

**MINUTES OF THE REGIONAL DISTRICT OF EAST KOOTENAY  
PLANNING & DEVELOPMENT SERVICES COMMITTEE  
MEETING HELD AT THE REGIONAL DISTRICT OFFICE IN  
CRANBROOK BC ON MAY 2, 2019**

**PRESENT**

Committee Chair Clara Reinhardt	Village of Radium Hot Springs
Director Mike Sosnowski	Electoral Area A
Director Stan Doehle	Electoral Area B
Board Chair Rob Gay	Electoral Area C
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 Don McCormick	City of Kimberley
Director Ange Qualizza	City of Fernie
Director David Wilks	District of Sparwood
Director Allen Miller	District of Invermere

**ABSENT**

Director Karl Sterzer	Village of Canal Flats
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**OTHERS PRESENT**

Shawn Tomlin	Chief Administrative Officer
Andrew McLeod	Planning & Development Services Manager
Shannon Moskal	Corporate Officer
Rhiannon Chippett	Planning Assistant (Recording Secretary)

Committee Chair Clara Reinhardt called the meeting to order at 2:35 pm.

**ADOPTION OF THE AGENDA**

Agenda	MOVED by Director Sosnowski SECONDED by Director Gay
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THAT the agenda for the Planning & Development Services Committee meeting be adopted.  
CARRIED

**ADOPTION OF THE MINUTES**

Minutes	MOVED by Director Pratt SECONDED by Director Wilks
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THAT the Minutes of the Planning & Development Services Committee meeting held on April 4, 2019 be adopted as circulated.  
CARRIED

**DELEGATIONS**

**Richard Haworth**, agent for Bad Toro Properties Inc., made a presentation and requested an amendment to the Lake Windermere OCP and Upper Columbia Valley Zoning Bylaw to permit commercial and residential development for six properties that comprise of 24.4 acres on Athalmer Road in the Windermere Area. Mr. Haworth explained the request to add “Data Centre” and “RV and Boat Storage” is to recognize existing uses on portions of the properties.

**Richard Haworth**, agent for 1817796 Alberta Ltd., made a presentation and requested a development variance to permit development of a community sewer system for a 16-lot strata subdivision on Columbia Lake Road, without providing a back-up septic field on each parcel.

## DELEGATIONS (continued)

**Richard Haworth**, agent for Kevin and Marie Power Jay, made a presentation and requested a development variance permit to waive provision of water for subdivision of a 10.4 acre property on McLeod Avenue, Fernie. Mr. Haworth explained water is currently provided to the existing home on Proposed Lot 2 of the subdivision, and that the DVP is requested for Proposed Lot 1.

**Ron Thomson**, agent for Fountain Capital Corp., and **Chris Nault**, realtor Royal LePage – East Kootenay Realty, made a presentation and requested an amendment to the Rockyview Official Community Plan and Cranbrook Rural Zoning Bylaw to permit future subdivision in the New Lake area, west of Cranbrook. Mr. Thomson explained that if approved, the proposed development will occur in three phases, with the first one creating seven 5 acre lots to the west of Kirk Road. Mr. Thomson explained that after receiving input from the City of Cranbrook and fielding questions and concerns of the Area C Advisory Planning Commission, the initial design was adjusted. Mr. Nault explained current housing needs and marketing statistics and the need for more parcels available for purchase outside of the city.

**Michele Bates**, RDEK Planner, gave a presentation on the Moyie Area Official Community Planning process, introduced the Moyie & Area OCP and Electoral Area C South Zoning & Floodplain Management Bylaw.

**Cheryl McCann**, agent for Kevin Kelly, gave a presentation and requested amendment to the Electoral Area E Zoning and Floodplain Management Bylaw to permit subdivision along McGinty Lake Road, in Meadowbrook. Ms. McCann explained if the bylaw is approved the owner intends to subdivide the property to create new residential acreages, although the configuration has not yet been determined.

**Darin MacDonald**, spoke on behalf of his application and asked for support of his non-adhering residential use application to the Agricultural Land Commission to allow placement of a manufactured home to be used as a secondary dwelling for a farm hand on his property located at 5874 Lower Elk Valley Road, just north of Sparwood. Mr. Macdonald explained the farm hands, Jeff and Cindy Rideout, are vital to the success of his farm operations and allowing them to reside on the property would be beneficial and without them the current operations would regress.

**Andrew Richardson**, spoke on behalf of his application for a development variance permit to decrease the minimum rear and side yard setback requirements from 1.5 m to 0.6 m to construct a detached garage.

**Chad Marlatt**, spoke on behalf of Freedom Mobile, gave a presentation and requested a Letter of Concurrence for a wireless telecommunications facility on privately owned property located at 9776 Airport Road in the Wycliffe area. Mr. Marlatt explained the Letter of Concurrence is required by Industry Canada as a condition for approval of the facility and provides confirmation that they have successfully consulted with local government.

## NEW BUSINESS

48451  
Bylaws 2906 & 2907  
Postponed

MOVED by Director Clovechok  
SECONDED by Director Gay

THAT Bylaws No. 2906 and No. 2907 be referred to staff for consultation with the applicant.

CARRIED

48452  
DVP 15-19  
Granted

MOVED by Director Sosnowski  
SECONDED by Director Wilkie

THAT Development Variance Permit No. 15-19 be granted.

CARRIED

**NEW BUSINESS** (continued)

48453  
DVP 17-19  
Granted

MOVED by Director Sosnowski  
SECONDED by Director Qualizza

THAT Development Variance Permit No. 17-19 be granted subject to registration of a restrictive covenant prohibiting serviceable buildings until proof of potable water is provided.

CARRIED

48454  
Bylaw No. 2908  
Introduction

MOVED by Director Gay  
SECONDED by Director Walter

THAT Bylaw No. 2908 cited as “Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 23, 2019 (Cranbrook West / Fountain Capital Corp.)” be introduced;

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

CARRIED

OPPOSED: Director Pratt  
Director Graham

48455  
Bylaw No. 2909  
Introduction

MOVED by Director Gay  
SECONDED by Director Sosnowski

THAT Bylaw No. 2909 cited as “Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 52, 2019 (Cranbrook West / Fountain Capital Corp.)” be introduced;

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

CARRIED

OPPOSED: Director Pratt  
Director Graham

48456  
Bylaw No. 2912  
Introduced

MOVED by Director Gay  
SECONDED by Director Sosnowski

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

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

CARRIED

48457  
Bylaw No. 2913  
Introduced

MOVED by Director Gay  
SECONDED by Director Walter

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

CARRIED

48458  
Bylaw No. 2917  
Introduced

MOVED by Director Walter  
SECONDED by Director Gay

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

CARRIED

**NEW BUSINESS (continued)**

48459  
MacDonald  
ALR Non-Adhering

MOVED by Director Wilks  
SECONDED by Director Sosnowski

THAT the Agricultural Land Commission be advised the RDEK supports the MacDonald ALR non-adhering residential use application for a farm hand dwelling on property located at 5874 Lower Elk Valley Road, north of Sparwood.

CARRIED

48460  
DVP 19-19  
Refused

MOVED by Director Clovechok  
SECONDED by Director Miller

THAT Development Variance Permit No. 19-19 be refused.

CARRIED

48461  
Freedom Mobile  
Letter of Concurrence

MOVED by Director Gay  
SECONDED by Director Doehle

THAT Freedom Mobile be advised that:

- a) Freedom Mobile has satisfactorily completed its consultation with the Regional District of East Kootenay;
- b) The Regional District of East Kootenay is satisfied with Freedom Mobile's public consultation process; and,
- c) The Regional District of East Kootenay concurs with Freedom Mobile's proposal to construct a wireless telecommunications facility on privately owned property located at 9776 Airport Access Road in Wycliffe near Cranbrook, provided it is constructed substantially in accordance with the plans submitted to the RDEK.

CARRIED

The meeting recessed at 3:58 pm and reconvened at 4:10 pm.

48462  
ALR Use  
Regulations

MOVED by Director Sosnowski  
SECONDED by Director Wilks

THAT a letter be sent to Minister of Agriculture and Deputy Minister of Agriculture expressing the Board's concern on the detrimental effect the new Agricultural Land Reserve Use Regulations will have in the East Kootenay.

CARRIED

48463  
ALR Use  
Regulations

MOVED by Director Clovechok  
SECONDED by Director Miller

THAT an application be submitted to be a delegate at the upcoming East Kootenay meeting of the Standing Committee on Finance and Government Services to express the Board's concern on the impact the new Agricultural Land Reserve Use Regulations will have on the East Kootenay economy.

CARRIED

**UNFINISHED BUSINESS**

48464  
Bylaw No. 2910  
Introduced

MOVED by Director Doehle  
SECONDED by Director Gay

THAT Bylaw No. 2910 cited as "Regional District of East Kootenay – Baynes Lake Official Community Plan Bylaw No. 2319, 2011 – Amendment Bylaw No. 10, 2019 (Baynes Lake / Abbott & Ernst)" be introduced;

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

CARRIED

**UNFINISHED BUSINESS (continued)**

48465  
Bylaw No. 2911  
Introduced

MOVED by Director Doehle  
SECONDED by Director Gay

THAT Bylaw No. 2911 cited as “Regional District of East Kootenay – South Country Zoning and Floodplain Management Bylaw No. 2320, 2011 – Amendment Bylaw No. 18, 2019 (Baynes Lake / Abbott & Ernst)” be introduced.

CARRIED

**NEW BUSINESS**

48466  
Bylaw No. 2915  
Introduced

MOVED by Director Gay  
SECONDED by Director Walter

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 introduced.

CARRIED

48467  
Bylaw No. 2919  
Introduced

MOVED by Director Gay  
SECONDED by Director Walter

THAT Bylaw No. 2919 cited as “Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 24, 2019 (Cranbrook West / 1009891 BC Ltd)” be introduced;

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

CARRIED

48468  
Bylaw No. 2920  
Introduced

MOVED by Director Gay  
SECONDED by Director Walter

THAT Bylaw No. 2920 cited as “Regional District of East Kootenay – Cranbrook Rural Zoning Bylaw No. 1402, 2001 – Amendment Bylaw No. 53, 2019 (Cranbrook West / 1009891 BC Ltd)” be introduced;

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

CARRIED

48469  
Bylaw No. 2921  
Introduced

MOVED by Director Doehle  
SECONDED by Director Clovechok

THAT Bylaw No. 2921 cited as “Regional District of East Kootenay – Lake Koocanusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 3, 2019 (Sweetwater / KV Properties Inc.)” be introduced;

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

CARRIED

48470  
Bylaw No. 2922  
Introduced

MOVED by Director Doehle  
SECONDED by Director Clovechok

THAT Bylaw No. 2922 cited as “Regional District of East Kootenay – Lake Koocanusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 3, 2019 (Sweetwater / KV Properties Inc.)” be introduced.

CARRIED

**NEW BUSINESS** (continued)

48471  
EV Floodplain  
Management Policies

MOVED by Director Qualizza  
SECONDED by Director Gay

THAT a review of the Elk Valley floodplain management policies and regulations to incorporate the recommendations contained in the Elk River Floodplain Mapping Report (Jan. 2019) be referred to the list of 2019 Planning & Development Services priority projects for evaluation and ranking;

and further, that until the new floodplain management regulations are adopted, building permit applicants be required to do the following:

- i) adhere to the development standards identified in the Elk River Floodplain Mapping Final Report; or
- ii) in accordance with section 56 of the Community Charter, build according to the recommendations contained in a site specific hazard assessment completed by a Qualified Professional; or
- iii) register a covenant on the title acknowledging they are aware of the Elk River Floodplain Mapping Report, have chosen not to build to the recommended standards or obtain a site specific hazard assessment from a Qualified Professional, and indemnifying the Regional District for any damage to property due to flooding or debris flows.

**CARRIED**

48472  
Edgewater Legion  
Liquor Licence

MOVED by Director Wilkie  
SECONDED by Director Wilks

THAT the application by the Legion Branch #199 to change the current 'Liquor Primary Club' licence to a 'Liquor Primary' licence for the Royal Canadian Legion located at 4858 Cordillera Ave in Edgewater be supported; and further, be it resolved that, the Board recommends approval of the Liquor Primary Change because the use of the property is consistent with the zoning bylaw.

The Board's comments on the prescribed considerations are as follows:

- a. The Legion Branch #199 is located within the developed core area of Edgewater where commercial food and beverage services are anticipated.
- b. The proposal is consistent with the permitted uses in the site's C-1 zone designation.
- c. Notices of Intent were mailed to 114 property owners within 200 metres of the subject property on April 8, 2019. Three notices were returned as undeliverable and no responses from the public were received.

**CARRIED**

The meeting adjourned at 4:38 pm.

**CERTIFIED CORRECT**

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**Committee Chair Clara Reinhardt**

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**Shannon Moskal, Corporate Officer**