



Development Services  
**COUNCIL REPORT**

**TO:** Mayor and Council **DATE:** May 1, 2019  
**FROM:** A. Krause, Manager of Planning Services  
**SUBJECT:** **Zoning Amendment Application No. RZ-19-02**  
**Zoning Amendment Bylaw No. 211, 2019**  
District lot 3854, KDYD, except Plans 7371 & 13434, PID: 013-216-058 **“Property”**  
429 Haywood Road (Chambers)

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**RECOMMENDATIONS:**

1. That Zoning Amendment Bylaw No. 211, 2019, be introduced and read a first time, by title only.
2. That Zoning Amendment Bylaw No. 211, 2019, be read a second time and be taken to a Public Hearing in conjunction with a regular Council meeting.

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A. KRAUSE, MCIP  
Manager of Planning Services

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Approved for  
Council Consideration  
CAO

**SUMMARY:**

The owners of 429 Haywood Road have applied to rezone a 7.5 ha portion of the larger 50 ha subject Property from *RL-1: Rural* to *C-4: Recreational Commercial* to permit traveller accommodation use. The owners are proposing to construct 10 one and/or two-bedroom cabins to be used year round as vacation rentals. In addition (over the longer term), the applicants wish to construct a small tea house for guests staying at the cabins. The RL-1 portion of the property will continue to be used for rural residential.



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Staff support the proposed rezoning but recommend that a site-specific amendment be added limiting traveler accommodation use to a maximum of 15 tourist cabins, and allowing for one tea house in the C-4 portion of the Property. No other *principal uses* in the C-4 would be permitted, but accessory uses (accessory buildings, and one caretaker dwelling unit) would still be permitted. This is to ensure that the scale of development remains in line with the OCP and is appropriate for the rural setting.

## BACKGROUND:

- **Location** 429 Haywood Road
- **Present zoning / use** *RL-1: Rural*
- **Proposed zoning / use** *RL-1: Rural (42 ha) & C-4: Recreational Commercial (7.5 ha)*
- **OCP Designation** *Rural Resource*
- **Lot area** 50 ha (122 acres) – 7.5 ha of which are proposed for rezoning
- **Application date** March 21, 2019

## Site Description/History

The Property is located at 429 Haywood Road. It is 50 ha in area, zoned *RL-1: Rural* and is largely vacant. There is one existing residential dwelling in the southeastern corner of the property. The southern third of the property is relatively flat. In the centre of the property is a steeper slope and then it flattens out into a bench along the northern boundary. There is a small creek running through the southwest corner of the land.



Adjacent lots to the south and east are zoned *CR-1: Country Residential* with rural residential uses. To the west is *RL-1: Rural* zoned residential and to the north is managed community forest and woodlands.

The Property was previously the subject of two subdivision applications. In 1994, a 4-ha lot at the southern end of the Property was successfully subdivided off. In 2007, another subdivision application was submitted but was never completed.

### Proposed Development / Zoning

The applicants are proposing to rezone a 7.5 ha (18.5 acres) portion of the larger 50 ha (123 acre) Property from *RL-1: Rural* to *C-4: Recreational Commercial* to enable traveler accommodation use in the form of 10 one- and two-bedroom cabins. The cabins would be situated in a wooded area overlooking a lavender field and would be rented out year-round. In addition, the owners are proposing (over the long term) to construct a small tea house where they could provide refreshments and light snacks to guests staying at the cabins. Finally, if the rezoning is approved, the owners propose to convert the existing dwelling (located on the portion of the property proposed for C-4 zoning) into a cabin for rent and build a new home on the RL-1 zoned portion of the property.



### PLANNING CONSIDERATIONS:

#### Official Community Plan (OCP)

The subject property is designated *Rural Resource* in the District of Clearwater OCP. The *Rural Resource* designation is intended for lands located outside of the urban core that will preserve large lot rural residential development on the unserved periphery of the municipality. The Rural Resource designation does not specifically mention commercial as an allowable use. However, Policy (i) under the OCP's Commercial section 5.4 makes an exception for certain types of commercial to be located in areas designated as Rural Resource (see below).

#### ***Policy (i), Commercial Designation:***

*Despite not being designated Commercial on Land Use Strategy map 1, Council can consider zoning for localized smaller commercial undertakings – existing or future – in areas designated Rural Resource. Such cases may not require an OCP amendment; however, this is provided such commercial use is appropriate to the rural or residential*

*context and the undertaking does not undermine existing commercial core areas (i.e. draw customers as a destination retail outlet).*



In this case, the applicants feel that their proposal is in line with the OCP in that the proposed use is reliant on maintaining the rural feel of the property. They do not believe that it would impact existing commercial core areas as they intend to market to a specific clientele looking for a different type of tourist accommodation experience with a higher price point. The proposed use will not include retail commercial which the OCP directs to existing commercial core areas.

Staff agree that the proposed commercial enterprise (cabin rental) is appropriate for a rural location and note that there is already a similar commercial enterprise zoned C-4 on Barber Road which rents out cabins seasonally. Given the scale and type of commercial use (up to 15 rental cabins and a small tea house), the proposed amendment is considered to be consistent with OCP policy. Council can require an OCP amendment and additional consultation if it believes that this proposal is not a “localized smaller commercial undertaking” as described in Policy 5.4(i).

## Zoning

The portion of the Property proposed for *C-4: Recreational Commercial* zoning would meet the required minimum lot size of 1 ha (2.5 ac) for a lot not serviced by a community water system or a community sanitary sewer system. The portion of the Property that will remain zoned *RL-1: Rural* also meets the minimum lot size of 4 ha.

Under the C-4 zone there is a maximum lot coverage of 40% but no other density limit to the number of units. As a result, the large area proposed for C-4 could, by zoning, potentially accommodate upwards of 80 to 100 or more cabins (topography, setbacks and other factors notwithstanding). Development on that scale would not be considered appropriate in the rural context and would go against OCP policy – that would be supportable in a commercial area but not a rural neighbourhood. For that reason staff are recommending that a site specific amendment be included which would limit the number of cabins permitted on the C-4 portion of the lot to no more than 15, and allow for a tea house. If the owner wishes to expand further in the future, they can apply to Council for another zoning amendment (and likely OCP amendment) with new public input process.

## Utilities

In accordance with *Subdivision and Development Servicing Standards Bylaw No. 168*, the Property is located in service level area 3. As the development is located more than 150m from the District's sewage collection system, connection to the District's sanitary sewer system is not required, but certification from a qualified professional stating that an onsite sewage treatment and disposal system that fully complies with Provincial standard is feasible is required. The applicant has provided a letter from a Registered On-site Wastewater Practitioner certifying that the property of sufficient size to accommodate a commercial size waste water disposal system and a reserve area for a replacement.

A private water supply system will also be required. The nearest connection to the District water system is located more than 500m away and it is therefore not feasible to require a connection in this case.

## Riparian Areas Regulation

A small creek running through the southwestern corner of the Property is within Development Permit (DP) Area 2: Riparian Areas Regulation (RAR) as outlined in Section 7.4 of the OCP. This is not within the area proposed to be rezoned. A DP is therefore not required as part of this rezoning.

Should the owner wish to develop that portion of the Property in the future, they will be required to submit a Development Permit Application.

### **Hazard Lands**

According to the OCP Hazard Lands map, there are slopes greater than 30% running through the center of the property in an east/west orientation. These lands do not appear to be within the site proposed for rezoning and development. However, if there is any question as to the safety of the site proposed for development, the building inspector may require that a geotechnical report from a professional engineer or geoscientist be submitted prior to building permit approval.

### **Building**

There is one Building Permit on file for an addition to the existing dwelling. This was given final occupancy. There is no Permit on file for the construction of the original dwelling. The Building Inspector has no issue with the proposed cabins but has outlined some of the Building Code requirements for their construction (see referrals section below).

### **REFERRALS AND LIAISON:**

- **Ministry of Transportation and Infrastructure** has no objections to the proposal but indicates that, in accordance with section 52 of the *Transportation Act*, formal bylaw approval by MoTI is required prior to final adoption.
- **Interior Health (IH)** has indicated that the proposed accommodation would require a sustainable sewer system and a safe drinking water supply system. IH further encourages the expansion of existing larger water systems rather than creating small water systems. Finally, IH encourages the promotion of healthy lifestyles as part of this development.
- **District Public Works** has indicated that their interests are unaffected by this proposal.
- **District Fire Chief** has provided the following comments:
  - Ensure that the road access serving the proposed cabins is wide enough to support Fire Apparatus.
  - Ensure that an area is available for the staging of emergency operations which can accommodate the placement and maneuvering of larger vehicles.
  - As there is no fire hydrant in the vicinity, water shuttling operations would be necessary in the event of a fire.

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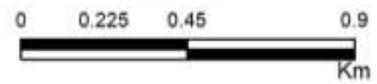
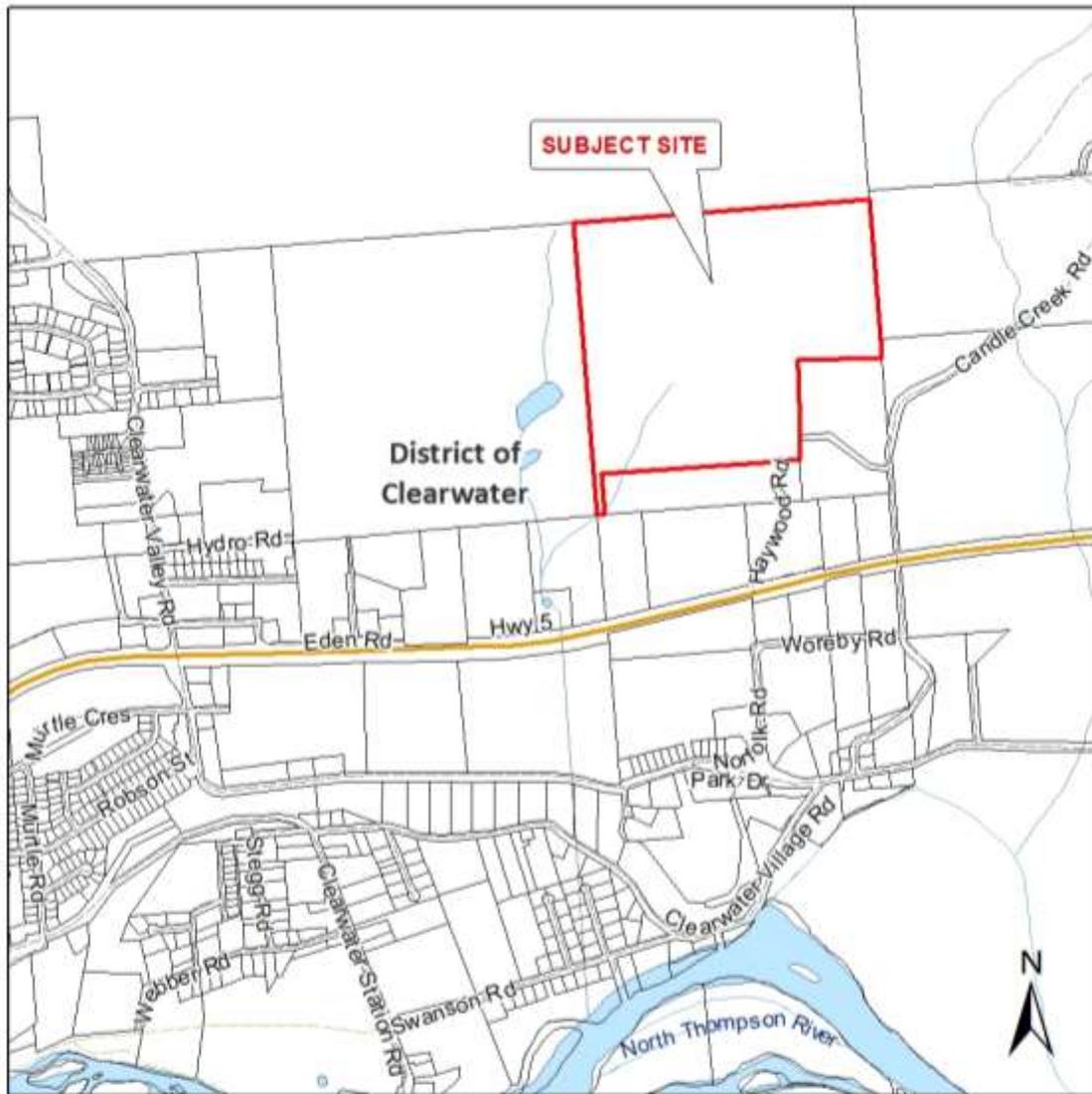
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- **Building Inspection Services** has the following comments:
  - Separate TNRD Building permits are required for all new structures on the property
  - As the cabins are proposed to be used year-round, they will have to meet all the Building Code requirements for a Single-Family Dwelling including the energy efficiency, heating and mechanical ventilation requirements
  - Home Warranty (HPO) approval from BC Housing is required for each dwelling (cabin) or a written exemption from BC Housing may be possible
  - Existing house on the property will require full certification from BC Registered Professionals to meet current BC Code including HPO approval if a valid and completed TNRD Building Permit is not found on record
  - Minimum Spatial Separation is estimated to be at least 5 metres between buildings to allow for a minimum of 7 percent glazing on exposed building faces
  - Full Structural engineering and a report from a Certified Energy Advisor is required for any log buildings
  - Architectural, Structural and/or Geotechnical engineering may be required depending on building(s) design/construction/materials and the property's existing soils/slopes/topography
  - Design and approvals for sewage disposal and water supply system(s) for the development are required to be submitted for building permits

**List of Attachments:**

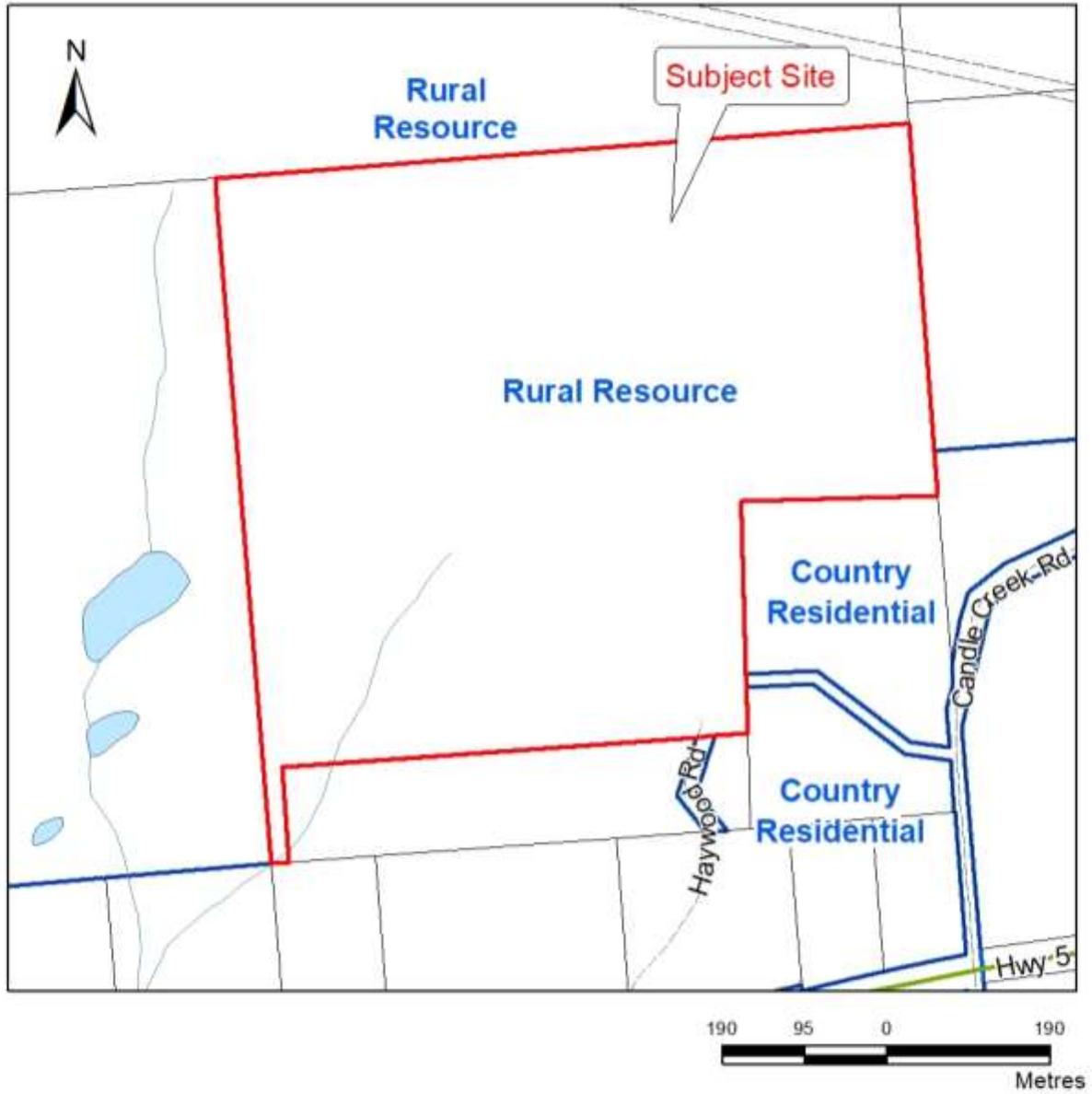
- Location Map
- Official Community Plan Designation Map
- Zoning Map
- Aerial Photo
- Site Plan submitted by Applicant
- Letter dated March 08, 2019 from OnCall
- Zoning Amendment Bylaw No. 211, 2019

REZONING APPLICATION RZ-19-02  
Location



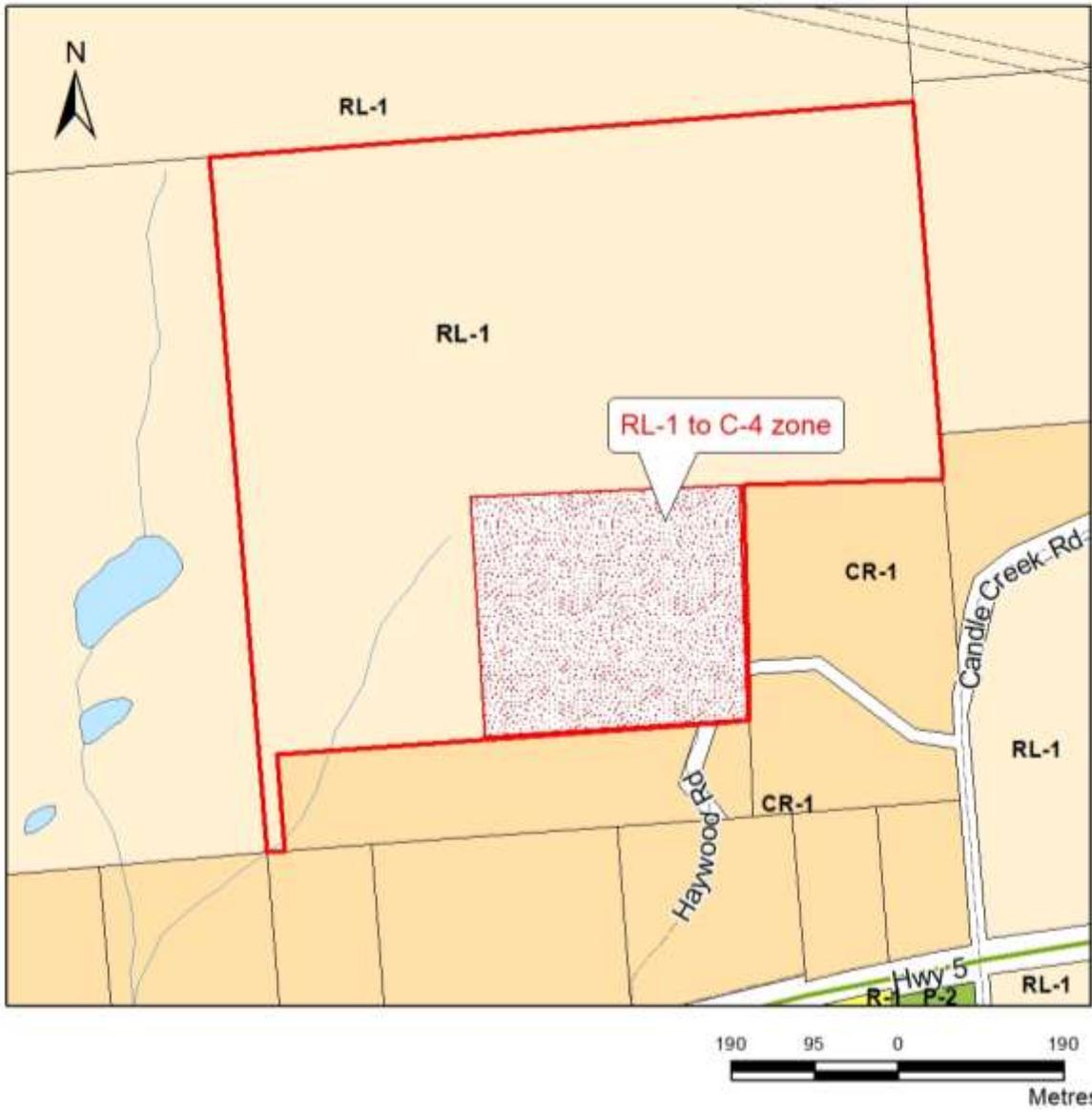
Rezoning Application RZ-19-02

Official Community Plan Designation



Rezoning Application RZ-19-02

Zoning





Subject Property

RL-1  
(~42 ha)

Area Proposed for  
C-4 zone  
(~7.5 ha)

HAYWOOD RD

CANDLE CREEK RD

# Site Plan submitted by Applicant



679692 B.C. LTD. dba



- ✓ HEAVY DUTY TOWING & CERTIFIED TRAFFIC CONTROL
  - ✓ CONSTRUCTION, DEMOLITION & RENO'S, READY MIX CONCRETE
  - ✓ PLUMBING & PORTABLE TOILET RENTALS
  - ✓ SEPTIC INSTALLATION & PUMPING, WELL INSTALLATION
  - ✓ WATER COMPACTION, DUST CONTROL, FIRE SUPPRESSION, WATER HAULING
  - ✓ EXCAVATION & BOBCAT SERVICES
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Date: March 08 / 2019

429 Haywood Rd, Clearwater BC

Legal Description:  
DL 3854 EXC PLS 7371 & 13434

District lot:  
3854

Land District:  
KDYD

To Whom it may Concern,

The above noted property is of sufficient size to withstand a commercial size waste water disposal system, and a reserve area for a replacement waste water area. There are no encroachments on any waterworks, neighboring wells, ponds, lakes, rivers, or creeks.

Thank you,

Ron Rotzetter  
ROWP

