

**MINUTES OF THE REGIONAL DISTRICT OF EAST KOOTENAY
PLANNING & DEVELOPMENT SERVICES COMMITTEE
MEETING HELD AT THE REGIONAL DISTRICT OFFICE IN
CRANBROOK BC ON JUNE 6, 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 Karl Sterzer	Village of Canal Flats
Director Allen Miller	District of Invermere

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 3:39 pm.

ADOPTION OF THE AGENDA

Agenda	MOVED by Director Miller SECONDED by Director Wilkie
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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 Gay SECONDED by Director Miller
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THAT the Minutes of the Planning & Development Services Committee meeting held on May 2, 2019 be adopted as circulated.

CARRIED

DELEGATIONS

Richard Haworth, agent for Bad Toro Properties Inc., spoke to an application requesting 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 aspects of the application have been amended to address concerns raised by staff and area residents.

Director Wesly Graham arrived to the meeting at 3:45 pm.

Richard Haworth, agent for Elkhorn Ranch Ltd., made a presentation and requested a development variance permit to allow a well for proposed Lot 11 to be located on proposed Lot 10 for the next phase of development at Elkhorn Ranch.

DELEGATIONS (continued)

Helen Eldstrom, spoke and made a presentation on behalf of the Windermere Community Association in regards to the proposed Bad Toro Properties Inc. bylaws. Ms. Eldstrom explained the Society's concerns in regards to the boat storage facilities on Athalmer Road and that these should reside in industrial areas only, not in tourist corridors.

Jean Horton, agent for Lost Dog Forestry Ltd. and Columbia Valley Recycle Ltd., made a presentation and requested an amendment to the Moyie & Area Land Use Bylaw to permit future subdivision for residential and commercial development in the Lumberton area, southwest of Cranbrook. Ms. Horton explained that if approved, the new zoning will accommodate a fee simple subdivision, creating one lot for existing commercial use, 7 residential lots and a common lot property access route.

Ken & Teresa Litchfield, made a presentation and spoke to their development variance application to permit existing golf net safety fencing erected on their property for protection against errant golf balls damaging persons or property. Mr. Litchfield explained the fencing has been in place prior to 2007 and that he has an agreement with a neighbor to remove a portion of the fence.

Philip & Clare Marshall, on behalf of Earl Grey Lodge, spoke to and presented material in support of a partial release of Restrictive Covenant KM127025 and CA516097 to reduce the width of the tree buffer area along the west boundary of the property. Mr. Marshall explained the land was developed 20 years ago and the covenant was in place to restrict the placement of the lodge and protect trees, and now modifications are needed as trees are near the end of their life, diseased and a threat to public safety.

Jean Horton, agent for Cindy & Nick Postnikoff, spoke and made a presentation to request support of their application to the Ministry of Transportation and Infrastructure to close an unconstructed portion of Regan Road in the Meadowbrook area. Ms. Horton explained that, if approved, the unconstructed road will be rededicated to a different location at the time of subdivision of adjacent lands.

UNFINISHED BUSINESS

48534
Bylaw No. 2906
Introduced

MOVED by Director Sterzer
SECONDED by Director Sosnowski

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 introduced;

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

CARRIED

OPPOSED: Director Gay

48535
Bylaw No. 2907
Introduced

MOVED by Director Sterzer
SECONDED by Director Sosnowski

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 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 Gay

NEW BUSINESS

48536
DVP 16-19
Granted

MOVED by Director Miller
SECONDED by Director Sterzer

THAT Development Variance Permit No. 16-19 be granted subject to registration of an easement agreement over Lot 10 for access and maintenance.

CARRIED

48537
Bylaw No. 2923
Not Proceed

MOVED by Director Gay
SECONDED by Director Qualizza

THAT Bylaw No. 2923 cited as “Regional District of East Kootenay – Moyie & Area Land Use Bylaw No. 2070, 2008 – Amendment Bylaw No. 17, 2019 (Lumberton / Lost Dog Forestry Ltd. & Columbia Recycle Ltd.)” not proceed.

CARRIED

OPPOSED: Director Wilks

48538
DVP 20-19
Granted

MOVED by Director Sterzer
SECONDED by Director Clovechok

THAT Development Variance Permit No. 20-19 be granted.

CARRIED

Covenant Modification

MOVED by Director Sterzer
SECONDED by Director Miller

THAT the request from Philip and Claire Marshall to modify Covenant KM127025 to exclude the area shown on the Sketch Plan dated April 16, 2019 be referred to staff for public consultation on the proposal by mailing of notices to properties within 100 m of the subject lands.

DEFEATED

48539
Covenant Modification
Consultation

MOVED by Director Miller
SECONDED by Director Clovechok

THAT the request from Philip and Claire Marshall to modify Covenant KM127025 to exclude the area shown on the Sketch Plan dated April 16, 2019 be approved.

CARRIED

OPPOSED: Director Wilkie

48540
Postnikoff
MoTI Road Closure

MOVED by Director Sterzer
SECONDED by Director Wilks

THAT the Ministry of Transportation and Infrastructure be advised the RDEK supports the Postnikoff application for proposed closure of a portion of an unconstructed portion of Regan Road in the Meadowbrook area east of Kimberley.

CARRIED

48541
?Akisq’nuk First Nation
Letter of Support

MOVED by Director Gay
SECONDED by Director Qualizza

THAT Indigenous Services Canada be advised the Board supports the ?Akisq’nuk First Nation’s request to include the following parcels of land in Columbia Lake Indian Reserve No. 3:

- all of Lot 1 shown on Plan 53280; and
- an island as shown on Plan 105789

CARRIED

NEW BUSINESS (continued)

48542
Bylaw No. 2924
Introduced

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 introduced;

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

CARRIED

48543
Bylaw No. 2925
Introduced

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 introduced.

CARRIED

48544
Bylaw No. 2926
Introduced

MOVED by Director Doehle
SECONDED by Director Miller

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.

CARRIED

48545
Bylaw No. 2927
Introduced

MOVED by Director Doehle
SECONDED by Director Sterzer

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.

CARRIED

48546
Breeze
ALR Subdivision

MOVED by Director Sterzer
SECONDED by Director Wilkie

THAT the Agricultural Land Commission be advised the RDEK supports the Breeze ALR subdivision application for property located at 4201 Highway 95, between Edgewater and Brisco north of Radium Hot Springs.

CARRIED

Director Mike Sosnowski declared a conflict of interest with the next item noting that his son owns the property and left the meeting at 4:55 pm

48547
DVP 18-19
Granted

MOVED by Director Wilks
SECONDED by Director Gay

THAT Development Variance Permit No. 18-19 be granted.

CARRIED

Director Mike Sosnowski returned to the meeting at 4:56 pm

48548
Windermere Snowmobile
Crown Land Application

MOVED by Director Sterzer
SECONDED by Director Miller

THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, be advised the RDEK supports the Windermere Valley Snowmobile Society Crown land application to establish and maintain a 4.6 ha recreation site located west of Radium Hot Springs along Forster Creek FSR.

CARRIED

NEW BUSINESS (continued)

48549
Soppit
Request for Exemption

MOVED by Director Gay
SECONDED by Director Sterzer

THAT the Soppit request for exemption from providing a report from a qualified professional in support of a proposed ALR subdivision application for property located at 450 Wardner-Fort Steele Rd in the Fort Steele area be approved.

CARRIED

The meeting adjourned at 4:57 pm.

CERTIFIED CORRECT

Committee Chair Clara Reinhardt

Shannon Moskal, Corporate Officer