

### Voting Rules

Unless otherwise indicated on this agenda, all Directors have one vote and a simple majority is required for a motion to pass.

### Who Votes      Count

- 1. Call to Order**
  - 1.1 Presentation: Lionel Parent, Operations Maintenance Worker – 10 Years of Service
  - 1.2 Presentation: Shaun Thompson, GIS Technician – 10 Years of Service
- 2. Addition of Late Items**
- 3. Adoption of the Agenda**
- 4. Adoption of the Minutes**
  - 4.1 July 5, 2019 Meeting
- 5. Delegations**
  - 5.1 Bob Miller, Cory Lepine, and Andrea van Iterson, BC Association of Cattle Feeders re: Livestock Emergency Response Trailer – *item 8.1*
  - 5.2 Robin Wesman re: Herbicide and Pesticide Use – *item 8.2*
- 6. Correspondence**
  - 6.1 Ministry of Agriculture – Residences in the Agricultural Land Reserve
  - 6.2 Town of Ladysmith – Provincial Support for Libraries
  - 6.3 Wings Over The Rockies Festival – Letter of Thanks (CBT)
  - 6.4 BC Transit – Low Carbon Fleet Program
  - 6.5 Union of BC Municipalities – Gas Tax Agreement Community Works Fund Payment
- 7. Unfinished Business**
- 8. New Business**
  - 8.1 Livestock Emergency Response Trailer – Request from BC Association of Cattle Feeders
  - 8.2 Herbicide & Pesticide Use – Request from Robin Wesman
- 9. Committee Recommendations**
  - Electoral Area Services Committee
  - Governance & Regional Services Committee
  - Planning & Development Services Committee
  - Columbia Valley Services Committee

*Revised*

## 10. Bylaws

*Revised*

- 10.1 Bylaw No. 2942 – Security Issuing Bylaw (District of Elkford) – *Three Readings and Adoption* All Directors, Weighted (Adoption 2/3)

## 11. Planning Bylaws

Section 11 Voting Rules: All Directors Majority (except Elkford) unless otherwise indicated

- 11.1 Bylaw No. 2926 – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Amendment Bylaw (Miscellaneous Amendments / RDEK) – *Adoption*
- 11.2 Bylaw No. 2927 – South Country Zoning & Floodplain Management Amendment Bylaw (Miscellaneous Amendments / RDEK) – *Adoption*
- 11.3 Bylaw No. 2932 – Public Hearing Report
- 11.4 Bylaw No. 2932 – Elk Valley Zoning Amendment Bylaw (Dicken Road / Kramer) – *Third Reading*
- 11.5 Bylaws No. 2933 and No. 2934 – Public Hearing Report
- 11.6 Bylaw No. 2933 – Panorama Mountain Village Official Community Plan Amendment Bylaw (Panorama / Marshall & Beaudry) – *Third Reading*
- 11.7 Bylaw No. 2934 – Upper Columbia Valley Zoning Amendment Bylaw (Panorama / Marshall & Beaudry) – *Third Reading*
- 11.8 Bylaw No. 2936 – Public Hearing Report
- 11.9 Bylaw No. 2936 – Upper Columbia Valley Zoning Amendment Bylaw (Edgewater / Full Circle Automotive Inc.) – *Third Reading and Adoption*

## 12. Late Agenda Items

## 13. Reports from Directors

Director Walter

- Kootenay Booth Organizing Committee
- Municipal Insurance Association

Director Sosnowski

- Elk River Alliance Steering Committee
- Environmental Assessment Working Groups – Bingay Main Coal/Fernie/Michel Creek Coking Coal
- Fernie Tourism Master Plan Task Force
- Solid Waste Management Plan Review Advisory Committee – Elk Valley

Director Wilkie

- Kootenay Conservation Program Committee
- Solid Waste Management Plan Review Advisory Committee – Columbia Valley

Director Reinhardt

- AFN Recreation Facility Steering Committee
- Ktunaxa / Kinbasket Local Government Treaty Advisory Committee

Chair Gay

- Highway 3 Mayors' and Chairs' Coalition
- Key City Theatre Upgrade Committee
- Municipal Finance Authority
- Regional Broadband Committee

**Reports from Directors** (continued)

Director Clovechok

- Columbia Valley Visitor Services Committee
- Imagine Kootenay Steering Committee

Director McCormick

- Columbia Basin Rural Development Institute Advisory Committee
- Columbia Basin Trust

Director Qualizza

- Southern Interior Development Initiative Trust – Kootenay Columbia Regional Advisory Committee

Director Doehle

- Canadian Columbia River Local Government Committee
- Columbia Basin Regional Advisory Committee
- Solid Waste Management Plan Review Advisory Committee – Central

**14. Adjourn to Closed**

**COMMITTEE MEETING SCHEDULE**

**Thursday, August 1, 2019**

- 2:30 pm Electoral Area Services Committee – Open & Closed
- 3:00 pm Governance & Regional Services Committee
- 4:00 pm Planning & Development Services Committee
- 6:15 pm Columbia Valley Services Committee

**NEXT MEETINGS**

**Committee Meetings**

Thursday, September 5, 2019  
Time: TBA

**RDEK Board of Directors**

Friday, September 6, 2019  
Time: 9:00 am

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE REGIONAL DISTRICT OF EAST KOOTENAY HELD AT THE REGIONAL DISTRICT OFFICE IN CRANBROOK BC ON JULY 5, 2019**

**PRESENT**

Chair Rob Gay	Electoral Area C
Director Mike Sosnowski	Electoral Area A
Director Stan Doehle	Electoral Area B
Director Jane Walter	Electoral Area E
Director Susan Clovechok	Electoral Area F
Director Gerry Wilkie	Electoral Area G
Director Lee Pratt	City of Cranbrook
Director Wesly Graham	City of Cranbrook
Director Ange Qualizza	City of Fernie
Director Don McCormick	City of Kimberley
Director Dean McKerracher	District of Elkford
Director Allen Miller	District of Invermere
Director David Wilks	District of Sparwood
Director Karl Sterzer	Village of Canal Flats
Director Clara Reinhardt	Village of Radium Hot Springs

**STAFF**

Shawn Tomlin	Chief Administrative Officer
Shannon Moskal	Corporate Officer
Connie Thom	Executive Assistant (Recording Secretary)

The meeting was called to order at 9:00 am.

Chair Gay presented a 10-year service award to Debbie Renaud, Deputy Chief Financial Officer.

Director Clara Reinhardt attended the Columbia Lake Recreation Centre Grand Opening on behalf of the Regional District of East Kootenay and was presented with the Grizzly Bear Donation Sponsorship.

**ADOPTION OF THE AGENDA**

48584  
Agenda

MOVED by Director Graham  
SECONDED by Director Sosnowski

THAT the agenda for the RDEK Board of Directors meeting be adopted.  
CARRIED

**ADOPTION OF THE MINUTES**

48585  
Minutes

MOVED by Director Wilkie  
SECONDED by Director Sterzer

THAT the Minutes of the RDEK Board of Directors meeting held on June 7, 2019 be adopted as circulated.

CARRIED

**INVITED PRESENTATIONS & DELEGATIONS**

**Rachael Roussin**, Program Coordinator, Kootenay and Boundary Farm Advisors, provided an update on the Kootenay and Boundary Farm Advisors three-year pilot program. Ms. Roussin noted the focus of the program is to provide one-on-one support to improve agricultural production and efficiency by helping find solutions to farm-specific production issues, coordinating educational events and connecting producers to information.

**ELECTORAL AREA SERVICES COMMITTEE  
RECOMMENDATIONS**

48586  
DGIA  
Approved

MOVED by Director Gay  
SECONDED by Director Clovechok

THAT the following discretionary grants-in-aid be approved:

Recipient	Area C	Area F	Area G	Total
Columbia House Enhancement Society – Columbia House Community Healing Garden		\$2,500	\$1,000	\$3,500
Columbia Valley Arts Council – 2019 Mountain Mosaic Festival of the Arts		\$300	\$200	\$500
Columbia Valley Food Corridor Association – Columbia Valley Food and Farm Guide		\$750	\$500	\$1,250
Pine Ridge Roping Club – Wycliffe Exhibition Grounds Arena Footing 2019	\$7,000			\$7,000

CARRIED

48587  
APC/EAAC  
Travel Expense Policy

MOVED by Director Doehle  
SECONDED by Director Walter

THAT the Advisory Planning Commission and Electoral Area Advisory Commission Vehicle Travel Expense Policy be amended by changing the vehicle travel expense rate to the per kilometer rate approved by Canada Revenue Agency.

CARRIED

48588  
Bylaw 2931  
Introduction

MOVED by Director Wilkie  
SECONDED by Director Clovechok

THAT Bylaw No. 2931 cited as “Regional District of East Kootenay – Edgewater Sewer System Regulation and Fee Bylaw No. 1626, 2002 – Amendment Bylaw No. 3, 2019” be introduced.

CARRIED

48589  
DGIA  
CV Food Corridor

MOVED by Director Wilkie  
SECONDED by Director Clovechok

THAT the Electoral Area G Discretionary Grant-in-Aid awarded to the Columbia Valley Food Corridor Association – Columbia Valley Food and Farm Guide be increased to \$750.

CARRIED

48590  
Maus Creek Road  
Notice on Title

MOVED by Director Gay  
SECONDED by Director Walter

THAT a Notice on Title be placed on the property legally described as Lot 6, Plan NEP723, District Lot 310, Kootenay District, 7971 Maus Creek Road in the Fort Steele area, for contravention of RDEK bylaws resulting from failure to obtain required inspections and permit renewals, and failure to construct a structure as per the BC Building Code.

CARRIED

48591  
Hidden Valley Road  
Notice on Title

MOVED by Director Gay  
SECONDED Director Walter

THAT a Notice on Title be placed on the property legally described as Lot 4, Plan NEP12334, District Lot 5590 Kootenay District, 5586 Hidden Valley Road in the Hidden Valley area, for contravention of RDEK bylaws resulting from failure to obtain required inspections.

CARRIED

**ELECTORAL AREA SERVICES COMMITTEE  
RECOMMENDATIONS (continued)**

48592  
Cunliffe Road  
Notice on Title

MOVED by Director Clovechok  
SECONDED by Director Doehle

THAT a Notice on Title be placed on the property legally described as Lot 2, Plan NEP71722, District Lot 4139 Kootenay District, 6161 Cunliffe Road in the Fernie area, for contravention of RDEK bylaws resulting from failure to obtain required permit renewals, inspections, and from occupying a structure without an approved occupancy inspection.

CARRIED

48593  
Sherlock Road  
Notice on Title

MOVED by Director Gay  
SECONDED by Director Clovechok

THAT a Notice on Title be placed on the property legally described as Lot 1, Plan NEP59375, District Lot 2567 Kootenay District, Sherlock Road in the Spillimacheen area, for contravention of RDEK bylaws resulting from failure to obtain required building permits and inspections for multiple structures.

CARRIED

48594  
Skook. Mtn Service Rd  
Notice on Title

MOVED by Director Walter  
SECONDED by Director Clovechok

THAT a Notice on Title be placed on the property legally described as Block C, District Lot 13081 Kootenay District, Skookumchuck Mountain Forest Service Road in the Skookumchuck area, for contravention of RDEK bylaws resulting from failure to obtain required permits and inspections.

CARRIED

48595  
Dempsey Road  
Notice on Title

MOVED by Director Doehle  
SECONDED by Director Walter

THAT a Notice on Title be placed on the property legally described as Lot 1, Plan NEP80791, District Lot 5806 Kootenay District, 7770 Dempsey Road in the Jaffray area, for contravention of RDEK bylaws resulting from failure to obtain required inspections and permit renewals.

CARRIED

48596  
Baynes Lake North Rd  
Notice on Title

MOVED by Director Doehle  
SECONDED by Director Clovechok

THAT a Notice on Title be placed on the property legally described as Lot 16, Plan NEP7137, District Lot 6235 Kootenay District, 395 Baynes Lake North Road in the Baynes Lake area, for contravention of RDEK bylaws resulting from failure to obtain required inspections.

CARRIED

48597  
Westview Road  
Notice on Title

MOVED by Director Gay  
SECONDED by Director Walter

THAT a Notice on Title be placed on the property legally described as Lot 25, Plan NEP81119, District Lot 10321 Kootenay District, 2963 Westview Road in the Cranbrook area, for contravention of RDEK bylaws resulting from failure to obtain required inspections and permit renewals.

CARRIED

**ELECTORAL AREA SERVICES COMMITTEE  
RECOMMENDATIONS (continued)**

48598  
Stoddart Road  
Notice on Title

MOVED by Director Wilkie  
SECONDED by Director Clovechok

THAT a Notice on Title be placed on the property legally described as Lot 41A, Plan NEP1232, District Lot 375 Kootenay District, Assigned Pcl 2 (See 154140I), 4276 Stoddart Road in the Wilmer area, for contravention of RDEK bylaws resulting from failure to obtain required inspections, permit renewals, and from occupying a structure without an approved occupancy inspection, if the contravention has not been rectified within 60 days.

CARRIED

48599  
Kikomun-Newgate Rd  
Notice on Title

MOVED by Director Doehle  
SECONDED by Director Walter

THAT a Notice on Title be placed on the property legally described as Lot 1, Plan NEP16032, District Lot 11493 Kootenay District, 120 Kikomun – Newgate Road in the Koocanusa West area, for contravention of RDEK bylaws resulting from failure to obtain required building permits, permit renewals, and inspections.

CARRIED

**PLANNING & DEVELOPMENT SERVICES COMMITTEE  
RECOMMENDATIONS**

48600  
Bylaw 2932  
Introduction

MOVED by Director Sosnowski  
SECONDED by Director Qualizza

THAT Bylaw No. 2932 cited as “Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 93, 2019 (Dicken Road / Kramer)” be introduced;

and further, that a development agreement containing the item identified in the staff report be registered on title prior to bylaw adoption.

CARRIED

48601  
Bylaw 2933  
Introduction

MOVED by Director Clovechok  
SECONDED by Director Gay

THAT Bylaw No. 2933 cited as “Regional District of East Kootenay – Panorama Mountain Village Official Community Plan Bylaw No. 1441, 1999 – Amendment Bylaw No. 16, 2019 (Panorama / Marshall & Beaudry)” be introduced;

and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.

CARRIED

48602  
Bylaw 2934  
Introduction

MOVED by Director Miller  
SECONDED by Director Gay

THAT Bylaw No. 2934 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 349, 2019 (Panorama / Marshall & Beaudry)” be introduced.

CARRIED

48603  
Bylaw 2936  
Introduction

MOVED by Director Wilkie  
SECONDED by Director Miller

THAT Bylaw No. 2936 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 350, 2019 (Edgewater / Full Circle Automotive Inc)” be introduced.

CARRIED

**PLANNING & DEVELOPMENT SERVICES COMMITTEE  
RECOMMENDATIONS (continued)**

48604  
Ayars  
ALR Subdivision

MOVED by Director Wilks  
SECONDED by Director Doehle

THAT the Agricultural Land Commission be advised the RDEK supports the Ayars ALR subdivision application for property located at 1643 Dicken Road, north of Fernie.

CARRIED

OPPOSED: Director Gay  
Director Walter  
Director Wilkie

48605  
DVP 22-19  
Granted

MOVED by Director Miller  
SECONDED by Director Clovechok

THAT Development Variance Permit No. 22-19 be granted subject to registration of a restrictive covenant prohibiting serviceable buildings until proof of servicing is provided in accordance with the Subdivision Servicing Bylaw.

CARRIED

48606  
Goulding, Evans, Leaney &  
Sabey Group Moorage

MOVED by Director Doehle  
SECONDED by Director Walter

THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be advised the RDEK does not support the Goulding, Evans, Leaney and Sabey Crown land application for an amendment to a group moorage on Tie Lake.

CARRIED

48607  
Hunt  
ALR Residential Use

MOVED by Director Walter  
SECONDED by Director Wilks

THAT the Agricultural Land Commission be advised the RDEK supports the Hunt ALR non-adhering residential use application for property located at 8064 and 8068 Hunt Road in the Meadowbrook area near Kimberley.

CARRIED

48608  
DVP 21-19  
Granted

MOVED by Director Sosnowski  
SECONDED by Director Wilks

THAT Development Variance Permit No. 21-19 be granted.

CARRIED

48609  
DVP 23-19  
Granted

MOVED by Director Sterzer  
SECONDED by Director Doehle

THAT Development Variance Permit No. 23-19 be granted.

CARRIED

48610  
DVP 24-19  
Granted

MOVED by Director Sterzer  
SECONDED by Director Clovechok

THAT Development Variance Permit No. 24-19 be granted.

CARRIED

48611  
Designated Use Area  
Postponed

MOVED by Director Gay  
SECONDED by Director Sterzer

THAT consideration of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development Crown land application for a Designated Use Area under Section 17 of the *Land Act*, to preserve an existing historical recreation trail between Sparwood and Elkford, be postponed one month and the Ministry be requested to provide information on the impact the new designation will have on motorized access to the existing trapline tenure.

CARRIED



**PLANNING & DEVELOPMENT SERVICES COMMITTEE  
RECOMMENDATIONS (continued)**

48612  
Wildhorse Cycling Club  
BC Recreation Trail

MOVED by Director Gay  
SECONDED by Director Sterzer

THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, be advised the RDEK supports the Wildhorse Cycling Club Crown land application to establish and maintain a BC Recreation Trail network in the vicinity of Cranbrook.

CARRIED

OPPOSED: Director Pratt

48613  
Freedom Mobile Inc.  
Communication Tower

MOVED by Director Gay  
SECONDED by Director Pratt

THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, be advised the RDEK supports the Freedom Mobile Inc. application for a communication tower in the Cranbrook North area.

CARRIED

48614  
Hi Ho Silver Resources Inc.  
Crown Land Application

MOVED by Director Walter  
SECONDED by Director Wilks

THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, be advised the RDEK supports the Hi Ho Silver Resources Inc. Crown land application to establish a clay quarry on unsurveyed Crown land within DL 4592, northwest of Skookumchuk.

CARRIED

48615  
Kimberley Trails Society  
Crown Land Application

MOVED by Director Walter  
SECONDED by Director McCormick

THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, be advised the RDEK supports the Kimberley Trails Society Crown land application to establish and maintain a 4 km section of trail as a recreation trail / site in the Matthew Creek FSR area west of Kimberley.

CARRIED

**ELK VALLEY SERVICES COMMITTEE  
RECOMMENDATIONS**

Director Jane Walter left the meeting at 9:39 am.

48616  
MRDT  
Fernie

MOVED by Director Qualizza  
SECONDED by Director Sosnowski

THAT the Board acknowledges it has been consulted and supports Tourism Fernie's application to increase the Municipal and Regional District Tax collected in the Fernie area to 3%.

CARRIED

**GOVERNANCE & REGIONAL SERVICES COMMITTEE  
RECOMMENDATIONS**

48617  
Cheque Register

MOVED by Director Wilks  
SECONDED by Director Miller

THAT the cheque register for the RDEK General Account for June 2019 in the amount of \$2,038,090.14 be approved as paid.

CARRIED

**GOVERNANCE & REGIONAL SERVICES COMMITTEE  
RECOMMENDATIONS (continued)**

48618  
2019 UBCM  
Minister Meetings

MOVED by Director Reinhardt  
SECONDED by Director Qualizza

THAT meetings be scheduled in conjunction with the 2019 UBCM Convention as outlined in the June 26, 2019 Request for Decision and the associated speaking notes be approved as amended.

CARRIED

48619  
Radon Awareness  
Public Communication

MOVED by Director Wilkie  
SECONDED by Director Reinhardt

THAT public communication on Radon awareness proceed as outlined in the June 25, 2019 Information Report.

CARRIED

48620  
Pine Ridge Roping Club  
Arena Footing Project

MOVED by Director Reinhardt  
SECONDED by Director Doehle

THAT the 2019/2020 Columbia Basin Trust Community Initiatives Program grant for the Pine Ridge Roping Club's Wycliffe Exhibition Grounds Arena Footing Improvements Project be increased by \$500 from Electoral Area C.

CARRIED

48621  
District of Elkford  
Summer Student

MOVED by Director Sosnowski  
SECONDED by Director McKerracher

THAT a grant of \$8,000 be provided in 2019 and 2020 to the District of Elkford for a summer student in 2019 and 2020 from the Electoral Area A portion of the Elk Valley Property Tax Sharing funds;  
and further, that the grant be included in the amended 2019 – 2022 Financial Plan.

CARRIED

48622  
Draft Solid Waste  
Management Plan

MOVED by Director Qualizza  
SECONDED by Director Reinhardt

THAT the Draft Solid Waste Management Plan be endorsed and that staff undertake consultation with the public on the Draft Plan.

CARRIED

48623  
2019 RDEK  
Strategic Plan Process

MOVED by Director Qualizza  
SECONDED by Director Miller

THAT the 2019 Regional District of East Kootenay Strategic Plan Process be adopted.

CARRIED

OPPOSED: Director Wilks

48624  
Project Rating  
Matrix

MOVED by Director Qualizza  
SECONDED by Director Wilks

THAT the project rating matrix as outlined in the June 26, 2019 report from the CAO, be approved.

CARRIED

**BYLAWS**

48625  
Bylaw 2931  
Three Readings

MOVED by Director Wilkie  
SECONDED by Director Sosnowski

THAT Bylaw No. 2931 cited as “Regional District of East Kootenay – Edgewater Sewer System Regulation and Fee Bylaw No. 1626, 2002 – Amendment Bylaw No. 3, 2019” be read a first, second and third time.

CARRIED

48626  
Bylaw 2931  
Adoption

MOVED by Director Wilkie  
SECONDED by Director Wilks

THAT Bylaw No. 2931 cited as “Regional District of East Kootenay – Edgewater Sewer System Regulation and Fee Bylaw No. 1626, 2002 – Amendment Bylaw No. 3, 2019” be adopted.

CARRIED

48627  
Bylaws 2906 & 2907  
PH Report

MOVED by Director Clovechok  
SECONDED by Director Sterzer

THAT the Public Hearing Report for Bylaw No. 2906 and Bylaw No. 2907 as submitted by Director Susan Clovechok, be accepted.

CARRIED

48628  
Bylaw 2906  
Third Reading

MOVED by Director Sterzer  
SECONDED by Director Clovechok

THAT Bylaw No. 2906 cited as “Regional District of East Kootenay – Lake Windermere Official Community Plan Bylaw No. 2061, 2008 – Amendment Bylaw No. 27, 2019 (Windermere North / Bad Toro Properties Ltd)” be read a third time.

CARRIED

48629  
Bylaw 2907  
Third Reading

MOVED by Director Sterzer  
SECONDED by Director Clovechok

THAT Bylaw No. 2907 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 348, 2019 (Windermere North / Bad Toro Properties Ltd)” be read a third time as amended and submitted for required approval.

CARRIED

48630  
Bylaw 2912  
Adoption

MOVED by Director Sosnowski  
SECONDED by Director Pratt

THAT Bylaw No. 2912 cited as “Regional District of East Kootenay – Moyie & Area Official Community Plan Bylaw No. 2912, 2019” be adopted.

CARRIED

48631  
Bylaw 2913  
Adoption

MOVED by Director Sterzer  
SECONDED by Director Reinhardt

THAT Bylaw No. 2913 cited as “Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019” be adopted.

CARRIED

48632  
Bylaw 2915  
Adoption

MOVED by Director Wilks  
SECONDED by Director Sterzer

THAT Bylaw No. 2915 cited as “Regional District of East Kootenay – Electoral Area E Zoning and Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 19, 2019 (Miscellaneous Amendments 2019 / RDEK)” be adopted.

CARRIED

**BYLAWS** (continued)

48633  
Bylaw 2917  
Adoption

MOVED by Director Wilks  
SECONDED by Director Sosnowski

THAT Bylaw No. 2917 cited as “Regional District of East Kootenay – Electoral Area E Zoning & Floodplain Management Bylaw No. 2502, 2014 – Amendment Bylaw No. 20, 2019 (Meadowbrook / Kelly)” be adopted.

CARRIED

48634  
Bylaws 2924 & 2925  
PH Report

MOVED by Director Doehle  
SECONDED by Director Sterzer

THAT the Public Hearing Report for Bylaw No. 2924 and Bylaw No. 2925 as submitted by Director Stan Doehle, be accepted.

CARRIED

48635  
Bylaw 2924  
Third Reading

MOVED by Director Doehle  
SECONDED by Director Sterzer

THAT Bylaw No. 2924 cited as “Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011 – Amendment Bylaw No. 11, 2019 (Baynes Lake / McArthur)” be read a third time.

CARRIED

48636  
Bylaw 2924  
Adoption

MOVED by Director Doehle  
SECONDED by Director Clovechok

THAT Bylaw No. 2924 cited as “Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011 – Amendment Bylaw No. 11, 2019 (Baynes Lake / McArthur)” be adopted.

CARRIED

48637  
Bylaw 2925  
Third Reading

MOVED by Director Doehle  
SECONDED by Director Sterzer

THAT Bylaw No. 2925 cited as “Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 19, 2019 (Baynes Lake / McArthur)” be read a third time.

CARRIED

48638  
Bylaw 2925  
Adoption

MOVED by Director Doehle  
SECONDED by Director Wilks

THAT Bylaw No. 2925 cited as “Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 19, 2019 (Baynes Lake / McArthur)” be adopted.

CARRIED

48639  
Bylaw 2926  
PH Report

MOVED by Director Doehle  
SECONDED by Director Sterzer

THAT the Public Hearing Report for Bylaw No. 2926 as submitted by Director Stan Doehle, be accepted.

CARRIED

48640  
Bylaw 2926  
Third Reading

MOVED by Director Sterzer  
SECONDED by Director Doehle

THAT Bylaw No. 2926 cited as “Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999 – Amendment Bylaw No. 31, 2019 (Miscellaneous Amendments / RDEK)” be read a third time and submitted for required approval.

CARRIED

**BYLAWS (continued)**

48641  
Bylaw 2927

MOVED by Director Doehle  
SECONDED by Director Wilks

PH Report

THAT the Public Hearing Report for Bylaw No. 2927 as submitted by Director Stan Doehle, be accepted.

CARRIED

48642  
Bylaw 2927  
Third Reading

MOVED by Director Doehle  
SECONDED by Director Sosnowski

THAT Bylaw No. 2927 cited as “Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 20, 2019 (Miscellaneous Amendments / RDEK)” be read a third time and submitted for required approval.

CARRIED

48643  
Bylaw 2932  
Two Readings

MOVED by Director Sosnowski  
SECONDED by Director Sterzer

THAT Bylaw No. 2932 cited as “Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 93, 2019 (Dicken Road / Kramer)” be read a first and second time.

CARRIED

48644  
Bylaw 2932  
Public Hearing

MOVED by Director Sosnowski  
SECONDED by Director Clovechok

THAT a public hearing be held regarding Bylaw No. 2932 and the hearing be delegated to:

Director Mike Sosnowski, Director Area A  
Director Ange Qualizza, City of Fernie

CARRIED

The date for the public hearing for Bylaw No. 2932 is 4:00 pm on July 24, 2019 at the Fernie Family Centre.

48645  
Bylaw 2933  
Two Readings

MOVED by Director Clovechok  
SECONDED by Director Sterzer

THAT Bylaw No. 2933 cited as “Regional District of East Kootenay – Panorama Mountain Village Official Community Plan Bylaw No. 1441, 1999 – Amendment Bylaw No. 16, 2019 (Panorama / Marshall & Beaudry)” be read a first and second time.

CARRIED

48646  
Bylaw 2934  
Two Readings

MOVED by Director Clovechok  
SECONDED by Director Miller

THAT Bylaw No. 2934 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 349, 2019 (Panorama / Marshall & Beaudry)” be read a first and second time.

CARRIED

48647  
Bylaws 2933 & 2934  
Public Hearing

MOVED by Director Clovechok  
SECONDED by Director Sterzer

THAT a public hearing be held regarding Bylaw No. 2933 and Bylaw No. 2934 and the hearing be delegated to:

Director Susan Clovechok, Director Area F  
Director Gerry Wilkie, Director Area G  
Director Allen Miller, District of Invermere

CARRIED

**BYLAWS (continued)**

The date for the public hearing for Bylaws No. 2933 & No. 2934 is 4:00 pm on July 24, 2019 at the Panorama Mountain Resort – Copper Crown Banquet Room.

**Tina Hlushak**

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**Subject:** FW: AGENDA - FW: Request to appear Aug 2/2019

-----Original Message-----

From: BCACF Info <info@bcacf.ca>

Sent: July 26, 2019 8:41 AM

To: Shannon Moskal <smoskal@rdek.bc.ca>

Subject: Request to appear Aug 2/2019

Good Morning,

Myself, along with Cpl. Cory Lepine and Mr. Bob Miller would like to request an opportunity to make a presentation to your board during their meeting on Friday, August 2, 2019.

We are in the process of acquiring a Livestock Emergency Response Trailer, in partnership with the Ministry of Agriculture. The trailer is set to be situated in the Cranbrook area due to the occurrence of recent livestock transport events in that area. These trailers are intended to assist first responders with safely rescuing livestock during a number of possible events; Liner rollovers, wildfires and floods are among a few. During any of these instances, public safety is always the first concern. Capturing and restraining distressed and injured livestock quickly and safely is a benefit to both the public and the individuals responding to these incidents.

Our steering committee is in the final stages of solidifying key information such as who will have responsibility if the trailer, who will pay for training of members responsible for the trailer and where will the trailer be stored. We are hoping to gain non-monetary support to implement this project. Our ultimate goal would be that the trailer be housed with a local Fire Department and we would like the boards backing in that decision.

Bob Miller, Cory Lepine, and Andrea van Iterson will be speaking at the presentation.

We will not require any audio visual materials but will bring a fact sheet and small information package for each board member.

Please let me know if you require anything further.

Andrea van Iterson  
Executive Director

B.C. Association of Cattle Feeders

*Note: The time for the public hearing was read at the meeting as 7:00 pm but was later changed to 4:00 pm.*

48648  
Bylaw 2936  
Two Readings

MOVED by Director Wilkie  
SECONDED by Director Sosnowski

THAT Bylaw No. 2936 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 350, 2019 (Edgewater / Full Circle Automotive Inc)” be read a first and second time.

CARRIED

48649  
Bylaw 2936  
Public Hearing

MOVED by Director Wilkie  
SECONDED by Director Clovechok

THAT a public hearing be held regarding Bylaw No. 2936 and the hearing be delegated to:

Director Susan Clovechok, Director Area F  
Director Gerry Wilkie, Director Area G  
Director Clara Reinhardt, Village of Radium Hot Springs

CARRIED

The date for the public hearing for Bylaw No. 2936 is 4:00 pm on July 23, 2019 at the Edgewater Community Hall.

**ADJOURNMENT**

The meeting adjourned at 10:20 am.

**CERTIFIED CORRECT**

---

Chair Rob C. Gay

---

Shannon Moskal, Corporate Officer



2019/07/04

P121001

File: 0280-30  
Ref: 190433

Rob C. Gay  
Email: [info@rdek.bc.ca](mailto:info@rdek.bc.ca)

To Whom it may concern,

Thank you for your correspondence regarding manufactured homes in the Agricultural Land Reserve (ALR) for immediate family members.

Based on the information provided in your correspondence, I believe you may find the following update useful.

I've received a wide range of feedback on the Ministry's ongoing work to help farmers farm and protect farmland in the ALR, including on the February 22, 2019 regulatory change to the manufactured house allowance under the Agricultural Land Reserve Use Regulation. I appreciate that some manufactured home purchases were underway at the time of the change and were not grandfathered because final permits or foundation construction was not substantially underway by February 22, 2019.

Balancing the protection of the ALR with the diversity of the needs of ALR families is a key interest of the B.C. Government. Effective immediately, a transition period has been established that will enable ALR landowners to seek approvals and permits for a manufactured home on their ALR property, provided they have all required permits in place by February 22, 2020, and provided that the manufactured home is nine metres or less in width and is for the use of the owner or a member of the owner's immediate family.

To be clear, this change provides flexibility for people owning land in the ALR, whether they are farming or not: people who are farming continue to be able to apply to the ALC for additional residence(s) to support their farming activities.

For more information please see the following release:

<https://news.gov.bc.ca/20182>

Thank you for contacting me.

Sincerely,



---

**Ministry of Agriculture**

Office of the Minister

Mailing Address:  
PO Box 9043 Stn Prov Govt  
Victoria BC V8W 9E2

Telephone: 250 387-1023  
Facsimile: 250 387-1522

Web Address: <http://gov.bc.ca/agri/>

A handwritten signature in black ink, appearing to read "Lana Popham". The signature is written in a cursive, flowing style.

**Lana Popham**  
**Minister**

May 21, 2019

The Honourable Lana Popham  
Minister of Agriculture  
PO Box 9409 Stn Prov Govt  
Victoria BC V8W 9V1

Wes Shoemaker  
Deputy Minister of Agriculture  
PO Box 9409 Stn Prov Govt  
Victoria BC V8W 9V1

Dear Minister and Mr. Shoemaker:

**Re: Residences in the Agricultural Land Reserve**

At its meeting on May 3, 2019, the Board of Directors of the Regional District of East Kootenay (RDEK) resolved to write a letter to express its concerns about the Agricultural Land Reserve Use Regulation and the new restrictions on residences in the Agricultural Land Reserve (ALR).

While the Board appreciates that the Government of BC felt that it was necessary to take steps to curb the inappropriate use of agricultural land, the RDEK feels that the new residential use restrictions will be more of a hindrance than a help to local agricultural operations and the agricultural economy. The residential use restrictions will:

- be a barrier to keeping young people on the family farm if they cannot build a second home;
- discourage succession planning and the transition of farms and ranches to a new generation if the current owners can no longer age in place; and
- impede the ability to attract farm workers if they cannot live on the farm and must commute long distances between home and work.

Together, these restrictions on residences in the ALR will negatively impact the sustainability of existing agricultural operations and hurt the local agricultural economy by making it more difficult for owners, workers and their families to live and work on the farm.

The Board realizes that the Agricultural Land Commission (ALC) has instituted an application process to consider additional residences; however, there is uncertainty associated with such an application process. It also costs time and money. The Board believes that these resources would be better invested in existing agricultural operations rather than adding to the application workload of the ALC.

Thank you for considering these comments as you continue to implement and refine your approach to managing BC's agricultural land.

Sincerely,



Rob C. Gay  
Chair

cc: Shawn Tomlin, CAO  
Resolution 48462

June 27, 2019

File: 0400-20

11k 006 001

Via email: [EDUC.Minister@gov.bc.ca](mailto:EDUC.Minister@gov.bc.ca)

The Honourable Rob Fleming  
Minister of Education  
PO Box 9045 Stn Prov Govt  
Victoria, BC V8W 9E2

Dear Minister Fleming:

**Re: Provincial Support for Libraries**

At the Regular Council Meeting of June 17, 2019, Council of the Town of Ladysmith unanimously passed a resolution endorsing the City of Victoria's request for Provincial support for libraries.

Council respectfully requests the Province of British Columbia's support and consideration to increase support to restore provincial funding for libraries. In 2017, the Association of Vancouver Island and Coastal Communities endorsed a similar request brought forward by both the Town of Ladysmith and the City of Powell River.

The Town of Ladysmith values our libraries and believes they are critically important to a democratic and free society.

Sincerely,



Aaron Stone  
Mayor

C: Premier John Horgan via email: [premier@gov.bc.ca](mailto:premier@gov.bc.ca)  
MLA Doug Routley via email: [douglas.routley.mla@leg.bc.ca](mailto:douglas.routley.mla@leg.bc.ca)  
UBCM Member Municipalities via email





PO Box 2633  
Invermere, BC V0A 1K0  
(888) 342-9464 toll free  
wingsovertherockies@gmail.com  
www.wingsovertherockies.org

Uhh lol 012-FP  
19/20

June 11, 2019

Dear Sponsor,

On behalf of the Board of Directors, I would like to sincerely thank you for your contribution to the success of the 2019 Wings Over the Rockies Festival. This was our 23<sup>rd</sup> annual Festival, with the theme "Go Ahead: Explore!" Explorers, presenters, guides, scientists, and artists shared their own discoveries and insights into the area's wildlife and habitats.

The festival consisted of 100 events, spread over 9 days. This year saw so many highlights: Doug Yukes' loon carving workshop; Lisa Buckley's insights into what modern birds teach about dinosaur behaviour; Pat Bavin's forest therapy walk; Cam Gillies and Michael den Otter's Wacky Waterbirds; Morley Winnick and Jonathan Fischer's Bees Over the Rockies. Extreme explorer Laval St. Germain co-led a field trip and gave an insightful keynote address sharing emotional and striking stories of what it takes to step out way past normal, and shove off way past safe, but come back alive.

The Wings Over the Rockies Festival is scheduled in early May when most of the migrating species are passing through the Columbia Valley. It also brings an influx of ecotourism, providing economic benefits to the Valley during the spring shoulder season. Again this year 50% of our bookings came from outside the Columbia Valley.

Based on your level of sponsorship in 2019, we have enclosed a Certificate of Recognition and/or a charitable tax receipt, if eligible.

We have already started planning for the 24<sup>th</sup> Annual Wings Over the Rockies Festival, May 11 to 17, 2020 and will contact you early next year with details.

Thank you again for your support.

Sincerely,

Ross MacDonald, Chair  
Carol Hoar, Donations Coordinator

*Flying flowers, hummingbirds are the only birds that can truly hover. They manage this by flapping their wings 20 to 80 times a second!*



Wings over  
the Rockies  
FESTIVAL



Osprey

**This certificate is presented with sincere appreciation to**

*Regional District of East Kootenay*

**for their support of the 2019 Wings Over the Rockies Festival  
at the Osprey Level**



Dear BC Transit local government partners,

I am excited to share details of our Low Carbon Fleet Program, which will create a pathway towards electrification of our provincial fleet.

The BC Transit Low Carbon Fleet Strategy is based on four key principles:

- Transitioning vehicles to electric propulsion based on the fleet replacement plan
- Bridging transition to electric with renewable fuels
- Using business cases to guide investment decisions
- Developing partnerships

Full details about BC Transit's Low Carbon Fleet Program can be found at:

<https://www.bctransit.com/low-carbon-fleet-program>

I am proud to say BC Transit is already making progress on achieving our goal of moving towards a zero emission fleet. We have funding secured from the Government of Canada and the Province of BC to purchase 10 electric buses for use in the Victoria Regional Transit System. This is an important investment to move forward with having electric buses in our fleet and being able to learn about the technology in pursuit of a complete conversion. I expect these buses to be in service in 2021.

While these first 10 buses will be located in Victoria, I can assure you that we are planning to convert our entire fleet to zero emissions and will have community specific information as we move forward with implementation of our plan.

BC Transit is also in the process of hiring a Program Director, Low Carbon Strategy Program. The successful candidate will become your point person about our Low Carbon Fleet Program. The position closed yesterday, and we will be sure to share the results once the competition is complete.

We will be hosting a teleconference for local government partners on Tuesday, July 30 at 1:30 p.m. to ask questions about the program. The number is 1-877-234-4610 code 3465815#

If you cannot attend or have any further questions, feel free to contact your government relations manager.

This is an exciting step forward, and I look forward to celebrating milestones with you along the way.

Thanks,

A handwritten signature in blue ink, appearing to read "A. Lamb".

Aaron Lamb  
Vice President of Asset Management  
BC Transit

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## MEDIA RELEASE

July 28, 2019

Website: [bctransit.com](http://bctransit.com)

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### **BC Transit's Low Carbon Fleet Program supports provincial targets to reduce greenhouse gas emissions**

**CORPORATE** – BC Transit is releasing its pathway to a fully electric provincial fleet. The low carbon fleet program aligns with the Province of BC's CleanBC plan, supports provincial targets for greenhouse gas (GHG) emissions, and supports local government climate action goals. Moving to a fully electric bus fleet will provide customers with a cleaner, quieter, and more comfortable transportation journey.

BC Transit plans to start buying only electric heavy duty buses in 2023, with a target of creating a fully electric provincial fleet in all vehicle classifications by 2040.

"British Columbia's largest and fastest-growing source of carbon pollution is the transportation sector," said Claire Trevena, Minister of Transportation and Infrastructure. "Changing that trend will be a challenge, but it's also a tremendous opportunity. Many of the actions we need to take to reduce carbon emissions - such as encouraging people to choose transit over their personal vehicles and moving to a fully electric fleet - are the exact same measures that will get us out of gridlock and make our neighbourhoods more liveable, now and for future generations."

"Through our CleanBC climate and economic plan, which is a shared priority with the BC Green Caucus, our government is making public transit clean, affordable and convenient for people by working together with local partners," said George Heyman, Minister of Environment and Climate Change Strategy. "BC Transit's commitment to a fully electric fleet is an important step towards zero-emissions travel in B.C., and will mean cleaner air, less congestion and a more comfortable experience for people who choose transit."

The low carbon fleet program focuses on four principles:

- Transitioning vehicles to electric propulsion based on the fleet replacement plan
- Bridging transition to electric with renewable fuels
- Using business cases to guide investment decisions
- Developing partnerships

The plan is to start purchasing electric buses while converting to new and emerging low carbon technologies, such as compressed natural gas (CNG) which enable the use of renewable natural gas.



On July 18, the Government of Canada, Province of BC and BC Transit announced the purchase of our first 10 battery heavy duty electric buses for deployment in 2021. BC Transit is also introducing CNG buses and fueling infrastructure to Victoria and the Central Fraser Valley. This includes the addition of 34 medium duty and 68 heavy duty to the current fleet of 128 compressed natural gas buses.

“Transit can have its biggest impact on reducing greenhouse gas emissions by getting people out of their vehicles and onto the bus. However, we also need to transition our infrastructure, including our buses, to reduce our environmental footprint,” said Aaron Lamb, Vice President of Asset Management. “We are excited to be working with the Province of BC and local government partners towards creating a more sustainable future.”

During this process, BC Transit will be undertaking our due diligence by monitoring and evaluating technology and infrastructure readiness through this process to ensure we are progressing appropriately. These details will inform future business cases for purchasing electric vehicles.

More details about the Low Carbon Fleet Program are available at <https://www.bctransit.com/low-carbon-fleet-program>

**Media contact:**

BC Transit Communications  
[Media@bctransit.com](mailto:Media@bctransit.com)  
250-880-1303





# Low Carbon Fleet Program



## Overview

In November 2018, BC Transit approved a Low Carbon Fleet Program to support provincial targets for greenhouse gas (GHG) emissions and to align with the provincial CleanBC plan. Core to this program is a 10-year fleet replacement strategy to replace over 1200 existing buses and expand the fleet by an additional 350 buses by using the potential of advanced GHG reducing technology.

Across the province of B.C., there is growing expectation from all partners that BC Transit endeavor to find prudent ways to support its emission reduction goals. We are committed to doing our part as corporate citizens by prioritizing actions that contribute to the reduction of GHG emissions.

## BC Transit's Role

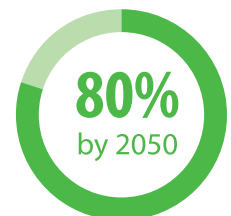
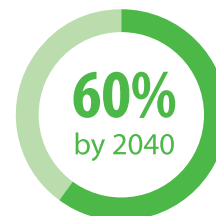
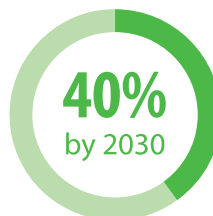
BC Transit is actively pursuing new and emerging low carbon technologies, supported by the use of renewable fuels, as we strive towards a cleaner, greener fleet. We have the ability to significantly contribute to the provincial government GHG reduction targets with this program and are excited to be working with the Province of BC and local government partners to achieve these climate action goals.

## BC Transit's Low Carbon Fleet Program Principles:

- ✓ Transitioning vehicles to electric propulsion based on the fleet replacement plan
- ✓ Bridge transition to electric with renewable fuels
- ✓ Business cases will guide investment decisions
- ✓ Partnership development

## Fleet Replacement Strategy

The fleet replacement strategy supports the provincial GHG emission reduction targets of:





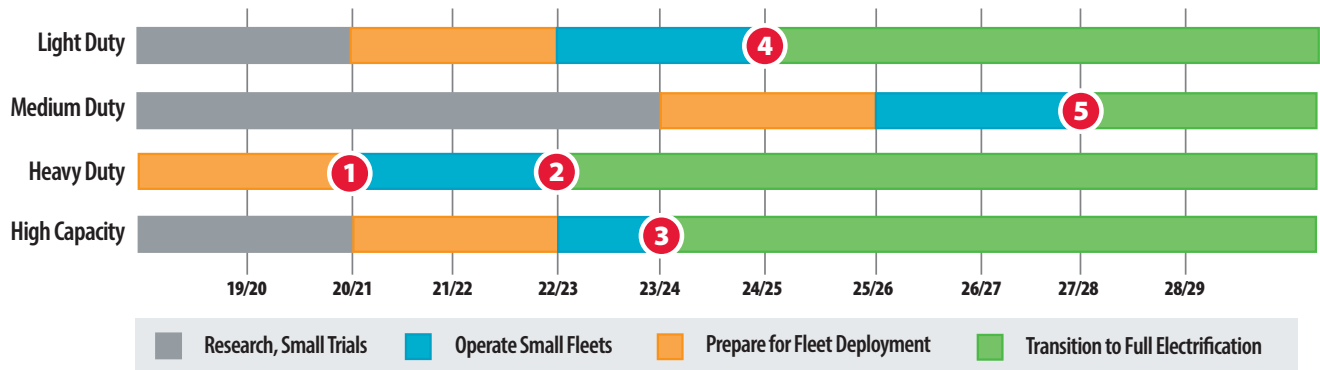
# Low Carbon Fleet Program – four key principles explained

## 1 Transitioning all vehicles to electric propulsion based on the fleet replacement plan

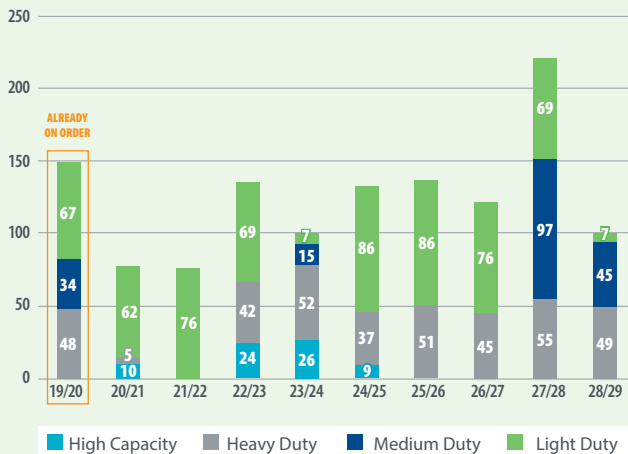
Based on the fleet replacement needs required in each vehicle classification, an initial pathway to full electrification has been established. The timelines consider preparation for a smaller deployment of electric buses by classification. The deployment strategy will allow BC Transit to create targeted timelines for implementation after obtaining implementation and operating experience.

### Key Milestones

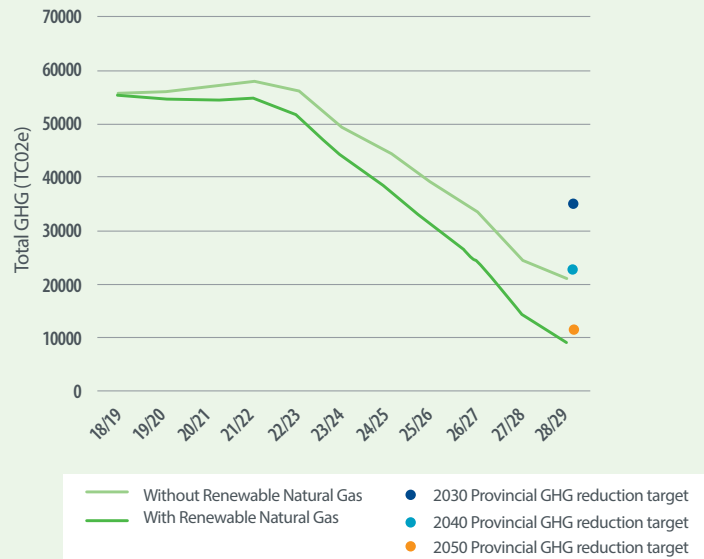
- 1 2020/2021 – Deploy the first 10 heavy duty battery electric buses (BEBs) in Victoria
- 2 2022/2023 – Begin purchasing only electric heavy duty buses
- 3 2023/2024 – Begin purchasing only electric high capacity buses
- 4 2024/2025 – Begin purchasing only electric light duty buses
- 5 2027/2028 – Begin purchasing only electric medium duty buses



### Fleet Replacement Plan by Vehicle Type



### GHG Emissions



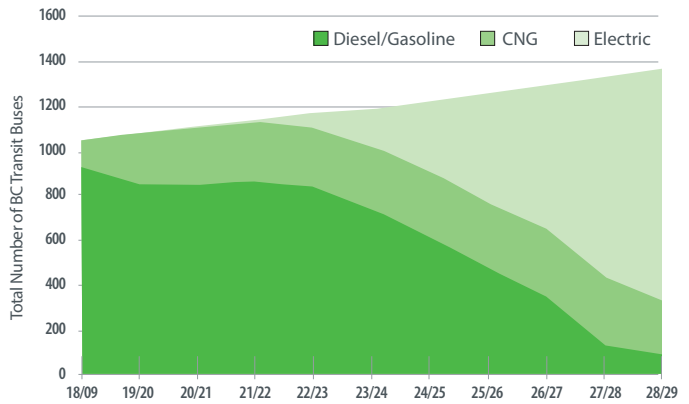


## 2 Bridge transition to electric with renewable fuels

Only CNG buses are planned to replace and expand the heavy duty and medium duty bus classifications until their transition to electrification. BC Transit will benefit from the Province’s CleanBC program as this will ensure greater volumes of renewable fuels are available.



**Fleet by Propulsion Type**



## 3 Business cases will guide investment decisions

While a preliminary pathway has been established for BC Transit’s fleet to transition to electric, business cases will continue to be required for determining which investment will best support achieving BC Transit’s objectives and the provincial government’s GHG reduction targets.

## 4 Partnership development

Partnerships are critical to the success of the transition strategy. BC Transit will continue to work with bus manufacturers, renewable fuel suppliers and propulsion system suppliers to strengthen the program. Currently, BC Transit partners with:



## Low Carbon/Zero-Emission

**Low Carbon Options** – achieve lower net carbon dioxide (GHG) emissions than existing incumbent methods. For example, our bus fleets which normally use carbon-based fuels such as CNG or diesel fuels can utilize low carbon alternatives that are produced through less carbon intensive ways or offset higher GHG emissions which are otherwise created through other means. However, low carbon options are not zero-emission. Similar localized emission effects such as hydrocarbons, particulate matter and nitrogen oxides are still emitted from the tail pipe of our buses.

**Zero-Emission Options** – achieve no emissions at all, GHG or localized emissions from the ‘tailpipe’. Zero-emissions can only be achieved through the electrification of the fleet. With hydro-electricity, BC Hydro produces clean electricity and provides for zero-emissions from ‘well to wheel’ for our buses.



## Next Steps

### 1. Implementation of First Deployment of Electric Buses in 2021

10 BEBs and associated charging infrastructure is planned for deployment into the Victoria Regional Transit System in 2021.

### 2. Site Assessments

BC Hydro will determine the readiness of the electricity infrastructure to support electric fleets across the province.

### 3. Capital Planning

BC Transit will work with the Ministry of Transportation and Infrastructure to refine the anticipated funding requirements, including the alignment of low carbon fleet investments with the planned construction of new operation and maintenance facilities.

### 4. Partnership collaboration and communication

BC Transit will collaborate with partners on the Low Carbon Fleet Program. We will also share our lessons learned and gather information from key stakeholders including other transit agencies and academics. We will communicate with our partners, key stakeholders and the public on an ongoing basis.

### 5. Renewable Fuel Supply

BC Transit will partner with FortisBC to secure supply of Renewable Natural Gas (RNG) for its CNG fleets. BC Transit will also continue exploring opportunities which will lead to obtaining low carbon intensity fuels for the current fleet.

**Subject:** FW: AGENDA - FW: Government of Canada Media Release - New investments to improve public transit for British Columbia

**From:** Ravelli, Sacha <[Sacha\\_Ravelli@BCTransit.Com](mailto:Sacha_Ravelli@BCTransit.Com)>

**Sent:** July 19, 2019 11:21 AM

**To:** Ravelli, Sacha <[Sacha\\_Ravelli@BCTransit.Com](mailto:Sacha_Ravelli@BCTransit.Com)>

**Cc:** Weirmier, Cara <[Cara\\_Weirmier@BCTransit.Com](mailto:Cara_Weirmier@BCTransit.Com)>; Dyck, Jonathon <[Jonathon\\_Dyck@BCTransit.Com](mailto:Jonathon_Dyck@BCTransit.Com)>

**Subject:** Government of Canada Media Release - New investments to improve public transit for British Columbia

***Message being sent on behalf of Jonathon Dyck, Communications Manager***

Dear BC Transit partners,

We were honoured to be joined by Prime Minister Justin Trudeau, the Premier of British Columbia John Horgan and the Province of BC's Minister of Transportation and Infrastructure Claire Trevena to announce we will be purchasing 118 new buses including 10 electric buses.

The 10 electric buses will be used in Victoria and we expect to arrive in 2021. The purchase of these electric buses is an important step in our goal of creating a pathway to electrification.

The announcement also includes the purchase of compressed natural gas (CNG) buses. On top of the three communities we currently have with CNG fueling and buses, Victoria and Abbotsford will also receive CNG fueling infrastructure and buses. CNG is proven to be a cost effective and more environmentally friendly option to diesel.

BC Transit is preparing to release our low carbon fleet program that will guide our bus purchasing decisions in the future. The plan creates a pathway to electrification across our entire provincial fleet. Once we can release more details, we will share with you.

The media release from the event is available below, and a few pictures from the event are attached. The expected delivery locations of the remainder of the buses is also included.

Thanks,  
Jonathon

**Jonathon Dyck, APR, MA**

*Communications Manager*

**BC Transit**

520 Gorge Road East, PO Box 9861, Victoria, BC V8W 9T5

250-995-5720 | c: 250-508-6396 | [jonathon\\_dyck@bctransit.com](mailto:jonathon_dyck@bctransit.com) | [bctransit.com](http://bctransit.com)

For Immediate Release  
2019PREM0085-001479  
July 18, 2019

Prime Minister's Office  
Office of the Premier  
Ministry of Transportation and Infrastructure

## NEWS RELEASE

### New investments to improve public transit for British Columbia

VICTORIA - British Columbians need efficient and affordable public transit to get them to work or school on time and back home safely at the end of the day.

Investing in public transit fights climate change, reduces commute times and builds stronger and more sustainable communities.

Justin Trudeau, Prime Minister of Canada, John Horgan, Premier of British Columbia, and Erinn Pinkerton, president and chief executive officer for BC Transit, announced more than \$79 million in joint funding to purchase 118 new buses for use in Victoria and communities throughout British Columbia. The new buses will help shorten daily commutes, reduce the number of cars on the road and make the province a greener place to live.

The new buses will replace others at the end of their life cycle or increase capacity in communities where ridership is growing. The investment includes funding for 10 long-range electric buses that will provide greener transportation options in Greater Victoria. The new buses will be more efficient, have improved accessibility and safety features, and will support BC Transit's new NextRide technology and closed-circuit television security cameras.

This investment will help meet British Columbians' transportation needs while cutting air pollution and making its communities better places to live.

#### Quotes:

Justin Trudeau, Prime Minister of Canada -

"Many British Columbians depend on public transit to get where they need to go safely and efficiently. As communities in B.C. continue to grow, investments in public transit need to keep pace. By investing in reliable, efficient public transit, we are making a real difference in the lives of British Columbians, while protecting our environment and making our communities stronger."

François-Philippe Champagne, federal Minister of Infrastructure and Communities -

"Public transit infrastructure is vital to building strong, sustainable communities where all residents have access to essential services and opportunities, and businesses can thrive. This investment in modern, eco-friendly vehicles serving communities across British Columbia will ensure that public transit services can continue to provide convenient, accessible transportation options that will improve the quality of life for residents today and contribute to a greener future."

John Horgan, Premier of British Columbia -

"Our government is committed to making life more affordable for British Columbians, while reducing greenhouse gas emissions, and investments like this will help us do just that. Working together, we can provide transit that people need and we can put public transit on a solid road towards a truly sustainable future."

Erinn Pinkerton, president and chief executive officer, BC Transit -

"These valuable partnerships have enabled BC Transit to actively pursue and implement low carbon technologies as we strive towards a cleaner, greener transit fleet. We are incredibly grateful to the Government of Canada, the Province of B.C. and our local government partners for their contributions and continued collaboration."

Learn More:

Investing in Canada Plan: <https://www.infrastructure.gc.ca/plan/about-invest-apropos-eng.html>

Federal infrastructure investments in British Columbia: [www.infrastructure.gc.ca/investments-2002-investissements/bc-eng.html](http://www.infrastructure.gc.ca/investments-2002-investissements/bc-eng.html)

Backgrounder: Canada and British Columbia support transit improvements in communities across B.C.: <https://www.canada.ca/en/office-infrastructure/news/2018/11/backgroundercanada-and-british-columbia-support-transit-improvements-in-communities-across-bc.html>

Factsheet: provincial investment in BC Transit: <https://news.gov.bc.ca/factsheets/investing-in-bc-transit>

A backgrounder follows.

Contacts:

Jen Holmwood  
Press Secretary,  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Ministry of Transportation and Infrastructure  
Media Relations  
Government Communications and Public Engagement  
250 356-8241

Prime Minister's Office  
Media Relations  
[media@pmo-cpm.gc.ca](mailto:media@pmo-cpm.gc.ca)  
[pm.gc.ca/eng/media](http://pm.gc.ca/eng/media)  
613 957-5555

**BACKGROUND**

Facts about public transportation in British Columbia

\* In 2016, the Government of Canada launched the biggest infrastructure plan in Canadian history. Since then, the government has invested in thousands of infrastructure projects to expand highways, build new roads and make travelling safer and easier for Canadians from coast to coast to coast.

- \* The Government of Canada and the Government of British Columbia are each contributing approximately \$31 million towards the purchase of the new buses and municipalities are investing more than \$16 million.
- \* In addition to the 106 new buses announced in November 2018, this investment will provide thousands of new seats to meet the growing public transit needs of British Columbia.
- \* The federal investment for this project is provided through the Public Transit Infrastructure Stream. Additional funding will be provided by British Columbia and municipalities.
- \* The Public Transit Infrastructure Stream is part of the Investing in Canada Plan, through which the Government of Canada is investing more than \$180 billion over 12 years in public transit projects, green and social infrastructure, trade and transportation routes, and Canada's rural and northern communities.
- \* Of this amount, \$28.7 billion is for public transit projects, including \$5 billion available for investments through the Canada Infrastructure Bank.
- \* Through its Investing in Canada Plan, the Government of Canada has invested over \$2.4 billion in more than 40 public transit projects in British Columbia.
- \* The transportation sector accounts for 25% of Canada's emissions. Investments in public transit help improve commuting, reduce air pollution, strengthen communities and grow the Canadian economy.

Contacts:

Jen Holmwood  
Press Secretary,  
Deputy Communications Director  
Office of the Premier  
250 818-4881

Ministry of Transportation and Infrastructure  
Media Relations  
Government Communications and Public Engagement  
250 356-8241

Prime Minister's Office  
Media Relations  
[media@pmo-cpm.gc.ca](mailto:media@pmo-cpm.gc.ca)  
[pm.gc.ca/eng/media](http://pm.gc.ca/eng/media)  
613 957-5555

[▶ READ MORE](#)

[Government Operations, Office of the Premier, Transportation and Infrastructure](#)

- [10 heavy duty electric:](#)



- The 10 battery electric buses will be based out of BC Transit's Victoria depot and be put into service within the Victoria Regional Transit System. The required charging infrastructure will be built at the Victoria depot.
- 26 CNG – 20 heavy duty and 6 medium duty:
  - 21 CNG buses will be based out of BC Transit's Langford depot and be put into service within the Victoria Regional Transit System. The required fueling infrastructure will be built at the Langford depot.
  - 3 CNG for Central Fraser Valley
  - 2 CNG for Whistler
- 19 high capacity (double deckers) and 63 light duty - gas/diesel
  - Majority for Victoria/Kelowna, with remainder for other BC Transit communities based on functional requirements

RECEIVED

JUL 25 2019



July 22, 2019

Regional District of  
East Kootenay

Chair Rob Gay  
Regional District of East Kootenay  
19 - 24th Avenue South  
Cranbrook, BC V1C 3H8

Dear Chair Rob Gay:

**RE: GAS TAX AGREEMENT COMMUNITY WORKS FUND PAYMENT**

I am pleased to advise that UBCM is in the process of distributing the first Community Works Fund (CWF) payment for fiscal 2019/2020. An electronic transfer of \$1,102,376.15 is expected to occur within the next 30 days. These payments are made in accordance with the payment schedule set out in your CWF Agreement with UBCM (see section 4 of your Agreement). UBCM is also making an additional one-time payment towards CWF funding approved for disbursement by the Federal government under Budget 2019 to supplement the fiscal 2018/2019 allocation.

CWF is made available to eligible local governments by the Government of Canada pursuant to the Administrative Agreement on the Federal Gas Tax Fund in British Columbia. Funding under the program may be directed to local priorities that fall within one of the eligible project categories.

First CWF Payment: \$368,158.49  
CWF One-Time Payment: \$734,218  
**Total EFT Transfer: \$1,102,376.15**

Further details regarding use of CWF and project eligibility are outlined in your CWF Agreement and details on the Gas Tax Agreement can be found on our website at [www.ubcm.ca](http://www.ubcm.ca).

For further information, please contact Gas Tax Program Services by e-mail at [gastax@ubcm.ca](mailto:gastax@ubcm.ca) or by phone at 250-356-5134.

Very best,

A handwritten signature in black ink, appearing to read 'Arjun Singh', is written over a light blue horizontal line.

Arjun Singh  
UBCM President

CC: Holly Ronnquist, Chief Financial Officer

## REGIONAL DISTRICT OF EAST KOOTENAY

## BYLAW NO. 2942

A bylaw to authorize the entering into of an Agreement respecting financing between the Regional District of East Kootenay (the "Regional District") and the Municipal Finance Authority of British Columbia (the "Authority").

WHEREAS the Authority may provide financing of capital requirements for regional districts or for their member municipalities by the issue of debentures, or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS the District of Elkford is a member municipality of the Regional District;

AND WHEREAS the Regional District is to finance from time to time and on behalf of and at the sole cost of the member municipality, under the provisions of Section 410 of the *Local Government Act*, the works to be financed pursuant to the following Loan Authorization Bylaw:

Municipality	L/A Bylaw No.	Purpose	Amount of Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue	Amount of Issue
District of Elkford	820	Boivin North Road Paving Project	\$2,500,000	\$ 0	\$2,500,000	20	\$2,500,000
<b>Total Financing under Section 410:</b>			<b>\$2,500,000</b>	<b>\$ 0</b>	<b>\$2,500,000</b>	<b>20</b>	<b>\$2,500,000</b>

AND WHEREAS the Regional Board, by this Bylaw, hereby requests that such financing shall be undertaken through the Authority;

NOW THEREFORE, the Board of the Regional District of East Kootenay, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay - Security Issuing Bylaw No. 2942, 2019".
2. The Regional Board hereby consents to financing the debt of the District of Elkford in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) in accordance with the following terms.
3. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Regional District and its member municipalities up to, but not exceeding Two Million Five Hundred Thousand Dollars (\$2,500,000) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in such currency as the Trustees of the Authority shall determine but the aggregate amount in lawful money of Canada and in Canadian Dollar equivalents so borrowed shall not exceed \$2,500,000 in Canadian Dollars) at such interest and with such discounts or premiums and expenses as the Authority may deem appropriate in consideration of the market and economic conditions pertaining.
4. Upon completion by the Authority of financing undertaken pursuant hereto, the Chair and Chief Financial Officer of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more Agreements, which said Agreement or Agreements shall be substantially in the form annexed hereto as Schedule A and made part of the Bylaw (such Agreement or Agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowing undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
5. The Agreement in the form of Schedule A shall be dated and payable in the principal amount or amounts of money in Canadian Dollars or as the Authority shall determine and subject to the *Local Government Act*, in such currency or currencies as shall be borrowed by the Authority under Section 2 and shall set out the schedule of repayment of the

principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.

6. The obligations incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority, and shall bear interest at a rate to be determined by the Treasurer of the Authority.
7. The Agreement shall be sealed with the seal of the Regional District and shall bear the signature of the Chair and the Chief Financial Officer.
8. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
9. During the currency of the obligation incurred under the said Agreement to secure borrowing in respect of the District of Elkford Loan Authorization Bylaw numbered 820, there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.
10. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided, however, that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, any deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional Board of the Regional District shall make due provision to discharge such liability.
11. The Regional District shall pay over to the Authority at such time or times as the Treasurer of the Authority so directs such sums as are required pursuant to Section 15 of the *Municipal Finance Authority Act* to be paid into the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.

READ A FIRST TIME the of  
 READ A SECOND TIME the of  
 READ A THIRD TIME the of

ADOPTED the of

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CHAIR

---

CORPORATE OFFICER

**SCHEDULE A**

**BYLAW NO. 2942**

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CANADA

PROVINCE OF BRITISH COLUMBIA

AGREEMENT

REGIONAL DISTRICT OF EAST KOOTENAY

The Regional District of East Kootenay (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia (the "Authority") at its Head Office in Victoria, British Columbia, the sum of \$ \_\_\_\_\_ dollars (\$ \_\_\_\_\_) in lawful money of Canada, together with interest calculated semi-annually in each and every year during the currency of this Agreement; and payments shall be as specified in the table appearing on the reverse hereof commencing on the \_\_\_\_\_ day of \_\_\_\_\_, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority such further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

Dated at \_\_\_\_\_, British Columbia this \_\_\_\_\_ day of \_\_\_\_\_

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 2942 cited as "Regional District of East Kootenay - Security Issuing Bylaw No. 2942, 2019", this Agreement is sealed with the Corporate Seal of the Regional District of East Kootenay and signed by the Chair and Chief Financial Officer thereof.

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CHAIR

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CHIEF FINANCIAL OFFICER

In pursuance of the *Local Government Act*, I hereby certify that the within Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any of the Courts of the Province of British Columbia.

DATED this \_\_\_\_\_ day of \_\_\_\_\_

---

Inspector of Municipalities



## REGIONAL DISTRICT OF EAST KOOTENAY

### BYLAW NO. 2926

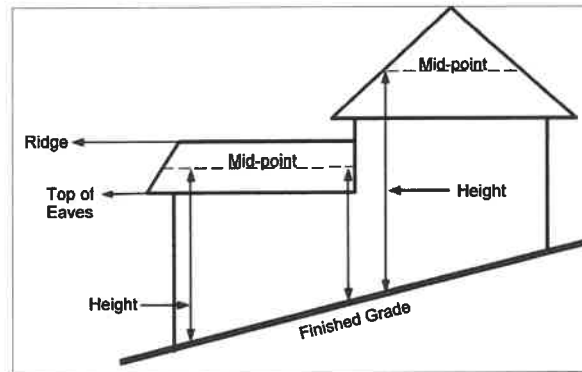
A bylaw to amend Bylaw No. 1414 cited as "Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999."

WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 1414;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999 – Amendment Bylaw No. 31, 2019 (Miscellaneous Amendments / RDEK)."
2. Section 3.02 is amended by adding the following:
  - (5) The maximum permitted height of *buildings* and *structures* is calculated by measuring the vertical distance from the *finished grade* of the *building* or *structure* to the mid-point between the eaves and ridge of the primary roof or roofs. Height is shown in the diagram below:



When the architectural design of the primary roof or roofs does not include a roof ridge, the maximum permitted height of the *building* or *structure* shall be calculated in accordance with section 5.10 (6) of this Bylaw.

3. Section 3.03 is amended by repealing the definitions of accessory building; agriculture; cabin; cannabis; common storage area; common wall; dwelling, two family; dwelling unit; feedlot; group home; guest ranch; guest ranch lodge; height; hotel; keeping of farm animals; keeping of small farm animals; kitchen; lodge; medical marihuana; medical marihuana production facility; secondary dwelling unit for farm hands; secondary suite; vehicle, derelict; and wildland use and adding the following:

**ACCESSORY BUILDING** means:

- (a) a *building*, the use or intended use of which is *accessory* to that of the *principal building* situated on the same parcel, which may be detached or connected to other *buildings* by a *breezeway*; or
- (b) a *building* which is *accessory* to a *principal* use being made of the parcel upon which such *building* is (to be) located;

but without limiting the foregoing, does not include a *recreational vehicle*, *park model trailer* or a tent.

**AGRICULTURE** means 'farm operation' as defined in the *Farm Practices Protection (Right to Farm) Act*, but does not include growing, producing, cultivating, processing or direct marketing of *cannabis*.

**BREEZEWAY** means a roofed open passage connecting two or more *buildings*.

**CABIN** means a *building* used for seasonal recreation, temporary accommodation as part of a *guest ranch*, *motel*, registered guide outfitting operation, backcountry commercial recreation operation or *wildland use*, or for the use of a registered trapline licensee or holder of a *Mines Act* permit. A *cabin* does not contain a *kitchen*.

**CANNABIS** means the substance set out in Schedule 1 of the *Cannabis Act (Canada)*.

**CANNABIS PRODUCTION FACILITY** means a facility for the cultivation, processing, destruction, shipping and direct marketing of *cannabis*. A facility may also conduct research or testing of *cannabis*.

**COMMON STORAGE AREA** means a portion of a *manufactured home park* or *campground* used or intended to be used by the occupants of the *manufactured home park* or *campground* for storage of automobiles, *recreational vehicles*, boats and other equipment and materials.

**COMMON WALL** means a continuous, unbroken vertical or horizontal *structure* with *habitable area* adjoining either side, used to separate *dwelling units*, *cottages*, *cabins* or *strata lots*. A *common wall* is not a *breezeway*.

**CONFINED LIVESTOCK AREA** means a fenced area, including paddocks, corrals, exercise yards and holding pens, where *livestock*, *poultry*, or *farmed game* is confined solely for the purposes of growing or finishing and is sustained by means other than grazing.

**DERELICT VEHICLE** means any *vehicle* no longer in road worthy condition, in a state of disrepair, wrecked or in the process of being dismantled, or which is not licenced and insured in the current calendar year, but does not include *vehicles* stored in *buildings*.

**DWELLING, TWO FAMILY** means one *building* containing 2 *dwelling units* that:

- (a) share a common roof and foundation;
- (b) are separated by a *common wall*; and
- (c) where neither *dwelling unit* is a *manufactured home*.

A *building* containing a *secondary suite* is not a *two family dwelling*.

**DWELLING UNIT** means a *habitable room* or group of *habitable rooms* occupied or designed to be occupied by one or more persons, with facilities for living, sleeping and cooking.

**FLAT ROOF** means the roof of a *building* or *structure* for which the slope of the roof is equal to or less than 9 degrees.

**GROUP HOME** means a facility for the accommodation of persons who by reason of their emotional, mental, social or physical condition or legal status require a supervised group living arrangement for their well-being.

**GUEST RANCH** means a working farm or ranch that includes a principal residence, agricultural *structures* and temporary guest accommodation.

**GUEST RANCH LODGE** means a *building* associated with a *guest ranch* that provides temporary accommodation for transient paying guests of the *guest ranch* and may include sleeping facilities, communal dining facilities, sanitary facilities, meeting and recreation facilities for the exclusive use of guests on the *guest ranch*.

**HOTEL** means a *building* or part wherein accommodation is provided for transient paying guests. Entrance and exit ways are shared and the *building* may include public areas such as a lobby, restaurant, meeting, entertainment and recreation facilities.

**KEEPING OF FARM ANIMALS** means the keeping or rearing of *poultry* and *livestock*, other than swine or mink.

**KEEPING OF SMALL FARM ANIMALS** means the keeping or rearing of *small farm animals* excluding geese and turkeys.

**KITCHEN** means a room or a portion of a room in a *dwelling unit* which contains one or more of the following cooking appliances: 220 volt stove, gas stove, countertop stove and wall oven.



**SECONDARY DWELLING UNIT FOR FARM HANDS** means an *accessory dwelling unit* on land classified as "farm" under the *Assessment Act* for the accommodation of an employee or employees working on the same parcel or farm operation.

**SECONDARY SUITE** means an *accessory dwelling unit* within a *single family dwelling*.

**WILDLAND USE** means activities such as non-commercial public outdoor recreational uses or commercial tenured outdoor activities such as trapping by holders of registered trap lines, guide outfitting, heli-skiing and cat skiing.

4. Sections 4.02 (3)(j) and (6)(b)(c)(d)(e) are repealed.
5. Part 4 is amended by adding the following:

**PART 4(A) TEMPORARY LAND USE**

**BACKGROUND**

4.01(A) Within the plan area there may be a need to accommodate a temporary land use on a parcel not zoned for that purpose.

4.02(A) **OBJECTIVES**

- (1) Provide an opportunity for temporary land use applications to be considered within the plan area.
- (2) Ensure that temporary land uses are compatible with adjacent land uses.

4.03(A) **POLICIES**

- (1) Temporary Land Use Permits will be considered throughout the bylaw area.
- (2) An application for a Temporary Land Use Permit will be considered in relation to:
  - (a) demonstration that the use is temporary or seasonal in nature;
  - (b) compatibility with the existing land use;
  - (c) compatibility with surrounding land use;
  - (d) potential conflict with agricultural or resource based activities;
  - (e) potential conflict with residential land uses;
  - (f) potential impact on fish or wildlife habitat;
  - (g) provision of adequate servicing for water and sewage disposal;
  - (h) duration of the proposed temporary land use;
  - (i) relevant policies within other sections of this bylaw; and
  - (j) for lands within the *Agricultural Land Reserve*, any conditions of approval for the proposed temporary land use where the use is not consistent with the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulations* and a Non-Farm Use approval has been granted.
- (3) The permit may be issued subject to conditions such as, but not limited to:
  - (a) the buildings, structures, or area of land that may be used for the temporary use;
  - (b) the period of applicability of the permit;

- (c) required site rehabilitation upon cessation of the use;
  - (d) other business or operating conditions to mitigate the impacts of the temporary use.
6. Section 5.09 (2) and (6) are repealed and the following substituted:
- (6) *Buildings and structures for a cannabis production facility* must be sited not less than:
    - (a) 15.0 m from a *front parcel line*;
    - (b) 15.0 m from an *interior side parcel line*;
    - (c) 30.0 m from an *exterior side parcel line*;
    - (d) 30.0 m from a *rear parcel line*.
7. Section 5.10 (5) is repealed and the following substituted:
- (5) *Buildings and structures used for a cannabis production facility where a cannabis production facility is a permitted use* are exempt from the height requirements of this Bylaw.
8. Section 5.10 is amended by adding the following:
- (6) The maximum permitted height of *buildings and structures* that are not exempt from the height regulations of this Bylaw and for which the architectural design includes a roof or roofs that does not include a roof ridge must be in accordance with the following:
    - (a) Single pitch roof *buildings and structures* must not exceed 1.5 m above the permitted maximum height in the applicable zone for the *building or structure* measured from *finished grade* to the top of each wall that abuts the underside of the roof structure.
    - (b) *Flat roof buildings and structures* must not exceed the maximum permitted height in the applicable zone measured from *finished grade* to the top of the roof structure.
- For *buildings and structures* that include additional primary roof types not identified above, the maximum height of any primary roof(s) that includes a roof ridge shall be calculated in accordance with section 3.02 (5) of this Bylaw.
9. Section 5.13 is amended by adding the following:
- (3) Within the *Agricultural Land Reserve* a *dwelling unit for a relative requiring care* is subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.
10. Section 5.19 is repealed and the following substituted:
- (1) Where all or part of a *parcel* is located within the *Agricultural Land Reserve* activities designated farm use in the *Agricultural Land Reserve Use Regulation* are permitted on the *parcel*. In addition to the farm use activities, those uses approved by the Provincial *Agricultural Land Commission* as *accessory to the farm use* for that *parcel* are also permitted.
  - (2) Where a *parcel* is not in the *Agricultural Land Reserve*, is located in a zone that permits *agriculture* and the *parcel* is assessed as farm under the *Assessment Act*, activities designated farm use in the *Agricultural Land Reserve Use Regulation* are permitted in conjunction with the *agriculture* use.
  - (3) Uses permitted in sections 5.19 (1) and (2) are subject to all applicable *agriculture* regulations contained elsewhere in this Bylaw.
  - (4) *Buildings or structures* that are used for *agriculture* use shall be sited in accordance with the following:
    - (a) Mushroom barns must be sited a minimum of 7.5 m from all *parcel lines*.

- (b) The required minimum *setback* for *buildings* or *structures* used as principal farm *buildings* or *structures*, or animal containment for the following types of agricultural uses is identified in the table below:
- Dairying
  - Livestock, including farmed game
  - Fur farming
  - Poultry

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK	
	From all <i>parcel lines</i>	From domestic water intake (well or spring)
<i>Confined livestock area</i>	30.0 m	30.0 m
All other uses	15.0 m	30.0 m

- (c) *Buildings* or *structures* used for types of *agriculture* use not identified in sections 5.19 (4) (a) or (b) must be sited a minimum of 4.5 m from all *parcel lines*.
- (d) All *agriculture* use *buildings* or *structures* that contain boilers or walls with fans must be sited a minimum of 15.0 m from all *parcel lines*.
- (e) The required minimum setback for farm *buildings* and *structures* from the *ordinary high water mark* of a lake or watercourse is identified in the table below:

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK
	From <i>ordinary high water mark</i> of lake or watercourse
<i>Confined livestock area</i> - less than 10 <i>animal units</i>	15.0 m
<i>Confined livestock area</i> - more than 10 <i>animal units</i>	30.0 m
Mushroom barn	15.0 m
Livestock barn or <i>livestock shelter</i>	15.0 m
Milking facility	15.0 m
Stable	15.0 m
<i>Poultry</i> barn	15.0 m

- (f) *Buildings* or *structures* that are used for the storage of agricultural liquid or solid waste, such as manure, must be located:
- (i) a minimum of 30.0 m from domestic water supply intakes, such as a well or spring; and
  - (ii) a minimum of 15.0 m from the *ordinary high water mark* of lakes and *watercourses*.

11. Section 5.20 is repealed and the following substituted:

#### SECONDARY DWELLING UNIT FOR FARM HANDS

- 5.20 (1) *Secondary dwelling unit for farm hands* is not permitted *accessory* to a *cannabis production facility*.
- (2) Within the *Agricultural Land Reserve* a *secondary dwelling unit for farm hands* necessary for farm use is subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

12. Section 5.21 is repealed and the following substituted:

**CANNABIS PRODUCTION FACILITY**

- 5.21 Subject to all applicable regulations contained elsewhere in this Bylaw, *cannabis production facility* is a permitted use on parcels within the *Agricultural Land Reserve* subject to the *Agricultural Land Reserve Use Regulation* and those parcels that are located within a zone where it is identified as a permitted use.

13. Part 5 is amended by adding the following:

**SECONDARY SUITES**

- 5.22 On *parcels* where a *secondary suite* is a permitted use:

- (1) No more than one (1) *secondary suite* shall be permitted on a parcel.
- (2) *Secondary suites* are not permitted within a *manufactured home*.
- (3) *Secondary suites* must be constructed in accordance with the BC Building Code.
- (4) *Secondary suites* must be connected to an approved sewage disposal system.
- (5) No *secondary suite* shall be subdivided from the principal *dwelling unit* by a strata plan pursuant to the *Strata Property Act*.
- (6) *Secondary suites* are only permitted within a *single family dwelling*.
- (7) On *parcels* where *secondary suite* is a permitted use, the *gross floor area* of the *secondary suite* must not exceed 90 m<sup>2</sup> or 40% of the habitable floor space of the *single family dwelling*.
- (8) Within the *Agricultural Land Reserve* *secondary suites* are subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

14. Part 5 is amended by adding the following:

**MAXIMUM NUMBER OF KITCHENS PER DWELLING UNIT**

- 5.23 A maximum of one (1) *kitchen* is permitted in a *dwelling unit*.

15. Part 5 is amended by adding the following:

**GUEST RANCH**

- 5.24 (1) On *parcels* where a *guest ranch* is a permitted use, *guest ranches* must:
- (a) be conducted on a parcel not less than 16 ha;
  - (b) be conducted on a parcel assessed as farm under the *Assessment Act*; and
  - (c) not exceed 10.0 m<sup>2</sup> of *gross floor area* of *guest ranch* accommodation per hectare to a maximum of 720 m<sup>2</sup>.

16. Part 5 is amended by adding the following:

**CABIN**

- 5.25 (1) On *parcels* where a *cabin* is a permitted use, *cabins* must:
- (a) not exceed 5 m in height;
  - (b) not exceed a maximum *gross floor area* of 74 m<sup>2</sup>.

17. Part 5 is amended by adding the following:

**WILDLAND USE**

- 5.26 (1) On parcels where *wildland use* is a permitted use, *wildland use* must:
- (a) be conducted on a parcel not less than 60.0 ha in area.

18. Part 5 is amended by adding the following:

**KEEPING OF FARM ANIMALS.**

- 5.27 (1) On parcels where the *keeping of farm animals* is a permitted use:
- (a) the number of *animal units of livestock* must not exceed one (1) *animal unit* per hectare total; and
  - (b) the number of *animal units of poultry* must not exceed one-half (0.5) *animal unit* per hectare in total.

In all cases, the total number of *livestock* or *poultry* permitted will be rounded down to the nearest whole number.

- (2) On parcels where the *keeping of small farm animals* is a permitted use:
- (a) The number of rabbits must not exceed one (1) *animal unit*; and
  - (b) The cumulative number of *poultry*, exclusive of geese, turkeys and *ratites*, must not exceed fifteen (15) animals.

19. Part 5 is amended by adding the following:

**GROUP HOMES**

- 5.27 (1) On parcels where *group homes* are a permitted use, *group homes* must:
- (a) not exceed the maximum accommodation of ten people, exclusive of staff;
  - (b) be licenced or approved under Provincial statute; and
  - (c) not include any use otherwise classified or defined in this Bylaw.

20. Part 5 is amended by adding the following:

**PROPERTY SPECIFIC REGULATIONS**

- 5.28 (1) Despite the use and density regulations contained elsewhere in this Bylaw:
- (a) On Lot 1, District Lot 6206, Kootenay District, Plan 16434, storage and warehousing, including mini-warehouse and storage of *recreational vehicles* is permitted.

21. Part 6 is amended by adding the following:

**MINIMUM AVERAGE PARCEL AREA FOR BARE LAND STRATAS**

- 6.03 (1) The minimum average parcel area is equal to the minimum parcel area found in Part 8 of this Bylaw.

22. Section 6.01 (3) is amended by adding the following:

- (h) involves the creation of a *parcel* to be utilized as a common lot for access in a fee simple subdivision provided the parcel will be registered as a common lot pursuant to section 12 of the *Land Title Act Regulation 334/79*.

23. Section 7.01 (9) is repealed.

24. Part 7 is amended by adding the following:

**DISABLED PARKING SPACES**

- 7.01(A) (1) All off-street parking areas containing more than 10 but fewer than 51 *off-street parking spaces* must include a minimum of one *off-street parking space* for persons with disabilities. One additional *off-street parking space* for persons with disabilities is required for each additional 50 parking spaces or portion thereof up to a maximum of 5 dedicated *off-street parking spaces* for disabled persons.
- (2) *Off-street parking spaces* for persons with disabilities must be located as close to a disabled accessible main entrance of the *principal building* as possible.
- (3) *Off-street parking spaces* for persons with disabilities must be clearly marked with stall parking signage mounted 1.0 to 1.5 m above ground level to indicate exclusive use for disabled persons.
- (4) Each *off-street parking space* for persons with disabilities must have a firm, slip-resistant and level surface.

25. Section 7.02 (1)(A) is repealed and the following substituted:

(1)(A) Cannabis Production Facility

- 1 per 30 m<sup>2</sup> of office use, plus  
1 per 185 m<sup>2</sup> of *gross floor area* for all other uses enclosed within a *building*.

26. Section 7.03 is amended by adding the following:

- (6) Each required *off-street parking space* for persons with disabilities must be a minimum of 4.0 m in width and 6.0 m in length exclusive of aisle access.

27. Section 8.09 (1)(l) is repealed.

READ A FIRST TIME the 7<sup>th</sup> day of June, 2019.

READ A SECOND TIME the 7<sup>th</sup> day of June, 2019.

READ A THIRD TIME the 5<sup>th</sup> day of July, 2019.

APPROVED by the Ministry of Transportation and Infrastructure the 17<sup>th</sup> day of July, 2019.

Print Name: Laura Branswell

Signature: "Laura Branswell"

ADOPTED the            day of            , 2019.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER



## Request for Decision

P 037 953

<b>Date</b>	May 30, 2019
<b>Author</b>	Karen MacLeod, Planner
<b>Subject</b>	Bylaw No. 2926 – Miscellaneous Amendments – Jaffray, Tie Lake, Rosen Lake Land Use & Floodplain Management Bylaw

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### REQUEST

Introduce Bylaw No. 2926.

### OPTIONS

1. THAT Bylaw No. 2926 cited as Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999 – Amendment Bylaw No. 31, 2019 (Miscellaneous Amendments / RDEK)” be introduced.
2. THAT Bylaw No. 2926 cited as Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999 – Amendment Bylaw No. 31, 2019 (Miscellaneous Amendments / RDEK)” not proceed.

### RECOMMENDATION

Option 1.

### BACKGROUND

The RDEK is undertaking another round of zoning bylaw ‘Miscellaneous Amendments’ or housekeeping. The amendments are a chance to make changes to ensure consistency between bylaws and ensure that the regulations reflect current best practice. This bylaw also includes miscellaneous amendments that were deferred for this area in consideration of the planning process that was occurring at the time of the last set of housekeeping amendments.

### ANALYSIS

A brief overview of the changes that are included in the attached bylaw and the rationale is provided below:

- Interpretation Section – information on how height is calculated is moved from the Definitions section to the Interpretation section of the Bylaw. There are no changes proposed to how height is calculated for most buildings; however, a new section is being added under the General Regulations to clarify how the height of single pitch or flat roofs are calculated for the purpose of determining maximum permitted height.

- Definitions Section:
  - Changes to reflect the federal *Cannabis Act*. Reference to 'medical marihuana' is removed and substituted with 'cannabis'. There are no changes proposed to where cannabis production is permitted. The retail sale of cannabis is subject to a site specific amendment application under current RDEK policy.
  - Consistency of terminology within the Bylaw for commercial accommodations. A recent legal review on another RDEK zoning bylaw highlighted the importance of consistency unless another meaning is intended. As such, commercial accommodation definitions are being amended to reflect that the guests are 'transient paying guests'.
  - Consistency of the 'derelict vehicles' definition with the Unsightly Premises Bylaw. Ensuring that different RDEK bylaws are consistent assists with enforcement action and clarity residents.
  
- General Regulations Section:
  - Changes to reflect the federal *Cannabis Act* instead of previous regulations pertaining to medical marihuana and updates to the ALR Regulation relating to production of cannabis.
  - New section clarifying the permissible heights for buildings and structures with single pitch roofs (e.g. shed roofs) or flat roofs and how the height will be calculated.
  - Changes to the setback requirements for agricultural uses to reflect consistency with the Provincial Minister's Bylaw Standard. A recurring bylaw referral comment from the Ministry of Agriculture has been that the RDEK setbacks were often excessive. The reason for this was that the RDEK standard was drafted prior to the provincial standards.
  - Changes to reflect amendments to the *Agricultural Land Commission Act* and associated regulations pertaining to permitted residential uses within the Agricultural Land Reserve. The provincial government has recently made a number of changes to the Act and Regulations under Bill 52 related to residential uses in the ALR. Staff has identified a number of RDEK regulations where reference to the Act and Regulations provide greater clarity.
  - New sections to outline specific provisions for uses that were previously contained in the definitions section.
  - Inclusion of a new property specific regulations section which consolidates all parcel specific permitted uses. Section 5.28 is proposed to include all site specific permitted uses rather than have them included in each individual zone.
  
- Parcel Area Requirements:
  - Amendment to reduce the size requirement for common lot access parcels within a fee simple subdivision. The RDEK is seeing more subdivision application referrals where access to individual parcels is proposed to be via a shared common parcel rather than a dedicated road. The proposed amendment will allow for this to occur without applicants needing to apply for a variance to the Bylaw.
  - Amendment to require all lots within a bare land strata subdivision to comply with the minimum parcel size requirements of the Bylaw.
  
  - Parking Requirements – inclusion of requirements for the size and number of disabled off-street parking spaces. The current bylaw includes a minimum requirement for disabled off-street parking, but relied on the BC Building Code for further requirements and specifications on the size of the parking space.



Recent amendments to the Building Code removed the requirements, so inclusion of comparable requirements in the zoning bylaw is required to ensure that disabled parking spaces are still provided.

## SPECIFIC CONSIDERATIONS

### Public & First Nations Consultation (Referrals)

Referrals for Bylaw 2926 were sent on April 12, 2019 to the following agencies:

- Interior Health Authority
- **Ministry of Transportation & Infrastructure**
- Ministry of Agriculture
- Agricultural Land Commission
- Ktunaxa Nation Council
- School District No. 5

Comments from referral agencies had a reply deadline of May 31, 2019. Agencies that responded to the referral are highlighted in bold and had no concerns or comments related to Bylaw 2926. The Ministry of Agriculture provided comments on the Temporary Use Permit provisions and the regulation of cannabis production. Amendments were made to the bylaw to reflect the concern related to the Temporary Use Permit provisions. Staff reviewed the concern related to cannabis production and identified that the current wording of the bylaw identifies that the use is permissible under the Agricultural Land Use Regulation without being too prescriptive, as such no changes were made to the bylaw at this time

At the April 15, 2019 Electoral Area B Advisory Planning Commission meeting, Bylaw No. 2926 was reviewed and supported.

#### Attachment

1. Bylaw No. 2926 – Regional District of East Kootenay – Jaffray, Tie Lake, Rosen Lake Land Use and Floodplain Management Bylaw No. 1414, 1999 – Amendment Bylaw No. 31, 2019 (Miscellaneous Amendments / RDEK)
2. Ministry of Agriculture Bylaw Referral Response – May 2019

## REGIONAL DISTRICT OF EAST KOOTENAY

### BYLAW NO. 2927

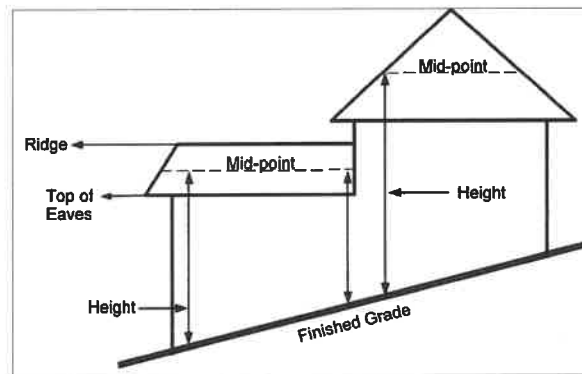
A bylaw to amend Bylaw No. 2320 cited as "Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011."

WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 2320;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 20, 2019 (Miscellaneous Amendments / RDEK)."
2. Section 3.2 is amended by adding the following:
  - (6) The maximum permitted height of *buildings* and *structures* is calculated by measuring the vertical distance from the *finished grade* of the *building* or *structure* to the mid-point between the eaves and ridge of the primary roof or roofs. Height is shown in the diagram below:



When the architectural design of the primary roof or roofs does not include a roof ridge, the maximum permitted height of the *building* or *structure* shall be calculated in accordance with section 1.11 (6) of this Bylaw.

3. Section 3.3 is amended by repealing the definitions of cannabis; derelict vehicle; farm operation; height; lodge; medical marihuana; and medical marihuana production facility and adding the following:

**Cannabis** means the substance set out in Schedule 1 of the *Cannabis Act (Canada)*.

**Cannabis production facility** means a facility for the cultivation, processing, destruction, shipping and direct marketing of *cannabis*. A facility may also conduct research or testing of *cannabis*.

**Derelict vehicle** means any *vehicle* no longer in road worthy condition, in a state of disrepair, wrecked or in the process of being dismantled, or which is not licenced and insured in the current calendar year, but does not include *vehicles* stored in *buildings*.

**Farm operation** means 'farm operation' as defined in the *Farm Practices Protection (Right to Farm) Act*, but does not include growing, producing, cultivating, processing or direct marketing of *cannabis*.

**Flat roof** means the roof of a *building* or *structure* for which the slope of the roof is equal to or less than 9 degrees.

**Lodge** means a *building* that provides temporary accommodations for the exclusive use of operators and/or transient paying guests of a *guest ranch*, *rural retreat*, or *wildland use*. A lodge may include facilities for sleeping, cooking, communal dining, meeting, recreation and sanitation.

4. Schedule A Section 1.10 (2) and (6) are repealed and the following substituted:

- (6) *Buildings and structures for a cannabis production facility must be sited not less than:*
- (a) 15.0 m from a *front parcel line*;
  - (b) 15.0 m from an *interior side parcel line*;
  - (c) 30.0 m from an *exterior side parcel line*;
  - (d) 30.0 m from a *rear parcel line*.

5. Schedule A Section 1.11 (5) is repealed and the following substituted:

- (5) *Buildings and structures used for a cannabis production facility where a cannabis production facility is a permitted use are exempt from the height requirements of this Bylaw.*

6. Schedule A Section 1.11 is amended by adding the following:

- (6) The maximum permitted height of *buildings and structures* that are not exempt from the height regulations of this Bylaw and for which the architectural design includes a roof or roofs that does not include a roof ridge must be in accordance with the following:
- (a) Single pitch roof *buildings and structures* must not exceed 1.5 m above the permitted maximum height in the applicable zone for the *building or structure* measured from *finished grade* to the top of each wall that abuts the underside of the roof structure.
  - (b) *Flat roof buildings and structures* must not exceed the maximum permitted height in the applicable zone measured from *finished grade* to the top of the roof structure.

For *buildings and structures* that include additional primary roof types not identified above, the maximum height of any primary roof(s) that includes a roof ridge shall be calculated in accordance with section 3.2 (6) of this Bylaw.

7. Schedule A Section 1.14 is amended by adding the following:

- (3) *Within the Agricultural Land Reserve a dwelling unit for a relative requiring care is subject to requirements of the Agricultural Land Commission Act and Agricultural Land Reserve Use Regulation.*

8. Schedule A Section 1.18 (5) is repealed.

9. Schedule A Section 1.20 is repealed and the following substituted:

- (1) *Where all or part of a parcel is located within the Agricultural Land Reserve activities designated farm use in the Agricultural Land Reserve Use Regulation are permitted on the parcel. In addition to the farm use activities, those uses approved by the Provincial Agricultural Land Commission as accessory to the farm use for that parcel are also permitted.*
- (2) *Where a parcel is not in the Agricultural Land Reserve, is located in a zone that permits farm operation and the parcel is assessed as farm under the Assessment Act, activities designated farm use in the Agricultural Land Reserve Use Regulation are permitted in conjunction with the farm operation.*
- (3) *Uses permitted in sections 1.20 (1) and (2) are subject to all applicable agriculture regulations contained elsewhere in this Bylaw.*
- (4) *Buildings or structures that are used for farm operations shall be sited in accordance with the following:*
  - (a) *Mushroom barns must be sited a minimum of 7.5 m from all parcel lines.*
  - (b) *The required minimum setback for buildings or structures used as principal farm buildings or structures, or animal containment for the following types of agricultural uses is identified in the table below:*

- Dairying
- Livestock, including farmed game
- Fur farming
- Poultry

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK	
	From all <i>parcel lines</i>	From domestic water intake (well or spring)
<i>Confined livestock area</i>	30.0 m	30.0 m
All other uses	15.0 m	30.0 m

- (c) *Buildings or structures* used for types of *farm operation* not identified in sections 5.19 (4) (a) or (b) must be sited a minimum of 4.5 m from all *parcel lines*.
- (d) All *farm operation buildings or structures* that contain boilers or walls with fans must be sited a minimum of 15.0 m from all *parcel lines*.
- (e) The required minimum setback for farm *buildings and structures* from the *ordinary high water mark* of a lake or watercourse is identified in the table below:

TYPE OF AGRICULTURAL USE	MINIMUM SETBACK
	From <i>ordinary high water mark of lake or watercourse</i>
<i>Confined livestock area - less than 10 animal units</i>	15.0 m
<i>Confined livestock area - more than 10 animal units</i>	30.0 m
Mushroom barn	15.0 m
Livestock barn or <i>livestock shelter</i>	15.0 m
Milking facility	15.0 m
Stable	15.0 m
<i>Poultry barn</i>	15.0 m

- (f) *Buildings or structures* that are used for the storage of agricultural liquid or solid waste, such as manure, must be located:
- (i) a minimum of 30.0 m from domestic water supply intakes, such as a well or spring; and
  - (ii) a minimum of 15.0 m from the *ordinary high water mark* of lakes and *watercourses*.

10. Schedule A Section 1.21 (1) is amended by adding the following:

- (k) Within the *Agricultural Land Reserve secondary suites* are subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

11. Schedule A Section 1.25 (3) is repealed and the following substituted:

- (3) *Secondary dwelling unit for farm hands* is not permitted *accessory* to a *cannabis production facility*.
- (4) Within the *Agricultural Land Reserve* a *secondary dwelling unit for farm hands* necessary for farm use is subject to requirements of the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use Regulation*.

12. Schedule A Section 1.27 is repealed and the following substituted:

**1.27 Cannabis Production Facility**

Subject to all applicable regulations contained elsewhere in this Bylaw, *cannabis production facility* is a permitted use on parcels within the *Agricultural Land Reserve* subject to the *Agricultural Land Reserve Use Regulation* and those parcels that are located within a zone where it is identified as a permitted use.

13. Schedule A Part 1 is amended by adding the following:

**1.28 Property Specific Regulations**

- (1) Despite the use and density regulations contained elsewhere in this Bylaw:
- (a) On Lot 1, District Lot 6325, Kootenay District, Plan 15359, two *single family dwellings* is permitted provided one of the *single family dwellings* is a *manufactured home* in the same location as one of the two *manufactured homes* existing on the property at the time of adoption of this Bylaw.
  - (b) On Lot 2, Block 14, District Lot 132, Kootenay District, Plan 1181 Except Plan 7682, *wireless communication facility* is permitted.
  - (c) On Lot 1, District Lot 132, Kootenay District, Plan NEP71336 west of Chief Daniel Road the *campground* is restricted to a total of 70 *recreational vehicles* or *park model trailers*.
  - (d) On Lot 2, Block 13, District Lot 132, Kootenay District, Plan 1181 and Lot 3, Block 13, District Lot 132, Kootenay District, Plan 1181 the *campground* is restricted to a total of 25 *recreational vehicles* or *park model trailers*.
  - (e) On Assigned Sublot 4 (See 23079I), District Lot 326, Kootenay District, Plan X26 the *campground* is restricted to a total of 160 *recreational vehicles* or *park model trailers*.
  - (f) On Lot 226, District Lot 329, Kootenay District, Plan 1171, employee housing is permitted. The employee housing must:
    - (i) include secure indoor storage for each resident within the employee housing; and
    - (ii) be limited to:
      - (A) two bunkhouses, each with a maximum *gross floor area* of 24m<sup>2</sup>;
      - (B) a common area/kitchen facility with a maximum *gross floor area* of 34 m<sup>2</sup> as an amenity available to all employee residents; and
      - (C) an on-site washroom and domestic laundry facility with a maximum *gross floor area* of 27 m<sup>2</sup> as a common amenity available to all employee residents.

14. Schedule A Section 2.3 (1) is amended by adding the following:

- (h) Involves the creation of a *parcel* to be utilized as a common lot for access in a fee simple subdivision provided the parcel will be registered as a common lot pursuant to section 12 of the *Land Title Act Regulation 334/79*.

15. Schedule A Section 3.1 (10) is repealed.

16. Schedule A Part 3 is amended by adding the following:

**3.1(A) Disabled Parking Spaces**

- (1) All off-street parking areas containing more than 10 but fewer than 51 *off-street parking spaces* must include a minimum of one *off-street parking space* for persons with disabilities. One additional *off-street parking space* for persons with disabilities is required for each additional 50 parking spaces or portion thereof up to a maximum of 5 dedicated *off-street parking spaces* for disabled persons.

- (2) *Off-street parking spaces* for persons with disabilities must be located as close to a disabled accessible main entrance of the *principal building* as possible.
- (3) *Off-street parking spaces* for persons with disabilities must be clearly marked with stall parking signage mounted 1.0 to 1.5 m above ground level to indicate exclusive use for disabled persons.
- (4) Each *off-street parking space* for persons with disabilities must have a firm, slip-resistant and level surface.

17. Schedule A Section 3.2 (1)(g) is repealed and the following substituted:

- (g) *Cannabis production facility* - 1 per 30 m<sup>2</sup> of office use, plus  
1 per 185 m<sup>2</sup> of *gross floor area* for all other uses  
enclosed within a *building*

18. Schedule A Section 3.3 is amended by adding the following:

- (7) Each required *off-street parking space* for persons with disabilities must be a minimum of 4.0 m in width and 6.0 m in length exclusive of aisle access.

19. Schedule A Section 4.10 (1)(k) is repealed.

20. Schedule A Section 4.11(A) (1)(k) is repealed and substituted with the following:

- (k) *Cannabis production facility.*

21. Schedule A Section 4.13 (2)(a) is repealed and substituted with the following:

- (a) Uses, *buildings* and *structures accessory* to a permitted use, subject to subsection 4.13 (4)(a).

22. Schedule A Section 4.13 (4) is repealed and substituted with the following:

- (4) Other Regulations
  - (a) On *parcels* with a *campground* as a permitted use, uses *accessory* to a *campground* are identified in the "Regional District of East Kootenay - Campground Bylaw No. 2403, 2012", as amended from time to time.

23. Schedule A Section 4.17 (2)(h) and (4) are repealed.

READ A FIRST TIME the 7<sup>th</sup> day of June, 2019.

READ A SECOND TIME the 7<sup>th</sup> day of June, 2019.

READ A THIRD TIME the 5<sup>th</sup> day of July, 2019.

APPROVED by the Ministry of Transportation and Infrastructure the 17<sup>th</sup> day of July, 2019.

Print Name: Laura Branswell

Signature: "Laura Branswell"

ADOPTED the            day of            , 2019.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

## Request for Decision

P 037 954

<b>Date</b>	May 30, 2019
<b>Author</b>	Karen MacLeod, Planner
<b>Subject</b>	Bylaw No. 2927 – Miscellaneous Amendments – South Country Zoning & Floodplain Management Bylaw

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### REQUEST

Introduce Bylaw No. 2927.

### OPTIONS

1. THAT Bylaw No. 2927 cited as Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 20, 2019 (Miscellaneous Amendments / RDEK)” be introduced.
2. THAT Bylaw No. 2927 cited as Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 20, 2019 (Miscellaneous Amendments / RDEK)” not proceed.

### RECOMMENDATION

Option 1.

### BACKGROUND

The RDEK is undertaking another round of zoning bylaw ‘Miscellaneous Amendments’ or housekeeping. The amendments are a chance to make changes to ensure consistency between bylaws and ensure that the regulations reflect current best practice.

### ANALYSIS

A brief overview of the changes that are included in the attached bylaw and the rationale is provided below:

- Interpretation Section – information on how height is calculated is moved from the Definitions section to the Interpretation section of the Bylaw. There are no changes proposed to how height is calculated for most buildings; however, a new section is being added under the General Regulations to clarify how the height of single pitch or flat roofs are calculated for the purpose of determining maximum permitted height.
- Definitions Section:
  - Changes to reflect the federal *Cannabis Act*. Reference to ‘medical marihuana’ is removed and substituted with ‘cannabis’. There are no changes proposed to where

- cannabis production is permitted. The retail sale of cannabis is subject to a site specific amendment application under current RDEK policy.
- Consistency of terminology within the Bylaw for commercial accommodations. A recent legal review on another RDEK zoning bylaw highlighted the importance of consistency unless another meaning is intended. As such, commercial accommodation definitions are being amended to reflect that the guests are 'transient paying guests'.
  - Consistency of the 'derelict vehicles' definition with the Unsightly Premises Bylaw. Ensuring that different RDEK bylaws are consistent assists with enforcement action and clarity residents.
- General Regulations Section:
- Changes to reflect the federal *Cannabis Act* instead of previous regulations pertaining to medical marihuana and updates to the ALR Regulation relating to production of cannabis.
  - New section clarifying the permissible heights for buildings and structures with single pitch roofs (e.g. shed roofs) or flat roofs and how the height will be calculated.
  - Changes to the setback requirements for agricultural uses to reflect consistency with the Provincial Minister's Bylaw Standard. A recurring bylaw referral comment from the Ministry of Agriculture has been that the RDEK setbacks were often excessive. The reason for this was that the RDEK standard was drafted prior to the provincial standards.
  - Changes to reflect amendments to the *Agricultural Land Commission Act* and associated regulations pertaining to permitted residential uses within the Agricultural Land Reserve. The provincial government has recently made a number of changes to the Act and Regulations under Bill 52 related to residential uses in the ALR. Staff has identified a number of RDEK regulations where reference to the Act and Regulations provide greater clarity.
  - Inclusion of a new property specific regulations section which consolidates all parcel specific permitted uses. Section 1.28 is proposed to include all site specific permitted uses rather than have them included in each individual zone.
  - Parcel Area Requirements - amendment to reduce the size requirement for common lot access parcels within a fee simple subdivision. The RDEK is seeing more subdivision application referrals where access to individual parcels is proposed to be via a shared common parcel rather than a dedicated road. The proposed amendment will allow for this to occur without applicants needing to apply for a variance to the Bylaw.
  - Parking Requirements – inclusion of requirements for the size and number of disabled off-street parking spaces. The current bylaw includes a minimum requirement for disabled off-street parking, but relied on the BC Building Code for further requirements and specifications on the size of the parking space. Recent amendments to the Building Code removed the requirements, so inclusion of comparable requirements in the zoning bylaw is required to ensure that disabled parking spaces are still provided.

## SPECIFIC CONSIDERATIONS

### Public & First Nations Consultation (Referrals)

Referrals for Bylaw 2927 were sent on April 12, 2019 to the following agencies:



- Interior Health Authority
- **Ministry of Transportation & Infrastructure**
- Ministry of Agriculture
- Agricultural Land Commission
- Ktunaxa Nation Council
- School District No. 5

Comments from referral agencies had a reply deadline of May 31, 2019. Agencies that responded to the referral are highlighted in bold and had no concerns or comments related to Bylaw 2927. The Ministry of Agriculture provided a comment on the regulation of cannabis production. Staff reviewed the concern and identified that the current wording of the bylaw identifies that the use is permissible under the Agricultural Land Use Regulation without being too prescriptive, as such no changes were made to the bylaw at this time.

At the April 15, 2019 Electoral Area B Advisory Planning Commission meeting, Bylaw No. 2927 was reviewed and supported.

Attachment

1. Bylaw No. 2927 - Regional District of East Kootenay – South Country Zoning & Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 20, 2019 (Miscellaneous Amendments / RDEK)
2. Ministry of Agriculture Bylaw Referral Response – May 2019



## Public Hearing Report - Bylaw No. 2932 Dicken Road / Kramer

This report is submitted to the Board of Directors of the Regional District of East Kootenay pursuant to Section 464 of the *Local Government Act*.

The public hearing for Bylaw No. 2932 cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 93, 2019 (Dicken Road / Kramer)" was held on July 24, 2019 at 7:00 pm in the Fernie Family Centre, in Fernie.

The following Regional District representatives attended the public hearing:

Director Mike Sosnowski, Electoral Area A  
Director Ange Qualizza, City of Fernie  
Krista Gilbert, Planning Technician

The notice for the hearing was published in the July 11 and July 18, 2019 issues of the Free Press and the July 18, 2019 issue of the East Kootenay Extra. Twelve (12) notices were sent to neighbouring property owners and occupiers on July 5, 2018 by regular mail with no notices returned as undeliverable.

Chair Sosnowski convened the hearing at 7:04 pm and Regional District representatives were introduced.

Chair Sosnowski advised those in attendance:

- to identify themselves and the property they own that may be affected by the Bylaw;
- that only those written and/or verbal presentations made at the hearing will be considered as part of the hearing report;
- that no written or verbal submissions will be allowed subsequent to the close of this hearing.

**Bylaw No. 2932** provides for:

1. This Bylaw may be cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 93, 2019 (Dicken Road / Kramer)."
2. Part 4 – General Regulations is amended by adding the following:

### **PROPERTY SPECIFIC REGULATIONS**

- 4.27** (1) Despite the use and density regulations contained elsewhere in this Bylaw:
- (b) A maximum of two dwelling units are permitted on District Lot 12755, Kootenay District.

Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its August 2, 2019 meeting.

Four written submission were received expressing support for the proposal.

Ten members of the public including the proponents attended the hearing and the following people spoke:

Nancy-Jo O'Neill, 491 9<sup>th</sup> Avenue – She expressed her full support of the application. She stated that she was previously opposed to subdivision within the area, but considers this proposal reasonable as it doesn't impact wildlife corridors and considers it to be sustainable development. Her comments are supported by an attached letter she submitted.

Brian Larsen, 740 Hartley Creek Road – He read from the letter attached and expressed support for the application.

Paul Burnett, 6787 Dock Road – He expressed support for the application for all the same reasons as previously stated.

Director Sosnowski called three times for comments and since neither the proponents nor any other members of the public chose to speak, Chair Sosnowski adjourned the hearing at 7:15 pm.

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**Chair Mike Sosnowski**  
**Electoral Area A**

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**Krista Gilbert**  
**Planning Technician**

July 23, 2019  
Fernie, B.C.

To Whom it may concern:

This letter, representing the opinion of RDEK property co-owners Rodney Timm and Nancy-Jo O'Neill, is in support of the application by Paul and Shannon Kramer to amend the text of the Elk Valley Zoning Bylaw to permit a second dwelling on the property located at 797 Hartley Lake Road north of Fernie, B.C. (District Lot # 12755, Kootenay District).

We are co-owners of the District Lot (#12752) which shares a property line with the property under application. We fully support the application submitted by Mr. and Mrs. Kramer.

We know both Shannon and Paul to be long-term residents (born and raised), as well as responsible business owners in the Elk Valley. As committed community members and respected business operators, Paul and Shannon have always demonstrated honesty and integrity. As the co-owners of neighboring property, we have found Paul and Shannon to be considerate and respectful neighbors. We have no doubt that if the RDEK Board permits the amendment to the Bylaw, Paul and Shannon will abide by whatever terms are allocated within the agreement.

On a personal note, as an Elk Valley resident since 1983, there have been many changes to the outlying areas; some developments have threatened the wildlife corridor and other specific concerns within the Elk Valley and some developments have not. To permit a second residence on properties in the Hartley Lake Road area represents low impact development which respects our natural resources and wildlife while attributing to careful development and planning within the RDEK.

Sincerely,

NJ O'Neill (for Rod Timm)

A handwritten signature in black ink, appearing to be 'NJ O'Neill', written over the typed name. The signature is cursive and somewhat stylized, with a large loop at the top.

19/07/24

# LARSEN SUBMISSION

Brian (Brian) and Sarah (Sarah) S&M owners of R-12757.  
Neighbors to the applicants, the Kramers

- Our lots were originally part of a Crown grant prior to the construction of Hanley Creek Road, the primary access to the lands, and a major obstacle to sub-division of the lots although no limits to traffic. Size, weight, numbers etc.
- The lots were removed/excluded from the ALR in 2011 as a step towards economic development of the lands.

For lands with RRE zoning, following are the permitted uses.

\* read from the bylaws - see attached

- meant to  
be a  
shutdown  
and  
disempower

Bylaws are guidelines not hard and fast rules. Bylaws require frequent review so that they keep up with change.

Approval of the application will provide temporary employment and economic benefit locally. A residence within the Elk Valley. No doubt additional taxes will apply. Most of all the applicant gets to enjoy the normal privileges of land ownership, as it should be!! This is a WIN-WIN for all.

How can there be any objection to the application and the precedent it establishes for other acreages, and land owners who wish to create value and share?

Zoning

We support the application and look forward to more amendments to the property zoning guidelines and improvements which support economic development.

**RURAL RESIDENTIAL (COUNTRY) ZONE: RR-8****7.11 (1) Permitted Uses**

Within the RR-8 zone the following uses only are permitted:

- (a) Single family dwelling;
- (b) Two family dwelling;
- (c) Agricultural use;
- (d) Seasonal produce stands;
- (e) Veterinary clinics;
- (f) Kennels, subject to subsection (5)(e);
- (g) ~~Section 7.11(1)(g)~~ *deleted by Bylaw 1673 adopted 01 Aug 2003.*
- (h) Guest ranch, subject to subsection (7)(e);
- (i) Riding stables, equestrian centres;
- (j) Rifle, archery, trap and skeet ranges, subject to subsection (5)(f);
- (k) Fish ponds;
- (l) Rural retreats;
- (m) Hostels;
- (n) Extraction of sand and gravel, including grading, washing, screening, crushing and transporting of materials;
- (o) Harvesting, transport and storage of forest resources, silvicultural practices and Christmas tree management;
- (p) Portable sawmill, subject to subsection (7)(d);
- (q) Private air strips and helicopter landing pad;
- (r) Wildland use;
- (s) Government services;
- (t) Sanitary landfill sites, subject to subsection (5)(i);
- (u) Water storage and bulk water distribution facilities on same parcel as water source, subject to subsections 5(j) and 6(d);
- (v) Uses permitted under Section 4.03 of this Bylaw.

BL 2326  
04 Nov 11

BL 1972  
07 Dec 07

BL 1023  
07 May 93

**(2) Accessory Uses**

- (a) Cement, concrete, asphalt or ready-mix plants accessory to sand and gravel pits subject to subsection (5)(g);
- (b) Concession stands accessory to fish ponds;
- (c) Cabins accessory to wildland use;
- (d) Backcountry Commercial Recreation lodge accessory to wildland use;

BL 2326  
04 Nov 11

Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.



July 11 2019

Good Day

I have no objection to Amendment Bylaw No.93, 2019, which will amend the text of the Bylaw No.829,1990.

Sincerely, *Margaret Farmer*

Print Name MARGARET FARMER.  
+  
TODD

Print Address

791 HARTLEY LAKE RD.  
Fernie B.C. [REDACTED]  
[REDACTED]



**Krista Gilbert**

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**From:** The Green House [REDACTED]  
**Sent:** July 21, 2019 9:18 AM  
**To:** Krista Gilbert  
**Subject:** Bylaw No. 2932, Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 93, 2019 (Dicken Road / Kramer)

Good Morning Krista,

Please accept our email submission regarding **Bylaw No. 2932, Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 93, 2019 (Dicken Road / Kramer)** as we are unable to attend the upcoming public hearing.

As residents on parcel DL 12753, our property meets 797 Hartley Creek Rd. (DL 12755) at the northeastern corner where our home is situated. We do not feel that this bylaw amendment will negatively affect our interests in property. We therefore **support** Paul and Shannon Kramer's application to amend the Elk Valley Zoning Bylaw to permit two dwellings on 797 Hartley Creek Rd., with the secondary dwelling as a residence for immediate family as requested.

Sincerely,

Roland and Amanda Green

**REGIONAL DISTRICT OF EAST KOOTENAY**

**BYLAW NO. 2932**

A bylaw to amend Bylaw No. 829 cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990."

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WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 829;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 93, 2019 (Dicken Road / Kramer)."
2. Part 4 – General Regulations is amended by adding the following:

**PROPERTY SPECIFIC REGULATIONS**

- 4.27** (1) Despite the use and density regulations contained elsewhere in this Bylaw:
- (b) A maximum of two dwelling units are permitted on District Lot 12755, Kootenay District.

READ A FIRST TIME the 5<sup>th</sup> day of July, 2019.

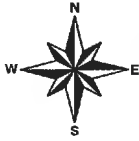
READ A SECOND TIME the 5<sup>th</sup> day of July, 2019.

READ A THIRD TIME the        day of        , 2019.

ADOPTED the        day of        , 2019.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER



# SCHEDULE A

DL 12759

DL. 12757

DL. 12760

DL 12756

Tymchuck Rd

DL. 12755

DL. 127

**Subject Property**

Hartley Creek Rd

DL. 12754

DL. 127

DL 3914

DL 12379

P.1411

P.1697

P.1411

P.15502

P.1582

EPP77770

Dicken Rd

P.1697

Exp 21494-I

This is Schedule A referred to in Bylaw No. 2932 cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 93, 2019 (Dicken Road / Kramer)."

Chair

Corporate Officer

Date



## Bylaw Amendment Application

Date: June 26, 2019  
File: P 719 112  
Bylaw No. 2932

**Applicants:** Paul and Shannon Kramer  
**Location:** 797 Hartley Creek Road, north of Fernie  
**Legal:** DL 12755, Kootenay District

**Proposal:** To amend the text of the zoning bylaw to permit two dwellings on the property.

**Development Agreement:**

- The applicants have offered to register a covenant stating that the second dwelling is only intended for the use of immediate family members.

**Options:**

1. THAT Bylaw No. 2932 cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 93, 2019 (Dicken Road / Kramer)" be introduced;  
and further, that a development agreement containing the item identified in the staff report be registered on title prior to bylaw adoption.
2. THAT Bylaw No. 2932 cited as "Regional District of East Kootenay – Elk Valley Zoning Bylaw No. 829, 1990 – Amendment Bylaw No. 93, 2019 (Dicken Road / Kramer)" not proceed.

**Recommendation:** **Option #2**  
Zoning restrictions for the number of dwellings permitted per parcel are intended to control density and preserve the rural character of the area. In Area A, detached secondary suites are permitted and are an option in this case.

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**Property Information:**

**OCP Designation:** RR, Rural Resource

**OCP Objectives & Policies:**

- Rezoning applications to enable residential subdivision are generally not supported in the following locations:
  - Along Coal Creek Road;
  - Between the Dicken Road Subarea and Sparwood, but excluding Hosmer Subarea; and
  - Corbin

(Note: This is not a subdivision application)

- Development is encouraged to be compatible with the character of the surrounding parcels in order to maintain the rural nature of the Dicken Road Subarea

**Property Information - cont'd:**

**Zone Designation:** RR-8, Rural Residential (Country) Zone (minimum parcel size: 8 ha)

**Parcel Size:** 20.2 ha (49.9 ac)

**Density:**

Permitted: One single family dwelling

Proposed: Two single family dwellings

**ALR Status:** Not within the ALR

**Interface Fire Hazard Rating:** Moderate, within the Hosmer fire protection area

**Flood Hazard Rating:** Hartley Creek flows through the property. Floodplain management provisions will apply to development.

**BC Assessment:** Residential with single family dwelling

**Water and Sewer Services:** Onsite

**Professional Studies:**

None

**Additional Information:**

- The applicants have indicated they will be constructing an onsite well and septic system to service the additional dwelling.
- The applicants have stated that the second dwelling would be a manufactured home for their daughter and partner to live in, where they would provide assistance in maintaining and developing the property.

**Consultation**

**APC Area A:** Support

**Referral Agencies:**

- **Interior Health Authority:** Interest unaffected
- **Transportation & Infrastructure:** Interests unaffected
- **Environment:** No comment
- **Ktunaxa Nation Council:** No comments to date
- **School District No. 5:** No comments to date
- **Telus:** No comments to date

**Documents Attached:**

- Bylaw
- Location Map
- Land Use Map
- Proposal

**RDEK Contact:**

Krista Gilbert, Planning Technician  
Phone: 250-489-0314  
Email: [kgilbert@rdek.bc.ca](mailto:kgilbert@rdek.bc.ca)



## Public Hearing Report – Bylaw No. 2933 & 2934 Panorama / Marshall & Beaudry

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This report is submitted to the Board of Directors of the Regional District of East Kootenay pursuant to Section 464 of the *Local Government Act*.

The public hearing for Bylaw No. 2933 cited as “Regional District of East Kootenay – Panorama Mountain Village Official Community Plan Bylaw No. 1441, 1999 – Amendment Bylaw No. 16, 2019 (Panorama / Marshall & Beaudry)” and Bylaw No. 2934 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 349, 2019 (Panorama / Marshall & Beaudry)” was held on July 24, 2019 at 7:00 pm at the Copper Crown Banquet Room at Panorama Mountain Resort, Panorama.

The following Regional District representatives attended the public hearing:

Director Susan Clovechok, Electoral Area F  
 Director Gerry Wilkie, Electoral Area G  
 Director Allen Miller, District of Invermere  
 Tracy Van de Wiel, Planning Technician

The notice for the hearing was published in the July 11 and July 18, 2019 issues of the Columbia Valley Pioneer and in the July 18, 2019 issue of the East Kootenay Extra. 96 notices were sent to neighbouring property owners and occupiers on July 5, 2019 by regular mail with three notices returned as undeliverable.

Staff and the proponent gave an overview of the amending bylaws followed by a question and answer period before the hearing.

Chair Clovechok convened the hearing at 4:48 pm and Regional District representatives were introduced.

Chair Clovechok advised those in attendance:

- to identify themselves and the property they own that may be affected by the Bylaw;
- that only those written and/or verbal presentations made at the hearing will be considered as part of the hearing report;
- that no written or verbal submissions will be allowed subsequent to the close of this hearing

**Bylaw No. 2933** provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Panorama Mountain Village Official Community Plan Bylaw No. 1441, 1999 – Amendment Bylaw No. 16, 2019 (Panorama / Marshall & Beaudry)”
2. Amendment to the text of the Panorama Mountain Village OCP to consider supporting auxiliary dwelling units within the original Panorama Village single-family subdivision on a case by case basis.

**Bylaw No. 2934** provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 349, 2019 (Panorama / Marshall & Beaudry).”
  2. The designation of Lots 50 and 54, District Lot 4609, Kootenay District, Plan 8935, is amended from R-1, Single Family Residential Zone to R-1(C), Auxiliary Dwelling Unit Zone.
- Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its August 2, 2019 meeting.

In total forty-four (44) written submissions were received. 37 letters were received prior to the hearing and additional letters were read out and then submitted at the hearing. Where more than one submission was received from the same person, it was counted as one submission. All letters are attached.

One (1) letter was received from the proponents with additional information regarding the community water and sewer systems.

Twenty-one (21) letters express support - some giving reasons such as providing an affordable option for accommodation including employee housing and that the applicants are taking a legal approach instead of like many residents who have suites illegally. One letter states that permitting suites within dwellings will provide added housing options without having impact on the character of the Panorama area.

Twenty-two (22) letters express opposition - some of these letters state that the area should remain single-family dwellings only, and some letters give reasons for opposition including:

- a) Property values should be protected,
- b) RDEK should do more enforcement on the existing illegal suites in the area,
- c) Approval of these bylaws could set a precedent making more suites approved in future.
- d) Reviewing applications on a ‘case by case’ basis will be wasteful of time, energy and dollars, and it will cause a negative neighbour vs neighbour attitude,
- e) This decision should wait for the broader discussion of the OCP rewrite,
- f) There are numerous opportunities for suites already within the Greywolf and Trapper’s Ridge areas, and
- g) There are a large number of timeshare units with an uncertain future which may result in more long-term rental opportunities coming available over the coming 18-24 months.

37 members of the public attended the hearing and the following people spoke:

Daniel Goldsmith, 229 - 228 Toby – Support. He and his family have lived in Panorama for more than 3 years and they find it very difficult to find safe and affordable housing.

Doug Flaig, 1993 Panorama Drive – Opposed. He purchased Lot 52 in 1974 and is opposed to the proposed changes. He said that before making changes to an existing system that is working, you must demonstrate three things; a) there is a need for change, b) what the mechanism and plan for the change will be, and c) what the benefits and risks are. Mr. Flaig provided a detailed description for why he doesn’t think the applicants have met the criteria and said that he is strongly opposed (see attached letters and speaking notes from Mr. Flaig).

Sharon Simon, 2158 Trappers Way and 2075 Summit Drive – Support. She said that the neighbourhoods which permit suites don’t have very many of them. She said Trappers Ridge only has 1 suite and the Greywolf area has a few others but many are rented nightly using VRBO or similar.

Cameron Demcoe, 2109 Panorama Drive – Opposed. Expressed concerns about an increase in short term rentals (STRs) because they increase noise, traffic and parking, and they generally result in lower property values.

Bruce Fraser, 2103 Panorama Drive – Opposed. He lives adjacent to one of the subject properties and is concerned about increased density, primarily because of noise. He bought his cabin in 1990 and it was previously loaned as staff housing and it was a disaster - falling apart inside. He said he thought the R-1 zoning in the original subdivision was to be 'in perpetuity' so it couldn't be changed.

Andrew Cradduck, 2098 Panorama Drive – Support. He said the area needs the long-term rental opportunities.

Bruce Hamstead, 2126 Panorama Drive – Opposed. He asked why we are all here. He said this is the result of the RDEK's blatant disregard for any kind of enforcement over the years. He said their family has complained many times historically and their concerns were not listened to and no action was taken. He said they have no police in the area and that even as recently as 2 days ago, he had to pick up garbage from the STR next door and that this garbage is an attractant for bears and crows. He also said he represents the Panorama Subdivision Owners Association and he read out the association's mandate (see attached letters). He said the Association doesn't just act on behalf of the owners in the subdivision but also is actively engaged with the resort, Corix, and the RDEK etc. He said that the original subdivision at Panorama is a very unique area and anyone who has bought there since 1980 was aware of the R-1 zone at that time and that there couldn't be any suites. He said the RDEK hasn't enforced this and the illegal suites are a hazard. He gave an example of one that burned down and when it was rebuilt, there was a suite put in the basement. He asked how this can happen - why doesn't the RDEK do something. He said the original panorama subdivision area is meant for families to enjoy and that the proposal will create winners and losers. He said the applicants will win and the other residents will lose. He commented that the change to the OCP to consider suites on a 'case by case' basis would mean more public hearings that would pit neighbor against neighbor. He said the applicants are asking for what they've already been doing for more than a year and that their 2nd property is 'just in case' they want a suite in it later. He requests refusal of the bylaws because they will only benefit a few and will be a detriment to many.

Amy Greene, 2080 Summit Drive – Support. She said she's been renting in Panorama for 8 years and her rentals have been repeatedly sold. She supports the application because it can provide long-term rentals.

Meredith Hamstead on behalf of Deirdre Hamstead (who was in attendance and indicated she wanted Meredith to speak for her), 2126 Panorama Drive – Opposed. Deirdre Hamstead has owned property here since the beginning and she said the original subdivision was intended as a single-family residential zone and over the years many properties have had multi-generational use. Meredith read out a letter from Dierdre (letter attached) in which Deirdre states that commercial use should not be permitted in a residential area and that the RDEK should put a stop to it. She believes the RDEK has done nothing to enforce their own regulations and they are party to letting residents rent unsafe dwellings by not enforcing regulations. She says the lack of adequate staff housing should be a problem solved by developers and the resort, not the owners in the single family neighbourhood. STRs damage a community and the impacts should not be underestimated.

Meredith Hamstead, 2126 Panorama Drive – Opposed. She said she is in a difficult position because she has experience working both personally and professionally on issues related to affordable housing and suites. She is uncomfortable with the insinuations that renters cause damage to property and that they are rude and don't care. She herself rents and she also owns property which she rents out to others.



She said she's been through a similar rezoning application with the District of Invermere for a property she owns. She recognizes the comments heard so far by both sides, but said there's a big difference in this application from hers. She said that with one of her properties, it was already zoned to permit a suite, and with the other, there were 14 existing OCP policies supporting higher densities in that area. She said the difference in this application is that the owners bought their properties with the R-1 zoning and with OCP policies stating that suites weren't supported. She said the RDEK has no affordable housing policy or plan and no 'owner occupy' requirements for rentals. She said the application is being brought forward as an option to provide affordable housing but this is in the absence of policy guidance or real regulation. She said the question that needs to be asked here is, what is the potential if the bylaws are approved. She said the potential, given the lack of regulation, enforcement, and meaningful policy, is that the bylaws will permit four new STRs situations and will open the door to other applications with similar requests.

She said the RDEK should reject the application and should develop an affordable housing strategy. She said approving changes in a piecemeal way will cause more erosion of the single-family subdivision. She said the application will open the door for major land use policy change when that door is about to be opened anyway with the OCP review. She said this discussion happening tonight should involve everyone in the community who has an interest, including the resort, and employers, other residents and the whole community before any 'case by case' decisions are made.

Nancy Brush, 2080 Summit Drive and 372 Panorama Place – Support. She's been part of the community for many years. This is a very special and unique subdivision for various reasons including that it's a walkable distance to the resort. She said she's lived here during the off-season like in October when all the 2<sup>nd</sup> home owners are gone and the full-time residents are still here. She said the long-term renters take care of the community when the part-time people leave. She said, for example, Panorama has a fire department because of the people who live here year-round. She said inclusivity and diversity are important and she thinks there's a need for suites to help create that diversity and inclusivity. She thinks the issue of STRs will be dealt with during the OCP rewrite.

Adam Hodge, 501 2080 Summit Drive – Support. He is responsible for hiring staff at Greywolf golf course and he's had many good employees leave because they couldn't find housing. He said STRs are a problem because now staff has no place to live. He said the applicants are trying to help the situation and that, if a solution isn't found, the resort can't exist. He said it's important for people to understand this element too. He added that there is no summertime shuttle from Invermere and his staff start early so they can't live in Invermere.

Amber Gerein, 2136 Panorama Drive – Support. She said she lives near the applicants and they are good people and great friends. She wants to remain living in Panorama and wants other families to have an affordable opportunity to stay as well.

Jonathan Schramm, 403 2060 Summit Drive – Support. He agrees with other speakers that this isn't a long term solution but he said that the problem is now and this can provide part of the solution to an immediate problem. He works in safety services and said that most of the damage / noise / etc. complaints are from STRs not long-term renters.

Claire Marshall, 2069 Summit Drive – Support. She thinks the waters are being muddied by the STRs issue and agrees that STRs are not ideal. She runs Earl Grey Lodge which legally rents rooms to people and that the intention of this application is to provide long-term rental accommodation. She said her lodge employs 20 people and they built their own accommodation at the back of their property because it was so difficult for staff to find housing elsewhere. She finds the comments about staff not caring and causing problems such as noise, parties, garbage, etc. very disrespectful. She said these staff members are vibrant and valued members of the community and that this is a resort area, not a retirement

community. She said the staff we are talking about here are mature adults, some with families, and they need long term quality rental opportunities.

Shirley Germaniuk, 1995 Panorama Drive – Opposed. She understands the concerns about STRs and noise and her concerns are not for these present applicants but about possible future owners of these homes and what they might do. A change to absentee owner who makes both parts of the house into STRs could happen and there's nothing from the RDEK to address this possibility. RDEK hasn't addressed issues in the past and this should be a larger discussion, not a 'case by case' situation. She's proud of the Panorama community

Steve Simon, 2178 Trappers Way and 2075 Summit Drive – Support. He said he thought this would be a black and white issue but there aren't any easy answers. He commends the applicants for being the lightning rod, for being brave enough to take the brunt for lots of problems that aren't theirs.

He said we can't hold future generations to old decisions if we want Panorama to remain the jewel that it is. He said we need enforcement by the RDEK and by the resort and he thinks this application should be approved as a test case to see how it goes.

Evan Olauson, 1911 Grey Wolf Drive –Support. STRs need to be a separate discussion down the road but that's not the issue here today. He sees lots of good people who can't find a home here and so they can't stay. He said STRs are a separate issue.

Doris Peters, #3 1886 Greywolf Drive – Opposed. She supports that the applicants want to provide good housing but this application is putting the cart before the horse. She said we need to go through the OCP process as a community and have the larger discussion first. She believes more affordable housing is needed but the fundamentals need to be figured out first, before approving changes.

Will Marshall, 208 2060 Summit Drive – Support. He said there's a young new generation that are a part of the community. This application is needed.

Paul McIntyre, 1892 Greywolf Drive – Opposed. He said, shame on the RDEK for not enforcing the rules. This is all about STRs. He's been fortunate enough to live in many resort communities and the lack of staff and affordable housing is a big problem everywhere. He said STRs change the fabric of communities over time. He generally supports suites but he's not in favour of STRs. We must ensure STRs won't happen and until we can, we should hold back a bit. He said we need to resolve the larger issues as a community first, do the new OCP first, then consider individual decisions.

Phil Marshall, 2069 Summit Drive – Support. Applauds the applicants for submitting this application. He agrees with many of the opposition comments but he said the original subdivision in 1974 had no zoning and then zoning came in 1980/81. He said this was all before Intrawest and lots of other changes. He said the original plans showed a single-family subdivision here, which was fine at the time, but this is now 40 years later and the resort has grown and changed. He said the community needs have changed. He would like to see the community grow with people who are looking for a long-term place to live. He said the old subdivision homes are some of the most affordable in the area and they are being bought and knocked down to make way for million-dollar homes. He said the single-family homes are also being bought up by commercial enterprises who's STR uses don't benefit locals. He said the introduction of legal suites will also create community discussion about the current illegal suites that haven't been inspected or passed any safety standards. He said suites can be an affordable option for staff. There are a few suites at Trappers Way and Greywolf which are used for staff but these subdivisions don't generally build suites into their homes. He thinks we should approve this application and look into the illegal ones to improve quality and safety.

Linda Smith, 1979 Panorama Drive – Opposed. She is a 40-year resident and she agrees that we need more staff housing but this isn't a problem that should be up to the residents in her community to solve.

Sue Ellis, 2092 Panorama Drive – Opposed. She said it should be up to the developers to solve the staff housing and affordability problem. It shouldn't be the concern of the single-family subdivision owners. The plan is for the resort to grow. The RDEK must deal with STRs first.

Meredith Hamstead, 2126 Panorama Drive – Opposed. She said this is a seriously emotional issue and she's proud of the community for staying respectful. She said there are strong arguments on each side and that this application is not the place to be having this discussion. This must be a community discussion. Lots of people need homes at Panorama and the resort has the responsibility to provide staff housing. The onus should be on the developer and the RDEK should get off their butts and help solve the problems of STRs and staff housing. The OCP rewrite process is underway and it'll take 12-18 months, after which there might be a community consensus and the applicants can come back then. We shouldn't deal with this on a 'case by case' basis.

Charlotte Marshall, 1989 and 1997 Panorama Drive (Proponent). She said she saw the letters submitted and notes that all the opposition are people who don't live here full time. She said these people don't see the community when they're gone. She said she and Cam improved the condition of their house after they bought it and they now have 5 staff members living there. She wants to help solve the housing problem.

Bruce Hamstead, 2126 Panorama Drive – Opposed. He said with all due respect, he feels that 2nd home owners aren't the problem. Businesses who hire employees should provide housing and it's not up to the single family home owners to solve. The golf course should solve their own housing problem. He's sorry for the young people who can't afford a home, but life isn't easy and it takes hard work. And he said the proponents are asking the subdivision owners to support their lifestyle.

Deirdre Hamstead, 2126 Panorama Drive – Opposed. She is an older resident but she is forward thinking and she wants change but she said the issues should be resolved first before we change. Age is not the issue.

Cameron Beaudry, 1989 and 1997 Panorama Drive (Proponent). He said legal and inspected suites can help get better tenants. Current low vacancy rates at Panorama is limiting the resorts ability to grow. He thinks there's more to come with the new OCP and support for suites will generally help the housing shortage. He said their houses have sufficient parking to accommodate the suites. He said he and Charlotte are fortunate enough to have been able to buy a run-down house and renovate it. He thinks property values will increase if suites are permitted. He said they want to bring housing to staff who help keep the resort operating. He said that adding suites can split the living dynamic so instead of having 5-6 people living in a house which can lead to parties - splitting it up can help change that. With regard to fires that were referred to by a previous speaker, he said the volunteer fire department members also need places to live. He said their house will be an overall density decrease because it used to have 5 bedrooms and now it only has 3. He wants to provide quality homes for long-term staff. He said they want to stay living at Panorama and raise a family here.

Director Clovechok called three times for comments and since no one chose to speak further, Chair Clovechok closed the hearing at 6:31 pm.

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**Chair Susan Clovechok**  
**Electoral Area F**

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**Tracy Van de Wiel**  
**Planning Technician**

Information from  
Proponents

Info.  
from Proposer

**Jean**

---

**From:** Charlotte Marshall [REDACTED]  
**Sent:** July 23, 2019 4:30 PM  
**To:** jean@terpsmaconsulting.com  
**Subject:** Fwd: Panorama Water / Wastewater Capacity

Please see below!

See you tomorrow at 3:45

Sent from my iPhone

Begin forwarded message:

**From:** Andrew Cradduck <Andrew.Cradduck@corix.com>  
**Date:** July 23, 2019 at 4:12:24 PM MDT  
**To:** [REDACTED] [REDACTED]  
**Subject:** Panorama Water / Wastewater Capacity

Hi Charlotte

In response to your inquiry regarding your application to sub-divide your single family homes into multi-dwelling units and its impact on the water and wastewater utilities at Panorama Mountain Resort (PMR).

The water and wastewater utilities at PMR have ample excess capacity since they have both been designed for the anticipated full build out proposed by PMR. For example, the peak usage (late December) on the wastewater plant is 1,100m<sup>3</sup>/day and the plant is designed for a maximum of 1,700m<sup>3</sup>/day. Therefore, on our busiest day, we are operating at 65% of rated capacity.

Furthermore, dividing your homes into separate living quarters will not increase the number of bed units. Therefore, Corix does not anticipate any incremental consumption or burden on the water and wastewater utilities.

Thank you for your inquiry. I hope you are successful in your application.

**Best regards,**

Andrew Cradduck  
Corix Utilities  
Operations Manager, East Kootenay Region

Email: [andrew.cradduck@corix.com](mailto:andrew.cradduck@corix.com)

Unit 5, 108 Industrial Rd. 2  
Invermere, BC  
VOA 1K5

T: 250-341-6158  
C: 250-341-8102

Letters of  
Support

**Tracy Van de Wiel**

---

**From:** Katie Comb [REDACTED]  
**Sent:** July-22-19 11:45 AM  
**To:** Tracy Van de Wiel  
**Cc:** Charlotte Marshall  
**Subject:** Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

Good morning

I am writing to you on the upcoming hearing for the rezoning application made by Charlotte Marshall and Cameron Beaudry.

We are owners/occupiers of 2140 Panorama Drive and our property sits immediately behind their home at 1989 Panorama Drive.

Both myself and my husband Fraser are in support of the rezoning application.

Currently Panorama has a huge shortage of long term affordable housing. The price of buying property is unattainable for many who work in the area and renting is the only option. We are assured by them that this is to have the ability to supply affordable housing options to long term residents.

Both Charlotte and Cam live and work in the area full time, a thing that most homeowners, ourselves included do not, so they have first hand experience of the difficulties people coming to the area have in securing long term housing due to unaffordable living.

With many owners opting for the rental pool or vacation rental market rather than long term lets the issue is not going to resolve any time soon.

Long terms letting is far less disruptive to other homeowners than vacation rentals and concerns over parking or sewer we believe are unfounded as many of the larger homes often have more than 4 vehicles parked outside due to multiple families staying there for vacations, often as many as 12 people. it is far less likely in fact not likely at all that permanent residents are going to have as high occupancy numbers or number of vehicles.

Panorama Mountain Village has long term

Plans to develop and expand and want to attract and grow the local permanent community, allowing the rezoning in the subdivision is a progressive step in addressing housing shortage.

We are pleased to support the application.

Kind Regards

Katie & Fraser Comb

Get [Outlook for iOS](#)

**Tracy Van de Wiel**

---

**From:** David Jenkins [REDACTED]  
**Sent:** July-06-19 1:18 PM  
**To:** Tracy Van de Wiel  
**Cc:** [REDACTED]  
**Subject:** OCP and Re-zoning Application Charlotte Marshal and Cam Beaudry

Hello Tracy,

I am writing in support of the re-zoning application and the reworking of the new OCP for Panorama. Specifically there is an application to re-zone the two lots owned by Charlotte Marshall and Cam Beaudry, 1989 and 1997 Panorama Drive legally know as Lots 50 and 54 District Lot 4609 Kootenay District Plan 8935.

There is a real need for the changing of the zoning in the "Old Subdivision" to accommodate other lodging options particularly for on mountain staff housing. There has been a shortage of accommodation for many years and to my understanding the staff accommodation for the mountain is limited to only one season. There are also staff from the Greywolf Golf Course Toby Creek Adventures and numerous other small businesses that provide support type services to a resort environment, that find it difficult to secure reasonably priced and convenient housing. I would go as far to say that you should look beyond the applications for these two lots and look at changing the rules for the entire subdivision.

Please consider this email as my full support for their application.

Regards,  
Dave Jenkins  
[REDACTED]  
307-2050 Summit Drive  
Panorama BC  
[REDACTED]



**Tracy Van de Wiel**

---

**From:** Andrew Cradduck [REDACTED]  
**Sent:** July-15-19 11:35 AM  
**To:** Tracy Van de Wiel  
**Subject:** FW: Public Hearing Notice - Bylaw Amendment - Panorama/Marshall & Beaudry  
**Attachments:** RDEK Public Hearing Notice Bylaw Amendement Panorama - Marshall Beaudry.pdf; PSOA - Bylaws and Constitution.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Tracy

Please accept this email as support for Marshall/Beaudry zoning amendment. That is, I support auxiliary rental units within the primary dwelling.

I am the owner of 2098 Panorama Drive, Panorama, BC

Regards,

Andrew Cradduck  
[REDACTED]

July 15<sup>nd</sup>, 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I Andrew Cradduck hereby SUPPORT the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of 2098 Panorama Drive, Panorama, BC, [REDACTED] in the Panorama area.

**From:** Panorama Subdivision <psocommunications@gmail.com>  
**Sent:** Monday, July 15, 2019 10:46 AM  
**Subject:** Public Hearing Notice - Bylaw Amendment - Panorama/Marshall & Beaudry

**EXTERNAL EMAIL** – be cautious with links or attachments.

Good morning PSOA Membership,

Please find attached the Public Hearing Notice - Bylaw Amendment - Panorama / Marshall & Beaudry.

As per the attached Bylaws and Constitution, the PSOA is mandated to maintain the 'Panorama Subdivision" as single family residence only. We are asking for your support by completing the attached letter and submitting it to the RDEK. For those who are interested, the public hearing is on **July 24, 2019** - details below:

**Public Hearing: Wednesday, July 24, 2019 at 4:00pm**

Panorama Mountain Resort - Copper Crown Banquet Room  
2040 Summit Drive  
Panorama Mountain Village, BC.

All submission must be received prior to **July 23, 2019.** Email, fax or written submissions to the addressed/numbers below:

RDEK Main Office

19-24 Avenue South, Cranbrook, BC V1C 3H8  
Ph: 250.489.2791 / Fax: 250.4891287

Tracy Van de Wiel, Planning Technician 250.489.0306 [tvandewiel@rdek.bc.ca](mailto:tvandewiel@rdek.bc.ca)

For those that have not sent their dues and would like to be part of the association, we are accepting e-transfers for the \$50/year membership. Payment can be made to [psocommunications@gmail.com](mailto:psocommunications@gmail.com). A security questions is not required as it is a direct deposit. We would ask that you please include your name and Panorama address when sending you payment.

If you have any questions or concerns, please do not hesitate to contact us.

Best regards,  
PSOA BOARD

**E** EARL GREY  
LODGE

7<sup>th</sup> July , 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

We write to fully support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

We believe that this is the correct way forward in making suites legal at Panorama, currently there are numerous suites which are used without the correct permissions at Panorama and we applaud Charlotte and Cameron for applying for this amendment .



Phillip and Clare Marshall

Earl Grey Lodge  
2069 Summit Drive  
Panorama  
BC  
VOA 1T0

Phil Marshall 2069 Summit Drive

S

Reasons for supporting R1(c) Lot 1 Subdivision

1. The original plan of Subdivision which created most of the old original residences was produced in 1974, R1 zoning in the subdivision was set by bylaw #900 in 1980/1, before IntraWest and the current OCP, dealing with 40-year-old zoning. The resort has grown substantially, and the needs of the community have changed, mainly due to additional services and offerings here on the hill, these have created the need for more staff and affordable accommodation.
2. We as a community need to grow the population base of permanent, principle residence, properties at Panorama, which will help support the community and provide more services such as permanent school buses for children.
3. The most economical single family residences at Panorama are the properties in the original sub division, these properties are disappearing as they are being knocked down and replaced with large 2<sup>nd</sup>/3<sup>rd</sup> Million dollar + holiday properties which do not benefit the overall long term permanent community, nor do they provide accommodation for staff. Single family residences in the subdivision are being bought for a purely commercial nature and rented out via Air B&B, VRBO in accordance with R1 zoning.
4. The introduction of legal suites will allow a new generation of permanent residents to have affordable principle residences, which are subsidised by the long term suite income, which in our opinion will provide for a better community, better public safety and security and avoid the need for short term rental or multiple individual occupancy i.e. a "Frat House"
5. We believe that a successful application for a change from R1 to R1(C) and legal suites, will create a community discussion with regard to the current illegal non conforming suites in the sub division and hopefully provide safer living accommodation which is built to building code, commercially insured and which complies with fire and other regulations.

M

July 8th, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

I (print name) Delphine Expert hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 18-2075 Summit Drive, Panorama  
\_\_\_\_\_ in the Panorama area.

(signature)

Delphine Expert

July 8th, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

I (print name) Kathryn Fess hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) Kate Fess  
2098 Panorama Dr,  
Panorama, BC  
[Redacted]  
\_\_\_\_\_ in the Panorama area.

Kate Fess  
(signature)

June 25th, 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I, Lisa Friedland, hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner of 2129 Panorama Drive in the Panorama area.

  
(signature)

June 25th, 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I (print name) KELLY & AMBER GOREIN hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 236 PANORAMA DRIVE

\_\_\_\_\_ in the Panorama area.

Kelly Gorein & Amber Gorein  
(signature)



July 8th, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

I (print name) L. RUTH KUJAT hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) LOT 49 1997 PANORAMA DRIVE  
\_\_\_\_\_ in the Panorama area.

C. Ruth Kujat  
(signature)

July 21, 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I am writing in support of the zoning bylaw amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties. I am a homeowner with a primary residence in the subdivision, at 2106 Panorama Drive.

I have lived within the ski culture throughout my life growing up in BC's mountains. I understand the importance of having desirable places to live within the resort. In order to have a healthy and thriving resort community, we need to provide homes for those that work in and for it. Not just staff accommodation that supports transient workers, but homes for the staff that truly live here.

If you have any further questions, please call me at: [REDACTED]

Sincerely,



Byron Leinor

July 8<sup>th</sup>, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

I Michael Leahy hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner of #7 Riverbend, Panorama Drive, Panorama, BC in the Panorama area.



Michael Leahy

**Tracy Van de Wiel**

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**From:** Will Marshall [REDACTED]  
**Sent:** July-19-19 9:15 AM  
**To:** Tracy Van de Wiel  
**Subject:** Re-zoning support in Panorama

Good morning, I would like to submit this letter in support of Charlotte Marshall and Cameron Beaudry and I will be attending the meeting on the 24th.

July 19th  
To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I Will Marshall hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner of unit 208, tamarack lodge.

WILL MARSHALL  
--  
Will Marshall  
CPAST World Cup Coach  
[REDACTED]

June 25th, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

I (print name) Douglas Macrae hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 2138- PANORAMA Drive  
\_\_\_\_\_ in the Panorama area.

  
(signature)

July 8th, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

I (print name) A. K. McDougall hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) #22-2075 Summit DR  
\_\_\_\_\_ in the Panorama area.

A. K. McDougall  
(signature)

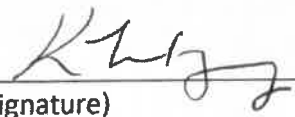
July 8th, 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I (print name) KARILINE MONTGOMERY hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) #3 RIVERBEND  
\_\_\_\_\_ in the Panorama area.

  
(signature)

June 25th, 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I Carolyn & Mervin Nemetchek hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of 2120 Panorama Drive in the Panorama area.



---

Carolyn Nemetchek & Mervin Nemetchek



## Tracy Van de Wiel

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**From:** Evan Olauson <evan@greywolfgolf.com>  
**Sent:** July-24-19 3:10 PM  
**To:** Tracy Van de Wiel  
**Subject:** Public Hearing Bylaw No. 2933 (Panorama / Marshall & Beaudry)

Hi Tracy,

My name is Evan Olauson, I am the Superintendent of Greywolf Golf Course and the owner of 1911 Greywolf Drive in Panorama. I am writing to show my support of the proposed bylaw amendments for Lots 50 and 54. I feel it is important to ensure there is enough parking to allow for auxiliary units on a case by case basis and having visited both sites I know they both have ample parking. These units will allow resort staff to have more options to live in the resort rather than have to commute from Invermere or surrounding areas where they may find it easier to find available accommodations. I am interested to attend the hearing to get a better idea of how others in the community feel about these proposed changes.

Regards

**Evan Olauson**  
Superintendent  
Greywolf Golf Course  
P. 1 250 341 4160  
C. 1 250 361 6806  
[evan@greywolfgolf.com](mailto:evan@greywolfgolf.com)

**VIA EMAIL WITH ORIGINAL BY MAIL**

Ms. Tracy Van De Wiel  
Regional District of East Kootenay  
19 - 24th Avenue S, Cranbrook BC  
V1C 3H8

E: tvandewiel@rdek.bc.ca

July 8, 2019

ATTN: RDEK Board of Directors

**Re. Application for Re- Zoning: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama, British Columbia**

**RECEIVED**

**JUL 12 2019**

**Regional District of  
East Kootenay**

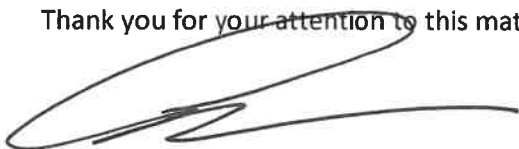
I am writing in support of the application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence (the "Application").

By way of background, my wife and I have been long time owners of residential properties at Panorama Mountain Resort ("Panorama"). In 2014 we completed construction of a long-term residence at 372 Panorama Place at Panorama. We have been and will continue to be supporters of Panorama, as well as the many businesses and communities in the greater Columbia Valley/East Kootenay region.

I have reviewed the relevant information with respect to the Application and believe it should be approved. In short, the requested amendment would allow the owners of the subject properties to provide additional housing for long term Panorama staff and residents in the area, thereby satisfying housing demand within the community with no impact on the character and nature of Panorama.

I believe the matters requested in the Application are in the best interests of Panorama and the greater Invermere area. Please consider this letter as my unequivocal support for the Application.

Thank you for your attention to this matter.



Cameron Proctor  
Chief Operating Officer, PrairieSky Royalty Ltd.

7<sup>th</sup> July , 2019

To the RDEK Board of Directors:

From owner of 313, Tamarack Lodge, Panorama, BC V0A 1T0, (Strata lot 23 District Lot 16352 Kootenay District Strata Plan NES2013)

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I write to fully support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

We believe that it is vitally important to create suitable suites at Panorama to enable reasonably priced accommodation for long term occupation



(signature)

7<sup>th</sup> July , 2019


To the RDEK Board of Directors:

From owner of 104 Tamarack Lodge, Panorama, BC VOA 1T0, (Strata lot7 District Lot 16352  
Kootenay District Strata Plan NES2013)

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I write to fully support the OCP and Zoning Bylaw Amendment application by Charlotte  
Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling  
unit in each residence.

We believe that it is vitally important to create suitable suites at Panorama to enable  
reasonably priced accommodation for long term occupation



---

(signature)

July 2<sup>nd</sup>, 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive,  
Panorama**

I Sharon Simon hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of 2078 Trappers Way, in the Panorama area.

  
Sharon Simon  
(signature)

July 8th, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

I (print name) Jonathan Schramm hereby support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 403-2060 Summit Drive  
\_\_\_\_\_ in the Panorama area.

Jonathan Schramm  
(signature)

# Letters of Opposition

Regional District of East Kootenay  
19 – 24 Avenue South  
Cranbrook, B.C.  
V1C 3H8

July 22, 2019

Attention: Andrew McLeod  
Planning & Development Services Manager

*By email: info@rdek.bc.ca*

**Re: Application for Bylaw Amendment  
Panorama/Marshall & Beaudry  
Bylaw No. 2933 & 2934**

We are Marie Flavelle & Brian Lynam, the owners of the property at 1991 Panorama Drive (Lot 51), adjacent to the Marshall/Beaudry - Lot 50 property and situated between the two lots considered in this bylaw amendment application.

Due to family travel commitments, we are unable to appear in person at the public hearing.

**Regarding Bylaw 2933, please consider the following:**

- Pursuing this process on a 'case by case' basis will only drag the community and the RDEK through a time-consuming process pitting 'neighbour vs neighbour'.
- The RDEK is currently directing an update to the OCP for the Panorama Village Resort and surrounding area. As such, we believe that the OCP process should be completed first before any consideration is given to bylaw amendments being considered such as this Marshall/Beaudry application.

**Regarding Bylaw No. 2934, please consider the following:**

- The Panorama Subdivision is designated R-1 and should remain that way.
- There are already a number of possibilities for long term rentals and inclusion of secondary suites within the existing zoning of the Resort, Trappers Ridge and Greywolf. The single-family subdivision should be able to remain R-1, Single Family Residential Zone.

*Excerpts from existing OCP (1999)*

***OCP 4.2 – Residential & Commercial Accommodation***

- *To permit the owners of newly constructed residential accommodation in Greywolf and Trapper's Ridge to utilize portions of their homes for secondary suites to promote integration of employee housing within the overall resort programme.*

***OCP 4.3 Employee Housing***



#### **4.3.1 Objectives**

- *To integrate employee residents within the resort community by providing affordable housing as well as secondary suites located within or adjacent to new market residential enclaves in Greywolf and Trapper's Ridge neighbourhoods.*
- We would suggest that the uncertain future of the large number of timeshare units within the resort could also result in a large number of long term rental opportunities coming available within the next 18-24 months.
- The fact that the applicants are requesting zoning amendment for two dwellings is clear evidence of pursuing the business opportunity of property rentals and taking advantage of the attributes associated with a community of R-1 dwellings.
- While the proponents (and future owners of Lot 50 & 54) may indicate they will pursue long term renters for these units, this will not preclude them from accepting short term rentals (eg VRBO) and the possibility of two short term renters utilizing the dwelling adjacent to ours is not acceptable.
- The single-family subdivision is not part of the Panorama Village Resort per se. As such, any security/noise issues within the subdivision have to be dealt with personally...or by calling the RCMP (located 20 minutes away in Invermere). We have 3 generations of our family that utilize our cabin.
- We understand that documentation indicates that there is a secondary suite within our cabin (Lot 51). In the time we have owned the property (since Nov, 2014) there has never been a secondary suite. We also do not believe the previous owner had a secondary suite either.

Respectfully submitted,

Marie Flavelle & Brian Lynam  
Owners, 1991 Panorama Drive (Lot 51)  
Panorama Single-Family Subdivision

July 20th, 2019

**RDEK Main Office:**

**19 - 24 Avenue South**

**Cranbrook BC V1C 3H8**

**Regional Office:**

**Columbia Valley Office 1164 Windermere Loop Road**

**Invermere BC VOA 1K3**

Sent via email to [info@rdek.bc.ca](mailto:info@rdek.bc.ca)

**Attention: Andrew McLeod, Planning & Development Services Manager**

**Tracy Van de Wiel, Planning Technician**

**Re:**

**Bylaw No. 2933** cited as "Regional District of East Kootenay - Panorama Mountain Village Official Community Plan Bylaw No. 1414, 1999 – Amendment Bylaw No. 16, 2019 (Panorama / Marshall & Beaudry)" will amend the text of the OCP to consider supporting auxiliary dwelling units within the original Panorama Village single-family subdivision on a **case by case basis**.

We, Terrance and Theresa Barber, owners of R1 zoned property located at 2135 Panorama Drive, Panorama, BC, do not support the proposed Amendment to OCP and Bylaw 2933.

It is our opinion that the text of the current bylaw should remain unchanged to protect the integrity of ALL existing R1 Zoned properties, avoid property value erosion and ensure a "level playing field" for all properties within the zone.

Having RDEK consider zoning applications on a **case by case** basis would mean taking every application to public hearing every time, and that would be a waste of taxpayer dollars, RDEK resources and R1 owners precious recreation time.

If the intension for the change of wording in Bylaw 2933 is for RDEK to be the sole decision maker in approving "**case by case**" applications in future, we oppose this application even more adamantly - R1 owners would be stripped of their democratic right to oppose future applications and this is totally unacceptable!

It is our contention that the R1 zone as outlined in the proposed OCP should remain as presented.

Once the OCP process is finalized (or even prior if there is time and the will of residents) an application could be put to RDEK requesting a change to the zoning for ALL properties in the R1 zone to R1-C not just a select two!

**Bylaw No. 2934** cited as "Regional District of East Kootenay - Upper Columbia Valley Zoning Bylaw No. 900, 1992 - Amendment Bylaw No. 349, 2019 (Panorama / Marshall & Beaudry)" will amend the zoning designation of Lots 50 and 54, District Lot 4609, Kootenay District, Plan 8935 from R-1, Single Family Residential Zone to R-1(C) Auxiliary Dwelling Unit Zone.

We, Terrance and Theresa Barber object to changes to Bylaw No 2933 therefore, and for the same reasons, we do not support this requested change.

We would appreciate the assurance of RDEK, that whatever the outcome of this application is, that RDEK will make it a priority to enforce the bylaws for R1 and R1-C properties. Our many years of experience has been that RDEK has turned a blind eye to several properties already offering auxiliary suites which presently are not permitted in the existing R1 Zone.

Sincerely,

Terrance and Theresa Barber

2135 Panorama Dr

Panorama BC [REDACTED]

## Tracy Van de Wiel

---

**From:** Brian Cassie [REDACTED]  
**Sent:** July-16-19 2:35 PM  
**To:** Tracy Van de Wiel  
**Cc:** Brianjane Cassie  
**Subject:** By Law Amendment Panorama - Marshall Beaudry  
**Attachments:** Panorama -Marshall Beaudry.pdf

Good afternoon Tracy, my name is Brian Cassie, I have owned a property at 369 Panorama Pl for over 30 years. Please find attached my letter stating I do not support the OCP and zoning bylaw Amendment application by Charlotte Marshall and Cameron Beaudry.

Brian Cassie

d [REDACTED] c [REDACTED]

DIRTT Environmental Solutions  
 7303 30th Street S.E, Calgary, AB T2C 1N6  
 P 403.723.5000 F 403.723.6644 C 403.471.7776  
[www.dirtt.net](http://www.dirtt.net)  
[Twitter](#) | [Facebook](#) | [Instagram](#) | [LinkedIn](#)



**PRIVACY:** This e-mail may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify the sender immediately, and do not use, copy, or disclose to anyone any of the contents hereof.


July 15<sup>nd</sup>, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

I (print name) Brian Cassie hereby do not support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 369 Panorama place ( Lot 11)  
\_\_\_\_\_ in the Panorama area.

  
(signature)

**Tracy Van de Wiel**

---

**From:** Jason Denney <jdenney@teine-energy.com>  
**Sent:** July-15-19 11:01 AM  
**To:** Tracy Van de Wiel  
**Subject:** Panorama Subdivision Rezoning request.  
**Attachments:** Rezoning Letter.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Jason Denney P.Eng, ICD.D  
President and CEO  
Teine Energy

This communication, which may contain confidential, proprietary and/or privileged material, is intended only for the addressee. If you are not the intended recipient please be advised that any review, copy, distribution or disclosure is prohibited; in such a case you are asked to contact the sender immediately then delete or destroy this communication. Thank you.

July 15<sup>nd</sup>, 2019

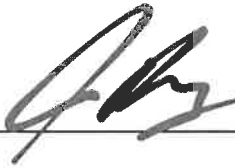
To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I Jason Denney hereby do not support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of 368 Panorama Place in the Panorama area.

\_\_\_\_\_  
(signature)

A handwritten signature in black ink, appearing to be 'J Denney', written over a horizontal line.



**Tracy Van de Wiel**

---

**From:** Gwen Ellis [REDACTED]  
**Sent:** July-20-19 8:27 PM  
**To:** Tracy Van de Wiel  
**Subject:** July 24th rezoning application at Panorama

July 20<sup>nd</sup>, 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I (print name) Gwen Ellis hereby do not support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 2092 Panorama Drive (LOT 74) in the Panorama area.

"Gwen Ellis"  
(signature)

Tracy Van de Wiel

---

**From:** Bruce Fraser [REDACTED]  
**Sent:** July-15-19 1:01 PM  
**To:** Tracy Van de Wiel  
**Subject:** objection to Panorama rezoning

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please note the attached objection to this rezoning

Bruce & Margaret Fraser  
[REDACTED]  
5032 Batchelor Crescent NW  
Calgary, AB [REDACTED]  
[REDACTED]  
[REDACTED]

July 15<sup>nd</sup>, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive,  
Panorama

I (print name) BRUCE & MARGARET FRASER hereby do not support the OCP an  
Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry fo  
the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) LOT 57 2103  
PANORAMA DR  
\_\_\_\_\_ in the Panorama area.

B Fraser  
(signature)  
M Fraser

## Tracy Van de Wiel

---

**From:** Bruce Fraser [REDACTED]  
**Sent:** July-15-19 11:07 AM  
**To:** Tracy Van de Wiel  
**Subject:** Propose application to change Zoning on 2 lots near us

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We object strenuously to any changes that allow modifications to any lots within the boundaries of the PSOA area which is single family dwellings.

I don't believe that any garages are permitted within the area unless they are built in to the structure.

We will be attending the hearing and would like to voice our opinions at that meeting.

Bruce & Margaret Fraser  
[REDACTED]

5032 Batchelor Crescent NW

Calgary, AB [REDACTED]  
[REDACTED]  
[REDACTED]

2019/07/15

The Regional District of East Kootenay  
19-24 Avenue South,  
Cranbrook, B.C.  
V1C 3H8

Attention: Tracy Van de Weil, Planning Technician  
tvandeweil@rdek.bc.ca

**RE: Public Hearing Notice – Bylaw Amendment**

For Lots 50 and 54 District Lot 4609, Kootenay District, Plan 8935 R-1 Single Family Residential Zone to R-1(C) Auxiliary Dwelling Unit Zone.

I am an original owner of my property, Lot #52, 1993 Panorama Drive, for 44 years and 9 months since the date of my purchase on the 24 of September 1974. My property and two others are sandwiched between the two properties requesting this hearing. To more fully appreciate the current situation of the Panorama Subdivision a brief history is useful.

**R-1 Single Family Residential Zone** classification was put in place by the RDEK sometime in the early to mid-1980s. It has remained in place through a succession of resort owners: Cascade Development Corporation, IntraWest, and the current group of private investors.

All purchasers of residential property in the Panorama Subdivision were clearly aware of the R-1 zoning at the time of purchase and agreed to abide by it.

The R-1 Single Family Zoning is a singularly unique and desirable attribute to home ownership within the original 75 home subdivision. However this has not been without its challenges as I can attest to from personal experience.

- Even with R-1 zoning in place I have had first-hand negative experiences with absentee homeowners who rented their property annually to short-term renters. I have had to pick up household garbage that had been scattered in the subdivision by irresponsible renters. I have had to put in a fence 20 years ago because renters were storing their water craft and picnic table on my property.
- I have had next door, beer keg, deck parties that had gone on until 4 am in the morning even after Panorama security and the RCMP were called. This problem

disappeared, however, when two successive resident-owners eliminated the rental problem.

- I and my previous neighbours were plagued by profanity laced, loud, deck parties that went on into the early morning hours. This situation was a routine occurrence for years on the very same lot that Ms. Marshall now owns and who wants a change to R1 Zoning for rental purposes.
- Requests for relaxation of building code requirements have proved to be detrimental to the subdivision. For example, a previous request for relaxation of a setback distance to a property for the purpose of building a garage was agreed to by the neighbours. The approval was then abused by the applicant who, in addition to building a garage, built a self-contained residential unit and went on to put up a sign advertising a commercial enterprise.

**Therefore I submit to this hearing:**

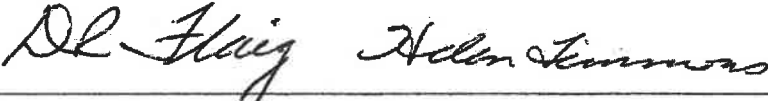
- *Why would I agree to a change in zoning that would diminish my property value and allow a homeowner to jeopardize the desirability of the unique nature of this R-1 subdivision?  
Why should I be asked to subsidize a new property owner so that they can run a rental business and offset their ownership costs while I lose the one and only consistent real-estate attribute that has been in place for the last 44 years that being R1 Single Family Zoning.*
- *It has been a challenge to deal with the above problems in the original R-1 subdivision, so why would I agree to a zoning change that would compound the problem?*
- *The need for employee housing should not have to be satisfied at the expense of subdivision owners' property values. If more employee housing is needed it should be up to the resort to build it.*
- *We do not support the proposed amendment to the bylaw 1441 Employee Housing Section 4.3.2*

***"Auxiliary residential suites shall be considered by the Regional District on a case by case basis within the original Panorama Village single family subdivision."***

The erosion of the R-1 zoning will have a negative impact on our property values and our enjoyment of our property. History has shown to us that approval of this application would be the first step on a slippery slope.

We therefore submit our strong objection to this Zoning Change Request for the reasons stated.

Sincerely,

 Dated: 2019/07/15  
Douglas Flaig and Helen Timmons

Cc. 

July 15<sup>nd</sup>, 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I (print name) Douglas Flaig and Helen Timmons hereby do not support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

We are the owners / occupiers of (civic address) 1993 Panorama Drive (Lot 52)  
\_\_\_\_\_ in the Panorama area.

*D. Flaig* *Helen M. Timmons*  
(signature)



Good After Noon to All in Attendance

My Name is Doug Flaig & I am the original purchaser of my lot 52 on Sept 29, 1974.

• ~~DOCUMENTS BROUGHT:~~

I am here to oppose these applications for change to the existing bylaw of R1-  
Single Family to R1-C.

It has been my experience in life that those proposing a change to an existing system need to justify and provide three (3) important components.

These are:

1. The needs for change.
2. A plan by which these changes can be carefully implemented.
3. The benefits <sup>& also the risks</sup> brought by the change.

• Needs — PLAN — BENEFITS •

So, ~~lets~~ start with the NEEDS: There were 2 needs for change identified by these applicants in the APRIL 15, 2019 letter to RDEK by Ms. Jean Terpsma.

Let's address need

## #1 The Need for Employee/Staff Housing (2)

This need should be addressed as a business expense by the employer in one of the many areas designated in the current O. C. P. and in the planned revised O. C. P. now under way, in one of the many areas designated for multi-family or commercial development.

\* "Staff housing" cannot be arbitrarily added onto the property owners of single family homes in the R-1 subdivision who are not the ones deriving direct economic benefit from that staff.

\* In this application, there has been no documentation provided with regard to the many alternate employee housing options.

## #2. The second need for change is a "Source of Secondary Income"

The purchasers of a home in an R-1 zoned area cannot count on rental income from

a secondary suite as a source of ~~income~~ additional income. It was their choice to buy into the R-1 zoned area which carries with it certain consequences. i.e. no secondary suites. If sources of secondary income were required from rentals, there were many other purchase options for these applicants in the Panorama Resort.

\* There appears to be a mismatch of these home purchasers desires and the existing LEGAL requirements for R-1 zoning in the original subdivision.

PLAN

NOW I WOULD LIKE TO ADDRESS THE LACK OF A PLAN

The issue of secondary suites invariably raises certain issues that must be dealt with. To date, we have heard NO comprehensive plan by these applicants to fully address the inevitable problems that arise with secondary suites.

To address some of these problems I would like to address the problems of:

# #1 NOISE & BEHAVIOUR COMPLAINTS

In my written submission to RDEK, I outlined some of my previous NEGATIVE experiences with neighbouring rentals.

I knew I was in "trouble" when a staff party next door moved in beer kegs, huge speakers, & furniture onto the deck, with the speakers pointed to my house. This party lasted until 4am.

My repeated calls to Panorama security & a call to the RCMP were totally unsuccessful in controlling this situation.

This property was a rental property for well over a decade.

My <sup>previous</sup> neighbour and I were subjected to for many years to rowdy deck & bonfire parties that were laced by profanity from renters while our children were present or trying to sleep.

I have on numerous occasions had to pick up household garbage strewn through out my and neighbouring properties.

⑤

- with increased density we have parking issues & speeding traffic.

## #2 IGNORANCE & NAIVETÉ ON THE PART OF RENTERS, REGARDING:

The very real risks of living in a forested/urban interface. Did you know that there have been 5 major fires in my 45 year history in Panorama?

- 3 Horse Thief Condo fires
- 1 "Tree Tops" chalet - very close call & too close to home.
- 1 1000 Peaks Lodge

Open Fires / Drinking / noise

#3 Renters have "no buy-in or a" vested interest into the community. They have no "skin-in-the game". They ignore the needs of neighbours with long term historical expectations of behaviours & property maintenance.

What plan is proposed to deal with these significant downsides of secondary suites?

The applicants will argue today that they will NOT be absentee landlords & will

therefore keep "an eye on things!" What ⑥  
guarantee would we have that they don't  
move out and sell tomorrow?

#### #4 DIMINISHED PROPERTY VALUES IN THE SUBDIVISION

• Turning our unique single family home sub-  
division into a high density STAFF HOUSING &  
SHORT-TERM housing project will diminish our  
property & enjoyment. Is there a plan to deal  
with this? I submit that you have no plan!

#### #5 IMPACT ON UTILITY SERVICES

• Where is the documentation & plan or even an  
environmental study presented in this application  
to address the increased demands on water &  
sewer, traffic flow, parking, & pedestrian safety?

#### #6 PROPOSAL TO AMEND BYLAW ON CASE-BY-CASE BASIS

• The proposal from RDEK to allow further secondary  
suites on a case-by-case basis in the subdivision  
CLEARLY places an unfair burden on existing  
homeowners to mount a campaign against this

everytime someone thinks that there's a BUCK<sup>⑦</sup> to be made here in the subdivision.

How many Uberti Oberti's are there out there?

- The plan here is for continued "wearing down" of a provision - R-1 zoning, that provides a unique, valuable diversity of ownership opportunities in the resort - one single family area in a resort that offers a multiple other investment options.

---

I would now like to address the 3rd & final part

### BENEFITS

I have dealt with the 2 reasons offered by the applicants for their desire to introduce 2ndry suites. A desire for:

- a) employee housing &
- b) source of 2ndary income.

I have submitted that it is UNFAIR to ask home owners in an R-1 zone to pay the price for these demands.

What we must consider here is whether any <sup>⑧</sup> benefit of proceeding with these applications outweighs the costs. The benefit here appears to be solely to the applicants & all of the costs will clearly have to be shouldered by the owners of single family homes in the subdivision.

Even if, as the applicants have suggested, that there are currently some properties in the subdivision which may be violating the current R-1 zoning, this is no reason for changing the law. Here are some considerations in this regard:

- some "suites" were legally authorized in the 1970's, prior to the R-1 zoning designation. This is the case with my lot. I note that in Schedule 'A' of this application, on the document entitled "LAND USE MAP" someone has written on the word "SUITE" on my lot designation. In fact this suite has NOT been rented for some 30 years. The R-1 zoning was done in August of 1986.



My development & completion permits (9)  
preceeded this zoning designation. The legal  
standing of this suite was addressed at a  
RDEK meeting on March 30, 1982, by Mr.  
Dale Cotton, Director of Planning for RDEK  
at the time. The question was raised as to  
the legality of secondary suites that existed  
in the subdivision prior to the R-1 designation.

I am now quoting from page 7 of the minutes  
of the 1982 meeting, where Mr. Cotton says the  
existence of a secondary suite that was  
authorized prior to the R-1 designation (and I  
now quote) "... is not in defiance of the bylaw.

Anything that exists at the time the bylaw is  
initiated or implemented, a zoning By-law, is  
a non-conforming use under the provisions of the  
Municiple Act & that is can remain for as  
long as the life of that use. For example,  
if a building were burned down it can not  
be replaced as a non-conforming building.

(10)

It would have to be replaced as a single family dwelling. "un quote

It is misleading to label my property <sup>lot 52</sup> as containing a suite and that of my neighbour, lot 51, as containing suites as we are both using our homes as single family dwellings.

The existence of potential by-law violators in the subdivision CANNOT be used as an excuse to abandon the law. The R-1 zoning by-law's existence serves as a DETERENT for the development of further secondary suites & should therefore be enforced. Failure to enforce the R-1 zoning in the sub-division would be considered a betrayal by RIDEK a legal undertaking on which we have relied on for over 40 years.

To CONCLUDE, the needs for change have ~~been~~ <sup>NOT</sup> been adequately JUSTIFIED. There is no plan to deal with the inevitable problems secondary suites cause & finally any benefit that might be received by these applicants will surely

be paid for by other single family  
owners in the subdivision.

(11)

For these reasons, I STRONGLY  
OPPOSE these applications


July 15<sup>th</sup>, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive,  
Panorama

I (print name) Shirley Germaniuk hereby do not support the OCP and  
Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for  
the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 1995 PANORAMA DRIVE  
\_\_\_\_\_ in the Panorama area.

  
\_\_\_\_\_  
(signature)

July 24, 2019

The Regional District of East Kootenay

19 – 24 Avenue South,

Cranbrook, BC V1C 3H8

Attention: Tracy Van de Weil, Planning Technician

Re: Public Hearing Notice \_ By Law Amendment

For Lots 50 and 54 District Lot 4609, Kootenay District, Plan 8935 R1 Single Family Residential Zone to R1 (C) Auxiliary Dwelling Unit Zone.

Dear Board of the Regional District of East Kootenay, RDEK Staff and Ms. Van de Wiel,

We have owned our cabin since the very inception of the Panorama R1 Subdivision and have, like many other families, raised our children here and now are watching our grandchildren return often. The Subdivision was, from its very beginning, created as a single-family residential (R1) zone and over the past 40 years has seen a number of multi-generational families live and recreate here.

During these past 40 years, a pernicious and growing number of residential units have added secondary suites contrary to the RDEK's own regulations – a testimony to the "better to beg forgiveness than to ask for permission" attitude prevalent in the Regional District. Despite numerous complaints, phone calls and requests for the RDEK to enforce its own regulations, the RDEK has consistently turned a wilful blind eye.

Now we see the advent of these formerly long-term rental residences being turned to short term rental units through Airbnb, VRBO or professional rental companies.

- 1) We are not an area zoned for commercial business and, make no mistake, Airbnb, VRBO and all other online rental companies are in the business of short term, commercial rentals.
- 2) These short-term renters have no attachment whatsoever to the neighbourhood with the resultant increase in noise, garbage, overcrowded parking spaces and often, dangerously crowded accommodation rentals, causing these situations to become even more problematic. **This is not designated as a commercial subdivision.**
- 3) So called, professional rental companies are knowingly buying up our properties and offering the short-term rental services **illegally**. They are commercial enterprises operating within our R1 neighbourhood. We ask for the RDEK to put an end to this **illegal commercialization** of our neighbourhood.
- 4) The owners within the Panorama Subdivision are not required to pay "amenities fees" to Panorama Resort but these short-term rentals and **illegal "auxiliary units"** continue to put more and more stress on Panorama Resort's resources. Cleaning up weekend warriors' bear food, **illegally** using the pools and generally undermining the efforts of Panorama Resort to run a legitimate, profitable & sustainable business that benefits us all.
- 5) The owners of these **illegal** rental businesses knowingly undermine Panorama Resorts' efforts to operate a healthy and necessary commercial short-term rental business that that supports the

ongoing development of tourism, our ski and bike hill and multiple on-going enhancements to the resort. They gleefully “undercut the resort” to a “make secondary income” and undermine one of the Resort’s principle sources of funds without recognizing that if the Resort fails or development of the resort falters, so do we all.

- 6) Staff housing and creating secondary income opportunities is not the responsibility of this neighbourhood. If a member of our community wants to offer the WHOLE of their home on a long-term rental be it staff or otherwise, we have NO objection, nor do we have a legal right to object.
- 7) We strongly believe, it is the responsibility of all “for profit” enterprises in Panorama, to resolve their own staff housing issues in a legal and respectful manner. That includes Panorama Resort, Greywolf Golf Course and Earl Grey Lodge/Pub/Restaurant. The independently run on-mountain coffee huts and restaurants owners, Ray and Jaqueline Schnerch, are setting an excellent example of fair business practices by building staff housing in an area in the Valley that supports such development and is more forward thinking and more affordable than the within the Panorama subdivision.
- 8) “Change” is exciting, if you put a solely positive twist on the word. But, the truth is, that the type of change proposed, while disguised as offering an opportunity to offer affordable housing, has been a global failure in many tourist destinations. Greed takes over and it all devolves into short term housing and seriously damages the health of a community by driving out responsible residents’ and healthy long-term rentals. Even the District of Invermere would acknowledge that their good intentions have done nothing to resolve their issue of affordable housing. Sometimes “change” comes back and bites you on the face.
- 9) Marshall/Beaudry wanting a secondary income should in no way be a reason for the RDEK to rezone these properties to the detriment of every single-family owner in the Subdivision. Further, they are asking the RDEK to make “legal” what they have been doing illegally for over the past year at the property on Lot 50. Instead of providing them with extensive assistance with this application, the RDEK should have issued a “cease and desist” order long ago.
- 10) In the application to rezone, the proposed OCP policy change would add the wording “within the original Panorama Village single family subdivision auxiliary dwelling units shall be considered on a case by case basis”. A change such as this will ensure that these kinds of divisive hearings will pit neighbour against neighbour for years to come. The social consequences for our neighbourhood are devastating and for the resort as a whole. This truth cannot be understated and must be considered in the RDEK’s consideration of these applications and the accompanying OCP wording change requested. We have had neighbours directly ask if they need to declare their name when submitting opposition to the zoning change request. “They are our neighbours”, “they run a great restaurant”, “I don’t want to create enemies”. This is a sad state of affairs in our neighbourhood.

The wilful disregard by the RDEK for its own regulations has led us to where we are today and we have a very low trust that the RDEK is capable or even willing to enforce whatever regulations there may be around homes with secondary suites. The RDEK is party to allowing individuals to make money from some seriously not to code, never inspected, unregistered businesses. Incorporated commercial enterprises are knowingly selling their wares despite the fact that they are illegal. In short, the homeowners are taking a great liability risk under the RDEK leaky umbrella. We have actually even

considered the very aggressive action that would bringing forward a "mandamus application" asking that the RDEK be ordered, by a court, to do their job.

As for the application for a rezoning of Lot 54 specifically, in their own words, they state that "we may put a suite in but, we may also just leave it as a single-family home". Let them bring forward an application for rezoning at a time when they will actually be ready to proceed with building a suite on that property and not engage in a fishing expedition hoping to get a two for one deal.

Finally, as one of the many elders and supporters of this community, with history and experience supporting wisdom, we would say to the proponents "be careful what you wish for". "Always" is a long time and promises are not always kept.

The right and the wrong are clear here. We ask that the RDEK take a forward-thinking view and do the right thing.

On behalf of Bruce and Deirdre Hamstead and our families,

Bruce & Deirdre Hamstead

2126 Panorama Drive (Lot 32)

██████████  
Panorama BC ██████████

A handwritten signature in black ink, appearing to read "Bruce & Deirdre Hamstead". The signature is written in a cursive, flowing style.



July 23, 2019

The Regional District of East Kootenay  
19 – 24 Avenue South  
Cranbrook, B.C.  
V1C 3H8

Attention: Tracy Van de Wiel, Planning Technician

Re: Public Hearing Notice – By Law Amendment  
For Lots 50 and 54 District Lot 4609, Kootenay District, Plan 8935 R-1 Single Family Residential Zone to  
R1 (C) Auxiliary Dwelling Unit Zone

Dear Ms. Van de Wiel,

On behalf of the members of the Panorama Subdivision Owners Association (PSOA), representing 55% of the homeowners within the Subdivision, please accept this letter as being strongly in opposition to the proposed change to the rezoning of the above noted lots. Our associations opposition to these proposed changes is based on the following points and the strong wish of our members to retain the unique status and “flavour” of our Subdivision.

1. From a review of the original development documents (February 18, 1974) it is clear that the intent of the original developers was that the subdivision was to be a single family residential neighbourhood (see attachment Appendix A) and that was the vision that most, if not all of the original owners bought into.  
Since the construction of the original 60+ “cabins” the Subdivision has grown into a place where multi-generational families have been living, recreating and forming enduring memories. It has become a place of neighbours helping neighbours, children forming lifelong friendships and families generally enjoying the whole Panorama experience.
2. Studies (see attached Appendix B) have shown that property values are highest with the R1 zoning designation due to the fact that it gives homeowners “certainty” with respect to their purchase. Areas zoned with multi use designation have lower property values. Given that governmental bodies receive their tax revenues based on property value it seems odd that the RDEK would wish to diminish the market value of the properties in the Subdivision.
3. Every purchaser of property in the Subdivision since 1980 (when the RDEK zoned the Panorama Subdivision as R1) has known, **or should have known**, that they were buying property in an area zoned as R1. All secondary suites, short term rental units, etc., built since 1980 have been non-complying and the RDEK has done nothing to stop this disregard for the R1 designation of the Subdivision. To use other “secondary suites” as precedent to allow these applications to go forward will only be an indictment of the RDEK’s lack of enforcement of its own regulations since 1980. If the RDEK has not been able to enforce the R1 regulations to date, what trust can we have that they will enforce R1-C regulations?
4. The application is based in part, on false and misleading information in that, they show some properties in their area with suites that do not have suites (lot 51) or have “legally non-conforming” suites in them (lots 49 & 52). In any case, using other homes with existing illegal suites as justification (precedent) for allowing these applications to go forward would be a strange twist of logic.



5. In a letter to you dated April 15, 2019, writing on behalf of the proponents, Ms. Jean Terpsma states: "the owners are full time residents of Panorama who operate a business and wish to construct auxiliary dwelling units to provide for employee housing and a source of secondary income". The pretext of providing employee housing is simply a thinly disguised way for the proponents to help pay for the properties they have purchased. Providing the proponents with a means of secondary income is no justification for effectively devaluing the property values of every homes in the Subdivision.
6. The applications ask the RDEK to "make legal" what the proponents have been doing illegally for over a year in Lot 50. In the case of the application for lot 54, in a letter sent to residents within Panorama seeking support for their application, the proponents state: "we may put in a suite, but we may also just leave it as a single-family home". This appears to make this particular application (lot 54) nothing more than a "fishing expedition".
7. The proposed by law change asks that future applications for auxiliary units be considered on a "case by case basis". Socially for our community this would be the worst possible outcome as it will only have the effect of pitting neighbour against neighbour over and over again causing real societal problems within the Subdivision and within the resort in general. The PSOA requests that this piece by piece rezoning of the Subdivision be stopped at this juncture and the R1 status of the Subdivision be once and for all re-affirmed by the RDEK.
8. Only those owners of residences located within 100m of the affected properties were notified by mail of this potential change to the R1 status of the Subdivision, but the effect will be felt by all owners within the Subdivision. While the RDEK may have satisfied the legal requirements of notice by these mailings, placing notices in the Pioneer, etc., we request that the hearings on this matter be only considered within the wider context of the impact on the whole of the Panorama Subdivision ownership.
9. The proponents state in their own letter sent to various residents within the Panorama Resort area seeking support for their rezoning application that "change is exciting and inevitable". While change is indeed inevitable, not all change is "exciting".....one only needs to witness the world around us for confirmation of that. The not so exciting but nevertheless inevitable change we have witnessed is the change of use from long term rentals in existing illegal suites within the Subdivision to short term rentals e.g., Airbnb, VRBO, Panorama vacation rentals, etc. It doesn't take long for owners of "auxiliary suites" to realize there is far more money to be made from this type of rental than there is to be made from long term rentals. The issues of parking, noise, garbage, foul and abusive language, etc., that our members face from users of these "auxiliary units" cannot be overstated. Without police or any form of security protection the residents of the Subdivision can do little to prevent disruption of their quiet peace and enjoyment of their property.

We therefore urge the RDEK to reject this proposed OCP amendment and allow the residents who have over the many years acted in accordance with the RDEK regulations as they pertain to the R1 zoning of the Panorama Subdivision, continue to have certainty with respect to the future of their investment in Panorama Resort. We further urge the RDEK to enforce its own regulations with respect to those properties that are non-complying with the R1 regulations and bring them into compliance with the regulations pertaining to the R1 zoning we now enjoy.

Respectfully Submitted,

Bruce Hamstead  
President, Panorama Subdivision Owners Association 2019

P.O. Box 28, Panorama, BC V0A 1T0  
psoacommunications@gmail.com



## CONSTITUTION

BC Society • Societies Act

CERTIFIED COPY  
Of a document filed with the  
Province of British Columbia  
Registrar of Companies

CAROL PREST

NAME OF SOCIETY: **PANORAMA SUBDIVISION OWNERS ASSOCIATION**

Incorporation Number: S0035150

Business Number: 85062 3083 BC0001

Filed Date and Time: September 11, 2017 12:05 PM Pacific Time

The name of the Society is PANORAMA SUBDIVISION OWNERS ASSOCIATION

The purposes of the Society are:

- (a) to promote, support and protect the status, rights, and best interests of persons owning property at Panorama, British Columbia and, in particular, but without limiting the generality of the foregoing, the single family residential subdivision areas of Panorama, and the general wellbeing and welfare of the residents thereof;
- (b) to secure improvements in the best interests of the real property owners in the single family residential subdivision areas of Panorama;
- (c) to maintain the single family residential subdivision areas of Panorama as single family dwelling residential areas and to promote the beautification thereof;
- (d) to promote, develop, and foster community spirit and good citizenship.

This society is a member-funded society. It is funded primarily by its members to carry on activities for the benefit of its members. On its liquidation or dissolution, this society may distribute its money and other property to its members.

# **Effects of Zoning on Residential Option Value**

By

**Jonathan C. Young**

**RESEARCH PAPER 2004-12**

Jonathan C. Young  
Department of Economics  
West Virginia University  
Business and Economics BOX 41  
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Submitted in fulfillment of the requirements for the  
Ronald E. McNair Scholars Program at West Virginia University

September 2004

**Abstract** Knowing more precisely how zoning affects housing value would allow policy-makers to improve long-term policy decisions. Previous studies have concluded that local zoning regulations affect residential option value. These studies, however, do not specify the magnitude of the effect for varying zoning types. This study quantifies zoning's effect on residential option value for specific types of zoning using a hedonic regression model of housing prices. The study utilizes information on housing characteristics and sales prices for a cross-section of houses in Monongalia County, West Virginia. The research develops two models to differentiate between zoning effects on developed versus undeveloped properties. The research finds that R1 and R1a zoning regulations – the most common types of residential zoning in Monongalia County – significantly impact housing value.

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## I. Introduction

Housing value plays an important role in the economy. Housing constitutes the major form of wealth for low and middle class households. People seeking loans to finance a business or property improvements often take out a mortgage or home equity loan, offering their home as collateral. This is an extremely important use of one's housing value since these capital investments likely produce net positive long-term effects allowing the economy to grow more quickly. Moreover, governments tax (property taxes) housing value, usually at the local level, to finance public services.

Land use zoning may impact housing value. This government policy restricts property to a narrow range of uses or specific use. Once land is zoned, the owner must obtain permits to alter the property. Government generally grants these permits only for "legitimate uses" of the land. When governments zone land, they may change the supply of land for that particular use. For example, before a zoning ordinance is enacted 200 lots of land may be available for rental housing, but afterwards a city may only allow 100 lots of land to be used for rental housing. As a result, the price of rental housing would likely increase since zoning has reduced the supply of available lots by 50 percent. The new zoning may also decrease the allowed use of the permitted rental properties. For example, initially any number of people may have been able to live in these properties, but zoning might allow a maximum of only three adults to live in an apartment. This limitation on use may decrease the property's value. The change in property value due to zoning is known as option value. This externality may or may not be positive. To account for changes in option value, good government must know specifically how and by what magnitude land use zoning affects the option value of property.

This research examines whether zoning affects the value of residential property. To address this issue, I apply a hedonic regression model to the housing and land markets in Monongalia County, WV. The study will consider differentiation of zoning's effect between different residential zones. It will add to current knowledge about this topic and will help government choose zoning options more carefully in the future.

The relationship between land use patterns and property value is studied often due to the increasing need for urban planning. My study will follow a model similar to previous researchers. I will, however, add new independent variables that may better account for location influences and use different housing characteristic criteria. I will also find the effect of different zoning types on residential property option value. In short, my study will be more specific, which should yield more precise applications to land use planning in the future.

## **II. Literature Review**

### *Zoning*

Some effects of zoning have been previously studied. When local government mandates land use zoning, many homes and businesses substitute more complex structures (i.e. taller buildings) for increased land use since the supply has changed. Phillips and Goodstein (2000) estimated the change in mean housing price changes in Portland, Oregon due to implementation of the Urban Growth Boundary (UGB), a type of zoning that restricts land use beyond a geographic range. They compared Portland's housing prices to prices in other major cities around the country and found that the UGB has likely imposed upward pressure on prices, but their results indicate a modest impact. The downfall of this estimate may be that their data compared very different cities without accounting for other variables such as historical

significance. Grissom and Wang (1991) found rental properties to negatively affect the sales price of nearby single-family residences, thus indicating that zoning land for multiple-family occupancy may decrease a city's average property values. Interestingly, Turnbull (1991) showed that zoning alters development paths in growing cities so that development temporarily stops in some places while leap-frog development occurs in others, disrupting normal growth in both cases.

### *Hedonic Modeling and Zoning*

A hedonic model relates the price or value of an asset to its bundle of non-separable component characteristics. The starting point is that the total market value of an asset must be the sum of the market values of its component characteristics. In a hedonic regression, the estimated coefficient of each characteristic reveals the change in the value of the asset for a one unit change in the characteristic, all else equal. Thus, it reveals the implicit price (unit value) of the characteristic. For example, the value of a house relies upon certain characteristics such as the building area, number of bathrooms, and number of bedrooms. One cannot effectively separate each of these variables since you cannot sell them individually in the real world (i.e. you cannot sell one bathroom, one bedroom, or one square foot of the building). Using a hedonic regression, we can estimate how much each unit of each characteristic contributes to the value of a house.

Some important literature uses hedonic modeling to explore zoning's effects. Using a regression model that tabulated results based on housing survey characteristics in a Houston suburb, Groves and Helland (2000) found that zoning negatively affects the option value of property when its best use is commercial and it is zoned residential. They also concluded that zoning positively affects the option value of property when its best use is residential and it is

zoned residential. Although the suburb may not be especially representative of the population of cities due to boundary effects (Houston exerting pressure on prices in one way or another), the research still yielded valuable findings. Glaeser and Gyourko (2002) used a hedonic model to discover that high housing prices in densely populated areas such as New York City and California indicate an increased likelihood that zoning will affect the price of housing. This makes high-priced housing value more susceptible to zoning regulations.

All of the previously mentioned articles indicated that zoning may have a price-increasing effect on housing if the government uses supply-side regulation without paying attention to individual housing characteristics. On the other hand, a price-decreasing effect may appear if government uses regulation that pays attention to individual characteristics. While zoning may affect property prices negatively in the short-run, the long-run effect is not clear. The effects found by Turnbull (1991) and by Glaeser and Gyourko (2002) may vanish over time.

### **III. The Model**

To evaluate the effect of zoning on residential property value, one must consider the effects of many different variables. Location characteristics are relevant in analyzing housing prices. Proximity to employment, recreation, roads, shopping centers, and many other agglomerations should increase the price of residential property as long as they do not produce negative externalities, in which case they should lower the value of the property. Public policy constraints and subsidies that include all types of land-use regulation and taxes will affect the value of one's property by increasing or decreasing the incentive to own it. One must also consider the influence of public good provision and the presence of amenities. They create desirability differences between pieces of property, thus creating differences in market value.

The models developed below were applied to Monongalia County, WV. Analysis was conducted on a cross-sectional basis, with Morgantown, Star City, and Westover being the only districts in Monongalia County having any land use zoning legislation.

The research considers two separate models to study zoning, one for developed residential property, the other for undeveloped property. For each model, the dependent variable is the natural log of total property value. Table 1 shows definitions for all variables. The residential property model is:

$$\text{Log(Value)} = f(\text{R1, R1a, R2, R3, Star City, Westover, Union District, log(Land Area), Age, Agesq, log(Building Area), log(Bathrooms), Basement, Poor Condition, Excellent Condition, Tax Rate, Distance}) \quad (1)$$

The undeveloped property model is:

$$\text{Log(Value)} = f(\text{R1, R1a, R2, R3, Star City, Westover, Union District, log(Land Area), Tax Rate, Distance}) \quad (2)$$

As suggested in earlier sections of this paper, all zoning variables (R1, R1a, R2, and R3) are expected to change the value of residential property relative to leaving it unzoned. When a property lies within Star City or Westover, a decrease in residential value may occur relative to property in Morgantown due to decreased amenities available for public consumption in those municipalities. On the other hand, if a property is in the Union District, which entirely contains a high-valued amenity, Cheat Lake, an increase in residential value may occur relative to other unincorporated areas. An increase in either land area or building area should increase the value of residential property, but the effect will decrease as either variable grows larger. The same effect is expected for an increase in the number of bathrooms. Age is a special variable. As a building's age increases, the value of the property is expected to decrease to a certain point, after which age becomes a valued amenity to prospective buyers. Hence, a quadratic form of the age variable was used to simulate its effects on residential property value. An increase in tax rate



should decrease the value of the property since a higher tax burden will be capitalized into a lower price of housing (i.e., potential buyers would be willing to pay less in the face of higher taxes, all else equal). An increase in distance should also decrease the value of residential property due to relatively greater demand for property nearer to the central city (Morgantown), all else equal.

#### **IV. Data**

Official data used by the Monongalia County Assessor's Office was obtained<sup>1</sup>. The data set includes the entire population of residential and business property in Monongalia County, nearly 68,000 observations. Only residential property (Class II) is used in the analysis and any observation with missing data was eliminated. For the first model, the sample includes only those residential properties with a building (developed). For the second model, the sample includes only those residential properties which have no building (undeveloped). The first sample contains 17,123 observations while the second contains 14,926.

The Monongalia County data included all important variables except for zoning, tax rate, and distance. I used a combination of housing address, zoning maps, and the neighborhood variables included in the data to find the current zoning for each address. Tax policy effects were accounted for by observing which district each address was in and inputting the current tax levy rate. The research accounted for distance by including dummy variables for location in each district and computing an average distance from downtown Morgantown for each district location using mapping software and observed concentrations of population.

Table 2 shows descriptive statistics for the variables used in the study. The majority of both developed and undeveloped residential property in Monongalia County was unzoned. Of

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<sup>1</sup> The Assessor's data was provided by SpecPrint, Inc. of Timonium, Maryland. The Monongalia County Assessor's Office contracts out to SpecPrint, Inc.

the zoned property, the majority was zoned as type R1a. Older areas tend to be more densely developed, thus giving reason for them to be zoned R1a. Newer developed properties should tend to be zoned any of the other three types of zoning. Land area in square feet was greater for undeveloped property. Undeveloped lots may be resized so that they are smaller as they become more developed over time. Distance from Morgantown Corporation was greater for undeveloped property due to normal centralized patterns of property development.

## **V. Results**

Table 3 shows the regression results for the first model (developed property). All coefficients are significant at the one percent level with the exception of Basement (which was significant at the five percent level) and R2 and Star City which are not significant even at the ten percent level. The model R-Square is 0.75.

Since the R2 zoning is most like unzoned areas, which allows the most diverse use of the property, its statistical insignificance is not surprising. R1 zoning, with a parameter estimate of 0.49, had a greater impact on housing value than did the other zoning types. A 49 percent increase in total value occurs when developed property is zoned R1. Most residential properties in zoned areas (Morgantown, Star City, and Westover districts) are zoned R1a. R1a had the second largest effect on housing price with a 30.7 percent increase in total value. Since properties zoned R1 or R1a are normally larger in lot size compared with R2 and R3 properties, it makes sense that zoning has a stronger effect.

Unzoned properties in the Union District, which includes Cheat Lake, were significantly more valuable than those that lie in other unzoned districts. Interestingly, the tax rate for this model is nearly unitary elastic (a 1 percent increase in tax rate decreases the value of the property

by 1 percent)<sup>2</sup>. Unitary elasticity of the tax rate confirms our assumption that the tax rate is capitalized in the value of the property. Signs for the other variables in the model are as expected.

Table 4 shows regression results for undeveloped property. All variables except for R2, R3, and Star City are significant at the 1 percent level. R3 is significant at the 10 percent level while R2 and Star City are not. The R-Square estimate for the second model is .1560.

R1a zoning significantly lowers the value of undeveloped properties. A 10.1 percent drop in total value occurs when undeveloped property is zoned R1a. Perhaps this effect occurs because R1a zoning does not restrict the use of undeveloped property sufficiently. For R1 zoning, which is more restrictive, owners may feel that the restrictions protect their property from encroachment. Since R1a zoning lacks the protective properties of R1 zoning, R1a properties may have lower demand. Undeveloped property zoned R1 experiences an average 36.1 percent increase in total value. Perhaps demand for undeveloped properties in zoned areas of Monongalia County is concentrated in developing R1 type properties. R3 zoning increases the value of undeveloped properties by 22.15 percent. R2 zoning did not significantly differ from unzoned properties. Once again, the tax rate has a nearly unitary elastic effect on residential value<sup>3</sup>.

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<sup>2</sup> For example, when the tax rate mean (1.17 %) increases by 1 percent to 2.17 percent, the price of housing decreases by nearly the same percent ( $2.17 \times -.4688 = -1.0173\%$ ).

<sup>3</sup> For example, when the tax rate mean (1.17 %) increases by 1 percent to 2.17 percent, the price of housing decreases by nearly the same percent ( $2.17 \times -.4130 = -0.8962\%$ ).

## VI. Conclusion

According to the results and following from the hypothesis, zoning does affect residential property value. R1 zoning, which is more restrictive than other types of zoning, tends to have the largest effect on residential property value in both the developed and undeveloped cases. In the developed case, all significant zoning options affect the value of residential property positively, raising their value. In the undeveloped case, the R1a zoning option seems to affect residential property value negatively, decreasing its value, while the R1 option increases its value. Undeveloped properties are more sensitive to zoning because zoning is more restrictive when development of that property is taken into consideration. The effect of zoning on the value of residential property in both cases can be explained on the demand side by restriction of demand to a certain use, which could decrease the value. Zoning may be seen by residents as a protection of their rights while it decreases options for developers. Understandably then, undeveloped property is affected differently than developed property. On the supply side, zoning restricts the supply of residential property according to categories of use, which could raise value. Much consideration needs to be taken into account when public entities zone residential property; the effects could be helpful or disastrous.

In future studies, one needs to account more for the subjectivity of the assessed value of the properties. Each assessor gives his or her professional opinion on the value of the property, but it is only an opinion; a buyer may value the property more or less than the assessor. Moreover, since this study focuses only on property in Monongalia County, West Virginia it may not be applicable to some other areas of the world that are significantly different in their economic characteristics. For example, Monongalia County is economically very different from New York City, NY, Sun City, AZ, and Moscow, Russia. Given more time, the distance for

each property from important locations can also be compiled with the use of GIS making the data more reliable. Moreover, better measures need to be developed to accurately separate the effects of the differentiation of provision of public services within and outside a municipality.

## References

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- Turnbull, G.K. (1991). "A Comparative Dynamic Analysis of Zoning in a Growing City." *Journal of Urban Economics*, 29, 235-248.

**Table 1. Definitions of Variables.**

<i>Value</i>	The total dollar value of the property (building and land) as assessed by county authorities.
<i>R1</i>	Equals 1 if zoned R1, equals 0 otherwise. Primarily a single-family property and includes most of the territory designated for residential use outside of the central business district of Morgantown as well as some areas within it.
<i>R1a</i>	Equals 1 if zoned R1a, equals 0 otherwise. Primarily a single-family property in older areas with lots which do not meet the R1 standards.
<i>R2</i>	Equals 1 if zoned R2, equals 0 otherwise. Primarily a single-family and two-family residence district. Multi-family dwellings are permitted as conditional uses, and requirements for minimum lot size, ground floor area of structures and maximum height of buildings are somewhat less stringent than the requirements of the R1 and R1a districts.
<i>R3</i>	Equals 1 if zoned R3, equals 0 otherwise. Permits all types of residential use, including those parts of the city which are most densely built-up and contain a number of two- and multi-family dwellings. The minimum lot size requirements for dwellings in this District are lower to permit greater population densities close to the business and industrial areas.
<i>Star City</i>	Equals 1 if in Star City, equals 0 otherwise.
<i>Westover</i>	Equals 1 if in Westover, equals 0 otherwise.
<i>Union District</i>	Equals 1 if in Union District, equals 0 otherwise.
<i>Land Area</i>	The property's land area in square feet.
<i>Age</i>	The age of any building included in the property.
<i>Building Area</i>	The area in square feet of all buildings on the property.
<i>Bathrooms</i>	The number of bathrooms on the property.
<i>Basement</i>	Equals 1 if the property contains a basement of any kind, equals 0 otherwise.
<i>Poor Condition</i>	Equals 1 if structures on the property were labeled by the assessor as being in poor condition, equals 0 otherwise.
<i>Excellent Condition</i>	Equals 1 if structures on the property were labeled by the assessor as being in excellent condition, equals 0 otherwise.
<i>Tax Rate</i>	The tax levy rate for the property (as a percentage of value).
<i>Distance</i>	The distance measured from a central population point in the property's district to a central population point in the City of Morgantown.

**Table 2. Descriptive Statistics for All Variables.**

<i>Developed Residential Property</i>					
<b>Observations</b>		17,123			
<i>Variable</i>	<i>Mean</i>	<i>Highest Value</i>	<i>Lowest Value</i>	<i>Value was Yes</i>	
<b>Value</b>	93,441	1,451,900	1,100	(NA)	
<b>R1</b>				1,082	
<b>R1a</b>				4,476	
<b>R2</b>				35	
<b>R3</b>				108	
<b>Star City</b>				358	
<b>Westover</b>				1,062	
<b>Union District</b>				3,179	
<b>Land Area</b>	276,095	1,876,739,040	175	(NA)	
<b>Age</b>	43	304	1	(NA)	
<b>Building Area</b>	1,637	25,226	300	(NA)	
<b>Bathrooms</b>	1.6	8.2	0.1	(NA)	
<b>Basement</b>				14,401	
<b>Poor Condition</b>				13	
<b>Excellent Condition</b>				180	
<b>Tax Rate</b>	1.17	1.35	1.10	(NA)	
<b>Distance</b>	6.04	26.26	0.10	(NA)	
<i>Undeveloped Residential Property</i>					
<b>Observations</b>		14,926			
<i>Variable</i>	<i>Mean</i>	<i>Highest Value</i>	<i>Lowest Value</i>	<i>Value was Yes</i>	
<b>Value</b>	11,056	3,602,200	100	(NA)	
<b>R1</b>				386	
<b>R1a</b>				3,238	
<b>R2</b>				73	
<b>R3</b>				61	
<b>Star City</b>				213	
<b>Westover</b>				576	
<b>Union District</b>				2,509	
<b>Land Area</b>	309,024	2,091,542,091	100	(NA)	
<b>Tax Rate</b>	1.9	2.72	1.11	(NA)	
<b>Distance</b>	7.9	26.26	0.10	(NA)	



**Table 3. Parameter Estimates for Developed Residential Property.**

<i>Variable</i>	<i>Parameter Estimate</i>	<i>Standard Error</i>	<i>t-Value</i>
<b>R1</b>	0.4934	0.0265	18.56***
<b>R1a</b>	0.3070	0.0250	12.25***
<b>R2</b>	0.0812	0.0627	1.30
<b>R3</b>	0.2215	0.0406	5.45***
<b>Star City</b>	-0.0168	0.0190	-0.88
<b>Westover</b>	-0.1031	0.0122	-8.39***
<b>Union District</b>	0.2037	0.0073	27.79***
<b>Log(Land Area)</b>	0.0406	0.0021	19.32***
<b>Age</b>	-0.0124	0.0002	-47.17***
<b>Agesq</b>	0.0000	0.0000	23.13***
<b>Log(Building Area)</b>	0.8641	0.0083	104.15***
<b>Log(Bathrooms)</b>	0.2486	0.0084	29.30***
<b>Basement</b>	0.0155	0.0072	2.16**
<b>Poor Condition</b>	-0.6989	0.0972	-7.19***
<b>Excellent Condition</b>	0.1449	0.0257	5.64***
<b>Tax Rate</b>	-0.4688	0.1124	-4.17***
<b>Distance</b>	-0.0161	0.0007	-22.60***
<i>F-Value</i>	2971.74		
<i>R-Square</i>	0.7471		
<i>Adjusted R-Square</i>	0.7468		
	***	<i>Significant at the one percent level.</i>	
	**	<i>Significant at the five percent level.</i>	
	*	<i>Significant at the ten percent level.</i>	

**Table 4. Parameter Estimates for Undeveloped Residential Property.**

<i>Variable</i>	<i>Parameter Estimate</i>	<i>Standard Error</i>	<i>t-Value</i>
<b>R1</b>	0.3610	0.0218	16.52***
<b>R1a</b>	-0.1010	0.0149	-6.74***
<b>R2</b>	-0.0136	0.0389	-0.35
<b>R3</b>	-0.0831	0.0314	-2.65***
<b>Star City</b>	0.0088	0.0315	0.28
<b>Westover</b>	-0.1802	0.0189	-9.51***
<b>Union District</b>	0.5267	0.0124	42.45***
<b>Log(Land Area)</b>	0.5410	0.0019	28.56***
<b>Tax Rate</b>	-0.4130	0.0142	-28.98***
<b>Distance</b>	-0.220	0.0011	-19.56***
<i>F-Value</i>	275.68		
<i>R-Square</i>	0.1560		
<i>Adjusted R-Square</i>	0.1557		
	***	<i>Significant at the one percent level.</i>	
	**	<i>Significant at the five percent level.</i>	
	*	<i>Significant at the ten percent level.</i>	

REAL ESTATE ACT

PROSPECTUS OF PANORAMA SKI HILL CO. LTD.

A. Description of Promoter

The name of the promoter is PANORAMA SKI HILL CO. LTD., a body corporate, incorporated under the laws of the Province of British Columbia, having its registered office at 1229 7th Avenue (P.O. Box 39), in the Village of Invermere, Province of British Columbia. The Head Office of the promoter is also situate at 1229 7th Avenue, Village of Invermere, Province aforesaid. The company was incorporated under the laws of the Province of British Columbia at Victoria, British Columbia, on the 22nd day of November, 1962; Certificate of Incorporation Number 55043.

B. Officers and Directors

NORMAN JAMES CAMPBELL, President and a Director, of Invermere, B.C., lumberman;  
GUY BERNARD MESSERLI, Secretary and a Director, of Invermere, B.C., area manager;  
FRIEDRICH ZEHNDER, director, of Invermere, B.C. lumberman;  
GLEN HOWARD CAMPBELL, Director, of Invermere, B.C., lumberman;  
GEORGE THORNTON, Director, of Invermere, B.C., clerk;  
JOHN RONACHER, Director, of Invermere, B.C., businessman;  
ALBERT OSTRANDER, Director, of Invermere, B.C. physician;  
ROGER KEITH MADSON, Director, of Radium Hot Springs, B.C., businessman.

C. Business Transacted

Since the date of incorporation of the Company it has carried on the business of operating a ski hill development.

D. Auditor

Thorne, Gunn & Co., Chartered Accountants, of 1229 7th Avenue (P.O. Box 460) Invermere, British Columbia, act as accountants for the Promoter but no auditor has been appointed.

E. Debt and Share Capital

Summary of Debt

Secured:	Agreement payable - Province of British Columbia, for purchase of land not the subject of this Prospectus	\$ 2,647.50
	Loans Payable - Canadian Imperial Bank of Commerce for subdivision development costs and purchase of lift facilities and equipment (Secured by chattel mortgages over equipment totalling \$104,000.00)	188,000.00
Unsecured:	Agreement payable - Alpine Lifts AG	5,537.60
	8% Bonds Payable, held by shareholders	110,350.00
Total Debt		<u>\$306,535.10</u>

Share Capital

The authorised capital of the company is \$25,000.00 divided into 25,000 shares with a nominal or par value of \$1.00, of which 12,678 have been issued and fully paid up.

F. Transactions

This is the first subdivision carried out by the promoter and the promoter has had no previous real estate transactions apart from the acquisition of real estate including the real estate the subject matter of this prospectus.

G. General Description of Subdivision

A subdivision of 75 lots of which 73 are suitable for the erection of recreational homes.

H. Legal Description and Title

Lots 1 to 75, District Lot 4609, Plan 8935, Kootenay District. It is not, however, intended to offer for sale Lots 7, 14 and 38 as Lots 7 and 38 are subject to the restriction hereinafter mentioned and the promoter is retaining Lot 14 for possible use as a service facility. The lots are all registered in the name of the Promoter.

I. Encumbrances

There are no encumbrances against the said lots save and except for the restrictive covenants contained in a building scheme particulars of which are contained in the first schedule hereto which are registered against all lots save and except for Lots 7, 14 and 38, and for an easement for a sewer line over Lots 49 and 50 for the benefit of and appurtenant to Lots 7 and 38, and a restriction against erecting any building or dwelling on Lots 7 and 38.

J. Terms of Sale and Forms of Contracts

The lots will be sold for cash or on terms and standard forms of conveyance will be used which may be inspected at the office of the promoter and which will also contain a right of first refusal and option to purchase in favour of the promoter in the form set out in the Second Schedule hereto.

K. Plan Approval and Registration under Land Registry Act

The subdivision plan was approved by the Department of Highways on the 11th day of January 1974 and was registered in the Nelson Land Registry Office on the 13th day of February 1974 under Number 8935.

L. Deposits

All deposits will be held in trust until transfer documents have been executed and registered.

M. Utilities

- (1) Water - The promoter will provide water to all lots and has received a Certificate of Public Convenience and Necessity dated 30th July 1973. Purchasers will have to pay a reasonable rate for water and to pay a reasonable hook-up fee. The domestic water system is in place and water is available.
- (2) Sewerage - The subdivision is approved for the use of septic tanks which must be of a design approved by the Medical Health Officer, Cranbrook, British Columbia, and must be installed by the Purchaser. The percolation rate has been tested and found to comply with the regulations of the Department of Highways and the Regional District of East Kootenay.

- (3) Electricity - Electricity is not presently available.
- (4) Gas - Gas is not presently available nor contemplated by the promoter.
- (5) Telephone Service - Telephone service is not presently available.
- (6) Access - A gravel road leads to the development from Invermere and it is maintained by the Department of Highways of the Province of British Columbia.
- (7) Roads - There are no roads within the subdivision save for access roads which have already been constructed.
- (8) Sidewalks - There are no sidewalks, and none will be installed by the promoter.
- (9) Street Lighting - There are no street lights and none are contemplated.
- (10) Garbage Collection - There is no garbage collection and none is contemplated.
- (11) Fire Protection - There is no fire protection in this area, save and except for fire hydrants which have been installed.
- (12) Police Protection - This is provided by the Royal Canadian Mounted Police, Invermere Detachment.
- (13) Schools - There are schools in Invermere approximately eleven miles from the subdivision but no school bus serves the area at the present time.
- (14) Public Transportation - There is no public transportation

N. Subdivision Financing

The costs of subdivision and road construction have been paid, and no performance bonds or similar securities have been posted or deposited, save and except for the sum of \$15,000.00 deposited with the Canadian Imperial Bank of Commerce as security required by the Comptroller of Water Rights as a maintenance reserve fund for the water works.

O. Building Restrictions

All homes must comply with local restrictions and with the restrictions set out in the Building Scheme registered against the lots, particulars of which are contained in the Schedule hereto.

P. Changes from Natural State

All lots will remain in their natural state save and except for what is necessary for the purposes of construction.

Q. Flooding

The land is not subject to flooding and no arrangements have been made for any drainage except for ditches alongside the roads as required by the Department of Highways.

R. Foundations

Foundations will be in accord with the provisions of the local building restrictions.

S. Buildings

The Promoter does not contemplate constructing any buildings on the land at the present time.

The foregoing declarations constitute a full, true and plain disclosure of all the facts relating to the real estate referred to above proposed to be sold or leased as required by Section 52 of the Real Estate Act of the Province of British Columbia.

DATED at Invermere, British Columbia this 18<sup>th</sup> day of February 1974.

Thomas Campbell  
Director

Chris Alessari  
Director

Frederic Johnson  
Director

Alan H. Campbell  
Director

George Hamilton  
Director

John P. ...  
Director

... ..  
Director

... ..  
Director

P R O S P E C T U S

OF

PANORAMA SKI HILL CO. LTD.

I, JOHN MICHAEL HUBBARD, of the Village of Invermere, Province of British Columbia, barrister and solicitor, a member of the Law Society of British Columbia, HEREBY CERTIFY THAT the facts set out in the clauses (a), (e), (h), (i), (k), and (o) of the Prospectus of PANORAMA SKI HILL CO. LTD. dated the 18th day of February 1974, in reference to Subdivision Plan 8935 and attached hereto are true and correct except insofar as the said clauses, or any of them, contain proposals.

DATED at the Village of Invermere, Province of British Columbia, this 18th day of February 1974.

*J. M. Hubbard*

Solicitor

I, GUY BERNARD MESSERLI of Invermere, Province of British Columbia, DO SOLEMNLY DECLARE THAT:

1. I am the Secretary of PANORAMA SKI HILL CO. LTD., the Promoter named in the Prospectus attached hereto and dated the
2. The matters of fact stated and set forth in the said Prospectus are true and correct.

I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

DECLARED BEFORE ME at the )  
Village of Invermere, in )  
the Province of British )  
Columbia, this 18th Day )  
of February 1974. )

*J. M. Hubbard*

A Commissioner for taking )  
affidavits within British )  
Columbia. )

*Guy Messerli*

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO

SCHEDULE OF RESTRICTIONS

- (a) No dwelling, building, wall, fence, pole, aerial, or other structure shall be erected on the lots until the plans and specifications therefore, showing the nature, kind, size, height and location of such structure, including a site or plot plan, have been submitted to and approved in writing by the Company, it being in the sole discretion of the Company to give or withhold such approval, but such approval shall not be unreasonably withheld.
- (b) No garbage, debris, scrap metal, including used cars or parts thereof, or other waste material of any type or description whatsoever shall be kept or accumulated or permitted to be kept or accumulated on the lots.
- (c) No mobile home or trailer shall be installed on the lots.
- (d) No poultry, swine, sheep, cattle, cows, or other livestock shall be kept on the lots.
- (e) No placard or advertising sign (other than the usual door plate of any professional man or woman) shall be erected, exposed, or maintained, or permitted to be erected, exposed or maintained upon the lots save and except those approved by the Company pursuant to clause (a) hereof.
- (f) No building or part thereof on the lots shall be used as a boarding house, hotel, beer parlour, resort, store, restaurant, shop, or place of trade or business, and no trade or business shall be carried on on the said lots unless approved by the Company; provided, however, that this restriction shall not prevent physicians, lawyers, writers, or artists having their offices or studios on the lots.
- (g) No outer walls of any building constructed on the said lands shall be allowed to remain uncompleted for a period of one year from the date the construction is commenced.



THE SECOND SCHEDULE HEREINBEFORE REFERRED TO

1. THAT in the event he desires to sell the said lands before commencing construction of a dwelling on the said lands on the terms herein set forth, he shall, before so selling give the Grantor thirty (30) days notice in writing of his desire to so sell the said lands, and in such notice he shall offer to sell to the Grantor at the price paid for the lands hereinbefore set forth and the Grantor shall have fourteen (14) days from the receipt of such notice in writing and offer, to accept the same. Such notice and offer shall be delivered to or served on the Grantor at its registered office, or shall be mailed, postage prepaid and registered, enclosed in an envelope addressed to the Grantor at P.O. Box 458, Invermore, British Columbia, or such other address as the Grantor may from time to time advise the Grantee of, and shall be deemed to have been received as of the date following the date of mailing. Time shall be of the essence of this clause. In the event the Grantor shall not accept the said offer within the said fourteen (14) day period the Grantee shall be at liberty to sell the land to others PROVIDED such sale is completed ("completed" to mean that all necessary conveyancing documents have been signed and are in registerable form and delivered to the Land Registry Office for registration) within thirty (30) days of the fourteen (14) day period. The provisions of this clause shall be null and void and of no effect at the expiration of twenty (20) years from the date hereof.
  
2. THAT in the event that he fails to commence construction of a dwelling on the said lands within two years of the date of registration of the conveyance to the Grantee, the Grantee hereby gives to the Grantor an option to purchase the said lands, which option shall be open for acceptance by the Grantor for thirty (30) days after the expiration of the said two year period. The price shall be the same as that paid by the Grantee to the Grantor. In the event that the Grantor accepts such option it shall tender to the Grantee a conveyance of the said lands containing the covenants for title for execution by the Grantee, and upon execution of such Deed in registerable form, and upon the Grantor being satisfied that no charges are registered against the Grantee's interest in the said lands, the Grantor shall pay to the Grantee the purchase price of the said lands, upon delivery of such conveyance properly executed; provided always the Grantor shall have the right to have its solicitor hold the said purchase money in trust pending completion of registration of all necessary conveyancing documents within a reasonable time.

DATE : \_\_\_\_\_

OBJET : \_\_\_\_\_

Hamstead.

- REPRESENTING PSOA ON BEHALF OF 55%  
READ ARTICLES
- OPENED UP PANDORA'S BOX  
PITTING NEIGHBOUR AGAINST NEIGHBOUR
- PSOA DEDICATED TO FAMILIES INVESTED  
NOT THOSE JUST PASSING THROUGH
- WORKING NOT ONLY FOR SUBDIV. BUT RESORT AS A WHOLE  
BEHIND, CONIX, RDEK, HIGHWAYS, ETC
- ABILITY OF PSOA TO CONTINUE AS VIABLE ENTITY  
'HELP PEOPLE HAVE A SECONDARY INCOME'  
DEVELOPMENT
- MANY ZONING, ILLEGALITIES WITHIN THE SUBDIV.
  - RDEK LACK OF ENFORCEMENT
  - E.G. LOT 37 (TREETOPS)
- EVERY BUYER SINCE 1980
- ANIMOSITIES & FEELINGS OF WINNING OR LOSING  
RDEK DIRECTLY OR INDIRECTLY RESPONSIBLE
- HEARING NOT INTENDED TO DISCUSS SHORT TERM RENTALS
  - SLIPPERY SLOPE
- SUBDIV. IS A SPECIAL PLACE (ALMOST UNIQUE) DUE TO R1
  - MULTI-GENERATIONAL
- REQUEST THAT BY-LAW AMENDMENT NOT BE PERMITTED.
  - CHARLOTTE & AM NOT BAD PEOPLE
  - CANNOT BENEFIT THE FEW TO THE DETRIMENT

# PATRICIA HENGEL

July 17, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 – 1989 & 1997 Panorama Drive, Panorama

I *Patricia Hengel* DO NOT support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner of the cabin located at 373 Panorama Place, Panorama [REDACTED]

Sincerely,

*Patricia Hengel*

Patricia Hengel

July 15<sup>nd</sup>, 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I Karen Goodwin hereby do not support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 2132 Panorama Drive in the Panorama area.

  
\_\_\_\_\_  
(signature)

July 22, 2019

RDEK Main Office:  
19 - 24 Avenue South  
Cranbrook BC V1C 3H8

Regional Office:  
Columbia Valley Office 1164 Windermere Loop Road  
Invermere BC VOA 1K3

Sent via email to [info@rdek.bc.ca](mailto:info@rdek.bc.ca)

Attention: Andrew McLeod, Planning & Development Services Manager  
Tracy Van de Wiel, Planning Technician

Re: **Bylaw No. 2933** cited as "Regional District of East Kootenay - Panorama Mountain Village Official Community Plan Bylaw No. 1414, 1999 – Amendment Bylaw No. 16, 2019 (Panorama / Marshall & Beaudry)" will amend the text of the OCP to consider supporting auxiliary dwelling units within the original Panorama Village single-family subdivision on a **case by case basis**.

We, Peter and Fiona Keohane, owners of R1 zoned property located at 2137 Panorama Drive, Panorama, BC, do not support the proposed Amendment to OCP and Bylaw 2933.

It is our opinion that the text of the current bylaw should remain unchanged to protect the integrity of ALL existing R1 Zoned properties, avoid property value erosion and ensure a "level playing field" for all properties within the zone.

Having RDEK consider zoning applications on a case by case basis would mean taking every application to public hearing every time, and that would be a waste of taxpayer dollars, RDEK resources and R1 owners precious recreation time.

If the intension for the change of wording in Bylaw 2933 is for RDEK to be the sole decision maker in approving "case by case" applications in future, we oppose this application even more adamantly - R1 owners would be stripped of their democratic right to oppose future applications and this is totally unacceptable.

It is our contention that the R1 zone as outlined in the proposed OCP should remain as presented.

Once the OCP process is finalized (or even prior if there is time and the will of residents) an application could be put to RDEK requesting a change to the zoning for ALL properties in the R1 zone to R1-C not just a select two.

Bylaw No. 2934 cited as "Regional District of East Kootenay - Upper Columbia Valley Zoning Bylaw No. 900, 1992 - Amendment Bylaw No. 349, 2019 (Panorama / Marshall & Beaudry)" will amend the zoning designation of Lots 50 and 54, District Lot 4609, Kootenay District, Plan 8935 from R-1, Single Family Residential Zone to R-1(C) Auxiliary Dwelling Unit Zone.

We, Peter and Fiona Keohane object to changes to Bylaw No 2933 therefore, and for the same reasons, we do not support this requested change.

We would appreciate the assurance of RDEK, that whatever the outcome of this application is, that RDEK will make it a priority to enforce the bylaws for R1 and R1-C properties. Our many years of experience has been that RDEK has turned a blind eye to several properties already offering auxiliary suites which presently are not permitted in the existing R1 Zone.

Sincerely,

Peter and Fiona Keohane

2137 Panorama Dr

Panorama, BC


July 15<sup>th</sup>, 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I (print name) CLIFF KEYWAY hereby do not support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 390 Panorama Place  
\_\_\_\_\_ in the Panorama area.

  
(signature)

Tracy Van de Wiel

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**From:** Anne Littke [REDACTED]  
**Sent:** July-15-19 10:00 PM  
**To:** Tracy Van de Wiel  
**Subject:** Lot 50 and 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

I Anne Littke hereby do not support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence. I am the owner/occupier of Lot 75, 2090 Panorama Drive, in the Panorama area.

Anne Littke



## Tracy Van de Wiel

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**From:** Rhiannon Chippett  
**Sent:** July-22-19 12:31 PM  
**To:** Tracy Van de Wiel  
**Subject:** Fwd: Bylaw 2933 and Bylaw 2934

Sent from my iPhone

Begin forwarded message:

**From:** Ivan Price [REDACTED]  
**Date:** July 22, 2019 at 12:02:57 PM MDT  
**To:** Rhiannon Chippett <[rchippett@rdek.bc.ca](mailto:rchippett@rdek.bc.ca)>  
**Cc:** Ivan Price [REDACTED]  
**Subject:** Bylaw 2933 and Bylaw 2934

**2019-07-21**

**To the RDEK Board of Directors:**

**cc. Andrew McLeod, Planning & Development Services Manager  
Tracy Van de Wiel, Planning Technician**

**Re: Bylaw 2933, and Bylaw 2934  
50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

**Dear Sirs and Madams,**

**I am the owner of 357 Panorama Place within the subject subdivision and hereby do not support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.**

**Any rezoning or amending of this nature will threaten all owners within the subdivision by setting a precedent which would inevitably spread through the entire subdivision.**

**I wish to preserve the single family residential character of the subdivision.**

**Yours sincerely**

**Ivan Price**

On Jul 22, 2019, at 11:59 AM, Rhiannon Chippett <[rchippett@rdek.bc.ca](mailto:rchippett@rdek.bc.ca)> wrote:

July 15<sup>nd</sup>, 2019

To the RDEK Board of Directors:

**Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama**

I Shirley Robertson hereby do not support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 2132 Panorama Drive in the Panorama area.

  
(signature)

July 20, 2019

Deirdre and Bruce,

Thank you so much for reaching out to Chris and I and educating us on the proposed re-zoning of the Panorama Subdivision from R1 to R2 zoning.

The issues you outlined in your letter about people operating illegal secondary suites is concerning. That said, we would like to see a plan from the Regional District of East Kootney (RDEK) that clearly articulates the future development of the area and how R2 zoning fits into those plans. We would also like to understand how that benefits our subdivision and Panorama Mountain Resort. I would also like to add that I don't recall receiving a notice from RDEK about the proposed re-zoning. So this does come as bit of a surprise.

As a result, Chris and I are not supportive of the Marshall's application to re-zone our subdivision at this time.

Unfortunately, we are not able to attend the meeting on Tuesday. So please communicate our message through this note.

Best regards,

Howard Sangwine and Chris Patton

(Owners 384 Panorama Place)

July 15<sup>nd</sup>, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

I (print name) ROBERT G. SMITH hereby do not support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 1979 PANORAMA DRIVE  
\_\_\_\_\_ in the Panorama area.

  
(signature)

July 15<sup>nd</sup>, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

I (print name) BRAD SEVENS hereby do not support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 2146 PANORAMA DRIVE  
\_\_\_\_\_ in the Panorama area.



(signature)


July 15<sup>nd</sup>, 2019

To the RDEK Board of Directors:

Re: Lots 50 & 54, DL 4609, KD Plan 8935 - 1989 & 1997 Panorama Drive, Panorama

I (print name) PAMELA STEVENS hereby do not support the OCP and Zoning Bylaw Amendment application by Charlotte Marshall and Cameron Beaudry for the above noted properties, to permit one auxiliary dwelling unit in each residence.

I am the owner / occupier of (civic address) 2146 PANORAMA DRIVE  
\_\_\_\_\_ in the Panorama area.

  
\_\_\_\_\_  
(signature)

**Bruce Hamstead**

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**From:** Joel Thurmeier <joel@panatelladental.com>  
**Sent:** Friday, July 19, 2019 4:42 PM  
**To:** [REDACTED]  
**Subject:** Letter of objection

Hello Bruce,

Please deliver this notice of objection on my behalf. Thank you.

To whom it concerns,

It is my wish to have the subdivision in which my home is located (2125 Panorama Drive) remain zoned for single family dwellings only. It is our opinion that the community is better served by keeping things as they are so that we do not have an extra burden on our roads. I believe that an influx of short term renters will not care for the community like the good people who have purchased homes to enjoy the tranquility of nature and its surroundings.

Thank you.

Joel Thurmeier DMD  
Panatella Dental  
Calgary, Alberta, Canada

**REGIONAL DISTRICT OF EAST KOOTENAY**

**BYLAW NO. 2933**

A bylaw to amend Bylaw No. 1441 cited as "Regional District of East Kootenay – Panorama Mountain Village Official Community Plan Bylaw No. 1441, 1999"

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WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 1441;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay – Panorama Mountain Village Official Community Plan Bylaw No. 1441, 1999 – Amendment Bylaw No. 16, 2019 (Panorama / Marshall & Beaudry).
2. Section 4.3.2 (d) is deleted and replaced with the following:
  - (d) Auxiliary dwelling units within a single family dwelling are supported within Greywolf and Trapper's Ridge neighbourhoods. Within the original Panorama Village single family subdivision auxiliary dwelling units shall be considered on a case by case basis.

READ A FIRST TIME the 5<sup>th</sup> day of July, 2019.

READ A SECOND TIME the 5<sup>th</sup> day of July, 2019.

READ A THIRD TIME the     day of                     , 2019.

ADOPTED the     day of                     , 2019.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER



**REGIONAL DISTRICT OF EAST KOOTENAY**

**BYLAW NO. 2934**

A bylaw to amend Bylaw No. 900 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992."

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WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 900;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 349, 2019 (Panorama / Marshall & Beaudry)."
2. The designation of Lots 50 and 54, District Lot 4609, Kootenay District, Plan 8935, outlined on the attached Schedule A, which is incorporated in and forms part of this bylaw, is amended from R-1, Single Family Residential Zone to R-1(C), Auxiliary Dwelling Unit Zone.

READ A FIRST TIME the 5<sup>th</sup> day of July, 2019.

READ A SECOND TIME the 5<sup>th</sup> day of July, 2019.

READ A THIRD TIME the    day of                      , 2019.

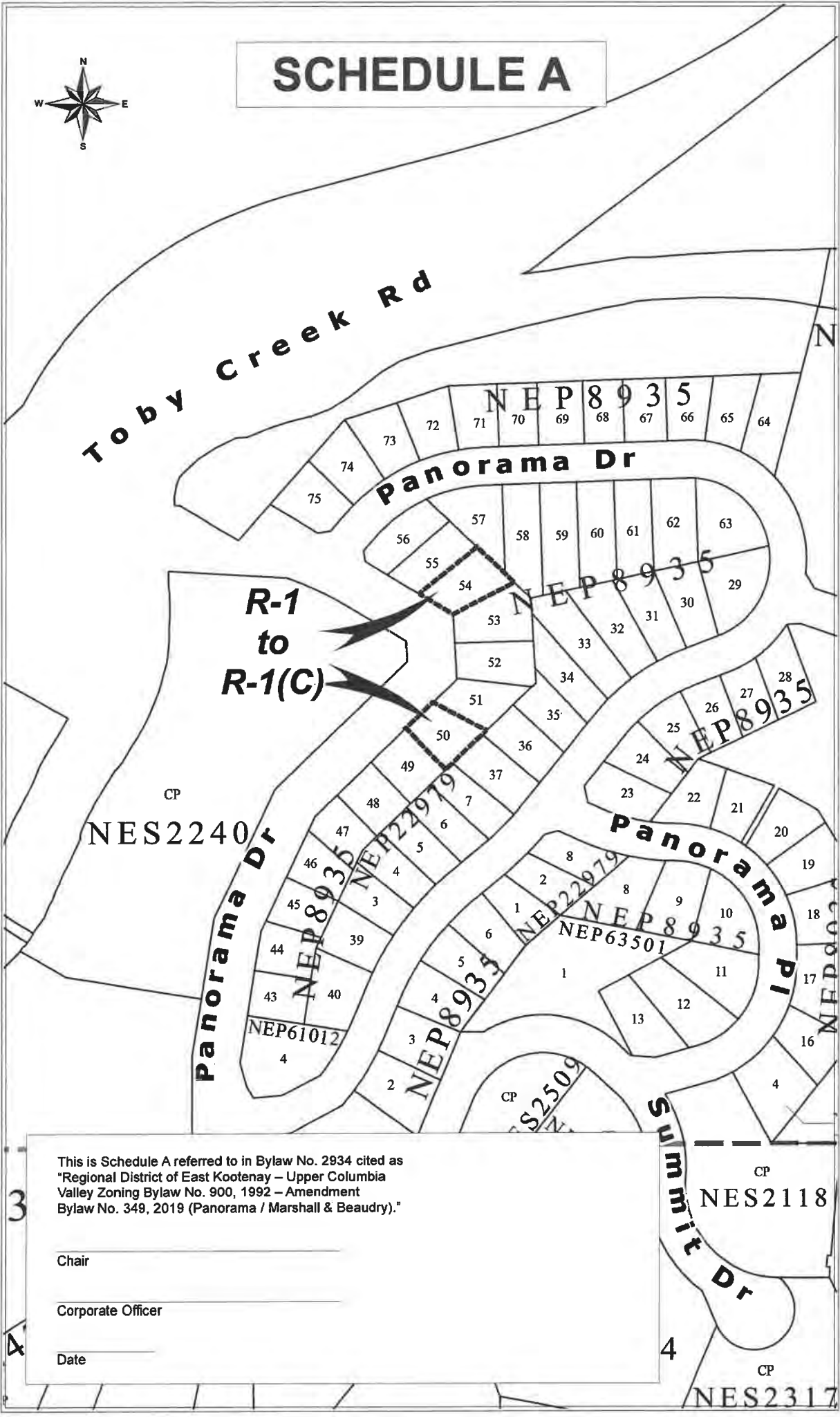
ADOPTED the            day of                      , 2019.

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER



# SCHEDULE A



This is Schedule A referred to in Bylaw No. 2934 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 349, 2019 (Panorama / Marshall & Beaudry)."

Chair \_\_\_\_\_

Corporate Officer \_\_\_\_\_

Date \_\_\_\_\_

3

4

4

NES2118

NES2317



## Bylaw Amendment Application

Date: June 25, 2019  
File: P 719 516  
Bylaw No. 2933 & 2934

**Applicants:** Charlotte Marshall and Cameron Beaudry  
**Agent:** Terpsma Land Development Consulting (Jean Terpsma)  
**Location:** 1989 & 1997 Panorama Drive, in Panorama Mountain  
**Legal:** Lots 50 & 54, District Lot 4609, KD, Plan 8935  
(PIDs: 013-154-672 & 010-835-938)

**Proposal:** To amend the text of the Panorama Mountain Village OCP to consider supporting auxiliary dwelling units within the original Panorama Village single-family subdivision on a case by case basis, and to amend the Upper Columbia Valley Zoning Bylaw designation from R-1, Single Family Residential Zone to R-1(C) Auxiliary Dwelling Unit Zone, to permit an auxiliary dwelling unit within the single-family dwellings on the two subject properties.

**Development Agreement:** None

- Options:**
1. a) THAT Bylaw No. 2933 cited as "Regional District of East Kootenay – Panorama Mountain Village Official Community Plan Bylaw No. 1441, 1999 – Amendment Bylaw No. 16, 2019 (Panorama / Marshall & Beaudry) be introduced;  
  
and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.
  - b) THAT Bylaw No. 2934 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 349, 2019 (Panorama / Marshall & Beaudry)" be introduced.
  2. a) THAT Bylaw No. 2933 cited as "Regional District of East Kootenay – Panorama Mountain Village Official Community Plan Bylaw No. 1441, 1999 – Amendment Bylaw No. 16, 2019 (Panorama / Marshall & Beaudry) not proceed.
  - b) THAT Bylaw No. 2934 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 349, 2019 (Panorama / Marshall & Beaudry)" not proceed.
  3. THAT Bylaw Nos. 2933 and 2934 be postponed from consideration pending further public consultation regarding auxiliary dwelling units during the Panorama OCP process.

**Recommendation: Option #1**

When zoning bylaw requirements can be met for parking, gross floor area maximum etc., auxiliary dwelling units can help provide a variety of housing options within a resort community.

**Property Information:**

**OCP Designation:** RA-SF, Residential Accommodation – Single Family

**OCP Policies:**

- All future residential and commercial accommodation within the Plan Area must be serviced by the resort's community water and sewer systems. Development of accommodation projects will require corresponding upgrades to servicing infrastructure in accordance with the Comprehensive Development Plan within the area designated as Service Area Boundary on Schedule A7.
- The Regional District will support and encourage auxiliary residential suites contained within single family residential uses at Greywolf and Trapper's Ridge as a source of employee accommodation in development areas created and approved after the 1993 date of resort ownership change. No auxiliary residential suites shall be permitted within the original Panorama Village single family subdivision.

**Proposed OCP Policy:**

- Auxiliary dwelling units within a single family dwelling are supported within Greywolf and Trapper's Ridge neighbourhoods. Within the original Panorama Village single family subdivision auxiliary dwelling units shall be considered on a case by case basis.

**Current Zoning:**

R-1, Single Family Residential Zone, minimum parcel size: 555 m<sup>2</sup> where serviced by community water and community sewer.

**Proposed Zoning:**

R-1(C), Single Family Residential Zone, minimum parcel size: 555 m<sup>2</sup> where serviced by community water and community sewer.

**Parcel Sizes:**

Lot 50: 732 m<sup>2</sup> (7879 ft<sup>2</sup>)

Lot 54: 866 m<sup>2</sup> (9321 ft<sup>2</sup>)

**Density:** One single family dwelling is permitted per parcel. The proposed R-1(C) zone permits an auxiliary dwelling unit within a single-family dwelling or within the 2<sup>nd</sup> storey of a detached garage.

**ALR Status:** Not within the ALR

**Interface Fire Hazard Rating:** Ranging from moderate to high, within the Panorama fire service area

**BC Assessment:** Residential with a single-family dwelling

**Property Information – cont'd:**

**Water and Sewer Services:** Community water and sewer

**Professional Studies:**

None

**Additional Information:**

- If the bylaws are adopted, an auxiliary dwelling unit will be permitted on the two subject properties, either within the single-family dwelling or within a detached garage.
- A single-family dwelling requires two off-street parking spaces and an auxiliary dwelling requires one additional space.
- If the Board wishes to advance the proposed bylaw, the owners should provide confirmation from the owner of the water and sewer utilities that the existing connections to community water and sewer can accommodate their proposed auxiliary dwelling units.

**Consultation:**

**APC Areas F & G:** Support

**Referral Agencies:**

- **Interior Health Authority:** No response
- **Transportation & Infrastructure:** Interests unaffected
- **Environment:** Reviewed without comment
- **Ktunaxa Nation Council:** No response
- **Shuswap Indian Band:** No response
- **School District No. 6:** No response
- **Telus:** No response

**Documents Attached:**

- Bylaws
- Location Map
- Land Use Map
- OCP Map
- Proposal

**RDEK Contact:**

Tracy Van de Wiel, Planning Technician  
Phone: 250-489-0306  
Email: [tvandewiel@rdek.bc.ca](mailto:tvandewiel@rdek.bc.ca)



## Public Hearing Report – Bylaw No. 2936 Edgewater / Full Circle Automotive Inc.

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This report is submitted to the Board of Directors of the Regional District of East Kootenay pursuant to Section 464 of the *Local Government Act*.

The public hearing for Bylaw No. 2936 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 - Amendment Bylaw No. 350, 2019 (Edgewater / Full Circle Automotive Inc)” was held on July 23, 2019 at 4:00 pm at the Edgewater Community Hall.

The following Regional District representatives attended the public hearing:

Director Gerry Wilkie, Electoral Area G  
 Director Susan Clovechok, Electoral Area F  
 Director Clara Reinhardt, Radium Hot Springs  
 Tracy Van de Wiel, Planning Technician

The notice for the hearing was published in the July 11 and July 18, 2019 issues of the Columbia Valley Pioneer and in the July 18, 2019 issue of the East Kootenay Extra. 35 notices were sent to neighbouring property owners and occupiers on July 5, 2019 by regular mail with one notice returned as undeliverable.

**Bylaw No. 2936** provides for:

1. This Bylaw may be cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw 900, 1992 – Amendment Bylaw No. 350, 2018 (Edgewater / Full Circle Automotive Inc).”
2. The designation of Parcel F (KW183306) Block 6, District Lot 353, Kootenay District, Plan 1185, is amended from C-1, Community Commercial Zone to C-2, Service Commercial Zone.

Chair Wilkie convened the hearing at 4:07 pm.

Staff read the legal proceedings for the public hearing as set out by the *Local Government Act* and noted that a report of the hearing would be submitted to the Board at its August 2, 2019 meeting.

17 written submissions were received prior to the hearing and all express support for the proposed bylaw. At the hearing, the proponent submitted a petition signed by 63 residents which also expresses support.

Director Wilkie called three times for comments. The proponent and several members of the public were in attendance and since no one chose to speak, Chair Wilkie closed the hearing at 4:08 pm.

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**Chair Gerry Wilkie**  
**Electoral Area G**

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**Tracy Van de Wiel**  
**Planning Technician**

## Tracy Van de Wiel

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**From:** Phyllis Carey Boyer [REDACTED]  
**Sent:** July-22-19 2:48 PM  
**To:** Tracy Van de Wiel  
**Subject:** Full circle automotive inc

**Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.**

We strongly support  
this lot 4847 Selkirk ave  
Edgewater bc [REDACTED]

To be re-zoned from c-1 to c-2

As this will be a great addition to Edgewater community businesses and will be very useful for the locals and throughout the valley we fully support this decision.

Sent from my iPhone

**Tracy Van de Wiel**

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**From:** Mark Holmes [REDACTED]  
**Sent:** July-17-19 2:03 PM  
**To:** Tracy Van de Wiel  
**Subject:** Fwd: Bylaw 2936, Full Circle Automotive, Edgewater

**Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.**

----- Forwarded message -----

**From:** Mark Holmes [REDACTED]  
**Date:** Wed, 17 Jul 2019 at 07:43  
**Subject:** Re: Bylaw 2936, Full Circle Automotive, Edgewater  
**To:** <[tvandeweil@rdek.bc.ca](mailto:tvandeweil@rdek.bc.ca)>

I wish to register our complete support for Jeremy Traverse and Mataia Ekman and their families to operate an Automotive Service Garage in Edgewater.

Yours sincerely, Mark Holmes and Valerie McLeod.

--  
Mark Holmes and Valerie McLeod  
[REDACTED]  
Edgewater  
B.C. [REDACTED]  
Canada  
[REDACTED]

The street address is 4852 Selkirk Ave.

--  
Mark Holmes and Valerie McLeod  
[REDACTED]  
Edgewater  
B.C. [REDACTED]  
Canada  
[REDACTED]

The street address is 4852 Selkirk Ave.



## Tracy Van de Wiel

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**From:** Sylvia Power [REDACTED]  
**Sent:** July-16-19 6:42 PM  
**To:** Tracy Van de Wiel  
**Subject:** Bylaw 2936

**Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.**

Re: Bylaw 2936

Hello,

I am writing to show my support for Full Circle Automotive that is due to open its doors soon in Edgewater. Jeremy Traverse and Mataia Ekman are wonderful, long-term community members who are excited enrich the town of Edgewater with their business plans. This business will neighbour my building, The Edgewater Post Office, and I will be pleased to have them nearby adding to the growing commerce in our area. Please consider this an official letter of support for their proposed re-zoning that will allow them to build and operate an Automotive Service Garage.

From my perspective as Postmaster they seem to have this community's wholehearted support,

Sylvia Power  
Postmaster of Edgewater  
[REDACTED]  
Edgewater BC  
[REDACTED]

## Tracy Van de Wiel

---

**From:** henny simons [REDACTED]  
**Sent:** July-09-19 9:31 PM  
**To:** Tracy Van de Wiel  
**Subject:** Full Circle Automotive

**Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.**

This is a letter of support for Full Circle Automotive, bylaw 2936. I fully support the amendment of bylaw 2936. This shop would be a great asset to our community. Jeremy is a great mechanic and nice guy

Thank you  
Henny Simons  
5721 Columbia Road  
Edgewater British Columbia  
[REDACTED]

Get [Outlook for Android](#)

## Tracy Van de Wiel

---

**From:** david strong [REDACTED]  
**Sent:** July-09-19 7:33 PM  
**To:** Tracy Van de Wiel  
**Subject:** Re Bylaw 2936

**Personal information has been withheld in accordance with Section 22(1) of the *Freedom of Information and Protection of Privacy Act*.**

Re Bylaw 2936. I fully support Full Circle Automotive Inc.  
Think this a great thing for Edgewater.

Dave Strong

Sent from my Samsung Galaxy smartphone.

## Tracy Van de Wiel

---

**From:** Zosia Timothy [REDACTED]  
**Sent:** July-10-19 11:46 PM  
**To:** Tracy Van de Wiel  
**Subject:** Bylaw 2936-Full Circle Automotive

**Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.**

Hello.

My name is Sophie Timothy and I have been a resident of edgewater for 25 years. Edgewater needs a breath of fresh air and Mataia and Jeremy are that! I have had the pleasure of having Jeremy work on my truck and am glad they will be providing Edgewater and area with their knowledge and skills. I'm all for family basis businesses and I've know these two for at least 10 years Great caring family people.

Welcome Full Circle to Edgewater!!

Sophie

## Tracy Van de Wiel

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**From:** Rod Booty [REDACTED]  
**Sent:** July-10-19 8:22 PM  
**To:** Tracy Van de Wiel  
**Subject:** Full Circle Automotive

**Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.**

I am in full support of re-zoning from C1 to C2 to allow for the automotive shop mentioned in the subject line.

An automotive shop would be an asset to Edgewater and the surrounding area.

Rod Booty  
5280 Hewitt Rd.  
Edgewater BC  
[REDACTED]

Sent from my iPhone

## Tracy Van de Wiel

---

**From:** Cathleen [REDACTED]  
**Sent:** July-10-19 7:25 PM  
**To:** Tracy Van de Wiel  
**Subject:** Full Circle Automotive

**Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.**

I am in full support of the re-zoning from C1 to C2 at 4847 Selkirk Ave Edgewater, BC to allow for the automotive shop mentioned in the subject line.

I believe this business would be an asset to Edgewater and the surrounding area.

Cathleen Christensen  
[REDACTED]  
Edgewater, BC  
[REDACTED]

## Tracy Van de Wiel

---

**From:** Angel Bristow [REDACTED]  
**Sent:** July-10-19 5:53 PM  
**To:** Tracy Van de Wiel  
**Subject:** Bylaw 2936 Full Circle Automotive Inc

**Personal information has been withheld in accordance with Section 22(1) of the *Freedom of Information and Protection of Privacy Act.***

As local home owners in Edgewater BC, both my husband and I fully support this new business opportunity that is being offered to our community!  
Angel and Mike Christensen

--  
 Please consider the environment before printing this email.

--  
 Please consider the environment before printing this email.

## Tracy Van de Wiel

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**From:** MIKE GAUDETTE [REDACTED]  
**Sent:** July-10-19 4:26 PM  
**To:** Tracy Van de Wiel  
**Subject:** Full Circle Automotive - Bylaw 2936

**Personal information has been withheld in accordance with Section 22(1) of the *Freedom of Information and Protection of Privacy Act.***

I am writing in support of the above mentioned business opening and operating in my town of Edgewater, BC. If there is anything I can do to further help facilitate Jeremy's application, please let me know.

Mike Gaudette  
[REDACTED]

Sent from my iPhone



## Tracy Van de Wiel

---

**From:** Dexter Morsette [REDACTED]  
**Sent:** July-12-19 1:57 PM  
**To:** Tracy Van de Wiel  
**Subject:** Bylaw 2936, Full Circle Automotive

**Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.**

To whom it May concern,

I am emailing today to express my support of a new business project in Edgewater BC. I think it will be a great addition to our business line up in Edgewater and I have no objections to this new business venture at this time.

Thank you,

Dexter Morsette

Sent from my iPhone

## Tracy Van de Wiel

---

**From:** Tyrel Brown [REDACTED]  
**Sent:** July-12-19 6:46 PM  
**To:** Tracy Van de Wiel  
**Subject:** Bylaw 2936

**Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.**

Hello,

My names Tyrel Brown, and I live at 4789 Riverview Dr, Edgewater, British Columbia [REDACTED]  
I am in full support of Full Circle Automotive Inc. I am really excited to have a local of the valley start a great business in our community.

## Tracy Van de Wiel

---

**From:** Shane Booty [REDACTED]  
**Sent:** July-12-19 4:04 PM  
**To:** Tracy Van de Wiel  
**Subject:** Full Circle Automotive

**Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.**

Hello,

This is Shane Booty from 5816 Sinclair St. Edgewater B.C

Referencing bylaw 2936

I am in Support of Jeremy's approval for re zoning to C2 and his efforts to open a automotive shop in Edgewater.

Shane

## Tracy Van de Wiel

---

**From:** Mail [REDACTED]  
**Sent:** June-25-19 3:31 PM  
**To:** Tracy Van de Wiel  
**Cc:** fullcircleedgewater@gmail.com  
**Subject:** Bylaw 2936 Full Circle Automotive

**Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.**

To whom it may concern:

We are Jan & Barney Maslaniec and live at 4866 Riverview Drive in Edgewater BC. We understand that Jeremy Traverse is hoping to have a lot at 4847 Selkirk Ave re-zoned from C1 to C2.

As residents of Edgewater, we feel that this would be a wonderful opportunity for Edgewater to have this service. We hope that this will go through

Sincerely  
Jan & Barney Maslaniec

[REDACTED]

## Tracy Van de Wiel

---

**From:** dan baulcomb [REDACTED]  
**Sent:** July-01-19 9:02 AM  
**To:** Tracy Van de Wiel  
**Subject:** Bylaw 2936 Full Circle Automotive

**Personal information has been withheld in accordance with Section 22(1) of the *Freedom of Information and Protection of Privacy Act.***

My wife and I support FullCircle Automotive. It would be a great benefit to our community

Sincerely

Dan and Penny Baulcomb

Sent from my iPhone

## Tracy Van de Wiel

---

**From:** Tegan Baulcomb [REDACTED]  
**Sent:** July-01-19 9:19 AM  
**To:** Tracy Van de Wiel  
**Subject:** Full Circle Automotive

**Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.**

I believe this company/business would be an amazing asset to our town in Edgewater.  
Bylaw 2936.

--

Tegan Baulcomb  
Canadian Tire Store 658

## Tracy Van de Wiel

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**From:** mchutch@telus.net  
**Sent:** June-13-19 11:25 AM  
**To:** Tracy Van de Wiel  
**Subject:** Bylaw 2936 - Full Circle Automotive

To Whom It May Concern,

As business owners and residents of Edgewater, we are in full support of Jeremy Traverse and Mataia Ekman developing an automotive business in our community. We have had numerous inquiries for small vehicle repairs in our community. We wish them good luck in their endeavors.

Michael Hutchinson & Karel Wood  
Pip's Country Store  
4806 Selkirk Ave  
Edgewater, BC

Residence  
5810 Columbia Rd  
Edgewater, BC

# Full Circle Automotive Inc.

Jeremy Traverse & Mataia Ekman  
4847 Selkirk Ave, [REDACTED]  
Edgewater BC, [REDACTED]

Personal information has been withheld in accordance with Section 22(1) of the Freedom of Information and Protection of Privacy Act.

This letter is to ask you for your support to have our lot at the above address re-zoned from C1 to C2. This will allow us to build and operate an Automotive Service Garage. Once the zoning is completed we will be building a three bay shop about as big as the current building on the property, unfortunately the current building is not repairable. We have plans to build a super efficient and quiet building that will be a great addition to Edgewater. The business should be open by April 2020.

I (Jeremy) have been in the Automotive Industry for twenty years locally as a Mechanic, Manager, and Service person. I had also ran a shop of this size for five years. I would like to use my learned skills in this small town environment. We intend to provide a great service to the people of Edgewater at an affordable price, also using environmentally friendly products. This will be a Family run business with the potential to add employees in the future.

We have asked you to sign our support letter for the RDEK but it would be most helpful if you could write a short email expressing your support for the Project. All emails have to be sent to [tvandewiel@rdek.bc.ca](mailto:tvandewiel@rdek.bc.ca) and must reference Bylaw 2936 and have our name Full Circle Automotive in the subject.

If you have any questions or concerns we would love to hear from you. We can be reached anytime at [REDACTED] or can be reached by email [REDACTED]

We thank you in advance for your time and your support, we look forward to offering our services to Edgewater.

Thank you

Jeremy Traverse, Mataia Ekman  
And Family



























# Signatures of Support

# Full Circle Automotive

To re-zone our lot to operate an Automotive Garage

4847 Selkirk Ave Edgewater BC

Jeremy Traverse and Mataia Ekman 

	NAME PRINT AND SIGN.	PHONE	Address
1	John Doe	(123) 456-7890	123 street Edgewater
2	Elke Petersen		4792 Selkirk Ave
3	George Thierbach		5711 Glenrose Rd.
4	Shane Wheeler		5717 Columbia Rd
5	Dave Strong		5721 Columbia Rd.
6	Henny Simons		5721 Columbia Rd.
7	CHRISTY OLSON		4802 Riverview Dr
8	Mimi PRICE		4823 RIVERVIEW DR
9	Tiffany Harrison		4850 Purcell Ave.
10	Chantell Holm		4855 Cordillera Ave.
11	Doug Diamond		4853 Cordillera Ave.
12	Hugh Diamond		4853 Cordillera Ave
13	James Bradford		4862 Cordillera Ave.
14	Luan Mahon		4876 Hewitt Road
15	Sena Otis		5770 Columbia Rd.
16	Janine Holden		4862 Selkirk AVE.
17	MARK HOBBS		4852 SELKIRK AVE.
18	Thompson Engelzell		4854 SELKIRK AVE.
19	Jessica Breene		4865 Selkirk Ave.
20	Stacey Harrison		4878 Purcell Ave
21	Tearra Thys		4864 Purcell Ave
22	Dale Elliott		5382 Kindersley Rd.
23	Rob Murray		5776 Vermillion St.
24	Amanda Jopp		9574 Highway 95 Spar Valley
25	Carey Boyer		5721 Vermillion.

# Signatures of Support

# Full Circle Automotive

To re-zone our lot to operate an Automotive Garage

4847 Selkirk Ave Edgewater BC

Jeremy Traverse and Mataia Ekman [REDACTED]

	NAME PRINT AND SIGN.	PHONE	Address
1	John Doe	(123) 456-7890	123 street Edgewater
2	DIANE RUAVLT	[REDACTED]	4839 SELKIRK AVE N. EDGEWATER
3	Deanna Krebs	[REDACTED]	5888 Columbia Road
4	RENE NORMAN D	[REDACTED]	4848 Riverview Dr
5	[REDACTED]	[REDACTED]	4868 HEWITT ROAD
6	Dale Almas	[REDACTED]	Columbia Road
7	Faye ALMAS	[REDACTED]	5753 Glenmore Rd.
8	Don Almas	[REDACTED]	5735 Glenmore DR.
9	Ken Almas KEN RUAVLT	[REDACTED]	4810 CORDILLERA
10	Rick Dendy	[REDACTED]	4839 Cordillera
11	Tyrel Brown	[REDACTED]	4795 Riverview Dr.
12	Linda Wheeler	[REDACTED]	4851 Selkirk
13	Mitch JOPP	[REDACTED]	5720 Vermilion
14	Ron Duforne	[REDACTED]	4920 Hewitt Rd
15	PAUL GROOT	[REDACTED]	4875 PARCEL AVE
16	Jan Malonic	[REDACTED]	4866 RIVERVIEW DR.
17	DAW BAULCOMB	[REDACTED]	4861 CORDILLERA AVE
18	Rudy Zimmermann	[REDACTED]	4893 Hewitt Rd Edgwr
19	Carl Kinsey	[REDACTED]	4814 CRESCEWOOD DR
20	Bill Kinsey	[REDACTED]	" "
21	Sara McLean	[REDACTED]	4819 Crescentwood dr Edgewater BC.
22	D. Tate	[REDACTED]	4824 Crescentwood dr Edgewater BC
23	RON SCHNIDER	[REDACTED]	5756 GLENMORE EDGEMONT
24	Roberta Schneider	[REDACTED]	4909 Hewitt Rd Edgewater
25	Don Schneider	[REDACTED]	5160 Columbia Rd Edgewater

# Signatures of Support

# Full Circle Automotive

To re-zone our lot to operate an Automotive Garage

4847 Selkirk Ave Edgewater BC

Jeremy Traverse and Mataia Ekman 250-688-7225

	NAME PRINT AND SIGN.	PHONE	Address
1	John Doe	(123) 456-7890	123 street Edgewater
2	SED POLLARD	[REDACTED]	4860 CORDILLERA AVE
3	NIKKI Mclelland	[REDACTED]	5421 Hwy 95 Edgewater B.C.
4	Sophie Timofey	[REDACTED]	4829 Riverview DR. Edgewater BC
5	Shawn Tubbs	[REDACTED]	5878 S Approach Rd
6	Dexter Moseffe	[REDACTED]	5885 Columbia Rd BC
7	Kris Loren	[REDACTED]	4816 Presentwood drive
8	Joe Falkmann	[REDACTED]	5881 Hwy 95 North
9	Jordan + Courtney Reid	[REDACTED]	5009 Hewitt Rd
10	ANGEL & MIKE CHRISTENSEN	[REDACTED]	5264 Hewitt Rd.
11	Ross & Rocks and Goodwin	[REDACTED]	5169 Hewitt Rd.
12	Rod & Cath Booty	[REDACTED]	5280 HEWITT RD
13	Scott Lee McLean	[REDACTED]	5312 Hewitt Rd
14	Kristina / Steve Kuffler	[REDACTED]	4948 Hewitt Road
15	JAMES RYGER	[REDACTED]	5744 Vermillion
16	SYLVIA POWER	[REDACTED]	5759 Sinclair St, Edgewater.
17			
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25			

**REGIONAL DISTRICT OF EAST KOOTENAY**

**BYLAW NO. 2936**

A bylaw to amend Bylaw No. 900 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992."

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WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 900;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 350, 2019 (Edgewater / Full Circle Automotive Inc)."
2. The designation of Parcel F (KW183306) Block 6, District Lot 353, Kootenay District, Plan 1185, outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from C-1, Community Commercial Zone to C-2, Service Commercial Zone.

READ A FIRST TIME the 5<sup>th</sup> day of July, 2019.

READ A SECOND TIME the 5<sup>th</sup> day of July, 2019.

READ A THIRD TIME the        day of                   , 2019.

ADOPTED the        day of                   , 2019.

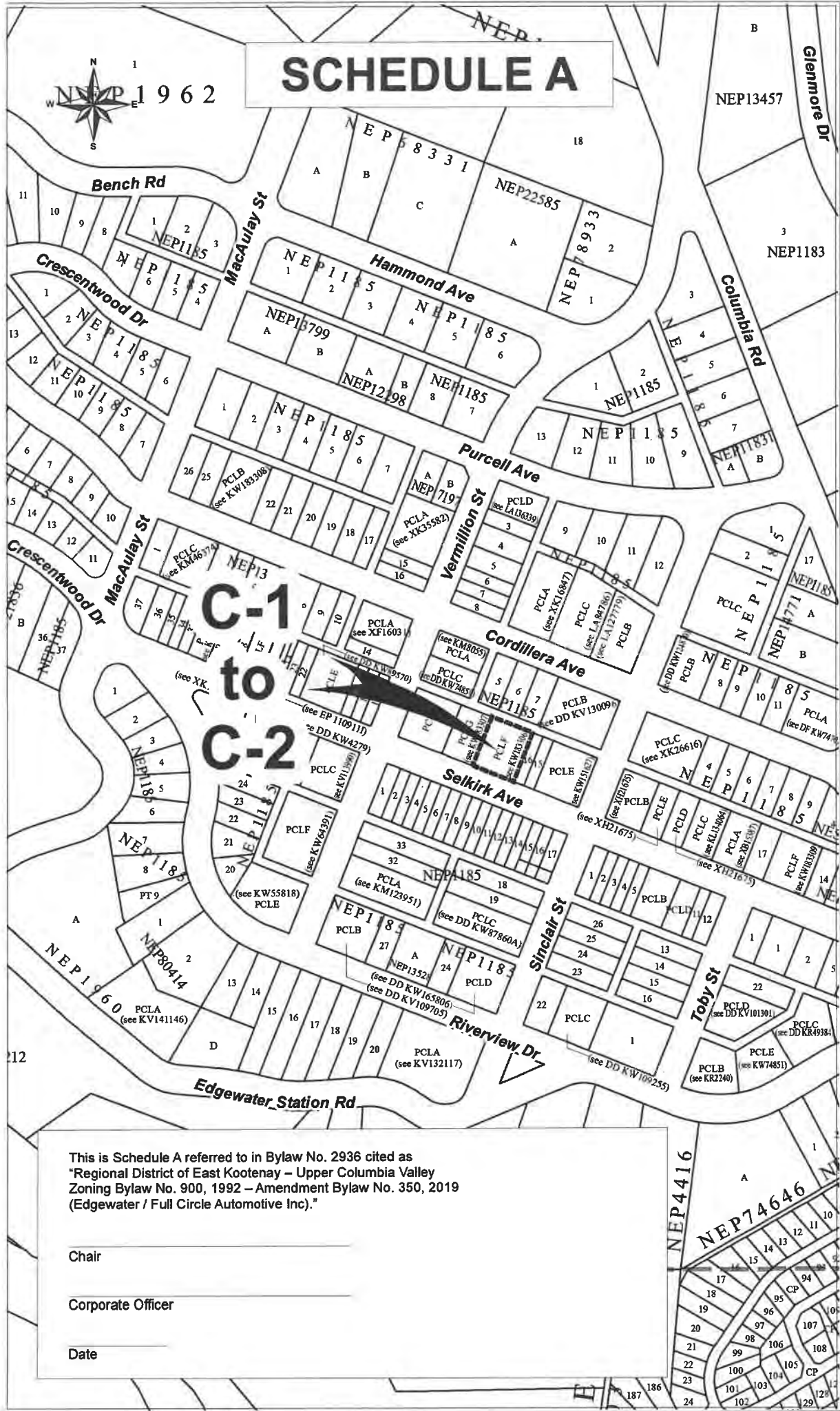
\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER



# SCHEDULE A

1962



This is Schedule A referred to in Bylaw No. 2936 cited as  
 "Regional District of East Kootenay – Upper Columbia Valley  
 Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 350, 2019  
 (Edgewater / Full Circle Automotive Inc)."

Chair \_\_\_\_\_

Corporate Officer \_\_\_\_\_

Date \_\_\_\_\_



## Bylaw Amendment Application

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Date: June 25, 2019  
File: P 719 602  
Bylaw No. 2936

**Applicant:** Full Circle Automotive Inc.  
**Agent:** Mataia Ekman  
**Location:** 4847 Selkirk Avenue, Edgewater, north of Radium Hot Springs  
**Legal:** Parcel F (KW183306) Block 6, DL 353, KD, Plan 1185 (PID: 026-155-818)

**Proposal:** To amend the zone designation of the property to allow a motor vehicle repair operation.

**Development Agreement:** None

**Options:**

1. THAT Bylaw No. 2936 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 350, 2019 (Edgewater / Full Circle Automotive Inc)" be introduced.
2. THAT Bylaw No. 2936 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 350, 2019 (Edgewater / Full Circle Automotive Inc)" not proceed.

**Recommendation:** **Option #1**  
The proposal is consistent with applicable OCP policies.

---

**Property Information:** **OCP Designation:**

- C, Commercial which is intended for the local commercial land uses as identified in the zoning bylaw.

**OCP Policies Related to Residential Development:**

- The need for new small-scale commercial enterprise has been recognized and is encouraged to be located within the existing development nodes and as designated on Schedules D – D6.
- Commercial development outside of community nodes and along the highway corridor is not generally supported.
- Commercial development should be compatible with the rural form, character and density of the plan area.
- New commercial developments adjacent to agricultural, residential or industrial operations are encouraged to employ adequate buffering and setbacks to minimize the potential for conflicts.

**Current Zone:** C-1, Community Commercial Zone

**Property Information – cont'd:**

**Proposed Zone:** C-2, Service Commercial Zone

**Parcel Size:** 0.11 ha (0.28 ac)

**Density:**

Existing Zone: One dwelling unit permitted and not more than one principal building except for in the case of a motel or tourist court use.

Proposed Zone: One dwelling unit permitted and the number of principal buildings is not restricted.

**ALR Status:** Not within the ALR

**Interface Fire Hazard Rating:** Low, within the Edgewater fire service area

**BC Assessment:** Business / Other (Automobile paint shop, garages etc.)

**Water and Sewer Services:** Community Water and Sewer available

**Professional Studies:**

None

**Additional Information:**

- The applicants are proposing a full-service automotive repair facility including tires, service, maintenance, and custom work. The application states that the existing buildings will be removed and a new 40'x 60' building will be constructed. The applicant states that the building will be insulated for noise reduction and that outdoor lighting will be downcast for minimal light pollution.
- The application states that the new facility will improve aesthetics at this location and will help encourage rejuvenation of the commercial areas in the Edgewater community.

**Consultation:**

**APC Areas F & G:** Support

**Referral Agencies:**

- **Interior Health Authority:** Interests unaffected
- **Transportation & Infrastructure:** Interests unaffected
- **Environment:** Reviewed without comment
- **Ktunaxa Nation Council:** No response
- **Shuswap Indian Band:** No response
- **School District No. 6:** No response
- **Telus:** No response

**Documents Attached:**

- Bylaws
- Location Map
- Land Use Map
- Proposal
- Site Photos

**RDEK**  
**Contact:**

Tracy Van de Wiel, Planning Technician  
Phone: 250-489-0306  
Email: [tvandewiel@rdek.bc.ca](mailto:tvandewiel@rdek.bc.ca)



Board#4

No. \_\_\_\_\_

MOVED by Director \_\_\_\_\_ SECONDED by Director \_\_\_\_\_

THAT the meeting adjourn to a Closed RDEK Board of Directors meeting to consider the following matter:

Notice on Title – Section 90(1)(g) of the *Community Charter* – litigation or potential litigation affecting the RDEK.