential impacts to existing services and the natural environment with particular emphasis on potential impacts to water resources.</p>		<p>been partially cleared to facilitate the development, there does not appear to be any evidence that would suggest the land is at risk. For this reason, and having discussed with the Building Services Manager, it is not considered that a Geotechnical Report would be required at this stage.</p>
<p>Community water and sewer are required for larger developments.</p>	<p>Yes</p>	<p>The Applicant outlines that non-potable water would be made available at each site, and labelled accordingly, with a septic system including two septic fields constructed for the Camp Sites and Washrooms. Bottled water will also be available to purchase. The Applicant has provided a letter and septic plans for the proposed development which confirm this.</p> <p>These details would be subject of approval by Interior Health, but are considered meet the requirements of the guideline at this stage.</p>
<p>Signage should be low, visually unobtrusive and grouped wherever possible. Particular emphasis should be given to signage which is aesthetically pleasing and requires a minimal amount of lighting and boldness to be effective. Lighting should be unobtrusive and in scale with the surroundings.</p>	<p>Yes</p>	<p>No signage or lighting is proposed at this time.</p>

<p>Zoning</p>	<p>Tourist Commercial (C3)</p>
<p>OCP</p>	<p>Tourist Commercial (C2)</p>
<p>ALR</p>	<p>N/A</p>
<p>Floodplain</p>	<p>Flood Construction Level: 1.5m Flood Setback: 15m</p>
<p>NSFEA</p>	<p>N/A</p>
<p>Geohazard</p>	<p>N/A</p>
<p>Archeology Sites</p>	<p>No</p>
<p>Within RDCK Water System</p>	<p>No</p>
<p>Relevant Covenants and Reports</p>	<p>None pertinent</p>
<p>Review Title for Miscellaneous Charges</p>	<p>None pertinent</p>

<p>REFERRAL COMMENTS:</p>	
<p>Interior Health – May 11 2020</p>	<p>It is unclear whether the existing sewerage system can support the proposed construction. It is recommended that the Applicant provide documentation to support that the proposed construction will not</p>

	<p>conflict with the existing on-site sewage disposal system and can handle the addition flow from the proposed construction if so intended. If no such documentation is readily available, it is recommended that the Applicant retain the services of an Authorized Person under the Sewage System Regulations to produce evidence that no such conflict will occur.</p> <p>With regards to drinking water, it is recommended that the Applicant provide further information on how they intend to provide potable water to the development and users.</p>
Ministry of Transportation and Infrastructure – June 04 2020	The proposed development will require a Commercial Access Permit to Highway 23. The confirmation of the access and any alterations to it will need to be confirmed by the Ministry before the development is open to the public.

Respectfully submitted,



Tamara Dale
Planner

CONCURRENCE

Initials:

Planning Manager
General Manager of Development Services

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ATTACHMENTS:

Attachment A – Development Permit