

Planning & Development Services Committee Agenda

May 7, 2026

1:00 pm

Members: *All Directors (Director Schnider as Chair and Director McCormick as Vice Chair)*

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

	Pages
1. Call to Order	
2. Addition of Late Items <i>All Directors, 2/3</i>	
3. Adoption of the Agenda	
4. Adoption of the Minutes	
4.1 April 9, 2026 Meeting <i>Backup to follow</i>	
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10.	Late Agenda Items	
11.	Adjournment	



[Draft] Fw: Planning Committee Delegation Request - Koocanusa Zoning

From amcinnis@rdek.bc.ca

Draft saved Wed 4/29/2026 9:57 AM

1 attachment (5 MB)

26-03-25 Koocanusa Zoning.pptx;

From: Richard Haworth <richard@haworthconsulting.ca>
Sent: Tuesday, April 14, 2026 10:55 AM
To: Alistair McInnis <amcinnis@rdek.bc.ca>
Subject: Planning Committee Delegation Request - Koocanusa Zoning

Alistair,

I am requesting the opportunity to appear as a delegation at the May Planning Committee meeting regarding our application for Zoning and OCP Amendment for property at Koocanusa Village.

This application is submitted to rezone property to permit development of duplex residential units.

The subject property is currently zoned C-1 (Mixed Use Village Commercial Zone) which permits a range of commercial uses as well as multi-family development. We are proposing to rezone the subject property to R-3 (Multiple Family Residential – Medium Density Zone) to permit Multiple Family development and to add “Duplex” as a permitted use within the R-3 zone at Koocanusa Village.

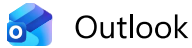
We will attend the Planning Committee via Zoom. Our power point presentation is attached.

Thanks,
Richard Haworth

HAWORTH | Development
Consulting

PO Box 223
926 – 7th Avenue
Invermere, BC V0A 1K0


T: 250-342-1227



[Draft] Fw: Planning Committee Delegation Request - Nature Conservancy of Canada / NWP Coal Canada

From amcinnis@rdek.bc.ca

Draft saved Wed 4/29/2026 10:07 AM

 1 attachment (9 MB)

26-03-09 NWP ALR Subdivision RDEK.pptx;

From: Richard Haworth <richard@haworthconsulting.ca>

Sent: Tuesday, April 14, 2026 11:00 AM

To: Alistair McInnis <amcinnis@rdek.bc.ca>

Subject: Planning Committee Delegation Request - Nature Conservancy of Canada / NWP Coal Canada

Alistair,

I am requesting the opportunity to appear as a delegation at the May Planning Committee meeting regarding our application for subdivision within the ALR for property in the Elkford area.

This application is submitted to rezone property to permit development of duplex residential units.

The subject property comprises approximately 8837 ha (21,837 acres) extending over 19km from north to south and approximately 6km in width. Approximately 1991.6 ha (4,921 acres) of the property lies within the ALR. The subject property falls within both the Regional District of East Kootenay and the District of Elkford.

NWP Coal Canada Ltd. has an option to purchase registered for a portion of the subject property owned by The Nature Conservancy of Canada.

NWP Coal Canada, in cooperation with Yaqit ʔa·knuqʔiʔit First Nation (formerly the Tobacco Plains Indian Band), are proposing to subdivide two parcels of land which have strong cultural and historical significance to the Yaqit ʔa·knuqʔiʔit First Nation. NWP Coal Canada is proposing to transfer title to these two parcels of land to the Yaqit ʔa·knuqʔiʔit First Nation for their ongoing agricultural, conservation and traditional purposes and to protect their cultural values.

The Yaqit ʔa·knuqʔiʔit First Nation has provided a letter of support for this subdivision.

The lands proposed for subdivision include:

1. North Parcel comprising approximately 98 ha (243 acres) of which 45.5 ha (112.5 acres) are within the ALR. The North Parcel includes significant wetland and riparian areas which may require return to Crown at subdivision. The total area of the parcel to be subdivided will be reduced by those portions returned to Crown. This parcel of land includes the Sulphur Springs and other riparian areas. This area has been protected from forestry operations and cattle grazing by the landowner due to its sensitive ecological value and importance to the Yaqit ʔa·knuqʔiʔit First Nation. It is the applicant's intention to conserve these lands to protect the Sulphur Spring and surrounding ecological habitat. These lands are culturally

important to the Yaq̓it ʔa·knuq̓i'it First Nation and should be restricted from further uses that could impact the Sulphur Spring or the cultural values attributed to the lands.

2. South Parcel comprising approximately 121 ha (300 acres) all of which is within the ALR. The South Parcel contains culturally important lands, but they are not as important as those surrounding the Sulphur Springs within the North Parcel. The proposed South Parcel will be managed by the Yaq̓it ʔa·knuq̓i'it First Nation for ongoing agricultural, conservation and traditional purposes and to protect their cultural values.

To permit subdivision of the North Parcel and South Parcel as proposed herein, access to the proposed parcels will be required. We are proposing to register an access easement over the existing roadway known as Sulphur Springs Road to permit access to these parcels. The total area of the road easement through the property (assuming 20m ROW) is approximately 37.6 ha (93 acres). The total area of road easement within ALR lands is approximately 17.6 ha (43 acres).

The remainder lands that are not proposed for subdivision comprise approximately 8618 ha (21,295 acres) of which approximately 1808 ha (4,469 acres) are within the ALR. This parcel of land remains suitably large to support any existing or proposed agricultural activities.

We will attend the Planning Committee via Zoom. Our power point presentation is attached.

Thanks,
Richard Haworth

HAWORTH | Development
Consulting

PO Box 223
926 – 7th Avenue
Invermere, BC V0A 1K0

T: 250-342-1227



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

[Draft] Fw: DVP File # p726512

From amcinnis@rdek.bc.ca
Draft saved Wed 4/29/2026 10:11 AM

From: Alistair McInnis <amcinnis@rdek.bc.ca>
Sent: Tuesday, April 21, 2026 3:45 PM
To: eric houvenaeghel [REDACTED]
Subject: RE: DVP File # p726512

Thank you for your request to appear as a delegation at the **May 7, 2026 Planning & Development Services Committee Meeting**. You may appear as a delegation if you provide the following details by email:

1. **The topic on which you wish to speak;**
 - **DVP File P726512**
2. **An executive summary or outline of the presentation to be made;**
 - **Will Be presenting the reason to why we are looking for an increase to Building Height and Parcel coverage**
 - **Describe the challenges of building on the site**
 - **Describe how the site unique characteristics dictates how and where the house is built**
 - **Describe how this build is the best option for this lot, neighbourhood**
3. **The name of the designated speaker(s);**
 - **Eric Houvenaeghel**
4. **The specific action which is being requested of the Board;**
 - **DVP approval for height and parcel coverage**
5. **If you are attending the meeting in person or via Zoom; and**
 - **In Person**
6. **Whether or not you will have a powerpoint presentation**
 - **Will have a powerpoint Presentation**

Any person(s) or organization wishing to appear as a regular delegation before the Board or a Committee must submit a written request to the Corporate Officer no later than noon the second Wednesday before the scheduled meeting. Please specify if you would prefer addressing a specific Committee (meetings are held on Thursdays), or the Board of Directors meeting (Friday morning). Also, there is an option to present in person or via Zoom. Please advise which option you would prefer, and meeting details will be sent one week prior once the meeting time has been set.

You will have a maximum of 10 minutes to make your presentation. Immediately following your presentation, the Directors may ask you questions. Once this question period is finished, the public is not permitted to ask further questions or join the Directors' debate.

Presentations such as PowerPoint or photos will need to be emailed by noon on the Tuesday before the meeting. Documents distributed or electronic presentations made at a Board or Committee meeting may be disclosed to the public, individuals or any other entity as required under the *Freedom of Information and Protection of Privacy Act*.

Thank you and we look forward to receiving your request.

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

Alistair McInnis
Planning Assistant

Regional District of East Kootenay
19-24 Ave. S, Cranbrook BC V1C 3H8
p. 250-489-6907 or 1-888-478-7335
w. www.rdek.bc.ca

From: eric houvenaeghel [REDACTED]
Sent: Tuesday, April 21, 2026 1:11 PM
To: Alistair McInnis <amcinnis@rdek.bc.ca>
Subject: DVP File # p726512

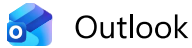
Good Afternoon,

I would like to be present for the RDEK's Planning Committee meeting scheduled for May 7, 2026 at the Regional District office in Cranbrook. I would like to present my case for Height and Parcel Coverage increases for my project at Lot #9 Trappers Way, Panorama Mountain Village.

My DVP file number is P726512.

Thank You,

Eric Houvenaeghel
[REDACTED]



[Draft] Fw: 1802 Greywolf Drive - Delegation

From amcinnis@rdek.bc.ca

Draft saved Wed 4/29/2026 11:08 AM

From: Laura Lustenberger <laura@aislingbaile.com>

Sent: Tuesday, April 21, 2026 4:20 PM

To: Alistair McInnis <amcinnis@rdek.bc.ca>

Cc: Jerod McMurray <jerod@aislingbaile.com>

Subject: Re: 1802 Greywolf Drive - Delegation

Hey Alistair,

Please see below:

1. The topic on which you wish to speak; Getting the STR TUP approved for 1802 Greywolf Drive to sleep 16 people

2. An executive summary or outline of the presentation to be made;

The residence at 1802 Greywolf Drive is an approximately 5,000 square foot home designed and furnished to comfortably and safely accommodate larger family groups. The size of the dwelling, number of bedrooms and bathrooms, and expansive common living areas appropriately support an occupancy of up to 16 guests without increasing impacts to servicing, parking, traffic, noise, or neighborhood character.

Approximately 85% of our bookings are family groups, typically multigenerational families vacationing together. These groups function as a single household during their stay and do not generate the type of activity typically associated with higher-impact uses. The home's generous indoor and outdoor gathering spaces allow guests to be accommodated comfortably within the structure, minimizing the potential for external impacts.

Permitting a maximum occupancy of 16 guests aligns with the physical scale and intended design of this 5,000 square foot dwelling. Parking capacity, water and septic servicing, waste management, and emergency access remain sufficient and unchanged. The requested occupancy does not alter the function or character of the use and remains consistent with the resort-oriented context of the area.

Approving this exemption maintains regulatory compliance while recognizing the home's size, design, and primarily family-oriented use. For these reasons, we respectfully request approval to permit a maximum occupancy of 16 guests at 1802 Greywolf Drive under the RDEK Temporary Use Permit.

3. The name of the designated speaker(s); Jerod McMurray

4. **The specific action which is being requested of the Board; Approval of TUP with occupancy of 16 guests**
5. **If you are attending the meeting in person or via Zoom; and Zoom attendance**
6. **Whether or not you will have a powerpoint presentation Yes, power point presentation**

Please let me know if you need anything else. I have cc'd Jerod in this email in case you need his contact information.

Kind regards,

Laura Lustenberger | Operations Manager

Ph:236-302-1429 | www.aislingbaile.com





May 7 Meeting - 2-1886 Greywolf Drive Delegation Request

From Laura Lustenberger <laura@aislingbaile.com>

Date Fri 4/24/2026 10:06 AM

To Alistair McInnis <amcinnis@rdek.bc.ca>

Cc Jerod McMurray <jerod@aislingbaile.com>

Hello Alistair,

I would like to request a delegation for 2-1886 Greywolf Drive at the **May 7, 2026 Planning & Development Services Committee Meeting**.

1. **The topic on which you wish to speak;** Getting the STR TUP approved for 2-1886 Greywolf Drive to sleep 15 people
2. **An executive summary or outline of the presentation to be made;** 2-1886 Greywolf Drive has been designed, furnished, and historically used to accommodate up to 15 guests in a safe and responsible manner. The size of the dwelling, number of bedrooms and bathrooms, and available common space appropriately support this occupancy without creating additional impacts to servicing, parking, traffic, noise, or neighbourhood character. Allowing a maximum occupancy of 15 guests does not alter the function or scale of the use. Parking, water and septic capacity, waste management, and emergency access remain unchanged and sufficient. This request aligns the permitted guest capacity with the existing design and long-standing use of the home. The property is located in a resort-oriented area where short-term accommodation is anticipated, and a 15-guest occupancy is consistent with similar dwellings in the area. The residence has operated as a short-term rental for many years with no history of issues or complaints from neighbours or the surrounding neighbourhood. The immediately neighbouring property is also operated as a short-term rental, further supporting compatibility with surrounding land uses. Approving this exemption maintains regulatory compliance while recognizing the dwelling's existing capacity and responsible operation. For these reasons, we respectfully request approval to permit a maximum occupancy of 15 guests at 2-1886 Greywolf Drive under the RDEK Temporary Use Permit.
3. **The name of the designated speaker(s);** Jerod McMurray
4. **The specific action which is being requested of the Board;** Approval of TUP with occupancy of 15 guests
5. **If you are attending the meeting in person or via Zoom; and** Zoom attendance
6. **Whether or not you will have a powerpoint presentation** Yes, power point presentation

Kind regards,

Laura Lustenberger | Operations Manager
Ph:236-302-1429 | www.aislingbaile.com





May 7 Meeting - 4721 Wilmai Rd Delegation Request

From Laura Lustenberger <laura@aislingbaile.com>

Date Sat 4/25/2026 10:23 AM

To Alistair McInnis <amcinnis@rdek.bc.ca>

Cc Jerod McMurray <jerod@aislingbaile.com>

Hello Alistair,

I would like to request a delegation for 4721 Wilmai Rd at the **May 7, 2026 Planning & Development Services Committee Meeting**.

1. **The topic on which you wish to speak;** Getting the STR TUP approved for 4721 Wilmai Rd to sleep 10 guests
2. **An executive summary or outline of the presentation to be made;** 4721 Wilmai should be approved for a Temporary Use Permit (TUP) with the RDEK to accommodate up to 10 guests, as it meets all outlined criteria. The property sits on a large 0.41-acre lot and features 5 bedrooms and 3 bathrooms, providing ample space for guests to stay comfortably without impacting the surrounding neighbourhood. There is ample parking available within the driveway, preventing congestion on nearby roads.

In addition, strict house rules will be in place, including a no-party policy, to ensure respectful use of the property. We are committed to preserving the quiet, peaceful character of the neighbourhood. Noise monitoring systems will alert us to any excessive noise during quiet hours, and a 24/7 guest service team will be available to promptly address any issues, ensuring the surrounding community is not negatively impacted.

3. **The name of the designated speaker(s);** Jerod McMurray
4. **The specific action which is being requested of the Board;** Approval of TUP with occupancy of 10 guests
5. **If you are attending the meeting in person or via Zoom; and** Zoom attendance
6. **Whether or not you will have a powerpoint presentation** Yes, power point presentation

Kind regards,

Laura Lustenberger | Operations Manager
Ph:236-302-1429 | www.aislingbaile.com



REQUEST TO PRESENT AT PDSC MEETING-MAY 7, 2026

Topic: **Managing Short Term Rentals (STR) Density in RDEK Electoral Area F**

Executive Summary:

The Windermere and Fairmont Hot Springs Community Associations have prepared the ***Managing Short Term Rentals (STR) Density in RDEK Electoral Area F*** report to assist the RDEK in addressing the growing density of short-term rentals (STRs) within single-family residential areas in Electoral Area F.

The measures provided in the report provide a practical and measurable framework for managing STR density. They establish clear limits on both the number and distribution of STRs, allowing the RDEK to address existing densities, support housing availability, and provide consistent direction for future decisions. They prevent clustering and improve enforcement by reducing complaints and resource demands.

These density management tools can be applied immediately within the existing STR TUP framework and support the transition to business licensing. They provide clear thresholds and the tools required to guide consistent decision-making.

Designated Speakers: **Linda Pfeiffer, Chair, Fairmont Hot Springs STR Committee**

Specific Action: Request that the RDEK Board apply these density management tools when evaluating STR TUP applications in Area F.

Attendance: **In Person**

PowerPoint Presentation

April 23, 2026

ALC File: 105708

Ryan Penney
Delivered by e-mail

Dear Ryan Penney:

Re: Reasons for Decision - ALC Application 105708

Please find attached the Reasons for Decision of the Kootenay Panel for the above noted application (Resolution #335/2026). As the agent, it is your responsibility to notify the applicants accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with section 11(2)(b) of the ALR General Regulation.

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
 - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
 - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per ALC Policy P-08: Request for Reconsideration.

Please refer to ALC Information Bulletin 08 – Request for Reconsideration for more information.

Please direct further correspondence with respect to this application to
ALC.Kootenay@gov.bc.ca

Yours truly,

A handwritten signature in black ink, appearing to read "Ron Wallace". The signature is fluid and cursive, with the first name "Ron" being more prominent.

Ron Wallace, Land Use Planner

Enclosures: Reasons for Decision (Resolution #335/2026)
 Schedule A: Decision Map

105708d1



Agricultural Land Commission File 105708

Reasons for Decision of the Kootenay Panel

Exclusion Application Submitted Under s.29(1) of the *Agricultural Land
Commission Act*

Applicant: Regional District of East Kootenay

Landowners: Trent Roloff and Maureen Roloff

Agent: Ryan Penney

Property: Parcel Identifier: 015-807-452
Legal Description: Lot 6, Block 25, District Lot
132, Kootenay District, Plan 1181
Civic: 828 Desjardin Road, Baynes Lake, BC
Area: 3.4 ha (Entirely within the ALR)

Panel: Jerry Thibeault, Kootenay Panel Chair
Danna O'Donnell
Wayne Harris

OVERVIEW

[1] The Property is located within the Agricultural Land Reserve (“ALR”) as defined in section 1 of the *Agricultural Land Commission Act* (“ALCA”).

[2] The Applicant is applying to the Agricultural Land Commission (the “Commission” or “ALC”) under s. 30(1) of the ALCA to exclude the 3.4 ha Property from the ALR (the “Proposal”). The Landowners have requested exclusion from the ALR based on the ALC’s 2017 ALR boundary review, which supported excluding the Property.

[3] The Proposal was considered in the context of the purposes and priorities of the Commission set out in section 6 of the ALCA:

6 (1) The following are the purposes of the commission:

- (a) to preserve the agricultural land reserve;
- (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
- (b) the use of the agricultural land reserve for farm use.

EVIDENTIARY RECORD

- [4] The Proposal, along with related documentation from the Applicant, Landowners, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.

- [5] On February 17, 2026, a Notice of Exclusion Meeting was provided to the Agent and Regional District of East Kootenay. On February 24, 2026, the Panel conducted a meeting with the Applicant and Agent by virtual meeting (the “Exclusion Meeting”). An exclusion meeting report was prepared and was certified as accurately reflecting the observations and discussions of the Exclusion Meeting by the Agent on March 9, 2026 (the “Exclusion Meeting Report”). A copy of the Exclusion Meeting Report was provided to all members of the Panel in advance of their deliberations.

BACKGROUND

- [6] In 2017, the ALC conducted an ALR Boundary Review of Electoral Area ‘B’, in the area generally described as Jaffray to Grasmere (File 56609). The Property subject to this Application was included as part of the review within the residential area of Baynes Lake. Based on the relatively small

size of the lot and its location within a rural residential area, the Property was proposed for exclusion from the ALR. The landowner consent was needed to exclude the land at that time; however, the owner did not provide consent.

- [7] The Proposal is supported by both the policies of the Baynes Lake OCP and the ALR Boundary Review conducted by the ALC for Electoral Area 'B' in 2017.

ANALYSIS AND FINDINGS

- [8] The Landowners desire to operate a short-term rental use that complies with local regulations and requests the removal of the Property from the ALR.
- [9] The Panel reviewed the Proposal and finds that it is consistent with Resolution #278/2017 that approved exclusion of the Property as part of the Electoral Area B – ALR Boundary Review. As such, the Panel approves exclusion of the Property.

DECISION

- [10] For the reasons given above, the Panel approves the Proposal to exclude the Property from the ALR.

- [11] The Commission will advise the Registrar of Land Titles that the property has been excluded from the ALR.
- [12] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.
- [13] These are the unanimous reasons of the Panel.
- [14] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.
- [15] Resolution #335/2026
Released on April 23, 2026



Jerry Thibeault, Panel Chair

On behalf of the Kootenay Panel







ALC FILE NO:
105708

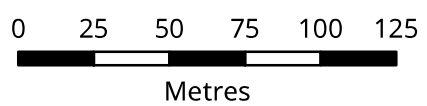
RESOLUTION NO:
335/2026

MAP PRODUCED:
April 21, 2026

MAP SCALE:
1:2,500

DATA SOURCES & NOTES:
 ALC, BCGW and ESRI / Vantor.
 Contains information licensed
 under Open Government License -
 British Columbia.
 Map for reference only. Accuracy
 not guaranteed.

-  Approved Exclusion Area (~3.4 ha)
-  Subject Property
-  Agricultural Land Reserve
-  PMBC Parcel Cadastre



April 23, 2026

ALC File: 105709

Ryan Penney
Delivered by e-mail

Dear Ryan Penney:

Re: Reasons for Decision - ALC Application 105709

Please find attached the Reasons for Decision of the Kootenay Panel for the above noted application (Resolution #336/2026). As the agent, it is your responsibility to notify the applicant accordingly.

Please note that the submission of a \$150 administrative fee may be required for the administration, processing, preparation, review, execution, filing or registration of documents required as a condition of the attached Decision in accordance with section 11(2)(b) of the ALR General Regulation.

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
 - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
 - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per ALC Policy P-08: Request for Reconsideration.

Please refer to ALC Information Bulletin 08 – Request for Reconsideration for more information.

Please direct further correspondence with respect to this application to
ALC.Kootenay@gov.bc.ca

Yours truly,

A handwritten signature in black ink, appearing to read "Ron Wallace". The signature is fluid and cursive, with the first name "Ron" being more prominent.

Ron Wallace, Land Use Planner

Enclosures: Reasons for Decision (Resolution #336/2026)
 Schedule A: Decision Map

105709d1



Agricultural Land Commission File 105709

Reasons for Decision of the Kootenay Panel

Exclusion Application Submitted Under s.29(1) of the *Agricultural Land
Commission Act*

Applicant: Regional District of East Kootenay

Landowners: Stefan and Amber Schratl

Agent: Ryan Penney

Property: Parcel Identifier: 030-507-651
Legal Description: Lot 1, District Lot 12737,
Kootenay District, Plan EPP82632
Civic: 8454 Highway 95A, Meadowbrook, BC
Area: 2.0 ha (Entirely within the ALR)

Panel: Jerry Thibeault, Kootenay Panel Chair
Danna O'Donnell
Wayne Harris

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in section 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] The Applicant is applying to the Agricultural Land Commission (the “Commission” or “ALC”) under s. 30(1) of the ALCA to exclude the 2.0 ha Property from the ALR (the “Proposal”). The Landowners have requested exclusion from the ALR based on the ALC’s 2017 ALR boundary review, which supported excluding the Property.
- [3] The Proposal was considered in the context of the purposes and priorities of the Commission set out in section 6 of the ALCA:

6 (1) The following are the purposes of the commission:

- (a) to preserve the agricultural land reserve;
- (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
- (b) the use of the agricultural land reserve for farm use.

EVIDENTIARY RECORD

- [4] The Proposal, along with related documentation from the Applicant, Landowners and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.

- [5] On February 17, 2026, a Notice of Exclusion Meeting was provided to the Agent and Regional District of East Kootenay. On February 24, 2026, the Panel conducted a meeting with the Applicant and Landowner by a virtual meeting (the “Exclusion Meeting”). An exclusion meeting report was prepared and was certified as accurately reflecting the observations and discussions of the Exclusion Meeting by the Agent on March 9, 2026 (the “Exclusion Meeting Report”). A copy of the Exclusion Meeting Report was provided to all members of the Panel in advance of their deliberations.

BACKGROUND

- [6] The Application states the Property is used for rural residential purposes with no commercial farm use.

- [7] In 2017, the ALC conducted an ALR Boundary Review of Electoral Area 'E', in the area described as Meadowbrook (56609). The Property subject to this Application was included as part of the review within the residential area of Meadowbrook. Based on the relatively small size of the lot and its location within a rural residential area, the Property was proposed for exclusion from the ALR. The landowner consent was needed to exclude the land at the time; however, the owner did not provide consent.
- [8] The Proposal is supported by both the policies of the Kimberley Rural OCP and the ALR Boundary Review conducted by the ALC for Electoral Area 'E' in 2017.

ANALYSIS AND FINDINGS

- [9] The Panel reviewed the Proposal and finds that it is consistent with Resolution #278/2017 that approved exclusion of the Property as part of the Electoral Area E – ALR Boundary Review. As such, the Panel approves exclusion of the Property.

DECISION

- [10] For the reasons given above, the Panel approves the Proposal to exclude the Property from the ALR.

- [11] The Commission will advise the Registrar of Land Titles that the property has been excluded from the ALR when it has received confirmation that the conditions of approval have been met.
- [12] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.
- [13] These are the unanimous reasons of the Panel.
- [14] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.
- [15] Resolution #336/2026
Released on April 23, 2026



Jerry Thibeault, Panel Chair

On behalf of the Kootenay Panel







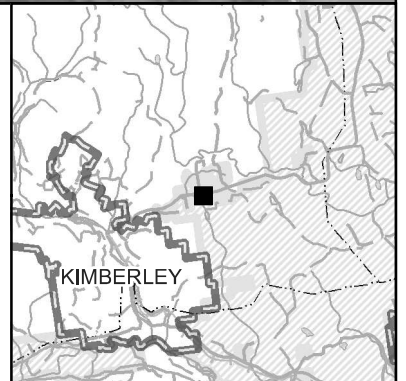
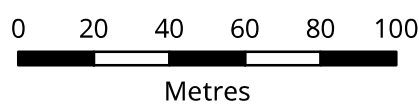
ALC FILE NO: 105709
RESOLUTION NO: 336/2026

MAP PRODUCED:
April 21, 2026

MAP SCALE:
1:2,000

DATA SOURCES & NOTES:
ALC, BCGW and ESRI / Vantor.
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Map for reference only. Accuracy
not guaranteed.
Page 31 of 260

-  Approved Exclusion Area (~2 ha)
-  Subject Property
-  Agricultural Land Reserve
-  PMBC Parcel Cadastre



March 30, 2026

ALC File: 103801

Craig Blunt
Delivered by e-mail

Dear Craig Blunt:

Re: Reasons for Decision - ALC Application 103801

Please find attached the Reasons for Decision of the Kootenay Panel for the above noted application (Resolution #239/2026). As the agent, it is your responsibility to notify the applicants accordingly.

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
 - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
 - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per [ALC Policy P-08: Request for Reconsideration](#).

Please refer to [ALC Information Bulletin 08 – Request for Reconsideration](#) for more information.

Please direct further correspondence with respect to this application to
ALC.Kootenay@gov.bc.ca

Yours truly,

A handwritten signature in black ink, appearing to read "Ron Wallace". The signature is fluid and cursive, with the first name "Ron" being more prominent than the last name "Wallace".

Ron Wallace, Land Use Planner

Enclosure: Reasons for Decision (Resolution #239/2026)

cc: Regional District of East Kootenay (File: P 725 111). Attention: Jenn MacDonald,
Planning Technician

103801d1



Agricultural Land Commission File 103801

Reasons for Decision of the Kootenay Panel

Subdivision Application Submitted Under s.21(2) of the *Agricultural Land
Commission Act*

Applicants: Craig Blunt and Sally Sansom

Agent: Craig Blunt

Property: Parcel Identifier: 009-463-305
Legal Description: Lot C, District Lot 12744,
Kootenay District, Plan 15661
Civic: 344 Martha Road, Fernie, BC
Area: 46.9 ha (Entirely within the ALR)

Panel: Jerry Thibeault, Kootenay Panel Chair
Danna O'Donnell
Wayne Harris

OVERVIEW

[1] The Property is located within the Agricultural Land Reserve (“ALR”) as defined in section 1 of the *Agricultural Land Commission Act* (“ALCA”).

[2] The Applicants are applying to the Agricultural Land Commission (the “Commission” or “ALC”) under s. 21(2) of the ALCA to subdivide the Property into a 28.1 ha lot and an 18.6 ha lot (the “Proposal”).

[3] The Proposal was considered in the context of the purposes and priorities of the Commission set out in section 6 of the ALCA:

6 (1) The following are the purposes of the commission:

- (a) to preserve the agricultural land reserve;
- (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;

(b) the use of the agricultural land reserve for farm use.

EVIDENTIARY RECORD

[4] The Proposal, along with related documentation from the Applicants, Agent, local government, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.

BACKGROUND

[5] There is a principal residence on the southern portion of the Property. The Application states that the southern portion of the Property has “seen agricultural improvements, including clean up of deadfall etc. from decades of neglect, the replanting of hay fields to enhance production and continued construction of fencing”. The Application also states that a garlic field has been established on the southern portion of the Property. Quail Creek bisects the Property and generally delineates the proposed lots.

[6] In 2022, Application 62875 was submitted by the Applicants to the Commission to subdivide the Property into the same sized lots as the current Application. The Commission refused the application by Resolution #238/2022, finding that retaining the Property in its current size and configuration preserves the greatest opportunity for future farm uses.

ANALYSIS AND FINDINGS

- [7] At the time that the Applicants submitted Application 62875, the Applicants stated that the Property is suitable for subdivision due to its low agricultural potential, steep topography, and the natural barrier created by Quail Creek, which makes use of the land for grazing difficult and inefficient. The Panel at the time acknowledged the Property's topographical limitations but noted that portions of each proposed lot could support some agricultural activity due to past agricultural uses described in the application. Further, the Panel found that Quail Creek does not impede use of the Property as a continuous agricultural unit, as the Property can be accessed from either side of the Creek.
- [8] The Applicants state the purpose of the current subdivision Proposal is to divide the Property "into two large parcels in order to generate capital that will enable us to develop and improve the agricultural operations."
- [9] The Applicant submits that the Property is suitable for subdivision for the following reasons: there is separate road access to the Property from Martha Road (to proposed south lot) and from Beese Road (to proposed north lot), that the southern portion of the Property has been improved for agriculture including the establishment of a garlic field, and that the proposed northern lot could also be used for agricultural purposes.
- [10] The Panel assessed the agricultural capability on the Property by referring to the agricultural capability ratings as identified using the

Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings applicable to the Property are Class 4, Class 5 and Class 6, more specifically:

- The northwest area (~56% of the Property) is Class 6T with topographic (T) limitations; and
- The southeast area (~44% of the Property) is a combination of 60% Class 5TP with topographic and stoniness (P) limitations and 40% Class 4TP.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

[11] Based on the agricultural capability ratings, the Panel finds that the Property has secondary agricultural capability that can support a limited range of soil-bound crops with specialized management practices, in addition to seasonal grazing and non-soil bound agricultural uses. In addition, the Panel notes from the Application material that the southern portion of the Property has been improved for agriculture with the clean up of dead vegetation, the replanting of hay fields to enhance

production, the continued construction of fencing, and that a garlic field has been established on the southern portion of the Property.

[12] The Panel acknowledges that the southern portion of the Property has been improved for agriculture and that the proposed northern lot has separate road access and could also be used for agricultural purposes. In this regard, the Panel finds that the Property is capable and suitable for supporting agriculture and that the proposed subdivision would reduce its overall agricultural potential. It is the experience of the Panel that larger parcels are more suitable for livestock grazing and forage production compared to smaller parcels because the area required for animal grazing capacity and forage production cannot as easily be accommodated on smaller lots. By retaining the Property in its current size, the Panel finds the agricultural options for the landowner to be enhanced, because retaining the cultivated land to the south (i.e., garlic field and hay field) including the grazing land with the land to the north (which can be further cleared and made available for grazing and other uses) provides a more diversified and viable agricultural property than what the proposed subdivision offers.

[13] The Panel also considered the expressed financial challenges of developing and improving the agricultural operations on the Property and that the proposed subdivision would help generate capital to “allow us to acquire necessary farming equipment, establish greenhouses and create additional agricultural opportunities.” The Panel finds that while

the proposed subdivision could generate capital to fund further agricultural development on the Property, it must give priority to protecting and preserving the size, integrity and continuity of the ALR. The Panel finds that subdividing land for financing would systematically erode farmland into smaller parcels over time. Moreover, subdivision does not guarantee that future agricultural intentions will be carried out.

[14] In this case, the Panel finds that the proposed subdivision would reduce the Property's overall agricultural potential which is inconsistent with the purposes and priorities of the of the Commission as set out in s. 6 of the ALCA.

DECISION

[15] For the reasons given above, the Panel refuses the Proposal to subdivide the Property into a 28.5 ha lot and a 18.6 ha lot.

[16] These are the unanimous reasons of the Panel.

[17] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

[18] Resolution #239/2026
Released on March 30, 2026

A handwritten signature in black ink, appearing to read 'Jerry Thibeault', is centered on the page.

Jerry Thibeault, Panel Chair

On behalf of the Kootenay Panel

April 2, 2026

ALC File: 105134

Mitchell Massey
Delivered by e-mail

Dear Mitchell Massey:

Re: Reasons for Decision - ALC Application 105134

Please find attached the Reasons for Decision of the Kootenay Panel for the above noted application (Resolution #259/2026).

Under section 33 of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. A request to reconsider must meet the following criteria:

- No previous request by an affected person has been made, and
- The request provides either:
 - Evidence that was not available at the time of the original decision that has become available, and that could not have been available at the time of the original decision had the applicant exercised due diligence, or
 - Evidence that all or part of the original decision was based on evidence that was in error or was false.

The time limit for requesting reconsideration of a decision is one year from the date of the decision's release, as per ALC Policy P-08: Request for Reconsideration.

Please refer to ALC Information Bulletin 08 – Request for Reconsideration for more information.

Please direct further correspondence with respect to this application to ALC.Kootenay@gov.bc.ca

Yours truly,

A handwritten signature in black ink, appearing to read "Ron Wallace". The signature is fluid and cursive, with the first name "Ron" being more prominent than the last name "Wallace".

Ron Wallace, Land Use Planner

Enclosure: Reasons for Decision (Resolution #259/2026)

cc: Regional District of East Kootenay (File: P 725 571). Attention: Kristi Gilbert, Planning Technician

105134d1



Agricultural Land Commission File 105134

Reasons for Decision of the Kootenay Panel

Non-Farm Use Application Submitted Under s.20(2) of the *Agricultural Land Commission Act*

Applicant:

Mitchell Massey

Property:

Parcel Identifier: 012-011-096
Legal Description: Lot 2, District Lots 4096
and 4336 Kootenay District Plan 12545,
Except Plan 9750
Civic: 3560 Toby Creek Road, Invermere, BC
Area: 4.3 ha (Entirely within the ALR)

Panel:

Jerry Thibeault, Kootenay Panel Chair
Danna O'Donnell

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in section 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] The Applicant is applying to the Agricultural Land Commission (the “Commission” or “ALC”) under s. 20(2) of the ALCA to rent the principal residence on the Property for commercial purposes (the “Proposal”). The Applicant states that approximately 75% of the time the business would be operated as a Bed and Breakfast and that the remaining time (typically over holidays) the entire residence would be rented out. The Applicant states that there would be no more than ten guests at a time as a Bed and Breakfast.
- [3] The Proposal was considered in the context of the purposes and priorities of the Commission set out in section 6 of the ALCA:

6 (1) The following are the purposes of the commission:

- (a) to preserve the agricultural land reserve;
- (b) to encourage farming of land within the agricultural land reserve in collaboration with other communities of interest; and,
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of land within the agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.

(2) The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing all of the following in exercising its powers and performing its duties under this Act:

- (a) the size, integrity and continuity of the land base of the agricultural land reserve;
- (b) the use of the agricultural land reserve for farm use.

EVIDENTIARY RECORD

[4] The Proposal, along with related documentation from the Applicant, local government, and Commission is collectively referred to as the “Application”. All documentation in the Application was disclosed to the Agent in advance of this decision.

BACKGROUND

[5] The Applicant describes the Property as being rocky, undulating land with spruce and fir trees. There is a principal residence (223 m² living area and 120 m² garage) at the south end of the Property with access from Toby Creek Road from the north. There is no agricultural development on the Property and there is fencing around the perimeter of the Property.

[6] The Property is designated as Large Holdings (LH) within the Toby Benches OCP which supports rural residential development and rural resource land uses on parcel sizes ranging from 2.0 ha to 8.0 ha. The

OCP policies state that ALC applications for non-farm use should identify opportunities to improve the agricultural capability and provide a net benefit to agriculture for land within the ALR.

ANALYSIS AND FINDINGS

- [7] The Panel considered the Application in context to section 6 of the ALCA and more specifically whether the Proposal to rent the principal residence on the Property for commercial purposes would encourage farming of the land within the ALR in the short or long term.
- [8] The Panel referred to section 34 of the ALR Use Regulation (the “ALRUR”), which permits tourist accommodation in the form of a bed and breakfast within a principal residence where the host resides, and the use is limited to a maximum of four bedrooms. Short-term rental of an entire principal residence is not a permitted use under the ALRUR and requires approval of the Commission.
- [9] The Applicant proposes to operate a bed and breakfast within the principal residence approximately 75% of the time, accommodating up to ten guests, and to rent the entire residence for short-term accommodation during the remaining periods, typically over holidays.
- [10] The Panel assessed the agricultural capability of the Property by referencing the Canada Land Inventory (CLI) Soil Capability Classification for Agriculture. The Property is comprised of approximately 70% Class

5PT lands, limited by stoniness and topography, and 30% Class 4P lands, limited by stoniness.

- [11] Based on the agricultural capability ratings, the Panel finds that the Property possesses secondary agricultural capability and is capable of supporting a limited range of soil-bound agricultural activities with appropriate management practices, as well as non-soil-bound agricultural uses and small-scale seasonal grazing.
- [12] In reviewing the Proposal, the Panel considers that the primary purpose of the ALR is to prioritize agricultural use of land and to limit non-farm uses to those that are compatible with and incidental to agriculture. While the ALRUR permits bed and breakfast accommodation within a principal residence where the operator resides to a maximum of four bedrooms, the Panel finds the Applicant's proposal to operate a bed and breakfast for up to ten bedrooms and to provide short-term commercial accommodation through repeated rental of the entire residence constitutes a commercial non-farm use that is not consistent with the primary purpose of the ALR.
- [13] The Panel further finds that the proposed use does not support or facilitate agricultural use of the Property and would result in the principal residential structure being dedicated to a commercial purpose unrelated to farming. Given the Property's demonstrated agricultural capability, the Panel finds that the Proposal would undermine the priority for

agricultural use by displacing potential farm-related residential or operational use of the residence, contrary to the purposes and priorities set out in section 6 of the ALCA.

- [14] The Panel notes that the Applicant may operate a bed and breakfast within the principal residence without an application to the Commission, provided the use is limited to no more than four bedrooms and the host resides in the residence, as permitted under section 34 of the ALRUR.

DECISION

- [15] For the reasons given above, the Panel refuses the Proposal to rent the principal residence on the Property for commercial purposes.

- [16] These are the unanimous reasons of the Panel.

- [17] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(3) of the ALCA.

- [18] Resolution #259/2026
Released on April 2, 2026





Jerry Thibeault, Panel Chair

On behalf of the Kootenay Panel

Subject Development Services – Monthly Building Report

Month May 2026

Building

Total monthly inquiries (phone/email/counter): 790

Average length of time between a completed application being received to the permit being issued: 6 weeks

Jurisdiction	March 2026			Year to Date		
	Permits Issued	Dwellings Created	Construction Value	Total Permits Issued	Total Dwellings Created	Construction Value
Area A	2	0	\$8,500	8	11	\$3,973,500
Area B	12	3	\$2,223,000	25	10	\$7,357,988
Area C	11	1	\$3,086,695	25	3	\$5,275,595
Area E	4	2	\$635,000	11	6	\$2,797,000
Area F	14	3	\$2,425,508	36	13	\$12,373,038
Area G	0	0	\$0	1	1	\$350,000
Totals	43	9	\$8,378,703	106	44	\$32,127,121

Canal Flats	1	1	\$12,000	1	0	\$12,000
Cranbrook	14	1	\$205,659,677	31	149	\$243,317,677
Elkford	4	0	\$1,002,000	10	1	\$2,350,000
Fernie	19	6	\$3,340,247	35	14	\$9,467,558
Invermere	9	33	\$1,646,224	11	5	\$2,155,724
Kimberley	14	2	\$92,330,000	23	2	\$92,431,931
Radium	0	0	\$0	1	0	\$200,000
Sparwood	3	4	\$2,479,500	10	6	\$5,064,500
Totals	64	17	\$306,469,648	122	177	\$354,999,390

Bylaw Compliance

Active Compliance Files: 74

Grand Total Files: 148

	Land Use / Construction	Unsightly	Noise
Area A	2	0	3
Area B	5	0	0
Area C	16	3	5
Area E	2	0	0
Area F	25	2	3
Area G	4	3	1
Totals	54	8	12

Active Short Term Rental Compliance Files: 74

	Exceeding Number of Approved Guests	Parking	Noise	Operating without an Approved TUP	Miscellaneous (ex. garbage, screening)
Area A	1	1	3	4	0
Area B	0	0	0	13	0
Area C	0	0	0	5	0
Area E	0	0	0	2	0
Area F	3	0	2	36	1
Area G	0	0	0	3	0
Totals	4	1	5	63	1

Columbia Valley Dog Control

March 2026	Area F	Area G	Total
Complaints	3	0	3
Notification/Warning Issued	3	0	3
Captured	0	0	0
Turned Over to DCO	0	0	0
Pound Nights	0	0	0
Licenses Sold			0

Year to Date	Area F	Area G	Total
Complaints	3	2	5
Notification/Warning Issued	3	2	5
Captured	0	0	0
Turned Over to DCO	0	0	0
Pound Nights	0	0	0
Licenses Sold			26

Subject Development Services - Monthly Planning Report

Month May 2026

STATISTICS

(March 16, 2026 – April 15, 2026)

	2026	2025
INQUIRIES	167	223
BUILDING CHECKS	57	49

	---- ELECTORAL AREAS ----						YEAR	
	A	B	C	E	F	G	2026	2025
Agricultural Land Reserve						1	1	4
Bylaw Amendments <i>(Zoning / Land Use / OCP)</i>							0	1
Development Permits			1	2	7		10	4
Development Variance Permits / Board of Variance	1	1	1		3		6	6
Subdivisions					2		2	3
Ministry Referrals <i>(FrontCounter BC / Mines)</i>							0	0
Other Agency Referrals <i>(MOTT / Liquor Control etc.)</i>			1				1	0
Other Permits & Agreements <i>(Housing Agreements / Temp. Use / Floodplain Exemptions / Campground)</i>		1	1		1		3	0
Covenant Processing <i>(Charging & Releasing)</i>			1		1		2	0
TOTALS 2026	1	2	5	2	14	1	25	
TOTALS 2025	3	1	3	2	7	2		18

PROJECTS

ADU Planning Process

The 'What We Heard' reporting from the workshops, survey and engagements was released in late April. The next steps in the process will community meetings to discuss potential bylaw changes and then preparation of the bylaws.

Rockyview OCP Bylaw Amalgamation Process

Work continues related to drafting of the merged OCP and bylaws and ensuring that information is up to date and current to inform development permit areas, policy development and refinement. Lotic Environmental is conducting field work in May to support refinement of Environmentally Sensitive Area identification and classification throughout the Plan area.

PENDING APPLICATIONS

Effective April 29, 2026, the Planning Technicians also have the following applications in queue to be processed:

TYPE	A, B & C	E, F & G
Bylaw Amendment	4	4
DVP/Minor DVP/ Board of Variance	1	
DP (ESA, Steep Slopes, Form & Character)	1	1
ALR	2	2
Temporary Use Permit		1
Campground		
Reconsideration		1
Liquor/Cannabis Licence		
Relative Requiring Care		
Floodplain Exemption		1
Covenant (Mod/Release)		1
Applications Subtotal	8	11
Subdivision Referral	7	3
FrontCounterBC Referral		2
Mines Referral		
MOTT Referral (roads, etc)		
Referrals Subtotal	7	5
Pending Application Totals	15	16

2026 Short Term Rental Temporary Use Permit Applications (All Areas)

Issued – 24

Refused – 1

Under Review – 31

Received (Not Started Processing) – 13

**Advisory Planning Commission
Electoral Area A**

Minutes

April 21, 2026

Present:

Joe Caravetta, Secretary and Chair
David Beranek
Warren Baker
Karen Alexander
Scott Lawrie

Thomas McDonald
Cliff Mitchell
Allen Kennedy
Blair Chatterson

AGENDA

1 CALL TO ORDER 20:35 hours

2. Minutes

2.1 Karen motion that the minutes of the APC meeting held on November 18, 2025, be adopted as circulated, seconded Cliff.

Carried

Monthly Planning Report

3.1 Planning and Development Services for March

No issues

4.0 Planning and Development Services Committee Minutes

March 2026 - no issues
February 2026 - no issues

5.0 ALR Application P 726 109 Elkford Nature Conservancy of Canada

Motion by Karen that the APC recommends Elkford Nature Conservancy of Canada ALR subdivision P726 109 be supported, seconded by Warren

Motion Carried

6.0 Development Variance Permit Application P 726 111 Corbin Road Land Corp.

Motion by Joe that the APC recommends application P 726 111 Corbin Road Land Corp. Variance Permit application be supported seconded by Allen

Carried

7.0 ALC Decision

Decisions reviewed by Committee

8.0 Adjourned

Meeting adjourned at 21:00

Secretary Joe Caravetta

**Advisory Planning Commission
Electoral Area B**

Minutes

**April 14, 2026
Baynes Lake Fire Hall**

Present:

Krista Damstrom, Chair
Shayne Webster, Vice Chair
Lily Durham, Secretary
Maureen Coulombe
Lorie Sinclair
Wendy Salanski
John Todd
Josh Pedersen
Cory Wentzell
Karen Bergman

Director Stan Doehle

1. Call to Order

1.1 Appointment of Chair

That Krista Damstrom be appointed for the position of Chair of the Advisory Planning Commission.

1.2 Appointment of Vice Chair

That Shayne Webster be appointed for the position of Vice Chair of the Advisory Planning Commission.

1.3 Appointment of Secretary

That Lily Durham be appointed for the position of Secretary of the Advisory Planning Commission.

*Agriculture Representatives: Kent Holmes, Barrie McDonald, Lily Durham

Chair Krista Damstrom called the meeting to order at 7:01 pm

2. Delegations

Richard Haworth spoke to the application P 726 205 Bylaw Nos 3456 & 3457 (Kooanus Village/KV Properties Inc.)

No applicant spoke to P 726 207 TUP 4-26 (Baynes Lake/Meidinger & Paul)

3. Adoption of the Minutes

Moved by Wendy Salanski
Seconded by Shayne Webster

That the minutes of the Advisory Planning Commission meeting held on February 18, 2026, be adopted.

CARRIED

4. Planning & Development Services Monthly Report

Moved by Maureen Coulombe
Seconded by Josh Pedersen

That the monthly Planning & Development Services Report for February & March 2026 be received.

5. Bylaw Amendment Application

5.1 P 726 205 Bylaw Nos. 3456 & 3457 (Kooconusa Village/RV Properties Inc.)

Moved by Shayne Webster
Seconded Karen Bergman

That the Advisory Planning Commission recommends the P 726 205 Bylaw Nos.3456 & 3457 (Kooconusa Village/RV Properties Inc.) Bylaw Amendment application be supported with the following conditions: Application remains as presented with 20 duplexes to a maximum of 40 dwellings.

CARRIED

Comments: Unanimous

6. Temporary Use Permit Application

6.1 P726 207 TUP-4-26 (Baynes Lake/Meidinger & Paul)

Moved by Lily Durham
Seconded by Maureen Coulombe

That the Advisory Planning Commission recommends the P 726 207 TUP-4-26 (Baynes Lake/Meidinger & Paul) Temporary Use Permit application be supported with the following conditions: Temporary land use permit be for only 2 years. This gives the applicant the opportunity to build the house while staying in the trailer.

CARRIED

Comments: Unanimous

7. Adjournment

The meeting adjourned at 7:37pm.

Advisory Planning Commission Electoral Area C

Minutes

April 15, 2026

RDEK Conference Room

Present: Jim Westwood, Rob Gay, Steve Rogers, Vince Miller, Aaron Shuttleworth, Bob Bjorn, Herb Janzen, Wayne Armstrong, Ty Kreutzer,

Absent: Richard Wake. Samantha Freeman

1. Call to Order:

Jim Westwood called the meeting to order at 5:09 pm

2. Planning and Development Services Committee Minutes

2.1 February 12, 2026 – no discussion

3. Bylaw Amendments

3.1 P 726 310 Bylaw No. 3458 (Moyie South / Konkle
Delegate Dan Knokle

To amend the zone designation of the proper to accommodate a 2 lot subdivision thus changing the Zone designation from RR-2 Rural Residential (Small Holdings) minimum parcel size 2 ha to a proposed Zone RS-4 Residential (Semi-Rural) designation 0.4 ha – parcel size would be 1.7 ha.

The Advisory Planning Commission recommends that the P 726 310 application be supported.

Moved by Bob Janzen

Seconded by Steve Rogers

4. Natural Resource Operations Referrals

4.1 P 151 300 Crown Land Statutory Right of Way (Moyie / BC Hydro & Power Authority)

Delegate Jon Eadie

To allow for an existing BC Hydro powerline on Crown Land and any future works or services that may be required if an extension is needed or new services are required for the line.

The Advisory Planning Commission recommends that the P 151 300 Crown Land Statutory Right of Way (Moyie / BC Hydro & Power Authority) application be supported.

Moved by Herb Janzen

Seconded by Vince Miller

5. Mine Referral

Information Report – Fort Steele / Power Paving – Rob discussed some of the infractions and issues involving the Power Paving site at Fort Steele.

6. Adjournment: 6:07 pm

Present:

Area F	Area G	Directors
David Chernoff	Brandon Csokonay	Nancy Wilfley - Secretary
Karl Conway	Norm Funnell	
Leah Downey	Hermann Mauthner	
Bruce Hamstead	Owen Mitchell	
Seona Helmer - Chair		
Colleen Roberts		
Josh Powers		
Chris Zehnder		
Regrets: Shelley Hopkins	Carolyn Mauthner	Susan Clovechok Roberta Schnider

Introductions of Commission Members

Presenters:

P726 512 Panorama/Houvenaeghel

7:01pm. - Eric Houvenaeghel speaks to Development Variance Permit application. His application is to increase maximum height for a principal building from 10.5 to 11.3m, increasing the parcel coverage from 35% to 39%. Eric states the engineer requirements for the slope of the parcel is dictating the need for the variance.

7:11pm. - Eric answers questions regarding the possibility of changing the design to meet regulations. Engineer have given only option is current plan. Suggestion to put a covenant on decks not allowing future enclosures.

7:29pm. - Discussion ends.

1. Call to Order

Meeting called to order at 7:30pm.

2 Minutes

2.1 APC Meeting - February 18th, 2026

MOVED by K. Conway

SECONDED by N. Funnell

THAT the minutes of the Advisory Planning commission meeting held on February 18th, 2026 be adopted as circulated.

CARRIED

2.2 Planning Committee Meeting - February -Received

3. Reports

3.1 Development Services Report - February - Received

3.2 Development Services Report - March - Received

4. Agricultural Land Reserve Application

4.1 P726 605 - Forster Creek/Dubois(VAST Resources Solutions)

MOVED by H. Mauthner

SECONDED by C. Zehnder

THAT the Advisory Planning Commission recommends the ALR Application from ForsterCreek/
Dubois (VAST Resource Solutions) be supported

CARRIED

5. Development Variance Permit Applications

5.1 P726 512 - Panorama/Houvenaeghel

MOVED by C. Roberts

SECONDED by D. Chernoff

THAT the Advisory Planning Commission recommends the DVP Application from Panorama/Houvenaeghel be supported with a covenant placed on property to prevent any enclosure of deck structures.

CARRIED

5.2 P726 520 - Columere/Rivard&Warner(Terpsma)

MOVED by L. Downey

SECONDED by K. Conway

THAT the Advisory Planning Commission recommends the DVP Application from Rivard&Warner(Terpsma) be supported.

CARRIED

6. Temporary Use Permit Application. - APPLICATION DEFERRED

6.1 P726 507 - Windermere South/Loria

APPLICATION IS DEFERRED TO NEXT MONTH

7. Information Item

7.1 ALC Decision - Westside/Lehman-Recieved

8. Adjournment

7:39pm.

****To all of you that I have had the pleasure of working with: "I'm so glad we had this time together" ****

Nancy

Date April 22, 2026
Author Tracy Van de Wiel, Planning Technician 2
Subject Skookumchuck Ranch Ltd ALR Exclusion Application

REQUEST

Authorize the submission of the exclusion application by the RDEK to the Agricultural Land Commission (ALC) for 9.54 ha of land located on the north shore of Premier Lake at 3918 Wasa Sheep Creek Road near Skookumchuck.

OPTIONS

1. THAT the Private Landowner Agricultural Land Reserve exclusion application for 9.54 ha of land located on the north shore of Premier Lake at 3918 Wasa Sheep Creek Road near Skookumchuck as identified in the March 2, 2026 staff report be forwarded to the Agricultural Land Commission.
2. THAT the Private Landowner Agricultural Land Reserve exclusion application for a 9.54 ha of land located on the north shore of Premier Lake at 3918 Wasa Sheep Creek Road near Skookumchuck as identified in the March 2, 2026 staff report not proceed.

RECOMMENDATION

Option 1.

The improvements made to the application may provide a balance to the loss of agricultural potential from the proposed exclusion area. On-going management of the existing development on the lands proposed for exclusion present challenges for the applicant. To determine a productive path forward it would be helpful to receive a decision from the ALC.

BACKGROUND/ANALYSIS

The application request for the exclusion is being processed in accordance with the RDEK Private Landowner Request for ALR Exclusion Application Policy. A public hearing to gather the views of the public on the proposed exclusion was held on April 21, 2026. Three written submissions were received prior to the public hearing. Two were received stating they had no objection to approval of the application and one was received in opposition. The letter of opposition includes a historical perspective and further information disputing certain aspects of the application.

A few members of the public and some of the proponents attended the hearing and the proponents spoke in support of the application. The public hearing report will be submitted to the ALC as part of the application package. In order to proceed with the exclusion application, a resolution of the Board authorizing the application to be forwarded to the ALC for consideration, is required.

SPECIFIC CONSIDERATIONS

Previous Board Action

On March 13, 2026 the Board passed Resolution 52892:

“THAT the Private Landowner ALR Exclusion application request by Skookumchuck Ranch Ltd. for their properties located at the north end of Premier Lake near Skookumchuck, as identified in the March 2, 2026 staff report, proceed to a public hearing to gather the views of the public on the proposed exclusion application.”

Financial

An application fee payable by the RDEK in the amount of \$750 will be required upon final submission of the application to the Agricultural Land Commission.

Attachments

- Public Hearing Report
- Skookumchuck Ranch Ltd ALR Exclusion – March 2, 2026 Staff Report



Request for Decision ALR Exclusion Application Private Landowner

File No: P 725 401
Reference: -----
Date: March 2, 2026

Subject: ALR Exclusion (Premier Lake / Skookumchuck Ranch Ltd.)
Applicant: Skookumchuck Ranch Ltd.
Agent: Jean Terpsma, Terpsma Land Development Consulting
Location: North end of Premier Lake, Skookumchuck area
Legal: District Lot 8846, Kootenay District; Remainder of District Lot 271, Kootenay District; and Remainder of Sublot 1, District Lot 335, Kootenay District, Plan X9 (PIDs: 016-345-027, 016-368-100, 016-451-074)

Proposal: To exclude a total of 9.54 ha of developed lakeshore land from the ALR.

- Options:**
1. THAT the Private Landowner ALR Exclusion application request by Skookumchuck Ranch Ltd. for their properties located at the north end of Premier Lake near Skookumchuck, as identified in the March 2, 2026 staff report, proceed to a public hearing to gather the views of the public on the proposed exclusion application.
 2. THAT the Private Landowner ALR Exclusion application request by Skookumchuck Ranch Ltd. for their properties located at north end of Premier Lake near Skookumchuck, not proceed.

Recommendation: Option 1

Even though portions of the proposed exclusion areas are south-facing arable land with a reliable water source and good agricultural capability ratings, the improvements made to the application in the resubmission and the fact that the majority of the development on the subject land predates the establishment of the ALR, warrants additional consideration of the request.

The improvements made to the application may provide a balance to the loss of agricultural potential from the proposed exclusion area. On-going management of the existing development on the lands proposed for exclusion present challenges for the applicant. To determine a productive path forward it would be helpful to seek the public's opinion on the proposed exclusion and to receive a decision from the ALC.

Property Information: **OCP Designation:** RR, Rural Resource which supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 hectares and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

**Property
Information –
cont'd:**

OCP Policies:

- Land in the ALR is generally designated and supported for agricultural use.
- ALR applications for non-farm use, subdivision, or exclusion should identify opportunities to improve the agricultural capacity and provide a net benefit to agriculture for the lands that remain within the ALR.

Zone Designation: RR-60, Rural Resource Zone. Permitted uses include: one single family dwelling per titled property, a farm operation, a guest ranch accessory to farming, forest management, and an equestrian centre.

ALR Boundary Review: Electoral Area E Boundary Review conducted by the ALC, finalized in 2017. The subject parcels were not identified for exclusion.

Previous ALR Applications:

A non-farm use application was refused by the ALC in 1993. The application requested permission to construct an additional cabin near the other cabins on the westerly side of the proposed exclusion area (Sublot 1). In their decision letter, the ALC noted that the property is in a ranching area and, while ranching does not form part of the current active operation, it has the potential to do so. The ALC identified concerns about increasing the recreational component of the parcel which could compromise its future use for agriculture. The ALC also noted that there are several properties owned by the same owner on Premier Lake, which are not in the ALR, and that additional uses could be directed to these areas.

(Application: #21-L-93-28222 / ALC Decision #0016/94).

Farm Classification: No

Parcel Size:

Area proposed for exclusion: 9.54 ha (23.6 ac)

Total area of the 3 subject parcels: 243 ha (601.1 ac)

**Professional
Reports:**

An Agricultural Capability Assessment has been prepared by Tim J Ross, M Sc., P. Ag. of Ross Range and Reclamation Services in October of 2025. The purpose of the report was to provide landform, soil and plant information which is essential in characterizing the agricultural capability of the land.

The report states that Skookumchuck Ranch lies within the Rocky Mountain Trench physiographic region at elevations between 870 and 880 m and that the aspect of the properties ranges from easterly, and south to westerly with slopes between 0 and 30%.

The report states that the 'Developed Strip' consists of developed lots, and related infrastructure, along with small amounts of open forest, open grassland and pastureland. The report states that no agriculture takes place and there is no evidence of cultivation.

The report concludes that the 'Developed Strip' was established well before the inception of the Agriculture Land Reserve Act (1973), and that, since no agriculture activities are, or foreseeably will be, conducted here, it is unlikely

that exclusion of the 9.5 ha out of the greater 194 ha within the ALR, would not adversely affect agriculture capability at Skookumchuck Ranch, or agricultural capability, neither locally nor regionally.

**Agricultural
Capability
Ratings:**

Canada Land Inventory mapping designates the area proposed for exclusion as Class 5 with limiting subclasses of moisture deficiency and stoniness. These maps consider the land improvable to 70% Class 4 with the same limiting subclasses and 30% Class 3 with a limiting subclass of stoniness.

The same maps designate the area offered for ALR inclusion as 80% Class 6 with limiting subclasses of topography and bedrock near the surface, and 20% Class 7 with bedrock near the surface. This proposed inclusion area is not given an improvability rating.

Site specific ratings are provided in the Agrologist report excerpts attached.

**Additional
Information:**

- The application states that the applicant would like to bring the property into conformity with zoning regulations. A rezoning application is intended (after the ALR applications) which will request a bylaw amendment to permit the existing dwelling density and allow a few additional dwelling units to be added.
- The ALR Exclusion application was originally submitted in November 2024 but was withdrawn prior to review by the Board in March 2025 so the applicants could make improvements to the application.

The current revised application has added:

- the conditional commitment to bind the titles of the remaining ALR land;
 - leaving a strip of land to remain in the ALR to provide water/lake/irrigation access for the lands which are to remain within the ALR;
 - a proposed ALR inclusion area of approximately 9.54 ha (as a trade for the lands proposed to be excluded);
 - an Agricultural Capability Assessment Report (including photos of soils) stating that it is unlikely that exclusion of the proposed 9.5 ha will adversely affect the agricultural capability of the ranch property.
- The intention of the exclusion application is to remove a layer of regulations from the developed areas so the owners can more easily renovate existing structures as needed and construct additional ones if their future rezoning application is approved.
 - The owners have a shareholders' agreement which they use to regulate and restrict development with the goal of maintaining the majority of their land in its current state.
 - In addition to the land under application, the shareholders group also own parcels in the vicinity which are outside of the ALR. The non-ALR parcels (approx. 141 ha) have very challenging topography and are located south of the area under application for exclusion. A few additional cabins have been constructed on parcels outside the ALR by current shareholders to accommodate the needs of various families. Topographical constraints and the shareholder agreement limit the potential of these lands for further development.

**Additional
Information –
Cont'd:**

Current agricultural use and improvements:

- The application states that, under the current ownership, the land has never been used for agriculture and historical records indicate that the land has not been classified as 'farm' with BC Assessment since at least 1999.
- The properties were historically used as a guest ranch (horses and trail-riding) with guest cabins, a main lodge that was used for meals, a manager's house as well as outbuildings and associated structures for equipment storage etc. A cleared pasture and fencing are around the developed areas.

Current non-agricultural uses and improvements:

- The land was purchased in 1920 by the Skookumchuck Ranch Ltd company and was operated as a guest ranch until the 1960s. Most of the existing dwellings were constructed during that time as guest cabins. The current shareholders in the company (11 families) discontinued the guest ranch operation in the 1960s. Most of the structures are very rustic log buildings that have been maintained and renovated over the years.
- All cabins/dwellings used as part of the guest ranch are currently used as lakeshore cottages by the ownership group families. Aside from small storage sheds, a pump house building and a few other small structures, there are three large outbuildings (barns, shop) shown as Buildings 'L', 'O' and 'Q' on the attached maps, a main Lodge (no kitchen) which is Building 'K' on the attached maps, and a dwelling referred to as the Manager's house shown as Building 'P' on the attached maps.

Applicant's Rationale for Exclusion Request:

- The owners would like to bring the existing land uses and buildings into conformity with RDEK bylaws. They would like to be able to streamline the processes that are required to renovate or replace existing structures as well as potentially build new ones.

Consultation:

APC Area E: Support recommended

**Documents
Attached:**

- Location Map
- ALR Boundaries Map
- Agricultural Capability Map and Key
- Land Use Map
- Aerial Photo
- OCP Designation Map
- Zone Designation Map
- Detailed site surveys provided by applicant (including building locations)
- Sketch showing all parcels owned by Skookumchuck Ranch Ltd.
- Application Proposal Letter
- ALC Questions & Answers (provided by applicant)
- Excerpts from Agrologist Report (including photos)

**RDEK
Contact:**

Tracy Van de Wiel, Planning Technician 2
Phone: 250-489-0311
Email: tvandewiel@rdek.bc.ca

This report is submitted to the Board of Directors of the Regional District of East Kootenay in accordance with the procedures identified in Section 465 of the *Local Government Act*.

The public hearing for the Skookumchuck Ranch Ltd ALR exclusion application under Section 29 of the *Agricultural Land Commission Act* to exclude 9.54 ha of land from the Agricultural Land Reserve (ALR) was held on April 21, 2026, at 6:00 pm via Zoom webinar.

The following Regional District representatives attended the public hearing:

Director Jane Walter, Electoral Area E
Director Susan Clovechok, Electoral Area F
Tracy Van de Wiel, Planning Technician 2

The notice for the hearing was published in the Kootenay Advertiser on April 9, 2026 and April 16, 2026.

Staff gave an overview of the application prior to the hearing.

Chair Clovechok convened the hearing at 6:01 pm and Regional District representatives were introduced.

Staff gave a brief overview of the application and read the legal proceedings for the public hearing as set out by the Guidelines from the Agricultural Land Commission and *Local Government Act*. Staff noted that a report of the hearing would be submitted to the Board of Directors at its May 8, 2026 meeting.

Staff advised that three written submissions were received prior to the public hearing. Two were received stating they have no objection to approval of the application and one was received in opposition. The letter of opposition includes a historical perspective and information in dispute of certain aspects of the application.

Members of the public and a few of the proponents (shareholders in the ownership group) attended the public hearing. The Chair invited those in attendance to comment on the application and the following people spoke:

Terry Owen (Shareholder in Skookumchuck Ranch Ltd) – he requested that the letter of opposition be made available to the attendees so they can respond to it in this hearing.

Chair Clovechok authorized staff to read out the contents of the opposition letter.

After hearing the contents of the letter, Terry Owen agreed that there is some historical ‘scar tissue’ between Skookumchuck Ranch Ltd (SRL) and the Drysdale family and said he is hopeful that, if this proposal gets to the point of a rezoning application, they plan to work towards building a more positive relationship. He said he doesn’t know all the history of the property and he can only speak to their knowledge of the property from their purchase date in the 1960s. He said he hadn’t heard anything about previous agriculture (i.e. chickens, ducks, pigs, etc.) and that they are simply requesting that the developed strip of land be excluded from the ALR. He said it’s obvious this land won’t be used for agriculture in future.

Terry said that SRL shares the Drysdale’s concerns about boat traffic and environmental protection. He said the boats primarily come from the public access at the south end of the lake and that this access isn’t likely to change. He said the ALR designation ‘swap’ they’ve offered may use land with different agricultural capability ratings but that the offered inclusion area can still be used by cattle to seek shade

and the developed strip is not agricultural at all. He said the field area behind the developed strip is where the grazing would be. Terry went on to address more points made in the opposition letter by saying that the title linkage offer was made because the RDEK suggested the ALC might consider it to strengthen their application because it would limit the number of future homesteads that could be built on the ALR portion if it was ever subdivided and sold separately from the lakefront strip. Terry offered that, if needed, their agrologist Tim Ross was in attendance at the hearing and could speak further to the agriculture issues. He said their ownership group agrees with the Drysdales on the wildfire hazard issue and that they really only want to remove the ALR layer of regulations from the developed strip of land along the lakeshore and to bring the property into compliance with RDEK land use regulations. He said the buildings on the developed strip were already on the land, they were just moved around and renovated or upkept.

Neil MacKimmie (Shareholder in Skookumchuck Ranch Ltd) – he said he's been going to the lake with his dad and family since the 1960s. He said he's here to support the application and he'd like everyone to remember that this isn't a rezoning application. He said there will be lots of time at the rezoning stage to work through and mitigate any concerns. He said a significant driver for this application is the trouble they'll have rebuilding any of the homes if a catastrophic wildfire was to occur. He said the RDEK needs land use conformance prior to any building permits – even for any renovations. He said they are just trying to remove a layer of regulations so that if a fire came through, they could rebuild more easily. He also said their ownership group vision is almost completely aligned with the Drysdales. He said they've kept the property almost the same as it was since they bought it in the 1960s. He said they've added a few buildings and the footprint has expanded slightly but the main cabins are the same and have just been kept in good shape. He added that this year will be the 100th anniversary of the 'Wolf' cabin (his family's cabin) and that their ownership group has worked to keep the lake as it is. He said their agreement with the Drysdale's foresees family growth and the need for an extra house on the Drysdale property and said their ownership group will keep any new buildings within their own developed strip of land along the lakeshore. He said the ALC has previously asked why they don't just develop on the non-ALR land they own but they don't want to do this because those areas are pristine lakeshore which is what they've all spent 60 years trying to protect.

Don MacKimmie (Shareholder in Skookumchuck Ranch Ltd) – He said there are many things in the opposition letter that they take issue with but that's for a different time. For now, he said their ownership group is trying to maintain the land the way it has been and that they just hope to remove the ALR designation and then work with neighbours and the RDEK to bring the property into conformance with land use regulations. He said the RDEK can't issue any building permits even if they wanted to. He said the RDEK's hands are tied and the ownership group's hands are tied. He said they just want to get this first step done, which is getting the land out of the ALR and, after that, we can have more of an involved process of discussions with neighbours.

Chair Clovechok called three times for any additional speakers, and since no further comments were made, Chair Clovechok adjourned the hearing at 6:43 pm.

Chair Susan Clovechok
Electoral Area F

Tracy Van de Wiel
Planning Technician 2

Alyson Drysdale
4030 Wasa Sheep Creek Rd.
Premier Lake
Skookumchuck, BC [REDACTED]

April 14, 2026

Regional District of East Kootenay
19 - 24 Avenue South
Cranbrook, BC V1C 3H8
Attn: Tracy Van de Wiel, Planning Technician

Re: Public Hearing / Local Government Initiated ALR Exclusion Application: File #P 725 401

I am writing to provide comments regarding the Application by Skookumchuck Ranch Ltd. (SRL) to exclude approximately 9.54 hectares of land (the “Developed Strip”) from the Agricultural Land Reserve (ALR) at the north end of Premier Lake.

I am the daughter and granddaughter of the original SRL shareholders (Staples/Drysdale) who owned the land in question from the 1920s until 1960. I was ten years old when SRL was sold to a number of the current shareholders. My family then moved to the west side of Premier Lake (the “Drysdale 10 Acres”), where I continue to reside. As such, I have both direct historical knowledge of ranch operations prior to 1960 and long-term observational knowledge of land use since that time.

I understand that the decision before the RDEK is whether to forward this application to the Agricultural Land Commission (ALC). In that context, my comments are intended to give additional perspective to what is contained in the application. There are some statements and broader implications that in my view warrant scrutiny.

Importantly, the application makes clear that the intent of the exclusion is to facilitate future rezoning to allow additional residential development, upgrades, and renovations. This proposal should not be viewed in isolation as a minor ALR boundary adjustment, but as part of a broader, phased change in land use.

My comments also include a brief history of Skookumchuck Ranch Ltd. up to 1960, and address consistency of land use planning as per building restrictions placed on the Drysdale 10 Acres.

The documents I reference are:

- RDEK_Request for Decision/ALR Exclusion Application/Private Landowner/File No: P 725 401_Date: March 2, 2016
- Donald S. MacKimmie/Application Proposal Letter/S Half Diamond Ranch (SRL)_Date: November 14, 2025

- Skookumchuck Ranch Limited (SRL)/ALC Questions and Answers (provided by the applicant)/- ALC application_Date: November 14, 2025
- Excerpts (1 pg.) from Agrologist Report/Executive Summary_(undated/author not identified on page)
- The accompanying maps, plans, reports and proposed exclusion area.

Anything in “*quotations*” comes from the above documents.

A Brief History of Skookumchuck Ranch Ltd. 1920-1960

My sister, Karen Drysdale, and I were born and raised on the S Half Diamond Ranch (legally referred to as Skookumchuck Ranch Ltd.), and we still reside on a portion of the original property that is now known as the “Drysdale 10 acres.” It is my principle residence and Karen’s summer residence.

The Ranch was once a fully operational Dude Ranch owned as at 1920 by our grandparents Claire and Elmore Staples, and later managed/owned by our parents Pamela Staples and Alistair Drysdale, until 1960.

The characterization in the ALC Questions and Answers that “...*the property, including the "Developed Strip", has never been used for agricultural purposes other than grazing horses*” does not reflect the historical use of the property. From the 1920s through the 1950s substantial portions of District Lot 271 and District Lot 8846 were actively used for agriculture.

During its Dude Ranching days SRL was fully self-sufficient and many other farming activities took place. Our parents and grandparents raised chicken, pigs, ducks and rabbits for food. They had dairy cattle for milk and butter. Both Karen and I “helped” our father milk the cows, and watched as kitchen staff churned the cream into butter.

Elmore Staples, and later with Alistair Drysdale, cleared the Fields as shown on the applicant’s maps, and had a large haying operation on them (including that portion of land on DL 271 that SRL wishes to exclude from the ALR) to support over 100 head of horses, and in the 1950’s about the same number of cattle.

Characterization of Historical Development

The Proposal Letter states, “...*In 1973, when the ALR was established, the "Developed Strip" was highly developed and had been since the 1920's.*” The ALC Questions and Answers similarly states, “...*the area the owners are seeking to exclude has been developed land for recreational purposes since about the 1920's.*”

I think these claims are somewhat misleading. At the time of sale in 1960, there were no buildings whatsoever on a significant portion of the area (about 1/3 of the "Developed Strip") now proposed for exclusion - that being the portion of District Lot 271 west of the proposed 10 meter lakefront strip identified on the Maps that would stay in the ALR.

The existing residences (5 in total, plus their additions and renovations) in this area were constructed gradually from the 1960s through the 1980s, following the cessation of agricultural use. This pattern of construction reflects a transition to recreational use, not a longstanding, pre-existing developed condition.

Scale and Impact of the Proposed Exclusion

The "Developed Strip" extends approximately one kilometer along the north shoreline of Premier Lake and comprises almost the entire north lakeshore under SRL ownership. The proposal would remove this continuous strip from the ALR, leaving only a narrow 10 meter band.

This represents a substantial boundary change rather than a minor adjustment. Removal from the ALR would potentially increase land value; enable subdivision, redevelopment, and intensification; and establish the area as a continuous, highly marketable waterfront corridor. I don't believe SRL has any plans to sell in the foreseeable future but I think it is worth pointing out that the nature of the subject lands changes dramatically if the exclusion is granted.

Additionally, approval of such an exclusion may set a precedent for similar applications, which could incrementally erode the ALR boundaries in comparable areas.

Environmental and Local Context

While the primary mandate of the ALC is agricultural, there are broader land use considerations relevant to the RDEK's review. The north end of Premier Lake is home to some sensitive species including painted turtles, great blue herons, and rainbow trout habitat.

Premier Lake is a well known recreational fishery in the East Kootenay region, particularly valued for rainbow trout, and supports a range of low-impact recreational uses, including angling, kayaking, and paddle boarding. The south end of the lake, where the provincial park and primary public access are located, is subject to boating speed restrictions designed to support these uses and maintain a quieter recreational environment.

As a result, high-speed motorized watercraft are effectively concentrated toward the north end of the lake where the subject properties are located, and where no comparable speed restrictions are in place. Any increase in residential density and associated recreational use is likely to further intensify boat traffic and may increase shoreline erosion, habitat disturbance, and ecological stress.

I have raised these concerns directly with SRL, which has acknowledged and indicated it shares them. SRL suggests the concerns may be mitigated, but characterizes them as hypothetical and unrelated to the ALC application. That may be so; however, the issues are inherently connected. If the land is excluded from the ALR, SRL will seek a zoning change to permit increased recreational use and development with its attendant stressors on the environment.

Agricultural Capability vs. Proposed Land Exchange

I appreciate that SRL has offered to exchange a comparable area of land which they own in order to offset the area of land they wish to exclude, but I think there are differences in the quality of this agricultural exchange that are worth a second look.

The Canada Land Inventory mapping included in the application indicates that portions of the "Developed Strip" are Class 3 to Class 5 soils, with potential for improvement.

By contrast, the lands proposed for inclusion into the ALR are described as predominantly Class 6 and Class 7, with significant limitations. They are characterized as forested and hilly, and identified as nominally usable for grazing. The applicant acknowledges that grazing of livestock is impractical due to fencing costs and "*...dealing with issues arising from the presence of many existing adjacent dwellings in the "Developed Strip".*"

Accordingly, the proposed exchange would result in the removal of lands with moderate agricultural capability and potential, in favour of lands with substantially lower capability and acknowledged practical constraints to their use. This appears to diminish - rather than preserve or enhance - the overall agricultural value of the land base.

Title Linkage

SRL's offer to link the three titles currently within the ALR is a positive step in principle, as title consolidation can support agricultural land integrity. However, this offer is expressly conditional. SRL has indicated that the linkage would not apply to the "Developed Strip" if it were excluded and later subdivided out of those titles, and that doing so must not restrict such subdivision.

This qualification limits the value of the proposal. Rather than ensuring long term stability, the conditional linkage has the effect of maintaining flexibility for future subdivision and development of the shoreline lands.

Other Considerations Raised in the Application

I would be interested to know if easing on-going management challenges in regards to buildings, and difficulty rebuilding in case of wildfire, are substantive rationale for removing land from the ALR, as

I have these concerns myself. Being at the edge of a lake we do have some natural mitigation advantages in case of wildfire, but we are all understandably paranoid of such an event.

Wildfire risk is a legitimate consideration in forested regions, such as we have here in the East Kootenays. The application cites the potential cost of several million dollars to rebuild after a fire as justification for exclusion, “...*The "Developed Strip" must be excluded from the ALR in order to ensure immediate and necessary post disaster recovery.*” This suggests that removal from the ALR is necessary to support timely recovery and greater flexibility in reconstruction.

Consistency of Land Use Planning

SRL’s current request to expand development stands in marked contrast to the long-standing restrictions imposed on the Drysdale 10 Acres. The subdivision and return of those lands - originally agreed to in 1960 - was not straightforward. Completion of that obligation was delayed for decades and ultimately required legal action to enforce. In 1996, my mother commenced proceedings in the Supreme Court of British Columbia; following her passing, the matter continued in my sister’s and my names and was only resolved by settlement on the first day of trial in 1999.

That history reflects a prolonged and adversarial process simply to secure what had already been agreed. The resulting settlement imposed registered restrictions on our title, including a limitation permitting only one additional home (subject to local government approval). As explained by a Ranch shareholder at the time, these limitations were intended to preserve views, the natural setting, and the quiet enjoyment of adjacent lands.

SRL now seeks to exclude approximately one kilometer of lakeshore from the ALR in order to facilitate increased residential use and density on its lands. This represents a clear departure from the rationale used to justify strict limitations on our property. While these matters arise from a private agreement and are distinct from the ALR decision, they highlight the importance of consistency and transparency in land use planning, particularly when considering cumulative impacts and long-term development along a shared lakeshore.

Conclusion

This application represents a significant proposal that would result in a substantial reconfiguration of the ALR boundary along almost the entire north portion of Premier Lake.

It is intended as a precursor to a rezoning of the “Developed Strip” to accommodate ease of construction and an increase in recreational and residential density on these lands, with corresponding implications for boat traffic and shoreline use which may impact the environment and ecology.

While I don't question certain statements about internal restrictions and wishing to preserve, aside from the contemplated development, the current nature of Premier Lake, SRL's private Shareholder agreements are not enforceable except as amongst themselves, and as such may not be relied on by the broader public and governing bodies as the years go by.

Thank you for the opportunity to comment on this application. The Drysdale family does not support it.

Sincerely,

Alyson Drysdale

4030 Wasa Sheep Creek Rd

Premier Lake

Skookumchuck, BC. [REDACTED]

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

Cc. Karen Drysdale

Tracy Van de Wiel

From: Caleb Miller [REDACTED]
Sent: Wednesday, April 8, 2026 12:40 PM
To: Tracy Van de Wiel
Cc: [REDACTED]
Subject: Re: Skookumchuck Ranch Limited - ALR Exclusion Application ID 107153

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tracy,
Sorry, my below email should have said 9.5 hectares, not 9.5 acres.
Oops!
Cheers!



Caleb Miller
Pommier Ranch Meadery
3858 Wasa – Sheep Creek Road

[REDACTED]
Skookumchuck, BC [REDACTED]
[REDACTED]

<http://www.pommierranchmeadery.ca/>

From: Caleb Miller [REDACTED]
Sent: Tuesday, April 07, 2026 11:48 AM
To: tvandewiel@rdek.bc.ca <tvandewiel@rdek.bc.ca>
Cc: [REDACTED]
Subject: Skookumchuck Ranch Limited - ALR Exclusion Application ID 107153

Hi Tracy,

I am a 50% owner of approximately 80 acres of land located on the east side of Wasa Sheep Creek Road that abuts land owned by Skookumchuck Ranch Limited (SRL). The address for our lands is: 3858 wasa sheep creek road.

I am aware of SRL's application to the Agricultural Land Commission to exclude approximately 9.5 acres of its land from the Agricultural Land Reserve (application ID # 107153), and I have no objection to the application.

Cheers!



Caleb Miller

Pommier Ranch Meadery

3858 Wasa – Sheep Creek Road

[REDACTED]
Skookumchuck, BC [REDACTED]

[REDACTED]
<http://www.pommieranchmeadery.ca/>

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

Tracy Van de Wiel

From: Rebecca Pommier [REDACTED]
Sent: Tuesday, April 7, 2026 2:37 PM
To: Tracy Van de Wiel
Cc: [REDACTED]
Subject: ALR Exclusion Application ID 107153

Hi Tracy:

I am a 50% owner of approximately 80 acres of land located on the east side of Wasa Sheep Creek Road that abuts land owned by Skookumchuck Ranch Limited (SRL). Caleb Miller owns the other 50%. The address for these lands is 3858 Wasa Sheep Creek Road.

I am aware of SRL's application to the Agricultural Land Commission to exclude approximately 9.5 acres of its land from the Agricultural Land Reserve (application ID # 107153), and I have no objection to the application.

Rebecca Pommier

Request for Decision Bylaw Amendment Application

File No: P 726 205
Reference: Bylaw Nos. 3456 & 3457
Date: April 20, 2026

Subject: Bylaw No. 3456 & Bylaw No. 3457 (Kooconusa Village / KV Properties Inc.)
Applicant: KV Properties Inc.
Agent: Richard Haworth, Haworth Development Consulting Ltd.
Location: Marcer Drive, Kooconusa Village, near south marina
Legal: Lot B, District Lot 10348, Kootenay District, Plan EPP101154 except Plans EPP109367 and EPP138855 (PID: 031-150-624)

Proposal: To amend the OCP and zoning designations from commercial to multi-family residential to permit development of duplex residential units and to add 'Duplex' as a permitted use within the R-3 zone at Kooconusa Village.

Development Agreement: None.

Options:

1. THAT Bylaw No. 3456 cited as "Regional District of East Kootenay – Lake Kooconusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 11, 2026 (Kooconusa Village / KV Properties Inc.)" be introduced and further, that the Board is satisfied that the OCP consultation identified in the staff report is appropriate.
2. THAT Bylaw No. 3457 cited as "Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 13, 2026 (Kooconusa Village / KV Properties Inc.)" be introduced.
3. THAT Bylaw No. 3456 cited as "Regional District of East Kootenay – Lake Kooconusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 11, 2026 (Kooconusa Village / KV Properties Inc.)" not proceed.
4. THAT Bylaw No. 3457 cited as "Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 13, 2026 (Kooconusa Village / KV Properties Inc.)" not proceed.

Recommendation: **Options 1 & 2**
The proposal is consistent with the OCP policies and the current community vision.

Property Information:

Current OCP Designation: C, Commercial which supports the limited range of local, service and commercial land uses identified in the Zoning Bylaw.

Proposed OCP Designation: R-MF, Residential Multi-Family which includes medium and high density non-commercial residential accommodation such as fourplexes, townhouses and condominiums.

OCP Policies:

- The Sweetwater Subarea is a development node intended to include small lot single family residential parcels and multi-family development in addition to commercial development, RV sites and marina facilities.
- Support the build out of the Sweetwater Subarea; direct proposals for multi-family and other high density developments to the Sweetwater Subarea
- Multi-family development (duplexes and larger) within the plan area is directed to the Sweetwater development where community water and sewer services are available and increased density is supported.
- Subsequent rezoning applications for the Sweetwater Subarea will be considered on an individual basis in relation to the following criteria:
 - Consistency with the original development vision for the parcel reflecting a high density village concept design
 - Provision of community water and sewer servicing; and
 - Provision of approximately 150 recreational vehicle spaces, approximately 1/3 of which will be available for short-term rental (less than 14 days), and 2/3 of which will be available for full season ownership and use.
- Rezoning to permit additional multi-family development opportunities within the Sweetwater Subarea is supported.

Current Zone Designation: C-1, Mixed Use Village Commercial Zone

Proposed Zone Designation: R-3, Multiple Family Residential – Medium Density Zone

Parcel Size: 2.52 ha (6.22 ac)

Density:

Current: The parcel is currently vacant. The current C-1 zone permits 50 dwelling units per hectare.

Proposed: A conceptual plan has been included to identify what is viable but may be adjusted at design stage to include a few additional units.

Potential: The proposed R-3 zone permits 62 dwelling units per hectare.

Property Information – cont'd:

Within the Sweetwater bylaw, the overall maximum development density for principal dwelling units shall not exceed 7.4 dwelling units per hectare.

The total area of land within the Sweetwater Subarea is 143.78 ha, therefore the total number of dwelling units permitted in the overall development, including all phases, is 1064.

To date, the total number of lots created for dwelling units is 258, which does not include several vacant lots which are zoned to permit dwelling units.

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Moderate to high, not within a fire protection area

BC Assessment: Residential (Vacant)

Water and Sewer Services: Sweetwater Community Water and Sewer Systems

Flood Hazard Rating: Floodplain regulations apply to development.

Professional Studies:

None

Additional Information:

None

Consultation:

APC Area B: Supported recommended on the condition that the application remains as presented with 20 duplexes to a maximum of 40 dwelling units.

Referral Agencies:

- **Interior Health Authority:** No response
- **Ministry of Transportation & Transit:** No objections to the proposal. Referral response attached including comments regarding access and use of Marcer Road, no build covenant area, and road maintenance level.
- **Water, Land & Resource Stewardship (WLRs):** Standard letter (attached)
- **Ktunaxa Nation Council:** No response
- **Yaqit ?a-knuqti'it:** No response
- **School District No. 5:** No response
- **Telus:** No response

Documents

Attached:

- OCP and Zoning Bylaws
- Location Map
- Land Use Map
- OCP Designation Map
- Zone Designation Map
- Aerial Photo
- Proposal
- Referral Comments - Ministry of Transportation & Transit

RDEK

Contact:

Rhiannon Chippett, T/Planning Technician 1
Phone: 250-489-6903
Email: rchippett@rdek.bc.ca

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 3456

A bylaw to amend Bylaw No. 2432 cited as “Regional District of East Kootenay – Lake Kooconusa Official Community Plan Bylaw No. 2432, 2013.”

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2432;

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 – Lake Kooconusa Official Community Plan Bylaw No. 2432, 2013 – Amendment Bylaw No. 11, 2026 (Kooconusa Village / KV Properties Inc.).”
2. The designation of Lot B, District Lot 10348, Kootenay District, Plan EPP101154, Except Plans EPP109367 and EPP138855 outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from C, Commercial to R-MF, Residential Multi-Family.

READ A FIRST TIME the day of , 2026.

READ A SECOND TIME the day of , 2026.

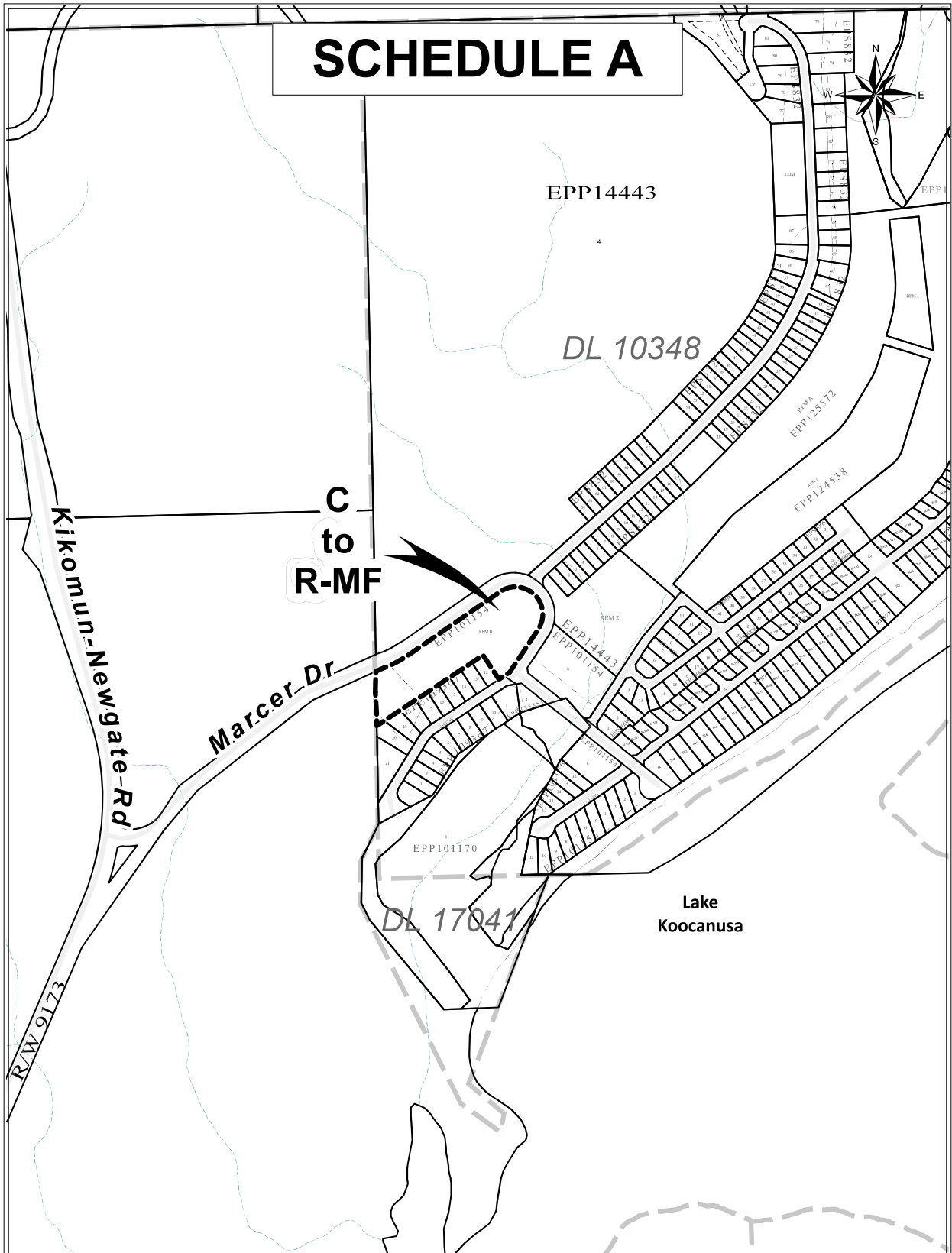
READ A THIRD TIME the day of , 2026.

ADOPTED the day of , 2026.

CHAIR

CORPORATE OFFICER

SCHEDULE A



**C
to
R-MF**

This is Schedule A referred to in Bylaw No. 3456 cited as
"Regional District of East Kootenay – Lake Kooacanusa Official
Community Plan Bylaw No. 2432, 2013 – Amendment
Bylaw No. 11, 2026 (Kooacanusa Village / KV Properties Inc.)."

Chair

Corporate Officer

Date

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 3457

A bylaw to amend Bylaw No. 2127 cited as "Regional District of East Kootenay – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009."

WHEREAS the Board of the Regional District of East Kootenay has received an application to amend Bylaw No. 2127;

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 – SweetWater Zoning and Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 13, 2026 (Kooconusa Village / KV Properties Inc.)."
2. The designation of Lot B, District Lot 10348, Kootenay District, Plan EPP101154, Except Plans EPP109367 and EPP138855 outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw, is amended from C-1, Mixed Use Village Commercial Zone to R-3, Multiple Family Residential – Medium Density Zone.
3. Section 3.03 Definitions is amended by adding the following:
Duplex means one building containing two 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 duplex.
4. Schedule A, Section 3.01(3) is hereby repealed and the following added:
(3) All parking areas, off-street parking spaces, and off-street loading spaces, for other than single family dwellings and duplex dwellings must not have a slope of more than 8%.
5. Schedule A, Section 3.02(4)(a) is hereby repealed and the following added:
(a) Single family dwelling and duplex dwelling - 2 per dwelling unit
6. Schedule A, Section 4.06(1)(b) is hereby amended and the following added:
(b) Duplex.

READ A FIRST TIME the day of , 2026.

READ A SECOND TIME the day of , 2026.

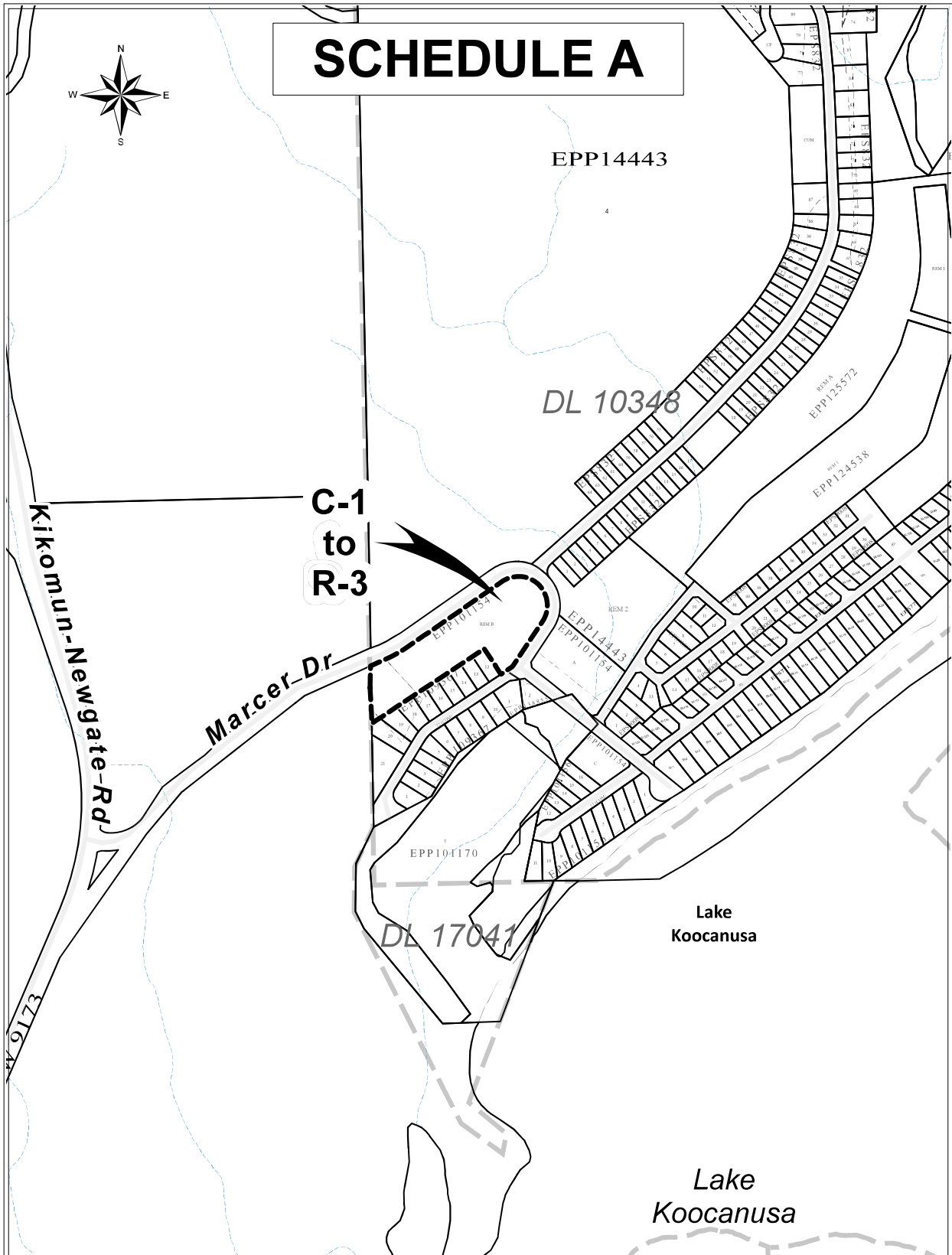
READ A THIRD TIME the day of , 2026.

ADOPTED the day of , 2026.

CHAIR

CORPORATE OFFICER

SCHEDULE A



This is Schedule A referred to in Bylaw No. 3457 cited as "Regional District of East Kootenay – SweetWater Zoning & Floodplain Management Bylaw No. 2127, 2009 – Amendment Bylaw No. 13, 2026 (Kooconusa Village / KV Properties Inc.)."

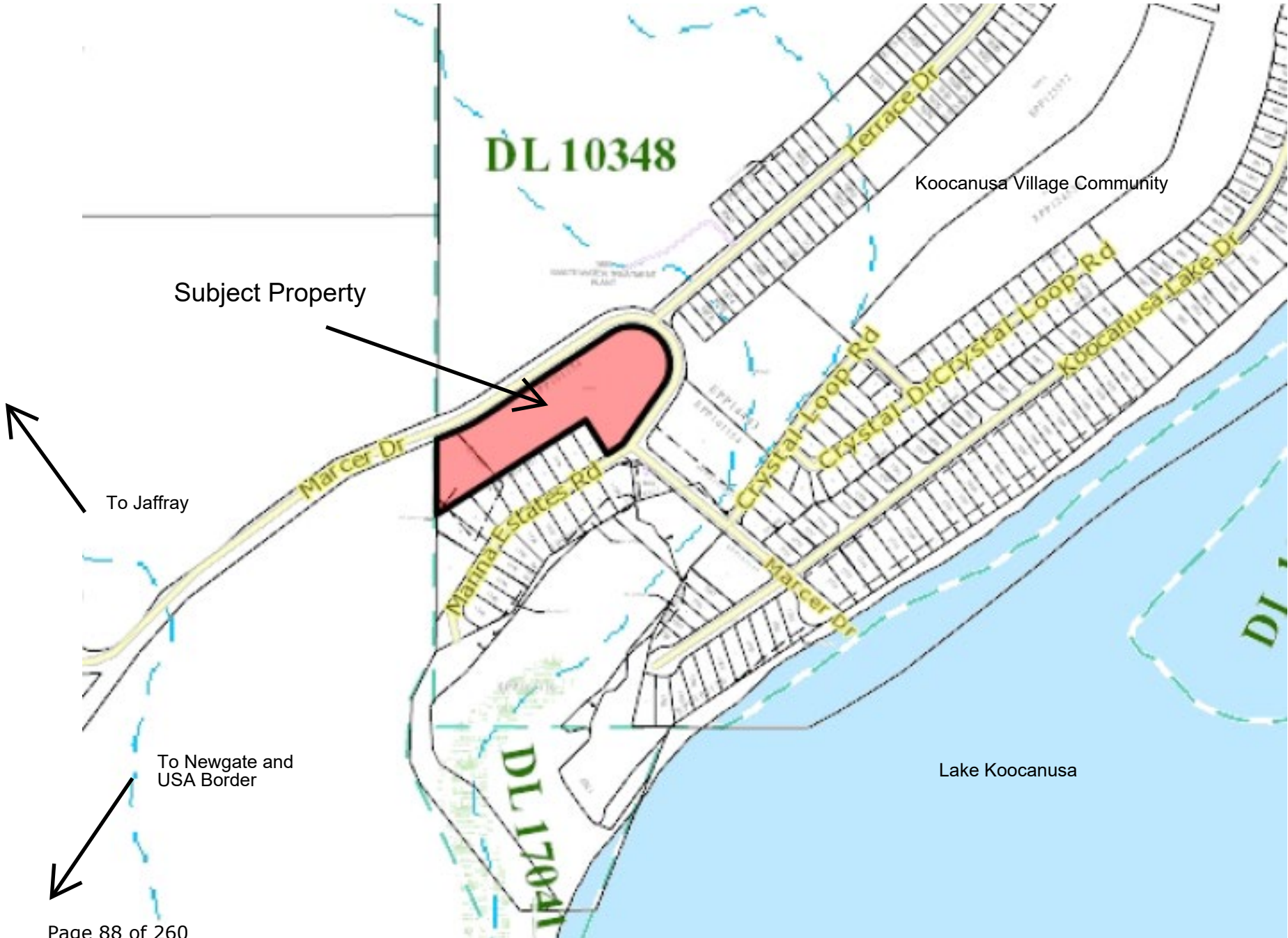
Chair

Corporate Officer

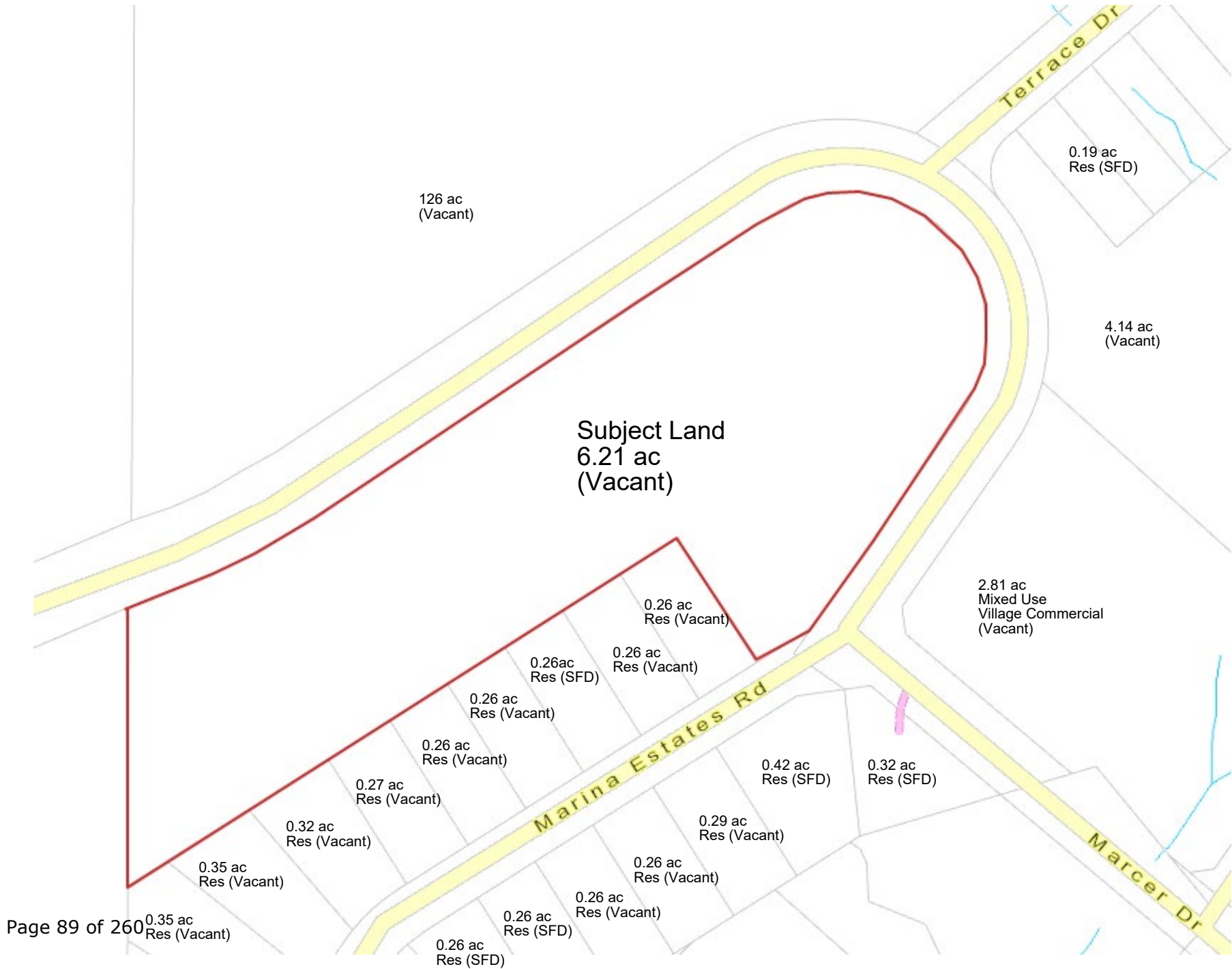
Date

DL 4140

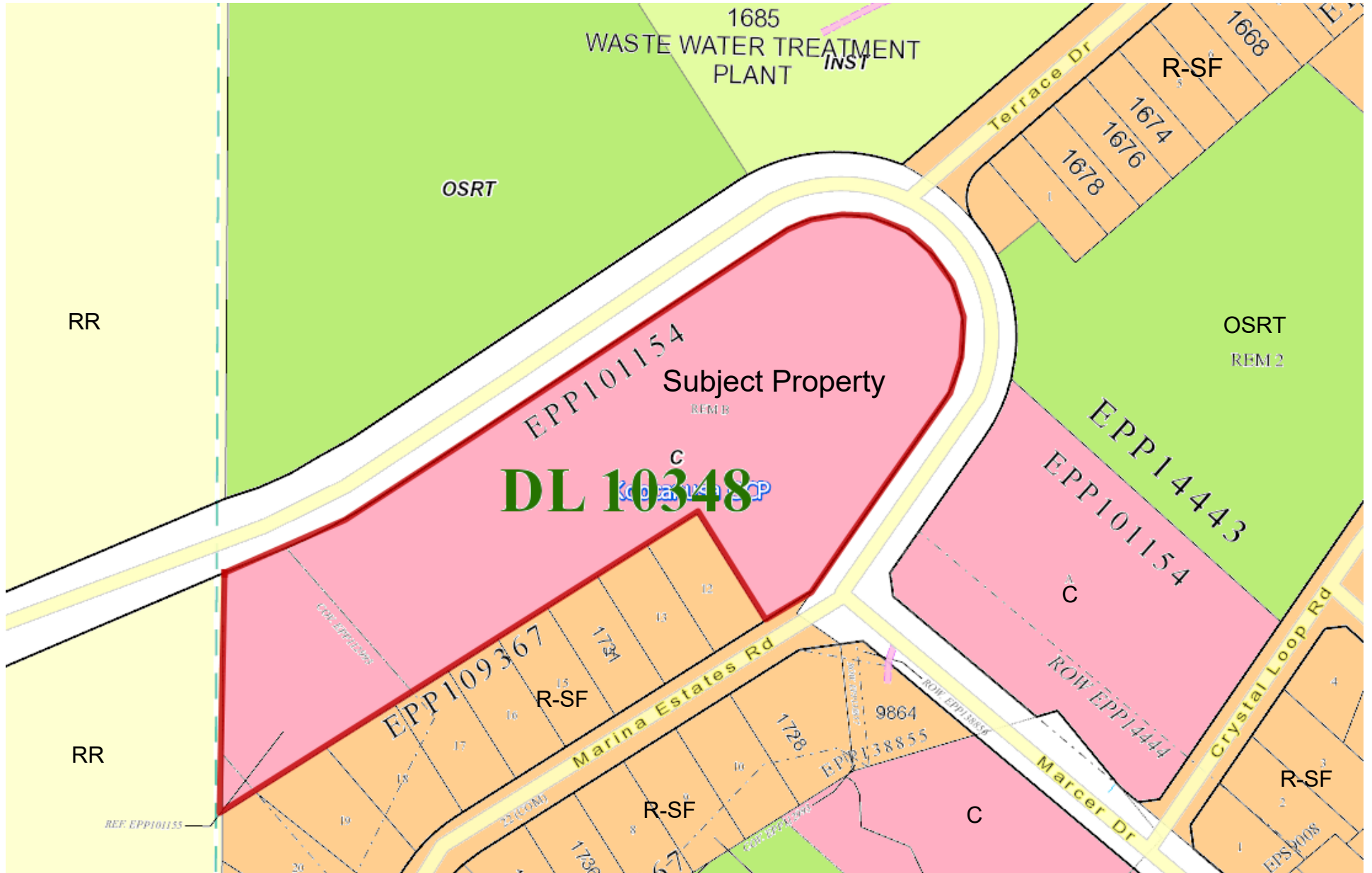
Location Map



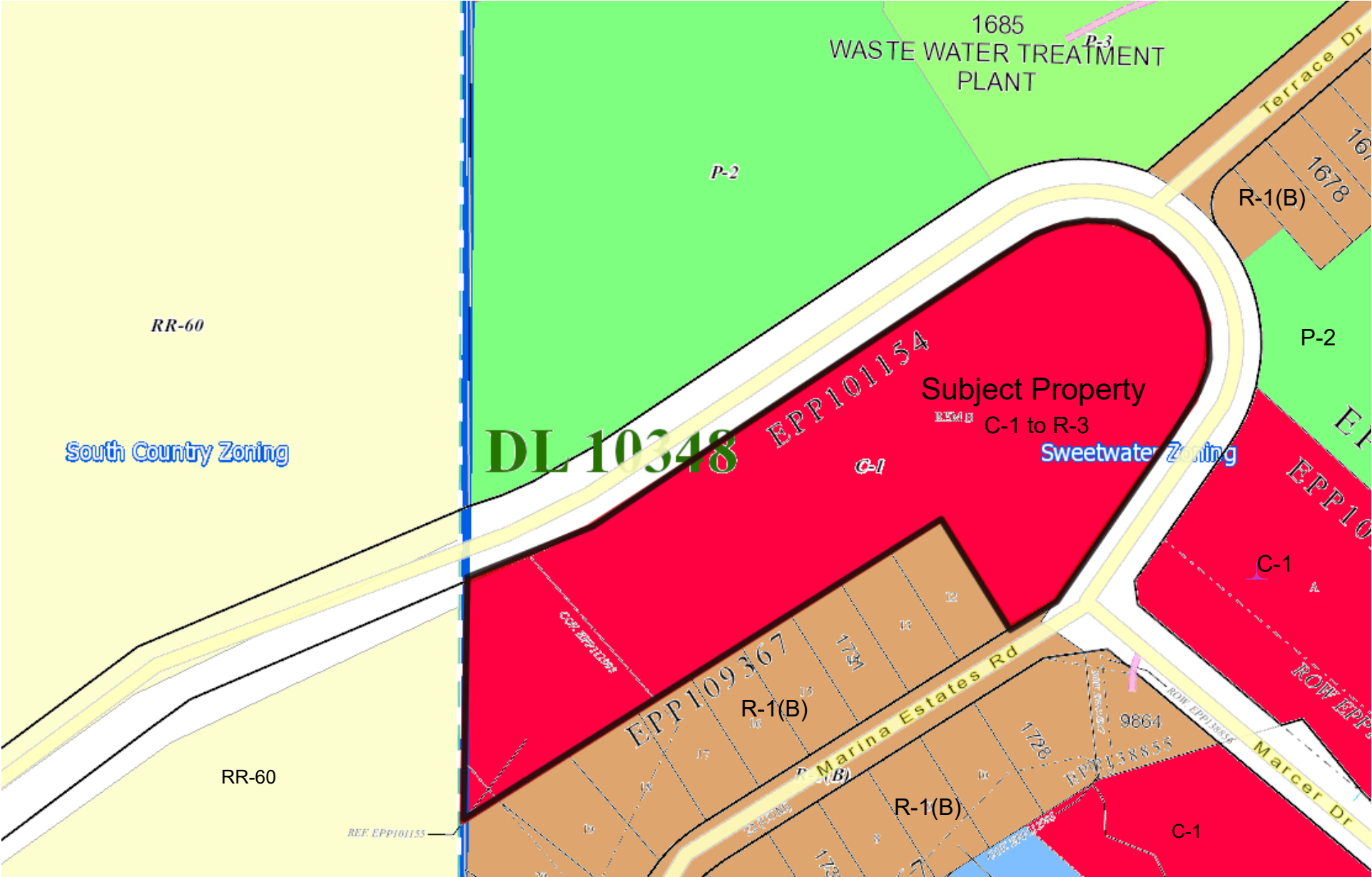
Land Use Map



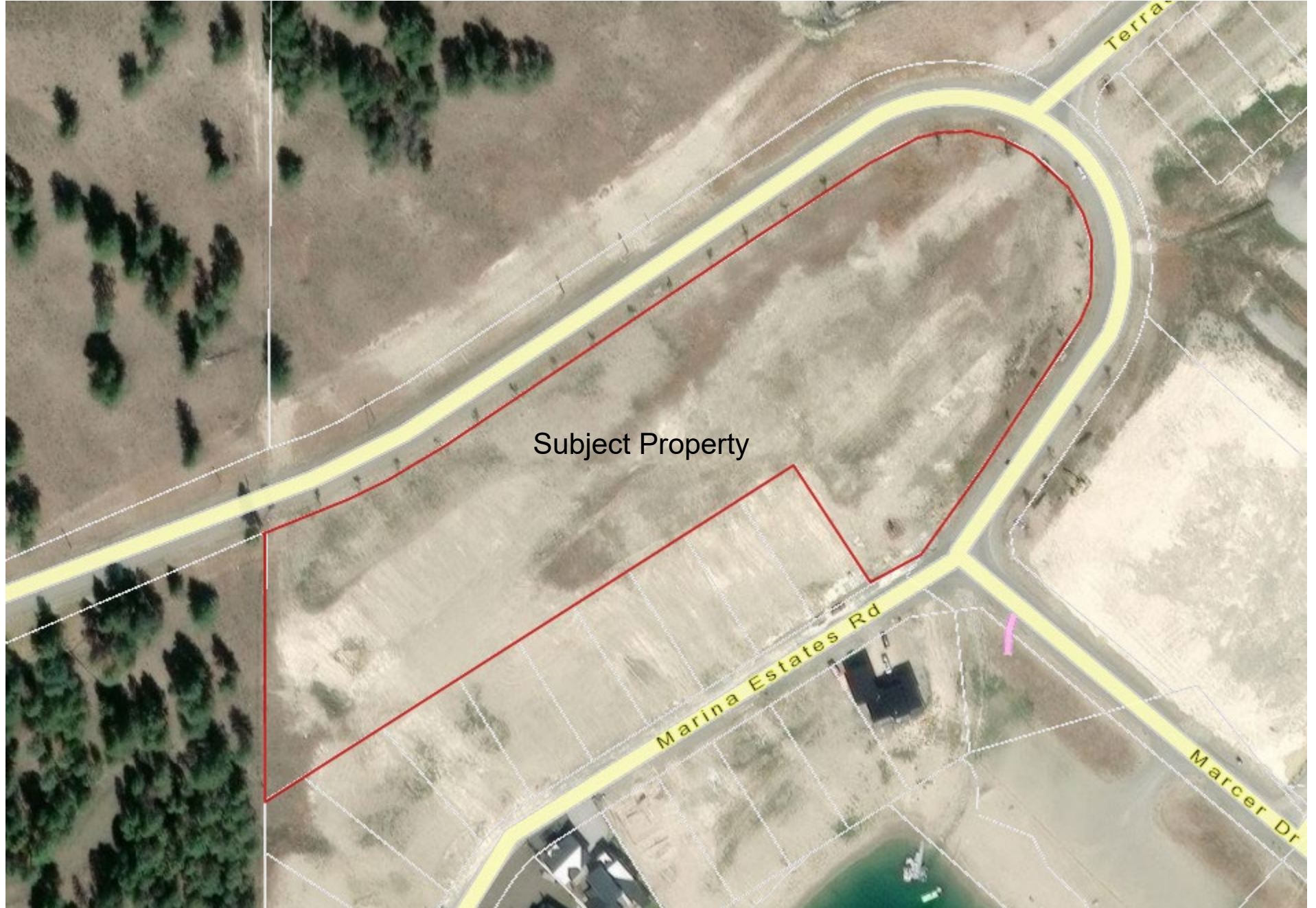
OCP Designation Map

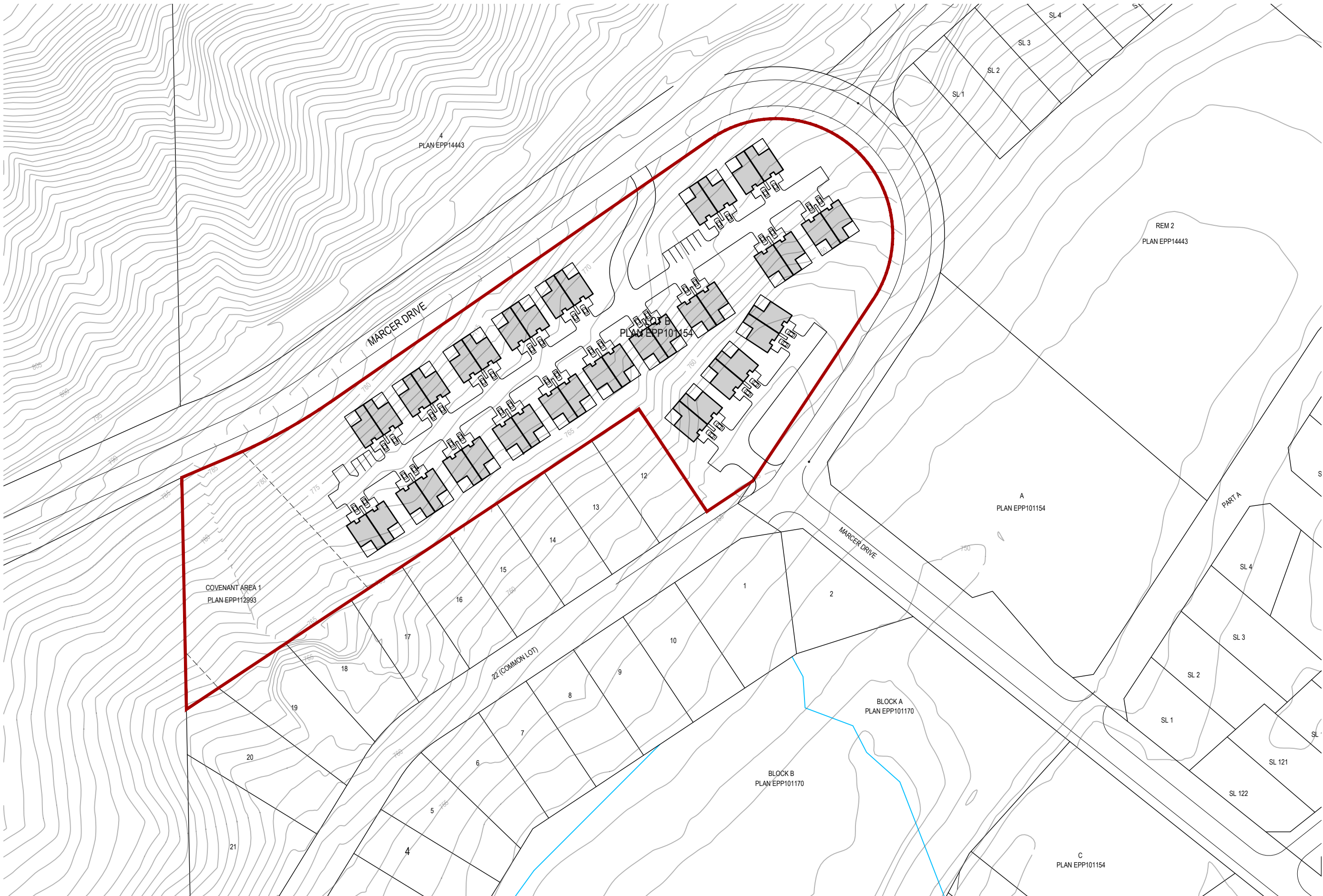


Zoning Map



Aerial Photo





REVISIONS

REV	DATE	DESCRIPTION

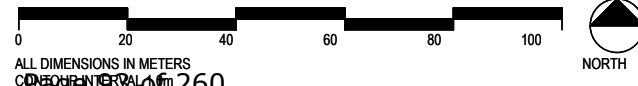
KOOCANUSA VILLAGE

REM LOT B, PLAN EPP101154

SCALE	AS NOTED
DATE	20 NOVEMBER 2025
ISSUED FOR	CLIENT REVIEW
PROJECT NUMBER	12331
DESIGN BY	RH
DRAWN BY	RH

DRAWING TITLE
PRELIMINARY SITE PLAN

DRAWING NUMBER





Date: March 25, 2026
 Bylaw Nos: 3456 & 3457
 Bylaw Name: Kooacanusa Village / KV Properties Inc.
 File No: P 726 205

This referral has been sent to the following Ministries and referral agencies:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Interior Health Authority | <input type="checkbox"/> Resort Mountain Branch (TACS) |
| <input checked="" type="checkbox"/> Transportation & Transit | <input type="checkbox"/> Energy & Climate Solutions |
| <input type="checkbox"/> MEP - Parks & Protected Areas | <input type="checkbox"/> Municipal Affairs & Housing |
| <input type="checkbox"/> MEP - Recreation & Trails | <input checked="" type="checkbox"/> Ktunaxa Nation Council (including Aq'am) |
| <input checked="" type="checkbox"/> MWLRS - Water Management | <input type="checkbox"/> ?Akisq̓nuk First Nation |
| <input checked="" type="checkbox"/> MWLRS - Resource Stewardship (Fish & Wildlife) | <input type="checkbox"/> Shuswap Band |
| <input checked="" type="checkbox"/> MWLRS - Land Authorizations | <input checked="" type="checkbox"/> Yaq̓it ?a-knuq̓li'it (YQT) |
| <input type="checkbox"/> MoF - Resource Management (Forests & Range) | <input checked="" type="checkbox"/> School District #5 |
| <input type="checkbox"/> Mines & Critical Minerals | <input type="checkbox"/> School District #6 |
| <input type="checkbox"/> Agriculture & Food | <input checked="" type="checkbox"/> Telus |
| <input type="checkbox"/> Agricultural Land Commission | <input checked="" type="checkbox"/> BC Hydro |
| <input type="checkbox"/> Municipality: _____ | |

**BYLAW REFERRAL
RESPONSE SUMMARY**

[] Interests unaffected by bylaw

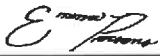
Concerns/Comments:

The Ministry of Transportation and Transit has no objections to the proposed zoning amendment, subject to the following comments:

The applicant must provide a conceptual site design showing the proposed density of the parcel. The site design may be included in either the access permit application (required off Marcer Road) or the future subdivision application if applicable. The Ministry has specific interest in the access and use off Marcer Road. Multi-family, higher density development on this parcel must consider the internal traffic circulation ie: entering, exiting, parking.

Notably, there is a covenant on the title of this property (CA9261984). The covenant identifies no build areas within the subject property. Any questions regarding the covenant and it's relation to this higher density proposal should be directed to the Ministry of Transportation and Transit Provincial Approving Officer, Cliff Razzo: cliff.razzo@gov.bc.ca

Marcer Road and Kikomun-Newgate Road have a 6D Maintenance Class. Increased use of side roads due to the introduction of high density developments does not increase the maintenance class by default. For more information on the highway maintenance contract and the level of maintenance Marcer Road and Kikomun-Newgate Road receive, please refer to the following link: <https://www2.gov.bc.ca/gov/content/transportation/transportation-infrastructure/contracting-to-transportation/highway-bridge-maintenance/highway-maintenance/agreement>

Signed by: 

Print Name: Emma Parsons

Title: Development Services Officer

Agency: Ministry of Transportation and Transit

Date: April 17th, 2026



Request for Decision ALR Non-Farm Use Application

File No: P 726 605
Reference: 103972
Date: April 20, 2026

Subject: ALR Removal of Soil (Forster Creek Area / Dubois)
Applicant: Brent and Tanya Dubois
Agent: Jed Anderson, VAST Resource Solutions Ltd.
Location: 7951 Red Rock Road, Forster Creek area, west of Radium Hot Springs
Legal: District Lot 11032 Kootenay District (PID: 016-818-849)

Proposal: Sand and gravel pit operation.

- Options:**
1. THAT the Agricultural Land Commission be advised the RDEK supports the Dubois ALR Removal of Soil application for property located at 7951 Red Rock Rd in the Forster Creek area.
 2. THAT the Dubois ALR Removal of Soil application for property located at 7951 Red Rock Rd in the Forster Creek area be refused.

Recommendation: Option 1

The proposed use is located on the portion of the property that has the lowest agricultural capability rating and leaves a large remainder of the property available for farming activities in the future.

Property Information:

OCP Designation: RR, Rural Resource which supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

OCP Policies:

- Land in the ALR is generally designated and supported for agricultural use.
- Preservation and continued use of agricultural land for present and future food production is encouraged.
- ALR applications for subdivision, non-farm use, or exclusion should identify opportunities to improve the agricultural capability and provide a net benefit to agriculture for the lands that remain within the ALR.
- Residential, commercial or industrial operations adjacent to land in the ALR are encouraged to utilize adequate buffering, screening and setbacks to minimize the potential for conflicts.

Zoning Designation: A-1, Rural Resource Zone, which has a minimum parcel area requirement of 60 ha. The A-1 zone permits grading, washing, screening, crushing and transporting of sand and gravel resources extracted from the parcel.

Property Information – cont'd:

Parcel Size: 134 ha (331 ac)
Area under application: 3.3 ha (8.1 ac)

Interface Fire Hazard Rating: Low, Moderate and high, not within a fire protection area

BC Assessment: Residential & Farm (Grain & Forage)

Water / Sewer Services: n/a

Flood Hazard Rating: Forster Creek flows through the property. Any work in or about a stream must comply with local and provincial government regulations.

Professional Reports:

A Soil and Agricultural Capability and Suitability Assessment was completed by VAST Resource Solutions for the project dated March 2025. The report concluded that the property has limited suitability for soil-bound agricultural production and non-soil-bound agricultural uses are inappropriate. The proposed development of the sand and gravel pit will not impact the local and/or regional agricultural productive capability of surrounding land uses.

Agricultural Capability Rating:

The subject property has four different soil capability ratings. The southwest half of the area under application has a rating of 70% Class 5 with a limiting factor of topography and 20% Class 4 with a limiting factor of stoniness. This is considered improvable to 70% Class 5 and 30% Class 3 with the same limiting factors. The northeastern half of the area under application is 70% Class 6 and 30% Class 7, both with a limiting factor of topography. This is not considered improvable.

Additional Information:

- The Mine and Reclamation Plan outlines the development for a 20-year life of operation. Over the life of the operation, approximately 175,000 m³ of sand and gravel will be removed at an annual rate of 8,750 m³ per year.
- The resulting total disturbance area will be approximately 3.3 hectares. The disturbance area will consist of one pit, soil salvage stockpiles and a laydown/material processing area.
- Extraction in the proposed pit will occur from the northwest to the southeast in a top-down fashion. Mine development will involve excavators, dozers and loaders to move mined material to screens and crushers for processing. All mining operations will comply with the BC Mines Act and the Health, Safety and Reclamation Code for Mines in BC.
- Operations will occur 12 months of the year, with activities dictated by product demand. The pit is expected to operate between 6 am and 6 pm from Monday to Friday, excluding holidays.
- Highway trucks (tandem axle dumps with full quad pup) will transport material off-site to various customers in the East Kootenay Region, utilizing Westside Road.

**Additional
Information
cont'd:**

- There are no watercourses or surface water bodies within the mine site boundary and no evidence of water entering or leaving the site. Surface water management will consist of site grading, ditches and a sedimentation pond. Extraction activities are not expected to interfere with local groundwater flow or quality.
- At closure, reclamation will involve the removal of all site infrastructure and equipment, removal of remaining mined material stockpiles either off-site to buyers or backfilled to the pit, placement of stockpiled soil and overburden material on exposed benches and/or backfilled benches and seeding in accordance with end land use objectives. The long-term objective of the Reclamation Plan is to return the proposed site to a stable, non-eroding series of benched pastures that support agricultural values such as domestic livestock grazing or forage production values equivalent to pre-disturbance capability.

Consultation:

APC Area F&G: Support recommended

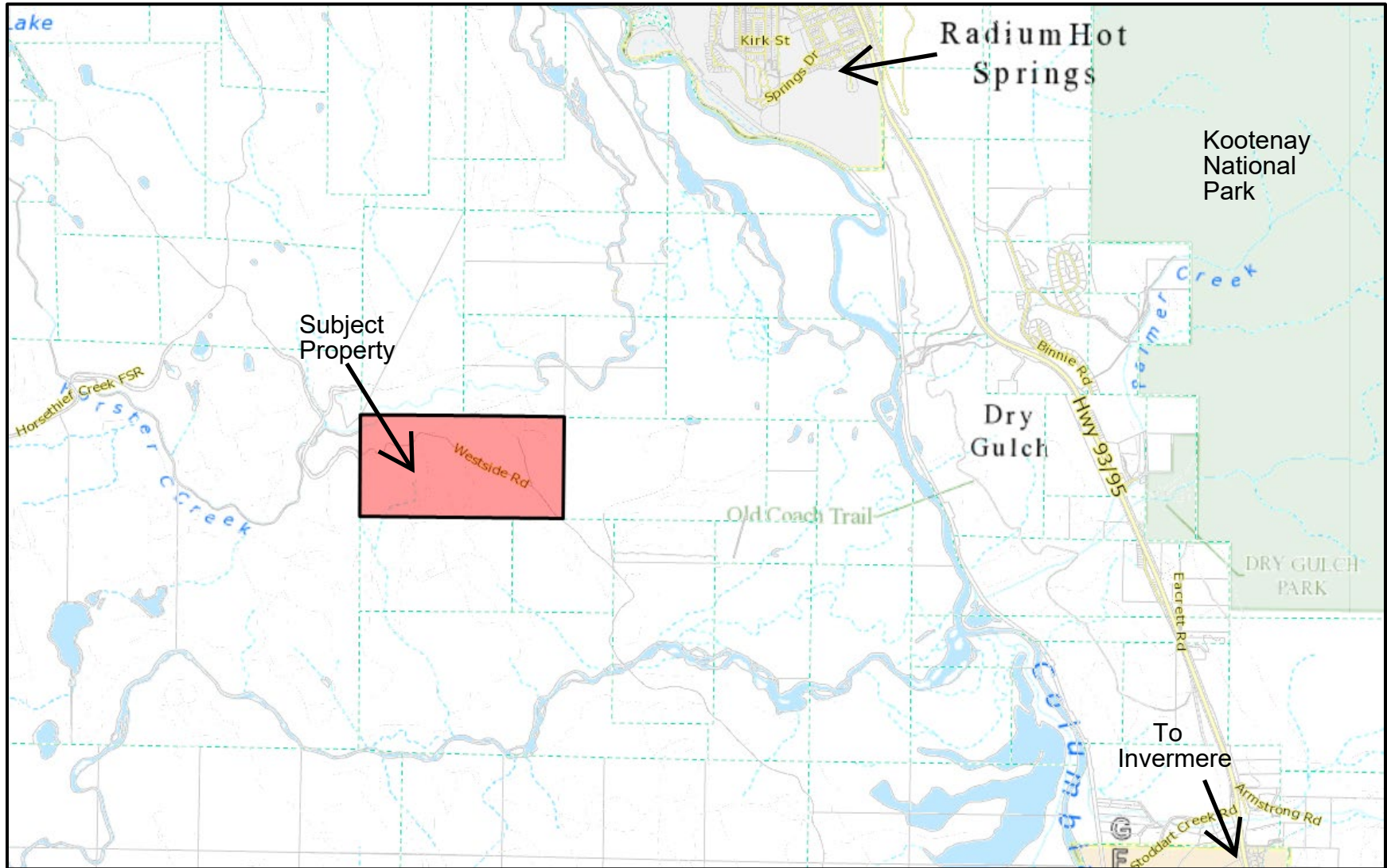
**Documents
Attached:**

- Location Map
- ALR Boundary Map
- Land Use Map
- Agricultural Capability Map and Key
- Zone Designation Map
- Site Plan
- Mine Plan
- Aerial Map

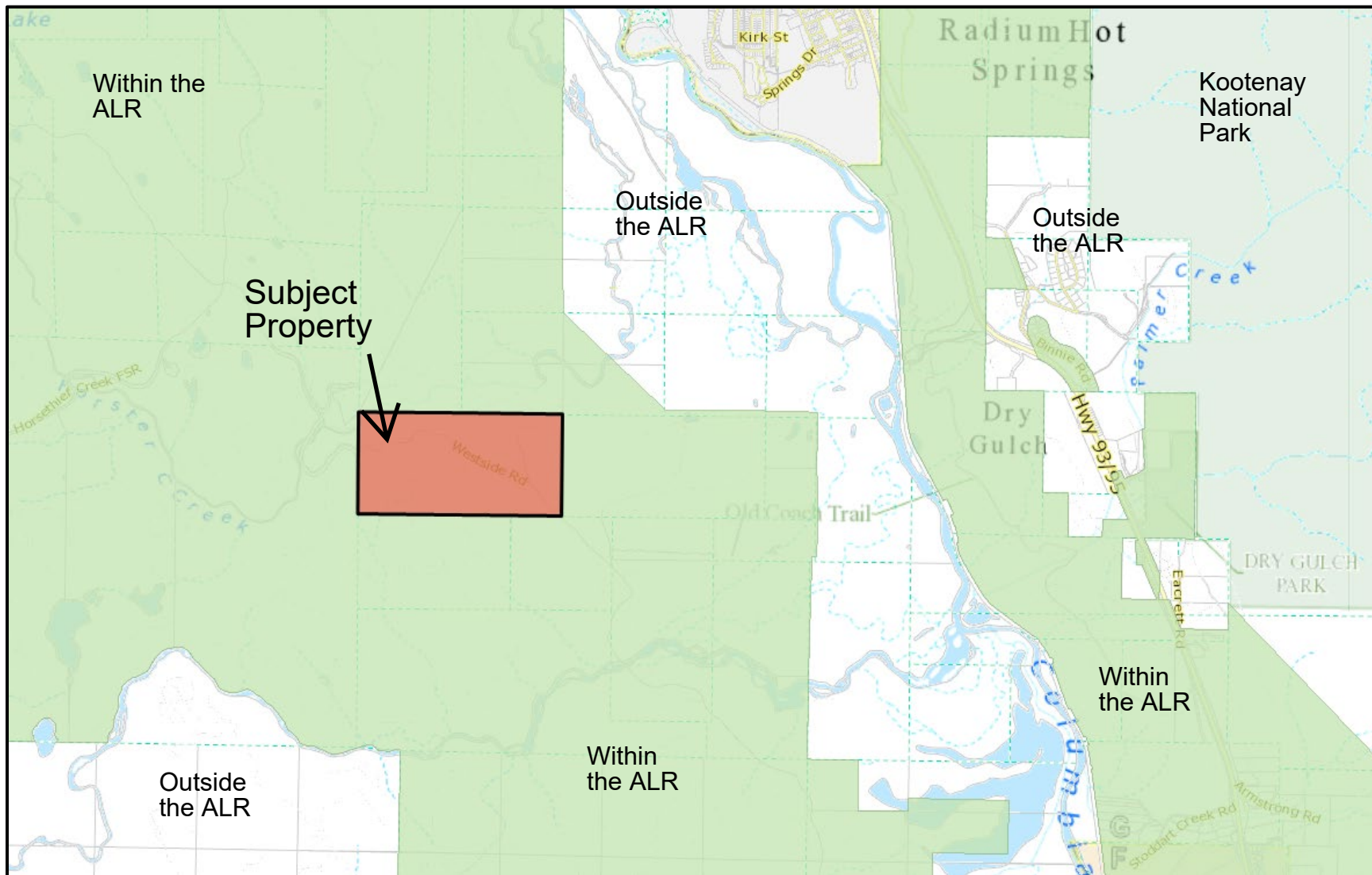
**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca

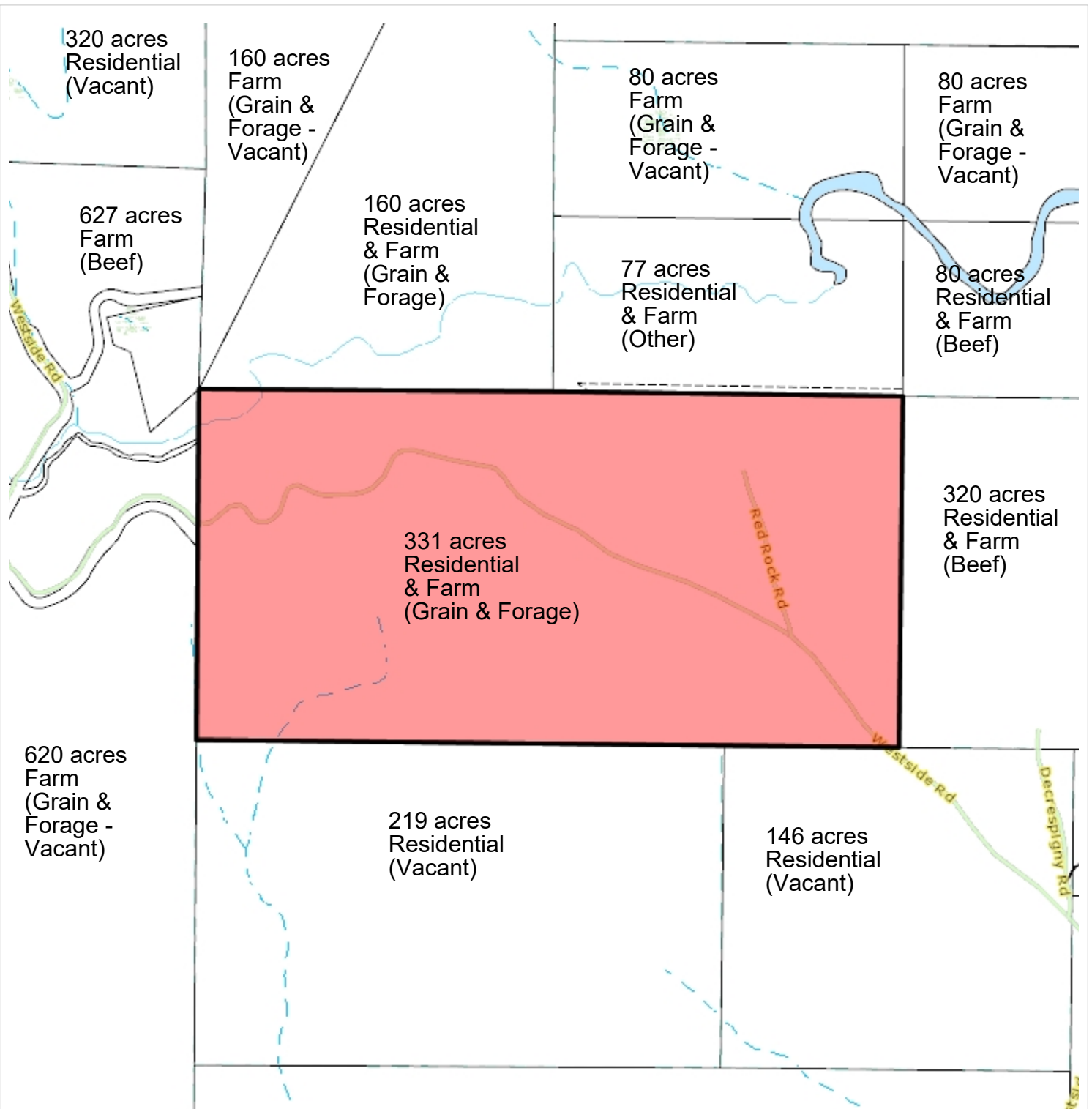
Location Map



ALR Boundary Map



Land Use Map



Notes:



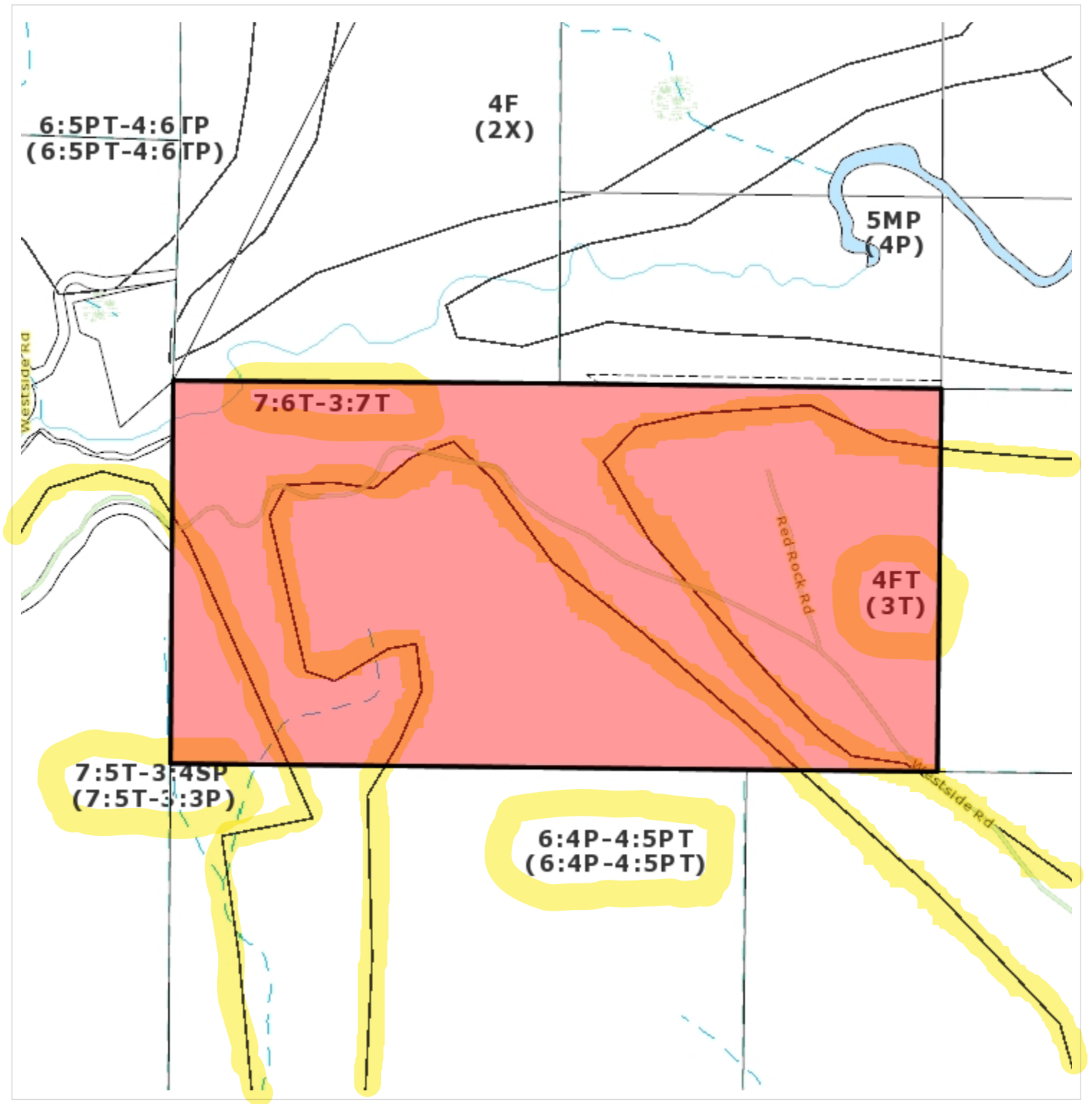
Scale = 1 : 20,000



THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Agricultural Capability Map



Notes:



Scale = 1: 18,000



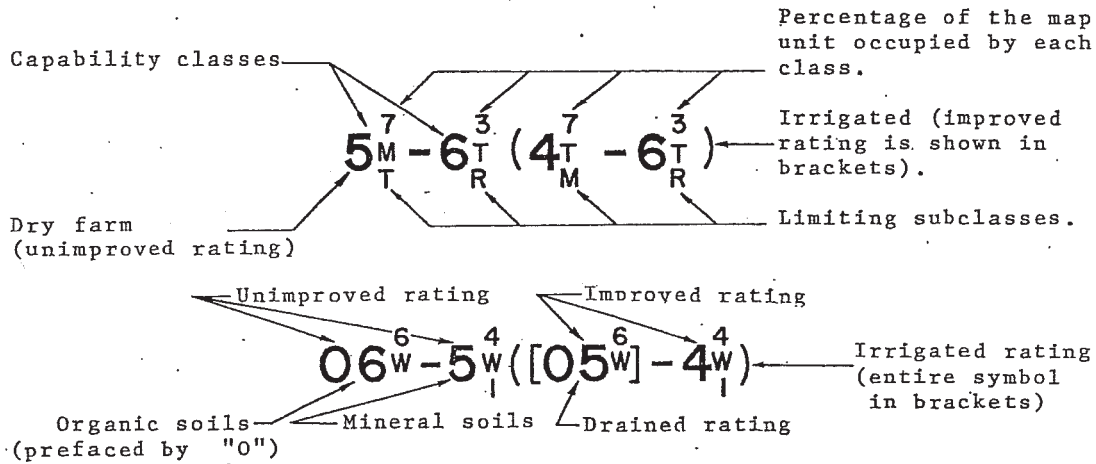
THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

KEY FOR INTERPRETATION OF AGRICULTURE CAPABILITY MANUSCRIPT MAPS (B.C.)

There are 7 capability classes for agriculture with 1 representing the highest class and 7 representing the lowest. In some areas of the province, two ratings are shown: one for dry farming and a second for irrigated or drained (improved) conditions. The irrigated ratings are shown enclosed in round brackets while the drained ratings appear in square brackets. In all cases improved ratings have precedence over dry farm ratings.

Example Classifications



The agriculture capability classes are determined on the relative range of crops the land can produce.

a) Capability Classes

- Class 1 - widest range of crops
- Class 2
- Class 3 } reduced range of crops caused by a number of limiting
- Class 4 } factors (subclasses)
- Class 5 - only permanent pasture or forage
- Class 6 - natural grazing
- Class 7 - no productivity

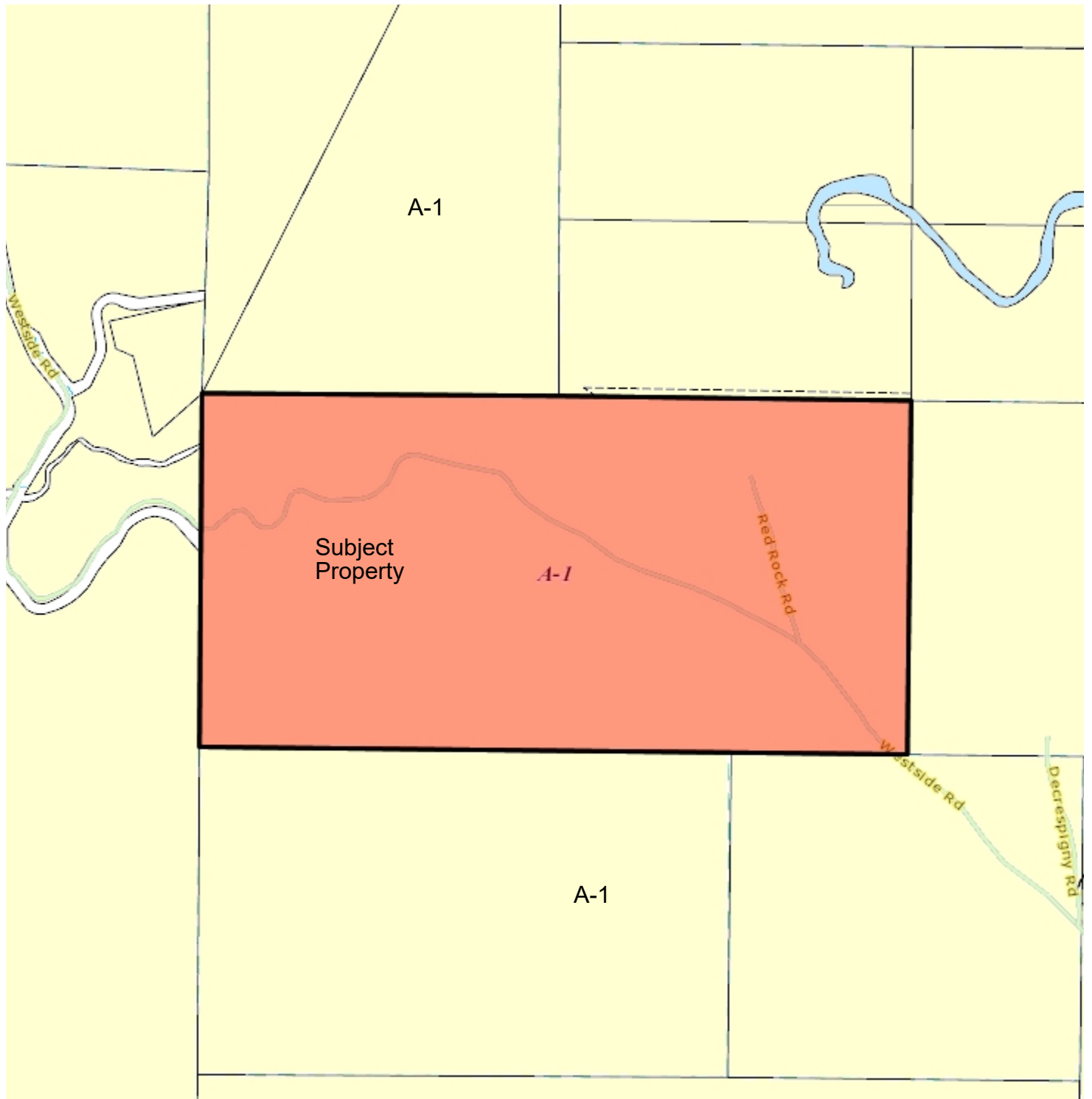
b) Limiting Subclasses

- C - adverse climate
- D - undesirable soil structure
- E - erosion
- F - low fertility
- I - inundation (flooding)
- M - moisture deficiency (droughtiness)
- N - salts
- P - stoniness
- R - bedrock near the surface
- T - topography (slope)
- W - excess water
- X - combination of soil factors
- S - cumulative and minor adverse characteristics

Tree fruit and grape growing areas: these crops are tolerant of soil conditions that limit field crops. Steep and stonier soils in suited climates have been upgraded to accommodate the expanded range of crops. e.g. A class 5T soil dry farmed becomes a 3T irrigated in an area climatically suited to tree fruits.

Note: A more detailed 16 page manual entitled Soil Capability Classification for Agriculture is available from the Lands Directorate, Lands Forests and Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A 0H3.

Zone Designation Map



Notes:

500 0 250 500 Meters

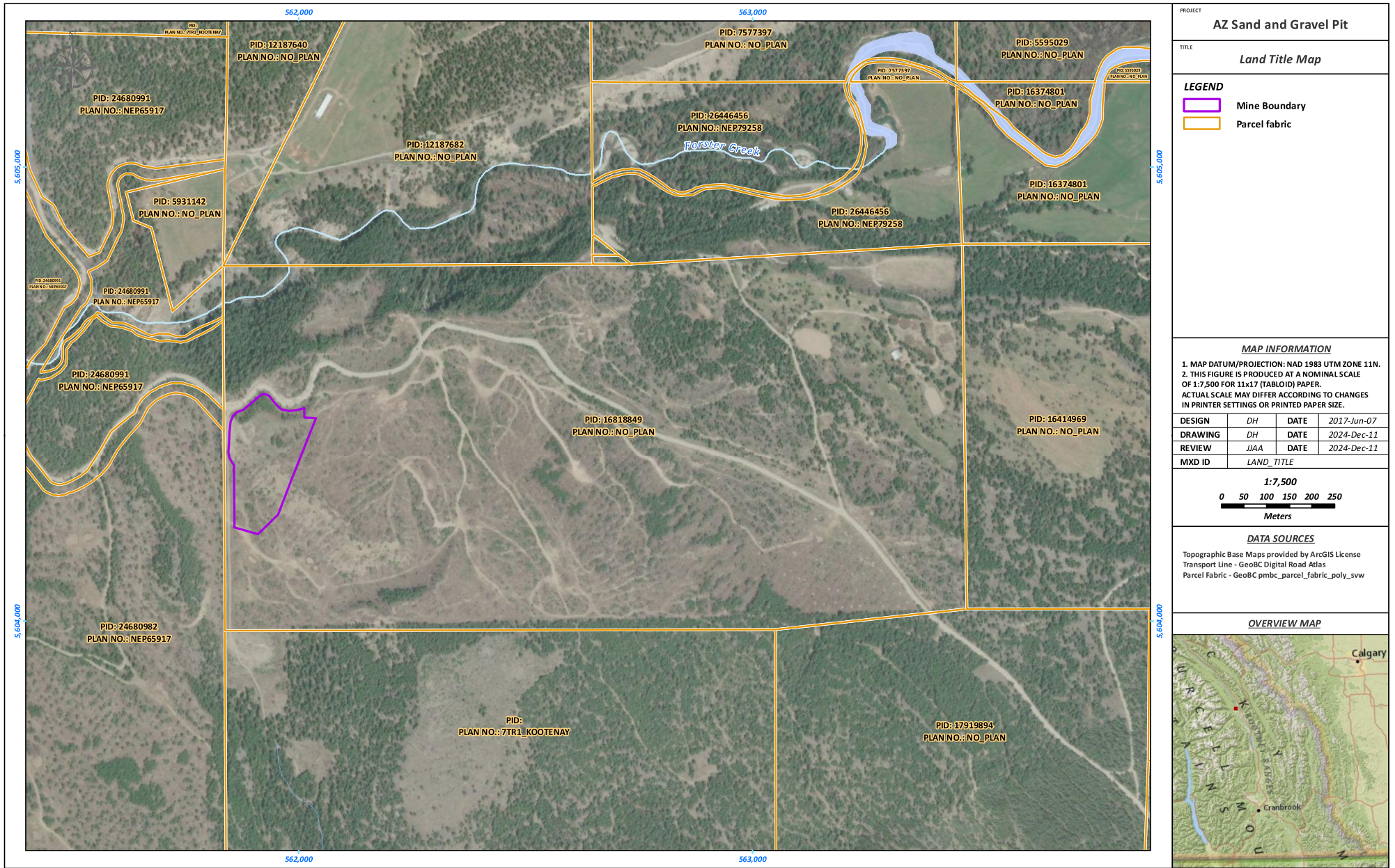
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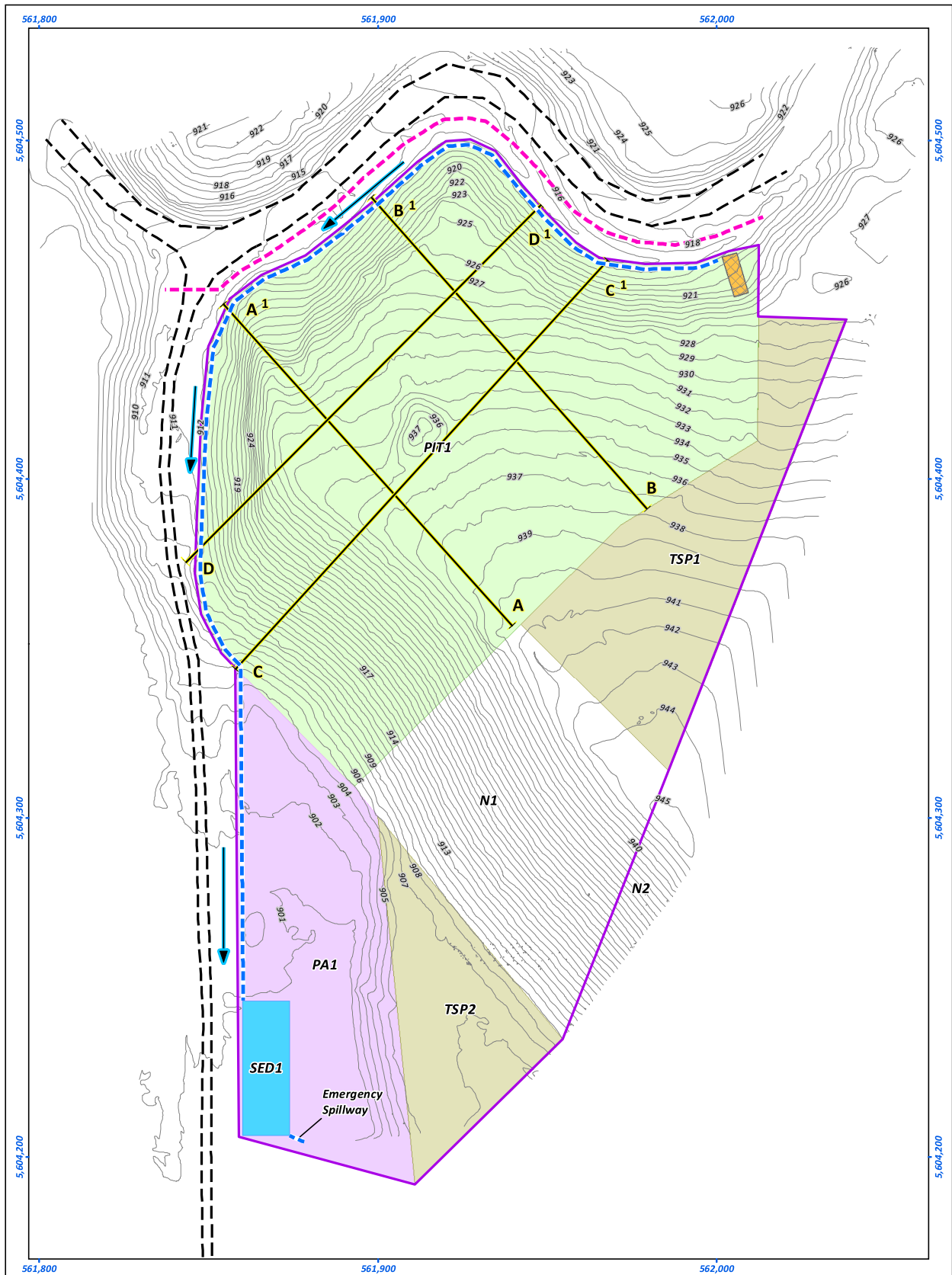
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Site Plan



Mine Plan



PROJECT
AZ Sand and Gravel Pit

TITLE
Site Plan

Scale: 1:1,100
0 10 20 30 40 50 Meters

LEGEND

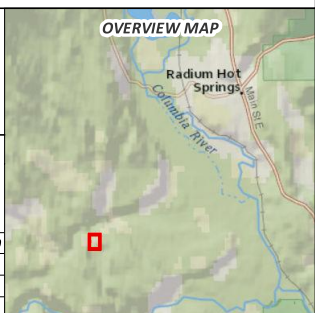
- Mine Boundary
- Pit
- Processing Area
- Topsoil Stockpile
- Berm
- Sedimentation Pond
- Cross Section
- Road Edge
- Mine Ditch
- Road Ditch
- ➔ Flow Direction

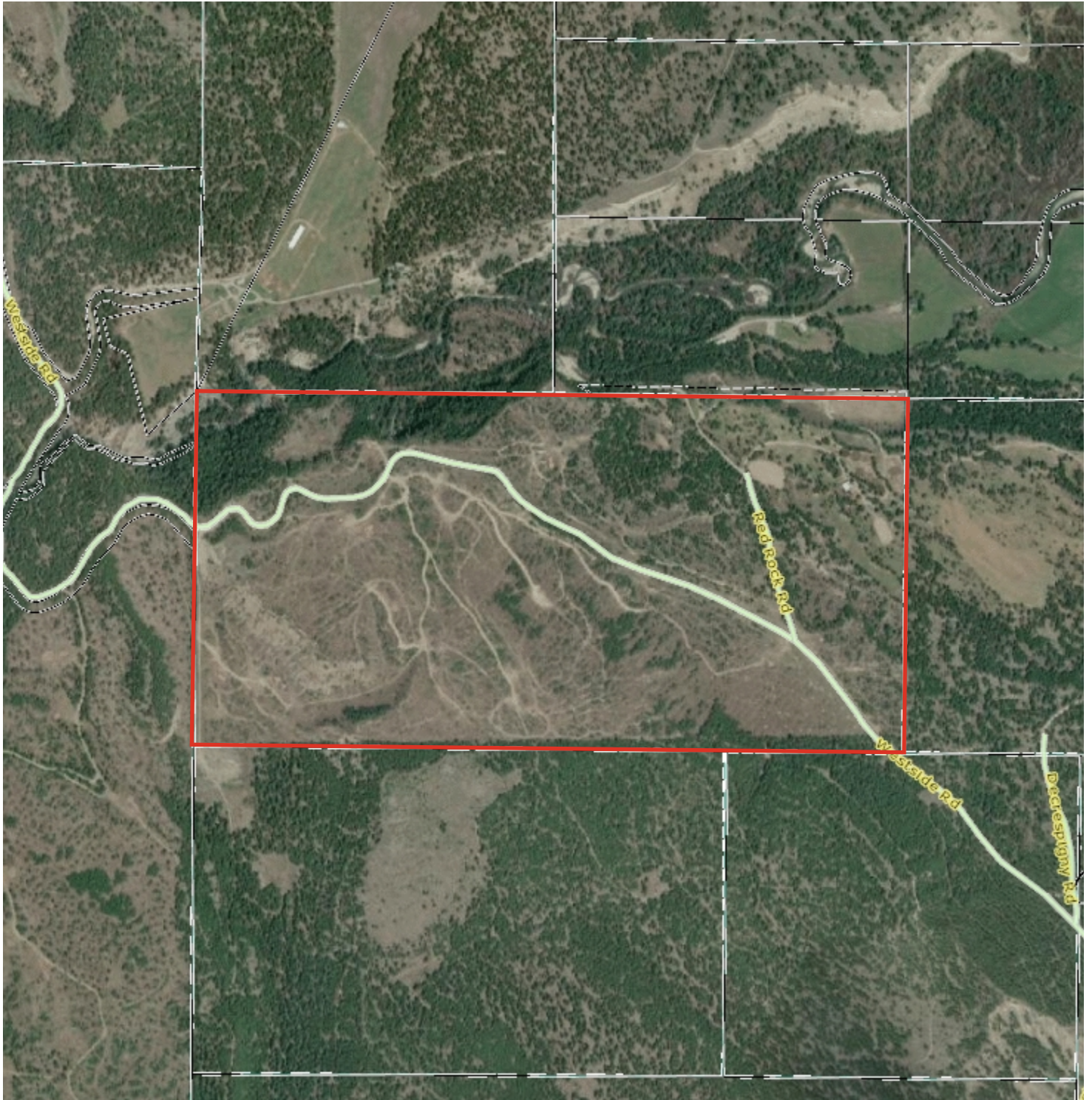
DATA SOURCES
Topographic Base Maps provided by ArcGIS License

MAP INFORMATION

- MAP PRODUCED BY VAST RESOURCE SOLUTIONS.
- MAP DATUM/PROJECTION: NAD 1983 UTM ZONE 11N.
- THIS FIGURE IS PRODUCED AT A NOMINAL SCALE OF 1:1,100 FOR 11x17 (TABLOID) PAPER.

DESIGN	DTH	DATE
		2022-May-30
DRAWING	DTH	DATE
		2025-Jan-13
REVIEW	JJAA	DATE
		2025-Jan-13
FILE #	SITE_MAP	





Notes:

500 0 250 500 Meters

Scale = 1 : 20,000



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Request for Decision ALR Subdivision Application

File No: P 726 109
Reference: 105781
Date: April 29, 2026

- Subject:** ALR Subdivision (Elkford / The Nature Conservancy of Canada)
Applicant: Alex McLeod, The Nature Conservancy of Canada
Agent: Richard Haworth, Haworth Development Consulting Ltd.
Location: Fording River Road, Elkford
Legal: That Part of Parcel 35 (See 85163i) Which Lies to the North of the Extension Easterly of the Southerly Boundary of District Lot 3049 to the Easterly Boundary, District Lot 4588 Kootenay District, Except Parts Included in Plans S9330, 11279, 12976, 12977, 12978, 12979, 12980, 15889, NEP21818, NEP70656 and EPP117099 (PID: 011-826-193)
- Proposal:** To subdivide two new parcels from an 8837 ha property, leaving an 8618 ha remainder. The subject property is within both the RDEK and the District of Elkford and a portion is designated ALR.
- Options:**
1. THAT the Agricultural Land Commission be advised the RDEK supports the Nature Conservancy of Canada ALR subdivision application for property located on Fording River Road, near Elkford.
 2. THAT the Nature Conservancy of Canada ALR subdivision application for property located on Fording River Road near Elkford, be refused.
- Recommendation: Option 1**
- Agricultural uses on the subject property are minimal, low suitability for soil-bound cultivated agriculture, mostly forested with limited cattle grazing occurring on parts of the property, but the property is large enough to support any existing or proposed agricultural activity.
- If successfully subdivided the two proposed parcels will be transferred to the Yaqit ʔa·knuqʔit First Nation for traditional agricultural use purposes and for protection of cultural values on the land.

-
- Property Information:**
- OCP Designation:** RR, Rural Resource which supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.
- OCP Policies:**
- Land in the ALR is generally designated and supported for agricultural use.
 - Preservation and continued use of agricultural land for present and future food production is encouraged.

Property Information – cont'd:

- ALR applications for subdivision, non-farm use, or exclusion should identify opportunities to improve the agricultural capability and provide a net benefit to agriculture for the lands that remain within the ALR.

Zoning Designation: RR-60, Rural Resource Zone, which has a minimum parcel area requirement of 60 ha.

Parcel Size: Total area: 8837 ha

Portion within District of Elkford: 1864 ha

Portion within RDEK: 6972 ha

Parcel Area within ALR: 1991 ha

Proposed Lot 1 (North): 98 ha +/-

Proposed Lot 2 (South): 121 ha +/-

Proposed Remainder: 8618 ha

Interface Fire Hazard Rating: Low, not within a fire protection service area.

BC Assessment: Vacant

Water / Sewer Services: No servicing is identified in the application. RDEK Subdivision Servicing Bylaw requirements will need to be met at the subdivision referral stage, if application moves forward.

Flood Hazard Rating: The property has Fording River and several creeks running through it and the Elk River borders it. Any work in or around waterbodies must comply with local and provincial government regulations.

Professional Reports:

NWP Coal Canada and Yaqit ᑭᓐᓕᓕᓐᓂᓐᓂᓐ First Nation are undertaking an archaeological assessment of proposed Lot 1 and Lot 2 to further enhance their understanding of the cultural values of these lands.

Pathways Archaeological Cooperative has been engaged by NWP Coal Canada to complete an Archaeological Impact Assessment (AIA) for the subject properties. The AIA is currently in progress and only a high-level assessment has been completed to date.

Agricultural Capability Rating:

North Parcel - Proposed Lot 1 ranges from Classes 4 to 6. About ½ the proposed lot is Class 6 with limiting subclasses of excess water, low fertility, and topography. Sections in the north and west of the proposed lot are Class 5 with a limiting subclass of adverse climate. There is a southerly section of the proposed lot that is considered 80% Class 4 with a limiting subclass of topography and about 20% Class 5 with limiting subclasses of topography and stoniness. The land comprising the proposed northerly lot is not considered improvable for agricultural capability.

**Agricultural
Capability Rating
– cont'd:**

South Parcel – Proposed Lot 2 ranges from Class 3 to 6. Just less than ½ of the proposed lot is considered 90% Class 5 with limiting subclasses of moisture deficiency and flood (water inundation) and about 10% Class 6 with a limiting subclass of topography. A large portion is Class 5 with limiting subclasses of moisture deficiency and stoniness and this portion is considered improvable to Class 4 with only moisture deficiency as a limiting subclass. A small, more central portion of the proposed lot is Class 3 with a limiting subclass of adverse climate.

**Additional
Information:**

- The application states there is limited agricultural activity on the land due to topographic, climatic and soil limitations.
- Previous property owners' logging operations served to open lands for cattle grazing but no fencing, irrigation or farm buildings exist on the property.
- The proposal will allow the continued use of the remainder parcel for agriculture use.
- NWP Coal Canada Ltd. has an option to purchase the two proposed parcels, and in cooperation with the Yaq̓it ᑎᑎᑎᑎᑎᑎᑎᑎ First Nation (formerly Tobacco Plains Indian Band) are proposing to subdivide them from the subject property.
- The Nature Conservancy of Canada (NCC) will continue to own the remainder of the subject property.
- NWP Coal Canada Ltd. will transfer the titles for both new parcels to Yaq̓it ᑎᑎᑎᑎᑎᑎᑎᑎ First Nation for their ongoing agricultural, conservation and traditional use purposes and to protect their cultural values.
- The existing access road that bisects the property from north to south, Sulphur Springs Road, is a private road owned by the landowner. The applicant proposes to register an easement over this existing roadway in order to satisfy the subdivision requirement and permit access to the proposed North and South parcels. The approximate total area of the road easement would be 37.6 ha, with approximately 17.6 ha within the ALR.
- The proposed easement will be in favor of the parcels being subdivided and registered over the remaining lands and only permit the property owner access. It is not intended for public use, but the option to allow the public to use the existing road will be determined by the NCC.
- To ensure the lands are not used for residential purposes, the applicant will register a no-build covenant on the property to restrict development of any habitable building or structure; farm structures and other non-habitable buildings and structures will be excluded from the covenant.
- Members of the Yaq̓it ᑎᑎᑎᑎᑎᑎᑎᑎ First Nation have traditionally utilized the lands in this area for spiritual, cultural, social and economic purposes.
- Letter of support from Yaq̓it ᑎᑎᑎᑎᑎᑎᑎᑎ First Nation was submitted with the application (attached).

**Additional
Information –
cont'd:**

North Parcel (Proposed Lot 1)

- The proposed North Parcel is located partially in the ALR and is within both the RDEK and District of Elkford, bound west by the Elk River and east by Sulphur Springs Road.
- The North Parcel includes significant wetland and riparian areas.
- It is the applicants' intention to conserve these lands to protect the Sulphur Spring and surrounding ecological habitat.

South Parcel (Proposed Lot 2)

- The proposed South Parcel is entirely within the ALR and the RDEK.
- This parcel contains culturally important lands and there are identified archaeological sites which the applicant is obliged to protect under the *Heritage Conservation Act*.
- The District of Elkford supported this ALR Subdivision application at the regular meeting of Council held on March 23, 2026.

Consultation:

APC Area A: Support recommended.

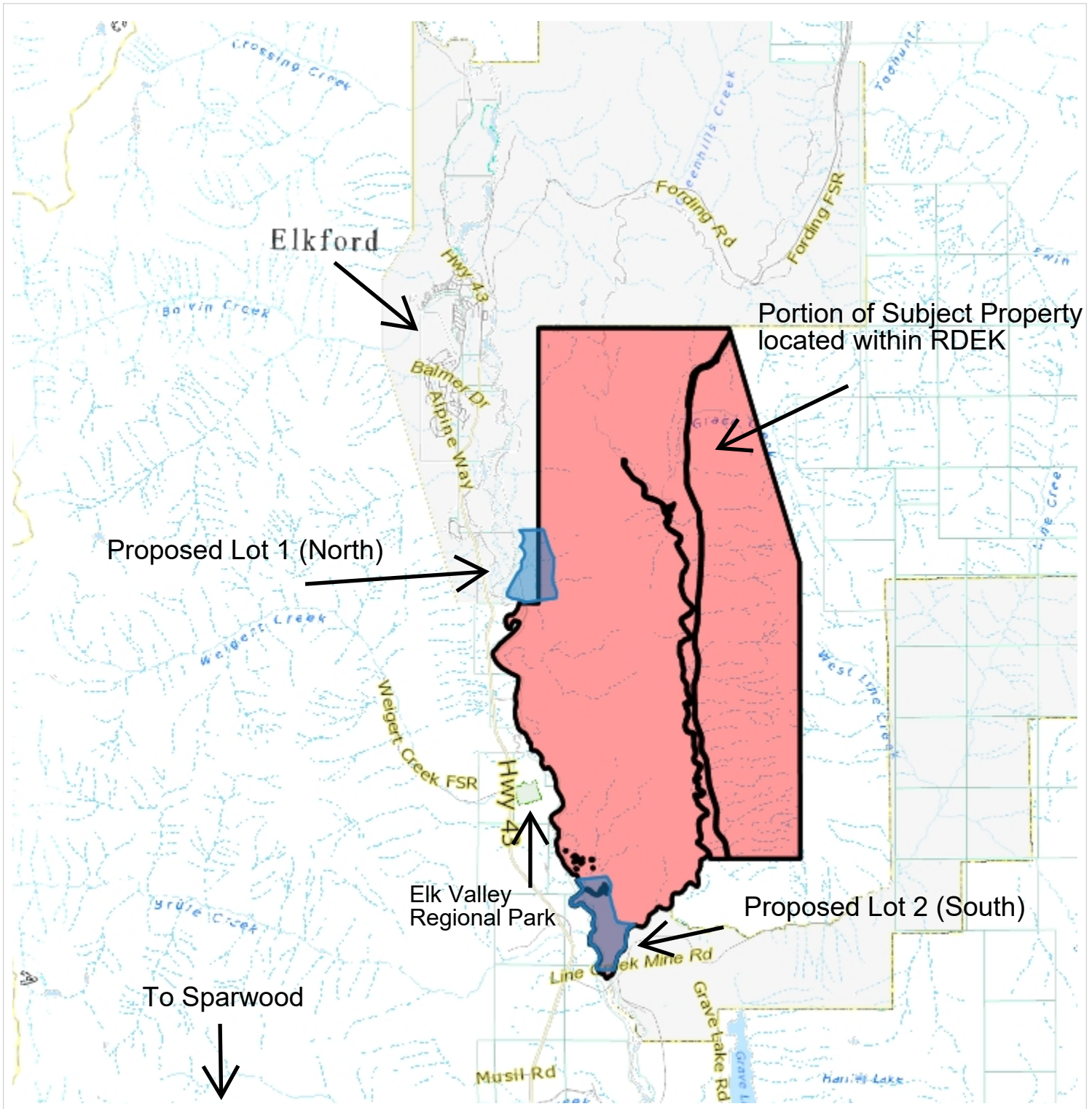
**Documents
Attached:**

- Location Map
- Proposed Subdivision Plan
- ALR Boundary Map
- Agricultural Capability Maps & Key
- OCP Map
- Zoning Map
- Aerial Map
- Site Maps provided by applicant
 - Existing Property with Aerial Photo
 - Existing Property with ALR Lands
 - North Parcel illustrating ALR Boundary and existing conditions
 - South Parcel illustrating ALR Boundary and existing conditions
- Letter of Support from Yaqit ʔa·knuqʔit First Nation

**RDEK
Contact:**

Rhiannon Chippett, T/Planning Technician
Phone: 250-489-6903
Email: rchippett@rdek.bc.ca

Location Map



Notes:

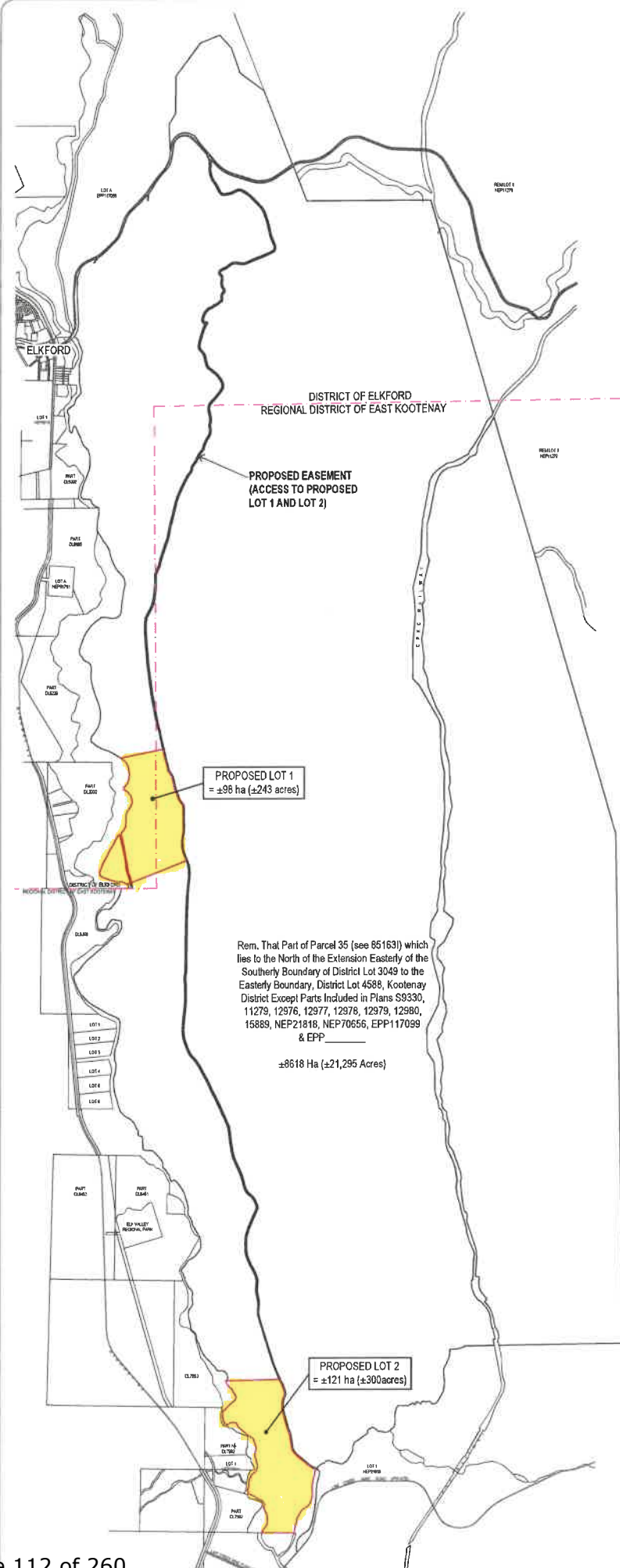
4,866 0 2,433 4,866 Meters

Scale = 1: 194,584



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PLAN OF SUBDIVISION

Legal Description:	Remainder That Part of Parcel 35 (see 65163) which lies to the North of the Extension Easterly of the Southerly Boundary of District Lot 3049 to the Easterly Boundary, District Lot 4588, Kootenay District Except Parts Included in Plans S9330, 11279, 12976, 12977, 12978, 12979, 12980, 15689, NEP21818, NEP70656, EPP117099 & EPP _____
Property Owner:	The Nature Conservancy of Canada 200 - 825 Broughton Avenue, Victoria, BC V8W 1E5
Parcel Area:	±8618 Ha (±21,295 Acres)
Parcel Area within ALR:	±1809 Ha (±4,470 Acres)
Legal Description:	Proposed Lot 1, District Lot 4588, Kootenay District, Plan EPP _____
Property Owner:	Yaqil 7a Inuq/it First Nation PO Box 76 Grassmere, BC V0B 1R0
Parcel Area:	±96 ha (±243 Acres)
Parcel Area within ALR:	±62 Ha (±153 Acres)
Legal Description:	Proposed Lot 2, District Lot 4588, Kootenay District, Plan EPP _____
Property Owner:	Yaqil 7a Inuq/it First Nation PO Box 76 Grassmere, BC V0B 1R0
Parcel Area:	±121 Ha (±300 Acres)
Parcel Area within ALR:	±121 Ha (±300 Acres)

Rem. That Part of Parcel 35 (see 65163) which lies to the North of the Extension Easterly of the Southerly Boundary of District Lot 3049 to the Easterly Boundary, District Lot 4588, Kootenay District Except Parts Included in Plans S9330, 11279, 12976, 12977, 12978, 12979, 12980, 15689, NEP21818, NEP70656, EPP117099 & EPP _____

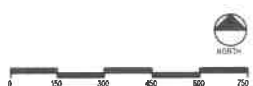
±8618 Ha (±21,295 Acres)

HAWORTH
Development Consulting
Box 223, Suite 203, 526 - 7th Avenue,
Invermere, British Columbia V0A 1K0
T. 250.342.1227

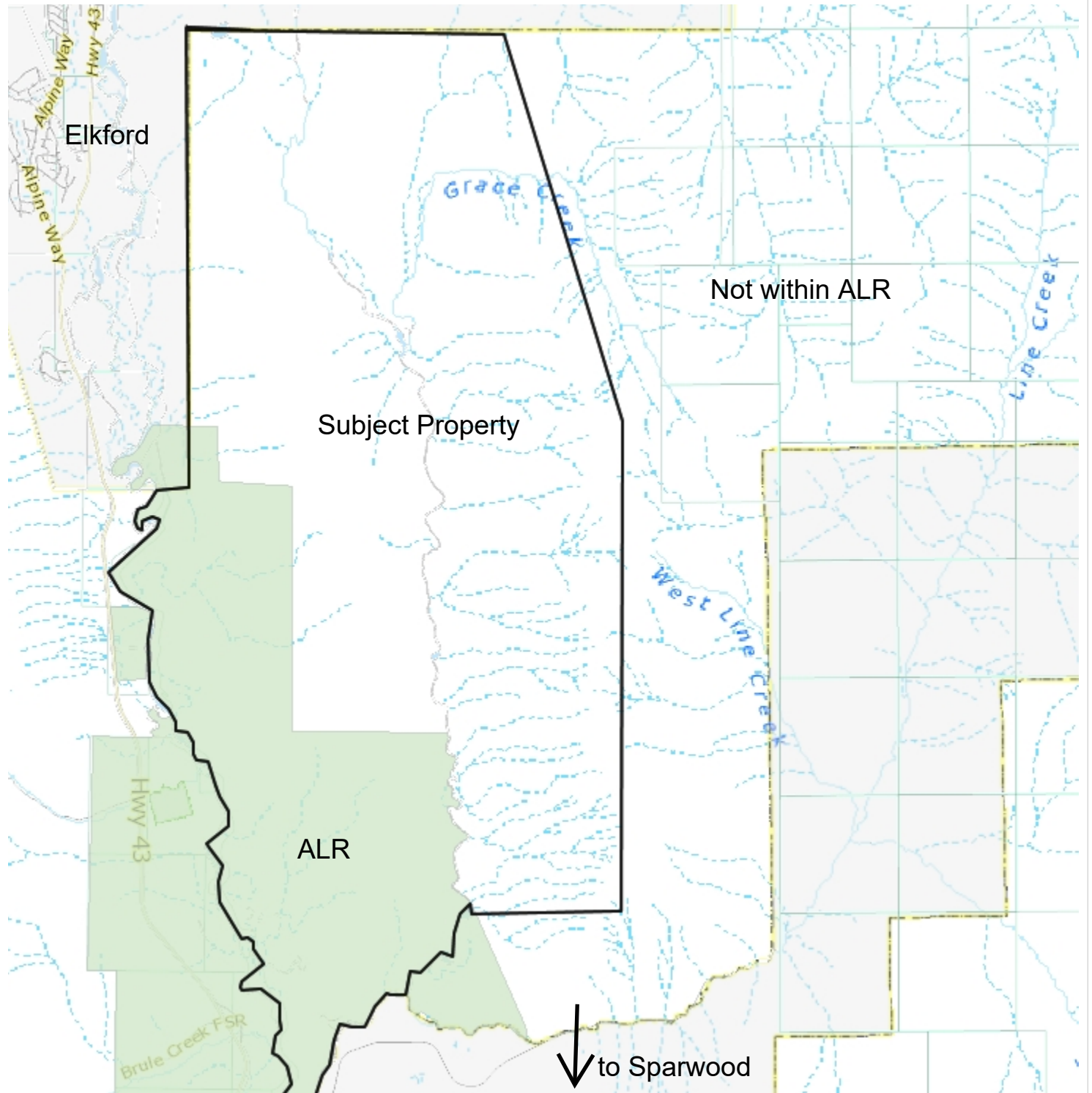
THE NATURE CONSERVANCY OF CANADA
NWP COAL CANADA LTD.

SCALE	AS SHOWN
DATE	10 DECEMBER 2015
PREPARED FOR	NWP COAL CANADA
PROJECT NUMBER	1250
DESIGN BY	PH
DRAWN BY	PH

PROPOSED PLAN OF SUBDIVISION



ALR Boundary Map



Notes:

2,951 0 1,475 2,951 Meters

Scale = 1: 118,006



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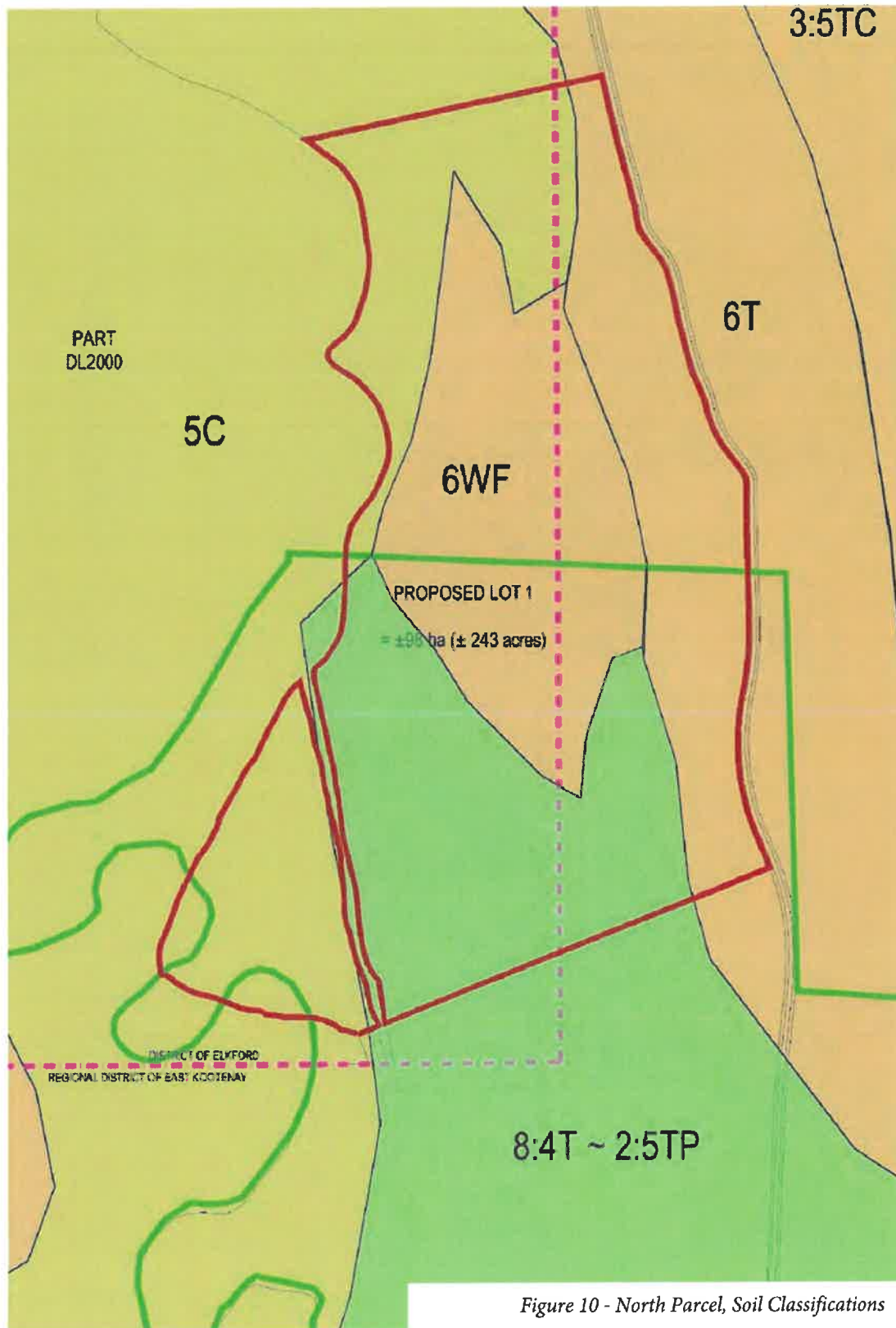


Figure 10 - North Parcel, Soil Classifications

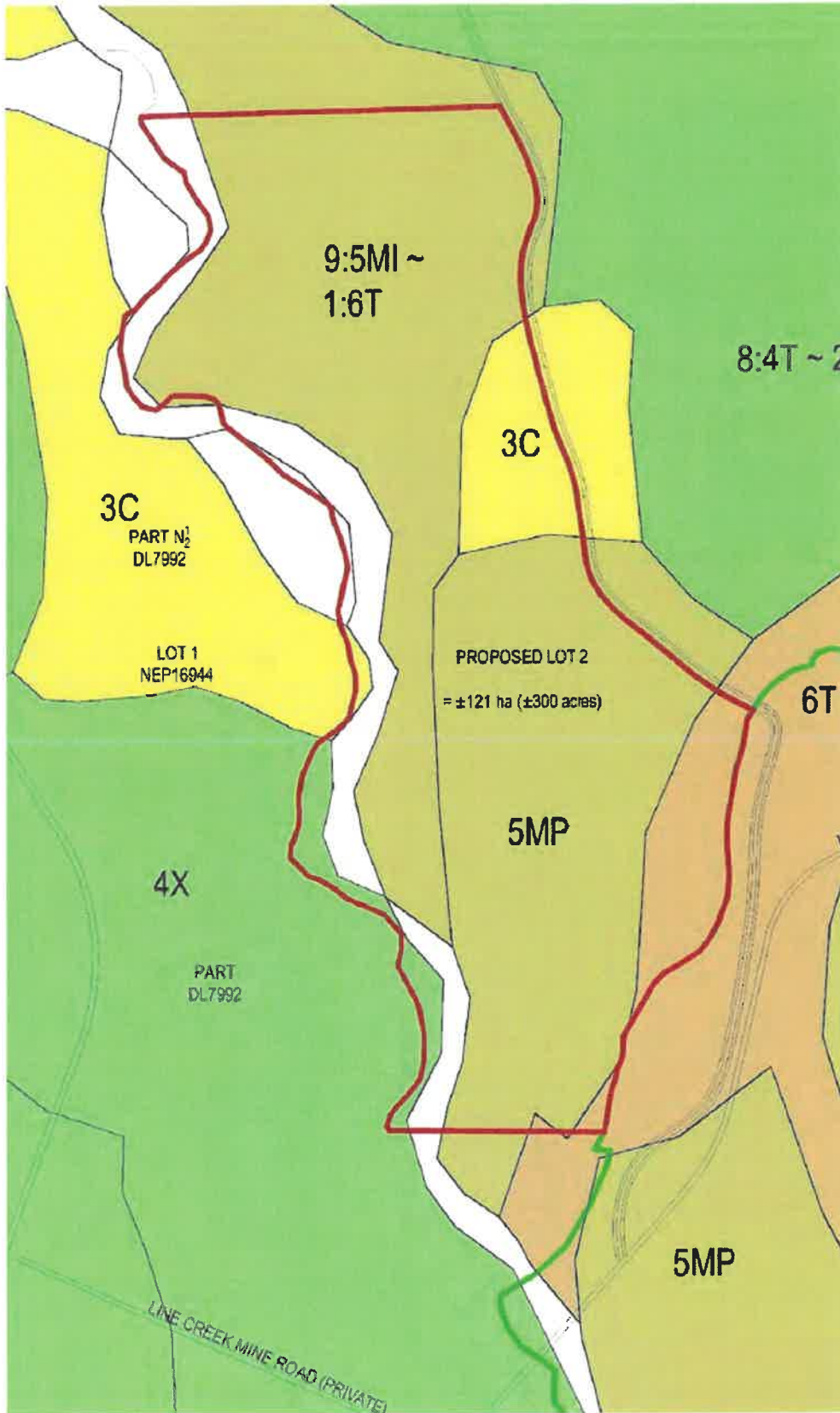


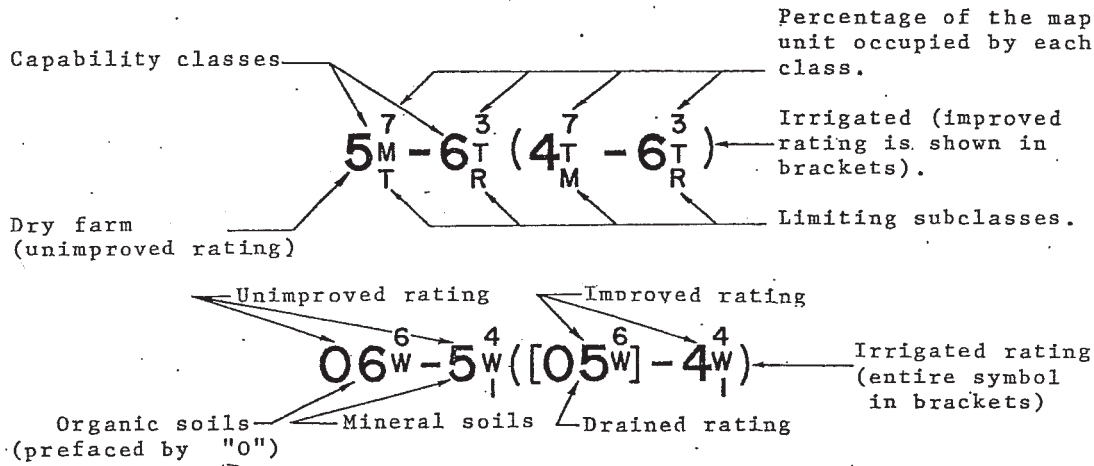
Figure 11 -
South Parcel,
Soil Classifications

Note that the west boundary of the property is the Elk River. The soil class boundaries do not accurately reflect this boundary.

KEY FOR INTERPRETATION OF AGRICULTURE CAPABILITY MANUSCRIPT MAPS (B.C.)

There are 7 capability classes for agriculture with 1 representing the highest class and 7 representing the lowest. In some areas of the province, two ratings are shown: one for dry farming and a second for irrigated or drained (improved) conditions. The irrigated ratings are shown enclosed in round brackets while the drained ratings appear in square brackets. In all cases improved ratings have precedence over dry farm ratings.

Example Classifications



The agriculture capability classes are determined on the relative range of crops the land can produce.

a) Capability Classes

- Class 1 - widest range of crops
- Class 2
- Class 3 } reduced range of crops caused by a number of limiting
- Class 4 } factors (subclasses)
- Class 5 - only permanent pasture or forage
- Class 6 - natural grazing
- Class 7 - no productivity

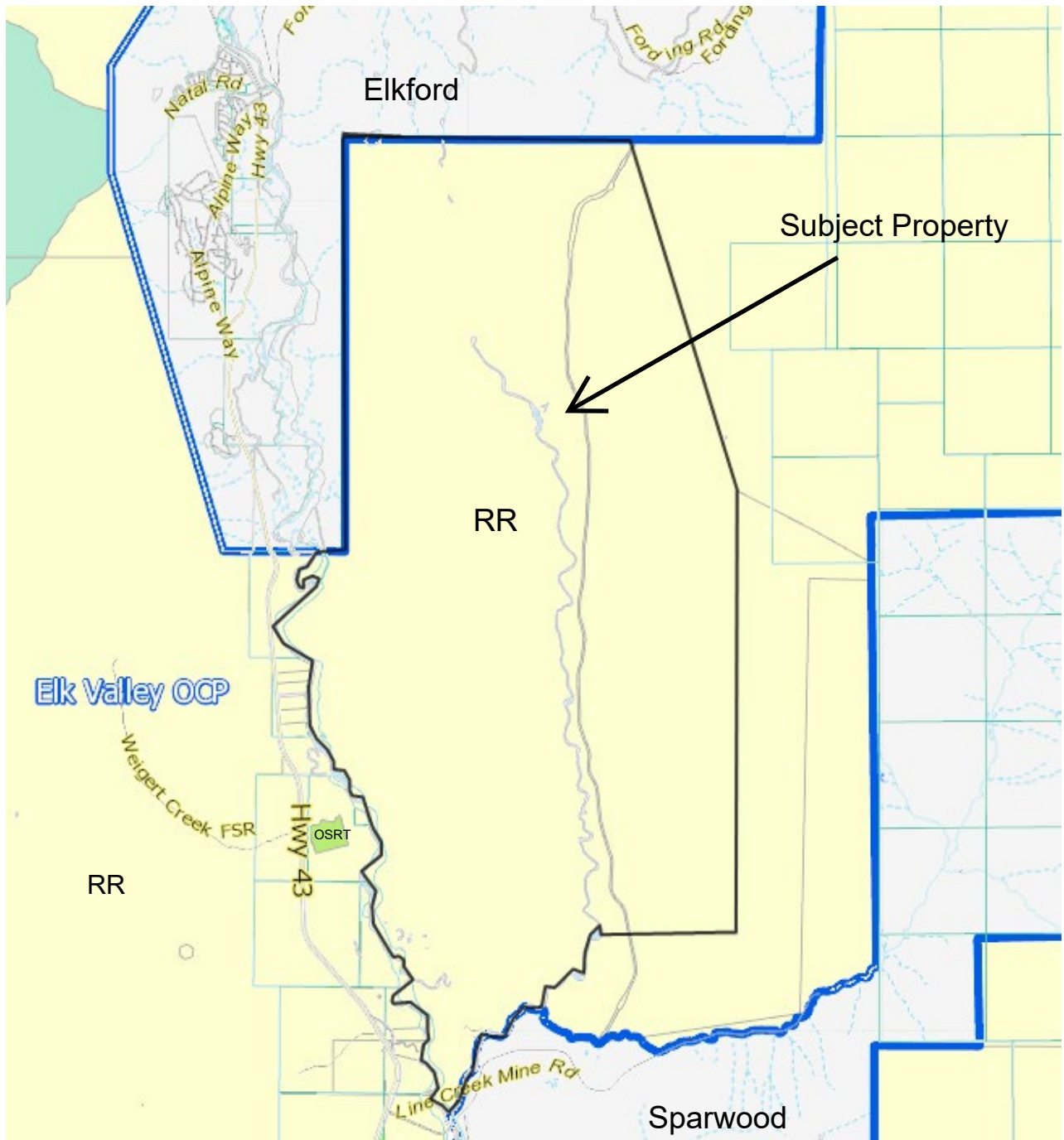
b) Limiting Subclasses

- C - adverse climate
- D - undesirable soil structure
- E - erosion
- F - low fertility
- I - inundation (flooding)
- M - moisture deficiency (droughtiness)
- N - salts
- P - stoniness
- R - bedrock near the surface
- T - topography (slope)
- W - excess water
- X - combination of soil factors
- S - cumulative and minor adverse characteristics

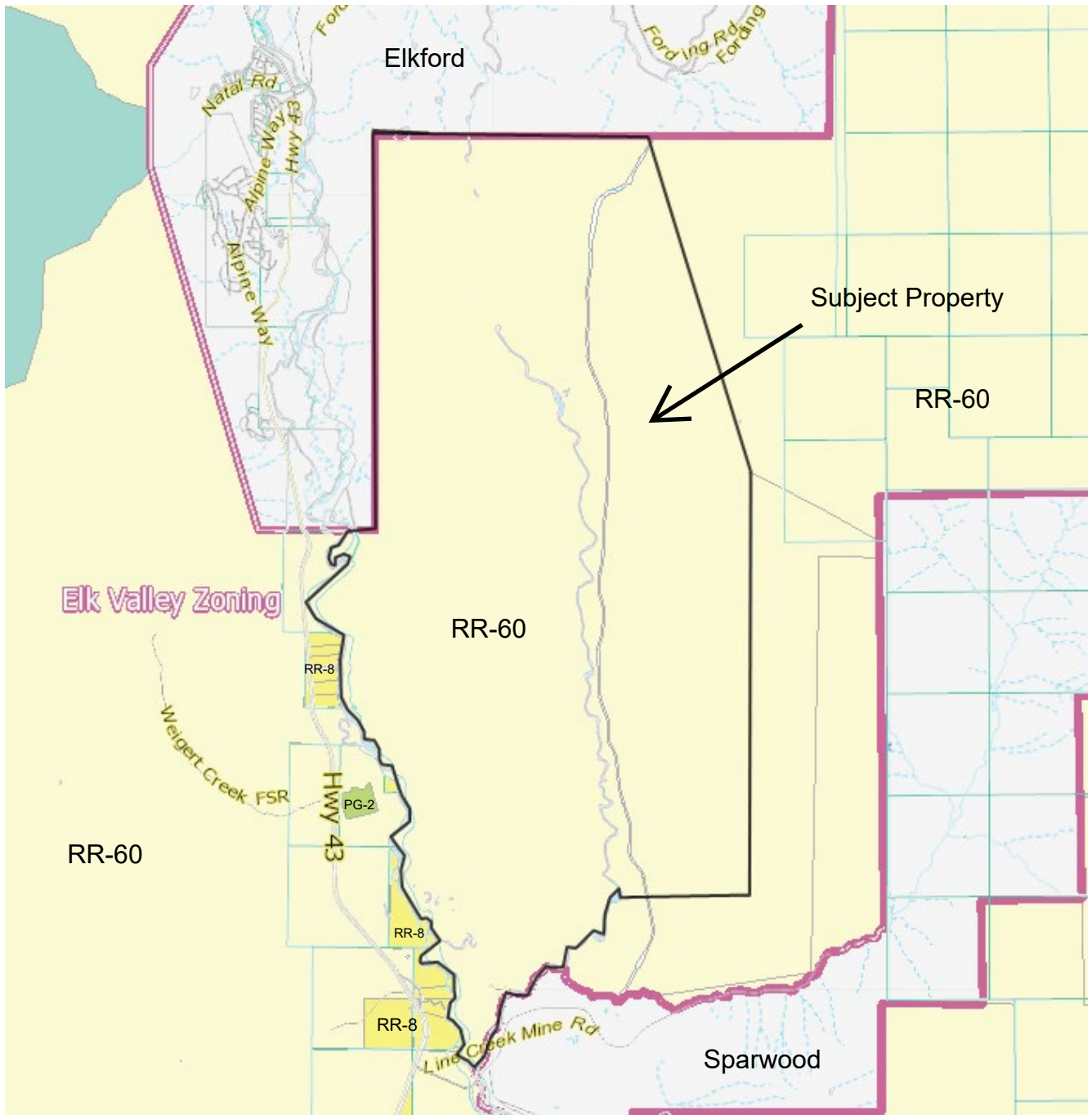
Tree fruit and grape growing areas: these crops are tolerant of soil conditions that limit field crops. Steep and stonier soils in suited climates have been upgraded to accommodate the expanded range of crops. e.g. A class 5T soil dry farmed becomes a 3T irrigated in an area climatically suited to tree fruits.

Note: A more detailed 16 page manual entitled Soil Capability Classification for Agriculture is available from the Lands Directorate, Lands Forests and Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A 0H3.

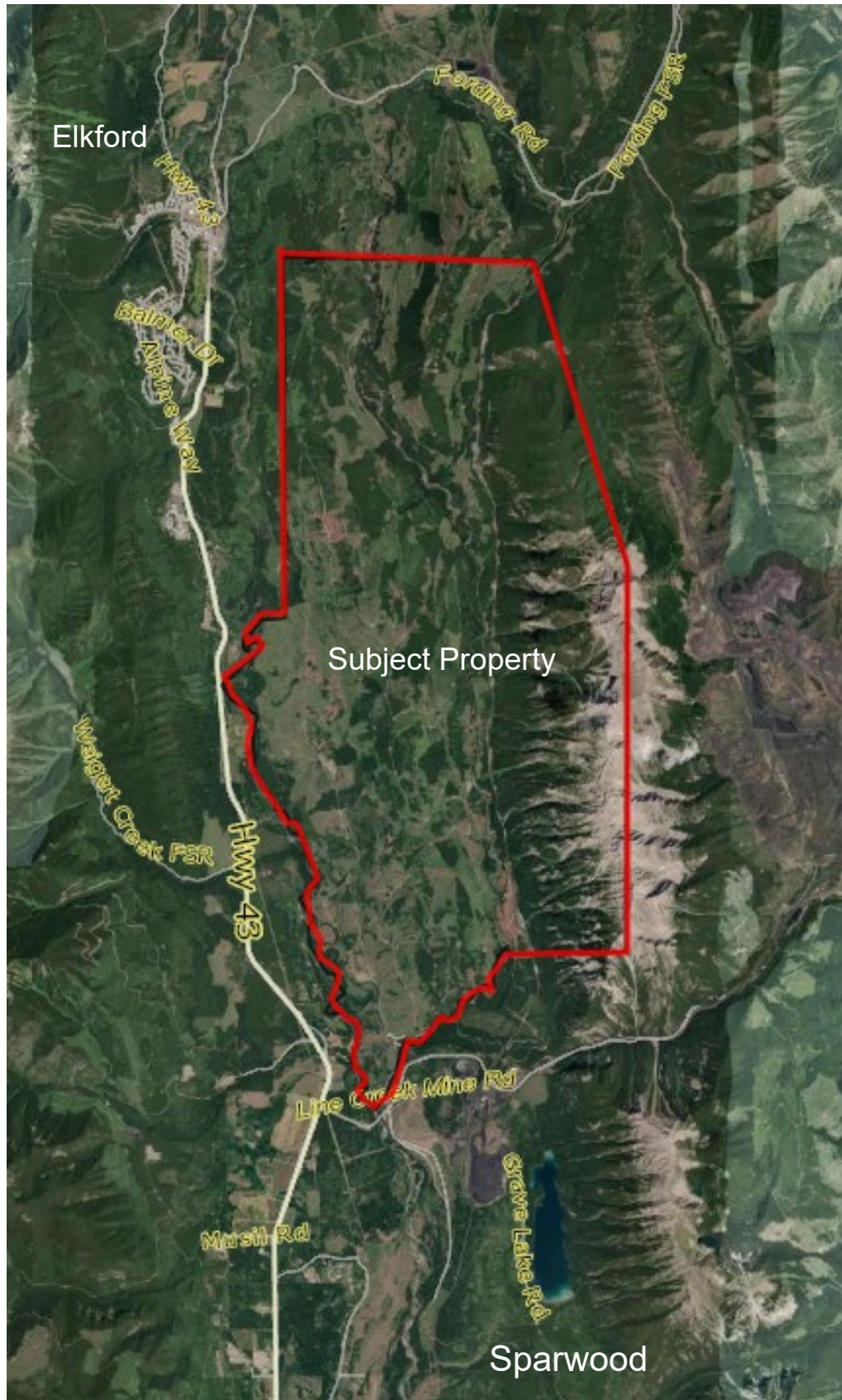
OCP Map



Zoning Map



Aerial Map



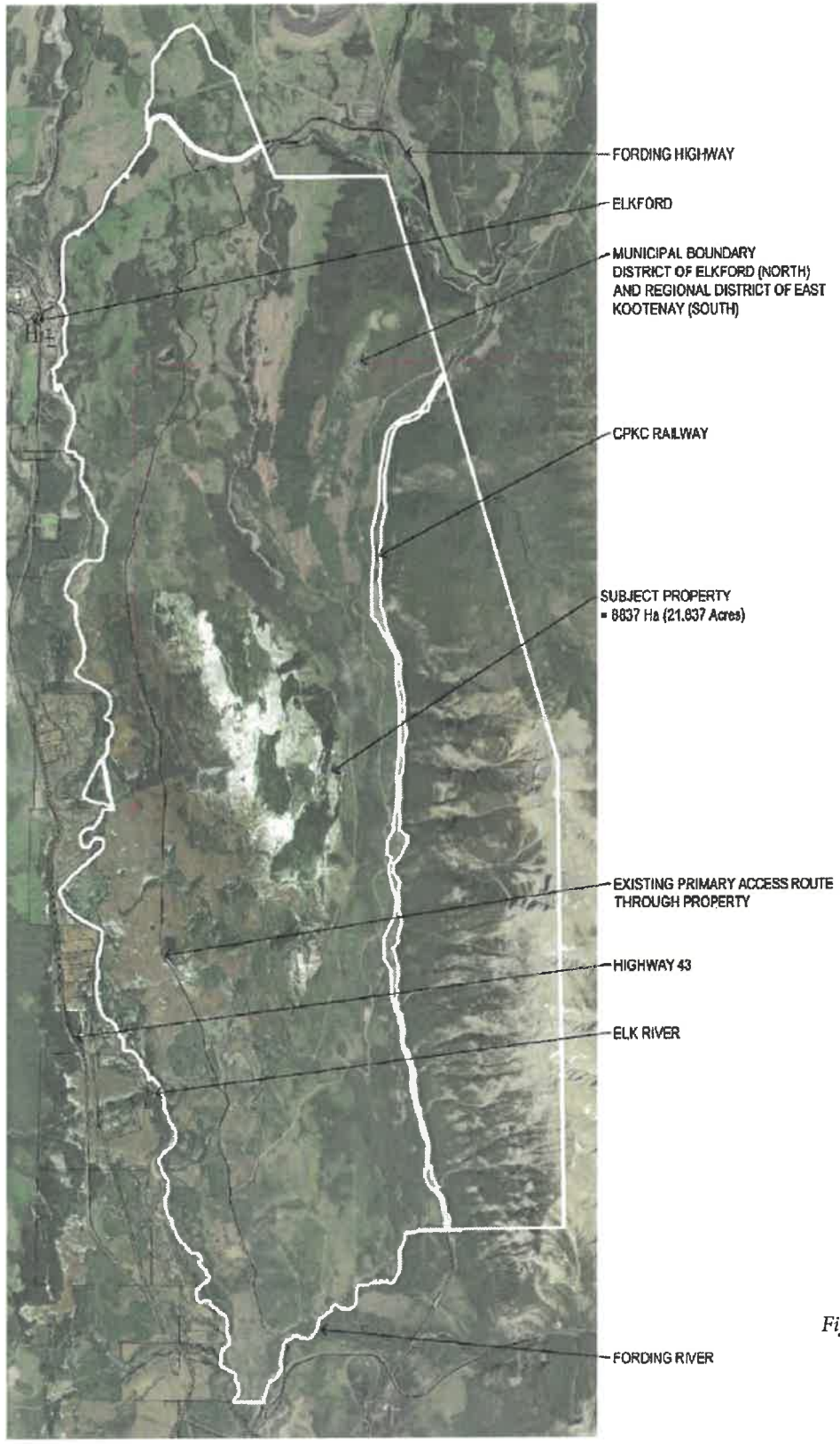


Figure 3 – Existing Property with Aerial Photo

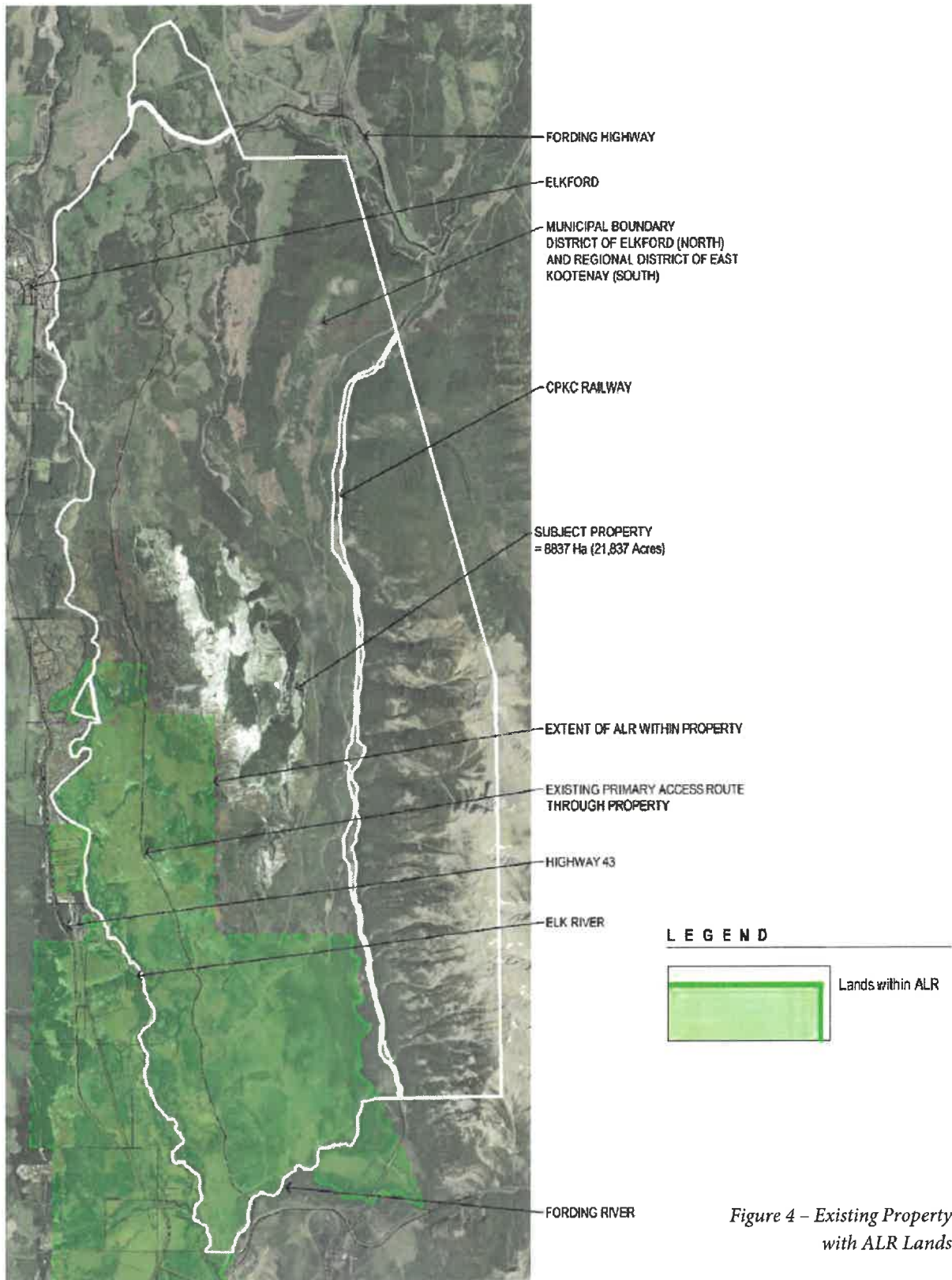


Figure 4 – Existing Property with ALR Lands

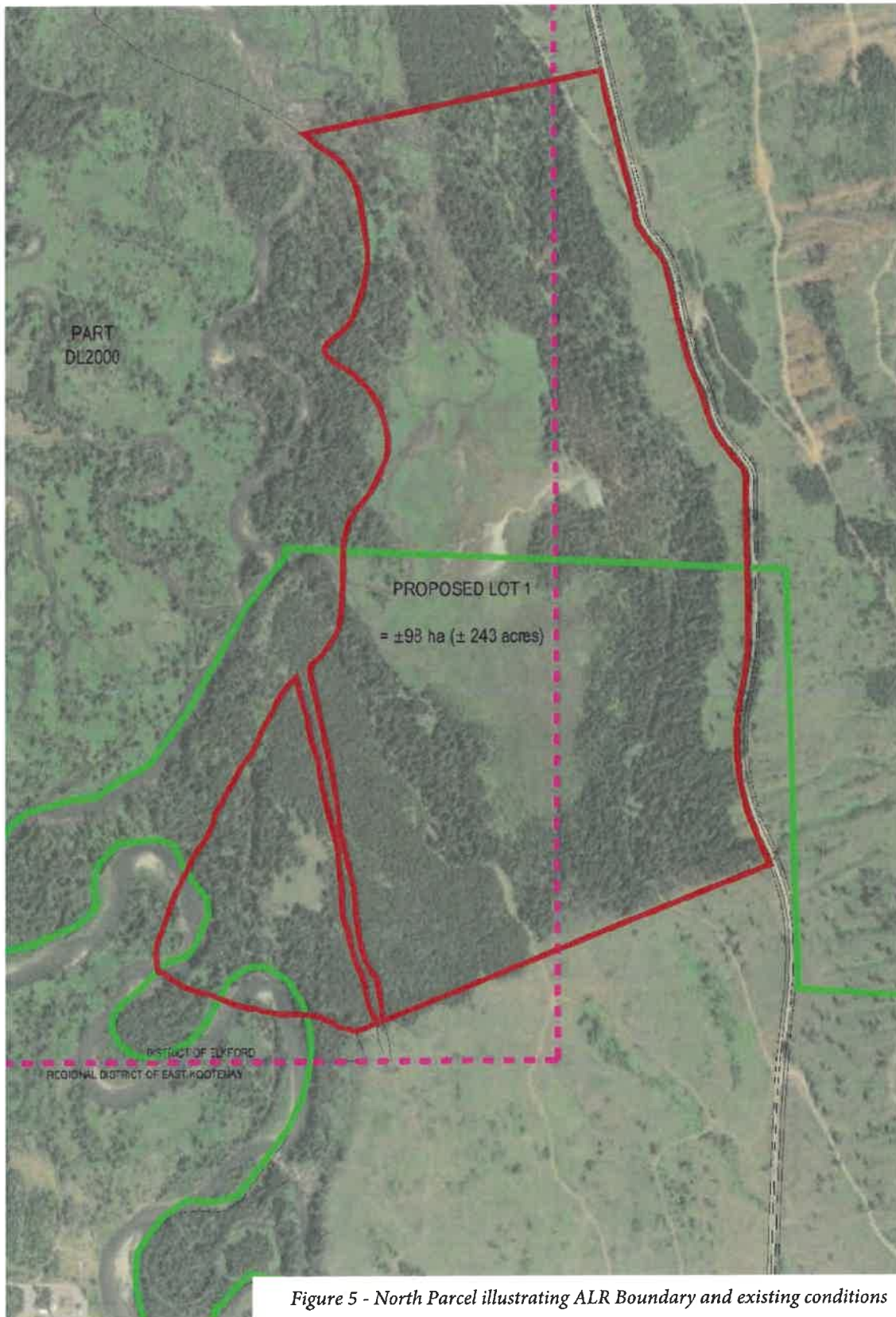


Figure 5 - North Parcel illustrating ALR Boundary and existing conditions



Figure 6 - South Parcel illustrating ALR Boundary (entire parcel is within ALR) and existing conditions



November 13, 2024

Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, BC V5G 4K6
Attn: Ron Wallace
Land Use Planner

Re: Application for Subdivision within the ALR ALC Application #105781 Nature Conservancy of Canada / NWP Coal Canada Ltd.

Ki?su?k kyukyit (good day) Mr. Wallace,

Yaqit Pa-knuqti'it First Nation is one of four Canadian Ktunaxa First Nations. The ?akanuxuniK are the people of Yaqit Pa-knuqti'it, we have occupied and have been stewards over our unceded ancestral lands known as ?akanuxuniK ?amakis' since time immemorial. Yaqit Pa-knuqti'it First Nation's priority is to continue to protect and further the rights and title of the ?akanuxunik', providing opportunities in economic development, health and wellbeing, employment and training, and cultural heritage.

On behalf of Yaqit Pa-knuqti'it First Nation, we write in support of the application by Nature Conservancy of Canada (as property owner) and NWP Coal Canada Ltd for subdivision of land within the Agricultural Land Reserve in the Elkford area of the Regional District of East Kootenay. The land is contained within ?akanuxuniK ?amakis'.

Yaqit Pa-knuqti'it First Nation has developed a close relationship with NWP Coal Canada and is working cooperatively to undertake assessment of NWP Coal's proposed Crown Mountain Steelmaking Coal Project to consider the potential effects of the project on Yaqit Pa-knuqti'it First Nation's rights, interests and values, in accordance with YQT laws and protocols.

In parallel with that assessment, Yaqit Pa-knuqti'it First Nation and NWP Coal are looking to establish a long-term partnership to support development, management and reclamation of the Crown Mountain Project. As part of that agreement, NWP Coal is seeking to transfer the two parcels of land which are the subject of this subdivision application to Yaqit Pa-knuqti'it First Nation.

The two land parcels, like all of ?akanuxuniK ?amakis', have strong cultural and historical significance to our Nation and we propose to manage the future of these lands for ongoing agricultural, conservation and traditional purposes and protection of cultural values.

We fully support the proposed subdivision of the land to enable the transfers of the North Parcel and South Parcel to Yaqit Pa-knuqti'it First Nation as it will enable ongoing traditional management and stewardship of these lands.

Please feel free to contact our Chief Administration Officer, Jason Gravelle, if you have any queries regarding this application.

Hu sukiłukni (thank you),



Nasu?kin (Chief) Heidi Gravelle
Yaqit ?a-knuqfi'it First Nation



Request for Decision Development Variance Permit Application

File No: P 726 512
Reference: DVP 8-26
Date: April 20, 2026

Subject: DVP No. 8-26 (Panorama / Houvenaeghel)
Applicant: Eric Houvenaeghel
Location: 2167 Trappers Way, Panorama
Legal: Lot 9 District Lot 17108 Kootenay District Plan EPP19561
(PID: 029-208-921)

Proposal: To increase the maximum height for a principal building from 10.5 m to 11.3 m and to increase the maximum parcel coverage from 35% to 39% for construction of a single family dwelling.

Options:

1. THAT Development Variance Permit No. 8-26 (Panorama / Houvenaeghel) be granted.
2. THAT Development Variance Permit No. 8-26 (Panorama / Houvenaeghel) be refused.

Recommendation: **Option 2**

The parcel is sloped; however, a smaller footprint for the proposed dwelling could accommodate the deck and height requirements within the zoning bylaw. The combined additional height and parcel coverage for the proposed structure will be substantially larger than a house constructed to meet bylaw requirements.

Property Information: **OCP Designation:** R-SF, Residential Single Family which supports single family dwellings, duplexes and zoning that supports secondary suites.

OCP Objectives and Policies:

- Identify development nodes for residential accommodation and limit development to these areas.
- Support a range of housing types and densities within the plan area to reflect both resident and non-resident property owners.
- New residential development is directed to the development nodes within land use designations that support residential development and employee housing as designated on Schedules C, C1 and C2.

Zone Designation: R-1(D), Single Family Residential (Resort) Zone, which has a minimum parcel size requirement of 400 m².

Parcel Size: 0.06 ha (0.16 ac)

Density: The R-1(D) zone allows one single family dwelling per parcel.

ALR Status: Not within the ALR.

Property Information - cont'd:

Interface Fire Hazard Rating: Moderate to High, within the Panorama Fire Protection Area

BC Assessment: Residential (Vacant)

Water and Sewer Services: Community (Bluestem)

Flood Hazard Rating: n/a

Professional Studies:

None

Additional Information:

- The application states that due to the slope of the parcel it is not possible to build a deck that is at grade; therefore the deck is included in the parcel coverage.
- The application also states that due to the slope of the parcel it is necessary to build a sub-basement as per engineers' requirements which results in a total height above what is permitted.
- While the parcel is sloped, the required height could still be achieved and a smaller footprint for the proposed dwelling could accommodate the parcel coverage required for the deck.

Consultation:

APC Areas F & G: Support recommended subject to registration of a covenant to prevent any enclosure of deck structures.

Response(s) to Notice: Twenty-two (22) notices were mailed on April 1, 2026 to all property owners within 100 m. No notices were returned as undeliverable and one response has been received expressing conditional support provided no existing trees on or adjacent to the parcel are removed.

Documents Attached:

- Permit
- Location Map
- Land Use Map
- Zone Designation Map
- Site Plan and Elevations
- Aerial Photo

RDEK Contact:

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdk.bc.ca

Permittee: Eric Houvenaeghel

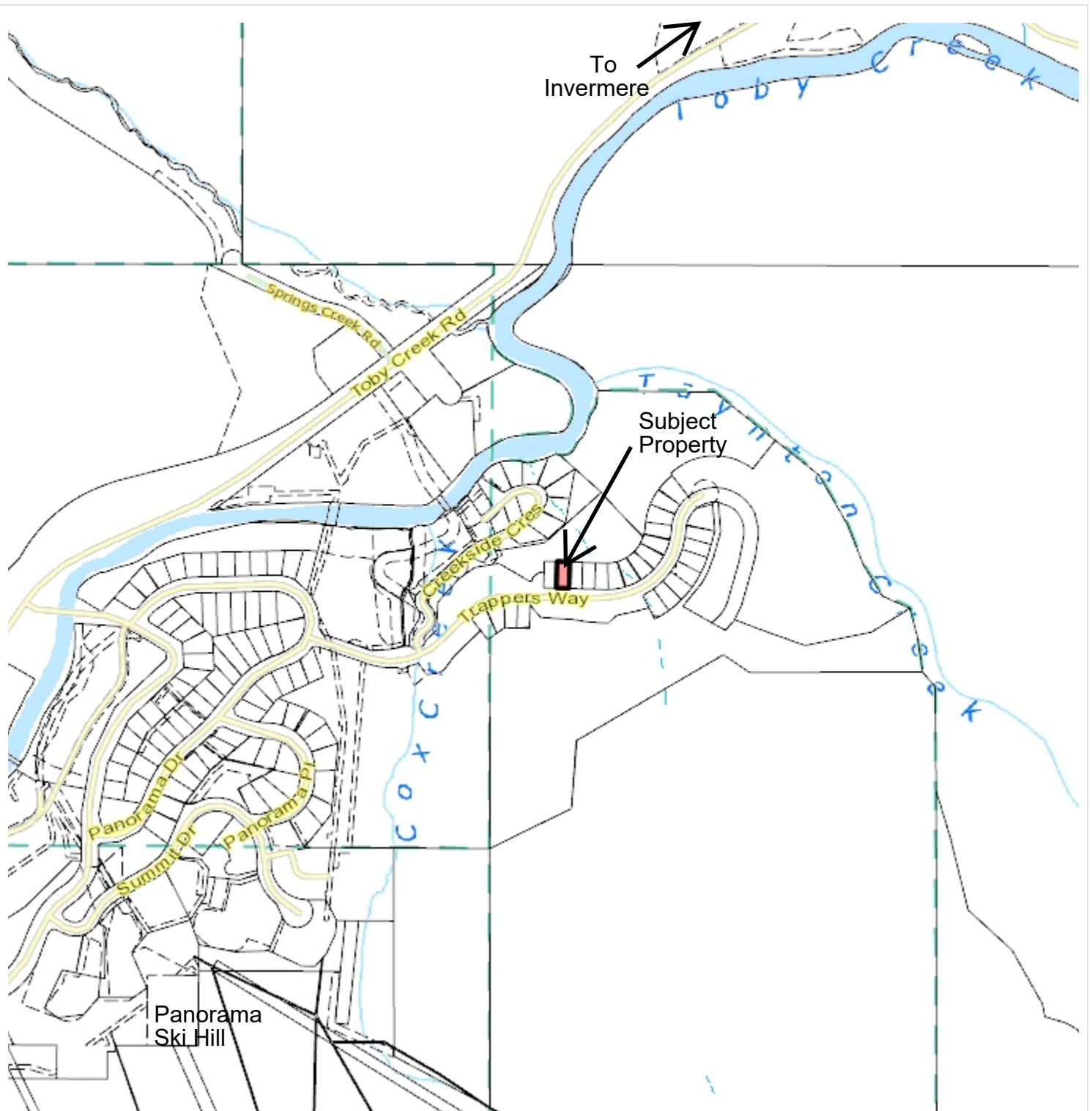
1. This Development Variance Permit is issued subject to compliance with all RDEK bylaws applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below:

Lot 9 District Lot 17108 Kootenay District Plan EPP19561
(PID 029-208-921)
3. Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023, Section 4.7 (4)(c) which permits a maximum height for a principal building of 10.5 m for a single pitch roof, is varied to 11.3 m for the proposed single family dwelling.
4. Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023, Section 4.7 (4)(d) which permits a maximum parcel coverage of 35%, is varied to 39% for the proposed single family dwelling.
5. The lands described herein shall be developed strictly in accordance with the terms and conditions of this Permit and in substantial compliance with the information submitted in the Development Variance Permit application received January 14, 2026.
6. This permit is subject to the proposal complying with all other bylaw requirements.
7. This Permit shall come into force on the date of an authorizing resolution passed by the RDEK.
8. This Permit is not a building permit.
9. If development authorized by this Permit does not commence within two years of the issue date of this Permit, the Permit shall lapse.
10. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filed in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.
11. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the developer other than those in this Permit.
12. This Permit shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

Authorizing Resolution No. _____ **adopted by the Board of the Regional District of East**
Kootenay on the **day of** **, 2026.**

Tina Hlushak
Corporate Officer

Location Map



Notes:



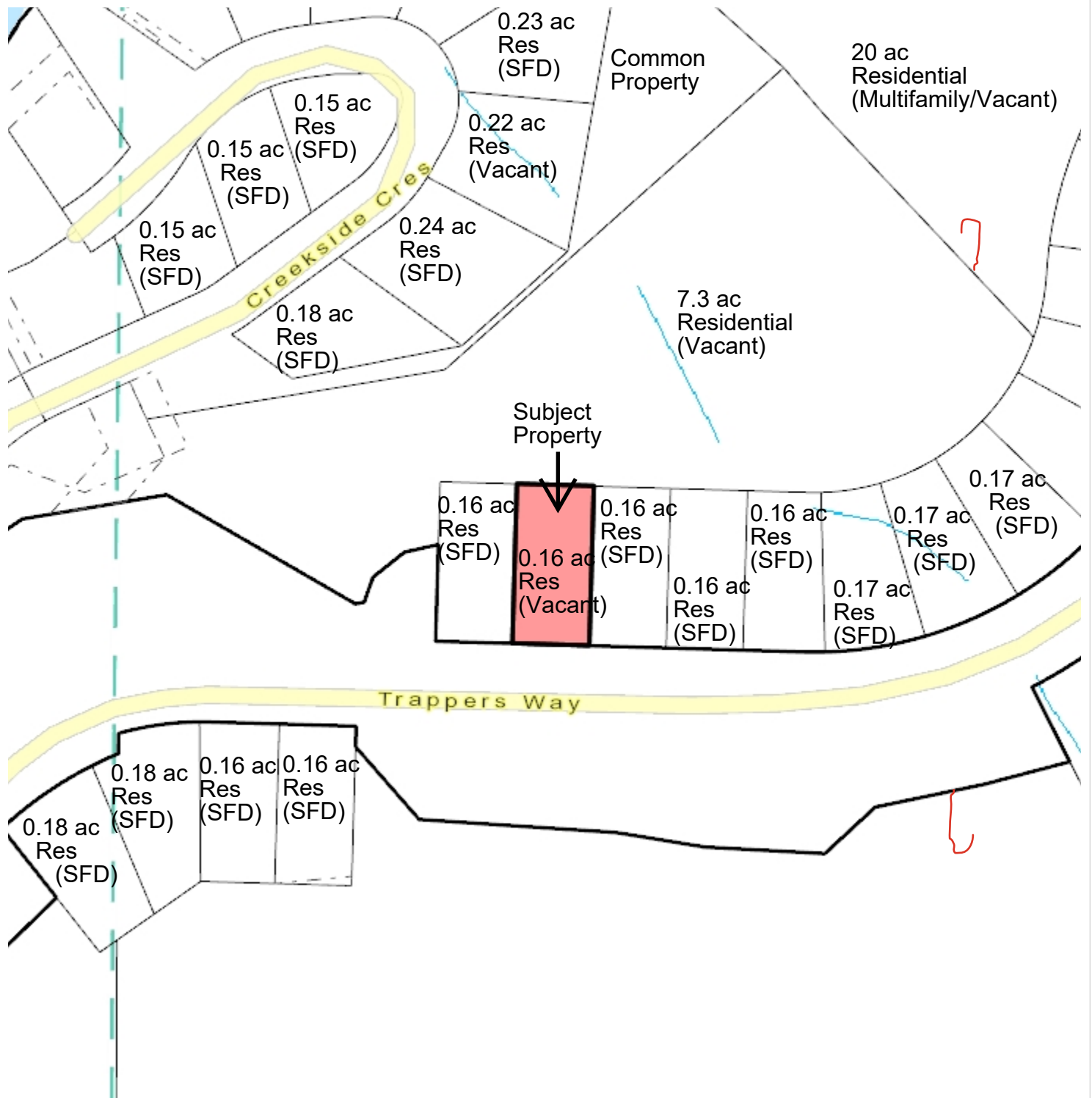
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Land Use Map



Notes:



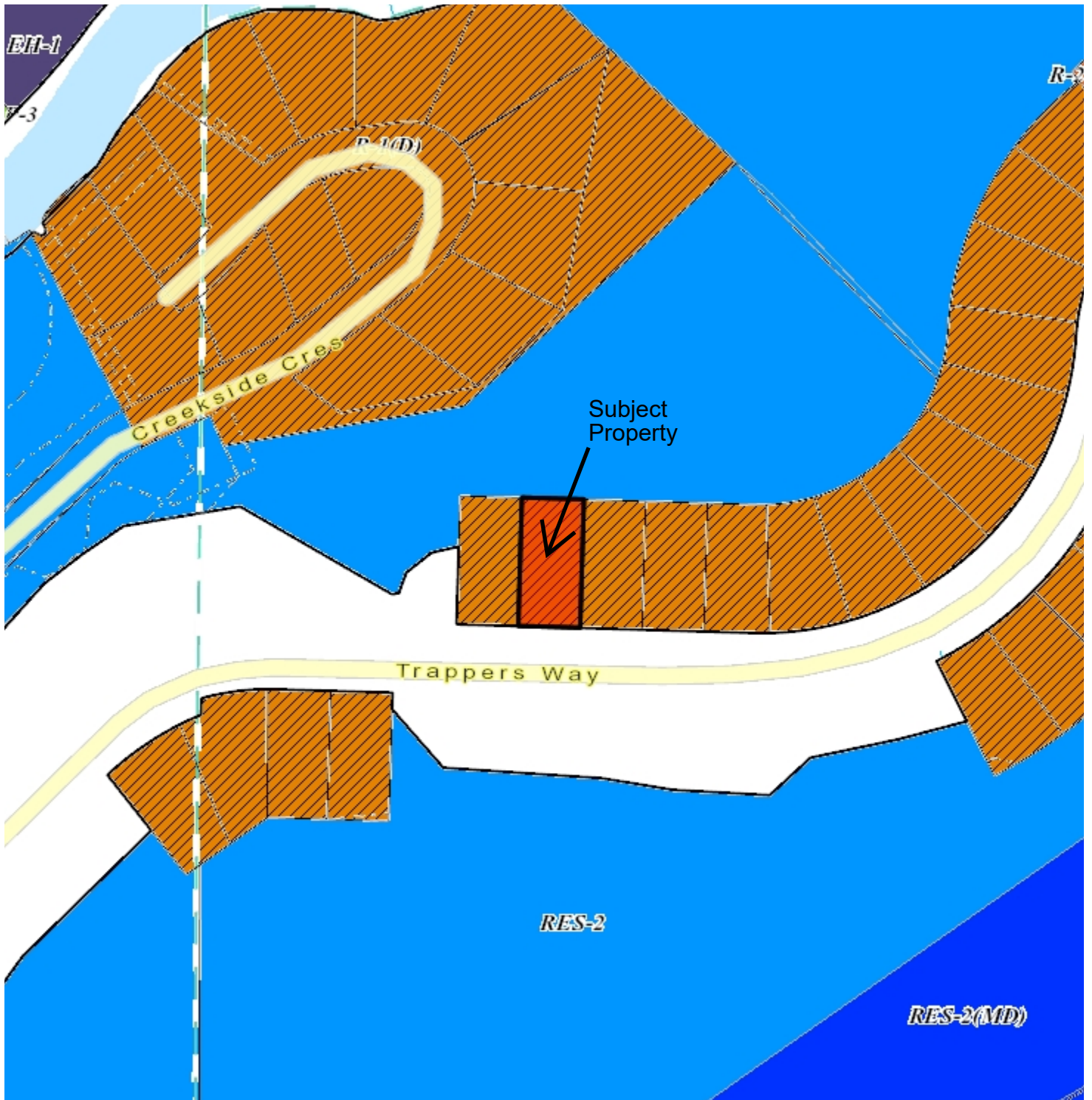
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Zone Designation Map



Notes:

63 0 31 63 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
RDEK GeoViewer - 3-4-2026 12:00 PM

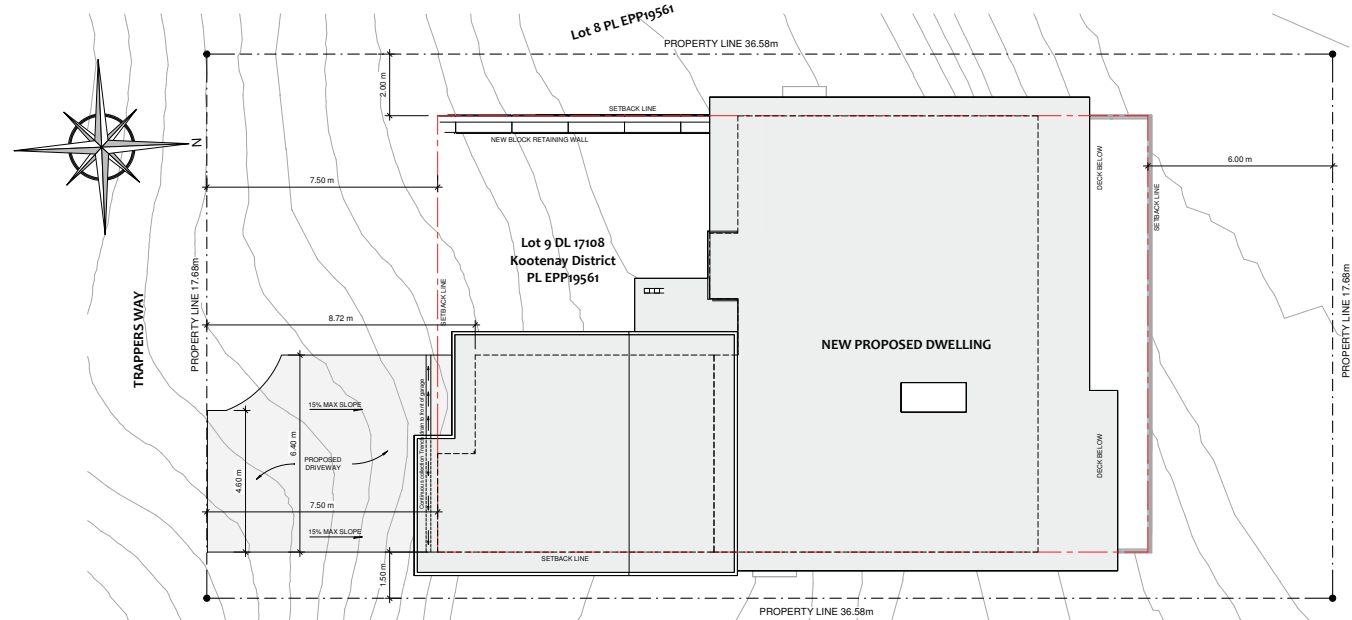
Scale = 1:2,500



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Site Plan



STICKS + STONES
design group inc.
www.sticksandstones.ca

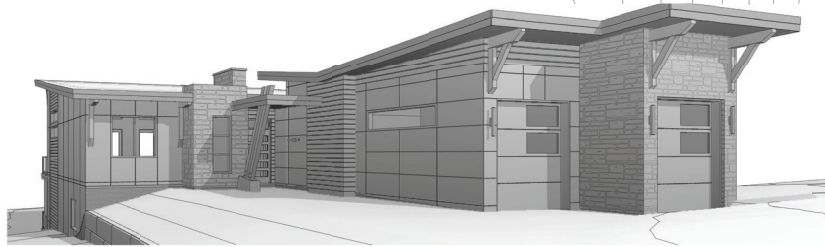
KELOWNA OFFICE:
#50 1815 DICKSON AVENUE
KELOWNA, BC
V1Y 1B1
T 250.712.008
F 250.712.008
W www.sticksandstones.ca

NOTE:
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VERIFY ALL DIMENSIONS AND INFORMATION.
REPORT ERRORS OR DISCREPANCIES TO THE DESIGNER.
ALL WORK TO CONFORM TO THE APPLICABLE BUILDING CODE.
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NO.	REVISION	DATE	BY
1	ISSUED FOR COORDINATION	2024.10.08	MJ
2	ISSUED BY & REVIEW	2024.12.04	MJ
3	ISSUED BY	2025.02.04	MJ
4	BY REVISION (JOB REV)	2025.03.20	MJ
5	Revisions Application	2025.11.20	MJ
6			
7			
8			
9			
10			

1 SITE PLAN



GENERAL NOTES

These notes constitute a part of the drawing package and are intended to be understood before commencement of the project. All construction to comply with BC Building Code 2024 and applicable bylaws. All work shall be completed in good building practice and be consistent with the standards set out by each trades professional association. Contractor/Builder is responsible for verifying all dimensions and specifications before commencing construction. Written dimensions take precedence over scaled dimensions. Dimensions are from the face of wall on the exterior of the building to center of stud on interior partitions. S-S is not responsible for changes or variances from these drawings to site conditions or the structural drawings provided by the P.ENG. for Foot, Floor, Wall or Foundation, and is the responsibility of the Contractor/Builder to resolve discrepancies. Any and all design that requires Engineering is the sole responsibility and at the cost of the Owner.

ERRORS AND OMISSIONS:

S-S makes every effort to provide a clear, concise and complete set of construction documents. However S-S cannot assume liability for any errors or omissions which may affect construction. It is the responsibility of the Contractor/Builder to verify dimensions, details and specifications before construction. If an error or omission is found in this set of documents, please bring it to our attention and we will correct it and provide an amendment document immediately.

STRUCTURAL DESIGN AND ENGINEERING:

All load carrying elements including but not limited to joist, beams and columns within roofs, walls and floors must comply with the limits set out in Part 9 of the BCBC or be designed by P.ENG. The design of this building will require the professional assurances of an Engineer for the Roof System, Floor System, Beams and Foundations.

CONSTRUCTION SITE NOTE:

The Contractor/Builder is responsible for the correct positioning of the house on the site. Driveways, walkways, steps, retaining walls and all other site works to be verified once finished grade is established in relation to the top of foundation wall. Finished grading of all surfaces are designed to slope away from the building.

FOUNDATIONS:

Foundations shall be concrete on solid undisturbed or compacted bearing and below frost line. Unless otherwise noted the compressive strength of unreinforced concrete after 28 days shall be not less than 15 MPa for walls, columns, fireplaces and chimneys, footings, foundation walls, grade beams and piers, 20 MPa for floors other than those in garages and porches, and for garage and carport floors, and the exterior steps 32 MPa. Concrete used for garage and carport floors and exterior steps shall have an entrainment of 5 to 8%. Foundation Wall elevations are based off best information provided and relate to specific construction methods as seen in drawing details and assumes location of solid bearing and must be confirmed by builder. Where the exterior finished ground level is at a higher elevation than the ground level inside the foundation walls, exterior surfaces of foundation walls below ground level shall be damp-proofed. Soil Gas Prevention: All wall, roof and floor assemblies separating conditioned space from the ground shall be protected by an air barrier system. Concrete Walls exceeding max heights for unreinforced concrete must be designed by a P.ENG. It is recommended that Footings and Foundations are of the reinforced type and therefore are designed by a P.ENG. Subsurface perimeter drainage to conform to 2024 BCBC and be connected to a dry well.

WOOD FRAMING:

Lumber for joists, rafters, trusses and beams shall be identified by a grade stamp to indicate its grade as determined by NLGA 2017, "Standard Grading Rules for Canadian Lumber." Owner/Contractor to confirm all rough openings for doors, windows and other units with manufacturer's installation recommendations before commencement of construction. Security blocking to be installed at all exterior doors. Builder is responsible for proper framing backing behind studs, trusses, joist, ect. For the installation of rails, grab bars, cabinets, ect. Laminated columns supporting built-up beams or girder trusses to be same width as supported member unless otherwise noted by P.ENG. All beams, joists and columns are subject to engineering as roof loads may not be covered by the building code. All installation of Engineered products must follow specifications of P.ENG. structural drawings. Interior partitions over 6'-0" long running parallel to the floor direction shall have either double joist or cross framing for support. All trusses to be built-up 2 (2x10) unless otherwise noted. All members shall be so framed, anchored, fastened, tied and braced to provide the necessary strength and rigidity. Ends of wood joists, beams and other members framing into masonry or concrete shall be treated to prevent decay where the bottom of the member is at or below ground level, or a 12 mm air space shall be provided at the end and sides of the member. Wood framing members that are not pressure-treated with a wood preservative and that are supported on concrete in contact with the ground or shall be separated from the concrete by not less than 0.02 mm polyethylene film or Type S rot roofing. Building Frames shall be anchored to the foundation. All spans to comply with the limits stated in the 2024 BCBC. Floors, Walls and Trusses to be braced, strapped and bridged for maximum rigidity.

PLUMBING AND ELECTRICAL:

The installation of plumbing and electrical must comply with local and regulations in all aspects. Outlet locations are to comply with current building code requirements. No electrical or plumbing fixture or outlet or any service run may be installed in or through fire separation walls between suites. All locations of drains shown in fixtures or bars are just symbols and should be reviewed with owner and contractor before any installation. Locations of drains are subject to the type of fixture being installed.

HVAC:

Design and siting of HVAC should be done in consultation with a professional as increased focus is being placed on energy savings and indoor air quality. Installation of entire heating system, whether electric, forcing air or warm water, must comply with manufacturer's directions and local code and regulations. Fuel burning appliances, including furnaces, fireplaces and stoves, to be provided with combustion air supply from the exterior.

ROOF:

Except where it can be shown to be unnecessary a space shall be provided between the insulation and the sheathing, and vents shall be installed to permit the transfer of moisture from the space to the exterior. The unobstructed vent area shall be not less than 1/300 of the insulated ceiling area. Where the roof slope is less than 1 in 6 or in roofs that are constructed with roof joists, the unobstructed vent area shall be not less than 1/150 of the insulated ceiling area. Roofs shall be protected with roofing, including flashing, installed to shed rain effectively and prevent water due to ice damming from entering the roof. All drains, downspouts, and roof drains to be confirmed by truss supplier and contractor. All roof drains must conform to Part 7 of the BCBC. Eave protection shall be provided on shingle, shake or tile roofs, extending from the edge of the roof a minimum of 900 mm up the roof slope to a line not less than 300 mm inside the inner face of the exterior wall.

BUILDING ENVELOPE:

All walls, ceilings and floors separating conditioned space from unconditioned space, the exterior air or the ground shall be provided with thermal insulation, a continuous air barrier and a vapour barrier. Flashing shall be installed at every horizontal junction between cladding elements, every horizontal offset in the cladding, and every horizontal line where the cladding substrates change. Flash at all unprotected openings. Sealant shall be provided where required to prevent the entry of water into the structure. Sealant shall be provided between masonry, siding or stucco and the adjacent door and window frames or trim, including sills, unless such locations are completely protected from the entry of rain. Sealant shall be provided at vertical joints between different cladding materials unless the joint is suitably lapped or flashed to prevent the entry of rain. Minimum distance between finished grade and exterior cladding must be 89.

INSULATION:

Degree Days for Kelowna: 3400 Climate Zone: 5 (3000 to 3999 HDD) Minimum requirements: RSI is for effective insulation for total assembly (" denotes where insulation adjustments are permitted with HRV) Ceiling below Attic: RSI 8.67 (R48.2) Roof Joist Assemblies (Cathedral Ceilings/Fill Roofs) RSI 4.67 (R-28.5) Exterior Walls (above grade) RSI 3.08 (R-17.5) Floors over unheated spaces RSI 4.67 (R-26.5) Foundation Walls RSI 2.38 (R-16.5) Unheated Floors Above Frost Line RSI 1.98 (R-11.1) Unheated Floors below frost line (insulation not required) Heated Floors RSI 2.32 (R-13.2) Slabs-on-Grade with an Integral Footing RSI 1.98 (R-11.1)

FINISHING:

All interior and exterior finishes shall be specified by owner. Refer to the exterior finishes schedule on elevations pages for reference. It is between the contractor/builder and the owners to determine final finishes for interior & exterior. At a minimum, in each case provide a shelf & rod system.

PENETRATIONS IN FIRE SEPARATIONS:

Where there may be penetrations through a fire resistant assembly, penetrations are to have firestops installed in accordance with BCBC 2024 3.19.2.1.9.1.1. "Standard Method of Fire Tests of Firestop Systems" has an F rating not less than the required fire-resistance rating of the fire separation.

PROJECT:
HOUVENEGHEL
RESIDENCE

ADDRESS AND LEGAL:
Lot 9 DL 17108
Kootenay District
PL EPP19561

DRAWING TITLE:

SITE PLAN

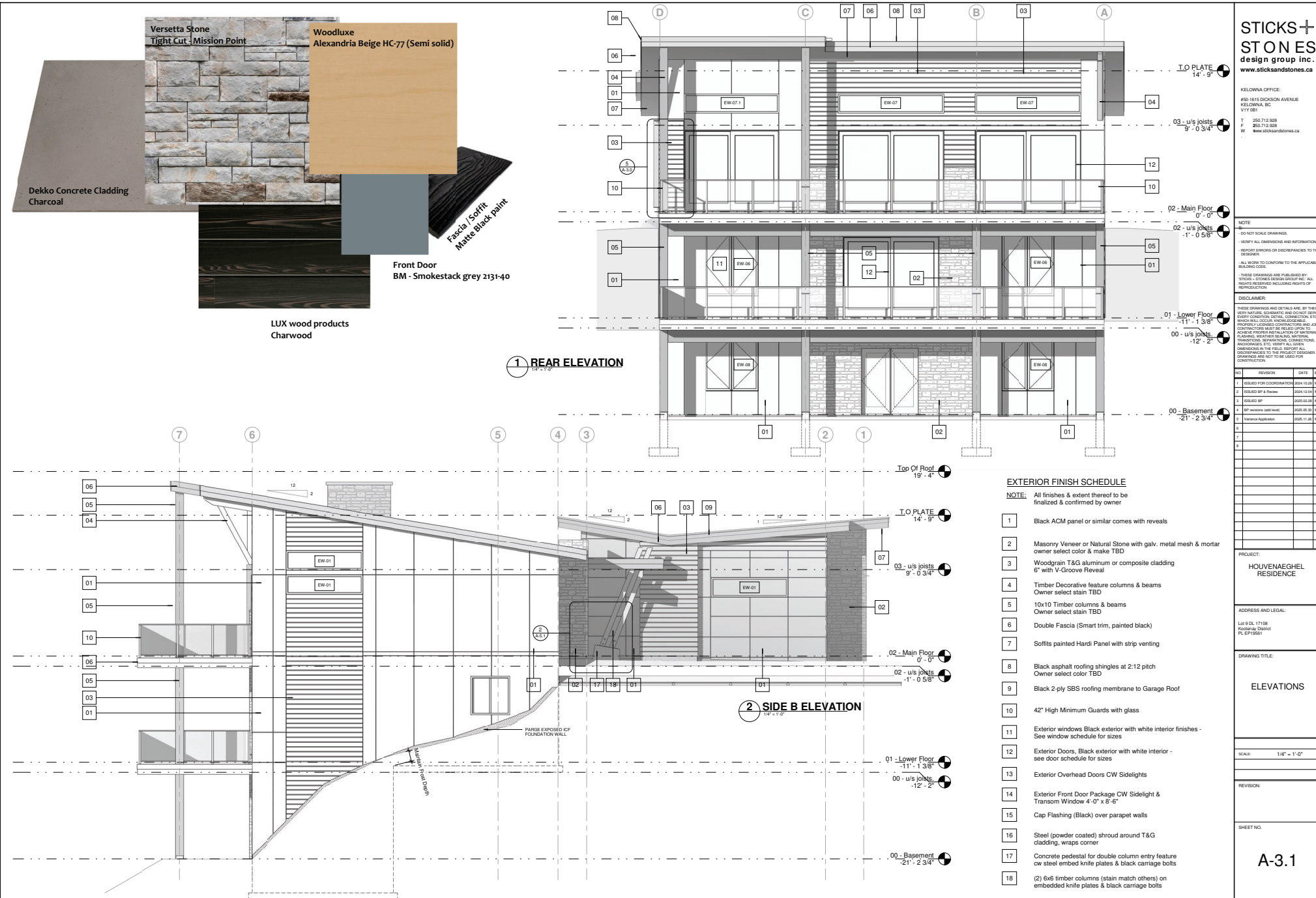
SCALE: As indicated

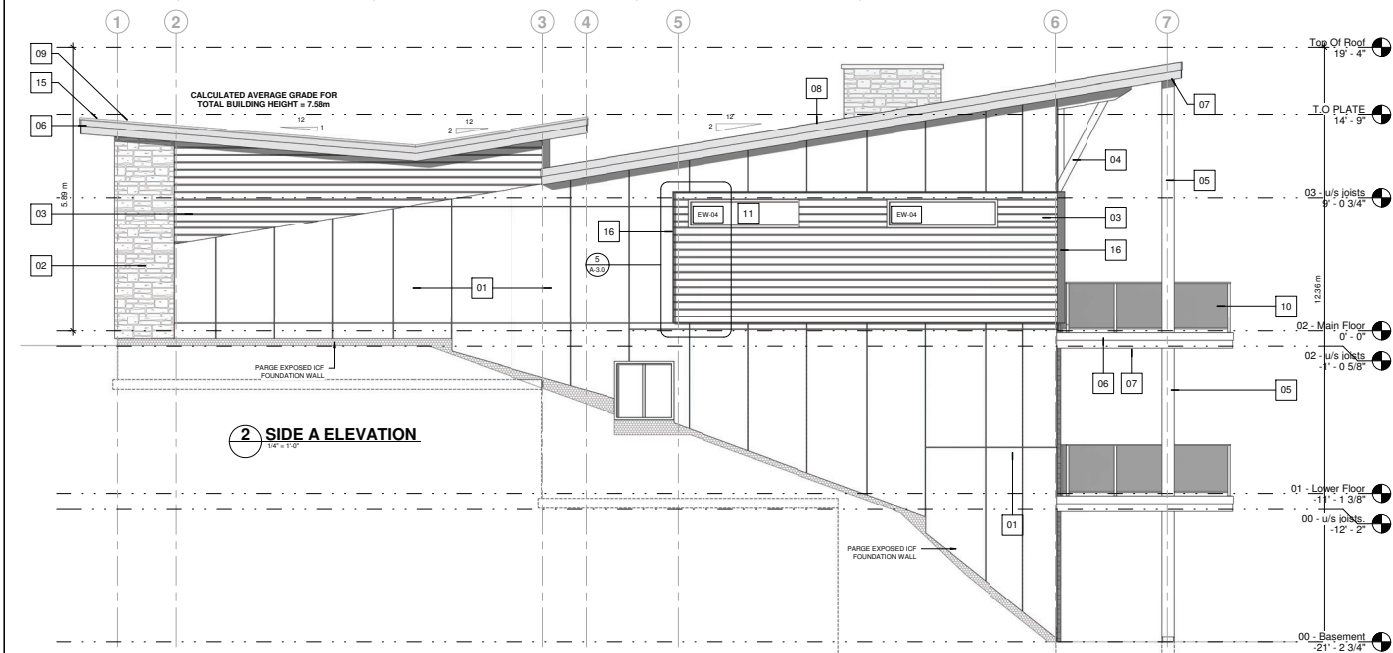
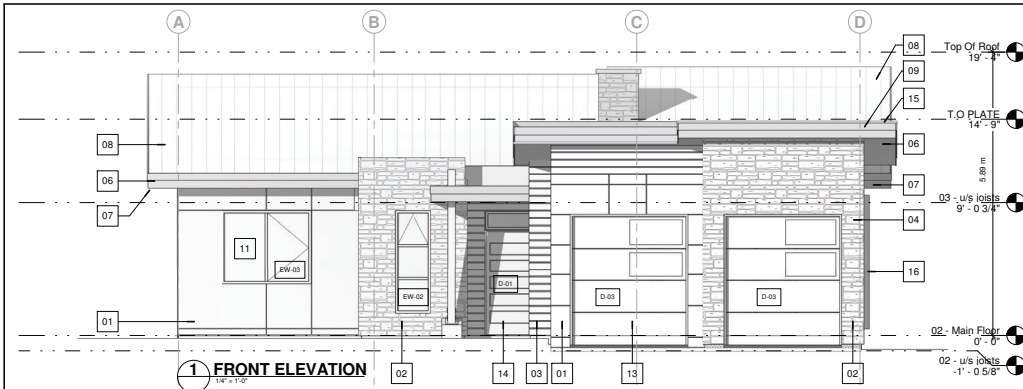
REVISION:

SHEET NO.

A-1.0

Elevations

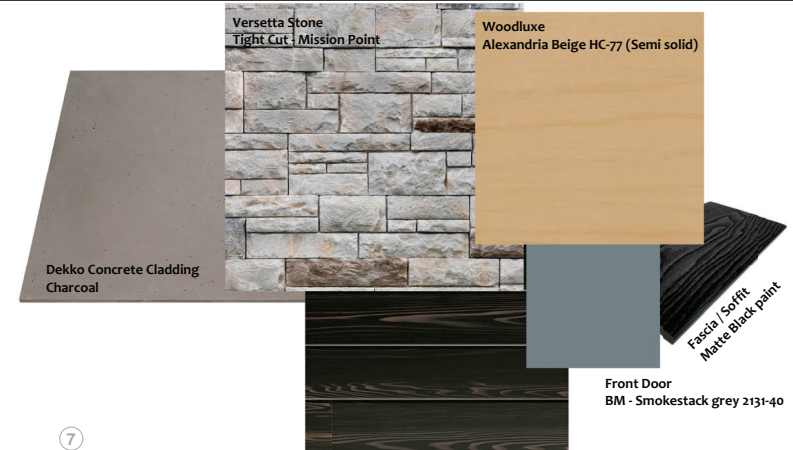




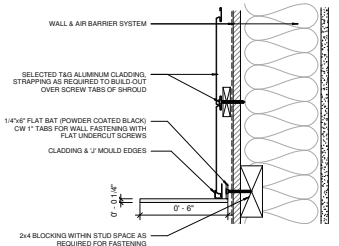
EXTERIOR FINISH SCHEDULE

NOTE: All finishes & extent thereof to be finalized & confirmed by owner

- | | | |
|---|--|---|
| 1 Black ACM panel or similar comes with reveals | 8 Metal standing seam roofing at 2:12 pitch
Owner select color TBD | 15 Cap Flashing (Black) over parapet walls |
| 2 Masonry Veneer or Natural Stone with galv. metal mesh & mortar
owner select color & make TBD | 9 Black 2-ply SBS roofing membrane to Garage Roof | 16 Steel (powder coated) shroud around T&G
cladding, wraps corner |
| 3 Woodgrain T&G aluminum or composite cladding
6" with V-Groove Reveal | 10 42" High Minimum Guards with glass | 17 Concrete pedestal for double column entry feature
see door schedule for sizes |
| 4 Timber Decorative feature columns & beams
Owner select stain TBD | 11 Exterior windows Black exterior with white interior finishes -
See window schedule for sizes | 18 (2) 6x6 timber columns (stain match others) on
embedded knife plates & black carriage bolts |
| 5 10x10 Timber columns & beams
Owner select stain TBD | 12 Exterior Doors, Black exterior with white interior -
see door schedule for sizes | |
| 6 Double Fascia (Smart trim, painted black) | 13 Exterior Overhead Doors CW Sidelights | |
| 7 Soffits Aluminum V-Groove with strip venting | 14 Exterior Front Door Package CW Sidelight &
Transom Window 4'-0" x 8'-6" | |

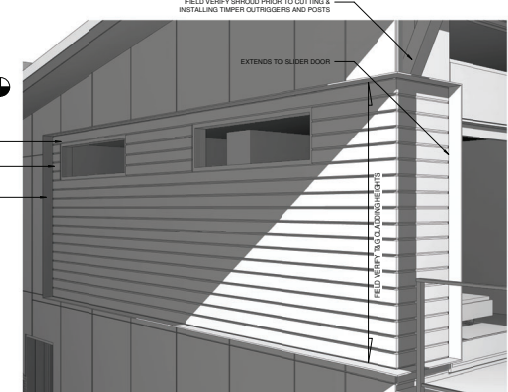


**LUX wood products
Charwood**



4 STEEL CLADDING SHROUD

ENSURE THE SHROUD THAT IS OVER THE DECK DOES NOT
CONFLICT WITH VINYL DECOR WRAPPING UP THE WALL.
THE SHROUD SHOULD BE INSTALLED AFTER DECKING &
PRIOR TO TAG CLADDING INSTALLATION FOR THE
CONCEALMENT OF THE FASTENERS. REFER TO FASTENER
DETAIL.



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STONES**
design group inc.
www.sticksandstones.ca

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450-1815 DICKSON AVENUE
KELOWNA, BC
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T 250.712.5028
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W www.sticksandstones.ca

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PROFESSIONAL CONSULTANTS SHALL USE
CONTRACTORS MUST BE HELD UPON TO
VERIFY THE QUALITY OF MATERIALS
(JOINTS, METALS, GLASS, PARTS,
TRANSITIONAL SEPARATIONS, CONNECTIONS,
MECHANISMS, ETC.) VERIFY ALL LOCAL
DIMENSIONS IN THE FIELD. REPORT ALL
DISCREPANCIES TO THE PROJECT DESIGNER.
CONTRACTOR SHALL BE RESPONSIBLE FOR
CONSTRUCTION.

NO	REVISION	DATE	BY
1	ISSUED FOR COORDINATION	2024.10.29	MJ
2	ISSUED BY & REVIEW	2024.12.04	MJ
3	ISSUED BY	2025.02.04	MJ
4	SP revision (add level)	2025.03.20	MJ
5	Material Updates	2025.11.26	MJ
6			
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13			
14			
15			
16			
17			
18			

PROJECT:
HOUVENEGHEL
RESIDENCE

ADDRESS AND LEGAL:
Lot 9 DL 17108
HOUVENEGHEL
PL EPI 19561

DRAWING TITLE:
ELEVATIONS

SCALE: As indicated

REVISION:

SHEET NO.:
A-3.0



Notes:

63 0 31 63 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
RDEK GeoViewer - 3-4-2026 12:13 PM

Page 135 of 260

Scale = 1:2,500



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Krista Gilbert

From: Kirsten Mills [REDACTED]
Sent: Tuesday, April 21, 2026 10:44 AM
To: Krista Gilbert
Subject: Re: Development Variance Permit No. 8-26

Hi Krista,

Thank you for the quick response and for the opportunity to comment.

We have reviewed the information in the referral package, as well as the Trappers Ridge Design Guidelines and the Panorama Construction Guidelines, which both emphasize preserving existing vegetation and restricting tree removal outside the approved footprint / zone of clearing. Based on this, we would like to confirm our support for the requested variances to building height and parcel coverage, on the understanding that no existing trees on or adjacent to the property will be removed other than any that may be formally identified as hazard trees in accordance with the Construction Guidelines.

If the proposal does not involve any tree removal beyond what is already contemplated and permitted in these guidelines, please consider this email as our full support for DVP 8-26. If our interpretation of the guidelines is not correct, or if any additional tree removal is anticipated as part of this project, we would appreciate it if you could let us know.

Kind regards,
Kirsten and Greg Mills
2169 Trappers Way

On Apr 10, 2026, at 2:22 PM, Krista Gilbert <kgilbert@rdek.bc.ca> wrote:

Hi Kirsten,

Please see the attached information package.

Krista Gilbert
Planning Technician

From: Kirsten Mills [REDACTED]
Sent: Friday, April 10, 2026 2:19 PM
To: Krista Gilbert <kgilbert@rdek.bc.ca>
Subject: Development Variance Permit No. 8-26

Hello Krista,

I am writing to request a copy of Development Variance Permit No. 8-26 for 2167 Trappers way, Panorama (Lot 9, District Lot 17108 Kootenay District Plan EPP19561).

Request for Decision Development Variance Permit Application

File No: P 726 520
Reference: DVP 9-26
Date: April 20, 2026

Subject: DVP No. 9-26 (Columere / Rivard & Warner)
Applicant: Gabriela Rivard and Kenneth Warner
Agent: Jean Terpsma, Terpsma Land Development Consulting
Location: 5571 Highway 93/95, Columere, west of Columbia Lake
Legal: Lot A District Lot 344 Kootenay District Plan 16473 (PID: 007-935-391)

Proposal: To waive the minimum useable site area for proposed Lot 1 in a two-lot subdivision.

Options:

1. THAT Development Variance Permit No. 9-26 (Columere / Rivard & Warner) be granted.
2. THAT Development Variance Permit No. 9-26 (Columere / Rivard & Warner) be refused.

Recommendation: Option 1

While OCP policies explicitly state that varying minimum usable site area is not supported, a professional engineer report has been submitted confirming that the buildable area analyzed is safe for residential use. A covenant will be registered on title restricting development outside of the buildable area as part of subdivision registration process.

Property Information:

OCP Designation: RR, Rural Resource which supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

OCP Policies:

- Applications to vary the minimum usable site area requirements contained within the zoning bylaw will generally not be supported.
- Development on land with slope equal to or greater than 15%, susceptible to erosion and landslip is discouraged. Land susceptible to erosion and landslip should be used for open space and passive recreation purposes.
- Development of lands with slopes equal to or greater than 30% is discouraged and is subject to a geotechnical assessment and the registration of a covenant identifying the hazard and remedial requirements as specified in the geotechnical assessment.

Zone Designation: A-2, Rural Residential (Country) Zone which requires a minimum parcel size of 8.0 ha.

Property Information - cont'd:

Parcel Size: 16.8 ha (41.6 ac)

Density: One Single Family Dwelling and one secondary suite is permitted per parcel.

ALR Status: Within the ALR. Approval to subdivide was granted by the ALC with Resolution #114/2023.

Interface Fire Hazard Rating: Low and High, within the Fairmont Hot Springs Fire Protection Area.

BC Assessment: Residential (SFD)

Water and Sewer Services: Individual onsite well and sewage disposal system.

Flood Hazard Rating: Not within a flood hazard rating area.

Professional Studies:

A Geotechnical Site Investigation Report was completed by Groundtech Engineering Ltd. dated June 3, 2025. The report classified lands in the subject property as either Zone 1 or Zone 2. Zone 1 has terrain that is considered suitable for development with residential structures or driveways and is considered safe for the intended use. Zone 2 terrain is not considered suitable for development with residential structures. However, driveways from Highway 93/95 are acceptable within Zone 2 lands. Residential construction on Zone 2 lands may be possible, however a site specific geotechnical investigation would be required.

The Report states that the geohazard Zone 1 area should be established as covenant areas.

Additional Information:

- The definition of usable site area in the Columbia Valley Zoning Bylaw is a contiguous area of land with an average slope not exceeding 15%, no portion of which is subject to land slip, avalanche, rock fall, flooding or high water table. The variance is required because there is not a contiguous area of land with an average slope not exceeding 15% of the required size within proposed Lot 1.
- As part of the subdivision process the Ministry of Transportation and Transit will require registration of a covenant reflecting the information in the Geotechnical Site Investigation Report. The RDEK will be named on the covenant and it will be registered with the final subdivision plan.
- A letter from a surveyor was submitted as part of the subdivision referral from the Ministry confirming that the remainder parcel has the required minimum usable site area as defined in the Columbia Valley Zoning Bylaw.

Consultation:

APC Areas F & G: Support recommended

Response(s) to Notice: Six (6) notices were mailed on March 31, 2026 to all property owners within 100 m. No notices were returned as undeliverable and no responses were submitted from the public.

**Documents
Attached:**

- Permit
- Location Map
- Land Use Map
- Slope Hazard Map
- Proposed Subdivision Plan
- Geohazard Zone Map
- Covenant Areas
- Aerial Photo

**RDEK
Contact:**

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca

Permittee: Gabriela Rivard and Kenneth Warner

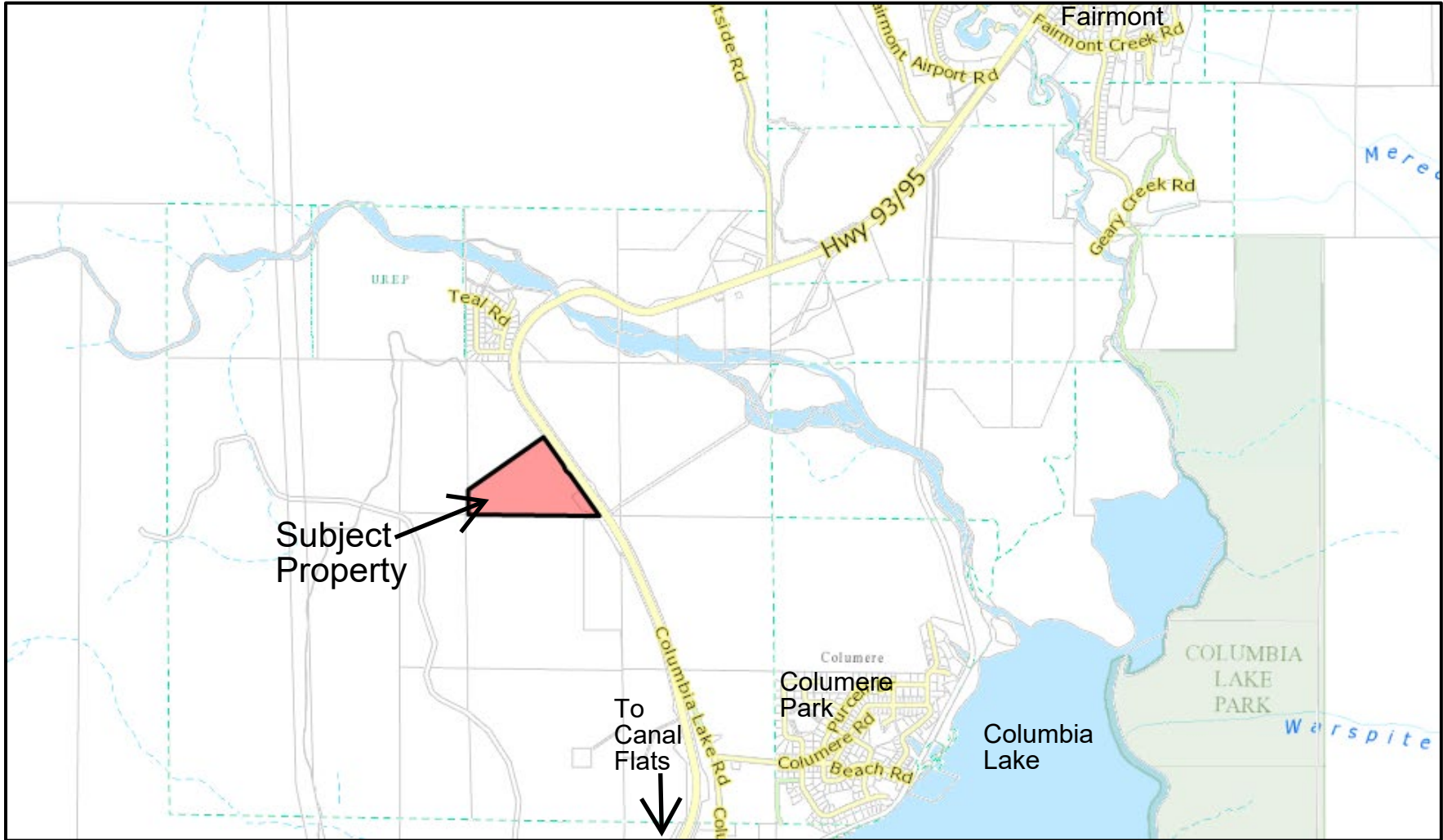
1. This Development Variance Permit is issued subject to compliance with all RDEK bylaws applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below:

Lot A District Lot 344 Kootenay District Plan 16473
(PID: 007-935-391)
3. That Regional District of East Kootenay – Columbia Valley Zoning Bylaw No. 3255, 2023, Section 2.4(1)(a), be waived for proposed Lot 1 in a two lot subdivision.
4. The lands described herein shall be developed strictly in accordance with the terms and conditions of this Permit and in substantial compliance with the information submitted in the Development Variance Permit application received on January 29, 2026.
5. This permit is subject to the proposal complying with all other bylaw requirements.
6. This Permit shall come into force on the date of an authorizing resolution passed by the RDEK.
7. This Permit is not a building permit.
8. This Permit is only valid if a covenant is registered at the time of subdivision registration with the conditions outlined in the Geotechnical Site Investigation Report completed by Groundtech Engineering in June, 2025.
9. If development authorized by this Permit does not commence within two years of the issue date of this Permit, the Permit shall lapse.
10. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filed in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.
11. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the developer other than those in this Permit.
12. This Permit shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

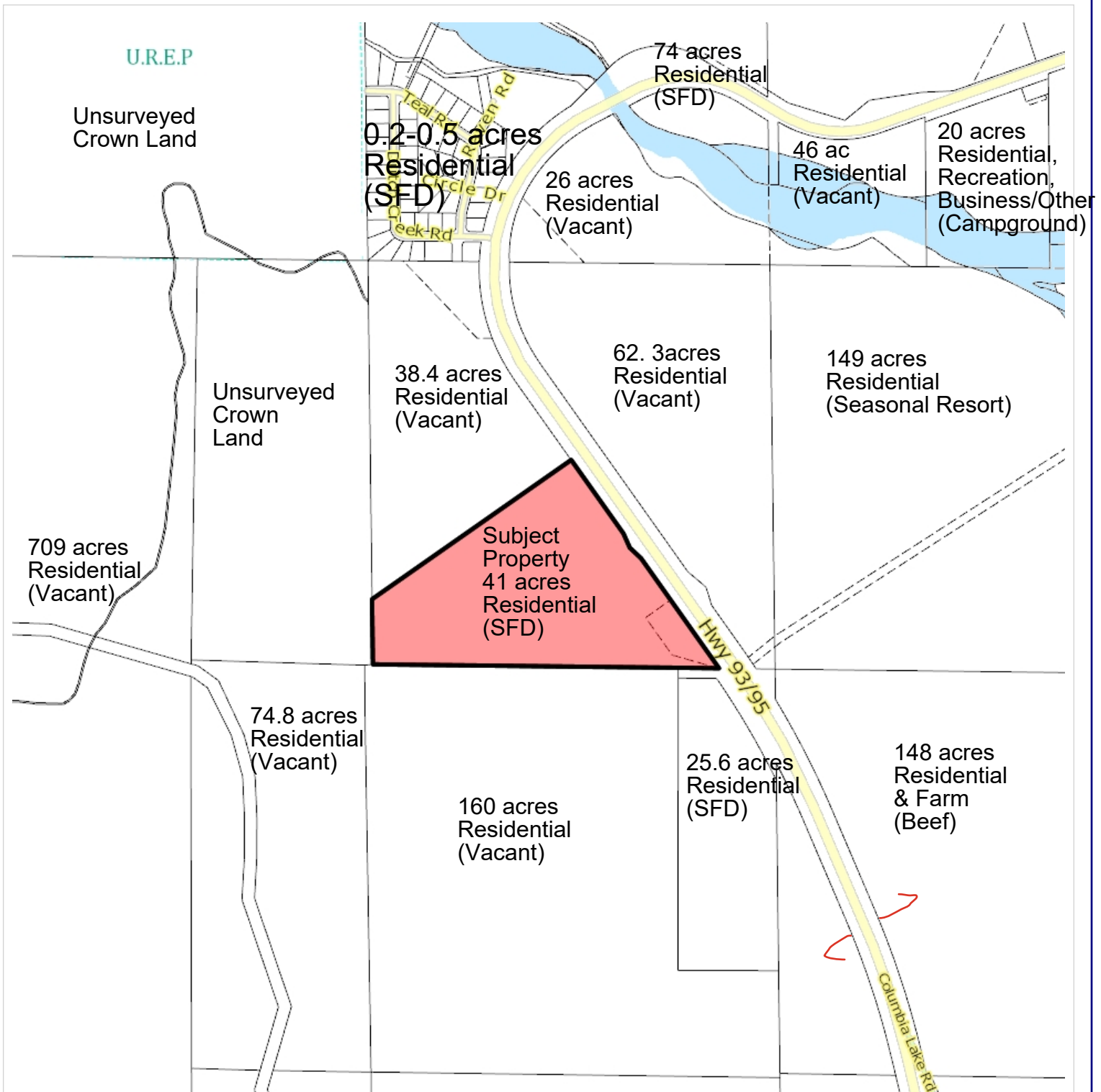
Authorizing Resolution No. _____ **adopted by the Board of the Regional District of East Kootenay on the** _____ **day of** _____ **, 2026.**

Tina Hlushak
Corporate Officer

Location Map



Land Use Map



Notes:

425 0 213 425 Meters

Scale = 1: 17,000



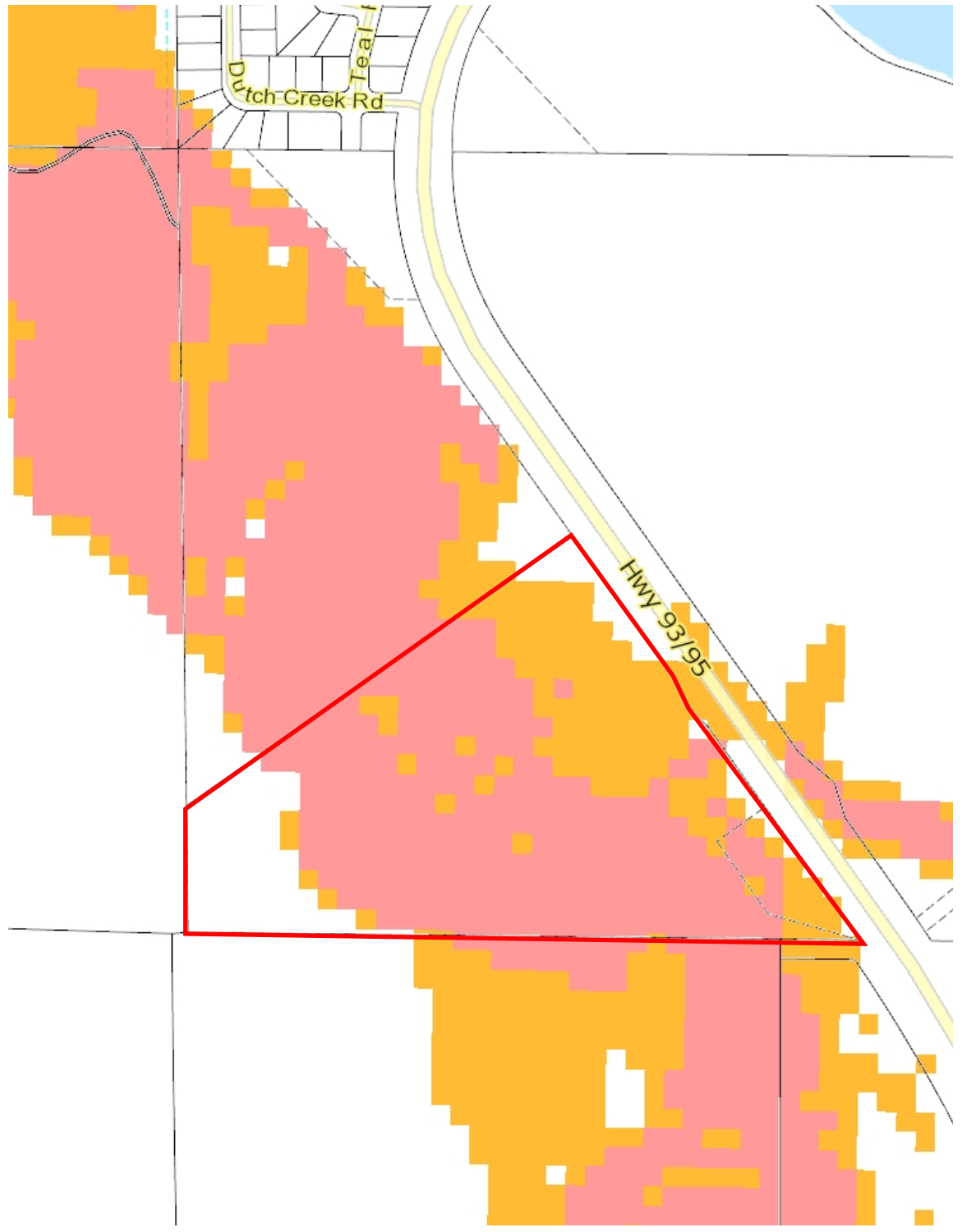
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Slope Hazard Map

Legend

- Slope Hazard
- Slope 15-29.9%
- Slope >30%



Notes:

161 0 81 161 Meters

Scale = 1: 6,440



THIS MAP IS NOT TO BE USED FOR NAVIGATION

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SUBDIVISION PLAN OF PART OF LOT A DISTRICT LOT 344 KOOTENAY DISTRICT PLAN 16473

PLAN EPP150216

BCGS 82J.031



The intended plot size of this plan is 560 mm in width by 432 mm in height (C Size) when plotted at a scale of 1:2000.

Grid bearings are derived from GNSS observations and are referred to the central meridian of UTM Zone 11.

The UTM coordinates and estimated absolute accuracy achieved are derived from GNSS observations and processed using the CSRS-PPP online processing provided by Natural Resources Canada.

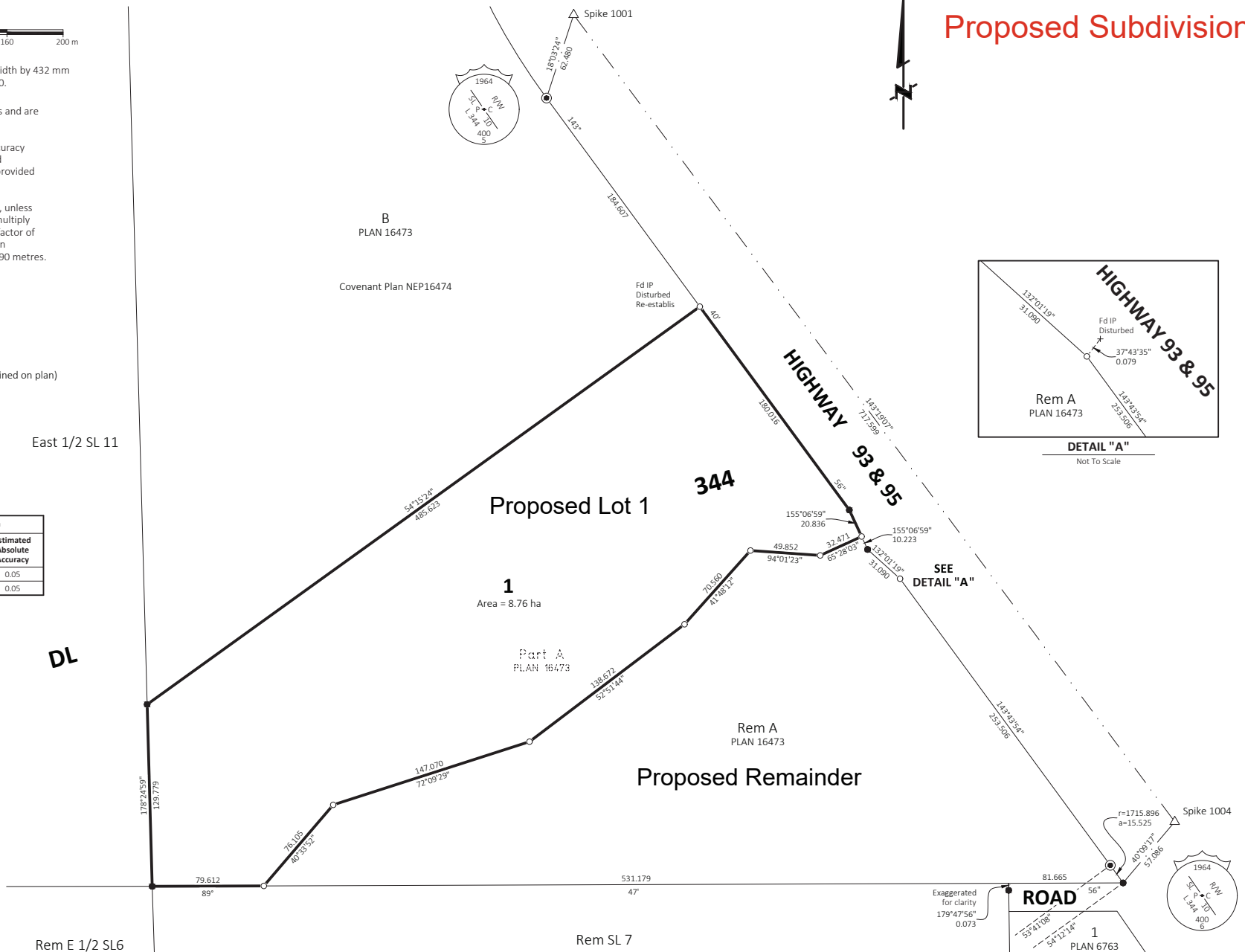
This plan shows horizontal ground level distances, unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.9995359. The average combined factor has been determined based on an ellipsoidal elevation of 890 metres.

LEGEND:

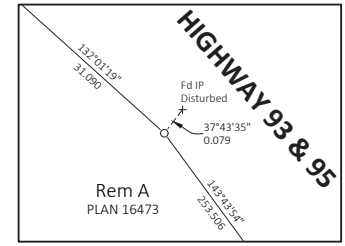
- denotes standard concrete post found
- denotes standard iron post found
- + denotes unmonumented point
- denotes standard iron post placed
- △ denotes traverse hub placed (type defined on plan)
- SL denotes sub lot

East 1/2 SL 11

Datum: NAD83(CSRS) 2002.0 UTM Zone 11 North			
Station	Northing	Easting	Estimated Absolute Accuracy
Spike 1001	5573321.59	578276.95	0.05
Spike 1004	5572746.36	578705.42	0.05



Proposed Subdivision



DETAIL "A"
Not To Scale

DL

Rem E 1/2 SL6

Rem SL 7

Exaggerated for clarity
179°47'56"
0.073

A Covenant in the name of Ministry of Transportation and Transit and the Regional District of East Kootenay and a Covenant in the name of the Regional District of East Kootenay pursuant to Section 219 of the Land Title Act is a condition of approval for this subdivision.

This plan affects land adjacent to a controlled access highway under Land Title Act Section 80.

This plan lies within the Agricultural Land Reserve.

This plan lies within the jurisdiction of the Approving Officer for the Ministry of Transportation and Transit.

MOTT File # 2023-05432

This plan lies within the Regional District of East Kootenay

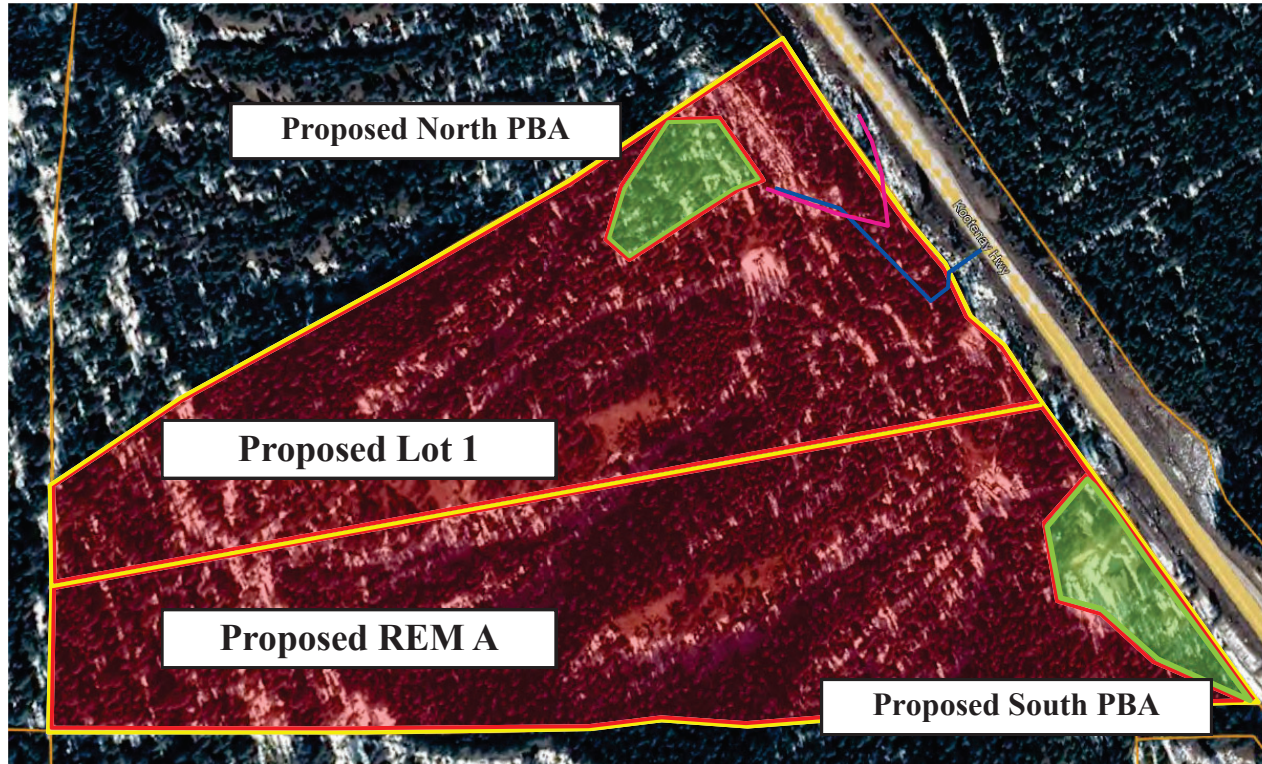
The field survey represented by this plan was completed on the 9th day of December, 2025.

W. Matthew T. Smienk, BCLS 1074

Figure 7
Geohazard Zone Map

Project:
 Geotechnical Site Investigation

Proposed Subdivision
 Lot A, DL 344, KD Plan 16473
 Fairmont Hot Springs, BC



Legend:

- Geohazard Zone 1:
- Geohazard Zone 2:
- Proposed Lot Boundaries:
- Potential Road Alignment 1:
- Potential Road Alignment 2:

Scale: NTS

File: 25m31fg

Groundtech Engineering Ltd.



REFERENCE PLAN OF PART OF LOT 1 PLAN EPP150216; AND PART OF LOT A PLAN 16473 EXCEPT PLAN EPP150216; BOTH WITHIN DISTRICT LOT 344 KOOTENAY DISTRICT

PLAN EPP150217

Covenant Areas

Pursuant to Section 99(1)(e) of the Land Title Act
For Covenant Purposes

BCGS 82J.031



The intended plot size of this plan is 560 mm in width by 432 mm in height (C Size) when plotted at a scale of 1:2000.

Grid bearings are derived from GNSS observations and are referred to the central meridian of UTM Zone 11.

The UTM coordinates and estimated absolute accuracy achieved are derived from GNSS observations and processed using the CSRS-PPP online processing provided by Natural Resources Canada.

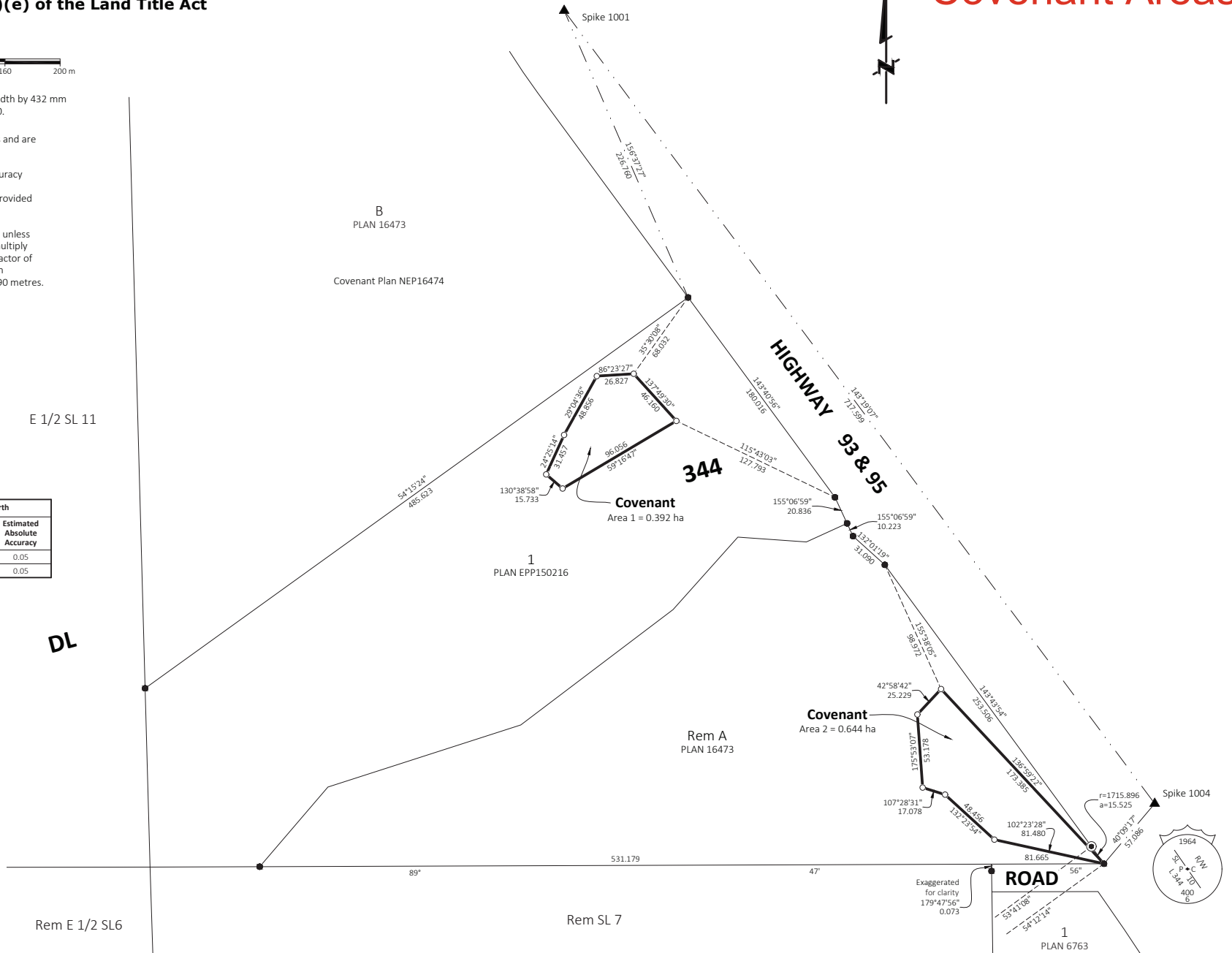
This plan shows horizontal ground level distances, unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.9995359. The average combined factor has been determined based on an ellipsoidal elevation of 890 metres.

LEGEND:

- denotes standard concrete post found
- denotes standard iron post found
- ▲ denotes traverse hub found
- denotes standard iron post placed
- SL denotes sub lot

Datum: NAD83(CRS) 2002.0 UTM Zone 11 North			
Station	Northing	Easting	Estimated Absolute Accuracy
Spike 1001	5573321.59	578276.95	0.05
Spike 1004	5572746.36	578705.42	0.05

BOOK OF REFERENCE		
PARCEL	DESCRIPTION	AREA
Lot 1, Plan EPP150216	Area 1	0.392 ha
Rem Lot A, Plan 16473	Area 2	0.644 ha
TOTAL:		1.04 ha



E 1/2 SL 11

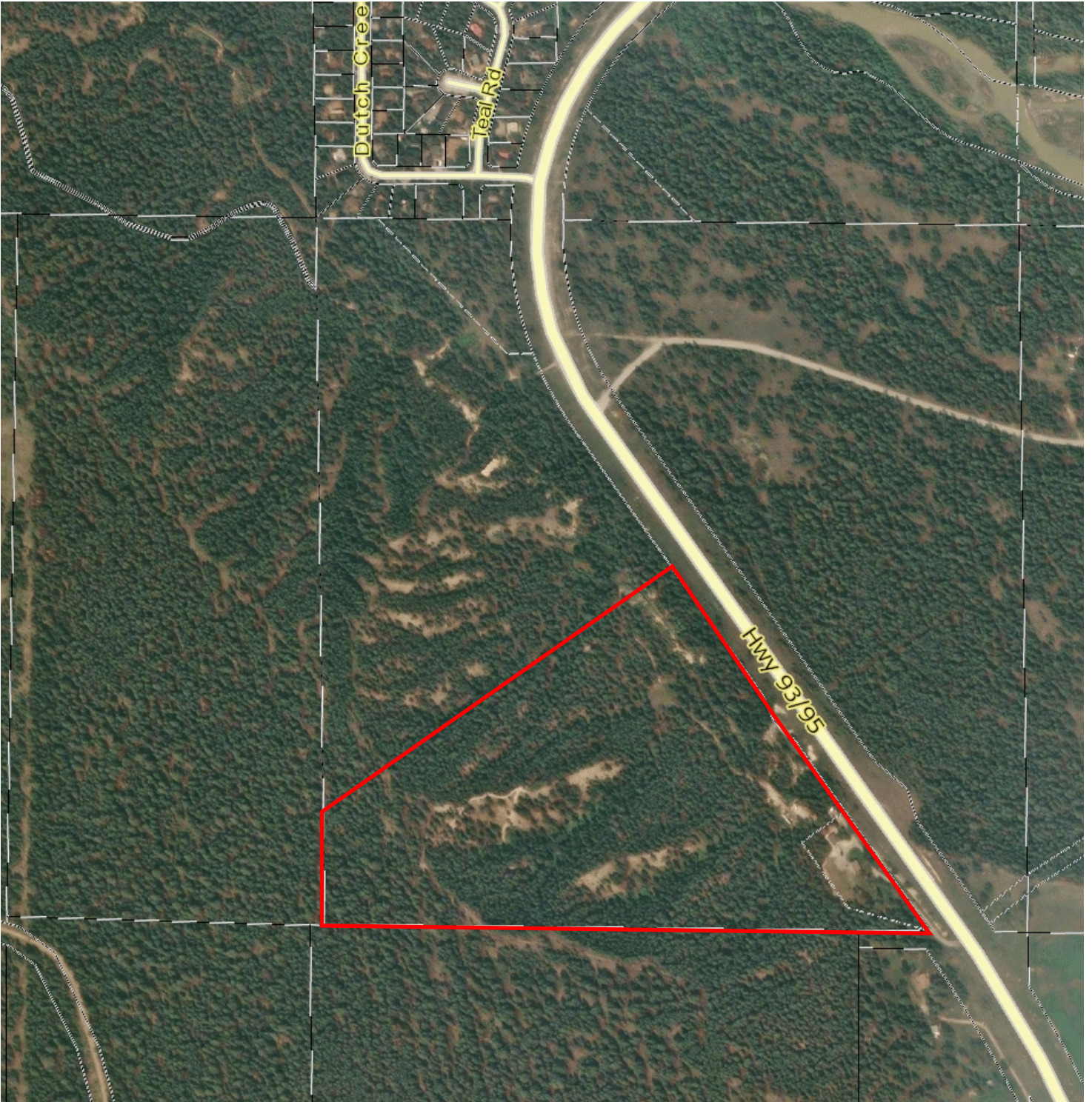
DL

Rem E 1/2 SL6

Rem SL 7

Rem A
PLAN 16473

1
PLAN 6763



Notes:

250 0 125 250 Meters

Scale = 1: 10,000



THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Request for Decision Development Variance Permit Application

File No: P 726 111
Reference: DVP 12-26
Date: April 29, 2026

Subject: DVP No. 12-26 (Corbin Rd / Corbin Road Land Corp)
Applicant: Corbin Road Land Corp.
Agent: Ryan Richmond, McElhanney
Location: Corbin Road, east of Fernie
Legal: Lot 2, District Lot 4589, Kootenay District, Plan NEP22933 Except EPP128771 (PID: 023-431-482)

Proposal: To waive the proof of adequate sewer servicing capability requirements of the RDEK Subdivision Servicing Bylaw for a two-lot subdivision.

1. THAT Development Variance Permit No. 12-26 (Corbin Rd / Corbin Road Land Corp) be granted.
2. THAT Development Variance Permit No. 12-26 (Corbin Rd / Corbin Road Land Corp) be refused.

Recommendation: **Option 1**

The proposed parcels are very large managed forests and will not require any serviced structures.

Property Information: **OCP Designation: RR, Rural Resource** which supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.

OCP Policies:

- Preserve the economic benefit of the mineral and forest resource base which supports the primary economic activity in the plan area.

Zone Designation: RR-60, Single Rural Resource Zone.

Parcel Area:

Parent parcel: approx 4930 ha (12,182 ac)
Proposed Lot A: 1413 ha (3491 ac)

Density: One single family dwelling or duplex would be permitted; however, this is a property associated with mining and there are no plans for development of a residence.

ALR Status: Not within the ALR

BC Assessment: Residential & Managed Forest (Vacant)

**Property
Information
cont'd:**

Flood Hazard Rating: There are several creeks and streams running through the subject parcel. Floodplain management provisions will apply if structures are proposed near watercourses or waterbodies in future.

Water / Sewer Services: None

Interface Fire Hazard Rating: Low, not within a fire protection area

**Professional
Studies:**

None.

**Additional
Information:**

- The proposed subdivision application is currently undergoing the review and approvals process with the Ministry of Transportation and Transit.
- A previous DVP application for a subdivision required a covenant registered on title which prohibits construction or placement of any buildings or structures requiring servicing until proof of sewage disposal capability is provided to the RDEK. This covenant will remain registered on the new lots; therefore, no new covenant is required as a result of this DVP.

Consultation:

APC Area A: Support recommended.

Response(s) to Notice: Ten (10) notices were mailed on April 2, 2026 to all property owners within 100 m. No responses were received and no notices were returned as undeliverable.

**Documents
Attached:**

- Permit
- Location Map
- Bylaw Regulation
- Proposed Subdivision Plan

**RDEK
Contact:**

Tracy Van de Wiel, Planning Technician 2
Phone: 250-489-0311
Email: tvandewiel@rdek.bc.ca

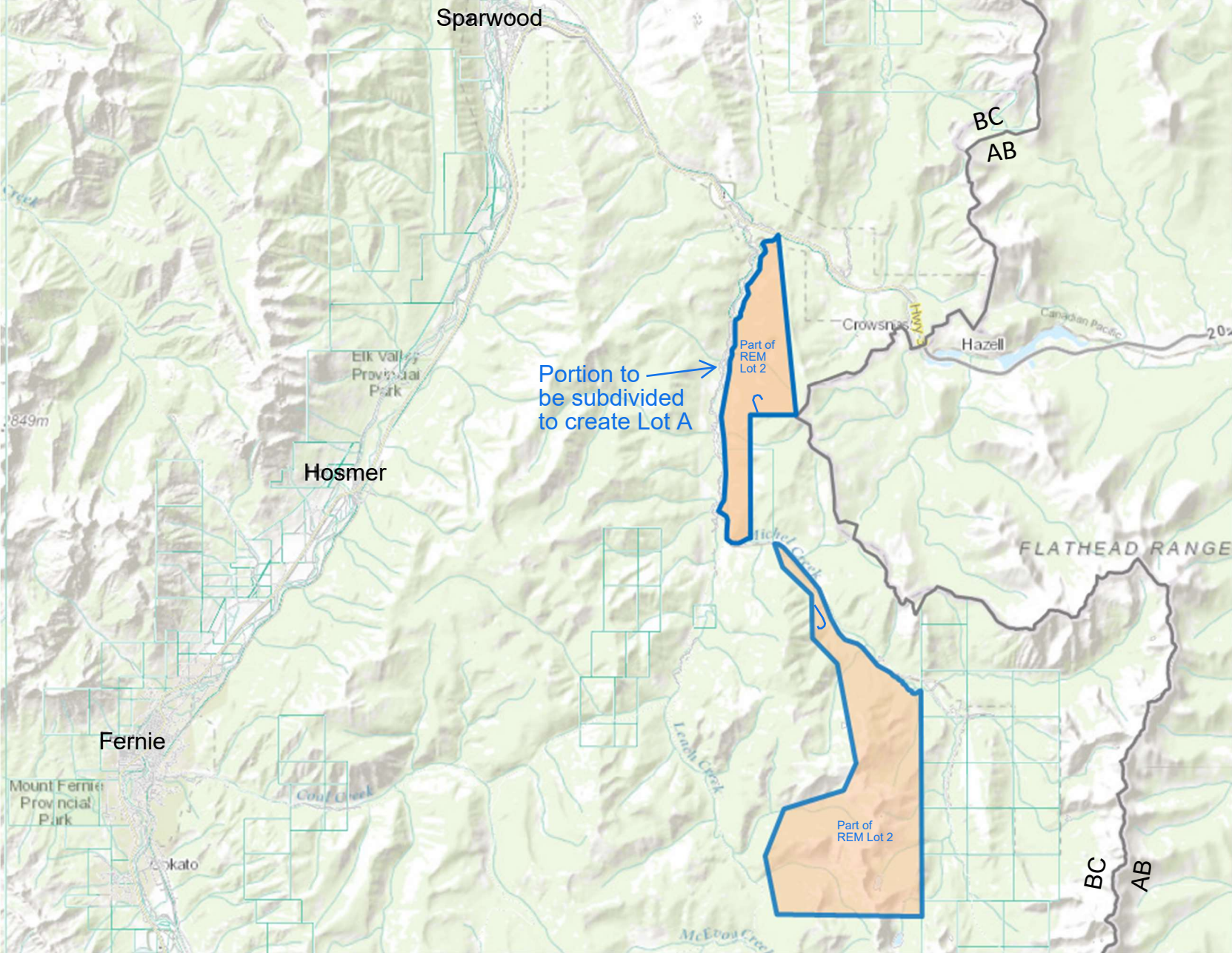
Permittee: Corbin Road Land Corp.

1. This Development Variance Permit is issued subject to compliance with all RDEK bylaws applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below:
Lot 2 District Lot 4589 Kootenay District Plan NEP22933 Except EPP128771 (PID 023-431-482)
3. Regional District of East Kootenay – Subdivision Servicing Bylaw No. 1954, 2008, Section 11.01 (1) which requires all new parcels being created by subdivision to provide proof of adequate sewage disposal capability, is waived for the proposed subdivision.
4. The lands described herein shall be developed strictly in accordance with the terms and conditions of this Permit and in substantial compliance with the information submitted in the Development Variance Permit application received on February 17, 2026, and with the information received in the subdivision referral received from the Ministry of Transportation and Transit on May 16, 2025.
5. This permit is subject to the proposal complying with all other bylaw requirements.
6. This permit is subject to Restrictive Covenant CB2443916 remaining registered on both proposed lots and prohibiting any serviced buildings or structures until proof of sewage servicing capability is provided to and accepted by the Regional District of East Kootenay.
7. This Permit shall come into force on the date of an authorizing resolution passed by the RDEK.
8. This Permit is not a building permit.
9. If subdivision authorized by this Permit does not commence within two years of the issue date of this Permit, the Permit shall lapse.
10. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filed in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.
11. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the developer other than those in this Permit.
12. This Permit shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

Authorizing Resolution No. **adopted by the Board of the Regional District of East Kootenay on the** **day of** **, 2026.**

Tina Hlushak
Corporate Officer

Location Map



- (a) a Backflow Prevention Device be installed; and,
 - (b) a water meter be installed prior to the temporary use of a fire hydrant to measure the volume of water used.
- (3) Every person issued a Fire Hydrant Use Permit must coordinate their requirements with the Regional District which may supply an Approved Backflow Prevention Device, water meter assembly and will turn on and off the applicable hydrant.
- (4) No person, except employees of the Regional District in the course of their employment, shall open any hydrant, standpipe or valve or use water therefrom without first obtaining a Fire Hydrant Use Permit. Where a Fire Hydrant Use Permit has been issued, the Regional District reserves the right to terminate such permit and the use of the hydrant standpipe or valve, at any time, for any reason, without liability for damages of any kind which may arise as a result of such termination.
- (5) Hydrants must be operated by Regional District employees only.

PART 11 SEWAGE DISPOSAL

11.01 GENERAL REQUIREMENTS

Section to be Varied



(1) The Owner must provide proof that an adequate sewage disposal method can be provided for each parcel by complying with Section 11.01(2)(a) or (b).

(2) (a) Where a new individual sewage system or a new Community Sewer System is proposed and

BL 2370
04 May 12

- (i) the estimated daily domestic sewage flows are less than 22,700 litres, the Owner must adhere to the Sewerage System Regulation (B.C. Reg. 326/2004) and provide confirmation from a Public Health Inspector, or an authorized person or professional as defined in that regulation, that each parcel is capable of supporting a Type 1 system and a 100% replacement disposal area.
- (ii) where the estimated daily domestic sewage flows are greater than 22,700 litres, the Owner must adhere to the Municipal Sewage Regulation (B.C. Reg. 129/1999) and provide to the Regional District a Municipal Sewage Regulation registration number.

BL 2370
04 May 12

(b) Where an Owner proposes to connect to an existing Community Sewer System, prior to the Regional District's final approval of the subdivision, the owner must:

- (i) submit to the Regional District confirmation from the owner of the Community Sewer System that all parcels proposed can be connected to the sewer system and that connection fees have been paid; and
- (ii) at the discretion of the Regional District, provide confirmation from the Ministry of Environment or a Professional Engineer that the Community Sewer System can service the proposed parcels in compliance with the Municipal Sewer Regulation and related permits.

(3) In all subdivisions and developments where a Community Sewer System to be owned, operated and maintained by the Regional District is proposed, the system must be designed, installed and otherwise meet the standards prescribed in this Bylaw. In addition, Community Sewer Systems must be designed in accordance with the requirements of the Ministry of Health and Ministry of Environment.

(4) Sewage holding tanks are not permitted within the Regional District.

BL 2604
03 July 15

(5) In the case of a parcel less than 2 ha in size with a house or business connected to an existing individual sewerage system, the Owner must provide written proof from a Registered Onsite Wastewater Practitioner or Professional Engineer that the existing individual sewerage system will not create a health hazard and that a suitable future dispersal area is achievable on the parcel.

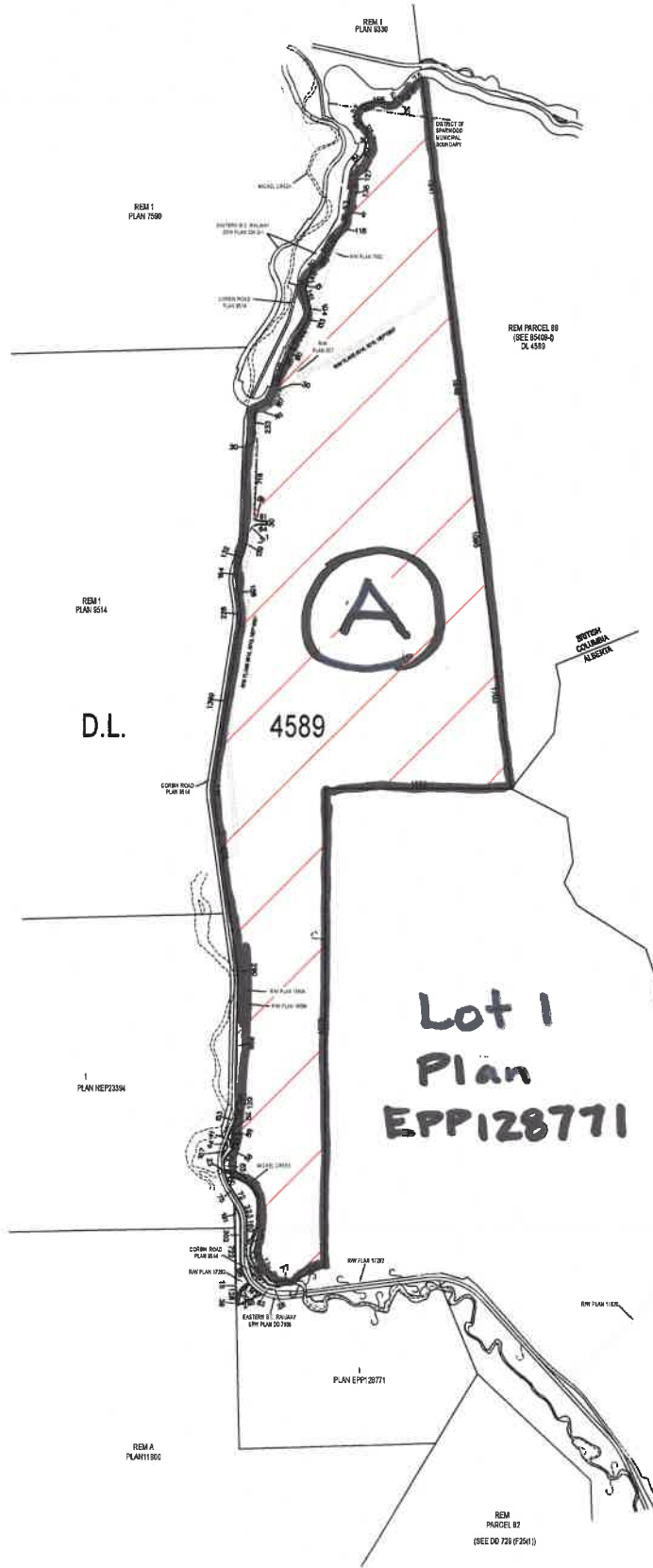
(6) Where an individual sewerage system servicing an existing house or business is not located on the parcel where the existing house or business is located, an easement for access and maintenance purposes is required.

PLAN OF PROPOSED SUBDIVISION OF PART OF
 LOT 2 DISTRICT LOT 4589
 KOOTENAY DISTRICT PLAN NEP22933
 E/CEPT PART IN PLAN EPP128771 (PENDING)

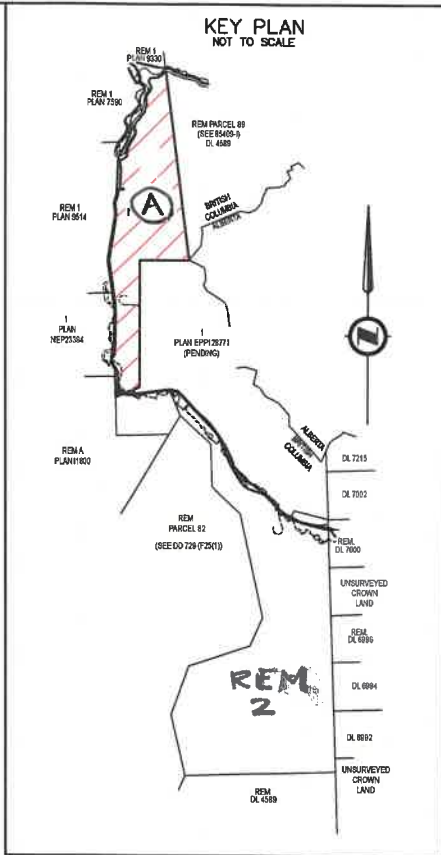
Proposed Subdivision Plan

P.L.D. 023-431-482

SCALE : 1:20000
 0 100 200 metres



KEY PLAN NOT TO SCALE



**Lot 1
 Plan
 EPP128771**

**REM of
 Lot 2
 Plan EPP22933**
 ↓

Request for Decision Temporary Use Permit

File No: P 726 207
Reference: TUP 4-26
Date: April 21, 2026

Subject: TUP No. 4-26 (Kragmont / Meidinger and Paul)
Applicant: Bradley Meidinger and Kymme Paul
Location: 1689 Gavin Road, Kragmont, south of Baynes Lake
Legal: Lot B Block 74 District Lot 132 Kootenay District Plan EPP116362
(PID: 031-614-540)

Proposal: To permit a deck on each of two RVs which are placed on a vacant property and seasonally occupied prior to a principal use being established on the property.

Options:

1. THAT Temporary Use Permit No. 4-26 (Kragmont / Meidinger and Paul) be granted.
2. THAT Temporary Use Permit No. 4-26 (Kragmont / Meidinger and Paul) be refused.
3. THAT Temporary Use Permit No. 4-26 (Kragmont / Meidinger and Paul) be granted for three years and that renewal be subject to a building permit having been issued for construction of a principal residence on the property.

Recommendation: Option 2

The bylaw regulations are intended to uphold the character of residential areas especially where there is elevated pressure from recreational users. A principal use (e.g. a dwelling) should exist on the property prior to accessory structures being permitted for RVs.

Property Information: **OCP Designation:** SH, Small Holdings which supports low density residential development with minimum parcel sizes in the range of 0.2 ha to 2.0 ha.

OCP Policies:

- The permitted number and placement of recreational vehicles on residential property for personal use will be regulated through the zoning bylaw to minimize the conflict between the recreational and residential use of property in the plan area. Applications for additional recreational vehicles on residential property will not generally be supported.
- Connection to an approved sewage disposal system under the Sewerage System Regulation of the Health Act is encouraged on any parcel on which a recreational vehicle is seasonally occupied or

**Property
Information
cont'd:**

intended to be seasonally occupied, and where a recreational vehicle park is not a permitted use.

- An application for a Temporary Land Use Permit will be considered in relation to:
 - demonstration that the use is temporary or seasonal in nature;
 - compatibility with the existing land use;
 - compatibility with surrounding land use;
 - potential conflict with agricultural or resource based activities;
 - potential conflict with adjacent land uses;
 - potential impact on fish or wildlife habitat;
 - provision of adequate servicing for water and sewage disposal;
 - duration of the proposed temporary land use; and
 - relevant policies within other sections of this plan.
- The Permit may be issued subject to conditions such as, but not limited to:
 - the buildings, structures, or area of land that may be used for the temporary use;
 - the period of applicability of the permit;
 - required site rehabilitation upon cessation of the use;
 - other business or operating conditions to mitigate the impacts of the temporary use.

Zoning Designation: RR-1, Rural Residential (Estate) Zone, which has a minimum parcel area requirement of 1 ha.

Parcel Size: 1.0 ha (2.47 ac)

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Moderate and high, within the Baynes Lake Fire Protection Area

BC Assessment: Residential (Vacant)

Water / Sewer Services: The application indicates there is a septic holding tank with capacity for two RVs and it gets pumped by a professional contractor. The applicant has also indicated that, when the septic system is designed for their house, it will be sized to accommodate the 2 RVs.

Holding tanks are not an approved method of sewage disposal within the RDEK.

Flood Hazard Rating: The property is not identified as having any flood hazard.

**Professional
Studies:**

None

Additional Information:

- Up to 2 RVs are permitted to be stored, placed and/or seasonally occupied within the South Country Zoning Bylaw area prior to the principal use being established on the property. No structures are permitted to be attached to or accessory to the RVs (decks, screened rooms, roof structures, etc) unless the principal use of the property has been established (e.g. a main dwelling, farm operation etc).
- Recreational vehicles must be sited in accordance with the setback requirements for accessory buildings and structures in the zone in which they are located.
- The applicant states that they have owned property in Kragmont since the 1970s and generations of their family have spent their summers there.
- Building permit applications for the decks have been submitted by the applicants.
- The applicants state that the decks are required because the steps provided with the RVs are steep and unstable for small children and grandparents. The stable deck surfaces provide a measure of safety when navigating the entrance and exit of the RVs.
- The applicants also state that they are planning to construct a garage and dwelling unit on the property soon and they have been investigating the 'Owner/Builder' requirements and will be considering building plans for the structure.

Consultation:

APC Area B: Support is recommended for a two-year term only, to give the owners time to plan and build a dwelling.

Response(s) to Notice: Eight (8) notices were mailed on March 31, 2026 to all property owners within 100 m of the subject property. A notice was also published in the April 23, 2026 issue of the Advertiser. No responses were received and no notices were returned as undeliverable.

Documents Attached:

- Permit
- Location Map
- Land Use Map
- Zone Designation Map
- Aerial Photo
- Letter from the Applicant
- Site Plan
- Site Photos
- Example Deck Plan

RDEK Contact:

Tracy Van de Wiel, Planning Technician 2
Phone: 250-489-0311
Email: tvandewiel@rdek.bc.ca

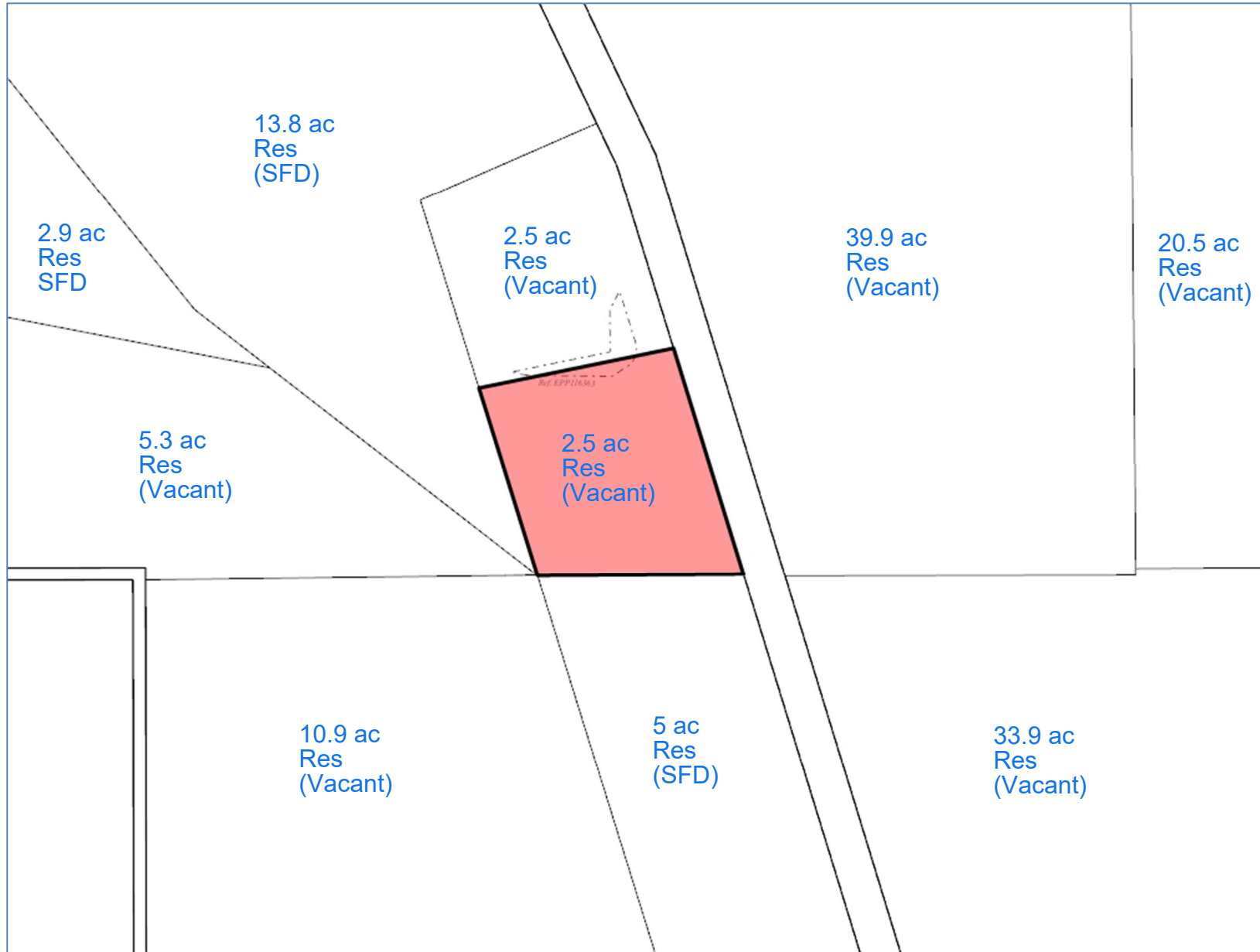
Permittee: Bradley Meidinger & Kymme Paul

1. This Temporary Use Permit, notwithstanding any zoning bylaw, allows the temporary use on Lot B Block 74 District Lot 132 Kootenay District Plan EPP116362 (PID 031-614-540) in strict accordance with the terms and conditions herein.
2. The temporary use allowed by this Permit is to permit placement and seasonal residential use of two recreational vehicles, each with a deck, prior to a principal use being established on the property.
3. The use of the subject property shall be in substantial compliance with information provided in the Temporary Use Permit application received January 25, 2026.
4. This Permit shall expire three (3) years from the date of issuance.
5. This Permit is subject to compliance with all provincial legislation.
6. Prior to expiry of this Permit, the owners must either; a) establish a permitted principal use on the property (e.g.: receive a building permit for construction of a principal dwelling), or b) remove the RVs and decks from the property and comply with the RDEK South Country Zoning and Floodplain Management Bylaw No. 2320, 2011.
7. It is understood and agreed that this Permit does not imply approval for future rezoning to permit the structure.
8. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, promises, or agreement (verbal or otherwise) with the property owner other than those in this Permit.
9. The development allowed by this permit is subject to all other RDEK Bylaws.

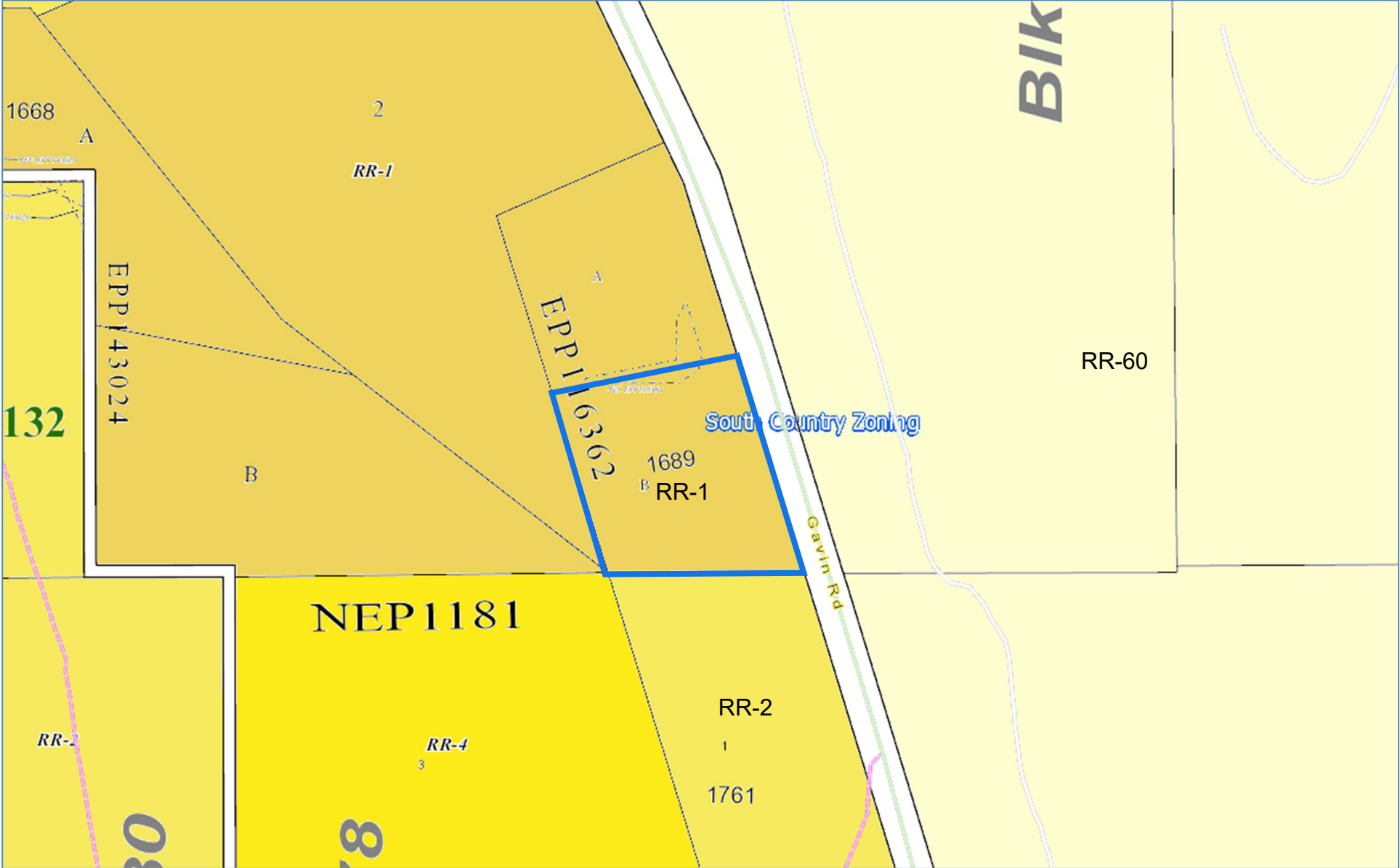
**Authorizing Resolution No. _____ adopted by the Board of the Regional District of East
Kootenay on the _____ day of _____, 2026.**

**Tina Hlushak
Corporate Officer**

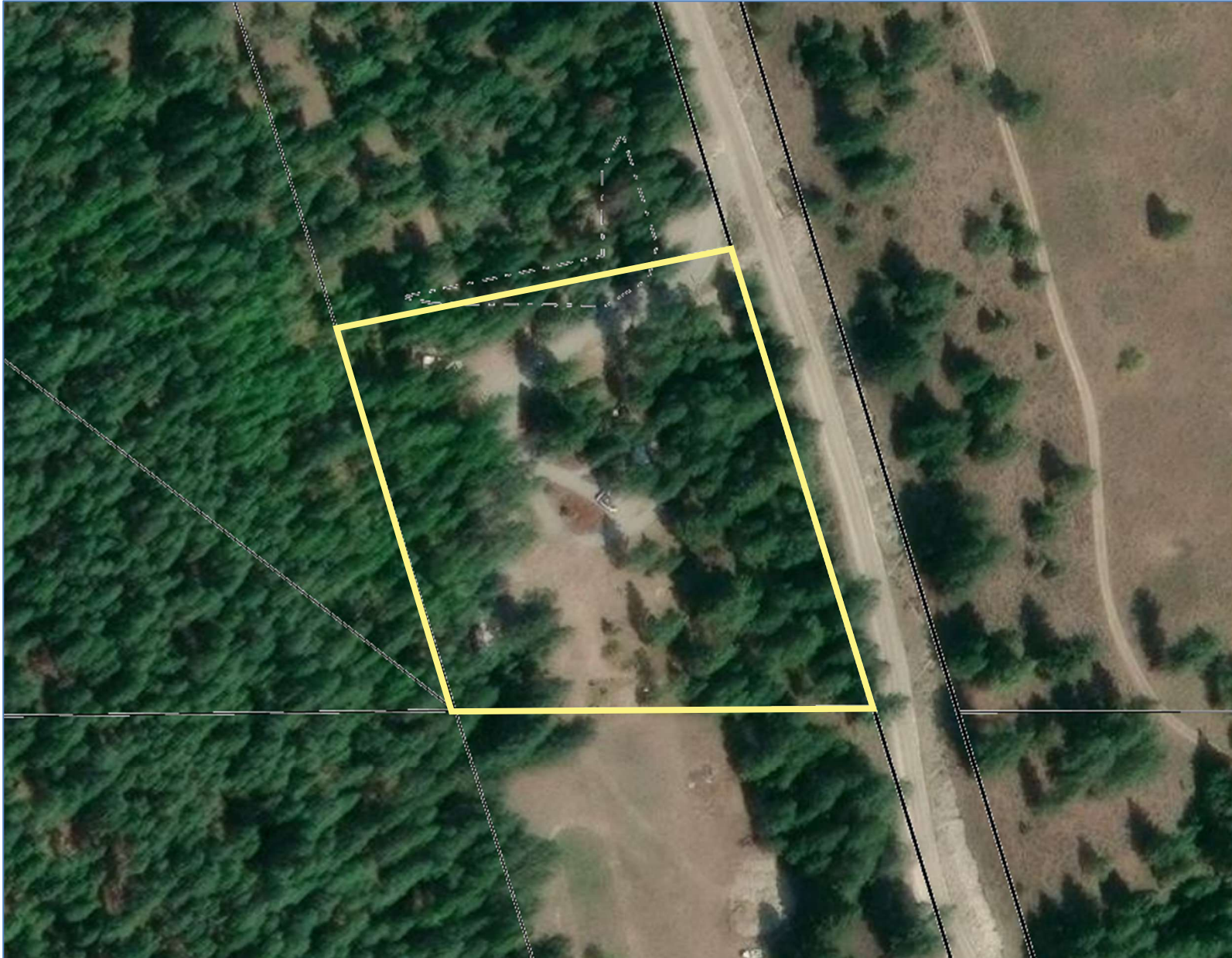
Land Use Map



Zoning Map



Aerial Photo



APPENDIX 2 (a)

Temporary Use Permit

Describe the temporary use and proposed reason(s) for making application:

Preface

I am applying for a temporary use permit to allow two temporary decks on two RVs as the following building permits were denied. (BP124603 & BP124604) (Railings will be installed if we are able to obtain a temporary use permit.)

I have owned property in Kragmont since the 1970's and my children spent much of their summers there with me and my parents. My husband and I have been BC residents since 2013 and now the children have children, who are enjoying their summers in Kragmont. Several years ago, my husband and I bought a lot in Kragmont, on Gavin Road. On this 2.41 acre lot, my daughter and her friends each have a trailer.

We are asking for a temporary use Permit for the following reasons:

- 1) Each of the trailers on the property have a professionally designed and built, temporary deck. The deck, on each trailer, is not attached to a permanent foundation but instead sits on concrete footers. The decks were designed to be easily removed without becoming a permanent addition to the land.
- 2) The decks were designed to improve safety as the steps provided with the RVs are steep and unstable. These two sets of RV stairs provide a greater hazard as the topography of the lot is somewhat bowl shaped. This means that if the deck was on the ground, there would be steep stairs from the trailer door to the deck. With small children, the deck off the trailer exterior doors, provides a measure of safety for the children, parents, and grand parents, navigating the immediate exit from the trailer. Fall prevention has been a significant consideration in the design of these decks. (Please see Appendices 4 and 5)
- 3) My husband and I are planning to build a garage and single dwelling unit, on this property, soon. (I understand with a house on the property; these decks would then conform with the current land use bylaws.) We are investigating the requirements to obtain Owner Builder Authorization and will begin this spring to investigate the layout and design of the garage and house. The use of at least one of the trailers may then change as supervision of construction may require an onsite resident.

APPENDIX 2 (b)

Describe the existing use of this land:

This lot is used for recreational purposes. My daughter, her husband and two children own one trailer and her friends with two children, own the other trailer. As mentioned above, this use may change as house building plans progress.

APPENDIX 3



APPENDIX 5

Trailer 1 Picture 1



Trailer 1 Picture 2

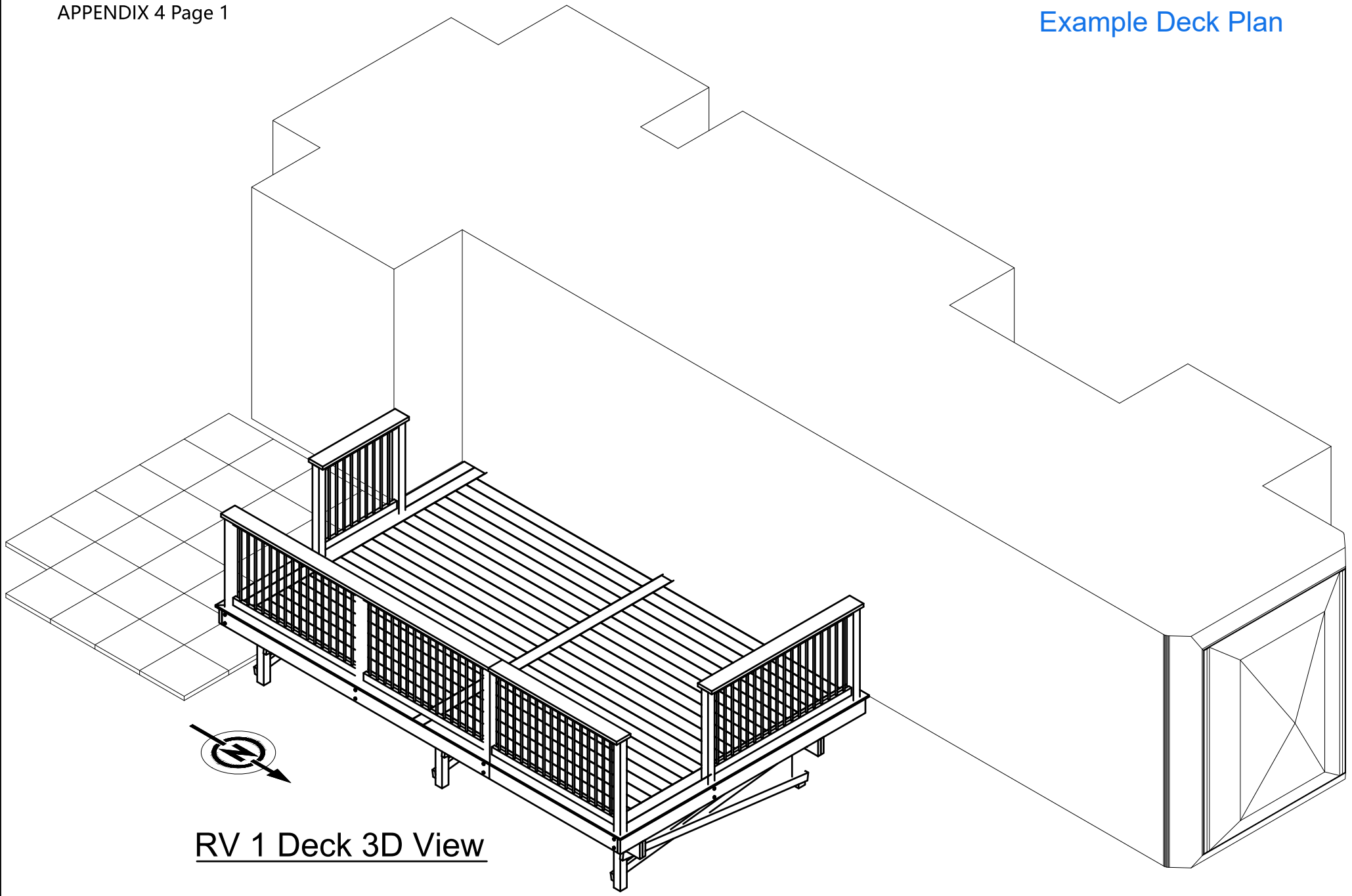


Trailer 2 Picture 1



Trailer 2 Picture 2





RV 1 Deck 3D View

PROPERTY
031-614-540
EPP116362
LOT B



Request for Decision

Short Term Rental Temporary Use Permit

File No: STR 26-26
Date: April 28, 2026

- Subject:** STR TUP No. 26-26 (Panorama / 1532142 BC Ltd.)
- Applicant:** 1532142 BC Ltd.
- Agent:** Aisling Baile
- Location:** 1802 Greywolf Drive, Panorama
- Legal:** Strata Lot 3 District Lot 16948 Kootenay District Strata Plan NES2412 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V and an undivided 1/50 share in Lot 4 District Lot 16948 Kootenay District Plan NEP66884 (see plan as to limited access) (PID: 025-433-091)
- Proposal:** Short-Term Rental for a maximum occupancy of 16 guests.
- Options:**
1. THAT Short Term Rental Temporary Use Permit No. STR 26-26 (Panorama / 1532142 BC Ltd.) be granted.
 2. THAT Short Term Rental Temporary Use Permit No. STR 26-26 (Panorama / 1532142 BC Ltd.) be refused.
 3. THAT Short Term Rental Temporary Use Permit No. STR 26-26 (Panorama / 1532142 BC Ltd.) be granted for a maximum occupancy of 16 guests with the following additional permit conditions:
 - 1) On-street parking by guests is prohibited.
 - 2) Six off-street parking spaces must be provided to guests.
 4. THAT Short Term Rental Temporary Use Permit No. STR 26-26 (Panorama / 1532142 BC Ltd.) be granted for a maximum occupancy of 10 guests with the following additional permit conditions:
 - 1) On-street parking by guests is prohibited.
 - 2) Five off-street parking spaces must be provided to guests.
 - 3) The permit be issued with an expiry date of September 30, 2026.
- Recommendation: Option 4**

The STR application generally meets the STR Temporary Use Policy, except for the requested guest occupancy of 16 guests. While the concerns of neighbouring property owners are noted, the RDEK generally provides STR operators with an opportunity to operate responsibly under prescribed permit conditions. An occupancy limit of ten (10) guests and five (5) off-street parking spaces would align with the RDEK STR TUP Policy and the proposed recommendation of a five-month term aligns with the grace period provided under the Strata Bylaw amendment adopted by the Strata membership in April 2026.

Property Information:

OCP Designation: R-SF, Residential Low Density - includes single family residential subdivisions, duplexes and zoning that supports secondary suites.

OCP Policies: Short Term Rentals

- The current zoning regulations do not include a zone to recognise the short term rental of single family dwellings or secondary suites within single family dwellings. The RDEK undertaking a stand-alone public planning process to establish regulations and associated enforcement options pertaining to use of residentially zoned parcels for short term commercial accommodation is supported. At such time as a process is undertaken, stakeholders from within the plan area should be consulting to ensure that the experience from this community is considered in determining future direction of RDEK regulations and policy related to short term commercial accommodations.
- The continued use of existing multiple family dwelling units for short term commercial accommodation within the Resort Core is supported.

Zone Designation: R-1(D), Single Family Residential (Resort)

Parcel Area: 0.11 ha (0.27 ac)

STR Policy Mandatory Criteria:

ALR Status: Not within the ALR

Type of Dwelling Unit: Principal dwelling unit

Off-Street Parking:

Required spaces: 5 (for up to 10 guests)

Proposed spaces: 6

Occupancy Limit:

Maximum permitted under delegation authority: 10 guests

Proposed maximum occupancy: 16 guests

Proposed bedroom count: Eight bedrooms

Additional Information:

- There is an outdoor hot tub associated with the short term rental.
- The application states nuisance behaviour mitigation efforts include a 24/7 guest service team, noise monitors inside and outside alerting if noise levels are outside of normal conditions during quiet hours.
- The submitted floor and fire safety plan provided with the application provide sufficient details to assess safety measures in place for the dwelling unit.

Permit Conditions:

- The requested maximum occupancy for the short-term rental is 16 guests at any given time.

**Permit Conditions
cont'd:**

- Only the principal dwelling may be used for the accommodation of short-term rental guests in accordance with the plans submitted in support of the application.
- The fire safety plan submitted in support of the application must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
- All designated parking areas must be fully and regularly cleared of snow.
- On-street parking by guests is prohibited.
- If approved at a higher occupancy, the proposed parking spaces would be subject to review to confirm size and location per zoning bylaw requirements. Preliminary staff review finds that up to a maximum of six spaces would meet zoning size requirements.
- Contact information for the responsible person identified by the applicant must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
- All neighbours within 100 m of the property must be provided contact information for the responsible person identified by the applicant.
- Additional security requirements (per section 496 of the *Local Government Act*): None recommended.

Consultation:

Response(s) to Notice:

26 notices were initially mailed on March 4, 2026, to all property owners within 100 m for a 10 person occupancy. Notices were resent on April 1, 2026 with the revised 16 person occupancy. The notice was published in the Columbia Valley Pioneer on April 23, 2026.

Six submissions have been received. One letter has signatures from nineteen property owners, one owner has two submissions (as well as signing the other letter noted above). All submissions are in opposition of the proposal primarily due to parking concerns, noise, nuisance behaviour and strata rule concerns, additional concerns are also noted (attached).

Also attached to a submission was an amendment to the Strata Bylaws passed by the Stata at a special general meeting on April 17, 2026 prohibiting short term rental use within the strata. This amendment allows for a grace period of operation of existing rentals until October 2026.

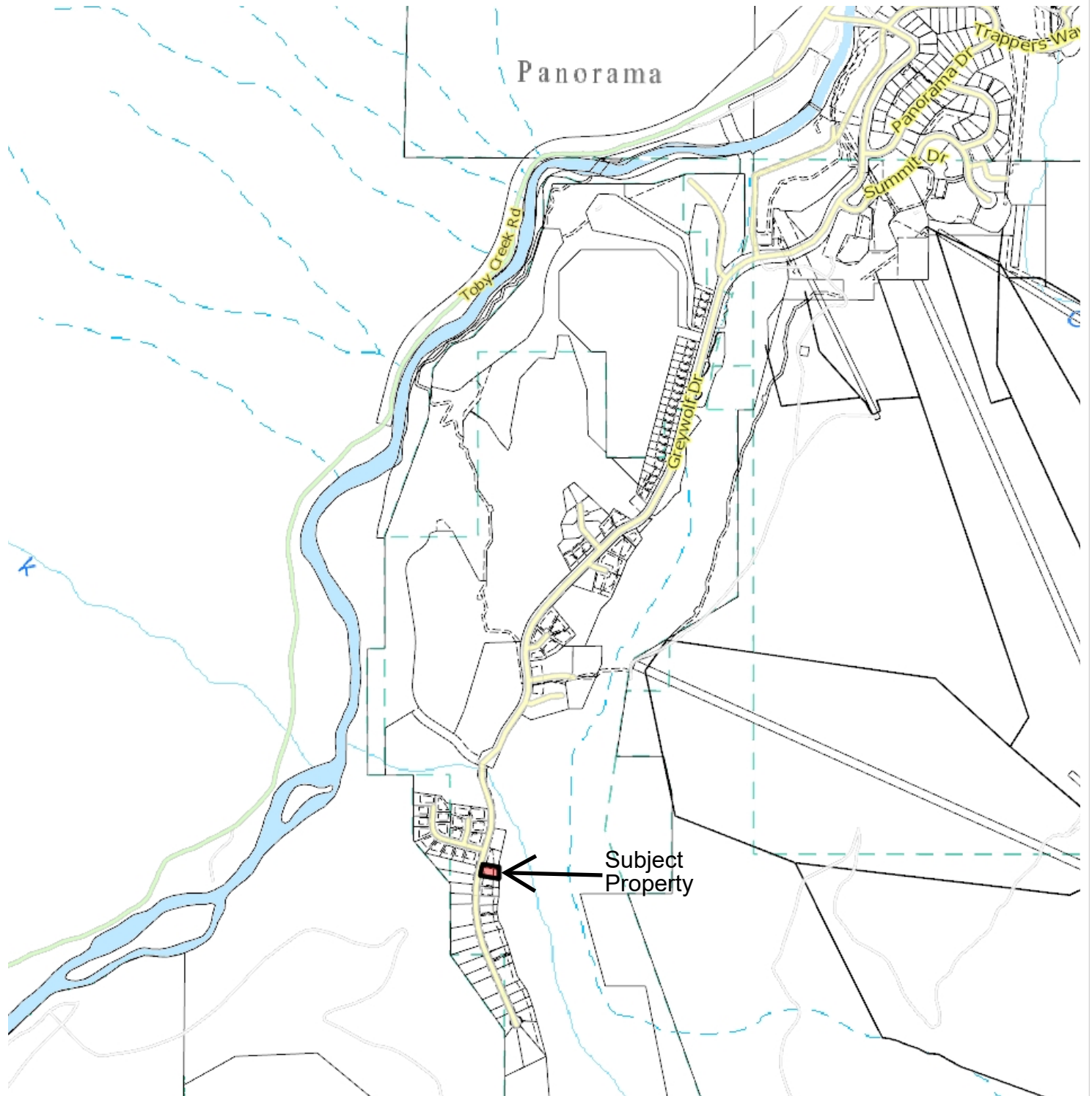
**Documents
Attached:**

- Permit
- Location Map
- Issued STR Map
- Responses to Notice

RDEK Contact:

Krista Gilbert, Planning Technician
Phone: 250-489-0314
Email: kgilbert@rdek.bc.ca

Location Map



Notes:

500 0 250 500 Meters

Scale = 1:20,000



THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Permittee: 1532142 BC Ltd.

1. This Temporary Use Permit, notwithstanding any zoning bylaw, allows the temporary use on Strata Lot 3 District Lot 16948 Kootenay District Strata Plan NES2412 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V and an undivided 1/50 share in Lot 4 District Lot 16948 Kootenay District Plan NEP66884 (see plan as to limited access) (PID: 025-433-091), civically known as 1802 Greywolf Drive, in strict accordance with the terms and conditions herein.
2. The temporary use allowed by this Permit is for short-term rental accommodation of guests in accordance with the conditions of this permit.
3. The use of the subject property for short-term rental accommodation shall be in substantial compliance with information provided in the Temporary Use Permit application received on January 15, 2026.
4. This Permit shall expire on September 30, 2026.
5. This Permit and all short-term rental guests utilizing the property are subject to compliance with all RDEK Bylaws, including but not limited to:
 - Bylaw No. 2750 - Nuisances and Unightly Premises Regulation
 - Bylaw No. 1396 – Noise Control Regulation
6. This Permit is issued subject to the following permit conditions:
 - a) The maximum occupancy for the short-term rental is 10 guests at any given time.
 - b) Only the principal dwelling may be used for the accommodation of short-term rental guests in accordance with the plans submitted in support of the application.
 - c) The fire safety plan submitted in support of the application must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
 - d) Five off-street parking spaces must be provided to guests.
 - e) All neighbours within 100 m of the property must be provided contact information for the responsible person identified by the applicant.
 - f) On-street parking by guests is prohibited.
7. It is understood and agreed that this Permit does not imply approval for future rezoning of the land for short-term rental uses, nor does the permit imply the approval of a renewal application.
8. Upon expiry of this Permit, the temporary short-term rental use shall be discontinued and the property shall only be used for residential or other permitted uses in accordance with RDEK zoning bylaws.
9. An application for a renewal of this Permit must be submitted prior to the expiration date of this Permit.
10. The use of the property as a short-term rental shall conform with the affidavit of understanding submitted in support of the application and shall not contravene any property title charge nor strata bylaw of which the property is subject.
11. Any advertisement of the short-term rental shall:
 - a) Reference to this Permit number: STR 26-26.
 - b) Not advertise for more than the maximum guest occupancy of 10 guests.
 - c) Only be for this unit and not combined with any other short-term rental units.
 - d) Not contravene any aspect of this Permit.
12. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, or promises with the property owner other than those in this Permit.
13. Contravention of permit conditions may result in review, fines or revocation of this Permit.
14. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filed in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.

**Authorizing Resolution No. adopted by the Board of the Regional District of East Kootenay on
the day of , 2026.**

**Tina Hlushak
Corporate Officer**

Issued STR Map



Notes:

 Properties with Issued STR TUPs

250 0 125 250 Meters

Scale = 1: 10,000



THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Krista Gilbert

From: peter stephens <[REDACTED]>
Sent: Friday, March 27, 2026 10:20 AM
To: Krista Gilbert
Subject: Re: short term rental
Attachments: IMG_4985.jpeg; IMG_4984.jpeg; IMG_4986.jpeg

I am writing you again today.

There are 9 cars at this house today. Maybe 11 if you count where they have parked in other non parking locations.

This is exactly the abuse that goes on.

Must be 14 or more people.
They park on the road despite signs that say no overnight parking.

Pictures attached

You should drive by this location before you approve anything

Peter Stephens
[REDACTED]

On Tue, Mar 17, 2026 at 11:22 AM peter stephens <[REDACTED]> wrote:

Short term rental permit
STR No. 26-26
1802 Greywolf drive

Krista

My name is Peter Stephens and I have a home at 1790 Greywolf Drive at Panorama.
My family spends a significant amount of time at our home and it is not a rental.

I am contacting you with respect to the notification we received regarding the 1802, short term permit.

The permit allows for 6 cars.
6 vehicles on this site would be very cramped to say the least. Most often the majority of the vehicles are either larger SUV or pick up trucks.

6 larger vehicles means they spill over onto Greywolf Drive which is against both our Strata and the Panorama site policy as it restricts emergency vehicles.

6 vehicles also represent 12-14 or more people rather than the 10 you are specifying.

Who polices this?

On numerous occasions this home is used for stags and other parties.

Far more than 10 people and they exhibit very bad behaviour.

I am against the short term rental of this property under the terms you have specified.

Peter

--

Peter Stephens



Stephens Submission Photos:







Krista Gilbert

From: peter stephens <[REDACTED]>
Sent: Wednesday, April 15, 2026 2:47 PM
To: Krista Gilbert
Subject: Short term Rental Permit Notice of OBJECTION

To: the RDEK Board of Directors

Re: Short Term Rental application for 1802 Greywolf Drive
Panorama BC

My name is Peter Stephens

1790 Greywolf Drive
Panorama BC
[REDACTED]

Earlier this year I submitted my objections via email to Krista Gilbert about the application to allow 6 cars and 10 people, as renters at 1802 Greywolf Dr.

This was followed up with pictures, (receipt was acknowledged) that showed 10 cars. Several parked on the street and in other no parking areas.

The bylaws of our Strata strictly state no overnight street parking.

The revised application put forward is now for 16 people. A 60% increase from the prior application.

Clearly this is being operated as a business.

Approval of this means you are allowing a hotel to operate in our private community.

Given this new guest capacity request , you are allowing a "PARTY HOUSE " to exist in a private community.

Attendees at " Stags " show no respect for the community.

Renters fail to respect Strata Bylaws, parking (street parking is prohibited), speeding, language, noise and alcohol abuse.

Families live in this and adjacent Strata that have children and dogs and make this their home.

Renters pay little acknowledgement!

By granting this application you adversely affect all the homes in our strata.

The quiet enjoyment of our homes is adversely impacted by this application.

If you were to inspect this site, you would quickly see that there is no parking for 16 people.

Peter

--

Peter Stephens



Krista Gilbert

From: Lisa Phillips <[REDACTED]>
Sent: Friday, April 17, 2026 10:15 AM
To: Krista Gilbert
Cc: [REDACTED]
Subject: STR No. 26-26 Concerns

To Whom It May Concern;

As a homeowner on Greywolf Drive, I would like to express my concerns over the application for a STR Permit on our street, at 1802 Greywolf Drive.

I am not sure if this is a renewal of an existing permit, but in the entire time we have lived at 1778 Greywolf Drive, the aforementioned address (1802 Greywolf) has already been used predominantly as a rental property. This is unfortunately well known and referred to colloquially as the "party house."

There have been many concerns from adjacent neighbours over the years with the use of this particular property. We live several houses up from this property but the noise carriage from this rental property is quite disruptive at times. Additionally, there are several cars always parked at the property and many flow over the parking capacity and onto the road.

The Forrest Ridge area specifically states that street parking is not permitted however, and there is no way to ensure that 16 guests staying on this property will not exceed the space provided at the residence and end up on the street. Panorama resort does not have sufficient security resources to enforce this rule and there are no towing capabilities within existing resort infrastructure.

There are also no resources to enforce by-laws such as noise violations, vandalism of property, public disturbances, etc. This particular property is directly on the Greywolf Golf Course and many times there has been drunken and unruly behaviour by renters that spills out onto the golf course.

We have in the past called the Panorama Security and/or Greywolf Golf Course staff to enforce civil responsibility but they have limited hours of operation and furthermore have limited authority to deal with these situations.

Given prior experiences at this property with renters, I think there is no reason to believe there will not be ongoing issues with disruption and disrespect of our community. I think in addition it devalues the community and other well-maintained homes in our small neighbourhood. This street is home to many retirees as well as well-intentioned families who enjoy the peace and beauty of the mountain lifestyle. I do not feel that a "party house" fits in the theme of this small mountain community, nor with the people invested in making it a legacy.

We are opposed to 1802 Greywolf Dr being given a permit for Short-term Rental usage.

Thankyou,
Lisa Phillips & Andrew Dodd
1778 Greywolf Drive

Krista Gilbert

From: NATALIE DEAR <[REDACTED]>
Sent: Sunday, April 19, 2026 4:11 PM
To: Krista Gilbert
Cc: Don Dear
Subject: 1802 Greywolf Drive Short-Term Rental Temporary Use Permit: Notice of Objection and Opposition

TO:
The Board of Directors (the "**RDEK Board**") of the Regional District of East Kootenay (the "**RDEK**")

RE:
Revised Application for Short-Term Rental Temporary Use Permit
1802 Greywolf Drive, Panorama, British Columbia
(the "**Application**")

I am an owner within the Wildwood Strata, which is a bordering and immediately adjacent strata to the property municipally known as **1802 Greywolf Drive**. I write to formally **oppose and object** to the Application and respectfully submit that it should not be approved for the following reasons:

1. Proximity and Direct Impact

The Wildwood Strata is in close physical proximity to 1802 Greywolf Drive and shares the same neighbourhood environment, access routes, and residential character. As a result, the impacts of short-term rental use at 1802 Greywolf Drive are directly and immediately felt by Wildwood residents.

2. Excessive Noise at All Hours

We have experienced excessive and disruptive noise, including late-night and early-morning disturbances, associated with short-term rental use in this area. These disturbances interfere with the reasonable and quiet enjoyment of our homes and are inconsistent with a residential neighbourhood.

3. Public Nuisance Behaviour

There have been incidents of public urination and other inappropriate conduct associated with short-term rental guests. This behaviour creates obvious health, safety, and sanitation concerns and is unacceptable in a residential setting.

4. Parking and Congestion

Street parking by short-term rental occupants is a persistent and growing issue. Vehicles are regularly parked along the street and in non-designated areas, creating congestion and access problems.

5. Wildwood Strata's Prohibition on Short-Term Rentals

The Wildwood Strata has prohibited short-term rentals within our own strata precisely because of many of these same concerns, including noise, parking congestion, public nuisance behaviour, and incompatibility with stable residential use.

Allowing short-term rental use immediately adjacent to our strata would undermine these protections and impose on Wildwood residents the very impacts our strata has taken deliberate steps to avoid.

6. Incompatibility with Residential Use

Short-term rental use at 1802 Greywold Drive is not compatible with the residential character of this neighbourhood. The cumulative effects of noise, transient occupancy, nuisance behaviour, and parking congestion materially diminish neighbourhood livability.

Conclusion

For the foregoing reasons, I respectfully submit that approval of the Application would directly and adversely affect neighbouring strata communities, including Wildwood, and would be inconsistent with maintaining the residential nature of the area.

I therefore request that the RDEK Board deny the Application.

Respectfully submitted,
Natalie Dear

DATED: April 19, 2026

Name: Natalie Dear, Owner, Wildwood Strata

Panorama Address: 9986 Wildwood Lane, Panorama, BC

Phone: [REDACTED]

Email: [REDACTED]

Krista Gilbert

From: Shannon Puloski [REDACTED]
Sent: Friday, April 17, 2026 2:23 PM
To: Krista Gilbert
Subject: STR Use Permit STR 26-26

I am writing this email in order to voice my concerns about the above-mentioned permit STR No 26-26

The proposed number of guests and specifically the number of cars is outside of what is considered acceptable for the neighborhood. During the winter there is not sufficient parking for 6 vehicles and they often park on the road which is 1) not allowed by the strata 2) creates safety issues on the road from passing cars and children playing in the area and 3) affects the ability for snow clearing activity on the road. Having lived on the street for 15 yrs these issues occur anytime there are over 3 cars at the house.

On many occasions when there are over 10 guests at this house there are significant noise concerns and problems in the evenings.

Overall would suggest 10 guests and 3 cars should be the maximum allowed.

Regards

S

Shannon K.T. Puloski BSc, MD, FRCS(C)
[REDACTED]

Ph: [REDACTED]
Cell: [REDACTED]
Fax: [REDACTED]

Krista Gilbert

From: McIntosh, Michael <[REDACTED]>
Sent: Monday, April 27, 2026 6:30 AM
To: Krista Gilbert
Subject: Submissions re: the REVISED Application for Short-Term Rental Permit for 1802 Greywolf Drive, Panorama, B.C.
Attachments: Scan_20260426.pdf; Amendment No. 2 to Bylaws - The Cedars.pdf
Importance: High

Dear Ms. Gilbert,

Further to the Notice of Intent – REVISED we have received in respect of the application (the "**Application**") for a Short-Term Rental Temporary Use Permit (a "**Short-Term Permit**") for the lands legally described as Strata Lot 3 District Lot 16948 Kootenay District Strata Plan NES2412 (PID: 025-433-091) and known municipally as 1802 Greywolf Drive, Panorama, B.C. (herein, "**1802 Greywolf Drive**"), please see attached for your further handling our Submission to RDEK Board (Notice of Objection and Opposition) (the "**Submission**") in respect of the Application.

In addition, in my capacity as the President of the B.C. strata corporation with the name "The Owners, Strata Plan NES 2412" (a.k.a. The Cedars and herein, the "**Cedars Strata**"), I want to make the Board of Directors of the Regional District of East Kootenay (the "**RDEK Board**") aware of the fact that, at a special general meeting of the Cedars Strata held on April 17, 2026 and attended by owners (or owner representatives) of all of the strata lots in the Cedars Strata, the attached Amendment No. 2 to Bylaws (the "**Bylaws Amendment**") amending the bylaws of the Cedars Strata was approved by a resolution passed in accordance with section 128 of the *Strata Property Act* (British Columbia). Further, the Bylaws Amendment was filed for registration in the B.C. Land Titles Office on April 23, 2026. As 1802 Greywolf Drive is a strata lot within the Cedars Strata, the Cedars Strata respectfully submits that any consideration by the RDEK Board of the Application should take into account to the Bylaws Amendment. In particular and without limiting the foregoing, if the RDEK Board were to grant some form of Short-Term Permit notwithstanding the attached Submission, then the Cedars Strata further respectfully submits that the term of any such permit should expire no later than September 30, 2026 given the provisions of the Bylaws Amendment.

Please confirm receipt of this email and each of the Submission and the Bylaws Amendment and that you can open the attachments hereto. Also, I would kindly ask that you ensure the RDEK Board receives this email, our Submission and the Bylaws Amendment.

Please contact me as soon as possible if you have any questions or comments in this regard.

Thank you and best regards,

J. Michael McIntosh, K.C.
Senior Counsel



Blake, Cassels & Graydon LLP
855 - 2 St. S.W., Suite 3500, Calgary AB T2P 4J8 (Map)
blakes.com | LinkedIn

 Blakes Means Business

This email communication is CONFIDENTIAL AND LEGALLY PRIVILEGED. If you are not the intended recipient, please notify me at the telephone number shown above or by return email and delete this communication and any copy immediately. Thank you. L'information paraissant dans ce message électronique est CONFIDENTIELLE. Si ce

Strata Property Act

Form I

AMENDMENT TO BYLAWS

(Section 128)

The Owners, Strata Plan NES 2412 certify that the attached amendment to the bylaws of the aforementioned strata corporation was approved by a resolution passed in accordance with section 128 of the *Strata Property Act* at a special general meeting held on April 17, 2026.


.....
Signature of Council Member


.....
Signature of Second Council Member

AMENDMENT NO. 2 TO BYLAWS
of
the B.C. strata corporation with the name "The Owners, Strata Plan NES 2412"
(a.k.a. The Cedars and herein, the "Cedars")

WHEREAS the bylaws of Cedars are the Standard Bylaws (as defined in the *Strata Property Act* (British Columbia), as amended by Amendment No.1 to Bylaws (collectively, the "**Existing Bylaws**");

RESOLVED that the Existing Bylaws are hereby amended as follows:

1. BY ADDING THE FOLLOWING NEW SECTIONS TO THE EXISTING BYLAWS IMMEDIATELY AFTER THE EXISTING SECTION 3 THEREOF:

3.1 Quiet Hours: In addition to and without limiting or derogating from section 3(1)(b) of the bylaws of the strata corporation [*no unreasonable noise*], an owner, tenant, occupant or visitor shall: (a) not play music or other audio on a strata lot outside of the dwelling house located thereon; and (b) shall minimize all other noise and sounds, to the extent reasonably possible, on or from a strata lot and/or the dwelling house located thereon so that no such noise or sound is audible on or in any other strata lot or dwelling house located thereon, in each case, from 11:00 pm (Panorama local time) each day through and until 8:00 am (Panorama local time) the immediately following day.

3.2 No Overnight Street Parking: No owner, tenant, occupant or visitor shall park any motor vehicle (including, for certainty and without limitation, any motorhome, motorcycle, all-terrain vehicle or snowmobile), camper, trailer, bicycle or other similar property or asset on the common property between 2:00 am (Panorama local time) and 8:00 am (Panorama local time) each day.

3.3 Requirement to Provide Tenants with Copy of Certain Bylaws: Security Deposits from Tenants: An owner which wishes to rent their strata lot, the dwelling thereon, any other improvements thereon, or all or any portion of any of the foregoing shall: (a) provide any tenant or occupant with a true and complete copy of sections 3.1, 3.2 and 23 of these bylaws; and (b) if requested by the council of the strata corporation (as security to ensure compliance with such bylaws), require any prospective tenant or occupant to provide the council with a security deposit in the amount of \$1,000.00 (or such other amount as such council may require from time to time, acting reasonably) as security for such compliance. Such security shall be provided to the council by way of cash collateral to be held by the strata corporation in a non-interest bearing bank account on behalf of the strata corporation and, if such bylaws are complied with and no fines are levied against the owner, tenant or occupant for non-compliance, shall be promptly repaid and transferred to the tenant or occupant after termination of their rental.

Prohibition on Short-Term Rentals and Related Provisions

3.4 (1) Definitions: In this section 3.4 of the bylaws:

- (a) "Guest Accommodation" means use of a strata lot, the dwelling thereon, any other improvements thereon, or all or any portion of any of the foregoing to provide temporary lodging to persons who do not own, or permanently reside in, the same.
- (b) "Home Exchange" means the temporary exchange of a strata lot, the dwelling thereon, any other improvements thereon, or all or any portion of any of the foregoing in exchange for the right to use another dwelling, regardless of whether money or other consideration is paid or exchanged in connection therewith.
- (c) "Occupant" means an occupant or any other person permitted by the owner or tenant to reside in the strata lot, the dwelling thereon or any portion of either of the same.

(d) "Rental" means:

- (i) the rental of;
- (ii) the lease of;
- (iii) the grant of a license to reside in, use or occupy; or
- (iv) the grant or creation of any other right to reside in, use or occupy,

a strata lot, the dwelling thereon, any other improvements thereon, or all or any portion of any of the foregoing, but, for greater certainty, shall not include:

- (v) any utility right-of-way or easement, or similar encumbrance;
- (vi) any restrictive covenants or other encumbrances (not in the nature of an agreement for, or which effect, a Rental of such strata lot) registered on the title to a strata lot;
- (vii) any right of access or use granted for or in connection with the construction, repair, maintenance, or inspection of a strata lot, the dwelling thereon, any other improvements thereon, or all or any portion of any of the foregoing; or
- (viii) any right to reside in, use or occupy a strata lot, the dwelling thereon, any other improvements thereon, or all or any portion of any of the foregoing granted to or in favor of the spouse, children, parents, grandchildren or other immediate family of an owner thereof which is an individual natural person,

and "Rent" shall have the corresponding correlative meaning.

(e) "Short-Term Rental" means a Rental for a term of less than 30 consecutive days; provided that, in addition and without limiting the foregoing, "Short-Term Rental" shall (for all purposes of these bylaws) include any agreement, arrangement or transaction (or series of agreements, arrangements or transactions) or any course of conduct which the council of the strata corporation determines (acting reasonably and in good faith) is in substance or effect (and regardless of and notwithstanding the name, style or form thereof) a Rental for a term less than 30 consecutive days.

(2) No Short-Term Rentals: No owner, tenant or Occupant shall make, allow or permit any Short-Term Rental.

(3) No Home Exchanges: No owner, tenant or Occupant shall make, allow, permit or participate in a Home Exchange. This prohibition shall apply regardless of whether any monetary or other consideration is involved.

(4) No Advertisement as a Short-Term Rental, Home Exchange or Guest Accommodation: No owner, tenant or Occupant shall advertise or list, or allow any advertisement or listing, offering a strata lot, the dwelling thereon, any other improvements thereon, or all or any portion of any of the foregoing as or for a Short-Term Rental, Home Exchange or Guest Accommodation. In addition to and without limiting or derogating from the foregoing, no owner, tenant or Occupant shall offer or permit to be offered a strata lot, the dwelling thereon, any other improvements thereon, or all or any portion of any of the foregoing for a Short-Term Rental, Home Exchange or Guest Accommodation through websites, platforms, agencies or services, including, without limitation, Airbnb, VRBO, HomeAway, Booking.com or any similar platform or service or private agreement.

(5) Additional Remedy re: Advertisements: In addition to and without limiting or derogating from the right of the strata corporation to impose fines pursuant to these bylaws or any other rights and remedies of the strata corporation, the strata corporation may also require an owner, tenant or Occupant to remove and cease any advertisements or listings which contravene section 3.4(4) of this bylaw.

(6) Requirements for Rentals: An owner which wishes to Rent their strata lot, the dwelling thereon, any other improvements thereon, or all or any portion of any of the foregoing shall: (a) provide any tenant or Occupant with a true and complete copy of sections 3.1, 3.2, 3.3, 3.4 and 23 of these bylaws; (b) include

such bylaw sections in any lease or other agreement or instrument effecting the Rental as requirements thereunder; (c) provide the council of the strata corporation with a true and complete copy of any such lease, agreement or instrument promptly (and, in any event, within 10 days) after the execution and delivery thereof; and (d) collect and deliver (or cause to be delivered) any security deposit required pursuant to section 3.3 of these bylaws.

(7) Effective Date: This section 3.4 of the bylaws shall come into effect and apply from and after October 1, 2026 and, for certainty, shall not apply to Rentals terminating prior to October 1, 2026, but shall apply to any Rentals thereafter or continuing thereafter.”

2. BY DELETING THE EXISTING SECTION 23 OF THE BYLAWS AND REPLACING IT WITH THE FOLLOWING:

“23 Maximum Fine: The strata corporation may fine an owner or tenant a maximum of :

- (a) \$1,000.00 for each contravention of section 3.4 of these bylaws, and each day of non-compliance is a separate contravention;
- (b) \$200.00 for each contravention of any other bylaw; and
- (c) \$50.00 for each contravention of a rule.”

3. BY ADDING THE FOLLOWING NEW DIVISION 8 TO THE EXISTING BYLAWS IMMEDIATELY AFTER THE EXISTING DIVISION 7 THEREOF:

“Division 8 - Interpretation

31. Headings for Convenience Only: The insertion of headings in these bylaws is for convenience of reference only and shall not affect the interpretation or construction of these bylaws.

32. Certain Definitions: In these bylaws, unless the context requires otherwise:

- (a) “common property” means that part of the land shown on Strata Plan NES 2412 which is not part of a strata lot and, includes (without limitation), the interests of the owners in the road known municipally as “Greywolf Drive”;
- (b) “strata corporation” means the British Columbia strata corporation with the name “The Owners, Strata Plan NES 2412” (a.k.a. The Cedars).
- (c) “strata lot” means a strata lot shown on Strata Plan NES 2412.
- (d) The terms “occupant”, “owner”, and “tenant” shall have the respective meanings ascribed thereto in the *Strata Property Act* (British Columbia); provided that, unless the context requires otherwise, each such term shall be deemed to refer to an occupant, owner, or tenant of a strata lot or a portion thereof, as the case may be.

33. Strata Property Act (British Columbia) Terms: Terms defined in the *Strata Property Act* (British Columbia) and used herein shall have the same defined meanings herein as in the *Strata Property Act* (British Columbia), unless the context requires otherwise.”

**SUBMISSION TO RDEK BOARD
(Notice of Objection and Opposition)**

TO: The Board of Directors (the "RDEK Board") of the Regional District of East Kootenay (the "RDEK")

RE: REVISED Application for Short-Term Rental Temporary Use Permit (the "Application") for the lands legally described as Strata Lot 3 District Lot 16948 Kootenay District Strata Plan NES2412 (PID: 025-433-091) and known municipally as 1802 Greywolf Drive, Panorama, B.C. (such strata lot and the dwelling home located thereon are collectively referred to herein as "**1802 Greywolf Drive**")

Each of the undersigned, being neighbors having strata lots and homes either next door or in reasonable proximity to 1802 Greywolf Drive, are writing to the RDEK Board to oppose and object to the Application and submit that the RDEK Board should not grant the Application for the reasons stated below.

1802 Greywolf Drive has been rented repeatedly over the years on a short-term basis by the current and previous owners and, as is evidenced by the current Application for a guest occupancy of 16 guests with parking for 6 cars, is, in effect, a commercial concern or defacto "lodge" (in fact, it has even been advertised as the "Whiskey Jack Creek Lodge" on the booking website) which has been placed in the middle of a residential neighborhood. Such rentals directly and adversely affect the undersigned for the following reasons:

1. **Excessive Noise:** given 1802 Greywolf Drive's guest capacity and proximity to Panorama Mountain Village and, in particular, Greywolf Golf Course, it has effectively become a "party house" rented for golf weekends, stag parties and similar functions; the renters thereof have repeatedly made excessive noise disturbing the undersigned (often late at night), which has necessitated numerous complaints and calls to Panorama Security and, on some occasions, even the RCMP;
2. **Street Parking:** renters of 1802 Greywolf Drive often park on the street (that is, Greywolf Drive, which is common property of the 3 strata corporations which form the neighborhood); Greywolf Drive is a private road and somewhat narrow and street parking makes the road very narrow; this problem is particularly acute in the winter, when snow removal and snow berms from plowing makes the road even narrower; and
3. **Failure to Observe Strata Rules:** given the short-term nature of the renters of 1802 Greywolf Drive, such renters often fail to observe strata bylaws; this is a particular concern with respect to speeding on Greywolf Drive, as the neighborhood often has children present.

In short, the reasonable and quiet enjoyment by the undersigned of their homes would be directly and adversely impacted if the Application is granted. Moreover, short-term rentals are not compatible with the residential nature of our neighborhood.

For the reasons set forth above, we respectfully submit that the RDEK Board should reject the Application.

If you have any questions or comments respecting the foregoing, please contact us.

DATED as of April 27, 2026.

[separate signature pages follow]

signature:  _____

name (print): Yves Starreveld _____

Panorama address: 1806 Greywolf Drive _____

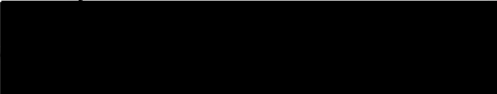
phone:  _____

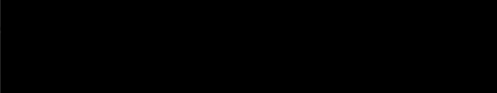
email address:  _____

signature: 

name (print): ALLEN MAH

Panorama address: 1798 GREYWOLF DR.

phone: 

email address: 

signature: Lisa McIntosh Michael McIntosh

name (print): Lisa McIntosh & Michael McIntosh

Panorama address: 1794 Greywolf Drive, Panorama, B.C.

phone: [REDACTED]

email address: [REDACTED]

signature: *Stephen Petrol*
name (print): PETROL STEPHEN
Parotama address: 1790 Grenville Dr
phone: [REDACTED]
email address: [REDACTED]

1388-8031-0302 1



signature: _____

name (print): Shannon Puloski

Panorama address: 1789 Greywolf Dr., Panorama, BC

phone:  _____

email address:  _____

signature:



name (print): John Eastwood

Panorama address: 1782 Greywolf Dr

phone:



email address:



Panorama address: 1772 Greywolf Drive

phone:



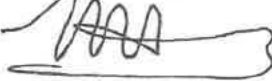
email address:




Name: CHRISTINE LEWIS

SIGNATURE: 

NAME: NICK LEWIS

SIGNATURE: 

1388-8031-0302.1

signature:  _____

name (print): Robb Fransoo

Panorama address: 1766 Greywolf Drive


phone:  _____

email address:  _____

signature: 

name (print): CARL LAPRAIÉ

Panorama address: 1757 Greywolf Dr Panorama.

phone: 

email address: 

Panorama address:

Morgan Dunnigan
1745 Greywolf Drive

phone:

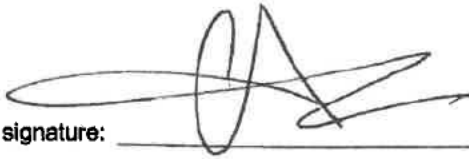
Panorama BC VOA 170

email address:



mjdunnigan

1388-8031-0302.1

signature:  _____

name (print): Clinton Alexander

Panorama address: 1734 Greywolf Drive

phone:  _____

email address: 

signature: D. McKnight

name (print): Deboise McKnight

Panorama address: 1810 Wildwood Close

phone: 

email address: 

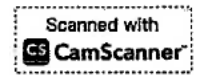
signature 

name (print): Brock Gibson

Panorama address: 1814 Wildwood Close

phone: 

email address: 



signature: 

name (print): DANE THORP GOOD

Panorama address: 1819 Wildwood Ct, Panorama, BC, V6A 1T0

phone: 

email address: 

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

signature: Natalie Dear

name (print): Natalie Dear

Panorama address: 9986 Wildwood Lane, Panorama, BC

phone: [REDACTED]

email address: [REDACTED]

|

3


signature: Nathan Kinast

name (print): Nathan Kinast

Panorama address: 9966 Wildwood Lane

phone: [REDACTED]

email address: [REDACTED]

signature: 

name (print): Georgina Lieverse

Panorama address: 9966 Wildwood Lane

phone: 

email address: 



Request for Decision Short Term Rental Temporary Use Permit

File No: STR 27-26
Date: April 28, 2026

- Subject:** STR TUP No. 27-26 (Fairmont Hot Springs / Jewell)
- Applicant:** Richard & Marilynn Jewell
- Agent:** N/A
- Location:** 5308 Columbia River Road, Fairmont Hot Springs
- Legal:** Lot 46, District Lot 40, Kootenay District, Plan 8377 (PID: 017-379-156)
- Proposal:** Short-Term Rental for a maximum occupancy of six (6) guests.
- Options:**
1. THAT Short Term Rental Temporary Use Permit No. STR 27-26 (Fairmont Hot Springs / Jewell) be granted.
 2. THAT Short Term Rental Temporary Use Permit No. STR 27-26 (Fairmont Hot Springs / Jewell) be refused.
- Recommendation:** **Option 1**

The STR Temporary Use Permit application meets all the mandatory requirements of the STR Temporary Use Policy. The proposed occupancy of six (6) guests aligns with the dwelling unit size. In addition, the parcel appears capable of accommodating the proposed short-term rental, with sufficient on-site parking, no outdoor amenities that may increase the level of noise or outdoor gatherings, and neighbouring properties are located only to the north and south

Property Information:

OCP Designation: R-SF, Residential Low Density - includes single family residential subdivisions, duplexes and zoning that supports secondary suites.

OCP Policies: Fairmont Subarea

The Residential Land Use Policies of the Fairmont Hot Springs and Columbia Lake Area OCP do not support rezoning to accommodate short-term rentals for tourist accommodation.

Zone Designation: R-1(A), Single Family Residential (A) Zone

Parcel Area: 0.137 ha (0.34 ac)

ALR Status: Not within ALR

Type of Dwelling Unit: Principal dwelling unit

STR Policy Mandatory Criteria:

Off-Street Parking:

Required spaces: 4 (for up to 6 guests)

Proposed spaces: 4

**STR Policy
Mandatory
Criteria cont'd:**

Occupancy Limit:

Maximum permitted under delegation authority: 10 guests
Proposed occupancy maximum: 6 guests
Proposed bedroom count: 3 bedrooms

**Additional
Information:**

- The proposed short-term rental meets the mandatory criteria identified in the Short-Term Rental Temporary Use Permit policy. At the December 12, 2025 Board of Directors meeting the Policy was amended to require that all future short term rental applications within Electoral Area F be considered by the Board of Directors.
- The submitted floor and fire safety plan provided with the application provide sufficient details to assess safety measures in place for the dwelling unit.
- The property is located along the mountainside section of the Fairmont Hot Springs Resort golf course.

**Permit
Conditions:**

- The requested maximum occupancy for the short-term rental is six guests at any given time.
- Only the principal dwelling may be used for the accommodation of short-term rental guests in accordance with the plans submitted in support of the application.
- The fire safety plan submitted in support of the application must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
- Contact information for the responsible person identified by the applicant must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
- All neighbours within 100 m of the property must be provided contact information for the responsible person identified by the applicant.
- Additional security requirements (per section 496 of the *Local Government Act*): None recommended.

Consultation:

Response(s) to Notice:

Sixteen (16) notices were mailed on April 2, 2026, to all property owners within 100 m. The notice was published in the Columbia Valley Pioneer on April 23, 2026.

Five (5) letters have been received, four of which are not in support of the proposal and one is in support (attached).

- Documents Attached:**
- Permit
 - Location Map
 - Issued STRs Map
 - Responses to Notice

RDEK Contact: Ryan Penney, Planner 1
Phone: 778-761-1783
Email: rpenney@rdek.bc.ca

Permittee: Richard & Marilyn Jewell

1. This Temporary Use Permit, notwithstanding any zoning bylaw, allows the temporary use on Lot 46 District Lot 40 Kootenay District Plan 8377 (PID: 017-379-156), civically known as 5308 Columbia River Road, in strict accordance with the terms and conditions herein.
2. The temporary use allowed by this Permit is for short-term rental accommodation of guests in accordance with the conditions of this permit.
3. The use of the subject property for short-term rental accommodation shall be in substantial compliance with information provided in the Temporary Use Permit application received on January 15, 2026.
4. This Permit shall expire three (3) years from the date of issuance.
5. This Permit and all short-term rental guests utilizing the property are subject to compliance with all RDEK Bylaws, including but not limited to:
 - Bylaw No. 2750 - Nuisances and Unsightly Premises Regulation
 - Bylaw No. 1396 – Noise Control Regulation
6. This Permit is issued subject to the following permit conditions:
 - a) The maximum occupancy for the short-term rental is 6 guests at any given time.
 - b) Only the principal dwelling may be used for the accommodation of short-term rental guests in accordance with the plans submitted in support of the application.
 - c) All guests shall adhere to Provincial fire bans when utilizing the fire pit indicated on the application.
 - d) The fire safety plan submitted in support of the application must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
 - e) All neighbours within 100 m of the property must be provided contact information for the responsible person identified by the applicant.
 - f) Guests must be advised prior to booking that parking is limited and that street parking is not permitted.
7. It is understood and agreed that this Permit does not imply approval for future rezoning of the land for short-term rental uses, nor does the permit imply the approval of a renewal application.
8. Upon expiry of this Permit, the temporary short-term rental use shall be discontinued and the property shall only be used for residential or other permitted uses in accordance with RDEK zoning bylaws.
9. An application for a renewal of this Permit must be submitted prior to the expiration date of this Permit.
10. The use of the property as a short-term rental shall conform with the affidavit of understanding submitted in support of the application and shall not contravene any property title charge nor strata bylaw of which the property is subject.
11. Any advertisement of the short-term rental shall:
 - a) Reference to this Permit number: STR 27-26.
 - b) Not advertise for more than the maximum guest occupancy of 6 guests.
 - c) Only be for this unit and not combined with any other short-term rental units.
 - d) Not contravene any aspect of this Permit.
12. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, or promises with the property owner other than those in this Permit.
13. Contravention of permit conditions may result in review or revocation of this Permit.

- 14. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filled in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.

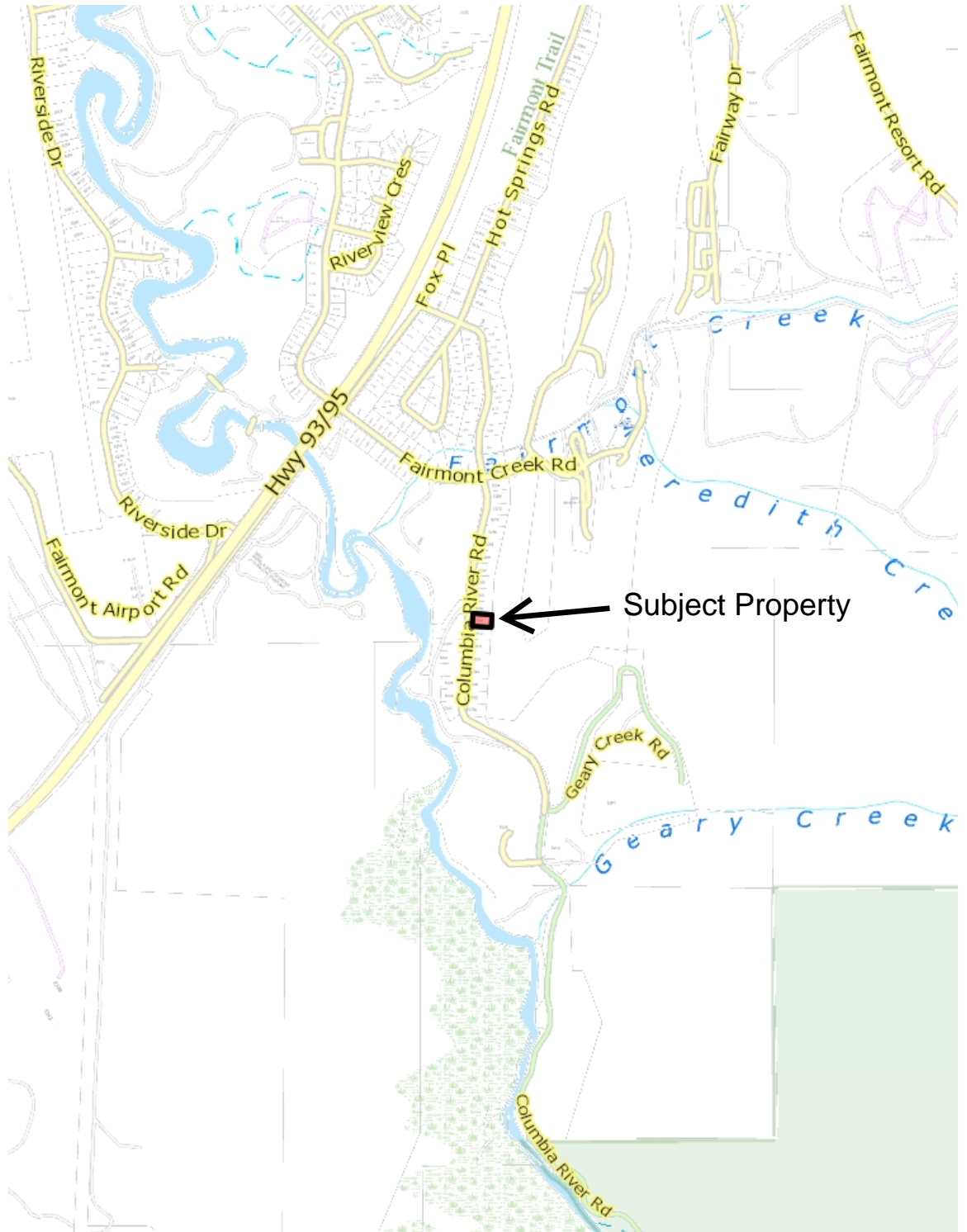
Authorizing Resolution No. _____ adopted by the Board of the Regional District of East Kootenay on the _____ day of _____, 2026.

**Tina Hlushak
Corporate Officer**

Location Map

Legend

- Lot Line
- - - Right of Way
- District Lot



Notes:

375 0 188 375 Meters

Scale = 1: 15,000



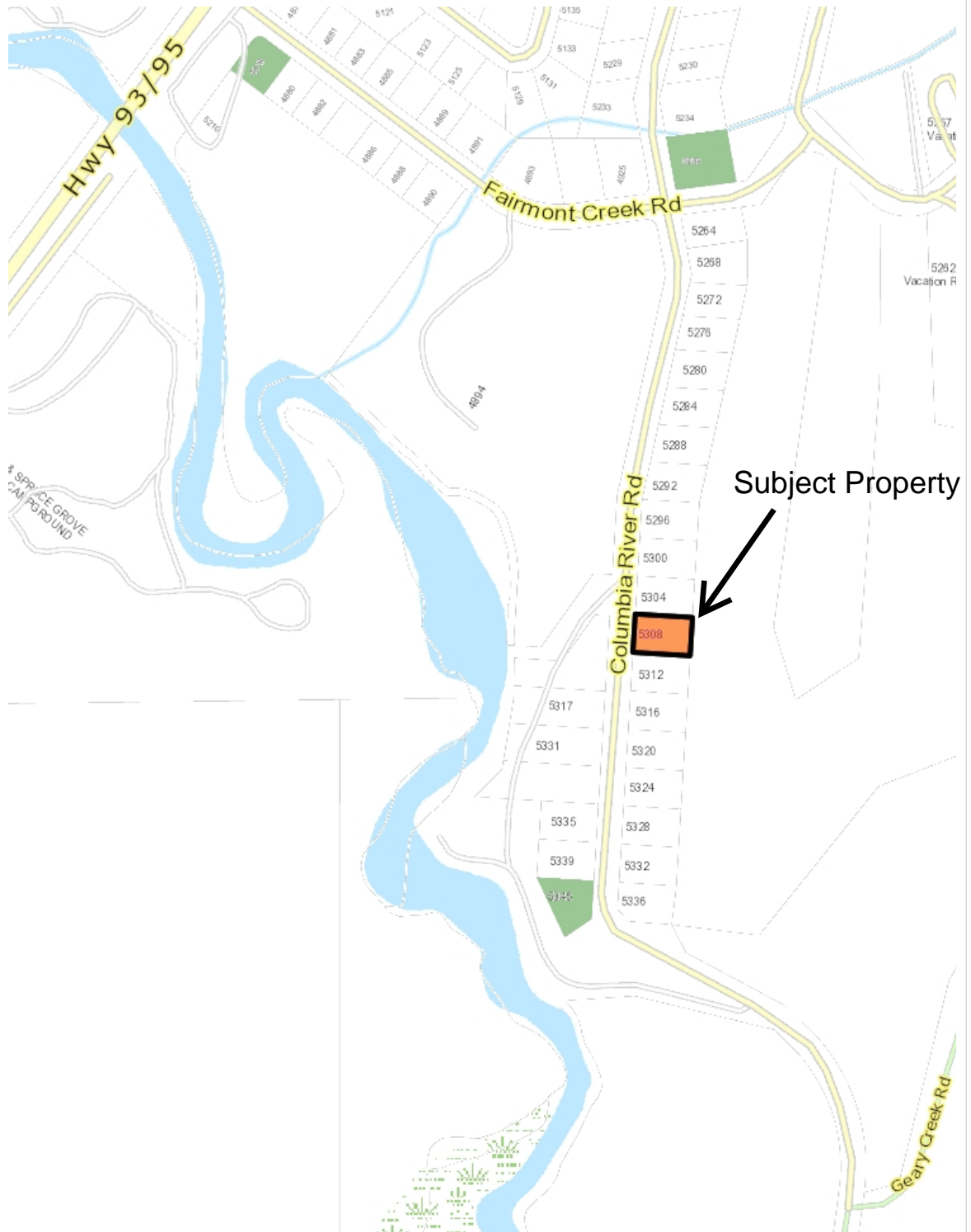
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Issued STR Map

Legend

- Lot Line
- - - Right of Way
- District Lot



Notes:

125 0 63 125 Meters

Scale = 1: 5,000



THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Ryan Penney

From: [REDACTED]
Sent: Wednesday, April 8, 2026 3:13 PM
To: Ryan Penney
Subject: FW: STR No. 27-26, 5308 Columbia River Road

Please provide this letter to the RDEK Board for consideration of the STR TUP application for 5308 Columbia River Road.

I am opposed to this application for a number of reasons, most importantly because this use is contrary to the covenant on title. I did not buy my home to be in a tourist commercial zone. Quite the opposite really, I prefer to know my neighbours (I live at 5300 Columbia River Road) and don't need temporary visitors coming and going for the party. The subject property can not likely accommodate parking for 4 vehicles and has just 2 bedrooms (according to BC Assessment) so how can it accommodate 6 guests and who is going to enforce the guest limit? There is enough commercial accommodation in Fairmont already that pay the appropriate commercial tax rate instead of residential. Allowing unfair competition discourages development and investments in legitimate commercial accommodation. Traffic volumes and speed on Columbia River Road are already untenable, especially during the summer 'float' season. Please reject this application.

Allan Chabot
5300 Columbia River Road, FHS, BC

Ryan Penney

From: john cowell [REDACTED]
Sent: Wednesday, April 8, 2026 1:47 PM
To: Ryan Penney
Cc: Monika Cowell
Subject: STR No.27-26

John and Monika Cowell
5304 Columbia River RD
Fairmont Hot Springs
VOB1L1.

Dear Ryan Penney
Planner RDEK

We are responding to the Notice of Intent regarding the permit application for the Property immediately south of our location at 5308 Columbia River Rd Fairmont Hot Springs.

We are quite surprised to learn of this application as we were very recently assured by the owner Dick Jewel that since he purchased the property from his siblings that the past use of the property as a periodic rental would stop and now be used solely for personal and Family use. We were quite happy to hear this as in the past there has been unruly behaviour with loud parties and noise and traffic noise on the very narrow driveway leading to the cottage between our properties requiring intervention to stop the rowdy behaviour.

We object to this permit for the following reasons.

1. There is a covenant on the titles of our properties prohibiting any commercial use of the property including rentals of any type.
2. The access to the property is quite narrow and there is limited parking unless the cars are strung out along the lane. There already is considerable traffic along the lane and car door banging is regularly heard.
3. We believe there are only two bedrooms and we are concerned about safety.
- 4, We have a quiet family oriented area and there are permanent residents who do not want homes in the area to be used for rental use.
5. We use our property on a very regular basis and will be semi permanent very shortly and made our decisions on the basis that there would be no STR in our vicinity and the covenants on our titles would be respected..

Sincerely
John and Monika Cowell

Paul McBeth
5296 Columbia River Road
Fairmont Hot Springs, BC
VOB 1L1

Ryan Penny
Regional District of East Kootenay
19 24 Ave South
Cranbrook, BC
V1C 3H8

April 10, 2026

**RE: Short-Term Rental Temporary Use Permit
STR No. 27-26**

Dear Ryan Penny,

This letter is in response to the Notice of Intent regarding the permit application for the Property at 5308 Columbia River Road, Fairmont Hot Springs.

I strongly oppose the issuing of the Short-Term Rental Temporary Use Permit at 5308 Columbia River Road, Fairmont Hot Springs and any future applications within Fairmont Resort Properties developments.

We object to this permit for the following reasons:

1. There is a covenant on the title of our properties prohibiting any commercial use of the property including rentals of any type. My family are original owners and felt at the time of building the covenant was important and continue to do so.
2. They are a sellout to tourists who displace local residents, who are already experiencing housing shortages. This is a well documented phenomenon.
3. Fairmont is a near-wilderness community surrounded by wildlife that is attracted to exposed garbage. Careless, inexperienced renters will increase negative wildlife-human interfaces to the detriment of permanent residents. The habits of bears attracted to garbage are difficult to change and is a concern for the entire community.
4. There are no practical ways to control in real time the adverse effects of STR's such as excessive occupancies, noise, rowdy behaviour, parking etc. Permanent neighbours must tolerate these disruptions while the ineffective reporting and complaint resolution mechanism slowly grinds away in the background and other permanent residents lose the enjoyment of their property.

5. Property values decrease when homes are located near STRs. How could anyone willingly accommodate 16 neighbours and enjoy their property and privacy? We use our property on a very regular basis and made decisions on the basis that there would be no STR in our vicinity and the covenants on our titles would be respected.
6. Short term renters add nothing to the community values such as volunteering for community cleanups, fund raisers, and many other community projects.
7. STRs compete directly with local businesses who employ locals and support community causes.
8. There are restrictive covenants lodged on the titles of most properties sold by Fairmont Resort Properties. These covenants protect the purchasers of their land from the deviations to property use such as STRs. Is RDEK now overriding these independent third party legal encumbrances and, if so, who is going to personally be responsible for that action if there are repercussions?

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul McBeth', with a stylized, cursive script.

Paul McBeth

April 24, 2026

TO: Regional District of East Kootenay, Board of Directors

Meeting May 8, 2025

RE: STR 27-26, 5308 Columbia River Road, Fairmont, BC

Thank you for taking the time to consider our application regarding our property located at 5308 Columbia River Road in Fairmont Hot Springs.

We would like to respectfully acknowledge that we misunderstood the layered provincial and local requirements related to short-term rental operation. When we were notified by the Province of British Columbia that a short-term registration was required, we acted promptly to obtain it and updated our Airbnb listing accordingly.

More recently we were made aware that a Temporary Use Permit was also required for the operation of our short-term rental. We had not previously understood that this permit was necessary. Once we learned of this requirement, we immediately began the process to address the matter and bring everything into compliance.

Throughout our time operating the property, we have had no complaints regarding noise, parking, or disturbance. We have always aimed to be respectful owners, responsible operators, and good neighbours within the community.

We value being part of the Fairmont Hot Springs area and appreciate the opportunity to continue operating in a responsible and fully compliant manner going forward. We are committed to following all applicable requirements and working cooperatively with the Regional District.

We respectfully ask for your consideration and approval. Thank you for your time.

Sincerely,

Marilyn and Richard Jewell, owners

5308 Columbia River Road

[REDACTED]

Ryan Penney

From: James Kozlowski [REDACTED]
Sent: Sunday, April 26, 2026 8:46 PM
To: Ryan Penney
Subject: STR - Lot 46 Plan 8377 Lot 40 Application

Not in favour.

I would prefer my neighborhood be free of commercial businesses. There is enough traffic with the floaters, bikers and park visitors.

James Kozlowski
5292 Columbia River Road

Sent from my iPhone



Request for Decision

Short Term Rental Temporary Use Permit

File No: STR 30-26
Date: April 29, 2026

- Subject:** STR TUP No. 30-26 (Panorama / Kadylo)
- Applicant:** Morris Kadylo
- Agent:** Aisling Baile
- Location:** #2 - 1886 Greywolf Drive, Panorama
- Legal:** Strata Lot 2, District Lot 16948, Kootenay District, Strata Plan NES2149 (PID: 024-543-306)
- Proposal:** Short-Term Rental for a maximum occupancy of fifteen (15) guests.
- Options:**
1. THAT Short Term Rental Temporary Use Permit No. STR 30-26 (Panorama / Kadylo) be granted.
 2. THAT Short Term Rental Temporary Use Permit No. STR 30-26 (Panorama / Kadylo) be refused.
 3. THAT Short Term Rental Temporary Use Permit No. STR 30-26 (Panorama / Kadylo) be granted for a maximum occupancy of 15 guests with the following additional permit conditions:
 - 1) On-street parking by guests is prohibited.
 - 2) Eight off-street parking spaces must be provided to guests.
 4. THAT Short Term Rental Temporary Use Permit No. STR 30-26 (Panorama / Kadylo) be granted for a maximum occupancy of 10 guests with the following additional permit conditions:
 - 1) On-street parking by guests is prohibited.
 - 2) Five off-street parking spaces must be provided to guests.

Recommendation: Option 4

The STR application generally meets the STR Temporary Use Policy, except for the requested guest occupancy of 15 guests. Based on concerns expressed by neighbours, the reported history of disturbance to neighbours by past STR guests, the parking capacity of the parcel, and the potential for increased noise, an occupancy limit of 10 guests and five off-street parking spaces would align with the RDEK STR TUP Policy and be more appropriate with the surrounding residential context.

Property Information: **OCP Designation:** R-SF, Residential Low Density - includes single family dwellings, duplexes and zoning that supports secondary suites.

OCP Policy: Short Term Rentals

- The current zoning regulations do not include a zone to recognize the short term rental of single family dwellings or secondary suites within

Property Information - cont'd:

single family dwellings. The RDEK undertaking a stand-alone public planning process to establish regulations and associated enforcement options pertaining to use of residentially zoned parcels for short-term commercial accommodation is supported. At such time as a process is undertaken, stakeholders from within the plan area should be consulted to ensure that the experience from this community is considered in determining future direction of RDEK regulations and policy related to short-term commercial accommodations.

- The continued use of existing multiple family dwelling units for short term commercial accommodation within the Resort Core is supported.

Zone Designation: R-1(D), Single Family Residential (Resort)

Parcel Area: 0.131 ha (0.324 ac)

ALR Status: Not within ALR

Type of Dwelling Unit: Principal dwelling unit

STR Policy Mandatory Criteria:

Off-Street Parking:

Required spaces: 5 (for up to 10 guests)

Proposed spaces: 8

Occupancy Limit:

Maximum permitted under delegation authority: 10 guests

Proposed occupancy maximum: 15 guests

Proposed bedroom count: 5 bedrooms

Additional Information:

- Outdoor amenities include a hot tub.
- Nuisance behaviour mitigation proposed by the applicant states there is a 24/7 guest service team and noise monitoring systems inside the property as well as outside which alert the property management company if noise is above normal levels.
- The submitted floor and fire safety plan provided with the application provide sufficient details to assess safety measures in place for the dwelling unit.
- The property is situated on Greywolf Golf Course and does not have neighbouring properties to the rear. However, due to the large dwelling size of the homes in the immediate surrounding area, noise has limited buffering from adjacent neighbouring properties.

Permit Conditions:

- The requested maximum occupancy for the short-term rental is 15 guests at any given time.

**Permit
Conditions -
cont'd:**

- Only the principal dwelling may be used for the accommodation of short-term rental guests in accordance with the plans submitted in support of the application.
- The fire safety plan submitted in support of the application must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
- Contact information for the responsible person identified by the applicant must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
- All neighbours within 100 m of the property must be provided contact information for the responsible person identified by the applicant.
- If approved at a higher occupancy, the proposed parking spaces would be subject to review to confirm size and location per zoning bylaw requirements. Preliminary staff review finds that up to a maximum of eight spaces would meet zoning size requirements., but due to the curved driveway configuration may limit the practical number of usable off-street parking spaces on the parcel.
- Additional security requirements (per section 496 of the *Local Government Act*): None recommended.

Consultation:

Response(s) to Notice:

Twenty-six (26) notices were mailed on April 2, 2026, to all property owners within 100 m. The notice was published in the Columbia Valley Pioneer on April 23, 2026.

Four (4) letters have been received, all of which are not in support of the proposal (attached).

**Documents
Attached:**

- Permit
- Location Map
- Issued STRs Map
- Responses to Notice

RDEK Contact:

Ryan Penney, Planner I
Phone: 778-761-1783
Email: rpenney@rdek.bc.ca

Permittee: Morris Kadylo

1. This Temporary Use Permit, notwithstanding any zoning bylaw, allows the temporary use on Strata Lot 2 District Lot 16948 Kootenay District Strata Plan NES2149 (PID: 024-543-306), civically known as 2-1886 Greywolf Drive, in strict accordance with the terms and conditions herein.
2. The temporary use allowed by this Permit is for short-term rental accommodation of guests in accordance with the conditions of this permit.
3. The use of the subject property for short-term rental accommodation shall be in substantial compliance with information provided in the Temporary Use Permit application received on January 28, 2026.
4. This Permit shall expire three (3) years from the date of issuance.
5. This Permit and all short-term rental guests utilizing the property are subject to compliance with all RDEK Bylaws, including but not limited to:
 - Bylaw No. 2750 - Nuisances and Unsightly Premises Regulation
 - Bylaw No. 1396 – Noise Control Regulation
6. This Permit is issued subject to the following permit conditions:
 - a) The maximum occupancy for the short-term rental is 15 guests at any given time.
 - b) Only the principal dwelling may be used for the accommodation of short-term rental guests in accordance with the plans submitted in support of the application.
 - c) All guests shall adhere to Provincial fire bans when utilizing the fire pit indicated on the application.
 - d) The fire safety plan submitted in support of the application must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
 - e) All neighbours within 100 m of the property must be provided contact information for the responsible person identified by the applicant.
 - f) Guests must be advised prior to booking that parking is limited and that street parking is not permitted.
7. It is understood and agreed that this Permit does not imply approval for future rezoning of the land for short-term rental uses, nor does the permit imply the approval of a renewal application.
8. Upon expiry of this Permit, the temporary short-term rental use shall be discontinued and the property shall only be used for residential or other permitted uses in accordance with RDEK zoning bylaws.
9. An application for a renewal of this Permit must be submitted prior to the expiration date of this Permit.
10. The use of the property as a short-term rental shall conform with the affidavit of understanding submitted in support of the application and shall not contravene any property title charge nor strata bylaw of which the property is subject.
11. Any advertisement of the short-term rental shall:
 - a) Reference to this Permit number: STR 30-26.
 - b) Not advertise for more than the maximum guest occupancy of 15 guests.
 - c) Only be for this unit and not combined with any other short-term rental units.
 - d) Not contravene any aspect of this Permit.
12. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, or promises with the property owner other than those in this Permit.
13. Contravention of permit conditions may result in review or revocation of this Permit.

14. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filled in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.

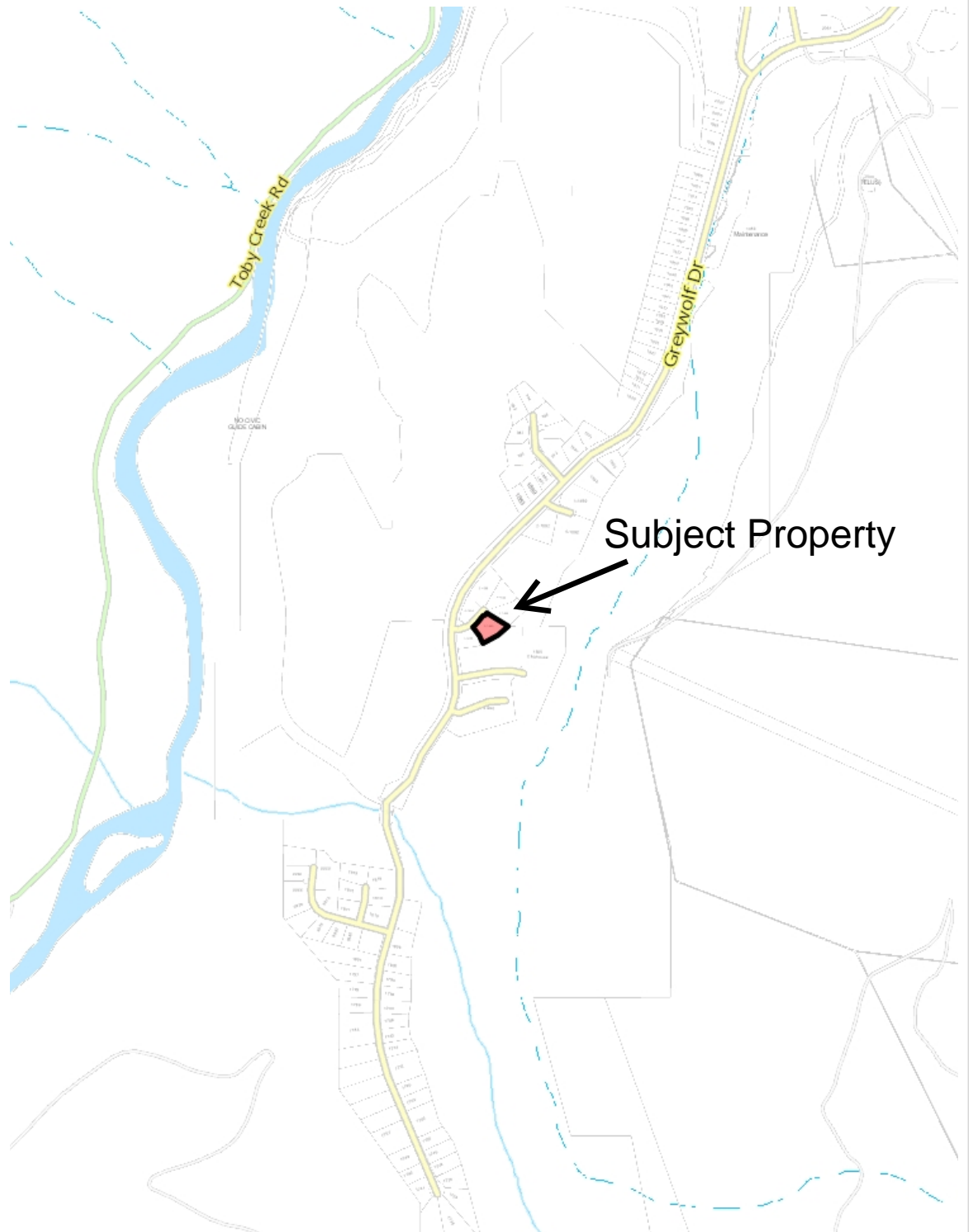
Authorizing Resolution No. _____ **adopted by the Board of the Regional District of East Kootenay on the** _____ **day of** _____ **, 2026.**

Tina Hlushak
Corporate Officer

Location Map

Legend

- Lot Line
- - - Right of Way
- █ District Lot



Notes:

242 0 121 242 Meters

Scale = 1: 9,660



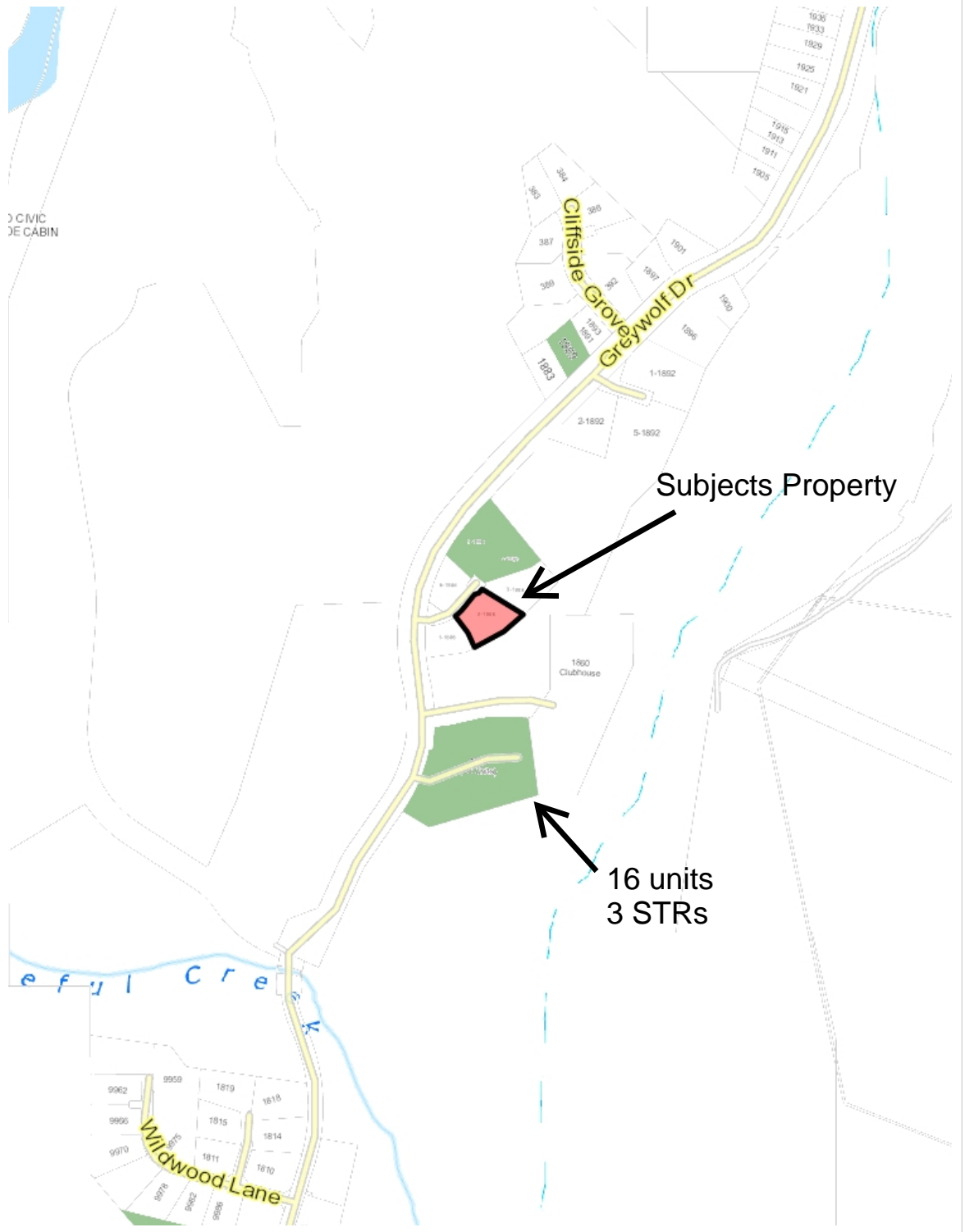
THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Issued STR Map

Legend

- Lot Line
- - - Right of Way
- District Lot



Notes:



Scale = 1: 5,000



THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Ryan Penney

From: Max Chan [REDACTED]
Sent: Wednesday, April 15, 2026 7:55 AM
To: Ryan Penney
Subject: Lot 2 Plan NES2149 District Lot 16948 KootenayDistrict

Good morning Ryan, this e-mail pertains to #2, 1886 Greywolf Drive, Panorama and their application for a Short Term Rental Permit. I, along with virtually 100% of home owners along Greywolf Drive, strongly object to any permits for this property. This house is well known in the entire Panorama community as the #1 party house at the resort. I have to call security regularly, especially throughout the summer as every weekend it's rented to 10+ guys golf groups which turn into drunken ragers all hours of the night. This property is notorious and I have spoken to the property management company so often I now have the direct number to the principal there. If you have had multiple Panorama Security and RCMP visits to your property, that alone should disqualify you from continuing to operate as a short term rental. This permit would represent everything that is offensive about short term rentals given the clientele that they serve. I'm fine with short term rentals to families and respectful groups but with this property, rarely is that the case. If you grant this permit, just know we will continue to object and oppose with all resources necessary.

Max Chan
#2, 1856 Greywolf Drive, Panorama, BC

Ryan Penney

From: Matthew Joss [REDACTED]
Sent: Wednesday, April 15, 2026 11:59 AM
To: Ryan Penney
Cc: Jennifer Joss
Subject: Lot 2 Plan NES2149 District Lot 16948 Kootenay District

Good morning Ryan,

We are writing in connection with the Short Term Rental Permit application for **#2, 1886 Greywolf Drive in Panorama**.

As a nearby homeowner (our backyard directly faces the back of this property), and reflecting the views of many residents along Greywolf Drive, and particularly those in the adjacent Wolf Lake development, we would like to formally express strong opposition to this application.

This property has, over a prolonged period, generated a significant number of disturbances within the neighbourhood. It has become widely recognized in the Panorama community as the "party house" and a location associated with frequent large-group rentals that often result in excessive noise and late-night party activity.

In our own experience, we have had to contact Panorama security on numerous occasions, particularly during peak summer weekends, when gatherings - usually large golf groups or stag or stagette parties - have escalated well beyond what would reasonably be considered respectful residential use.

The property's history of repeated complaints and security involvement - including visits from Panorama Security and the RCMP - suggests an ongoing pattern of behaviour that is inconsistent with the expectations placed on responsible short-term rental operators. From a community standpoint, that track record should be an important consideration in evaluating whether a permit is appropriate.

We want to emphasize that we are not at all opposed to short-term rentals in a resort community like Panorama. Many owners operate responsibly and host families or considerate guests who integrate well into the community and abide by the local by-laws. However, based on years of direct experience, the owner of this particular property and most of its rental groups have not demonstrated that same level of stewardship or respect.

For these reasons, we respectfully urge the municipality to deny the permit application for this address. Should the permit nonetheless be approved, residents in the immediate area will continue to monitor the situation closely and make use of the appropriate channels to raise concerns if issues persist.

Thank you for taking the time to consider the perspective of those who reside in close proximity to this property.

Sincerely,

Matthew Joss & Jennifer Joss

#4, 1856 Greywolf Drive, Panorama BC

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

Matthew Joss, CFA



Ryan Penney

From: Norman Schachar [REDACTED]
Sent: Thursday, April 16, 2026 12:19 PM
To: Ryan Penney
Subject: Re: Application

Yes that no is STR No30-26.

Get [Outlook for iOS](#)

From: Ryan Penney <rpenney@rdek.bc.ca>
Sent: Thursday, April 16, 2026 8:04:16 AM
To: Norman Schachar [REDACTED]
Subject: RE: Application

[△EXTERNAL]

Good morning, Norman.

Thank you for your comments. Would you be able to confirm which proposed Short-Term Rental application you are referring to by providing me with the STR number? They are formatted "STR XX-26".

Thanks,
Ryan Penney

From: Norman Schachar [REDACTED]
Sent: Wednesday, April 15, 2026 9:25 PM
To: Ryan Penney <rpenney@rdek.bc.ca>
Subject: Application

Ryan I am the vice-president of WolfLake strata. Kathy and I are long time owners at Panorama since 1986 and now own WolfLake 16-1856 since 2010. We have been aware of the often troubling and disruptive Behaviors at the property noted and would on those grounds plus the request for excessive parking as we see it, urge the commission to deny this request.

Norman Schachar, 16-1856 WolfLake Dr
[REDACTED]

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April 28, 2026

RE: Short Term Rental Temporary Use Permit

STR No. 30-26

#2 1886 Greywolf Drive, Panorama BC

Dear RDEK Board of Directors,

I am writing to formally express my concerns regarding the application for a temporary use permit for short-term rental at the above-mentioned property.

As the owner of a residence directly opposite, which serves as a vacation home for my family and myself, I have a vested interest in the preservation of the neighbourhood's character and overall well-being. As the original owner, I spend a considerable amount of time at my home and have observed first-hand the effects of short-term rentals.

Concerns with the Permit application

1). Guest Occupancy:

Application is for 15 guests. This exceeds the current RDEK policy limit of ten set in July 2023. While the residence in question is of substantial size, allowing 15 guests is, in my opinion, excessive. There is also the possibility that the actual number of occupants may surpass the permitted maximum: I have personally observed instances where as many as twenty-two individuals have stayed at this property. Such elevated occupancy places undue strain on our small cul-de-sac and adversely affects the community.

2). Parking Issues:

Application for on-site parking for 8 cars. Permitting this volume of vehicles fundamentally alters the appearance and function of both the property and the street. The frontage becomes dominated by parked vehicles, and the street takes on the character of a parking lot rather than a residential setting. From past observations, renters frequently arrive in large trucks and SUVs, and on occasion buses have parked on the street. When these vehicles are parked, they often protrude onto the roadway. This is a huge problem in the wintertime for snow clearing. Snowplows are unable to fully clear the road due to these obstructions, resulting in a narrowed roadway that poses challenges for residents and other renters attempting to safely navigate the cul-de-sac.

This cul-de-sac is very small. On-road parking cannot be facilitated due to safety concerns. Should vehicles park on the road, it would be impossible for emergency vehicles to get full access to the properties and residences, and snow clearing would be very difficult. It is very important that safety is given due consideration in this matter.

In the past I have had to speak directly to renters regarding the parking issue, as they often park on the street and have guests visiting for the day. Unfortunately, certain renters mistakenly believe that renting the property entitles them to park where they wish. This is unacceptable, and I should not be required to address these issues personally.

3). Number of Short-Term Rentals on Cul-de-sac:

At present two of the six homes on this cul-de-sac possess short-term rental permits. This current application would be the third permit, and another home on the cul-de-sac, #4 1886 Greywolf Drive is applying for a short-term rental permit next month. Four short-term rental permits constitutes a substantial proportion for such a small area. The number of beds and vehicles allowed per permit has a huge effect on the entire cul-de-sac, as well as the homeowners who do not rent their homes.

4)Environmental and Wildlife Impac:

Panorama is fortunate to have an active wildlife population. In the past, a number of renters have left garbage on the decks of their rental homes, resulting in bears prowling our properties looking for food. I have had to ask renters not to leave garbage outside the houses. As the number of renters increases, so too does the volume of garbage and the frequency of wildlife interactions. This is not a positive thing for animals or people.

5)Noise:

Unfortunately, the noise generated from rental guests can be excessive. Most renters are here to enjoy themselves and party. This results in rather loud conversations and music playing outside late into the night. On numerous occasions I have had to request renters to relocate their party inside. Sound does travel considerably in the mountains, and after-hours disturbances are disruptive to those of us who live and visit here. The Panorama Resort enforces a quite time policy between 11pm-7am, and renters should be made aware of and adhere to this regulation. The greater number of individuals renting homes on the cul-de-sac, the higher the noise level becomes. The more people that are on the cul-de-sac renting homes, the noisier it becomes.

I respectfully submit these concerns for your consideration as you review the application. The addition for further short-term rentals in our small community has considerable repercussions for parking, safety, wildlife, noise, and overall character of our neighbourhood.

Sincerely,

Kathy Stuart

#6 1886 Greywolf Drive

Panorama, BC



Request for Decision Short Term Rental Temporary Use Permit

File No: STR 31-26
Date: April 23, 2026

Subject: STR TUP No. 31-26 (Windermere/ Melnikova)

Applicant: Valentine & Anton Melnikova

Agent: Aisling Baile

Location: 4721 Wilmai Road, Windermere

Legal: Lot 14, District Lot 8, Kootenay District, Plan 7777
(PID: 005-211-603)

Proposal: Short-Term Rental for a maximum occupancy of 10 guests.

- Options:**
1. THAT Short Term Rental Temporary Use Permit No. STR 31-26 (Windermere / Melnikova) be granted.
 2. THAT Short Term Rental Temporary Use Permit No. STR 31-26 (Windermere / Melnikova) be refused.

Recommendation: **Option 1**

The STR Temporary Use Permit application meets all mandatory requirements of the STR Temporary Use Policy. The proposed occupancy of 10 guests is appropriate to the size of the dwelling unit. In addition, the parcel appears capable of accommodating six off-street parking spaces. Adjacent neighbouring properties are located to the north and east, and existing treed areas provide some buffering between the subject parcel and surrounding residential parcels.

Property Information: **OCP Designation:** R-SF, Residential Low Density - includes single family residential subdivisions, duplexes and zoning that supports secondary suites.

OCP Policies: The current zoning regulations do not include a zone to recognize the short-term rental of single family dwellings. Undertaking a stand-alone public planning process to establish regulations pertaining to the use of single family residences for short term rentals is supported.

Zone Designation: R-1, Single Family Residential

Parcel Area: 0.165 ha (0.41 ac)

ALR Status: Not within ALR

Type of Dwelling Unit: Principal dwelling unit

**STR Policy
Mandatory
Criteria:**

Off-Street Parking:

Required spaces: 5 (for up to 10 guests)

Proposed spaces: 6

**STR Policy
Mandatory
Criteria cont'd:**

Occupancy Limit:

Maximum permitted under delegation authority: 10 guests

Proposed occupancy maximum: 10 guests

Proposed bedroom count: 6 bedrooms

**Additional
Information:**

- The proposed short-term rental meets or exceeds the mandatory criteria identified in the Short-Term Rental Temporary Use Permit policy. At the December 12, 2025 Board of Directors meeting the Policy was amended to require that all future short-term rental applications within Electoral Area F be considered by the Board of Directors.
- External amenities include a fire pit.
- The submitted floor and fire safety plan provided with the application provide sufficient details to assess safety measures in place for the dwelling unit.
- The parcel backs onto a treed area and an undeveloped cliffside.
- Nuisance behaviour mitigation efforts include 24/7 service team available through Aisling Baile and noise monitoring systems inside and outside the dwelling to notify if noise reaches above normal levels.
- The requested maximum occupancy for the short-term rental is 10 guests at any given time.

**Permit
Conditions:**

- Only the principal dwelling may be used for the accommodation of short-term rental guests in accordance with the plans submitted in support of the application.
- The fire safety plan submitted in support of the application must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
- Contact information for the responsible person identified by the applicant must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
- All neighbours within 100 m of the property must be provided contact information for the responsible person identified by the applicant.
- Additional security requirements (per section 496 of the *Local Government Act*): None recommended.

Consultation: **Response(s) to Notice:**

Twenty-eight (28) notices were mailed on April 2, 2026, to all property owners within 100 m. The notice was published in the Columbia Valley Pioneer on April 23, 2026.

Two (2) letters have been received, both of which are not in support of the proposal (attached).

**Documents
Attached:**

- Permit
- Location Map
- Issued STRs Map
- Responses to Notice

RDEK Contact: Ryan Penney, Planner I
Phone: 778-761-1783
Email: rpenney@rdek.bc.ca

Permittee: Valentina & Anton Melnikova

1. This Temporary Use Permit, notwithstanding any zoning bylaw, allows the temporary use on Lot 14 District Lot 8 Kootenay District Plan 7777 (PID: 005-211-603), civically known as 4721 Wilmai Road, in strict accordance with the terms and conditions herein.
2. The temporary use allowed by this Permit is for short-term rental accommodation of guests in accordance with the conditions of this permit.
3. The use of the subject property for short-term rental accommodation shall be in substantial compliance with information provided in the Temporary Use Permit application received on February 10, 2026.
4. This Permit shall expire three (3) years from the date of issuance.
5. This Permit and all short-term rental guests utilizing the property are subject to compliance with all RDEK Bylaws, including but not limited to:
 - Bylaw No. 2750 - Nuisances and Unsightly Premises Regulation
 - Bylaw No. 1396 – Noise Control Regulation
6. This Permit is issued subject to the following permit conditions:
 - a) The maximum occupancy for the short-term rental is 10 guests at any given time.
 - b) Only the principal dwelling may be used for the accommodation of short-term rental guests in accordance with the plans submitted in support of the application.
 - c) All guests shall adhere to Provincial fire bans when utilizing the fire pit indicated on the application.
 - d) The fire safety plan submitted in support of the application must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
 - e) All neighbours within 100 m of the property must be provided contact information for the responsible person identified by the applicant.
 - f) Guests must be advised prior to booking that parking is limited and that street parking is not permitted.
7. It is understood and agreed that this Permit does not imply approval for future rezoning of the land for short-term rental uses, nor does the permit imply the approval of a renewal application.
8. Upon expiry of this Permit, the temporary short-term rental use shall be discontinued and the property shall only be used for residential or other permitted uses in accordance with RDEK zoning bylaws.
9. An application for a renewal of this Permit must be submitted prior to the expiration date of this Permit.
10. The use of the property as a short-term rental shall conform with the affidavit of understanding submitted in support of the application and shall not contravene any property title charge nor strata bylaw of which the property is subject.
11. Any advertisement of the short-term rental shall:
 - a) Reference to this Permit number: STR 31-26.
 - b) Not advertise for more than the maximum guest occupancy of 10 guests.
 - c) Only be for this unit and not combined with any other short-term rental units.
 - d) Not contravene any aspect of this Permit.
12. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, or promises with the property owner other than those in this Permit.
13. Contravention of permit conditions may result in review or revocation of this Permit.

14. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filled in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.

Authorizing Resolution No. _____ adopted by the Board of the Regional District of East Kootenay on the _____ day of _____, 2026.

**Tina Hlushak
Corporate Officer**

Location Map

Legend

- Lot Line
- - - Right of Way
- District Lot



Subject Property

Indian Beach Estates

Notes:



Scale = 1 : 10,948



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Issued STR Map

Legend

- Lot Line
- - - Right of Way
- District Lot



Notes:

125 0 63 125 Meters

Scale = 1 : 5,000



THIS MAP IS NOT TO BE USED FOR NAVIGATION

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Ryan Penney

From: Helen Eldstrom [REDACTED]
Sent: Saturday, April 25, 2026 4:06 PM
To: Ryan Penney
Subject: Short-Term Rental Temporary Use Permit

We are writing to respond to the short term rental temporary use permit application for lot 14 - 1421 Wilmai Rd. In Windermere. This application because of the cul de sac we are on is 15 metres away from our property. If approved we would then be directly across from two STR's each with a 10 person permit! This would mean we would have 12 additional vehicles at the end of our very small street...all scrambling for a place to park. The application said it would have six off street parking but that would only work if the cars were parked in line meaning the front would be unable to get out so we know that this will not work and parking would on the street! Because the property is on the end of the undersized cul de sac off street parking is very limited and would create a safety hazard in the case of an emergency. The street has a total of 6 dwellings if approved this will make it 1/3rd of the total making the street unacceptably congested. Were the property be used for Long Term Rental it would provide a greatly and desperately needed accommodation that Windermere lacks.

Sincerely Patrick James Eldstrom and Helen Eldstrom
4728 Wilmai Road
[REDACTED]
Sent from my iPad

5532 Darymple Hill NW
 Calgary, AB
 T3A 1Y3
 16 April, 2026

RDEK
 19 - 24 Ave South
 Cranbrook, BC
 V1C 3H8

RECEIVED

APR 24 2026

Gentlemen:

Regional District of
 East Kootenay

STR Temporary Use Permit
 STR Application No. 31-26; 4721 Wilma Rd, Windermere

I am the registered owner of property located at 4727 Wilma Road in Windermere (4727) and I am writing to **Oppose** The subject application STR 31-26 at 4721 Wilma Rd for the following reasons:

1) **STR DENSITY:** The RDEK has yet to develop a policy on STR Density especially as it pertains to Area F. Referring to the attached letter from the Columbia Valley Pioneer 8 April/26 it appears that the matter of establishing STR Density Policy & guidelines is still a matter being considered but no policy exists currently to establish the STR Density Metrics nor does it appear that such a policy will be forthcoming anytime soon.

This matter is of particular concern to me since if approved, my house at 4727 Wilma Rd will be placed in the awkward position of being *sandwiched* immediately between 2 - STR dwellings!

Currently there is an STR unit (see 4735 Wilma Rd.) on the property immediately north of my 4727 property. With the approval of this application STR-31-26 (4721 Wilma Rd), there will be an STR unit immediately south of my 4727 property!

The result will be that my house is to be sandwiched between 2-STR or Air BnB properties!

Can any proposed STR Density regulations anticipate 2 out of 3 connected lots being approved for STR development? For my property to be sandwiched between 2-possible Air BnB properties is not a prospect that I am willing to consider nor accept!! *I would kindly ask the Directors to contemplate how they might react if their property was sandwiched between 2-STR's?* (Imagine how this eventuality will affect property values...?)

Because I find the prospect of 2-STR's sandwiching in my residence to be unacceptable and unreasonable, I oppose this application

2). **PARKING:** While the STR proponent states that there is on-site parking for 6-cars, he may be *Theoretically* correct, however a closer examination will reveal that in order to accommodate 6-vehicles it will be necessary to "stack" the vehicles in the space provided which means that cars will often have to be shunted onto the road (WILMAI RD) in order to provide egress and access.

This will certainly result in people more conveniently wishing to park or leave cars on the road (the road being a quiet cul de sac) which will impair traffic from turning around at the end of the cul de sac and this will result in objectionable consequences. Also with the other STR at 4735 Wilmai Rd just 2-doors away from STR 31-26, imagine the likelihood of an unacceptable number of cars on the road (WILMAI RD) during times when both STR's are occupied!

I am not willing to accept the possibilities that large numbers of cars will be parked on the street and on either side of my property when both the STR's are occupied, and I oppose this application

3). **ENFORCEMENT:** While I understand that some form of "Hot Line" will be established to field complaints or deal with issues that may occur with STR occupants, I question how effective it might be. For example if a rowdy party is going on at one of the STR's in the early morning hours and a person was to call the "Hot Line" in the early morning, would that call end up in Cranbrook? AND would the person answering the call be available to deal with a situation?...OR would the call be directed to an answering machine? in which case the problem would be impossible to deal with. This entire matter of ENFORCEMENT appears to be unsatisfactory without a more stringent protocol for dealing with Issues as they arise. It would appear that without a proper enforcement officer and/or team, the STR regulations are without any practical means of enforcement.

Because I am not confident that the STR-regulations are meaningful and enforceable in a satisfactory way, I oppose this application.

I do not oppose the overall implementation of STR's PROVIDED that the jurisdictional body has a clear cut set of regulations and a well developed Policy governing the implementation of STR's. I find both the Policy and the Regulations severely lacking in substance and vision as far as the RDEK Area F framework is concerned.

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

As a minimum consideration, the RDEK Directors should place a pause on STR developments until an STR Density Policy is approved by the Directors, *especially* in areas where other STR's have been approved, The Directors should at least review prospective applications in light of possible Density issues that may occur AND their impact on existing (tax-paying) properties.

Yours, truly



Michael K. Langfeldt



STR density still not addressed

CIVIL PIONEER 8 APRIL 2026

The growing number of short-term rentals (STRs) and their concentration (density) in residential neighbourhoods is a concern in Windermere, Fairmont and elsewhere.

In November 2025, the Windermere and Fairmont Community Associations raised this issue with the RDEK and outlined practical tools to manage it, including limits per street, neighbourhood caps, and separation distances between STRs. The province has recognized concerns related to STR density and has made it clear that local governments have the authority to use density management tools to address these issues. Despite this, the RDEK has deferred work on developing a clear methodology to manage STR density until at least August 2026, with progress likely extending into late 2026 or 2027. In the meantime, STR applications continue to be approved.

The board is now responsible for these decisions in Area F, yet there are no defined metrics

or thresholds to determine when density is too high. Without this, it is unclear how cumulative impacts are being assessed or when STR applications should be refused. The RDEK has indicated that mapping of STRs will be provided for individual applications. While this may offer some context, it is based on an undefined area and may not reflect the actual level of density in the surrounding neighbourhood.

Without defined metrics or thresholds, continuing to approve new STR applications is concerning. The RDEK should pause all new STR applications in Area F until clear density metrics and a consistent decision-making framework are in place. STR density must not undermine neighbourhood livability or reduce housing availability for year-round residents.

This is an issue that needs to be addressed now, not after another peak tourist season.

Colleen Roberts, Windermere



Request for Decision Short Term Rental Temporary Use Permit

File No: STR 32-26
Date: April 28, 2026

- Subject:** STR TUP No. 32-26 (Fairmont Hot Springs / YYC Home Solutions)
- Applicant:** YYC Home Solutions
- Agent:** N/A
- Location:** 5023 Fairmont Close, Fairmont Hot Springs
- Legal:** Lot 16, District Lot 138, Kootenay District, Plan 8297 (PID: 013-295-594)
- Proposal:** Short-Term Rental for a maximum occupancy of six (6) guests.
- Options:**
1. THAT Short Term Rental Temporary Use Permit No. STR 32-26 (Fairmont Hot Springs / YYC Home Solutions) be granted.
 2. THAT Short Term Rental Temporary Use Permit No. STR 32-26 (Fairmont Hot Springs / YYC Home Solutions) be refused.
- Recommendation:** **Option 1**

The STR Temporary Use Permit application meets all the mandatory requirements of the STR Temporary Use Policy. The proposed occupancy of six guests is appropriate to the size of the dwelling unit. In addition, the parcel appears to be capable of accommodating four off-street parking spaces.

Property Information: **OCP Designation:** R-SF, Residential Low Density - includes single family residential subdivisions, duplexes and zoning that supports secondary suites.

OCP Policies: Fairmont Subarea

The Residential Land Use Policies of the Fairmont Hot Springs and Columbia Lake Area OCP do not support rezoning to accommodate short-term rentals for tourist accommodation.

Zone Designation: R-1(D), Single Family Residential Resort

Parcel Area: 0.131 ha (0.324 ac)

ALR Status: Not within ALR

Type of Dwelling Unit: Principal dwelling unit

**STR Policy
Mandatory
Criteria:**

Off-Street Parking:
Required spaces: 4 (for up to 6 guests)
Proposed spaces: 4

**STR Policy
Mandatory
Criteria cont'd:**

Occupancy Limit:

Maximum permitted under delegation authority: 10 guests
Proposed occupancy maximum: 6 guests
Proposed bedroom count: 4 bedrooms

**Additional
Information:**

- The proposed short-term rental meets the mandatory criteria identified in the Short-Term Rental Temporary Use Permit policy. At the December 12, 2025 Board of Directors meeting the Policy was amended to require that all future short term rental applications within Electoral Area F be considered by the Board of Directors.
- No external amenities are proposed.
- The submitted floor and fire safety plan provided with the application provide sufficient details to assess safety measures in place for the dwelling unit.

**Permit
Conditions:**

- The requested maximum occupancy for the short-term rental is 6 guests at any given time.
- Only the principal dwelling may be used for the accommodation of short-term rental guests in accordance with the plans submitted in support of the application.
- The fire safety plan submitted in support of the application must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
- Contact information for the responsible person identified by the applicant must be posted within the dwelling unit in a highly visible location that is accessible to all guests.

**Permit
Conditions -
cont'd:**

- All neighbours within 100 m of the property must be provided contact information for the responsible person identified by the applicant.
- Additional security requirements (per section 496 of the *Local Government Act*): None recommended.

Consultation:

Response(s) to Notice:

Twenty-nine (29) notices were mailed on April 2, 2026 to all property owners within 100 m. The notice was published in the Columbia Valley Pioneer on April 23, 2026.

No letters have been received.

**Documents
Attached:**

- Permit
- Location Map
- Issued STRs Map

RDEK Contact: Ryan Penney, Planner 1
Phone: 778-761-1783
Email: rpenney@rdek.bc.ca

Permittee: Peter Jakobs





1. This Temporary Use Permit, notwithstanding any zoning bylaw, allows the temporary use on Lot 16 District Lot 138 Kootenay District Plan 8297 (PID: 013-295-594), civically known as 5023 Fairmont Close, in strict accordance with the terms and conditions herein.
2. The temporary use allowed by this Permit is for short-term rental accommodation of guests in accordance with the conditions of this permit.
3. The use of the subject property for short-term rental accommodation shall be in substantial compliance with information provided in the Temporary Use Permit application received on February 17, 2026.
4. This Permit shall expire three (3) years from the date of issuance.
5. This Permit and all short-term rental guests utilizing the property are subject to compliance with all RDEK Bylaws, including but not limited to:
 - Bylaw No. 2750 - Nuisances and Unsightly Premises Regulation
 - Bylaw No. 1396 – Noise Control Regulation
6. This Permit is issued subject to the following permit conditions:
 - a) The maximum occupancy for the short-term rental is 6 guests at any given time.
 - b) Only the principal dwelling may be used for the accommodation of short-term rental guests in accordance with the plans submitted in support of the application.
 - c) All guests shall adhere to Provincial fire bans when utilizing the fire pit indicated on the application.
 - d) The fire safety plan submitted in support of the application must be posted within the dwelling unit in a highly visible location that is accessible to all guests.
 - e) All neighbours within 100 m of the property must be provided contact information for the responsible person identified by the applicant.
 - f) Guests must be advised prior to booking that parking is limited and that street parking is not permitted.
7. It is understood and agreed that this Permit does not imply approval for future rezoning of the land for short-term rental uses, nor does the permit imply the approval of a renewal application.
8. Upon expiry of this Permit, the temporary short-term rental use shall be discontinued and the property shall only be used for residential or other permitted uses in accordance with RDEK zoning bylaws.
9. An application for a renewal of this Permit must be submitted prior to the expiration date of this Permit.
10. The use of the property as a short-term rental shall conform with the affidavit of understanding submitted in support of the application and shall not contravene any property title charge nor strata bylaw of which the property is subject.
11. Any advertisement of the short-term rental shall:
 - a) Reference to this Permit number: STR 32-26.
 - b) Not advertise for more than the maximum guest occupancy of 6 guests.
 - c) Only be for this unit and not combined with any other short-term rental units.
 - d) Not contravene any aspect of this Permit.
12. It is understood and agreed that the RDEK has made no representations, covenants, warranties, guarantees, or promises with the property owner other than those in this Permit.
13. Contravention of permit conditions may result in review or revocation of this Permit.

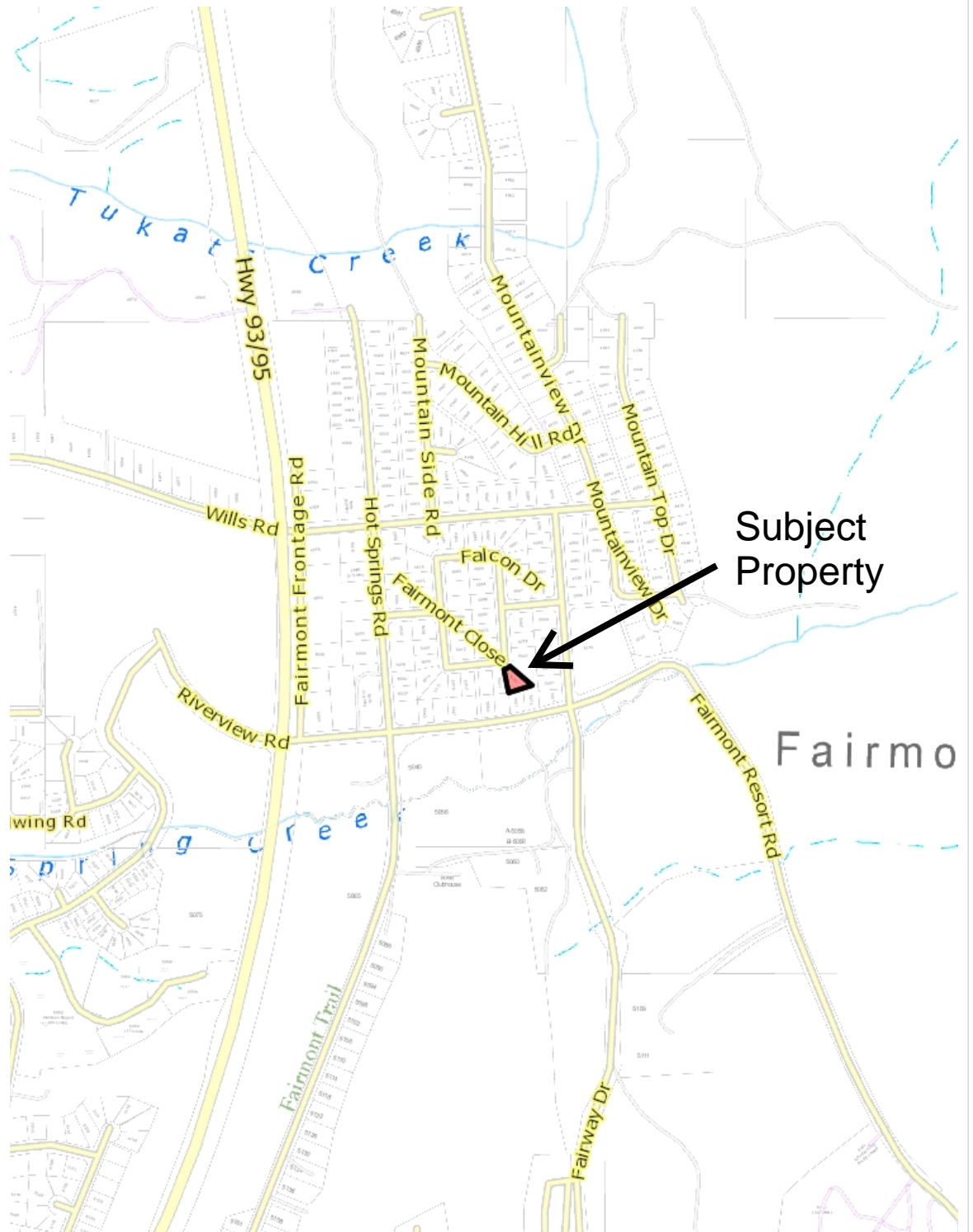
14. A notice pursuant to Section 503(1) of the *Local Government Act* shall be filled in the Land Title Office and the Registrar shall make a note of the filing against the title of the land affected.

Authorizing Resolution No. _____ adopted by the Board of the Regional District of East Kootenay on the _____ day of _____, 2026.

**Tina Hlushak
Corporate Officer**

Legend

-  Lot Line
-  Right of Way
-  District Lot
-  Regional Districts Administrative Are



Notes:

242 0 121 242 Meters

Scale = 1:9,660



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Issued STR Map

Legend

- Lot Line
- - - Right of Way
- District Lot



Notes:



Scale = 1 : 5,000



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Request for Decision Natural Resource Operations Referral

File No: P 151 300
Reference: 796825
Date: April 20, 2026

Subject: Crown Land Statutory Right of Way – Moyie / BC Hydro and Power Authority
Applicant: BC Hydro and Power Authority
Agent: Patricia Stedman
Location: Parts of District Lot 3003 & Sublot F, District Lot 4591, Plan X29, Kootenay District
Legal: Unsurveyed Crown Land

Proposal: To allow for a right of way for an existing BC Hydro powerline on Crown Land and any future works or services that may be required if an extension is needed or new services are required from the line.

- Options:**
1. THAT the Ministry of Water, Land and Resource Stewardship be advised the RDEK supports the BC Hydro and Power Authority application for a Crown Land Statutory Right of Way application for electric power line purposes in the south Moyie area.
 2. THAT the Ministry of Water, Land and Resource Stewardship be advised the RDEK does not support the BC Hydro and Power Authority application for a Crown Land Statutory Right of Way application for electric power line purposes in the south Moyie area.

Recommendation: Option 1

The proposed application will present minimal disturbance as it is for an extension of existing power line on Crown land and follows the existing Sunrise Road.

Property Information:

OCP Designation: RR, which includes agriculture, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, greenspace and recreation; and INST, Institutional supports such land uses as utilities, parks and playing fields, community centers, educational facilities, churches or places of assembly, and similar developments.

Zone Designation: RR-60, Rural Resource and P-3, Public Works & Utility

Area of Proposed Roadway: N/A

Density: N/A

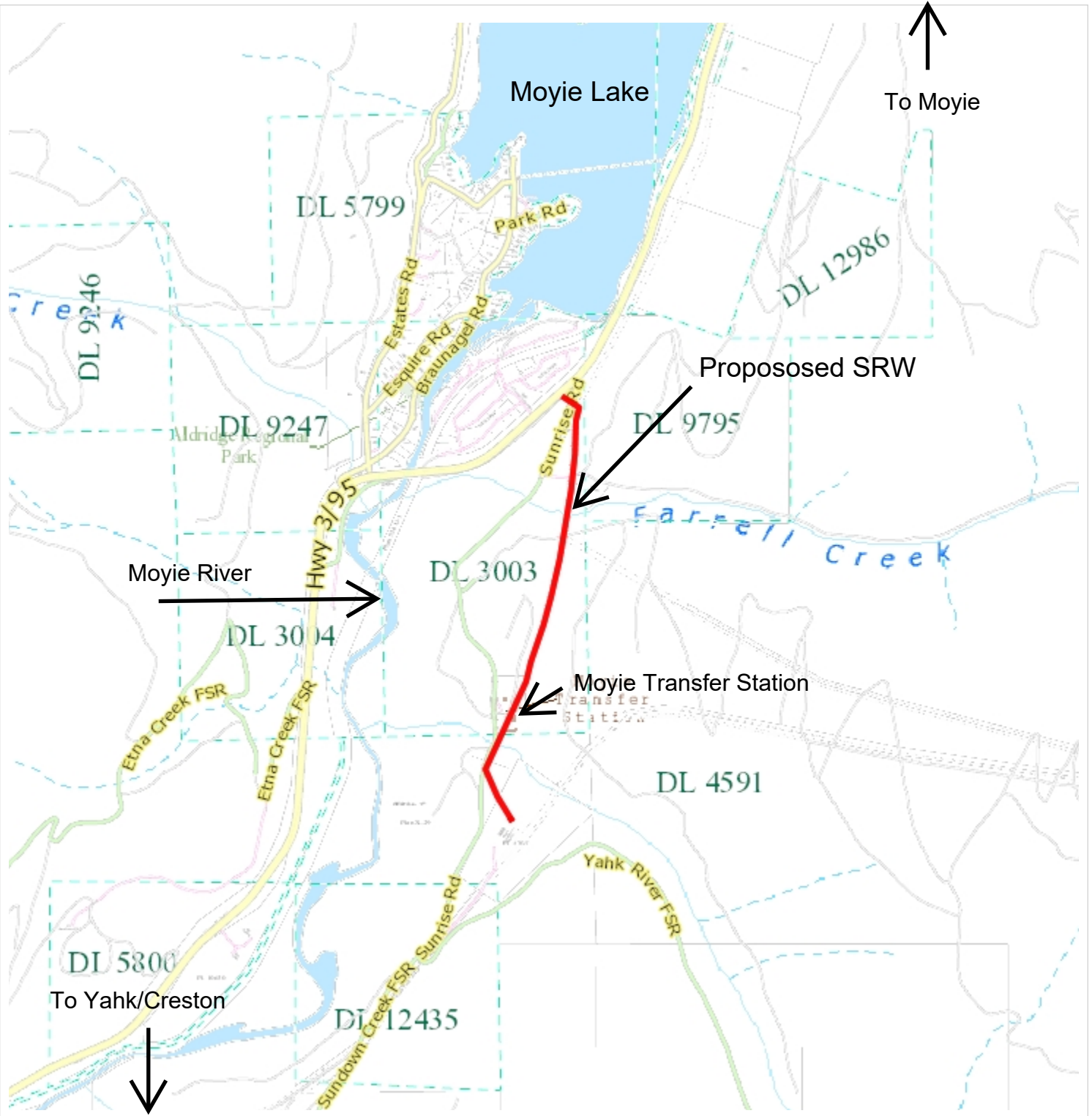
ALR Status: Not within the ALR.

BC Assessment: N/A

Water and Sewer Services: N/A

Property Information – cont'd:	Interface Fire Hazard Rating: Low, moderate and high. Crown Land is not part of local fire service areas. Flood Hazard Rating: Parts of the subject area are within special policy areas for flood hazard. Both the Farrell Creek and Sunrise Creek alluvial fans have a Provincial Flood Torrent hazard rating of G. Habitable areas discouraged in these areas subject to completion of a detailed hazard assessment.
Crown Land Management Plans:	The Cranbrook West Recreation Management Plan identifies the area as motorized in snow-free months. In winter, the area is open for motorized use on roads and identified travel corridors.
Lake Management Plans:	N/A
Shoreline Management Guidelines:	N/A
Additional Information:	<ul style="list-style-type: none">• BC Hydro has an existing Statutory Right of Way and the power line services three utilities: BC Hydro, Telus Communications and Foothills Pipeline.• The extension request is driven by the requirement to service the new Moyie Fire Hall and replace an existing pole as part of this project. The Fire Hall requires 1 Phase Power (120/240V 200 amp service) to become operational.• Existing clearance of vegetation and timber for power line is already in place and ground disturbance will only be required for the new power pole (7 ft deep x 2 ft wide), secured by gravel, and any re-seeding will be completed as required.
Consultation:	APC Area C: Support recommended.
Documents Attached:	<ul style="list-style-type: none">• Location Map• Aerial Photo• Application Overview Maps
RDEK Contact:	Rhiannon Chippett, T/ Planning Technician 1 Phone: 250-489-6903 Email: rhippett@rdek.bc.ca

Location Map



Notes:

826 0 413 826 Meters

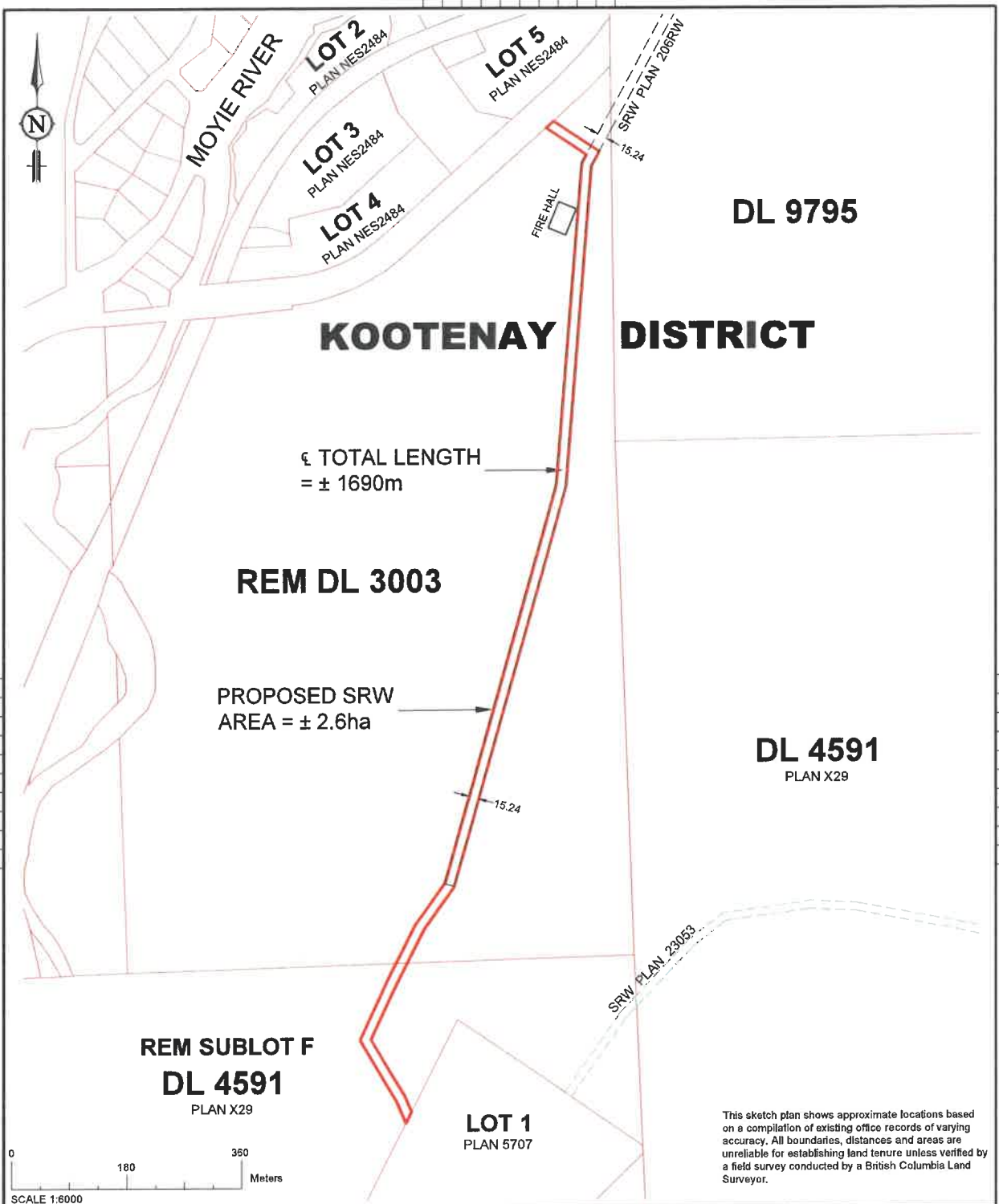
Scale = 1: 33,045



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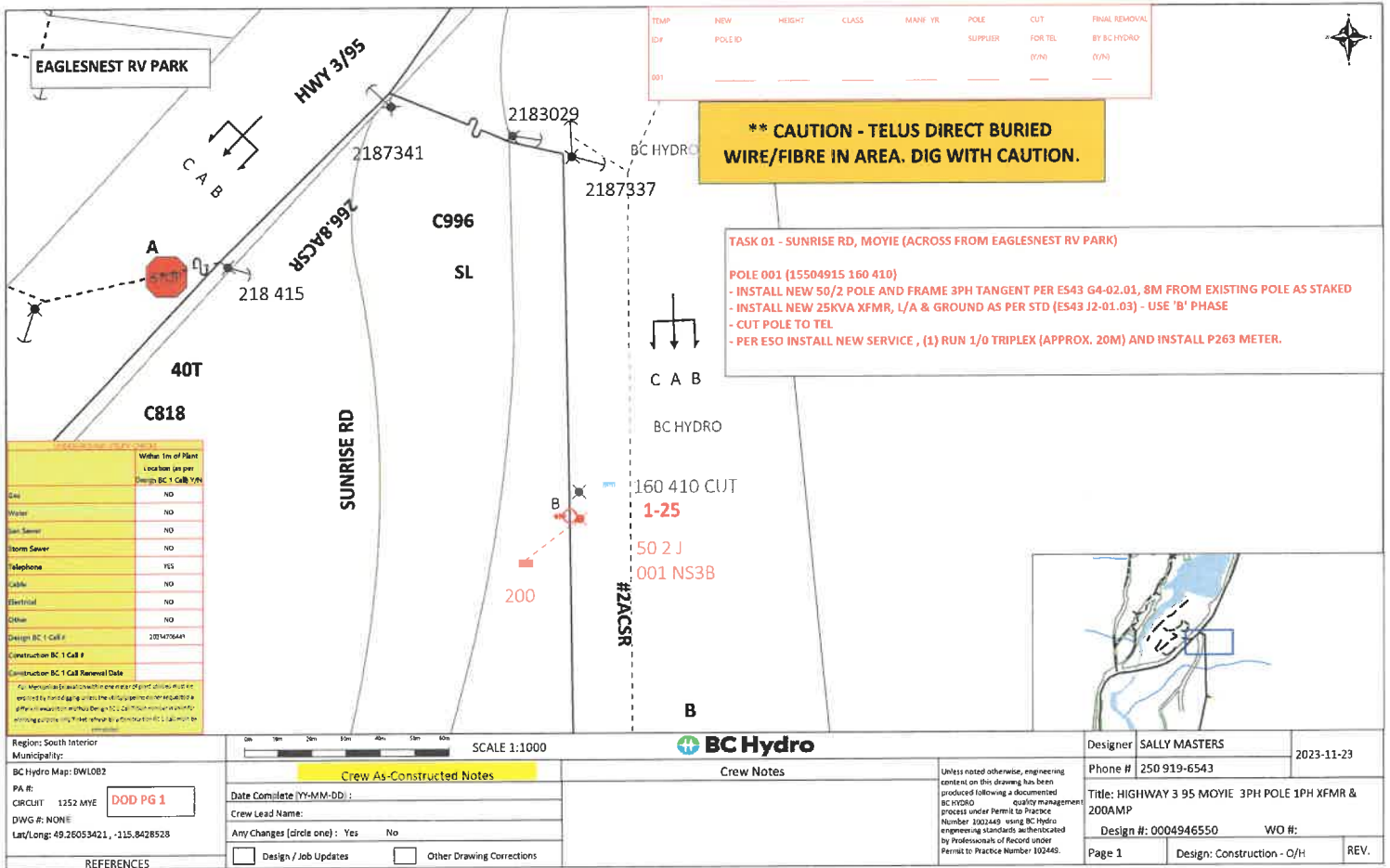


J:\Engineering\Trans\SPD\Survey\LOB\055-2024\015-000 D177370 Moyie Fire Hall Crown app sketch and stapellines\Drawn120-S23-00024.dwg
 Drawing Unit = Metric (6)
 PARK, JAY
 15/02/2024 11:24 AM

NO		DRAWING NUMBER		DRAWING TITLE		NO		REMARKS	
REFERENCE DRAWINGS				REVISIONS					
DSGN		BC Hydro SKETCH PLAN OF PROPOSED STATUTORY RIGHT OF WAY OVER PART OF REMAINDER OF DISTRICT LOT 3003 AND PART OF REMAINDER OF SUBLOT F DISTRICT LOT 4591 PLAN X29 KOOTENAY DISTRICT							
INDEP									
CHK	JP								
DFTG									
CHK									
INSP									
REV									
ACPT		DATE	2024-01-30	DIST		DRAWING NUMBER	120-S23-00024	REPORT FIGURE NUMBER	
		SIZE	B	REVISION	0				

SA: 24-015-000

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Those parts of District Lot 3003 & Sublot F, District Lot 4591, Plan X29, Kootenay District, containing 2.57 hectares, more or less

