



## MINUTES OF THE PLANNING & DEVELOPMENT SERVICES COMMITTEE MEETING

**April 7, 2022**  
**Regional District Office, Cranbrook, BC**

|          |                               |                                          |
|----------|-------------------------------|------------------------------------------|
| PRESENT: | Committee Chair S. Clovechok  | Electoral Area F                         |
|          | Director M. Sosnowski         | Electoral Area A                         |
|          | Director S. Doehle            | Electoral Area B                         |
|          | Board Chair R. Gay            | Electoral Area C                         |
|          | Director J. Walter            | Electoral Area E                         |
|          | Alternate Director L. Klassen | Electoral Area F (videoconference)       |
|          | Director G. Wilkie            | Electoral Area G                         |
|          | Director L. Pratt             | City of Cranbrook                        |
|          | Alternate Director R. Popoff  | City of Cranbrook                        |
|          | Alternate Director T. Nixon   | City of Fernie                           |
|          | Director D. McCormick         | City of Kimberley                        |
|          | Director D. McKerracher       | District of Elkford (videoconference)    |
|          | Director A. Miller            | District of Invermere                    |
|          | Director D. Wilks             | District of Sparwood                     |
|          | Director K. Sterzer           | Village of Canal Flats                   |
|          | Director C. Reinhardt         | Village of Radium Hot Springs            |
| ABSENT:  | Director W. Graham            | City of Cranbrook                        |
|          | Director A. Qualizza          | City of Fernie                           |
| STAFF:   | S. Tomlin                     | Chief Administrative Officer             |
|          | T. Hlushak                    | Corporate Officer                        |
|          | A. McLeod                     | Development Services Manager             |
|          | R. Chippett                   | Planning Assistant (Recording Secretary) |

### Call to Order

Committee Chair Susan Clovechok called the meeting to order at 2:56 pm.

### Addition of Late Items

MOVED by Director Sosnowski  
SECONDED by Director Miller

THAT the following late item for the agenda be approved:

- C.H. Nelson Holdings Ltd - Meeting Consideration

CARRIED

### Adoption of the Agenda

MOVED by Director Wilks  
SECONDED by Director Sterzer

THAT the agenda for the Planning & Development Services Committee meeting be adopted, as amended.

CARRIED

### Adoption of the Minutes

#### February 17, 2022 Meeting

MOVED by Director Wilkie  
SECONDED by Director McCormick

THAT the Minutes of the Planning & Development Services Committee Meeting held on February 17, 2022 be adopted as circulated.

CARRIED

**March 10, 2022 Meeting**

MOVED by Director Doehle  
SECONDED by Director Gay

THAT the Minutes of the Planning & Development Services Committee Meeting held on March 10, 2022 be adopted as circulated.

CARRIED

**Invited Presentations & Delegations****Bylaw No. 3134 & Bylaw No. 3135**

Ron Thomson, agent for Fountain Capital Corp., and Chris Nault of East Kootenay Realty spoke requesting to amend the Rockyview Official Community Plan and Electoral Area C South Zoning & Floodplain Management Bylaw to permit future residential subdivision for one hectare lots on property located on New Lake Road, west of Cranbrook. Mr. Thomson explained the applicants have offered development contributions to the City of Cranbrook to help mitigate impacts to the road infrastructure and to the RDEK for park development within Electoral Area C. Mr. Nault discussed the current housing market and the lack of housing inventory in Cranbrook and surrounding areas.

**Bylaw No. 3137 & Bylaw No. 3138**

Brandon Kiedyk, spoke on behalf of his application and requested support to amend the Rockyview Official Community Plan and Electoral Area C South Zoning & Floodplain Management Bylaw to permit future residential subdivision for 2 hectare lots on property located on New Lake Road, west of Cranbrook. Mr. Kiedyk explained the potential subdivision would have adequate water, power and septic established and has offered development contributions to the City of Cranbrook to help mitigate impacts to the road infrastructure and to the RDEK for park development within Electoral Area C.

**ALR Non-Farm Use Application**

Jay and Tammy Howard spoke requesting support of their ALR Non-Farm Use Application to permit a campground at 6363 Wardner-Kikomun Road in Wardner. Mrs. Howard explained the small campground, which is for family and friends to enjoy the property and assist with property maintenance, occupies a small corner of the property while the rest of the property is used for farming activities.

**ALR Subdivision Application**

Gordon Burns, on behalf of Koocanusa Ranching Company Ltd., spoke and requested support of an ALR Subdivision Application to create two parcels on either side of the dedicated road which runs through property located at 6735 Wardner-Kikomun Road in Wardner. Mr. Burns explained the rationale for the subdivision application which included creating two parcels under separate ownership which will allow the applicants to focus on intensive agriculture and a proposed approach to obtain community food security by establishing infrastructure, vegetable and fruit crops using large greenhouses and utilizing the remaining land for grazing.

**ALR Non-Farm Use Application**

Thomas & Holli McDonald spoke and gave a presentation requesting support of their ALR Non-Farm Use Application to permit expansion of an existing campground on property located at 8800 Derosier Road and Crown land adjacent to Lake Koocanusa. Mr. McDonald explained he wants to bring the existing seasonal site commercial campground which has been in operation 25+ years into compliance with the RDEK and the ALC. He stated the campground revenues will be used to re-invest in farming activities on the property including a community garden, berry farm, hay and cattle operation.

**ALR Non-Farm Use Application**

Jeremy Walker and Tim Ross gave a presentation and spoke requesting support for an ALR Non-Farm Use Application to permit a four season, 300 site campground resort on Wardner-Fort Steele Road, south of Fort Steele. Mr. Walker explained the property has not been able to produce agriculturally, and Mr. Ross the consulting agrologist, gave an overview of the Agriculture Capability Assessment and discussed the topography limitations due to slopes, poor soils and bedrock.

**DVP No. 10-22 (Fairmont Hot Springs / Fryatt)**

Brad Nestor, agent for Ken Fryatt, spoke requesting to vary the Upper Columbia Valley Zoning Bylaw to reduce the minimum front yard setback from 7.5 m to 3.6 m to allow for a proposed single family dwelling and attached garage located on Geary Close in Fairmont Hot Springs.

Director Clovechok declared a conflict of interest with the next item and left the meeting at 4:00 pm as her brother-in-law owns a short term rental.

Director Sterzer declared a conflict of interest because he owns a short term rental and left the meeting.

Director McCormick resumed the meeting as Committee Chair.

**Short Term Rental Regulation Options**

Michele Bates, RDEK Planner, gave a presentation and discussed the background, planning process and survey results surrounding Short Term Rental Regulation Options and requested authorization to proceed with the implementation of Temporary Use Permits to regulate short term rentals in the RDEK.

**New Business****Request for Decision - Short Term Rental Regulation Options**

50377

MOVED by Director Gay

SECONDED by Director Doehle

THAT staff proceed with a planning process to regulate short term rentals via Temporary Use Permits.

CARRIED

Director Clovechok returned to the meeting at 4:29pm and resumed the meeting as Chair.

Director Sterzer returned to the meeting at 4:29pm.

Alternate Director Klassen left the meeting.

The meeting recessed at 4:30pm and reconvened at 4:38pm.

**Bylaw No. 3130 (Windermere North / HGK Holdings Ltd)**

50360

MOVED by Director Sterzer

SECONDED by Director Sosnowski

THAT Bylaw No. 3130 cited as "Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 380, 2022 (Windermere North / HGK Holdings Ltd)" be introduced.

CARRIED

**Bylaw No. 3134 & Bylaw No. 3135 (Cranbrook West / Fountain Capital Corp)**

50361

MOVED by Director Gay

SECONDED by Director Pratt

THAT Bylaw No. 3134 cited as "Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 26, 2022 (Cranbrook West / Fountain Capital Corp)" not proceed.

CARRIED

50362

MOVED by Director Gay

SECONDED by Director Pratt

THAT Bylaw No. 3135 cited as "Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019 – Amendment Bylaw No. 11, 2022 (Cranbrook West / Fountain Capital Corp)" not proceed.

CARRIED

**Bylaw No. 3137 & Bylaw No. 3138 (Cranbrook West / Kiedyk)**

MOVED by Director Pratt

SECONDED by Alternate Director R. Popoff

THAT Bylaw No. 3137 cited as "Regional District of East Kootenay – Rockyview Official Community Plan Bylaw No. 2255, 2010 – Amendment Bylaw No. 27, 2022 (Cranbrook West / Kiedyk)" not proceed.

OPPOSED: Director Clovechok, Director Doehle, Director Gay, Director Sosnowski, Director Sterzer, Director Walter, and Director Wilkie

CARRIED

MOVED by Director Pratt

SECONDED by Alternate Director R. Popoff

THAT Bylaw No. 3138 cited as "Regional District of East Kootenay – Electoral Area C South Zoning & Floodplain Management Bylaw No. 2913, 2019 – Amendment Bylaw No. 12, 2022 (Cranbrook West / Kiedyk)" not proceed.

OPPOSED: Director Clovechok, Director Doehle, Director Gay, Director Sosnowski, Director Sterzer, Director Walter, and Director Wilkie

CARRIED

*Note: On April 8, 2022, the RDEK Board introduced Bylaw No. 3137 and Bylaw No. 3138, with first and second reading and authorized a public hearing.*

**Bylaw No. 3149 (Meadowbrook / Barrett)**

50366

MOVED by Director Walter

SECONDED by Director Gay

THAT Bylaw No. 3149 cited as "Regional District of East Kootenay – Housing Agreement Bylaw No. 3149, 2022 (Meadowbrook / Barrett)" be introduced.

CARRIED

**ALR Non-Farm Use Application (Wardner / Howard)**

50367

MOVED by Director Gay

SECONDED by Director Sterzer

THAT the Agricultural Land Commission be advised the RDEK supports the Howard Agricultural Land Reserve non-farm use application for property at 6363 Wardner-Kikomun Road in the Wardner area.

CARRIED

**ALR Subdivision Application (Wardner / Koocanusa Ranching Company Ltd)**

50368

MOVED by Director Gay

SECONDED by Director Doehle

THAT the Agricultural Land Commission be advised the RDEK supports the Koocanusa Ranching Company Ltd Agricultural Land Reserve subdivision application for property at 6735 Wardner-Kikomun Road in the Wardner area.

CARRIED

Director D. Wilks left the meeting at 4:59pm and returned at 5:13pm.

**ALR Non-Farm Use Application (Koocanusa East / McDonald & MFLNRORD)**

MOVED by Director Doehle  
SECONDED by Director Walter

THAT the Agricultural Land Commission be advised the RDEK supports the McDonald and Ministry of Forests, Lands, Natural Resource Operations and Rural Development Agricultural Land Reserve non-farm use application for property at 8800 Derosier Road in the Koocanusa East area, not the adjacent Crown land.

IN FAVOUR: Director Walter, Director Doehle, Director Wilkie

DEFEATED

MOVED by Director Gay  
SECONDED by Director Wilks

THAT the Agricultural Land Commission be advised the RDEK supports the McDonald and Ministry of Forests, Lands, Natural Resource Operations and Rural Development Agricultural Land Reserve non-farm use application for property at 8800 Derosier Road in the Koocanusa East area, not the adjacent Crown land, be referred to staff for further information from the applicant.

IN FAVOUR: Director Doehle, Director Gay, Director Miller, Director Walter, Director Wilkie, Alternate Director Popoff, Alternate Director Nixon

DEFEATED

50369  
MOVED by Director Pratt  
SECONDED by Director Sosnowski

THAT the Agricultural Land Commission be advised the RDEK supports the McDonald and Ministry of Forests, Lands, Natural Resource Operations and Rural Development Agricultural Land Reserve non-farm use application for property at 8800 Derosier Road and adjacent Crown land in the Koocanusa East area.

OPPOSED: Director Doehle, Director Walter, and Director Wilkie

CARRIED

**ALR Non-Farm Use Application (Fort Steele / Walker)**

50370  
MOVED by Director Gay  
SECONDED by Director Reinhardt

THAT the Walker Agricultural Land Reserve non-farm use application for property at Wardner-Fort Steele Road in the Fort Steele area, be refused.

CARRIED

**ALR Non-Farm Use Application (Ta Ta Creek / Terus Construction Ltd)**

50371  
MOVED by Director Walter  
SECONDED by Director Sterzer

THAT the Agricultural Land Commission be advised the RDEK supports the Terus Construction Ltd Agricultural Land Reserve non-farm use application for land in the Ta Ta Creek area.

CARRIED

**DVP No. 4-22 (Fernie Alpine Resort / Chrysler)**

50372  
MOVED by Director Sterzer  
SECONDED by Director Sosnowski

THAT Development Variance Permit No. 4-22 (Fernie Alpine Resort / Chrysler) be granted.

CARRIED

**DVP No. 8-22 (Spur Valley / Ottmann)**

50373

MOVED by Director Wilkie

SECONDED by Director Sterzer

THAT Development Variance Permit No. 8-22 (Spur Valley / Ottmann) be granted.

CARRIED

**DVP No. 10-22 (Fairmont Hot Springs / Fryatt)**

50374

MOVED by Director McKerracher

SECONDED by Director Wilkie

THAT Development Variance Permit No. 10-22 (Fairmont Hot Springs / Fryatt) be deferred for further information and consultation.

CARRIED

**DVP No. 11-22 (Windermere North / Percival)**

50375

MOVED by Director Gay

SECONDED by Director Wilkie

THAT Development Variance Permit No. 11-22 (Windermere North / Percival) be granted.

CARRIED

**Crown Land Licence of Occupation (Area E / Terus Construction Ltd)**

MOVED by Director Walter

SECONDED by Director Reinhardt

THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be advised the RDEK supports the Terus Construction Ltd Crown Land Licence of Occupation in Ta Ta Creek, subject to the hours of operation being limited to 10:00am - 5:00pm.

IN FAVOUR: Director Doehle, Director Walter

DEFEATED

50376

MOVED by Director Sosnowski

SECONDED by Director Gay

THAT the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be advised the RDEK supports the Terus Construction Ltd Crown Land Licence of Occupation in Ta Ta Creek, subject to the hours of operation being limited to 8:00am - 5:00pm.

CARRIED

**Late Agenda Item**

**C.H. Nelson Holdings Ltd. - Meeting Consideration**

50378

MOVED by Director Sosnowski

SECONDED by Director Wilks

THAT Bylaw No. 3102 and Bylaw No. 3103 (Lizard Creek / C.H. Nelson Holdings Ltd.) be prioritized for processing with a goal of being presented for consideration at the May 13, 2022 RDEK Board Meeting.

OPPOSED: Director Doehle, Director Wilkie, and Alternate Director T. Nixon

CARRIED

**Adjournment**

The meeting adjourned at 5:35pm.

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Committee Chair Susan Clovechok

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Tina Hlushak, Corporate Officer

DRAFT